

Development Control Committee

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

Dear Councillor,

Your attendance is invited at a meeting of the Development Control Committee to be held in the Council Chamber, Civic Centre, Consett on 29th January 2009 at 2:00pm 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 following meetings:

Development Control - 8th January 2009 (Herewith 'A')

Site Visit - 19th January 2009 (Herewith 'B')

Attached Documents:

[MINUTES](#)

[SITE VISIT](#)

4. DEVELOPMENT CONTROL ANNUAL REPORT

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

Attached Documents:

[DEVELOPMENT CONTROL ANNUAL REPORT](#)

5. APPEAL DECISIONS

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

Attached Documents:

[APPEAL DECISIONS](#)

6. PLANNING APPLICATIONS

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

Attached Documents:

[PLANNING APPLICATIONS](#)

7. EXCLUSION

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

8. ENFORCEMENT

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

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Date: 21st January 2009

DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of the Development Control Committee held in the Council Chamber on Thursday 8th January 2009 at 2.00 p.m.

Present

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

Councillors A. Atkinson, M. Campbell, G. Coulson, R. Ellis, W. Gray, D. Hume, D. Lavin, S. Rothwell, A. Shield, E. Turner, A. Watson, J. Williams, M. Wotherspoon, R. Young.

Apologies

Apologies for absence were received on behalf of Councillor R. Alderson, H. Christer, B. Cook, P.D. Hughes, O. Milburn, T. Pattinson, T. Westgarth.

In Attendance

Councillor D. Llewellyn and W. Stelling.

52. DECLARATIONS OF INTEREST

In accordance with the provisions of the LGA and Standing Order 33 the below listed members declared interests in the following applications.

Councillor R. Young declared an interest in Planning Application 08/0543.

Councillor B. Gray declared an interest in Planning Applications 08/0732 and 08/0747.

Councillor J. Williams declared an interest in Planning Application 08/0543.

Councillor T. Clark declared an interest in Planning Application 08/0543 and 08/0778.

53. MINUTES

RESOLVED: that the minutes of the meeting held on the 4th December 2008 be approved as a correct record.

54. APPEAL DECISIONS

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

- (i) Planning Application – Appeal against the refusal to remove conditions 3 and 7 of Planning Permission 1/2007/0901/DMPF relating to alterations to access and creation of additional parking spaces. – Appeal allowed subject to conditions requiring details of the proposed access to Medomsley Road being submitted to and approved in writing by the Local Planning Authority and the access being provided in accordance with the agreed details prior to the car park being brought into use.

55. PLANNING APPLICATIONS

Councillor J. Williams declared an interest in the following application where it was agreed that he remain within the Chamber.

Councillors T. Clark and R. Young declared an interest in the following application, left the Chamber and took no part in the discussion and voting thereon.

08/0543 MR G HALL

Erection of single storey factory unit with the erection of a 2.4 metre high steel palisade security fence, creation of private access road and parking, installation of lighting columns, Site B Watling Street Industrial Estate, Consett.

The Senior Area Planning Officer presented the report which recommended approval of the application. He advised that the proposals involved the removal of a number of trees, which were of a fairly well established nature.

He did however point out that the land was designated for industrial use within the Local Plan and this was done so after the planting of trees. He advised that the Executive had recently agreed to sell the land to the company for this use.

He further made reference to the Employment Land Review advising that there was a shortage of land for this use due to the some areas being re-designated.

He advised that since the report had been written a flood risk assessment had been submitted highlighting that there were no problems with the site in terms of flood risk.

He added that further information had come to light regarding protected wildlife species within the site. He added that more information was required and Natural England had recommended that the application be deferred until such information was available.

Councillor Watson questioned whether the application could be approved, subject to an ecological report being submitted.

The Development Control Manager advised that there were 2 options available to members; 1) Defer the application or 2) approve subject to details being submitted, a decision notice would only be issued when the information was made available and found to be satisfactory to the Council and Natural England.

MRS FOREMAN: Speaking Against the Application.

Mrs Foreman made the following comments in support of refusal of the application.

- Watling Wood is a mature wood planted 16 years ago by the children and the people of Leadgate, helped by Professor David Belamy and Acorn Trust.
- The wood has never been vandalised by anyone, which is a great thing in this day & age.
- The young people who are now in their twenties and older have great respect for this wood as they helped to create it.
- Instead of vandalising the wood by allowing Mr Hall to build his storage unit and factory, leave it alone and allow the young and the people of Leadgate enjoy the abundance of wildlife, which live in all of the wood.
- Let us all have a safe place to walk and play and see plenty of wildlife with clean, clear water for the children to see pondlife. Let us engage the children and the Leadgate people to keep the wood as it is, and develop it as the years go by, allowing our generation and the next to enjoy the benefits we have. Let the wood be the people's wood saved by this committee. Mr Hall can build his factory in a great number of suitable places in this area, without destroying any woodland.
- We cannot plant another wood anywhere. Please save our wood. Plant a tree, help save the planet. Destroy a tree destroy our planet.

MR B. STOCKDALE: Speaking Against the Application.

Mr. Stockdale made the following points in support of refusal of the application.

- The Council should be helping to save the earth by planting trees and watching them grow as the residents of Leadgate did some years ago.
- The Green Agenda is greater than ever and everything possible should be done to protect it.
- The trees planted at Watling Woods were done so by children encouraged to learn about democracy.
- If approved the Council may be branded as eco-vandals and I do not support this move.

MR HUSTON: Speaking in Support of the Application

Mr Huston advised that he was the agent acting on behalf of the applicant and made the following points in support of the application.

- The development proposed, is located on land designated as General Industrial Land via Policy IN4 of the District Local Plan. The site should therefore be viewed as appropriate for use of this class.

- The proposal consists of a single storey factory unit, 929sqm or 10,000sqft floor area, which is intended for (classB1) light industrial use.
- The size, scale and appearance of the development, is proposed to reflect existing industrial development adjacent to the site and the use class the land is designated to accommodate.
- The site boundary is proposed to match the existing neighbouring industrial estate boundaries in size, appearance and colour – the line of this fence to the spine road has been amended to accommodate Derwentside District Council Landscape Officer's comments. This renders some 330sqm of land of no use to Mr Hall, which demonstrates commitment to acknowledge the authority's requirements. This void land will retain existing trees and in part will have new trees planted to maintain visual amenity to passers-by and to pursue a robust, tree-lined boundary.
- The site access has been formed in such a manner that road safety; security and sound design has been fully considered. This is fully in accordance with Durham County Council Highways Officers advice. Sound local transport and footpath links, along with plentiful motorcycle and bicycle parking is provided, encouraging greener and sustainable modes of transport to work for prospective local employees.
As previously stated, the application site is on designated General Industrial Land that was planted in two phases from 1995 to 2000. Only the northern area of the site is covered by the grant-aided woodland. An independent specialist Arboriculture Implication Assessment has concluded that there are not tree preservation orders in place. Additionally it is concluded that the removal of the trees identified in the application is viable and the tree works shall conform rigorously to BS 3998 'Recommendations for Tree Work'.
- Derwentside District Council agreed to sell to Mr Hall, 3 acres of a 25 acre woodland – this sale was approved with a clear view that the land was to be developed in accordance with its designated industrial use class.
- We note that public comment has been raised regarding existing dog walking routes. We tend not to agree that these are affected, as if one observes the so called 'desire lines', they being the preferred and natural walking routes through open land by pedestrian traffic, it can easily be seen that these lines are almost entirely to the north and east of the site – adjacent to Dere Park and First Street.
- The Forestry Commission have made no negative comment and the application does not require an Environmental Impact Assessment.
- Durham Wildlife Trust and Northumbrian Water are not objecting to the development. The Environment Agency are not objecting to the development and Flood Risk has been designed out. We have designed a sustainable drainage system that is both suitable and beneficial to the environment. This feature alleviates pressure on drainage infrastructure and provides valuable wildlife resources.

- The creation of the sustainable drainage ponds will greatly benefit local wildlife. The margins of the proposed ponds will be planted with suitable aquatic plants to encourage amphibian life within the site. Areas of marshy grassland will also be created and access to these areas are restricted to viewing only, to maximise the benefit to wildlife.
- Works will not take place until the required wildlife and reptile ground checking survey has been carried out by a qualified ecologist.
- To encourage nesting of birds, 30 bird boxes will be erected within the site. Linear hedgerow features will be maintained to link areas of the site together, in order to facilitate any movement of wildlife across the site.
- No evidence indicating the presence of any protected species was recorded within the site. As our Ecologist has determined that no suitable habitats for Newts currently exist on the site, we were delighted to hear that a member of the public may have spotted one, as this reinforces our decision to include the ponds in mitigation. Zones of influence for Great Crested Newt observations are not in themselves a reason to prevent development; it means that appropriate design and working methods must be employed, so as not to be to the detriment of the species and comply with licensing conditions.
- In this instance and as a result of the detailed assessment and surveys, the submitted application includes generous mitigation, which provides excellent purpose made protected species habitats to encourage the use of the site by them – particularly by Great Crested Newts and other reptiles. These habitats do not exist at this time due to the lack of a local water source for newts.
- The sustainable Urban Drainage design proposed not only alleviates pressure on local drainage systems (and therefore reduces flood risk) but also provides a habitat for many species not currently able to populate the site.
- This will be a new and valuable ecological resource to the community – please consider this application using confirmed ecological and wildlife information, provided by professional investigation and recommendation. The positive outcome of a successful application will be a welcome relief in times of economic downturn. The refreshing sight of a new business development being allowed to form and employment opportunities being created is rare in the current economic climate.
- We seek to reassure everyone present, that Mr Hall is prepared to fully comply with any recommended conditional permission, as I believe his commitment to a high quality development has been demonstrated by the extensive and amenable discussions held with the authority and the all-embracing mitigation measures included in the scheme.

CLLR D. LLEWELLYN: Speaking in Support of the Application.

Councillor Llewellyn made the following comments in support of the application.

- The site in question is designated for this use as outlined in paragraph 25 of the report following a decision by the Executive.

- To move business to this site would alleviate problems for residents of Dixon Street in Blackhill.
- Employment is currently a big issue in this area, employment land is decreasing as certain areas have been re-designated.
- It was further pointed out that the application site was for 3 acres of a 25 acre woodland so in proportion a relatively small area of the woodland would be lost.

CLLR W. STELLING: Speaking Against the Application.

Councillor Watts Stelling stated that he had never supported the application for the following reasons:

- The applicant's company had gone into administration and the owner declared himself bankrupt.
- The residents had shown their disapproval towards the application as approximately 1000 people had signed a petition against the removal of the woodland.
- The woodland was planted in 1992, there is an abundance of wildlife currently on the site which would be destroyed if the application be approved.
- A letter was received from the local school stating that the children were distressed to think that the local environment that past pupils had planted to help encourage wildlife and provide a pleasant woodland walk was going to be destroyed to make way for a factory of such scale.
- The school were also disheartened as 17 years ago pupils of the 3 schools in Leadgate planted the trees in good faith, that they were helping to create a woodland for future generations of Leadgate children and their families to enjoy.

Councillor Stelling requested Members to refuse the application on the grounds that the company is currently insolvent and the scale of this development was far too large.

Councillor Watson pointed out that the land would not be sold to a bankrupt company and therefore a fresh land sale application would have to be made, in addition any application for sale of land would be determined by the new authority.

Councillor Campbell questioned whether a site visit may be appropriate as the photos of the site shown were limited. He added that he felt as the site was so large it was important for members to see what exactly the application entailed.

Councillor Shield reiterated Councillor Campbell's comments and added whilst deferred for a site visit, ecological information could be obtained.

The Development Control Manager added that the information required on wildlife could only be obtained at certain times in the year and explained that this could not be collected within the 3 weeks running up to the next meeting.

Further discussion took place regarding planning issues and it was noted that was the some level of emotion involved in the application, however this could not be considered in planning terms.

Following a vote being taken it was

RESOLVED: that Planning Application 08/0543 be deferred for a site visit.

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

08/0732 LANCHESTER PARISH COUNCIL

Change of Use of former agricultural field to allow for the creation of a bike track, play area and extension of rugby pitch, creation of toddlers play area, cricket nets and electronic scoreboard. Kitswell Park, Lanchester.

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

The Planning Officer presented the report which advised Members that the application was being presented to members again due to comments from the Police Architectural Liaison Officer and a further letter of objection being received prior to the last committee but unfortunately these had not been reported to members. She advised that the comments of the Police Architectural Liaison Officer were appended to the report although a summary of which could be found on page 33 of the report.

She advised that although the comments had been considered the Officers recommendation for approval still applied.

MRS GRAY: Speaking in Support of the Application.

Mrs Gray made the following points in respect of the comments made within the Police report.

- It is normal practice, for police representatives to attend the Parish Council monthly meetings and they were aware of the proposals for the scheme and invited to attend appropriate meetings. Indeed, the police were invited to, and attended a meeting in September where the full plans of the project were presented. Following this meeting the police representative who attended the meeting gave their verbal support of the project.
- Immediately following that meeting the police representative contacted the Parish Council and asked that we forward the plans to the appropriate body at the Police so that they could advise from a police point of view.

The contact was confirmed as John Hedley, the Force Crime Prevention Officer.

- The plans were duly forwarded to John Hedley on 17 Sept, in the 10 weeks between the police receiving the plans and the district planning meeting on 4 December there had been no feedback, suggestions or concerns forwarded to Lanchester Parish Council.
- The Parish Council is concerned that it has not had the opportunity to address the apparent concerns through their normal communication channels and police representatives have been attending normal monthly meetings of the Parish Council throughout this period when the scheme was on the agenda for discussion.
- Finally, I would like to refer specifically to the Police report. The report highlights a number of concerns but fails to mention any of the undoubted advantages and benefits of this scheme, which are in line with both national and local government targets as previously highlighted at the last meeting.

Members were of the opinion that the scheme should be applauded and were disappointed to read the comments contained within the Police report. Members wished to reaffirm their previous decision and again congratulate Lanchester Parish Council for their work.

Following a vote being taken it was

RESOLVED: that Planning Application 08/0732 be approved subject to:-

- Three Year Time Limit (ST)
- Approved Plans (ST01)
- Samples of proposed bike track materials and matta safety surfacing (A03)
- Details to be submitted and approved in writing by the Local Planning Authority of the proposed scoreboard and cricket nets.
- Details and samples to be provided of the proposed fencing and proposed under 5's play area.
- Erection of fencing for the protection of any retained tree to be agreed (L09)

08/0712 MR A J LEE

Erection of two storey semi-detached dwelling with hardstanding for two vehicles to the front. Staplefield, Hall Road, Esh.

The Chair welcomed to the meeting Ms Ferguson who was speaking against the application and Mr Lee who was speaking in support of the application.

The Development Control Manager presented the report which recommended approval of the application. She advised that the dwelling would seek to portray a subservient appearance in relation to the original dwelling on the plot, designed to give the appearance of an extension to the original dwelling with only windows

positioned to the front elevation and the main entrance to the building being located to the side elevation. The roofline in addition would be subservient to Staplefield, and as a result would feature a flat roof to the rear of the property measuring 6 metres in length. She went on to advise that the property would provide parking and hardstanding to the front as the existing garage would be removed as part of the scheme.

In conclusion she advised that the Design and Conservation Officer did not object to the proposals. She further pointed out that there was a typographical error in the reasons for approval in that it should read 'the amenity of neighbouring properties will **not** be compromised as part of these proposals'.

MS FERGUSON: Speaking Against the Application.

Ms Ferguson made the following points as the objectors agent in support of refusal of the application.

- Mr and Mrs Hankey accept fully that planning permission has been granted for a dwelling on this site, but are really concerned at the dilution of some key principles agreed after extensive discussions, justified entirely on the fact that overall it might be similar to what was granted previously by the Council.
- New door to the side which is very close to the bathroom window on the ground floor of number 4. Stated by Officers as "not ideal" but of a sufficient distance to be acceptable. The owners of 4 Hall Road naturally feel that visitors movements and activity within such close proximity to where they may be having a bath or using the toilet is uncomfortable and harmful to privacy.
- In consideration of the previous scheme, it was accepted that flat roof is also not ideal but tucked around the back, broadly this might be accepted. In the context of the well-designed previous scheme I would agree. However, in the current proposals, the flat roof will be proportionately much larger. It will also be flush with the side wall of the main section of the dwelling making it appear much more apparent. I would ask members to consider whether such a detail is something they feel is acceptable, and furthermore a standard they feel appropriate to set for conservation areas where key consideration must surely be quality.
- The loss of a door from the front elevation is purely to increase useable floor area within the proposed house. It does make it appear as an extension on plan. However, in reality it will not because it is so large, it will be in separate ownership, have different treatments, additional cars parked externally. It will be a new dwelling and for the sake of the appearance if the street scene should share the feature seen on every dwelling in the street, a front door.
- The smallness of this site was recognised by officers throughout negotiations and the determination of both schemes. I believe it is this which leads you to be considering the design compromises before you. And a compromise is exactly what this scheme is. The words "not ideal"

are used 3 times in your officers report – relating to the flat roof, the lack of a front door, and the proximity of an opening so close to my clients bathroom in this context I would remind members of the statutory test for all development in conservation areas.

- The differences before members today are significant bearing in mind the previous scheme. My clients are rightfully worried about the impact on their property, privacy and as long term residents in the village, the poor standard of design and resultant impact on the conservation area. Consequently I would ask that permission is refused today on the grounds of residential amenity and design. If not, I ask that they see for themselves at a site visit, the proximity of the door to the Hankey's bathroom and the context of the site.
- Lastly, if members are minded to approve consent, I feel that the conditions recommended would not sufficiently control the final design. The report at para. 22 refers to the remaining permitted development rights allowing additional windows in the side elevation facing number 4 Hall Road. No such condition appears in the recommendation and as such, if approved new windows, with clear glass, could be inserted subsequently looking directly into number 4. Also no control is proposed over subsequent extension of the dwelling. Effectively, under the new permitted development rules, this would allow a 4 metre long extension to the rear, overlooking being a real concern.

MR LEE: Speaking in Support of the Application.

- Consultation with the Conservation Officer, Mrs Hogg, has been extensive and whilst been made aware how sensitive the previously approved application had had to be dealt with I felt the amount of living space was inadequate on the ground floor hence the removal of the integral garage. I can confirm that the building will be built as submitted plans if it is approved by yourselves.
- Having agreed with the conservation officer on the design of the building I then consulted with the County Highways Officer, Dave Stewart, who informed me that he would prefer to have the 2No. permanent parking bays to the front of the property as “garages are either used for storage or converted into living accommodation” and there was already too much road side parking in the village.
- I can confirm that the materials as mentioned will be used i.e. sandstone will be used for the whole of the building, as opposed to the mixture of materials used on other properties in the street, natural slate will be used for the pitched roof, a grey felt finish for the flat roof and timber windows and doors painted white will be used on all elevations. It is also agreed that obscure glazing will be used in the w.c windows and door to the side elevation facing No. 4 Hall Road.
- I would also like to confirm that during the construction that all materials will be stored on site and not on the road or adjacent green, that photographic evidence will be taken of the highway prior to the

commencement of works to confirm that the highway will not be damaged during the construction period, that safety fencing will be erected to the front and sides of the plot to ensure the safety of the public. With regard to the parking of vehicles on the highway during construction it is hoped that only vehicles delivering materials will cause obstruction for short periods of time.

- It is my intention to build a home that will blend sympathetically with the stone and slate buildings in the village , although why a flat roof is being allowed I'll never know, and work in conjunction with the planning and conservation officers until the houses completion.

The Development Control Manager made reference to the comments made by the objector relating to permitted development rights and agreed that this could be a condition attached to the permission.

Further discussion took place regarding the flat roof, it was pointed out that members could require a pitched roof be conditioned and this could be discussed with the applicant.

Councillor Coulson added that he felt it very important to remove permitted development rights to ensure preservation of the conservation area.

Councillor Campbell questioned whether permitted development rights would have to be removed on both houses, or just the new dwelling. The Development Control Manager advised that the Council would have no power to remove development rights from the original dwelling.

Following a vote being taken it was

RESOLVED: that the following application be approved subject to amended plans being submitted to incorporate a pitched roof:-

- Standard Time Limit (ST)
- Approved Plans (ST01)
- Prior to the commencement of the development, details of all external finishing materials shall be submitted to and agreed in writing with the Local Planning Authority.
- Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, full details and plans of the boundary wall with Hall Road shall be submitted to and agreed in writing with the Local Planning Authority.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order, the obscured glazing in the Southern elevation, bounding 4 Hall Road, shall not be removed and replaced by clear glazing without the further written approval of the Local Planning Authority.
- Diesel Plant / Construction times.

- Surface Water Drainage.
- PD Rights removal (PD01)

08/0654 MRS K GRAHAM

Single and two storey side, front and rear extension. 22 The Grange, Tanfield Lea, County Durham.

The Chair welcomed to the meeting Mr Hide who was in attendance to speak against the application and Mr Graham who was in attendance to speak in support of the application.

The Senior Area Planning Officer presented the report which recommended approval of the application. He advised that since the report had been written a further letter of support had been received from a Councillor. The proposals were considered to have minimal impact on neighbouring properties due to the slope of land and the property being set back from its neighbours.

MR HIDE: Speaking Against the Application.

Mr Hide made the following points in support of refusal of the application.

- The plans don't show the retaining wall between properties this runs from the garages to the road at ground level, there is approximately a 1 metre drop to my property;
- Nor does it show distances between gable ends approximately 6 metres;
- The proposed plans build out from the garages approximately 1 metres along the side of wall bringing the gable to 3 metres from my gable together with 1 metre drop to ground level and as I use both exits from gable end and garage daily I feel this extension is going to be overbearing and could ultimately affect the value of my property.

MR GRAHAM: Speaking In Support of the Application.

Mr Graham advised that as the applicant he wished to make the following comments in support of the application.

- 4 sets of plans have been submitted to the planning authority showing amendments to meet the requirements of officers. Consequently the length of the extension has been shortened to meet those.
- With regard to parking as stated in the recommendation the build does not affect the parking available on the drive. No. 23 has a problem with where our visitors park so whether or not we do the build they will still have the same complaint.
- With regard to the party wall and damage to No. 23, amendments have been made so that we are not building on their property therefore minimum interference with their wall will be slight. Also it is irrelevant at this point in the process (as stated in the recommendation) and for the builder and building control to discuss.
- With regard to loss of view and light both properties have tall mature trees which already block views and light. There are no windows facing the brick

work directly, the window next to their door is set closer to the road and therefore have a view of the cul-de-sac. When they look out of their door they currently have the same view except it is 2.7m further away. This again is not unreasonable.

The Senior Area Planning Officer advised that the only comment he wished to make was with regard to loss of value in the neighbouring property. He advised that this was not a material planning consideration.

Councillor Williams questioned whether the existing side door to the property would be moved to the front of the property. The Senior Area Planning Officer advised that this would be the case.

Following a vote being taken it was

RESOLVED: that Planning Application 08/0654 be approved subject to:-

- Standard Time Limit (ST)
- The permission relates to the amended plan dated 02/10/2008 (G01)
- Approved Plans (ST01)
- Amended Plans (GO4)
- Matching materials (DH05)

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

08/0778 M & L ASSOCIATES

Erection of two semi detached dwellings. Land to the east of 5 George Street, Blackhill.

The Chair welcomed to the meeting Councillor Llewellyn who was in attendance to speak against the application.

The Planning Officer presented the report which recommended approval of the application. She advised that members would recall a previous application which was refused and upheld on appeal in April 2008 for the erection of six apartments. She advised that the Inspector who had dealt with the appeal had made reference to neighbouring 5 George Street acknowledging that the distances between No. 5 and the development would significantly alter the living conditions of the occupants although did acknowledge that this could not be the sole reason for refusal. She added that this was useful for members to bear in mind when determining this fresh application.

COUNCILLOR D. LLEWELLYN: Speaking Against the Application.

Councillor Llewellyn advised that as ward member for the area he was speaking on behalf of Mr McGeorge who could not be in attendance today. He made the following points in support of refusal of the application.

- The gable end distance of 3.6m between our property and the proposed development, this is 8.9m under the councils previous historical recommendation of 12.5m.
- The officers report states that loss of light and outlook is considered acceptable due to the windows in our gable end being secondary rooms. In the previous application for this site which was refused the Planning Inspectorate highlighted, that although the windows in the gable end of the property were secondary windows, one of the rooms is north facing resulting in less light entering this room and thus making the light from the secondary window an important feature in this room.
- Agrees that although the proposals are significantly better than that previously submitted he would ask that the planning officers go back to the developer with a view to addressing gap distances and the properties jutting out to the rear.

The Planning Officer advised that members must be reminded that the gable end windows of No. 5 were secondary rooms, furthermore to achieve the gap distance of 12.5m would effectively not permit development on this site due to it's scale.

Councillor Atkinson added that in his opinion the plans should be squeezed as much as possible and further agreed with Councillor Llewellyn's comments.

The Development Control Manager advised that the applicant could be approached with a view to altering plans however the application would have to be refused. She reminded members of the comments made in the Inspectors report regarding gap distances and secondary windows and therefore felt that this would be weak grounds for refusal.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0778 be approved subject to:-

- Time Limit (ST)
- Approved plans (ST01)
- Samples of external materials (A03)
- Test panel of materials (A06)
- Stone masonry (A08)
- Sills and lintels
- Window inset (A12)
- Rainwater goods (A13)
- Prior to occupation the windows on the western elevation facing 5 George Street shall be obscurely glazed to factor three or above and retain unless agreed in writing by the Local Planning Authority.
- Sewage works (D03)
- Surface water drainage works (D04)
- The parking and access shown on the approved plans shall be provided before the building hereby permitted is occupied. Subsequently the area

- so indicated shall be used for no other purpose without the prior written consent of the Local Planning Authority.
- Permitted Development Rights Removed (PD01)

Councillor M. Wotherspoon abstained from voting.

Councillor T. Clark subsequently returned to the Council Chamber.

Councillor A. Atkinson left the meeting at this point.

Councillor W. Gray declared an interest in the following application left the meeting and took no part in the discussion or voting thereon.

08/0747 MRS P DODDS

Removal of condition 3 of Planning Permission 1/2008/0597/DM to enable the roof to be constructed of tiles not slate.

The Planning Officer presented the report which recommended approval of the application, she advised that the applicant wished to change the condition relating to the roof of the stables to allow red tiles to be used to blend with the existing stable buildings on the site.

Following a vote being taken it was

RESOLVED: that Planning Application 08/0747 be approved subject to:-

- Time Limit (ST)
- This consent relates solely to the substitution of roofing materials and does not in any way discharge any of the conditions (except condition 3) contained in planning permission No 1/2008/0597/DM dated 25th September 2008, the conditions of which shall apply to this consent.
- Samples of roofing materials (A03)

08/0818 MR P BROWN

Change of Use to hot food takeaway, creation of living accommodation to ground floor. 130 Medomsley Road, Consett.

The Planning Officer presented the report which recommended approval of the application. She advised that the takeaway would operate within the same hours as currently managed by the sandwich shop and would not provide indoor seating as was currently the case.

Councillor Turner pointed out that the site is adjacent to a bad junction onto Medomsley Road and cars parking outside this shop would only further increase problems.

Councillor Watson added that he also appreciated the lack of view and parking on this corner, he further added that any takeaway has an impact on residents and furthermore impacts on highway safety.

Councillor Williams pointed out that the premises was already used as a sandwich shop which offered takeaway, this had been operating with little problem for some time.

