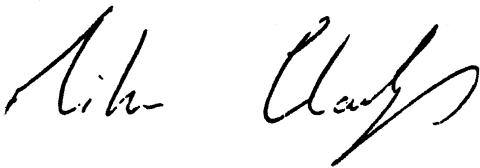


## **Development Control Committee**

**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 21st August 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 31st July 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:

[ADOPTED PLAN POLICIES](#)

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

**5. EXCLUSION**

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

**6. ENFORCEMENT**

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

Agenda prepared by Lucy Stephenson Democratic Services 01207 218249

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

Date: 11th August 2008

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of a meeting of the Development Control Committee held in the Council Chamber, Civic Centre, Consett on Thursday 31<sup>st</sup> 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, H. Christer, T. Clark, B. Cook, R. Ellis, P.D. Hughes, D. Hume, D. Lavin, O. Milburn, T. Pattinson, A. Shield, E. Turner, A. Watson, T. Westgarth, J. Williams, M. Wotherspoon and R. Young.

### **Apologies**

Apologies for absence were submitted on behalf of Councillors G. Coulson, W. Gray and S. Rothwell.

### **In Attendance**

Councillors A. Taylor and W. Stelling.

## **14. DECLARATIONS OF INTEREST**

Councillor R. Young declared a prejudicial interest in Paper 'F' relating to 07/Lan/00042.

## **15. MINUTES**

**RESOLVED:** that the minutes of the meeting held on 10<sup>th</sup> July 2008 be approved as a correct record.

## **16. 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 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 – Appeal dismissed.

Following a vote being taken it was

**RESOLVED:** that the content of the report be noted.

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

The Development Control Manager presented the report which advised members of the changes in the Planning fees structure to allow Local Authorities to charge for discharging planning conditions.

She advised that the fee was £85.00 per request (or £25.00 where the planning permission related to altering or extending a dwelling house within its curtilage). The fee was to be chargeable 'per request' and not per condition therefore there was an incentive for developers to submit all the information to discharge the planning conditions at the same time.

She highlighted that the guidance issued stated 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 would be payable.

Following a vote being taken it was

**RESOLVED:** that the content of the report be noted.

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

The Development Control Manager presented the report which advised members of the changes in Government legislation to try and 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.

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 any adverse impact on others is not significant.

In conclusion she advised that the Government's intention is to implement permitted development rights for these technologies as soon as industry standards are in place.

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

## **19. PLANNING APPLICATIONS**

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

08/0403 MRS A LAVERY

Erection of balcony at first floor level (resubmission) 26 Highridge, Blackhill.

The Chair welcomed to the meeting Mrs Lavery who was in attendance to speak in support of the application.

The Development Control Manager presented the report which recommended refusal of the application. She advised that comments had been received from Councillor Llewellyn regarding the application and the points raised were as follows:

- The applicant did not receive the correct information at first and has now submitted an application that tries to accommodate the concerns of the department on design, and eliminates possible overlooking of other properties;
- Supporting letters have been submitted and evidence of other similar structures in the district;
- Major issue is of design which is solely a matter of opinion, wood structures are already seen in other areas on the estate;
- The construction of similar structures has been a trend in the district and needs a more detailed policy on them;
- If a decision cannot be reached a site visit may prove useful.

#### **MRS LAVERY: Speaking in Support of the Application.**

Mrs Lavery advised that she firstly wished to apologise for a retrospective application, however this was due to advice given from a builder who had advised that building regulations were required only. She made the following points in support of the application:

- The house is of 1960's style but surely this period can be moved on from and enhanced, a high percentage of the houses on the estate are owner occupied and modifications to bring homes up to a modern day standard of living have been applied;
- New builds in the area are incorporating balconies as a standard feature in the home as they add a beautiful feature to the house.
- Appreciate that not every house on the estate would benefit from a balcony due to the lack of scenery and outlook;
- My property is in a prime location and can take advantage of the views of the countryside without breaching anyone else's right to privacy;
- Several letters of support have been received regarding the balcony including one received yesterday although too late to submit, not to

mention the passers by who have stopped to compliment me on the good idea;

- Whilst you could argue that the standard of the design is unsatisfactory other balconies in the area have been constructed to the same standard and the photographs circulated show this;
- At present the front garden is not complete as it is intended to erect a regulation size fence and plant permitted height hedges along the boundary;
- As the balcony currently stands it does look prominent but with the additional features and weathering of the timber it will blend in well and be less obtrusive. Willing to look at other materials deemed suitable by the Committee and willing to take on any suggestions made to improve the appearance of the structure to reach a mutual agreement.

Councillor Clark added that he concurred with Councillor Llewellyn's comments, however did feel that the design was inappropriate and materials used were not suitable and would support a site visit.

Councillor Alderson agreed that the visual impact of the balcony was detrimental to the area and did not blend at all with its surroundings.

Councillor Milburn asked how the construction would differ to a porch in terms of planning permission. In response the Development Control Manager advised that if planning permission were sought to say construct a balcony over a porch the same principles would apply and the application would be determined on its own merits.

Lengthy discussion took place regarding the types of materials that could be used to improve the structure it was felt that with brick pillars and the balustrade painted white this would help to blend the structure more suitably with the property and its surroundings.

Discussion further took place regarding the possible options that the committee could consider when determining the application. The Development Control Manager advised that members could refuse the application and the applicant would have the right of appeal or they could submit a revised application incorporating the suggestions made regarding the improvement in the appearance of the structure. Alternatively they could defer the application to allow the applicant the opportunity to alter the proposals although this was not advised, as this would ultimately effect performance figures by delaying the decision.

Councillor Clark advised that he would be happy to defer the application to the next meeting of the committee as in his opinion it was wrong to penalise Mrs Lavery.

Following a vote being taken it was

**RESOLVED:** that Planning Application 08/0403 be deferred to the in order to allow further discussion between the officers and the applicant on whether an acceptable solution for the balcony could be achieved.

The applicant was advised that the Committee may still refuse permission for the balcony at the next meeting.

08/0415 MR J VARLETT

Erection of first floor storey side extension over existing utility room, 17 Lee Hill Court, Lanchester.

The Chair welcomed to the meeting Mr Fraser who was in attendance to speak against the application.

The Senior Area Planning Officer presented the report which recommended approval of the application. He advised of the letters received from neighbours in response to consultation indicating that No 16 Lee Hill Court had submitted objections regarding the loss of light and loss of privacy. He advised that this was not a planning consideration as the window on the gable end of No16 was not a principal room but an en-suite bathroom.

Concerns had also been raised regarding the difficulties in carrying out the construction work and members were advised that this was also not a planning consideration.

MR FRASER: Speaking Against the Application.

Mr Fraser made the following comments in respect of the application:

- Application should state “the building of an extension over the existing utility room and a large part of the garage” rather than “erection of first floor storey side extension over existing utility room”.
- Neighbours garage is only 40” from the side of my house, this does not take into account the overhang of roof tiles and gutter which reduces the difference by a further 12”. No other houses within the estate which incidentally is a conservation area are only 40” apart and I do not think they are commonplace anywhere else. In any event the proposed development would now mean that our two houses will only be approximately 30” apart and will considerably cut out the light from our side window.
- Our neighbour’s property has no road space except the width of the drive and Mr and Mrs Buchan at Number 18 are very concerned that their driveway is used as a storage area which happened on the last occasion when work was carried out at Number 17.
- By being so close together it is inevitable that building materials, machinery etc, will have to be delivered and stored inside a very small cul-de-sac without a pavement and both neighbours, Mr and Mrs Raine, and

Mr and Mrs Buchan have already drawn the Council's attention to the difficulties involved with this part of the development and their doubts. In any event there will inevitably be quite a mess even before the real work has begun and I cannot see that the part demolition of the garage and utility room will not impinge on our side of the boundary. I am uncertain whether certain phases of the work can be carried out without gaining access from my property. It goes without saying that permission would be withheld to do so.

- This development will spoil the character of the cul-de-sac and the inhabitants are naturally apprehensive about the delivery of the building supplies, the parking of vans and cars, (the owners of No 17 themselves have three cars), and the actual building work in a very small area. Their neighbours do not look forward with any sense other than foreboding. Indeed if the project does go ahead we hope the clean up afterwards will be satisfactorily carried out on this occasion. Experience of previous work carried out on this property tells us otherwise.
- Would encourage members to under take a site visit.

The Senior Area Planning Officer in response to comments advised that the development would not have overhanging eaves and would be flush with the gable end. He further added that with regard to gaining access to Mr Fraser's property to carry out building work this would primarily be a civil matter and could be dealt with under the Party Wall Act.

Following a vote being taken it was

**RESOLVED:** that Planning Application 08/0415 be approved subject to:

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

#### 08/0404 DERWENTSIDE DISTRICT COUNCIL

Construction of bowling green, pavilion and associated parking and access road. Land to the south of Beamish and East Stanley Sports Club, Bourne Court, East Stanley.

The Chair welcomed to the meeting Mr Gleghorn who was in attendance to speak against the application and Mr Hedley 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 the main areas for concern raised by neighbours were parking and congestion created by the development although they did not object to the principle of the development of Bowls facilities.

She advised that no objections had been raised by the County Highways Officer with regard to the above.



MR GLEGHORN: Speaking Against the Application.

Mr Gleghorn indicated that he was not opposed to the principle of the development, and made the following comments in respect of the application:

- The pavilion has been sited as close to the unmade road as possible so as not to encroach the views for Wesley Close. This is all well and good but it encroaches on the view for the residents of Bourne Close. If it was sited to the west of the proposed site it would not encroach on anyone's view or right to light.
- If the land to the south of the site was used as a car park there would not be a need to create the proposed 10 space car park – or any need to widen the lane to the north of the site. Adjacent to the entrance of the East Stanley Sports Club.
- Bourne Close and Wesley Close currently have big problems with traffic noise and crowds congregating early mornings, i.e. (7.00 a.m.) This can only be exacerbated with the introduction of the current plans. An opportunity exists to eliminate this problem by building a car park in the old school yard south of the site which would enrich the lives of the residents.

MR HEDLEY: Speaking in Support of the Application

Mr Hedley speaking on behalf of the Bowls Club added that in his opinion the construction of the bowling green and pavilion would be a great asset to the area. He advised that negotiations were taking place with the Cricket Club to ensure that there would be no clashes of matches between the two sites. He concluded that games would take place usually three times a week between the hours of 2.00 p.m. – 5.00 p.m.

COUNCILLOR ANNE TAYLOR: Speaking in Support of the Application.

As Ward Councillor for the area she made the following points in support of the application:

- 700 signatures in support for a bowling facility in this area of East Stanley, this item was presented to full council in March 2008 and it was agreed by full council, to support, East Stanley as being the preferred site for this application.
- In addition to Bowling club officials actually visited the residents in the area shown as being consulted by the authority. The Bowling Club felt that they needed to speak personally with residents who would be closely affected by the proposed development. In particular Bourne Court and Wesley Close were visited by the bowling club officials who were acting neighbourly, listening to the views of the residents for or against the proposal.
- Letters received – 9 letters in support received from Bourne Court, 7 letters of support from residents in Wesley Close, 9 letters from supporters residing close by the proposed site, written support from 10

bowling clubs in Derwentside, there are approximately 350 members of which.

- The majority of residents in close proximity of the proposed site are in favour of the development of the bowls facility and look forward to utilising the new leisure facility.
- In Bourne Court residents there were very supportive of the bowls facility being established on the Public space but acknowledgement a few reservations concerning parking of vehicles particularly Bourne Court.
- There are private drives onto these properties and also at Wesley Close to park up their own vehicles, this is acknowledgement that there were some previous issues with cars obstructing access to some of the properties in Bourne Court.
- Beamish and East Tanfield Cricket Club enquired about utilising the public space for car parking. This Club is a private members club and in an attempt to alleviate parking congestion when football sessions were in practice the club was given permission to park vehicles on the public space as a temporary measure.
- Beamish and East Stanley Sports Football Club, has grown rapidly over the past few years and with that the demand for pitches to accommodate all of the teams also increased. Consequently, they had to use various sites to meet this demand including their own pitch, various Local Authority pitches and more recently the Morrison Busty and South Moor Cricket Club. The draft pitch allocation for the coming season 2008/09 show that, at the moment, Beamish and East Stanley Sports Football Club requires the use of the following pitches. Venues; Oakeys South on Saturday's a.m., Tantobie on Sundays a.m. for under 15 girls, Tantobie on Sundays a.m. for Under 16's, Tantobie on Sundays Under 14's. This is a reduction in demand from last year when they requested the same pitches for 6 teams.
- This confirms that they have found alternative sites to play on, most notably the Morrison Busty and they have also accessed school sites and I am aware that they have plans to develop the site opposite Greencroft School which is County land.
- The Club is a success story and has grown rapidly, leading to a problem of finding enough pitches on one site to accommodate their needs. Because of this they play at various sites and are looking to develop a site where they can play all of their fixtures and have a central meeting point for training etc.
- The point of information I am indicating is; if the Beamish and East Tanfield Football Club are participative in this move this will greatly reduce the burden of car parking in the area of Bourne Court.
- The bowling club are already beginning to address the issue of parking. They are looking at the fixture time tables to prevent any conflict of parking between bowlers and visitors to Beamish and East Tanfield Cricket Club. The bowlers are proposing to discuss and match up the

fixture to adjust the dates whereby whilst the Cricket Club are occupied the bowling club will not and so on.

- Vehicles park presently on the public space and when this space is utilised there are alternative parking spaces elsewhere on the estate. There are 5 parking facilities where vehicles can access, park and walk a few yards; I can indicate up to 5-10 spaces at the 4 parking areas would be available. Also Chester Road, when the Old school site was, are two more car parks which could take up to 25 vehicles in walking distance. Vehicles can also park across the A693 next to East Stanley School and again are in easy walking distance to access the facilities at Bourne Court.
- In summary the public space will enhance the area and I have no doubt will add value to the properties, the proposed site is accessible, very visible, safer, on a bus route, but most of all will be an endorsement for social inclusion principles. There has been interest indicated from Mary Suggett and her family being able to utilise the facility, Mary is a disabled athlete who represented England at the paraplegic games; the question asked would the facility be accessible for her. The answer of course is yes.

Following a vote being taken it was

**RESOLVED:** that Planning Application 08/0404 be approved subject to:-

- 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.

**Councillor Westgarth abstained from voting.**

## **(2) Tree Preservation Orders**

Tree Preservation Order 199, St Ives Gardens, Leadgate, Consett.

Following a vote being taken it was

**RESOLVED:** that Tree Preservation Order 199 be confirmed unmodified.

## **20. EXCLUSION**

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

**Councillor R. Young declared an interest in the following application left the Chamber and took no part in the discussion or voting thereon.**

**21. ENFORCEMENT**

07/Lan/00042 Land to the south of Dunleyford House, Lanchester.

The Development Control Manager presented a report (copies circulated) which invited the committee to consider a matter in relation to failure to comply with the requirements of Enforcement Notice.

Following consideration of the detailed comments of the Development Control Manager it was

**RESOLVED:** that members note the current position and agree to commence proceedings under Section 179(1) & (2) of the Act against the land owner.

**Conclusion of Meeting**

The meeting closed at 3.03 p.m.

**Chair**

**DERWENTSIDE DISTRICT COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**21<sup>st</sup> AUGUST 2007**

**REPORT OF DIRECTOR OF ENVIRONMENTAL SERVICES**

**APPEAL DECISION**

**Appeal against refusal to grant Outline Planning Permission for the erection of two bungalows at land to the east of The Bungalows, High Westwood**

- 
1. This appeal relates to the refusal of Outline Planning Permission for the erection of two bungalows on the 17<sup>th</sup> August 2007. The application was refused on the grounds that the development is contrary to National Planning Policy contained within Planning Policy Statement 3 as being a Greenfield site outside of the settlement. The Planning Inspector dismissed the appeal. The Inspector considered the main issue to be whether the proposal represented a sustainable form of development.
  2. The Inspector considered that the proposed bungalows would amount to infilling within the hamlet of Low Westwood and it would be possible using suitable conditions to ensure that the proposed bungalows would be sited and designed to be in-keeping with the character of the built development thereabouts. However Planning Policy Statement 3 (PPS3) indicates that the Government's policy is to ensure that housing developed in suitable locations which offer good access to jobs, community facilities, key services and infrastructure. The priority for development should be previously developed land.
  3. The Inspector commented that the facilities in High Westwood appeared to be limited to two sports field and a playing field. Whilst the appellant had indicated the shortest distance to the nearest Post Office in shops in Hamsterley Colliery was 0.5 miles away, it was considered that given the road used to access these facilities is in a poor, uneven condition and its gradient, future residents would be unlikely to use it routinely and therefore they would be more likely to travel by car using longer routes. The Inspector did not agree with the appellant that High Westwood had excellent links to places such as Durham and Hexham as both are a considerable distance away and Shaw Lane and Cut Throat Lane are both minor roads. Given that only a school bus calls at the village, it is considered that accessibility of the site is relatively poor as future residents would be heavily reliant on cars to reach jobs, services etc.

