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Gary Ridley Acting Chief Executive

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2<sup>nd</sup> July 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> JULY 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 10 <sup>th</sup> April, 15 <sup>th</sup> May and 12 <sup>th</sup> June 2008 as true records.  | Copies previously circulated |
| 3. To consider development control application 3/2008/0158 – Remove existing signage and replace with new at Woodhouse Close Leisure Complex, Woodhouse Lane, Bishop Auckland for Wear Valley District Council. | 1 - 4                        |
| 4. To consider development control application 3/2008/0284 – Change of use from food shop to café at 38 Collingwood Street, Coundon for Miss Clark.   | 5 - 10                       |
| 5. To consider development control application 3/2008/0285 – Erection of 17 new build houses at land adjacent to Railway Street, Howden Le Wear for Mr. Peacock.  | 11 - 26                      |
| 6. To consider development control application 3/2008/0231 – Change of use: from hairdressers to physiotherapy clinic at 29 Cockton Hill Road, Bishop Auckland for Mr. Coverdale.                               | 27 - 33                      |
| 7. To consider development control application 3/2007/0685 – Erection of canoe storage and workshop at Lanehead School (resubmission) at Lanehead Field Centre, Lanehead, Bishop Auckland for Mr. Williams.     | 34 - 41                      |
| 8. To consider development control application 3/2008/0233 – Retention of conversion of two first floor residential flats to form business office and storage space (use class B1) at Collingwood               | 42 - 47                      |

House, 11 Collingwood Street, Coundon for Mr. Davies, Crafters Companion Limited.

9. To receive for information appeal decision 3/2007/0434 – Change of use from bakery and coffee shop to adult gaming centre (sui generis) at 58 Newgate Street, Bishop Auckland for J. Noble and Sons Limited. 48 - 50
10. To receive for information appeal decision 3/2006/0815 – Erection of one and a half storey detached dwelling with garden shed, greenhouse and one parking space at land adjacent to 2 Wear View, Crawleyside for Mrs. Blenkinsopp. 51 - 53
11. To receive for information appeal decision 3/2007/0903 – Proposed bungalow with attached double garage at land adjoining (east of) 14 Steels Houses, West Roddymoor, Crook for Mrs. Scott. 54 - 56
12. To receive for information appeal decision 3/2007/0456 – To remove condition 12 of planning permission 3/1998/0329 to allow unrestricted opening at Asda Supermarket, 6 South Church Road, Bishop Auckland for Asda Stores Limited. 57 - 59
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



**Acting 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, Mews, Mowbray, Perkins, Taylor, Des Wilson and Zair.

Chair: Councillor Grogan

Deputy Chair: Councillor Mrs Jopling

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

**DEVELOPMENT CONTROL COMMITTEE**

**10<sup>TH</sup> JULY 2008**

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0158 - REMOVE EXISTING SIGNAGE AND REPLACE WITH NEW AT WOODHOUSE CLOSE LEISURE COMPLEX, WOODHOUSE LANE, BISHOP AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL - 29.04.2008**

**description of site and proposals**

1. This application has been reported to Committee as the Council owns the building.
2. Advertisement consent is requested for the erection of 2 adverts on Woodhouse Close Leisure Complex.
3. Advert 1 would measure 8 metres in length by 1 metre in width, and would consist of blue text on a white background stating "WOODHOUSE CLOSE LEISURE COMPLEX". The sign would be 2.5 metres from ground level.
4. Advert 2 would measure 8 metres in length by 2 metres in width, and would consist of blue text on a white background stating "WOODHOUSE CLOSE LEISURE COMPLEX". The sign would be 5.5 metres from ground level.
5. The application site consists of a leisure centre located on Woodhouse Lane. To the west of the site is St Mary's RC Church, to the east of the site is Woodhouse Close Library, whilst to the south of the site are the Magistrates Court, Durham University School of Chiropody, and Bishop Auckland ambulance and fire station. There is car parking for the application site along the western boundary of the centre. The building is flat roofed with a number of previous extensions.

**planning history**

6. The following applications relate to the site:
  - 3/1983/0805      Squash Courts      No Decision Issued
  - 3/1989/0357      Refurbishment      Approved 21.07.1989
  - 3/1995/0367      New Door and Window Openings Approved 11.10.1999

## **planning policies**

7. The following policies of the Wear Valley District Local Plan (WVDLP) as amended by the Saved and Expired Policies September 2007 are relevant in the consideration of this application:
  - GD1 General Development CriteriaAlso relevant is PPG19 Outdoor Advertisement Control

## **consultations**

8. CDE&TS (highways): No objection.

## **officer analysis**

9. The key issues for consideration are:
  - Visual Impact and Highways Impactvisual impact and highways impact
10. The display of outdoor advertisements can only be controlled in the interests of "*amenity*" and "*public safety*". In assessing an advertisement's impact on "*amenity*", local planning authorities should have regard to its effect on the appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed. In assessing an advertisement's impact on "*public safety*", local planning authorities are expected to have regard to its effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water, or in the air. The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety.
11. PPG19 Outdoor Advertisement Control states that advertisements will be permitted where they (amongst other things) are in keeping with character of the building and the surrounding area and where they do not distract, misdirect or confuse motorists or be an obstruction and be dangerous to pedestrians.
12. It is considered that the proposed fascia signage is not to the detriment of the street scene or the character of the area. The signage would not detract from the leisure centre and it is considered that the signage would not be to the detriment of highway safety. As such the proposal 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 and PPG19 Outdoor Advertisement Control.

### objections/observations

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

### reasons for approval

1. The proposed signage will not be to the detriment of the street scene or the character of the area. The signage does not detract from the leisure centre and is considered not to be to the detriment of highway safety and as such 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 and PPG19 Outdoor Advertisement Control.

### RECOMMENDED

That advertisement consent be **GRANTED** subject to the following conditions and reasons;

#### conditions

- 1-6. Standard advertisement conditions.

#### reasons

- 1-6. Standard advertisement reasons.

#### background information

Application files, WVDLP as amended by the Saved and Expired Policies September 2007, PPG19 Outdoor Advertisement Control.

**PS code**

22

**number of days to Committee**

72

**target achieved**

No

**explanation** First available Committee.

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**Officer responsible for the report**

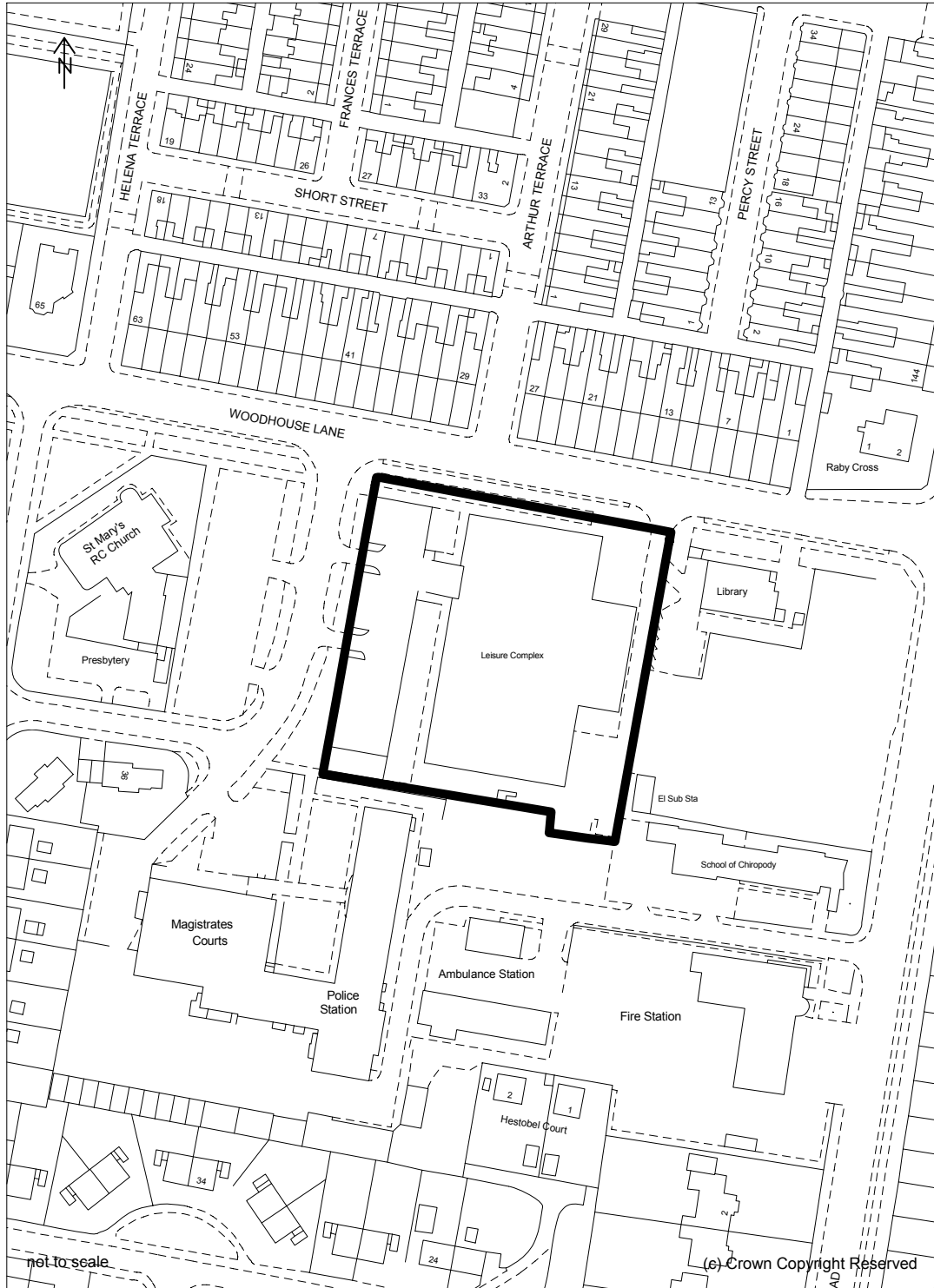
Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

**Author of the report**

Adam Williamson  
Planning Officer  
Ext 495

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**3/2008/0158 - REMOVE EXISTING SIGNAGE AND REPLACE WITH NEW AT WOODHOUSE CLOSE LEISURE COMPLEX, WOODHOUSE LANE, BISHOP AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL - 29.04.2008**





## officer analysis

7. The key issues for consideration are:

- Principle of Development
- Impact on Surroundings

principle of development

8. Coundon has a low percentage of retail units while the proportion of service units such as pubs, hairdressers and takeaway food outlets is high. Furthermore, a retail study undertaken in March 2007 indicated that 11 (39%) units out of the 28 retail and commercial units were vacant.

9. Coundon has no designated shopping area as allocated by the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2008. As such the main policy for consideration is policy S11 Hot Food takeaways. This policy was written prior to use class A3 being sub-divided into A3 for cafes and restaurants and A5 for hot food takeaways. Notwithstanding the above, policy S11 consideration should be given to, amongst other things, whether the development would undermine the vitality and main function of the existing retail area.

10. The retail study of March 2007 shows that of the retail and commercial units 18% were used for retail with 43% used for services. The 43% service level is high, however in this case it is not considered that the proposal would have a detrimental impact on the vitality and viability of the retail function given that there would be further opportunities for retail use in the remaining vacant units along Collingwood Street.

11. It is also important to note that the operation of a café from the site would have the advantage of making use of a vacant property without having the 'dead' daytime frontage during the daytime which is typical of, for example, a hot food takeaway (use class A5).

12. As such it is considered that the principle of development for a café is acceptable in this instance and would accord with guidance contained within policy S11 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

impact on surroundings

13. As no external alterations are proposed, the proposal would not have a detrimental effect on the setting or appearance of the surrounding area.



14. No details have been provided on the proposed extractor system to deal with cooking odours, however it is common practice to require these details to be approved through a condition of the permission. Modern extraction systems are normally efficient enough to reduce any smells to acceptable levels and there is no reason to believe this cannot be achieved on this premises. It is considered a carefully sited external extractor system can be accommodated on the building without harming the character and appearance of the building or the surrounding area. The effect of cooking smells on the living conditions of neighbours is therefore not considered to be an issue to justify refusal.
15. There are several residential units within close proximity of the application site. Subject to appropriate conditions, it is considered that the proposed change of use would not have a detrimental effect to residential properties in terms of noise and waste storage.
16. It is considered that the impact of the development on surrounding properties would be minimal due to the commercial setting of the property, in accordance with policies GD1 and S11 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

### **objections/observations**

17. Occupiers of neighbouring properties have been notified in writing and a site notice was also posted.
18. Six letters of objection has been received, the details of which are set out below:
  - a) The proposal would adversely affect the amenity of neighbouring residents.
  - b) The proposal would undermine the vitality and viability of the shopping area.
  - c) The proposal would create unacceptable levels of traffic

### **response to objections**

19. The following comments are made in response to the issues raised:
  - a) It is considered that subject to appropriate conditions in respect of noise and disturbance, cooking smells and waste storage and these issues can be further controlled by conditions of the permission to ensure this is not harmful to amenity.
  - b) It is noted that the 43% service level is high, however in this case it is not considered that the proposal would have a detrimental impact on the vitality and viability of the retail function given that there would be further opportunities for retail use in the remaining vacant units.
  - c) The County Highways Engineer has been consulted on the proposal and he raises no objection to the proposal.