Following concerns from members regarding highways issues the Development Control Manager pointed out that the comments of the Highways Officer had not been obtained and suggested that if members had issues with regard to highways matters the application be deferred until this information was obtained.

Councillor Watson agreed that this information should be obtained and the application be deferred.

Following a vote being taken it was **RESOLVED**: that Planning Application 08/0818 be deferred on the grounds that the Highways Officer had not been consulted.

08/0761 DERWENTSIDE HOMES

Replacement of existing solid fuel heating system with an air source heat pump and hydro flame fire together with a roof solar panel / cylinder hot water system. 11 Glebeside, Satley.

The Senior Area Planning Officer presented the report which recommended approval of the application. He made reference to some of the objections received advising that the mains concerns arise from the fact that the village was a conservation area.

He advised that Derwentside Homes had informed the Council that this was a test installation and if successful was likely to be elsewhere in the area.

Councillor Williams questioned whether the solar panels could be fitted to the rear of the property rather than on the front. The Senior Area Planning Officer advised that by fitting to the front of the roof the panels would benefit from the most amount of sun possible.

Councillor Campbell added that this property had been empty for approximately 6 months and questioned why this scheme had not been put forward earlier. However he did point out that new houses were to be built directly behind this house within the old school area. In conclusion he added that he fully supported this application.

Councillor Shield added that he was disgusted by the comments of the Conservation Officer contained within the report.

Councillor Watson added that solar power should be encouraged in an attempt to help conserve the planet.

Following a vote being taken it was

RESOLVED: that Planning Application 08/0761 be approved subject to:-

- standard time limit (ST)
- approved plans (ST01)

56. EXCLUSION OF PRESS AND PUBLIC

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

57. ENFORCEMENT

08/Del/00024

Installation of pole mounted CCTV Camera, driveway Delves House, Delves Lane.

Following a vote being taken it was

RESOLVED: that Planning Enforcement action was no longer appropriate and therefore no further action be required.

Conclusion of Meeting

The meeting closed at 4.15 p.m.

Chair

DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of a Site Inspection carried out by the Development Control Committee on Monday 19th January 2009 at 10.30 a.m.

Present

Councillor I. Agnew (Chair)

Councillor B. Alderson, M. Campbell, R.Ellis, D.Lavin, T. Pattinson, S. Rothwell, A.Shield, E. Turner, A. Watson, J. Williams, R. Young.

Apologies

Councillor M.Wotherspoon

58. PLANNING APPLICATION 08/0543 – Erection of single storey factory unit with the erection of a 2.4 metre high steel palisade security fence, creation of private access road and parking, installation of lighting columns, Site B Watling Street Industrial Estate, Consett.

The Chair opened the meeting and the Senior Area Planning Officer referred to the minutes of the Development Control meeting held on 8th January 2009 when consideration of Planning Application 08/0543 had been deferred for a site visit.

The Senior Area Planning Officer advised members of the proposed location for the erection of the single storey factory measuring 929 square metres with a 2.4 metre high security fence. He directed members' attention to the north west boundary of the site where it is proposed there would be drainage ponds into which all surface water run-off would be directed and from where it would discharge into a drain in the adjacent field.

Councillor Shield queried the access to the site, The Officer advised the Committee that the access would be from the road which bounds south of the application site mid-way between the two accesses on the opposite side of the road. The factory unit would be located adjacent to the proposed access.

Councillor Rothwell queried if the scrub land planting would be removed, the Officer advised that the majority of the trees presently located within the site boundary would be removed although the planting around the existing factory would not be removed.

Members proceeded to view the site's north eastern boundary from the entrance of the woodland and were able to consider the development's impact on the woodland. Councillor Shield queried the position of the fence, the Officer advised that the fence would be set back approximately 5metres from the existing road.

He further advised that the power cables would be unaffected. In conclusion he added that the bulk of the woodland would remain the same.

The Chair thanked members for their attendance and advised that the application would be fully debated at the next meeting of the committee scheduled to be held on Thursday 29th January 2009.

Conclusion of meeting

The meeting closed at 10.50 a.m.

Chair

WENTSIDE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE

29TH JANUARY 2009

REPORT BY THE DIRECTOR OF ENVIRONMENTAL SERVICES

Development Control
Annual Report 2008

Introduction

1. This report provides Members with information regarding the operation of the Development Control Team and Development Control Committee during 2008.

Number of Applications

2. In 2008 the Division dealt with a total of 688 applications for Planning Permission, Listed Building Consent, Changes of Use, Advertisements, Conservation Area Consent and works to trees. This was 21% less than in 2007 when 871 applications were dealt with.
3. Ninety percent of applications were dealt with under delegated powers with only 10% (65 applications) being determined by the Development Control Committee. This means that the Council achieved the 90% level of delegation advised by Central Government.
4. Just under half of applications (48%) were for householder developments, such as extensions to existing dwellings, conservatories, fences etc. However, there has been a relative reduction in the volume of householder application between 2007 (465) and 2008 (331) of 29%. The reduction in householder applications may be in part due to the new Householder Permitted Development Rights being introduced from 1st October 2008, allowing more development to be undertaken without the need for planning permission and may also be attributable to the downturn in the economy. Eighty nine percent of these were dealt with in less than eight weeks, a slight improvement upon last year.
5. Thirty nine applications were classed as 'major' applications in 2008. This is a modest increase of 5 over the previous year. These included the erection of 35 dwellings at Iveston Road, Delves Lane, a Business Park Centre at Consett Business Park, industrial/commercial buildings and extensions of

more than 1,000 square metres, and housing sites of more than ten houses. Also included in the figures are some older applications for residential development which were determined within this period, these include Shotley Bridge Hospital, Middles Farm, Craghead and South Moor Hospital. Some of the major applications were determined under the delegated powers arrangements.

Refusals Contrary to Recommendation

6. Five applications were refused by the Committee contrary to the recommendation of your Officers. This represents 7.7% of decisions made by the Committee. These applications are listed below, together with any associated appeal decision.

Reference Number	Site	Proposal	Appeal Decision
1/2008/0077/DM	5 George Street, Blackhill	Erection of Six Apartments	Appeal Dismissed
1/2008/0243/DM	3 Middridge Road, Langley Park	Change of Use to Domestic Curtilage	No Appeal Submitted
1/2008/0237/DM	Holyoak House, High Westwood	Two storey rear extension	No Appeal Submitted
1/2008/0329/DM	Glenroyd House, Medomsley Road, Consett	Removal of Planning Conditions 3 and 5 of 1/2007/0901/DM	Appeal Allowed
1/2008/0371/DM	Land at 2 Humber Hill, South Stanley	Prior Approval application for the erection of one 12.5 metre high O2 UK Ltd base station	Appeal Allowed

7. From the table set out above, there was only one case where members went against the Officers the appeal was dismissed. In cases where a decision is made contrary to the recommendation of your officers it is often practice to employ consultants to represent the Council's case at appeal.

Approvals Contrary to Recommendation

8. In 2008 there were two applications (3.1% of applications considered by the Committee) that were approved contrary to your Officer's recommendation

to refuse permission. Details of these applications are contained in the table below.

Reference Number	Site	Proposal
1/2008/0590/DM	4 Ewehurst Road, Dipton	Erection of Conservatory to Front
1/2008/0658/DM	86 Tweed Terrace, South Stanley	Erection of Detached Double Garage and hardstanding to Front

Council Employee Applications and Applications made by Members

- The Development Control Committee determines all applications submitted by Council Employees and Members. In 2008 there were no such applications.

Site Visits

- A total of six site visits were made before applications were determined.

Appeals

- The following table outlines the appeal decisions that were received in 2008. It should be noted that this table relates only to appeal decisions received; the above table relates to the decisions that were made by the Committee in 2008 therefore not all appeals appear on both tables.

Reference Number	Site	Proposal	Appeal Decision
1/2008/0077/DM	5 George Street, Blackhill	Erection of Six Apartments	Dismissed
1/2007/1069/DM	West of Consett Sports Community Sports College, Durham Road, Blackhill	Advertising Consent for the erection of one temporary v- shaped sign	Dismissed
1/2007/0257/DM	Land West of 55 Lintzford Road, Hamsterley Mill	Change of Use of land from woodland to	Allowed

		garden and retention of domestic dog kennel (retrospective)	
1/2007/0286/DM	Land South West of Peartree Terrace, Burnhope	Change of Use of land to gypsy site for one family (retrospective)	Allowed – Temporary for 3 years
1/2007/0180/DM	Land South East of 4 Derwent View, Medomsley	Residential Development (Outline) (Resubmission)	Allowed
1/2007/0871/DM	Site of the former Bird Inn, Hill Top, Flint Hill, Dipton	Erection of eleven dwellings and associated parking (outline)	Allowed
1/2007/0614/DM	279 Medomsley Road, Consett	Change of Use to accountants practice	Dismissed
1/2007/0698/DM	30 Villa Real Road, Consett	Felling of three Ash Trees (TPO 40)	Dismissed
1/2007/0533/DM	Glenroyd House, Medomsley Road, Consett	Change of Use from residential institution (C2) to non-residential institution (D2) and Offices (B1)	Withdrawn
1/2007/0956/DM	Scout Hall, Front Street, Dipton	Advertising consent for the erection of one advertising hoarding (Retrospective)	Dismissed
1/2007/1027/DM	Tanfield Lea Road Garage, Tanfield Lea, Stanley	Advertising consent for the erection of one advertising hoarding (Retrospective)	Dismissed
1/2007/0952/DM	24 Front Street, Leadgate, Consett	Advertising consent for the erection of one advertising hoarding	Dismissed

		(Retrospective)	
1/2008/0236/DM	Hillcrest, 75 Iveston Lane, Iveston	Erection of One Dwelling	Dismissed

12. During 2008 there were thirteen appeal decisions received. Two of these also related to three Enforcement Notices that had been served by the Council for the same site (and hence have not been included in the above table). As the two appeals related to the planning permission were allowed, all three of the Enforcement Notices were quashed.
13. There were thirteen appeals against the refusal of Planning Permission on which decisions were made in 2008. Four of these were allowed.

Conclusions

14. The above report demonstrates that the number of applications dealt with in 2008 has declined when compared to previous years. While a high proportion of applications are for householder developments the number of such applications has declined significantly. There has been a slight increase in major applications determined and it should be noted that these applications are often complex and demand a considerable amount of officer time. In cases where applications have been refused contrary to the recommendation of your officers and appeals have been submitted a greater proportion have been allowed indicating applicants have had a greater degree of success at appeal when compared to cases where the officer recommendation has been followed.

Recommendation

15. It is recommended that the report be noted.

Report prepared by Graham Blakey, Planning Officer

DERDERWENTSIDE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE

29th January 2009

REPORT OF DIRECTOR OF ENVIRONMENTAL SERVICES

APPEAL DECISION

Appeal against the refusal of prior approval for the erection of one 12.5 metre high O2 UK Limited Base Station

-
1. This appeal relates to an application for erection of one 12.5 metre high monopole streetworks mobile code system mast and associated equipment on land to the south west of 2 Humber Hill, South Stanley which was refused permission by the Development Control Committee on the 28th June 2008. The application was refused on the grounds that insufficient consideration had been given to alternative sites in the locality and that the proposed site would be inappropriate for such equipment. The Planning Inspector allowed the appeal.
 2. The Inspector was of the view that the proposed 'slim-line' streetworks column would be seen amongst the utilitarian street lights and beside the wide carriageways of a busy road and that it would not appear particularly intrusive in such a context. He felt that the mast would merge with the roadside scene and be readily accommodated within the expanse of grass verges at this road junction. The Inspector stated that highways dominate the townscape and that the mast is carefully positioned to face a blank gable of the nearest dwelling and would either present only an oblique view from or be at least 45m from any of the surrounding dwellings. The Inspector considered that the position of the proposed mast would not be an inappropriate one, it would thus comply with the general requirements of policy GDP1.
 3. The Inspector also noted that several alternative sites have been assessed by the applicant and that these were discounted for technical and building reasons. The Inspector acknowledged that the report to the committee noted that these alternative sites had been properly explored. In asserting the contrary, the Council had offered no positive evidence that revisiting such sites would serve any useful purpose whatsoever. The Inspector quotes an example of utilising the 'existing rooftop site at ASDA' and that Council failure to believe that a signal would fail to reach target cell in the valley bellow is 'totally unsubstantiated'. The Inspectors stated that this

fact is immediately apparent from the topography of the site and a rudimentary understanding of the technology involved. The fact is that the existing mast at ASDA site serves a cell adjacent to the target cell and its failure to cover the area in the valley bottom, together with the awkward topography, is the reason for the current application.

4. The Inspector stated that much of the evidence submitted in support of the Council's stance follows similar lines. It either notes the absence of information which, were it crucial, should have been sought in the course of processing the application or it exhibits a rudimentary misunderstanding of the technology involved. This applies to the three alternative sites proposed in the context of this appeal, but not suggested at the time of the application. In particular the justification for relocating the slim-line street-works column from a busy roadside verge to an expanse of relatively quiet amenity space beside Humber Hill (a largely residential street).
5. In conclusion, the Inspector found that adequate consideration had been given to the possibility of utilising alternative locations, and in his view, the site and design proposed could be taken as a clear attempt to minimise the impact of the mast on this area as a whole, subject to the technical and operational requirements involved. Thus complying with policy CF10. He therefore allowed the appeal.

Recommendation

6. The report be noted.

Report prepared by Graham Blakey, Area Planning Officer.

DERWENTSIDE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE

29th January 2009

REPORT OF DIRECTOR OF ENVIRONMENTAL SERVICES

APPEAL DECISION

Appeal against refusal to grant planning permission for the erection of a two storey dwelling at 75 Iveston Lane, Iveston

-
1. This appeal relates to the refusal of outline planning permission for the erection a two storey dwelling in July 2008 at Iveston Lane, Iveston. The Planning Inspector dismissed the appeal. The application was refused on the grounds that the dwelling would extend beyond the built up area of the settlement and would be encroachment into the countryside and on the grounds that it would be inappropriate to the pattern and form of the development. The Inspector considered the main issue to be the effect of the proposed development on the adjoining Iveston Conservation Area and the wider landscape.
 2. Whilst there is no defined settlement boundary for Iveston, the Inspector identified that views from the north and south demonstrate a generally clearly defined line to the built development, which forms the character and appearance of the settlement. Although the proposed dwelling would not extend beyond the outermost part of the neighbouring property, The Grange, it was noted that it would stand in a much more prominent and elevated position, which is exacerbated by the proposed dwelling being essentially a two storey dwelling, partly with dormers and rooflights. Furthermore, the adjacent buildings to the north and The Grange are single storey and thus the prominence of the proposed dwelling would be increased, even though it would be sited towards the lower part of the appeal site.
 3. The Inspector was of the opinion that the proposed dwelling would be detrimental to the objectives of the Iveston Conservation Area profile, as it would partially close the view out across the surrounding landscape of open spaces and thus resulting in further harm to the character and appearance of the area.
 4. The Inspector also considered that the proposed boundaries of the site would disrupt the traditional form, shape and extent of the field pattern

- beyond the village frontage, which would result in significant harm to the surrounding landscape. This, in addition to the visual impact of the prominent position of the proposed dwelling, would detract from the established setting of the village and the Conservation Area.
5. With regard to national policy guidance, the Inspector considered the site of the proposed dwelling to lie beyond the residential curtilage of the dwelling that was located towards the roadway and thus does not constitute previously developed land. He felt that Iveston is not a highly sustainable location given its very limited range of local services and facilities.
 6. The Inspector concluded that the proposed development would result in significant harm to the character and appearance of the adjoining Iveston Conservation Area, its setting and surrounding wider landscape, contrary to policies EN1, EN2 and HO5 of the Derwentside District Local Plan and would also fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Guidance 15. The appeal was therefore dismissed.

Recommendation

7. The report be noted.

Report prepared by Mr. T Armfield, Planning Officer

DERWENTSIDE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE

29th January 2009

REPORT OF DIRECTOR OF ENVIRONMENTAL SERVICES

APPEAL DECISION

Appeal against the refusal to grant outline planning permission for one dwelling house at Bracken Brae, East Butsfield, Satley

1. This appeal relates to an application for outline planning permission for one dwelling house at Bracken Brae, East Butsfield, Satley, Tow Law, which was refused permission by the Development Control Committee on the 8th May 2008. Bracken Brae is a small and largely shed-like chalet perched on the valley slopes above the River Browney, and lies almost hidden amongst foliage of trees and shrubs at the end of an unmade track. The application was refused on the grounds that the use of the building had been abandoned and that there was no lawful residential use. In addition the development would constitute a new dwelling in the countryside contrary to local and national planning policy. The Planning Inspector dismissed the appeal.
2. The Inspector agreed with the Council that the building appears to have been abandoned, as it has not been inhabited for at least a quarter of a century, is derelict and uninhabitable with fixtures and fittings torn out, windows smashed, extensive holes in the roof, and the asbestos cement walls and the covering felt is absent and decayed. The facts that the property was purchased in the late 1970s / early 1980s, has not been incorporated into the surrounding farmland and remains registered for council tax and electoral role purposes, was not considered by the Inspector sufficient to conclusively demonstrate an intention to re-occupy or re-use it as a dwelling.
3. The Inspector noted that, if the property has been abandoned, the site is simply an isolated plot surrounded by fields and farmland in the midst of the attractive countryside. Local Plan Policy EN1 seeks to prevent any development in the countryside that would not benefit the rural economy and help to maintain or enhance the landscape. The Inspector stated that this proposal would meet neither of those requirements, as there is no evidence to show that it would be needed in connection with any agricultural or rural enterprise. However well designed the new stone and timber

dwelling envisaged for the site may be, the Inspector considered that it would inevitably appear as a sporadic form of residential development, that would intrude into the countryside and encourage other unnecessary isolated rural dwellings.

4. The Inspector also looked at the proposal from another point of view, regarding the derelict chalet as a dwelling. However, the same conclusion was reached. In terms of complying with Policies in the Local Plan, the Inspector did not regard the proposal as an extension (in accordance with Policy EN3), as the scheme entails the demolition of the existing building, and the development would not reflect the character and style of the existing building. He felt that the scheme was not in accordance with Policy EN4, because it could not be regarded as a conversion, as the building is not structurally sound and could not be occupied without significant re-building or extension.
5. The Inspector uses the example of Kennel Cottage, as has been referred to, to illustrate the distinction between acceptable and unacceptable schemes. Kennel Cottage is a small but attractive traditional building, which has been kept in good repair, is structurally sound, and designed to reflect the character of the existing building, thereby meeting the requirements of the relevant policies. The Inspector considered the appeal proposal quite different, as it would unacceptably intrude into the countryside. Considering all matters, the Inspector found nothing sufficiently compelling to alter the conclusion that the appeal should be dismissed.

Recommendation

6. This report is noted.

Report prepared by Jessica Taylor, Senior Area Planning Officer.

DERWENTSIDE DISTRICT COUNCIL**DEVELOPMENT CONTROL COMMITTEE****29th JANUARY 2009****REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES****PLANNING APPLICATIONS AND ASSOCIATED MATTERS****CONTENTS**Site Visits

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Recommended for Refusal

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Recommended for Approval

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08/0824	Meadowcroft Homes	Variation of condition 12 of planning permission 1/2006/0485 to delay provision of footpath link for a period of six months or until the completion of access works on the adjoining land (revised submission), 1 – 11 Oakfields, West Kyo	Ward Catchgate Ward	Page 67
08/0818	Mr P Brown	Change of Use to hot food takeaway, creation of living accommodation to ground floor, 130 Medomsley Road Consett	Ward Consett North Ward	Page 74

SITE VISITS

08/0543

19.01.09

Mr G Hall

Site B, Watling Street
Industrial Estate, Consett

Erection of single storey factory unit with the erection of a 2.4 metre high steel palisade security fence, creation of private access road and parking, installation of lighting columns.

Leadgate Ward

The Application

1. At the last meeting of the Development Control Committee on the 8th January 2008 the Committee decided to defer consideration of a report regarding the erection of a single storey factory unit, perimeter security fence, access road, parking and lighting columns at Site B, Watling Street Industrial Estate, Consett to allow a site visit to take place. The site visit has now taken place and the Committee should be in a position to determine whether or not planning permission should be granted.

Updates

2. Environment Agency – The Agency has withdrawn their original objection that was lodged at the time of the last committee. A further report containing the necessary detailed flood risk mitigation has been added to the initial report and the Environment Agency have advised that they no longer wish to object to the proposals.
3. Natural England – Further comments have also been received from Natural England regarding the potential presence protected species on the site. Natural England have commented that they are reasonably satisfied with the submitted Ecological Report and subsequent clarification with the applicant, however state that:

“Prior to determining an application surveys should be carried out by a suitably qualified ecologist and (if found to be present) a suitable mitigation strategy devised and agreed to the satisfaction of the LPA (bearing in mind best practice as stated above and in our leaflet Reptiles: guidelines for developers).”

Several species other than Bats and Reptiles have legislation protecting them and are a material planning consideration as part of PPS9. Natural England

suggest that the Local Planning Authority should have sufficient information to ensure that the application can be determined.

4. Amended Plans – The applicant has submitted amended plans for the site that would result in two changes to the plans seen by members at the last committee. There would be a small reduction in the size of the “stoned-up storage area” and the setting-back of the perimeter fence along the south eastern boundary of the site (between the existing factory and the east corner of the plot, parallel to the service road).
5. Objections – Since the last committee there has been only one further set of objections received by the Council. Leadgate Infant and Nursery School submitted representations on behalf of the School Council and a Meeting held on the 28th November 2008 (with pupils from reception through to year 2). In total, 55 “poster” style pictures were forwarded to the Council wishing that the trees and animals of the site not be destroyed by the development.

In a covering letter, the School Council Co-Ordinator stressed that the trees were planted by former pupils for the enjoyment of future generations; and that despite the designation of the land for industrial purposes some effort should be made to protect these areas. The Co-Ordinator wishes that the views of the Infant School Council Members be taken into account, as future residents of Leadgate, when making a decision.

Officer Assessment

6. The Environment Agency has removed their objection and as such the surface water drainage scheme and other drainage works are deemed to be satisfactory.
7. The concerns Natural England have over the presence of protected species (i.e. bats and reptiles) appear to be addressed within the Ecological Report, however additional surveys need to be undertaken at the correct time of year. Natural England have advised that the application should not be determined until the Council have had the opportunity to consider such surveys. Therefore, as advised at your previous meeting the Council are not in a position to determine the application in the absence of the surveys.
8. There are three options available to members-

Option One- refuse the application on the grounds that the applicant has not demonstrated that protected species would not be harmed by this development. Officers would not recommend that the application be refused on these grounds as the surveys may subsequently conclude that they would be unharmed.

Option Two- defer the application for submission of the required surveys with a view to the application being brought back to the Committee when the reports have been submitted and the further comments of Natural England received.

Option Three- approve the application subject to the surveys being submitted to the Council and Natural England withdrawing their objection. This would mean that the application would not need to be brought back before the committee and would allow the application to be dealt with quickly on submission of the surveys.

Recommendation

9. Approve subject to the submission of protected species surveys (and where appropriate mitigation strategies) and Natural England withdrawing their objection.
- Standard Time Limit (ST)
 - Amended Plans (G01)
 - Materials (A03)
 - Landscaping (L01)
 - All proposed fencing should be powder coated dark green.
 - Reason: In the interests of the character and appearance of the surrounding area in accordance with Policy GDP1 of the District Local Plan.
 - No development shall take place unless in accordance with the mitigation detailed within the Ecological Survey 'An extended phase 1 and protected species survey of land at Leadgate, Consett' and Tree Survey 'An Arboricultural Impact Assessment Of Trees At Land Adjacent to Bradley Workshops, Leadgate, Consett', or any other mitigation measures amending the above, deemed to be satisfactory to the Local Planning Authority.
 - Reason: To conserve trees, protected species and their habitat in accordance with Policies GDP1 and EN11 of the District Local Plan.
 - Diesel Plant times (H08)
 - Surface Water Drainage (D01)

