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Michael Laing Chief Executive

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2<sup>nd</sup> April 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 10<sup>th</sup> APRIL 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 14 <sup>th</sup> February and 13 <sup>th</sup> March 2008 and the special meetings of the Committee held on 21 <sup>st</sup> February and 29 <sup>th</sup> February 2008, as true records.	Copies attached
3. To consider development control application 3/2007/0687 – Conversion of adjacent barn, gable extension into two bedroom dwelling and office at barn adjacent to Pasture House Farm, Rookhope for Mr. and Mrs. Martin.	1 - 7
4. To consider development control application 3/2008/0087 – Proposed indoor equestrian arena and outdoor equestrian arena (retrospective) at Three Lane Ends Farm, Three Lane Ends, Escomb for Mr. Barratt-Atkin.	8 - 16
5. To consider development control application 3/2007/0773 – Sustainable mixed use development including eco-office building, 68 low-carbon houses, 16 live/work units and associated roads, car parking and landscaping at Inkerman Depot, Inkerman Road, Tow Law for Banks Developments Limited.	17 - 28
6. To consider development control application 3/2008/0062 – Planning permission for a snack bar from previously approved appeal decision on application reference 3/2005/0329 which limits the use until 30 <sup>th</sup> November 2008 at Gary's Snack Bar, Romanway Industrial Estate, Tindale Crescent, Bishop Auckland for Councillor Henry.	29 - 33

7. To receive for information appeal decision 3/2006/0988 – 34 - 36  
Demolition of existing terraced houses and construction of 3 no.  
three storey terraced town houses at 12, 14, 16, 18 Main Street,  
Close House for Mr. Coleman.
8. 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

10<sup>TH</sup> APRIL 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2007/0687 - CONVERSION OF ADJACENT BARN, GABLE EXTENSION INTO TWO BEDROOM DWELLING AND OFFICE AT BARN ADJACENT TO PASTURE HOUSE FARM, ROOKHOPE FOR MR. AND MRS. MARTIN – 08.09.2007**

**description of site and proposals**

1. The Ward Councillor has asked for this application to be reported to Committee.
2. Planning permission is requested for the conversion of a barn to form live/work accommodation at the above address.
3. The barn measures 11 metres in length, 6 metres in width, and 5.4 metres to the highest point.
4. The proposed conversion consists of an extension to the western elevation, which at present is single storey. The proposed extension would measure 4 metres in length, 5.5 metres in width, and would increase the height from 3 metres to 6.1 metres, as the land slopes away. Internally, to the ground floor the barn would contain a bathroom, an office, a bedroom and a utility room, whilst to the first floor the proposal would incorporate a bedroom, lounge and a kitchen/ dining room. The application site is accessed via a 80 metres long driveway from the main road.
5. The application site consists of an existing barn located on Pasture House Farm, Rookhope. The barn is located approximately 4 metres east of the existing dwelling on the site, and is adjoined to an existing vehicle store. The application site lies outside the limits of development for Rookhope as identified under policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, and is also located within the North Pennines Area of Outstanding Natural Beauty.

**planning history**

6. The following history relates to the site:
  - 3/2006/0406      Conversion to Form Holiday Accommodation      Approved 11.08.2006

- 3/2007/0520 Conversion of Barn to Form 2 Bedroom Dwelling and Gable Extension Withdrawn 16.08.2007

### planning policies

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

- GD1 General Development Criteria
- ENV1 Protection of the Countryside
- ENV2 The North Pennines Area of Outstanding Natural Beauty
- BE20 Conversion of Buildings in the Countryside
- H3 Distribution of Development
- H24 Residential Design Criteria
- H25 Residential Extensions

Also relevant are: PPS7: Sustainable Development in Rural Areas and North East Regional Spatial Strategy Policies 3 and 5.

### consultations

8. Public Rights of Way Officer: Public Footpaths 26 and 28 run between Pasture House Farm and the Barn. However, there are no known problems with access here. As long as the footpaths remain open and useable throughout the period of the proposed development/works and thereafter, no objections are made to the proposal.
10. CDE&TS (Highways): No objection

### officer analysis

11. The key issues for consideration are:

- Principle of Development
- Suitability for Conversion
- Residential Amenity

principle of development

12. The site is relatively isolated, and is located outside the limits of development for Rookhope as identified under policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. As the application site lies in the open countryside, the application must be assessed against PPS7: Annex A of Sustainable Development in Rural Areas.

13. Annex A (of PPS7) outlines that one of the few circumstances under which residential development in the countryside may be justified is to “*enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work.*” where the nature and demands of the work concerned make it essential for one or more people to live at, or close to the site of their work. Whether this is essential in any particular case

will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of the individuals involved. Annex A further goes on to give guidance in respect of occupational dwellings:

- a. there is a clearly established existing functional need,
  - b. the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement,
  - c. the unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound and have clear prospects of remaining so
  - d. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area, and
  - e. other planning requirements are satisfied.
14. Therefore, both a “functional” and a “financial” need must be demonstrated for an application for a new dwelling in the countryside to be considered acceptable under PPS7 Annex A.
  15. The supporting statement accompanying the application states that the applicants’ son will be taking over the family building business and *“it would make sense- not just from convenience, but also having regard to operational efficiency- for his son and fiancée to live on site.”*
  16. The statement goes further to state that the “propinquity gained by being able to live and work on the site will meet local plan sustainability objectives” and “that the dwelling created will fulfil a functional need of being physically and operationally related to an existing and established business in the countryside, and one which is financially viable, and likely to remain so.”
  17. Mr. Martin runs a successful builders business with the majority of work being carried out in Weardale and the surrounding area. He wishes to retire and pass the running of the business to his son. This is the main reason why the applicants are proposing a new dwelling on the site.
  18. There is an existing dwelling on the site, and it is not clear from the submitted statement why Mr. Martin’s son has to live on the site in a new build dwelling as there is an existing building on the site. Any issues of security cannot be argued as there is existing accommodation on the site providing surveillance.
  19. The submitted statement states that *“Adam may take over superintendance of the business directly- and without having to journey in... some distance from an outlying village.”* Clearly the issue of commuting to work does not constitute the functional need for an extra dwelling on the site. It is considered that the needs of Mr. Martin’s son when he takes over the business does not constitute the functional need for a new dwelling on the site. It is unclear why the needs of the business could not be carried out from the existing dwelling on the site, or by a separate office located on the site, with Mr. Martin’s son commuting to the office from his place of residence.

20. As such it is considered that the functional need for a new dwelling on the site has not been justified and the principle of development on the site cannot be supported. It is noted that even though evidence has been submitted to show that the business has been profitable for over 3 years and will continue to operate at a profit in the foreseeable future however, this does not include the requirement to also meet the functional test. The proposal is contrary to guidance contained within PPS7: Sustainable Development in Rural Areas, and to guidance contained in policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
21. Rookhope is not classified as an urban area, therefore under the points stated above the proposal is classified as low priority. There are sequentially preferable brownfield sites within the urban areas of Wear Valley district. As such it is considered that the release of this land would prejudice the development of those other sequentially preferable sites and cannot be justified at this stage.
22. Having given consideration to the principle of development in the light of the adopted Local Plan and all other material considerations, it is considered that the proposed development is contrary to policy 3 of the Submission Draft Regional Spatial Strategy (RSS).  
  
suitability for conversion
23. The proposed conversion would not require a significant level of extension or alteration, is structurally sound, and forms part of a group of buildings which includes at least one dwelling. As such it is considered that the proposal accords with policy BE20 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.  
  
residential amenity
24. The barn which the applicants' propose to convert lies approximately 4 metres to the east of the dwelling on the site. The submitted plans show that windows to the eastern elevation would be to bedroom 2 on the ground floor. Clearly the separation distance of 15 metres window to gable cannot be achieved. The proposal does not fully accord with guidance contained within policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
25. The submitted block plan shows that the proposed conversion would have a rear garden depth of 10 metres to the eastern elevation. This accords with guidance set out in policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

### **objections/observations**

26. Occupiers of neighbouring properties were notified in writing and a site notice was also posted. The application was also advertised in the press.
27. No letters of objection/ observation have been received.

