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Michael Laing Chief Executive

6th February 2008

Dear Councillor,

I hereby give you Notice that a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **THURSDAY 14th FEBRUARY 2008** at **6.00 P.M.**

AGENDA

	Page No.
1. Apologies for absence	
2. To consider the minutes of the meetings of the Committee held on 20 th December 2007 and 17 th January 2008, and the special meetings of the Committee held on 10 th January and 23 rd January 2008, as true records.	Copies attached
3. To consider development control application 3/2007/0845 – Erection of detached triple garage with pitched roof at Rose Hill, 35 High West Road, Crook for Mr Edgar.	1 – 6
4. To consider development control application 3/2007/0844 – Construction of shoreline multi-user track at Derwent Reservoir, Edmundbyers, Consett for Mr Stead, Northumbrian Water Limited.	7 – 11
5. To consider development control application 3/2007/0875 – Erection of one dwelling and two parking spaces at Westholme, 7 Front Street, Stanhope for Mr Pickering.	12 – 19
6. To consider development control application 3/2006/0236 – New access, driveway and parking area at Helme Park Cottage, Helme Park, Tow Law, Bishop Auckland for Mr and Mrs Wilkinson.	20 – 24
7. To consider development control application 3/2007/0870 – Removal of derelict planter, improvements to path surfacing, tree and shrub planting and new bus shelter at amenity open space, The Square, St. Helen Auckland for Wear Valley District Council.	25 – 28
8. To consider development control application 3/2007/0869 – Paving to front of buildings at paved area adjacent to 47 Front	29 – 32

Street, West Auckland for Wear Valley District Council.

9. To consider development control application 3/2007/0717 – 33 – 38
Change of use of field into garden land and development of woodland area at Burn Mill, 10 Mill Street, Willington for Mr Sewell.
10. To consider development control application 3/2007/0830 – 39 – 43
Application to extend the permitted holiday season from 1st March to 8th January the following year at the Kingfisher Country Park, Frosterley for Mr Dewhurst, Park Leisure 2000 Limited.
11. To consider development control application 3/2007/0848 – 44 – 59
Demolition of existing buildings and erection of 22 executive, detached dwellings with garages on the former Homelands Hospital site at Holy Well Lane, Helmington Row, Crook for Bellway Homes North East.
12. To receive appeal decision 3/2005/1000 – Temporary office unit 60 – 63
for maximum of 2 years at land adjacent to 5 Inkerman Road, Tow Law for Mr Batson.
13. To consider such other items of business which, by reason of special circumstances so specified the Chairman of the meeting is of the opinion should be considered as a matter of urgency.

Yours faithfully



Chief Executive

Members of this Committee: Councillors Anderson, Bowser, Buckham, Mrs Burn, Mrs Douthwaite, Gale, Grogan, Mrs Jopling, Kay, Kingston, Laurie, Mrs Lee, Lethbridge, Mairs, Mowbray, Mews, Murphy*, Perkins, Seabury*, Taylor, Des Wilson and Zair.

*ex-officio, non-voting capacity.

Chair: Councillor Grogan

Deputy Chair: Councillor Mews

TO: All other Members of the Council for information
Management Team

DEVELOPMENT CONTROL COMMITTEE

14th FEBRUARY 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0845 - ERECTION OF DETACHED TRIPLE GARAGE WITH PITCHED ROOF AT ROSE HILL, 35 HIGH WEST ROAD, CROOK FOR MR. EDGAR - 20.11.2007

description of site and proposals

1. Planning permission is sought for the erection of a detached triple garage to serve the new dwelling that is currently under construction on the site. The site is one of two properties formed by the subdivision of 35 High West Road and is the eastern most of the two. Planning permission was granted for the erection of a detached dwelling on the site in 2006 ref 3/2006/0540. Planning permission was also granted for a dwelling on the eastern site in 2006 ref: 3/2006/0579 and amended 2007 ref: 3/2007/0512.
2. The land slopes up from the highway towards the dwelling. A fence approximately 2m high has been erected along the western property boundary. There is a small group of mature trees towards the front of the site near the western property boundary.
3. The proposed garage would measure 6.065m in depth, 10.34m in width and 4.75m in height to the ridge. It would be located to the front of the dwelling, along the western boundary, at a distance of approximately 24m from the highway to the front. It would be constructed of stone with a slate roof to match the dwelling. Construction of a garage base has already occurred, however, the application drawings do not show this base and therefore the application should be determined on the submitted drawings.
4. The application has been called to Committee by a Ward Councillor in line with the Council's Protocol on Planning.

planning history

5. The following history is relevant to the consideration of this application.
 - 3/2006/0540 Erection of Two Storey Dwelling Approved 12.09.2206

planning policies

6. The following policy of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 is relevant in the consideration of this application:
 - GD1 General Development Criteria

consultations

7. Durham County Highways Authority – No objection subject to the requirement for the provision of a footway along the frontage as required in previous applications 3/2006/0239 and 3/2006/0540 (This is a condition of the dwelling approval).

officer analysis

8. The key issues for consideration are:
 - Impact on the Character and Appearance of the Surrounding Area
 - Impact on the Living Conditions of Neighbours.

impact on the character and appearance of the surrounding area.

9. Prior to the submission of this proposal, officers had expressed concern that a garage to the front of the site might have an impact on the visual amenity of the area. This was however, without details of the location and appearance of the garage proposed. There is a duty to consider this application on its merits based on the information at hand.
10. The site is located within the development limits of Crook in a residential area comprising a range of dwellings of different scale and appearance. The area has no special designation (such as Conservation Area) and has no homogenous character, or strong street scene. Density in this part of High West Road, on the edge of Crook, decreases away from the centre and properties comprise relatively larger dwellings set in comfortable curtilages. There is a mixture of bungalows and two storey houses in the immediate vicinity of the site.
11. When completed the dwelling will be a large two storey dwelling in a raised position on the site. The proposed garage would be approximately 7.5m forward of the dwelling, but still over 20m back from the road and at a lower ground level than the dwelling (subject to further approval of levels secured by condition). It would be parallel with the western boundary fence where there are mature trees between the road and garage site. Subject to approval (by condition) of ground levels to ensure that the garage is not raised (the base that has already been constructed is considered to be too high), it is considered that the garage would sit comfortably in a generously large site where it would be seen against the backdrop of a large dwelling. It would also be far enough back from the road and behind tall mature trees where it is considered that it would not appear as an unduly prominent element in the street scene. This together with the largely north/south orientation would

ensure that the large proportion of the property frontage would remain open; thereby ensuring the general open character of the street frontage is maintained. Landscaping details have yet to be approved for the dwelling and therefore some control could still be exercised in achieving some further planting in front of the garage. In the context of the character of the surrounding area, the proposal is therefore considered to be acceptable and in accordance with policy GD1 of the WVDLP as amended by Saved and Expired Policies September 2007 with regards to preventing harm to the character and appearance of the surrounding area.

impact on the living conditions of neighbours.

12. The nearest dwelling to the proposed garage would be the approved (not yet constructed) dwelling on the site to the west. The proposed garage would be constructed along the shared boundary with that property and approximately 12m to the south east of that dwelling at the nearest point, behind the 2m high boundary fence. Again (subject to approval of ground levels) the garage would be at a lower level to that neighbouring dwelling because of the slope of the land. The only likelihood of overshadowing from any structure in that position would be for a short time in the early morning from a very high structure, which would have to cut a 25 degree line taken upward from the ground floor windows of the dwelling. At the position proposed, and considering the height of the proposed garage to both eaves and ridge (subject to approval of ground levels), the proposed garage would not cut a 25 degree line and therefore it is considered that the garage would not cause unacceptable loss of light, significant overshadowing, or appear overbearing on the neighbouring property. The proposed garage would be even further away from the other surrounding properties and therefore even less likely to have a detrimental impact on those properties. The effect of the proposal on the living conditions of neighbours is therefore acceptable. The proposal therefore accords with policy GD1 of the WVDLP as amended by Saved and Expired Policies September 2007.

objections/observations

13. Occupiers of the surrounding properties have been notified in writing and a site notice was posted. Three letters of objection have been received. The objections are summarised below:
 - a) Previous officer advice indicated that a garage would not be allowed forward of the new dwellings.
 - b) A garage forward of the new dwellings would be incongruous and out of keeping with the general character of the area.
 - c) The proposed garage is out of scale and character with adjacent properties and would represent overdevelopment.
 - d) The proposed garage would have an overbearing effect on other properties in the area and in the line of sight of neighbouring front windows.
 - e) There is no indication of levels and therefore the ridge height cannot be determined in relation to surrounding properties.
 - f) The garage has already been partially constructed.

response to objections

14. The following comments are made in response to the issues raised:
- a) Each proposal has to be determined on its own merits given the information to hand.
 - b) This is addressed in the assessment where the garage is considered to be far enough back from the road, in a large curtilage, so that it would not appear incongruous in an area which has no uniform character.
 - c) This is addressed in the officer analysis. Subject to approval of ground levels, the garage would be considerably lower than the level of the dwelling and would be seen against the backdrop of two large dwellings. This together with a ridge height of just 4.75m would not be unduly prominent or out of scale with surrounding buildings.
 - d) This is addressed in the officer analysis. The garage would be at a lower level to neighbouring dwellings and would not be high enough to be overbearing or to adversely affect the outlook of neighbouring dwellings.
 - e) Appropriate levels can be secured by condition.
 - f) The level of the base already constructed is considered to be unacceptable, however, the drawings do not show this base and again appropriate levels can be secured by condition.

conclusion and reasons for approval

1. The proposal for erection of a detached triple garage is considered to be in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as it:
 1. Would be located far enough back from the road and would be of an appropriate scale (subject to approval of ground levels) and appearance to ensure that it would not cause unacceptable harm to the character and visual amenity of the street scene and surrounding area.
 2. Would be of an appropriate scale (subject to approval of ground levels) and suitably located to ensure that it would not have a detrimental effect on the living conditions of neighbours in terms of causing unacceptable loss of light, significant overshadowing, or appear overbearing.

RECOMMENDED

That planning permission be **GRANTED** subject to the following conditions and reasons;

conditions

1. Development shall not begin until details of the existing and proposed site levels and the finished floor level of the proposed garage have been submitted to and approved in writing by the local planning authority; and the works shall be completed in accordance with the approved details.

2. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the garage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
3. The garage hereby approved shall not be used other than for purposes incidental to the enjoyment of the dwellinghouse; no trade or business shall be carried out therein.

reasons

1. To ensure a satisfactory standard of development and to ensure that the development is not unduly prominent. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. To safeguard the occupiers of adjacent premises from undue noise, traffic generation or other loss of amenity arising from the use of the proposed garage for trade or business purposes. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007.

PS code	10				
number of days to Committee	87	target achieved	No		
explanation					
The application has been called to the Committee by a Ward Councillor.					

Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Adrian Caines
 Planning Officer
 Ext 369

DEVELOPMENT CONTROL COMMITTEE

14TH FEBRUARY 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0844 - CONSTRUCTION OF SHORELINE MULTI-USER TRACK AT DERWENT RESERVOIR, EDMUNDBYERS CONSETT FOR MR. STEAD NORTHUMBRIAN WATER LIMITED – 20.11.2007

description of site and proposals

1. Planning permission is requested for the installation of a multi user track along part of the southern bank of Derwent Reservoir. The proposed track would measure 1.6 Km in length, and would measure 2.5 metres in width. The surface of the path would be constructed from Plashetts Stone which would be positioned on top of the existing informal path.
2. The application site consists of an informal path which links the Pow Hill Country Park and the Dam. The proposed path would pass through two environmentally sensitive areas (Pow Hill Meadow County Wildlife Site and Pow Hill Heath). At present the undefined pathway is boggy in places and is not accessible for all members of the public. In respect of drainage, 9 inch pipes will be positioned under the path which would prevent cracks which could prove difficult for wheelchair users. The path would not have a cross fall any steeper than 1:45.

planning history

3. There is no planning history relevant to the determination of this application

planning policies

4. The following policies of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007 are relevant in the consideration of this application:

- GD1 General Development Criteria
- ENV2 The North Pennines Area of Outstanding Natural Beauty
- TM1 Criteria for Tourist Proposals
- TM2 Tourism within the Area of Outstanding Natural Beauty

Also relevant are: Good Practice Guide on Planning for Tourism (DCLG July 2007), Durham Biodiversity Action Plan.

consultations

5. Public Rights of Way: There are no registered Public Rights of Way affected by the proposals.
6. DCC Landscape Officer: No objection.
7. Natural England: Do not object.

officer analysis

8. The key issues for consideration are:
 - Principle of Development
 - Impact on the North Pennines Area of Outstanding Natural Beauty
 - Impact on Neighbouring Dwellings
 - Ecological Impact

principle of development

9. It is considered that the proposal is of a scale compatible with its surroundings, and would provide a new recreational facility to users of Pow Hill Country Park. The application site has a well used unmarked pathway between Pow Hill Country Park and the Dam, and this application would provide a new access for all users who visit the area.
10. The Good Practice Guide on Planning for Tourism provides the following advice about new tourism developments:
 - *where the development is located – developments need to be located where they are accessible to visitors (and for many, but not all developments, by means other than just by private car) and where they do not have an adverse impact upon sensitive environments;*
 - *how they are designed – developments should be attractive to users, they need to work well in functional terms and they need to use natural resources in an efficient manner; and*
 - *how they fit into their surroundings – developments need to respect their environs and complement them rather than detract from them. They should be designed to have a positive impact upon landscape, the historical setting and upon ecology.*
11. It is considered that the proposal would be highly accessible by visitors to Pow Hill Country Park and the Dam, and would have a positive impact upon the landscape by restricting walkers to a set route and so not damaging wildlife habitats. The proposal would contribute to tourism in the locality to the benefit of the local economy and complement the area's tourism function.