4. The appellant indicated the site contains the remains of a cobblers shop, garden and tramway and therefore equates to previously developed land; the definition of previously land in PPS3 excludes land where the remains of the permanent structure or fixed surface infrastructure have blended into the landscape in the process of time so that it can be considered as part of the natural surroundings.
5. The Inspector acknowledged the photographic evidence from the appellant which indicated that at some stage there was a small building close to the roadside boundary which was a cobblers shop, and the short strip of concrete which was identified as the remaining foundations of the shop on the site visit. However the Inspector saw no other evidence at or above ground level of these former uses. Furthermore, the Inspector saw no evidence that the appeal site had even been used as a garden in the past. The Inspector noted the hole, which had been dug to expose part of an arched opening, however it was considered that whilst the archway may mark the point the tramway entered the site, this feature was below ground level.
6. Although the land may never have been farmed or grazed, with the exception of the concrete strip the remainder of the site has the appearance of a continuation of the agricultural grassland that adjoins the southern boundary of the site, and therefore can not be described as previously developed land. Therefore it is considered to be almost entirely previously undeveloped land.
7. The Inspector gave little weight to the Council's housing supply assessment due to the status of the Regional Spatial Strategy at the time of determination. Nevertheless the Inspector considered that there was no compelling evidence to show that there is either a need or demand for housing within Low Westwood. Therefore it was concluded that on balance the proposed development would not amount to a sustainable form of development, contrary to the aims of PPS3.
8. The Inspector took into consideration the Council had recently sold the site of the former garages between the old school house and the terrace. However, a much larger proportion of that site remains recognisable as previously developed land compared to the appeal site, demonstrated by the retained floor slabs. Therefore the two sites were not considered to be directly comparable. The conversion of the old school buildings to dwellings was considered to be materially different from the appeal proposal. The Inspector also noted that the appellant indicated that the Council had considered development of a field to the north of the old school in the past, however there was no evidence planning permission had been granted and in any event each case must be considered primarily on its own merits.
9. The Inspector acknowledged the appellant's view that in order to support agriculture and to retain the countryside in a good condition there was constant need to diversify. However, he did not consider

that any compelling evidence has been demonstrated that the erection of two bungalows would meet either of these aims.

Recommendation

10. The report be noted.

Report prepared by Mr. T Armfield, Planning Officer.





**DERWENTSIDE DISTRICT COUNCIL****DEVELOPMENT CONTROL COMMITTEE****21<sup>st</sup> August 2008****REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES****PLANNING APPLICATIONS AND ASSOCIATED MATTERS****CONTENTS****Recommended for Refusal**

			<b>Ward</b>	<b>Page</b>
08/0489	Mrs D Wright	Erection of six town houses on land to the south west of 5 Wrights Court, Burnhope	Burnhope Ward	2

**Recommended for Approval**

08/0397	Derwentside Council and Derwentside Homes	Erection of 35 dwellings for affordable housing consisting of 25 houses and 10 bungalows, one, two and three storeys in height, on land south east of Iveston Road, Delves Lane, Consett	Delves Lane Ward	12
08/0472	Mr A Bradford	Erection of marquee to be used from April - September annually for the use of weddings, christenings, conferences and school promenades, Knitsley Mill, Knitsley, Consett	Castleside Ward	39
08/0406	Derwentside Council and Derwentside Homes	Erection of nine two storey, three bed dwellings, on land to the rear of 69 – 83 Castledene Road, Delves Lane	Delves Lane Ward	49

## RECOMMENDATION FOR REFUSAL

08/0489

30/06/08

Mrs D Wright

Land to the south west of 5 Wrights Court, Burnhope, Co Durham

Erection of six town houses

Burnhope Ward

### The Application

1. The proposal is for two pairs of three-storey, three bedroom, townhouses with integral garages on land to the south west of 5 Wrights Way in Burnhope. There would be a large block paved area at the front of the site, with a grassed area at the rear and planted areas at the sides. The site is to be enclosed by a 1.8m high vertical close-boarded fencing. There would be a bin store on the rear boundary midway between the two blocks.
2. Elevationally, the units' appearance is rather featureless, with large areas of brickwork unrelieved by cills, lintels, etc. The second floor is achieved by extending the windows as half dormers into the roof. At the rear there would be small, ground floor, dining room projections some 1.1m out from the main façade.
3. The walls would be built in facing brick and the roof would be of interlocking concrete tiles, both matching the existing houses in the Court. The gables and the dormers would have fascia boarding, with windows to be white uPVC. Foul and surface water drainage would be discharged into the existing drainage system within Wrights Court.
4. The eaves height would be around 6.8m and the ridge height some 10.1m.

### History

5. An application for the creation of a touring caravan site, etc. was approved 07/09/1998 (reference 1/1998/0845DM).
6. An application for the change of use to touring caravan site and change of use of hay barn/tack room to licensed Clubhouse was refused 22/06/1998 (reference 1/1998/0525DM).
7. An application for three detached houses and replacement of garage was approved 03/09/1999 (reference 1/1999/04420DM).
8. An application for the erection of one dwelling was approved 13/01/2004 (reference 1/2003/1039DM).
9. An application for the erection of one dwelling was approved 13/01/2004

(reference 1/2003/1043DM).

### Policy

10. The following policies of the adopted local plan are relevant:

BI01	Development limit for Burnhope
GDP1	GDP1 - General Development Principles
HO05	Development on small sites
TR02	Development and highway safety

### Consultations

11. County Highways Development Control Officer – this application adds more dwellings to that already approved. The recommended reasons for refusal are unchanged from those given in the previous two responses as outlined below:

12. • 05/0029 Proposed dwelling Land at rear of 17 West Terrace, Burnhope. He stated that he has consistently objected to increases in the number of dwellings here and pointed out that the internal road layout and adjacent highway are substandard. Refusal was recommended.
13. • 03/1043 Proposed dwelling - Land Rear of 17 West Terrace, Burnhope. He points out that although refusal was recommended of earlier application 1/1999/0442 for three dwellings, this was approved by the Council. He noted that this application failed to deal with the fundamental highway objections while further increasing the number of dwellings. He recommended refusal due to substandard internal road layout and substandard adjacent highway.

14. Northumbrian Water – no objections.

15. Neighbours have been consulted and a site notice posted. No objections have been received.

### Officer Assessment

16. The site is located at the end of a cul-de-sac that is in the course of being development, with the road and footpaths only partially made up. Some houses are under construction and others are occupied. The site is flat and bare, and completely devoid of grass, trees, etc. To the rear lies open land, some of it used during construction work and some apparently used for storage. To the far northwest, the land rises to the near horizon where a long single storey building (a gymnasium) is under construction (under Permitted Development rights). Immediately adjacent to the site, on the left hand side when facing, is a vacant site (probably intended for a bungalow according to the applicant), as yet without Planning Permission. To its left, adjoining the entrance off West

Terrace, a bungalow is at an advanced stage of construction. On the right hand side a house is nearing completion.

17. The access leading off Holmside Lane to West Terrace and Wrights Court is effectively little more than a back lane and is extremely restricted being only approximately 5m wide. It passes at very close proximity to a pair of older bungalows to its southwest 17 and 18 West Terrace. Indeed, the corner of number 17 is only about 1½m from the lane. The junction with Holmside Lane is at an acute angle having non-existent radii and restricted visibility to the northeast and substandard radii to the southwest. Moreover, where this back lane leads into West Terrace there is a blind corner, also with substandard radii.
18. The proposal involves the construction of two pairs of three storey blocks of townhouses, each containing three, three bedroomed dwellings with integral garages. There would be a large block paved area at the front, a grassed area at the rear and planted areas at the sides. A 1.8m high vertical close-boarded fencing would enclose the site. A bin store is proposed on the rear boundary mid-way between the two blocks.
19. Elevationally, the units' appearance would be rather featureless with large areas of brickwork and white UPVC windows, unrelieved by cills, lintels, string coursing, quoins, etc.
20. The walls would be built using facing brick and the roof would be of interlocking concrete tiles. The second floor would be achieved by the use of windows extending up into the roof as half dormers. Small, ground floor dining room projections will protrude 1.1m beyond the rear façade.
21. The site lies within the settlement of Burnhope where, under Policy HO5, small sites for housing development may be acceptable providing, amongst other things, it is appropriate to the existing pattern and form of development in the settlement. However, in addition, housing development must not extend beyond the existing built up area; be acceptable backland or tandem development and not exceed 0.4 hectares in size if taken together with an adjoining site.
22. In this instance the site, taken together with the other new housing in Wrights Court amounts to some 0.470 hectares and is therefore 'caught' by this policy. As such, it is therefore contrary to Policy HO5(D) and, being a departure, it needs to be determined by the Development Control Committee.
23. The application site also lies partly outside the Burnhope Development Limit and Policy B11 requires that no new housing should be permitted outside that limit. Looking at the settlement's boundary as shown on the Burnhope Inset, this passes diagonally through the centre of the site so that the site lies partly in and partly outside the boundary. Similarly, looking at the five new, existing houses on the northwestern side of the

Court, one is completely outside and the others are partially inside and partially outside the boundary.

24. Wrights Court itself is partly identified as one of the sites within Burnhope that is suitable for housing development under Policy B12. Again, of the five new, existing houses on the northwestern side of the Court, one is wholly outside whilst the others are partially inside / partially outside this notional housing site boundary. It is considered that the principle of this development, even though it lies outside the rhomboid shaped housing site boundary on the inset map, is acceptable.
25. Whilst this street has obviously been constructed in a manner that is intended to cater for development at the end of the Court, that does not necessarily mean that three storey development would be satisfactory. The surrounding area is characterised by generally single and two storey residential development. Three storey development would be completely out of character with the Court itself and with the surrounding area. Despite the fact that the second floor utilises half dormers in the roof and thus brings the height down a little, the resultant height would be significantly out of character.
26. The high buildings in close proximity to the immediately adjacent vacant site and house would appear unduly overbearing to the future occupiers of these sites. Their proximity would also result in loss of light and sunlight to people in these properties.
27. In addition, taking into account their height, the properties would be extremely / unreasonably close to the rear boundary – 3½ to 4½ m at their closest points. At such closeness there is inadequate space about the buildings to provide any ameliorative tree planting that might otherwise relieve the buildings' height. Tree planting so close to the buildings would result in overshadowing and loss of light / sunlight to the future residents and be likely to result in root damage to the buildings as the trees mature.
28. Elevationally, the proposed buildings are rather bland. The high buildings containing unrelieved brickwork with minimal window and door punctuations and having no features such as cills, lintels, string coursing, quoin work, etc. Although the half dormers introduce a little modeling into the roofline, they are achieved in an awkward manner. The height of the buildings and their appearance are out of character with the surrounding area, contrary to policy.
29. The single bin storage position, which is intended to serve all six dwellings, would be inconveniently located for several of the future occupiers leading to long refuse carry distances, often in inclement weather conditions. In addition, the store at just some 3 x 2½m appears grossly inadequate for the numbers of wheeled refuse containers that will be required (3 x 240 litres wheeled bins and one recycling box per property). Given that collection vehicles would not wish to enter the site

the bin storage area is badly located. To have it positioned at the front of the houses would be visually detrimental.

30. The amount of amenity open space / garden per property, especially the private space at the rear is considered to be unacceptably small. Indeed, the middle property of the northernmost block would only have a strip of grass at the rear that is some 3½ - 4m wide.
31. Turning to the already constructed access, this is substandard taking into consideration the advice of the County Highways Development Control Officer. The provision of six more houses at the end of this Court on a site which might normally have contained two or three units, would undoubtedly be an out of character and overdevelopment of the site, leading to problems of vehicular access brought about by the additional traffic from six three bedroom houses.
32. The standard parking requirement for six, three bedroomed dwellings is for twelve parking spaces (either a garage and a drive or two hard standing parking spaces). Twelve, possibly more, additional vehicles using the street would cause unacceptable additional congestion on the Court's entrance approaches and also at its substandard sized cul-de-sac head. Here, in all likelihood, taking visitors' parking into account at the rate of 0.5 spaces per dwelling, there would be serious on-site parking congestion leading to unacceptable parking obstruction within the cul-de-sac head.
33. Whilst no internal parking layout has been submitted, it does appear that the necessary space to contain the minimum of fifteen vehicles on-site is simply not available – it being necessary to leave unobstructed access to the integral garages and to provide on-site turning space so that vehicles can exit in a forwards direction.
34. The County Highways Development Control Officer recommends refusal on the grounds of the internal road layout not meeting current adoption standards and West Terrace having restricted width, poor alignment and a substandard junction with Holmside Lane. It is thus unsuitable to serve as a means of access to the development.

#### Recommendation

35. Refuse

The proposal, by virtue of the height and design of the three storey buildings, is out of character and scale with the buildings in the immediate vicinity which is characterised by single and two storey dwellings. In addition, the proposal is considered to be overdevelopment, resulting in inadequate space about the buildings for amenity areas, buildings too close to the boundaries, a lack of space for ameliorative tree planting and inadequate space for the on-site parking and manoeuvrings of vehicles. Moreover, the three storey buildings

would appear overbearing to immediately adjacent future occupiers and result in a loss of light and sunlight. The proposal is thereby contrary to Policies GDP1(A) and (H) and HO5(A) and (C) of the Derwentside District Local Plan.

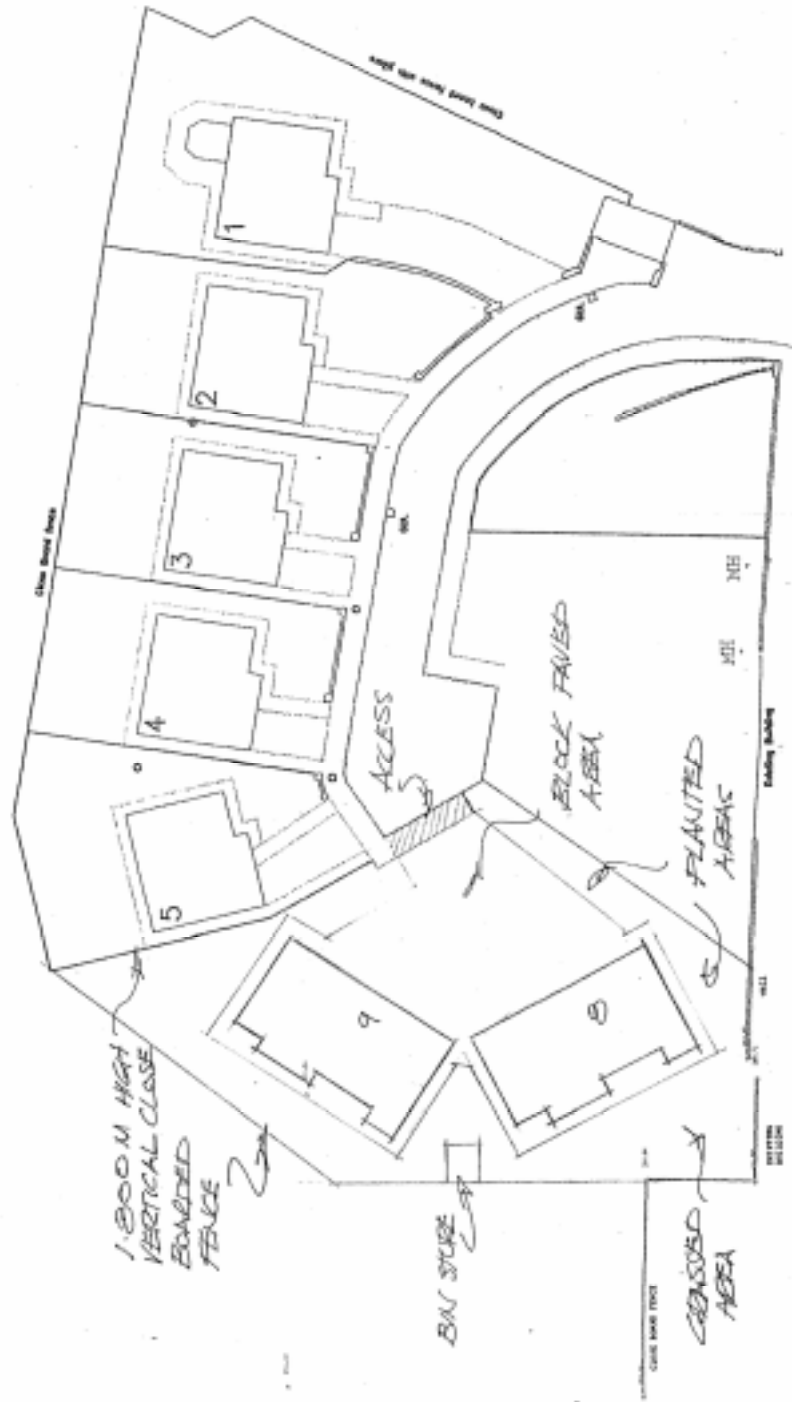
The proposal places high buildings unreasonably close to the site boundaries such that there would be inadequate amenity space provision for their future occupiers contrary to Policies GDP1(A) and (H) and HO(5) of the Derwentside District Local Plan.

The Local Planning Authority and the Local Highway Authority, in agreeing the Durham County Council publication 'Guide to the Layout and Construction of Estate Roads', have agreed standards for the layout of roads serving new residential developments. The access road leading to the site does not conform to these agreed standards and is not, therefore, adequate to serve the development proposed. The proposal is therefore contrary to Policy TR2(F) of the Derwentside District Local Plan.

West Terrace, by reason of its restricted width, poor alignment and substandard junction with Holmside Lane is considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Policy TR2(F) of the Derwentside District Local Plan.

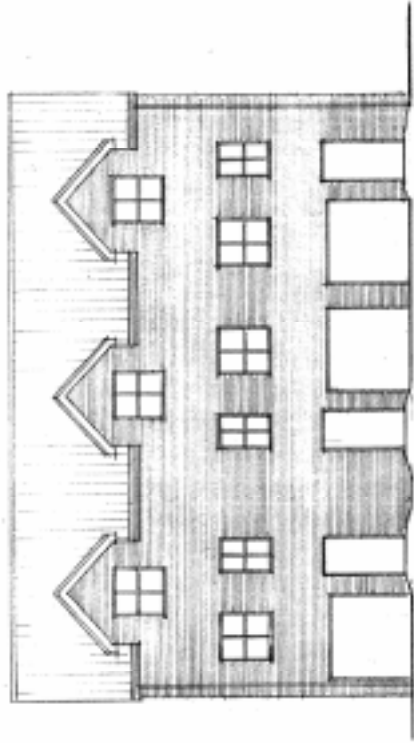
The proposal makes inadequate provision for the storage of refuse in that the bin store proposed is insufficient to accommodate the numbers of containers required and is located too far from the cul-de-sac head. It is therefore contrary to Policy TR2(F) of the Derwentside District Local Plan.

