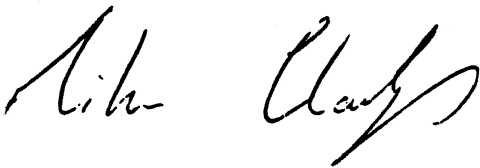


Development Control Committee

Councillors: J. I. Agnew, R. Alderson, A. Atkinson, M. Campbell, H. Christer, T. Clark, B. Cook, G. Coulson, R. Ellis, B. Gray, 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, M. Wotherspoon, 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 31st July 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 10th July 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. **CHARGING FOR CONFIRMATION OF COMPLIANCE WITH PLANNING CONDITIONS**

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

Attached Documents:

[\(Herewith 'C'\)](#)

5. **PERMITTED DEVELOPMENT RIGHTS FOR HOUSEHOLD MICROGENERATION**

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

Attached Documents:

[\(Herewith 'D'\)](#)

6. **PLANNING APPLICATIONS**

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

Attached Documents:

[\(Herewith 'E'\)](#)

7. **ENFORCEMENT**

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

Agenda prepared by Lucy Stephenson, Democratic Services 01207 218249

email: l.stephenson@derwentside.gov.uk

Date: 22nd July 2008.

DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of the Development Control Committee held in the Council Chamber, Civic Centre, Consett on Thursday 10th July 2008 at 2.00 p.m.

Present

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

Councillors R. Alderson, A. Atkinson, M. Campbell, G. Coulson, D. Lavin, O. Milburn, T. Pattinson, S. Rothwell, A. Shield, E. Turner, A. Watson, T. Westgarth, J. Williams and R. Young.

Apologies

Apologies for absence were submitted on behalf of Councillors H. Christer, B. Cook, R. Ellis, W. Gray, P.D. Hughes and D. Hume.

In Attendance

Councillor W. Stelling and Councillor S. Mellor.

11. DECLARATIONS OF INTEREST

Councillor T. Clark declared a non prejudicial interest in Planning Application 08/0252.

12. MINUTES

RESOLVED: that the minutes of the meeting held on 19th June 2008 be approved as a correct record.

13. PLANNING APPLICATIONS

(1) Public Speaking Applications

08/0252 MRS J MOODY

Demolish existing surgery and erection of four houses and conversion of first floor of pharmacy to one apartment. 10A & 10B Queens Road, Blackhill, Co. Durham.

The Chair welcomed to the meeting Mr Powers who was in attendance to speak in support of the Application.

The Development Control Manager presented the report which recommended approval of the application.

She advised that amended plans had been submitted with greater detail and the County Council Design and Conservation Officer was now happy with the amended version.

She went on to advise Ward Councillor D. Llewellyn could not be in attendance at the meeting, however, he had requested that his comments be relayed at the meeting as follows:

- The issue of development on the site is not an issue, the scale and design is for the committee to judge but would ask the committee to consider the following points when reaching their decision with specific attention to conditions;
- Parking spaces across the road from the site are not relevant to the application as it is leased to the doctors and should the lease be terminated it should return to the Council so full public access is possible, to allow the possible rent to the occupiers of the properties could create problems in the future;
- Welcome paragraph 31 of the report which quotes that 12.5m distance rules will be applied;
- If conditional permission is granted further conditions should be added to restrict the hours and days of work as it is a residential area, there will be a problem with the storage of builders' materials and during the demolition of the buildings as to where the material will be stored as it is a restricted site.

The Development Control Manager further advised that the applicant had also submitted a letter which was circulated for information which responded to the objections made by some residents. The comments of which were as follows:

- The development of the car park opposite the Surgery was paid for by the doctors and the land leased to them solely for the use of staff and patients attending the Surgery and not for general public use. It was not, in any case, taken into consideration in determining the number of parking spaces suitable for the development. The future use of the car park will be determined by the Council but would obviously be of particular interest to the future owners of the properties replacing the Surgery.
- Although one objector can be commended for raising the awareness for making provision for children and youth facilities in the area this in our opinion would not be a suitable site. The financial considerations would be considerable. The Surgery building is privately owned and the money raised by the sale is needed to finance the development of the new, enlarged premises with the increased medical care facilities provided. Queens Road is a busy road which would be a source of danger for groups of children and youths. The tone of the neighbourhood would be changed both by the activities and the noise and it is questioned as to

- whether the existing neighbours would welcome it.
- The existing gable window to the attic of No.10 Queens Road will be built up. The owner of the Pharmacy is also the owner of No. 10 and will make whatever adjustments the future occupiers of No.10 require. If daylight is still required the area losing the window can be combined with the dormer room on the front or a roof light could be introduced.

The Development Control Manager added in conclusion that the main principles the members should take into consideration when determining the application were:

- The principal of residential development in the area;
- The impact of neighbouring amenity;
- Design issues and car parking;
- Impact on any protected species.

MR POWERS: Speaking in Support of the Application.

Mr Powers advised that he was the Business Manager for Queens Road Surgery and made the following points in support of the application.

- Queens Road Surgery has never been part of the terrace, it started out as a single storey surgery and has expanded over the years;
- Possible alternatives as to how the building could be utilised as it stands had been looked at however no interest had been shown in the building;
- The development would enhance the Victorian Terrace and complement its surroundings;
- Car parking will be included to the rear of the development.

Councillor Clark made reference to the conditions proposed in the report and the comments submitted by Councillor Llewellyn, he added that in his opinion a condition should be attached regarding the restriction of working hours and restriction of storage of builders' materials in the opposite car park.

The Development Control Manager advised that the hours of working could be restricted to prevent work on Sundays and Bank Holidays, and to ensure that no work is carried out after 7.00 p.m. Monday to Friday. She further added that it could be requested that the applicant supply details of where the materials would be stored and this could be regulated by condition.

Councillor Turner added that he welcomed the application; he added that the new healthcare facilities provided at the purpose built surgery were fantastic and to approve this application would only enhance and improve the area.

Councillor Williams made reference to the building line of the development and asked how far the bay windows of the properties would project in comparison to the existing street scene. The Development Control Manager in response advised that the bay windows would largely follow the same building line of the terrace.

Councillor Watson added that in his opinion the hours of working should be restricted and agreement should be sought on the storage of materials.

Following a vote being taken it was

RESOLVED: that Planning Application 08/0252 be approved subject to:-

- Time Limit
- Approved Plans (ST01)
- This permission relates to the application as amended plans and letter dated 20th June 2008 received on 23rd June 2008
- Samples of external materials (A03)
- Test panel of materials
- Stone masonry (A08)
- Sills and lintels (A09)
- Window insert (A12)
- Rainwater goods (A13)
- Sewage works (D03)
- Surface water drainage works (D04)
- Permitted Development Rights Removed (PD01)
- 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 written prior written consent of the Local Planning Authority
- The development shall be carried out in accordance with mitigation measures detailed in 'Bat and Barn Owl Survey of Queen's Road Surgery, Consett, Co. Durham' by Durham Bat Group dated 26th May 2008.
- No building works or deliveries for building works shall take place outside of the hours of 07.30 to 19.00 Monday to Friday and 08.00 to 12.00 Saturday and there shall be no works on Sundays or Bank Holidays
- Prior to the commencement of the development a detailed plan indicating areas where plant, machinery, site compounds and materials are to be stored shall be submitted to the Local Planning Authority for approval and there shall be no storage of materials, plant machinery or compounds on the site except within the areas shown on the plan or other areas as agreed in writing by the Local Planning Authority beforehand.

08/0322 MR S SINGH

Change of Use to fish and chip shop, 74-76 Wear Road, Stanley.

The Chair welcomed to the meeting Ward Councillor S. Mellor who was in attendance to speak against the application.

The Development Control Manager presented the report which recommended refusal of the application. She advised that since the report had been written a petition had been received containing 500 signatures in support of the application. She advised that a further 4 letters of objection had been received bringing the total number of objections to 17. The grounds of objection contained within the additional letters were the same as those contained in the report.

CLLR S MELLOR: Speaking Against the Application.

Ward Councillor Mellor made the following points in support of refusal of the application:

- Many residents attended a recent ward surgery voicing their objections to the proposal;
- Question the validity of the petition – similar petitions have been submitted in the past from the same shop;
- Half of the access belongs to the next door property;
- Public footpath currently blocked;
- Problems with noise, youths congregating arose from previous shop on this site, residents do not want to revisit these problems again.

Councillor Turner added that in his opinion the residents of the surrounding area should be considered, as the noise, litter and smells created from such a business would cause detrimental impact on those residents.

Councillor Alderson added that he agreed with the comments made and added that it was likely that many signatures on the petition were by those who did not live nearby.