12. It is considered that the principle of development is acceptable and is in accordance with guidance contained within policies GD1 and TM1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007, and with guidance contained within The Good Practice Guide on Planning for Tourism.

impact on the north pennines area of outstanding natural beauty

13. Policy TM2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007 states that tourism development opportunities will only be allowed providing that they do not detract from the landscape quality of the AONB, and proposed developments will be limited to those which allow the quiet enjoyment of the countryside. It is considered that the proposal would encourage walking in the countryside, and would not detract from the setting of the North Pennines AONB. As such the proposal accords with guidance contained in policy ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.

impact on neighbouring dwellings

14. The nearest dwelling to the application site is Pow Hill, which at its closest point would be within 100 metres of the proposed track. The proposed track would be located at a much lower level than Pow Hill, and would be screened by mature planting. As such it is considered that the proposal would not have a detrimental impact on the residential amenity of the occupiers of Pow Hill. The proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.

ecological impact

15. The applicant has submitted an ecological assessment, and Natural England have been consulted. It is considered that the proposed footpath would not adversely impact on any protected species and does not pass through any areas highlighted in the Durham Biodiversity Action Plan. As such no mitigation is required and the proposal therefore accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.

objections/observations

16. Occupiers of surrounding properties have been notified in writing and a site notice was also posted. The application was also advertised in the press.
17. One letter of objection/observation has been received, the details of which are set out below:
 - a) What mitigation has been considered as to the potential loss of privacy and disturbance to our home given the expanded access to the public?

response to objections

18. The following comments are made in response to the question asked:

- a) The proposed footpath at its closest point would be located approximately 100 metres from the nearest dwelling. It is considered that given this distance there would be no loss of privacy or disturbance caused by the development to the occupiers of neighbouring properties.

conclusion and reasons for approval

1. The proposal is in accordance with policies GD1, TM1, TM2 and ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007 as it:
 1. Would be linked to an existing tourist site, and therefore the proposal would contribute to tourism in the locality to the benefit of the local economy and complement the area's tourism function.
 2. Would encourage walking in the countryside, and would not detract from the setting of the North Pennines Area of Outstanding Natural Beauty.
 3. Would not adversely impact upon the residential amenity of neighbouring dwellings.
 4. would not adversely impact on any protected species and does not pass through any areas highlighted in the Durham Biodiversity Action Plan

RECOMMENDED

That planning permission be **GRANTED**.

background information

Application files, WVDLP as amended by the Saved and Expired Policies 2007, Good Practice Guide on Planning for Tourism (DCLG July 2007), Durham Biodiversity Action Plan.

PS code	<input type="text" value="5"/>		
number of days to Committee	<input type="text" value="88"/>	target achieved	<input type="text" value="√"/>
explanation			

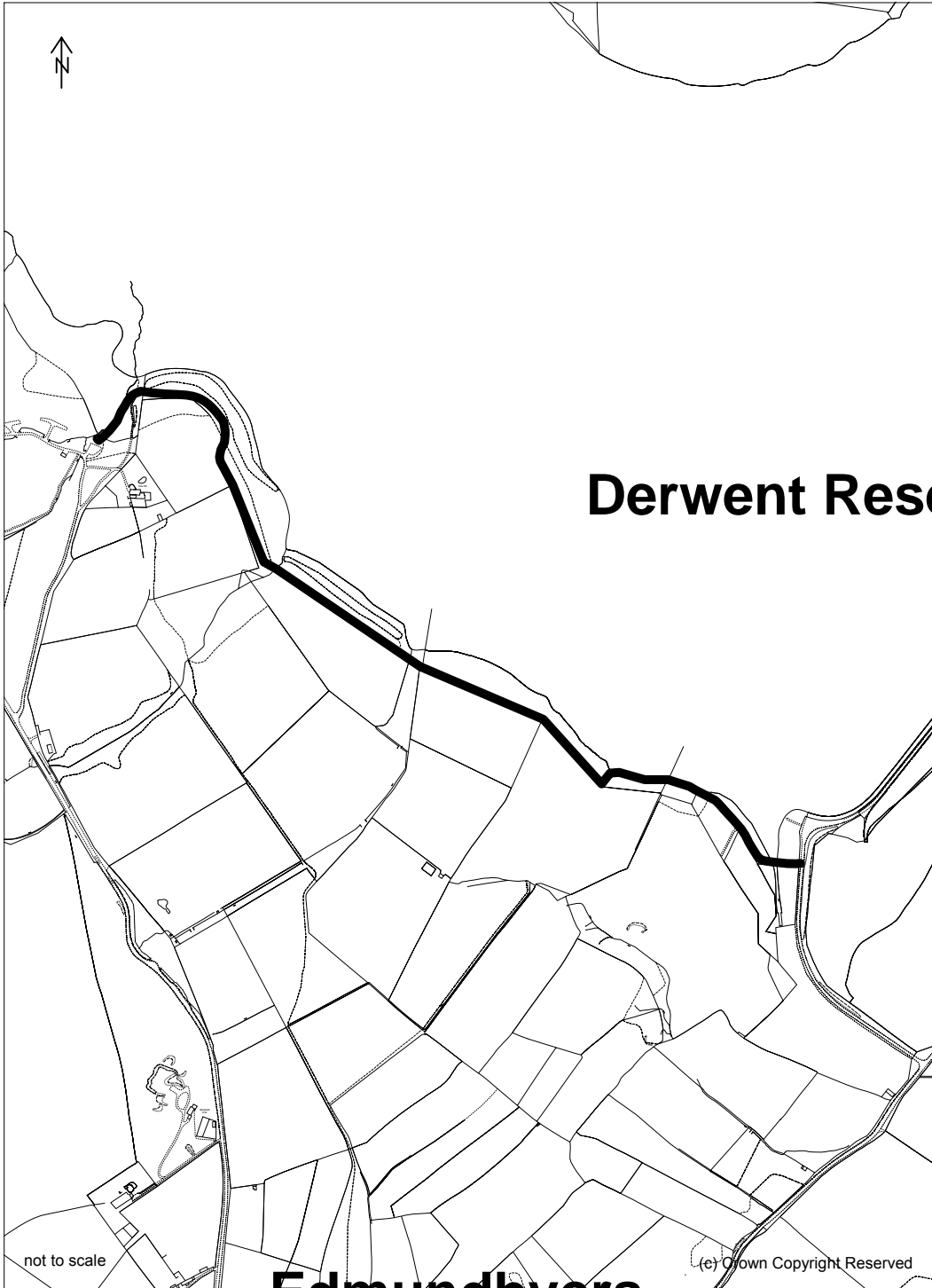
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Adam Williamson
Planning Officer
Ext 495

**3/2007/0844 - CONSTRUCTION OF SHORELINE MULTI-USER TRACK AT
DERWENT RESERVOIR, EDMUNDBYERS CONSETT FOR MR. STEAD
NORTHUMBRIAN WATER LIMITED - 20.11.2007**



DEVELOPMENT CONTROL COMMITTEE

14th FEBRUARY 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0875 - ERECTION OF ONE DWELLING AND TWO PARKING SPACES AT WESTHOLME, 7 FRONT STREET, STANHOPE FOR MR. PICKERING

description of site and proposals

1. Full planning permission is sought for the erection of a detached two storey, 3 bedroom dwelling on garden land to the side (west) of 7 Front Street, Stanhope, which itself is under conversion to form 2 No. dwellings (3/2007/0726). Outline planning permission has been refused 3/2006/0391 for a dwelling on a smaller part of the same site.
2. The site falls within the Stanhope Conservation Area. It is bounded by highways on three sides (south, west and north). The highway to the north is an unadopted access serving a nursing home. There is a low stone wall around the south and west site perimeter. The surrounding area is predominantly residential, largely comprising stone buildings with traditional detailing. The building immediately adjacent to the east is currently under conversion to dwellings through the same applicant. There are also dwellings across the highways to the north and west.
3. The proposed dwelling would be two storeys high. It would have a simple form with a front bay window. Proposed materials would match those of the surrounding area and windows would be upvc sliding sash. There would be a rear garden of around 9m depth, which would also incorporate two off street parking spaces accessed from the lane to the rear.
4. The application is referred to Committee because 4 No. objections have been received.

planning history

5. The following history is relevant to the consideration of this application:

- 3/2007/0726 Amendments Proposed to Permission 3/2007/0409 for Conversion of Care Home to 2 Dwellings Approved 16.11.2007

- 3/2007/0409 Conversion of Care Home to 2 Dwellings Approved 13.07.2007
- 3/2006/0391 Outline application for Detached Dwelling Refused 30.06.2006

planning policies

6. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:

- BE5 Conservation Areas
- BE6 New Development and Alterations in Conservation Areas
- GD1 General Development Criteria
- H24 Residential Design Criteria
- H3 Distribution of Development
- T1 Highways - General Policy

Also relevant are PPS1, PPS3, PPG13, PPG15 and policy 3 of the Regional Spatial Strategy (RSS).

consultations

7. Durham County Highways Authority: No objections.
8. Stanhope Parish Council: Object. The site is a greenfield site in the conservation area and the development would not be in keeping with the street scene.
9. Northumbrian Water: No objections.

officer analysis

10. The main issues for consideration are:

- Principle of Development
- Impact on the Character and Appearance of the Conservation Area
- Impact on the Living Conditions of Neighbours
- Highways and access

principle of development

11. The site comprises the garden of the former care home and therefore represents brownfield land within the development limits of Stanhope. It is within walking distance of existing local facilities and to public transport. The site is not allocated for any particular purpose in the Wear Valley District Local Plan (WVDLP) as amended by Saved and Expired Policies September 2007. Stanhope is one of the settlements identified in the Council's Sequential Approach as being suitable for housing development and therefore the site can be considered as a Priority 1 site and accords with the requirements of policy 3 of the RSS. The principle of residential development on the site is therefore acceptable as it accords with policy H3 of the WVDLP, policy 3 of

the RSS and the thrust of current national planning guidance in PPS1, PPS3 and PPG13.

impact on the character and appearance of the conservation area

12. The site is within a part of the conservation area that is predominantly residential in character. The northern side of Front Street is densely built with dwellings to the north and west of the site and some larger traditional buildings to the south east. No. 7 Front Street is located within an unusually large plot compared to the rest of the properties in the surrounding area.
13. It is considered that the proposed dwelling would sit comfortably on the site and complete the frontage along Front Street, replicating the existing pattern of development. There would be a small forecourt to the front, similar to what exists to the front of the dwellings to the west and the materials and design features would match those of surrounding buildings. The scale of the dwelling would be smaller than its flanking neighbours, which is appropriate for the setting, and together with the small set back from the road, would ensure the new dwelling would appear subservient and would not reduce the prominence of the original building (no.7) within the street scene. Overall, the effect on the conservation area would be a neutral one, which would ensure that the character of the conservation area is preserved. This accords with the guidance of PPG15 and policies GD1, BE6 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

impact on the living conditions of neighbours

14. The new dwelling would be surrounded by dwellings on three sides (north, east and west), all presenting their gable ends to the new development, and all with windows in those gable ends.
15. The nearest dwelling is the new conversion adjacent at no.7 Front Street, with approximately 5.5m separation between it and the proposed dwelling. There are numerous windows in the facing gable elevation of that dwelling (yet to be occupied) however, most of those are only secondary windows (bedroom 2 has been amended to reopen the original window at the rear), apart from the second floor bedroom 4 windows. Those windows however would be above the roof of the proposed dwelling and would therefore remain unobstructed. The only window in the eastern elevation of the proposed dwelling would be a bathroom window, which can be obscure glazed. The impact on that dwelling would therefore be acceptable.
16. The gable end of the dwelling to the west (5 Front Street), which contains some windows, would be across the road and approximately 13.5m from the gable of the proposed dwelling. In a dense residential environment this is considered to be acceptable, particularly as No. 5's gable end is a secondary elevation. The only window in the western gable of the proposed dwelling would be a landing window for the stairs. The impact on that neighbour is therefore considered to be acceptable.

17. Again, the dwelling to the north (2 Paragon Street) has windows in its gable end, however there would be in excess of 21m between those windows and the habitable windows in the rear elevation of the proposed dwelling, as required by policy H24 of the WVDLP as amended by Saved and Expired Policies September 2007. The proposed dwelling would be far enough away not to cause any harmful overshadowing of 2 Paragon Street. The impact on that dwelling would therefore be acceptable.
18. It is therefore considered that the proposed dwelling would not have an overbearing, or overshadowing impact on neighbouring properties, nor would there be unacceptable loss of privacy to those neighbours. The loss of views over adjacent private land is not a material planning consideration. The effect on the living conditions of neighbours would therefore be minimal, which accords with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

highways and access

19. The proposed dwelling would have two off street parking spaces at the rear, which meets the County Council parking standards and they would be accessed from the unadopted lane to the rear. Permission has already been granted to allow access and parking to the rear of the two converted dwellings at No.7 Front Street and this proposal is no different.
20. Neighbours have expressed concern about the potential obstruction of the rear lane, which serves the nursing home and the speed of traffic along the lane. The actions of builders are short term and beyond the control of the planning system, however the parking spaces can be conditioned for retention when completed to ensure the surrounding highways are not obstructed by occupant parking. The principle of using that means of access has already been accepted and as the proposed dwelling would be the first along that lane, the effects and speed of associated traffic would be less than what has already been accepted for the two dwellings further on. The Durham County Council Highway Authority is satisfied that the proposed dwelling would not be prejudicial to highway safety. It is therefore considered that the proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan, as amended by Saved and Expired Policies September 2007, in this respect.

objections/observations

21. Occupiers of the surrounding properties have been notified in writing, a site notice was posted and an advert was placed in the local press.
22. Four objections have been received and the main points are summarised below:
 - a) Permission has already been refused for a dwelling on the site.
 - b) The dwelling would be harmful to the conservation area.
 - c) Building work (for the conversions) has been disruptive to the nursing home and neighbours in terms of disturbance and obstruction of the rear lane. The proposal will add to the inconvenience.