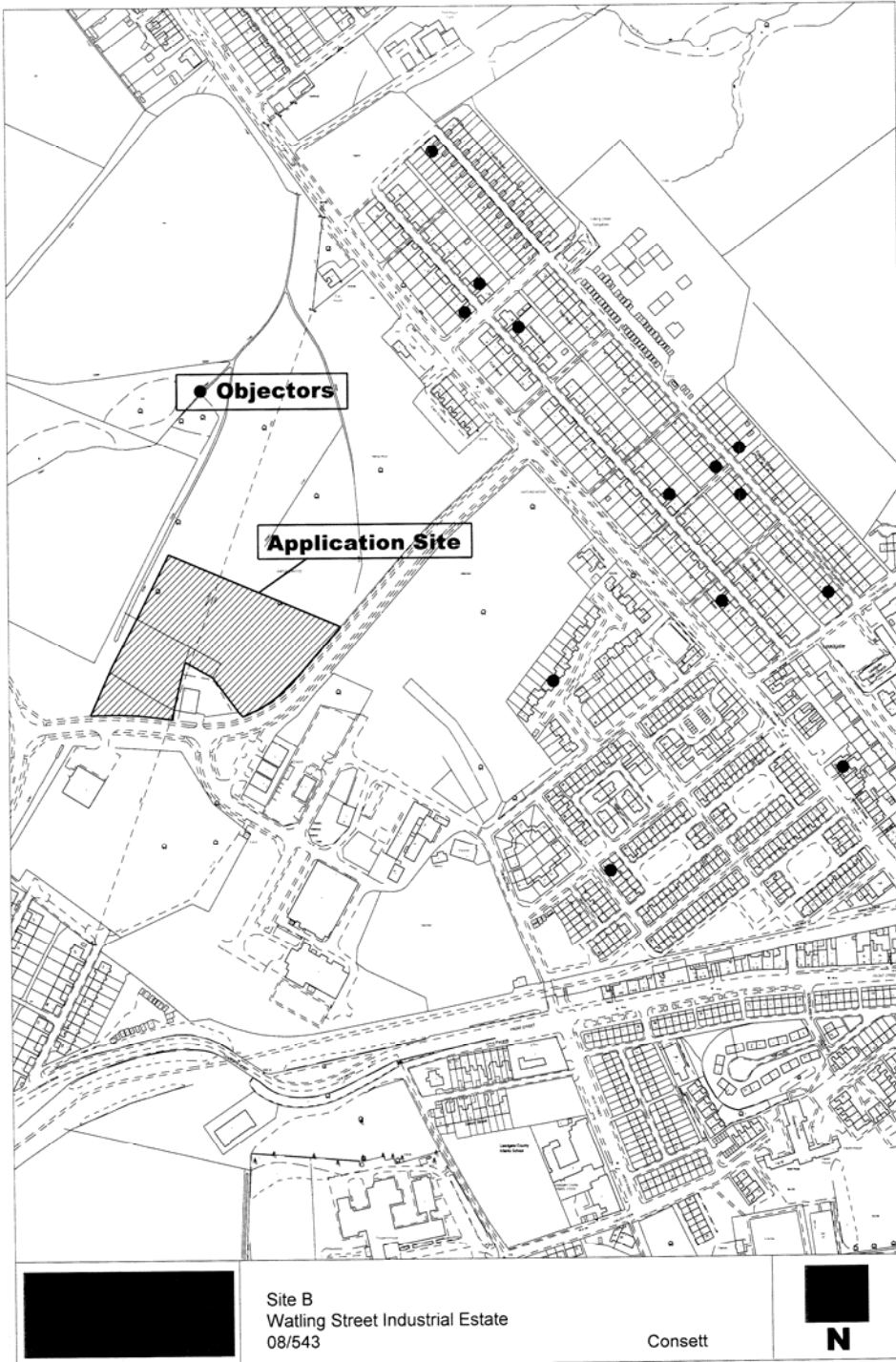
Reason for Approval

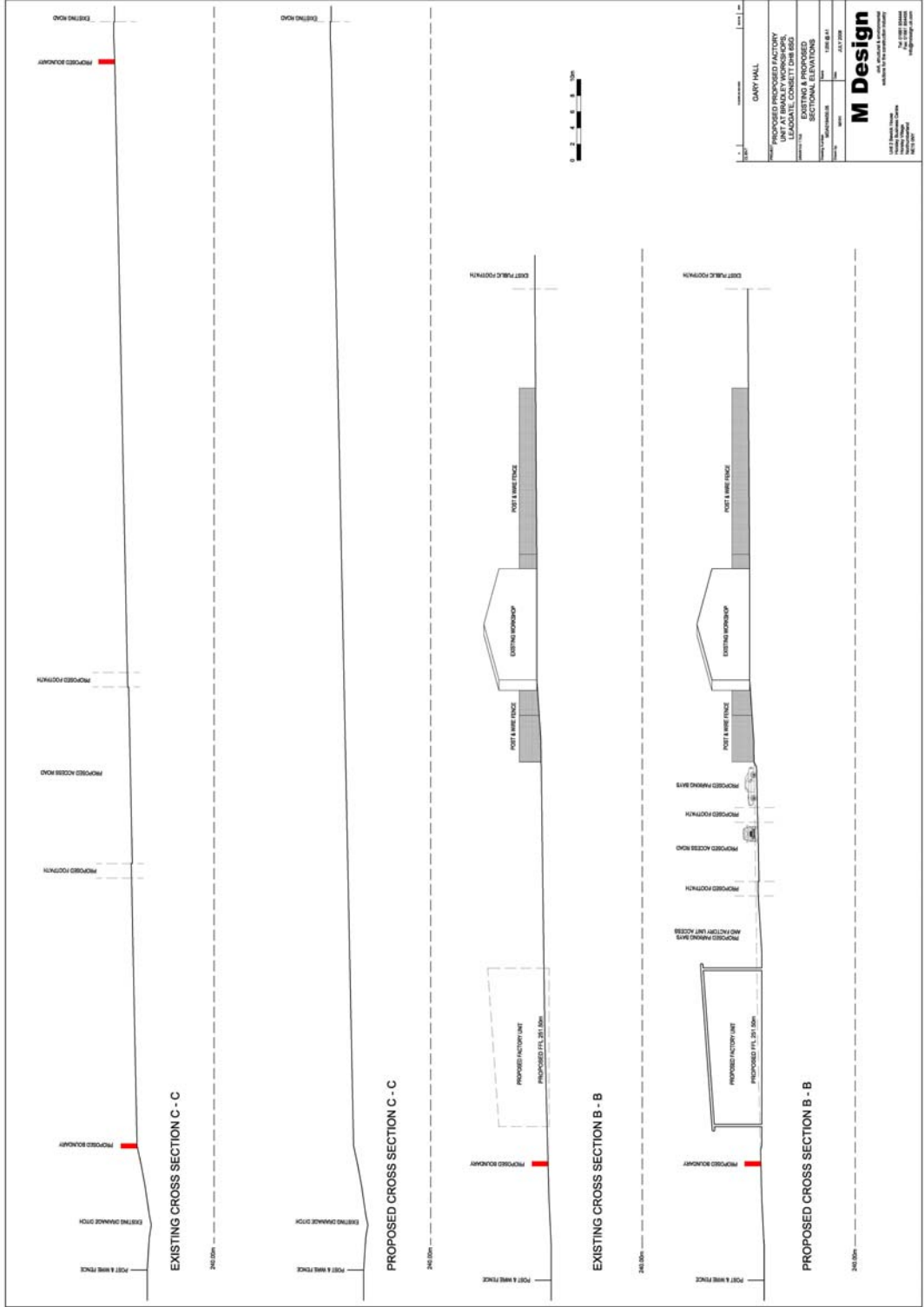
10. It is the view of the Local Planning Authority that the location of the proposed industrial development is acceptable, that the mitigation measures outlined within the relevant reports protect where possible the woodland and wildlife on the site and do their best to encourage wildlife, that the proposed scheme does not contribute to potential flooding inside and outside of the application site, and that design and appearance of the proposed development are enhanced by their surroundings.

The development is considered to be in accordance with National Planning Policy Statements and Guidance Notes 1, 4, 9 and 25; Regional Spatial Strategy Policies 4, 18, 33, 35 and 36; and Policies GDP1, EN11, IN4, IN6 and TR2 of the District Local Plan. No other material planning considerations outweigh the decision to approve the application. A copy of the Committee report are available documenting the considerations in more detail is available

upon request.

Report Prepared by Graham Blakey, Area Planning Officer





<p>PROPOSED PROPOSED FACTORY UNIT UNITS AND ACCESSORIES UNITS AND ACCESSORIES UNITS AND ACCESSORIES UNITS AND ACCESSORIES</p>	
<p>EXISTING & PROPOSED SECTIONAL ELEVATIONS</p>	
DATE	12/18/24
BY	ALY
<p>M Design</p> <p>10000 10th Street, Suite 100 San Diego, CA 92121 (619) 594-1000 www.mdesign.com</p>	

PROPOSED EXTERNAL MATERIALS SCHEDULE:
 Security Fence Type 'A' - see Item Security Gates - Parkside fencing with 'V' pattern
 Security Gates - see Item Security Gates - Parkside fencing with 'V' pattern
 Access Road - Chain pipe metal mesh - color black
 Chain Pipe Metal Mesh - see Item Chain Pipe Metal Mesh - color black
 Parking Bays - Intergrated Block Paving - color light grey
 Intergrated Block Paving - see Item Intergrated Block Paving - color light grey
 Factory Building and Commercial Door Hardware/Partitions - Parkside
 Block paving, in change separately listed to point.

Surface Water Drainage related to sustainable road.
 Surface Water Drainage related to sustainable road.
 Surface Water Drainage related to sustainable road.

LANDSCAPING PROGRAMME:
Planting:
 Trees on site to be removed/retained or retained.
 Retained trees to be retained/removed or retained.
 Retained trees to be retained/removed or retained.
 Retained trees to be retained/removed or retained.

FENCING:
 The proposed fencing is 2.4m high galvanneal steel parkade type 'A' sections.
 All fencing materials are manufactured and assessed as specified within the
 BS EN 12429:2000 standard.
 The extent of the proposed factory site to be fenced with a
 security gate will be as shown on drawings. A sliding security gate with pedestrian
 access gate will be provided as shown on drawings.

NOT TO DIMENSION LINES:
 VP - 1m vertical air lifting bay
 BP - 1m wide car parking bay
 MC - 2m motorcycle parking bay
 AP - accessible parking bay
 LC - street lighting columns

PROPOSED LIGHTING COLUMNS:
 1100
 1200
 1300
 1400
 1500
 1600
 1700
 1800
 1900
 2000

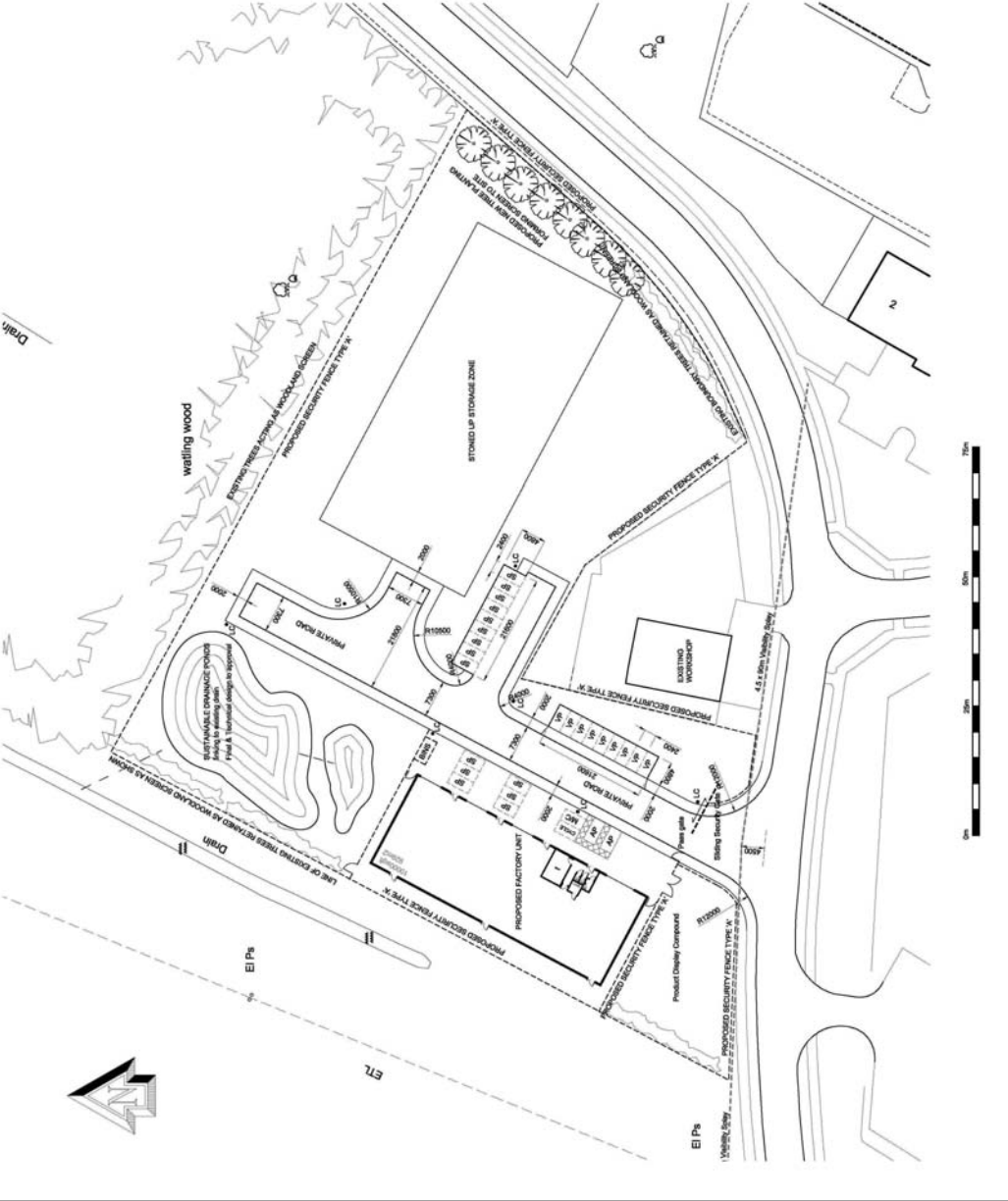
PROPOSED LIGHTING COLUMNS:
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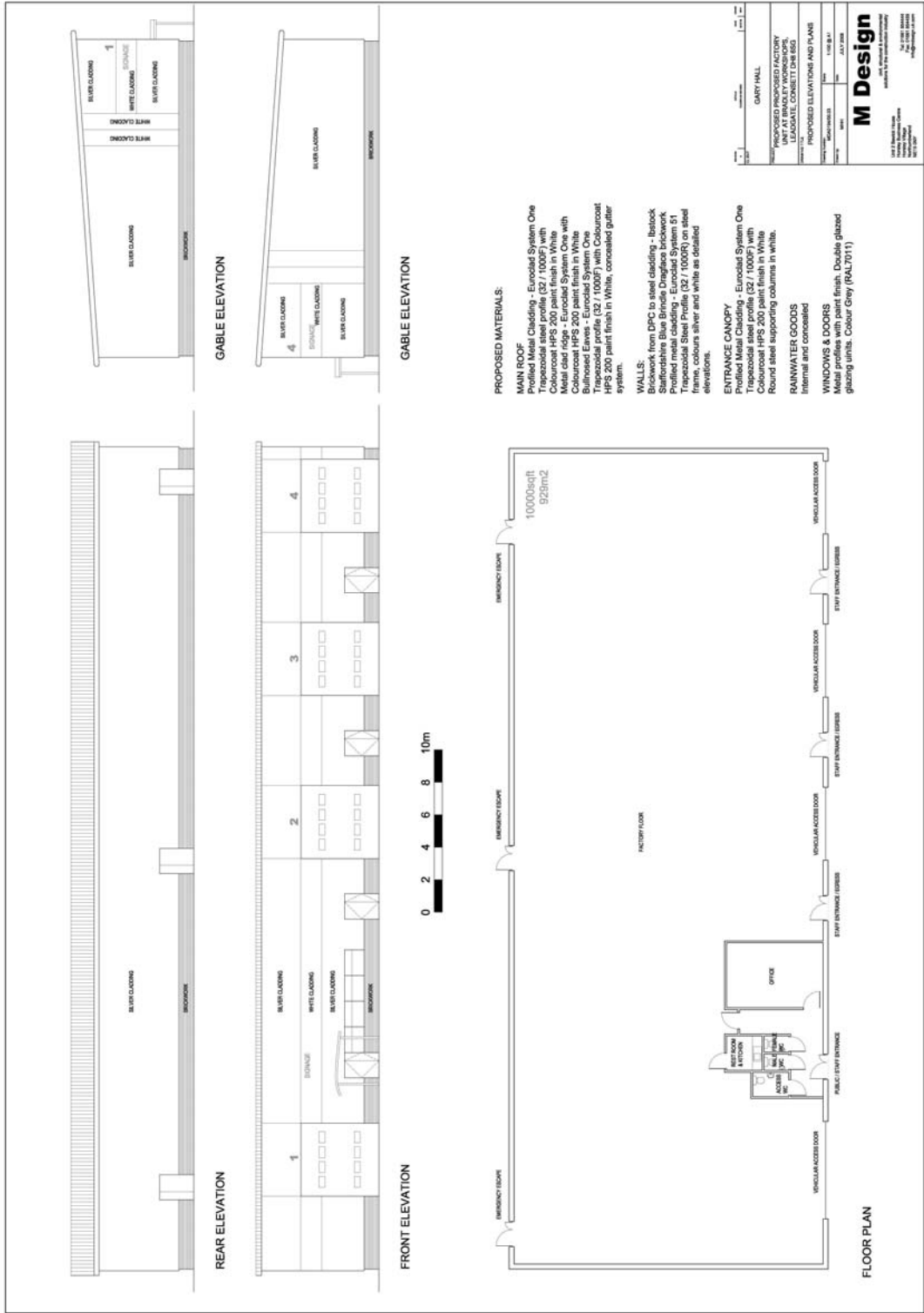
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11	11	1000.00
12	12	1000.00
13	13	1000.00
14	14	1000.00
15	15	1000.00
16	16	1000.00
17	17	1000.00
18	18	1000.00
19	19	1000.00
20	20	1000.00

PROPOSED SITE PLAN
 GARY HALL
 PROPOSED REVEL OPMENT OF
 LAND AT BRADLEY WORKSHOPS,
 LEADGATE, CONSETT DH8 8SG

PROPOSED SITE PLAN
 1:500
 1:1000
 1:2000
 1:5000
 1:10000
 1:20000
 1:50000
 1:100000
 1:200000

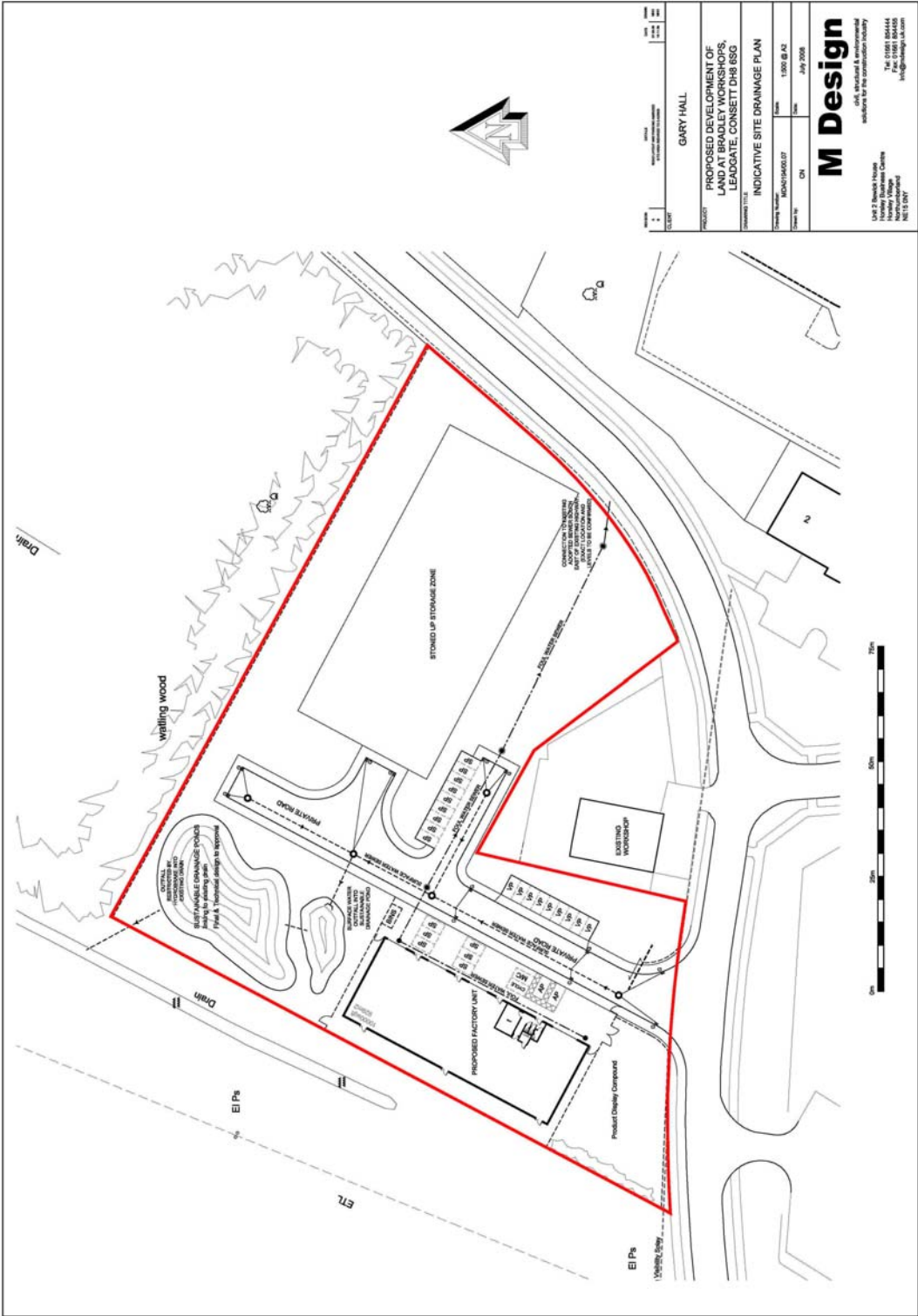
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RECOMMENDATION FOR REFUSAL

08/0864	16.12.08
Mr A Evans	24 Humberhill Drive, Lanchester
Erection of one dwelling	Lanchester Ward

The Application

1. Planning Permission is sought for the erection of one dwelling at 24 Humberhill Drive, Lanchester.
2. The site is located on the corner plot of Humberhill Drive and Middlewood Road. The plot is within a 1960's housing estate characterised by semi detached houses to the north west, detached houses to the south east and bungalows to the north east of the site. The dwellings are typically constructed of brick with tiled roofs. The site is bound by 24 Humberhill Drive, which has windows at ground and first floor level approximately one metre from the proposed dwelling. To the south east lies 20 Middlewood Road which also has windows overlooking the site.
3. Due to the topography of the land the proposed dwelling would sit at a lower level to the neighbouring properties. The proposed dwelling would be of an eco design working with the topography to create a split level layout. The dwelling proposes to be comprised of one en suite bedroom, two further bedrooms, garage and utility on the ground floor with open plan kitchen, dining area, lounge and roof terrace to the first floor.
4. The dwelling would be of a modern design and construction incorporating a sedum roof. The wall construction proposes to be brick with timber shingle tiles on the north east and north west elevations. The design includes a large proportion of glazing on the north east and north west elevation which front the highway.
5. Vehicular access is proposed from Humberhill Drive, adjacent to the existing access to No 24 Humberhill Drive. The proposal includes off street parking for three cars.

History

6. In 2007 an application was withdrawn for the erection of one dwelling (reference 1/2007/0915/DM)

Policy

7. The following guidance are relevant in determining this application:

PPS 3 – Housing
Lanchester Village Design Statement

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

General Development Principles (GDP1)
Development Limit for Lanchester and Burnhope (H07)
Development on small sites (HO5)
Development and Highway Safety (TR2)

Consultations

9. County Highway Development Control Officer- no objections
10. Lanchester Parish Council- make the following objections to the applications:
- concern over the very tight fit on the site and the building plot to ratio.
 - the proposed building is uncharacteristic with other buildings in the vicinity.
 - the proposed plans are out of keeping and inconsistent with nearby properties.
 - the proposed sedum roof will look out of place.
 - the new dwelling would have no private amenity space.
 - the planners attention drawn to the village design statement page 19 4A and 4F which refers to choice of materials and details of roofs.
11. Northumbrian Water- no objections.
12. The Lanchester Partnership- the revised proposals for this site are in essence similar to the earlier proposal withdrawn following your recommendation for refusal (reference 1/2007/0915/DM).
13. The Partnership state that the site comprises a very small plot of land, the side garden of 24 Humberhill Drive. The proposed building would occupy almost the whole of the site behind the “building lines” to the street frontages. They note that the proposed two storey, three bedroomed detached dwelling would face onto Middlewood Road, the site being excavated to road level so that it would present an entirely different appearance to the street than the existing dwellings which are seen to stand on rising ground. The Partnership state that not only would this present an uncharacteristic appearance but the design of the dwelling with low monopitched roofs, an elongated elevation to Middlewood Road, first floor roof terrace and narrow stepped, split gable to Humberhill would be entirely out of keeping with the design of surrounding dwellings. They feel that the north eastern corner of the dwelling standing close up to the highway boundary would be visually very prominent, seen from the corner of the street, especially since there would be little space for planting to offset its impact. In addition the partnership note that there would be no space to the rear of the dwelling to separate it from 24 Humberhill Drive and it would present a blank wall to the side and rear garden of the applicant’s existing

dwelling and very minimal space, mainly occupied by steps, to the side of the dwelling adjacent to No 20 Middlewood Road. They note that the new dwelling would therefore have no private amenity space, the limited front and side gardens being overlooked from the two road frontages.

14. The Partnership state that the open side garden of the Humberhill property is typical of street corner treatments throughout this and many other estates not only in Lanchester but also throughout Derwentside. The estate was laid out very broadly in accordance with standards for the spacing of dwellings at the time of its development and this corner site is very characteristic of the overall development. Similar such standards are set out in SPG7 "The Layout of New Housing". They note that the building to plot ratio would be very high and totally inconsistent with neighbouring development so that it would conflict with Local Plan Policy HO5 where housing development on small sites will only be permitted "where the development is appropriate to the existing pattern and form of development". They feel that the unusual roof covering and shingle cladding would compound the individuality of the building and its obtrusive appearance contrary to the advice in the Village Design Statement that buildings should conform to their surroundings.
15. The Partnership state that they support the earlier view that if the development were allowed to proceed considerable difficulty and annoyance would be caused due to the restricted size of the site. They feel that the revised design would not overcome the constricted space about the neighbouring buildings and in visual terms the excavation of the site and the erection of the building at a lower level would if anything exacerbate the impact of buildings on the street scene in such a way as to be incongruous with the existing character and appearance of the surroundings.
16. They strongly urge that the development should be refused as wholly inconsistent with and uncharacteristic of surrounding development.
17. Neighbours have been consulted and a site notice posted. Two letters of objection have been received one from a neighbouring resident and a second letter from a resident of Lanchester. There concerns are summarised as follows:
 - The proposal does not meet the criteria of Policy H05 in relation to loss of amenity, reflect the form and character of existing development, sensitive design and landscaping.
 - The new dwelling would detract from the amenity of existing dwellings.
 - The proposal would leave 24 Humberhill Drive with one of the smallest gardens on this estate resulting in loss of amenity.
 - Cause loss of light and overshadowing to 24 Humberhill Drive.
 - Overbearing on 22 Humberhill Drive.
 - The new dwelling would suffer a loss of amenity space.
 - The location of the new dwelling in the plot would create an overly cramped appearance
 - There are no properties on this estate where the rear elevation faces onto a gable end.

- The development would set a precedent.
- A new detached dwelling would not look in keeping with the surrounding semi detached properties.
- The roof styles of the proposed dwelling is not in keeping.
- The front elevation bears no relationship to those of the neighbouring properties.
- The materials would be out of keeping contrary to the Lanchester Village Design Statement.
- No landscaping plan has been proposed.
- The parking arrangements are unacceptable and contrary to Policy TR2
- The site is too small to accommodate any kind of housing development.
- The new build is located too close to the existing properties.
- The application states the design is split level but it will still be the height of a two storey detached property.
- The front elevation of the new build would be located on Middlewood Road which has 6 properties of the same design.
- The new build is a completely different design and does not blend in.
- The North-East Elevation shows the new build at road level. No property is at road level along Middlewood Road. All properties have a sloping drive and are approximately 1.2metres above road level.
- The North-East Elevation also indicates that Middlewood Road is flat. It actually slopes up from left to right which means that as it is drawn the right hand side of the new build would be below road level.
- The North-West Elevation shows the new builds roofline obstructing our stairway/landing and bedroom windows.
- We currently have open views over Humberhill and across the valley to the village.
- View from our bedroom window looking over the build site and down Humberhill Drive and across the valley. Note, how the first bungalow would be overlooked by the new builds upper living accommodation and balcony.
- Natural light would be blocked to our front porch, lobby and hallway, stairway and landing, conservatory and garden.
- If the new build goes ahead our view would be lost and replaced with the brick wall of the gable end and the sloping pitch roofs of the new build.
- Our bedroom window would look directly on to the proposed new property.
- The first floor living accommodation and roof terrace are elevated above the level of Middlewood Road and the new build would be located directly opposite a near bungalow at 22 Humberhill Drive, which is sited below the level of Middlewood Road making it directly overlooked.
- Excavating deep foundations close to the existing and established properties could compromise the stability of the said properties.
- The plans show that the ground located to the side of the sloping drive of 20 Middlewood Road would be excavated to road level. This would expose the foundations of the drives supporting wall and the garages external wall compromising their structural stability.
- There is currently a 6ft high hedge located between the drive of 20 Middlewood Road and the proposed new build. This must remain as it

- provides privacy and security.
- No consideration has been given to the fact that the site is too small to accommodate the planned foundation plan and a working area plus all the necessary construction equipment that will be required such as skips, containers, excavation machinery, scaffolding, cabins, portaloos etc. This will lead to this equipment being located on the roadway along Middlewood Road adjacent our house. This would restrict access for vehicles on a blind bend and present health and safety issues for pedestrians.
- The open views across the village and the natural light to the garden and conservatory of 24 Humberhill Drive would be lost.
- If permission were given this would set a precedent in the village allowing new houses to be built on any available open land. One of the many reasons we and other people purchased their homes in this location was because of the open aspect area and the surrounding views. This would be lost should the build go ahead.