## **conclusion and reasons for approval**

1. The proposal would not undermine the retail function of Collingwood Street and would add further to the diversity and vitality to this part of Collingwood Street. The proposal accords with policies GD1 and S11 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. The proposal would not cause unacceptable harm to the living conditions of neighbours in terms of noise and disturbance, cooking smells and waste storage and these issues can be further controlled by conditions of the permission to ensure the use is not harmful to amenity. This accords with policies GD1 and S11 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. The proposal would not prejudice highway safety or create unacceptable levels of traffic. This accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

## **RECOMMENDED**

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

### **conditions**

1. Within 28 days of the date of this permission details of the storage of refuse (and returnable containers) shall be submitted to the local planning authority for approval in writing. The storage of refuse (and returnable containers) shall be carried out in accordance with the approved details within 28 days of the details being approved in writing by the local planning authority.
2. Within 14 days of the date of this permission details of how all cooking smells, noxious fumes or vapours from the premises will be disposed of shall be submitted to the local planning authority for approval in writing. The scheme shall be carried out in accordance with the approved details within 28 days of the details being approved in writing by the local planning authority. The details submitted for approval shall show any external feature required to be added to the exterior of the building for this purpose, including location, colour, finish and design. Following implementation of the details of the means of disposal the equipment shall be retained and maintained at all times to ensure the effective disposal of smells, fumes or vapours.
3. Within 28 days of the date of this permission details of a scheme to attenuate noise emissions through the ceiling of the premises shall be submitted to the local planning authority for approval in writing. The scheme shall be implemented in accordance with the approved details within 28 days of the details being approved in writing by the local planning authority. Thereafter the apparatus/means of attenuation shall be retained and maintained at all times to ensure the effective attenuation of noise emissions.

## reasons

1. To enable the local planning authority to retain control over the provision of facilities for the storage of refuse; to secure a satisfactory standard of development and in the interests of road safety. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. In the interests of protecting the amenities of the locality. In accordance with policies GD1 and S11 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. In the interests of protecting the amenities of the neighbours. In accordance with policies GD1 and S11 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**

20

**number of days to Committee**

68

**target achieved**

No

**explanation**

Next available Committee.

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### Officer responsible for the report

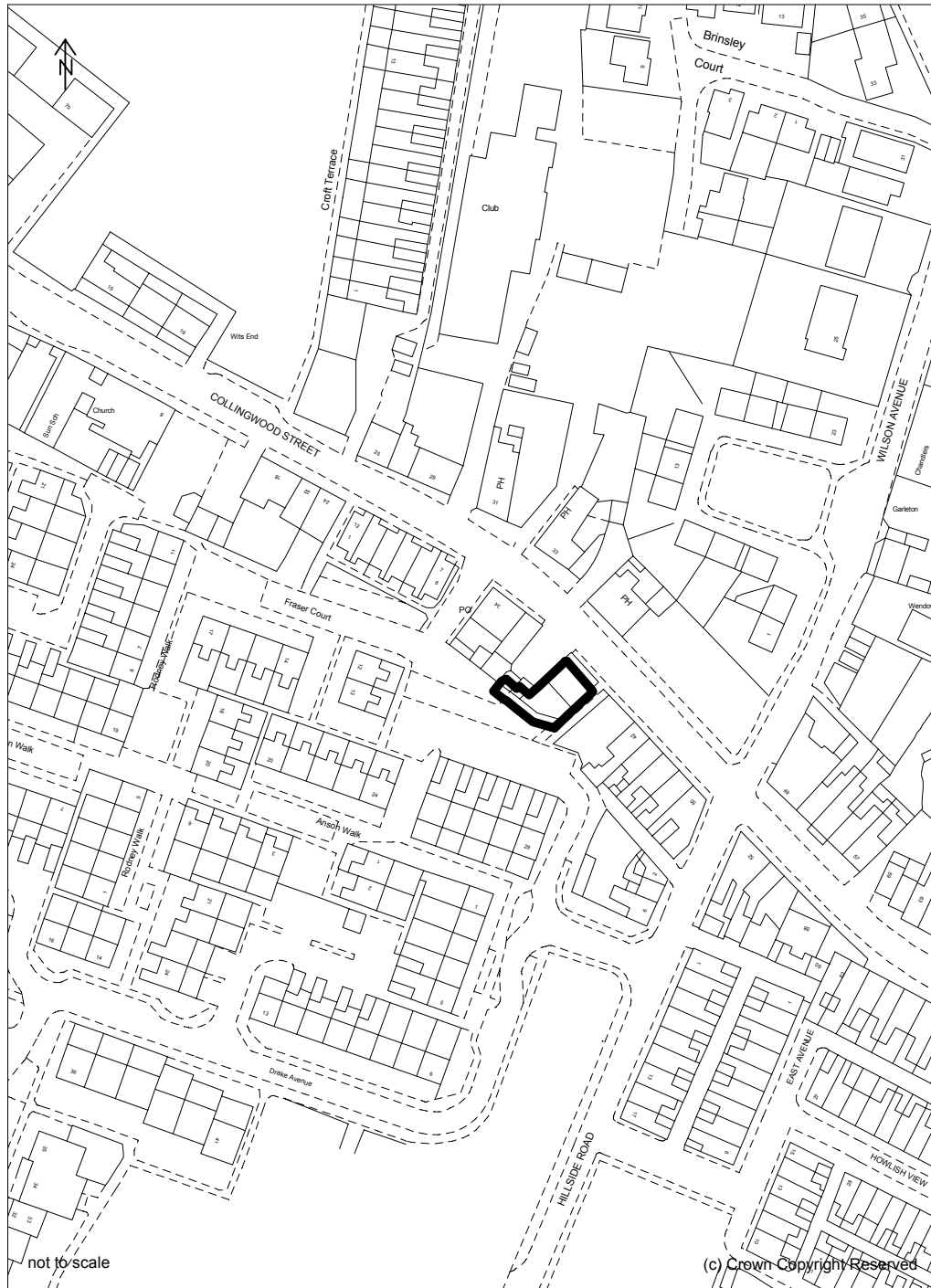
Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

### Author of the report

Adam Williamson  
Planning Officer  
Ext 495

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**3/2008/0284 - CHANGE OF USE FROM FOOD SHOP TO CAFE AT 38  
COLLINGWOOD STREET, COUNDON FOR MISS CLARK – 03.05.2008**



DEVELOPMENT CONTROL COMMITTEE

10<sup>th</sup> JULY 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0285 - ERECTION OF 17 NEW BUILD HOUSES AT LAND ADJACENT TO RAILWAY STREET, HOWDEN LE WEAR FOR MR. PEACOCK 08.05.2008 – AMENDED 18.06.2008**

**description of site and proposals**

1. Members may recall granting planning permission for 17 new dwellings on land at Railway Street, Howden le Wear on 1<sup>st</sup> June 2005 (reference 3/2004/1017). This application seeks a substitution of house types and amendments to the approved layout for about two thirds of the 2004 site, on which 13 of the 17 approved new dwellings were to be built.
2. Full planning permission is sought for the erection of 17 new dwellings on a greenfield site adjacent to Railway Street, Howden le Wear. The site covers an area of approximately 0.578 hectares and is located within the settlement limits for Howden le Wear as shown on the Wear Valley District Local Plan Proposals Map as amended by the Saved and Expired Policies September 2007.
3. The proposed dwellings would constitute 12 no. 4 bed dwellings and 5 no. 3 bed dwellings. 16 of the 17 new dwellings would have attached garages. The dwellings would be built at a density of approximately 30 dwellings to the hectare.
4. To the north of the site are St Mary's Church, the Mill House and its access, and Howden le Wear Primary School. To the east of the site is a highway and an area of open space. To the south of the site there are a number of vacant garage units and agricultural land, and to the west of the site is agricultural land.
5. A section of Howden Beck is included within the site. The site is flat in the main but slopes down at the southern boundary into the beck. The beck is lined with mature trees; 17 of these trees have been protected by an individual Tree Preservation Order.

## planning history

6. The following planning history is considered relevant to this planning application:

- 3/2007/0855      Erection of 17 New Build Houses      Withdrawn 05.03.2008
- 3/2004/1017      17 No. Houses      Approved 01.06.2005
- 3/2004/0499      15 New Houses      Withdrawn 16.09.2004

## planning policies

7. 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:

- H3              Distribution of Development
- GD1            General Development Criteria
- H24            Residential Development
- T1              Highways – General Policy
- H22            Community Benefit
- T15            Garages

Also relevant: Planning Policy Statement 1 'Delivering Sustainable Development' (PPS1), Planning Policy Statement 3 'Housing' (PPS3), Planning Policy Statement 7 'Sustainable Development in Rural Areas' (PPS7), Planning Policy Statement 25 'Development and Flood Risk' (PPS25), North East of England Regional Spatial Strategy The Secretary of State's Further Proposed Changes to the Draft Revision Submitted by the North East Assembly February 2008 (RSS), County Durham Local Transport Plan 2 (LTP2), Planning Policy Guidance 13 'Transport' (PPG13), Planning Policy Statement 9 'Biodiversity and Geological Conservation' (PPS9)

## consultations

8. DCC Highways: The internal road layout is generally acceptable. I understand that house type E is the only one without an integral garage. If this is the case then off street parking provision is adequate. The proposal must be linked to the existing footways by the provision of a new footway along the western side of Railway Street within the existing highway verge. In order to achieve acceptable adopted highways within the site I consider that any approval must be conditional upon the following requirements:-

1. Plans, showing full engineering and construction details of the new roads within the site and including details of the footway link to the north must be submitted to, and approved by, the Local Planning Authority prior to the commencement of any work on site.
2. The off-site footway link to the north must be constructed in accordance with the details approved above prior to the commencement of any other work on site.

9. A note should be attached to any approval stating that it will be necessary for the applicant to enter into an agreement under Section 38 of the Highways Act 1980, in order to ensure the adoption of the proposed new highways. It will also be necessary for the applicant to enter into an agreement under Section 278 of the same Act, to allow the required works within the existing highway to be carried out.
10. DCC Landscape: I am satisfied with the proposal to retain all the trees apart from those beside the entrance shown for removal on Drawing no. 100, *Site as Existing*. In addition to retaining the majority of trees it is important that none of the tree pruning, crown cleaning etc. described in the Arboricultural Implication Assessment from All About Trees is carried out on the trees listed as potential bat habitats in the Reasoned Risk Assessment for bats from Durham Wildlife Services Limited unless a full bat survey has been undertaken and any necessary licences obtained and mitigation provided. This is a legal requirement, but I do not, in any case, see why such tree works should be necessary.
11. It is also important that the root protection arrangements detailed in BS5837:2005 are followed regarding the exclusion of construction traffic and storage from the root protection areas of the trees, and the avoidance of changing soil levels or even temporary soil removal or stockpiling. This will be particularly important for the trees on the north side of the beck. As the Arboricultural Implication Assessment explains, those trees on the south side of the beck will predominantly root to the south, away from the beck. Similarly, those on the north side will also root away from the beck, but this will be towards the proposed development. It is noted that the proposed garden fences fall within the trees' Root Protection Areas. This is not in itself a problem, provided that major roots are avoided when siting fence posts. However, in order to prevent the trafficking of construction vehicles and the storage of materials, etc. within the Root Protection Areas it is recommended that the trees be protected with fencing as detailed in BS5837:2005 until the construction of the houses is complete, and only then should the garden fences be erected. As mentioned above, it is important that soil levels within the Root Protection Areas remain unchanged.
12. Durham Constabulary: No objections. Makes a number of recommendations in relation to the entrance to the development, landscaping, perimeter and dwelling boundaries, rear access paths, street lighting, natural surveillance, security lighting, doors, garages, windows, drainpipes and intruder alarms. The full report is on the file.
13. DCC Ecologist: I have only one concern that there is no conflict between the trees identified to be felled or topped by the Arboriculturalist and those identified as having potential for bats in the bay report. If it is decided to pursue felling or lopping of any potential bat trees then a full bat survey of trees to be felled or lopped will need to be carried out.
14. DCC Arboricultural Officer: The plan submitted is adequate with regard to Root Protection Areas (RPA) construction exclusion zones. However shade dominance appears to have been overlooked on the trees constraints plan.

15. Durham Bat Group: This site has only been surveyed in winter for potential for bats and there has been no systematic attempt to quantify bat usage.
16. As the report and casual observations suggest, risk of use by bats is very high and the proposed development will have a detrimental effect on any bats roosting in the trees. On the other hand, bat friendly features in the housing could make a positive contribution.
17. DBG would suggest that the development could be considered under the following circumstances.
  1. A summer survey identifies the trees which are used by bats.
  2. The development is designed to ensure that disturbance of these trees by light, noise, cats from the new housing is minimised.
  3. Bat friendly features are incorporated into south facing walls and gable ends of the houses proposed for this site.
18. DCC Archaeology: No objections
19. Northumbrian Water: Recommends the following condition:

Condition

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

Reason

A public sewer crosses the site and is shown built over on the application. Northumbrian Water will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicant's full cost.