- d) The proposed dwelling will restrict light to 2 Paragon Street, which is to the north.
- e) The proposed dwelling would block views from surrounding dwellings, especially 2 Paragon Street.
- f) Additional parking and traffic along the rear lane would be dangerous and prevent access to the nursing home.

response to objections

23. In response to the issues raised, I make the following comments:-.

- a) The size of the site and siting of the dwelling has changed and each case is considered on its own merits.
- b) This has been assessed and is considered to be acceptable.
- c) This is not a material planning consideration and is outside the control of the planning system.
- d) This has been assessed and is considered to be acceptable.
- e) Protection of views over third party land is not a material planning consideration.
- f) This has been assessed and is considered to be acceptable.

conclusion and reasons for approval

The proposal is considered to be acceptable in relation to policies H3, GD1, BE6, H24, and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as well as PPG15, PPS3 and policy 3 of the RSS as it:

- 1. Would be located on a brownfield site within the development limits of Stanhope (Priority 1 Site).
- 2. Would not cause harm to the character and appearance of the surrounding area in terms of siting, scale and appearance, which in turn would preserve the character of the conservation area.
- 3. Would not cause unacceptable harm to the living conditions of neighbours in terms of loss of privacy, overshadowing or being overbearing and would offer a suitable level of amenity to occupants.
- 4. Would have suitable access and parking arrangements and would be in a sustainable location.

RECOMMENDED

That planning permission be **APPROVED** subject to the following conditions and reasons;

conditions

- 1. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:
 - a) all windows shall be vertically sliding sash; the exact specifications for which shall be submitted to and approved in writing by the local planning authority prior to commencement of development. The

development shall thereafter be carried out in accordance with the approved specifications;

- b) all windows shall be recessed a minimum of 75 mm from the face of the building;
 - c) exposed stone cills and lintels shall be used below and above all window openings;
 - d) all external walls shall be formed using random, coursed natural stone; a sample panel of stonework shall be made up on site for inspection by and written approval shall be obtained from the local planning authority prior to construction works commencing;
 - e) exposed stone lintels shall be used above all external door openings;
 - f) the roof covering shall be natural blue slate;
 - g) all rainwater goods shall be black;
 - h) any rooflights shall be conservation flush-fit lights finished in black with a central glazing bar;
 - i) no fascia or barge boards shall be affixed to the building;
2. Notwithstanding the provisions of Article 3 and Classes A, B and C of Part 1 and Class C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.
3. Before the occupation of the dwelling hereby approved 2no. parking spaces shall be provided within the curtilage of the dwelling and thereafter permanently retained for the parking of cars incidental to the residential use of the site.
4. Notwithstanding any other details shown on the plans hereby approved, the window in the east elevation of the dwelling shall be glazed in obscure glass of factor 3 or above. The window shall thereafter be retained as such.

reasons

- 1. For the avoidance of doubt and to maintain the character of the surrounding area. In accordance with policies GD1, H24 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
- 2. In the interests of protecting the character of the Conservation Area and maintaining sufficient amenity space for the dwelling. In accordance with policies GD1, H24 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

3. To ensure that satisfactory off-street car parking provision is made in accordance with the local planning authority's standards and in the interests of highway safety. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. In the interests of the amenity of neighbouring properties. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007, Regional Spatial Strategy (RSS), PPG15, PPS1, PPS3, PPG13.

PS code

6

number of days to Committee

69

target achieved

√

explanation

The application has had to be reported to Committee following the receipt of 4 objections.

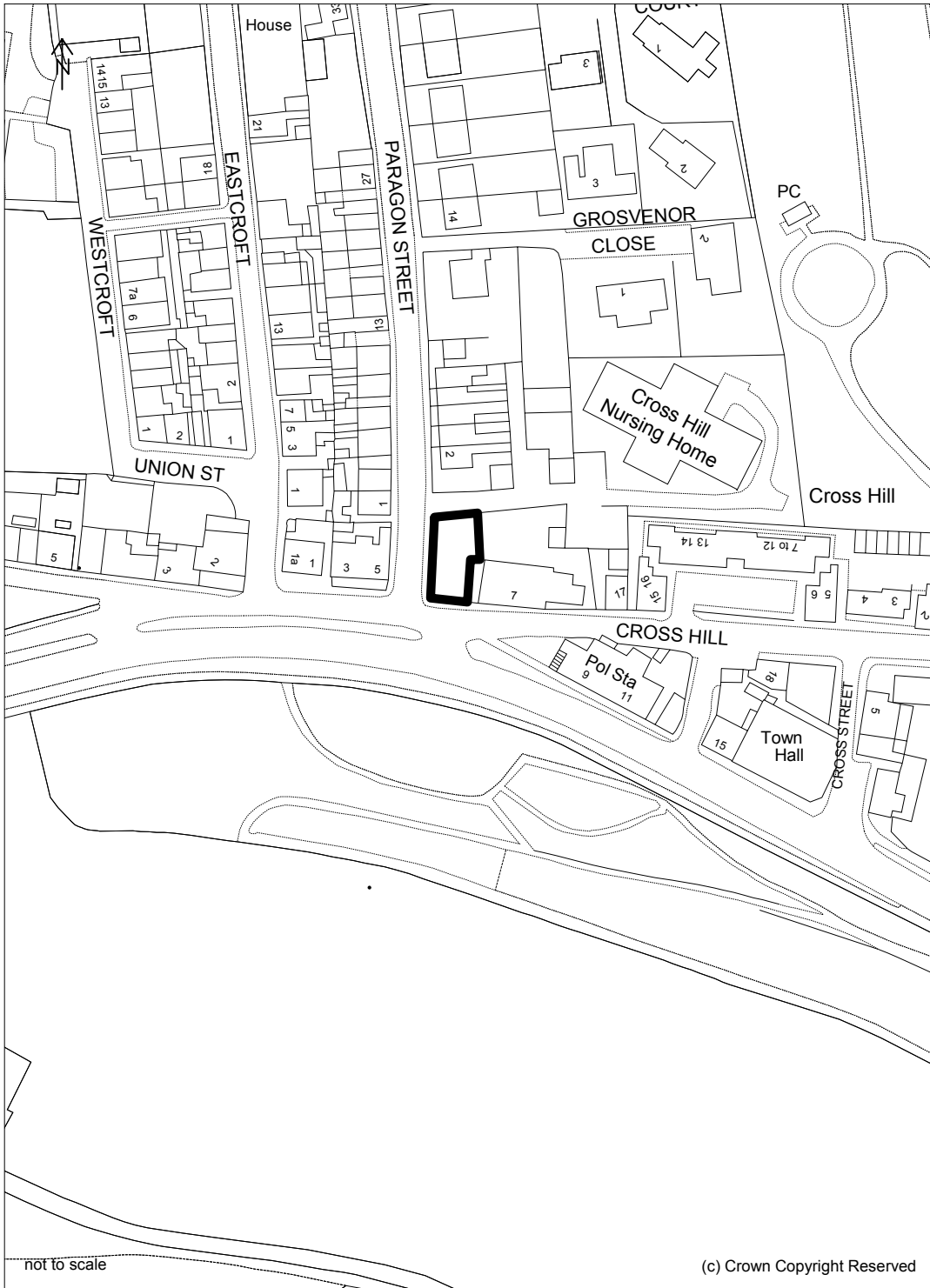
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Adrian Caines
 Planning Officer
 Ext 369

**3/2007/0875 - ERECTION OF ONE DWELLING AND TWO PARKING SPACES
AT WESTHOLME, 7 FRONT STREET, STANHOPE FOR MR. PICKERING**



DEVELOPMENT CONTROL COMMITTEE

14TH FEBRUARY 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2006/0236 - NEW ACCESS, DRIVEWAY AND PARKING AREA AT HELME PARK COTTAGE, HELME PARK, TOW LAW, BISHOP AUCKLAND FOR MR. AND MRS. WILKINSON – 18.04.2006

description of site and proposals

1. Planning permission is sought for the change of use of land to residential curtilage and for the construction of a new access. The proposed access would run along the south boundary of the site and join the existing access. A new access is required to the property as the traffic to the Helme Park Hotel creates difficulties entering and exiting the existing access.
2. The application site comprises of a detached building located to the west of the A68. There are neighbouring properties to the north with the Helme Park Hotel situated to the west. A field in the applicants' ownership is located to the south. There is an access road to the west of the site. This application is a resubmission of a previous scheme which was deemed unacceptable.
3. This application is to be determined at the Development Control Committee as it is a departure from the Local Plan.

planning history

4. The following planning application was previously received:-
 - 3/2005/0892 New Access Road Withdrawn 09.03.2006

planning policies

5. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:
 - ENV1 Protection of the Countryside
 - GD1 General Development Criteria
 - H13 Extensions to Houses in the Countryside
 - T1 Highways - General Policy

consultations

6. CDE&TS (Highways Authority): No objections subject to the following comments: The proposed parking area must be served by a new vehicular access. The access must be constructed in accordance with Section 184(3) of the Highways Act. The applicant must contact the Durham County Council Southern Area Office, Etherley Lane, Bishop Auckland (01388 602028) to agree access construction details.

officer analysis

7. The key issues for consideration are:

- Principle of Development
- Visual Impact
- Highway Issues

principle of development

8. The proposal is considered an extension to the existing curtilage of the property and is therefore contrary to policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. It is noted however that each planning application has to be determined on its own merits. The applicants have indicated that they currently experience difficulties entering and exiting their property from the existing access due to the traffic associated with Helme Park Hotel. The visual impact of the proposal on the surrounding area is to be discussed below. Although the proposal is contrary to policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 it is considered acceptable in principle to allow the development given the justification for the proposal.

visual impact

9. The previous scheme (3/2005/892) was considered unacceptable as the access would have stretched across the length of the field to the south of the site. The access road in this proposal would be sensitive to the surroundings and would not appear intrusive to the open countryside. In order for the access road to blend in with the surrounding area a condition is recommended for screen hedging to be placed along the south edge of the access road. Given the justification for the access road and the screening which would be provided along the south boundary it is considered that the proposal would not detract from the scenic qualities of the open countryside. The applicants have confirmed that the proposed development would not involve the removal of any trees. The proposed development for the extension of the existing residential curtilage and the construction of a new access are considered visually acceptable and in accordance with the aims of policies GD1, ENV1, and H13 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

highway issues

10. Durham County Council Highways have not objected to the proposal. The highways officer has recommended that the access is constructed to an adequate standard. A condition is recommended accordingly. It is considered that the proposed access would not have an adverse impact on the safety of vehicle users or pedestrians. The proposal is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

11. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted. The application has been advertised in the local press.
12. No observations have been received.

conclusion and reasons for approval

1. The proposal is acceptable in relation to policies GD1, ENV1, H13 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as it:
 - Would not have an adverse impact on the visual appearance of the surrounding locality or street scene.
 - Would not detract from the special scenic qualities of the open countryside.
 - Would not be detrimental to the safety of highway users.

RECOMMENDED

That planning permission be **GRANTED** subject to the following conditions and reasons;

conditions

1. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the new access hereby approved shall not be brought into use until that work has been carried out in accordance with the approved details.
2. Before the new access hereby approved is brought into use screen hedging shall be provided along the south boundary of the new access in accordance with details which shall be submitted to and approved in writing by the local planning authority before the development is commenced and thereafter the screen hedging shall be permanently maintained.

3. Before use of the new access hereby approved is commenced the vehicular access shall be constructed in accordance with Section 184 (3) of the Highways Act 1980 to the satisfaction of the local planning authority.

reasons

1. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To ensure that a satisfactory development is obtained, in the interests of visual amenity. In accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. To ensure adequate vehicular access arrangements. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007.

PS code

12

number of days to Committee

668

target achieved

No

explanation The file was wrongly recorded as withdrawn. This came to light when the applicants contacted the case officer recently to check progress with the application.