Following a vote being taken it was

RESOLVED: that Planning Application 08/0322 be refused on the grounds that:- The proposed hot food take away use would give rise to noise, litter and other general disturbance which would have a serious harmful effect to the living conditions of the occupiers of residential properties near the application site. The proposal is therefore contrary to Policy C012 of the Derwentside District Local Plan.

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

08/0319 MR A JONES

Provision of field gate vehicular access to woodland area, Land to the west of 55 Lintzford Road, Hamsterley Mill.

The Development Control Manager presented the report which recommended refusal of the application. She advised that there was an amendment to the report in paragraph 14 as follows;

‘The Officer therefore considers that an objection to the principle of a new access here could **not** be sustained, subject to matters of detail (sightlines, tree removal,

correct verge width, increase in draw-length) being resolved'.

She further advised that the applicant had indicated that if approval was not granted for access off the A694 access would be taken from within the Tollgate Estate which would not require planning permission.

She went on to advise that the Highways Officer had not submitted any objections to the proposals however had requested that amended plans be submitted showing revised sight lines, these had been submitted and the Highways Officer was happy with those. She added that the Highways Officer had however noted that a number of conditions should be attached to the application if members were minded to approve regarding the provision of turning area and the removal of a protected tree.

In conclusion the Development Control Manager advised that members should consider the following issues when determining the application; loss of protected trees, impact on the residential amenity and the impact on the visual amenity of the estate.

Councillor Shield added that he acknowledged the officers comments, however, wished to add that A694 was one the busiest arterial routes in the area, he added that he would have major concerns in approving access onto this road as it would increase the likelihood of an accident.

The Development Control Manager in response added that officers were surprised that no objections had been received from the Highways Authority; however, she added that the Highway officer had commented that taking access of the A694 would be more suitable than through Tollgate Road. She further made reference to the woodland area and advised that all trees within this area were protected however a number had been granted permission for removal with the condition that they be replaced with native species. The Planning Authority was happy that this had been carried out.

Councillor Shield then asked if approval of this application could set a precedent for applications of this nature, in the future in alternate locations along Lintzford Road. In response the Development Control Manager advised that each application would be considered on its own merits.

Councillor Turner concurred with the comments of Councillor Shield and added that the entrances existing on Lintzford Road were historical and put in long before cars were doing the speeds that they currently achieve on the A694.

Councillor Milburn questioned whether only 1 tree would be affected; she added that in her opinion 4 or 5 may have to be removed to create a turning circle. The Development Control Manager advised that the application states that only 1 tree would need to be removed, however if a turning circle was required to be

provided it was most likely that more would have to be removed, however these would also require authorisation to be removed as they were covered by TPOs.

Councillor Watson added that in his opinion Highways were incorrect in not submitting any objections and in his opinion highway safety would be compromised. He added that to refuse solely on the basis that a protected tree would have to be removed was not a strong enough argument as the tree in question would at some point reach the end of its life and clear the way for a entrance point in the same position, contrary to highway safety.

Councillor Williams added that it was highly likely that horseboxes and large vehicles with trailers would be accessing and exiting this site, on that basis he had great concerns and agreed that highway safety should contribute to the reasons for refusal.

Councillor Rothwell added that if the applicant is to use the land for grazing of ponies it would be highly likely that the protected trees within the site would not live for very long.

Councillor Campbell asked if by refusing the application the committee would be encouraging the applicant to appeal, the Development Control Manager advised that the applicant as with any application would have the right to appeal.

Councillor Turner further added that the bus stop adjacent would also cause highway safety issues and felt that in his opinion the inclusion of highway safety in the reasons for refusal was a good idea.

Councillor Pattison added that he agreed that the considerations of the Highways Officer were not sufficient and agreed with the comments of Councillor Watson.

On the grounds that:-

As a result of this proposal a protected tree that is both healthy and of importance to the visual amenity of the area would be lost, the proposal is therefore considered to be unacceptable and contrary to Local Plan Policies EN6 and EN11.

The proposal would lead to an increase of traffic onto a busy and dangerous stretch of road which would be detrimental to highway safety. The proposal is therefore considered to be unacceptable and contrary to Local Plan Policy TR2.

Councillor M. Campbell abstained from voting.

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

08/0377 MR MCMAHON

Conservatory to rear, 118 Westfields, Stanley, County Durham, DH9 7DF.

Subject to:-

- Standard Time Limit (ST)
- Approved Plans (ST01)
- House extension materials (DH05)

Conclusion of meeting

The meeting closed at 2.55 p.m.

Chair

DERWENTSIDE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE

31ST JULY 2008

REPORT OF DIRECTOR OF ENVIRONMENTAL SERVICES

APPEAL DECISION

Appeal against the Refusal of Advertisement Consent for the erection of one temporary 'V' shaped hoarding on land to the south west of Consett Sports Community College, Durham Road, Blackhill.

1. This appeal relates to an application for Advertising Consent for the erection of one temporary 'V' shaped hoarding on land to the south west of Consett Sports Community College, Durham Road, Blackhill. The hoarding was refused consent under delegated powers on the 1st April 2008 on the grounds that the advertisement hoarding would stand out as a discordant roadside feature and would be unduly conspicuous in the locality, contrary to Derwentside Local Plan Policy CO13. The Planning Inspector dismissed the appeal.
2. The Inspector acknowledged that the appeal site was a pleasant green bankside located in a generally residential setting. The Inspector considered that the size, height and location of the sign and came to the view that the siting of the sign above a stone wall would accentuate both the height and presence of the sign. The Inspector considered that as the site was in an exposed position on an open piece of land close to a pavement that the sign would have a wide range of visibility. The Inspector concluded that the size, height and siting of the sign would mean the sign would stand out with undue prominence in the mainly residential setting which would be detrimental to the interests of amenity.

Recommendation

3. This report be noted.

Report prepared by Louisa Ollivere, Area Planning Officer.

DERWENTSIDE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE

31ST July 2008

REPORT OF DIRECTOR OF ENVIRONMENTAL SERVICES

**CHARGING FOR CONFIRMATION OF COMPLIANCE WITH PLANNING
CONDITIONS**

-
1. In April of this year the Government changed the Planning fees structure to allow Local Authorities to charge for discharging planning conditions. The fee is payable when the Local Planning Authority receive a written request to discharge one or more conditions of an existing planning permission. The fee is £85.00 per request (or £25.00 where the planning permission related to altering or extending a dwelling house or development within its curtilage). A fee is chargeable 'per request' and not per condition therefore if an applicant chooses to submit all the details to discharge the planning conditions at the same time only one fee would be payable. However, if they seek to discharge the conditions at different times the fee would be payable for each request. Therefore there is an incentive for developers to submit all of the information to discharge the planning conditions at the same time.
 2. The request to seek compliance with a condition must clearly identify the permission and conditions concerned and can be made in any written form which is clear and legible. Applicants can use the standard planning application form if they wish.
 3. The Government guidance allows the Local Planning Authority eight weeks from the date of receipt of the application to decide whether the conditions have been complied with, although a longer period may be agreed between the authority and the developer. The guidance encourages the Planning authority to respond within 21 days however. It acknowledges that a longer period may be justified if an Authority has to obtain information from a third party, such as a statutory consultee. If the Authority cannot confirm or refuse to confirm compliance within a twelve week period from the receipt of the request the fee must be refunded.
 4. If the Local Planning Authority considers that a condition has not been complied with it must explain to the applicant what remains to be done and this should be provided in writing.

5. If the applicant wishes to submit revised details once the Council has confirmed compliance with a condition a further request would have to be made and a further fee payable. There is no discount or 'free go' available.
6. In order to vary the terms of a planning condition an application must still be made under section 73 or 73a of the Act.
7. The guidance states that Local Authorities may choose to 'confirm' some conditions informally without seeking the fee, where they find it appropriate and efficient to do so. This has been interpreted by other authorities as meaning that verbal agreement may be given to compliance with conditions by officers, however if the applicant requires written confirmation the fee will be payable.
8. The Council have recently started to collect fees in respect of the above in line with the other Durham Districts. Members are advised that careful consideration needs to be given to the imposition of conditions to ensure that they meet the tests of reasonableness given that the applicant is required to pay a fee for confirmation of compliance.

Recommendation

9. The report be noted.

Report prepared by Fiona Clarke, Development Control Manager.