## **conclusion**

1. The application site lies outside the limits for development for Rookhope as identified under policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. The applicants have submitted a supporting statement to accompany the application. It is considered that the preferences of the applicants' son when he takes over the family business do not constitute the functional need for a new dwelling on the site. It is unclear why the needs of the business could not be carried out from the existing dwelling on the site, or by a separate office located on the site, with the applicants' son commuting to the office from his place of residence. The proposal does not accord with guidance contained within Annex A of PPS7, and as such the principle of new residential development on the site cannot be supported.
2. The proposed development would achieve a window to gable distance of 4 metres. Policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 recommends that a window to gable distance of 15 metres be achieved for new residential development. The proposed development does not meet this standard and as such the proposal does not fully accord with guidance contained within policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## **RECOMMENDED**

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

1. The proposal would introduce a new dwelling into the countryside. Insufficient justification has been made to demonstrate a functional need for a further dwelling on the site. The proposed development conflicts with the guidance in Annex A to PPS7 Sustainable Development in Rural Areas, and Policies GD1 and H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. The proposal would not provide a 15 metres window to gable distance between the existing dwelling and proposed dwelling on the site. As such the proposal does not fully accord with policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## **background information**

Application files, Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, RSS, PPS7.

**PS code**

6

**number of days to Committee**

216

**target achieved**

No

**explanation**

Awaiting applicant to submit justification in accordance with guidance contained within PPS7 Sustainable Development in Rural Areas.

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**Officer responsible for the report**

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

**Author of the report**

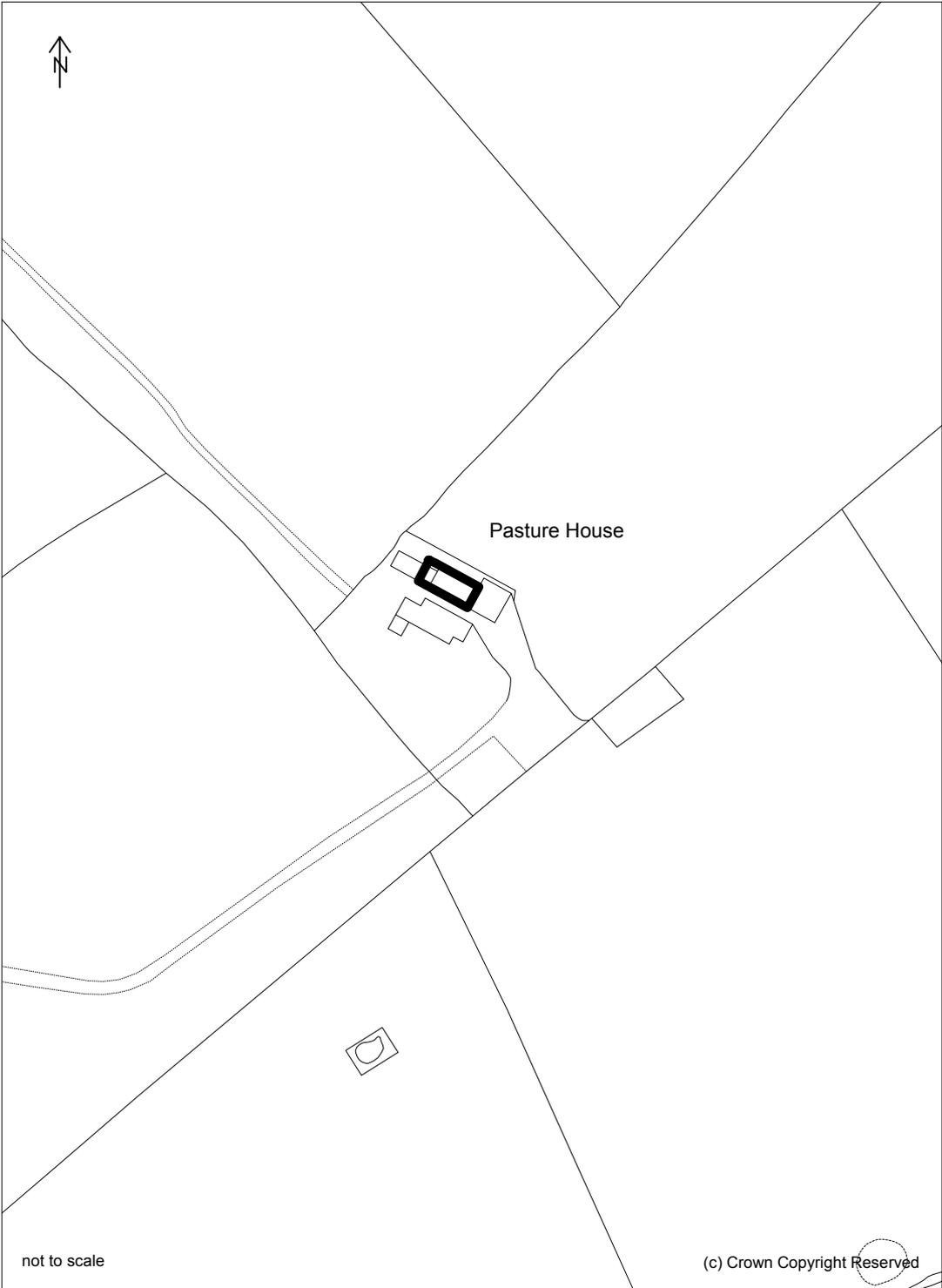
Adam Williamson

Planning Officer

Ext 495

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**3/2007/0687 - CONVERSION OF ADJACENT BARN, GABLE EXTENSION INTO TWO BEDROOM DWELLING AND OFFICE AT BARN ADJACENT TO PASTURE HOUSE FARM, ROOKHOPE FOR MR. AND MRS. MARTIN - 08.09.2007**



DEVELOPMENT CONTROL COMMITTEE

10<sup>TH</sup> APRIL 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0087 - PROPOSED INDOOR EQUESTRIAN ARENA AND OUTDOOR EQUESTRIAN ARENA (RETROSPECTIVE) AT THREE LANE ENDS FARM, THREE LANE ENDS, ESCOMB FOR MR. BARRATT-ATKIN – 21.02.2008**

**description of site and proposals**

1. Planning permission is requested for the erection of an indoor riding arena, whilst retrospective planning permission is requested for the construction of an outdoor riding arena at the above address.
2. The proposed indoor arena would measure 40 metres in length, 20 metres in width, 5.4 metres to the eaves and 8.2 metres to the highest point. The building would be a steel framed building, with Yorkshire boarding to the sides and a corrugated sheet roof. The indoor arena would be located approximately 6.5 metres from the rear of the existing 10 box stable, and approximately 5 metres east of the outdoor arena.
3. The outdoor arena measures 33.3 metres in length by 22.4 metres in width. The arena is elevated from ground level by between approximately 1 metre and 1.5 metres. The arena has 6 no. lighting columns to provide illumination. The lighting columns each measure 5 metres in height. The arena has been finished with dolomite then topped with an all weather surface of sand and rubber. The arena is bounded by a post and rail timber fence measuring approximately 1.3 metres in height and has an elevated viewing platform to the southern end.
4. The application site consists of Three Lane Ends Farm Riding Therapy Centre, which lies to the south of Escomb. The application site lies outside the settlement limits for Escomb, and is located in an Area of Landscape Value under policy ENV3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. The site contains an existing dwelling to the eastern side of the site, along with a 10 box stable, which lies parallel to the highway. There is an area of hardstanding to the south of this stable block to provide car parking and a seating area. The site also contains various storage buildings. To the south of the site is The Gables and The Cottage which lie on the opposite side of the road from the application site, approximately 55 metres from the proposed outdoor arena. To the east of the site lies Hallimond Road, which is a collection of semi- detached dwellings. These dwellings would be approximately 100 metres from the proposed

outdoor arena. The applicant owns the fields to the north of the application site, measuring approximately 8.38 hectares.

### **planning history**

5. The following planning history relates to the application site:

- 3/2007/0807 Change of Use to Riding Therapy Approved 10.01.2008  
Centre
- 3/2005/0596 Erection of 2 Stable Blocks and Approved 15.03.2005  
1 Barn
- 3/1997/0596 Erection of General Building Approved 15.12.1997
- 3/1982/0380 Erection of Agricultural Building Approved 28.07.1982
- 3/1975/0693 Extension to Dwelling Approved 11.12.1975

### **planning policies**

6. 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
- ENV3 Area of Landscape Value
- RL1 Recreation and Leisure- New Provision

Also relevant are: PPS7 'Sustainable Development in Rural Areas', PPG17 'Planning for Open Space, Sport and Recreation.'