Officer Assessment

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

Principle of Development on the site

19. Under current Government Guidance as outlined in PPS3 'Housing' the application site represents the type of site on which new residential development is to be encouraged i.e. previously developed land within urban areas which should be viewed in preference to Greenfield sites. The site is regarded as 'Brownfield land' within a settlement and would be considered a windfall site in light of the advice contained within both PPS3 and Policy HO5 of the Local Plan.
20. In accordance with Policy H07 of the adopted Local Plan, the site is located well within the development limits of Lanchester.
21. The preamble to Policy HO5 'Development on small sites' states that new housing should be built in sustainable locations where people have easy access to transport, jobs, shops, schools, and other facilities. This is a sustainable location being sited in a settlement, which has a range of service and facilities.
22. However the policy also states that proposals must be of 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 sites location and should take into account the sites natural and built features. Officers are of the view the proposed site is too tight to comfortably accommodate a dwelling without causing a detrimental impact to the character of the area. It is appreciated that eco design schemes

should be encouraged however the application provides no information regarding its intended eco features.

Siting

23. The site is typical of a corner plot with numerous examples in the vicinity where the estate has been designed with corner dwellings to have additional garden to the side creating a feeling of openness within the estate. The approval of an application on a site of this nature would lead to the loss of this feature within the area and also set a precedent for further developments in the vicinity.
24. The site is tight, with a distance of approximately one metre proposed between the side of No 24 Humberhill Drive and the proposed dwelling. The applicant has worked with the topography of the sloping gradient to create a dwelling, which sits within the land and nestles with the neighbouring properties however despite this the dwelling would appear cramped and awkward in the street scene unrelated to the surrounding properties in terms of height and scale.

Design

25. The proposed dwelling would be constructed of a modern design incorporating a high proportion of glazing and modern features including single pitched roofs, a sedum roof and roof terrace which are not typical features of this older 1960's estate. Officers consider the design is refreshing and is visually pleasing however it is considered that this type of design is more appropriate in a rural setting or site which can accommodate the dwelling comfortably.
26. The surrounding properties have a distinct character, form and appearance following essentially a linear pattern along each street and are typically constructed of brick under a tiled roof. The applicant has tried to incorporate similar materials in the design using brick and timber shingle tile to reflect other properties. However the modern features detract from this detailing to create a dwelling, which is out of character with the area both in terms of design and materials.

Residential Amenity

27. The proposal is considered to have an impact on the amenity of neighbouring properties in particular the applicants property 24 Humberhill Drive, although this is the applicants property consideration should be given to future occupiers of the dwelling.
28. The principle elevations of the new dwelling would be to the north east and north west with no windows proposed on the remaining elevations. These outlooks are onto the highway and front gardens of properties on Humberhill Drive. It is not considered that these windows would significantly harm the amenity of the occupiers as essentially front gardens can be overlooked by

users of the highway however the use of the rooms and in particular the roof terrace would lead to a measurable increase in overlooking. Officers consider the application would be detrimental to the adjacent neighbours by being over dominant and to close to these properties.

29. The occupiers of 20 Middlewood Road have objected to the proposal on the grounds of loss of amenity. No 20 Middlewood Road has an existing window on the north, which would be approximately seven metres from the proposed dwelling however this is slightly obstructed by 24 Humberhill Drive. Due to the orientation of the sun the garden of No 20 Middlewood Road the proposed dwelling may result in a loss of evening sun on the garden of that property.
30. The significant impact would be on 24 Humberhill Drive, which would be approximately one metre from the side elevation of the property, which has several windows. The closeness of a blank gable would result in a loss of light to the property and would be considered to be overbearing. The proposal would also significantly reduce the amount of outside amenity space the existing property officers consider this would have a negative impact on the living conditions of the occupiers of the new dwelling and No 24 Humberhill Drive.

Parking and access

31. Local Plan Policy TR2 seeks to ensure that all development incorporates satisfactory and safe parking and access. The neighbouring properties typically have garages and off street parking and therefore the dwelling would provide adequate parking arrangements. The Highways Officer has no objection to the proposal.

Conclusion

32. Officers consider the design of the proposed dwelling is attractive and well designed however it is considered the proposed location within a 1960's residential area, which has a uniform style, would be out of keeping with the character of the area and would detract from the character of this uniform street scene.
33. The applicant has worked with the topography of the land to ensure impacts on neighboring properties have been limited and the proposed dwelling would be set at a lower level providing some screening however a spilt level house is not a characteristic of the area and further adds to the detriment of the street scene.
34. Due to the orientation of the primary elevations to the north west and north east the impact on neighbouring properties has been reduced in relation to overlooking. The proposed dwelling would however be only approximately one metre from the side elevation of No 24 Humberhill Drive, Officers considered this is not an appropriate distance and would lead to a

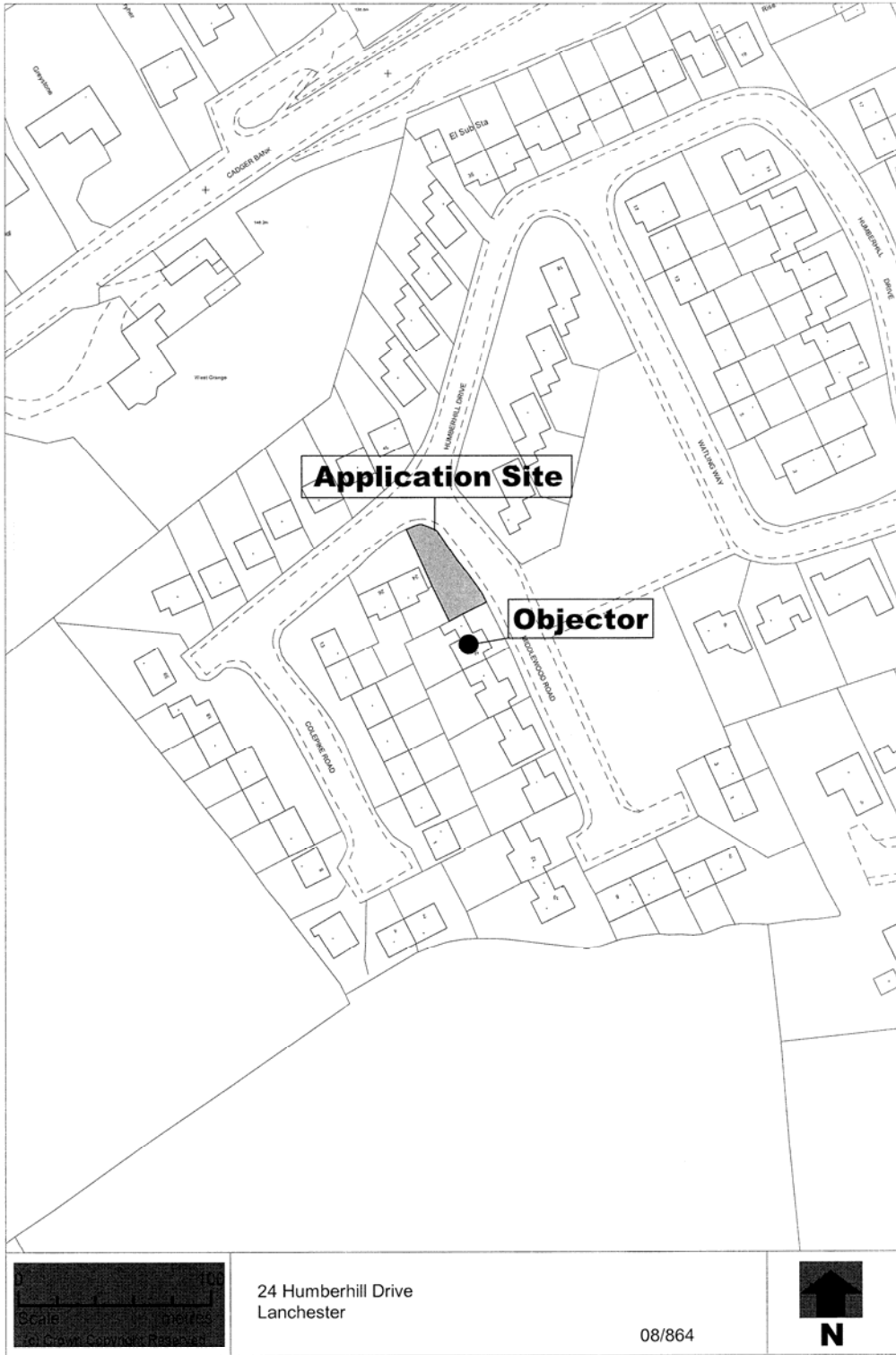
detrimental impact on the amenity of the occupiers of this property.

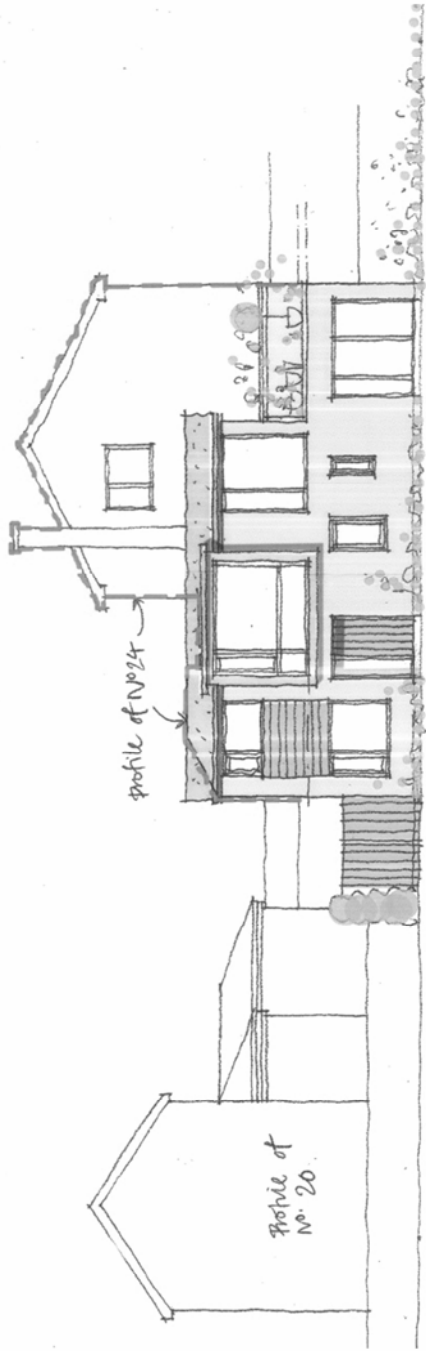
35. Overall it is considered the location is sustainable but the plot does not have the capacity to comfortably site a dwelling without having a detrimental impact on the character of the area in terms of scale, design and layout in accordance with Policy H05 of the Derwentside District Local Plan.
36. It is appreciated schemes, which encourage eco friendly features, should be encourages however significant evidence has not been provided to outweigh the concerns addressed in this report.

Recommendation

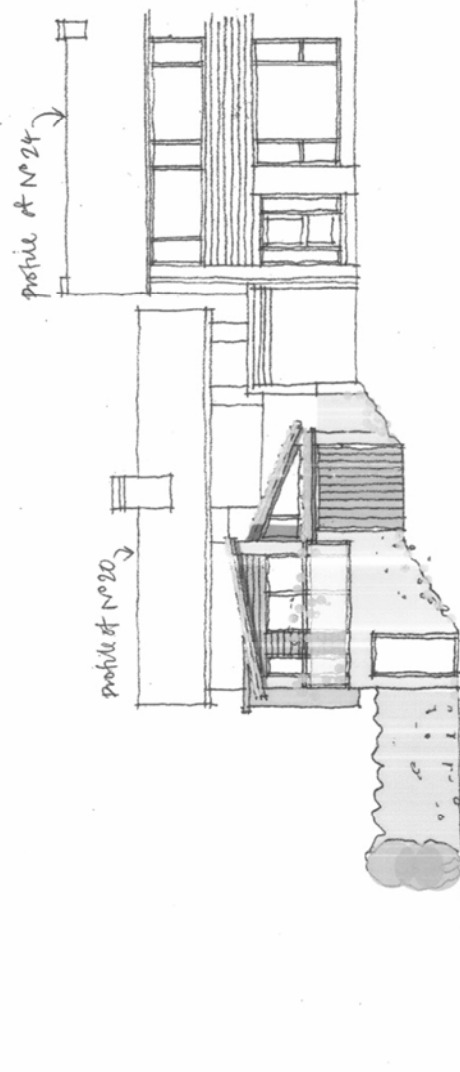
37. Refuse
38. The proposed development, if permitted, would establish an undesirable precedent, which would make it difficult to resist further such applications that would be detrimental to the character of this residential area contrary to the objectives of Policy H05 of the Derwentside District Local Plan.
39. By virtue of the design, scale and use of materials in relation to the existing dwellings in the vicinity would detract from the character and appearance of the area intrusion an alien feature into a uniform estate contrary to the objectives of Policies GDP1 and H05 of the Derwentside District Local Plan.
40. The development by its relationship to No 24 Humberhill Drive would have a detrimental impact on the amenity of the occupiers of this residential property and therefore would fail to satisfy the criteria of Policy GDP1 of the District Local Plan.

Report prepared by Jessica Taylor, Senior Area Planning Officer.



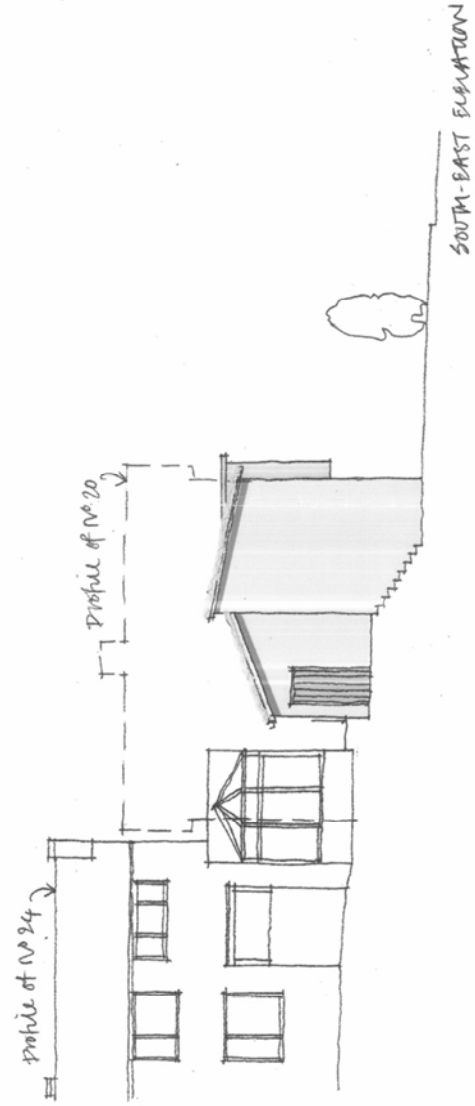
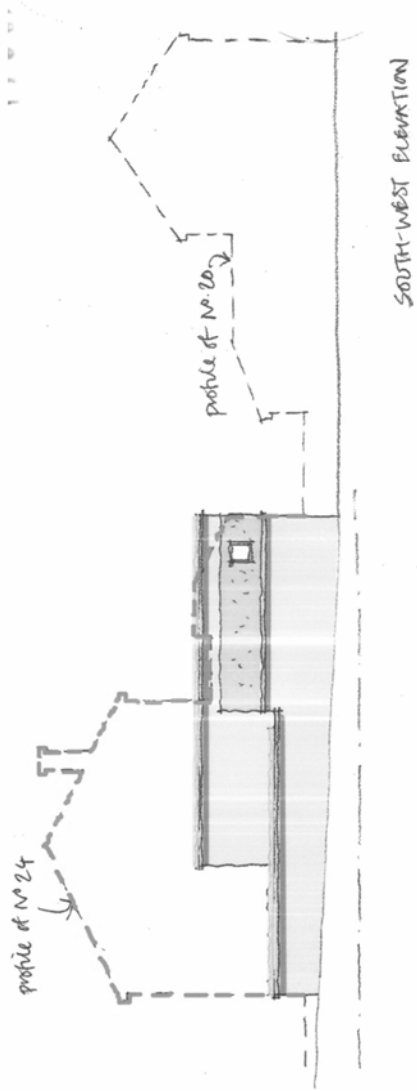


NORTH-EAST ELEVATION



NORTH-WEST ELEVATION

24 Humberhill Drive, Lanchester. 08/864



24 Humberhill Drive, Lanchester. 08/864

RECOMMENDATION FOR APPROVAL

08/0741 and 08/0740

20.10.08

Sendrig Construction

The Lanchester Arms, 43 Front Street, Lanchester

Planning Permission for the erection of seven dwellings and Conservation Area Consent to demolish existing public house and retail unit (resubmission)

Lanchester Ward

The Application

1. Conservation Area Consent is sought to demolish the existing public house and retail unit at The Lanchester Arms, 43 Front Street, Lanchester and Planning Permission is sought for the erection of seven dwellings. The site is within Lanchester Conservation Area. The application is a resubmission two applications which were withdrawn in early 2008 (references 1/2007/1071/DM and 1/2007/1072/DM).
2. The site is located on the main street of Lanchester, north west of the main centre of the village. The site is located opposite the junction with Newbiggen Lane and lies between the Black Bull Inn and the residential property of No 39 Front Street. The existing building is attached to the Black Bull but separated from No 39 Front Street by a narrow lane. The site is currently vacant and is in a poor state of repair.
3. The proposed dwellings would consist of seven dwellings; four dwellings along the frontage of the site and three dwellings to the rear along the boundary with the neighbouring public house. The dwellings on the frontage of the site comprise of a living room, kitchen/diner, cloakroom on the ground floor with one en-suite bedroom, a second bedroom and bathroom on the first floor and two further bedrooms in the roof space. The dwellings to the rear of the site comprise of kitchen/diner, living room and cloakroom on the ground floor with one en-suite bedroom, two bedrooms and bathroom on the first floor. The three dwellings to the rear of the frontage have received planning permission under reference 1/2005/0511/DM, this application is a valid consent.
4. The proposed frontage would replicate the scale, proportions and presence of the original frontage, which is proposed to be demolished. The height of the building would replicate the height of the existing buildings and has the benefit of omitting the current dormer windows, which were added as a later addition. The roofline would be stepped down at the south west of the building to reflect the current building. The position and dimension of the windows would also be replicated. Two additional doors would be added to

the frontage to access the dwellings with a further opening on the side elevation.

5. The units propose to be constructed of painted render under a slate roof with a mixture of natural stone and render on the properties to the rear of the frontage. Conservation style roof lights are proposed on the front and rear elevations.
6. Vehicular access is proposed from the south east of the site by the existing lane with the provision of communal parking for all dwellings. Separate garden areas are proposed to serve the three dwellings at the rear with communal garden space for the remaining dwellings. An existing sub station located centrally in the site would remain.

History

7. In 2003 applications for Conservation Area Consent and Planning Permission were withdrawn for the demolition of the public house and conversion of existing public house into four dwellings and the erection of three dwellings to rear with associated vehicular access, car parking and landscaping (references 1/2003/1015/DM and 1/2003/1016/DM).
8. Planning permission was granted in 2004 for the conversion of existing public house into four dwellings and erection of three dwellings to rear with associated vehicular access, car parking and landscaping (reference 1/2004/0246/DM)
9. In 2005 Planning Permission was granted for the erection of three dwellings to rear (amendment to the approved scheme) (reference 1/2005/0511/DM).
10. In 2007 Conservation Area Consent and Planning Permission was withdrawn for the demolition of the public house and erection of four dwellings (references 1/2007/1071/DM and 1/2007/1072/DM).

Policy

11. The following guidance are relevant in determining this application:

PPS 3 – Housing
PPG15 – Planning and the Historic Environment
Lanchester Village Design Statement
12. The following policies of the adopted Local Plan are relevant in determining this application:

General Development Principles (GDP1)
Demolition in Conservation Areas (EN14)
Development Limit for Lanchester and Burnhope (H07)
Sub Division and Adaptation of Existing Buildings to Residential Use (HO17)
Development on small sites (HO5)

Development and Highway Safety (TR2)

Consultations

13. County Highway Development Control Officer- The Highways Officers comments are essentially unchanged from those given in his 16th April e-mail regarding the earlier application (reference 1/2007/1072/DM). The access width has been increased slightly in this resubmission and is clearly an improvement to the archway access which was approved in earlier applications. The Highways Officer states that notwithstanding this, for the reasons given in his earlier e-mail, the new footway kerb parallel to unit 4's gable end should be a minimum of 0.5m east of the line of the three bollards in the highway. He adds that for information, parking space no. 12 can be retained though could be reduced in length to 6m long if desired. He would have no objection to parking space no. 13 being deleted to make way for landscaping if required; there still being an average of 1.7 parking spaces per dwelling.
14. He states that a pre-condition survey of the existing public highway must be jointly carried out between the developer and the County Council prior to demolition works commencing on-site. This matter should be conditioned. Front Street's existing surface treatments are defined by differing surfaces at vehicular access crossing points. He advises that the proposals alter the latter therefore prior to occupation of the dwellings a plan depicting the proposed public highway paving revisions should be conditioned for approval and installed thereafter.
15. Lanchester Parish Council make the following observations:
 - Members would reluctantly support the demolition of the building.
 - The new building should retain as many architectural features of the existing building as possible.
 - The level of the roof line should be broken up with appropriate features to reflect the architecture of the existing building.
 - More ornate stone features around the doors should be introduced and the shape of the existing doors be retained to reflect the existing building.
 - The lintels and sills on the windows should be stone to mirror the existing building.
 - The rainwater goods be of cast iron.
 - The colour of the rendering be in similar tones to the buildings on either side.
16. English Heritage- The existing building on this site makes a positive contribution to the character and appearance of the designated Conservation Area. They state that their main comment on the application is to repeat the advice we provided on the earlier applications (references SL/1/2003/1016/DMFP and AR/1/2007/1072/DMFP), namely that the Council needs to satisfy itself that a compelling case has been made to the tests in paragraphs 3.16-3.19 of PPG15 (in accordance with the approach set out in paragraph 4.27 of PPG15) with regard to the proposal to demolish the existing building.

17. English Heritage advise that if such a compelling case has been made (and state that it is perhaps important to record that the necessary supporting statements have not been provided as part of the submission information that they have received), they can confirm that the principle of the proposed development is acceptable to English Heritage. They advise that any forthcoming consent should, however, be accompanied by a robust set of conditions in order to ensure that the architectural detailing, construction materials and standards of workmanship are of a very high quality and appropriate to local context. It will also be important to ensure that an appropriate level of building recording is undertaken prior to demolition, and that the usual legal mechanisms are put in place to ensure that the application site does not remain as a cleared site.
18. English Heritage state that if a compelling case for the demolition of the existing building has not been made, they recommend that this application be refused and a scheme to retain and convert the property be pursued with due vigor.
19. The Lanchester Partnership- object to the demolition of the existing building and to the erection of seven dwellings on this very important site within the Lanchester Conservation Area.
20. They refer to previous correspondence in connection with the site and in particular to their letters of 5th April and 12th May and E-mail of 17th April in connection with the withdrawn submissions Applications 1/2007/1071/DM and 1/2007/1072/DM).
21. The Partnership note that the structural appraisal is that submitted in a letter of 27th April 2006, which they and others criticised at the time of its original submission, and again when it was submitted in connection with the 2007 applications. They point out that it relates only to the front wall, which at that time would have been affected by the introduction of an archway through the building but which would not now be involved. It does not purport to be a Structural Survey of the property and in their view it is wholly inadequate as justification for demolition of an important building in a focal position within the Conservation Area. They feel that the report provides no factual evidence concerning the structural stability of the fabric; it makes assumptions about the nature of the front elevation and admits that no trial pits have been dug to verify the nature of the foundations. They state that although later information was given in letters from Martin Farrer dated 12th April and 11th September they did not take the matter further or provide additional factual information.
22. The Partnership feel that the submission of the historic appraisal of the building should not be allowed to obfuscate the need for a proper structural assessment. They are of the opinion that the historic assessment also plays down the importance of the building within Front Street. The scale of the existing Lanchester Arms is related to the use and period in which it was built and contributes to the way in which the buildings explain the "history" of the village, a very particular and distinctive place in which the building should

be preserve and converted to alternative use if at all possible in accordance with its designation as a “conservation” area. They state that the fact that window frames and doors need to be replaced with well-designed appropriate replacements is merely a reflection of the age and neglect of proper maintenance in the more recent past. The partnership go on to state that although the doorway is in a dilapidated condition it is clearly an historic feature that should be retained as an essential characteristic of the 19th century building. They feel that the fact that it is a standard brewery feature of which there are examples elsewhere does not diminish its importance in this location. The partnership point out that the eroded base of the architrave could easily be replicated.

23. The Partnership state that the replacement of the existing building with four terraced dwellings will not replicate the existing building in a meaningful way. Although the height and bulk of the building could be replicated it would be readily apparent that it was not a single entity but four separate units. They feel that the building would not have the same strength as an elevation as the present single building and would not replicate the function of the present building as a “large house” in the village street, similar in function to Lanchester House, serving to punctuate the repetitive pattern of smaller buildings along the frontage. Furthermore they feel that the development would not have the same architectural stature to terminate the view approaching Front Street along Newbiggin Lane. The partnership state that the four units would not replicate the unity of the existing building nor would they be in keeping with the scale and character of the other cottages along this side of Front Street. They feel that their height and the scale and size of the widows, based upon the proportions of the public house, but following its demolition, would have no source of reference.
24. The Partnership note that the Conservation Officer had requested that doorways should have simple stone surrounds not timber as proposed by the architect. They feel that this issue serves to highlight the problems of scale and multiplicity of units. As a single entity the building should have a ‘significant’ entrance reminiscent of the existing building and Lanchester House so that a simple stone surround, typical of the cottage units in the street, would not be appropriate.
25. As a result they feel that the proposal would therefore be entirely uncharacteristic of the remainder of the street frontage. They therefore oppose the development as seriously damaging to the character and appearance of the Conservation Area.
26. Their preferred option would be for the Lanchester Arms building to be retained adapted and extended for use as flats/apartments. They point out that the single entrance from Front Street could give access to an entrance lobby, additional accommodation being added to the building, to replace the gable end property and in offshoot extensions to the rear facing onto a rear entrance court and parking area. The partnership point out that there is ample evidence, from the conversion of nearby buildings at Bishop Bek House and Woodlands Court, that such units would be eminently

marketable. They feel that such an arrangement would result in the building remaining a single entity with the retention of the single entrance to the front of the building. The partnership feel that it would be preferable if the whole of the main building could be retained, but the retention of the front elevation would achieve these primary objectives if that were not possible.