DERWENTSIDE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE

31ST July 2008

REPORT OF DIRECTOR OF ENVIRONMENTAL SERVICES
PERMITTED DEVELOPMENT RIGHTS FOR HOUSEHOLD
MICROGENERATION

1. The Government is trying to encourage the widest possible take up of small-scale energy generation (microgeneration) on domestic houses. It believes that a national framework setting the conditions under which such developments will be allowed without planning permission will help encourage take up and thereby reduce carbon dioxide emissions and combat climate change.
2. In order to facilitate this, the Government undertook a review of the legislation and in spring 2008 implemented Permitted Development Rights for the following types of microgeneration: solar panels, ground-source heat pumps, biomass and combined heat and power, subject to specific limits and conditions that will ensure that any adverse impact on others is not significant. The limits and conditions applying to each technology are attached as Appendix A.
3. The Government accepts that it may be necessary, in certain circumstances, for these rights to be amended locally by planning authorities – either by providing additional permitted development rights through local development orders, or restricting them through the use of Article 4 Directions.
4. Standards need to be set on noise and vibration in the case of wind turbines and air-source heat pumps to ensure neighbours are not disturbed by the development. The Government's intention is to implement permitted development rights for these technologies as soon as the industry standards are in place.

Recommendation

5. This report be noted.

Report prepared by Ben Dellow, Sustainability Officer.

Table 1: Permitted Development for Domestic Microgeneration

Technology	Decisions
Solar	<p><i>Solar Panels fixed to roof or wall:</i></p> <p>Fixed solar panels to be permitted development, with no limit to the area or roof or wall that could be covered, subject to the following restrictions.</p> <ul style="list-style-type: none"> • Panels should not project more than 150mm from the roof or wall. • They should not face onto and be visible from the highway in conservation areas or World Heritage Sites. <p><i>Stand-alone units</i></p> <p>Stand-alone units to be permitted development, subject to the following restrictions:</p> <ul style="list-style-type: none"> • Units no higher than 4m. • Distance from boundary 5m or more. • Size of array limited to 9m² (3m width and 3m depth). • They should not be installed within the curtilage of a listed building.
Heat Pumps	<p><i>Air source</i></p> <p>Air source pumps to be permitted development subject to new standards and safeguards on, in particular, noise and vibration.</p> <p><i>Ground source and water source</i></p> <p>To be permitted development.</p>

Table 1: Permitted Development for Domestic Microgeneration

Technology	Decisions
Wind Turbines	<p>To be permitted development subject to new standards and safeguards on, in particular, noise and vibration and the following restrictions:</p> <p><i>Wind Turbines on buildings</i></p> <ul style="list-style-type: none"> • Less than 3m above ridge (including blade). • Diameter of blades less than 2m. • No permitted development in conservation areas or World Heritage Sites. <p><i>Stand-alone Turbines</i></p> <ul style="list-style-type: none"> • Less than 11m in height (including blade). • Diameter of blades less than 2m. • At least 12m from a boundary. • They should not face onto and be visible from the highway in conservation areas or World Heritage Sites. • They should not be installed in the curtilage of a listed building.
Combined Heat and Power and biomass	<p>To be permitted development subject to the flue being no more than 1m above the ridge line of the highest part of the roof and not facing onto and visible from a highway in a conservation area or World Heritage Site.</p>
Hydro	Not to be permitted development.

DERWENTSIDE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE

31st July 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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Recommendation For Approval

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District Council Developments

08/0404	Derwentside District Council	Construction of a bowling green, pavilion and associated parking and access road, land south of Beamish and East Stanley Sports Club, Bourne Court, East Stanley	Ward Havannah Ward	Page 14
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Tree Preservation Orders to Fell etc

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RECOMMENDATION FOR REFUSAL

08/0403

21/05/2008

Mrs A Lavery

29 Highridge, Blackhill,
County Durham

Erection of balcony at first
Floor level (resubmission)

Blackhill Ward

The Application

1. This application seeks retrospective planning permission for a timber decked balcony to the rear elevation of 29 Highridge, which is an end of terrace 1960's style property within a housing estate in Blackhill. The balcony projects 2m from the rear of the first floor in line with the building line of the adjacent property (28 Highridge). The balcony is 4.84 metres in width. The balcony is set on 2.5m high timber posts and is bolted onto the existing property. The balcony incorporates a 1.2m high timber balustrade.
2. The rear garden of the property is open plan and abuts pathways to the rear and between the property and a neighbouring property (no.6 Phoenix Court) to the south. Beyond and to the west of the rear garden is a large expanse of playing field open space.

History

3. In April of this year an application for retrospective planning permission was refused by this Council under delegated powers. The grounds for refusal were that the first floor decked balcony by virtue of its size, positioning and materials created an incongruous feature in a visible location being out of character with the property resulting in a loss of visual amenity to the local vicinity contrary to policies GDP1 and HO19 of the Local Plan.

Policy

4. The following policies of the adopted local plan are relevant in determining this application:

GDP1	General Development principles
HO19	Extensions and alterations to existing dwellings
SPG2	House Extensions

Consultations

5. Neighbours have been consulted and a site notice posted. Eleven

letters of support have been received from neighbouring residents, the comments are summarised as follows:

- The balcony is a beautiful feature and piece of workmanship which will be improved once flowers and garden pots have been incorporated.
- The balcony adds character and improves the house.
- The balcony would not obstruct anything whatsoever.
- The balcony enhances and improves the surrounding area.
- The balcony blends in well with the properties in the vicinity, not causing any privacy issues.

Officer Assessment

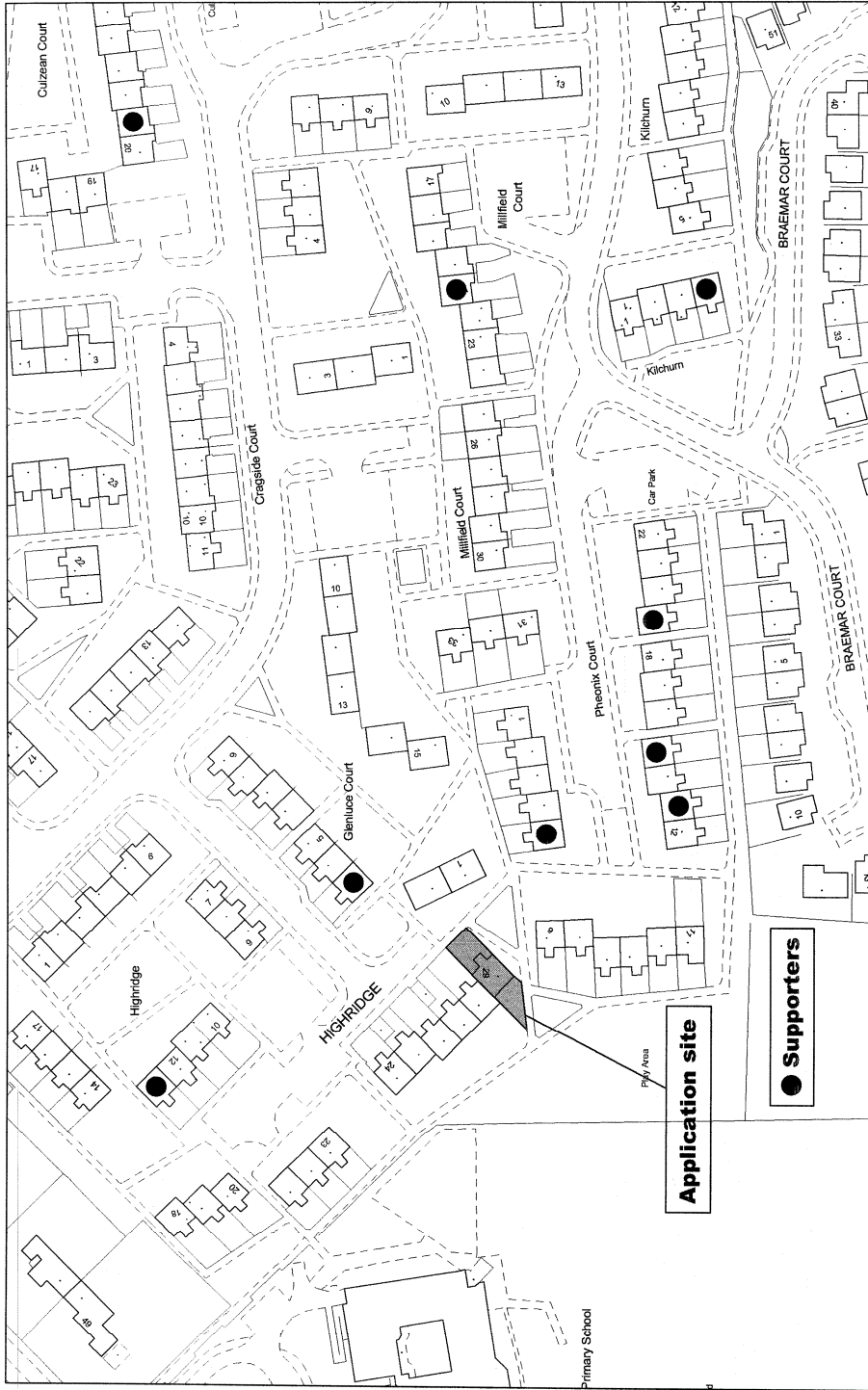
6. The main issues to consider with this submission are whether the retention of the balcony would be detrimental to the amenity of neighbouring occupiers and whether the balcony is of a high standard of design in keeping with the character and appearance of the area.
7. Local Plan Policies GDP1, HO19 and SPG2 seek to ensure that alterations to dwellings do not result in an unacceptable loss of privacy and amenity to neighbouring occupiers. The balcony would not allow views into neighbouring properties but would allow a degree of overlooking of the gardens of 28 Highridge and 6 Phoenix Court. This overlooking is not considered to be significantly detrimental to the amenity of these neighbouring residents given that the gardens are designed to be open rather than privately enclosed and the residents could not expect high levels of privacy in these gardens. The positioning of the balcony is such that there would not be detrimental impacts upon neighbours in terms of loss of light, overshadowing or outlook.
8. In order to comply with Local Plan Policies GDP1, HO19 and SPG2 the design of any extension should be of an appropriate form and mass and should use materials appropriate to the site's location and take into account the site's natural or built features.
9. This is a large balcony feature, highly visible by its location, close to other dwellings, walkways and open space. The design is not sympathetic to the simple building form of the property and neighbouring properties and damages the locality as a whole by forming an intrusive element in the streetscene. Furthermore, it is not considered that a traditional material such as timber is appropriate in this locality.
10. In conclusion, whilst the balcony would not be detrimental to neighbouring amenity it is considered that the balcony is not of a satisfactory standard of design, contrary to Local Plan Policies GDP1, HO19 and SPG2 and should not be supported as it would set a precedent for further unwelcome alterations in the locality.