### **consultations**

7. CDE&TS (Highways): No objection subject to the same comments made to application 3/2007/0807, as set out below.

8. There are three field gates into the stable area, the most western of these has not been properly constructed. I recommend that no highway objection be raised subject to the following:

"The proposed Riding Therapy Centre must be served by an improved vehicular access. The access must be constructed in accordance with Section 182(3) of the Highways Act 1980. The applicant should contact the Durham County Council Southern Area Office, Etherley Lane, Bishop Auckland, (01388) 602028 to agree access construction details."

9. Environment Agency: No response has been received at the time of writing. Any response received will be reported to the Committee.

10. Public Rights of Way: No response has been received at the time of writing. Any response received will be reported to the Committee.

## officer analysis

11. The key issues for consideration are:

- Principle of Development
- Scale and Design
- Impact on Neighbouring Properties
- Highways Issues

principle of development

12. Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 states that proposals should not have a detrimental impact on the landscape quality of the surrounding area, and should be in keeping with the character of the surrounding area. As the application site is a riding therapy centre, an outdoor and an indoor riding arena are structures one would expect to see at a riding school in the open countryside.
13. Policy ENV3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 states that development will not be allowed which adversely affects the special landscape character and appearance of the Area of Landscape Value.
14. PPS7 states that *“Horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help diversify rural economies. In some parts of the country, horse training and breeding businesses play an important economic role”*
15. PPG17 goes further to state that *“Smaller scale facilities will be acceptable where they are located in, or adjacent to villages to meet the needs of the local community... although proposals for farm diversification involving sports and recreational facilities should be given favourable consideration.”*
16. This stance is reiterated in policy RL1 ‘Recreation and Leisure- New Provision’ of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 which states that schemes will be encouraged providing that they compliment existing facilities and are located within or adjacent to built-up areas.
17. The application site lies to the south of Escomb, and is served by public transport links from Bishop Auckland. The proposal would diversify the use of the existing riding school and provide a new recreational facility in the district. As such it is considered that the creation of an indoor and an outdoor horse riding arena is acceptable in principle. The principle of development accords with policies GD1 and RL1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007, and with guidance contained in PPS7 ‘Sustainable Development in Rural Areas’ and PPG17 “Planning for Open Space, Sport and Recreation”.

#### scale and design

18. The proposed indoor arena would measure 20 metres in width, 40 metres in length and 8.2 metres to the highest point. It is proposed to clad the sides of the building with Yorkshire boarding. No details of the colour finish have been provided, and as such it is considered prudent to impose a condition requiring details of colour treatment to be submitted to the local planning authority before the proposal is implemented. Whilst it is noted that the proposed building would be large, it would be located to the rear of the site and would be partly obscured from the highway by the existing buildings on the site. To the east, the building would be visible from the dwellings on Hallimond Road. However, as the dwellings are located approximately 100 metres away from the proposed building, and the applicant has stated that a landscaping scheme would be implemented, the prominence of the proposed building would be significantly lessened. Therefore it is considered that the proposed indoor arena would not be unduly prominent within the landscape. The proposed building would be well located in relation to the existing buildings on the site, and as such it is considered that the proposed indoor arena accords with guidance contained within policies GD1, ENV3 and RL1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
19. The outdoor arena would be obscured from the properties on Hallimond Road by the proposed indoor arena, and is also partly obscured by the existing buildings to the southern area of the site. The proposed indoor arena would also lessen the impact of the lighting to the outdoor arena to the properties on Hallimond Road. It is considered that the outdoor arena does not have an intrusive impact on the open countryside, and does not have a detrimental effect on the Area of Landscape Value. The proposal accords with policies GD1, ENV3 and RL1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

#### impact on neighbouring properties

20. The nearest dwelling to the application site is The Gables, which is located approximately 55 metres south from the proposed indoor arena. Given this distance, it is considered that occupiers of neighbouring properties would not suffer any overbearing or overshadowing impacts as a result of the proposal. Given this distance, it is considered that the proposal would not cause any disturbance in terms of noise to occupiers of neighbouring properties. The applicant has submitted an isolux diagram. From this it is considered that the proposed floodlighting would not have a detrimental impact on the amenity of neighbouring residents. As such the proposal accords with guidance contained within policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

highways issues

21. The impact of the riding school on highway issues was considered in the application for the change of use of the site to a riding school (ref. 3/2007/0807). The County Highways Engineer has not objected to the proposal providing that the riding centre is served by an improved vehicular access. There is an area of hardstanding located within the site to provide off street car parking for users of the riding school. The proposal accords with guidance contained within policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

### **objections/ observations**

22. Occupiers of the surrounding properties have been notified in writing and a site notice has also been posted. The application was also advertised in the press.
23. Five letters of objection/ observation have been received, the details of which are set out below.
  - a) We object to the siting of the indoor arena, as it may be an eyesore in a beautiful part of the country.
  - b) The site has been turned into an outdoor equestrian centre without obtaining planning permission.
  - c) The position of the proposed indoor arena is too close to our property.
  - d) The entrance to the farm is on a busy road that has serious problems with traffic.
  - e) The riding arena has been built without planning permission.
  - f) The applicant has shipping containers on the site without planning permission.
  - g) The access to the site has no visibility.
  - h) Users of the centre park on the road blocking my entrance.
  - i) The lighting has been erected without planning permission.

### **response to objections/ observations**

24. The following comments are made in response to the issues raised:
  - a) It is considered that the proposed indoor arena would be well related to the existing buildings on the site resulting in a cohesive development. It is noted that the proposed building is large, however it would be located to the rear of the site and the proposed landscaping scheme would significantly lessen the building's impact when viewed from the east.
  - b) Application ref. 3/2007/0807 granted planning permission for the site to be used as a riding centre.
  - c) The proposed indoor arena would be located approximately 55 metres from the nearest dwelling (The Gables). There would be no loss of residential amenity caused by the siting of the proposed building. The location of the proposed building is considered to be acceptable.
  - d) Agreed. Given the advice from the County Highways Engineer, the riding centre must be served by an improved vehicular access. This will be controlled by a condition.

- e) Agreed. This application seeks to regularise the proposal.
- f) Agreed. The Enforcement Team is aware of this and an investigation is underway.
- g) Agreed. Given the advice from the County Highways Engineer, the riding centre must be served by an improved vehicular access. This will be controlled by a condition.
- h) This cannot be controlled through the planning process as the road is public highway. Any blocking of an access is a police matter and cannot be dealt with in this application.
- i) Agreed. This application seeks to regularise the works.

### **reasons for approval**

1. The application site lies to the south of Escomb, and is served by public transport links from Bishop Auckland. The proposal seeks to diversify the use of the existing riding school and provide a new recreational facility in the district. As such it is considered that the creation of an indoor and an outdoor horse riding arena is acceptable in principle. The principle of development accords with policies GD1 and RL1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, and with guidance contained within PPS7 'Sustainable Development in Rural Areas' and PPG17 "Planning for Open Space, Sport and Recreation".
2. The proposed indoor arena would be sited well away from neighbouring dwellings and would not cause any loss of residential amenity. The imposition of a landscaping condition would reduce the indoor arena's impact from neighbouring dwellings and would help integrate the building into the landscape. The proposal accords with policies GD1, ENV3 and RL1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. Although the proposed arena would be large it would not appear intrusive within the open countryside. Equestrian uses are what one would reasonably expect to see in a rural setting. The arenas would be well sited in respect of existing buildings on the site and would not compromise the riding centre's rural setting. The proposal accords with policies GD1, ENV3 and RL1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

### **RECOMMENDED**

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

#### **conditions**

1. Before construction of the indoor riding arena hereby approved is commenced, samples of the materials to be used on the external surfaces of the building, including their proposed colour(s), shall be submitted to and approved in writing by the local planning authority. The proposal shall be implemented in accordance with the approved details.

2. Before the development hereby approved is commenced the existing vehicular access to the site shall be improved in accordance with details which shall have been first submitted to and approved in writing by the local planning authority.
3. Before the indoor riding arena hereby approved is constructed, a detailed scheme of landscaping shall be submitted to and approved in writing by the local planning authority.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the indoor arena or the completion of the development whichever is sooner, and any trees or plants which in 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 a similar size and species, unless the local planning authority gives written consent to any variation.