The developer should contact Maurice Dunn at this office (tel 0191 419 6577) to discuss the matter further.
20. Environment Agency: Following the addendum to the FRA, we have received further information relating to the modelled flood levels and interpolation to create new flood levels. The method used and resulting calculations are satisfactory and have produced reliable data. Therefore we can now withdraw our objection subject to conditions (full list of conditions are on file and have all been included in the conditions section of this report).
21. Natural England: The proposal is unlikely to have an adverse effect in respect of protected species especially protected by law



## officer analysis

22. The key issues for consideration are:

- Principle of the Development
- Design
- Residential Amenity
- Impact on the Surrounding Area
- Parking and Access
- Trees
- Impact on Protected Species
- Community Benefit
- Flood Risk

principle of the development

23. The development of this site for residential purposes has been established previously by the granting of planning permission for 17 houses in June 2005 (3/2004/1017). This consent remains extant and predates the Council's recent local interpretation of the sequential search set out in policy 3 of the emerging RSS. The current proposal seeks to achieve a higher density of development and so make more efficient use of the land than the previously approved scheme. This increase in density would not lessen the quality of the development.

24. The application site falls within the settlement limits to development for Howden le Wear, as allocated on the Proposals Map under policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

25. In view of the above and given that the extant consent could be implemented, it is considered appropriate to continue to support the principle of development on this greenfield site for residential purposes on this occasion.

design

26. Achieving high quality design and in particular promoting better housing design is a key objective of national planning policy in PPS1 and PPS3. The site is not in a conservation area. Howden le Wear is characterised by rows of traditional terraced housing. The proposed development has attempted to reflect this in the row of houses to the north of the site.

27. The new dwellings would be 2.5 storeys high with dormer windows to the rear to make use of the roof space. The dwellings represent a mix of housing type ranging from 2, 3 and 4 bedroom houses built at a density of approximately 30 dwellings to the hectare.

28. The form of the different house types would essentially be similar with uniform fenestration throughout and similar rooflines. Larger peaked roofs would be used to emphasise the dwellings at the ends of the rows and to break up the uniformity of the scheme.

29. It is considered that the proposed development would be in keeping with the density and character of the area in terms of mass, scale and design. The proposal accords with national planning policy guidance in PPS1 and PPS3, as well as policies GD1 and H24 of the wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

residential amenity

30. The closest residential property to the development is the Mill House. The Mill House would be located 12.5 metres from the nearest new dwelling on plot number 8. A separation distance of 15 metres between windowed elevations and opposing gable end walls is not quite achieved in relation to one window at The Mill House. However a distance of 12.5 metres between the window and the gable wall of plot number 8 is considered acceptable as it would not lead to a significant loss of light to the east facing window and there would be no significant overbearing impacts. There are no other residential dwellings in close proximity to the development site.
31. Within the site each of the dwellings would achieve separation distances between windowed elevations of 21 metres or more except for between plots 7 and 17 where the distance is 20 metres. This distance would not be considered to compromise residential privacy. There would be a 15 metres separation distance between windowed elevations and opposing gable walls.
32. Each dwelling would have its own private garden to the rear ranging between 5 and 10.2 metres in depth. Less private, secondary amenity space would be located to the fronts of the properties. This application increases the amount of private amenity space from the existing permission. Further amenity space would be available directly opposite the site at an area of informal open space used by local residents.
33. The scheme has been designed to ensure a satisfactory standard of residential amenity for the proposed dwellings and to safeguard the amenities of the neighbouring adjacent dwelling. The proposal accords with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

impact on the surrounding area

34. The site is not located within a conservation area, however it is located in an attractive rural village adjacent to the 19<sup>th</sup> Century St Mary's Church and opposite an area of informal recreational space. It is important the external materials used for the development are appropriate to the setting of the site and enhance the character of the area. The submission of details of materials for approval will be a condition of any planning permission granted on the site.
35. The site would be visible within the surrounding area, however it is considered that with careful control over the use of construction materials, surface materials, lighting and landscaping the scheme would not have an adverse impact on the visual amenity of the surrounding area in accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

parking and access

36. The development would provide 16 dwellings with garages and a driveway with the ability to accommodate 1 car. One dwelling would have a driveway to accommodate one car. Therefore the majority of the new dwellings have two car parking spaces per dwelling. Visitor car parking would be provided in two blocks of two cars. The development includes for a fully adoptable type 3 access road into the site.
37. Arrangements for access within the site and parking are generally acceptable. No highways objection has been raised subject to appropriate conditions requiring full engineering details to be submitted for approval. The proposal therefore accords with policies GD1, T1 and T15 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, PPG13 and LTP2.

trees

38. Seventeen trees primarily along Howden Beck have been protected by an individual Tree Preservation Order as they make a significant contribution to the appearance of the area. Any works to these trees would require a planning application. It is not proposed to carry out works to any trees on the site. An arboricultural assessment was carried out in relation to the trees. The tree report was forwarded to Durham County Council's Arboricultural Officer for comment. These comments were then forwarded to the developer who has agreed to not undertake works to any trees on the site. There would however be some scrub hedging cleared at the entrance to the site.
39. Shade dominance of the trees was also considered as part of this application. Due to the distance of the trees from the proposed dwellings it is considered that the properties would not suffer significant overshadowing from the existing trees. The trees would be protected for the duration of the development by appropriate protective fencing.
40. In relation to trees the proposed development accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

impact on protected species

41. A bat survey was carried out on the trees along Howden Beck, skirting the south of the development site in February 2008. There was found to be a high risk of bats present in eight of the thirty five trees surveyed. Due to the high risk of bats in a number of trees any trees to be felled or to which arboricultural works are planned would require a full bat survey to be undertaken. A Natural England license would be required for any such work.

42. The site has also been surveyed for otters and water vole. It was concluded that otters probably utilise the beck, although there are no suitable sites for holts or lying up. Water voles are highly unlikely to utilise the site due to the fragmented and isolated nature of the site and extensive disturbance to bank sides by foraging pigs. The impact upon otters cannot be mitigated within the planned development and so a residual minor negative impact upon otters remains. No mitigation is required for water voles.
43. The bat survey and the otter and water vole survey were both forwarded to Durham County Council's Ecologist, who is satisfied that protected species will not be compromised as a result of the development in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and PPS9.

community benefit

44. A unilateral undertaking will entered into by the developer for the contribution of £17,340 for the provision and maintenance of appropriate recreational facilities in the locality in accordance with policy H22 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

flood risk

45. A flood risk assessment has been provided as a supporting document and which proves that the house floor levels as proposed are sufficiently above the calculated flood levels in accordance with Environment Agency requirements to avoid flooding to the houses.
46. All of the houses would be outside of flood risk zones 2 and 3; all houses being situated within the low risk zone 1 area as identified by the Environment Agency flood plans.
47. Rear gardens adjacent to Howden le Wear Beck would have hit and miss timber boundary fences to allow unhindered passage of flood water through them.
48. The proposed development would be in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and PPS25.

### **objections/observations**

49. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.

50. One letter and one e-mail objecting to the proposed development has been received making the following comments:
- a) Howden le Wear does not need another housing development.
  - b) Previous housing developments have not brought benefits to the village.
  - c) The village needs to conserve limited green spaces.
  - d) Will cause more congestion.
  - e) Will stretch amenities further.
  - f) Will damage limited green areas.
  - g) No recreational facilities in the village.
  - h) The local plan does not plan for new housing in Howden le Wear until the improvement of the beck and the completion of the bypass.
  - i) Policy that states that no planning permission should be granted for new housing in rural villages in the area until 2012 and only proposals received before April 2007 will be considered.
  - j) The proposed site should be reserved and developed as a green area.

### **response to objections**

51. The following comments are made in response to the points raised:
- a) An extant permission exists on the site for 17 No. dwellings.
  - b) Each application must be assessed on its own merits.
  - c) The site is not a formal or informal open space. It is in private ownership.
  - d) The highways authority has not raised any objections to the proposed development.
  - e) It is considered that the village can sustain the development; the local school has raised no objections to the proposed development.
  - f) A developer contribution will be paid to the Council for the maintenance and development of recreational facilities in the local area.
  - g) There are areas of open space in the village which are utilised by local residents.
  - h) The principle of the development has been agreed by virtue of the extant planning permission.
  - i) An extant permission exists on the site for 17 No. dwellings.
  - j) The site is in private ownership.

### **conclusion and reasons for approval**

1. The proposal is considered to be acceptable as it is in accordance with policies H3, GD1, H24, BE17, T1, H22, T15 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 as well as national guidance in PPS1, PPS3, PPS7, PPG13, PPS9, PPS25 and LTP2 for the following reasons:

1. There would be an adequate mix of housing types.
  2. The development would be suitably designed in terms of the layout and appearance of the dwellings.
  3. The principle of development has been established through an existing live permission 3/2004/1017 for houses on the site.
  4. The occupiers of the new dwellings would have suitable levels of amenity and security within the development and the living conditions of the occupiers of the neighbouring property would be safeguarded.
  5. The access and parking arrangements are appropriate.
  6. The development would not be detrimental to the health of any trees on or around the site.
  7. The development would not be detrimental to the well being of any protected species on the site.
  8. The Environment Agency are satisfied that the development is acceptable in terms of flood risk.
- 2 It is considered appropriate to withdraw permitted development rights in order to safeguard the appearance of the site and to prevent an increased risk of flooding.

## **RECOMMENDED**

That, subject to the applicant first completing a unilateral undertaking agreeing to pay the sum of £17,340 to the Council for the provision and maintenance of recreational facilities in the locality; planning permission be **GRANTED** subject to the following conditions and reasons:

### **conditions**

1. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
2. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority which shall include indications of all existing trees and hedgerows on the land.
3. All planting, seeding or turfing comprised in the approved details of the landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner, 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. No trees or shrubs on the site shall be removed without the prior written approval of the local planning authority. All trees and shrubs to be retained on site shall be protected for the duration of construction operations by appropriate protective fencing. Protection to trees shall be positioned around the crown spread to prevent any access, disturbance or contamination within the rooting zone.
5. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all 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 dwellings are first occupied.
6. Before the development hereby approved is commenced plans showing full engineering and construction details of the new roads within the site and including details of the footway link to the north must be submitted to, and approved in writing by the local planning authority prior to the commencement of any work on site.
7. Before the development hereby approved is commenced the off-site footway link to the north must be constructed in accordance with the details approved under the preceding condition prior to the commencement of any other work on site.
8. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, G of Part 1 of Schedule 2 and Classes A and B of Part 2 of Schedule 2 and Classes A and B of Part 4 of Schedule 2 of the Town and Country planning (General Permitted Development) Order 1995 et seq 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.
9. Before the development hereby approved is commenced details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the local planning authority, and the development shall be carried out in accordance with the approved details.
10. Before the dwellings hereby approved are first occupied the garaging and car parking shown on the approved plans shall be constructed and thereafter used and maintained in such a manner as to ensure their availability at all times for the standing and garaging of private motor vehicles.
11. Before the development hereby approved is commenced a detailed scheme for the diversion of Northumbrian Water's apparatus shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details.
12. The site layout must be set as per figure 11-B submitted as part of addendum No. 2 dated 2<sup>nd</sup> June 2008.
13. All finished floor levels shall be set out as per figure 11-B submitted as part of addendum no. 2 dated 2<sup>nd</sup> June 2008, with a minimum level of 113.15 metres above Ordnance Datum.

14. No raising of ground levels shall take place on that part of the site lying within the area of land lying in the modelled flood zones per figure 11-B submitted as part of addendum no. 2 dated 2<sup>nd</sup> June 2008.
15. There shall be no storage of any materials including soil within that part of the site lying in modelled flood zones per figure 11-B submitted as part of addendum no. 2 dated 2<sup>nd</sup> June 2008.
16. Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water.
17. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details before the dwellings are first occupied.
18. Before the development hereby approved is commenced a scheme for the provision of water proofing methods and resilience methods including fittings and building entrances 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 dwellings are first occupied.
19. Prior to the commencement of development, details of the construction methodology and measures for the generation of on-site renewable energy shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how energy efficiency is being addressed and show the on-site measures to be taken to produce a minimum of 10% of the total energy requirements of the development by means of renewable energy sources. Such details as may be approved shall be implemented prior to the first occupation of the dwellings hereby approved and retained in perpetuity.

#### **reasons**

1. To enable the local planning authority to control details of the development in the interests of visual amenity. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. To enable the local planning authority to retain control over the landscaping of the site to secure a satisfactory standard of development and protection of existing trees and hedgerows. 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 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 the Saved and Expired Policies September 2007.



4. To ensure that the trees to be retained are appropriately protected from damage by the building operations. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
5. To ensure a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
6. In the interests of highway safety and efficiency. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
7. In the interests of highway safety and efficiency. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
8. The local planning authority wishes to control future development in order to safeguard the appearance of the site and to prevent an increased risk of flooding. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
9. To achieve a satisfactory standard of development. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
10. In the interests of road safety; to ensure that an adequate supply of off-road private car parking is maintained. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
11. To safeguard against flooding and to ensure a satisfactory means of disposal. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
12. To reduce the danger to intended occupants of the building from potential flooding in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and PPG25.
13. To reduce the danger to intended occupants of the building from potential flooding in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and PPG25.
14. To prevent the increased risk of flooding due to the impedance of flood flows and reduction of flood storage capacity in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and PPG25.