11. Recommendation

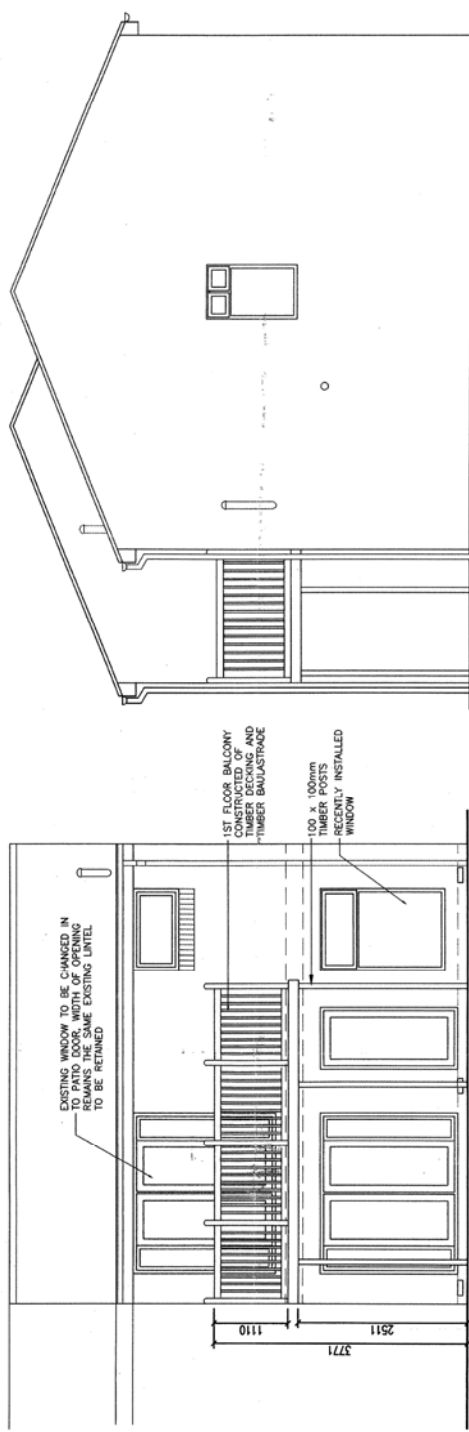
Refuse Planning Permission, and authorise Enforcement Action to secure removal of balcony within six months.

12. The decked balcony by virtue of its size, positioning and materials has created an incongruous feature in a visible location being out of character with the property resulting in a loss of visual amenity to the local vicinity contrary to policies GDP1 and HO19 of the Local Plan.

Report prepared by Louisa Ollivere, Area Planning Officer.



N
29 Highridge Blackhill
SCALE: 1:1250 Crown Copyright Reserved
08/403



EXISTING FRONT ELEVATION

EXISTING SIDE ELEVATION

29 Highridge, Blackhill. 08/403

RECOMMENDATION FOR APPROVAL

08/0415

10.06.2008

Mr J Varlett

17 Lee Hill Court, Lanchester

Erection of first floor storey side extension over existing utility room

Lanchester Ward

The Application

1. This application seeks planning permission for the erection of a first storey extension above an existing utility room and garage to the side of 17 Lee Hill Court, a detached property in Lanchester. The property lies within the Lanchester Conservation Area. The rear elevation of the proposed extension would measure 6.6 metres in length and the front elevation would measure 4.7 metres in length. The proposed extension would measure 3.95 metres in width, 4.9 metres to the eaves and 6.3 metres to the ridge of the roof.
2. The proposed extension would be clad in buff facing brickwork to match the brickwork of the existing dwelling house and the roof of the extension would be tiled in brown concrete roof tiles to match the roof tiles of the existing dwelling. The extension would incorporate brown timber framed windows to match the window frames.

History

3. A planning application for a conservatory to the rear of the property (reference 1/2007/0754/DM) was granted Planning Permission on the 25th September 2007.

Policy

4. The following policies of the adopted local plan are relevant in determining this application:

(GDP1)	General development principles
(HO19)	Extensions and alterations to existing dwelling houses

The following supplementary planning guidance is relevant in determining this application:

(SPG2)	House extensions Lanchester Village Design Statement
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Consultations

5. Design and Conservation Officer (Durham County Council) – Advises, the property is located within the Lanchester Conservation Area but Lee Hill Court is a modern estate.

There are no objections to the proposal. The proposal is well justified in the Design and Access Statement. It is considered there would be no harmful impact on the Conservation Area.

6. The Lanchester Partnership – The proposed bedroom extension over the existing utility would conform with the general massing of buildings within the estate and the details would appear to be in conformity with the host building. The proposal would therefore accord with the intentions and advice within the Village Design Statement and therefore the Lanchester Partnership raise no objection to it.
7. Biodiversity Officer – There is woodland nearby so the age of the dwelling house and the materials it is constructed of need to be taken into consideration as the existing dwelling house may provide cavity for bats in the elevation the extension would be attached to. The roof may also have cavities for bats to get in and if so they may be affected by the proposed works. However it is considered to be very unlikely that bats would be living within the dwelling house.
8. Neighbours have been consulted and a site notice posted. Three letters have been received.

The owner/occupier of 18 Lee Hill Court, have commented as follows:

Concerned about access to the site. No access would be possible via the narrow passage between the applicant's property and 16 Lee Hill Court. Access could be gained via the garage at 17 Lee Hill Court, but there are concerns that the alternative entry to the rear of the property through the gate between 17 and 18 Lee Hill Court. It has recently proved impractical to negotiate this gate without use of the driveway to the garage at 18 Lee Hill Court. Therefore should Planning Permission be awarded, every effort should be made to confine the work to the site of the extension.

The owner/occupier of 19 Lee Hill Court has commented as follows:

There is difficult and restrictive access to the property, especially the rear. Therefore would it be possible to store plant and materials off site. There are also concerns that there is not sufficient parking for both the applicant's and contractor's vehicles as the applicant currently has three vehicles.

The owner/occupier of 16 Lee Hill Court has commented as follows:

- The various notifications, including letters and site notices, detail the proposed extension would be above the existing utility room, whereas it would also be above the garage.
- There are no other properties in Lee Hill Court which are so close together as the proposed extension would result in the width between 17 and 16 Lee Hill Court being approximately 0.7 metres when the width is currently approximately 1 metre. Access to their property would be required during construction to complete the development.
- The proposed extension impinges on the character of their property and that it would result in an enormous blank wall, which would almost completely block out daylight from an en-suite bathroom.
- Having experienced previous building work carried out at the applicant's property could there be any restrictions on the noise and dust which would ensue or would residents be required to clean up after the work.