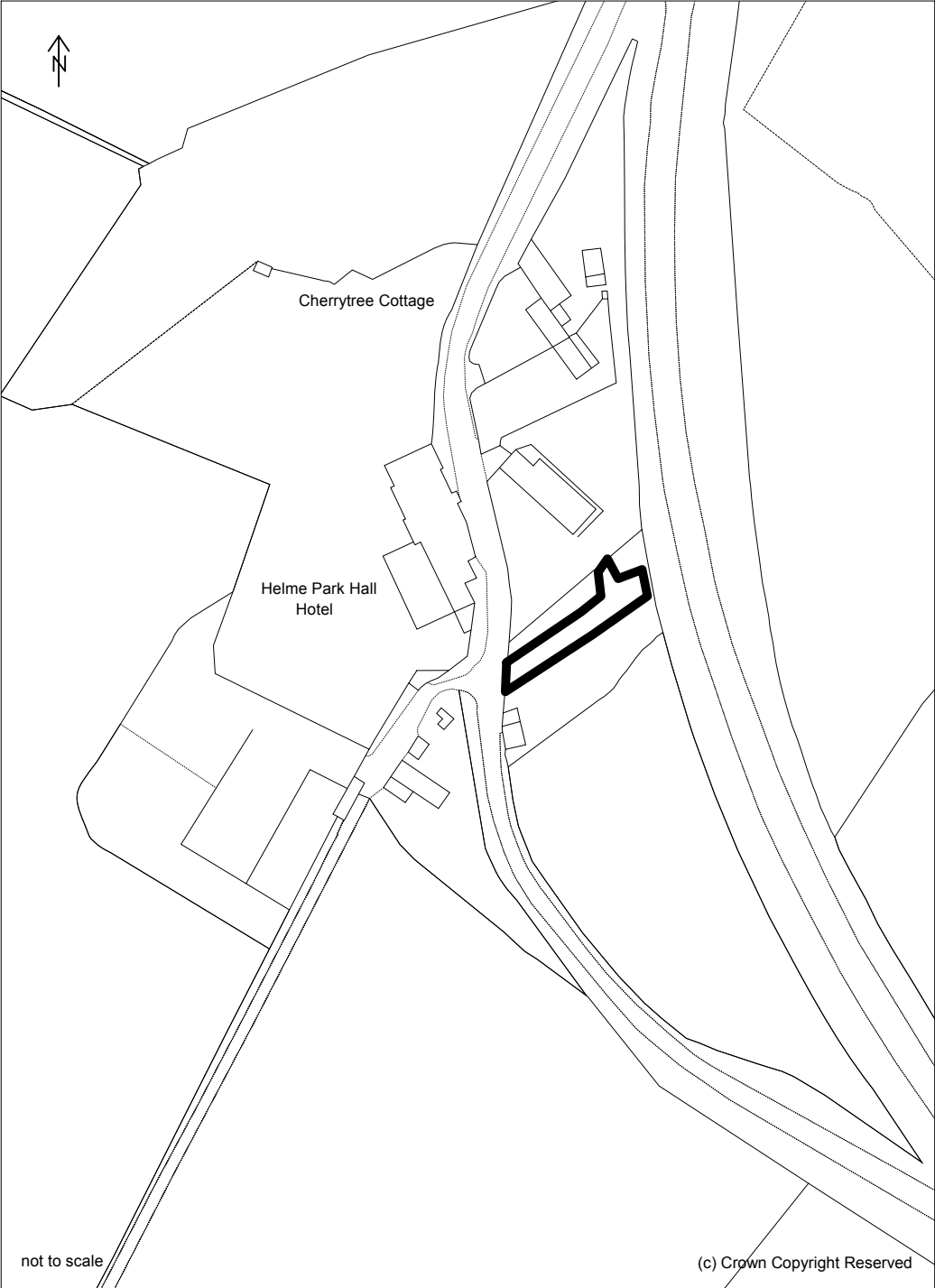
Officer responsible for the report

Robert Hope
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Ext 264

Author of the report

Chris Baxter
Planning Officer
Ext 441

3/2006/0236 - NEW ACCESS, DRIVEWAY AND PARKING AREA AT HELME PARK COTTAGE, HELME PARK, TOW LAW, BISHOP AUCKLAND FOR MR. AND MRS. WILKINSON – 18.04.2006



DEVELOPMENT CONTROL COMMITTEE

14th FEBRUARY 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0870 - REMOVAL OF DERELICT PLANTER, IMPROVEMENTS TO PATH SURFACING, TREE AND SHRUB PLANTING AND NEW BUS SHELTER AT AMENITY OPEN SPACE, THE SQUARE, ST. HELEN AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL -15.12.2007

description of site and proposals

1. Planning permission is sought for landscaping improvements to an existing area of public open space at The Square, St Helen Auckland. The site is currently an area of unattractive, grassed mounds with worn out paths and broken seats and planting areas. It is surrounded on all sides by housing, which overlooks the area and has direct access onto it. The main pedestrian route into the area is from Manor Road and through an underpass.
2. The proposed improvements would include removal of a derelict brick planter that blocks sight lines and provides ammunition for youths to throw at cars, tree and shrub planting, surface and associated access improvements, regrading of the western mound with erection of 1.8m high ornamental perimeter railings, and a new bus shelter on Manor Road.

planning history

3. None.

planning policies

4. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:
 - GD1 General Development Criteria
 - RL8 Improvements to Existing Open Spaces

consultations

5. None received.

officer analysis

6. The key issue for consideration is:
 - The Impact on the Character and Appearance of the Surrounding Areathe impact on the character and appearance of the surrounding area
7. The amenity area is currently in a declining condition and is therefore uninspiring and underutilised for recreation purposes. It has accordingly become an area of youth congregation and source of nuisance for surrounding residents.
8. The proposal seeks to rejuvenate the area to increase its amenity value for the surrounding residents, which in turn would hopefully reduce the nuisance element that has taken over as the area has declined. It would also provide a new bus shelter on Manor Road. The design has been formulated with a social objective in mind – sight lines would be opened up, places to hide would be limited and opportunities for throwing material reduced. Surface materials have also been chosen for ease of use by the elderly and disabled.
9. Overall the design, appearance and use of materials are considered to be acceptable and would not therefore have an adverse impact on the character and appearance of the surrounding area. At the same time the revitalisation of the area would have significant social benefits.
10. The proposal is therefore considered to be acceptable and in accordance with policies GD1 and RL8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

11. Occupiers of the surrounding properties have been notified in writing and a site notice was posted.
12. No observations have been received.

conclusion and reasons for approval

1. The proposal is considered to be acceptable in relation to policies GD1 and RL8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as it:
 1. Would revitalise an underutilised recreation area.
 2. Would not cause harm to the character and appearance of the surrounding area.

RECOMMENDED

That planning permission be **GRANTED**.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007.

PS code

10

number of days to Committee

62

target achieved

√

explanation

The application has been brought to the first available Committee.

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

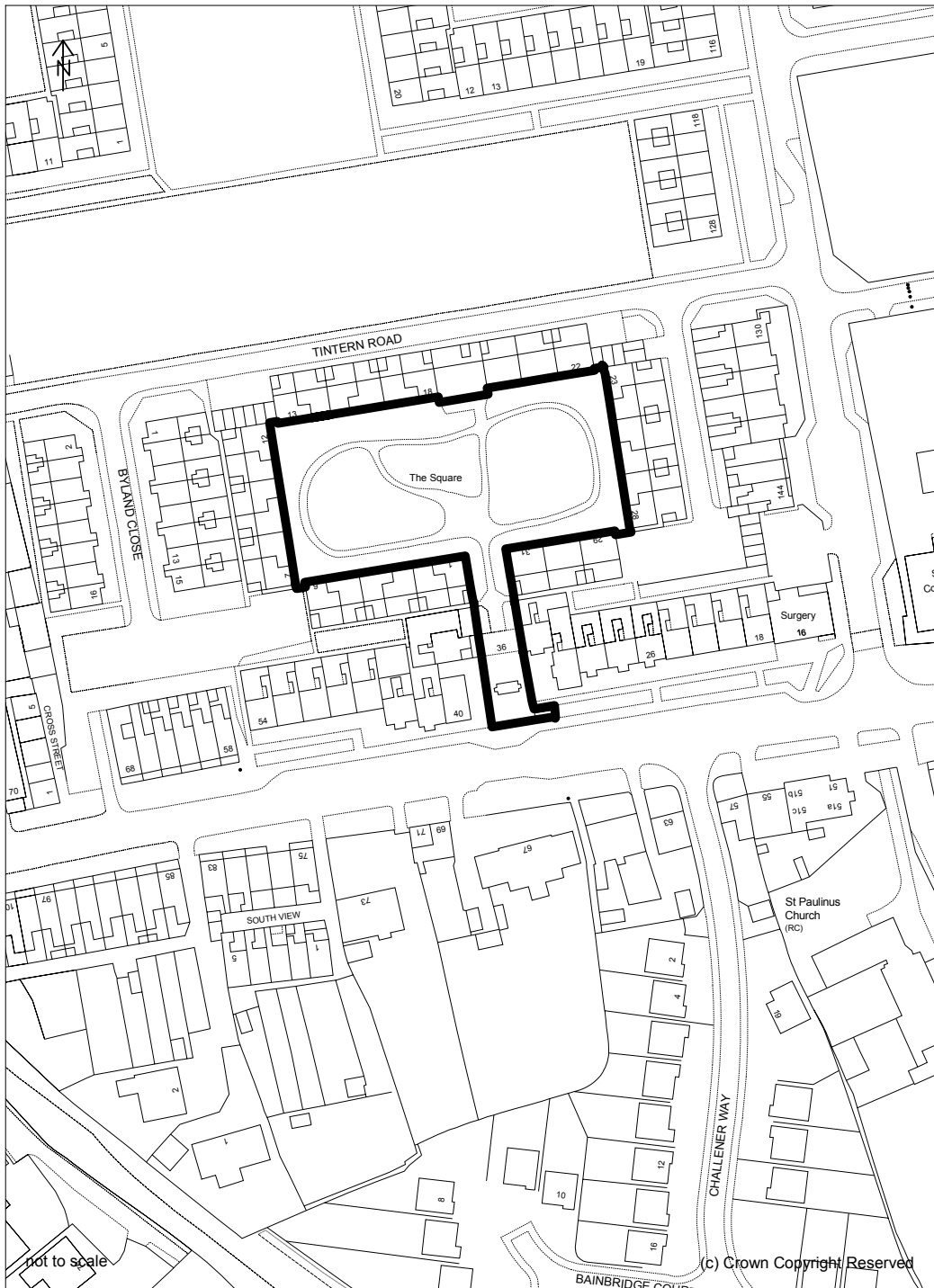
Author of the report

Adrian Caines

Planning Officer

Ext 369

3/2007/0870 - REMOVAL OF DERELICT PLANTER, IMPROVEMENTS TO PATH SURFACING, TREE AND SHRUB PLANTING AND NEW BUS SHELTER AT AMENITY OPEN SPACE, THE SQUARE, ST. HELEN AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL -15.12.2007



DEVELOPMENT CONTROL COMMITTEE

14th FEBRUARY 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0869- PAVING TO FRONT OF BUILDINGS AT PAVED AREA ADJACENT TO 47 FRONT STREET, WEST AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL – 15.12.2007

description of site and proposals

1. Planning permission is sought for surface improvements to the parking area to the front of The Village Centre, West Auckland. The site is located within the southern building frontage overlooking the Green and falls within the conservation area.
2. The proposed works are to resurface the tarmac forecourt to the front of the building with Yorkstone paving and riverwashed cobbles. The works will also allow level disabled access to the public building.

planning history

3. None.

planning policies

4. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:
 - BE22 Environmental Improvements
 - BE5 Conservation Areas
 - BE6 New Development and Alterations in Conservation Areas
 - GD1 General Development CriteriaAlso relevant is PPG15: Planning and the Historic Environment.

consultations

5. Durham County Highways: No objection.

6. West Auckland Parish Council: Object on the grounds that the other buildings in the short street are not included. It was thought that it was agreed that the same surface would be used for the two adjacent buildings.

officer analysis

7. The key issue for consideration is:
 - Impact on the Character and Appearance of the Conservation Areaimpact on the character and appearance of the conservation area
8. The new paved and cobbled surfacing would replace an unattractive worn tarmac surface and would represent a significant visual improvement to the front of a public building, while also allowing disabled access. The proposed works are part of a wider heritage improvement programme around the Green and would make a significant positive contribution to the character of the conservation area. The proposal therefore accords with policies GD1, BE6 and BE22 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, as well as guidance in PPG15.
9. The Parish Council comments are noted however, this is not a material planning consideration and the concerns are not specifically related to the acceptability of the proposal itself, only that it was thought the other forecourts would have the same treatment. This may be a separate issue of budgetary constraints.

objections/observations

10. Occupiers of the surrounding properties have been notified in writing, a site notice was posted and an advert was placed in the local press.
11. No observations have been received.

conclusion and reasons for approval

1. The proposal is considered to be acceptable in relation to policies GD1, BE6, and BE22 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as well as PPG15 as it:
 1. Would have a positive effect on the character and appearance of the conservation area.

RECOMMENDED

That planning permission be **GRANTED**.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007.

PS code

10

number of days to Committee

63

target achieved

No

explanation

The application has been brought to the first available Committee.

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

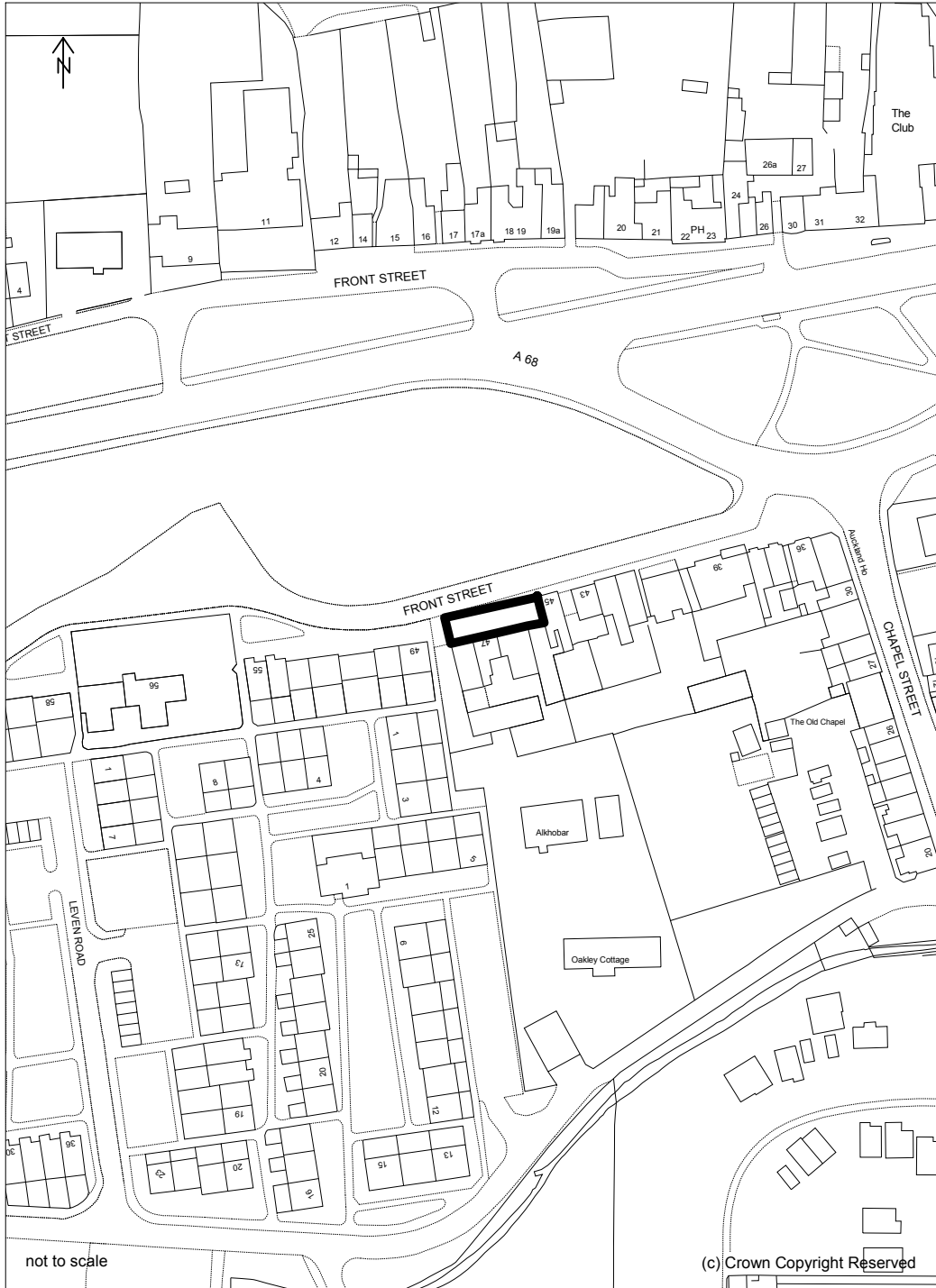
Author of the report

Adrian Caines

Planning Officer

Ext 369

3/2007/0869 - PAVING TO FRONT OF BUILDINGS AT PAVED AREA ADJACENT TO 47 FRONT STREET, WEST AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL – 15.12.2007



