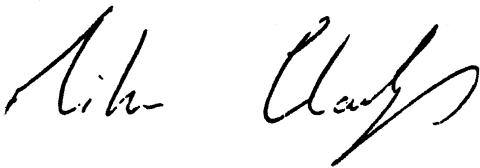


Development Control Committee

Councillors: J. I. Agnew (Chair), R. Alderson, A. Atkinson, M. Campbell, H. Christer, T. Clark (Vice-Chair), 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 2nd October 2008 at 2.00 p.m. for consideration of the undernoted agenda.



MIKE CLARK

Chief Executive Officer

Agenda

1. **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

2. **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.

3. **MINUTES**

To approve the minutes of the meeting held on 11th September 2008 as a correct record (Herewith 'A')

Attached Documents:

[MINUTES \(A\)](#)

4. **AMENDMENT TO THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2008**

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

Attached Documents:

[AMENDMENT TO THE TOWN AND COUNTRY PLANNING \(GENERAL PERMITTED DEVELOPMENT\) ORDER 2008 \(B\)](#)

5. **PLANNING APPLICATIONS**

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

Attached Documents:

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

Agenda prepared by Lucy Stephenson Democratic Services
Tel: 01207 218249 Email: l.stephenson@derwentside.gov.uk

Date: 23rd September 2008

DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of the Development Control Committee held in the Council Chamber, Civic Centre, Consett on Thursday 11th September 2008 at 2.00 p.m.

Present

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

Councillors R. Alderson, A. Atkinson, M. Campbell, T. Clark, B. Cook, G. Coulson, R. Ellis, P.D. Hughes, D. Hume, D. Lavin, T. Pattinson, S. Rothwell, 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 H. Christer, W. Gray and O. Milburn.

28. DECLARATIONS OF INTEREST

Councillor M. Campbell declared an interest in Planning Application 08/0452 as he knew both the applicant and the objector.

29. MINUTES

RESOLVED: that the minutes of the meeting held on 21st August 2008 be approved as a correct record.

30. ADOPTION OF THE REGIONAL SPATIAL STRATEGY: IMPLICATIONS FOR PLANNING PROPOSALS

The Planning Officer presented the report which informed Members of the publication of the finalised North East Regional Spatial Strategy (RSS) by the Secretary of State in July 2008. The Regional Spatial Strategy (RSS) sets out a long-term strategy for the spatial development of the North East Region to 2021, although the overall vision, strategy and general policies are intended to guide development over a longer timescale.

The Planning Officer further advised that the document had been subject to lengthy and thorough production following extensive consultation. Derwentside District Council had been fully involved with ensuring the document included fair and appropriate policies for the Derwentside area.

He went on to advise that as the RSS was now formally adopted it formed an integral part of Derwentside's and the new authority's Development Plan and as such planning applications must now be determined in conformity with it.

In conclusion he advised that a schedule would be appended to future reports outlining the policies which were relevant to Planning proposals.

In moving the report Councillor Watson as the Chair of the North East Regional Assembly added that the Assembly had played an active role in the publication of the document.

Following a vote being taken it was **RESOLVED:** that members note the contents of the report.

31. PLANNING APPLICATIONS

(1) Public Speaking Applications

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

08/0452 MR D LOGAN

Creation of road (retrospective) and erection of 1.2 metre high fence, 2 Prospect Place, Satley, Bishop Auckland.

The Chair welcomed to the meeting Mr Chrichton who was in attendance to speak against the application and Ms Ray who was in attendance to speak in support of it.

The Senior Area Planning Officer (MH) presented the report which recommended approval of the retrospective application for the creation of a road and erection of a 1.2 m high fence.

He advised that there were three main reasons why the applicants required the access road:

- Emptying of the communal septic tank – which services 5 properties;
- Access for the applicant's horse box;
- The ability to gain access without vehicles damaging the field.

Councillor D. Lavin entered the meeting at this point.

MR. CHRICHTON: Speaking Against the Application.

Mr Chrichton advised that he was the proprietor of Prospect House, Satley and wished to make the following comments in respect of the application:

- Written objection has been summarised within the Officers report, the same policy issues have been raised as the officer has done so other than TR2, which relates to highway safety and with which I have no problem.
- Unauthorised development by reason of its existence has already created a visual offence thus detracting from the open nature of an area of land noted for its amenity value;
- The temptation to use the roadway for domestic purposes such as parking will be too great for the Applicant to resist and the end result

- will be great harm to the residential amenities of my home by reason of noise, fumes, general disturbance, visual intrusion and loss of privacy;
- Rather than help to maintain or enhance landscape character this development positively detracts from it;
 - There is a misleading statement in paragraph 2 of the Officer's recommendation for approval which refers to an existing gravel field access, this gravel field access came into being earlier this year, prior to that it did not exist;
 - I have lived in Prospect House for 30 years, during that time No2 Prospect Place and the land belonging to that address has had a number of different owners all of whom have kept horses and had horse boxes, but have never required a built up road running alongside my garden;
 - Regarding the septic tank, this has been in existence for more years than I have lived there and there has never been a problem of access;
 - The development is not within a recognised built up area and that alone should preclude it; it is an unfortunate encroachment into the countryside. It also creates an undesirable precedent in that material change of use has occurred from pasture land to domestic curtilage. The Local Planning Authority's resistance to similar acts by others will be considerably weakened.
 - The Area of Outstanding Natural Beauty has neither been conserved or enhanced by this visual intrusion.
 - The truth is, the Applicant's intention in the future is, as he has told me himself, to apply for planning permission to convert the outhouse (byre) adjoining Prospect House to a domestic dwelling which clearly adds another dimension to the formation of this unauthorised road.
 - In my view this retrospective proposal offends mightily four of the Local Plan policies and because there are no material considerations to indicate otherwise I ask you, as you are obliged to do, to adhere to the provisions of the Development Plan and REFUSE the application and, at the same time, recommend that Enforcement Proceedings be commenced to have the unauthorised development removed and the land reinstated to its previous condition.

MS RAY: Speaking in Support of the Application.

Ms Ray advised that she was speaking on behalf of herself and her partner Mr Logan. She firstly asked that she and her partner could apologise for the retrospective application as they were not aware that permission was required within their land. She advised that the main reasons for the requirement of access was for the emptying of the cess pit, to gain access to the stables and limit the damage caused made by vehicles to the pasture land from which they also obtained a hay crop. She went on to advise that with the existing access the egress was dangerous as there was a lack of visibility.

Ms Ray acknowledged Mr Chrichton's concerns and advised that they would be taken into consideration. She continued they were prepared to erect a fence along the road to prevent any damage to Mr Chrichton's property. In conclusion, she added that the materials used had been selected to enhance and compliment the area.

The Senior Area Planning Officer (MH) reminded members that the application was partly retrospective.

Councillor Watson added that although the application was retrospective this should not bear any relevance to the decision making as the application should be judged on its own merits as a new application. He went on to say that he understood Mr Chrichton's concerns and thanked him for his informative presentation. In conclusion, he added that he was of the opinion that the Officers had well researched the application and moved that the application should be approved.

Councillor Turner in seconding the motion requested that a condition be attached to ensure the erection of a fence to prevent any damage to Mr Chrichton's property.

Councillor Rothwell asked if there could be a condition attached requiring the surfacing of the road to be in appropriate materials. In response the Senior Area Planning Officer (MH) added that the roadway had been finished in gravel and was thought to be appropriate to the area.

Following a vote being taken it was

RESOLVED: that Planning Application 08/0452 be approved subject to:

- Three year time limit (ST).
- Approved Plans (ST01).
- Fencing to erected within 6 months.

08/0528 MR AND MRS THOMAS

Erection of two storey rear extension, 138 Benfieldside Road, Benfieldside.

The Chair welcomed to the meeting Mrs Cook who was in attendance to speak against the application.

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

Mrs Cook advised the committee that she was speaking on behalf of her daughter Ms Cornish of 136 Benfieldside Road as she was unable to attend due to work commitments.

MRS COOK: Speaking Against the Application.

Mrs Cook asked the committee to consider the following issues when determining the application:

- I have serious concerns regarding the amount of light that this extension will take away from my property. I already have one full height extension adjoining my property from the house at the other side. To have another full height wall will create an enclosed area within my property and restrict light to what I think will be an unacceptable level.

- The planned extension is less than 1 metre away from a principal window and so the extension will be extremely overbearing and lead to her room being very dark.
- I have a boiler vent directly next to the proposed extension. Having a wall built next to it could restrict the escape of fumes from the boiler. In addition, this is next to a window, so potentially if I was to have the window open, it is possible that the fumes could be redirected through the opening, thereby creating a health and safety concern (and also possibly a life threatening situation). There is no other outside wall that this boiler could be relocated to.
- At present, my rear garden is protected from view from number 138 due to the positioning of the windows and existing storey extension. If this extension were to go ahead, then the upstairs, rear elevation windows would have a direct view into my rear garden, thereby removing any privacy that I have in the garden.
- The proposed extension would be directly attached to my property. I currently have ridge tiles on top of the kitchen extension (which is original) and if this extension was to go ahead this would result in these tiles either being removed or damaged. Having just spent a considerable amount of money structurally and cosmetically renovating this kitchen extension I am also concerned that damage to my property could occur during building work and that the full wall extension could potentially cause a situation where dampness was allowed to penetrate my property.
- One of the principle reasons for me purchasing this property 2 years ago, was the rear of the property and the look and feel of the outside space, and lightness to the rear. This extension would have a significant impact on my property, and I suspect would adversely affect the market valuation.
- I have been advised that the builders will need access to my property in order to complete the extension, but I have not received the appropriate legal notices that this will happen.
- I have not had any correspondence with respect to party wall agreements, and as this extension will be directly attached to my building, then I would have expected to have received some official documentation in this regard.
- I was also under the impression that this terrace of houses was part of the Shotley Bridge conservation area and that this would restrict changes to the outside of the property.
- I travel extensively for work and my home is a sanctuary. To now restrict the light levels in the house and to impose a situation where I lose all privacy in my outside space will have a detrimental effect on my quality of life.
- The proposed extension at 138 Benfieldside Road will have a significant impact on my property, the light, the look and feel of the outside space, which subsequently will have a significant impact on my living conditions. I request that the committee give full consideration to the points that I have raised and would request that the Committee reject this application.

The Senior Area Planning Officer (MH) advised that with regard to the encroachment of the extension onto the land of No 136, this would be a separate matter to be dealt with between the two parties.

Councillor Williams asked if the 45 degree rule applied in this application. In response the Senior Area Planning Officer (MH) advised that the rule did apply and was found to be acceptable.

Councillor Alderson added that in his opinion the projection of the extension would not affect the light to No 136. Also, that as the current extension was within the party wall he could see no problems with the application.

Councillor Pattinson had some serious concerns relating to the boiler vent if affected by the extension. The Senior Area Planning Officer (MH) advised that this matter was between the two parties and not a planning matter. In response, Councillor Pattinson added that in his opinion some advice should be given to the objector regarding the matter and ensure that if any work does need to be carried out on the objectors property, this should be done so at the expense of the applicant.

The Director of Environmental Services advised that technical matters could be resolved with the applicant.

Councillor Watson made reference to Building Regulations Approval, adding that as there were several properties within the terrace with similar extensions it would be difficult to refuse this application. He added that he understood the objector's concerns. However, the application did comply with policies and therefore moved that the application be approved.

Following a vote being taken it was

RESOLVED: that Planning Application 08/0528 be approved subject to:

- Three year time limit (ST)
- External materials (DH05)

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

08/0336 BANKS DEVELOPMENT

Sustainable mixed use development including eco-office building, sixty-nine low carbon houses, sixteen live / work units and associated road, car parking and landscaping (Outline) Northern Site of Inkerman Colliery, Inkerman Road, Tow Law.

The Senior Area Planning Officer (MH) presented the report recommending approval of the application. He advised that the application was an outline cross-boundary one between Wear Valley District Council and Derwentside District Council, with approximately 0.15 hectares of land falling within the boundary of Derwentside. He advised that it would only be possible to

consider the portion in the Derwentside area, a matter of 2 of the eco homes and partly that of 4 others.

Wear Valley District Council's planning committee had considered the application and, against their officer's recommendation for refusal, were minded to approve the application. This decision was subject to further information being obtained relating to affordable housing and ratification by Full Council.

He further made reference to the Scheduled Ancient Monuments within the area and added that it was important that these were preserved.

In conclusion, he advised that the land was in a poor state and in need of development., The land was classed as brownfield and if the application had been submitted solely within Derwentside it would have met the criteria for the selection of major housing sites as contained in Policy HO3 of the Local Plan.

Ward Councillor M. Campbell made the following comments:

- Strong concerns regarding the application with reference to paragraph 22 of the report;
- Decision should be delayed until ratified by Wear Valley Council as if the proposal were to be approved by Derwentside and not by Wear Valley, a fragmented, ribbon development could be created within Derwentside.

The Senior Area Planning Officer (MH) advised that the application was already beyond the time limits for the determination of a major application and therefore to delay the application further would not cause undue problems. He went on to advise that if the Committee were minded to approve the application and Wear Valley were to turn their application down, the applicant would not be able to carry out development solely within the Derwentside area as access to the site would have to be taken from within Wear Valley. Also, that it would be unlikely that the applicants would proceed in isolation on financial grounds because of the expense of preserving the coke ovens lying beneath Derwentside's portion.

Councillor Campbell reiterated that he felt the application should be deferred.

Councillor Rothwell added that in her opinion the costs of developing the land in Derwentside alone would be too high, and did not feel therefore that this was an issue. She further added that the existing Coke Ovens were of huge regional significance and the conservation of these were top priority. She further asked if it were possible to ask the developer to contribute to the conservation of the coke ovens. In response, the Senior Area Planning Officer advised that the developer had already voluntarily entered into discussions regarding this with English Heritage.

The Director of Environmental Services advised that the Committee could make a recommendation to Wear Valley District Council as the bulk of development was within their area.

Councillor Lavin made reference to paragraphs 23 and 26 of the report, he added that the land within the Derwentside area, had an existing access point and therefore would not require this if permission was refused at Wear Valley.

Councillor Shield added that in his opinion, to defer the application would offer acknowledgement of the problems addressed by Derwentside.

Councillor Campbell moved that the application be deferred; this was seconded by Councillor Shield.

Councillor Watson reminded members that no objections had been received, the site was in a terrible state and residents and members alike were keen to see development of the site.

Discussion then took place regarding the Constitutional arrangements of the Council.

The Director of Environmental Services advised that the applicant would have the right to appeal against non-determination of the application. He suggested that the following options were available to the committee:

- Defer the application to await the decision of Wear Valley District Council

Or

- Approve the application including a clause which would prevent development in isolation.

Following a vote being taken it was

RESOLVED: that the consideration of Planning Application 08/0336 be deferred until after a decision had been reached by Wear Valley District Council.

08/0483 RIVERS EDGE DEVELOPMENTS

Erection of four dwellings (resubmission), Land to the south west of Hazeldene, Low Westwood, Newcastle Upon Tyne.