Officer Assessment

9. The proposed extension would be erected above the existing utility room and part of the garage. It is acknowledged that the description of the application which is displayed on the site notice and correspondence did not state that the extension would also be partially above the garage.
10. The front elevation of the proposed extension would be set back 0.5 metres from the front elevation of the existing dwelling house. Given the roof height would be lower than the roof height of the existing dwelling house, it is considered that the proposed extension would be subservient, therefore respecting the scale of the existing dwelling house in accordance with policies GDP1 and HO19 of the Derwentside District Local Plan.
11. The proposed extension would incorporate materials to match those of the existing dwelling house and the neighbouring dwelling houses, and the Design and Conservation Officer has commented that the extension would not have a harmful impact on the Lanchester Conservation Area. Therefore the proposed extension is considered to be in-keeping with the character and appearance of the existing dwelling house and the surrounding area in accordance with policies GDP1 and HO19 of the Derwentside District Local Plan.
12. The extension would be built up to the application site boundary. The objectors are concerned that no other properties within Lee Hill Court are so close together. Currently, due to the overhang of the roof of the existing garage at the applicant's property, the width between the two properties is 0.85 metres. The elevation of the existing garage nearest to 16 Lee Hill Court without the roof is one metre in distance from the neighbouring property. The proposed side elevation of the extension would be flush with this elevation of the existing garage, retaining one

metre between the applicant's property and 16 Lee Hill Court. The elevation of the extension closest to 16 Lee Hill Court would be flush with the existing garage elevation and the roof. The extension would result in the partial removal of the roof of the garage. Given the roof of the proposed extension would not overhang by any distance the proposed extension would retain one metre between 16 Lee Hill Court and the gable elevation of the existing garage and proposed extension of the applicant's property. Therefore the proposed extension would not result in the gable end of the applicant's property being nearer to the gable elevation of 16 Lee Hill Court.

13. Although the garage and proposed extension would retain the same distance between the two properties, it is taken into account that the proposed extension would be in close proximity to a window in the gable elevation nearest to 16 Lee Hill Court. It is acknowledged that the extension would result in some loss of view and a limited amount of light afforded to the window. However, the window is to an en-suite bathroom and not a habitable room. Therefore it would be unreasonable to refuse the application for this reason. Furthermore in planning terms no property is entitled to a view.
14. Given the window is to a non-habitable room, the window needs to be addressed in terms of invasion of privacy. As there are no windows proposed for the gable elevation of the proposed extension, there would be no opportunity for the applicants to look into this window. Therefore the extension would not result in a loss of privacy.
15. It is acknowledged that all of the neighbours who objected are concerned about the arrangements for construction, including where machinery and materials would be stored; where contractors would park, and access to the site. This is a civil matter and not a material planning consideration, and therefore cannot be in factor when determining this application. However, upon the agent and applicants being informed of these concerns; they have confirmed that no other property would be used to access the site and no driveway of any other property within Lee Hill Court would be used during construction.
16. Therefore it is considered that the proposed extension would have a minimal impact on the amenities of neighbouring properties in accordance with policies GDP1 and HO19 of the Derwentside District Local Plan and SPG2.
17. The Biodiversity Officer has commented that although very unlikely, there may be bats roosting in the roof of the existing dwelling house. As the property is quite modern and there are no visible holes in the walls where bats could get in, it is considered that the proposed extension would not endanger any bats.

18. Recommendation

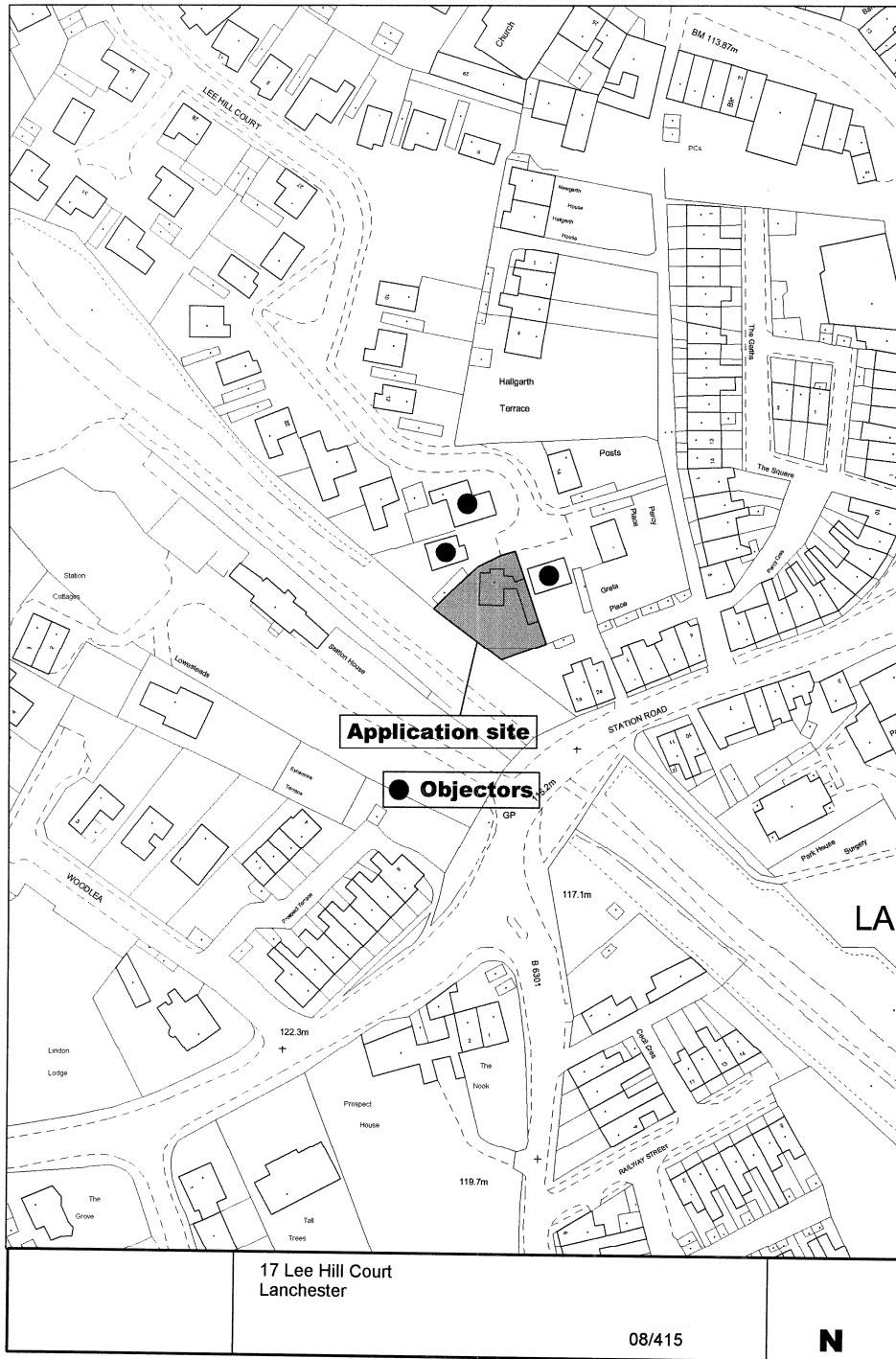
Conditional Permission

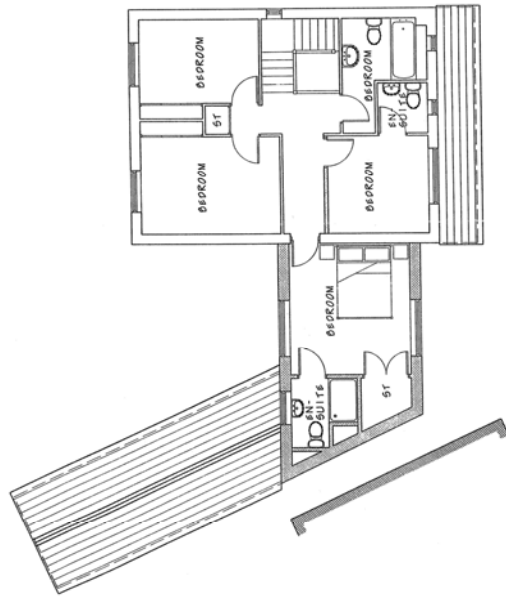
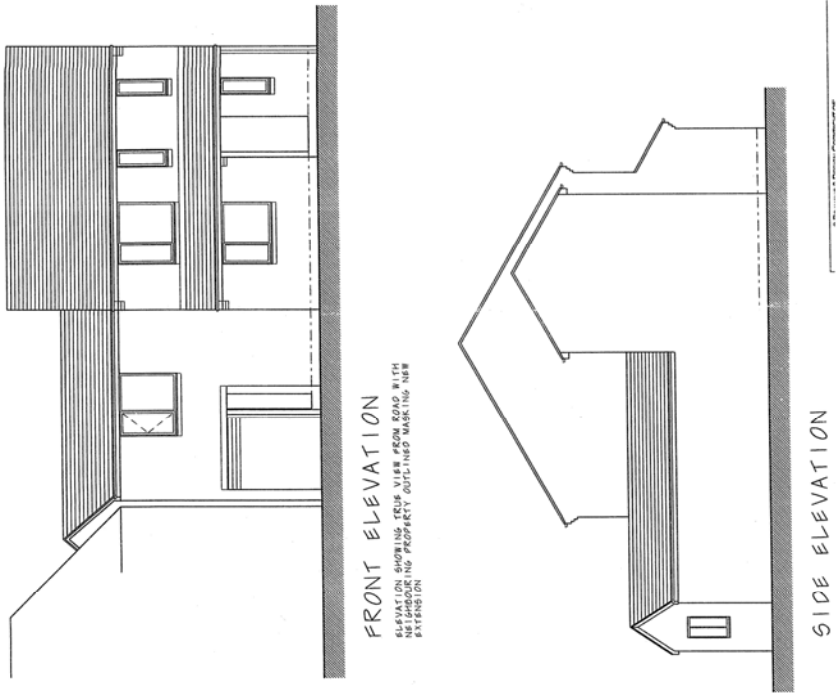
- Standard Time Limit (ST)
- Approved Plans (ST01)
- Materials (DH05)

Reason for Approval

19. It is the opinion of the Local Planning Authority that the proposed first storey extension would have a minimal 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 policies GDP1 and HO19 of the Derwentside District Local Plan and Supplementary Planning Guidance 2. On balance there are no material planning considerations which outweigh the decision to grant planning permission.