15. To ensure that there will be no increased risk of flooding to other land/properties due to the impedece of flood flows and/or reduction of flood storage capacity in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and PPG25.
16. To prevent obstruction to the flow and storage of flood water, with a consequent increased risk of flooding in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and PPG25.
17. To prevent the increased risk of flooding in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and PPG25.
18. To reduce the danger to intended occupants of the building from potential flooding in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and PPG25.
19. To minimise energy consumption and EcoHome “very good” or “excellent” rating in accordance with the North East of England Regional Spatial Strategy The Secretary of State’s Further Proposed Changes to the Draft Revision Submitted by the North East Assembly February 2008.

### Informatives

Note that it will be necessary for the applicant to enter into an agreement under Section 38 of the Highways Act 1980, in order to ensure the adoption of the proposed new highways. It will also be necessary for the applicant to enter into an agreement under Section 278 of the same Act, to allow the required works within the existing highway to be carried out.

Contact Maurice Dunn at Northumbrian Water (Tel 0191 419 6577) to discuss the diversion of Northumbrian Water’s apparatus on the site.

It may be necessary to obtain a Natural England licence prior to commencement of works.

### background information

Application files, WVDLP as amended by the Saved and Expired Policies September 2007, PPS1, PPS3, PPS7, PPS25, RSS, LTP2, PPG13, PPS9.

|                                    |                                 |                        |                                |
|------------------------------------|---------------------------------|------------------------|--------------------------------|
| <b>PS code</b>                     | <input type="text" value="7"/>  |                        |                                |
| <b>number of days to Committee</b> | <input type="text" value="36"/> | <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**

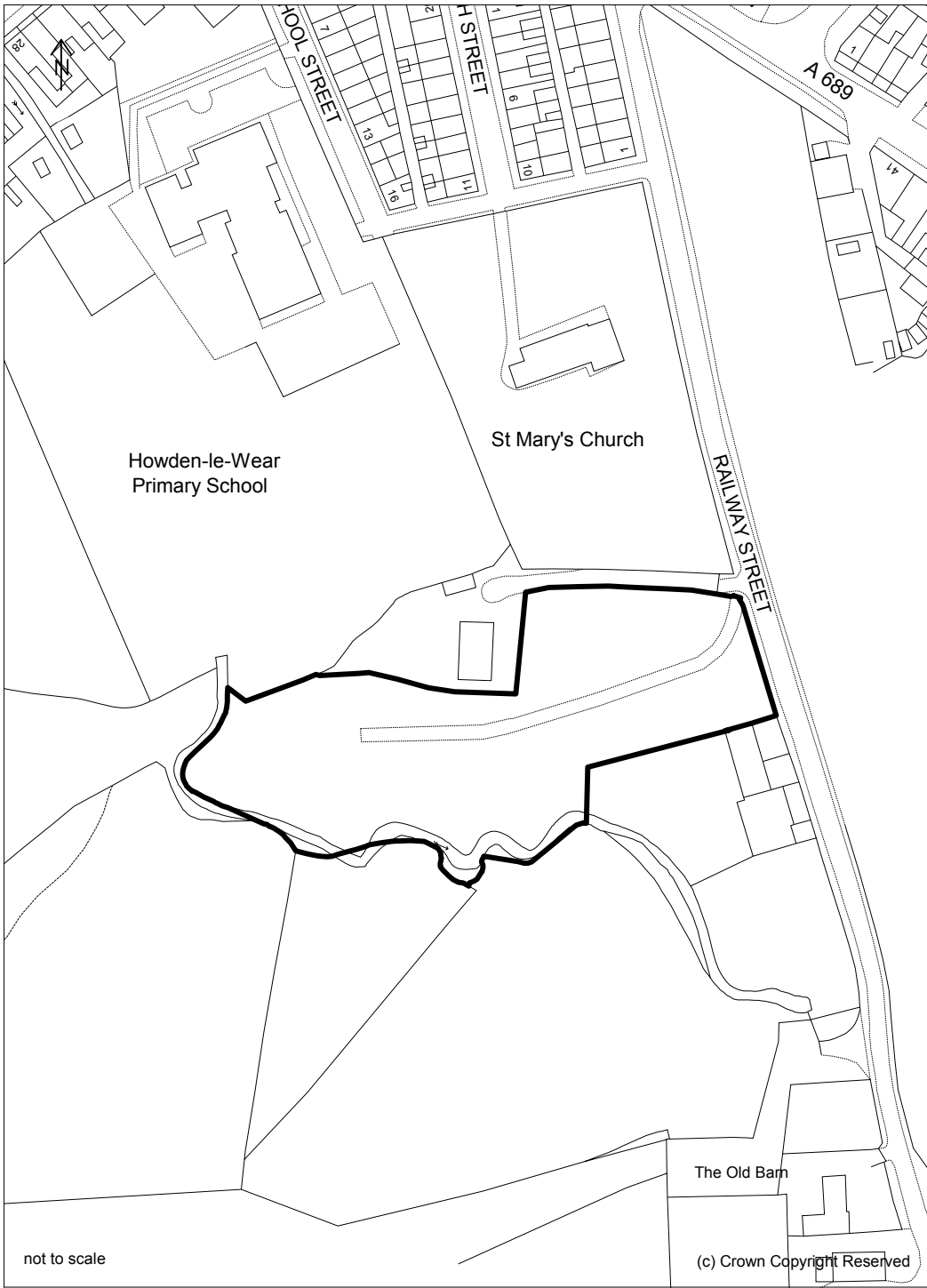
Sinead Folan

Planning Officer

Ext 272

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**3/2008/0285 - ERECTION OF 17 NEW BUILD HOUSES AT LAND ADJACENT TO RAILWAY STREET, HOWDEN LE WEAR FOR MR. PEACOCK – 08.05.2008 – AMENDED 18.06.2008**



DEVELOPMENT CONTROL COMMITTEE

10<sup>TH</sup> JULY 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0231- CHANGE OF USE: FROM HAIRDRESSERS TO PHYSIOTHERAPY CLINIC AT 29 COCKTON HILL ROAD, BISHOP AUCKLAND FOR MR. COVERDALE – 18.04.2008**

**description of site and proposals**

1. Planning permission is sought for the change of use of the ground floor of 29 Cockton Hill Road, Bishop Auckland from a hairdresser (Class A1) to a physiotherapy clinic (Class D1). The premises is located within the Cockton Hill Local Shopping Area and is also within the Cockton Hill Conservation Area as defined in the Proposals Map of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. It is the central premises within a terrace which also contains a chiropractic clinic and a tax consultant. The premises has an existing upvc shop front and no changes apart from new signage are proposed. The signs proposed have deemed consent under the advert regulations.
2. The proposed physiotherapy practice would employ 2 full time and 4 part time employees. The proposed opening times are 9.00 a.m.- 8 p.m. Monday to Friday and 9.00 a.m. to 1.00 p.m. Saturday, with no opening on Sundays and Bank Holidays.

**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:

- BE5 Conservation Areas
- BE6 New Development and Alterations in Conservation Areas
- GD1 General Development Criteria
- S1 Town Centres
- S9 Cockton Hill Shopping Area
- T1 Highways – General Policy

Also relevant is PPS6: Town Centres.

## consultations

5. Durham County Highways Authority: No objections.

## officer analysis

6. The key issues for consideration in this application are:

- Principle of Development
- Highways

principle of development

7. The proposal has to be considered in accordance with the development plan and any other material considerations. In this case the development plan comprises the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, and national planning guidance in PPS6: Town Centres. A further material consideration is the planning permission for the change of use of the adjacent premises no.27 Cockton Hill Road from offices to a chiropractic clinic (granted 4<sup>th</sup> July 2007 - reference 3/2007/0390), which is in the same use class as the proposed physiotherapy clinic and can be considered to be a precedent.
8. Of particular relevance to this proposal is policy S9 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. Within the Cockton Hill Local Shopping Area policy S9 permits new retail and office units up to 100m<sup>2</sup> (Class A1 and A2) and proposals for food and drink outlets are required to satisfy policy S11, which is specifically aimed at hot food takeaways. All proposals in this area are required to satisfy the general requirements of policy GD1 in terms of design and setting, environmental impact and highways. The justification for policy S9 explains that the aim is to ensure there is a range of facilities provided in the local shopping area, which most importantly, remain small in scale and do not draw trade away from the town centre shopping area of Bishop Auckland, thereby retaining the hierarchy of shopping areas. Nowhere within the policy text or justification is there a specific presumption against use class D1 in this area. It is also appropriate to consider the proposal under the relevant national planning guidance in PPS6, which is the most relevant and up to date policy framework and largely outdates the local plan.
9. PPS6 covers town centres and the main town centre uses with the overall objective to promote the vitality and viability of existing centres. Key objectives in this respect are:
  - enhancing consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community, and particularly socially-excluded groups;
  - supporting efficient, competitive and innovative retail, leisure, tourism and other sectors, with improving productivity; and
  - improving accessibility, ensuring that existing or new development is, or will be, accessible and well-served by a choice of means of transport.

10. In order to achieve this, PPS6 requires local planning authorities to plan positively for the growth and development of town centres. Paragraph 1.7 specifically states that *“It is not the role of the planning system to restrict competition, preserve existing commercial interests or to prevent innovation.”* The fact that this proposal is for a similar use to the chiropractic clinic next door and will operate in the same catchment area is therefore not a material consideration and cannot be taken into consideration, despite objections received on this basis. In fact, as mentioned above, PPS6 seeks to promote competitive sectors and improve the local choice of services, thereby ensuring no one has a monopoly. In addition, a physiotherapy clinic is not a main town centre use (such as retail and leisure) and therefore there is no requirement in PPS6 for the applicant to prove a need for the development or carry out a sequential site selection.
11. In considering the effect on local shopping needs, the justification behind policy S9 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 is to ensure there is a range of small scale facilities provided in the local shopping area, which do not draw trade away from the town centre of Bishop Auckland. This is echoed in PPS6, however PPS6 has advanced on the policy requirements of policy S9. PPS6 allows for a greater range of services in local shopping areas so that it can include other services as well as retail. Importantly, provision can be made for local health services, such as a physiotherapy clinic, as stated in paragraph 2.55: *“A network of local centres in an authority’s area is essential to provide easily accessible shopping to meet people’s day-to-day needs and should be the focus for investment in more accessible local services, such as health centres and other small scale community facilities”*. The proposal would be in accordance with this statement and at just 32sqm in area the proposal would be classed as small-scale. Physiotherapy and chiropractic practices are also different in their nature and ethos and therefore it could be considered that the proposal would widen the range of health services available in the local area.
12. Further, in considering whether the proposal would be in accordance with the aims of achieving sustainable patterns of development, the application premises is considered to be ideally located. This is because Cockton Hill falls within the limits to development of Bishop Auckland and is within walking and cycling distance of the town centre, as well as being on a main public transport network. Access and parking requirements are therefore not prohibitive.
13. The premises is also within a mixed use area of commercial and residential properties where the impact on the amenity of residential properties in terms of noise and disturbance would be minimal for the proposed use, despite its long opening hours during the week. It is always preferable to have uses such as that proposed to be located on the periphery of the main shopping areas and residential areas to retain the strength of the retail core of town centres and to prevent nuisance to residential properties.

14. Therefore, other than falling within a designated local shopping area, it is considered that the premises ordinarily would be considered as an ideal location for the proposed use. However, as discussed above, the designation of a local shopping area does not preclude small scale health facilities in accordance with PPS6 and neither does policy S9, subject to fulfilling the provisions of policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
15. In this respect, as a result of the highly accessible location, minimal impact on residential amenity and minimal impact on the conservation area from limited physical changes to the building and the retention of an active frontage during the day, it can be considered that the proposal would be in accordance with policy GD1, as well as with policy BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The principle of the development proposal is therefore considered to be acceptable as it would be an appropriate use within a local shopping area; would enhance consumer choice and promote a competitive sector; would be highly accessible and would ensure the hierarchy and the vitality and viability of both the Cockton Hill and Bishop Auckland shopping areas are maintained. This meets the key aims of PPS6 and the aims of the justification behind policy S9 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
16. However, because of the wide range of uses which fall within the D1 Use Class, some of which could have more serious amenity and highway implications, it would be appropriate to condition that the approved use is restricted to a physiotherapy clinic only, thereby preventing change to another use within the same use class without planning permission. The opening hours should be restricted to those that the applicant has asked for.

highways

17. As discussed above, the proposal would be in accordance with the aims of achieving sustainable patterns of development as it would be highly accessible by foot, cycle and public transport.
18. This removes the need for designated car parking. Unrestricted car parking is nevertheless available in the surrounding streets to cater for the inevitable customer and employee requirements which would only be small-scale and would be unlikely to put unacceptable pressure on the surrounding area.
19. There has been no objection from the Durham County Highways Authority on this basis.
20. The proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.



## **objections/observations**

21. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.
22. An objection from the adjacent chiropractic clinic has been received. The main points of objection are summarised as follows:
  - a) Planning permission for the chiropractic clinic was allowed as an exception and an identical use at the adjacent premises would constitute an over concentration of the same use where it would impact on the vitality and viability of Bishop Auckland Town Centre.
  - b) The cumulative impact of two similar uses would have a detrimental effect on each other's catchment areas and could result in one or both clinics closing. The proposed clinic should be located to serve another catchment area where there may be an under provision. The applicant should be made to demonstrate a need for two clinics.
  - c) The drawings and supporting information are inadequate.