**reasons**

1. To ensure the satisfactory appearance of the completed development. In accordance with policies GD1, ENV3 and RL1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. In the interests of highway safety. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. To ensure the implementation of the approved landscaping scheme within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

**Informative:** No upright supporting columns to be located within the school area. Upright with posts or equivalent should either be located externally to the inner riding area or protected by smooth boarding to reduce the risk of leg crushes of mounted riders.

**background information**

Application files, WVDLP, PPS7, PPG17.

<b>PS code</b>	5		
<b>number of days to Committee</b>	50	<b>target achieved</b>	√
<b>explanation</b>			

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**Officer responsible for the report**

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

**Author of the report**

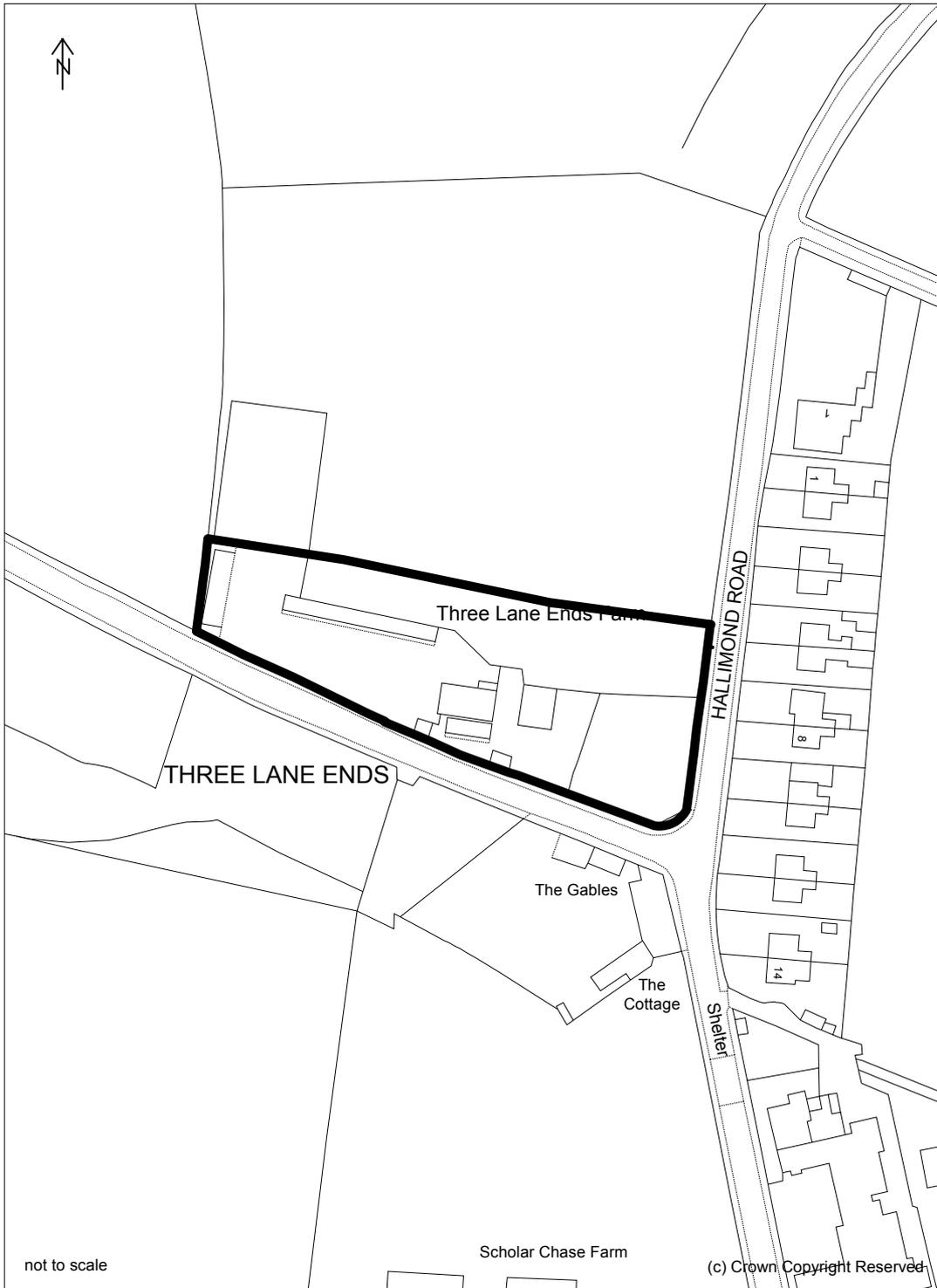
Adam Williamson

Planning Officer

Ext 495

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**3/2008/0087 - PROPOSED INDOOR EQUESTRIAN ARENA AND OUTDOOR EQUESTRIAN ARENA (RETROSPECTIVE) AT THREE LANE ENDS FARM, THREE LANE ENDS, ESCOMB FOR MR. BARRATT-ATKIN – 21.02.2008**



DEVELOPMENT CONTROL COMMITTEE

10<sup>TH</sup> APRIL 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2007/0773 - SUSTAINABLE MIXED USE DEVELOPMENT INCLUDING ECO-OFFICE BUILDING, 68 LOW-CARBON HOUSES, 16 LIVE/WORK UNITS AND ASSOCIATED ROADS, CAR PARKING AND LANDSCAPING AT INKERMEN DEPOT, INKERMEN ROAD, TOW LAW, BANKS DEVELOPMENTS LIMITED - 16.10.2007 - AMENDED 03.12.2007, 04.02.2008 AND 11.03.2008**

**description of site and proposals**

1. Outline planning permission is sought for the erection of a new 'eco-office', 68 low carbon residential properties, 16 live/work units and associated roads, car parking and landscaping. The application site measures 3.955 hectares. The means of access is to be considered within this application and layout, scale, appearance and landscaping are reserved for future consideration. Indicative drawings have been submitted with the application showing a site layout and plans for the office building and live/work units.
2. The application site is known as the Inkerman site which is located to the north of Inkerman Road in Tow Law. Approximately half of the site is located beyond the settlement limits of development for Tow Law as identified in the Proposal Maps of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. That part of the application site situated within the settlement limits is also allocated in the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as Industrial Land (Proposals I2 and I6).

**planning history**

3. The following planning applications have been received in respect of this site:
  - CL/3/2004/0002 Certificate of Lawfulness as Existing B1 Offices, B2 Minerals Importation, Screening and Disposal, B8 Minerals Storage Place and A1 Minerals Sales Approved 03.12.2004
  - 3/1975/0095 Office Building Renewal Approved 22.05.1975
  - 3/1978/0394 Office Building Renewal Approved 10.08.1978
  - 3/1980/0558 Office Building Renewal Withdrawn

- 3/2006/0308      20 Dwellings and 40 Bed      Withdrawn  
                                  Nursing Home (Outline)

### **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:
  - BE17      Areas of Archaeological Interest
  - GD1      General Development Criteria
  - H3      Distribution of Development
  - I2      New Industrial Allocations
  - I6      Local Industrial Sites
  - T1      Highways – General Policy

Also of relevance: Draft Regional Spatial Strategy (RSS), Employment Land Review (ELR), Tow Law Area Development Framework, PPS7 Sustainable Development in Rural Areas, PPS3 Housing, PPG13 Transport and PPG16 Archaeology and Planning.

### **consultations**

5. Durham County Council (Highways Authority): No objections to means of access.
6. Durham County Council (Planning Policy Team): Comments have been made under the following five headings (Full report on file):
7. Location – As part of the application site lies beyond the settlement boundary, the District Council should be satisfied that there are no alternative sites that are better related to the existing settlement. The housing elements of the scheme should be within easy access of essential services without reliance on the private car.
8. Affordable Housing – The application should set out how it proposes to provide an adequate level of affordable housing within the development, in accordance with local needs.
9. Accessibility – It is important that a proposal of this scale is developed in such a way that it encourages sustainable travel and that opportunities to provide travel choices are designed into the development at the outset. The submission should set out how an integrated Travel Plan will be prepared and implemented in order to reduce, or better manage, workplace parking as a demand management tool and to support the delivery of improved public transport.
10. Energy – The submission will need to address the energy performance of the proposed development and the generation of renewable energy, specifically setting out how it will provide 10% of the site's energy requirements from embedded renewable energy.