Report prepared by Thomas Armfield, Planning Officer.





FIRST FLOOR PLAN

17 Lee Hill Court
Lanchester 08/415

DISTRICT COUNCIL DEVELOPMENTS

08/0404

20/05/2008

Derwentside District Council

Land south of Beamish and East Stanley Sports Club, Bourne Court, East Stanley

Construction of a bowling green, pavilion and associated parking and access road

Havannah Ward

The Application

1. This application seeks planning permission for the construction of a bowling green, pavilion and associated parking and access road at Bourne Court, East Stanley.
2. The application site is currently a field. The proposed bowling green would measure approximately 39 metres by 38 metres and a 1.8 metre high paladin fence would surround the green and pavilion, with shrubs to be planted along the boundary to help mask the appearance of the pavilion. A dwarf wall would be constructed with the boundary to Bourne Court. The pavilion itself would measure 15.5 metres by 8 metres and would be constructed from red facing brickwork and red concrete roof tiles to match the dwellings that are in the vicinity of the development.
3. Car parking with an access road would be provided to the east of the site with a capacity for ten vehicles: access would be taken from Bourne Court.

History

4. No Planning History.

Policy

5. The following policies of the adopted local plan are relevant in determining this application:

GDP1
TR02

GDP1 - General Development Principles
Development and highway safety

Consultations

6. County Highways Development Control Officer – states that he believes that the bowling green at View Lane Park had no dedicated parking therefore, in that respect, any provision is naturally superior to that before. He notes that Derwentside DC have been in close dialogue with bowling club members

regarding the relocation of the bowling green. The submitted Design and Access statement cites that various sporting bodies and the club members have been involved in reaching decisions on various matters, including that of parking provision.

7. The Highways Officer advises that, taking a view on the adequacy or otherwise of parking provision at a new bowling club is not an exact science, and depends on a number of factors (proximity to membership's residences, total membership numbers etc). He places weight on the apparent fact that club members are satisfied with the proposed provision of 10 no. total spaces. He advises that this number does not appear unreasonable, however he would not object if parking numbers were to be raised; the area to extend the car park south appearing available.
8. He notes that representations received indicate that the application site is used for parking related to the adjacent Beamish and Stanley Sports Club, and the congestion this will then cause, if developed upon. He has no record of this latter club in terms of previous permissions (i.e. any area depicted at that time for related parking) and suggests that if it is the case that Beamish and Stanley Sports Club car parking has been historically tolerated / accepted on the application land by Derwentside DC (i.e. parking has not taken place as of right) then there is no real basis for a sustainable objection on the grounds of parking displacement, even if the concerns are proven correct. He points out that in this respect, the principle is the same as the housing development upon former Council land behind the public house at West Kyo (now housing); the area formerly having been used for parking upon by nearby residents or PH patrons, though obviously not as of right.
9. The Highways Officer states that he would however encourage Derwentside, as an Authority, to take seriously the representations made and, if borne out, to consider increasing the size of the car park, or create an alternative car park location for Beamish and Stanley Sports Club users, in order to avoid creating a parking problem that might not have previously existed.
10. Northumbrian Water – The development may be within the zone of influence of Northumbrian Water's apparatus. Northumbrian Water will not permit a building close to or over its apparatus and the developer should contact this office to discuss the matter further.
11. Neighbours have been consulted and a site notice posted and a total of eight letters of objection regarding the proposals have been received. They are summarised as follows:
 - Car parking and access in and around the site will be severely affected by these proposals. The combination of traffic to both the proposed bowling green and the Beamish and East Stanley Sports Club will result in parking problems along the access road at Bourne Court, where Police have been called on a number of occasions to move vehicles from accesses to properties in the vicinity.
 - Occasions have been noted in the past where there have been 80-100 cars on the site using the facilities at the Beamish and East Stanley Sports

Club as well as beer deliveries.

- Possible suggestions of positioning parking and access from the main Chester Road and the possibility of parking to the south of the site accessed via Chester Road with an increased number of spaces.
- The position of the pavilion to the corner of the plot adjacent to the residential properties would not benefit the local residents. Perhaps the repositioning of the pavilion to better allow local residents to benefit from the view and the current levels of sunlight.

It should be noted that there has been no direct objection to the principle of a bowling green on the site.

12. Twenty three letters of support have been received making the following comments-
 - This is an excellent site to built a new bowling green and pavilion.
 - Car parking will not be an issue, extra parking is proposed as part of the application. Bowlers only play seasonally and when they do play on the green it will only be for up to two hours.
 - The facility will lift the area with new landscaping.
 - There used to be a community welfare on the site.
 - Spectators will be able to enjoy the pleasant surroundings.
 - They development will provide a new facility for residents to use.
 - Access to the site is better than to View Lane Park.
13. A petition has been received signed by ten bowling clubs supporting the application. A copy of this is appended to the report.

Officer Assessment

14. The application seeks to provide new bowling facilities to replace the bowling green and pavilion which have been lost as a result of the redevelopment of View Lane Park. Until the mid 1970s there was a Council run bowling green on the application site and the layout has been designed to take advantage of the level area created by the previous green. The applicant advises that the pavilion has been sited to overlook the green but has been placed as close to the unmade road to the north of the site as possible to avoid encroaching on views from Wesley Terrace.
15. The letters of objection regarding the application all state that they are not against the idea of a bowling green on the site, but have issues with some of the detail contained within the proposals. The main concern that objectors have raised relates to the issue of parking and congestion. The site is currently used for the parking of vehicles which use the Beamish and East Stanley Sports Club and objectors are concerned that this proposal would result in the displacement of parking space onto the surrounding streets, leading to congestion and parking problems for the local residents. The County Highways Officer has also acknowledged this concern. It should be noted that the land involved is owned by the Council and not the Beamish and East Stanley Sports Club, therefore the Council could, if it wished, prevent the land from being used for parking regardless of this application.

16. Suggestions are made for parking to be located to the south of the site, with access taken from Chester Road. However, as is noted by the Highways Officer, the car parking provision for the bowling green has been researched to produce an adequate level of provision for the bowling club members. Another suggestion is to use land to the west of the site as an overspill car park, but this site is poorly drained and therefore unsuitable as a considerable amount of work would be required to allow it to be used for such purposes.
17. It would appear the Council intend to widen the lane which runs to the north of the site to allow vehicles to park on both sides of the access track and thus act as overspill parking when required. Exact details of the works are not currently available and these matters could be covered by condition if Members are minded to grant approval.
18. The siting of the pavilion to the east of the site, adjacent to the residential properties at Wesley Close, has been met with concern regarding the impact upon the residents of those dwellings. Issues over the inability of local residents to be able to view the bowling green due to the pavilion have been raised. However, the erection of the 1.8 metre high fence for security reasons coupled with intended improvements to the north of the site and poorly drained land to the west limits the options available for the position of the pavilion.
19. The principle of using the land for the intended purposes is considered to be acceptable and would comply with local plan policy. Measures to allow for appropriate car parking have been made by the Council to the north of the site and the location of the pavilion has been limited due to other factors. Therefore the proposals are considered acceptable.

Recommendation

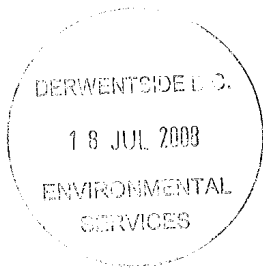
20. Conditional Permission

- Time Limit (ST)
- Approved Plans (ST01)
- Within 6 months of the commencement of the development, or other such time period as may be agreed in writing, details of any widening of the access track to the north of the application site shall be agreed with the Local Planning Authority.
Reason - In order that the Local Planning Authority retains control over these details in accordance with Policies GDP1 and TR2 of the Local Plan.