## **response to objection**

23. The following comments are made in response to the issues raised by the objector.
  - a) Each application is considered on its own merits and in accordance with the development plan and other material considerations. The assessment in the report demonstrates that the proposal would be in accordance with local and national planning policy requirements in terms of enhancing consumer choice, promoting a competitive sector, being highly accessible and ensuring that the hierarchy and the vitality and viability of both the Cockton Hill and Bishop Auckland shopping areas are maintained. Approval of the chiropractic clinic at the adjacent premises is also a material consideration in terms of precedent.
  - b) Issues of competition and commercial interests are not material planning considerations and PPS6 in fact encourages competition and the widening of consumer choice. There is no policy requirement for the applicant to demonstrate a need for the proposal, or to carry out a sequential approach to site selection.
  - c) The application has been validated.

## **conclusion and reasons for approval**

1. The proposal is considered to be acceptable and in accordance with policies GD1, BE6, T1 and S9 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, as well as national planning guidance in PPS6 as:
  1. It would not have a detrimental effect on the hierarchy or vitality and viability of the Cockton Hill Shopping Area and Bishop Auckland town centre shopping areas and would widen the range of choice in health facilities in the area.

2. Would be accessible by foot, bicycle and public transport thereby reducing reliance on the car and securing sustainable patterns of development.
3. Would not cause harm to the character and appearance of the Cockton Hill Conservation Area.
4. Would not cause harm to the living conditions of neighbouring residential properties.

## RECOMMENDED

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

### conditions

1. The use hereby approved shall be for a physiotherapy clinic only and for no other purpose (including any other purpose within Class D1 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order).
2. No business activity shall take place outside the hours of 09.00 to 20.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays. No business activity shall take place on Sundays and Bank Holidays.

### reasons

1. To enable the local planning authority to retain control over potential future uses in the same use class which may not be acceptable in this location. In accordance with policies GD1 and S9 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. In the interests of 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, PPS6.

|   |    |                        |    |  |  |
|---|----|------------------------|----|--|--|
| <b>PS code</b>                                | 20 |                        |    |  |  |
| <b>number of days to Committee</b>            | 84 | <b>target achieved</b> | No |  |  |
| <b>explanation</b> First available Committee. |    |                        |    |  |  |

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#### Officer responsible for the report

Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

#### Author of the report

Adrian Caines  
Senior Planning Officer  
Ext 369

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**3/2008/0231- CHANGE OF USE: FROM HAIRDRESSERS TO PHYSIOTHERAPY CLINIC AT 29 COCKTON HILL ROAD, BISHOP AUCKLAND FOR MR. COVERDALE – 18.04.2008**



DEVELOPMENT CONTROL COMMITTEE

10<sup>TH</sup> JULY 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2007/0685 - ERECTION OF CANOE STORAGE AND WORKSHOP AT LANEHEAD SCHOOL (RESUBMISSION) AT LANEHEAD FIELD CENTRE, LANEHEAD, BISHOP AUCKLAND FOR MR. WILLIAMS – 12.10.2007 - AMENDED 21.01.2008**

**description of site and proposals**

1. Retrospective planning permission is sought for the creation of a canoe construction business, whilst prospective planning permission is sought for a canoe storage and workshop building at Lanehead Field Centre, Lanehead.
2. At present the applicant runs Lanehead Field Centre as an educational/training establishment, with the canoe business utilised to raise finances for the Field Centre.
3. The proposed canoe storage and workshop building would measure 12 metres in length, 5.5 metres in width, and 5.5 metres to the highest point. The building would have 3 openings to the front elevation, with 2 bays used for canoe storage and one bay used for a workshop to construct the canoes. The building would have external access to the first floor. The submitted plans indicate that the building would be constructed from traditional materials. The proposed store/workshop would be constructed in the north western corner of the site, approximately 3.5 metres west of the existing school building.
4. The application site consists of a former school building located in the small settlement of Lanehead. The main building dates from 1850, and is a large single room schoolhouse built when the population of the area was far greater than it is today and in an age before compulsory education. The building is single storey of stone and slate construction, and of a solid and robust appearance. The former school building is surrounded by stone walling, which encloses the former school yard. When the building ceased operating as a school it was taken over and used by Newcastle University as a Field Studies Centre. To the north of the site is open agricultural land, with a large agricultural building located just to the north east of the application site. To the south of the application site are South View and Hillcrest, which are dwellings located approximately 40 metres from the main school building. To the west of the application site is Greenhush, which is located approximately 70 metres from the application site, whilst to the east of the application site is West Wind, which is located approximately 60 metres from the application site. The eastern and western boundaries of the site are bounded by dense mature

planting. The application site lies within the North Pennines Area of Outstanding Natural Beauty.

### **planning history**

5. The following planning history is considered relevant to this planning application:

- 3/2007/0014      Erection of Studio, Garage and      Refused 21.03.07  
                         Conservatory, Extension to  
                         Residential Courses, Change  
                         of Use

### **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
  - ENV2            The North Pennines Area of Outstanding Natural Beauty
  - T1                Highways - General Policy
- Also relevant are: PPS7 'Sustainable Development in Rural Areas', PPG24 'Planning and Noise'

### **consultations**

7. CDE&TS (highways): No objection.
8. WVDC (Environmental Health): No comments.

### **officer analysis**

9. The key issues for consideration are:

- Principle of Development
- Scale and Design
- Impact on Residential Amenity
- Highways Issues

### **principle of development**

10. The application seeks retrospective consent for a new industrial use in the countryside. The proposal is currently in operation and the application seeks to regularise the use. The applicant is using the schoolyard area for the storage and distribution of canoes he imports from Canada.

11. PPS7 Sustainable Development in Rural Areas states that *“Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas which have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development.”*
12. It is noted that the application site lies in the North Pennines Area of Outstanding Natural Beauty. It is considered that given the scale of the proposed business, and subject to conditions limiting the visual impact and intensity of the business, the proposal would not have a detrimental impact upon the special landscape quality of the North Pennines AONB.
13. When determining planning applications for development in the countryside, PPS7 advises that local planning authorities should *“support other countryside based enterprises and activities which contribute to rural economies, and/or promote recreation in and the enjoyment of the countryside.”* PPS7 also advises that *“local planning authorities should be particularly supportive of the re-use of existing buildings that are adjacent to or closely related to country towns and villages, for economic or community uses...”*
14. The applicant has submitted a business plan, which states that the canoe construction and distribution business has been established for over 3 years, and turnover has risen to over £160,000 per annum. At present, this results in three or four containers of eighty canoes being delivered every 4 months. Operating from Lanehead Field Centre, the canoes are constructed and supplied to retailers nationally. Given this information, it is considered that the business is viable, and will continue to remain viable in the future.
15. Given the above, it is considered that the principle of development accords with guidance contained within PPS7 Sustainable Rural Development and guidance contained within policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

### **scale and design**

16. The application proposes to make use of brownfield land within the curtilage of the existing building. This is one of the key principles of PPS7.
17. The proposed storage building would enable the site to be considerably tidied, as at present the north western corner of the site is used for storage with two storage containers utilised for this purpose. The design of the proposed building is traditional in its proportions, and natural materials would be used.
18. The scheme has been amended, so the proposed 8 No. rooflights to the proposed store/workshop have been removed, and the shape of the openings have been altered to form an arched design, which is more typical of Weardale buildings and allows the appearance of the proposed building to look less domestic. The proposed store/ workshop would appear subordinate to the main school building and is of a scale one would expect for a light industrial unit.

19. Given that the nearest residential property is over 40 metres away from the application site, the proposed storage/workshop building would not cause any overshadowing or overbearing impacts to the occupiers of neighbouring properties.
20. The proposal accords with policies GD1 and ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

### **impact on residential amenity**

21. A previous application (ref:3/2007/0685) was refused as the applicant had not submitted any information to support his argument that the proposal would not be disruptive to neighbouring residents. As such, it was recommended that any future application would need to be supported by a Noise Impact Assessment.
22. Any industrial use proposed in the countryside which would be near to residential buildings would need to incorporate a scheme of mitigation in respect of any noise and/or disturbance that might be caused. In this case there are dwellings within 45 metres of the proposed store/workshop building.
23. The main issue in respect of the proposed use is whether the noise that would be created whilst constructing the canoes would cause disturbance to nearby residents.
24. The applicant has submitted a Noise Assessment Report to demonstrate that the occupiers of neighbouring dwellings would not be affected by the proposed use. The applicant undertook tests at three locations from the site of the proposed store/ workshop building, at 4 metres from source, 13 metres from source and 22 metres from source. Given the nature of the business, drilling, riveting, sanding and cutting operations are essential in the construction of canoes. The results submitted by the applicant show that by the time the sound would have travelled to 22 metres from source, it would have dissipated to background noise, with a level of 29 dB(A). Given that the properties that surround the application site are over 40 metres away, it is unlikely, given the results submitted by the applicant, they would suffer any loss of amenity in terms of noise disturbance as a result of the construction of canoes. In order ensure as little disturbance as possible is caused by the construction of canoes on the site, conditions will be attached to any grant of planning permission stating that the doors of the store/workshop building shall be kept shut whilst canoe assembly is being carried out, limiting the hours of operation of activities on the site and preventing manufacturing outside of the workshop building.
25. It is considered that with appropriate conditions, the construction of canoes on the site would not cause any significant disturbance to the occupiers of neighbouring dwellings and as such the proposal accords with policies GD1 and ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, and guidance contained within PPG24 Planning and Noise.

## **highways issues**

26. Concerns have been raised by local residents in respect of the lorries that deliver the containers to the site. The County Highways Engineer has examined the proposal and can see no reason to substantiate a highways refusal to the scheme. As such the proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## **objections/ observations**

27. 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.
28. Ten letters of objection/observation have been received, the details of which are set out below;
  - a) The site is very untidy.
  - b) There will be an increase in noise and traffic pollution if the plans go ahead.
  - c) The containers need to be removed from the site.
  - d) How is the scheme being funded?
  - e) In spite of the previous refusal, Mr Williams continues to construct and sell canoes from the site.
  - f) The road is not suitable for the unloading of trucks.

## **response to objections/ observations**

29. The following comments are made in response to the issues raised by the objectors.
  - a) Agreed. A condition will be attached to any grant of planning permission requiring the containers to be removed from the site within 14 days of the occupation of the store/ workshop building.
  - b) The applicant has demonstrated that the construction of canoes would not cause disturbance to neighbouring occupiers in terms of noise pollution. The County Highways Engineer has not objected to the proposal.
  - c) Agreed. A condition will be attached to any grant of planning permission requiring the containers to be removed from the site within 14 days of the occupation of the store/workshop building.
  - d) This is not a material planning consideration.
  - e) Agreed. This application seeks to regularise the proposal.
  - f) The County Highways Engineer has not objected to the proposal.

## **reasons for approval**

1. The principle of the business is supported by the objectives of PPS7 Sustainable Development in Rural Areas as it involves the use of a brownfield site for a countryside based enterprise, and promotes recreation in the countryside.



2. The proposed storage/workshop building has been designed to have a traditional appearance and natural materials would be used for its construction. It would appear subordinate to the existing school building on the site. The proposal accords with policies GD1 and ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. The applicant has submitted evidence to show that the construction of canoes on the site would not cause noise disturbance to neighbouring properties. The proposal accords with policies GD1 and ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, and guidance contained within PPG24 Planning and Noise.
4. The County Highways Engineer is satisfied that the proposal would not have a detrimental impact upon highway safety, nor would the proposal exceed the capacity of the local road network. The proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## **RECOMENDED**

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

### **conditions**

1. Before the development hereby approved is commenced samples of all materials to be used in the construction of the external surfaces of the building hereby approved shall be submitted to and approved in writing by the local planning authority and the external surfaces shall be constructed in accordance with the approved details.
2. All external doors of the building hereby approved shall be natural timber doors, the details of which shall be submitted to and approved in writing by the local planning authority before the development is commenced, and the scheme shall be implemented in accordance with the approved details.
3. There shall be no storage in the open on the site of goods, materials, equipment, vehicles or waste except in areas which may first be approved in writing by the local planning authority.
4. No activities shall be carried out on the site on any Sunday or Bank Holiday or outside the hours of 8:30 a.m. and 6:00 p.m. on any other day.
5. No manufacturing, fabrication or other industrial process shall take place outside the confines of the building on the site.
6. The doors to the workshop building shall be kept closed at all times when canoe construction/assembly is taking place.
7. The storage containers that are currently on the site shall be removed within 14 days of the approved storage/ workshop building being occupied.

**reasons**

1. 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.
2. To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. To protect the appearance of the surrounding area. In accordance with policies GD1 and ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
5. In the interests of amenity. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
6. To protect the amenities of surrounding residential properties. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
7. 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.

**background information**

Application files, WVDLP as amended by the Saved and Expired Policies September 2007, PPS7, PPG24.