The Senior Area Planning Officer presented the report which recommended approval of the application, he updated members on the following:

- The comments of the County Landscape Officer had been received regarding the revised plan. It was considered that the revision offered a modest improvement in the chances of survival of the trees that were being retained.
- The comments of Northumbria Water were that because the Sewage Treatment Works is at full capacity, they recommended a condition requiring the development not to be occupied until a scheme for treating the development's foul flows had been completed.
- Finally, there had been one further objection with grounds relating to:
 1. Loss of light and privacy.
 2. Trees bordering the site would be lost to the detriment of the village, and

3. The design statement says 7 parking spaces were to be provided whereas the plan only shows 5.

He commented that these raised no new issues and that there were in fact 6 parking spaces and 1 garage incorporated within the layout.

He also explained that although some objectors were stating the houses will be set a whole house depth in front of the neighbouring Hazeldene, that this was not the case; 2 are to be set some 3.4m forward while the other two would only be 0.8m forwards.

He advised that the proposal was considered to be in character with the area and well designed. Also, that some trees and shrubs would have to be removed as part of the scheme, however the higher quality trees within the site would be retained. Although the houses were to be raised up a little due to the sloping site, this would be less than a metre and would not have an untoward impact on neighbours opposite.

Ward Councillor E. Turner made reference to the building line of the proposed development and a previous development in which the applicant was told they had to build in line with the existing buildings. In conclusion, he added that he felt the development should be moved back to form a line with Hazeldene.

Ward Councillor A. Shield added that he concurred with the comments of Councillor Turner and further added he noticed that the Highways Authority were reluctant to support the application as there was the possibility of 7 cars leaving the site onto a busy road which had a poor sight line. He felt that the application compromised standards in terms of alignment.

The Senior Area Planning Officer advised that moving the development back in line with Hazeldene would cause problems for car parking.

Councillor Rothwell questioned whether there was a flood risk at the site due to the sloping site, to which the Senior Area Planning Officer advised the development would incorporate drains within the site to deal with surface water.

Further discussion took place regarding the removal of trees and the alignment of the access to the site.

Councillor Shield asked that the comments of the objectors be noted and that a further condition be added regarding the use of generators or other noise sources through the evening. The Senior Area Planning Officer advised a condition could be imposed and that permitted development rights could be removed

Following a vote being taken it was

RESOLVED: that Planning Application 08/0483 be approved subject to:

- Time Limit (ST)
- Approved plans (ST01)

- This permission relates to the application amended by email received on 25th August 2008 and amended plans no's 103F, 104F, 105F, 106F.
- Samples of external materials (A03).
- Test panel of materials (A06).
- The retaining walls to be clad in stone above ground.
- Stone masonry (A08)
- Sills and lintels (A09)
- Window inset (A12)
- Rainwater goods (A13)
- Sewage works (D03)
- Surface water drainage works (D04)
- No dwelling hereby approved shall be occupied prior to the approved parking spaces being available for use, and parking bays clearly delineated.
- No dwelling hereby approved shall be occupied prior to the footway works fronting the site, and linking both east and west, being complete and available for use.
- No landscaping greater than 0.9m in height shall be permitted to the front of Block B where it is closer than 2.4m to the A694 carriageway edge.
- Permitted Development Rights Removed (PD01)
- Prior to the commencement of the development a revised Tree Constraints Plan and Tree Protection Plan and details of Tree protection measures to be undertaken shall be submitted to and approved in writing by the Local Planning Authority.
- No building works or deliveries for building works shall take place outside of the hours of 07.30 to 19.00 Monday to Friday and 08.00 to 12.00 Saturday and there shall be no works on Sundays or Bank Holidays.
- Prior to the commencement of the development a detailed plan indicating where plant machinery, site compounds and materials are to be stored shall be submitted to the Local Planning Authority for approval and there shall be no storage of materials, plant machinery or compounds on the site except within the areas shown on the plan or other areas as agreed in writing by the Local Planning Authority beforehand.
- No diesel powered plant, generators or equipment or lighting shall be used on site on a Sunday, Saturday afternoon or Bank Holiday nor at other times other than between the hours of 07:30 to 19:00 Monday to Friday and 08:00 to 12:00 Saturday.

08/0403 MRS A LAVERY

Erection of balcony at first floor level (resubmission). 29 Highridge, Blackhill, County Durham.

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

Councillor Clark requested that a condition be added to the application requiring the work to be carried out within 3/4 months of the permission. The

Director of Environmental Services advised that as the permission was retrospective this condition could be applied.

Following a vote being taken it was

RESOLVED: that Planning Application 08/0403 be approved subject to:

- Approved Plans (ST01)
- This permission relates to the application as amended by plans no 14/08/01 Revision 1 dated 25th August 2008, received on 26th August 2008.
- The brick pillars shall match as closely as possible the brickwork of the original dwellinghouse.
- The works to be carried out within 3 months.

Conclusion of Meeting

The meeting closed at 3.35 p.m.

Chair.

DERWENTSIDE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE

2ND OCTOBER 2008

REPORT OF DIRECTOR OF ENVIRONMENTAL SERVICES

AMENDMENT TO THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2008

1. The purpose of this report is to inform Members of the amendments to the General Permitted Order 1995 which were laid before Parliament on the 10th September 2008. These changes relate to Part 1 of the Order, which sets out the 'permitted development rights for development within the curtilage of a dwelling house', the remaining Parts are unchanged. The proposed changes to Part 1 come into effect as of the 1st October 2008.
2. The Government is seeking to give more freedom for people to extend their home, particularly given the current pressures of the housing market. A public consultation exercise was carried out by the Government in 2007 to look at ways of reducing bureaucracy for householders. This led to the publication of the amendments. These changes could result in the Council receiving a reduced number of planning applications. Key changes to the Order have been identified for Members below.
3. The most significant changes relate to the provisions for single and two storey extensions. A single storey extension will be Permitted Development providing the extension does not extend beyond the rear wall of the original dwelling by more than 4 metres, in the case of a detached property, or 3 metres in the case of any other dwelling house. The extension should also not exceed 4 metres in height.
4. In the case of the enlargement of a dwellinghouse by more than one storey, this would be acceptable providing it does not extend beyond the rear wall of the dwelling by more than 3 metres or be within 7 metres of any boundary of the curtilage of the dwelling or opposite a rear wall of another dwelling.
5. The criteria above is based on the assumption that the additions would not cover more than 50% of the total area of the curtilage and would not front a highway or form either the principal elevation or side elevation.
6. Extensions on a side elevations are permitted development providing they do not exceed 4 metres in height, are single storey and do not have a greater width than half the original dwelling.

7. Another significant change to the Order relates to the provision of hard standing or drives within the curtilage of the dwellinghouse. Planning Permission will be required to create a hardstanding on land between a wall forming the principal elevation of the dwelling and the highway. Permission is not required if the hardstanding is less than 5 square metres and constructed of a porous material. The purpose is to reduce the amount of surface water running off dwellings and into the public drains.
8. These changes do not effect the current requirements for Building Regulations approval and inspection.
9. A copy of the General Permitted Development Order 2008 is attached to this report, as Appendix A.

Recommendation

10. This report and its Appendix are noted.

Report prepared by Jessica Taylor, Senior Area Planning Officer

2008 No. 2362

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Permitted
Development) (Amendment) (No. 2) (England) Order 2008

<i>Made</i>	- - - -	<i>4th September 2008</i>
<i>Laid before Parliament</i>		<i>10th September 2008</i>
<i>Coming into force</i>	- -	<i>1st October 2008</i>

The Secretary of State, in exercise of the powers conferred by sections 59, 60, 61 and 333(7) of the Town and Country Planning Act 1990(a), makes the following Order:

Citation, commencement, interpretation and application

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and shall come into force on 1st October 2008.

(2) In this Order “the 1995 Order” means the Town and Country Planning (General Permitted Development) Order 1995(b).

(3) This Order applies in relation to England only.

World Heritage Sites

2.—(1) The 1995 Order is amended in accordance with this article.

(2) In article 1(2) (citation, commencement and interpretation)—

(a) in the definition of “the Use Classes Order” for “.” substitute “; and”; and

(b) after the definition of “the Use Classes Order” insert—

““World Heritage Site” means a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage.”

(3) In Part 2 (article 1(5) land) of Schedule 1—

(a) at the end of paragraph (e) for “.” substitute “; and”; and

(b) after paragraph (e) insert—

“(f) a World Heritage Site.”.

-
- (a) 1990 c.8, to which there are amendments not relevant to this Order. These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c.8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.
- (b) S.I. 1995/418. Relevant amendments were made by S.I. 2005/2935 and S.I. 2008/675.

(4) In paragraph G.1 of Part 40 (installation of domestic microgeneration equipment) of Schedule 2—

- (a) in the definition of “stand alone solar” for “;” substitute “.”; and
- (b) omit the definition of “World Heritage Site”.

Development within the curtilage of a dwellinghouse

3. In Schedule 2 to the 1995 Order, for Part 1 (development within the curtilage of a dwellinghouse) substitute the text set out in the Schedule to this Order.

Installation of Domestic Microgeneration Equipment

4. In paragraph A.1. of Part 40 (installation of domestic microgeneration equipment) of Schedule 2 to the 1995 Order, omit “or roof slope” from sub-paragraphs (c)(i) and (c)(ii).

4th September 2008

Hazel Blears
One of Her Majesty’s Principal Secretaries of State
Department for Communities and Local Government

“PART 1
DEVELOPMENT WITHIN THE CURTILAGE OF A
DWELLINGHOUSE

Class A

Permitted development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
- (c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
- (d) the enlarged part of the dwellinghouse would extend beyond a wall which—
 - (i) fronts a highway, and
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
- (e) the enlarged part of the dwellinghouse would have a single storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;
- (f) the enlarged part of the dwellinghouse would have more than one storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;
- (g) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
- (h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
 - (i) exceed 4 metres in height,
 - (ii) have more than one storey, or
 - (ii) have a width greater than half the width of the original dwellinghouse; or
- (i) it would consist of or include—

- (i) the construction or provision of a veranda, balcony or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse.

A.2 In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Class B

Permitted development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development not permitted

B.1 Development is not permitted by Class B if—

- (a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- (b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;
- (c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
 - (i) 40 cubic metres in the case of a terrace house, or
 - (ii) 50 cubic metres in any other case;
- (d) it would consist of or include—

- (i) the construction or provision of a veranda, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- (e) the dwellinghouse is on article 1(5) land.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

- (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Interpretation of Class B

B.3 For the purposes of Class B “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

Class C

Permitted development

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

C.1 Development is not permitted by Class C if—

- (a) the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (b) it would result in the highest part of the alteration being higher than the highest part of the original roof; or
- (c) it would consist of or include—
 - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be—

- (a) obscure-glazed; and
- (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Class D

Permitted development

D. The erection or construction of a porch outside any external door of a dwellinghouse.

Development not permitted

D.1 Development is not permitted by Class D if—

- (a) the ground area (measured externally) of the structure would exceed 3 square metres;
- (b) any part of the structure would be more than 3 metres above ground level; or
- (c) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

Class E

Permitted development

E. The provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted

E.1 Development is not permitted by Class E if—

- (a) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (c) the building would have more than one storey;
- (d) the height of the building, enclosure or container would exceed—
 - (i) 4 metres in the case of a building with a dual-pitched roof,
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - (iii) 3 metres in any other case;
- (e) the height of the eaves of the building would exceed 2.5 metres;
- (f) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (g) it would include the construction or provision of a veranda, balcony or raised platform;
- (h) it relates to a dwelling or a microwave antenna; or
- (i) the capacity of the container would exceed 3,500 litres.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) a World Heritage Site,

- (b) a National Park,
- (c) an area of outstanding natural beauty, or
- (d) the Broads,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Interpretation of Class E

E.4 For the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

Class F

Permitted development

F. Development consisting of—

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (b) the replacement in whole or in part of such a surface.

Conditions

F.1 Development is permitted by Class F subject to the condition that where—

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Class G

Permitted development

G. The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Development not permitted

G.1 Development is not permitted by Class G if—

- (a) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or
- (b) in the case of a dwellinghouse on article 1(5) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—

- (i) fronts a highway, and
- (ii) forms either the principal elevation or a side elevation of the dwellinghouse.

Class H

Permitted development

H. The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Development not permitted

H.1 Development is not permitted by Class H if—

- (a) it would result in the presence on the dwellinghouse or within its curtilage of—
 - (i) more than two antennas;
 - (ii) a single antenna exceeding 100 centimetres in length;
 - (iii) two antennas which do not meet the relevant size criteria;
 - (iv) an antenna installed on a chimney, where the length of the antenna would exceed 60 centimetres;
 - (v) an antenna installed on a chimney, where the antenna would protrude above the chimney; or
 - (vi) an antenna with a cubic capacity in excess of 35 litres;
- (b) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof;
- (c) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney, or 60 centimetres measured from the highest part of the ridge tiles of the roof, whichever is the lower; or
- (d) in the case of article 1(5) land, it would consist of the installation of an antenna—
 - (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;
 - (ii) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from, a waterway; or
 - (iii) on a building which exceeds 15 metres in height.

Conditions

H.2 Development is permitted by Class H subject to the following conditions—

- (a) an antenna installed on a building shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building; and
- (b) an antenna no longer needed for reception or transmission purposes shall be removed as soon as reasonably practicable.

Interpretation of Class H

H.3 The relevant size criteria for the purposes of paragraph H.1(a)(iii) are that:

- (a) only one of the antennas may exceed 60 centimetres in length; and
- (b) any antenna which exceeds 60 centimetres in length must not exceed 100 centimetres in length.

H.4 The length of the antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.

Interpretation of Part 1

I. For the purposes of Part 1—

“raised” in relation to a platform means a platform with a height greater than 300 millimetres; and

“terrace house” means a dwellinghouse situated in a row of three or more dwellinghouses used or designed for use as single dwellings, where—

- (a) it shares a party wall with, or has a main wall adjoining the main wall of, the dwellinghouse on either side; or
- (b) if it is at the end of a row, it shares a party wall with or has a main wall adjoining the main wall of a dwellinghouse which fulfils the requirements of sub-paragraph (a).”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”). The 1995 Order confers permitted development rights in respect of certain development. Where such rights apply, no specific application for planning permission is needed.

Article 2 adds World Heritage Sites to the list of land in Part 2 of Schedule 1 to the 1995 Order (known as “article 1(5) land”). The 1995 Order confers a more restricted set of permitted development rights in relation to article 1(5) land. Articles 2(2) and 2(4) make consequential amendments.

Article 3 and the Schedule substitute a new Part 1 of Schedule 2 to the 1995 Order. Part 1 of Schedule 2 confers permitted development rights in relation to development within the curtilage of a dwellinghouse. The new Part 1 of Schedule 2 makes changes to the permitted development rights in relation to the enlargement, improvement or alteration of a dwellinghouse (Class A); the enlargement of a dwellinghouse consisting of an addition or alteration to its roof (Class B); any other alteration to the roof of a dwellinghouse (Class C); the provision within the curtilage of any building, enclosure, pool or container (Class E); and the provision within the curtilage of a hard surface (Class F). The previous Class G (erection or provision within the curtilage of a container) is subsumed within the new Class E. A new Class G confers permitted development rights in relation to the installation, alteration or replacement of a chimney, flue or soil and vent pipe. Classes D (erection or construction of a porch) and H (installation, alteration or replacement of a microwave antenna) are unchanged.

Article 4 amends the restrictions in Class A of Part 40 of Schedule 2 to the 1995 Order on the installation of solar photovoltaics or solar thermal equipment on a dwellinghouse or a building within its curtilage.

An impact assessment has been prepared in relation to this Order. The assessment has been placed in the Library of each House of Parliament and copies may be obtained from the Department for Communities and Local Government, Bressenden Place, London, SW1E 5DU (Telephone 020 7944 8716).