Report prepared by Mike Hemsall, Senior Planning Officer.

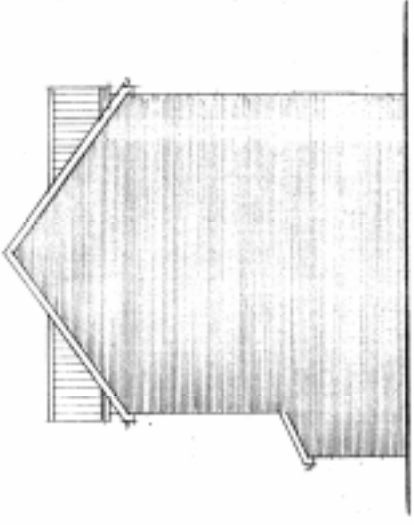


PROPOSED SITE PLAN

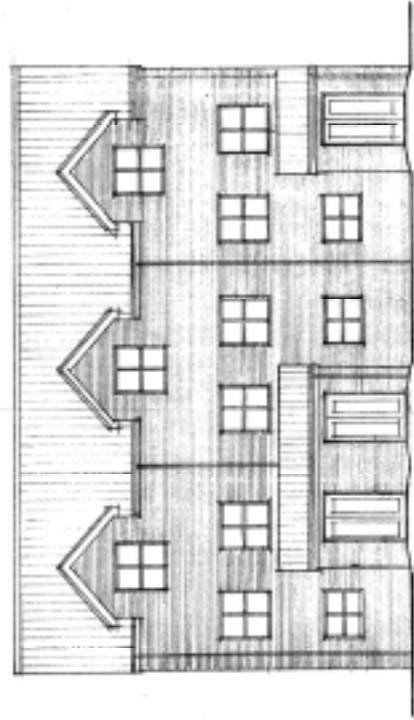




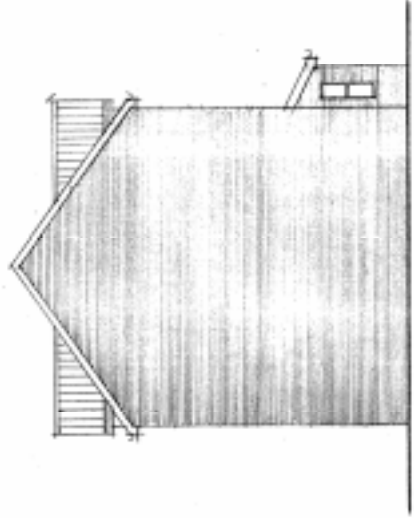
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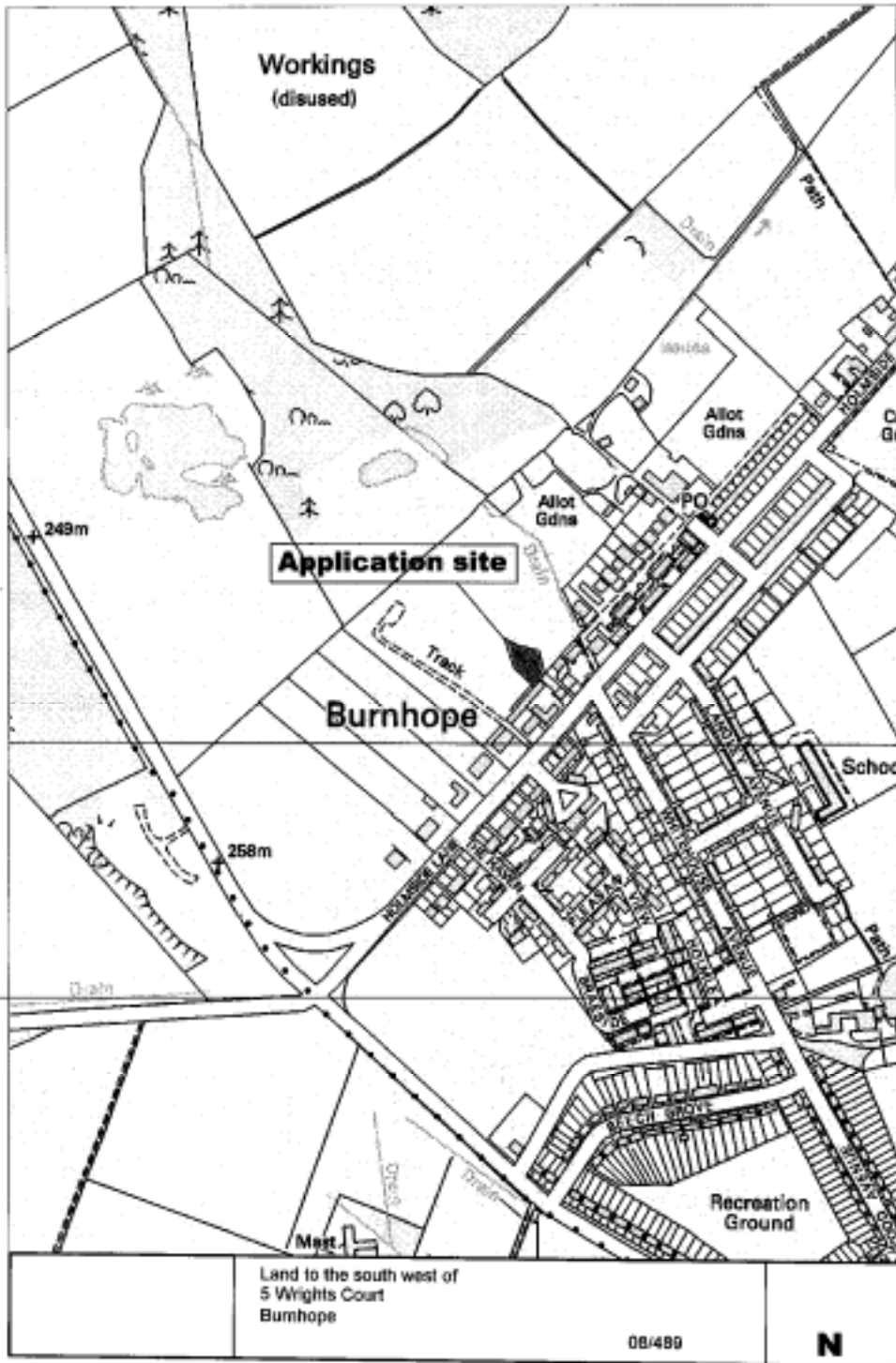
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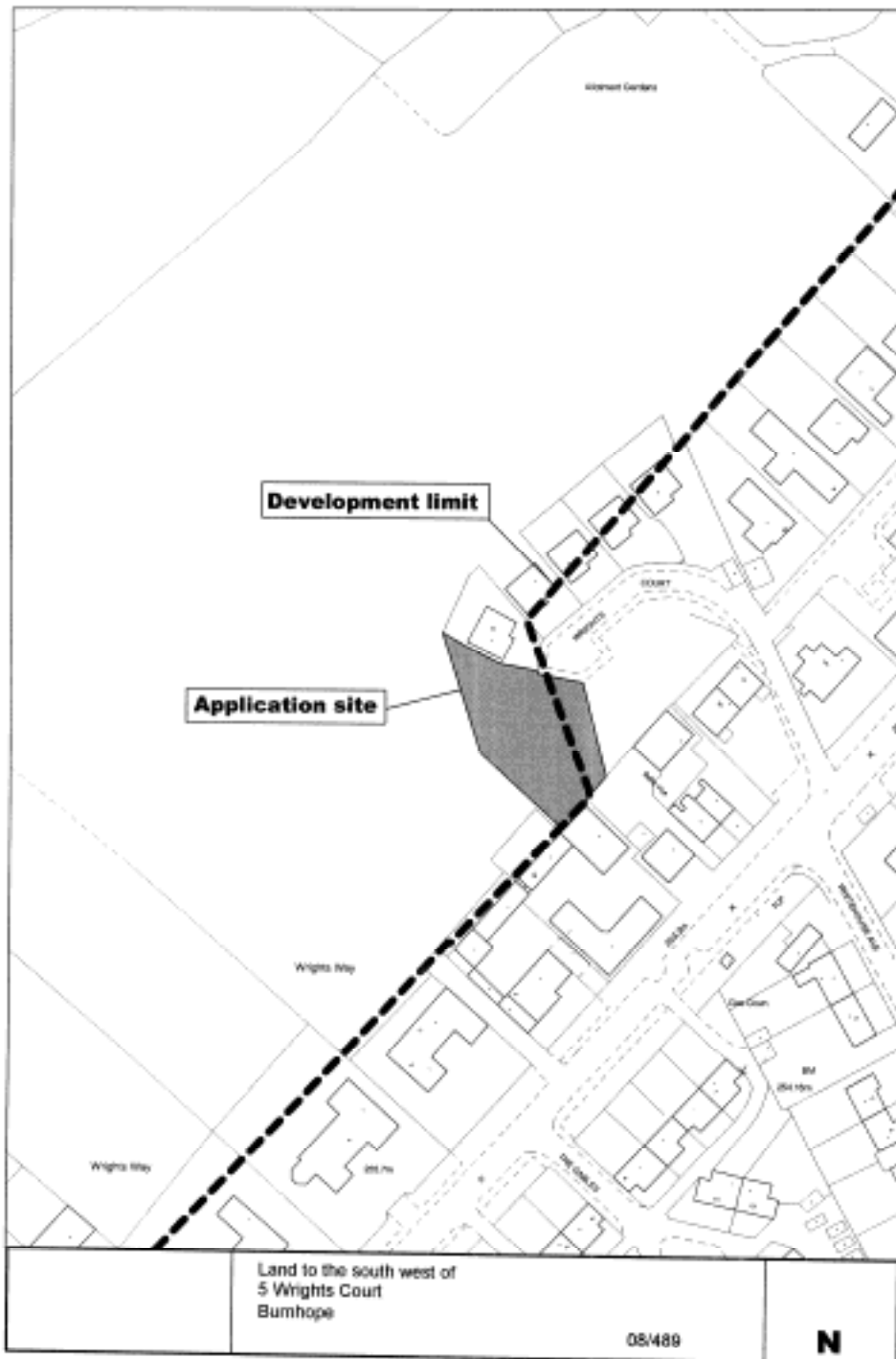


ELEVATION



ELEVATION







## RECOMMENDATION FOR APPROVAL

08/0397

22/05/08

Derwentside Council and  
Derwentside Homes

Land south east of Iveston Road,  
Delves Lane, Consett

Erection of 35 dwellings for  
affordable housing consisting of  
25 houses and 10 bungalows,  
one, two and three storeys in  
height

Delves Lane Ward

### The Application

1. This application seeks planning permission for residential development on approximately 1.14 hectares of land to the east of Iveston Road, Delves Lane, Consett. The site is currently being used as informal recreational space by local residents. The land slopes down to the north and to the east, and the site incorporates four parcels of grassed land separated by footpaths and an access road. To the north, east and south of the site are a two storey and single storey terraced and detached dwellings, to the west of the site is Iveston Road which is a main thoroughfare into this housing estate.
2. Permission is sought to erect thirty-five affordable dwellings, twenty of which would be for rent and fifteen would be offered under a shared ownership scheme. There would be a mixture of 2 bedroomed terraced and semi-detached bungalows; 3 bedroomed two storey semi-detached and terraced properties; 3 bedroomed two and a half storey terraced and semi-detached properties and 4 bedroomed two storey semi-detached properties. The dwellings would have private front and rear gardens, some with private driveways and some with shared parking bays. The majority of the dwellings would front on to Iveston Road and existing open space within this estate. The scheme incorporates landscaping within the gardens and around parking areas.
3. A large 2,076 sq m triangular area of open space would be retained within the northern area of the site. Two smaller areas of open space would be retained near the eastern and southern boundary of the site.
4. Access would be taken from the existing access point from Iveston Road which currently leads to Shafto Close.

### History

5. No Planning History.

## Policy

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

PPS3	Planning Policy Statement 3 Housing
PPG17	Planning for open space, sport and recreation
GDP1	General Development Principles
HO22	Recreational public open space within housing sites
RE04	Protection of Rights of Way and recreational paths
TR02	Development and highway safety

## Consultations

7. County Highways Development Control Officer – in his original response recommended that the application be refused unless an amended plan was received which incorporated changes to the access, reduced parking provision for some bungalows, alterations to surface treatment, reduction in width of access roads, some driveways and parking areas to be reduced in length, re-alignment of fences, revisions to carriageway. It was also advised that formal ‘stopping up’ of the highway would be necessary.
8. A revised plan was subsequently received and the Highways Officer has confirmed that this is satisfactory in terms of highway safety and parking arrangements.
9. County Public Rights of Way Officer – has stated that there are no registered Public Rights of Way near to or affected by the proposals. They pointed out that the definitive map is only a record of known Public Rights of Way and other rights can be acquired on the basis of usage or documentary evidence or by the actions of the landowner.
10. Durham Police Architectural Liaison Officer – draws attention to the need for an attractive and safe development designed and built to a high quality. It is advised that achieving Secured by Design indicates a commitment by the developer to achieve high quality housing, an objective of PPS3. He has offered advice on safety and natural surveillance, creation of private areas, landscaping, perimeter and dwelling boundaries, street lighting, windows, doors, drainpipes and intruder alarms.
11. Development Plans Officer – considers the site to be greenfield land and states that it is identified as an area of functional open space in the Open Space Strategy (unadopted). Whilst this is the case the Officer recognises that a large proportion of open space would be retained as part of the scheme and there is good access to other areas of open space in the local area.

12. It is advised that the primary aim of planning at the national level PPS3 (Housing) is to achieve sustainable residential development on sites that are centrally located in settlements with access to a range of services and facilities with good (public and non-car based) transport links. It is considered that the proposed site is in a suitable, central and sustainable location.
13. The Officer notes that the proposed development would provide 35 affordable dwellings, including ten bungalows. They advise that the emerging Strategic Housing Market Assessment highlights a significant shortage and need for affordable housing in the District. On balance the Officer feels the provision of affordable housing and retention of a large tract of open space would mitigate the loss of some of the open space provision in the area.
14. Whilst it is acknowledged that building the dwellings in a line along Iveston Road facing onto the street would help integrate the scheme into the surrounding area, while also increasing passive surveillance and natural security, it is considered that the rest of the scheme would lack the same sense of activity and animation at the edges, with inactive 2m high close boarded fences proposed for too many properties. The Officer accepts that this would afford greater levels of privacy and security but considers that in this instance it would be located on primary corners and edges creating an unattractive and drab environment for residents.
15. It is advised that the fences proposed to the rear of the plots 5- 20 should be replaced with lower fences and landscaping or a brick pier / railing scheme. Also, it is recommend that 2m high fencing proposed for the rear boundaries to plots 29-30 and 21-24 should also be redesigned and be made more 'active' and attractive.
16. It is considered that the large area of tarmac with parking bays in the western portion of the site would be unattractive and provide no enclosure to this area of the scheme and should be redesigned. One option the Officer recommends is to narrow the road down to create an island of parking bays with tree planting which would give more definition and closure. It is considered this could be achieved by moving plot nos. 25-28 further east towards the boundary of the scheme, freeing up more internal space to facilitate a more rationalised layout of the central portion of the scheme.
17. The Officer also advises that the surface treatment could be changed from tarmac to a mixture of surface materials to give some definition to the streetscene, perhaps in the form of raised beds to help slow traffic.
18. It is pointed out that Durham County Council Accessibility and Parking Guidelines recommends one and a half car parking spaces, and one cycle specific storage facility per dwelling and that the provision of a cycle storage facility for each dwelling is supported.

19. Attention is drawn to the fact that national, regional and local planning guidance encourages development to be more resource efficient and to incorporate energy supply from renewable sources.
20. It is considered that the proposal would comply with level 3 of the Code for Sustainable Homes in accordance with Government requirement for social housing. It is noted that the scheme would provide solar panels to the roof of each dwelling and it is thought that these should be conditioned as part of the permission and specified as solar cells for water heating as these are a more efficient way, in operation and cost terms, of achieving reductions in emissions.
21. The Officer feels that the two smaller areas of open space proposed at the edge of the site could receive some detailing / landscaping to make them more useable and attractive for neighbouring residents while still allowing a large field to remain at the north of the site.
22. The Officer supports the tree planting throughout the scheme but recommends that additional trees and landscaping should be provided as part of the redesigned internal layout of the northern portion of the scheme to give this space definition and closure.
23. Environment Agency - notes that the applicant states that surface water will be disposed of to mains sewer. They confirm that if this is the case they would have no objections to the proposed development. They state however that if the mains sewer were unable to accept the additional flows they would wish to comment further.
24. It is advised that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. They point out that this approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. They mention that this also offers other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements.
25. They state the first option should be the use of such sustainable drainage methods (SUDS) where they are feasible, can be adopted and are properly maintained and would not lead to any other environmental problems.
26. They consider that a planning application of this scale should incorporate Sustainable Energy Use / Renewable Energy generation principles. They point out that the Government seeks to minimise energy use and pollution and move towards a higher proportion of energy generated from renewable resources. In line with the emerging Regional Spatial Strategy for the North East, the proposed development incorporates



Policies 39 (Sustainable energy Use) and 40 (Renewable Energy Generation). It is considered that to conform to these policies the proposed development should be designed to ensure energy consumption is minimised and meets the EcoHome “very good” or “excellent” rating, or an equivalent Code for Sustainable Homes rating. They also consider the proposed development should have embedded within it a minimum of 10% energy supply from renewable resources.