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| <b>explanation</b><br>Awaiting noise assessment from the applicant. |                                  |                        |                                 |

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**Officer responsible for the report**

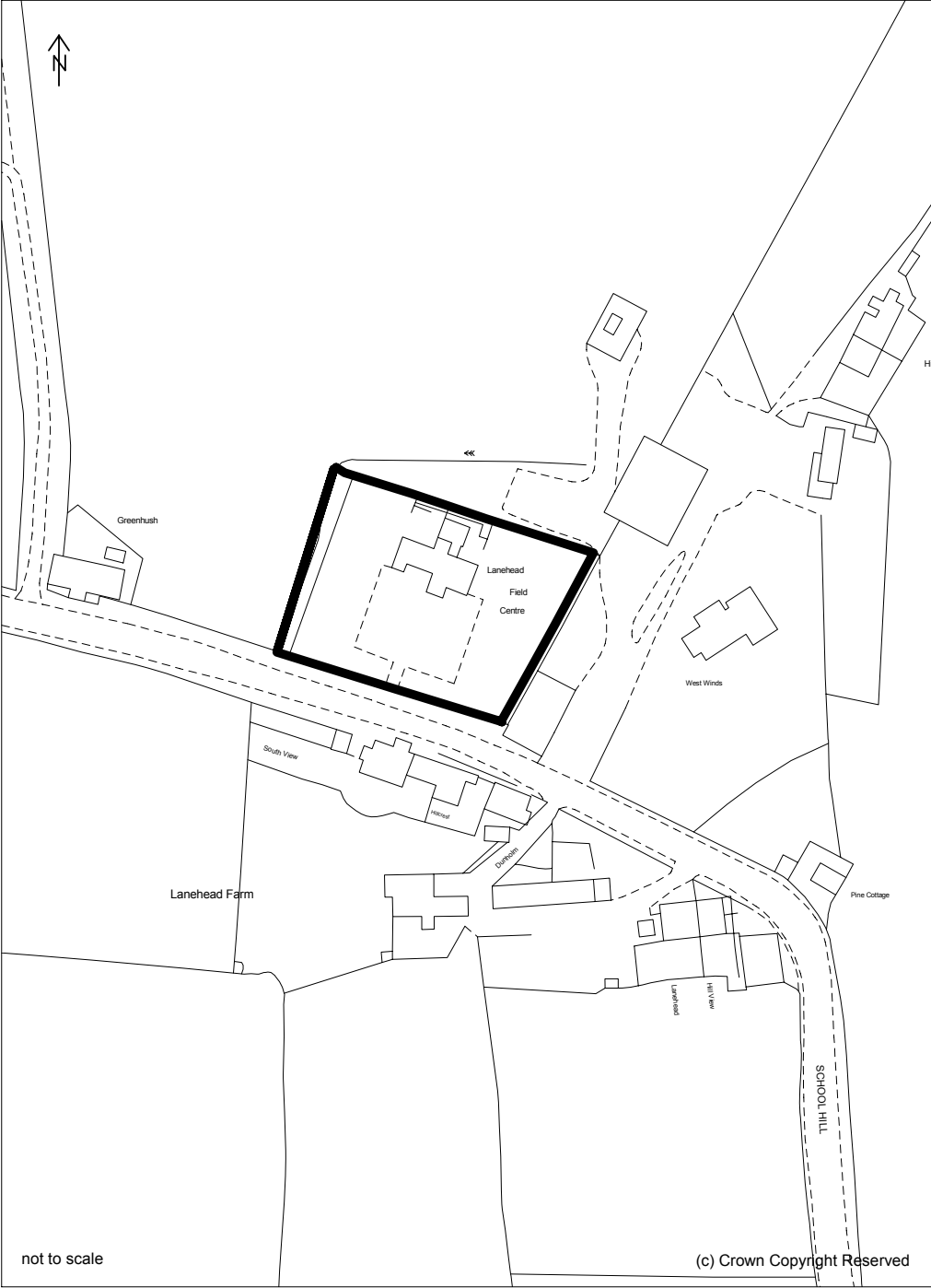
Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

**Author of the report**

Adam Williamson  
Planning Officer  
Ext 495

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**3/2007/0685 - ERECTION OF CANOE STORAGE AND WORKSHOP AT LANEHEAD SCHOOL (RESUBMISSION) AT LANEHEAD FIELD CENTRE, LANEHEAD, BISHOP AUCKLAND FOR MR. WILLIAMS - 12.10.2007 AMENDED 21.01.2008**



DEVELOPMENT CONTROL COMMITTEE

10TH JULY 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0233 - RETENTION OF CONVERSION OF TWO FIRST FLOOR RESIDENTIAL FLATS TO FORM BUSINESS OFFICE AND STORAGE SPACE (USE CLASS B1) AT COLLINGWOOD HOUSE, 11 COLLINGWOOD STREET, COUNDON FOR MR. DAVIES, CRAFTERS COMPANION LIMITED - 15.05.2008**

**description of site and proposals**

1. Retrospective planning permission is sought for the conversion of 2 No. flats to offices at Collingwood House, 11 Collingwood Street, Coundon. The offices are located on the first floor above a row of existing commercial premises in a building that was the old Co-operative store. The building is located in an area that forms the commercial core for the village. Accordingly, this part of Collingwood Street has a distinctly mixed use character of housing and commercial premises. There is service access to both sides and the rear of the building, and on-street parking outside the building is unrestricted.
2. The offices are occupied by Crafter's Companion, which is an arts and crafts type business selling paper craft related products via their website to a UK trade network of independent and chain hobby supply stores and through Ideal World TV Shopping channel. It is a small family business that operates during normal business hours. The business currently has 7no. full time and 3 No. part time employees with an additional 2 No. employees based in a warehouse. It is anticipated that with further growth, there may be an additional 2 No. jobs created in the future. There are no public visitors to the offices. Deliveries of stock range from postal parcels to pallets. Pallets are delivered by transit van twice weekly. Orders are dispatched for the internet, trade and TV shopping channel by post and courier. The courier and Royal Mail both pick up around 4pm daily, the courier from the rear and Royal Mail from the front. Employee parking takes place off the road to the side of the building.

**planning history**

3. The following planning history is considered relevant to this planning application:
  - 3/1993/0422      Conversion to Four Flats      Approved 15.09.1993

## **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
- T1 Highways - General Policy

Also relevant are PPG4: Industrial and Commercial Development and Small Firms and PPG13: Transport.

## **consultations**

5. Durham County Highways Authority: No objections.
6. Environment Agency: No objections.

## **officer analysis**

7. The key issues for consideration in this proposal are:

- Principle of Development
- Highway safety

principle of development

8. The application premises lies within the development limits of Coundon where the offices are located within an existing building in the commercial core of the village. The offices are capable of being accessed by public transport, walking and cycling. Accordingly, the offices are located within a sequentially preferable and sustainable location in accordance with the requirements of PPG4 and PPG13.
9. The building is already predominantly commercial and therefore the retention of this business would not unacceptably affect the character of the area. Nearby residential properties will already be used to the existing business activity and the proposal is not one that would have any greater activity than the existing businesses. In fact, by being internet and TV run without any public visitors and comparatively limited delivery and dispatching activity, the potential for disturbance from this business are considered to be very minimal and it is probably the least intrusive of any of the existing businesses in the building. This is consistent with general principles of a B1 Use, which by definition, should be capable of operation within a residential area.
10. Coundon is identified in the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, as one of the growth areas of the district. Despite this, new business take up in the area has generally been slow and small in scale. In contrast, despite being just a small business, this business has been remarkably successful since its founding in 2005 and now sells into 5 continents with a strong outlook for further growth. It uses manufacturing sites in the north east for its products and has many peripheral suppliers and stockists in the local region. This, together with around 12 and

potentially up to 15 employees in the near future, makes the business a significant local employer and economic contributor to Coundon and the district. The advice in PPG4 is for local authorities to give positive consideration to such businesses where the environmental impacts are acceptable. Given its suitable location and minimal impact, this proposal should therefore be strongly supported. The regeneration benefits of this business carry significant weight in its favourable consideration.

#### highway safety

11. As discussed earlier, the application site is suitably located near the centre of Coundon where it can be accessed by public transport, walking and cycling. In accordance with PPG13, the requirement for parking provision is therefore not prohibitive in such locations and a lack of parking in such locations is an accepted means for encouraging use of the more sustainable means of transport available. There are no visiting customers for the business requiring parking. Parking for employees is unrestricted around the application site and employees currently park off the main road at the side of the building. Further employee parking is available if needed in the surrounding area, and as this would only be small in number, it could easily be accommodated without detriment to road safety. There is therefore no requirement for dedicated parking in this case.
12. Deliveries and courier pick up for this business all take place to the rear of the building in a dedicated existing service area and are relatively infrequent. Royal Mail has a combined pick up for all the businesses just once a day to the front.
13. None of the parking, delivery and pick up activities associated with this business are therefore considered to be detrimental to highway safety. This view is strongly supported by the Highways Authority, which has raised no objection to the proposal. The residents' objections on this basis are therefore unfounded.
14. The problems raised in the objections all appear to relate to existing perceived problems, mainly with the paint shop and Conservative club. While it is accepted that on a rare occasion there may be some parking problems because of a large delivery vehicle for the paint shop, or event at the club, at no time during numerous day time visits to the site has any evidence of the major problems identified in the objections been witnessed in relation to this proposal. The Highways Authority is also not aware of any recorded incidents of problems at the site location. In any case, the parking and delivery conditions at the site are considerably better than most in town centre commercial areas.
15. It is therefore considered that the proposal would not have its own or add unacceptably to existing highway problems, and retention of the business would therefore not be detrimental to highway safety. This accords with policies T1 and GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. A personal permission is justified in this case to ensure the local planning authority can maintain control over the use of the premises as there is no guarantee that another business in the same use class would be run in the same way.

## **objections/observations**

16. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.
17. single objector (including family member) has repeatedly sent in multiple objections, including a video. The main points of the objection letters are as follows:
  - a) The lack of dedicated parking means the business will add to the parking congestion in the area, which is caused by the existing businesses and Conservative club.
  - b) Large articulated delivery vehicles and car parking makes it difficult for pedestrians to cross the road outside the site and on the footpath.
  - c) The paint shop underneath has highly flammable substances, which is not safe.
18. At the end of the consultation period the written objections had signed support from 37 households in Coundon. The names and addresses supplied on the objections are said to be those who do not want to see over parking due to businesses.

## **response to objections**

19. The relevance and issues raised in the objections have been assessed in the officer analysis where it has been concluded that the application proposal would not be detrimental to highway safety, a view supported by the Highway Authority.
20. The video shows only short incidences of a small number of cars parked mostly off the road outside the shops, where parking is not restricted, and of trucks pulling into the side access to deliver to the paint store. It also appears to only witness vehicles totally unrelated to the application business. None of the incidences on video are considered to demonstrate significant harm to highway safety from the application proposal. Numerous site visits were carried out over a month, during which time none of the severe problems described were witnessed in relation to the application proposal.
21. The people who have added their names and addresses on the written objections appear to have signed up to a general concern about over parking after being approached by the objector/s, rather than being directly focused at this particular proposal. It is not clear that any of those people would have been aware of the precise details of this particular application proposal.
22. The safety of substances in the paint shop has no relevance to this proposal and is not a material planning consideration.

## conclusion and reasons for approval

1. The proposal is considered to be acceptable and in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, as well as national planning guidance in PPG4 and PPG13 as it:
  1. Would not cause harm to the character and appearance of the surrounding area.
  2. Would be suitably located to encourage access by public transport, walking and cycling.
  3. Would have significant economic benefits to the local area thereby contributing to the regeneration initiatives for the area.
  4. Would not unacceptably cause or add to existing highway problems in the area.

## RECOMMENDED

That planning permission be **GRANTED** subject to the following condition and reason:

### condition

1. This permission shall ensure for the benefit of Crafter's Companion only and not for the benefit of the land or any other company or person(s) having for the time being an interest therein.

### reason

1. The circumstances and way the business is run may not apply and/or could not be binding on subsequent occupiers. 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, Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, PPG4, PPG13.