DEVELOPMENT CONTROL COMMITTEE

14th FEBRUARY 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0717 - CHANGE OF USE OF FIELD INTO GARDEN LAND AND DEVELOPMENT OF WOODLAND AREA AT BURN MILL, 10 MILL STREET, WILLINGTON FOR MR. SEWELL – 06.102007

description of site and proposals

1. Planning permission is sought for the change of use of protected open space into residential garden land. The land is allocated as protected open space under policy BE14 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The land's physical appearance relates more to the appearance of a grazing field.
2. The application site is located directly west of existing barn buildings. These buildings have planning permission for conversion into residential premises. The residential premises of Burn Mill Farm is located to the east of the site. An access track leading to Burn Mill Farm is located on the south boundary of the application site. The main highway and residential properties are located to the west. Trees and hedging are located on the north boundary of the site.
3. This application has to be determined at Development Control Committee as the proposal is a departure from the Local Plan.

planning history

4. The following history is relevant to the consideration of this application.
 - 3/2004/0463 Conversion of Farm Buildings to Residential Approved 13.01.2005
 - 3/2007/0289 Amendments to Permission 3/2004/0463 Withdrawn 18.09.2007

planning policies

5. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:

- BE14 Open Spaces within Built-up Areas
- GD1 General Development Criteria

consultations

6. Durham County Council (Highways Authority): No objections.
7. Environment Agency: No objections.
8. Northumbrian Water: No comments.

officer analysis

9. The key issues for consideration are:
 - Principle of Development / Loss of Protected Open Space
 - Residential Amenity and Visual Impact

principle of development / loss of protected open space

10. The application site as well as land to the north, south and west are allocated as protected open space under policy BE14 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. Development on protected open space is usually not permitted however it is noted that each application has to be determined on its own merits.
11. The parcel of land which is proposed to be converted into residential land does not have any specific visual qualities. The land appears as grazing land. The applicant has agreed to plant hedging and shrubs on the boundary of the application site which would screen the land. The applicant has also agreed that there would be no buildings to be constructed on this land and no parking of vehicles on the land either. Conditions are recommended accordingly to ensure this. It is considered that the use of the land as residential garden land would not alter significantly the physical appearance of the land. The applicant has indicated that hedging and shrubs would be planted, which would not require planning permission, to screen the land.
12. Given the above, the proposed change of use of the land into residential garden land is considered acceptable as a departure from policy BE14 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

residential amenity and visual impact

13. The nearest neighbouring property is located approximately 12 metres to the south east which is set at an angle. It is not considered that the change of use of the land to residential garden land would adversely affect the residential amenities of neighbouring residents.

14. The applicant has indicated that hedges and shrubs are to be planted along the boundary of the site to screen the land. Hedging and shrubs in this location would not appear out of keeping with the surroundings and would not be detrimental to the visual amenity of the area. Conditions are recommended to ensure the hedging and shrubbery are planted and given the opportunity to mature. During pre-application discussions with the applicant, it was indicated that a fence would have to be erected on the boundary of the site until the hedging and shrubs matured. This is considered acceptable providing the boundary treatment is light fencing and is to be removed once the hedging and shrubs have matured. A condition is recommended accordingly. It is recommended that permitted development rights are removed from the site as well as a condition to prohibit the parking of vehicles on the site. This would ensure that the land would remain open and the change of use would not be detrimental to the appearance of the protected open space.
15. The proposed change of use of the application site into residential garden land would not have a detrimental impact on the residential amenity of neighbouring residents and would not have an adverse impact on the visual appearance of the surrounding area. The proposal is in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

16. Occupiers of surrounding properties have been notified in writing and a site notice was posted. The application was also advertised in the local press.
17. No observations have been received.

conclusion and reasons for approval

1. The application does not comply with policy BE14 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, however it is noted that each application has to be determined on its own merits. The parcel of land which is proposed to be converted into residential garden land does not have any specific visual qualities as it appears as grazing land. There are to be no buildings erected on the land and no vehicles parked on the land. Hedging and shrubs would be planted along the boundary of the site. It is not considered that the change of use of the land to residential garden land would alter the physical appearance of the land. The proposed change of use of the land into residential garden land is considered acceptable as a departure from policy BE14 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

2. Given the distance between the application site and the nearest neighbouring property, there would be no adverse impacts to neighbouring residents in terms of loss of residential amenity. In visual terms, hedging and shrubs are to be planted along the boundary of the site. Conditions are recommended to ensure the land remains free of buildings and is not used for the parking of vehicles. It is considered that the proposed change of use of the land would not have a detrimental impact on the visual appearance of the surrounding area. The proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

RECOMMENDED

That planning permission be **GRANTED** subject to the following conditions and reasons;

conditions

1. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F, G, H of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.
2. Before the commencement of use hereby approved, details of the size and species of hedging and shrubbery to be planted on the boundary shall be submitted to and approved in writing by the local planning authority.
3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of use of the land as garden land, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
4. Before the development hereby approved is commenced details of the height, siting, appearance and construction of the temporary means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the use hereby approved is commenced. The means of enclosure – unless otherwise agreed in writing by the local planning authority – shall be removed on or before 14th February 2010 and the land reinstated to the satisfaction of the local planning authority on or before 14th March 2010.
5. At no time whatsoever shall any vehicles be parked on the site.

reasons

1. Given the land is allocated as protected open space, the local planning authority wishes to control any future development on the land to maintain its open appearance. In accordance with policies GD1 and BE14 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. To achieve a satisfactory form of development. The means of enclosure is only temporary to allow the hedging and shrubbery to be established on the site boundary. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. To safeguard the visual appearance of the protected open space. In accordance with policies GD1 and BE14 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007.

PS code

12

number of days to Committee

131

target achieved

No

explanation

The application had to be advertised as a departure from the Local Plan.

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

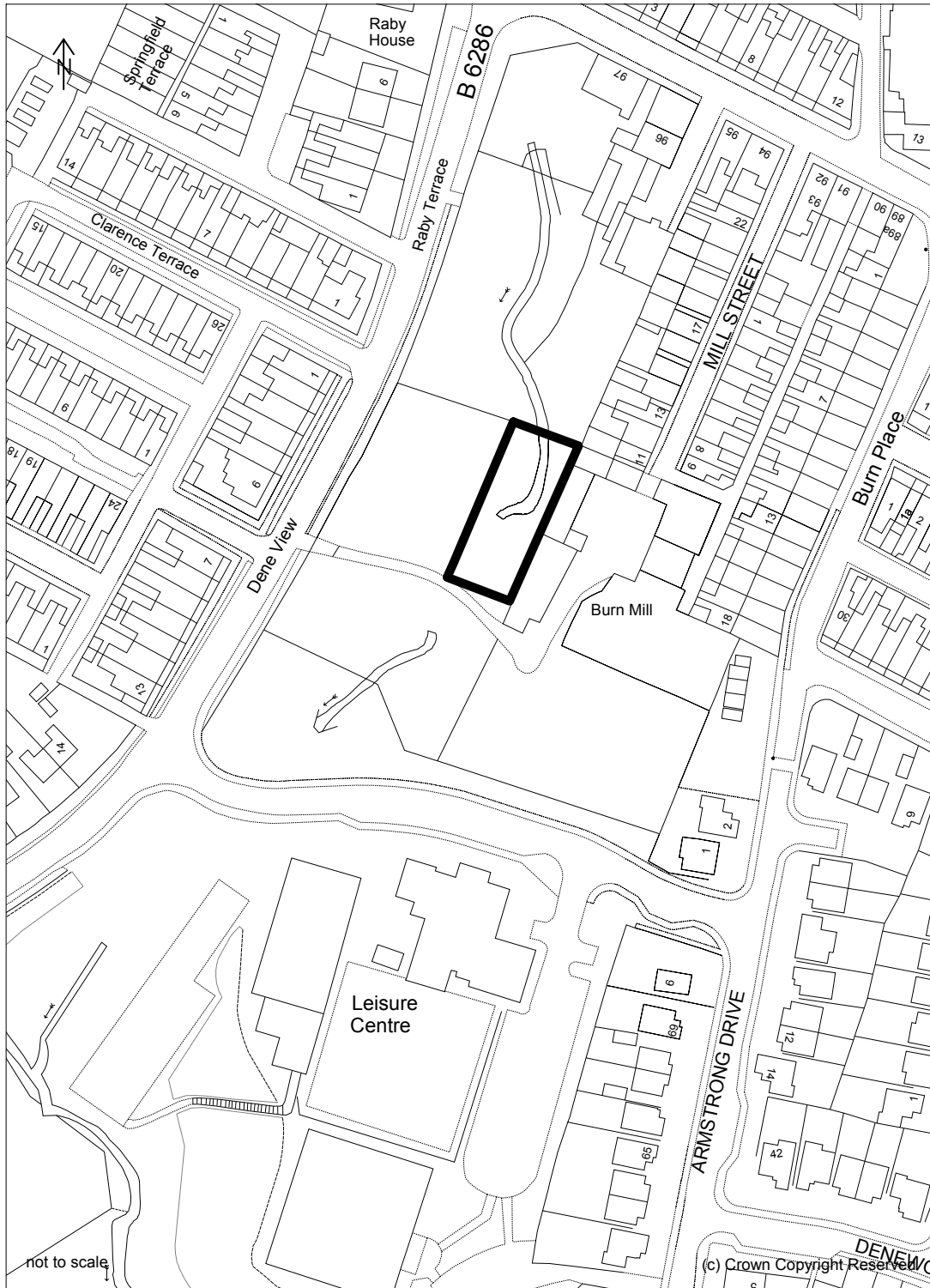
Author of the report

Chris Baxter

Senior Planning Officer

Ext 441

3/2007/0717 - CHANGE OF USE OF FIELD INTO GARDEN LAND AND DEVELOPMENT OF WOODLAND AREA AT BURN MILL, 10 MILL STREET, WILLINGTON FOR MR. SEWELL - 06.102007



DEVELOPMENT CONTROL COMMITTEE

14th FEBRUARY 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0830 - APPLICATION TO EXTEND THE PERMITTED HOLIDAY SEASON FROM 1ST MARCH TO 8TH JANUARY THE FOLLOWING YEAR AT THE KINGFISHER COUNTRY PARK, FROSTERLEY FOR MR. DEWHURST, PARK LEISURE 2000 LIMITED – 21.11.2007 - AMENDED 03.12.2007

description of site and proposals

1. Planning permission is sought to extend the permitted holiday season from 1st March to 8th January the following year on the Kingfisher Country Park at Frosterley.
2. The original planning permission for the Country Park (granted permission in October 1967) stipulated that the site shall only operate between the 1st March and 31st October in any calendar year. A further application was granted permission (Ref: 3/1997/0357) in 1997 to permit 130 static caravans on the site. This permission incorporates a condition stating that the caravans shall not be used for permanent residential accommodation and shall only be used on a short stay basis of a maximum three months in any 12 month period. The applicants wish to vary the condition to extend the use of the site and to extend the tourist season in Wear Valley.
3. The Kingfisher Country Park is situated to the south of the A689 and approximately a mile east of Frosterley. The railway runs along the south boundary of the site. There are open fields surrounding the application site. The nearest residential property is located approximately 160 metres to the south.

planning history

4. Planning permission was first granted for a caravan site at the Kingfisher Country Park in October 1967. Consent was given for the siting of 40 No. caravans. In September 1997 permission was given to permit 130 static caravans (3/1997/0357).

planning policies

5. The following policy of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 is relevant in the consideration of this application:

- GD1 General Development Criteria

Also relevant are Annex B of the Good Practice Guide on Planning for Tourism and Annex A of PPS7 Sustainable Development in Rural Areas.

consultations

6. Durham County Council (Highways Authority): No objections.
7. Parish Council: No comments.
8. WVDC (Tourism Officer): No objections.

officer analysis

9. The key issue for consideration is:

- Impact on the Surrounding Area

impact on the surrounding area

10. The planning conditions which have been in place for this caravan site since 1967 and the subsequent planning conditions incorporated in the 1997 planning permission have not been breached and there is no record of any complaints or enforcement action concerning occupancy.
11. The intention of the current condition restricting times of operation throughout the year is to prevent static caravans being used as permanent dwellings in the countryside. Caravans are not designed for permanent habitation and that allowing such a use would undermine the tourist accommodation stock in the area, have a detrimental impact on the surrounding area and set a dangerous precedent for allowing new dwellings in the countryside in conflict with Annex A of PPS7: Sustainable Development in Rural Areas. The experience of the application site since 1967 would suggest that these concerns have not happened.
12. The current conditions restricting occupancy to a maximum of 3 months in a 12 month period is difficult to enforce and relies upon the good management of the site by the owners. Changing the present conditions to a single condition for the whole site for the occupancy period suggested by the applicant would not overcome the potential difficulties if a caravan owner was determined to challenge them. Experience gained by the Department for Communities and Local Government (in the report Good Practice Guide on Planning for Tourism) suggests that time limited occupancy conditions are difficult to enforce and instead suggests that a better approach is to clearly state that the caravans shall not be used for permanent accommodation and

that a register be kept of the owners' permanent addresses so that the caravans are genuinely secondary residences. Members may recall that a planning condition to this effect was imposed on the grant of planning permission for Horsley Lodges, Eastgate. (ref 3/2006/0711).

objections/observations

13. The application has been advertised on site, in the local press and neighbouring properties have been notified individually.
14. One letter of support has been received.

conclusion and reasons for approval

1. The caravan site has operated without difficulty, from a planning point of view, since 1967 and the permission granted in 1997 and the operator now wishes to extend the season. There could be consequential benefits to the area from such an arrangement but they would be difficult to quantify.
2. Advice contained within the Department for Communities and Local Government Good Practice Guide on Planning for Tourism suggests that time limited conditions on caravan sites are unreasonable, artificial and cannot prevent the permanent occupation of caravans. In accordance with the advice in the Good Practice Guide it is considered that the same approach as was applied recently to Horsley Lodges in Eastgate should be applied to the application for Kingfisher Country Park in Frosterley.