DERWENTSIDE DISTRICT COUNCIL**DEVELOPMENT CONTROL COMMITTEE****2nd OCTOBER 2008****REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES****PLANNING APPLICATIONS AND ASSOCIATED MATTERS****CONTENTS**

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RECOMMENDATION FOR REFUSAL

08/0590

11/08/2008

Mr and Mrs J Smailes

4 Ewehurst Road, Dipton

Conservatory to front

Dipton Ward

The Application

1. The application seeks planning permission for the erection of a conservatory to the front of 4 Ewehurst Road, a terraced property in Dipton. The proposed conservatory would incorporate a pitched roof and would measure 3.3 metres in length and 3.5 metres in width. It would measure 2.5 metres in height to the minimum height and 3.0 metres to the maximum height of the pitched roof.
2. The conservatory would feature UPVC windows and doors to match the existing dwelling house, and a polycarbonate sheet roof.

History

3. No relevant Planning history.

Policy

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

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

SPG2 (House Extensions)

Consultations

5. Northumbrian Water: There is an existing public sewer within the application site. This development may affect the sewer. Northumbrian Water will not permit a building close to or over its apparatus. The developer should contact Northumbrian Water Ltd if it is proposed to sink boreholes or excavate foundations within 4.5m of the sewer. No tree planting or alteration of the land within at least 3m of the sewer will be allowed without the permission of Northumbrian Water. This sewer could be diverted or accommodated in the site layout. The developer should contact Maurice Dunn to discuss the matter further.
6. Neighbours have been consulted and no comments have been received.

Officer Assessment

7. The application seeks planning permission for the erection of a conservatory to the front of 4 Ewehurst Road, a terraced property in Dipton. Local Plan Policy seeks to ensure that in determining applications for extensions such as this consideration is given to the impacts on neighbouring amenity, and the appropriateness of design in the locality.
8. Local Plan Policy HO19 and SPG2 highlight the importance of protecting the character of the original dwelling and its surroundings, and the scale of the original dwelling. The supporting text to the policy states that front extensions that are out of character the surroundings can form an intrusive element in the existing street scene. Therefore, particular care must be taken in considering the acceptability of front extensions to ensure that they are well designed and blend in with the locality.
9. Consideration needs to be given as to whether the proposed conservatory accords with the guidance of SPG2, which covers both front extensions and conservatories. SPG2 states that a high standard of design is particularly important on the front elevation of a dwelling. This is because a poorly designed front extension will often damage the character and appearance of a single property and the locality as a whole by forming an intrusive element in the street scene. The proposed UPVC and glass structure would be prominently sited on the front elevation of a traditional terrace and is not considered to be in keeping with the surroundings. Although the application has been amended to incorporate a dwarf stone wall to match the existing house, the proposal remains unacceptable. The terrace is largely unaltered and is situated at the entrance to a new housing estate. While the property is set at a slightly lower level than the road the conservatory would be visible from the road and would appear out of character with the area.
10. In order for a front extension to be acceptable on this type of property it would need to be modest in size and designed of brick with a tiled roof to match the existing dwelling.
11. It is conceded that in this case an extension to the front of the property provides the applicant with the only real opportunity for an extension. However, this cannot override Local Plan policy and the existing street scene should be protected.
12. In terms of residential amenity the proposed conservatory would project forward from the main dwelling by 3 metres which would accord with the guidelines that are normally used to assess rear extensions (there are no specified guidelines for the length of front extensions). The conservatory would be sited approximately 0.5 metres from the property boundary with 2 Ewehurst Road. In order to protect the amenity of the occupiers of the neighbouring property it would be necessary for obscured glazing to be installed in this elevation, if Members were to be minded to approve the application.

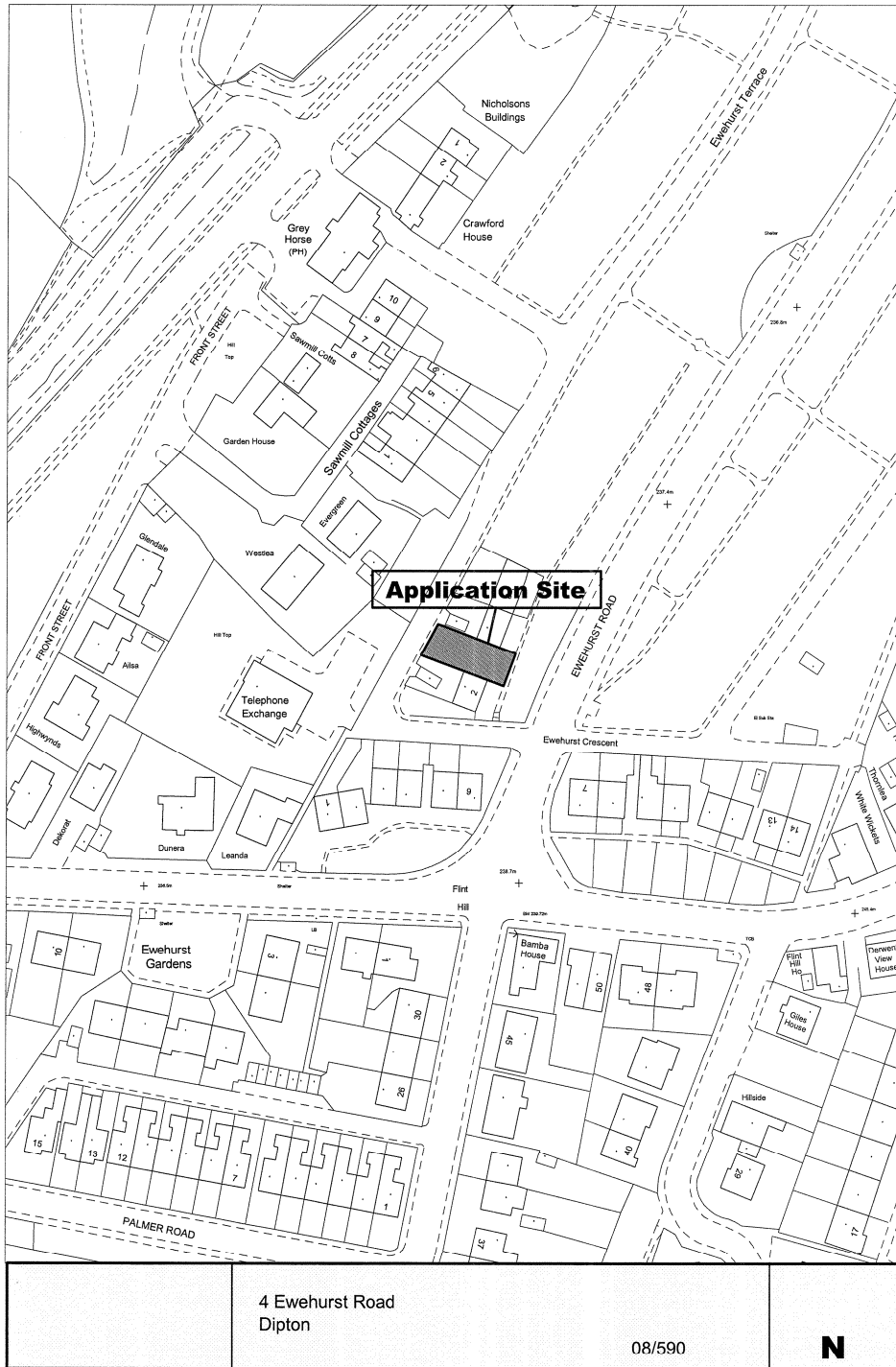
13. The proposed extension is not considered to be in character with neighbouring dwellings and the existing street scene, in accordance with Local Plan Policy HO19 of the Derwentside District Local Plan and SPG2 therefore refusal is recommended.

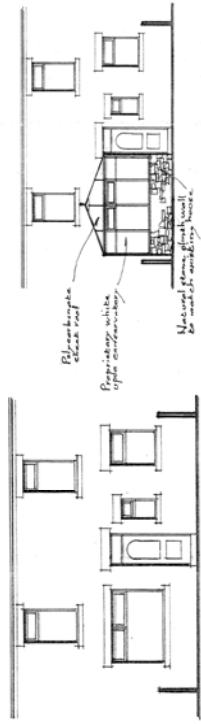
Recommendation

14. Refuse

The proposed design, size and materials of the conservatory would result in it being out of character with the property and the streetscene contrary to Policy HO19 and SPG2 of the Local Plan.

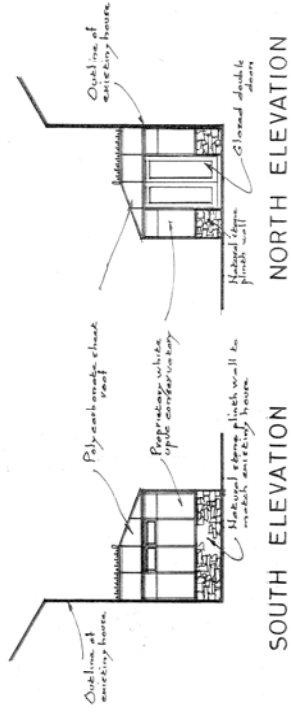
Report prepared by Philip Storey, Student Planning Officer





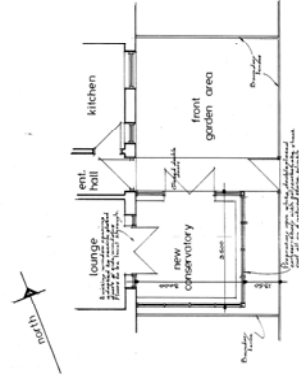
EAST ELEVATION

EAST ELEVATION
as existing



SOUTH ELEVATION

NORTH ELEVATION



LAYOUT PLAN

4 Ewehurst Road, Dipton. 08/590

RECOMMENDATION FOR APPROVAL

08/0287

15/04/2008

Mr R Suddes

Lindisfarne Farm, Rowley, Castleside

Change of Use and extension of
redundant farm building into
holiday accommodation, erection
of detached garage

Castleside Ward

The Application

1. This application seeks planning permission for the conversion of a former agricultural building to one 2 bedroom holiday accommodation unit and the erection of a detached garage for the adjacent property at Lindisfarne Farm, Rowley, which is an isolated former farming unit within the North Pennines Area of Outstanding Natural Beauty. The barn building is traditional in character both in terms of its design and appearance and the materials used in its construction. The building and site is not in a prominent location being screened from views from the A68 by the lie of the land. The building is in a reasonable state of repair so as not to be considered ruinous it is in a derelict state which is detracting from the local landscape.
2. Whilst the building lends itself easily to conversion some alterations are proposed to facilitate the change which include a single storey 5.5m x 4.9m extension, re-roofing the property, the addition of a chimney, creating one larger window opening and an additional window opening in addition to the creation of internal walls, re-pointing and stone re-facing works. Natural slate would be used for the roof and natural stone for the external walls. It is proposed to install sliding sash timber windows and doors.
3. It is also proposed to erect a detached garage to the east of Lindisfarne Farmhouse. It was originally proposed that this garage would measure 13m by 7m with a 5.5m high pitched roof, however this garage has now been reduced in size to 7m by 7m with a 5.5m high pitched roof. The garage is proposed to be constructed in concrete block with a natural slate roof.
4. It is proposed to use the existing part hard surfaced and rough unmade access track from the A68 to access the holiday accommodation and garage. There is a septic tank on site for foul drainage collection.

History

5. Planning permission was granted for a two storey side extension, single storey front extension and rear extension and a loft conversion to Lindisfarne Farm (reference 1/2007/0496/DM).

Policy

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

GDP1	General Development Principles
EN01	Protecting the Countryside
EN02	Preventing Urban Sprawl
EN03	Extensions to buildings in rural areas
EN04	Conversion of rural buildings
EN05	Development within the North Pennines AONB
T06	Visitor accommodation within the countryside
TR02	Development and highway safety
SPG3	Conversion of Rural Buildings
Policy 8	Protecting and enhancing the environment
Policy 11	Rural areas
Policy 31	Landscape Character
Policy 33	Biodiversity and Geodiversity

Consultations

7. County Highways Development Control Officer: is concerned about the restricted visibility onto the A68 from the site access as vehicle speeds are naturally high. In its current form the Officer is of the opinion that the application should be refused, although the Officer has suggested there is a solution (were a replacement access proposed on neighbouring land or access granted onto the neighbour's access which would be closer to the nearby crest).
8. County Design and Conservation Officer: considers that the barn conversion has been sympathetically designed using existing openings and not creating new ones and therefore has no objections. It is considered that the garage would appear to be large in relation to the barn and has none of the traditional detail. It is advised that the barn is reduced in size and rendered to match the house. It is advised that the garage be amended and the proposal approved with the following conditions:
- Materials should be natural stone and slate and the brick elevation replaced with stone.
 - Exact design details of windows and doors to be agreed.
 - Windows to be painted timber and recessed by 100mm in their openings.
 - PD rights removed.
9. Natural England: have concerns regarding the potential adverse impacts upon protected species and advise that further information or key amendments are made to the supporting information to address these concerns as follows-
- There needs to be specific statements about what mitigation will actually be put in place.
 - Commitment to the Method Statement of works.

- Mitigation features within the development must be presented on the architect's plans.
10. Durham Bat Group: have checked the site and are happy that there are no risks to bats provided that the timing and mitigation suggested in the report are followed.
 11. Northumbrian Water: have no objections to the proposed development.
 12. County Durham Tourism Partnership: have not commented to date.
 13. Neighbours have been consulted and a site notice posted. No objections have been received to date.

Officer Assessment

14. This application seeks planning permission to convert a former agricultural building to holiday accommodation, and permission for the erection of a detached garage at Lindisfarne Farm, Rowley, Castleside which is an isolated former agricultural holding within the North Pennines Area of Outstanding Natural Beauty.
15. The main issues to consider for an application such as this is whether the barn conversion for tourism purposes is acceptable in principle, whether the amenity of existing and future occupiers is satisfactory, whether both the conversion and new build garage would be in keeping with the landscape, whether appropriate protection measures are in place for wildlife and whether appropriate access and parking are proposed.

The principle of the development

16. Policy EN4 of the District Local Plan and RSS Policy 11 encourage the re-use of rural buildings with a presumption in favour of visitor accommodation such as this. To ensure control over the occupation of such buildings Local Plan Policy TO6 advises that such developments are subject to planning condition limiting occupation by any one or more persons to not more than eight weeks in any one calendar year which is appropriate in this instance.
17. In addition to this occupation restriction it is considered that visitor accommodation conversion should only be permitted if the building is structurally sound and physically capable of conversion without significant rebuilding or extensions, where the form, bulk and general design of the building would be in keeping with the surroundings, where there would be no adverse effect on the setting of the buildings and surrounding countryside and where there would be no loss of amenity to neighbouring occupiers.
18. In order to demonstrate that the building is structurally sound and capable of conversion the applicant has submitted a structural report for the building. The structural survey concludes that the building has no major structural defects and can be converted to visitor accommodation with some re-roofing,

a new ground floor slab, creation of internal walls, re-pointing and stone re-facing. Having fully considered the information at hand your Officers are of the opinion that limited demolition and rebuilding works would be required to facilitate the proposed conversion in accordance with Policy EN4.