11. Sustainable Drainage – The application will need to address the provision of Sustainable Drainage Systems (SUDS) which can contribute to minimising the risk of flooding, particularly flash flooding, and also contribute to a reduction in water based pollution.
12. Durham County Council (Minerals and Waste): No comments.
13. Durham County Council (Landscape): Full report on file. Comments summarised below:
  - The 'indicative layout' pays scant regard to the context of the site in relation to its surroundings.
  - Insufficient space has been allowed for any structure planting – even in the form of a hedge – within the red line site. A reduction in the density of the buildings is not necessarily recommended. It is favoured for the erection of stone walls on the boundary, the exclusion of security fencing, low level lighting and the concept of improvement works outside the red line boundary.
  - The beehive coke ovens should be considered as a target for improvement in recognition of their historical significance and potential value as a visitor attraction.
  - Concerns about the prospect of a three storey development in this location – despite the recent and nearby, potentially precedential, industrial development to the south of the A68.
  - Car parking provision is street based – as distinct from being grouped in courtyards; an approach currently and widely promoted as good design practice.
14. Durham County Council (Forestry): Advice has been offered regarding the existing trees on the site.
15. Durham County Council (Public Rights of Way): No comments.
16. Durham County Council (Archaeologist): To the north-west of the proposed development lie the remains of the Inkerman beehive coke ovens. Some of the ovens are legally protected as a scheduled ancient monument (SAM 30929) and are currently on the 2007 Buildings at Risk (BAR) register.
17. The applicants have advised that they can adjust the development so that it does not directly impact on the remains however there are concerns about the ability to achieve this. Suggest the use of conditions to require programme of archaeological works and mitigation strategy.
18. Durham Bat Group: Full report on file. There are some major concerns with the report as the surveyors have not grasped the limitations of their survey and the mitigation is not based on worst case scenario.
19. Tow Law Town Council: The Town Council support the proposal.

20. English Heritage: Full report on file. Comments summarised below:
- The setting of the Scheduled Ancient Monument must be considered at all stages of the project. At this point I am inclined to agree with the views expressed in the Archaeological Assessment of the site that the development would not have an adverse effect on the monument's setting.
  - It would be appropriate to seek from the developer a planning obligation that will contribute towards the cost of further consolidation and interpretation work on the existing coke ovens.
  - English Heritage fully supports the Durham County Archaeology Service in terms of its recommendations for further archaeological excavation and evaluation on the site.
21. Derwentside District Council: Full report on file. Comments summarised below:
- The site although appearing to be mostly previously developed seems to be outside of the development limit of Tow Law. Greenfield agricultural land, located to the rear of the existing housing has also been included within the application site. An area of land described as a disused yard also appears to be currently grassed. The area of the site proposed for office use appears to be substantially less than allocated for employment uses.
  - Careful consideration should be given to the height and design of the proposed office building occupying a prominent frontage position. The height and appearance would not necessarily compliment the surrounding rural landscape or present a particularly attractive gateway feature. The design of the dwellings have been chosen on the basis of their reduced carbon consumption. However, level 4 of the code for sustainable homes is now achievable within a variety of styles including a more traditional looking home.
  - Should there be a need in the local area, affordable housing should be incorporated into the scheme.
  - It is appreciated the cost of ground remediation is likely to be significant. This may affect the financial viability of this ambitious scheme to deliver. It may be appropriate to seek to ensure the requirement of the most important aspects of the project through the commitment of a section 106 agreement.
  - The proposal appears to incorporate a number of positive elements, notably the provision of low carbon sustainable homes, employment opportunities, areas of open space and landscaping to include a village green and the use of renewable energy on the site.

22. Northumbrian Water: No objections subject to the following condition;

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

Reason – To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25: Development and Flood Risk.

23. Environment Agency: No objections subject to the following condition;

Condition – No development approved by this planning permission shall be commenced until details for the surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Such details shall include provision for all surface water drainage from parking areas and areas of hardstanding to be passed through an oil interceptor designed to have the capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason – To prevent pollution of the water environment and to ensure no increased risk of flooding to the site and surrounding areas.

24. Further advice has been offered with regards to groundwater and contaminated land, water quality, sustainable energy use/renewable energy generation and sustainable drainage.
25. Architectural Liaison Officer (Police): Advice has been offered to ensure the development is attractive, safe and designed and built to a high quality. A copy of the full report is within the application file.

### **officer analysis**

26. The key issues for consideration are:

- Principle of Development
- Impact on Industrial Allocation
- 'Live/work' Units
- Archaeology
- Means of Access
- Sustainability

principle of development

27. The Council fully supports the redevelopment of the site and the development of a new office complex for the Banks Group in recognition of their contribution to the economy of the district and to Tow Law in particular. However the development proposed raises important issues, and is contrary to a number of policies of the existing local plan and documents which have been approved through Council Committees.

28. About 40% of the application site is located beyond the settlement limits of development for Tow Law as allocated on the Proposal Maps of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. There are approximately 47 residential properties and 5 live/work units proposed to be sited beyond the settlement limits of Tow Law. The proposal is therefore a major departure and in direct conflict with policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
29. Since the adoption of the Wear Valley District Local Plan in 1997 there have been significant changes in circumstances in relation to development plan production and national and regional planning policy. It has been identified that the number of housing units (including those units completed since 2004, units under construction and units subject to unimplemented planning permissions) in Wear Valley District exceeds the target set out in the Submission Draft Regional Spatial Strategy (RSS) for the period 2004 to 2021.
30. The Regeneration Committee, on 2<sup>nd</sup> April 2007, agreed a proposal to align local decision making with RSS policies on housing proposals. This therefore means that proposals for new houses have to be selected in the following priority order regardless of site size:
  1. Suitable previously developed sites and buildings within urban areas, particularly around public transport nodes;
  2. Other suitable locations within urban areas not identified to be protected for nature or heritage conservation or recreational purposes;
  3. Suitable sites in locations adjoining urban areas, particularly those that involve the use of previously developed land and buildings; and
  4. Suitable sites in settlements outside urban areas, particularly those that involve the use of previously developed land and buildings.
31. Tow Law is classified as an urban area, and it is therefore considered that the proposed development would be classed as priority 3. A sequential test has not been submitted with the application demonstrating why land beyond the settlement limits should be released for residential development. It is therefore considered the principle of residential development is unacceptable and an application for residential development on the site would not be supported on the grounds that the proposal is not sequentially preferable and is contrary to policy 3 of the Submission Draft Regional Spatial Strategy.
32. The Tow Law Area Development Framework (ADF) which was approved by both the Housing and Regeneration Committees in February/March last year has identified the Inkerman site as a fundamental site in supporting the sustainability of the former coalfield community and creating a vibrant district. The site is identified as being 'a new gateway feature' with proposed road improvements, car parking and the siting of a new small kiosk which will perform a small scale tourism facility for visitors and a catalyst for further tourism related investment in the future. It is summarised in the Tow Law ADF that the proposed interventions at the Inkerman site advocated in the ADF will significantly tidy up the access and the local environment, thus improving the long term popularity and viability of this key industrial estate. Given the condition of the housing stock within Tow Law, the ADF has made

several recommendations relating to housing within the settlement. None of these recommendations include the allocation of or provision for new dwellings on the scale presented within this application.

33. Planning Policy Statement 3: Housing recommends that Councils should provide a 5 year housing supply. Currently there is a 5 year supply of developable housing land available in the district. Indeed it is likely that a 13 year supply of housing land will be delivered within the district in the next 5 years. The applicant has not demonstrated that the proposed housing development would contribute to other, wider housing objectives, meet local housing needs in terms of type or tenure, or be beneficial to the regeneration of Tow Law. In accordance with paragraph 70 of PPS7 the Council must consider and award weight to the impact of granting planning permission in this location would have on wider policy objectives. In this case granting planning permission for housing development in this location would undermine the delivery of the housing stock improvements required to regenerate the housing stock within Tow Law and meet the objectives of the Tow Law Area Development Framework.
34. PPS3 Housing advises local planning authorities when deciding planning applications to have regard to a number of issues including considering whether a site is environmentally sustainable and ensuring the proposal is in the line with planning for housing objectives, reflecting the need and demand for housing in the area, and does not undermine wider policy objectives (e.g. addressing the need to deliver housing stock improvements in Tow Law identified in the Tow Law Area Development Framework). PPS7 Sustainable Development in Rural Areas expects local planning authorities to strictly control new house building in the countryside, away from established settlements or from areas allocated for housing in development plans. It is considered the proposed housing development outside the limits to development is in conflict with both PPS3 and PPS7.