27. It is recommended that a Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows generated as a result of the development without causing pollution.
28. Northumbrian Water – have not objected to the proposed development but comment that an existing 12 inch water main crosses close to the proposed development site and is shown built over on the application. They state they will not permit a building over or building closer than 4.5m to this apparatus. They have asked that the following conditions be attached:
  - Development shall not commence until a detailed scheme for the diversion of its apparatus or redesign of the proposal to avoid building over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
  - Reason: A public sewer crosses the site and is shown built over on the application. Northumbrian Water will not permit a building over or close to its apparatus.
  - Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
  - Reason: To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 “Development and Flood Risk” and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.
29. In discharging the condition it is advised that the Developer should develop their Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000. Namely Soakaway, Watercourse and finally Sewer.
30. If a sewer is the only option they advise that the Developer should

contact the New Development Team to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

31. District Engineer – considers that from the information he has available, this development should not have any land contamination issues. It is advised, however, that during the development if any suspect materials or substances are discovered these should be investigated for any contamination implications.
32. County Landscape Officer – requests to see the detailed landscaping plans when these have been prepared, but also advises that the tree species will need to be chosen with care, particularly along the Iveston Road frontage where the trees are shown about 2 metres away from the houses. It is advised that root barriers should probably be specified as well. Attention is drawn to the fact that some groups of trees, for example at the front of plot 1 may be too close together. The Officer recommends the following:
  - The tree at the rear of block 35 should be deleted unless it is heavily protected (e.g. with a trip rail) area around it.
  - Three new trees under the existing canopy of the tree at the rear of plot 3 should be reconsidered.
  - The existing trees situated along the boundary of plots 3, 4 and 5 should be protected with fencing before construction starts in accordance with BS 5837:2005.
  - Replacement of proposed native species with a non-native species which may prove more attractive and resilient in the long run.
33. The Coal Authority – advise that the proposed development lies within a coal mining area and in such circumstances applicants should take account of any coal mining related hazards in their proposals. They advise that developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works.
34. Neighbours have been consulted and a site notice posted. Fifteen letters and e-mails of objection have been received from local residents, District and County Councillors, and a petition has been received from twenty nine local residents whose concerns are summarised as follows:
  - Central Government policy and guidance, and DDC policies and guidelines, Acts, Circulars, and Planning Policy Guidance notes have not been taken into full account and should be investigated further.
  - The proposed development conflicts greatly with the inherent objectives and aims of PPG17: Planning for open space, sport and recreation. This document provides certain guidelines and directives for developments on open spaces particular Section 10, sections 1 to 5, section 11 paragraph 1, and section 12,13,16,17. Additionally Annex Definitions on open space Section 1, also section 2, paragraph 5 and section 3, paragraph six.
  - The proposed developments are contrary to expressed meanings

given with Derwentside District Council's own policy statement: General Development Principles (GDP1).

- The site has never been anything other than Greenfield. Although housing can be built on Greenfield sites, given certain circumstances, this is quite obviously not the preferred option.
- There remains certain strategic questions unanswered, such as the prices these homes would be marketed for, what the final percentage of ownership would have been for people wanting to buy their property under the affordable homes scheme.
- The proposed park is not an adequate facility for those currently using this area.
- There is no information on costs incurred for purchasing this covenant or the ensuing cost to have this covenant lifted. This decision should be deferred until all financial information is available.
- The Development Plans are not reflective to the needs of the area in general.
- The proposal does not take into account village design statements, conservation area appraisals and car parking standards.
- There should be further investigations into the impact of the development from statutory and non-statutory agencies (Environment Agency, Highways Authority).
- There has not been adequate assessment of the development by the following interested parties - neighbours, amenity groups, aged community, not only in the Iveston Road area but the surrounding estates.
- No consideration has been given to the overall effect on the area; this includes the character of an area, availability of infrastructure, density, over-development, layout, position, design and external appearance of buildings and landscaping.
- The need to safeguard valuable green areas for play and recreation will be eroded.
- Highway safety issues will exist – such as traffic generation, road capacity, means of access, visibility, car parking and effects on pedestrian and cyclists.
- Public services such as drainage and water supply will be further compromised.
- The development will cause the following problems such as overlooking, loss of light, loss of outlook, loss of view, overshadowing, visual intrusion, noise, disturbance and smell.
- Nature conservation interests – such as protection of local wildlife and trees have not been taken into consideration.
- Public rights of way will be compromised.
- The area has numerous empty properties and also has one of the largest concentrations of one storey properties in the area.
- The development will be seen as another example of squeezing housing into estates rather than developing an overall infrastructure and housing plan for the area.
- There are more than enough affordable houses in the area.
- The land has a covenant placed upon it by the Diocese of Hexham

restricting it to be used for a new church or if not kept as a children's playing area.

- There are plenty of brownfield sites available.
- The site is a children's and adult's recreational area used for sledging, kite flying and dogwalking.
- Lack of infrastructure (Hospitals, Doctors, Schools) to cope with increased population.
- Residents do not want to look at a building site.
- Other sites in the area have stopped building because they cannot sell.
- The land opposite Shafto Close has been used as a pathway for young and old as a shortcut to shops, church, village hall and supermarket and Consett for 33 years.
- The children / elderly do not want any money for swings, slides etc just an open safe place to go and play.
- We were told by the Council that no houses could be built in front of us due to underground mine working.
- How can the Council give Dewentside Homes this land free of charge?
- The area would become overpopulated.
- The development would spoil a beautiful area.
- There are not enough amenities.
- Residents would feel hemmed in by new dwellings, town houses.
- Lack of communication from developers and public consultation.
- There would be impacts upon boundary fence line.
- The length of time the site is likely to remain a building site bearing in mind the current economic climate at a time when housebuilders across the country are cutting back on new development sites.
- Overdevelopment of the area.
- Detrimental affect on the valuation of the surrounding properties.

#### Officer Assessment

35. The acceptability or otherwise of this application rests upon its ability to meet the objectives of national, regional and Local Plan Policies and other material considerations in relation to housing sites, protection of open space, residential amenity, design, transport and sustainability.

#### The principle of the development of this site

36. Current Government guidance in Planning Policy Statement 3 'Housing' prioritises new development to be sited on previously developed land (brownfield), in particular vacant and derelict sites. This site is functional open space grassed land and would not be classed as brownfield but Greenfield, which means that this proposal would be contrary to one of the main key objectives of PPS3. However, it is advised that the primary aim of planning at the national level detailed in PPS3 Housing is to achieve sustainable residential development on sites that are centrally located in settlements with access to a range of

services and facilities with good (public and non-car based) transport links. It is considered that the site is in a suitable and central location in accordance with this guidance.

37. Furthermore PPS3 also states that when determining planning applications Local Planning Authorities should have regard to achieving high quality housing, ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular families and older people, the suitability of a site for housing, including its environmental sustainability, using land effectively and efficiently and ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in and the spatial vision for the area. It is considered that this proposal would provide a good mix of housing as it incorporates both rental and shared ownership bungalows for the elderly, starter homes and family homes, it has been identified that there is a need for such affordable homes in the District in the emerging Strategic Housing Market Assessment. The site is suitable for housing due to its central location, as it has few environmental constraints and is not considered open space of high recreational value.
38. As the site is public open space, PPG17 (Planning for open space, sport and recreation) is also relevant in determining whether this site is acceptable in principle for development. PPG17 states that in considering planning applications relating to open space Local Authorities should weigh any benefits being offered to the community against the loss of open space that would occur. Authorities should avoid any erosion of recreational function and maintain or enhance the character of open spaces, ensure that open spaces do not suffer from increased overlooking, traffic flows or encroachment, protect and enhance the Rights of Way network and consider the impact of any development on biodiversity and nature conservation.
39. Although some open space would be lost, this open space is not considered of recreation high value as it is not a playing field nor is it particularly suitable for sports recreation given the uneven nature of the land. Whilst there would be increased overlooking of the remaining open space, the open space is already significantly overlooked and the increased traffic flow in the area would not be detrimental to the enjoyment of the remaining open space given its location adjacent to a main thoroughfare through a large housing estate in an urban area. The site does not contain any designated public Rights of Way and is not a Site of Nature Conservation Interest or contain any important natural features.
40. The District Local Plan Policy GDP1 also seeks to protect open land which is recognised for its amenity value or the contribution its character makes to an area. The site is used for informal recreation by locals and gives a feeling of space to this estate. Whilst a large amount of open space would be lost as a result of this development, it is considered that

the three sections of open space which are to be retained would still allow sufficient amenity space and provide an open feel to this estate. Members should also bear in mind that there is also other existing open space in the vicinity, a playing field exists 40m to the north west of the site.

41. On balance, whilst it is regrettable that a greenfield site and open space would be lost as a result of this development, it is considered that the development can be justified in this instance and the principle of development of the site is acceptable given that there would be significant benefits to the community from the provision of affordable homes of this nature. Also, the site is not high quality open space, it retains some open space and as there is a significant amount of other open space within close proximity.

#### Residential amenity

42. Local Plan Policy GDP1 seeks to ensure that developments are not detrimental to the amenity of neighbouring occupiers and land users. The proposed development site is surrounded on all sides by existing properties at Iveston Road, Pontop View, Lambton Avenue and Shafto Close. Whilst there are no local policies on distances between houses generally the rule of thumb for distances between existing and proposed housing (gable to front 12.5m) has been complied with and distance between the front of proposed houses and existing houses is appropriate being over 30m. These distances would ensure that there remains adequate privacy and light for existing properties. Whilst the outlook from properties would be affected as several properties would no longer look out onto open space it is considered that with the distances retained between existing and proposed houses, and with the incorporation of landscaped open space and appropriate boundary treatments, that the outlook from these properties would not be poor. It is noted that a number of objectors have objected on the grounds of a loss of view and effect on their property values. Members will be aware that a right to view and property values are not material planning considerations to be taken into account.
43. Local residents have also objected as they are concerned about disturbance during the construction of the proposed houses. It is considered that any nuisance from machinery during construction can be adequately controlled under Environmental Health Legislation. However, if Members are still concerned about this matter, a condition can be attached restricting operational hours during construction to suitable times.

#### Design Issues

44. Local Plan Policy GDP1 aims to ensure that all developments are of a high standard of design, in-keeping with the character and appearance of the area, and that the form, mass, layout, density and materials are

appropriate to the site's location and take into account the site's natural and built features.

45. The design of this housing estate with its mixture of groups of terraced and semi-detached single, two and three storey properties would be in-keeping with the single storey and two storey terraced and semi-detached properties of the area. Whilst the scheme differs in that three storey properties are proposed, these properties would not look incongruous given that they would only be marginally higher than local two storey properties with the third storey making use of the roof space.
46. The layout of the properties, with frontages either facing onto Iveston Road or onto the central area of the proposed estate with small gardens to the front and private space at the rear, would mirror the layout of existing housing within this area and integrate the scheme into the surrounding area of Delves Lane.
47. With regards residential amenity of future occupiers, the layout allows for adequate distances between properties to allow for appropriate privacy, outlook and light and amenity space.
48. The layout shows the majority of parking areas being off-street and to the rear of the properties which is appropriate, as it would allow for attractive frontages.
49. Concerns have been raised by your Officers with regards to the large area of tarmac roadway incorporated within the site which are not considered to be aesthetically pleasing; the lack of connecting footpaths to allow access through the site; lack of landscaping of open spaces and the height of some boundary treatments. These matters have been raised with the applicants, however the applicants were unwilling to alter these details indicating satisfactory refuse collection arrangements, and security for the site in line with Secured by Design objectives referred to by the Durham Constabulary Architectural Liaison Officer. However the applicants have now submitted revised plans breaking up the large expanses of tarmac with different road treatments and the incorporation of small landscaped island features, and have incorporated additional landscaping to improve the scheme.
50. In order to make efficient use of land, PPS3 advises that Local Planning Authorities should aim for a density of 30 dwellings per hectare. The density of this proposed development adheres to these guidelines using the space efficiently whilst still allowing for a spacious feel to the estate.
51. With regards to proposed materials it is considered that the red facing brick and orange / red roof tiles for the properties would not be in keeping with the surrounding properties which are constructed of buff coloured brick with grey tiled roofs. It is also considered that the design could be improved by incorporating windows in visible blank gable ends. These issues have been raised with the applicants who have confirmed

that they would be willing to alter the materials and design in line with Local Planning Authority requirements and this can be ensured by condition.

52. National, Regional and Local Plan Policy GDP1 seek to ensure that housing estates are designed and located to conserve energy and be energy efficient. It is considered that the proposal would comply with level 3 of the Code for sustainable Homes in accordance with Government requirement for social housing. It is noted that the scheme would provide solar panels to the roof of each dwelling and these should be conditioned as part of the permission, and specified as solar cells for water heating as these are a more efficient way, in operation and cost terms, of achieving reductions in emissions. With such conditions it is considered that the design would incorporate adequate energy efficiency measures.

#### Highways Issues

53. In accordance with Local Plan Policy TR2 Housing schemes should incorporate a clearly defined and safe vehicle access and exit and adequate vehicle maneuvering, turning and parking space. The proposal incorporates roads taken from an existing access road and a combination of private and shared parking bays for the properties. A number of changes have had to be made to the original application to meet the requirements of the County Highways Officer. It is acknowledged that objectors have concerns over an increase of traffic and parking in the area, however it is agreed with the Highways Officer that the revised scheme is satisfactory in terms of highway safety and it is not considered that a development of this size in such an urban location would significantly increase traffic onto local roads.
54. With regards to the 'stopping up' of the Highway, the applicant can be advised that work cannot commence until the Highway is stopped up by an Order confirmed by the Secretary of State.

#### Contamination and land stability issues

55. Although there is no history of any land contamination issues it is appropriate to attach a condition to ensure that during the development if any suspect materials or substances are discovered these should be investigated for any contamination implications.
56. Objectors have drawn attention to the possible presence of underground mine workings on site. As the proposed development lies within a coal mining area it would be appropriate to attach an informative advising the Developer to take account any coal mining related hazards in their proposals, as advised by the Coal Authority.

#### Sewage and Surface Water Disposal



57. In accordance with GDP1 housing schemes must incorporate satisfactory drainage measures. It is proposed that surface water will be disposed of to a mains sewer. Northumbrian Water have not objected to this application, however they have advised that conditions should be attached ensuring that plans are submitted diverting their apparatus or revising the development so that it does not cross over their apparatus, and that a detailed scheme for the disposal of surface water drainage be submitted. The Environment Agency have no objections to the proposed development providing the mains sewer is able to accept the additional flows and Northumbrian Water have no such concerns. It is therefore considered that with the incorporation of conditions that satisfactory drainage can be achieved for the site.

#### Affordable Housing

58. At present the Council are preparing an Interim Planning Policy to secure affordable homes but at this point the Council does not have an adopted policy. The entire scheme is to provide thirty five low cost affordable bungalows, starter homes and family homes for rent and shared ownership, and a need for such properties has been identified by the Strategic Housing Market Assessment.
59. Initially limited information with regards to the affordability of the properties was submitted but in response to queries raised the applicant has submitted further information.
60. The applicants have confirmed that the shared ownership scheme will allow residents to purchase 50% of the open market value of each property with a rental charge of 2.75% on the remaining equity. The percentage of shared ownership would remain at 50% for as long as the purchaser chooses, however they would have the opportunity to increase their ownership up to 100% ownership. Upon re-sale of the property the subsequent purchaser would again purchase 50% of the current open market value of the property and pay 2.75% rent on the remaining equity with the option to purchase up 100%.
61. The majority of potential occupiers of the rental and shared ownership properties would be selected in perpetuity from Derwentside Council's waiting list (75%) and the remainder from Derwentside Homes' own waiting list (25%). Any occupants would be assessed as to whether they live in the area, work in the area, have family in the area or care for someone in the area. Potential occupiers of the shared ownership properties would also be subject to further financial checks to ensure they can support a shared ownership mortgage and rent.
62. Shared ownership occupants would purchase the leasehold of the property. This lease would obligate the occupant to contact Derwentside Homes when they wish to sell the property to ensure that the property is allocated to another suitable occupant in need of affordable housing.

### Recreational Public Open Space within Housing Sites

63. Local Plan Policy HO22 states that planning permission for new housing development will be granted if the detailed proposals include sufficient public open space and play areas, in appropriate locations, to meet the needs of residents within the development and that such schemes with open space should be subject to a condition to ensure that the area would be set out and maintained or the developer agrees to make a financial payment in lieu of direct provision where sufficient provision cannot be made on site. The proposed scheme incorporates a large area of open space and two smaller areas of open space in close proximity to the proposed housing scheme to serve the future residents. However, these areas are not proposed to become formal play areas with play equipment. Therefore the applicant has been advised of the requirement to make a financial payment in lieu of direct provision in accordance with policy HO22 of the Local Plan. This requirement can be conditioned, if Members so decide.

### Protection of Rights of Way and Recreational Paths

64. In accordance with Local Plan Policy RE4 development which would directly affect a Public Right of Way, or other recognised or proposed recreational path, will only be permitted if an acceptable and equivalent alternative route is provided. Where possible, recreational paths should be incorporated within schemes rather than diverted. Whilst there are no registered Public Rights of Way within the site, there are several footpaths that run through the site which have been adequately incorporated within the scheme around the periphery of the housing.

### Other Issues

65. Although not a Planning matter, Objectors have mentioned that a Covenant lies on this land restricting development. The applicants have confirmed that the Diocese of Hexham and Newcastle have agreed to the removal of this covenant and they are in the process of agreeing the fee to remove this Covenant.
66. Objectors have mentioned that they are concerned that existing infrastructure including doctors, hospital, and schools would not be able to cope with the increased population. Members should be aware that it is not the Planning Authority's role to restrict development over such matters, as Health and Education Authorities should respond by increasing supply to meet future demand.
67. It is recognised that local residents are concerned that housing developments are being planned whilst the property market is in crisis, which may lead to empty properties and the problems this brings. However, such concerns are not considered relevant to this proposal given that this housing scheme is to provide 100% affordable homes to

exactly the sectors of the population who cannot afford private home ownership in the current economic climate.