19. The physical form, bulk and appearance of this former agricultural building would not change significantly with a small single storey extension of approximately 30% of the floorspace and volume of the existing building in accordance with the rural extension guidance contained in Local Plan Policy EN3. Furthermore efforts have been made to retain existing door and window openings and minimise new openings and other visual, architectural and historic features have been retained and the materials proposed for the conversion are both traditional and sympathetic to the existing barn building. It is therefore agreed with the Design and Conservation Officer that this design should be supported.

Impact upon Area of Outstanding Natural Beauty

20. As the building is sited within the North Pennines AONB it is particularly important that there is no detrimental impact upon landscape character in accordance with Local Plan Policy EN5 and RSS Policies 8 and 31. As the barn like character of the building would be successfully retained for this proposal it is considered that the building would blend in well with the existing buildings in the locality and it is considered that the proposed conversion should serve to enhance the character of the AONB as it would lead to the renovation of a run-down unsightly barn building.
21. Local Plan Policy EN4 advises that where re-use of farm buildings is involved as in this case, to avoid the construction of further replacement barn buildings in inappropriate locations it is appropriate to attach a condition withdrawing agricultural permitted development rights which is considered appropriate in this instance given the location within the Area of Outstanding Natural Beauty.

Residential Amenity

22. There is one neighbouring residential property (belonging to the applicant) which lies adjacent to the proposed barn conversion. However, due to the distance between the two properties and the layout of the building there should not be a detrimental impact in terms of amenity to the neighbouring property and the future amenity of the holiday accommodation is acceptable.

Extensions within the Area of Outstanding Natural Beauty

23. In addition to the rural conversion the applicant is also proposing the erection of a detached garage to serve the adjacent Farm House which is classed as a householder extension. New build development outside of settlements should not result in an encroachment into the countryside to accord with Local Plan Policy EN2. The new garage building would not be considered an encroachment into the open countryside given that it does not extend past the southern building line of the adjacent farmhouse and as it does not project

past a tarmac parking area to the east.

24. Also relevant is Policy EN3 which restricts new extensions within the Area of Outstanding Natural Beauty to no more than 30% of the existing floorspace and volume of the original building in order to protect the landscape. When calculated together with previous extensions at this property the original plans for the proposed new garage would be well over the 30% threshold for floorspace at this property, and the volume would be close to the 30% limit. It was agreed with the Design and Conservation Officer that this was not acceptable and the size of the garage was considered excessive for domestic purposes. The applicants were advised of this and subsequently submitted amended plans to reduce the size of the garage to a more acceptable size. Although even this reduced size garage would increase the original floorspace of the property by over the recommended 30% limit it is considered acceptable given the building would not be highly visible within the landscape. With regards to the design, whilst the revised garage has been designed to be more in keeping with the existing farmhouse building it is not considered that a concrete block finish would be appropriate in this Area of Outstanding Natural Beauty and it is therefore considered appropriate to attach a condition to ensure the garage is rendered to match the existing farmhouse property. Such a condition would ensure that the garage would not damage the high landscape qualities of the area.

Protected Species

25. Both Local Plan Policy EN4 and GDP1 and RSS Policy 33 aim to protect legally protected species from harmful development. A bat and barn owl survey has been submitted with the application which suggests that it is extremely unlikely that the building would ever be used by breeding bats but that there is a residual risk of use by hibernating bats. Furthermore it was concluded that the barn building is occasionally used as a roost site by a tawny owl but that there is no evidence to suggest use by barn owls. Given that there is a risk of use by hibernating bats the survey suggests mitigation measures such as careful timing of works and the provision of bat crevices to protect against accidental harm. Natural England have recommended that the mitigation measures should be incorporated into the design and the applicants have now submitted further details indicating the locations of proposed bat roost crevices in line with their advice.

Highway Safety

26. All proposals must have a safe and suitable access and adequate parking in accordance with Local Plan Policy TR2 and EN4. Access to the proposed holiday accommodation and new garage would be gained via the existing farm access track which leads from a junction with the A68. The Highways Officer has objected to this proposal on the grounds that the existing junction has poor visibility and the A68 has high speed traffic. The Highways Officer advised that he would only withdraw his objection if an alternative access were proposed. The applicant has confirmed that he has looked into purchasing some land from a neighbouring landowner with a view to creating

a new access, however the costs involved would make the holiday let proposal no longer financially viable. The applicant has attempted to justify the use of the existing access for this proposal on the grounds that when the farm was a working farm in the past there was much more traffic visiting the site than would occur under this application. Also, the holiday let would only create additional minimal movements associated with one vehicle visiting the accommodation over an approximate six month period. Whilst it is conceded that the access and visibility afforded while exiting the junction are not ideal it is considered that the increase in vehicle movements associated with this small holiday let would be only be marginally greater than exist at present, and likely to be seasonal therefore it would not be considered reasonable to refuse this application on highways grounds.

Conclusion

27. The principle of tourism conversion is acceptable, the design of the conversion and new garage is well considered with protection for protected species incorporated in the design and efforts have been made to retain the existing character of the building. The marginal increase in vehicle movements to the site associated with the holiday accommodation would not be of significant detriment to the highway safety of the existing access. The proposal is therefore considered to be acceptable and in accordance with Local Plan Policies GDP1, EN1, EN3, EN4, EN5 and TR2 and SPG3 and Regional Spatial Strategy Policies 8, 11, 31 and 33.

Recommendation

28. Conditional Permission
- Time Limit (ST).
 - Approved Plans (ST01).
 - This permission relates to the application as amended by plans received on 27th August 2008.
Reason: In order to define the consent.
 - The external walls of the detached garage shall be rendered to match the existing farmhouse property.
Reason: In the interests of the character and appearance of the Area of Outstanding Natural Beauty in accordance with Local Plan Policy EN5.
 - Details of the finished appearance for the windows and doors shall be submitted and approved by the Local Planning Authority prior to the commencement of the development.
Reason: In the interests of the character and appearance of the existing building in accordance with Local Plan Policy EN4.
 - Windows to be painted timber and recessed by 100mm in their openings.
Reason: In the interests of the character and appearance of the existing building in accordance with Local Plan Policy EN4.
 - All rainwater goods to be used in the development shall be metal and painted black.
Reason: In the interests of the character and appearance of

- the existing building in accordance with Local Plan Policy EN4.
- The materials to be used in the construction and renovation of the building shall be natural stone and slate to match that of the existing building and the brick elevation shall be replaced with stone.
Reason: In the interests of the character and appearance of the existing building in accordance with Local Plan Policy EN4.
 - Windows and doors shall be timber and painted unless otherwise agreed in writing.
Reason: In the interests of the character and appearance of the existing building in accordance with Local Plan Policy EN4.
 - Foul drainage works (D05).
 - Surface Water drainage works (D07).
 - No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Bat and Barn Owl Risk Assessment of barns at Lindisfarne, County Durham, Durham Bat Group dated 22nd July 2008'. Including, but not restricted to, adherence to timing and spatial restriction, precautionary working methods and the installation of bat roosts.
Reason: To conserve protected species and their habitat in accordance with Local Plan Policy GDP1.
 - The visitor accommodation hereby approved shall not be occupied by any person or group of persons for a period exceeding 8 weeks on any calendar year. The operator of the accommodation shall make available to officers of the Local Planning Authority the register of occupiers of accommodation to which the condition relates upon written request given 24 hours notice.
Reason: In order to prevent permanent residential occupancy in accordance with Policy T06 of the Derwentside Local Plan.
 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no agricultural buildings shall be erected on site without the permission of the Local Planning Authority.
In order for the Local Planning Authority to have control over the future appearance of the development in accordance with Policy GDP1 of the Local Plan.
 - Permitted Development Rights Removed (PD01).

Reason for Approval

29. The development was considered acceptable having regard to development plan policies GDP1, EN1, EN2, EN3, EN4, EN5, T06, TR2, Supplementary Planning Guidance 3 and Regional Spatial Strategy Policies 8, 11, 31 and 33.

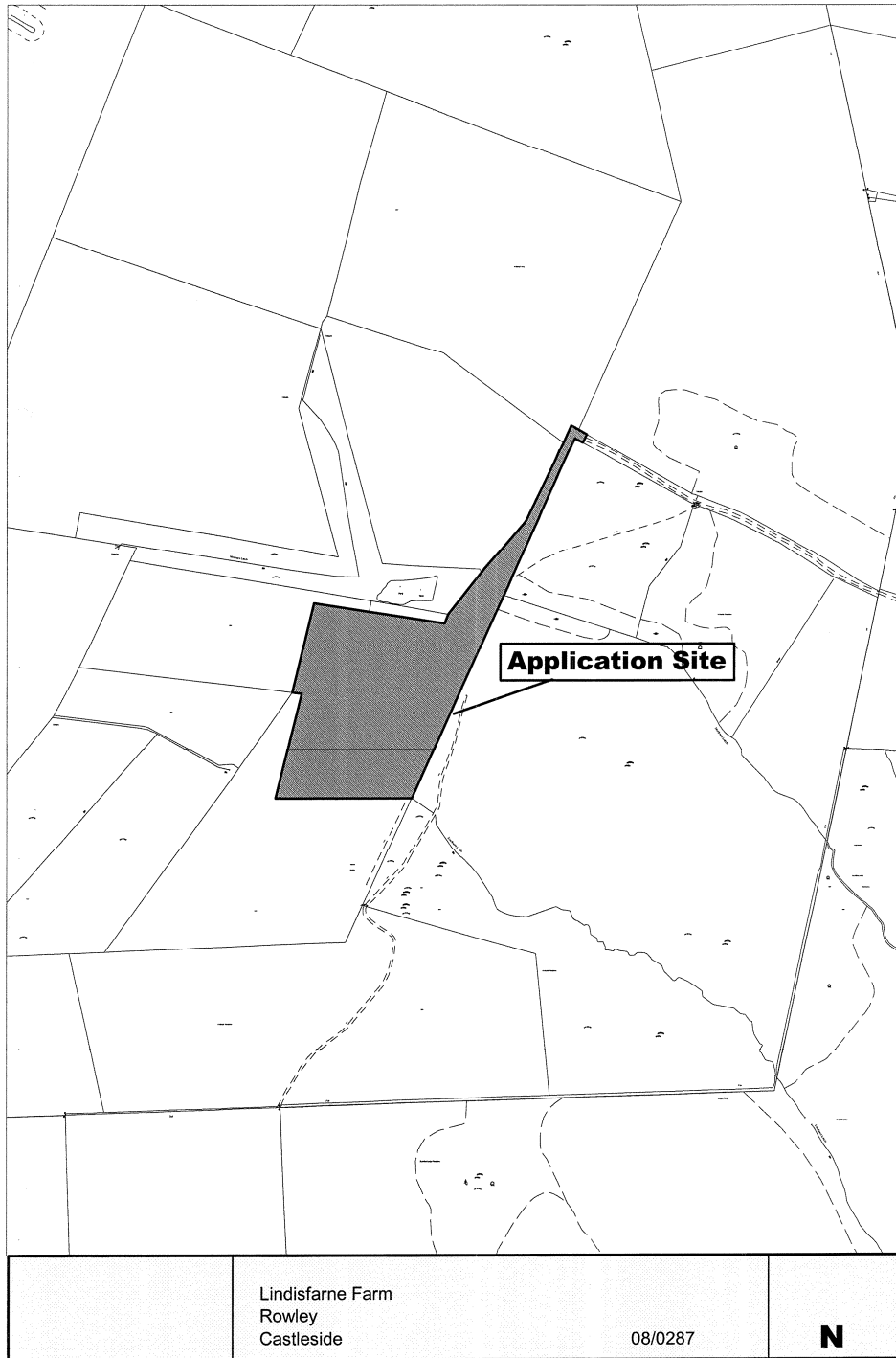
In particular the development was considered acceptable having regard to consideration of issues of tourism conversion, the design and effect on the Area of Outstanding Natural Beauty, protection for protected species and highway safety.

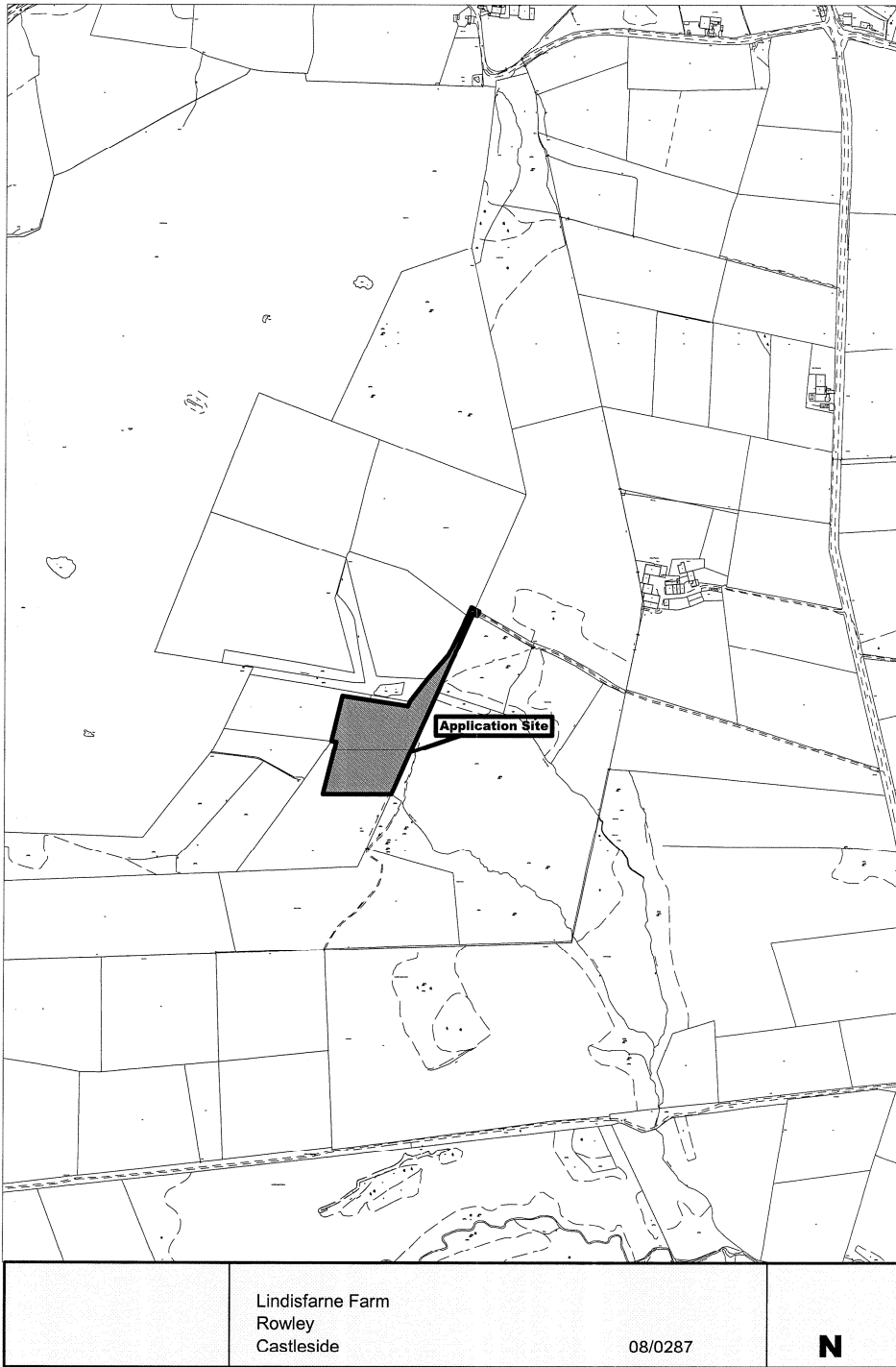
The stated grounds of objection concerning the safety of the existing access

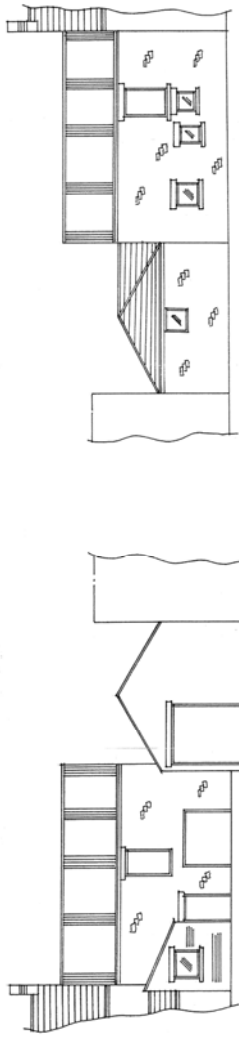
were not considered sufficient to lead to reasons to refuse the application because of the anticipated small and seasonal number of additional vehicle movements for such visitor accommodation.