Reason for Approval

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

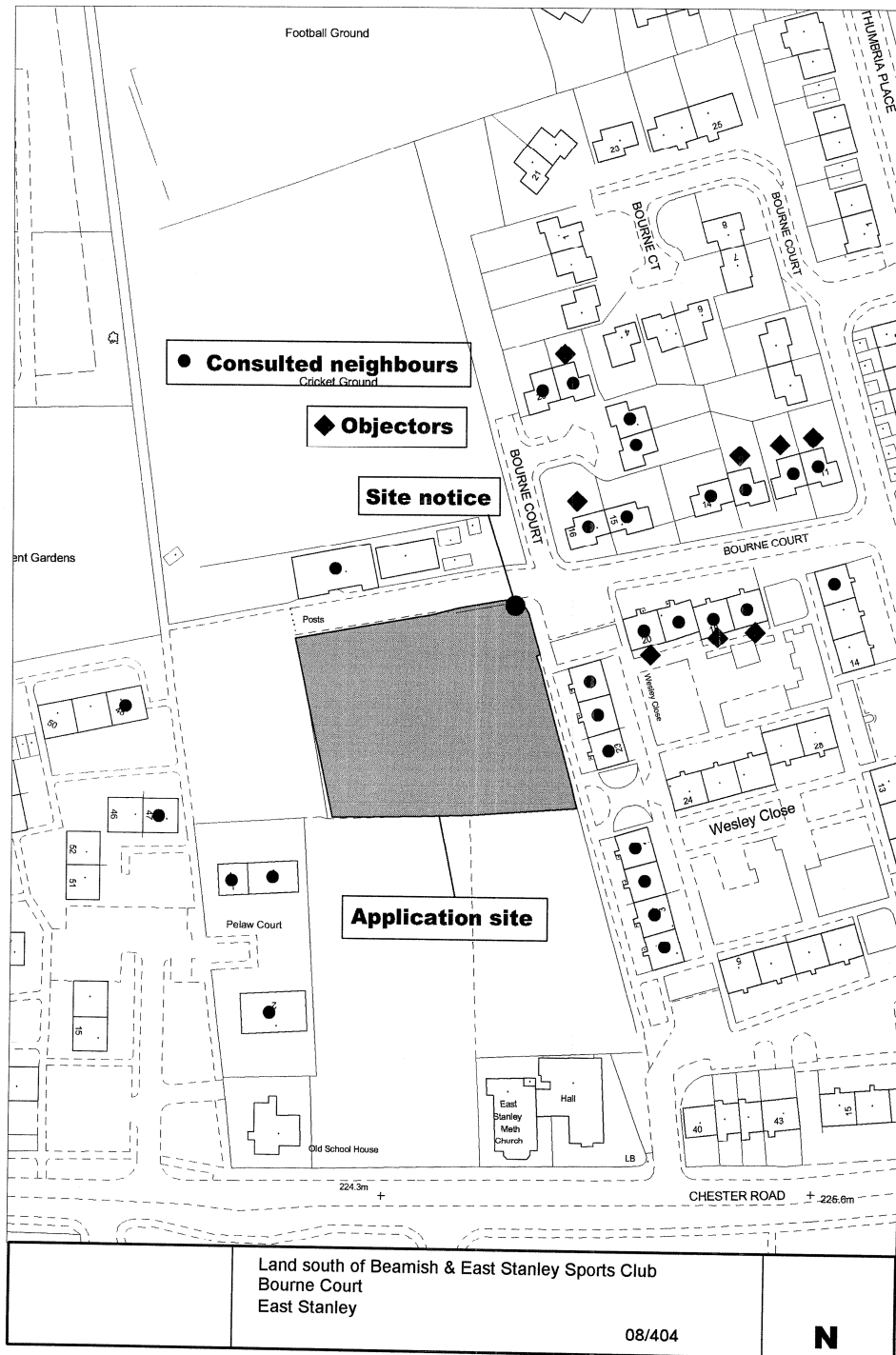
Report prepared by Graham Blakey, Area Planning Officer.

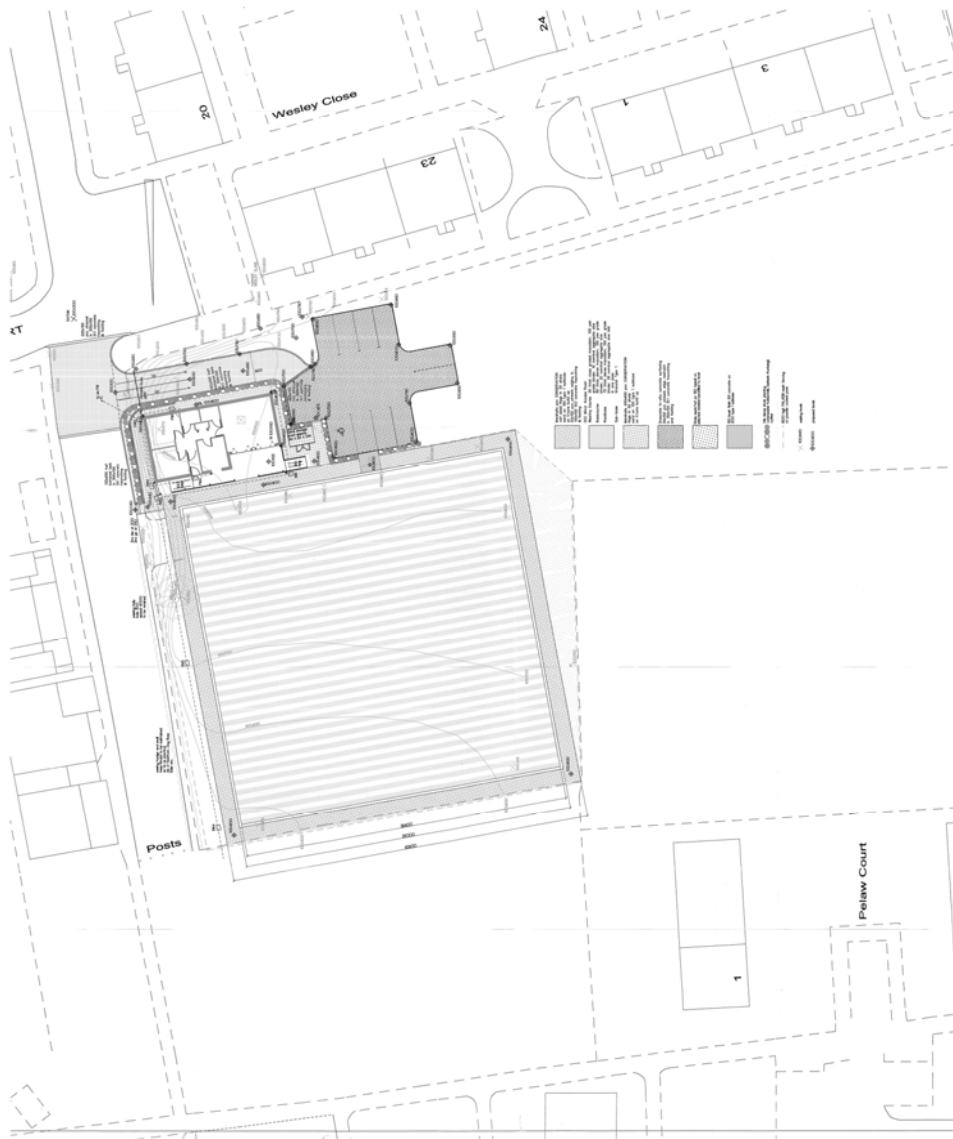


Mr P. Reynolds
Director of Environment
Civic Centre
Medomsley Road
Consett

Dear Mr Reynolds, We the undersigned give our support to the planning application 1/2008/0404. The application is to site a new bowling green and club house with car parking facility at East Stanely.