### Conclusion

68. On balance, it is regrettable that a greenfield site and open space would be lost as a result of this development, however it is considered that the development can be justified in this instance and the principle of development of the site is acceptable given that there would be significant benefits to the community from the provision of affordable homes of this nature. The site is not high quality open space, it retains some open space, and there is a significant amount of other open space within close proximity. It is considered that the proposed scheme would not be detrimental to existing residential amenity and is of an acceptable design, incorporates adequate highway safety measures and parking. Conditions can ensure appropriate drainage and landscaping for the site.
69. As the development would not fully comply with local and national Planning policy, if Members are minded to approved the application, the application would need to be advertised as a Departure and referred to the Government Office for the North East.

### Recommendation

70. That in accordance with the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, the application be referred to the Government Office for the North East with a recommendation that it be **MINDED TO APPROVE**, subject to the following conditions:
- Standard time limit (ST).
  - Approved Plans (ST01).
  - Amended plans 6<sup>th</sup> August 2008 (GO4).
  - Materials (A04).
  - Details of treatments of blank gable end shall be submitted to, and approved in writing by, the Local Planning Authority before the development commences.  
Reason: In the interests of the character and appearance of the development in accordance with Policy GDP1 of the Local Plan.
  - The parking spaces shown on the approved plan shall be constructed and made available for use before the dwellings they serve are occupied.  
Reason: In the interest of highway safety in accordance with Policy TR2 of the Local Plan.
  - If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed with the Local Planning Authority) shall be carried out until the developer has investigated the site for any contamination implications and submitted its findings and method for dealing with any contamination to the Local Planning Authority

fro approval.

Reason: To protect human health and the environment by ensuring effective remediation in accordance with Policy EN27 of the Local Plan.

- Foul drainage (D03).
- Removal of permitted development rights (PD01).
- Legal agreement for the off-site play provision contribution (LG01).
- Landscaping (L01).
- Vehicular access (R05).
- Solar panels shall be installed to the roof of each dwelling and shall be solar cells for water heating.

Reason: In order to reduce emissions and incorporate adequate energy efficient measures in accordance with Local Plan Policy GDP1 of the Local Plan.

- Development shall not commence until a detailed scheme for the diversion of its apparatus or redesign of the proposal to avoid building over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason: A public sewer crosses the site and is shown built over on the application. Northumbrian Water will not permit a building over or close to its apparatus.

- Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason: To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

#### Reason for Approval

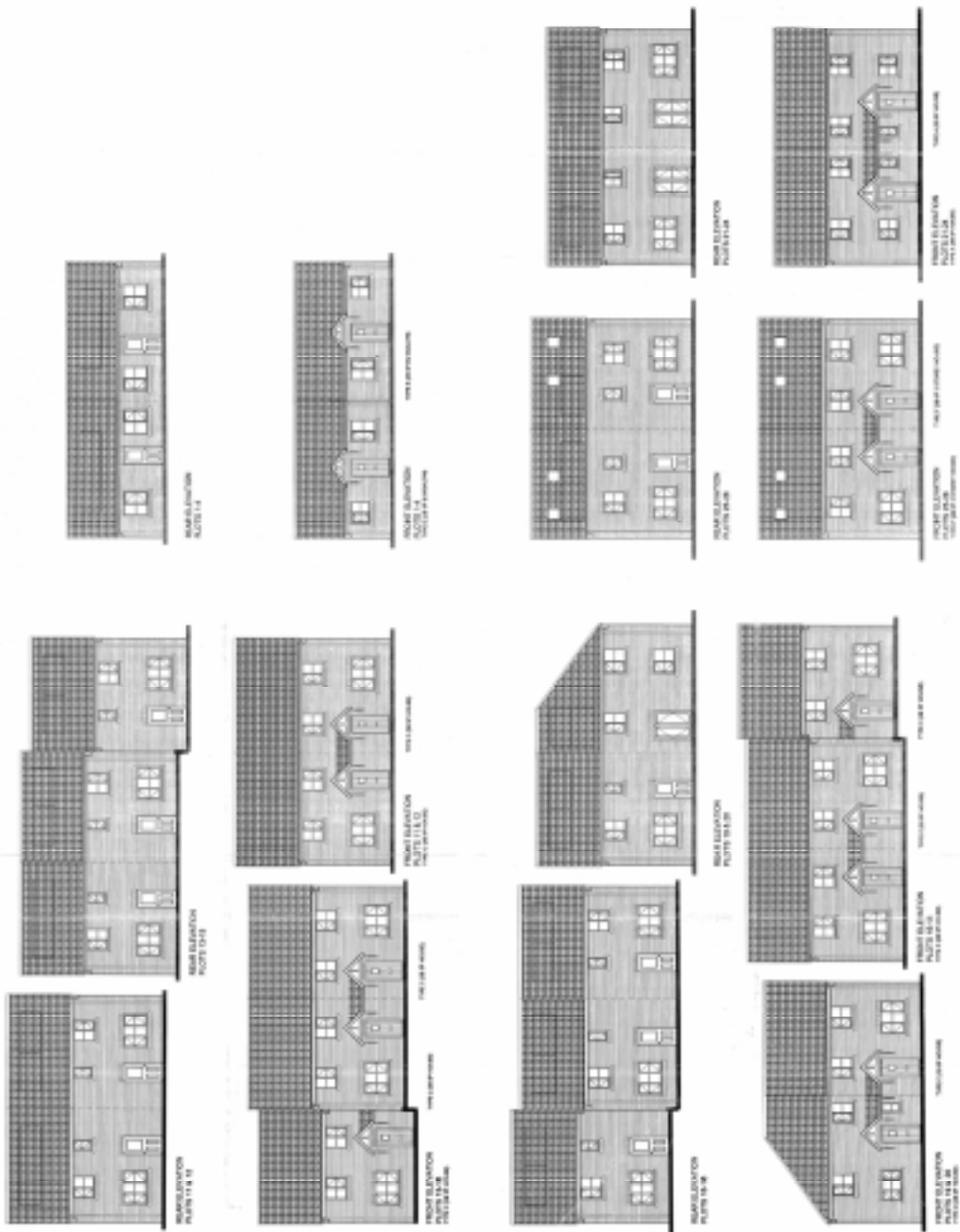
71. Whilst a greenfield site, and open space would be lost as a result of this development, it is considered that a departure from both national and local policy can be justified in this instance and the principle of development of the site is acceptable given that there would be significant benefits to the community from the provision of affordable homes of this nature and as the site is not high quality open space, retains adequate open space and there is a significant amount of other open space within close proximity. It is considered that the proposed scheme would not be detrimental to existing residential amenity and is of

an acceptable design and incorporates adequate highway safety measures and parking. Conditions can ensure appropriate drainage and landscaping for the site.

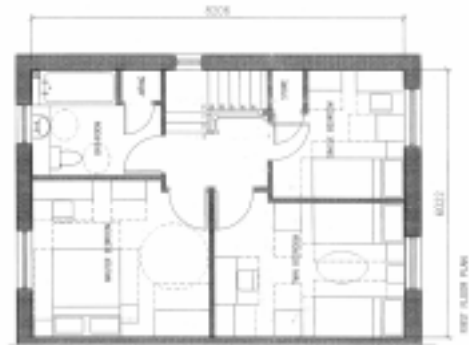
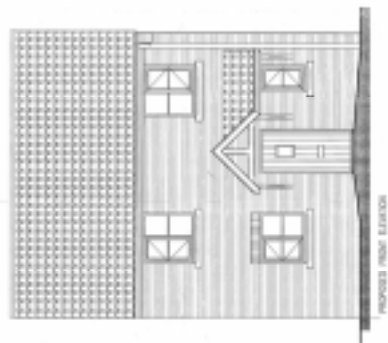
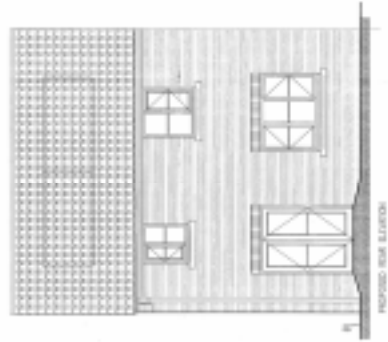
Report prepared by Louisa Ollivere, Area Planning Officer.



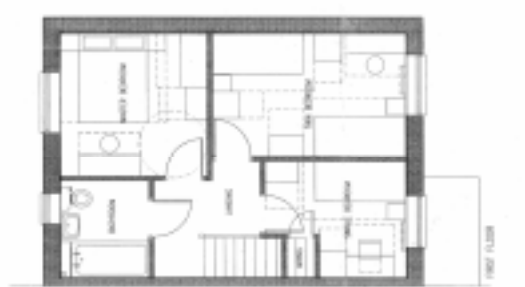
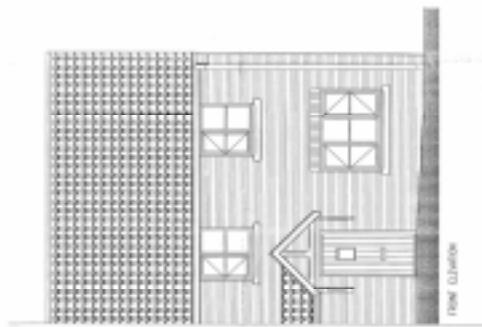
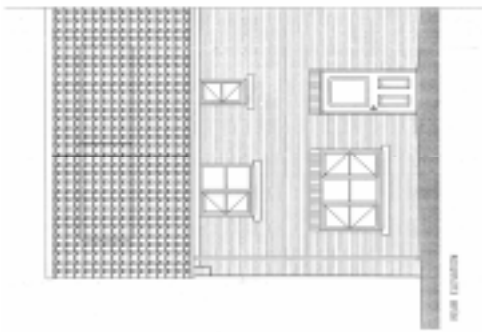
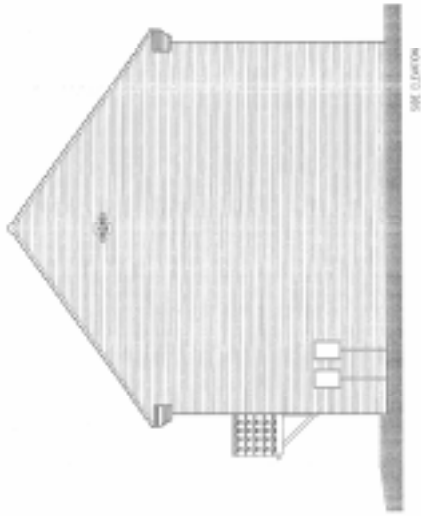
STREET ELEVATIONS

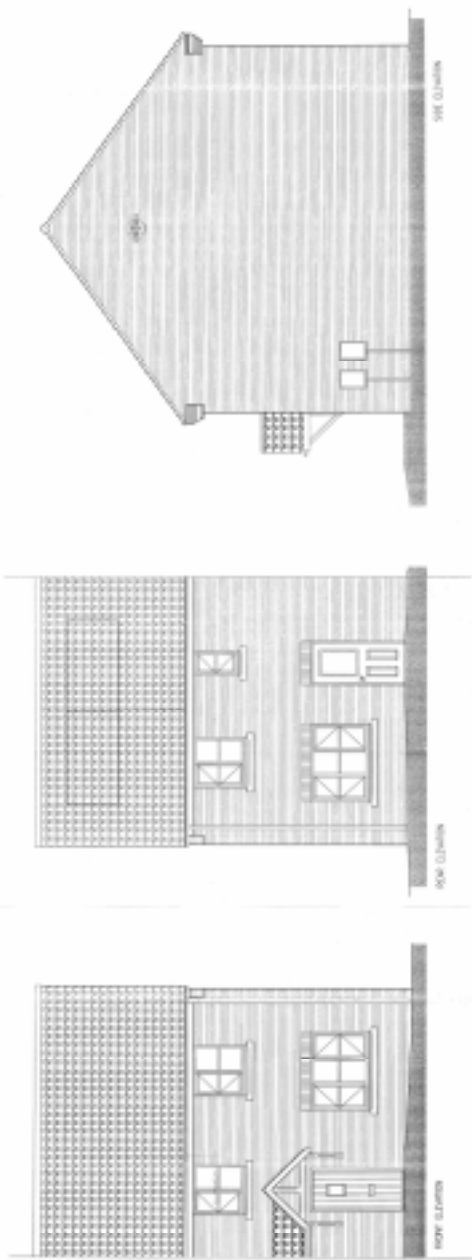


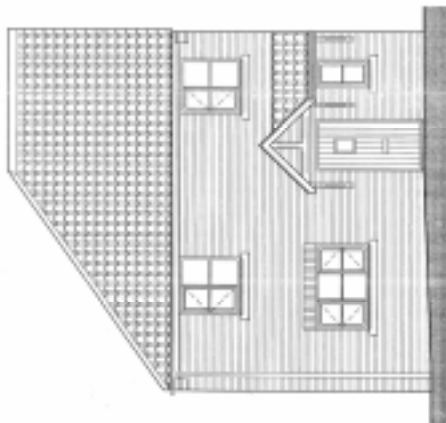
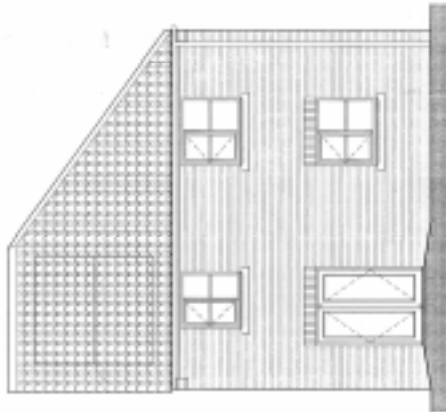
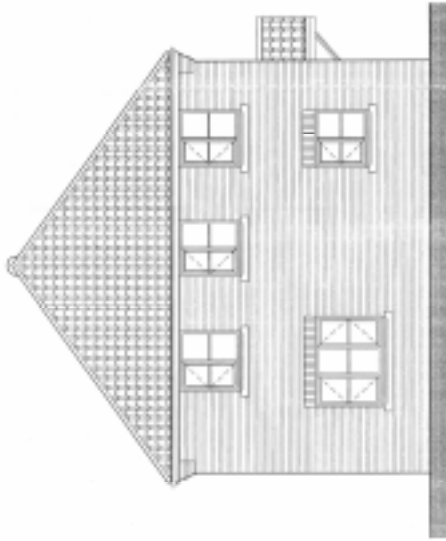
**STREET ELEVATIONS**

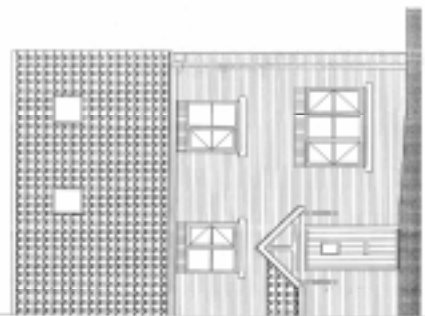
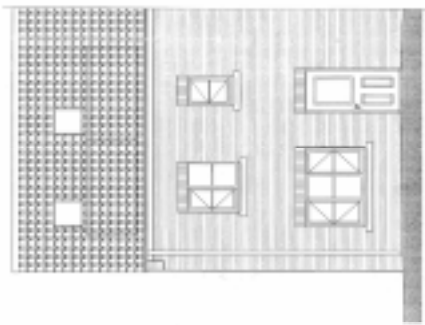
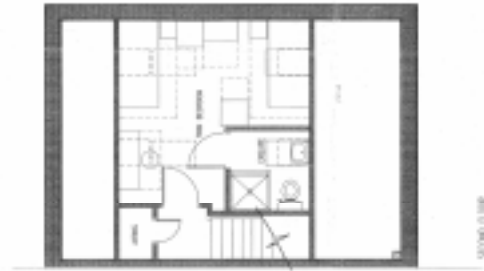
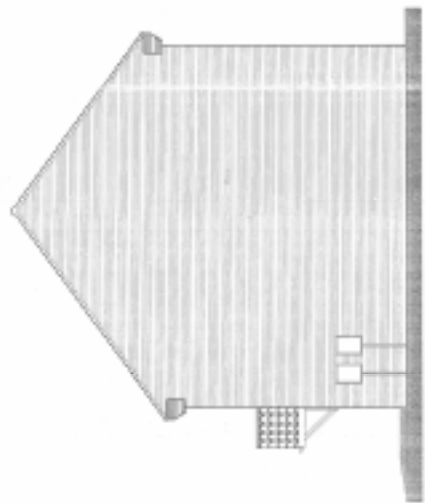


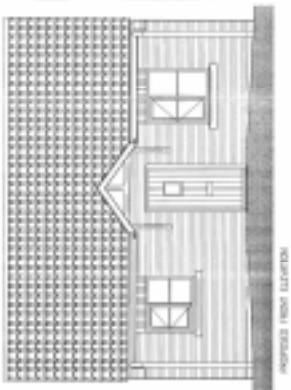
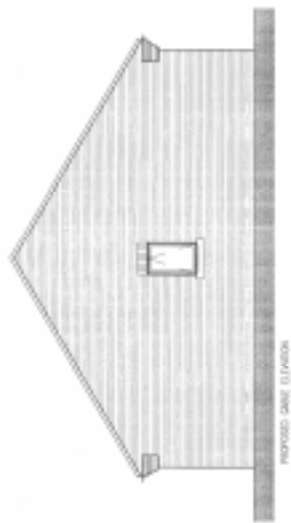
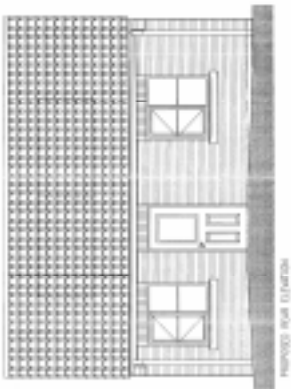