27. The other issue of major concern to the partnership is the extent to which development to the rear of the main frontage might be acceptable. Section 4.1 of the Village Design Statement recognizes that it is significant to the character of the properties along the north-eastern side of Front Street that only outbuildings occupy the land behind the frontage buildings. They state that It is their understanding that, in dealing with an earlier application, the Council were only willing to concede cottage properties on the rear part of the present curtilage in order to meet the exceptional costs involved in the retention of the site frontage. If the building is now to be lost as proposed in the present application the exceptional justification no longer exists. They feel that the lack of principle development to the rear of the frontage has been endorsed in the past by the Conservation Officer and English Heritage and should be maintained as an essential characteristic of the Conservation Area in the absence of an overriding justification to the contrary. They state that their remarks concerning the structural aspects of any works and the justification for “enabling development” at the rear should be seen in the context of this view. They wish it to be understood that they are opposed to any development to the rear of the frontage unless that is entirely justified (supported by substantive structural and financial evidence) to enable the main frontage building (i.e. The Lanchester Arms) to be retained. They feel that any concession to the contrary would form a serious precedent for similar development elsewhere. They state that they do not contest the demolition of the southern gable end property principally because this would enable the provision of an adequate vehicular access to the rear, but also as, in itself, it is not of significant architectural value to the street scene.
28. The partnership go on to state that even if the Council were to take the view that development to the rear was acceptable as a matter of principle they do not consider the design of the three units acceptable. They point out that they are wholly dissimilar from one another and suggest that the dissimilarity stems from the plan form of the units, which narrow towards the frontage building. They point out that this was necessary because of the alignment of the access through the archway and suggest that this need no longer be a determining factor, as the access would be relocated. The partnership feel that it would therefore be possible to have a short terrace of similar units, perhaps along the lines of the middle of the three units with gable features reminiscent of cottages in Church View and The Garths and in particular avoiding the uncharacteristic dormer windows of the more easterly unit. In offering these comments they state that they would not wish to detract from the major objections that they have raised.
29. Durham Bat Group- the bat work is sound and completed by batworkers with a local connection, so we can be sure that the assessment of low bat value is accurate.

30. DBGs only concern is that the development will replace an old building which has bat friendly features with a modern building which does not. This proposal is certainly less than neutral for bats as it stands.
31. In view of this, DBG would suggest that bat friendly feature should be included in the new build on the site. Barrett Consulting are more than capable of making appropriate suggestions which the architect could incorporate onto the plans as an amendment with little trouble. As ever, DBG would be pleased to advise the LPA on the suitability of any bat mitigation proposed.
32. Design and Conservation Officer- the site is in Lanchester Conservation Area. She points out that she can find no specific reference to the Lanchester Arms in the Village Design Statement.
33. The Officer advises that the Lanchester Arms is a prominent building on Front Street and at the junction with Newbiggen Lane. She notes that it has been vacant for a number of years and is falling into disrepair. She feels that in its current state it detracts from the appearance of the Conservation Area and detracts from what is otherwise a vibrant village centre with well cared for buildings.
34. The Design and Conservation points to the pre-application discussions about the future of the building and notes that there is an existing permission to retain the front wall and create four dwellings in the re-built rear.
35. She notes that a further application was withdrawn earlier this year and this is a re-submission and points out that the withdrawn application contained structural information but this seems to be missing from this application and should be included.
36. The Officer points out that this is a very significant proposal within the Conservation Area and the views of the Parish council and the Lanchester Partnership will be important.
37. She states that we have been discussing the possibility of demolishing and rebuilding the Lanchester Arms for some time. In order to justify the proposals the applicant was asked for a structural survey (to be included as above) and an Historic appraisal. She points out that this is a new document we have not seen before.
38. The Officer notes that the structural survey indicated that the front wall cannot be retained without significantly increasing the risk of collapse. This information together with the assurance that the front elevation would be rebuilt to the same eaves height and with a strong reference to the existing appearance would lend weight to pursuing demolition and re-build.
39. The Design and Conservation Officer states that the historic appraisal describes the history of the Lanchester Arms and assesses its contribution to

the character and appearance of the Conservation Area. She notes that it concludes " The building itself has little of particular historic interest...the main contribution the building makes to the conservation area is its scale and mass. The demolition of the building would not result in the loss of any historically unique or particularly important features". She states that this reflects her view that the value of these buildings to the village is their presence in the street rather than their architectural detailing.

40. In relation to demolition she suggests that provided the proposed new build would reflect the scale and massing of the existing building, demolition would be acceptable and there would be no harm to the character and appearance of the Conservation Area.
41. The Conservation Officer states that new build would appear to replicate the existing buildings retaining the important proportion and presence in the street. She would assess that the impact of the new build would be at least the same as the original buildings.
42. She notes that there would also be improvements with the loss of the dormer windows and the increased width of the existing access negating the need for the approved archway.
43. However she states that the detail is not well described on the plans and conditions would be required to secure the attention to detail and quality. Additionally she requests that the four smaller rooflights near to the ridge be removed from the rear elevation to reduce the number and to avoid having any at high level where they are most visible.
47. The Design and Conservation Officer considers that the demolition proposal should be pursued. However she notes that this is a major proposal for Lanchester and she would hope to have the views of the Parish and the Lanchester Partnership at an early stage.
48. In summary she considers that the proposed new build would not differ significantly from the existing buildings in either proportion or finished appearance. She therefore concludes that the character and appearance of the Conservation Area would not be harmed and recommends approval of the application.
49. Building Control Access Officer- states that in his opinion the front facade may be retained with underpinning works and then a structural scaffold set up to temporarily support the structure while construction is carried out at the rear of the facade. He suggests that the construction may provide structural stability and restraint to the facade.
50. He points out that a more cost effective and easier solution would be to demolish the facade and reconstruct it with a new foundation and design to suit Planning requirements.

51. Natural England: Based on the information provided, Natural England advises that the proposal is unlikely to have an adverse effect in respect of species especially protected by law.
52. Neighbours have been consulted and a site notice posted. Four letters of objection has been received from residents of Lanchester. Three letters received raised identical concerns which are summarised as follows:
- The Lanchester Arms is a large, important building in a prominent position, its frontage needs to be maintained in order to preserve the character and appearance of the area.
 - Since three new dwellings are going to be built at the rear, instead of keeping the garden open down to the river, it is only right that the existing frontage should be retained – quid pro quo.
 - Object to the design of the proposed four new dwellings along the frontage.
 - If the existing frontage is allowed to be demolished no new dwellings should be allowed in the garden.
 - If allowed, the new frontage should have the appearance of a single entity, designed as a whole. Like the existing building, not a row of four separate houses. There should be a single entrance.
- The fourth letter of objection raised the following concerns:
- Object to the proposal in principle and detail.
 - The Lanchester Arms is a large, important building in a prominent position at the road junction in the centre of Lanchester village and Conservation Area, where by its scale and proportions its presence makes a positive contribution to the character and appearance of the area. The frontage needs to be maintained so as to preserve the architectural and historic character of the area.
 - It is perfectly feasible to retain the front elevation while rebuilding behind, as the Design and Conservation Officer said in her comments dated 9th April 2008 on the applicants proposal to demolish, “Although the structural report recommends demolition, I would not put great weight on this as any building can be saved if there is a will.”
 - The three new dwellings at the rear are allowable only as enabling development to ensure a commercially attractive scheme while saving the valuable frontage.
 - Strong objections to any development in the backland, because the village form on this side of Front Street is one of open space to the rear of the frontage buildings.
 - The design of the dwellings to the rear is not in keeping with the façade of the Lanchester Arms.
 - The erection of four new dwellings onto Front Street would be acceptable if there were to be no buildings in the backland and the design of the four new dwellings on the frontage were to be satisfactory related to the string along the north east side of front street.
 - The design submitted by the applicant does not have the necessary quality and appropriateness to the context to be suitable replacement for the Lanchester Arms. In particular:
 - i. The proposed dwellings would be two and half or three storeys, with

rooflights on the front roof slope. The Lanchester Village Design Statement stipulates rooflights on the front slopes would not be encouraged.

- ii. The appearance would be of separate dwellings with individual doors giving onto Front Street, instead of a significant entity. The desired effect could be achieved by a building with a single, central importance entrance from Front Street into an internal hall.

Officer Assessment

53. The main issues to consider for this application is, firstly whether demolition of the existing building is acceptable and secondly is the development of this site for residential purposes acceptable in principle, assessing whether there would be a detrimental impact upon residential amenity and whether the layout, scale, design, access and parking are satisfactory.

Demolition of the existing building

54. PPG 15 Planning and Historic Environment sets out the criteria for assessing the acceptability of demolition of buildings in the Conservation Area which specifies the condition of the building, cost of repair, efforts made to retain the building and alternative proposals should be considered. English Heritage has confirmed that they would have no objections providing that a compelling case for the demolition of the building has been submitted.
55. The applicant has submitted a structural report and historical appraisal to support the application for demolition of the existing building and frontage.
56. It is recognised in these documents and by the Design and Conservation Officer that the proportions and scale of the frontage of the building is an important feature on Front Street. However the building has been vacant for numerous years and is currently in a poor state of repair; it is no longer considered viable to convert the existing building and therefore the applicant seeks permission for demolition.
57. The supporting structural report concludes "The proposed development of the site with the provision for a new access to be incorporated into the layout, results in basic alterations to the façade, which we consider are not structurally acceptable. Therefore we feel demolition and rebuild to be the only practical solution, to ensure a future life span of the building proposed". The Councils Building Control department has stated retaining the front façade is possible however a more cost effective and easier solution would be to demolish the façade and reconstruct it with new foundations.
58. Officers recognise the ideal solution would be retain to the existing frontage and convert the building however it is appreciated that in order to redevelop the site any proposal must be viable for a developer. It is considered in this instance the demolition of the building to allow a sympathetic development outweighs refusal of the Conservation Area Consent leaving the existing building to fall into further disrepair.

59. The supporting historic appraisal has identified the important features of the existing building, including its scale, proportions and presence in the street scene. This document has been used to ensure the design of the new building retains these features.

Principle of Development on the site

60. Under current Government Guidance as outlined in PPS3 'Housing' the application site represents the type of site on which new residential development is to be encouraged i.e. previously developed land within urban areas which should be viewed in preference to Greenfield sites. The site is a previously developed 'Brownfield site' within a settlement and would be considered a windfall site in light of the advice contained within both PPS3 and Policy HO5 of the Local Plan.
61. The preamble to Policy HO5 'Development on small sites' states that new housing should be built in sustainable locations where people have easy access to transport, jobs, shops, schools, and other facilities. This is a sustainable location being sited in a settlement, which has a range of service and facilities. The development of the site for residential purposes is therefore considered to be acceptable in principle.
62. In accordance with Policy H07 of the adopted Local Plan, the site is located well within the development limits of Lanchester.
63. Concerns have been raised regarding the principle of development at the rear of the building. Approval has already been given for the erection of three dwellings under application reference 1/2005/0511/DM, this permission is still valid and could be implemented. The applicant was asked by Officers to include these dwellings in the proposal to allow the development as a whole to be assessed, as the schemes would share the same access, communal garden and parking areas. In approving application 1/2005/0511 the principle of residential development to the rear of the Lanchester Arms has been accepted.
64. Concerns have been raised regarding the consent for the three dwellings at the rear in that they were only allowed to enable the redevelopment of the Lanchester Arms. As this is not now the proposal it is suggested that the properties to the rear should not be approved. The previous approval does not include a condition specifying the building can only be constructed if the Lanchester Arms is developed and therefore the applicant can implement this consent without redeveloping the Lanchester Arms.

Design

65. The Historic Appraisal and the Design and Conservation Officer believe the important qualities of the Lanchester Arms is the scale and massing of the building.

66. The applicant has replicated the existing building in designing the scheme. The scale and mass of the building mimics the existing frontage, incorporating the drop in roof line to the south east of the building to replicate the existing drop. The proposed design omits the existing dormers, a later addition to the buildings, which are an unsightly protrusion from the existing roof plain.
67. The window arrangement on the frontage is identical to the existing building with the omission of one window. The Design and Conservation Officer has recommended that if Members are minded to approve the application conditions relating to the detailing of the windows and surrounds is required to ensure both a high standard and be in keeping with the street scene.
68. The notable difference in the frontage is the increase in entrances, with an additional two doors entering onto Front Street. It is appreciated the additional doors would not present the building as a single unit however Officers do not consider the additional doors would detract from the character of the building or harm the presence of the building in the street scene.
69. The materials proposed consist of render under a slate roof; if approved a condition ensuring the existing slates are used on the new development to aid the blending process, the colour and texture of the render would also be conditioned to ensure the frontage and relationship with the neighbouring buildings is acceptable.
70. Conservation roof lights are proposed on the front and rear roof slopes. Concerns have been raised by objectors regarding their impact. Conservation roof lights are designed to be discrete and blend with the roofing material. The additional of the rooflights allow accommodation to be provided in the roof space. Officers consider the proposed rooflights are a significant improvement to the current dormers.

Residential Amenity

71. The proposed dwellings on the frontage have windows to the front and rear with a single landing window to the side of the property. It is acknowledged that the distance between the windows on the north western property and the gable end of the rear properties would not meet the recommended distances however these properties have been accepted and in order to create the frontage to match the existing, a dwelling is required to join the Black Bull.

Parking and access

72. Local Plan Policy TR2 seeks to ensure that all development incorporates satisfactory and safe parking and access. The Highways Engineer has no objection to the proposal; if approved a condition would be attached to the consent to require the applicant to provide details of the access to address the Engineers comments.

Ecology

73. The applicant has submitted a bat report to support the submission. Natural England has no objections to the proposal. If Members are minded to approve the application a condition would be attached to require the applicant to provide details of “bat friendly features” which would be incorporated into the development.

Conclusion

74. Through the submission of the Structural Survey and the Historical Appraisal the applicant has demonstrated the conversion of the existing building is unviable and demolition of the building is an acceptable proposal. This is a view supported by the Design and Conservation Officer. It is considered that the redevelopment of the site would enhance a building currently in a poor state of repair and this outweighs the retention of the building, which may result in no development occurring due to the cost of repair.
75. The applicant has ensured the units have been designed in keeping with the existing scale, mass and design of the current Lanchester Arms frontage to create an impressive and improved presence on the street scene of Front Street. It is considered the development would not impact on the amenity of neighbouring residential properties; appropriate parking arrangements can be achieved. The retention of the existing frontage would be an ideal solution however Officers are satisfied this option is not viable. The current scheme retains the scale and mass of the building to ensure the character of the Conservation Area is not harmed whilst enabling development, which would bring life to this currently vacant building, which is in need of attention.

Recommendation

76. Conditional Permission

- Time Limit (ST).
- Approved plans (ST01).
- Existing slates to be re-used on the front elevation unless otherwise agreed in writing in order to provide instant maturity to the building. All replacement slates to be natural slate to match.
Reason: In the interests in the character and appearance of the Conservation Area in accordance with Policy GDP1 of the adopted Local Plan
- The texture and the colour of the render to be agreed in writing by the Local Planning Authority before work commences on the site.
Reason: In the interests in the character and appearance of the Conservation Area in accordance with Policy GDP1 of the adopted Local Plan
- All windows to be constructed in timber and painted. Windows on the front elevation to be traditional sliding sashes and scaled drawings of a typical window are to be agreed in writing by the Local Planning Authority

before development commences on the site.

Reason: In the interests in the character and appearance of the Conservation Area in accordance with Policy GDP1 of the adopted Local Plan

- All windows to be recessed in their openings by 100mm.

Reason: In the interests in the character and appearance of the Conservation Area in accordance with Policy GDP1 of the adopted Local Plan

- All rooflights to be conservation roof lights and the exact manufacturer to be agreed in writing by the Local planning Authority before development commences.

Reason: In the interests in the character and appearance of the Conservation Area in accordance with Policy GDP1 of the adopted Local Plan

- Rainwater goods should be metal and painted black.

In the interests in the character and appearance of the Conservation Area in accordance with Policy GDP1 of the adopted Local Plan

- Lintels and cills shall be natural stone

In the interests in the character and appearance of the Conservation Area in accordance with Policy GDP1 of the adopted Local Plan

- Door surrounds shall be natural stone

In the interests in the character and appearance of the Conservation Area in accordance with Policy GDP1 of the adopted Local Plan

- Doors to be timber and painted and in a style to be agreed in writing by the Local Planning Authority before development commences.

In the interests in the character and appearance of the Conservation Area in accordance with Policy GDP1 of the adopted Local Plan

- Landscaping (LO1)

- Unless so indicated on plans approved beforehand by the local planning authority, no tree shall be lopped, topped, felled or uprooted, no hedge shall be removed or reduced below 1.5 metres in height. If any tree or hedge is altered in contravention of this condition, it shall be replaced, in the case of trees or hedges within the first ensuing planting season and in the case of the wall(s) within one month of removal.

Reason: To protect the said trees and hedges, in the interests of the appearance of the development in accordance with Policy EN13 of the Local Plan.

- The car parking spaces shall be available and ready for use prior to the occupation of any of the dwellings hereby approved.

Reason: In the interests of highway safety to conform with Policy TR2 of the Local Plan.

- No demolition to take place until a contract for the rebuild has been let in order to avoid having a gap site.

In the interests in the character and appearance of the Conservation Area in accordance with Policy GDP1 of the adopted Local Plan

- Permitted Development Rights Removed (PD01).

- Notwithstanding the detailed plans submitted with the application, the proposed first floor windows to the rear of unit 5 shall be installed using frosted/opaque glass.

Reason: In order to prevent overlooking of the adjacent property in

- compliance with Policy GDP1 of the Local Plan.
- No development shall commence until full details of a means of permanent separation between the car park and the existing access between numbers 39 and 41 Front Street has been submitted to, and agreed in writing by the Local Planning Authority. The agreed details shall be undertaken as approved prior to the occupation of any of the dwellings.
Reason: In the interests of highway safety to conform with Policy TR2 of the Local Plan.
- Details of proposed bat friendly features to be incorporated into the four dwellings on the frontage shall be submitted and agreed in writing by the Local Planning Authority before development commences.
- A pre condition survey of the existing public highway must be jointly carried out between the developer and the County Council prior to demolition works commencing on site.
- No development shall commence until full details of the surfacing materials for the access road, all hard standing and car parking areas, along with the materials for the private footpaths and walkways within the site and the tactile and cobbled paving to the front on the public highway have been submitted to, and agreed in writing by the Local Planning Authority. The agreed details shall be undertaken as approved prior to the occupation of any of the dwellings.
- The windows shall be installed with their frames inset not less than 75 mm from the outer face of the wall.
Reason: To protect the special character of the building, in order to conform with Policy EN13 of the District Local Plan.
- Reason: In the interests of ensuring a high quality development which preserves and enhances the character of the Lanchester Conservation Area, to conform with Policy EN13 of the Local Plan
- Reason: In the interests of high safety in accordance with Policy TR2 of the adopted Local Plan.
No development shall commence until full details of all external walling and roofing materials to the properties to the rear, have been submitted to, and agreed in writing by the Local Planning Authority. The agreed details shall be undertaken as approved.
- Reason: In the interests of ensuring that the materials are appropriate to the character and appearance of the Lanchester Conservation Area, to conform with Policy GDP1 of the Local Plan.
- No development shall commence until details of all new boundary treatments, walls, fences have been submitted to, and agreed in writing by the Local Planning Authority. The agreed details shall be undertaken as approved prior to the occupation of any of the dwellings.
Reason: In the interests of ensuring a high quality development which preserves and enhances the character of the Lanchester Conservation Area, to conform with Policy EN13 of the Local Plan.
- No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. Such a scheme shall be implemented to the satisfaction of the Local Planning Authority before work begins on site.

Reason: These details have not been submitted with the application and are required in order to provide satisfactory surface water drainage in accordance with Policy GDP1 of the Local Plan.

- No development shall commence until full details of all dormer windows at a scale of 1:20 have been submitted to and agreed in writing by the Local Planning Authority. The approved details shall be undertaken as approved prior to the occupation of any of the dwellings.

Reason: In the interests of ensuring a high quality development which preserves and enhances the character of the Lanchester Conservation Area, to conform with Policy GDP1 of the Local Plan.

- A plan demonstrating the proposed public highway paving revisions shall be submitted and approved in writing by the Local Planning Authority prior to occupation of the first dwelling.

Reason: In the interests of high safety in accordance with Policy TR2 of the adopted Local Plan.

Reason: In the interests of protecting and promoting wildlife interests in accordance with Policy GDP1 of the adopted Local Plan.

- Details of the proposed access shall be submitted to and approved by the Local Planning Authority before the development commences.

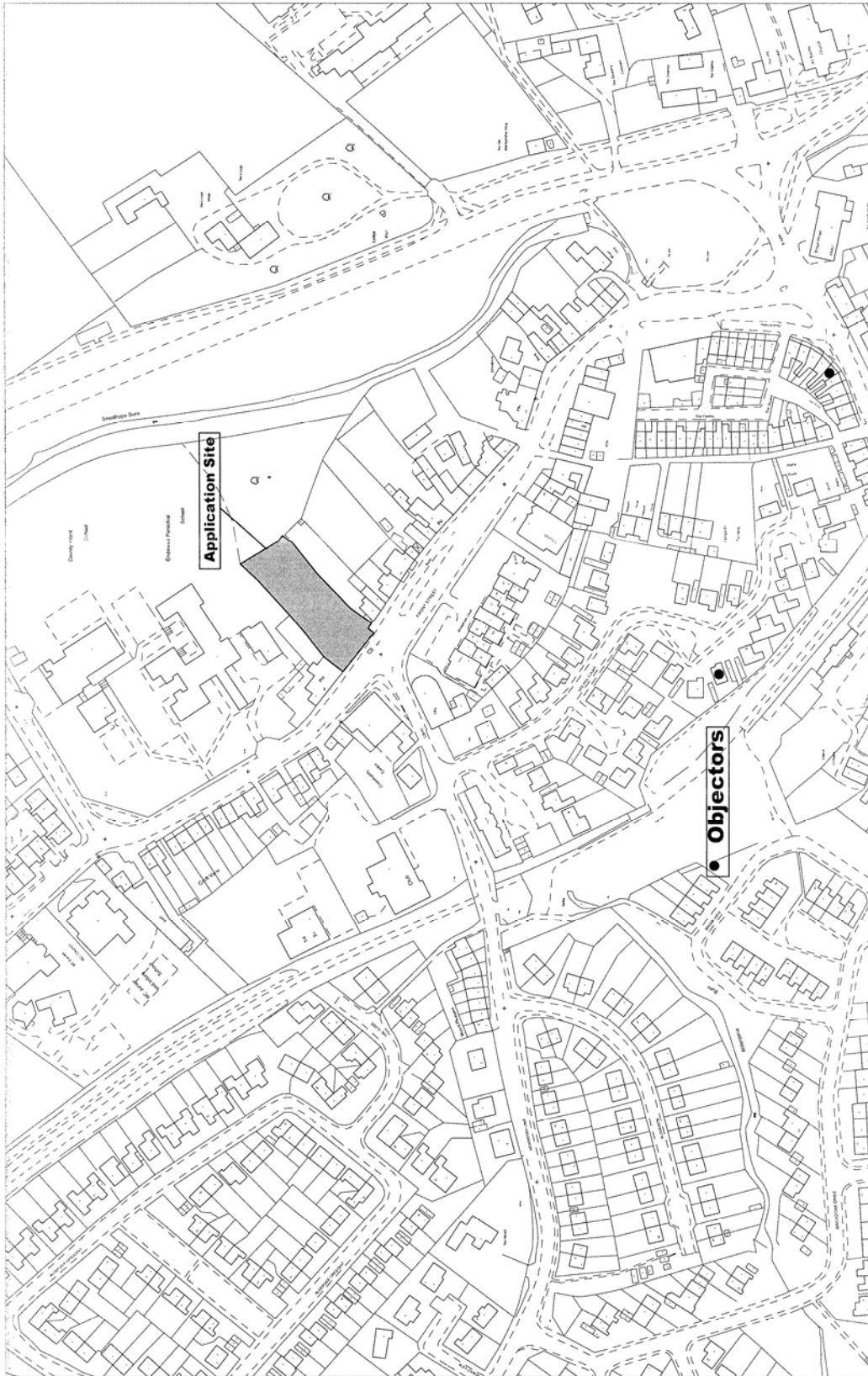
Reason: In the interests of high safety in accordance with Policy TR2 of the adopted Local Plan.

Reason for Approval

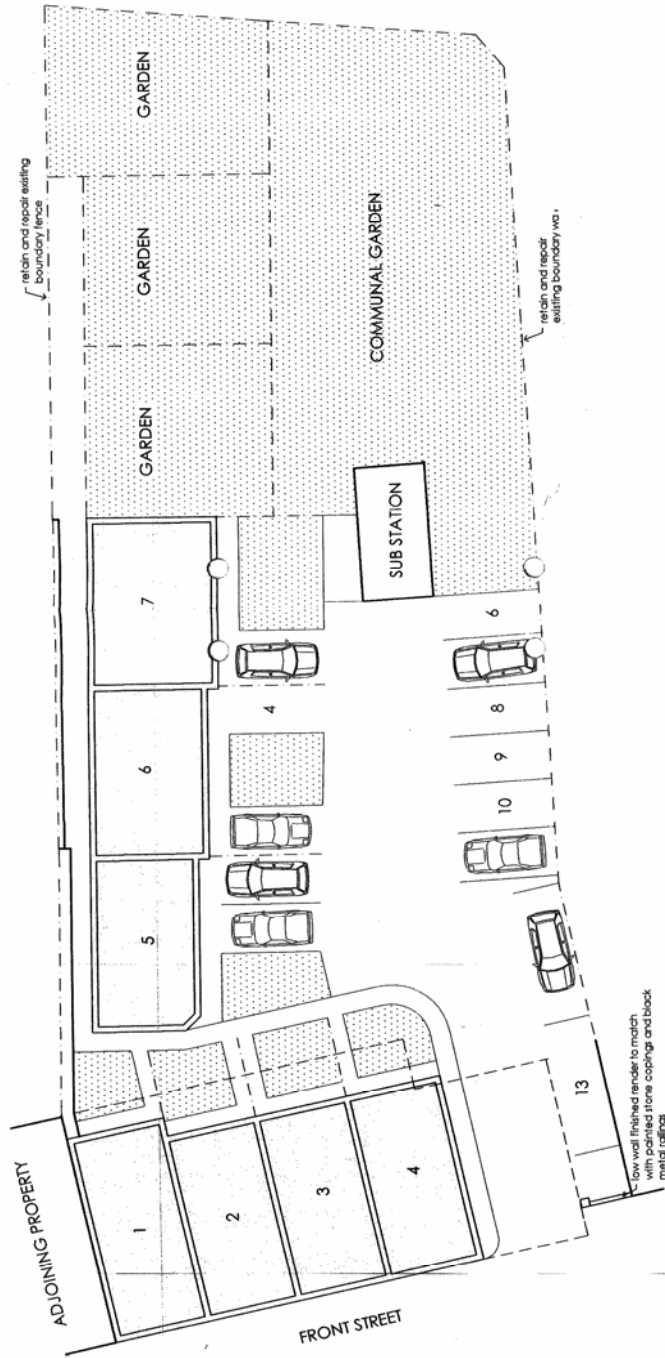
77. The decision to grant planning permission has been taken having regard to policies GDP1, EN14, H07, HO17, HO5, TR2 of the Derwentside District Plan.
78. In particular the development was considered acceptable having regard to the principle of demolition, principle of residential, residential amenity, layout, scale, design, access and parking.
79. The stated grounds of objection were not considered sufficient to lead to reasons to refuse the application, as the scheme would bring into use currently redundant building in a sustainable location. The applicant has submitted a scheme which ensures the scale, mass and design of the existing Lanchester Arms is replicated and therefore retains the presence of the building within the Conservation Area. On balance, it is considered that the benefits of the scheme would outweigh the objections.

The Committee report relating to the application is obtainable from these offices upon request.

Report prepared by Jessica Taylor, Senior Area Planning Officer.