A copy of the Committee report is available on request.

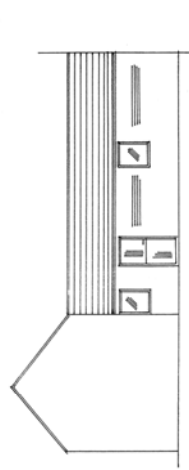
Report prepared by Louisa Ollivere, Area Planning Officer



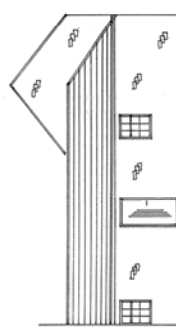




- Existing Front Elevation -

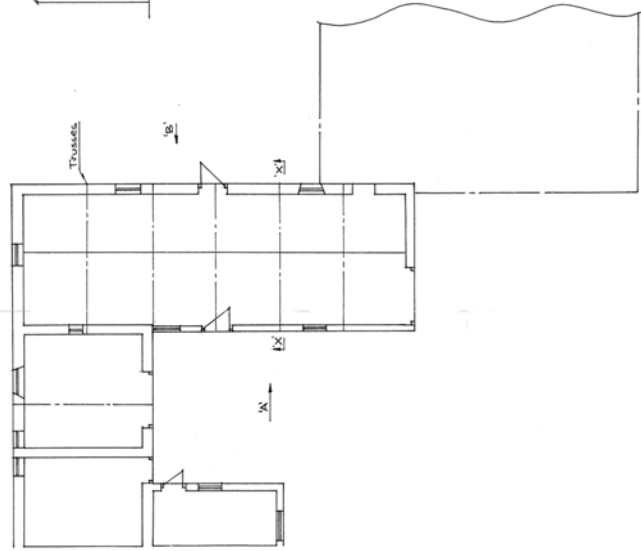


- Elevation 'A' -



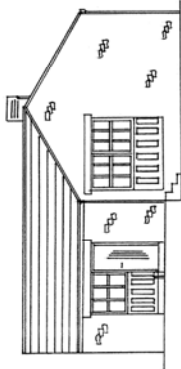
- Elevation 'B' -

- Existing Rear Elevation -

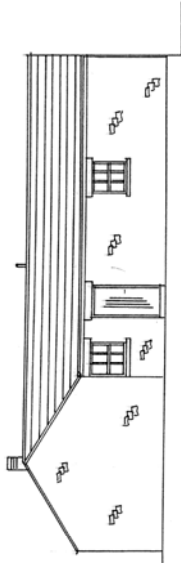


- Existing Ground Floor Plan -

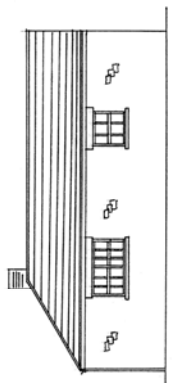
Lindisfarne Farm, Rowley, Castleside. 08/0287



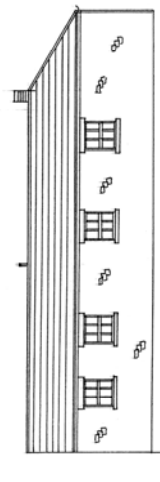
- North Elevation -



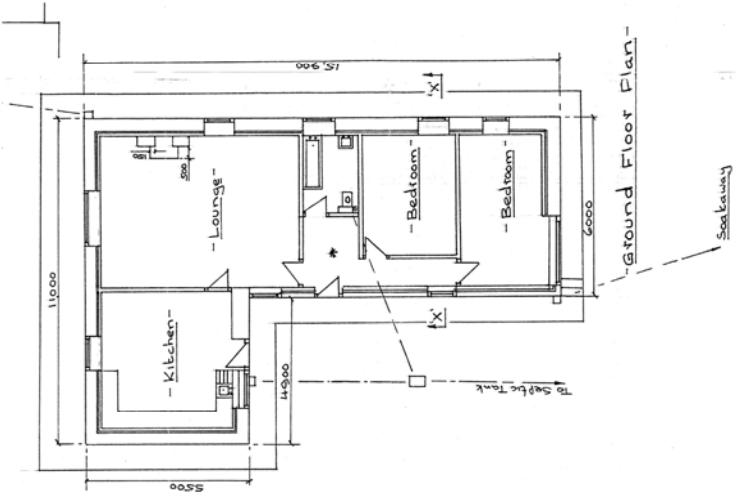
- East Elevation -



- South Elevation -



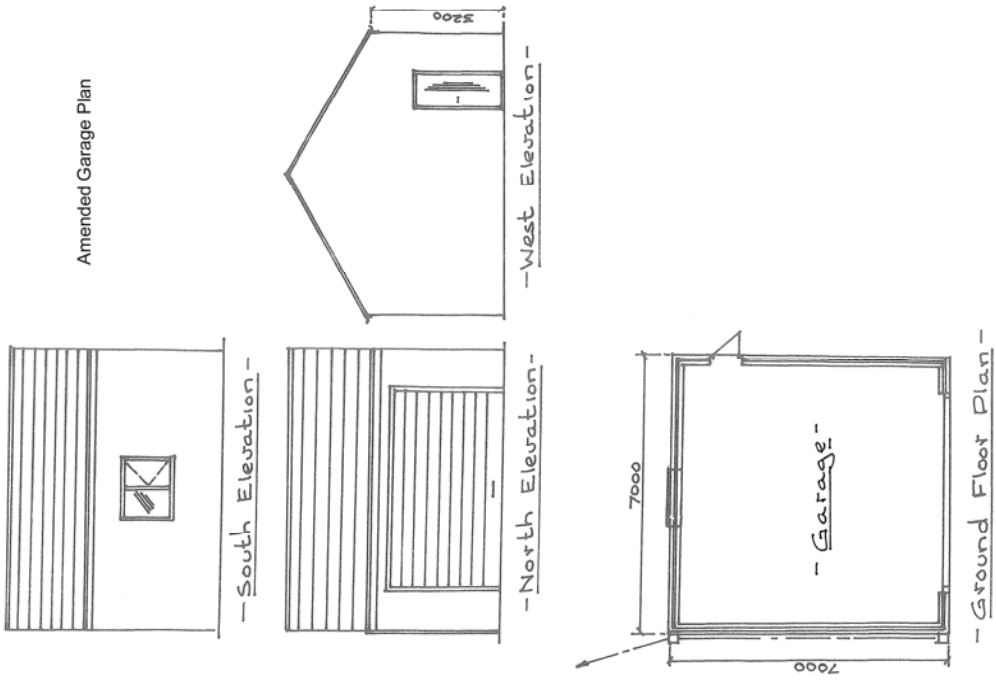
- West Elevation -



- Ground Floor Plan -

Lindisfarne Farm, Rowley, Castleside. 08/0287

Amended Garage Plan



Lindisfame Farm, Rowley, Castleside. 08/287

RECOMMENDATION FOR APPROVAL

08/0502

11/07/2008

Mr M Rouse

2 Cragleas Hobson
Newcastle Upon Tyne

Change of Use of land to side to create hardstanding with the erection of 1.8 metre high wall to side

Dipton Ward

The Application

1. This application seeks planning permission for the change of use of land to create hardstanding to the side of 2 Cragleas, a detached property in Hobson. The application also proposed the erection of a 1.8 metre high wall to the side (eastern boundary) of the property. The wall would measure 1.8 metres in height for a length of 20 metres. The wall would then curve down to a one metre high wall. There would be a one metre high wall which would curve around the boundary of the property and along the southern boundary. The wall would be clad in contrasting brickwork to match the appearance of the dwelling house.
2. The application originally proposed a 1.8 metre wall which would have measured 26 metres in length along the eastern boundary of the property and then curve round to the southern elevation, where it would have measured 19.5 metres in length.
3. The applicant had begun to erect a 2 metre high close boarded wooden fence to the side of 2 Cragleas, however has stopped following the advice of the Enforcement Officer and pending the decision of this planning application.

History

4. Planning permission was granted for the erection of a two-storey side extension to the eastern (gable) elevation and a single storey extension to the western (gable) elevation of the existing dwelling house in 2007 (reference 1/2007/0365).

Policy

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

GDP1
TR2

General Development Principles
Development and Highway Safety

Consultations

6. County Highways Development Control Officer: the Highways Officer considers the principle of the application to be acceptable provided the gates only open inwards and not upon the public footway and it was recommended that this be conditioned in.
7. The Highways Officer noted that the area of extended hardstanding was not depicted on the plans and it was suggested this be added to clarify matters and fulfil the condition requested in the previous planning application (reference 1/2007/0365). The Highways Officer also raised concerns regarding manoeuvring the long motorhome in via the gates onto the area of hardstanding.
8. The bend would be 6 metres in radius and the existing footway would effectively ensure compliance with the 10-metre visibility zone requirement in the Council's "Guide to the Layout and Construction of Estate Roads".
9. The owner / occupiers of 8, 18, 19, 21 and 22 Cragleas, Hobson have objected for the following reasons:
 - The fence, which has already been erected without planning permission to the side of Cragleas, totally restricts the vision for drivers entering or exiting the estate and replacing the fence with a wall and railings is not going to solve this issue.
 - The 1.8 metre high wall would cause a blind spot for vehicles turning the corner or going straight into the drive of 22 Cragleas, with the potential to cause accidents.
 - There is almost a total lack of visibility for drivers of vehicles approaching the 90 degree bend in the road at this point and the danger of accidents occurring involving children playing in this area and also involving vehicles.
 - The wall would only exacerbate an already dangerous situation, as when the motorhome, trailer etc were parked on the land to the side of 2 Cragleas visibility on the 90-degree bend in the road is very restricted. On many occasions the motorhome is parked in the road, close to the bend for a number of days at a time, with family cars and also vehicles belonging to clients of the applicant's business at the property adding to the dangers in the area.
 - To get a vehicle around the side of the house the gates would have to open outwards, extending onto the road.
 - The motorhome would be prevented from parking on the proposed hardstanding area once the extension, which was given planning permission, previously is built (ref: 1/2007/0365).
 - The applicants would still park their cars on the pavement causing an obstruction and inconvenience.
 - The drawings provided with this application show the property as it currently stands, however planning permission has already been granted for extensions to both sides of the house. The front and

side elevations do not show what the property would look like when these changes have been made.

- A restrictive covenant on the land certificate prevents the owner building any wall or fence to the front or boundary of any of the properties on the estate. The covenant also prevents the parking of caravans, boats or motorhomes on any property. The house builders (now Persimmon) have been contacted and have stated that under no circumstance should any additional building work take place that would go beyond the original builder's line.
- 2 Cragleas would be the only property within the estate with a wall adjacent to a footpath and it would be extremely conspicuous and an eyesore.
- The proposals would spoil the estate and give 2 Cragleas the appearance of a prison. Cragleas is an open plan estate, i.e. no fences, walls, caravan park etc.
- The proposals would be totally out of character with the rest of the estate and go against the builder's original intentions.
- Most residents in Cragleas have problems with dog fouling, cigarette ends and litter on their land, children kicking footballs against their houses, cars etc. and trespassing on their land, and various other anti-social activities.
- The issue of safety, security and privacy affects all properties in Cragleas.
- There is virtually nothing that cannot be insured, particularly motorcycles and associated equipment.
- The plans do not detail if the gate would open inwards or outwards. If it opened outward it would block the public highway and if it opened inward it would not leave enough space to fit a car or motorhome to manoeuvre.
- Trees and hedges were removed prior to the present illegal fence being erected.
- The applicant runs a child minding business from the property and as a result the volume of vehicles coming to and from 2 Cragleas has greatly increased, causing disputes with neighbours.

Officer Assessment

10. This application comprises of two elements, the Change of Use of the land to the side of the property to domestic curtilage and the erection of the wall to the side of the property.
11. In terms of the proposed Change of Use of the land it should be noted that the original plans for this housing development indicate that the area of land to the side of the property was intended to be landscaped and offered to the Council for adoption. It is not clear whether the landscaping took place, however the land was not adopted by the Council and was sold to the applicant. As the land is situated outside of the original curtilage of the property Change of Use would be required for this to be used as domestic curtilage.

12. Since the application was submitted Planning Officers have found that there are two other areas of land on this estate which were shown to be opened landscaped areas on the approved plans for the development which have now been enclosed within garden areas. It is not clear when the enclosure of these areas took place. In addition Change of Use of another area of land to private garden was granted permission.
13. In determining the application consideration must be given to whether the Change of Use is appropriate in terms of the character and appearance of the estate, which is of an open plan design, and whether there would be any adverse impacts in terms of residential amenity.
14. In 2007 Planning Permission was granted for a two storey extension at the property. Work has not yet commenced on this development. Due to concerns about parking a condition was imposed which required the applicant to provide a hardstanding area to the front of the property in order to accommodate an additional vehicle. The applicant now wishes to provide the hardstanding area to the side of the property. He has advised that this would allow him to park his motorhome within the curtilage of his property as well as the other vehicles that are owned by the family.
15. The applicant has also said that the proposal would increase security at his property as a burglary took place at the property earlier this year when his family were at home and goods of a considerable value were stolen. The applicant also points out that as a result of the land being open and accessible he has experienced problems of anti-social behaviour such as children kicking footballs against the gable of the house, dog fouling and cigarette ends being deposited on his property.
16. The application originally incorporated a wall with railings above to the front (southern) boundary of the property which would have measured 1.8 metres in height would have not been in keeping with the character and appearance of the estate. The applicant was advised that this element of the proposal would be unlikely to be acceptable as it was considered that the wall to the front would create an inactive frontage on an estate which is characterised by the lack of hard boundary features and therefore was considered to be an incongruous feature, contrary to Policy GDP1 of the Derwentside District Local Plan.
17. The applicant therefore amended the plans, reducing the wall to the front (southern) elevation, which would bend around the corner of the property to one metre. The General Permitted Development Order states under Class A of Part 2 that Planning Permission is not needed for the erection of a wall which does not exceed one metre in height. Therefore this application cannot determine the acceptability of the one metre high wall, although it would alter the open plan character of the estate. In addition the Planning Division could not control the position of the gate and the way in which it would open, although this matter would be controlled by

the highways legislation.