RECOMMENDED

That application to vary condition 2 of planning permission 3/1997/0357 be **GRANTED** subject to the following conditions and reasons;

conditions

1. The caravans within the existing site shall not be used for permanent habitation.
2. The caravan site operator shall maintain an up to date register of the names, addresses and telephone numbers of all owners of caravans on the site. This register shall be kept available for inspection by officers of the Local Planning Authority or their representatives at all reasonable times.
3. Not more than 130 caravans shall be stationed on the site, outlined in green on the approved plan of permission 3/1997/0357, at any time and the occupants of the caravans shall have free access to the whole site, with the exception of any caravans stationed on the site thereon occupied by another person. There shall be no additional caravans sited in the area outlined in red on the approved plans of permission 3/1997/0357.
4. Within the floodplain area of the River Wear, identified in blue on the approved plan of permission 3/1997/0357, no more than 36 caravans shall be sited.

reasons

1. To prevent the establishment of permanent dwellings in the countryside contrary to Annex A of PPS7 Sustainable Development in Rural Areas.
2. To allow the occupancy of the caravan site to be monitored to prevent the establishment of permanent dwellings in the countryside contrary to Annex A of PPS7 Sustainable Development in Rural Areas.
3. To determine the scope of this permission in the interests of visual amenity. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. To safeguard against flooding and in the interests of residential amenity. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007, Good Practice Guide on Planning for Tourism, PPS7.

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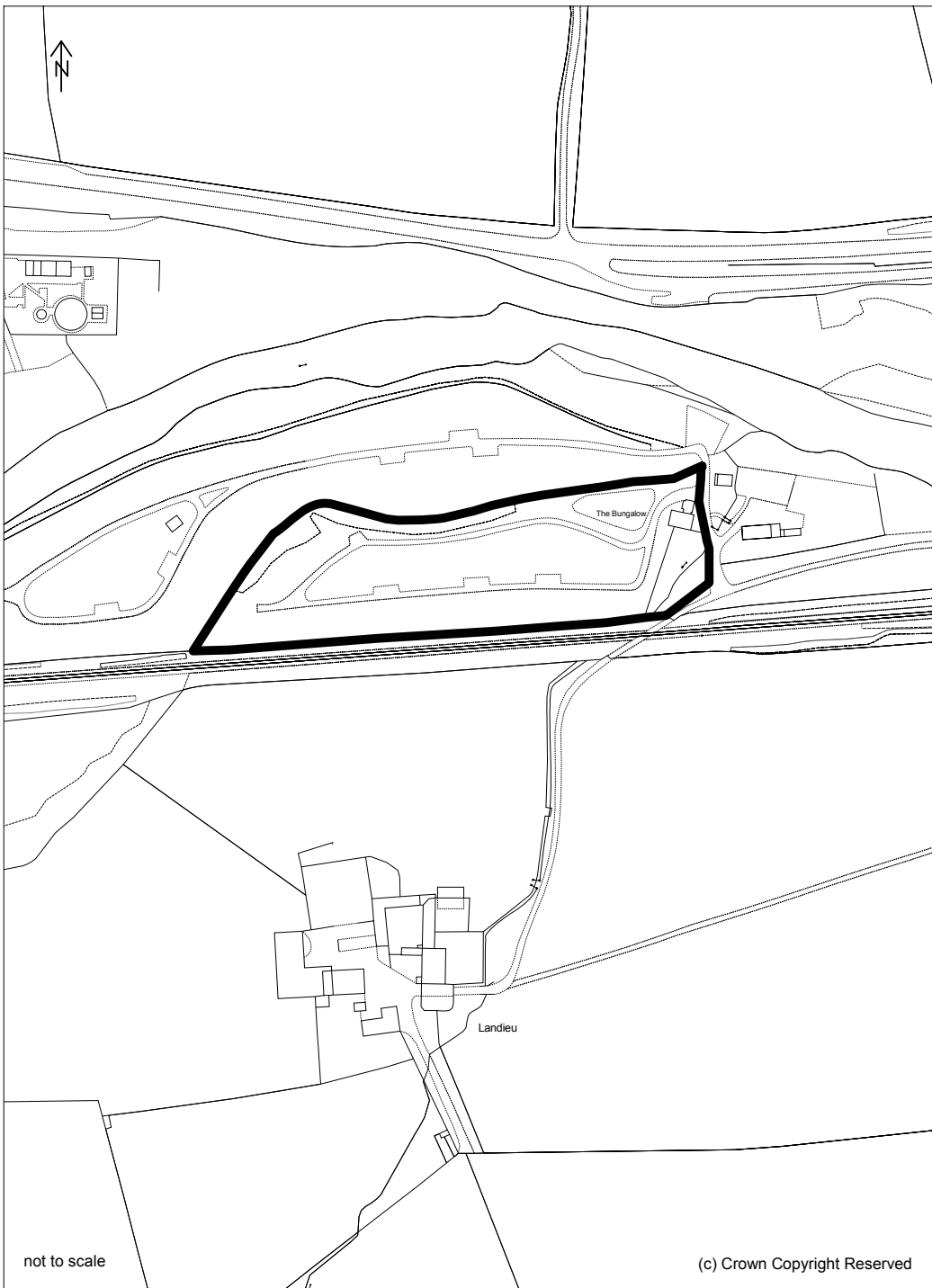
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

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Ext 441

3/2007/0830 - APPLICATION TO EXTEND THE PERMITTED HOLIDAY SEASON FROM 1ST MARCH TO 8TH JANUARY THE FOLLOWING YEAR AT THE KINGFISHER COUNTRY PARK, FROSTERLEY FOR MR. DEWHURST, PARK LEISURE 2000 LIMITED – 21.11.2007 – AMENDED 03.12.2007



DEVELOPMENT CONTROL COMMITTEE

14th FEBRUARY 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0848- DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 22 EXECUTIVE, DETACHED DWELLINGS WITH GARAGES ON THE FORMER HOMELANDS HOSPITAL SITE AT HOLY WELL LANE, HELMINGTON ROW CROOK FOR BELLWAY HOMES NORTH EAST – 22.11.2007

description of site and proposals

1. Full planning permission is sought for erection of 22 No. five bedroom, executive, detached dwellings, including garages, on the former Homelands Hospital site, which would necessitate demolition of all existing buildings and clearance of the site. The application is a departure from Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. The application site is a rectangular shape. It is a disused (since 2004) hospital site of approximately 1.66ha in area and still contains all the buildings and associated infrastructure. It is located to the east of the settlement of Crook, outside the development limits as defined in the Proposals Maps of the Wear Valley District Local Plan (as amended by Saved and Expired Policies September 2007), and approximately 1900m from the commercial centre of Crook via the A690. Vehicular access is gained off Holy Well Lane at the eastern end of the site, which becomes a narrow single lane road to the south of the site. There is a footway on the western side of the road leading from the site entrance to the A690.
3. The site was originally developed as a fever/isolation hospital in 1903, which was when all the major buildings on the site were constructed. The role as a fever hospital explains why the site was located in an isolated position in the countryside, as it was believed at the time that fresh countryside air was the best treatment for diseases such as TB, typhus and smallpox. Accordingly the site is surrounded on all sides by open fields, with a highway at the eastern end. There are particularly attractive open views out to the south and east over the Wear Valley. The nearest neighbouring dwellings are within the former school buildings located approximately 70m to the north on Holy Well Lane and there is still a clear feeling of being out in the open countryside, as originally intended for the use of the site.

4. The site slopes upwards from Holy Well Lane, from approximately 164m AOD in the south east of the site to 175m AOD in the north west. The site perimeter is clearly defined by a timber fence approximately 1.8m high which surrounds the site on the northern, western and southern boundaries, as well as a brick wall and gated entrance at the eastern roadside boundary. There are large mature trees around much of the perimeter of the site, as well as some within the site, which are protected by a Tree Preservation Order. The existing buildings are located predominantly down the centre of the site in a close-knit linear pattern. There are 9no. main existing buildings. The buildings are of solid and grand style of construction, which is typical of municipal buildings of the late Victorian/Edwardian period. They are predominantly constructed of red brick with slate roofs and have typical features of sandstone quoins and large sash windows with lintels and sills above and below. The submitted building recording survey has noted the features and functions of the buildings.
5. The proposed new dwellings would be contemporary, 5 bedroom, detached dwellings comprising a variation of 5no. dwelling types of 2 and 2 and a half storey height. Each dwelling would have a private driveway with its own garage, either single or double, with additional storage space above the double garages. The dwellings would be constructed of a mix of brick, render and timber cladding with slate roofs. They would be located around a shared surface with 3 distinct courtyards – the main intention being to reduce the dominance of the car and permit activities other than the passage of vehicles to take place in the streets (similar in this respect to the development recently approved at the former hospital site at Tindale Crescent).

background to the proposal

6. The site is part of the English Partnerships Hospital Sites Programme (as is the Tindale Crescent Hospital site), which has seen a large portfolio of former NHS hospital sites transfer to English Partnerships.
7. It is a requirement of the Hospital Sites Programme for the proposed development to meet best practice standards for sustainability, high design quality and good place making, such as BREEAM/Code for Sustainable Homes, Building for Life, Lifetime Homes and Secured by Design (further information on these standards is within the Design and Access Statement). This proposal is aiming to achieve Code for Sustainable Homes level 3 for sustainability (equivalent of BREEAM Very Good Rating) and dwellings are designed to be accessible and adaptable over a lifetime.
8. Pre-application discussions were held with Council officers. These discussions centred mainly on the need to provide significant justification for the release of the land and for the type of development proposed, without formally committing to an opinion on the acceptability. The applicants also held a public consultation exercise between 7th and 24th September 2007 comprising the distribution of 150 leaflets to the nearby dwellings in Helmington Row and High Jobs Hill. 4no. responses were received (the results are available in the applicant's consultation report).

planning history

9. There is no planning history.

planning policies

10. The following policies of the Wear Valley District Local Plan (WVDLP) as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:
 - ENV1 Protection of the Countryside
 - GD1 General Development Criteria
 - H15 Affordable Housing
 - H16 Exceptions Policy
 - H22 Community Benefit
 - H24 Residential Design Criteria
 - H3 Distribution of Development
 - T1 Highways - General Policy
11. The Regional Spatial Strategy (RSS) has been through its examination in public and the Secretary of States changes have been published. It is therefore afforded significant weight in decision making. The relevant regional planning policies of the emerging RSS are Policies 1 (NE Renaissance), 2 (Sustainable Development), 2A (Climate Change), 3 (Sequential Approach), 4 (Phasing, Plan, Monitor and Manage), 5 (Locational Strategy), 24 (Sustainable Communities), 30 (Dwelling Provision), 31 (Managing Housing Supply), 32 (Improving Inclusivity), 37 (Flood Risk), 39 (Sustainable Construction) and 40 (Renewable Energy).
12. Also relevant is national planning guidance in PPS1: Delivering Sustainable Development and the PPS1 Climate Change Supplement, PPS3: Housing, PPS7: Sustainable Development in Rural areas, PPS9: Biodiversity and Geological Conservation, PPG13: Transport, PPS22: Renewable Energy, PPS25: Development and Flood Risk; as well as Manual For Streets (street design guidance) and the Durham County Council Parking Standards.
13. The Annual Monitoring report 2006/2007 is also applicable.

consultations

14. Northumbrian Water: No objections. Recommend condition for drainage system to be approved.
15. Natural England: Request clarification of why loft voids were not surveyed for bats; why conclusions were reached that there is no likelihood of a maternity roost within the buildings; more justification for the type of mitigation measures proposed; amend the findings to state that no works will take place during hibernation season.
16. Durham Bat Group: High probability that Common Pipistrelles use the site and other bats may be present. A full bat survey and DEFRA licence would be needed.