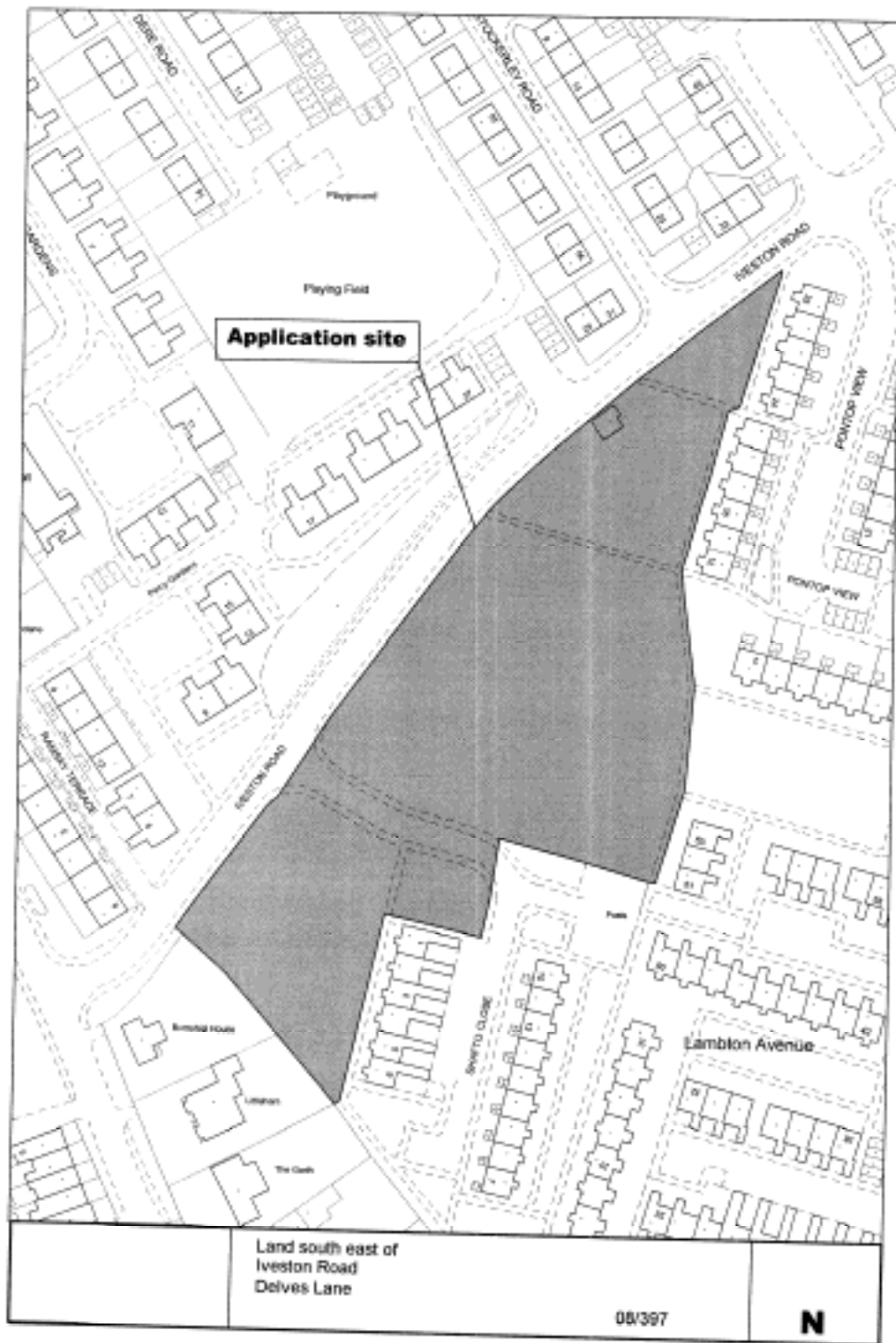


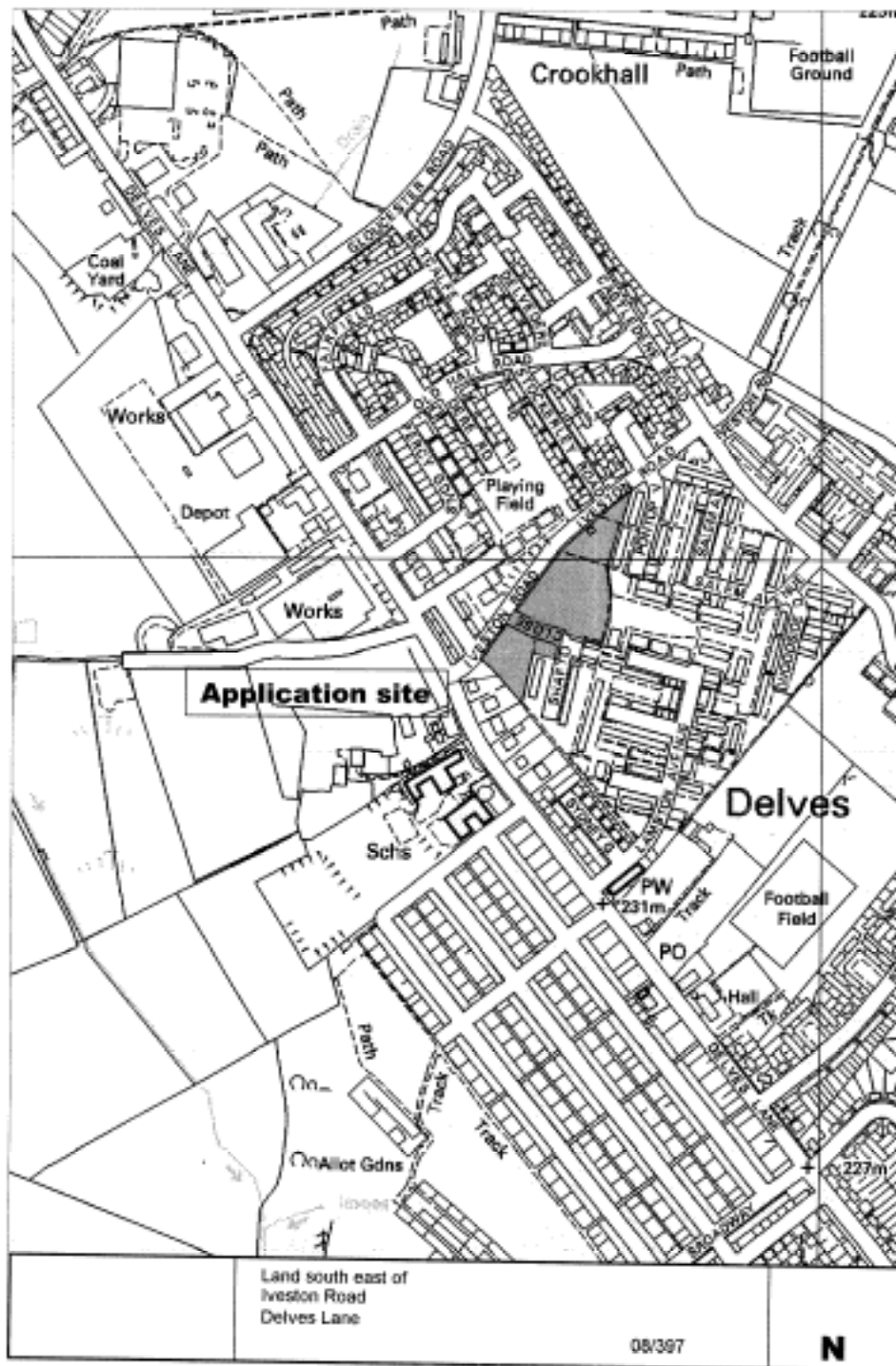
















## RECOMMENDATION FOR APPROVAL

08/0472

19/06/08

Mr A Bradford

Knitsley Mill, Knitsley, Consett  
County Durham

Erection of marquee to be used  
from April - September annually  
for the use of weddings,  
christenings, conferences and  
school promenades

Castleside Ward

### The Application

1. The application is to reconsider the permission for a marquee which was granted temporary planning permission (1/2007/0440) in July 2007. That permission required the use to be discontinued on or before 30<sup>th</sup> September 2007.

### History

2. An application was approved on 10/05/96 for the creation of a third trout lake, 9 hole golf course, clubhouse etc. (reference 1/1995/1569/DM).
3. An application for the removal of Condition 18 on planning permission 1/1995/1569/DM restricting the use of the clubhouse to Members and Guests only was granted conditionally following completion of Section 106 Agreement requiring the clubhouse not to be sold separate from the rest of the site, and not to be used as public house (reference 1/2000/0309/DM)
4. Temporary Planning Permission was granted for the proposed erection of marquee (Retrospective) on 11/07/07 (reference 1/2007/0440/DM). The marquee is still on site, not having been removed as was required under the above temporary permission which expired 29 September 2007.

### Policy

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

EN01	Protecting the Countryside
GDP1	GDP1 - General Development Principles
TR02	Development and highway safety

## Consultations

6. County Highways Development Control Officer – notes that while the Events Marquee was present at the time of the last application, August 2007, this is the first planning application received for it. He states that he is not aware of it having been taken down over the winter. He points out that a piece from the press alludes to its continued presence and popularity over the last year. He questions whether its capacity is 300 as cited, for events such as weddings, which can run concurrently with the other uses at or near the site, and considers it quite feasible for tarmaced parking supply on the site to exceed demand. Accordingly, he has concerns over there being no reference in the planning application to the land referred to in Condition No. 17 from the 07/0396 approval. He notes that the Applicant refers to there being adequate parking in a field, though the location of this field is not shown in order that an assessment could be made regarding the additional parking theoretically available. Until this matter is addressed he recommends that the application is not determined.
7. Scientific Officer Environmental Protection – notes that although the site is in a fairly remote rural location there are several nearby sensitive receptors, including the guest accommodation on site. He points out that the applicant wishes to use the marquee for entertainment purposes from 11:00hrs to 23:00hrs, seven days a week from April to September. No information has been provided as to any methods of noise control in order to prevent any nuisance being caused to sensitive receptors.
8. The Scientific Officer points out that whilst he is not aware of any complaints that have been made to Environmental Health relating to noise from the Old Mill, he is aware that the Old Mill itself has received at least one complaint relating to an event held in the marquee recently. The concern would be that should planning permission be granted the character of the area will be significantly changed as the applicant could effectively have live bands on seven nights per week which could lead to complaints.
9. He points out that in the past, Environmental Health has invested a great deal of time and effort resolving complaints concerning noise from other types of leisure activities within the vicinity of the Old Mill, which were of a more limited nature to this proposal.
10. He recommends that, should Members be minded to grant planning permission, they consider asking for the applicant to provide details of a suitable noise control scheme, which should be agreed by Environmental Health, before planning permission be granted. This would be in the interest of nearby sensitive receptors.
11. He also recommends that the application is discussed with the Licensing Division as there may be implications relating to the Old Mill's current

licence.

12. Neighbours have been consulted and a site notice posted – one letter stating that the writer has ‘no disagreeable comments to make’ has been received.
13. Four letters of objection (one of them anonymous) have been received, raising the following issues:
  - Residents believed it was to be a temporary structure, however permanent paving has been laid.
  - Noise disturbance – music has been heard frequently late into the night / past midnight, and traffic noise has continued past 1am. Noise will disturb the peace in gardens through the summer, noise can be heard inside home (even with windows shut).
  - Increased traffic on semi rural Butsfield Lane which has no traffic calming. Its lower half has no pavement and a cycle path cuts across it. Concerns regarding highway safety due to heavy increased traffic and its speed.
  - Marquee is ugly, not in keeping with beauty of surroundings and is obtrusive.
  - Trees adjacent to it are struggling for space.
  - Disturbance to wildlife during breeding/rearing season.
  - Additional impact when combined with holiday lets and estate manager’s accommodation already approved.
  - Can’t understand how residents haven’t been consulted before about it.
  - It is unnecessary and unfair to the residents.
  - Shortage of parking causing grass to be churned up outside a resident’s house.
  - Had no objection to the original consent for a golf course.
  - There are plenty of pubs in the area.

#### Officer Assessment

14. The applicant wishes to be able to be able to erect a marquee annually between April and September. It would be used seven days a week for weddings, christenings, conferences and school proms, the intended hours of operation being 11am to 11pm.
15. The proposal is employment generating and would result in the creation of three additional full time and three additional part time employees (as compared with ten full time and eleven part time as at present).
16. The white coloured PVC marquee measuring 15.24m x 12.2m has already been erected on the site (it having been there since the previous temporary approval granted in July 2007). There are 54 parking and 6 disabled parking spaces adjacent to the site. In addition, the applicant has a field behind the marquee which can be used for overflow parking.

This field has recently been included in the application's red line boundary.

17. The site lies within an Area of High Landscape Value and therefore its impact on this visually must be taken into account. Policy EN6 permits development in such areas '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'.
18. The positioning of the marquee and its overflow parking area in the field to the rear is such that these are only barely visible from outside the application site. Thus, the location is acceptable in this context and it is not considered that the proposal has a sufficient adverse impact on the Area of High Landscape Value to warrant refusal.
19. Policy EN1 states that 'Development in the countryside will only be permitted where it benefits the rural economy or helps to maintain or enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources of the area'. It is considered that this application would benefit the rural economy through the seven additional jobs created. The landscape is not harmed by the marquee's presence and nor are the other criteria with which this policy is concerned.
20. Policy GDP1 states that the proposed development should not adversely affect the landscape, wildlife habitats, etc. Criteria H of this Policy refers to the protection of the amenities of neighbouring occupiers and land users. Potential nuisance to occupiers can take several forms, the relevant ones here being parking and noise.
21. With regard to parking, as there is adequate parking on the site there should not be parking on roads in the vicinity. It is appropriate to insert a condition requiring the parking in the field to be available at all times that the marquee is in use. Should parking then occur outside the site that would be outwith the control of the applicant. In terms of traffic noise, providing the specified hours of operation are observed by the applicant there should not be a particular problem with regard to this issue.
22. Noise is the most crucial concern here. Objection letters have been received showing that music has been experienced beyond midnight. Again, providing the applicant observes the specified hours of operation, this should not happen. In addition, as the PVC fabric walls of the marquee will not prevent noise from passing to the outside world, a condition will be necessary to agree a noise control scheme to prevent undue noise emanating from the site.
23. It is considered that amenity protection can be achieved by the imposition of conditions regarding the noise control and the annual removal of the structure between the inclusive months of March and October.

24. Policy TR2 refers to development and highway safety. The scheme is held to meet the relevant measures listed in this Policy, including safe access, servicing and access for emergency vehicles. There is adequate parking space available taking into account the immediately adjacent tarmaced parking area and the provision of overflow parking in the field behind the marquee which is accessible through a gate.
25. Objectors are concerned about increased traffic, however this should not be an undue concern given that events will be occasional and that traffic leaving an event should disperse gradually. Observance of speed limits is not a material planning consideration.

### Conclusion

26. The proposal is acceptable as a venue catering for occasional events as specified. Providing the events are held as detailed in the application and are not stretched to include e.g. pop concerts, etc., there should be no overriding problem providing that the scheme is appropriately conditioned. The imposition of conditions controlling noise and ensuring the availability of the overflow parking are essential in order to minimise nuisance outside the site. Finally, a condition to restrict the approval for a further temporary period is advisable in case unacceptable nuisance occurs. However, given the level of investment involved in this project, that should be for a reasonable minimum period of 3 years.