18. The applicant has already partly erected a wooden fence, which is positioned where the wall would be. The fence was erected without planning permission and should this application be granted planning permission it is considered the fence would be removed in order to accommodate the proposed wall. The applicant states that he was advised by a surveyor that Planning Permission would not be required for this although he did not seek the advice of the Council.
19. The proposed wall to the side would curve down to one metre in height in line with the front elevation of the dwelling house, resulting in the 1.8 metre high element of the wall not protruding past the front elevation of the existing dwelling house. It is taken into consideration that the wall would be seen on entering the estate and that the estate was intended to be open plan by the developer. However, the impact of the wall on the open plan character of the estate would be mitigated by the large green open space on the opposite side of the road behind Cawthorne Terrace in accordance with policy GDP1 of the Derwentside District Local Plan.
20. It is considered that when viewing the property from the front the side wall would not be a prominent feature of the streetscape given it would not protrude beyond the front elevation of the dwelling house. Therefore the proposal would have a minimal impact on the appearance and open plan character of the Cragleas estate in accordance with Policy GDP1 of the Derwentside District Local Plan.
21. The wall would consist of brickwork to match the appearance of the existing dwelling house. The wall would be seen in relation to the gable elevation of the side extension, which has Planning Permission but as yet is not built, and would therefore be in keeping with the character and appearance of the estate in accordance with Policy GDP1 of the Derwentside District Local Plan.
22. The applicant's property is located on a corner within the Cragleas estate and it is acknowledged that several of the neighbours are concerned that the proposed wall would reduce visibility and could cause a blind spot, which could potentially result in an accident. The Highways Officer commented that even if the wall had been 1.8 metres in height rather than one metre at the corner, the visibility radius turning left around the bend would comply with the 10 metre visibility zone requirement needed for a bend outlined in the Council's "Guide to the Layout and Construction of Estate Roads". Therefore it is considered that the proposed wall to the side of 2 Cragleas would have a minimal impact on highway safety in accordance with policy TR2 of the Derwentside District Local Plan.
23. The concerns of the Highways Officer and some of the objectors that the applicant would not be able to manoeuvre the motorhome from the gates round to the hardstanding are acknowledged. However, given that the

motorhome is an impermanent structure, the Planning process cannot control where it is parked and therefore the ability to manoeuvre the motorhome round to the hardstanding is not considered to be a material planning consideration. In addition, Planning can also not control where the applicant parks their cars. Given that the Highways Officer has no objections to the provision for parking at the property it is considered that the plans are in accordance with Policy TR2 of the Derwentside District Local Plan.

24. The proposed wall would respect the 45-degree rule in relation to the nearest window in 1 Cragleas. Given the Highways Officer considers there to be adequate parking provision and the wall would only be seen at a distance from neighbouring properties, it is considered it would have a minimal impact on the amenities of neighbouring properties in accordance with policy GDP1 of the Derwentside District Local Plan.
25. It is noted that there may be a covenant stating that no wall or fence should be erected around a property within Cragleas. However, the covenant was imposed by the developer of the estate and the Local Planning Authority have no power to enforce the covenant. The covenant is not a material planning consideration and should not be a factor when determining this application. However, the covenant could prevent the applicant from undertaking the work.
26. It has been highlighted in a number of the letters of objections that the applicant runs a child minding business from 2 Cragleas. Planning Policy Guidance 4, 'Industrial, commercial development and small firms' states that,
"Permission is not normally required where the use of part of a dwelling-house for business purposes does not change the overall character of the property's use as a single dwelling. For example, the use by a householder of a room as an office, or childminding complying with the Department of Health's standard recommended ratios, would be unlikely to mean that the character of the house's use as a single dwelling had ceased and would not normally require planning permission."
For this reason the applicant using the property for the purposes of a child minding business is not considered to be a material planning consideration.
27. It is taken into consideration that the applicant has already removed trees to make way for the existing wooden fence and proposed wall. However, the trees were not protected by a Tree Preservation Order, therefore the applicant was entitled to fell or do works to the trees without the permission of the Local Planning Authority.
28. The proposed Change of Use of the land and the erection of the wall would alter the appearance of the entrance to the estate. However, Officers feel that this would not have a harmful impact on the character or appearance of the estate. Although the land was intended to be offered for adoption to the Council it was not adopted and is in the

ownership of the applicant. The wall has been well designed using appropriate materials. The erection of the wall to the front of the property would alter and erode the open character of this open plan estate however it would be Permitted Development. The proposed development would address the security and anti-social behaviour issues mentioned by the applicant. An assessment of the application has been made by the County Council's Highways Development Control Officer and he has raised no objections to the application in terms of highway safety. Approval of the application is recommended.

Recommendation

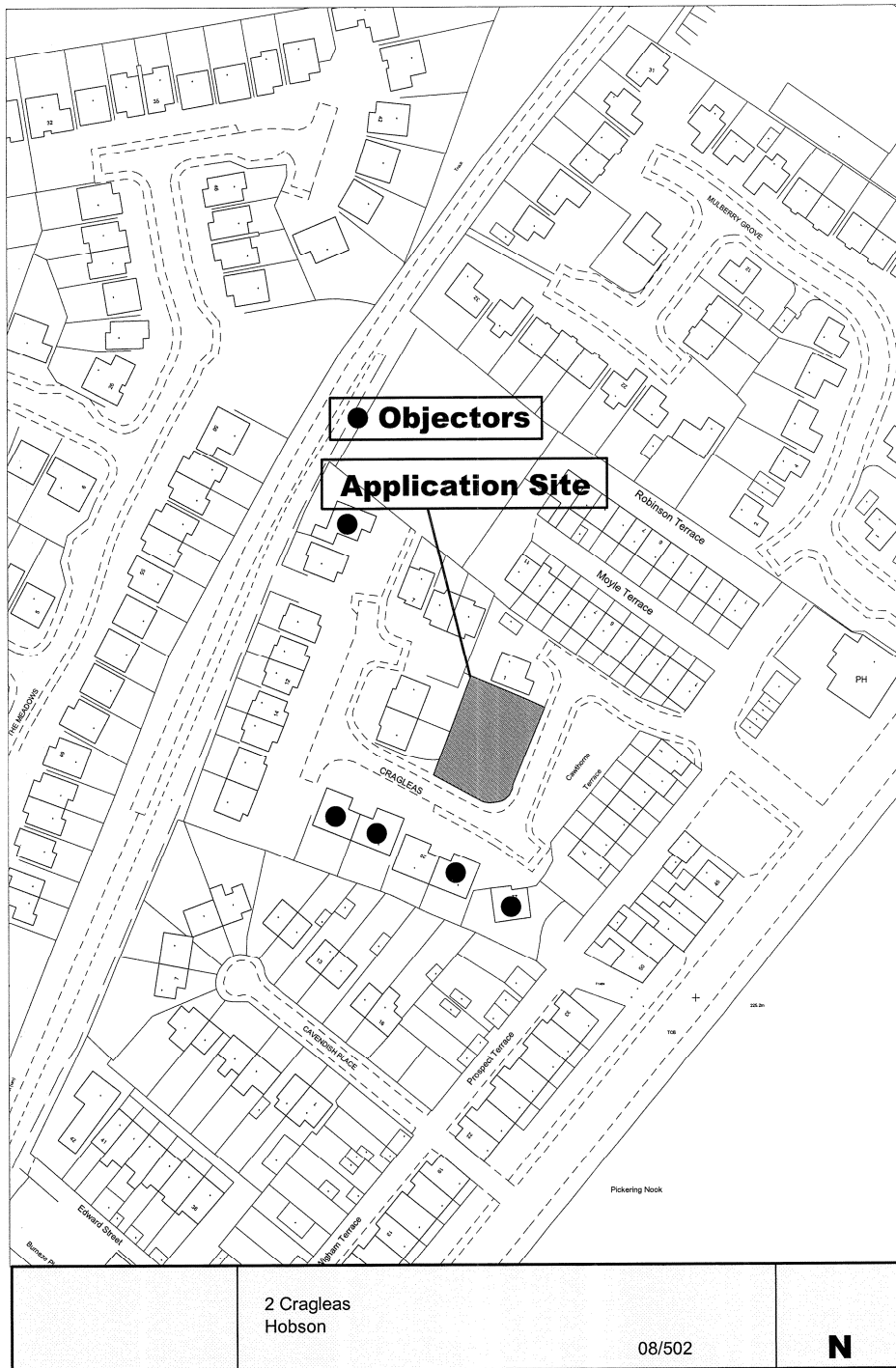
29. Conditional Permission.

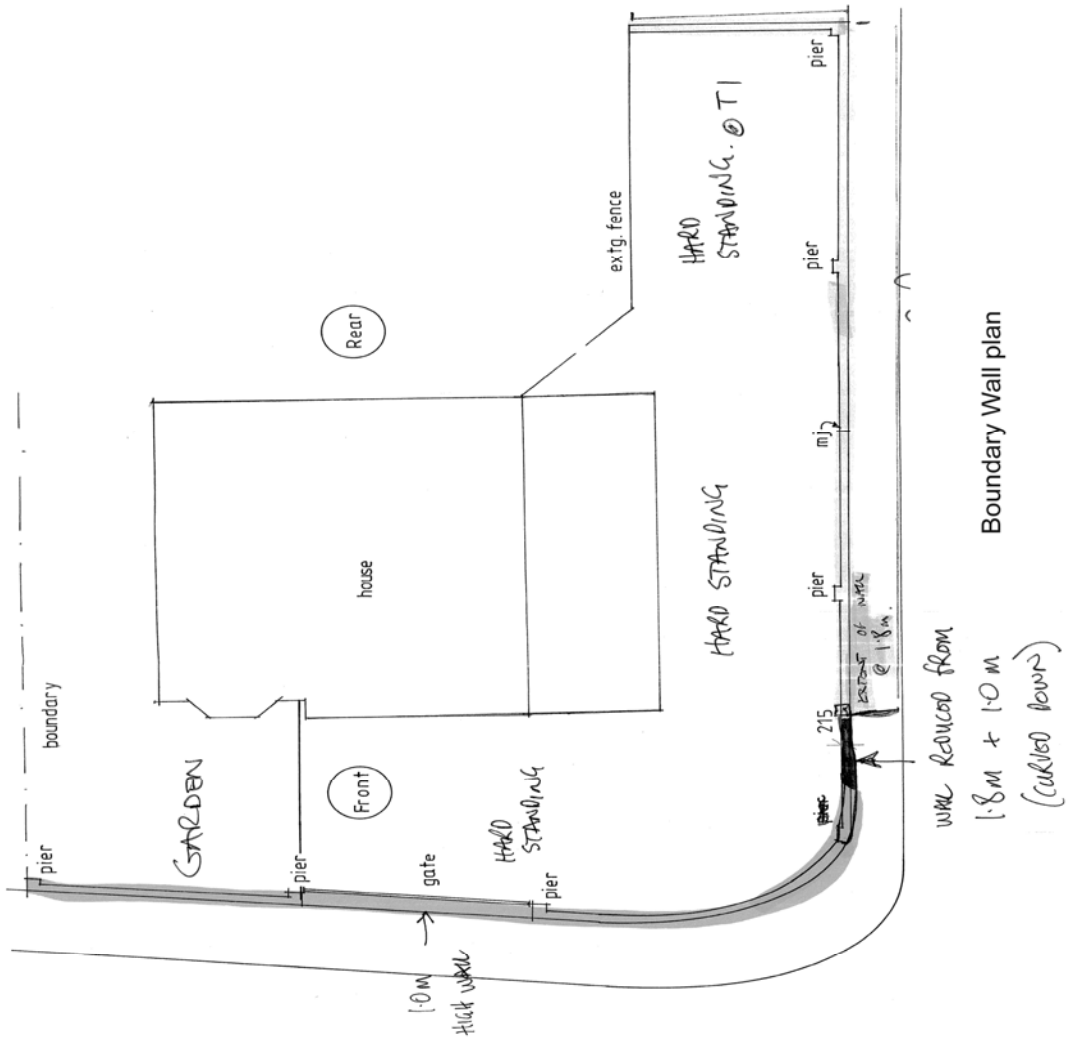
- Standard time limit (ST).
- Approved plans (ST01).
- Amended plans 21st August 2008 (G04).
- Materials to match (A07).

Reason for Approval

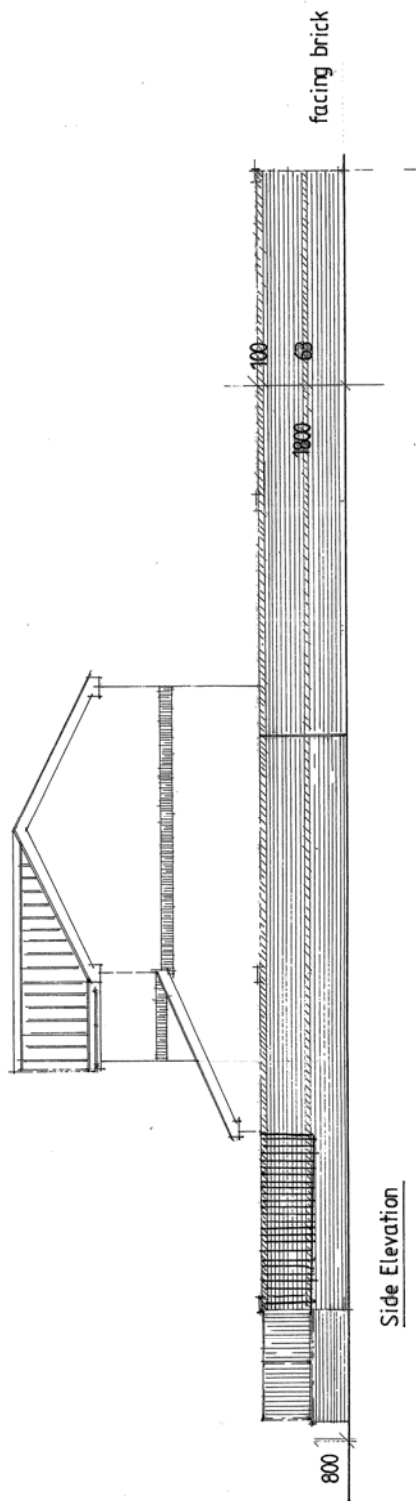
30. It is the opinion of the Local Planning Authority that the proposed change of use of land to create hardstanding and the erection of a 1.8 metre high fence to the side would have a minimal impact on the amenities of neighbouring properties, would be in keeping with character and open plan nature of the Cragleas estate and would have a minimal impact on highway safety in accordance with Policies GDP1 and HO19 of the Derwentside District Local Plan. A copy of the Committee report is available on request.

Report prepared by Thomas Armfield, Planning Officer





Boundary Wall plan



Side Elevation

Side Elevation

TREE PRESERVATION ORDERS

TPO 200

03.10.08

Tree Preservation Order 200

Land to the rear
19 – 22 Victoria Street
Lanchester

The Background

1. On 23rd April 2008 the Council served a provisional Tree Preservation Order (TPO) on one Sycamore tree on the land to the rear 19 – 22 Victoria Street, Lanchester.
2. The primary reason for imposing a new Tree Preservation Order was to seek protection for the tree from felling. The tree is a prominent feature in an area otherwise devoid of trees and the removal of this tree would have a significant impact on the local environment. The tree contributes to the character and appearance of the area. As the TPO is provisional the Committee must now decide whether to:
 - a) Confirm the Tree Preservation unmodified;
 - b) Confirm the Tree Preservation Order with modifications; or
 - c) Not to confirm the Tree Preservation Order.