Name:	Address:
1. SHERBURN PARK	BOWLING CLUBS
2. LANCHESTER	" "
3. LEADGATE	" "
4. BURNHOLFIELD	" "
5. CONSETT PARK	" "
6. SOUTH MOOR	" "
7. ANNFIELD PLAIN	" "
8. DILTON	" "
9. PELTON	" "
10. VIEW LANE	" "
APPROX 350 MEMBERS	





Land south of Beamish & East Stanley Sports Club
 Bourne Court
 East Stanley

08/404

TREE PRESERVATION ORDERS

TPO 199

12/05/2008

Tree Preservation Order 199
St. Ives Gardens
Leadgate,
Consett

Leadgate Ward

The Background

1. On 25th April 2008 the Council served a provisional Tree Preservation Order (TPO) on a group of both mature and young trees in an area defined as a landscape belt at St. Ives Gardens, Leadgate, Consett. Many of the trees were planted in order to comply with a planning condition for the recently constructed St. Ives Gardens development in order to break up the views between original and newly built properties.
2. The need for a landscape belt was further reinforced when an Enforcement Notice was served on the house developer on the 1st September 2006. The builder had not complied with a Planning Condition that resulted in three houses being built higher than agreed within the original Planning Permission. The Council thus resolved to require that these houses to be demolished, however the builders appealed this decision to the Planning Inspectorate. The Planning Inspector granted planning permission and made comments with regard to the landscaping belt between the houses.
3. The matter was recently brought to the Council's attention as a resident of the new housing development at St Ives Gardens had removed trees planted in the landscape belt to the rear of their property. The householder had planned to turn the area of land into part of the garden.
4. The primary reason for imposing a new Tree Preservation Order was to seek protection to all the trees, which as a collective group and when mature would provide a screen in the form of a landscape belt, providing an effective break between the two areas of residential development. The trees would also develop as a distinct landscape feature providing visual character and enhancing appearance of the area. The protection is provisional for a six month period and the Council must decide within the six month period whether to;
 - a) Confirm the Tree Preservation unmodified;
 - b) Confirm the Tree Preservation Order with modifications; or
 - c) Not to confirm the Tree Preservation Order.
5. This decision needs to be made by the 24th October 2008, otherwise the trees will no longer be protected. A copy of the Tree Preservation Order is attached to this report.

6. The residents of the properties in St Ives Gardens own a section of the landscape belt, however this area is not part of their gardens although the property owners have the responsibility for maintenance. The trees that were already there when the houses were built, and those planted as part of a planning condition, are protected for five years under the landscaping condition.
7. Due to recent activities that have resulted in some of the trees in the landscape belt being felled, it was decided that the trees needed further protection in the form of a TPO in order that they may become properly established and fulfill the requirements of the planning condition.

Guidance

8. The main guidance with regard to this issue is contained within the Communities and Local Government publication 'Tree Preservation Orders, A Guide to Good Practice'. This guidance requires that the amenity value of the trees concerned are assessed in a structured and consistent way taking into account the following:
 - i. Visibility: the extent to which the trees can be seen by the local public and the trees impact on the local environment.
 - ii. Individual impact: the mere fact that the trees are publicly visible will not itself be sufficient to warrant a TPO. An assessment of the tree / trees in regards to their size, form (shape of tree) and its future potential as amenity have to be considered.
 - iii. Wider impact: the significance of the tree / trees in their surrounding taking both into account how suitable they are in their particular setting, as well as the presence of any other trees in the vicinity.

An evaluation form is used to aid the decision on whether to serve a TPO. This form considers the condition, suitability, age, size and visibility of the trees.

9. All trees within the landscape belt, young and mature, have been included in this Tree Preservation Order.
10. Local residents were consulted with regards to the TPO. The objections that have been received are summarised below:
 - The residents believe that trees will restrict their view, which would devalue their properties.
 - The land is within the residents' deeds, however they are not allowed to extend their garden fences down over the landscape belt and therefore are concerned that they are not in a position to protect the trees from criminal damage.
 - Reductions of light to their property in the future as the tree mature.
 - Concerns about a possible freshwater easement and whether the tree roots may interfere with drainage.

Officer Assessment

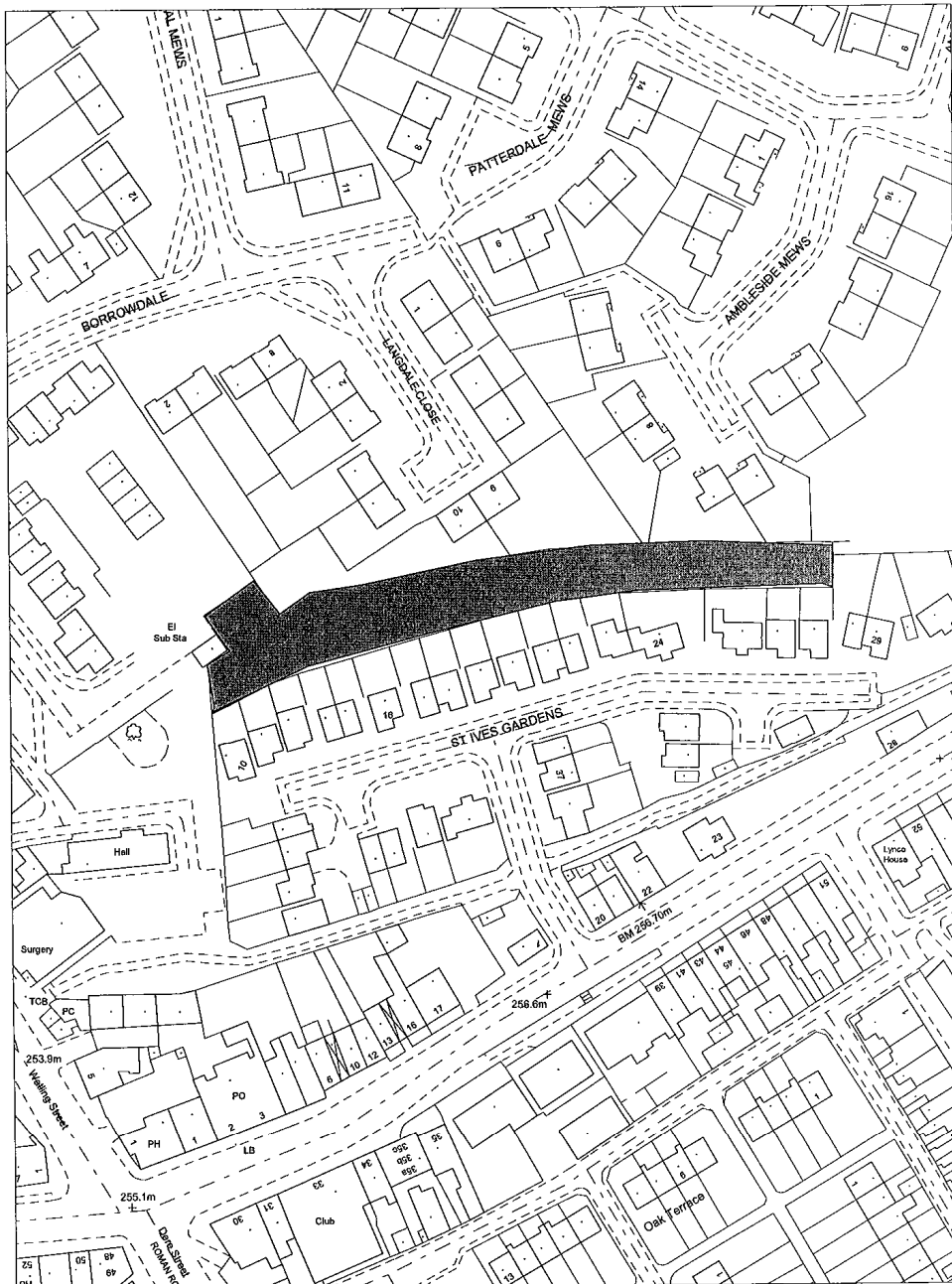
11. The majority of residents are not opposed to the trees but have concerns as outlined above. It has been clear that the land has been sold to the owners of the properties however many of the residents do not seem to be aware that it is a landscape belt and many seem to be hoping to be able to extend their gardens in the future.
12. The landscape belt is on a steep, former railway embankment, therefore the trees could be managed to ensure that the views of the residents of St Ives Gardens would not be totally lost. It should be stressed that under planning law a view is not a material consideration. However the planting of the landscape belt was a condition of the Planning Permission for the residential development.
13. Concerns about potential criminal damage are acknowledged, however the threat is low. The area defined as a landscape belt is fully fenced off with 1.8 metre high fencing, with the majority of the land adjoining residential back gardens. In addition the ground is on a severe slope with extensive ground flora cover making access difficult.
14. Issues regarding drainage damage and potential light reduction to the properties can be addressed, if and when they arise, though appropriate tree management works.
15. Both in the initial Planning Permission and the advice given from the Planning Inspectorate, it has been highlighted that this piece of land should be allowed to mature into a landscape belt. It should not become part of the domestic curtilages of the properties. In order for this to happen it is felt that the trees should be preserved in the form of a TPO to give protection, in perpetuity.

Recommendation

16. Tree Preservation Order No.199 be confirmed unmodified.

Report prepared by Karen Fisher, Biodiversity Projects Officer.

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DEVELOPMENT CONTROL COMMITTEE

31st July 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 HO19

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

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

Policy TR2

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

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

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