### Recommendation

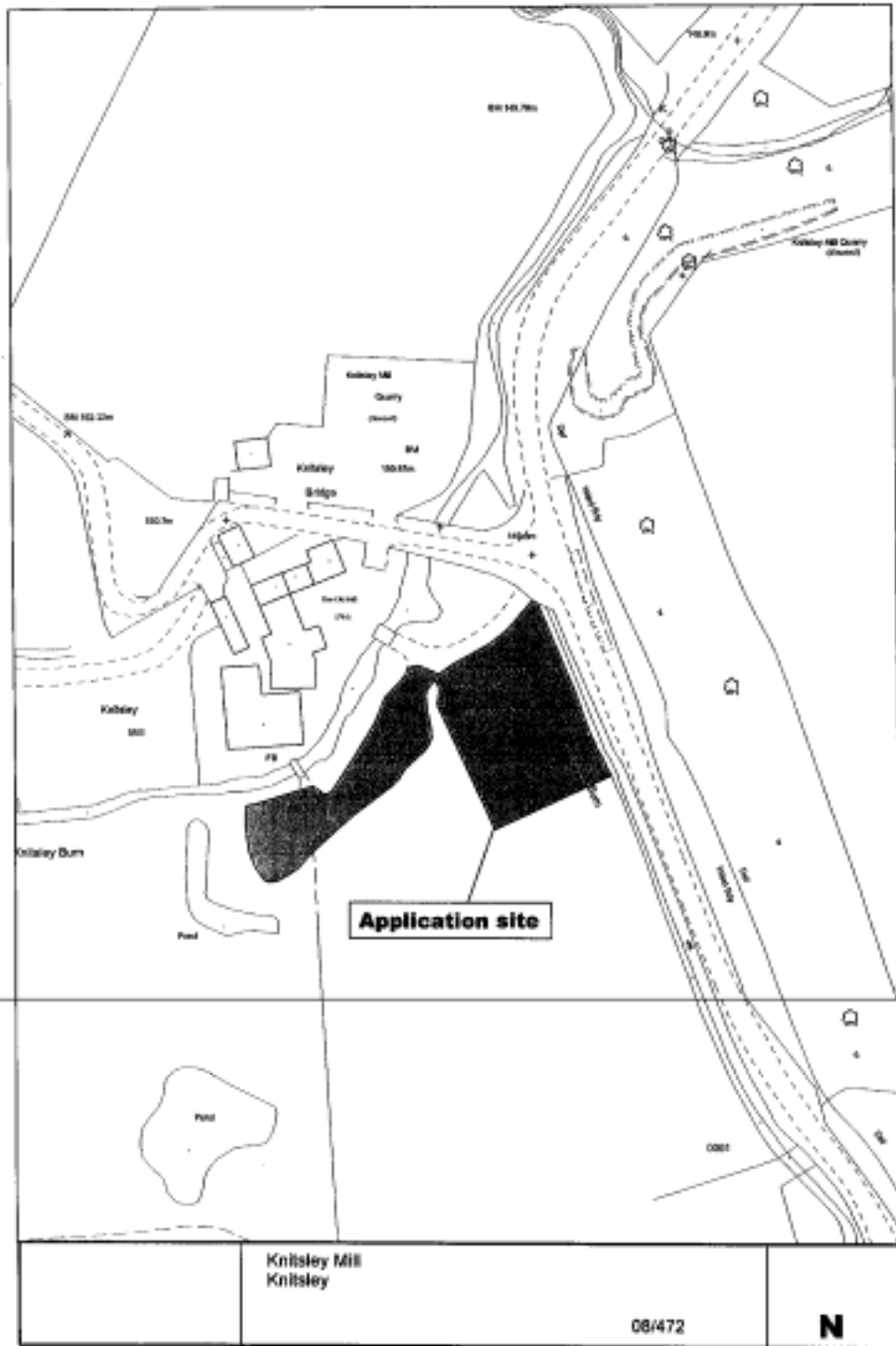
27. Conditional Permission
  - Standard time limit (ST).
  - Approved plans (ST01).
  - Temporary permission (TP01 – 3 years and reason c - to enable the Local Planning Authority to review the acceptability of the proposal.
  - The overflow parking area in the field at the rear of the marquee shall be kept open and available at all times when the marquee is in use.
  - Reason: In order to ensure that there is adequate parking available within the site in the interests of highway safety.
  - Within one month of the date of this permission or other such time period as may be agreed in writing with the Local Planning Authority details of a noise reduction scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, within six weeks of the date of this permission, unless otherwise agreed in writing with the Local Planning Authority. The approved noise reduction measures shall be operational at all times when the marquee is in use.
  - Reason- In order to ensure that nearby sensitive noise receptors are not adversely affected by noise in accordance with Policy GDP1

- of the Local Plan.
- The marquee shall not be used outside of the hours 11.00 am and 11.30 pm unless the prior written permission of the Local Planning Authority has been received.
  - Reason- In the interests of the amenity of the area and in accordance with Policy GDP1 of the Local Plan.
  - The marquee shall be removed from the site between the months of September and April of each year.
  - Reason- In accordance with the details of the submitted application and in the interests of the amenities of the Area of High Landscape Value in which it is situated.

Reason for Approval

28. All matters have been considered, but there are none, taken together or individually, that would warrant refusal. The proposal is in accordance with policies GDP1, EN03, EN06 and TR02 of the Derwentside District Local Plan.

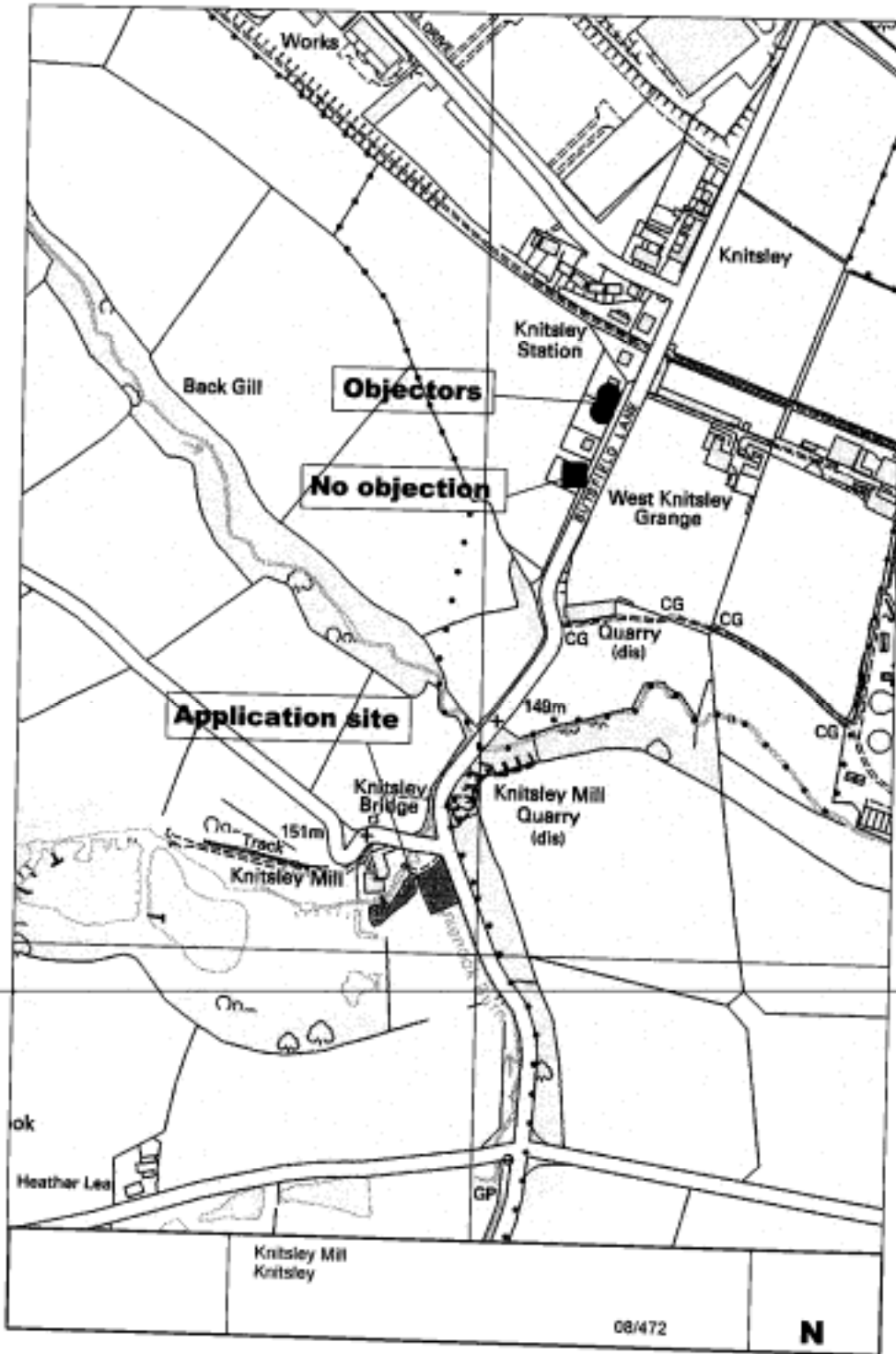
Report Prepared by Mike Hemsall, Senior Area Planning Officer



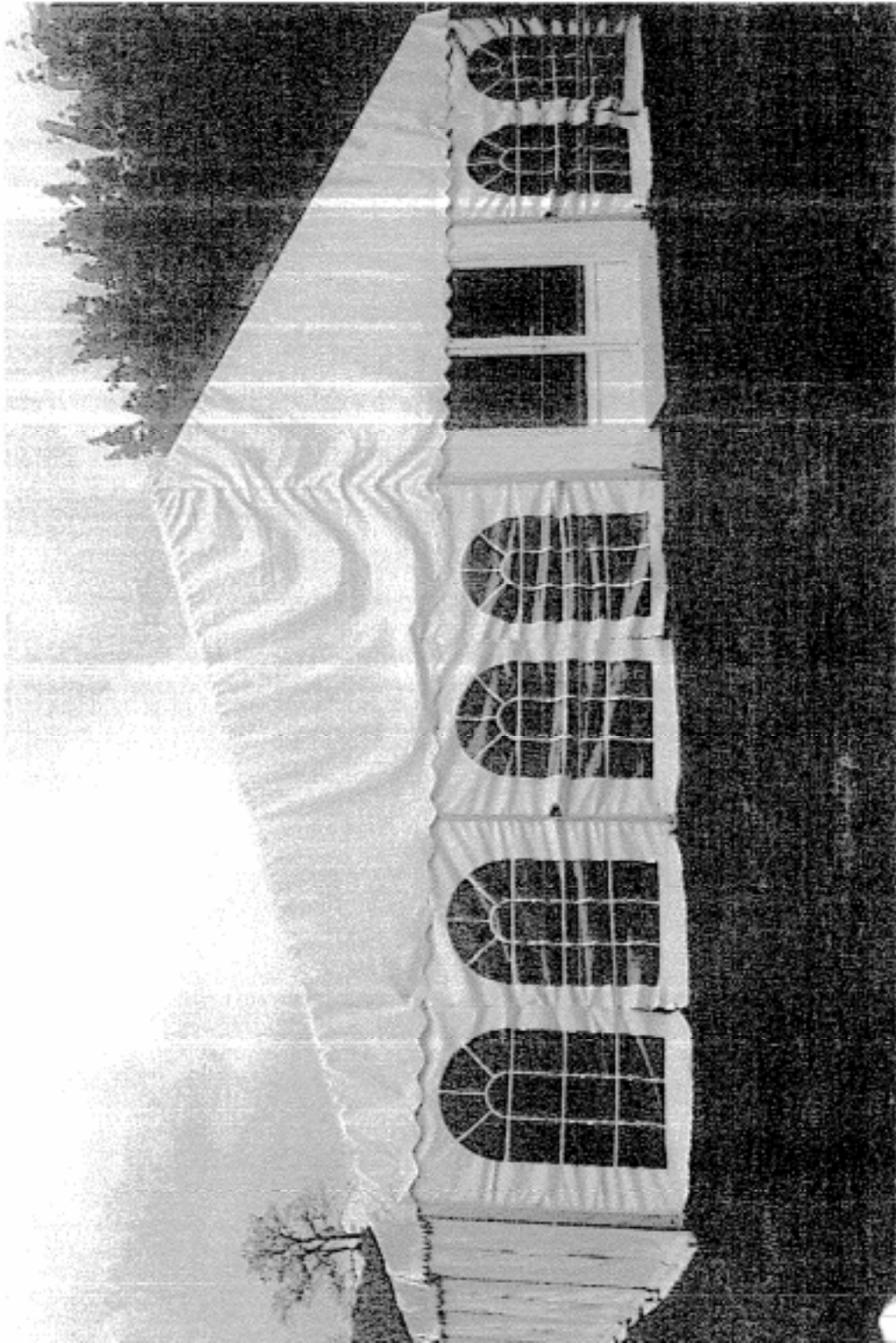
Knitsley Mill  
Knitsley

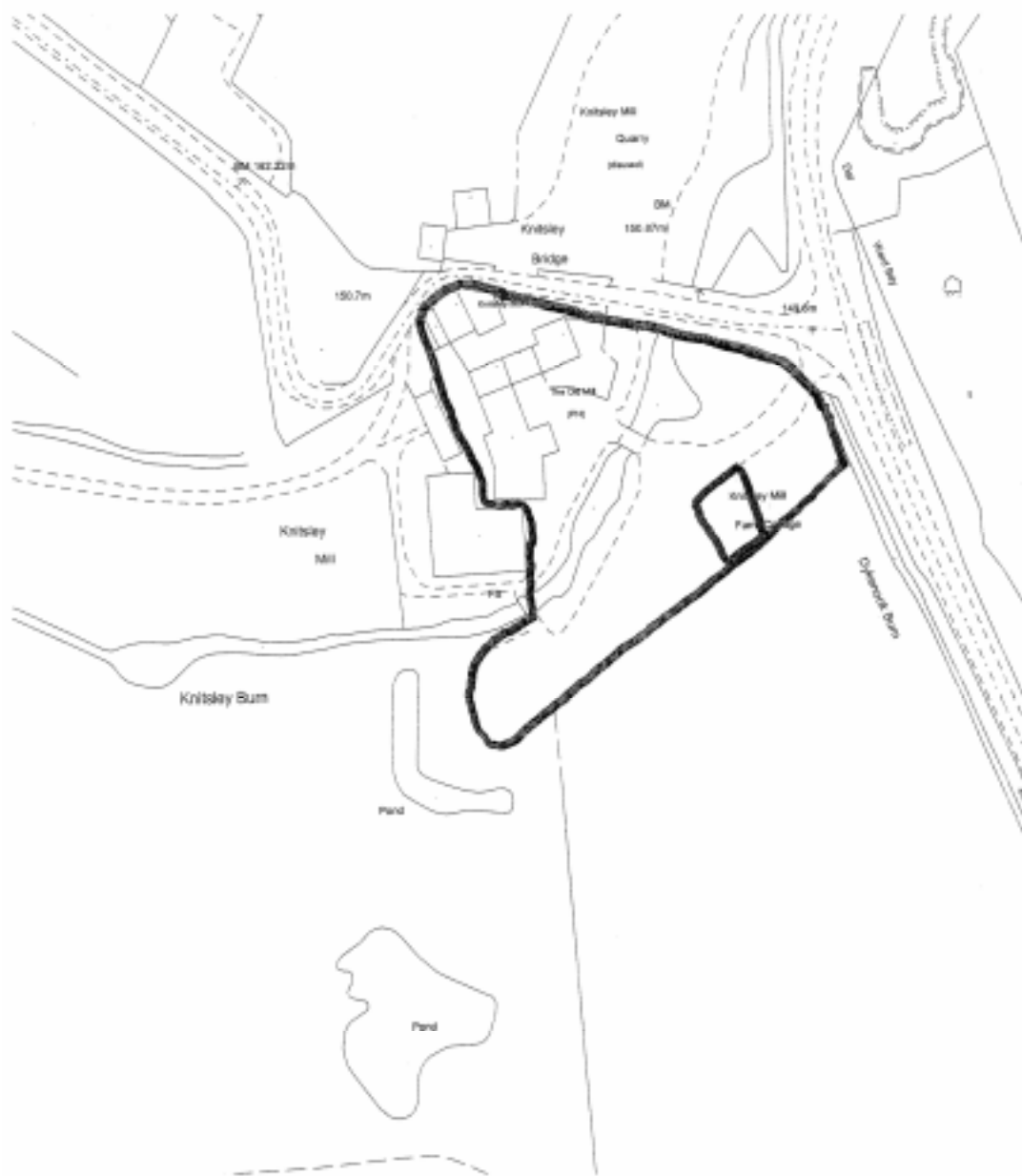
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**N**









## RECOMMENDATION FOR APPROVAL

08/0406

15/07/08

Derwentside Council and  
Derwentside Homes

Land to the rear of 69-83  
Castledene Road, Delves  
Lane, Consett

Erection of nine, two storey,  
three-bedroom dwellings

Delves Lane Ward

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### The Application

1. Planning Permission is sought for the erection of nine, two storey, three-bedroom dwellings on land to the rear of Castledene Road, Delves Lane, Consett.
2. The site is on the edge of the built up area of the settlement. Blocks of garages formerly occupied the site, and it is understood these were demolished around 15 years ago. Although the site has largely grassed over, it is difficult to determine whether the site should be regarded as greenfield land as some infrastructure and urban features remain discernable on the site.
3. The homes would be built as affordable / social housing and as such would need to comply with Level 3 of the Code for Sustainable Homes. Solar panels are proposed for the dwellings, which would help the units achieve reductions in non-renewable energy consumption.

### History

4. There is no relevant planning history relating to the site.

### Policy

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

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

### Consultations

6. Highways Section (DCC) - the Officer recommended deleting one of the car parking spaces to the front of one of the proposed dwellings as it was of substandard length. The applicant has rectified this and submitted an

amended plan.

7. The Officer also notes that Derwentside Council requested tightening of the Iveston Road junction entry radius to 6m, has been shown and will permit a slightly larger area of landscaping / garden than would otherwise be the case. He also advises that a minimum 0.5m hard-paved service margin, abutting the northern carriageway edge, must be provided for the road to be of adoptable standard.
8. Northumbrian Water - suggest conditioning the grant of Planning Permission to ensure correct diversion of its apparatus.
9. Rights of Way Officer (DCC) - the Officer confirmed there are no registered Public Rights of Way directly affected by the proposals. A Public Byway (No.38) does lie past the entrance to the proposed site and the Developer of the site must be made aware of their obligations to ensure this is not blocked, damaged or diminished in any way and to ensure the safety of members of the public using the public Right of Way.
10. He also observed from visiting the site and from aerial photographs that there are several trodden but unregistered paths which cross site. However he has no evidence of the public's use of these routes.
11. Landscape Section (DCC) - the Officer states he is not concerned about the loss of the trees numbered 1 and 2 on the Arboricultural Report prepared by Barry Anderson Environmental Biologists, but is of the opinion that three significant trees are protected in accordance with BS 5837:2005, as detailed in the report.
12. He also notes that while the proposed use of native species for low ground cover is a laudable aspiration, it is unnecessarily restrictive in this setting where non-native species may prove more attractive and resilient in the long run. The Officer would like to see the detailed landscaping proposals when they have been prepared.
13. Environment Agency - has no objection to the proposed development.
14. Neighbours have been consulted and a site notice posted. A total of four letters of objection have been received. A letter from Councillor McElhone appended four letters that he had received in early 2008 in response to the consultation exercise for both the Castledene Road site and the Iveston Road site (also being considered by this Committee). The comments are summarised as follows:
  - The proposed development would block views for some residents of Castledene Road and lower the value of these houses.
  - The proposed development would have an impact on wildlife in the area.
  - The proposed buildings would come past the rear of an existing garden.
  - The development would cause a fire risk to existing properties on Castledene Road as there would be no access to the rear of the properties.

- Various applications for Planning Permission to put in access roads, construct a brick garage and use the land for grazing sheep have been refused in the past.
- Some properties have enjoyed access to the rear gardens for many years and this would be lost as a result of the proposed development.
- Castledene Road is a busy thoroughfare at the best of times and the mini-roundabout at Delves Club is an accident 'blackspot'.
- It is questioned whether Delves Lane possesses the necessary infrastructure to support an increase in population.
- Many new houses have been built in Consett and the surrounding area in the last 10-15 years and it is questioned if there is a need for further homes.
- Derwentside Homes should not be given the land for free but should pay market rates.
- The proposed development conflicts with the aims of Planning Policy Statement 17: Planning for Open Space, Sport and Recreation.
- The proposed development is contrary to Policy GDP1 of the Local Plan.
- The site is greenfield land and although housing can be built on such land there is a preference to build on brownfield sites - the proposal is therefore contrary to both the Government's and Derwentside District Council's housing development policy.
- It is understood there are further sites being considered for affordable schemes; how many of these sites are brownfield and therefore more appropriate for new housing? Why are the Castledene Road and Iveston Road sites being brought forward for development when there are sites in Stanley?
- It is not certain how the affordable scheme would operate for the proposed dwellings in terms of cost of units and ownership ratios. It is understood that purchasers would only own a small percentage of the property with the rest owned by Derwentside Homes and rented to the occupant. Occupants should be able to buy the property outright instead of it being tied indefinitely to a housing corporation who continues to receive a profit building long after it should have been paid for.

#### Officer Assessment

15. The main issue to consider in relation to this application are the acceptability in principle of developing the site for residential purposes, the quality of the scheme in terms of design and layout, whether the scheme would have a detrimental impact upon neighbouring amenity, and, impact on the landscape.

#### The Principle of the Development

16. Planning guidance at the national level (PPS3: Housing) aims to achieve sustainable residential development on sites that are centrally located and in settlements with access to a range of services and facilities with good (public and non-car based) transport links. There is a general preference in favour of developing brownfield land in advance of greenfield land where

practicable, though the primary goal is that sites are sustainable and in central locations.

17. The preamble to Policy HO5 of the Local Plan echoes PPS3 and states that new housing should be built in sustainable locations where people have easy access to a range of facilities. Additionally, the development should not extend beyond the existing built up area of the settlement or encroach into the open countryside in accordance with Policy EN1 of the Local Plan.
18. The site has been previously developed and was occupied by garages until around 15 years ago. While the site has largely grassed over since the garages were demolished, some infrastructure remains on the site and it could be argued the site does not resemble the more natural surroundings adjacent to the site. As such it is difficult to determine if the site would be regarded as greenfield or brownfield land.
19. The site is located on the edge of the built up area of Delves Lane. It is regarded as being located within the built up area of the settlement. The site was developed at the same time as the dwellings on Castledene Road and helped define the edge of the settlement, and this remains evident on site given its appearance and the remnants of previous development on the land.
20. One objector suggests the proposed development is contrary to PPS17, which establishes planning policy in relation to open space provision. One of the stipulations of PPS17 is for Councils to prepare an Open Space Strategy. The Open Space Strategy (unadopted) for Derwentside does not include the application site, and while this does not necessarily preclude any amenity value of the land, it must be appreciated that there is good access to large areas of functional open space in the local area.
21. The proposed development would provide nine affordable dwellings, either for rent or for shared ownership. Given the current uncertainty of the housing market, it has not yet been decided whether the properties would be for rent or shared ownership. It is understood the shared ownership model would allow occupants to purchase the property outright after one year of occupancy, while the cost of purchasing a share in the property and renting the remaining share would be significantly below market rates for an equivalent mortgage on the property. If the dwellings were to be rented this would allow the properties to remain affordable in perpetuity.
22. The scheme would help address the significant shortage of affordable properties in the District that has been highlighted in the emerging Strategic Housing Market Assessment. Objectors questioned the logic of locating new homes in the Consett area, whether there are enough services and facilities to serve them, and the acceptability of transferring the land to Derwentside Homes free of charge. In relation to these concerns: the emerging Strategic Housing Market Assessment shows the lack of affordable homes is a District-wide issue and as such there is a need for such homes in the Consett area; in the absence of any evidence to the contrary, the Planning Division is not aware of any infrastructure deficiencies, while locating the

dwellings in the Consett area will ensure good access to services; the transfer of the land to Derwentside Homes is a strategic corporate issue that cannot be considered material to this application.

### Design and layout

23. Local Plan Policy HO5 states that housing development on small sites should only be permitted where the development is appropriate to the existing pattern and form of development in the settlement. PPS3 promotes residential development that is well-connected to facilities, public-transport and open space and makes efficient use of land.
24. The site measures approximately a quarter of a hectare and is triangular in plan form. It is felt the proposed layout makes efficient use of the land given the constraints of the size and shape of the site, while it also affords sufficient privacy for neighbouring properties.
25. Three dwellings would be built to the east of no. 67 Iveston Road, continuing the building line and creating an outward-looking, 'active' entrance to the scheme. This improves levels of passive surveillance, which increases security, while also improving the appearance of the scheme. The proposed plans show a 2metre high close-boarded fence to the side and rear garden of plot 3. It is felt this feature would have a negative impact on the appearance of the scheme and create an unnecessary narrow alley to the site of plot 3. A condition should be attached to the grant of permission to agree a more appropriate method of enclosure.
26. A further six dwellings would be located on the remaining portion of the site, with a block of four semi-detached dwellings facing the open fields to the east, and two detached dwellings located in the northern corner of the site. A new access road, taken off a narrowed junction at Iveston Road, would serve these units. The Highways Officer recommends a service margin be provided along the northern edge of the access road, adjacent to the open fields to the east, to ensure the carriageway is of adoptable standard. The Officer also recommended removing a car parking space to the front of proposed plot 2 on Iveston Road due to it being of substandard length. An amended plan has been submitted showing the removal of the parking space and a service margin as requested by the Highways Officer. Three visitor car parking spaces would be provided on the site.
27. The dwellings would be of a relatively standard design, with simple detailing to elevations beyond an entrance canopy above the front door. The dwellings would feature three bedrooms and be two storeys in height. The submitted plans show orange / red tiles to roofs and a mixed palette of brickwork for external walls. Existing dwellings adjacent to the site have grey roof tiles, which reduces their visual impact in the landscape; a condition will be placed on the grant of permission to ensure grey tiles are used for the proposed scheme.
28. The proposed development would feature solar panels to the roofs of each

dwelling to provide on-site renewable energy generation to heat water. In addition to this, dwellings would be built to conform to Level 3 of the Code for Sustainable Homes. This would mean the dwellings would need to achieve a 22% reduction of carbon emissions above those required by current Building Regulations via a mixture of renewable technologies and improved insulation. In addition to this the dwellings would incorporate better water management in the form of recycling rainwater, water-saving fittings and careful design of water discharge from the site. A shed for storing cycles would also be provided to each dwelling, according with Durham County Council Accessibility and Parking Guidelines.

#### Potential for Impact Upon Neighbours

29. Objectors commented that the scheme would block views from properties on Castledene Road and, as such, reduce the value of these properties. While these concerns are not without merit, neither issue can be considered as material to this application in planning terms. The proposed scheme would not have an overbearing impact on the existing properties, while there are several gaps between the dwellings of the proposed scheme to allow reduced views from most existing dwellings.
30. Objectors note access to the rear of nos. 67 and 69 Castledene Road would be removed as a result of the development. Negotiations with the Architects revealed that Nos. 67 and 69 Castledene Road do not have formal right of way to the area of land that is currently used for access. Furthermore, this is a civil matter that cannot be considered as a material issue in planning terms. Existing access to the rear gardens of Nos. 71, 73 and 75 would be retained.
31. Further concerns raised by objectors related to safety in relation to access to the rear of properties in the event of a fire, and to previous refusals of planning permission in relation to applications for small-scale development. It is felt safety would not be jeopardised by the scheme as access would not be a problem for fire services, while the Planning Division's records do not show any relevant planning history on the site that would influence this application.
32. The Rights of Way Officer notes that a Public Right of Way lies adjacent to the eastern boundary of the site and suggests works ensure this way is not affected by the proposed scheme. An informative could be attached to the decision notice to ensure the Developer is made aware of this issue.

#### Landscape Issues

33. The site features several significant trees, and a tree report has been submitted in support of the application. Two trees would be lost as a result of the development. However, these are regarded as low-value trees in the tree report which states that a greater number of new trees would be planted elsewhere in the scheme resulting in a net increase of trees on the site. The County Arboriculturalist raises no objection to the proposed removal of these



two trees, with the condition that three significant trees on the site are retained and protected in accordance with the recommendations of the submitted tree report.

34. The submitted tree report states that some new native low-level bushes would be planted on the site. The County Arboriculturalist suggests that while the proposed use of native species for low ground cover is a laudable aspiration, it is unnecessarily restrictive in this setting where non-native species may prove more attractive and resilient in the long run.
35. In conclusion, the principle for residential development on the site is considered to be acceptable, as the scheme would provide much-needed affordable housing for the District. It is not considered that the proposal would be significantly detrimental to the amenity of neighbours or detract from the visual amenity of the area. The parking provision and highway layout are acceptable, while no significant trees would be removed from the site. It is considered the proposed scheme accords with Policies GDP1, HO5 and TR2 of the District Local Plan and the proposal is therefore acceptable.

#### Recommendation

36. Conditional Permission

- Time Limit (ST).
- Approved Plans (ST01).
- Sewage works (D03).
- Surface water drainage works (D04).
- Permitted development rights removed (PD01).
- Landscaping - general (L01).
- The proposed solar panels shall be provided to the roofs of each dwelling.
- Reason: to ensure on-site generation of renewable energy is provided in accordance with guidance of local, regional and national planning policy.
- The development shall be carried out in complete accordance with the submitted tree report.
- Reason: To ensure trees are protected in accordance with the recommendations of the tree report and the County Arboriculturalist.
- Notwithstanding the requirements of Condition ST01, development shall not commence until a satisfactory scheme for the enclosure of Plot 3 has been agreed in writing with this Planning Authority.
- Reason: In the interests of the visual amenity of the area in accordance with Policy GDP1.
- This permission relates to the application as amended by plans received on the 23<sup>rd</sup> July 2008 (ref: 07140/p101 - Revision A).
- Reason: In order to define the consent.
- Grey tiles to be used for all roofs in the development.
- Reason: To ensure the development.
- Development shall not commence until a detailed scheme for the diversion of its apparatus or redesign of the proposal to avoid building

over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details. The developer should contact Maurice Dunn at this office (0191 419 6577) to discuss the matter further. Reason: A public sewer crosses the site and is shown built over on the application. Northumbrian Water will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicant's full cost.

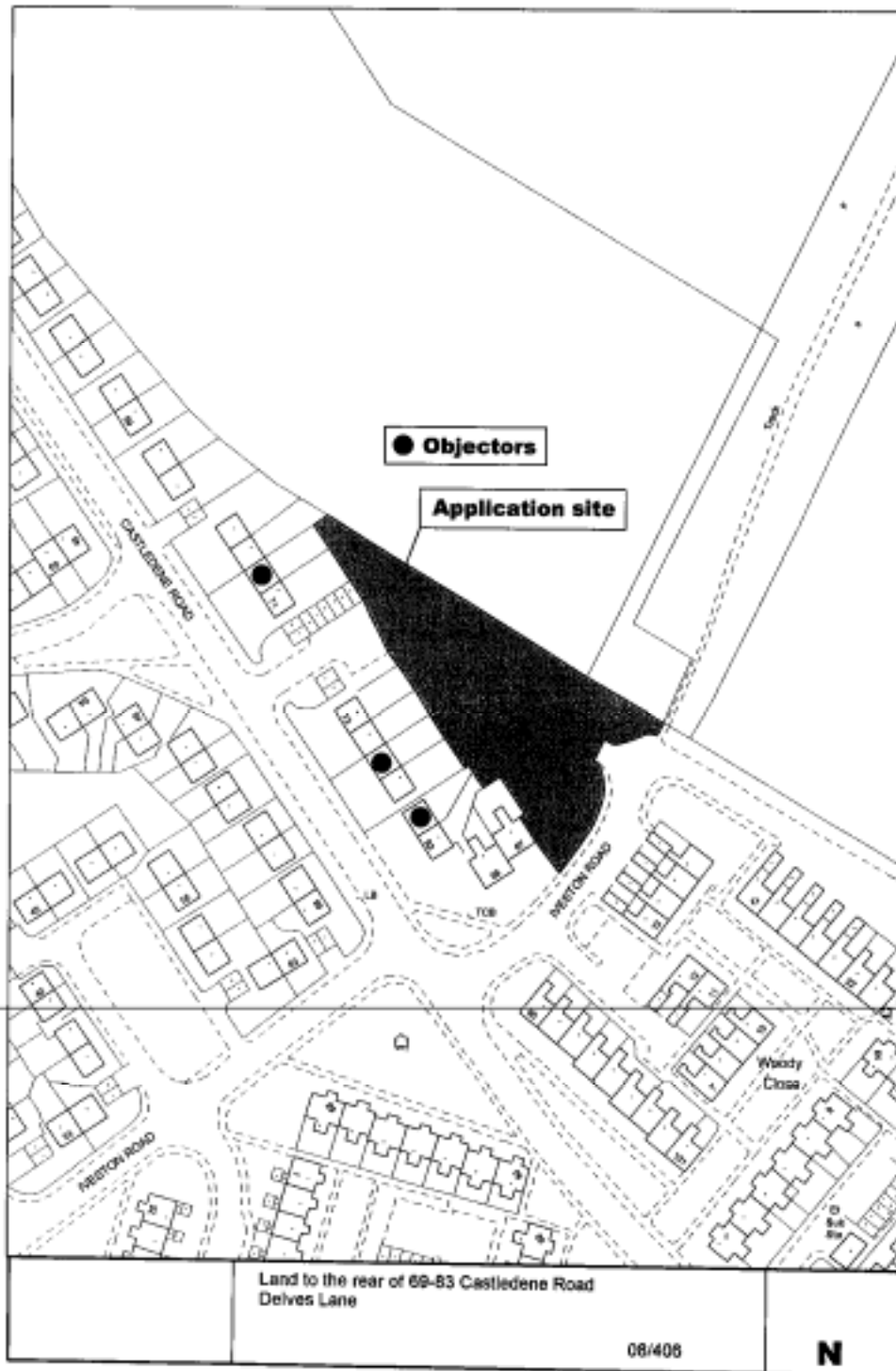
#### Reason for Approval

38. The decision to grant planning permission has been taken having regard to policies GDP1, HO5 and TR2 of the Derwentside District Local Plan and material considerations as detailed in the report to the Development Control Committee. The development would provide much needed affordable housing and would be built to a good standard in relation to energy and resource efficiency. The scheme is of an acceptable design and layout and is unlikely to significantly affect the amenities of neighbours. The access and parking arrangements are considered acceptable and in accordance with policy TR2 of the Local Plan. In view of the Local Planning Authority no other material considerations outweigh the decision to grant permission.

Report Prepared by Stuart Carter, Planning Officer.

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## **DEVELOPMENT CONTROL COMMITTEE**

**21<sup>st</sup> August 2008**

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

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

#### **Policy GDP1**

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

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

#### **Policy EN1**

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

## **Policy EN6**

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

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

## **Policy HO5**

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

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

**Annfield Plain (Including Catchgate And West Kyo)  
Blackhill  
Burnhope  
Burnopfield  
Castleside  
Consett  
Cornsay Colliery  
Craghead  
Crookgate  
Delves Lane (Including Crookhall)  
Dipton (Including Flinthill)  
Ebchester  
Esh  
Esh Winning  
Greencroft  
Hamsterley (Including Low Westwood)**



**Hamsterley Mill  
Harelaw  
Hobson (Including Pickering Nook)  
Iveston  
Lanchester  
Langley Park  
Leadgate  
Maiden Law  
Medomsley  
Moorside  
New Kyo  
No Place  
Oxhill  
Quaking Houses  
Quebec  
Satley  
Shotley Bridge  
Stanley (Including Shield Row)  
Tanfield  
Tanfield Lea (Including Broomhill)  
Tantobie  
The Dene  
The Grove  
The Middles  
South Moor (Including Oxhill)  
White-Le-Head**

#### **Policy HO22**

**Planning permission for new housing developments will be granted if:**

- (a) the detailed proposals include sufficient public open space and play areas, in appropriate locations, to meet the needs of residents within the development, in accordance with the recommendations contained in the NPFA document the 6 acre standard - minimum standards for outdoor playing space, at Appendix H; and**
- (b) such approval may be subject to a planning condition or the applicant agreeing to enter into a planning obligation to ensure that the area(s) will be set out and then maintained; or**
- (c) the developer agrees to make a financial payment in lieu of direct provision, where sufficient provision cannot be made on site.**

#### **Policy RE4**

**Development which would directly affect a public right of way or other recognised or proposed recreational path will only be permitted if an acceptable and equivalent alternative route is provided. Where possible, development should facilitate the incorporation rather than diversion of public rights of way and other recreational paths.**

### **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 TR3**

When considering proposals for traffic management, road improvements and new developments, the Council will ensure that the needs of cyclists are taken into account. Planning permission for any development which is accessible by the public will only be granted if safe and convenient access for cyclists and cycle parking facilities, such as racks or wall bars, are provided.

### **Policy BI1**

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

## **DEVELOPMENT CONTROL COMMITTEE**

**21<sup>st</sup> August 2008**

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- (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;
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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  
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