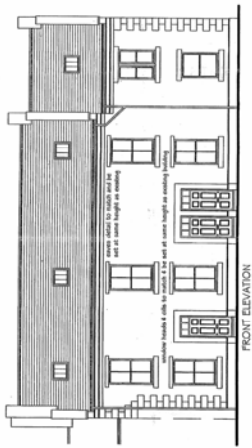


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The Lanchester Arms 43 Front Street Lanchester
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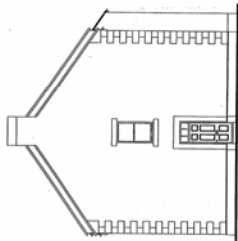


PROPOSED SITE PLAN

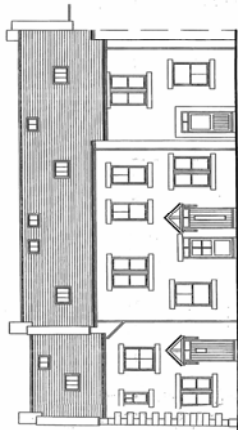
The Lanchester Arms, 43 Front Street, Lanchester. 08/740



FRONT ELEVATION



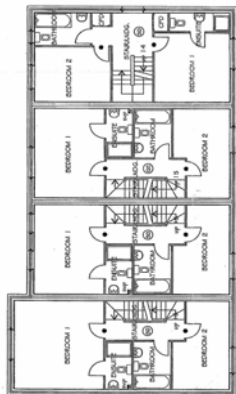
SIDE ELEVATION



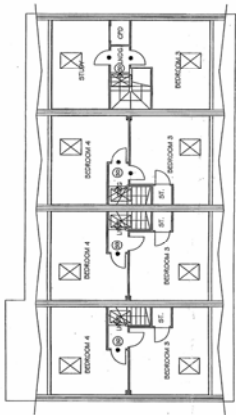
REAR ELEVATION



GROUND FLOOR PLAN

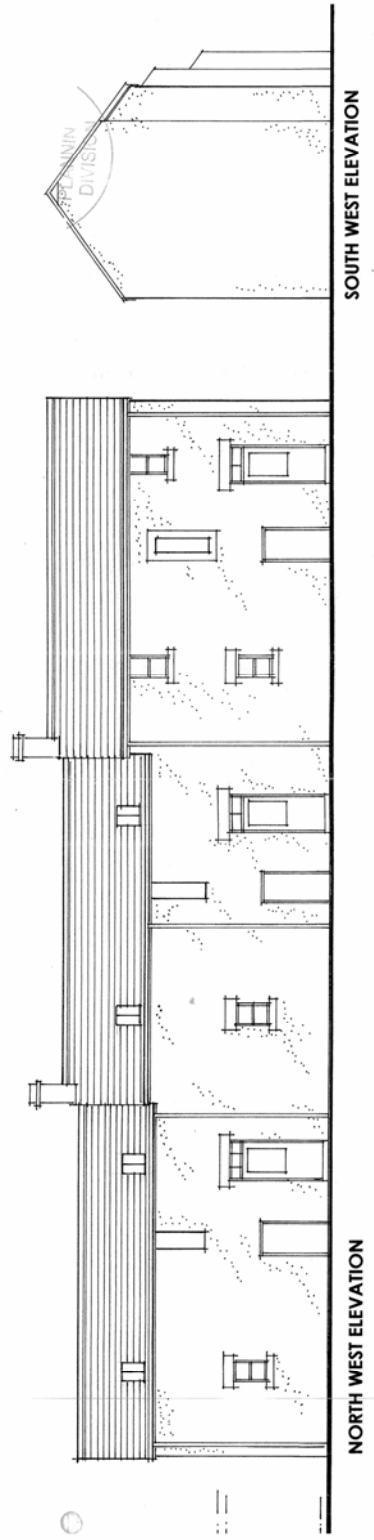
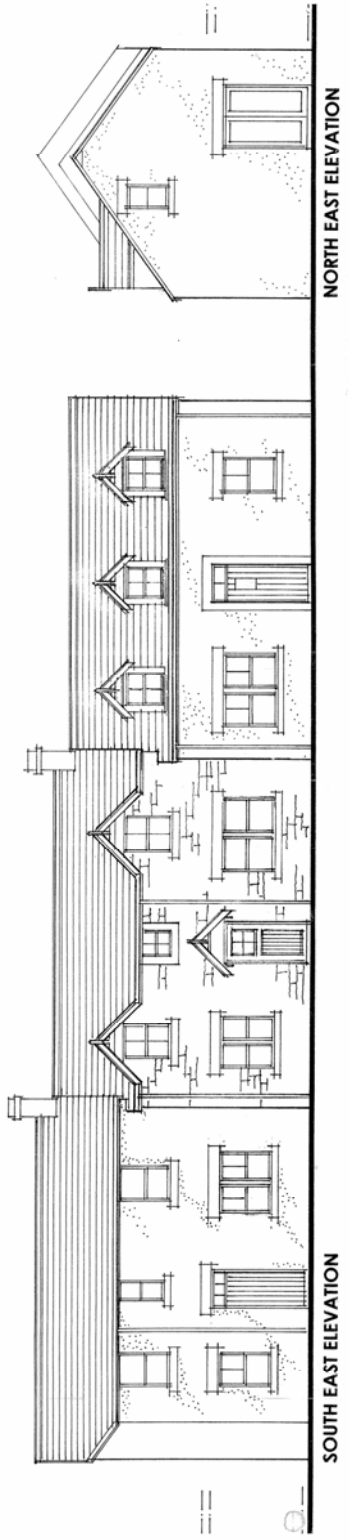


FIRST FLOOR PLAN

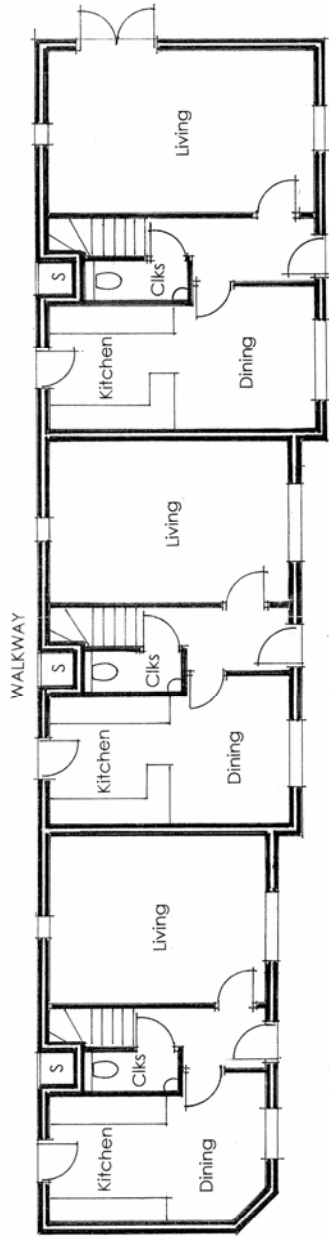


SECOND FLOOR PLAN

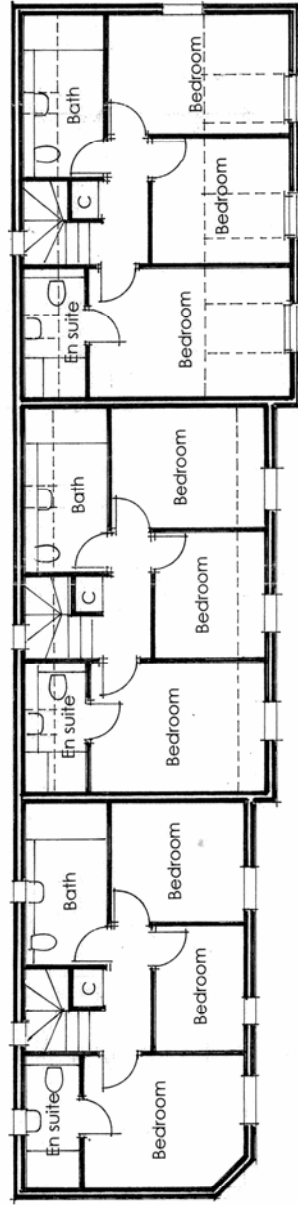
The Lanchester Arms, 43 Front Street, Lanchester. 08/740



The Lanchester Arms, 43 Front Street, Lanchester. 08/740



GROUND FLOOR PLAN



FIRST FLOOR PLAN

The Lanchester Arms, 43 Front Street, Lanchester. 08/740

RECOMMENDATION FOR APPROVAL

08/0836

27/11/08

Mr R Carrick

1A The Avenue, Greencroft
Stanley, County Durham

Demolition of existing bungalow
and outbuildings and erection of
four dwellings (resubmission)

Annfield Plain Ward

The Application

1. The Proposal is for the demolition of Louvain Cottage – a vacant detached bungalow and its associated outbuildings (garage, workshop, storage area and toilet) and the site's redevelopment with four dwellings – two detached two storey houses at the front of the site and a pair of semi-detached bungalows at the rear.
2. The site measures some 22m across its frontage x 54m deep – i.e. some 1188 sq metres or 0.188 hectares, well below the 0.4 hectares limit placed on small housing sites in policy HO5.
3. The site is flat and is surrounded both by older housing and modern development comprising detached bungalows, single storey terraces and two storey housing. Older two storey terraced housing flanks the entrance to The Avenue off Westview Terrace. There is an existing access to the site on its southern boundary from The Avenue through a five-barred gate. Part of this frontage is presently fenced. An attractive mature sycamore tree close to and just outside the southeast corner makes a major contribution to the amenity of the area – this tree is protected by a Tree Preservation Order (No 21). The eastern boundary is marked by dense mature hedging. The northern boundary is presently fenced. The western boundary adjacent to Grace Court, partly comprising mature hedging and partly brick walled, contains the rear of outhouses, a garage and also a pedestrian access.
4. The sole proposed access is a central one taken off The Avenue. The intended layout shows a two storey dwellinghouse facing the frontage on either side of this central access. To the rear are proposed a pair of semi-detached bungalows. On-site parking for six cars would be provided in between the houses and bungalows.
5. The Design of the dwellings is proposed as an eclectic mix of 'old worldly' building styles. The design of the pair of bungalows is not dissimilar in their features to the bungalows at the north end of The Villas and to the single storey Westview Terrace. Landscaping within the site would to be provided by lawns and there would be additional tree planting. The existing tree and hedging would remain.

6. All four dwellings are proposed to be three bedroomed. The two storey houses would feature a front projecting flat roofed bay terminating just above the eaves. Entrance porches would face internally onto the internal access road which would be 'pinched' where it passes through to the rear. The houses are proposed with tiled hipped roofs having copings and finials. At the rear, the pair of bungalows are proposed with a slated roof, a central feature chimney stack and barge boarding. The hard surfaced access and parking areas are proposed using contrasting porous block paving.
7. A Design and Access Statement forms part of the application and this recounts the history of the previous withdrawn application and how the new proposal's layout has been revised as follows:
 - Dwellings reduced from 5 to 4.
 - Footprint of development reduced.
 - Pair of semi-detached dwellings at rear rather than 3.
 - Rear bungalows' ridge height is 6m – 3m lower, and the dwellings sit 1m lower on the ground.
 - Covered parking areas removed (NB: not a feature of the withdrawn application).
 - Highway authority has no objections to revised access and parking.
 - Neighbourhood concerns on the original application have been embodied within the revised scheme where practical.
8. A bat survey was submitted with the application. The survey found no characteristic signs of bats and concluded that there was a low risk of bats being present within the site, with no actual or potential roost sites detected. The assessment contains a mitigation Method Statement setting out how the demolition would be carried out carefully. It recommended that bat access be incorporated into the south and north eaves of the new dwellings and that timbers should only be treated with bat friendly products.

History

9. An application for the demolition of existing dwelling and erection of five dwellings was withdrawn on 7th May 2008 (reference 1/2008/0059/DM). The application was withdrawn as the applicant had been advised that it was likely to have been recommended for refusal.

Policy

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

National Planning Policy Statements, etc

PPS1 – Delivering Sustainable Development.
PPS3 – Housing.
PPS9 – Biodiversity and Geological Conservation.
ODPM Circular 06/2005 – Biodiversity and Geological conservation –
Statutory Obligations and Their Impact Within the Planning System.

11. The North East of England Plan Regional Spatial Strategy to 2021

Policy 2 – Sustainable Development.
Policy 7 – Connectivity and Accessibility.
Policy 8 – Protecting and enhancing the Environment.
Policy 33 – Biodiversity and Geodiversity.
Policy 38 – Sustainable Construction.

12. Derwentside District Plan

GDP1 – General Development Principles.
EN11 – Trees and Development
HO5 – Development on small sites
TR2 – Development and highway safety

Consultations

13. County Highways Development Control Officer – advises that the layout is acceptable in terms of access and parking. He advises that the existing dropped kerb highway crossing will become redundant and its reinstatement to footway, including replacement kerbs, should be conditioned.
14. Northumbrian Water Limited – advise that there is an existing public water main close to the application site which may be affected. NWL will not permit a building close to or over its apparatus. They suggest that the developer should contact them if boreholes or foundations are proposed within 4.5m. They state that no tree planting or alteration of the land should take place within 3m. They advise that the main could be diverted or accommodated within the site. A plan of the main's location and details of easement requirements were attached. NWL would like to be informed of the decision.
15. Durham Bat Group – Has several criticisms:
- As local databases weren't consulted, the survey underestimates the number of species and roosts in the area.
 - As the survey was undertaken in February, there would be no visible presence of crevice roosting species.
 - No consideration has been given to use as a hibernaculum.
 - No time frame has been given for the demolition.
 - Although the recommendations for mitigation are reasonable, nothing is shown on the submitted drawings.

16. The group recommends:
 - No demolition to take place during winter months as risk of hibernation hasn't been assessed.
 - No demolition to take place during the breeding season without at least 2 nights emergence surveys being carried out.
 - Demolition could take place in the last 2 weeks of April (between the hibernation and breeding seasons). Although roosting is very unlikely, a dawn re-emergence survey would give 100% reassurance.
 - Should incorporate bat friendly features such as the soffit/eaves roosts recommended in the assessment.

17. Natural England – the proposal is unlikely to have an adverse effect in respect of species especially protected by law, subject to the following conditions:

‘No development shall take place unless in accordance with the mitigation detailed within the protected species report “Risk Assessment of the presence of bats-Louvain Cottage, The Avenue, Annfield Plain, Stanley, County Durham. AESL. Feb 2008” including, but not restricted to adherence to precautionary working methods. Natural England also suggests that the precautionary working statement should be secured with a planning condition Reason: To conserve protected species and their habitat.’

18. In addition Natural England draw attention to the protection afforded these species as explained in Part IV and Annex A of ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

19. They state that the applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.

20. Natural England point out that an informative should be attached advising that the developer may need to obtain a Natural England licence prior to the commencement of works and be advised by their ecologist in respect to this issue.

21. The later decision on a licence application is a more detailed assessment and usually requires additional survey information, population assessment and specific details relating to the likely effectiveness and workability of the mitigation proposals before works can proceed.

22. As the bat is a European protected species, Natural England further advise that, subject to these conditions, the proposals will not be detrimental to the maintenance of the population of the species at a favourable conservation status in its/their natural range (as defined in Regulation 44 of the Habitat Regulations).

23. Environmental Health- no objections.
24. Neighbours have been consulted and a site notice posted – Objections have been received in the form of 12 individual letters and a petition of 34 signatures. The petition came from the occupiers of 22 properties – 14 of its signatories had also signed the letters of objection. The following (summarised) grounds of objection were raised:
- There would be chaos during the building works.
 - The bungalow is a lovely structure, well maintained, and there is no reason to knock it down to build four houses.
 - Prefer to look at a garden rather than a brick building.
 - This is just a moneymaking scheme, with houses crammed onto a small plot.
 - It will affect the community a good deal.
 - Replacing one dwelling with four will change The Avenue's character.
 - Each property in The Avenue has its own individual access – four dwellings sharing an access would be out of character.
 - Parking would be totally inadequate, leading to parking in The Avenue and access roads causing problems for existing residents and emergency services, and causing highway safety problems at the junction with the adopted highway. Parking problems would lead to arguments.
 - There would be double parking (i.e. parking on both sides of the road.)
 - The development would be out of character with the form and pattern of the area.
 - The development would form a mass of building, urban in appearance inconsistent with the character of Greencroft as a rural settlement.
 - The scale is out of character and there would be overdevelopment.
 - The intensity of use would harm the living conditions of existing residents.
 - Since The Avenue is unadopted, parking restrictions cannot be applied. Parking will be very close to the adopted highway and a junction where visibility is poor owing to boundary walls.
 - The proposal does not satisfy District Plan policies GDP1, HO5 and is contrary to TR2.
 - The proposal is contrary to paragraph 34 of national Planning Policy Statement 1 which says... "design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted." This proposal is inappropriate in its context, fails to take opportunities for improvement and has detrimental impacts.
 - Eight extra vehicles (two per dwelling) exiting from the site might create a complete bottleneck on The Avenue.
 - The application deserves thorough inspection. It looks like overkill i.e. Builder Greed.
 - The height of the buildings would cause impact on neighbours.
 - The plans do not match the Ordnance Survey Plan which shows the

site tapering at the back... plans should be accurate.

- Although an improvement, do not consider the amended scheme has gone far enough to meet local concerns.
- Will materially harm living conditions.
- Smaller scheme of three bungalows might be supported. The two houses are of an acceptable design but one will be too close to neighbours' boundary. A single central house would be more acceptable.
- Do not object to the bungalows, but their siting will fill the gap seen through the frontage houses, forming a continuous mass viewed from the front. Their ridge will be only one metre lower than the houses.
- The four proposed trees may soften the impression from the road. However, there is no guarantee that they would be planted or reach maturity and might not be retained.
- The houses at only one metre from boundary will cause overshadowing, loss of privacy.
- There will be noise / disturbance.
- The large bungalows' roofs could result in additional first floor accommodation without planning permission, leading to overlooking / loss of privacy.
- Overlooking could occur from the side first floor house bay window – although accept that this could be overcome by use of obscure glazing.
- There are to be no garages. On-site parking close to the boundary would adjoin neighbours' back gardens, causing disturbance.
- The proposed dwellings do not have enough garden space.
- Problems caused by learner drivers.
- Will cause devaluation.
- Will set a precedent for further development.
- Danger to children playing.
- TPO protected tree at front could be damaged / removed – like three other preserved trees that disappeared off the land.
- The main population of The Avenue is older generation who are handicapped and need constant daily NHS attendance.
- Any damage to the road should be made good.

Officer Assessment

25. This is a revised proposal. The previous withdrawn scheme involved five dwellings and that now proposed contains only four and contains a number of other changes that reflect discussions with officers. The main points at issue here are whether or not the application meets national and District Plan policy criteria and whether the proposal would adversely affect the amenities of neighbouring residents / the area.

Consideration against District Plan policies

26. Firstly, looking at policy HO5, Greencroft is an area specifically referred

to within the policy as a settlement suitable for development under its criteria. In addition, the site does not extend beyond the existing settlement's built-up area, is not backland or tandem development and it is well below the 0.4 hectares maximum size criterion.

27. The remaining criterion to be assessed under HO5 is whether or not the proposal is appropriate or not to the existing pattern and form of development in the settlement. Greencroft is characterised by a mixture of older and modern housing, comprised by both single and two-storied housing. Several of the more recent dwellings have resulted from the development within former larger plots, this being an ongoing process of development not just here in Greencroft, but throughout the District. The single-storey housing is a mixture of detached, semi-detached bungalows and terraced dwellings. The two-storey housing is a mixture of detached, semi-detached and terraced dwellings. The housing exhibits varying styles and a wide range of materials. The properties generally have attached gardens, however, some of these are quite small. Parking is at a premium as several older dwellings do not have the ability to make on-site provision.
28. It has been suggested that Greencroft is a "rural settlement". This is not the case today, it is part of a substantial urban area, complete with its own supporting facilities.
29. Looking at the proposal, its content of two detached houses and of a pair of bungalows is consistent with the development nearby. The old style design of the bungalows picks up from similar styles close by at The Villas and in Westview Terrace, even to the extent of featuring a chimney. The two-storey houses pick up on the design chosen for the bungalows. The design of both bungalows and houses is well thought through, is of a high quality and is attractive. The materials proposed in their construction – brick, slate, tiles, blockwork surfacing – are to be found generally throughout the area.
30. In conclusion, the proposal is not considered to be contrary to the requirements of policy HO5.
31. The site layout is one that provides for a single central access off The Avenue with on-site parking provision for six vehicles. The design of the access and the parking provision meets the approval of the Highways Officer. Thus, the proposal is considered not to be contrary to policy TR2.

Consideration against National policies

32. The application is not thought to be contrary to paragraph 34 Planning Policy Statement 1: Delivering Sustainable Development. The policy says that planning authorities should plan positively for the achievement of high quality and inclusive design. Good design should contribute positively to making places better for people. It also says that design that

is inappropriate in its context or which fails to improve the character and quality and the way it functions should not be accepted. In this case, it is considered that the proposal is appropriate in its context and that it *would* make a positive contribution to the area, including the way it functions.

33. The proposal is also thought to accord with the objectives of Planning Policy Statement 3 – Housing and which picks up / restates many of the points made in PPS1. This proposal, amongst other things, makes use of previously developed land, exhibits good design and would result in high quality housing that would contribute to the mix and choice of housing in the area. The site has access to a good range of community facilities, and easy access to public transport, jobs, key services and infrastructure. The development proposed would make efficient use of the land, be attractive, safe, accessible, would have its own distinctive character and would maintain and improve local character.

Impact on Neighbour's / the Area's Amenities

34. Turning to the question of whether the proposal would have an adverse affect either on the area or neighbours' amenities, the first issue is possible impact on the area. The Highways Officer is satisfied with the access and parking and therefore the issue of parking outside the site should not be a concern. The original pedestrian and garage accesses via Grace Court are to be closed off, thus effecting an immediate improvement on the northwest side of the development. Whilst noise disturbance might arise from on-site parking close to the south-western boundary, it is not thought that noise from the parking of three vehicles would be unacceptable.
35. The proposed bungalows at the rear of the site are low set (only 6.2m at their ridge) and there would be no possibility of overlooking from them. Their low height would not result in overshadowing adjacent properties, especially taking into account the height of the mature boundary hedging along the eastern frontage. One objector has raised the possibility of future permitted development taking place within the bungalows' roof spaces and that this would result in overlooking / loss of privacy. However, this could be prevented by a condition withdrawing permitted development rights.
36. As for the houses, these would be sited some 8m from the frontage and just over one metre from the side boundaries. The adjacent bungalows along the western boundary in Grace Court are separated from the site by their access road and by being set back. The proposed house's slight set back from the boundary coupled with the proposed boundary planting along this frontage (which would replace a high wall) would also mitigate any proximity. The actual distance between the nearest bungalow and the proposed house is some 10.3m. However the one is offset slightly from the other so that only some 3m of the bungalow would be directly facing the proposed house. The existing bungalows should not therefore be unduly adversely affected by the proposal. There would be no

overshadowing due to the new building's positioning to the east and taking account the movement of the sun round from east to west. Any overlooking from windows in the gable of the westernmost house can be overcome by imposing an obscure glazing condition.

37. The easternmost house would be close to the boundary with the neighbouring house at 1 The Avenue. This neighbouring house has a windowless gable facing the boundary and there would be no question of there being loss of privacy or overshadowing being caused to this dwelling. Any sideways viewing from the upper windows in the side of the proposal house could be negated by a condition requiring obscure glazing. The front bay upper side window could result in some overlooking of the neighbours' front garden. However, it is not thought that frontal overlooking – a normal occurrence in many developments – warrants obscure glazing. Similarly, rear first floor overlooking from bedroom windows is a feature of most developments and this does not normally cause problems. Finally, the houses have hipped roofs (7m high at their ridges and 5m at their eaves), thus reducing their potential to overshadow neighbouring premises. Taking this and the presence of a mature boundary hedge into account, overshadowing should not be an undue problem for the neighbours.
38. It is concluded that the new dwellings would not result in problems for the area. In addition, the layout is such that it would allow good natural surveillance of the site, thus helping to reduce the possibility of crime. The pinch point in the access leading into the rear would further reduce this.
39. If approved, the demolition of the existing bungalow, its garage and outbuildings, should be relatively straightforward. The submitted bat survey concluded that there is only a low risk of presence and its mitigation statement has been accepted by Natural England. An appropriate condition would be necessary, together with informative notes in the accompanying decision letter.

Consideration of the Objections

40. Many objections have been raised. Although it is considered that the majority of these have already been dealt with, some further comments are necessary. The mature sycamore at the southeast corner is protected by a Tree Preservation Order. Although its canopy may stretch across the site's boundary, the tree itself lies outside it and should not be affected. Any works to the tree would require the submission of an application for Tree Preservation Order Consent and would be considered at that time. However, protective fencing could be required to safeguard its canopy and roots during construction and the details of the front boundary treatment could also be conditioned that its form and construction does not unduly damage the tree's roots. The applicant's attention would be drawn to the existence of the Order in an informative note attached to any decision.

41. The tree planting shown on the drawing could be covered by a landscaping condition to make sure that it takes place. This would include a requirement to provide replacement planting in the event of a failure or removal, etc. during the establishment years.
42. Redevelopment of the site is a matter for the applicant and the Council has to consider any application it receives. That it may be submitted with a view to making a profit for the builder is not a material planning consideration. Nor is the possible devaluation of a neighbouring property material.
43. One objector has mentioned that whereas the submitted plan shown a regular oblong, the site tapers at the rear. The shape of the site has been checked and it does have a very slight taper in the order of 0.4m. The applicant has been requested to provide an amended layout plan.
44. The view of the proposed bungalows between the dwellings from the front may appear give the appearance of a continuous mass of building. However, the set back of the bungalows should mitigate somewhat against this. However, even if it were to be the case, given the presence of terraces nearby, this is not thought to be unacceptable.
45. Although the proposed houses would have small gardens, it is not everyone that wants a large garden. The provision of the frontal lawns and other landscaping, including retention of the boundary hedging would result in a pleasing street scene.
46. As for danger to children playing – assuming that this is a reference to children playing in the street being in danger from traffic or parking – this is not a material planning consideration. That is primarily a matter for the parents and / or motorists. This proposal should not make matters worse. On the contrary, it could well effect an improvement in the situation as the current Louvain Cottage arrangement tends to encourage occupiers and visitors to park *off-site*. The new arrangement provides for all parking to take place on-site.
47. Any damage caused to the private access road is not a material consideration. This would be a matter between the owners and the developer.
48. Given that there should be adequate parking provision within the site, any problems of possible obstruction to emergency vehicles should be minimised and, in any event, obstruction would be a matter for the Police.
49. With regard to learner drivers, it may well be that driving tuition takes place in The Avenue on occasions. However, none has been observed during three site visits to the site and this is not an unusual occurrence throughout the District. This is not considered to be a material planning consideration.

Conclusion

50. It is considered that the proposal accords with national and District Plan policies and that it is well designed and would make a positive contribution to the area. The objections raised by neighbours have been taken into account but are not considered to justify refusal of the application. It is considered that their concerns would not be realised if this development were to be implemented. A conditional approval is recommended.