17. Durham Constabulary (Architect Liaison): General advice given regarding crime prevention. No major concerns.
18. Environment Agency: Object. The site is within Flood Zone 1. The zone is not shown to be at risk from flooding however, due to the size of the site there is a risk that the development may increase flood risk elsewhere. A Flood Risk Assessment has not been submitted, as required by PPS25.
 - First consideration of means of surface water drainage should be given to a Sustainable Urban Drainage (SUDS) approach.
 - The development should be designed to ensure energy consumption is minimised and meets the Ecohome Very Good or equivalent Code for Sustainable Homes rating. In addition the development should have embedded a minimum of 10% renewable energy.
19. Durham County Council Arboricultural Officer: The submitted information is not adequate or in accordance with BS5837 Trees in relation to Construction Recommendations. A full tree survey and Tree Constraints Plan (TCP) is required.
20. Durham County Council Highways Authority: There are some major and minor issues to be resolved including: moving the footpath to the other side of the access, inadequate dimensions on the first courtyard and some adoption issues. Discussions on these issues indicate that an acceptable scheme could be agreed, however issues remain unresolved and until this happens the application cannot be supported.
21. Design and Conservation Officer: Does not consider that the proposal has fully assessed or accounted for the full carbon cost of the clearance and new build on the site. Also feels that the proposal by reason of the scale, form and appearance of built development would lose the contextual reference of the site and fail to create a suitable new form of development that would compliment the character of the surrounding area and landscape setting. There are therefore no reasons on this basis to justify approval.

officer analysis

22. The key issues for consideration in this proposal are:
 - Whether the Principle of Development is Acceptable
 - Whether the Proposal is Socially Inclusive and Contributes to Creating Mixed and Sustainable Communities
 - Sustainability
 - Design and Layout
 - Highway Safety Impact on Protected Trees
 - Impact on Protected Species
 - Flood Risk and Drainage

whether the principle of development is acceptable

23. The primary issue for consideration is whether or not residential development of the site would be in accordance with national planning policy, the emerging Regional Spatial Strategy (RSS Draft Revision) and the Wear Valley District Local Plan (as amended by Saved and Expired Policies September 2007).
24. The overarching aims of national planning policy, reflected in the relevant planning guidance notes and statements (PPS1 and Climate Change Supplement, PPS3, PPS7, PPG13 and PPS22), is to facilitate sustainable, socially inclusive and high quality development. In particular, PPS3 Housing seeks to promote high quality housing, which makes the most efficient use of land in sustainable locations, facilitates inclusive and mixed communities and widens opportunities for home ownership through a mix of housing type, tenure and affordability. This in turn informs the relevant regional and local planning policies.
25. PPS1, PPS3, PPS7 and PPG13 all indicate that in order to achieve sustainable patterns of development, new development should be directed to within the development limits of towns and villages which offer access to a range of local facilities, jobs, services and public transport, with priority given to development on previously developed land (brownfield). At regional and local level specifically, this is reflected in the locational strategy and sequential approach to development which is set out in Regional Spatial Strategy (RSS) policies 3, 5, 24 and 32; the Council's local interpretation of Regional Spatial Strategy (RSS) policies 3 and 5; as well as policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
26. The application site is brownfield land and Crook is identified in both the locational strategy of the RSS and the Council's local interpretation of the sequential approach as a regeneration town/urban area. However, Annex B of PPS3 states that there is no presumption that land that is previously-developed is necessarily suitable for housing development and importantly, the application site clearly lies outside the development limits of Crook, where as a result of the original use of the site as an isolation hospital, it is in an isolated location, surrounded on all sides by open fields and cannot therefore be considered to be adjoining the limits to development. The application site is therefore to be considered as being in the open countryside and does not meet the site hierarchy of the Council's sequential approach.
27. In support to the requirements of national and local planning policy for new housing development to be located within or immediately adjoining the development limits, PPS7 and policy ENV1 of the WVDLP as amended by Saved and Expired Policies September 2007 state that isolated housing development in the open countryside will not be permitted unless it is necessary for the purposes of agriculture or forestry, or if there is exceptional justification in terms of overriding demonstrated local need; or in the case of a single dwelling, the design is truly outstanding or ground braking.

28. The proposed development is not for a single dwelling and is not for agriculture or forestry purposes. It is therefore necessary to consider whether there is exceptional justification in terms of overriding local need to overcome the strong policy presumption against allowing housing in the open countryside.
29. In considering issues of need as special justification, there are two key themes underpinning PPS3. These are issues of addressing housing affordability and ensuring there is a flexible and responsive supply of housing land.
30. In terms of ensuring there is a flexible and responsive supply of housing land, PPS3 requires Local Authorities to adopt a plan, monitor and manage approach to housing land release and to demonstrate a continuous 5 year housing supply to ensure the required level of housing is delivered. When a continuous 5 year housing supply can be demonstrated, there is no presumption to release windfall sites if it can be shown that the level of oversupply would be unacceptable. The plan monitor and manage approach is reinforced in Regional Spatial Strategy (RSS) policies 4 and 31.
31. To this effect, the Council's Annual Monitoring Report 2006/2007 indicates that RSS (Policy 30) housing targets for the district (2004-2021) have already been exceeded in total. The Council can therefore safely demonstrate a 5 year housing supply and even as much as 13 years. The associated housing trajectory identifies that if housing completions continue at the current rate until the end of the plan period, there would be an oversupply in the range of 50%, which is considered to be unacceptable. Even with appropriate management (the sequential approach) to reduce the level of land released for housing it is anticipated that the oversupply is likely to exceed 20%, which is the upper limit of an acceptable range. The Annual Monitoring Report 2006/2007 also shows that there are still unimplemented permissions and incomplete developments, as well as allocated sites still awaiting development within the main urban areas.
32. Release of the application site for residential development at this time would therefore contribute significantly to the housing oversupply in the district. This could seriously prejudice future housing targets, as well as the development and completion of more sequentially preferable and sustainable sites, now and in the future, thereby compromising the regeneration effects that would bring. This would have an unacceptable impact on the wider policy objectives of achieving sustainable development.
33. As far as specific housing types and affordability are concerned, the only allowance for exception to locational and supply policy identified in PPS3 and WVDLP policy H16 is for affordable housing. There is no provision in PPS3 or any other policy framework (regional and local) for executive housing to be considered as an exception, even if it can be demonstrated that there is a shortfall of such housing in a particular area (and this has not been done in relation to Crook). This is a clear indication that the Government expects housing needs for the type of development proposed to be met through the normal policy channels i.e. within the development limits of sustainable locations where there is a specific demonstrable need identified for that type

of housing. In this respect the sequential search supporting the proposal has incorrectly discounted some sites within the development limits of the Crook sub area simply on the basis that they are too small to accommodate the proposed development as a whole. It is considered that the correct approach would be to consider whether the proposed housing could be accommodated on a number of different sites in smaller numbers and that there is in fact a need for such housing.

34. The only mention of need for executive housing that can be found is at a general regional policy level, which does not specify where that need should be met or how much need there is, as this is expected to be determined at the local level. It is therefore considered to be inappropriate at this stage to assume that this general need for executive housing has to be met in Crook when no particular evidence of local need for executive housing has been produced to date.
35. What the available evidence (Census 2001) does point to is that a large proportion of the population in Wear Valley is in the lower income/social grades. This is supported by the index of deprivation (2004) which shows Wear Valley as one of the most deprived rural districts in England. The most deprived wards are located within the Bishop Auckland and Crook and Willington sub-areas. The 2003 house price to household income ratio shows that Wear Valley has the third highest ratio (3.38) in the Durham Area (higher than the NE average of 3.19) and this problem has in all probability increased with the rise in house prices more recently. This is acknowledged in the Regional Spatial Strategy (RSS) *“Derwentside, Teesdale and Wear Valley are the authorities in County Durham with the most apparent affordability problems.”* (paragraph 3.100). *“The significant inequalities in demand and affordability in the region’s housing stock show that it is not meeting the housing needs of people on modest or low incomes”* (paragraph 3.98). It is therefore considered that there is a far more pressing local need of affordability which is greater than the need for executive homes.
36. It is therefore considered that in light of the site being located in the open countryside; that the Council can demonstrate a 5 year supply of housing and that the level of oversupply would be unacceptable; that executive housing is not allowed as an exception in policy terms; and that no particular demonstrable need for executive housing in Crook has been demonstrated, the proposed residential development of the site for executive dwellings would fail to accord with the fundamental provisions of policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, national planning policy in PPS1, PPS3, PPS7 and PPG13; and policies 3, 4, 5, 24, 30, 31 and 32 of the Regional Spatial Strategy (RSS). The principle of the proposal is therefore considered to be unacceptable. A departure from the development plan is therefore not justified.

whether the proposal is socially inclusive and contributes to creating mixed and sustainable communities

37. The Government is committed to developing strong, vibrant and sustainable communities and to promoting social cohesion. Promoting social inclusion and creating sustainable mixed communities are therefore key themes

underpinning planning policy in PPS1 and PPS3. This is reinforced as a key theme of the RSS through policies 2, 24 and 32.

38. The provision of an appropriate mix of dwelling type, size and tenure in sustainable locations is considered to be an important means to provide sufficient choice of housing which is accessible to all; create inclusive, mixed-income communities; improve quality of life; and reduce social polarisation.
39. In this case the application site is outside the development limits of Crook and is clearly separated from nearby existing housing. It is completely enclosed by perimeter fencing and walling and there is only one access in and out of the site. The proposed development would comprise exclusively of 22 large, executive, detached dwellings and is therefore likely to be aimed at a single high end income group. Considering that a large proportion of the population in Wear Valley is in the lower income/social grades and that some of the most deprived wards are located within the Crook and Willington sub-area, the proposed housing would only be accessible to a small minority of the local population. This together with the inward focused and physical characteristics of the site, and its isolated location, would create the equivalent of a gated community which could be construed as being deliberately socially exclusive.
40. The Local Authority has a particular responsibility to ensure that that new development is socially inclusive for all members of the local community. Therefore, without a suitable mix of dwelling type, size and affordability within the site itself, it is considered that the proposed development would significantly increase social polarisation in the surrounding area. The proposal therefore fails to contribute to the provision of sustainable, mixed communities or widening opportunities for home ownership and is therefore contrary to the underlying provisions of PPS1, PPS3 and policies 2, 24 and 32 of the RSS.

sustainability

41. Climate change is high on the global agenda and the Government's recent Energy White Paper has given a statutory requirement to reduce carbon emissions by among other things: promoting sustainable patterns of development, making efficient use of land and securing renewable energy and energy efficiency measures in new development. Sustainability is therefore the overarching aim of all planning policy. In particular PPS1, including the Climate Change Supplement, PPS3, PPG13 and PPS22 all place an emphasis on achieving sustainable development. RSS policies 2, 2A, 24, 39 and 40 reinforce this requirement and policy GD1 of the WVDLP as amended by Saved and Expired Policies September 2007 requires new development to be designed to conserve energy.
42. Notwithstanding the issues already raised in terms of social sustainability and development in the countryside, it is considered that any proposal that does not otherwise accord with the development plan in location terms should be exceptional in its sustainability performance. This includes consideration of spent energy costs, discouraging car use, making the most efficient use of brownfield land, sustainable construction methods, energy efficiency, use of renewable energy sources, adaptability, etc. Housing in particular can make a significant contribution to sustainability because:

- it consumes large amounts of resources in its demolition, construction, maintenance and use;
 - the construction and use of dwellings make significant contributions to greenhouse gas emissions, especially carbon dioxide;
 - it is a fixed asset with a long life;
 - it is central to quality of life and can have effects on transport, health, employment and social cohesion.
43. The proposal would make some contribution towards sustainable development in terms of energy efficiency, lifetime homes design and meeting the policy requirement of 10% (RSS policy 40) renewable energy production. It is also aiming to achieve the Code for Sustainable Homes level 3 (BREEAM Very Good). Details of how this is to be achieved have not been provided, but could nevertheless be secured by appropriate conditions. This is certainly welcomed however; this is the same level of sustainability that would have been expected for a similar development within the development limits. Notwithstanding issues of principle, it is considered that a site that is outside the development limits should be aiming to score exceptionally in all aspects of sustainability to provide sufficient justification. To this effect it is suggested that development on the site should be seeking to achieve a Code for Sustainable Homes rating higher than 3 - the equivalent of the BREEAM Excellent rating - and there is no indication that this has been explored or justification given as to why it cannot be achieved. There is also no justification or sufficient explanation why full site clearance is needed.
44. Of even more pressing concern though, is the failure to demonstrate the full accountability of how the already spent energy costs of the existing site can be properly off-set by clearance, disposal of waste and new materials being brought in for new build given the desired code level of design and construction aimed for, and the particularly inefficient use of brownfield land through low density development of just 14 dwellings per hectare.
45. The Council does not have its own density policies and therefore it is expected that new development should achieve a minimum density of 30 dwellings per hectare in line with guidance in PPS3, particularly on a brownfield site. At 14 dwellings per hectare the proposal is considered to be wasteful and inefficient in its use of brownfield land.
46. The proposal therefore fails to demonstrate that it is the most sustainable reuse of the site and does not fully accord with the sustainability aims of PPS1 and Climate Change Supplement, PPS3 and policies 2, 2A and 24 of the RSS.

design and layout

47. Considerable effort has been put into the presentation of the proposal, which can be commended and there is no doubt the applicant has sought to achieve a high quality development. The use of shared surfaces and housing arranged around courtyards represents the current forward thinking in highway design advocated in Manual for Streets and would provide an attractive and safer residential environment where the right to use the street would be shared

between motor vehicles and other road users. Notwithstanding comments of the Highways Authority, the visual experience of the layout has been well considered in general terms.