impact on industrial allocation

35. The Council Plan aims to support the local economy and encourage economic growth. In order to achieve this it is critical to maintain an adequate supply of land and property in all parts of the district and the Inkerman Site has been identified as an essential part of the land supply to achieve growth within the local economy. The Employment Land Review indicates that there is a lack of available employment land. There is very limited land available in the Weardale and Tow Law area to accommodate potential businesses.
36. It is noted that 1.7 hectares of the application site is allocated as New Industrial Land. This allocated industrial land is covered by Proposal I2 (New Industrial Allocations) and Proposal I6 (Local Industrial Sites) of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The land is allocated for new industrial use to help facilitate economic growth and employment generation in the district. Proposals for business uses (Class B1), general industries (Class B2) and warehousing and distribution (Class B8) are specifically identified in Proposal I6 to be considered acceptable on the site. The Employment Land Review also indicates that the Inkerman site is to be utilised for employment development for Class B1, B2 and B8 uses. The Employment Land Review further states

that the Inkerman site should be retained. Despite low demand for employment premises, the Review considers the area remains vulnerable to further structural changes in the economy, and opportunities to instigate business growth should be protected. The land indicated for the proposed office unit is calculated as 0.45 hectares. In correspondence from the applicant, they confirm that the combined office floor area from the 16 live/work units is calculated as 1,148 square metres which is 0.1148 hectares. This therefore means that the overall area allocated for office use on the proposed site would be 0.5648 hectares. It has previously been stated that 1.7 hectares of land has been allocated as industrial land, therefore the 0.5648 hectares of office land proposed in this application is significantly less than 1.7 hectares and is therefore unacceptable. Whilst it is accepted that the proposal includes an office building and office accommodation within the live/work units, there is no provision for general independent business development and housing development is proposed on the majority of the site. Given there would be a limited amount of employment development within the application site, the proposal does not comply fully with the aims of Proposals I2 and I6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

37. There have been meetings between the applicants and planning officers in an attempt to negotiate the provision of sufficient employment development within the scheme. Officers have expressed support for the redevelopment of Banks' offices. Whilst officers consider the development of the Inkerman site offers an excellent opportunity to provide readily available employment land for potential businesses, Banks are unwilling to provide 1.7 hectares for employment development (as allocated in the local plan), and wish the Committee to accept the much smaller amount of 0.5648 hectares.

'live/work' units

38. The development proposes 16 live/work units within the site. Amended plans have been submitted which show an increase in the floorspace for the business use within these live/work units. It is noted that the concept of live/work units, on this scale, is relatively new within Wear Valley district. Whilst in principle the concept of live/work units is acceptable in this location, the concern is that the business use of these units would diminish and the buildings could in time become fully residential without sufficient control. The proposed live/work units do not allow for the potential success of the business units since no expansion space would be provided. No justification has been provided by the applicant why 16 live/work units have been proposed. No evidence has been presented to show there is sufficient demand for 16 live/work units. Without such evidence there is the very real potential that many of the units would become fully residential in time. This would therefore be contrary to Proposals I2 and I6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 which aim to provide employment uses on the land.

#### archaeology

39. Durham County Council Archaeologist has been consulted on this application. The Archaeologist has confirmed that to the north-west of the proposed development lie the remains of the Inkerman beehive coke ovens. Some of the ovens are legally protected as a scheduled ancient monument (SAM 30929) and are currently on the 2007 Buildings At Risk (BAR) register. The coke ovens are graded as condition "poor" and priority "C" which means they fall into the top priority category for all BAR sites. The archaeological assessment submitted by the developer has also revealed several areas of archaeological potential on the site. Banks have advised that the proposed layout can be adjusted to ensure the houses do not directly impact on the remains. The County Archaeologist has concerns regarding whether the scheme can be adjusted to avoid the remains. The County Archaeologist has suggested the use of conditions to require a programme of archaeological works and a mitigation strategy to ensure the remains are protected.

#### means of access

40. The proposed access is to be taken from the south of the site off Inkerman Road. There is an existing access into the site from this point. Durham County Council Highways Authority have been consulted on the application. The Highways Officer has raised no objections to the proposed means of access. The Highways Officer has declined to comment on the internal layout as these issues would be considered in a reserved matters application. The proposed means of access is considered to be in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

#### sustainability

41. In accordance with PPG13 Transport local planning authorities when considering planning applications should accommodate housing principally within existing urban areas which are highly accessible by public transport. The proposed housing development would not be highly accessible. Also PPG13 asks local planning authorities to ensure developments comprising jobs offer a realistic choice of access by public transport, walking and cycling. Durham County Council have recommended that the employment proposal should be developed in such a way that it encourages sustainable travel and that opportunities to provide travel choices are designed into the development at the outset. Whilst it is accepted the live/work units would play an important part in creating sustainable communities, reducing the need to travel by car, no proposals have been put forward for travel choices in respect of the proposed office development.

## **objections/observations**

42. Occupiers of the surrounding properties have been notified in writing and a site was posted. The application was also advertised in the local press. Two letters of support has been received. The contents of the letter are summarised below:
- The development will certainly improve the northern aspect of the town, creating a positive impression to the landscape.
  - The town needs new life and the live/work units will provide employment to the local community.
  - The provision of new housing will bring new residents to the area and they will provide income to the local businesses.
  - The development would be a great improvement on the area, excellent choice of dwellings and a great use of the defunct coal yard.
  - Concerns there is no inclusion of the coal yard to the rear of the site.

## **conclusion and reasons for refusal**

1. Large scale housing development is proposed on land located beyond the settlement limits of development for Tow Law as allocated on the Proposal Maps of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The proposal is therefore a major departure and in direct conflict with policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. Tow Law is classified as an urban area, therefore the proposed development would be classed as priority 3, against the sequential test priority order stated in Policy 3 of the RSS. The proposal is not sequentially preferable and is contrary to Policy 3 of the Submission Draft Regional Spatial Strategy, PPS3 and PPS7.
2. The Tow Law Area Development Framework (ADF) was approved by both the Housing and Regeneration Committees in February/March last year. The Framework identifies the Inkerman site as a fundamental site in supporting the sustainability of the former coalfield community and creating a vibrant district. The ADF has made recommendations relating to housing within Tow Law. None of these recommendations include the allocation of or provision for new dwellings on the scale presented within this application. The proposed development, in particular the number of residential properties proposed, would undermine the objectives of the Tow Law Area Development Framework.
3. The majority of the application site which is situated within the settlement limits of Tow Law is allocated as Industrial Land. This allocated industrial land is covered by Proposal I2 (New Industrial Allocations) and Proposal I6 (Local Industrial Sites) of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. This land is specifically allocated for proposals for business uses (Class B1), general industries (Class B2) and warehousing and distribution (Class B8). The Employment Land Review states that the Inkerman site should be retained. Despite low demand for employment premises, the area remains vulnerable to further structural changes in the economy, and opportunities to instigate business growth should be protected. Although the proposal would include office accommodation, housing development is proposed on the majority of the site. The proposal is contrary to

Proposals I2 and I6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 which aim to provide employment uses on the land.

4. 16 live/work units are incorporated within the proposed development. The concept of live/work units, on this scale, is relatively new within Wear Valley district. The developer has not provided any evidence indicating a demand for 16 live/work units. It is considered, therefore, there is the very real potential that many of the units would become fully residential in time. This would therefore be contrary to Proposals I2 and I6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 which aim to provide employment uses on the land.

## RECOMMENDED

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

1. The proposed development is in direct conflict with policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and is contrary to policy 3 of the Submission Draft Regional Spatial Strategy, PPS3 Housing and PPS7 Sustainable Development in Rural Areas as large scale housing development is proposed beyond the settlement limits of development for Tow Law on a site which is not sequentially preferable.
2. The proposed development is contrary to Proposals I2 and I6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and guidance contained within the Employment Land Review as the proposal would result in housing development on land allocated for industrial development.

### background information

Application files, Regional Spatial Strategy, Employment Land Review, Tow Law Area Development Framework, WVDLP as amended by Saved and Expired Policies September 2007, PPS3, PPS7, PPG13, PPG16.

PS code

1

number of days to Committee

180

target achieved

✓

### explanation

Detailed discussions between the planning officers and the applicant.