Recommendation

51. Conditional Permission.
- The development must be begun within three years (ST)
 - Approved Plans (ST01)
 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or of any subsequent order revoking or re-enacting that Order no external alterations to the bungalows and dwellinghouses hereby approved involving buildings, extensions, fences or walls, the insertion of dormer windows or rooflights into their roofs or the insertion of windows into the bungalows' gables shall take place without the prior written approval of the Local Planning Authority.
 - In order to safeguard the residential amenities of the future occupiers of the development having regard to its tightly knit nature and of those of nearby residential occupiers and in accordance with the objectives of policies GDP1 and HO5 of the Derwentside District Plan.
 - Demolition shall not take place within the bat hibernation season period between the months of October to March inclusive and no demolition shall take place unless it is in accordance with the advice to contractors and the mitigation contained within the protected species report: "Risk Assessment for the Presence of Bats - Louvain Cottage, The Avenue, Greencroft, Annfield Plain, Stanley, County Durham" carried out by Applied Ecological Services Ltd on 15th and 16th Feb 2008". A copy of the said species report shall be kept on the site available for reference at all times during the demolition.
 - To conserve protected species and their habitat and in accordance with the objectives of policy GDP1 of the Derwentside District Plan.
 - Notwithstanding the details of the submitted application the dwellinghouses and bungalows hereby approved shall be constructed incorporating bat access provision in accordance with the details specified in the section headed "Bat provision" contained within the protected species report: "Risk Assessment for the Presence of Bats - Louvain Cottage, The Avenue,

Greencroft, Annfield Plain, Stanley, County Durham” carried out by Applied Ecological Services Ltd on 15th and 16th Feb 2008”.

- To provide bat roosts in the interests of the conservation of protected species and their habitat and in accordance with the objectives of policy GDP1 of the Derwentside District Plan.
- Notwithstanding the details of the submitted application, the windows of the dwellinghouse and bungalows hereby approved shall be inset a minimum of 100mm from the wall faces, be constructed in timber and be painted white. Reason In order to ensure the satisfactory appearance of the development upon completion and in accordance with the objectives of policies GDP1 and HO5 of the Derwentside District Plan.
- Notwithstanding the details of the submitted application, all first floor windows on the side site boundary elevations of the two dwellinghouses hereby approved shall be obscurely glazed and shall be so maintained at all times thereafter. Reason In the interests of the privacy of neighbouring residential occupiers and in accordance with the objectives of policies GDP1 and HO5 of the Derwentside District Plan.
- Notwithstanding the details of the submitted application, details of the provision of screened refuse and recycling wheeled bin storage provision (three standard sized wheeled bins and one small recycling box per property) for each dwellinghouse and bungalow hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the said storage provision shall be provided in accordance with the agreed details prior to the dwellinghouses and bungalows being brought into occupation. Reason In order to ensure for adequate refuse and recycling storage provision, in the interests of the residential amenities of future occupiers and in accordance with the objectives of policy GDP1 of the Derwentside District Plan.
- The reinstatement of the existing dropped kerb highway crossing to footway, including the provision of replacement kerbs, shall be carried out in accordance with details that shall be first submitted to and agreed in writing by the Local Planning Authority.
- In the interests of highway safety and since the existing crossing will become redundant upon construction of the new access, and in accordance with the objectives of policies GDP1 and TR2 of the Derwentside District Plan.
- The existing mature hedging along the eastern boundary of the site shall be retained and shall be protected by protective fencing erected in accordance with B.S. 5837.2005 which shall be maintained throughout the course of construction. Any part of the hedge becoming damaged or dying within 5 years of the first occupation of the development shall be replaced using species of a similar size and nature.
- Reason In order to ensure the satisfactory appearance of the development upon completion, and to protect the privacy and residential amenities of adjoining occupiers and in accordance with the objectives of policy GDP1 of the Derwentside District Plan.

- Protective fencing shall be erected around the canopy and roots of the existing mature sycamore tree which is located adjacent to the south east corner of the site in a position to be agreed on site with the Local Planning Authority prior to the commencement of any demolition or development. The said fencing shall be erected in accordance with B.S. 5837.2005 and be maintained throughout the course of demolition and construction. Moreover, no excavation or storage of plant or materials shall take place within the protective fencing at any time. Reason In order to secure the protection of a tree that is the subject of a Tree Preservation Order in the interests of the visual amenities of the area and in accordance with the objectives of policies GDP1 and EN11 of the Derwentside District Plan.
- Notwithstanding the details of the submitted application the details of the proposed front boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority before the development is commenced and the said boundary treatment shall be constructed wholly in accordance with the agreed details.
- In order to ensure that no damage is caused by excavation or construction to the roots of the existing mature sycamore tree which is located adjacent to the south east corner of the site – a tree that is the subject of a Tree Preservation Order – in the interests of the visual amenities of the area and in accordance with the objectives of policies GDP1 and EN11 of the Derwentside District Plan.
- Within one month of the commencement of development, or such other time period as may be agreed in writing, detailed plans showing the landscaping of the site shall be submitted to and agreed in writing by the Local Planning Authority. These shall include areas to be planted with trees, hedges or shrubs, depths of topsoil for planting and seeding, the mounding of earth, changes in levels, areas to be seeded with grass and other proposals for improving the appearance of the development and for protecting and enhancing biodiversity interests. The agreed scheme shall be carried out before the end of the first planting season following the commencement of development or such other time as may be first agreed with the said authority. The landscaped areas shall be subsequently maintained to ensure rapid and complete establishment of the agreed scheme, including watering, weeding, protection against rabbits as required, and the replacement of any plants which fail or are removed within a period of 5 years from the date of completion of the landscaping scheme with others of a similar size and species unless the said Authority first approves any variation thereto in writing.
- In order to secure the satisfactory appearance of the development upon completion and in accordance with the objectives of policy GDP1 of the Derwentside District Plan.

Reasons for Approval

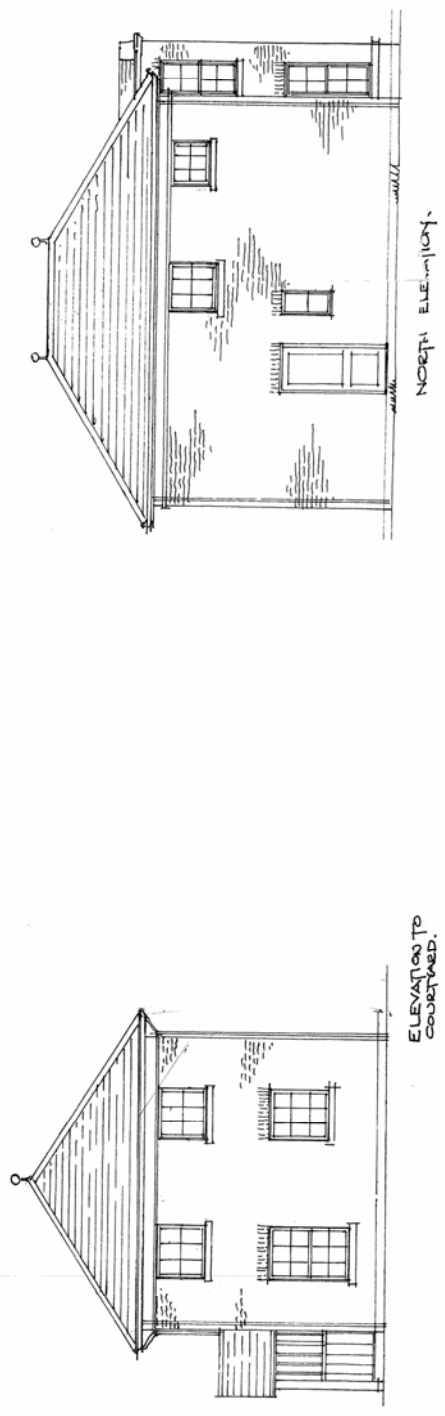
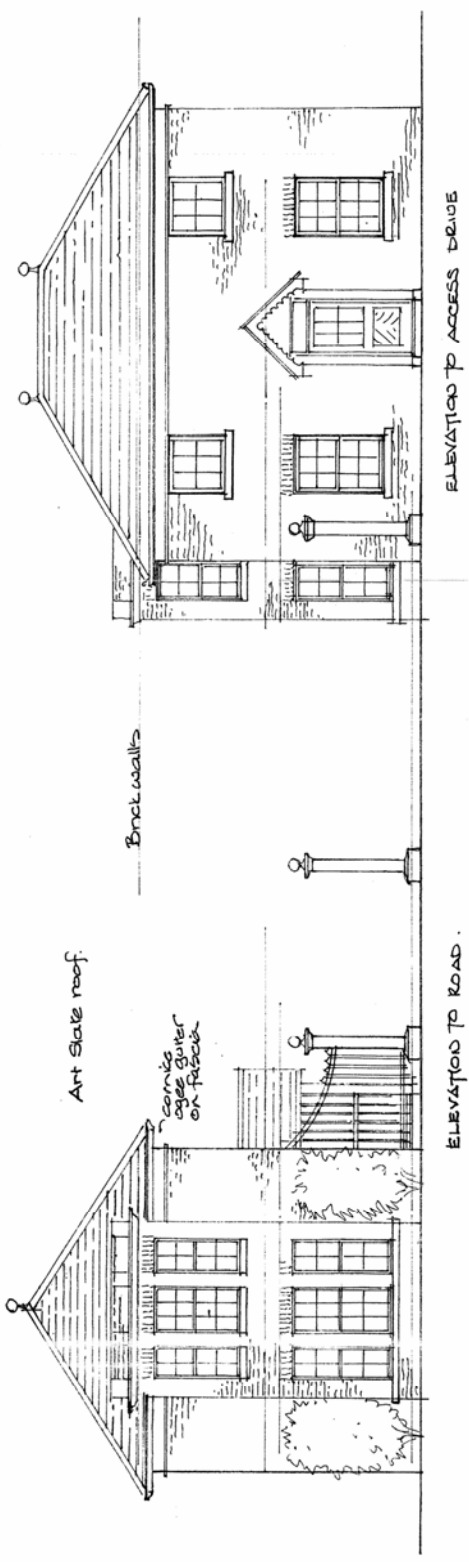
52. The proposal is in accordance with national Planning Policy Statements PPS1, PPS3 and PPS9, with Regional Spatial Strategy including policies 7, 8 and 33 and with the objectives of the Derwentside District Local Plan, including policies GDP1, EN11, HO5 and TR2. It is also in accordance with all other key material considerations including those relative to housing development on brownfield land, visual impact, access and parking, development scale, protected trees, sustainability, impact on wildlife / protected species, mining safety, and drainage. The scheme is well designed and is not considered to materially affect neighbours' amenities or those of the surrounding area. A site notice was posted on the site and neighbours were consulted. A petition and a number of letters all objecting to the proposal have been considered and taken into account. A copy of the Committee report documenting the considerations in more detail is available on request.

Report prepared by Mike Hemsall, Senior Planning Officer



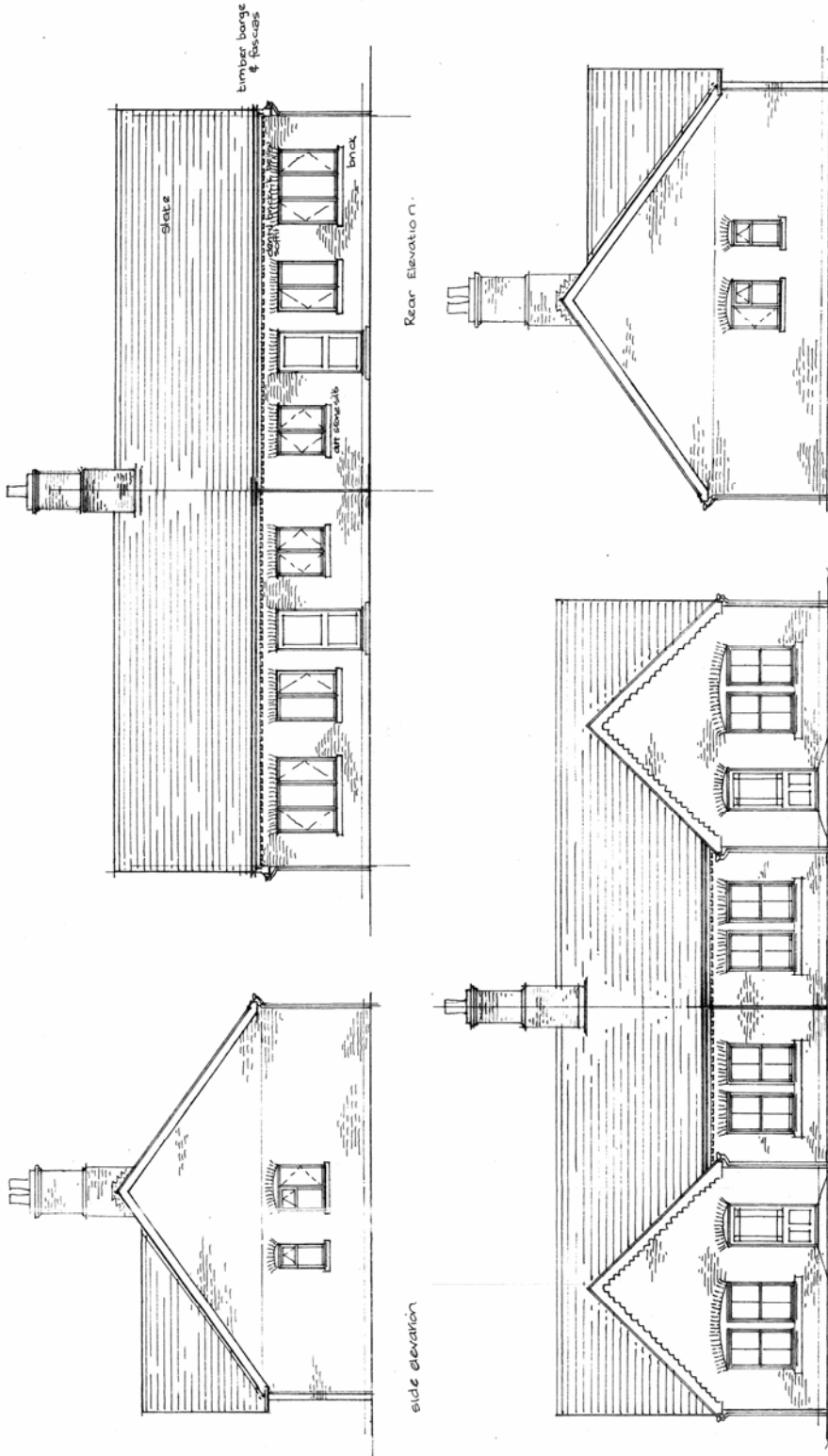
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08/836



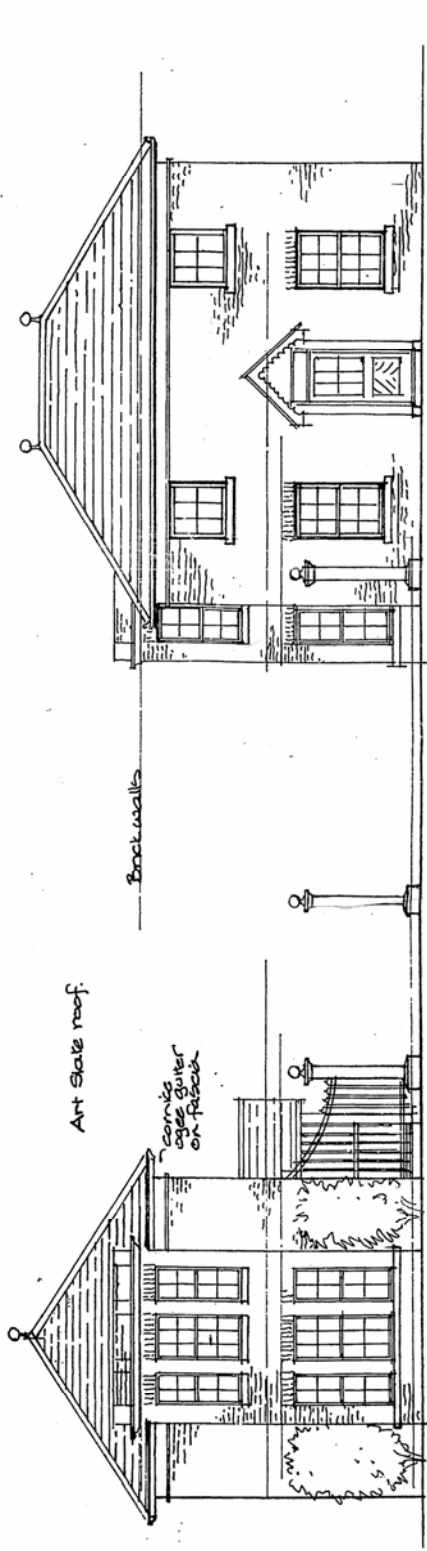
PROPOSED ELEVATIONS

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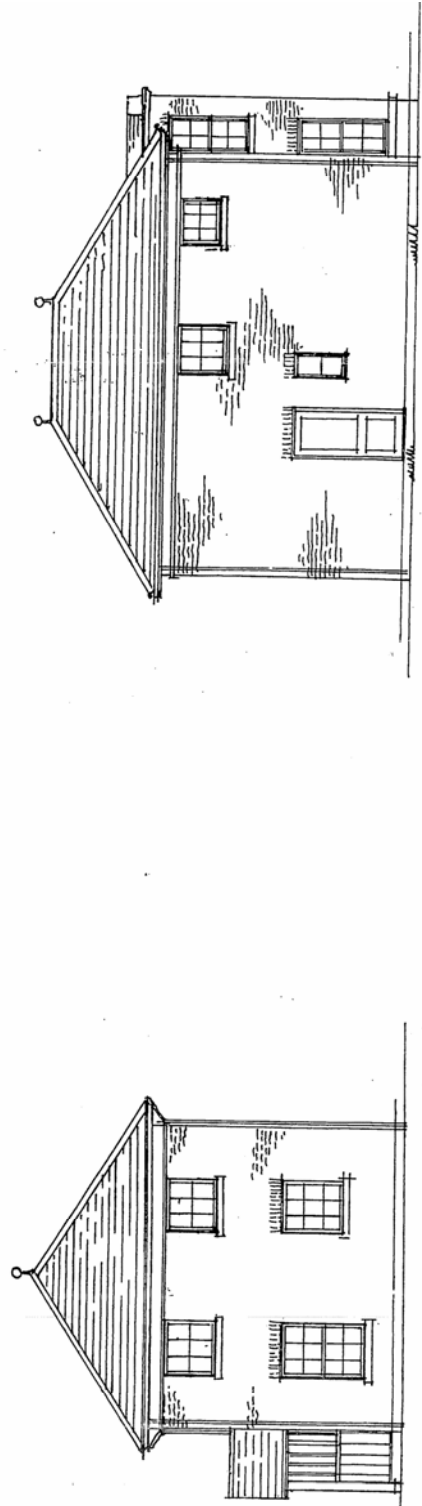


PROPOSED ELEVATIONS

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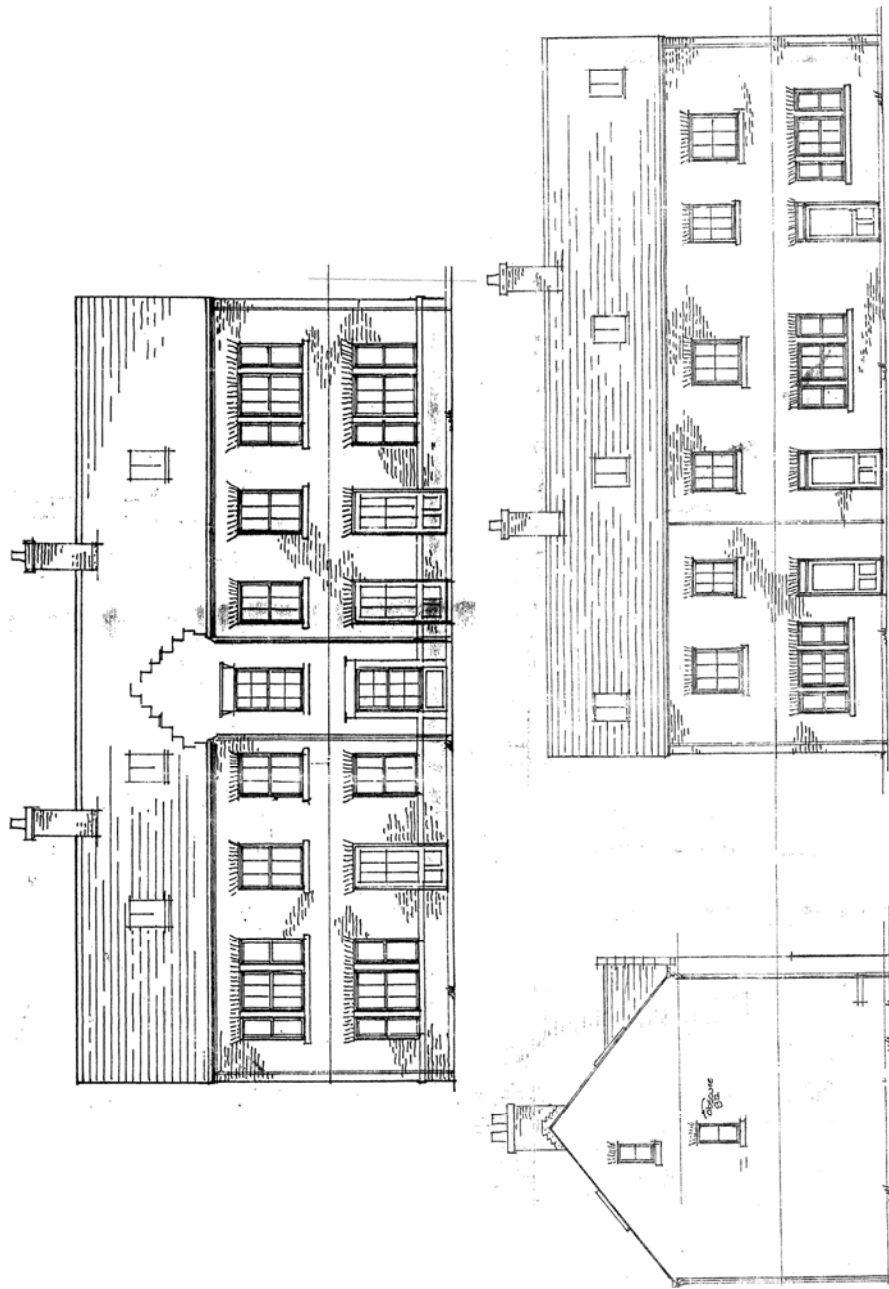
ELEVATION TO ACCESS DRIVE



NORTH ELEVATION

PROPOSED ELEVATIONS

1A The Avenue, Greencroft, Stanley. 08/836

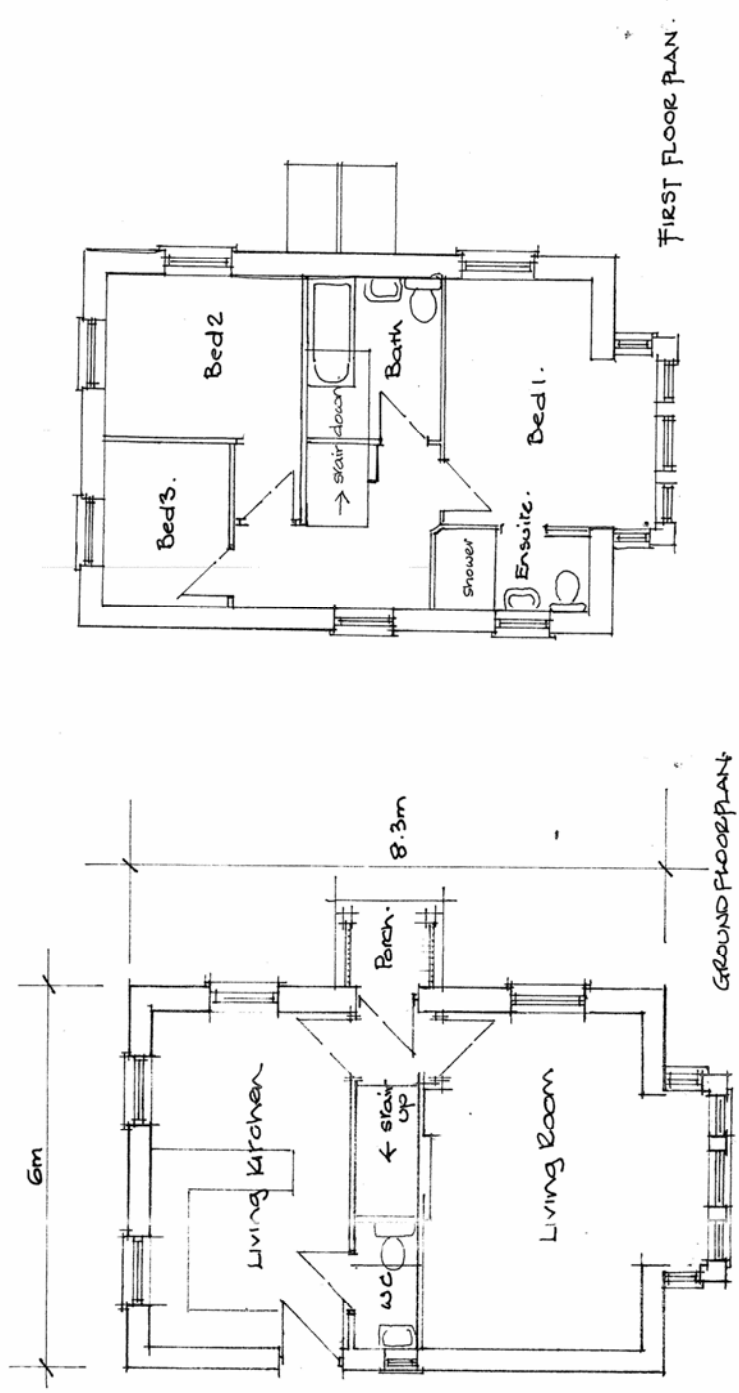


REAR (EAST) ELEVATION

END(N) ELEVATION

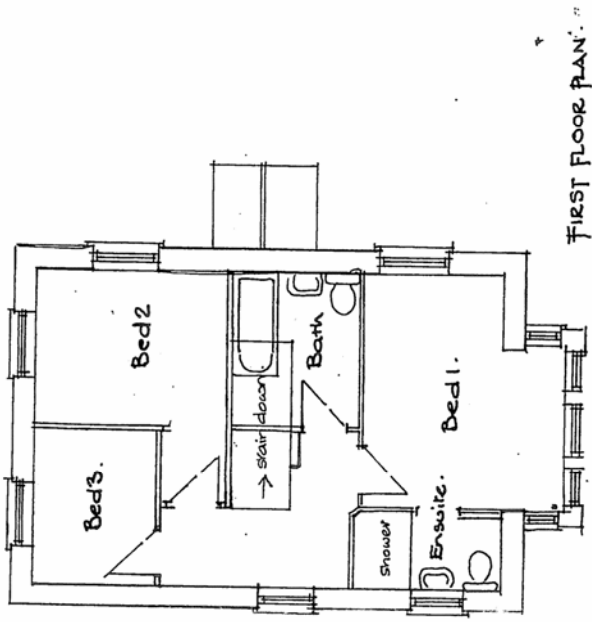
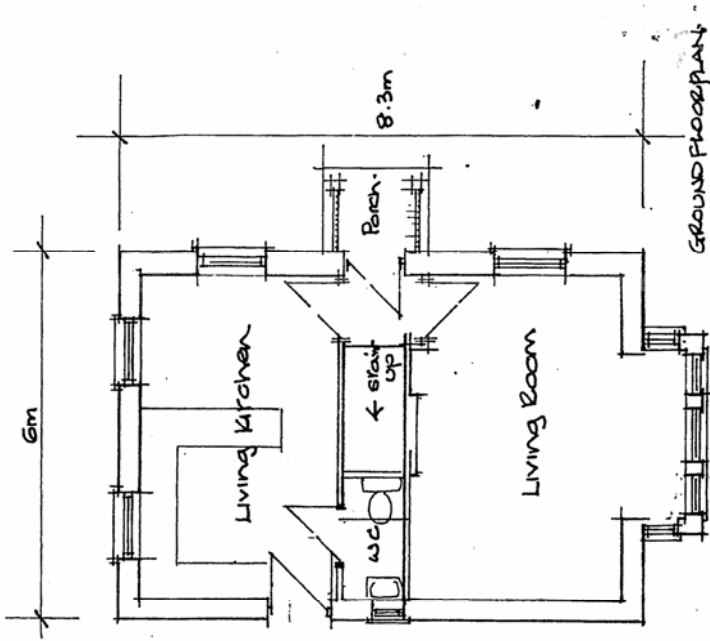
PROPOSED ELEVATIONS

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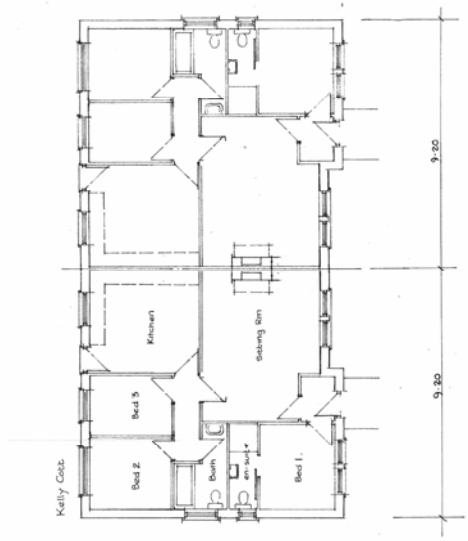
PROPOSED FLOOR PLANS

1A The Avenue, Greencroft, Stanley. 08/836

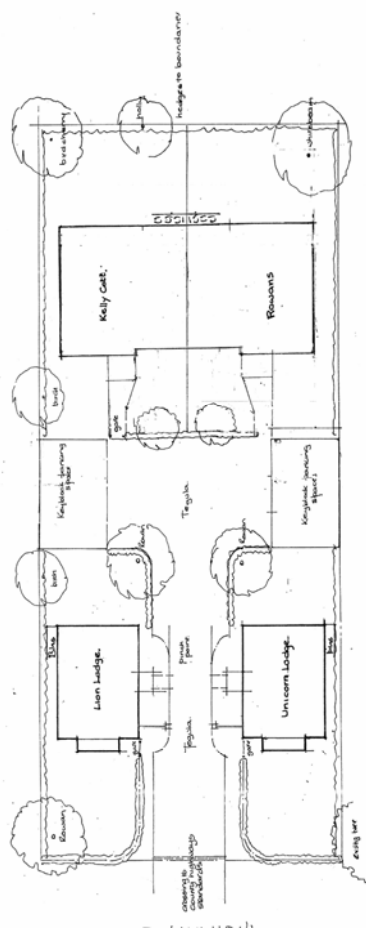


PROPOSED FLOOR PLANS

1A The Avenue, Greencroft, Stanley. 08/836



PROPOSED FLOOR PLAN



PROPOSED SITE PLAN

1A The Avenue, Greencroft, Stanley. 08/836

RECOMMENDATION FOR APPROVAL

08/0824

20/11/08

Meadowcroft Homes Ltd

1- 11 Oaklands, West Kyo

Variation of condition 12 of planning permission 1/2006/0485/DM to delay provision of footpath link for a period of six months or until the completion of access works on the adjoining land (revised submission)

Catchgate Ward

The Application

1. When the application was first submitted, it was for an “Application to remove Condition 12 of planning permission 1/2006/0485 to no longer provide footpath link.”
2. Condition 12 required that “An amenity footpath link shall be provided ... prior to the occupation of any dwelling...” This was intended to link the estate to the adjacent playing field area which is in the Council’s ownership.
3. However, the application was amended and it is now an application to delay provision of the footpath for a period of 6 months or until the completion of the access works on the adjacent land.
4. At the present time, this development of 11 dwellings has been virtually completed with some of the houses now occupied. Details of the footpath link were approved in writing in January 2007. A fence has been temporarily erected along the site boundary, preventing access onto the play area. This has been done to prevent persons falling and injuring themselves on the differences in level that exist between the two sites.
5. The developer, Meadowcroft Homes Ltd, is willing to provide the link, but wishes to delay its implementation until the access works on the adjacent land have been completed i.e. overcoming the differences in level. Discussions have taken place since the application was submitted with a view to a kissing gate being installed on the site boundary (with funding via the Local Initiative Fund already in place) and its provision has been agreed in principle.

History

6. An application for the erection of 11 dwellings was approved conditionally on 25 September 2005 (reference 1/2006/0485/DM).

Policy

7. The following policies of are relevant in determining this application:

Planning Policy Statements, etc.

8. PPS1 – General Development Principles.
PPS3 – Housing.

North East of England Plan Regional Spatial Strategy to 2021

9. Policy 2 – Sustainable Development.

Derwentside District Plan

10. Policy GDP1 – General Development Principles.
Policy HO5 – Development on Small Sites.
Policy HO22 – Recreational Public Open Space Within Housing Sites.

Consultations

11. County Public Rights of Way Officer – would be happy with the retention of the east-west link between the northern boundary of the Oaklands and the rear of the Earl Grey Inn and Bells Buildings. However, this footpath did not form part of the Section 38 agreement for this development.
12. Police Architectural Liaison Officer – supports the delay of the footpath's provision – experience has shown that footpaths from residential areas onto open space land invariably generate crime and anti-social behaviour. Problems of vandalism emanating from the playing fields have already been experienced. It may thus be wise to review the situation before the right of way is formalised.
13. Neighbours have been consulted and two site notices posted. Several representations have been received and are summarised below:
14. A letter was received in support of the original proposal i.e. to remove the footpath link. It was thought that serious security and vandalism problems could result. Also, that access to the playing field is already easy.
15. A letter of objection to the loss of the footpath was also received. It deplored the poor condition of the unmade and unlit road at the north of Oaklands that would otherwise have to be used. It is dangerous due to blind parking, especially to small children.
16. Ward Councillor Christer has objected to both the removal of condition

12 and to the delay in provision of the footpath link. She feels that the link is needed as the playing field is well used by local children. Councillor Christer points out that an unofficial access currently used by youths results in anti-social behaviour – part of this may be sold to adjoining neighbours (for garden and parking). This would lead to the only official access being via the busy Front Street round a bend where the footpath is very narrow. This would be unsafe. She would like the matter resolved quickly.

17. Councillor A Atkinson has objected to the removal of condition 12.
18. Catchgate Ward Councillor D Walker of Stanley Town Council has objected to the removal of Condition 12. He states that the footpath past the Earl Grey is extremely narrow in parts. It is alongside a busy road and better access is needed for children. He notes that the footpath at the rear of the Earl Grey is unlit and unadopted and may be closed by the Council. Although it doesn't matter which footpath is provided, he feels that it is vital that one of them remains. He points out that Residents bordering the field have suffered vandalism from time to time from local youths with virtually all fences having to be replaced. Councillor Walker notes that some youths occasionally gather in the field and are generally loud, boisterous and consume alcoholic drinks and feels that this will probably continue wherever the footpath link is provided.
19. Land and Property have objected to the removal of the condition. However, they do not object to the variation of the condition delaying its provision. They point out that the provision of a footpath / and the condition was considered necessary by Members. It is noted that youths loiter on the unofficial and unlit rear footpath and in order to deal with this problem it is proposed to sell this land to neighbours for garden / parking. Should the developer consider that the footpath's future maintenance would be an unfair liability, the footpath can be dedicated to the Council on normal terms.

Officer Assessment

20. The pre-amble to District Plan policy HO5 says that housing should be built in sustainable locations where people have access to transport, jobs, shops, schools and other facilities. This latter reference to "other facilities" is relevant here where we are considering the question of access from housing to a playing field area.
21. It is evident that a footpath link is needed to the adjacent playing field. This is especially so since there is no play area provision in Oaklands or in the adjacent Fairfield.
22. It is also evident that the current unofficial access at the rear of Oaklands is not a satisfactory arrangement. That this may be sold is not a material planning consideration, as things could change in this respect.

23. It is also evident that the unofficial access is well established, and that it is also being used regularly by people walking through to and from the houses and area beyond Oaklands.
24. The alternative route on the footpath beside Front Street and around the corner of the Earl Grey public house is not ideal. Involving a lengthy detour, this footpath is too narrow to accommodate children walking side by side with each other. Its being alongside Front Street - a busy road - is not conducive to children's safety, especially when the footpath is icy / slippery.
25. It is therefore concluded that this footpath link is necessary and that its provision should be facilitated quickly.
26. Whilst the current position of the link within Oaklands is blocked by a close-boarded fence, this could easily be removed. The neighbouring vacant house to the south of the intended access point has been the subject of vandalism and the developer wished to prevent access on a temporary basis.
27. It is likely that this vandalism would be reduced once the house concerned becomes occupied, thus increasing natural surveillance. The footpath link is also overlooked by the houses on the north side where the nearest house is already occupied.
28. The insertion of this footpath link from / through Oaklands would not alter the fact that people can still access the playing field along its eastern boundary with Front Street.
29. The footpath link within Oaklands would have the benefit of being lit by the estate's lighting.
30. The developer has already provided the footpath leading up to the fence. However, there is a small difference in levels between the estate and the playing field which needs to be overcome by e.g. regrading and the insertion of retaining kerbs.
31. A brief delay of a further six months (or less) in the provision of this footpath link is not considered problematic. In the meantime, the footpath adoption within the estate (assuming that the developer considers this necessary) can be considered and the necessary measures can be put in place for overcoming the differences in level and for the installation of the kissing gate.
32. Approval is therefore recommended.
33. The details of the footpath link provision, now that they are being amended to provide a kissing gate, need to be conditioned again.

Recommendation

34. Approve

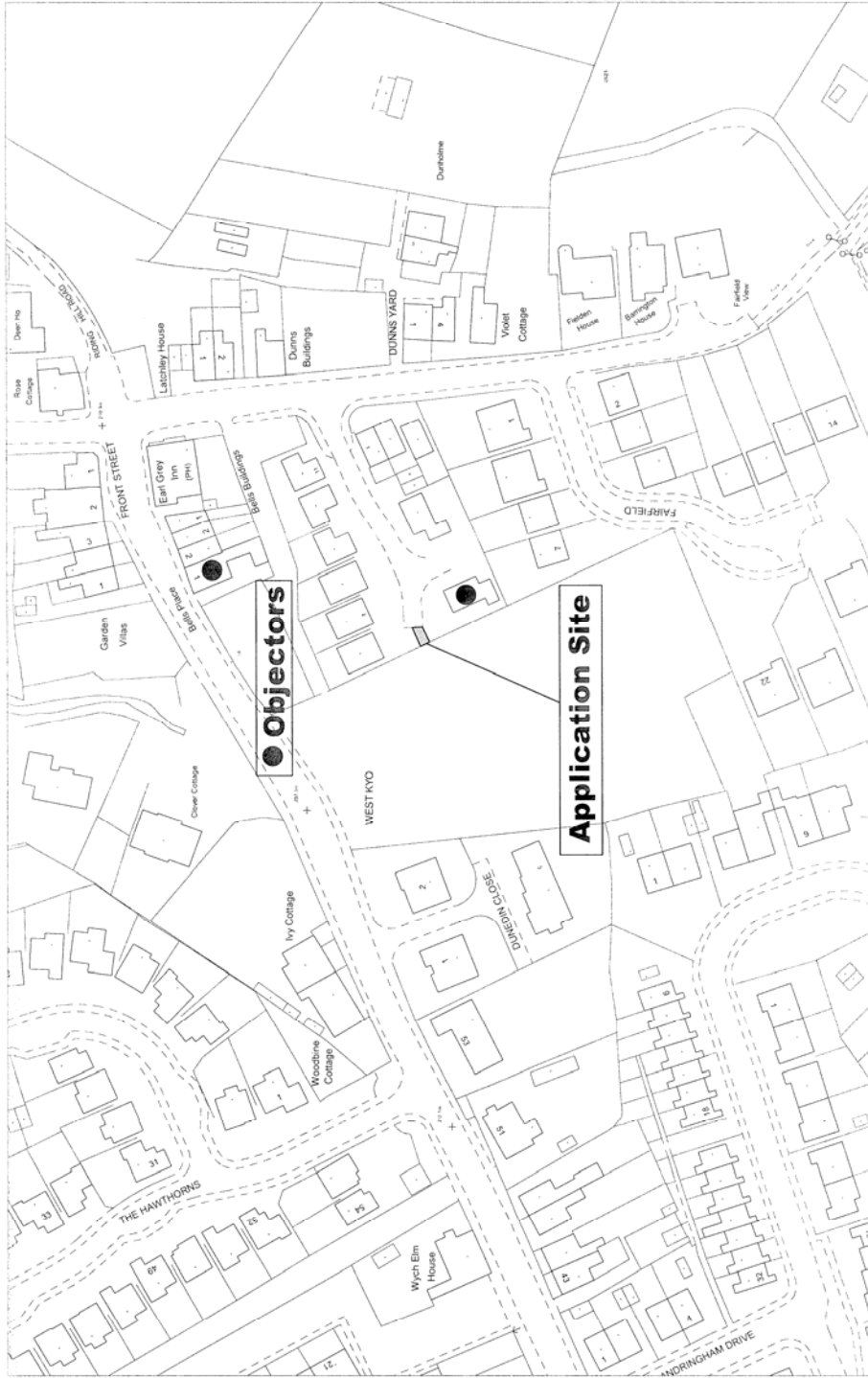
Conditional Permission

- Standard time limit – development to be commenced within 3 years (ST)
- Approved Plans (ST01)
- Notwithstanding the details of the submitted application and of the footpath details already agreed under the terms of the earlier planning permission 1/2006/0485DM, the details of the provision of the footpath link including details of the incorporation of any gate and proposed levels arrangements shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the footpath link shall be provided wholly in accordance with the agreed details.
- In the interests of the provision of safe pedestrian access, the amenities of the occupiers of Oaklands and of the surrounding area and in accordance with the objectives of policies GDP1, HO5 and TR2 of the Derwentside District Plan.

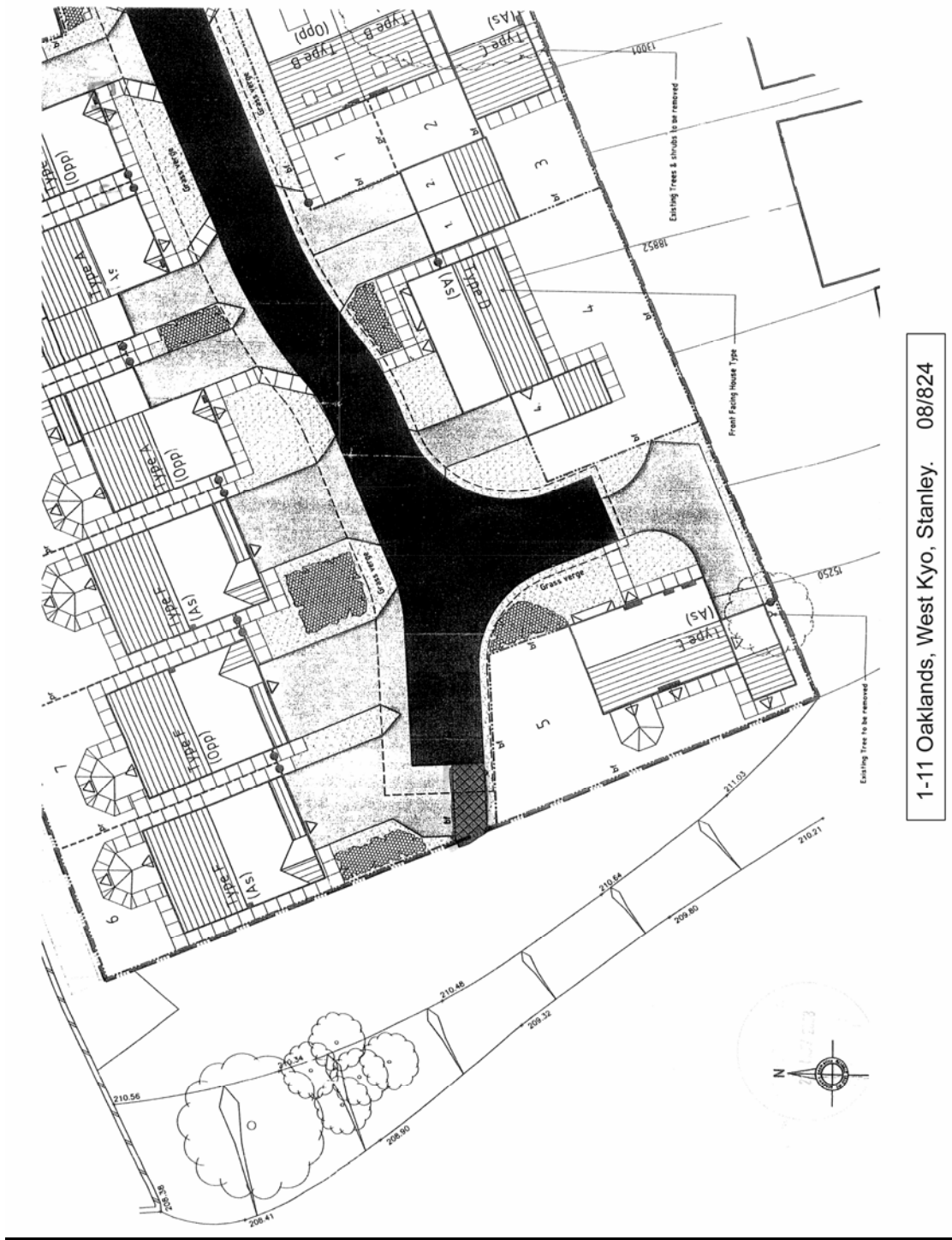
Reasons for Approval

35. The proposal is in accordance with the objectives of the Derwentside District Local Plan, including policies GDP1 and HO5. It is also in accordance with all other key material considerations including those relative to housing development, provision for children's play, access and crime prevention. The proposal is a minor variation to an existing and necessary condition. It is considered that the footpath link's provision would materially benefit neighbours' and the surrounding area's amenities through providing a safe access, especially for children. This would outweigh any possible disbenefit to neighbours' amenities or to those of the surrounding area. Site notices were posted on the site and neighbours were consulted on both the original and the amended proposal. A number of representations have been considered and taken into account. A copy of the Committee report documenting the considerations in more detail is available on request.

Report prepared by Mike Hemsall, Senior Planning Officer



<p>SCALE: 1:1250 Crown Copyright Reserved</p>	<p>1-11 Oaklands West Kyo Stanley</p>	<p>08/824</p>	<p>N</p>
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1-11 Oaklands, West Kyo, Stanley. 08/824

RECOMMENDATION FOR APPROVAL

08/0818

20/01/2009

Mr P Brown

130 Medomsley Road,
Consett

Change of Use to hot food
takeaway, creation of living
accommodation to ground floor

Consett North Ward

The Application

1. This application seeks planning permission for the change of use of 130 Medomsley Road from a café/sandwich shop to a hot food takeaway and creation of living accommodation at ground floor level.

Update

2. Members will recall that this application was reported to your previous meeting on the 8th January 2009. However, Members decided to defer the determination of the application in order to receive the comments of the Highways Section in light of concerns regarding parking and highway safety. The comments of the Highways Section have now been received and therefore the application is before Members again for determination.

Policy

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

TR2 Development and Highway Safety

Consultations

4. Highways Section (Durham County Council) – It is noted that no separate dwelling unit is being created at ground floor level and the floor area of the retail unit is being reduced in size. The proposed hours of operation are as exist currently and the property is already able to sell hot food. Accordingly no highway objection is made.
5. Any concerns regarding existing parking arrangements at the adjacent junction may be forwarded to the Council's Northern Area Engineer who can consider if any measures are appropriate.

Officer Assessment

6. It is considered that the proposed change of use would not have a detrimental impact on highway safety given the Highways Section have no

objections to the proposals, in accordance with policy TR2 of the Derwentside District Local Plan. However, if there are any concerns regarding existing parking arrangements at the adjacent junction the Council's Northern Area Engineer should be contacted. Therefore the recommendation remains for approval of the application, subject to the conditions outlined below.

Recommendation

7. Conditional Permission

- Standard time limit (ST)
- Approved plans (ST01)
- Before the development is brought into use, a detailed scheme indicating suitable means of fume extraction shall be submitted to and approved in writing by the Local Planning Authority. The odour control unit incorporated therein shall be operated at all times when cooking is being carried out.
- Reason: In the interest of protecting the amenities of the neighbouring residential properties in accordance with policies GDP1 and CO12 of the Derwentside District Local Plan.
- The premises shall not operate outside of the hours 8:00am till 6:00pm Monday to Saturday and 8:00am till 3:00pm on a Sunday.
- Reason: In the interest of protecting the amenity of the surrounding area in accordance with policy GDP1 of the Derwentside District Local Plan.

Reason for Approval

8. It is the opinion of the Local Planning Authority that the proposed hot food takeaway would not have an adverse impact on the amenities of neighbouring residential properties in comparison to the existing use of the premises and would not have an adverse impact on highway safety in accordance with policies GDP1, CO12 and TR2 of the Derwentside District Local Plan.

Report prepared by Tom Armfield, Planning Officer

DEVELOPMENT CONTROL COMMITTEE

29th JANUARY 2009

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 EN11

Development will only be permitted which will not cause harm to, or result in the loss of:

- (a) trees protected by preservation orders; or
- (b) trees which contribute to the character and appearance of conservation areas.

Throughout the District existing trees should be retained and incorporated in new developments where possible. In determining planning applications consideration will be given to the effect of a proposed development on any existing trees, either on the site itself or on adjacent sites, which do, or which when mature will, contribute significantly to any of the following:

- (a) the landscape diversity
- (b) the setting of nearby existing or proposed buildings
- (c) a wildlife habitat
- (d) visual amenity

This will be achieved by requiring the developer to provide a full tree survey to enable the trees to be graded according to their condition and amenity value.

Where the loss of an important tree or trees is considered acceptable, approval will be subject to a requirement that suitable replacement planting be carried out either within the application site or on related land within the applicant's control.

Policy EN14

Demolition of buildings, structures or features in conservation areas will only be permitted where:

- (a) demolition of the existing building would preserve or enhance the character or appearance of the area; or
- (b) demolition would enable a use or redevelopment which would enhance the character or appearance of the area and an acceptable replacement development has been granted planning permission.

Policy HO5

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

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

Annfield Plain (Including Catchgate And West Kyo)

Blackhill

Burnhope

Burnopfield

Castleside

Consett

Cornsay Colliery

Craghead

Crookgate

Delves Lane (Including Crookhall)

Dipton (Including Flinthill)

Ebchester

Esh

Esh Winning

Greencroft

Hamsterley (Including Low Westwood)

Hamsterley Mill

Harelaw

Hobson (Including Pickering Nook)

Iveston

Lanchester

Langley Park

Leadgate

Maiden Law

Medomsley

Moorside

New Kyo

No Place

Oxhill

Quaking Houses

Quebec

Satley

Shotley Bridge

Stanley (Including Shield Row)

Tanfield

Tanfield Lea (Including Broomhill)

Tantobie

The Dene

The Grove

The Middles

South Moor (Including Oxhill)

White-Le-Head

Policy HO7

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

Policy HO17

Planning permission for the adaptation of large buildings or the sub-division of an existing dwelling to provide smaller residential units will only be granted if:

- (a) the proposal is sympathetic to the character of the existing building and the locality as a whole; and**
- (b) the proposal would not adversely affect the amenities of future occupants and/or neighbouring occupiers, or result in a loss of privacy or overlooking; and**
- (c) an adequate, accessible and usable amount of amenity space is provided; and**
- (d) a concentration of such uses does not affect the character of the area or will not cause serious annoyance to existing residents.**

Policy HO22

Planning permission for new housing developments will be granted if:

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

Policy 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.

The North of England Plan / Regional Spatial Strategy

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 4 - THE SEQUENTIAL APPROACH TO DEVELOPMENT

Local Development Frameworks should adopt a sequential approach to the identification of land for development to give priority to previously developed land and buildings in the most sustainable locations. All sites should be in locations that avoid areas at the highest risk from flooding, having particular regard to the vulnerability of the proposed development to flooding. Locations should be selected in the following priority order:

- a. Suitable previously-developed sites and buildings within urban areas, particularly around public transport nodes;
- b. Other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes;
- c. Suitable sites in locations adjoining urban areas, particularly those that involve the use of previously-developed land and buildings; and
- d. Suitable sites in settlements outside urban areas, particularly those that involve the use of previously-developed land and buildings.

For the purposes of this policy, urban areas are defined as the Conurbations, Main Settlements, Regeneration Towns and Rural Service Centres, as defined in this RSS, and Secondary Settlements identified in Local Development Frameworks as providing a significant opportunity in terms of previously developed land and buildings.

All sites should be in locations that are, or will be, well related to homes, jobs and services by all modes of transport, particularly public transport, walking and cycling.

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 33 - BIODIVERSITY & GEODIVERSITY

Strategies, plans and programmes, and planning proposals should ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels by:

- a. continuing to promote the protection and enhancement of internationally and nationally important sites and species;
- b. reversing habitat fragmentation and species isolation particularly in Biodiversity Target Zones;
- c. developing habitat creation / restoration projects particularly in the priority Habitat Creation and Enhancement Areas;
- d. providing for the expansion and linking of existing habitats and species populations including the creation of semi-natural green spaces in and around urban areas and for habitat restoration;
- e. contributing to improving the Region's SSSIs to a favourable condition, by 2010;
- f. preparing biodiversity and geological audits;
- g. preparing and implementing Local Biodiversity Action Plans and Local Geodiversity Action Plans;
- h. supporting proposals for biodiversity and geodiversity within Sustainable Community Strategies; and
- i. including proposals for action to stop the spread of, and eliminate, invasive species.

Policy 35 - FLOOD RISK

B. In developing Local Development Frameworks and considering planning proposals, a sequential risk-based approach to development and flooding should be adopted as set out in PPS25. This approach must be informed by Strategic Flood Risk Assessments prepared by planning authorities in liaison with the Environment Agency to inform the application of the Sequential Test and, if necessary, the Exception Test, in development allocations in their LDDs and consideration of planning proposals.

Policy 36 - TREES, WOODLANDS AND FORESTS

Strategies, plans and programmes, and planning proposals should:

- a. in line with the North East Regional Forest Strategy, seek to maximise the social, economic and environmental opportunities that trees, woodlands and forests present, particularly in regeneration areas and on derelict, damaged and underused sites;
- b. support the expansion of community forestry;
- c. facilitate the expansion of tree cover, particularly in urban centres and the rural urban fringe, to provide accessible leisure, recreation and environmental education opportunities;
- d. support the establishment of integrated timber processing facilities, including related industries such as renewable energy, close to existing facilities and timber resources;

- e. seek to maximise the tourism development opportunities presented by woodlands and forests, particularly in rural areas; and identify and ensure strong protection of areas of ancient woodland; and
- f. ensure that proposals for expansion of tree cover do not have adverse effects on internationally designated sites of nature conservation importance.

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.