48. Whether the proposal represents good design in all respects though is doubtful. It has already been identified that the proposal has not been designed to be socially inclusive and is at an unacceptably low density. The absence of a first floor layout plan does not allow sufficient consideration to be given to window to window relationships between dwellings and the lack of a full tree survey and constraints plan does not allow full consideration to be given to the effect on TPO trees. The treatment of the entrance is also considered to be poor in that dwellings with bland, long elevations would be facing onto Holy Well Lane thereby presenting an uninspiring and somewhat unattractive first impression.
49. Good design should also delve deeper into the local context and be sensitive to the local distinctiveness of the area. In this respect, the total clearance of the site loses any sense of contextual reference as to why it was ever in that position in the first place (isolation hospital). 'Sense of Place' is a culturally enhancing experience and it is considered that the proposed development would not provide this. The much looser form of layout and very substantial large single block units, together with the inherently "prairie-like" and in some cases "church-like" nature of the buildings do not either create a new form of living environment that fits or complements the landscape, local materials, architectural styles or adaptations, or show any true reference to the place and landscape where they are being imposed upon.
50. It is therefore considered that the proposal fails to achieve good design consistently throughout the proposal and in some cases does not allow full consideration of all design related issues. This fails to accord in all respects with the provisions of PPS1 and PPS3, and policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 with respect to achieving high standards of design.

highway safety

51. Durham County Highways Authority have raised various concerns regarding the functionality of the layout, footway provision and adoption issues. Although they are confident that these concerns can be overcome, this has yet to be done. So long as these issues remain to be a concern, the proposal cannot be supported in this respect. The current proposal is contrary to policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
52. The Highway Authority is otherwise satisfied that residential development of the site would not be prejudicial to highway safety on nearby roads.

impact on protected trees

53. All mature trees on the site are protected by a TPO. Most of the trees are located around the site perimeter; however there are some in the centre of the site.
54. The proposal has attempted to retain as many of the trees as possible, although those in the centre of the site would have to be removed. There is generally no objection to the loss of the trees in the middle of the site, subject to replanting, as they have less amenity value to the surrounding area. Protection of the perimeter trees though is of utmost importance.
55. The Durham County Council Arboricultural Officer considers that insufficient information has been submitted to fully assess the potential impact on the trees. This is particularly the case for plots 1, 12, 16 and 18, which all show development very close to trees. These plots need to be carefully assessed to determine whether there would either be conflict with the trees (e.g. shade dominance), or whether the development would affect the health of the trees, which could ultimately result in the need to remove the trees.
56. In light of the absence of information, it cannot be determined that the development would not have an adverse impact on the trees and the resultant amenity they afford to the site and locality. The proposal is contrary to policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and BS 5837 Trees and Construction.

impact on protected species

57. In accordance with PPS9 local planning authorities have a duty to conserve and enhance biodiversity and in particular ensure that development does not have an adverse impact on protected species and their habitats. The submitted bat survey acknowledges the likely presence of bats and potential void roosts.
58. Natural England has raised concerns with assumptions made in the survey, as well as with the mitigation methods proposed and certainty over timing of works. While it is acknowledged that these issues are likely to be suitably addressed in time, it cannot be concluded with any certainty at this stage that the proposal would not have an adverse impact on bats, particularly with regards to loss of potential loft voids. The proposal therefore fails to fully satisfy the requirements of PPS9 and policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

flood risk and drainage

59. In accordance with PPS25 and RSS policy 37, a sequential risk-based approach to development and flooding should be adopted. PPS25 requires that development on sites over 1 hectare in size should demonstrate that the drainage system would be suitable so that it does not increase the risk of flooding to surrounding areas. The site is within Flood Zone 1. The zone is not shown to be at risk from flooding however, due to the size of the site there is a

risk that the development may increase flood risk elsewhere. A Flood Risk Assessment is therefore required, but has not been submitted.

60. Neither has mention been made of the provision of Sustainable Drainage Systems (SUDS), which should be considered as a first priority and can contribute to minimising the risk of flooding, particularly flash flooding, and also to a reduction in water based pollution. Support for the SUDS approach to managing surface water run off is set out in PPS1 and in more detail in PPS25 and local planning authorities should ensure planning decisions support and compliment the Building Regulations on sustainable drainage.
61. In light of insufficient supporting information, it cannot be safely determined that the proposed development would not increase the risk of flooding to surrounding areas. The proposal fails to accord with the requirements of PPS1, PPS25 and RSS policy 37.

objections/observations

62. Occupiers of the surrounding properties have been notified in writing and a site notice was posted. The application was also advertised in the local press.
63. One objection has been received raising the following points:
 - a) Some of the dwellings seem out of keeping and not visually sympathetic to the area.
 - b) The Council should ensure none of the trees are inadvertently damaged.
 - c) Concerned about increased traffic flow and safety along Holy Well Lane, particularly to the south where the road is too narrow.

response to objections

64. The following comments are made in response to the issues raised:
 - a) Agreed and assessed in the report.
 - b) The supporting information is insufficient to fully assess the risk to trees.
 - c) The Highways Authority is satisfied that residential development of the site would not be prejudicial to highway safety.

conclusion and reasons for refusal

1. The proposal is considered to be unacceptable as it would not be fully in accordance with national planning guidance in PPS1, PPS1 Climate Change Supplement, PPS3, PPS7, PPS9, and PPS25; RSS policies 2, 2A, 3, 4, 5, 24, 30, 31, 32, 37 and 39; policies GD1, ENV1, H3, H24 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, as it:
 1. Would represent residential development outside the development limits of Crook, in the open countryside, for which insufficient justification exists.

2. Would contribute to an unacceptable oversupply of housing in the district, thereby prejudicing development of sequentially preferable sites.
3. Would comprise of low density development that would represent inefficient use of brownfield land.
4. Would fail to provide a suitable mix of housing type, size and affordability within the site itself, which in turn would increase social polarisation in the area and fail to contribute appropriately to the provision of sustainable communities.
5. Has not demonstrated sufficient commitment to addressing the full carbon costs of the proposal and in achieving exceptional standards of sustainability, commensurate with the location of the site.
6. Fails to achieve good design throughout the proposal and fails to provide sufficient information to allow full assessment of the relationship between dwellings in terms of levels of amenity.
7. Fails to fully address highway issues in terms of functionality, footway provision and adoption.
8. Fails to provide sufficient information to assess the potential current and future effect on TPO trees.
9. Fails to provide sufficient information to assess the potential impact on bats.
10. Fails to provide sufficient information on drainage and flood risk and so it is not possible to conclude the development would not increase the risk of flooding to surrounding areas.

RECOMMENDED

That planning permission be **REFUSED** for the following reasons:

1. The residential development of the site for executive dwellings, which is outside the development limits of Crook and in the open countryside, is unjustified and contrary to policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, the provisions of PPS1, PPS3, PPS7 and PPG13, as well as the sequential approach to development advocated in Regional Spatial Strategy (RSS) policies 3 and 5. In addition, release of the site for residential development at this stage would contribute to an unacceptable oversupply of housing in the district, thereby prejudicing development of sequentially preferable sites now and in the future and the regeneration aims of regional and national locational policy. This is contrary to the plan, monitor and manage approach advocated by PPS3 and Regional Spatial Strategy (RSS) policies 4, 30 and 31.
2. The proposal fails to demonstrate good inclusive design. The proposal would not provide suitable mix of housing type, size and affordability within the site itself. By nature of the location and physical characteristics of the site, the proposal would increase social polarisation in the area, fail to improve access to housing for all local residents, and ultimately fail to contribute appropriately to the provision of sustainable communities. This is contrary to the provisions of PPS1 and PPS3, as well as policies 2, 24 and 32 of the Regional Spatial Strategy (RSS).

3. The low density of proposed development would represent inefficient use of brownfield land. The proposal fails to demonstrate sufficient commitment to addressing the full carbon costs of the proposal and would not achieve exceptional standards of sustainability, which are commensurate with the location of the site. The proposal would not fully support the overarching sustainable development aims of PPS1, PPS1 Climate Change Supplement, PPS3 and policies 2, 2A and 24 of the Regional Spatial Strategy (RSS).
4. The proposal fails to achieve good design consistently throughout the proposal and in some cases does not allow full consideration of all design related issues. In particular the scale and appearance of the proposed dwellings would not successfully create an environment that fits or complements the landscape, local materials, architectural styles or adaptations, nor show any true reference to the place and landscape where they are being imposed upon. The proposal fails to accord in all respects with the provisions of PPS1 and PPS3, and policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. The proposal fails to fully address highway issues in terms of functionality, footway provision and adoption to the satisfaction of the local highway authority. The proposal is contrary to policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. The proposal fails to provide sufficient information on drainage and flood risk to safely conclude that the development would not increase the risk of flooding. The proposal fails to satisfy the requirements of PPS1, PPS25, RSS policy 37 and policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. The proposal fails to provide sufficient information to enable it to be concluded with any certainty that the proposal would not have an adverse impact on bats, particularly with regards to loss of potential loft voids. The proposal therefore fails to fully satisfy the requirements of PPS9 and policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. The proposal fails to provide sufficient information for it to be determined that the development would not have an adverse impact on the TPO trees and the resultant amenity they afford to the site and locality. The proposal is contrary to policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and BS 5837 Trees and Construction.

background information

Application file, WVDLP Plan as amended by Saved and Expired Policies September 2007, Annual Monitoring Statement 2006/2007, The Council's Interpretation of Regional Spatial Strategy (RSS) policies 3 and 5, The Regional Spatial Strategy (RSS) and PPS1, PPS1 Climate Change Supplement, PPS3, PPS7, PPS9, PPG13, PPS22 and PPS25; Census 2001; index of deprivation (2004); 2003 House price to household income ratio - Joseph Rowntree Foundation.

PS code

1

number of days to Committee

85

target achieved

√

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

Author of the report

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Ext 369

3/2007/0848 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 22 DWELLINGS ON THE FORMER HOMELANDS HOSPITAL SITE AT HOMELANDS HOSPITAL SITE HOLY WELL LANE, HELMINGTON ROW, CROOK FOR BELLWAY HOMES NORTH EAST - 22.11.2007



DEVELOPMENT CONTROL COMMITTEE

14th FEBRUARY 2008

Report of the Director of Regeneration

PART III – OTHER MATTERS

**FOR INFORMATION
APPEAL DECISION**

**3/2005/1000 – TEMPORARY OFFICE UNIT FOR MAXIMUM OF 2 YEARS AT LAND
ADJACENT TO 5 INKERMAN ROAD, TOW LAW FOR MR. TERRY BATSON**

1. The appeal site comprises of temporary office building (Use Class B1) located adjacent to an existing terrace of residential properties. The site is outside the settlement limits of development as allocated on the Proposals Map of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The site has a hardstanding area with limited parking facilities for staff and associated vehicles.
2. Planning permission was sought for the retention of the temporary office building for a maximum of two years. The temporary office building is currently located between the gable end of no. 5 Inkerman Road and the attached two storey office building. Planning permission was granted at Development Control Committee on 16th July 2004 for the temporary office building for a period of 1 year. On 13th October 2006 an application (3/2005/1000) for the retention of the temporary office building for a minimum of two years was refused planning permission at Development Control Committee. On 18th December 2006 an Enforcement Notice was issued to the Company Secretary of Batson Environment and Leisure Limited at Inkerman Road, Tow Law, County Durham. An appeal was lodged against this Enforcement Notice. The Enforcement Notice was withdrawn following comments made by the Planning Inspectorate. A new Enforcement Notice was issued on 23rd July 2007. An appeal was made on 22nd August 2007.
3. The Inspector has **DISMISSED** the appeal, noting the following. The appeal has been determined on the basis that the enforcement notice is corrected to state failure to comply with a condition rather than a material change of use.

Effect of development on the character and appearance of the countryside.

4. The office unit is of a temporary and utilitarian design typical of such structures and in the Inspector's view appears both incongruous and at odds with much of the surrounding area. It is in prominent view from the road and the small size of the site would make landscaping almost impossible. Other forms of screening would probably be as prominent and intrusive as the office unit itself. The presence of the office unit is detrimental to the character and appearance of the countryside and its retention would be contrary to the aims of local planning policies designed to protect the countryside.

Effect on the adjacent highway

5. The presence of the unit has two main effects in terms of highways issues. Those using it are likely to increase the number of people on the site and the level of activity there. Secondly, the presence of the office means that there is less space available for parking and manoeuvring on the site. A number of residents have expressed considerable concern over such matters and the Inspector believed these concerns are well founded. Any increase in parking and manoeuvring close to the road junction leads to a corresponding increase in the risk of accident and inconvenience to local residents. The Inspector concluded that the development unacceptably affects the safety of people and vehicles using roads close to the site, and the amenity of people living in the area.
6. The Inspector considered that the risk to local employment is not sufficient to outweigh the harm caused by the development. In conclusion the level of harm is such that the retention of the office unit, even on a temporary basis, would not be acceptable.
7. The appellant stated that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections. The Inspector noted that the overall effects of the requirements are that the unit should be removed, and that the use of the site for siting such a unit should cease. The Inspector concluded that this was neither inappropriate nor excessive.
8. The appellant also appealed on the grounds that the time given to comply with the notice was too short. The Inspector commented that as the unit is relatively small there is no physical reason why there would be any difficulty in carrying out the notice's requirements within the period concerned. Moreover, the Inspector noted that the appellant had stated that he had failed to find an alternative site despite a thorough 3 year search. The Inspector did not see how allowing a further period would produce a more successful outcome.
9. In conclusion the appeal has been dismissed, planning permission has been refused and the enforcement notice as corrected has been upheld.

RECOMMENDATION

That the Inspector's decision in the above appeal be noted for future reference.

Background information

Background and appeal files, Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and the Inspector's decision letter dated 14th January 2008.

Officer responsible for the report

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Author of the report

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3/2005/1000 – TEMPORARY OFFICE UNIT FOR MAXIMUM OF 2 YEARS AT LAND ADJACENT TO 5 INKERMAN ROAD, TOW LAW FOR MR. TERRY BATSON