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#### Officer responsible for the report

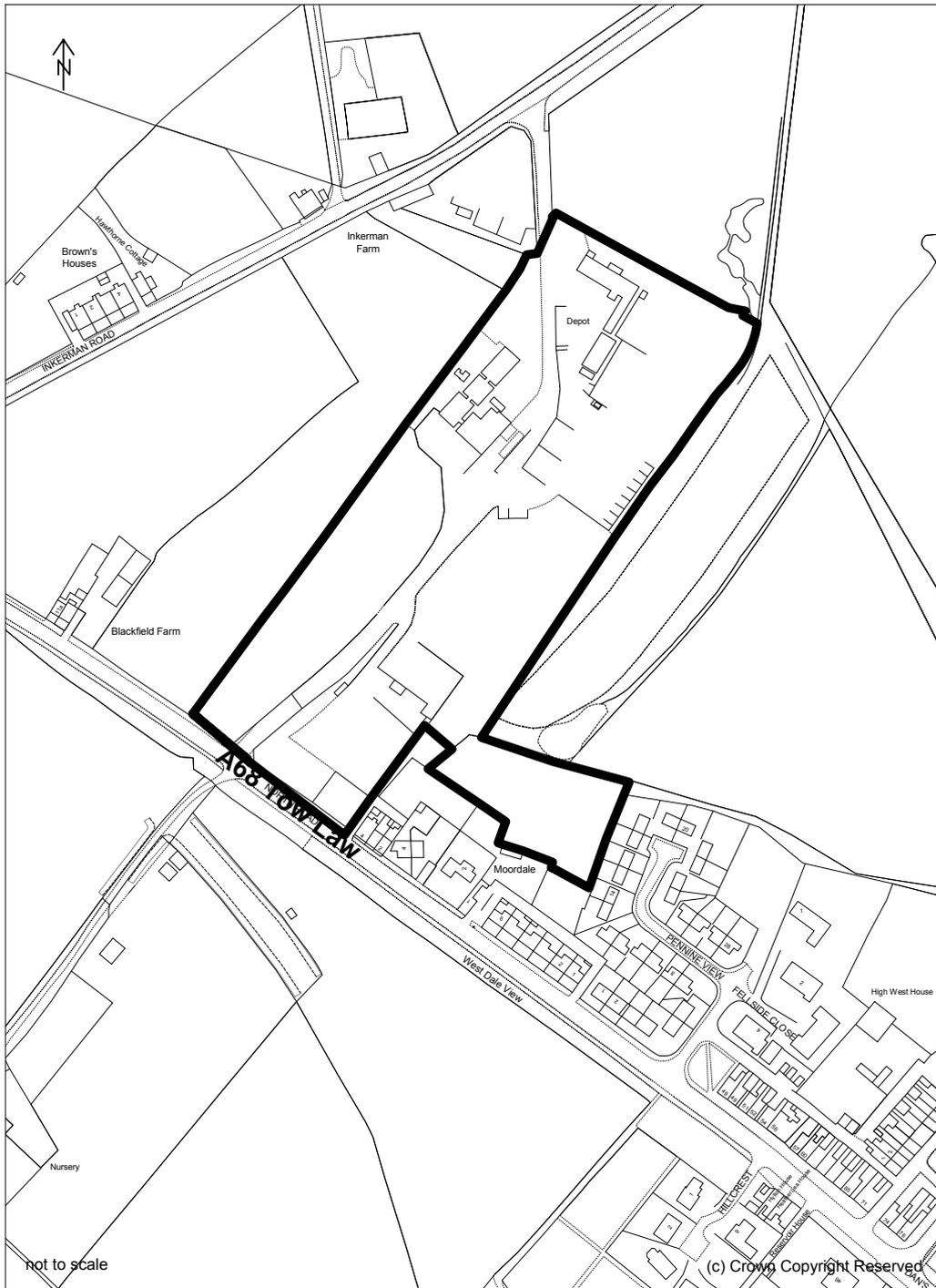
Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

#### Author of the report

Chris Baxter  
Senior Planning Officer  
Ext 441

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**3/2007/0773 - SUSTAINABLE MIXED USE DEVELOPMENT INCLUDING ECO-OFFICE BUILDING, 68 LOW-CARBON HOUSES, 16 LIVE/WORK UNITS AND ASSOCIATED ROADS, CAR PARKING AND LANDSCAPING AT INKERMAN DEPOT, INKERMAN ROAD, TOW LAW, BANKS DEVELOPMENTS LIMITED - 16.10.2007 - AMENDED 03.12.2007, 04.02.2008 AND 11.03.2008**



DEVELOPMENT CONTROL COMMITTEE

10<sup>TH</sup> APRIL 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0062 - PLANNING PERMISSION FOR A SNACK BAR FROM PREVIOUSLY APPROVED APPEAL DECISION ON APPLICATION REFERENCE 3/2005/0329 WHICH LIMITS THE USE UNTIL 30TH NOVEMBER 2008 AT GARY'S SNACK BAR, ROMANWAY INDUSTRIAL ESTATE, TINDALE CRESCENT, BISHOP AUCKLAND FOR COUNCILLOR HENRY – 05.03.2008**

**description of site and proposals**

1. This application is reported to Committee as the applicant is Councillor Gary Henry.
2. Planning permission is sought to retain a portakabin for use as a snack bar which is located on a site adjacent to the A6072 at the Romanway Industrial Estate. Members may recall that a previous planning application for the use of the portakabin as a snack bar was refused on 26<sup>th</sup> July 2005. The applicant subsequently appealed the decision to the Secretary of State. The Inspector allowed the appeal subject to the following condition:-

‘The use of the land for a steel portakabin hereby permitted shall be discontinued on or before 30<sup>th</sup> November 2008 and the structure shall be removed from the site.’

3. The portakabin is a steel flat roofed structure with shuttered windows and steel doors. It measures 8 metres in length, 2.2 metres in width and is 2.2 metres high. The business currently employs one full time member of staff and three part time staff.

**planning history**

3. The following planning applications are relevant:
  - 3/2000/0011 Portakabin Snack Bar Approved 15.03.2000
  - 3/2005/0329 Use of Steel Portakabin for Refused 26.07.2005  
Continued Use as a Snack Bar

## **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
  - I9 Service Industrial Sites
  - S11 Hot Food takeaways
  - S12 Retailing from Industrial Estates

## **consultations**

5. Durham County Council Highways Section: No objection

## **officer analysis**

6. The key issues for consideration are:
  - The Inspector's time limit condition
  - Impact on the Visual Appearance of the Area
  - Impact of a Hot Food Outlet on Established Shopping Areas and the
  - Industrial Site

the inspector's time limit condition

7. When the Inspector allowed the appeal for the refusal of the portakabin as a snack bar a condition was placed on the planning permission stating that 'The use of the land for a steel portakabin hereby permitted shall be discontinued on or before 30<sup>th</sup> November 2008 and the structure shall be removed from the site'. The Inspector considered a period of three years was sufficient time to allow the appellants to find a more suitable location for the business.

impact on the visual appearance of the area

8. The Inspector observed that the portakabin is readily visible above the low roadside hedge from the A6072 which is a major route into the town from the south. The portakabin is a steel flat roofed structure which has a utilitarian appearance. The portakabin contrasts sharply with the modern appearance of the new development in the locality. The Inspector considered the long term siting of the portakabin in this area would be inappropriate within the expanding suburban environment where standards of design and appearance of new development have been continually improving. Accordingly the design and appearance of the portakabin are detrimental to the appearance of the area contrary to policy GD1 of the Wear Valley District local Plan as amended by the Saved and Expired Policies September 2007.

impact of a hot food outlet on established shopping areas and the industrial site

9. Proposal I9 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 identifies the site as being within a Service Industrial Site wherein uses such as A5 (Takeaways) will not be allowed. This is also reiterated in policy S12 of the Wear Valley as amended by Saved and Expired Policies September 2007 which states that retailing uses will only be permitted where it is ancillary to the main industrial use of a building and where retailed goods are manufactured on the premises. Policy S11 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 states that hot food takeaways will be allowed in existing shopping areas, subject to proposals satisfying all other criteria. No provision is made in the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 for allowing hot food takeaways outside retail areas. The applicant has been given sufficient time to find suitable premises for the business which would meet the criteria set out for hot food takeaways within the local plan. The proposed retention of the snack bar at Romanway Industrial Estate is contrary to the objectives of policies S11 and S12 and proposal I9 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

#### **objections/observations**

10. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.
11. At the time of writing this report the consultation period had not yet expired if any new issues are raised by the end of the consultation period they will be reported to the Committee meeting.