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| <b>explanation</b><br>Taken to first available Committee following objections |                                 |                        |                                 |

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**Officer responsible for the report**

Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

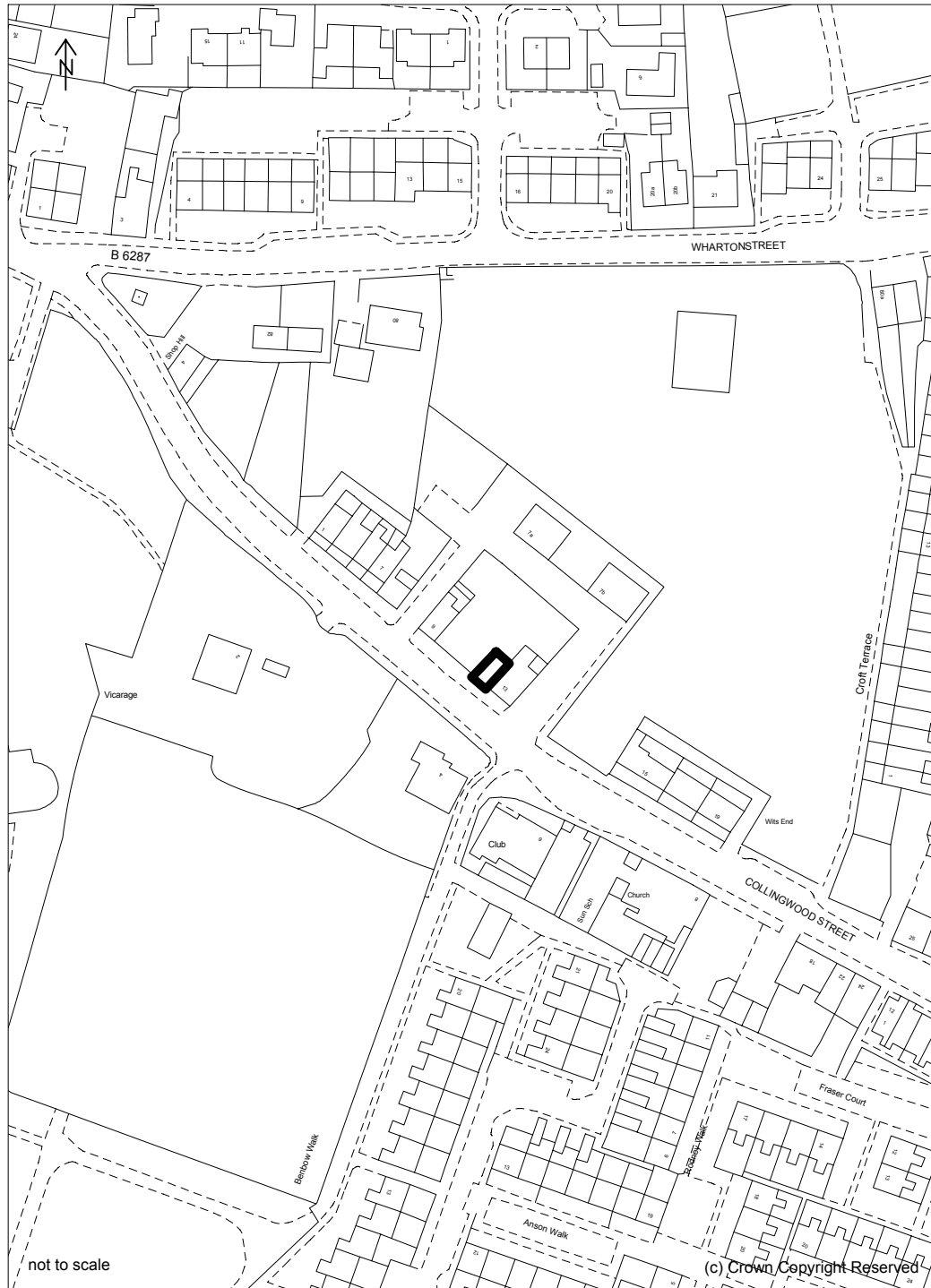
**Author of the report**

Adrian Caines  
Senior Planning Officer  
Ext 369

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**3/2008/0233 - RETENTION OF CONVERSION OF TWO FIRST FLOOR RESIDENTIAL FLATS TO FORM BUSINESS OFFICE AND STORAGE SPACE (USE CLASS B1) AT COLLINGWOOD HOUSE, 11 COLLINGWOOD STREET, COUNDON FOR MR. DAVIES, CRAFTERS COMPANION LIMITED - 15.05.2008**



DEVELOPMENT CONTROL COMMITTEE

10<sup>TH</sup> JULY 2008

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Report of the Strategic Director for Environment and Regeneration

**PART III – OTHER MATTERS**

**FOR INFORMATION**

**APPEAL DECISION**

**3/2007/0434 - CHANGE OF USE FROM BAKERY AND COFFEE SHOP TO ADULT GAMING CENTRE (SUI GENERIS) AT 58 NEWGATE STREET, BISHOP AUCKLAND FOR J. NOBLE AND SONS LIMITED – 21.06.2007**

1. Planning permission for the change of use from a bakery and coffee shop to an adult gaming centre was refused by the Committee against officer recommendation on the 30<sup>th</sup> August 2007.

The applicant appealed the decision and a public inquiry was held on the 23<sup>rd</sup> April 2008.

2. The Inspector has allowed the appeal. He concluded that:
  - The evidence demonstrated that the nature of amusement centres, particularly those involving amusements with prize machines, is that they are likely to attract both dedicated customers and those on more general shopping trips. In terms of their contribution on pedestrian flows and the general level of activity and expenditure, amusement centres display similar characteristics to many Class A1 uses.
  - The proposed change of use would only have a limited effect on the overall activity within the ground floor of the premises. Even so, it would contribute positively to the variety of uses within the primary shopping area, complementing the main retail function. The proposed development would not harm the vitality and viability of the town centre and would be a justifiable departure from policy S2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. An application for costs was made by the appellant. The Inspector considered the application for costs in the light of Circular 8/93 and all the relevant circumstances.
4. The Circular advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.

5. The Inspector noted that the Council failed to produce any evidence to support its reason for refusal, or to substantiate the decision to refuse planning permission, contrary to the advice of its own officers.
6. The Inspector considered that the Council had therefore acted unreasonably in the light of paragraphs 7-9 of Annex 3 to Circular 8/93. The Council's unreasonable behaviour led to the appellant incurring unnecessary costs involved in pursuing the appeal. He concluded that a full award of costs was justified.

## **RECOMMENDED**

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

### **background information**

Inspector's letter dated 11th June 2008.

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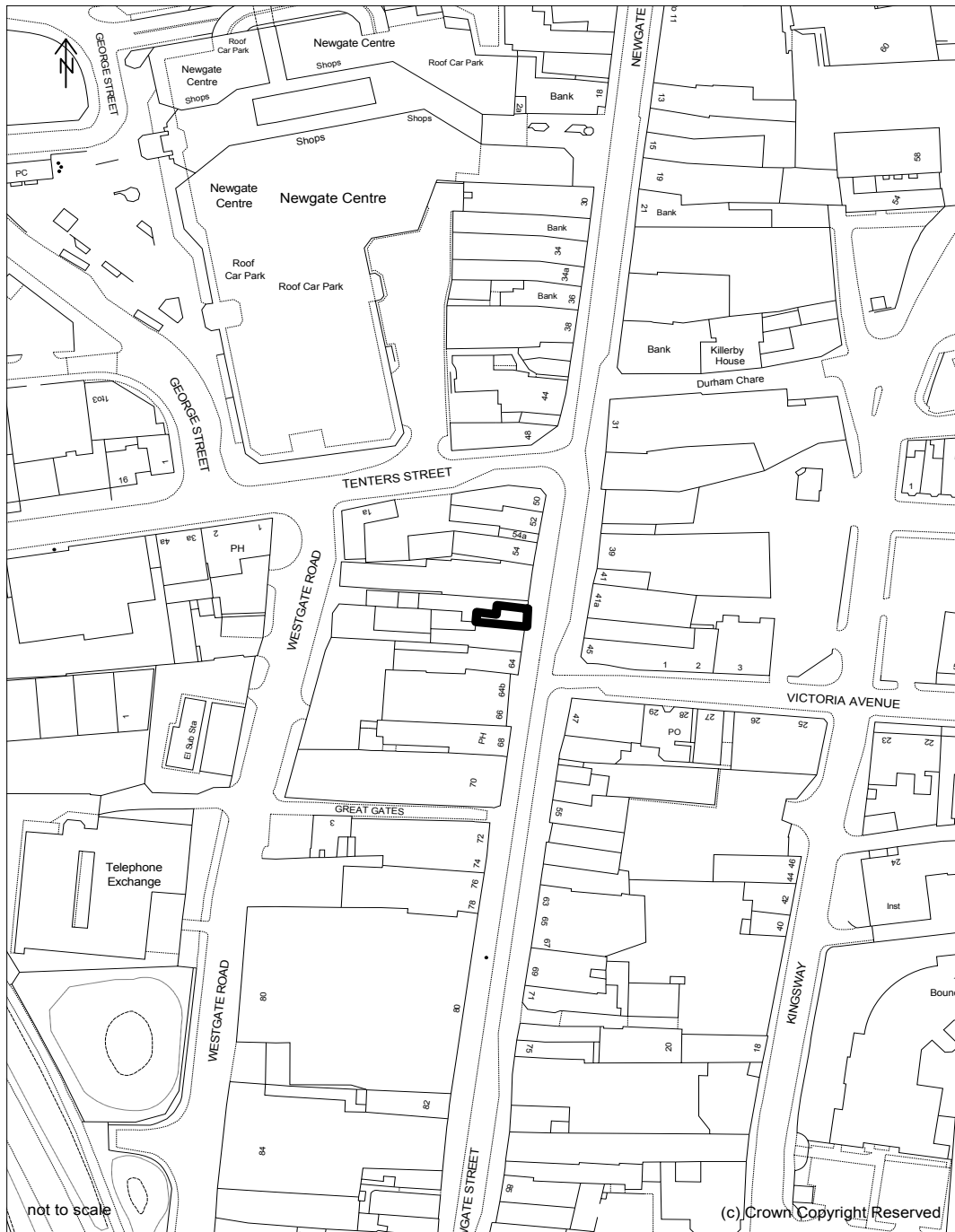
| <b>Officer responsible for the report</b> | <b>Author of the report</b> |
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|             |                 |
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| Robert Hope | Adam Williamson |
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| Strategic Director for Environment and Regeneration | Planning Officer |
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**APPEAL DECISION 3/2007/0434 - CHANGE OF USE FROM BAKERY AND COFFEE SHOP TO ADULT GAMING CENTRE (SUI GENERIS) AT 58 NEWGATE STREET, BISHOP AUCKLAND FOR J. NOBLE AND SONS LIMITED - 21.06.2007**



DEVELOPMENT CONTROL COMMITTEE

10TH JULY 2008

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Report of the Strategic Director for Environment and Regeneration

**PART III – OTHER MATTERS**

**FOR INFORMATION**

**APPEAL DECISION**

**3/2006/0815 - ERECTION OF ONE AND A HALF STOREY DETACHED DWELLING WITH GARDEN SHED, GREENHOUSE AND ONE PARKING SPACE AT LAND ADJACENT TO 2 WEAR VIEW, CRAWLEYSIDE FOR MRS. BLENKINSOPP – 18.09.2006**

1. Planning permission was refused for the erection of one dwelling on land adjacent to 2 Wear View, Crawleyside for the following reasons:
  1. The application proposes the development of greenfield land outside any defined limits of development and is contrary to policies H3 and H4 of the Wear Valley District Local Plan and guidance contained within PPG3: Housing and PPS7: Sustainable Development in Rural Areas.
  2. The development would have a detrimental impact on the special scenic qualities of the Area of Landscape Value and natural beauty of the North Pennines AONB and would be contrary to policies GD1, ENV1, ENV2, ENV3, H4 and H11 of the WVDLP.
  3. The proposed access to the site and the proposed parking arrangements are unsuitable and would have an adverse impact on the safety of highway users, contrary to policies GD1 and T1 of the WVDLP and in conflict with Durham County Council publication 'Guide to the Layout and Construction of Estate Roads.'
2. Mrs Audrey Blenkinsopp appealed against the refusal of the application in the form of a Hearing.
3. The Inspector has dismissed the appeal. He concluded that;
  - The proposal would have a detrimental effect on the creation of sustainable patterns of growth in the local area, having regard to national, regional and local policies of development restraint outside established settlements with a good range of local facilities.

- The proposal would have an adverse effect on the character and appearance of the countryside, with special reference to the landscape quality of the area and that this would be contrary to policies ENV1, ENV3 and GD1 of the Local Plan.
- The proposal would result in some potential harm to the safety of highway users. Although he did not consider this to be a decisive objection to the scheme, it contributed to his overall assessment that the proposal is unacceptable.

## **RECOMMENDED**

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

### **background information**

Inspector's letter dated 4<sup>th</sup> April 2008

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| <b>Officer responsible for the report</b> | <b>Author of the report</b> |
|---|-----------------------------|
|---|-----------------------------|