This decision needs to be made by the 22nd October 2008, otherwise the tree that has been protected by a TPO since 23rd April 2008 will no longer have any protection. A copy of the TPO is attached to this report.

Guidance

3. Guidance from the Department of Communities and Local Government is contained within the publication 'Tree Preservation Orders, A Guide to Good Practice'. This requires that the amenity value of the trees concerned is assessed in a structure and consistent way taking into account the following.
 - i. Visibility: the extent to which the trees can be seen by the local public and the trees impact on the local environment.
 - ii. Individual impact: the mere fact that the trees are publicly visible will not itself be sufficient to warrant a TPO. An assessment of the tree / trees in regards to their size, form (shape of tree) and its future potential as amenity have to be considered.
 - iii. Wider impact: the significance of the tree / trees in their surrounding taking both into account how suitable they are in their particular setting, as well as the presence of any other trees in the vicinity.
4. An evaluation form is used to aid the decision on whether to serve a TPO. This form considers the condition, suitability, age, size and visibility of the

trees.

5. To decide whether the tree covered by a new temporary TPO the current condition and form of the tree, species characteristic, safety of trees and also the vicinity of trees to each other were all taken into consideration. This assessment was made with the professional advice of the County Council arboriculturist. Tree Preservation Orders are not normally used to protect trees in poor condition, of poor form or trees that maybe unsafe. The age of tree will be considered in the light of both time it would take to mature and its forthcoming safe life expectancy.

Consultations

6. One letter of objection has been received to the TPO on the following grounds:
 - The tree is unsightly due to the pruning that has been undertaken by the Electricity Board.
 - The tree is not a suitable species to have near residential properties. This is because the tree excretes a sticky residue that is difficult to remove from the paintwork of cars that have parked under the tree. Another species of tree such as a White Beam would be more appropriate.
 - The tree is situated near a main sewage drain.
 - The presence of the tree means that the street has to be swept to keep it tidy.
 - The tree will die due to the erection of a new building and the arrangement and landscaping of gardens, which will have given the tree a false bottom. When the tree dies it is within reach of my property.

Officer Assessment

7. It is clear that some pruning works have been undertaken to the tree which have adversely affected its shape, however Officers take the view that the tree remains worthy of protection.
8. Different kinds of Acers (of which this tree is one) are used often in landscaping schemes, and the objector is correct they can secrete sticky substances. However, this is not a justified reason to fell the substantial tree.
9. The Objector points out that a sewage pipe is situated near the tree in question. The Council Engineer has advised that the tree was there before the sewage pipe. The situation that would need to be monitored, although this is not a reason to fell this tree at present.
10. While it is noted that the objector sweeps the street in order to keep the area tidy this does not warrant the felling of the tree.
11. Finally the tree has been subjected to development works near to it with

the construction of a detached garage and possibly some landscaping works. The permission for this works was given in 2003 therefore we can assume that this tree has had at least four years of growing seasons since the construction. To date this tree shows no signs of stress or disease.

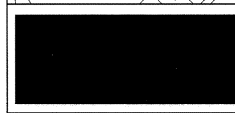

Recommendation

12. Tree Preservation Order No.200 be confirmed without modification.

Report prepared by Karen Fisher, Biodiversity Projects Officer

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	<p>Land to the rear 19 - 22 Victoria Street Lancaster</p>	<p>TPO 200</p> 
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TREE PRESERVATION ORDERS

TPO 202

03.10.08

Tree Preservation Order 202

Woodlands Hall,
Knitsley,
Lanchester

The Background

1. On 14th July 2008 the Council served a provisional Tree Preservation Order (TPO) on 30 individual trees, 4 groups of trees and an area of woodland at Woodlands Hall, Knitsley, Lanchester.
2. The primary reason for imposing a new Tree Preservation Order was to protect the individual trees, groups of trees and woodland. These trees were seen as being important, making a positive contribution to the visual character and appearance of the area. It was felt that their removal would have a significant impact on the local environment. Many of the trees highlighted for protection are of a quality and age this is considered rare in County Durham. The Woodlands Hall estate was laid out in the late 1700's and as such it is assumed that the eldest trees on the site may be approximately 230 years old. Some of the trees were planted when Woodlands Hall consisted of one estate and therefore there is a historical element to these large impressive trees. This TPO is provisional for a six month period and the Council must decide within the six month period whether to:
 - Confirm the Tree Preservation unmodified;
 - Confirm the Tree Preservation Order with modifications; or
 - Not to confirm the Tree Preservation Order.
3. This decision needs to be made by the 13th January 2009, otherwise the trees would lose the protection of the Order. A copy of the TPO is attached to this report.

Guidance

4. The Department of Communities and Local Government provides guidance regarding TPO's in a document entitled 'Tree Preservation Order, A Guide to Good Practice'. This requires that the amenity value of the trees concerned are assessed in a structured and consistent way taking into account the following:
 - Visibility: the extent to which the trees can be seen by the local public and the trees impact on the local environment.
 - Individual impact: the mere fact that the trees are publicly visible will not itself be sufficient to warrant a TPO. An assessment of the tree / trees in regards to their size, form (shape of tree) and its future potential as amenity have to be considered.
 - Wider impact: the significance of the tree / trees in their surrounding

taking both into account how suitable they are in their particular setting, as well as the presence of any other trees in the vicinity.

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

5. The current condition and form of the trees, species characteristic, safety of trees and also the vicinity of trees to each other were all taken into consideration in considering whether a TPO should be served. This assessment was made with the professional advice of the County Council arboriculturist. Tree Preservation Orders will not normally be used to protect trees in poor condition, of poor form or trees that maybe unsafe. The age of tree will be considered in the light of both time it would take to mature and its forthcoming safe life expectancy.

Consultations

6. Local residents were consulted with regards to the TPO. The objections are summarised below:
 - The nearest footpath is 450m away and therefore there is little or no public amenity to the trees concerned.

The residents of Woodlands Hall commissioned an independent arboricultural report to survey the trees only on their property. The following comments were taken as objections to the TPO.

- Due to the rural nature of the site the overall amenity value of the trees can be brought into question. Little of the area can be seen directly from the surrounding roads and public areas and so the main recipients of the amenity value of the estate are solely the estate's owners.
 - Most of the trees found on the site are relatively common in County Durham. The only two species that were found that, in our opinion, offered some scarcity value were the various examples of Copper Beech tree, and the single Sweet chestnut which is in poor health.
 - The trees protected in W1 consist of numerous trees that are unsuitable for retention and offer little intrinsic value to the stand or the estate and as such warrant no protection.
7. An objection has been made regarding groups 3 and 4. The objector feels that most of the trees in these groups are self-seeded and are unworthy of protection.

8. Lanchester Parish Council supports this TPO.

Officer Assessment

9. The Secretary of States view is that TPO's should be used to protect selected trees and woodlands where their removal would have a significant

impact on the local environment and its enjoyment by the public. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or a footpath. Woodland Hall and the surrounding other ten residential properties are seen as a hamlet and the trees are an important feature in this locality.

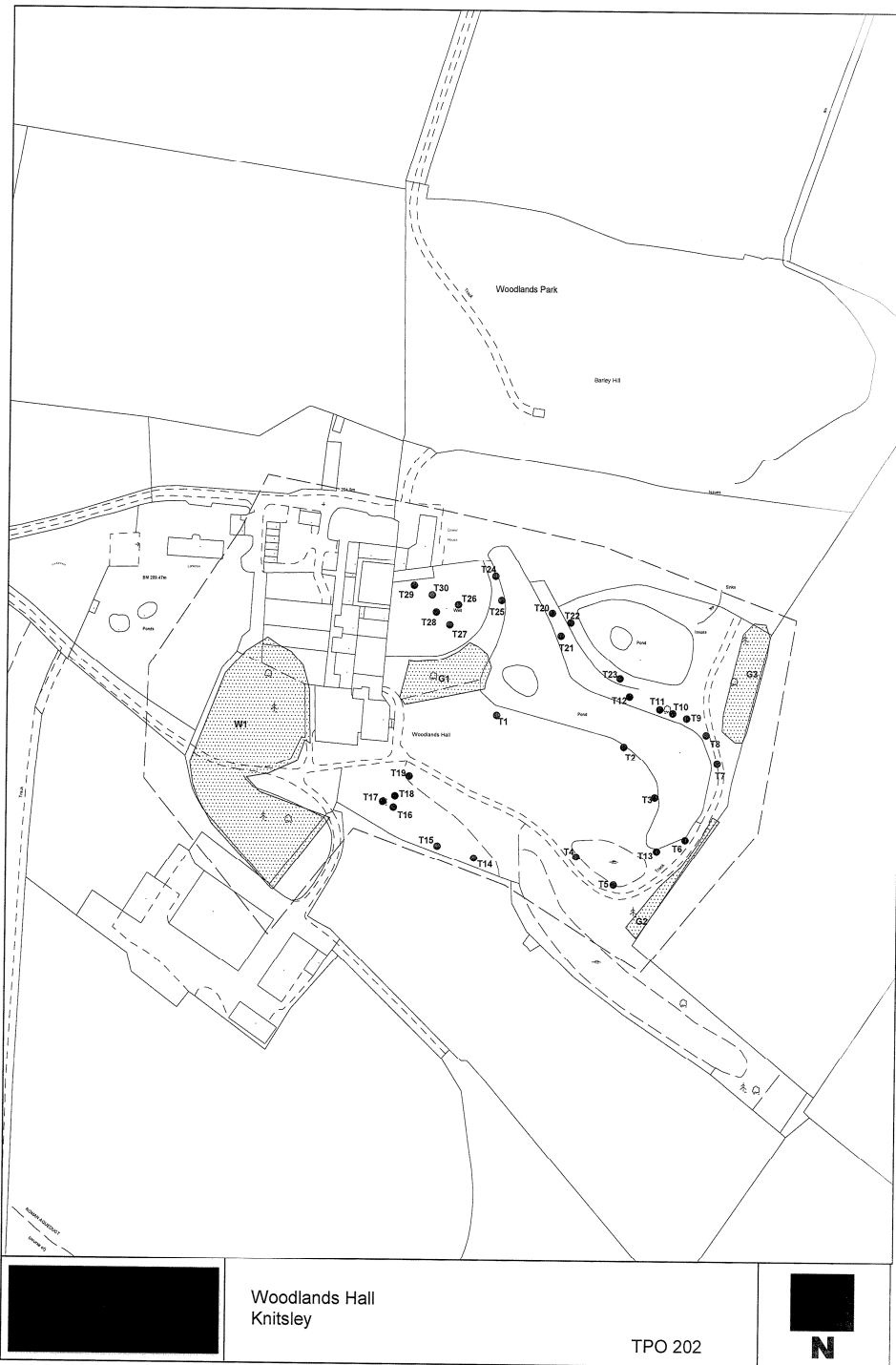
10. The arboricultural report provided by the objectors highlights the trees that have been selective for protection under this TPO are in fact healthy trees that either require no work (at this time) and several that should be monitored annually. The objectors argue that the trees should not be protected as they are not particularly rare. However, rarity of the species of trees is not part of the criteria that is considered when serving a TPO. Rather the visibility of the tree / trees / woodland, their individual impact and their wider impact are.
11. With regard to the area that has been granted the protection (W1) this is viewed as an area of woodland that comprises a mixture of broadleaves and conifers with varying ages therefore creating the three layer canopy the of a woodland. When a group of trees form a woodland structure as in W1 the trees will then be classed and protected as woodland.
12. A group of trees may have amenity value as a visual feature, even if some or all the trees individually would not justify protection in their own rights. The Council has listened to the objections in regard to G3 and G4. It is felt that the view of the residents living in this hamlet would not alter should one of these groups were removed. Officers therefore consider that the protection given to G4 should be removed but retain that given to G3.

Recommendation

13. Tree Preservation Order No.202 be confirmed with modification, with the removal of tree Group 4.

Report prepared by Karen Fisher, Biodiversity Projects Officer

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DEVELOPMENT CONTROL COMMITTEE

2nd October 2008

APPENDIX – DISTRICT LOCAL PLAN POLICIES

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

Policy GDP1

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

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

Policy EN1

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

Policy EN2

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

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

Policy EN3

Extensions to single buildings and those contained within small groups of buildings in the countryside, will only be permitted if:

- (a) the proposal reflects the character and style of the original building; and**
- (b) the scale of the extension does not adversely affect the appearance of the original building; and**
- (c) the proposal does not result in the loss of a feature which contributes to the character of the original building or locality.**

Policy EN4

The change of use or conversion of existing buildings in the countryside will be permitted for the following:

- economic or employment generating uses, including diversification of agricultural enterprises (see Policy AG2)**
- recreation or tourist facilities**
- visitor accommodation (see Policy T06)**

If the buildings are not to be developed solely for any of the uses identified above, consideration will be given to the conversion of the buildings to residential use or a mix of uses.

The change of use or conversion of existing buildings in the countryside will only be permitted if:

- (a) the buildings are structurally sound and physically capable of conversion without significant rebuilding or extensions.**

- Evidence of this may be required and therefore applications should be supported by a written assessment undertaken by an appropriately qualified professional; and
- (b) the form, bulk and general design of buildings are in keeping with their surroundings. This should include the retention of existing door and window openings and minimising the number of new openings (including rooflights). Other visual, architectural or historic features should be retained and design details and materials to be used should be traditional and/or sympathetic; and
 - (c) there would be no adverse effect on the setting of the buildings, including any attractive adjoining or neighbouring buildings and/or the character or appearance of the surrounding countryside; and
 - (d) there would be no loss of amenity to neighbouring occupiers through noise, smell, pollution or general disturbance as a direct result of the new use; and
 - (e) vehicular access and other services exist or can be provided without adversely affecting the appearance of the surrounding area.

Where re-use of farm buildings is involved, planning permission may be subject to a condition withdrawing agricultural permitted development rights, in order to control the construction of new farm buildings on that particular unit.

Where conversion to residential use is involved, planning permission may be subject to a condition withdrawing the normal permitted development rights to alter or extend a dwelling.

Proposals should also meet the requirements of Policy GDP1 with regards to species protected by the Wildlife and Countryside Act 1981.

Policy EN5

When considering proposals within the North Pennines Area of Outstanding Natural Beauty, development will only be permitted where it conserves or enhances the high landscape qualities of the area.

Policy HO19

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

- (a) reflects the character of the original dwelling and its surroundings; and
- (b) respects the scale of the original dwelling; and
- (c) incorporates pitched roofs wherever possible; and

- (d) specifies materials to match those of the existing dwelling; and**
- (e) does not result in an unacceptable loss of privacy and/or amenity to neighbouring occupiers; and**
- (f) does not result in the loss of off-street car parking space such that the level of provision is reduced to below the minimum requirements.**

Policy TO6

Within the countryside, planning permission will only be granted for new visitor accommodation within conversions of existing buildings acceptable under the terms of Policy EN4, or where new buildings can be added to an existing farmstead or similar traditional group of buildings, provided that:

- (a) the proposal does not detract from the character of the area; and**
- (b) the scale, design and materials of the proposal are appropriate to the existing group of buildings.**

Where planning permission is granted for new visitor accommodation in the countryside, such approval may be subject to a planning condition or the applicant agreeing to enter into a planning obligation limiting occupation by any one or more persons to not more than eight weeks in any one calendar year.