#### **conclusion**

1. A Planning Inspector has decided previously that it would not be appropriate to allow the portakabin to remain on the site beyond 30<sup>th</sup> November 2008 because the portakabin is detrimental to the appearance of the Romanway Industrial Estate by reason of its utilitarian appearance. The proposal is contrary to policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. The snack bar is a non-conforming use on the Romanway Industrial Estate and its retention would be contrary to the objectives of proposal I9 and policies S11 and S12 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## RECOMMENDED

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

1. Retention of the snack bar would be detrimental to the improving appearance of the area by virtue of the scale, design and appearance of the portakabin. The proposal is contrary to policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. The snack bar is a non-conforming use on the Romanway Industrial Estate and its retention would be contrary to the objectives of proposal 19 and policies S11 and S12 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

### background information

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

<b>PS code</b>	<input type="text" value="9"/>	<b>number of days to Committee</b>	<input type="text" value="37"/>	<b>target achieved</b>	<input type="text" value="√"/>
<b>explanation</b>					

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**Officer responsible for the report**

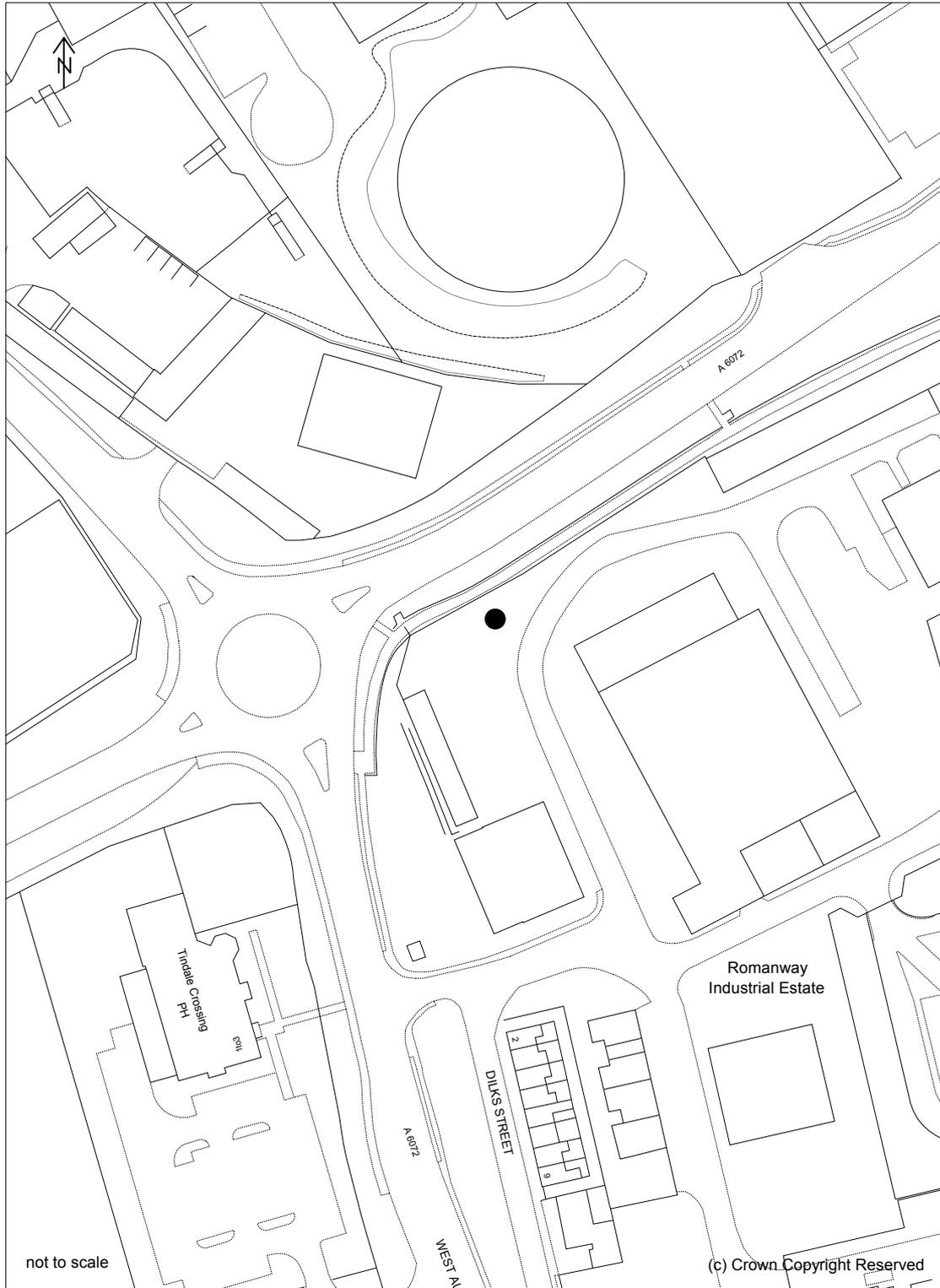
Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

**Author of the report**

Sinead Folan  
Planning Officer  
Ext 272

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**3/2008/0062 - PLANNING PERMISSION FOR A SNACK BAR FROM PREVIOUSLY APPROVED APPEAL DECISION ON APPLICATION REFERENCE 3/2005/0329 WHICH LIMITS THE USE UNTIL 30TH NOVEMBER 2008 AT GARY'S SNACK BAR, ROMANWAY INDUSTRIAL ESTATE, TINDALE CRESCENT, BISHOP AUCKLAND FOR COUNCILLOR HENRY - 05.03.2008**



DEVELOPMENT CONTROL COMMITTEE

10<sup>TH</sup> APRIL 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**FOR INFORMATION**

**APPEAL DECISION**

**3/2006/0988 - DEMOLITION OF EXISTING TERRACED HOUSES AND CONSTRUCTION OF 3 NO. THREE STOREY TERRACED TOWN HOUSES AT 12, 14, 16, 18 MAIN STREET, CLOSE HOUSE FOR MR. COLEMAN**

1. Planning permission was sought for the demolition of 4 existing terraced houses and the construction of 3 no. three storey terraced town houses at 12, 14, 16 and 18 Main Street, Close House, Bishop Auckland. Planning permission was refused for the following reason:

*The proposal fails to achieve the recommended separation distance between new and existing dwellings of 21 metres (habitable window to habitable window) and the minimum rear garden depth (10 metres) which are considered essential in the proper layout of new housing developments. The proposal consequently conflicts with policy H24 of the Wear Valley District Local Plan.*

2. An appeal was made against the decision. The Inspector has dismissed the appeal for the following reasons:
  - The existing 2-storey terraced houses on either side of Main Street stand at the back edge of the footpaths on either side of this exceptionally narrow road which is apparently a bus route. The habitable windows in the facing facades are some 7m apart, only about a third of the 21m separation distance sought in saved Local Plan Policy H24 to maintain mutual privacy. I found that the living conditions provided by this nineteenth century residential environment are poor in terms of outlook, privacy and traffic intrusion. Indeed, the 3 houses remaining on the appeal site are vacant and derelict, and a number of former dwellings in the street have been demolished. I see little prospect of the 3 derelict houses at the appeal site being renovated and then re-occupied.
  - The redevelopment would result in the front facades being set back a little, but at the same time the height of the buildings would be increased to 3 storeys, increasing the unpleasant sense of domination for the neighbours opposite. The resulting separation distance of only 10m would be less than half the distance of the modern standard sought within the development plan. The new houses would have

lounges at first floor level that would overlook the habitable rooms across the street from close and elevated positions. Therefore, I find that the cramped and overbearing effect of the houses facing one another would remain and inadequate levels of outlook and privacy would result for the residents affected.

- Local Plan Policy H24 also seeks reasonable amenity space for new dwellings. The 4 bed townhouses proposed would have cramped rear gardens some 30 sq m in extent and only about 5m deep, about half the minimum 10m depth sought in the policy. Since the houses would be suitable for families, adequate external garden space is important for meeting the needs of resident children, in line with national advice in PPS3 (paragraph 17). I find that the external amenity space would be inadequate for the family housing proposed.
- On this issue, I conclude that the scheme before me would fail to secure reasonable living conditions for future occupants of the houses and the residents opposite, contrary to the provisions of the saved Local Plan Policy H24.

## **RECOMMENDATION**

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

**background information:** Application files, Inspector's letter dated 18<sup>th</sup> March 2008.

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**Officer responsible for the report**

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