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

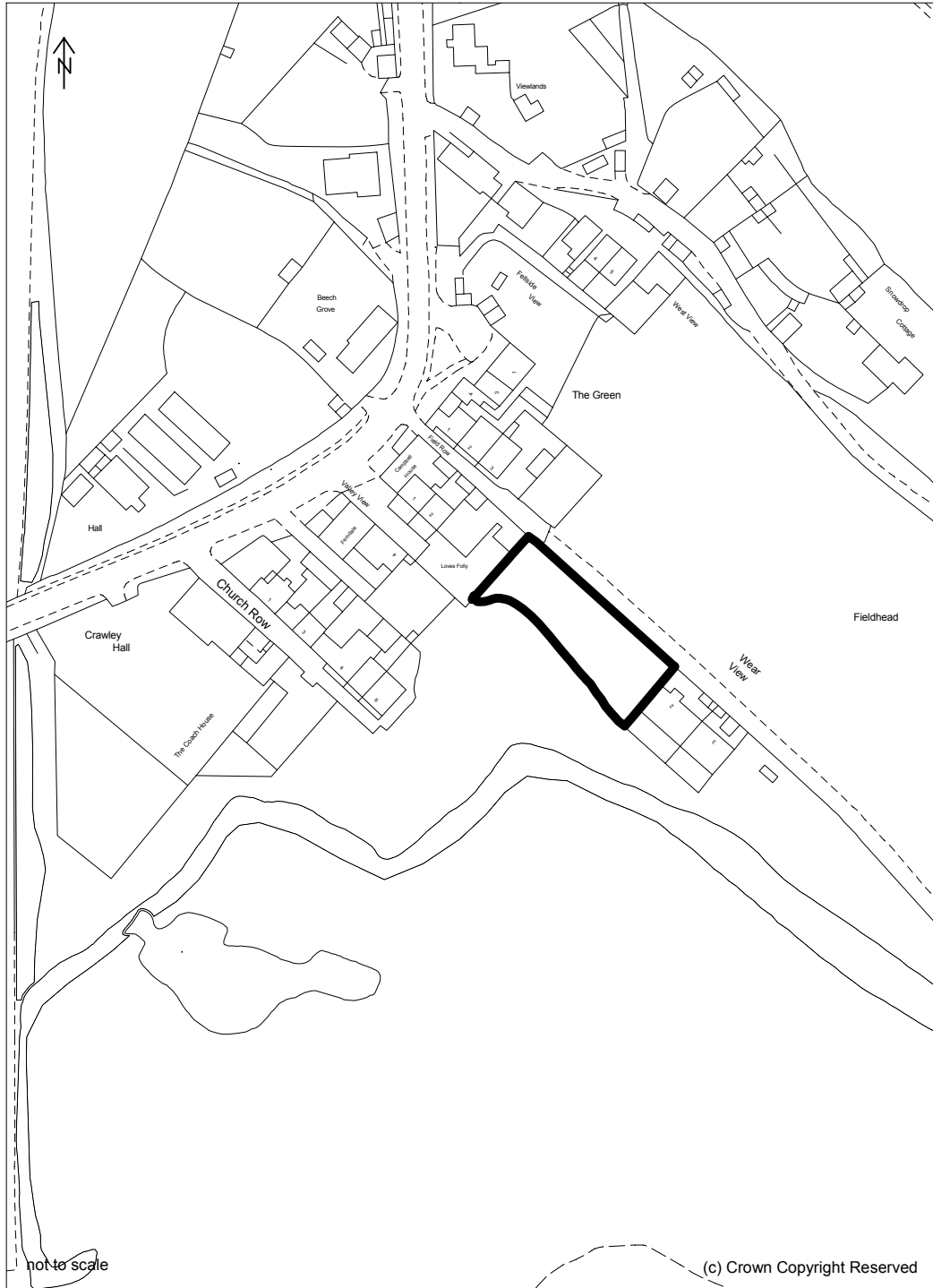
Chris Baxter

Senior Planning Officer

Ext 441

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**3/2006/0815 - ERECTION OF ONE AND A HALF STOREY DETACHED DWELLING WITH GARDEN SHED, GREENHOUSE AND ONE PARKING SPACE AT LAND ADJACENT TO 2 WEAR VIEW, CRAWLEYSIDE FOR MRS. BLENKINSOPP – 18.09.2006**



DEVELOPMENT CONTROL COMMITTEE

10<sup>TH</sup> JULY 2008

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Report of the Strategic Director for Environment and Regeneration

**PART III – OTHER MATTERS**

**FOR INFORMATION**

**APPEAL DECISION**

**3/2007/0903 - PROPOSED BUNGALOW WITH ATTACHED DOUBLE GARAGE AT LAND ADJOINING (EAST OF) 14 STEELS HOUSES, WEST RODDYMOOR, CROOK FOR MRS. SCOTT – 19.12.2007**

1. Outline planning permission was refused for one bungalow at land adjoining 14 Steels Houses, West Roddymoor, Crook for the following reasons:
  1. The application proposes the development of land outside any defined limits of development and is therefore contrary to policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and guidance contained in PPS3: Housing and PPS7: Sustainable Development in Rural Areas.
  2. The proposal is for the development of land which is not classified as being within an urban area and is not sequentially preferable, therefore the proposal is contrary to Policy 3 of the Regional Spatial Strategy.
  3. The proposal is contrary to the objectives of PPG13: Transport, in that it is poorly related to local facilities and fails to promote sustainable transport.
2. Mrs Andrea Scott appealed against the refusal of the application.
3. The Inspector has dismissed the appeal. He concluded that:
  - Policy H3 of the Local Plan indicates that new development will be directed to the specified settlements. There is no evidence to suggest that the proposed dwelling is required for the purposes of agriculture or forestry, or any other activity that would justify a rural location. The Inspector agreed that the proposed development would be contrary to Local Plan policy.
  - The Government's objectives, as set out in PPG13, include reducing the need to travel, especially by car; and promoting accessibility by public transport, walking and cycling. Similarly PPS3 indicates that the Government's policy is to ensure that new housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. The Inspector considered that the proposed development would not be consistent with these objectives. He considered that the proposal would be contrary to both national and local planning policies.



- The most sustainable locations are listed (sequentially) as being within or adjoining urban areas, or in other settlements outside urban areas. The Inspector did not consider that the appeal site adjoins an urban area and he did not think the proposal is within any of the sequential categories listed.
- There is an existing industrial building currently on the site which appears to be in reasonable condition. He noted that local builders have shown an interest in renting the existing building for storage use or as a commercial workshop. The Inspector did not accept that the demolition and replacement with a dwelling would give rise to a significant public benefit. The appellant was concerned that industrial activity from the existing building could detract from her residential amenity. However, as the owner of the site, the Inspector commented that the appellant is in a position to regulate the future use of the existing building.
- The Inspector noted that Mrs Scott is a widow with a teenage son to support, and has no use for the industrial building herself. He recognised her desire to realise the potential of the site whilst protecting her living conditions. However, a dwelling built on the appeal site would be likely to remain long after her personal circumstances have ceased to be material.

## **RECOMMENDED**

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

### **background information**

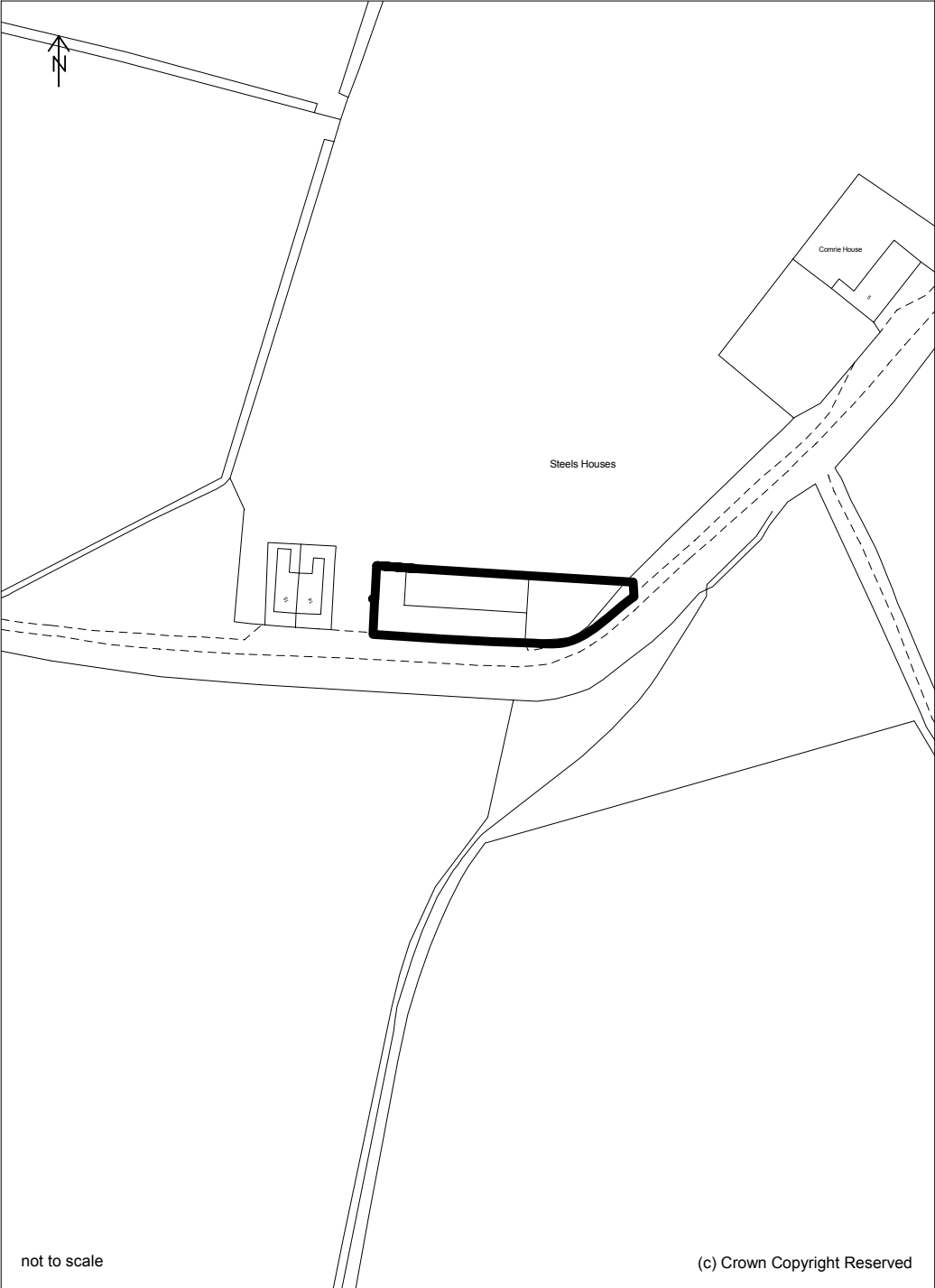
Inspector's letter dated 11<sup>th</sup> June 2008.

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|---|-----------------------------|
| <b>Officer responsible for the report</b>           | <b>Author of the report</b> |
| Robert Hope   | Chris Baxter                |
| Strategic Director for Environment and Regeneration | Senior Planning Officer     |
| Ext 264   | Ext 441                     |

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**3/2007/0903 - PROPOSED BUNGALOW WITH ATTACHED DOUBLE GARAGE  
AT LAND ADJOINING (EAST OF) 14 STEELS HOUSES, WEST RODDYMOOR,  
CROOK FOR MRS. SCOTT – 19.12.2007**



DEVELOPMENT CONTROL COMMITTEE

10<sup>TH</sup> JULY 2008

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Report of the Strategic Director for Environment and Regeneration

**PART III – OTHER MATTERS**

**FOR INFORMATION**

**APPEAL DECISION**

**3/2007/0456 - TO REMOVE CONDITION 12 OF PLANNING PERMISSION  
3/1998/0329 TO ALLOW UNRESTRICTED OPENING AT ASDA SUPERMARKET  
6 SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR ASDA STORES LIMITED**

1. Planning permission was refused at a Development Control Committee, contrary to officer recommendation, to allow unrestricted opening at Asda Supermarket, South Church Road, Bishop Auckland for the following reason:
  1. If the store were open for trading 24 hours each day the amenities of nearby residents would be adversely affected by reason of noise and disturbance caused by customers going to and coming from the store on foot and by car late at night and in the early morning. The proposal is in conflict with policy GD1 of the WVDLP.
2. Asda appealed against the refusal of the application in the form of a Public Inquiry.
3. The Inspector has allowed the appeal. The Inspector commented that there is an existing condition which restricts noise to be in line with World Health Organisation guidance. He considered the appellant's detailed analysis to be soundly based and, as much of it was based on worst-case assumptions, he believed it to be particularly reliable. It was assessed by the Council's Environmental Health staff during the progress of the planning application and was not disputed. Asda staff currently work on a 24 hour basis during the night restocking shelves. If trading hours were extended this activity would continue essentially unchanged and there is no reason why additional night time trade would necessitate further activity that would give rise to significant additional noise. There is an existing condition which indicates the limit of noise level which can be emitted from the site. This condition can be enforced should the noise level from the site go over the noise limit. It is envisaged that any additional stock required for night time sales would be obtained by better utilisation of existing deliveries but if additional vehicle movements were necessary, there is an existing condition restricting deliveries between 07.00 and 23.00.

4. In terms of noise impact from any additional traffic to the site, traffic predictions which were agreed with the District and County Council, estimate that any increase in noise attributable to additional traffic generated on South Church Road would not exceed 1.8dB, well below the level of perceptibility.
5. There are concerns of local residents about potential anti-social behaviour around the store. There is nothing tangible to suggest that such behaviour is at a serious level. The police have not raised it as such though they have put forward ways in which the appellant might counter potential problems. Even if there was a significant problem, the appropriate question to ask is whether the appeal proposal would make the situation worse. The Inspector concluded it would not. The fact that customers would be coming and going through the night would increase surveillance on the site. Overall, the Inspector concluded there was no good reason why extended opening hours should lead to unacceptable behaviour.

costs

6. The appellant submitted on application for costs relating to the Council's unreasonable behaviour. The Inspector considered the application of costs in light of Circular 8/93 which advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
7. The Inspector concluded:

*'It is clear from the report of the committee meeting at which the appeal proposal was discussed that Council members were much concerned with complaints from local residents about noise emanating from the service bay to the store. However, they were clearly advised by officers that this was a separate issue, covered by an extant condition which could be enforced if necessary. I concur with that view in my decision on the appeal. Officers also advised that on the basis of the Appellant's analysis there was nothing to suggest that the appeal proposal would harm the living conditions of local residents. On all the evidence it is clear that members failed to properly consider that advice and the Council's representative at the Inquiry accepted as much. It was also accepted there that members had no evidence to substantiate their reason for refusal. I consider that the Council unreasonably refused planning permission and that this caused the Appellant to incur unnecessary expense in going to appeal.'*

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

#### **background information**

Inspector's letter dated 18<sup>th</sup> June 2008.

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**3/2007/0456 - TO REMOVE CONDITION 12 OF PLANNING PERMISSION  
3/1998/0329 TO ALLOW UNRESTRICTED OPENING AT ASDA  
SUPERMARKET 6 SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR  
ASDA STORES LIMITED**