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.

- 2 – Sustainable Development**
- 7 – Connectivity and accessibility**
- 8 – Protecting and Enhancing the Environment**
- 24 – Delivering Sustainable Communities**
- 28 – Gross and Net Dwelling Provision**
- 30 – Improving Inclusivity and Affordability**
- 32 – Historic Environment**
- 38 – Sustainable Construction**
- 54 – Parking and Travel Plans**

Appendix A

Policy 2- SUSTAINABLE DEVELOPMENT

Planning proposals and Local Development Frameworks should support sustainable development and construction through the delivery of the following environmental, social and economic objectives:

2.1 Environmental Objectives

- a. to ensure good local air quality for all;
- b. to protect and enhance the quality of the Region's ground, river and sea waters;
- c. to protect and enhance the Region's biodiversity, geodiversity and soil quality;
- d. to reduce the amount of waste produced and increase the amount recycled;
- e. to make better use of our resources, including the built fabric;
- f. to mitigate environmental and social costs of developments, and encourage efficient resource use;
- g. to protect and enhance the quality and diversity of the Region's rural and urban land and landscapes;
- h. to prevent inappropriate development in flood plains;
- i. to reclaim and reuse derelict land to make more productive use of land;
- j. to protect and enhance the Region's cultural heritage and diversity; and
- k. to promote the concept of green infrastructure, a network of linked, multifunctional green space in and around the Region's towns and cities;

2.2 Social Objectives

- a. to tackle the social, economic and environmental impacts of multiple deprivation;
- b. to raise educational achievement across the Region and improve the skills of the workforce and of adults who are currently economically inactive, through training and skill development;
- c. to ensure everyone has the opportunity of living in a decent and affordable home;
- d. to improve the quality and choice of housing through market renewal and new development;
- e. to reduce crime and the fear of crime, particularly through good design;
- f. to improve health and well-being while reducing inequalities in health;
- g. to ensure good accessibility for all to jobs, facilities, goods and services in the Region particularly by public transport, walking and cycling;
- h. to reduce the need to travel by private car; and

- i. to increase public involvement in decision-making and civic activity;

2.3 Economic Objectives

- a. to ensure high and stable levels of employment so everyone can share and contribute to greater prosperity;
- b. to achieve high and sustainable levels of economic growth by focusing on the Region's strengths and alleviating weakness; and
- c. to reduce adverse impacts of economic growth on global communities by supporting the use of local labour, materials and produce.

Policy 7- CONNECTIVITY AND ACCESSIBILITY

Strategies, plans and programmes, and planning proposals should seek to improve and enhance the sustainable internal and external connectivity and accessibility of the North East by:

- a. Reducing the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking;
- b. reducing the need to travel long distances, particularly by private car, by focusing development in urban areas that have good access to public transport and for cyclists and pedestrians, and by encouraging home-working and improving electronic communications;
- c. minimising the impact of the movement of people and goods on the environment and climate change;
- d. making best use of resources and existing infrastructure;
- e. ensuring safe transport networks and infrastructure;
- f. maximising the potential of the International Gateways of the ports and airports and strategic transport infrastructure in supporting regional economic growth and regeneration; and
- g. improve and enhance the sustainable internal and external connectivity and accessibility of the North East region by improving accessibility and efficiency of movements with emphasis on promoting sustainable modes and reducing travel demand along the four key transport corridors set out in Policy 49.

Policy 8- PROTECTING AND ENHANCING THE ENVIRONMENT

Strategies, plans, programmes, and planning proposals should seek to maintain and enhance the quality, diversity and local distinctiveness of the environment throughout the North East by:

- a. promoting a high quality of design in all development and redevelopment;
- b. promoting development that is sympathetic to its surroundings;
- c. protecting the special qualities of the environment in the nationally designated areas of the Northumberland National Park, and the North Pennines and Northumberland Coast AONBs and upholding their statutory purposes, while recognising their role in a living, working and vibrant countryside. Major development should not take place in these areas other than in exceptional circumstances when it can be demonstrated that there is an overriding national need and it could not be located elsewhere;

- d. seeking to conserve and enhance historic buildings, areas and landscapes;
- e. identifying and giving an appropriate degree of protection to historic parks and gardens, battlefields, ancient field systems, green lanes trackways, industrial monuments and other unscheduled archaeological sites, which reflects their national or regional importance;
- f. identifying and giving appropriate protection to the Region's internationally and nationally important sites for biodiversity and geodiversity, including full assessment of the potential impacts of development on Internationally Designated Nature Conservation Sites;
- g. identifying and protecting existing woodland of amenity and nature conservation value, particularly ancient woodlands;
- h. encouraging and facilitating the implementation of the Regional Forest Strategy, Great North Forest and Tees Forest community forestry strategies, related biodiversity initiatives and other woodland planting;
- i. paying due regard to the needs of the aquatic and marine environment including taking into account the potential risk of coastal squeeze, and considering measures to address this; and
- j. encouraging and supporting the establishment of green infrastructure including strategic wildlife corridors.

Policy 24- DELIVERING SUSTAINABLE COMMUNITIES

Strategies, plans and programmes and planning proposals, should assess the suitability of land for development and the contribution that can be made by design in relation to the following criteria:

- a. the nature of the development and its locational requirements;
- b. concentrating the majority of the Region's development within the defined urban areas;
- c. the need to utilise previously developed land wherever possible;
- d. locating development to reduce the need to travel, journey length and fuel consumption;
- e. the ability for movement needs and accessibility of development sites to homes, jobs, services and facilities to be well served by all modes of transport, particularly walking, cycling and public transport;
- f. linking development to appropriate provision of infrastructure including green infrastructure, water supply and wastewater treatment, energy supplies;
- g. linking development to provision of educational, health and other social facilities and services;
- h. the impact that the development of sites and its design will have on the Region's natural resources, biodiversity, landscapes, environmental and cultural assets, and people's health; and its potential to contribute to enhancement of these;
- i. physical constraints on the development of land including the level of contamination, flood risk and land stability, incorporating flood protection and alleviation mechanisms such as Sustainable Drainage Systems;
- j. the potential contribution of development to reducing health and social inequalities including fuel poverty, and to meeting the needs of an ageing population and the disabled, through design and the provision of accessible health, sports, community, recreational, and other facilities including suitable

provision of play space and greenspaces with accessible woodland, with new development;

k. the promotion of mixed use developments, well served by public transport, to reduce journey lengths and ensure that the best use is made of land, transport infrastructure and services;

l. the potential contribution of development to the strengthening of local communities and their social cohesion;

m. the potential contribution of development to secure crime prevention and community safety by design;

n. ensuring that development has low consumption of natural resources both in construction and in operation, and incorporates embedded renewable energy generation where appropriate;

o. the potential contribution of development to the enhancement and creation of habitats and species populations and to the promotion of biodiversity and geodiversity; and,

p. the use of local labour markets and materials.

Policy 28- GROSS AND NET DWELLING PROVISION

28.1. Total dwelling construction (Gross completions)

Local Development Frameworks should make provision for the following average annual level of total dwelling construction in the period 2004-2021.

Gross Dwelling Provision				
Figures Rounded (Oct 2005)	2004-11	2011-16	2016-21	2004-21
Tees Valley	2,860	2,695	2,280	2,640
Durham	1,890	1,620	1,225	1,615
Northumberland	945	930	900	925
Tyne & Wear	3,580	4,200	4,670	4,080
NORTH EAST	9,270	9,450	9,070	9,265

(Regional totals rounded to the nearest 5)

28.2. Improving the housing stock

Strategies, plans and programmes and planning proposals should develop an integrated package of measures to address low demand and abandonment that:

a. maximises the improvement of existing properties where sufficient demand exists for their continued residential use and reduces or maintains vacancy rates at or below 3%;

b. increases the average annual level of demolitions, particularly in the housing market restructuring areas, to the indicative estimated level identified below:

Demolitions					
Figures Rounded		2004-11	2011-16	2016-21	2004-21
Tees Valley	Replacement	580	575	460	545

	Demolition	920	635	440	695
Co Durham	Replacement	220	285	190	230
	Demolition	355	360	145	295
Northumberland	Replacement	45	35	50	45
	Demolition	70	35	55	55
Tyne & Wear	Replacement	1,005	820	715	865
	Demolition	1,595	780	750	1,110
NORTH EAST	Replacement	1,845	1,720	1,410	1,680
	Demolition	2,940	1,815	1,395	2,155

(Regional totals rounded to the nearest 5)

c. considers, in areas of older high-density housing, replacement at lower densities where this would improve the living environment and quality of life, and achieve a better mix of dwelling type, size and tenure.

28.3. Net dwelling provision

Local Development Frameworks and planning proposals shall:

a. provide for average annual net additions to the dwelling stock, by district, for the financial years 2004-2021, as identified below:

Net Dwelling Provision				
(Figures Rounded)	2004-11	2011-16	2016-21	2004-21
Chester-le-street	100	130	130	120
Derwentside	320	270	200	270
Durham	250	220	190	225
Easington	370	215	70	235
Sedgefield	280	260	225	260
Teesdale	70	80	75	75
Wear Valley	280	160	145	205
County Durham	1,670	1,330	1,035	1,385
NORTH EAST	7,425	7,725	7,660	7,580

Figures for the other sub-regions are included below:

Hartlepool	390	400	400	395
Redcar & Cleveland	325	365	330	340
Middlesbrough	440	485	300	410
Stockton-on-Tees	600	530	525	555
Darlington	525	340	265	395
Tees Valley	2,280	2,120	1,820	2,100

Alnwick	105	95	85	95
Berwick-upon-Tweed	85	85	75	80
Blyth Valley	250	290	290	275
Castle Morpeth	140	130	120	130
Tynedale	140	115	100	120
Wansbeck	180	180	180	180
Northumberland	900	895	850	885
Gateshead	435	585	775	580
Newcastle upon Tyne	700	940	1,070	880
North Tyneside	400	500	500	460
South Tyneside	340	415	540	420
Sunderland	700	940	1,070	880
Tyne and Wear	2,575	3,380	3,955	3,220
NORTH EAST	7,425	7,725	7,660	7,580

(Sub-Regional and Regional totals rounded to the nearest 5)

The District Allocations set out above should not provide the justification for the refusal of windfall housing proposals that fall within the guidance set out for Strategic Housing Land Availability Assessments.

28.4. Provision post 2021

a. To plan for the continuous delivery of housing for at least 15 years from the date of adoption, the first round of Local Development Documents should make the assumption that the annual average rate of provision during the early years after 2021 will be the same as the average for 2004 to 2021.

28.5. Housing markets and assessments

- a. Local Development Frameworks should identify and develop specific strategies and programmes in liaison with stakeholders and local communities, for each Housing Market Restructuring area.
- b. In preparing strategies, plans and programmes, and in determining planning proposals, local planning authorities should ensure that they have regard to the wider housing market area, including that beyond their local authority boundary and the potential impact that their proposals may have on that wider area.
- c. In preparation for future reviews of housing within RSS, the RPB and Local Planning Authorities should develop Strategic Housing Market Assessments. These should take into account of market information and have regard to housing market areas.

Policy 30- IMPROVING INCLUSIVITY AND AFFORDABILITY

30.1. In preparation for future reviews of housing within RSS, Strategic Housing Market Assessments will inform a review of the regional approach to addressing affordable housing needs, including an affordable housing target for the Region and each housing market area.

30.2. Strategies, plans and programmes and planning proposals should:

- a. make provision for a range of dwelling type, size and tenure to meet the assessed needs of all sectors of the community, including the needs of families with children, single person households, the disabled and older people. In doing so they should consider those elements of the housing stock which are currently under-represented and the contribution that could be made by replacement dwellings in the housing market restructuring areas;
- b. set local authority affordable housing provision targets informed by up to-date local housing assessments;
- c. address the problems of local affordability in both urban and rural areas, including ensuring a high provision of affordable housing is sought within the districts of Alnwick, Berwick-upon-Tweed, Castle Morpeth and Tynedale;
- d. have regard to the level of need for affordable housing, including the use of planning obligations in the development of all housing sites, including when considering the renewal of lapsed planning consents;
- e. ensure housing is served by public transport and is accessible to jobs, services and facilities by modes other than the car; and
- f. ensure the integrated and phased provision of new or improved schools, health, community and other services and facilities with new housing development.

30.3. Provision of sites for gypsies and travellers

- a. Local authorities should carry out an assessment of the housing needs of Gypsies and Travellers and Showpeople. Collaboration between authorities on these studies is encouraged to more fully understand the patterns of need and the adequacy of current provision; and
- b. Local development frameworks / documents should provide the criteria following the plan, monitor and manage and sequential approaches for the provision and release of pitches for the Gypsy and Travelling and Showpeople communities and, where appropriate, identify locations for these pitches.

Policy 32- HISTORIC ENVIRONMENT

32.1. Strategies, plans and programmes and planning proposals should seek to conserve and

- a. enhance the historic environment of the Region by: clearly identifying and assessing the significance of any heritage assets and their vulnerability to change;
- b. using the process of characterisation to understand their contribution to the local environment and to identify options for their sensitive management;
- c. encouraging the refurbishment and re-use of appropriate disused or under-used buildings and incorporating them into regeneration schemes;
- d. seeking to preserve, in situ, archaeological sites of national importance and, where appropriate, other archaeological remains of regional and local importance;
- e. recognising the opportunities for heritage led regeneration to be used in a constructive way to help bring about social and economic regeneration, and to encourage its potential for business, education and tourism; and
- f. encouraging and supporting the preparation and review of the management plans for Hadrian's Wall Military Zone World Heritage Site, Durham Cathedral

and Castle World Heritage Site, and the candidate World Heritage Site at Jarrow and Monkwearmouth and incorporating their principles and objectives;

32.2. Local authorities should:

- a. prepare, and regularly maintain registers of Grade II listed buildings 'at risk'; for their areas, and pursue policies and measures which seek to repair and remove all grades of building from 'at risk' registers through repair;
- b. consider preparing, and regularly maintaining, lists of locally important buildings for their areas, and set out policies in LDFs, which seek, as far as possible, their protection against inappropriate change;
- c. consider preparing Conservation Area Appraisals for existing and proposed conservation areas, and proceed to the preparation of Management Plans for the delivery of improvements to those areas;
- d. consider preparing lists of locally important registered landscapes, Historic Landscape Assessments and Conservation Management Plans for historic designated landscapes; and
- e. consider preparing urban surveys of historic towns and other substantial settlements, to improve knowledge of their entire historic fabric as a guide to ensure future development maximises the potential for preservation, protection and enhancement.

Policy 38- SUSTAINABLE CONSTRUCTION

Strategies, plans and programmes, and planning proposals should:

- a. ensure that the layout and design of new buildings and developments minimise energy consumption;
- b. encourage and promote opportunities for new developments or the redevelopment or refurbishment of existing buildings to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice, BREEAM rating and the Code for Sustainable Homes;
- c. encourage and facilitate homeowners and businesses in improving their energy efficiency and reducing consumption; and
- d. promote and secure greater use of local renewable energy in new development, including through Development Plan Documents, setting local level size thresholds for major new development and require all relevant developments, particularly major retail, commercial and residential developments, to secure an ambitious but viable percentage of their energy supply from decentralised and renewable or low carbon sources. In advance of local targets being set in DPDs, major new developments of more than 10 dwellings or 1000m² of non-residential floorspace should secure at least 10% of their energy supply from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable.