



Civic Centre,
Crook,
County Durham.
DL15 9ES
Tel: 01388 765555 Fax: 01388 766660
Minicom: 01388 761515 e-mail: g.ridley@wearvalley.gov.uk

Gary Ridley Acting Chief Executive

19th August 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 28th AUGUST 2008** at **6.00 P.M.**

AGENDA

- | | Page
No. |
|--|-------------|
| 1. Apologies for absence | |
| 2. To consider development control application 3/2008/0443 – Extraction units – retrospective at 29-29A Fore Bondgate, Bishop Auckland for Mr. Wilkinson, Noremac Leisure Limited t/a Café 29. | 1 - 4 |
| 3. To consider development control application 3/2008/0365 – Change of use: from public open space to garden land and erection of 1m high fence at land to the rear of 60 and 61 High Street, Howden Le Wear, Crook for Mrs. Mackenzie. | 5 - 10 |
| 4. To consider development control application 3/2007/0911 – Construction of mixed use development comprising 6384 m2 of retail (use class A1) and 85 apartments including car parking at land at North Bondgate, Bishop Auckland for Helios City Limited. | 11 - 29 |
| 5. 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

28th AUGUST 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0443 - EXTRACTION UNITS - RETROSPECTIVE AT 29-29A FORE BONDGATE, BISHOP AUCKLAND FOR MR. WILKINSON, NOREMAC LEISURE LIMITED T/A CAFE 29 – 02.07.2008

description of site and proposals

1. Retrospective planning permission is sought for extraction units situated in the rear yard area of 29-29A Fore Bondgate, Bishop Auckland. Two extraction units are situated on the rear walls of the building, one of which is the intake unit while the other one is the outlet unit. Each unit measures approximately 700 mm by 700 mm and protrudes from the building by approximately 250 mm.
2. 29-29A Fore Bondgate is a café located at the junction of North Bondgate, Fore Bondgate and Finkle Street. The building is rendered and has an access yard to the rear which fronts onto North Bondgate. No. 29 is located at the beginning of a row of properties containing a mixture of shops, cafes and drinking establishments.
3. From the request of the Council, the applicant has submitted this application in order to regularise the extraction units located to the rear of the building.

planning history

4. The following application relate to this site:
 - 3/2006/0405 Change of Use and Shopfront Replacement and Refurbishment Approved 23.06.2006
 - 3/2006/0622 2 Projecting Signs Approved 12.09.2006
 - 3/2008/0189 External Freezer Unit Approved 02.05.2008

planning policies

5. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
 - BE5 Conservation Areas
 - BE6 New Development and Alterations in Conservation Areas

- GD1 General Development

consultations

6. WVDC (Environmental Health – Commercial): Currently the extraction units situated on the building are adequate for the type of food being cooked, considering the times of opening and the present management. Should any of the above factors change, i.e., times of opening, types of food cooked then it may be necessary to install an alternative system.
7. WVDC (Environmental Health – Pollution): The extraction units have been installed and have now been operating for some considerable time. Since Environmental Health Pollution section has not received any complaints concerning the noise arising from the units, there are no further comments to make in relation to the proposal.
8. Durham County Council (Design/Conservation): No objections on design and conservation grounds. The units are concealed within an enclosed yard, predominantly hidden from public view and as such there is no detrimental impact on the character and appearance of the surrounding conservation area.
9. Town Council: No comments received.

officer analysis

10. The key issue for consideration is:
 - Impact on Surroundings

impact on surroundings
11. This application has been submitted on the request of the Council, in order to regularise the extraction units to the rear of the building.
12. The extraction units are virtually screened from public view and are not highly noticeable. The units are at ground level height and are rendered on the sides to match in with the existing building. The proposed extraction units do not have a detrimental impact on the appearance and character of the Bishop Auckland conservation area and the surrounding locality.
13. Environmental Health (Commercial Section) have stated that the extraction units are adequate, given the type of food being cooked and the opening times and current management. The occupiers of surrounding buildings are not adversely affected by the extraction units.
14. The two extraction units do not have an adverse impact in terms of visual amenity and do not disturb the residential amenities of neighbouring properties. The proposal is acceptable in relation to policies GD1, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

15. Occupiers of the surrounding properties have been notified in writing and a site notice was posted. A press notice was also issued.
16. No observations have been received.

conclusion and reasons for approval

1. The proposal is acceptable in relation to policies GD1, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as they:
 - a) Do not have a detrimental impact on the character and appearance of the Bishop Auckland Conservation Area.
 - b) Do not have an adverse affect on the residential amenities of surrounding buildings.

RECOMMENDED

That retrospective planning permission be **GRANTED**.

background information

Application files, WVDLP.

PS code	<input type="text" value="18"/>		
number of days to Committee	<input type="text" value="58"/>	target achieved	<input type="text" value="NO"/>
explanation	Target missed due to the dates of the Development Control Committees.		

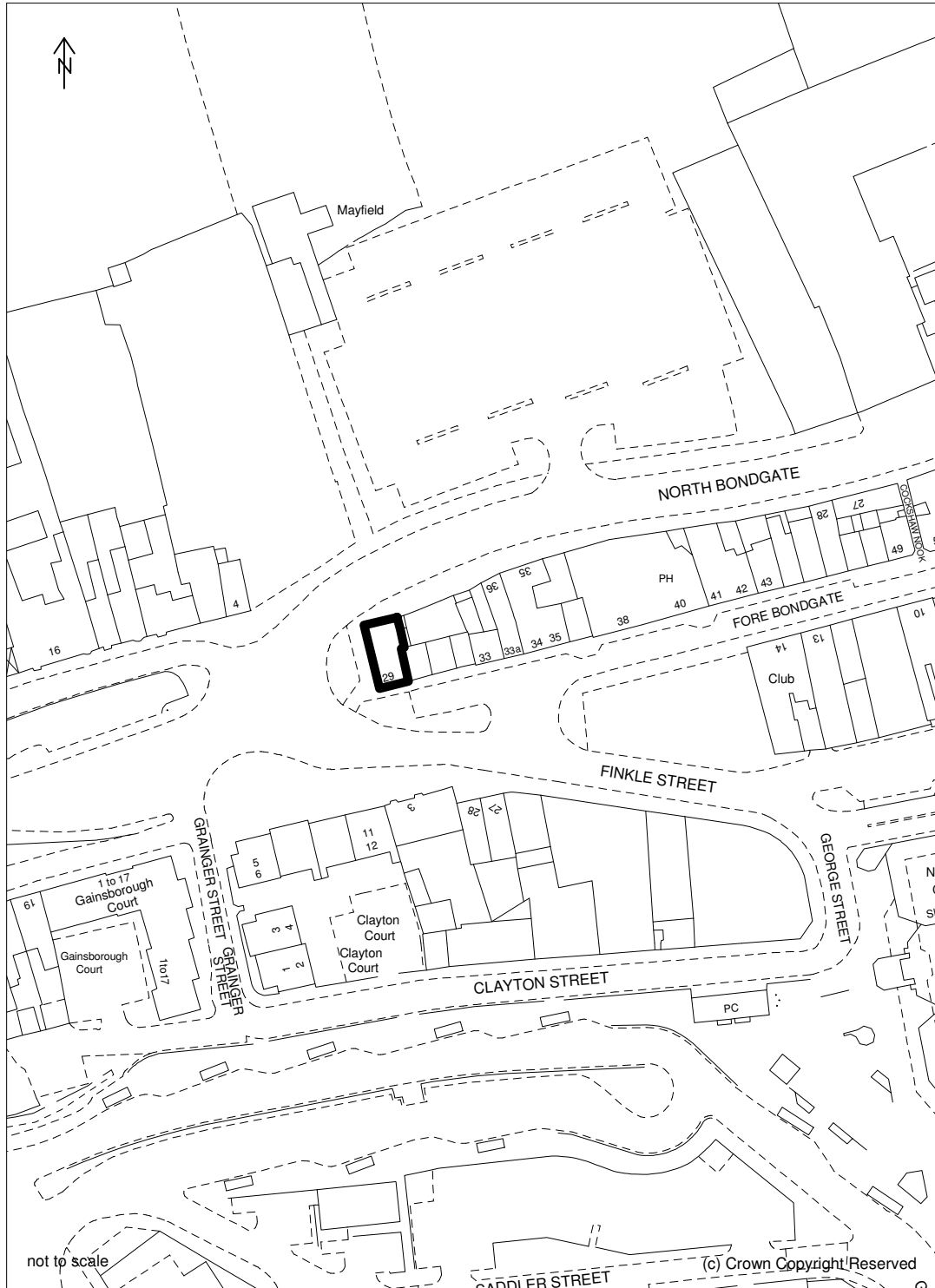
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Chris Baxter
Senior Planning Officer
Ext 441

3/2008/0443 - EXTRACTION UNITS - RETROSPECTIVE AT 29-29A FORE BONDGATE, BISHOP AUCKLAND FOR MR. WILKINSON, NOREMAC LEISURE LIMITED T/A CAFE 29 – 02.07.2008



DEVELOPMENT CONTROL COMMITTEE

28th AUGUST 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0365 - CHANGE OF USE: FROM PUBLIC OPEN SPACE TO GARDEN LAND AND ERECTION OF 1M HIGH FENCE AT LAND TO THE REAR OF 60 AND 61 HIGH STREET, HOWDEN LE WEAR, CROOK FOR MRS. MACKENZIE – 30.05.08

description of site and proposals

1. This application is reported to Committee as the land is owned by Wear Valley District Council.
2. Planning permission is sought for the change of use of land from public open space to garden land and erection of a 1 metre high fence at land rear of 60 and 61 High Street, Howden le Wear. The parcel of land measures approximately 101 square metres. The land is to be shared between 60 and 61 High Street. The land would be grassed garden land only.
3. The site currently forms an area of open space to the rear of 60 and 61 High Street. To the north of the site is a pathway and number 45 Plantation View. To the east and south of the site are the rear yards of numbers 59-62 High Street and to the west of the site is 56a High Street.

planning history

4. There is no planning history relating to 60 High Street, Howden le Wear.
5. The following applications have been received for 61 High Street, Howden le Wear.
 - 3/1989/0501 Front Porch Approved 24.08.1989
 - 3/1996/0263 First Floor Rear Extension Approved 15.07.1996

planning policies

6. 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 Criteria
 - H3 Distribution of Development

consultations

7. WVDC Legal: No response.
8. DCC Highways Engineer: No objection.

officer analysis

9. The key issues for consideration are:
 - Principle of Development
 - Visual Impact
 - Residential Amenity
 - Highways

principle of development

10. It is considered that the proposal is acceptable in principle as the site is within the defined settlement limits for Howden le Wear. It is considered that the change of use of the site from open land to extra garden space would not result in the loss of amenity to neighbouring properties in accordance with policies GD1 and H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

visual impact

11. The means of enclosure for the piece of land would be a 1 metre high fence. The proposed means of enclosure would not be harmful to the appearance of the surrounding area. The land would be grassed garden land only. There would be no structures erected within the site. Permitted development rights should be removed from the land as a condition of the planning permission so that the local planning authority can control future development in order to protect the character of the host dwelling and its setting and to safeguard residential amenity. Due to the orientation of the site away from the main thoroughfare through Howden le Wear and the proposed means of enclosure it is considered that the proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

residential amenity

12. It is considered that the associated means of enclosure would not have an overbearing or overshadowing impact on adjacent properties or the surrounding area due to the height of the enclosure not exceeding 1 metre in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

highways

13. The highway authority has raised no objections to the proposal. The proposal would not be harmful to highway safety in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

objections/observations

14. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.
15. One letter of objection has been received. It is summarised below:
 - a) In the past Mrs. Mackenzie has parked a large caravan on this piece of land. What is to say once she has erected a 1 metre high fence, that this is not what this land is going to be used for?
 - b) I have no objection to her using the land as a garden but what guarantees are there that this land once fenced will not be used as a parking place for her caravan for most of the year?

response to objections

16. This is not a planning matter.

conclusion and reasons for approval

1. The site is within the defined settlement limits for Howden le Wear. The proposal is acceptable in principle in accordance with policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. The change of use of the land to private garden land and the proposed means of enclosure would not detract from the appearance of the surrounding area, nor would the development adversely affect upon the amenity of neighbouring properties in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

3. The proposed means of enclosure would not have an overbearing or overshadowing impact on adjacent properties or the surrounding area in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. The proposal would not be harmful to highway safety in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

RECOMMENDED

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

conditions

1. For the avoidance of doubt and to maintain the character of the area the means of enclosure shall be a natural stone wall. Before the commencement of construction works on site a sample panel of the wall shall be made up on site for inspection and approval in writing by the local planning authority. The approved sample panel shall remain in place throughout construction of the wall. The wall shall be constructed in accordance with the approved details.
2. Notwithstanding the provisions of Article 2 and Classes E and G of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq none of the categories of development described herein 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.

reasons

1. To ensure that the satisfactory appearance of the means of enclosure in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. The local planning authority wishes to control future development in order to protect the character of the host dwelling and its setting and to safeguard residential amenity. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

PS code	18		
number of days to Committee	91	target achieved	No
explanation			

background information

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

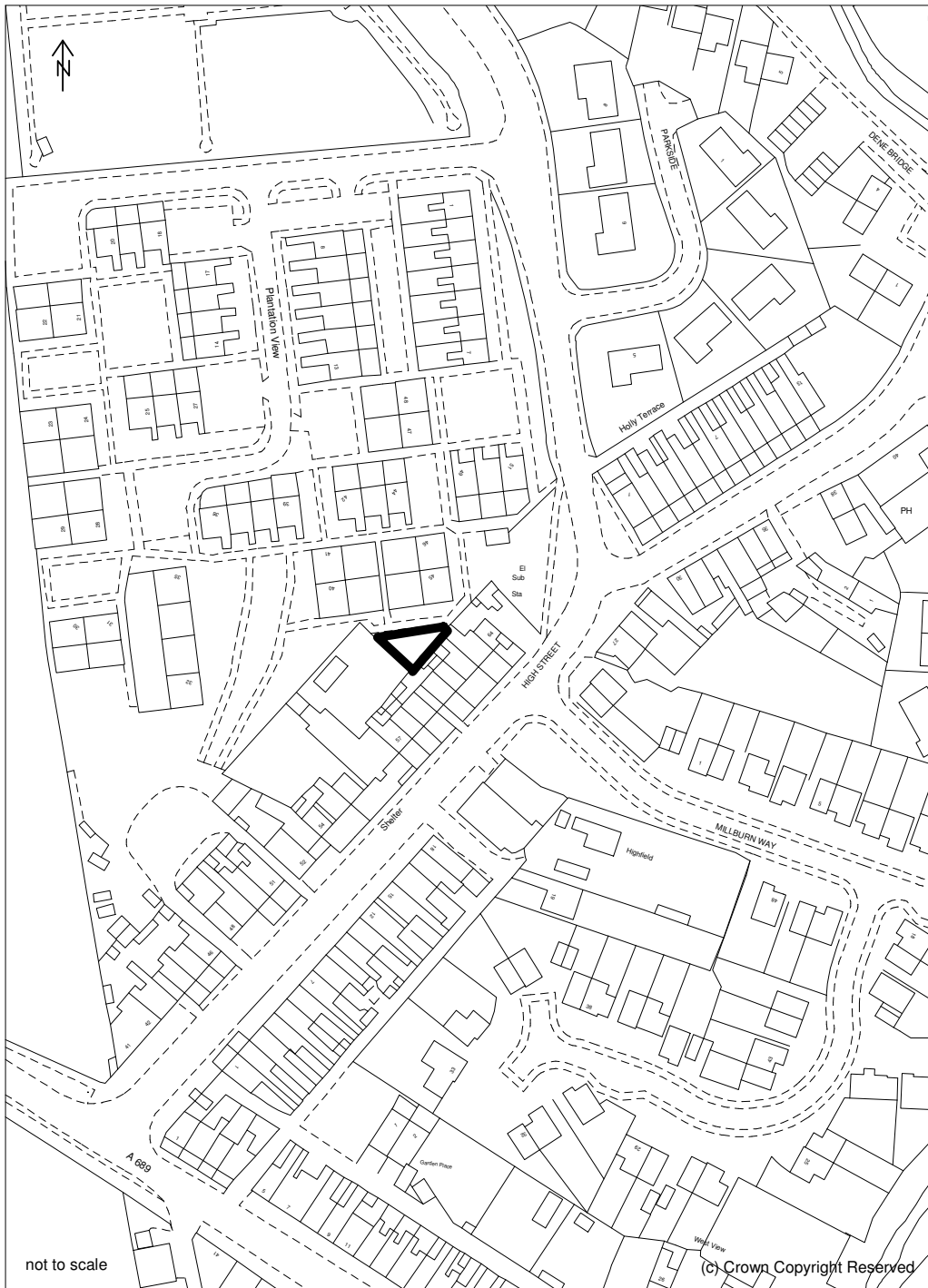
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Chris Baxter
Senior Planning Officer
Ext 441

3/2008/0365 - CHANGE OF USE: FROM PUBLIC OPEN SPACE TO GARDEN LAND AND ERECTION OF 1M HIGH FENCE AT LAND TO THE REAR OF 60 AND 61 HIGH STREET, HOWDEN LE WEAR, CROOK FOR MRS. MACKENZIE – 30.05.08



DEVELOPMENT CONTROL COMMITTEE

28TH AUGUST 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2007/0911 - CONSTRUCTION OF MIXED USE DEVELOPMENT COMPRISING 6384 M2 OF RETAIL (USE CLASS A1) AND 85 APARTMENTS INCLUDING CAR PARKING AT LAND AT NORTH BONDGATE, BISHOP AUCKLAND FOR HELIOS CITY LIMITED - 12.06.2008 - AMENDED 28.05.2008

description of site and proposals

1. Full planning permission is sought for a major mixed use development comprising of retail units (Use Class A1), residential accommodation and car parking at land on the north side of North Bondgate, Bishop Auckland. This would be accommodated in three separate blocks and a car parking structure set partially within the embankment. The gross floor area of the retail units would be around 6384 sq.m to be provided at street level and divided into units of varying size. The residential element would comprise of 85 No. apartments to be constructed above the retail units on three and four levels, which would include a mix of 46 No. 2-bed and 39 No. 3-bed duplex apartments. The car parking would be spread over three levels and include 234 No. public car spaces, 21 public motor cycle spaces and 105 No. residents'/retail managers' car spaces. Of these 18 No. car parking spaces would be for disabled persons.
2. The site is predominantly brownfield land of around 1.7 hectares and is not allocated for any particular purpose in the Wear Valley District Local Plan, however it is identified in the Bishop Auckland Renaissance Master Plan (Wear Valley District Council, June 2006) as a key site for private sector investment. It comprises of the Council-owned public car park, the former Go-Ahead bus depot (cleared), an operational maintenance and repair garage and builder's office. The north of the site forms part of the northern edge of Bishop Auckland. It is naturalised with a grassed embankment and trees and falls down steeply towards the River Wear valley. The dwelling Mayfield is located towards the NW corner of the site, but is not included in this application site. There is currently a live application for redevelopment of Mayfield (3/2007/0121) to erect a single block of 12 No. apartments. Immediately to the west is the Wilkinson Yard site, which has planning approval (3/2000/0204 and 3/2004/0615) for the erection of 4 No. blocks comprising a total of 42 No. apartments. There is also currently a live amended scheme (3/2008/0287) being considered on that site for 3 No.

blocks comprising 50 No. apartments. The North Bondgate frontage includes the Smith Roddam building, which is not included in the application site and is being retained. There are a mixture of residential and commercial properties opposite the site on the southern side of North Bondgate.

3. The site lies close to the Market Place and commercial core of the town. It is also within the Bishop Auckland Conservation Area as designated in the Proposals Map of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

planning history

4. The site has considerable planning history, the most relevant of which is:
 - 3/1996/0725 Renewal of Consent for Motor Showroom Approved 14.01.1977
 - 3/2006/0693 Demolition of Bus Depot in Conservation Area Approved 09.11.2006
 - 3/1982/0624 Bus Garage Approved 23.05.1983
 - 3/1997/0323 (57 North Bondgate) A5 Use, Garage/Premises Approved 13.08.1997
 - 3/1997/0355 (59 North Bondgate) Change of Use to Office/Storage Approved 13.08.1997

planning policies

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

- BE1 Protection of Historic Heritage
- BE5 Conservation Areas
- BE6 New Development and Alterations in Conservation Areas
- BE17 Areas of Archaeological Interest
- GD1 General Development Criteria
- H24 Residential Design Criteria
- H3 Distribution of Development
- S1 Town Centres
- T1 Highways - General Policy
- T8 Development of Car Parks

Also relevant is national planning guidance in PPS1: Sustainable Development and Climate Change, PPS3: Housing, PPS6: Town Centres, PPG13: Transport, PPG15: Historic Environment, PPG16: Archaeology, PPS22: Renewable Energy, PPG24: Noise, PPS25: Flood Risk; as well as policies 2, 3, 4, 5, 6, 7, 24, 25, 28, 30, 32, 35, 39, 40 and 54 of the North East Regional Spatial Strategy (RSS) 2008.

6. The Durham County Council Parking Guidelines are also applicable.

consultations

7. North East Assembly (NEA): The proposal is considered to be in conformity with the Regional Spatial Strategy (RSS). The proposal should incorporate renewable energy generation and consider a SUDS approach to drainage.
8. One NorthEast: Support the proposal. The developer should pursue the highest standards of sustainable design and the development should provide renewable energy measures within the scheme.
9. Environment Agency: Have withdrawn their initial objection after amendments to the Flood Risk Assessment (FRA). Surface water runoff must be restricted to 24 litres per second and a surface water drainage scheme must be approved. The development should provide renewable energy measures within the scheme and the highest standards of sustainable design and construction should be pursued.
10. Nothumbrian Water: No objections.
11. CABE: No comment.
12. English Heritage: Recommend refusal as the regeneration benefits are outweighed by the harm to the character and appearance of the Conservation Area, predominantly as the proposal:
 - would not achieve a distinctive public realm;
 - gives undue priority to the car;
 - the scale of the scheme is too assertive and out of character with surrounding development.
 - the design is not high quality and insufficient information has been provided on the palette of materials.
13. Durham County Council Rights of Way: Footpath 90 Bishop Auckland runs through the site. The path should be accommodated into the proposal.
14. Durham County Council Archaeology: The potential for archaeological findings has been identified by the applicant and therefore it is reasonable for the planning authority to request the prospective developer to arrange for an archaeological field evaluation to be carried out. Without this information upfront an objection is lodged.
15. Durham County Council Landscape: The attractive and dramatically contained place below the application site and the viaduct would be likely to require protection in the form of some reinforcement tree planting from any ridgeline development – irrespective of its architectural qualities and usage pattern. There is insufficient information on tree retention/ proposed planting.
16. Bishop Auckland Town Council: No objection.

officer analysis

17. The key issues for consideration are:

- The Effect on the Creation of Sustainable Patterns of Development in the Area
- Retail and Town Centres
- Housing Supply and Mix
- Impact on the Character and Appearance of the Bishop Auckland Conservation Area
- Residential Amenity
- Highways and Parking
- Flood Risk and Drainage
- Sustainability and Renewable Energy
- Archaeology

the effect on the creation of sustainable patterns of development in the area

18. The principles of sustainable development described in PPS1, PPS3, PPS6 and PPG13, as well as the sequential approach to development set out in the RSS, all seek to direct new development towards settlements capable of accommodating that development in ways that reduce the need to travel by private car.

19. The application site is located mostly within the Bishop Auckland town centre, although a small part of the site to the north, which is to be used as a landscaping area, marks a minor incursion outside the established limits to development. Bishop Auckland is identified as an “other regeneration area” in the RSS where in accordance with Policy 5, development of an appropriate scale should be permitted, aiming to achieve a balance between housing, economic development, infrastructure and services. The identified regeneration areas are recognised as areas that provide important local facilities, services and employment and the priority is to ensure that the function and vitality of these towns are supported so they can continue to meet the local shopping, recreational and community needs of the communities they serve. The site is mostly previously developed land and therefore, in the context of RSS Policy 4, is classed as a suitable previously developed site in an urban area.

20. Bishop Auckland is well connected to public transport networks and the site is within walking distance of access to those networks as well as to the many services within the town itself. In addition, mixed use developments are recognised to contribute to reducing journey lengths and should generally be supported in order to make the best use of existing transport infrastructure.

21. North Bondgate is also identified in the Bishop Auckland Renaissance Master Plan as a key development site for Private Sector investment within the town. The Master Plan has been formally adopted by the Council and is supported by One NorthEast as a means to encourage and promote development that would support and enhance Bishop Auckland’s economic viability in order that Bishop Auckland continues to support the needs of the communities it serves.

22. The principle of development in this location is therefore consistent with the sequential approach to development outlined in the RSS, as well as with the overall aims of supporting sustainable patterns of growth in the local area. The development would in principle support the viability of the Bishop Auckland town centre and improve the range of services available to local communities, while reducing the need to travel.

retail and town centres

23. The application proposes retail development within the Bishop Auckland town centre. This is consistent with the national (PPS6), regional (RSS policy 25) and local policy (WVDLP policy S1 as amended by Saved and expired Policies September 2007) requirements which all seek to continue to direct town centre uses (such as retail) to existing urban centres. A sequential test and need assessment is therefore not required.
24. Bishop Auckland is identified in the RSS as a Regeneration Area and is a key retail and service centre for the district. The importance of the role of Bishop Auckland is recognised in the Wear Valley Economic Strategy (WVES) 2007-2021 and the County Durham Economic Strategy as one of the County's top 3 district centres.
25. The proposed retail floor space of around 6384 sq.m is considered to be commensurate with the scale and function of the centre in the region. Although the potential internal arrangements are flexible, the floor space to be provided would be large enough to attract national retailers. This would be very important in increasing the range of services in Bishop Auckland, thereby enhancing the vitality of the town centre and reinforcing its role as an important retail centre in the county. It is hoped that this will in turn also stimulate further spin-off private investment in the town centre, particularly on the opposite side of North Bondgate which would benefit from façade improvements and the creation of double fronted premises. The potential number of jobs to be created would also be significant.
26. The overall regeneration benefits of this element of the scheme would be considerable for Bishop Auckland and the district and would contribute significantly to achieving the aims of the Bishop Auckland Renaissance Master Plan. The Council's Economic Development Team and the Regional Development Agency One NorthEast are therefore in full support of the proposal.

housing supply and mix

27. The application proposes a total of 85no. apartments to be constructed above the retail units. The North East Assembly indicates that the residual provision of housing in Wear Valley shows an oversupply of 947 dwellings for the period 2004/21, however, the supporting text of RSS policy 28 emphasises that the gross and net dwelling figures are not a ceiling and the case for higher figures can be made in identified locations consistent with the sustainable locational strategy of RSS policies 4 and 6.

28. In this case Bishop Auckland is an identified “other regeneration area” with significant opportunities to accommodate new development on previously developed land. The proposed apartments would cater mostly for smaller households at a high density thereby making efficient use of brownfield land. The NEA supports the view that the scale of housing proposed in this location would not undermine the wider regional policy objectives for housing provision. The development of a large brownfield site would also aid the Council in achieving its target for delivery of 65% of housing on brownfield land.
29. The housing is to be delivered by an established housing association which would offer the dwellings for sale and rent, an unspecified proportion of which is likely to be affordable given the nature of the company. This is consistent with RSS policy 30 and PPS3 which encourage the delivery of a mix of housing to promote the building of sustainable communities.
- impact on the character and appearance of the Bishop Auckland Conservation Area
30. The site is part of the elevated and highly prominent northern ‘built edge’ of the town above the River Wear. This geographic and townscape setting is of notable significance within the sub region. It is a major characteristic of the town’s heritage and identity.
31. Much of the eastern part of the site was until recently (approx. 2-15 years ago) wholly occupied by buildings and yards of mixed uses including servicing, commercial, retail, bus garaging and depots all of which contributed significantly to the employment and activity of the town but did not physically enhance the appearance or character of this important visual edge of the town. Neither did they contribute positively to the frontage along North Bondgate, an important approach road to and through the town centre. The buildings which currently occupy the eastern end of the site do not contribute positively to the character and appearance of the conservation area, their loss will not therefore be harmful. A separate Conservation Area Consent will be required for the removal of buildings.
32. The western section is an active but uninspiring area of open block-paved public car-park which has some shrub level planting to two street sides but which still has a character typical of a relatively temporary, albeit active, use. The temporary untypical open nature of this area allows tremendous views across the valley but because of the immediate bland nature of the surroundings it is clearly apparent that these are only a transient ‘bonus’ because the site is obviously underachieving in townscape and commercial terms. Visually this area does not add anything in terms of an appropriately sustainable permanent character or appearance to the town and its conservation area.

33. The existing appearance of the site is neutral to negative and hugely under-performing both visually, socially and economically in what it could contribute to the town's and wider area's well being. Its early re-development is essential to maximise on its tremendous location and accessibility. Temporary views from the site are a transient bonus but this should not weaken the resolve to reverse the site's current under performance.
34. The application proposal presents a massive challenge to the capacity of this sensitive and highly important location to accommodate the scale of the development without overwhelming the established appearance and character of the built form of the town in this critical 'edge' location. The application site and its proposed structures would marginally 'spill over', at its lower level only, from the flat topped land marking the present built edge of the town at this point whilst the main higher elevations would sit behind this edge.
35. Overall, the building coverage on the site is considered to be at its maximum. The foot print does mimic traditional forms of commercial development at the larger end of the scale for a medium sized town's commercial centre. The two proposed service breaks would provide essential visual permeability through the site which was always going to be important from the north. This allows for glimpses through and maintains the sight of roofs and the town beyond as if looking down side streets.
36. The proposed upper blocks of buildings would be comparable to the maximum height of individual buildings in the locality, however the development would frequently exceed the height by one storey. The proposed roof line would be stepped in an attempt to reduce the impact of the overall height and add interest.
37. On balance, it is considered that the relatively 'open' nature of North Bondgate would be able to accommodate the proposed scale and layout of the proposal without unduly visually challenging the hierarchy of the role played by other commercial and domestic frontage around it. However had the scheme proposed a storey height lower generally then it would unquestionably have made a more positive contribution to a regenerated townscape and character.
38. The principle of creating a traditional shopping frontage with direct access to residential properties from it is strongly supported. This would ensure that levels of activity, vibrancy and interaction with the rest of the town are maximised. The design of the North Bondgate frontage offers considerable locally based interest and with a subsequent carefully controlled use of various materials and supervised attention to detail, the scheme does have the potential to be a major player in the revival of the levels of high quality and appropriately implemented investment in the town.

39. A critical issue is the proposal to spill over the existing rear flat land edge of the site. The northern edge of previous buildings and extent of flat land along this edge has varied over years. Furthermore, the considerable bulk of the higher building blocks would be set back well behind the existing considerable break in the levels from flat land to slope, they would be well behind the west-east alignment of for example the property Mayfield to the west and to the east this major element would be no further northwards than the existing shed buildings on the site. The alignment and form of the upper blocks of the proposal are acceptable.
40. The flat decked parking levels and ramps would extend beyond the break of the site the same distance approximately as the property Mayfield does. Beyond that, the Plan Drawings indicate tree planting with, presumably, gradual terracing of the site for land retention reasons. Land retention issues are not conclusively addressed in terms of showing finished levels and categorically demonstrating therefore what measures, if any, of gabion or other similar measures may needed to stabilise the re-arranged surface materials for effective landscaping, for example. Successful landscaping and detailing of the rear of the parking structure will be critical in reducing the visual impact of this element of the scheme.
41. Fundamentally this is good scheme, although it could have been better presented initially in terms of the quality of drawings and supporting information. The mix and location of uses and even the parking arrangements offer real potential regeneration gains and opportunities for Bishop Auckland, which carries significant positive weight. Unfortunately, the final scale presents certain doubts about the appropriateness of the presented scheme to be accommodated on this very special prominent edge of town and valley site. If the scale of the proposal had been reduced by one storey it would have not been so challenging to the capacity of this ridge site to comfortably 'take' the scale of this development. On balance, therefore, it is considered that the scheme pushes the capacity of the site in layout terms to the limit to accommodate this scale and form of buildings. Support in this respect is therefore inevitably marginal but swayed by the wider significance of the scheme to the town's long term character and appearance, which must be measured in both physical outcomes as well as financial incomes. This is in accordance with policies GD1 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

residential amenity

42. The proposed dwellings are to be delivered in a town centre urban location where the expectation for amenity space is not as great. In addition the majority of apartments would be 2-bed and therefore not likely to be occupied by large family units. Nevertheless, there would still be a first floor terrace area exclusively available for recreational use by residents and private courtyards would be available to some of the larger units. In addition, the development would lie immediately adjacent to open countryside where there would be further recreational opportunities if desired. Given this suitable level of provision, the type of dwellings proposed and the type of developer who is likely to offer affordable housing, it would not be appropriate to seek a financial contribution towards off site play provision in this case.

43. The orientation of the development in relation to existing development on the southern side of North Bondgate, the Smith Roddam building within the site frontage, Mayfield (existing and proposed development), existing and proposed development on the Wilkinson Yard site and existing development immediately to the east of the site would be such that it is unlikely that there would be any unacceptable overshadowing of those adjacent properties.
44. The nature of a mixed use scheme is such that there is potential for conflict between commercial uses and the residential uses above. It will be important to ensure the details of noise producing plant, waste storage and collection and external lighting are sorted out before the units are occupied.
45. In terms of privacy, it cannot be expected that all internal window relationships would achieve 21m separation in a high density residential scheme. Nevertheless the development does achieve in excess of 21m in most cases apart from the facing elevations at the main site entrance. Of greater importance is the relationship with adjacent residential properties and other potential new developments, particularly on the Mayfield site and the Wilkinson Yard site.
46. Development on the south side of North Bondgate predominantly comprises of the back of commercial premises at ground floor with some upper level residential accommodation. The separation between the southern (front) elevations of the proposed development and those existing residential properties would be around 20m at the nearest point and in excess of 21m for most parts in accordance with policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
47. To the north west of the site is the dwelling Mayfield. There would be no direct relationship between windows in the existing dwelling and the proposed development and in addition, there would be the required 15m between northern windows in the proposed development and windows to non habitable rooms/walls in the proposed development on the Mayfield site in accordance with policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
48. To the west of the site is a vacant site with permission for residential development, which can still be implemented. There is also a revised application currently under consideration for residential development on that site. It is the already approved application though that is of material importance for consideration. In this respect there would be less than 21m between three of the habitable windows in the proposed development and the approved development on that site: There would be approximately 19.8m between two bedroom windows; approximately 17m between a bedroom window and secondary living room window; and approximately 18m between two secondary living room windows at each level. Apart from the opposing bedroom windows, none of the others are primary windows and in all cases the angles between windows would be oblique. In a high density urban environment and given the oblique angles the relationship is considered to be acceptable. This is consistent with the underlying aims of policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired

Policies September 2007 in that there is unlikely to be an unacceptable loss of amenity to neighbours.

highways, access and parking

49. North Bondgate is a major through-fare for the northern part of the town centre and capable of accommodating significant traffic movements. The site itself has also always sustained significant transport movement from the existing public car park and the former bus depot. The traffic assessment submitted with the application concludes that the development would not be significantly detrimental to the existing highway capacity.
50. Two separate vehicular accesses are proposed into the site from North Bondgate. The western most access point would predominantly serve the proposed parking; the eastern access point would provide access to the service yard. Highway improvements would be needed at those junctions. Separate pedestrian circulation space would be provided around the retail units.
51. A total of 234 No. public car spaces and 21 No. public motor cycle spaces, as well as 105 No. residents/retail manager car spaces would be provided in the development. There would also be significant space for cycle parking. This would represent an increase in the number of public spaces over the existing 175 No. spaces. The increase in the number of spaces would ensure the existing capacity is not lost as well as providing additional capacity for the new retail and residential development. Of the 105 No. dedicated spaces at level - 2, there would be 71 No. dedicated for the residential units, with the additional spaces available after commercial hours. This represents general provision at slightly greater than one space per unit and is within the Durham County Council parking standards of no more than 1.5 spaces per dwelling. The 234 No. public car spaces and 21 No. public motor cycle spaces meets the Durham County Council parking standards for 1 space per 25 sq.m of retail floor space. There would be no overprovision of parking, which is consistent with the aims of encouraging more sustainable transport choices and RSS policy 54.
52. Footpath 90 presently runs through the car park and down the embankment. The proposal has disappointingly not shown how the footpath would be accommodated in the development although the applicant acknowledges that it will. It is important that this public right of way is maintained. As the diversion/temporary stopping up of a public footpath is covered by separate legislation and the development could not lawfully be implemented without addressing this issue through the relevant legislation, it is considered that this is not a reason for refusal. It is the applicant's responsibility to ensure this issue is appropriately addressed and this may need design amendments. The applicant should be aware that any amendments will require submission of an amended scheme.

flood risk and drainage

53. RSS policy 35 and PPS25 require a sequential risk based approach to development and flooding. The site lies within Zone 1, which is the lowest probability of flooding. The size of the site however requires consideration to be given to the effect of site runoff and the potential contribution to flooding outside the site. To this effect the application has been submitted with a supporting Flood Risk Assessment (FRA) highlighting the requirement for a modified water management system on the site to control surface water runoff from the site.
54. There is no objection from Northumbrian Water who is satisfied that foul flows would be acceptable into the combined public sewer; however, storm flows should be taken directly to the River Wear by an appropriate arrangement limiting the peak flow of discharge.
55. The Environment Agency initially objected on the basis of clarification that was needed on the technical assumptions made in the FRA in relation to flow rates. This has now been rectified and the objection has been formally withdrawn.
56. Subject to further approval of the specific drainage details that would achieve a specified rate of surface water discharge of no greater than 24 litres per second, it can be determined that the proposal would not in principle contribute to flooding outside the site.

sustainability and renewable energy

57. Climate change is high on the global agenda and the Government's recent Energy White Paper has given a statutory requirement to reduce carbon emissions by among other things: promoting sustainable patterns of development, making efficient use of land and securing renewable energy and energy efficiency measures in new development. Sustainability is therefore the overarching aim of all planning policy. In particular PPS1, including the Climate Change Supplement, PPS3, PPG13 and PPS22 all place an emphasis on achieving sustainable development. RSS policies 2, 3, 12, 24, 38, 39 and 40 reinforce this requirement and WVDLP policy GD1 requires new development to be designed to conserve energy. The Code for Sustainable Homes is also now mandatory for all new housing developments.
58. In this respect the development would be suitably located and would make efficient use of previously developed land. The housing developer has a statutory requirement to build to Level 3 of the Code for Sustainable Homes and a commitment to this effect has been received.
59. In order for the region to achieve its target of at least 10% of consumption of electricity from renewable sources by 2010, RSS policy 38 requires all major developments to secure at least 10% of their energy supply from renewable sources. This is also strongly supported by the Environment Agency, the NEA and One NorthEast. The application has not demonstrated how the development would achieve this target and therefore a condition to demonstrate how this will be achieved is appropriate.

archaeology

60. The proposed development lies within the area covered by policy BE17 (Areas of Archaeological Interest) of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The site is within the heart of the historic town core. The supporting archaeological report concludes that there is potential for archaeological remains dating from the 12-13th centuries onwards to exist on the site. These remains may be intermittent across the site due to the nature of the later disturbances; however the exact extent of the potential archaeological remains and deposits is currently unknown. The ground investigations conducted thus far indicate a variable depth of "made ground" lying across the site between 0.7m and 1.5m in depth. Intact archaeological deposits are likely to exist within this "made ground" or as cut features into the surface of the natural.
61. Where initial research indicate that archaeological remains are likely to be present, it is reasonable for the planning authority to request the prospective developer to arrange for an archaeological field evaluation to be carried out. Ideally the Authority would always ask for this information upfront before a decision is made, however, the time constraints in place mean this was not possible in this case. A judgment has been made given the information presented and character of the site and therefore as a next best alternative, it would be appropriate to secure this information by condition. It is assumed at this stage that any findings are not likely to prejudice implementation of the scheme.

objections/observations

62. Occupiers of the surrounding properties have been notified in writing and site notices were posted. The application was also advertised in the local press.
63. One observation has been received. The main observation point material to consideration of the proposal is:
 - a) The proposal does not meet the required privacy distances with the approved scheme on the adjacent site.

response to observation

64. The following comment is made in response to the point raised:
 - a) The window relationships have been assessed in the report and found to be acceptable.

conclusion and reasons for approval

1. Although somewhat balanced, particularly in terms of the appropriateness of the height of the development, the proposal is considered to be in accordance with the provisions of policies GD1, H3, H24, BE1, BE6, S1, T1 and T8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007; Policies 2, 3, 4, 5, 6, 7, 24, 25, 28, 30, 31, 32, 35, 39, 40 and 54 of the North East Regional Spatial Strategy (RSS) 2008; as well as

national planning guidance in PPS1, PPS3, PPS6, PPG13, PPG15 and PPS25 as it:

- a) Would represent effective and efficient use of brownfield land and secure sustainable patterns of development.
- b) Would secure significant regeneration benefits for Bishop Auckland and enhance the vitality and viability of the Bishop Auckland town centre.
- c) Would not prejudice housing delivery in the district.
- d) Would not cause unacceptable harm to the character and appearance of the Bishop Auckland Conservation Area.
- e) Would offer suitable levels of amenity within the development, as well as preventing harm to the living conditions of neighbours outside the site.
- f) Would be acceptable in terms of highway safety and parking provision
- g) (subject to condition) Would promote sustainability and reduce carbon emissions.
- h) (subject to condition) Would not increase the risk of flooding to surrounding areas.

RECOMMENDED

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

conditions

1. The development hereby approved shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority that:
 - (i) Prior to the commencement of development, the development can achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and
 - (ii) Prior to the occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.
2. Prior to commencement of development details showing the measures to be taken to produce a minimum of 10% of the total energy requirements of the development hereby approved by means of renewable energy sources shall be submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be implemented prior to first occupation of the development and retained in perpetuity.
3. Prior to the commencement of development an archaeological field evaluation shall be carried out on the site to determine the exact extent of the potential archaeological remains and deposits on the site. The findings and recommendations of the archaeological field evaluation shall be submitted to and approved in writing by the local planning authority. Thereafter development shall be in accordance with the approved details and recommendations.

4. No development shall take place until a full schedule of all the materials to be used in the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. Thereafter, samples of the materials to be used in the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to commencement of development. Development shall be carried out in accordance with the approved details.
5. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the development shall not be occupied until that work has been carried out in accordance with the approved details.
6. Notwithstanding the information given on the submitted drawings:
 - (a) details of a scale of no less than 1:20 showing the precise detailing to the shopfront design shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development; the development shall be carried out in accordance with the approved details;
 - (b) details of a scale of no less than 1:20 showing the precise external detailing to the glazed stairwell atriums shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development; the development shall be carried out in accordance with the approved details;
 - (c) details of a scale of no less than 1:20 showing the precise detailing of all railings and balconies shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development; the development shall be carried out in accordance with the approved details;
 - (d) details of a scale of no less than 1:20 showing the precise detailing of the external elevations of the car park structure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development; the development shall be carried out in accordance with the approved details;
 - (e) all upper floor (residential development) windows shall be recessed from the face of the wall;
 - (f) the exact specifications for all windows shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development; the development shall be carried out in accordance with the approved details;
 - (g) No ground floor security shutters shall be installed without an application having been first submitted to and approved in writing by Local Planning Authority;

- (h) notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations no external advertisements shall be displayed without an application having been first submitted to and approved in writing by Local Planning Authority.
 - (i) all rooflights shall be conservation flush fit lights finished in black.
7. 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 on the land, and details of any to be retained, together with measures for their protection in the course of development.
 8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 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.
 9. Before the development hereby approved is brought into use full engineering details of the proposed vehicular accesses, internal roadways and car parking provision including layout, number of spaces, surface materials and drainage shall be submitted to and approved in writing by the local planning authority, and the car parking provision shall be completed in accordance with the approved details. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the standing of cars.
 10. Before the development hereby approved is commenced wheel washing equipment shall be provided at all site egress points to ensure that site vehicles are cleansed of mud so that mud is not trailed onto the public carriageway. The wheelwashing equipment shall be used on all vehicles leaving the site during the period of construction works.
 11. Development shall not commence until a separate appropriate consent has been granted for the stopping up and diversion of Footpath 90 Bishop Auckland.
 12. Prior to occupation of the development, details for the storage and collection of commercial waste shall be submitted to and approved in writing by the local planning authority.
 13. No floodlighting shall be installed unless details of the location, type and intensity of illumination have been first submitted to and approved in writing by the local planning authority.
 14. No commercial unit shall be occupied until a detailed scheme for the ventilation system and/or any noise producing plant for that unit, including details of noise/odour attenuation for any such system/plant has been submitted to and approved in writing by the local planning authority.

15. Before the development hereby approved is commenced details of the arrangements for dealing with surface and foul water discharges from the site shall be submitted to and approved in writing by the local planning authority, and the arrangements shall be implemented in accordance with the approved details before the development hereby approved is occupied. The surface water run-off shall be restricted to 24 litres per second.
16. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the local planning authority. Roof water shall not pass through the oil interceptor.
17. An ecological investigation and assessment must be undertaken and completed by competent persons and the findings submitted for the written approval of the local planning authority prior to the commencement of development. Development shall be carried out in accordance with any agreed findings, method statement and/or mitigation measures.
18. Before the development hereby approved is commenced, detailed drawings showing the existing and proposed site levels and the finished floor levels of the proposed buildings shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with any subsequently approved submission.

reasons

1. In the interests of environmental sustainability and reducing the risk of climate change as supported in PPS1, PPS22 and policy 38 of the North East Regional Spatial Strategy.
2. In the interests of environmental sustainability and reducing the risk of climate change as supported in PPS1, PPS22 and policy 39 of the North East Regional Spatial Strategy.
3. The site is of potential archeological interest. In accordance with policy BE17 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policies GD1, BE6 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. To achieve a satisfactory standard of development. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. For the avoidance of doubt. To ensure the satisfactory appearance of the completed development. In accordance with policies GD1, H24 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

7. To ensure the satisfactory appearance of the completed development. In accordance with policies GD1 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
9. In the interests of road safety and traffic convenience, and the amenities of the locality. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
10. In the interest of traffic safety and to safeguard the amenity of the surrounding area. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
11. A separate consent is required to stop up or diversify the public footpath crossing the site.
12. To enable the local planning authority to retain control over the provision of facilities for storage and collection of refuse; to secure a satisfactory standard of development and in the interests of noise and odour suppression. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
13. To ensure light spillage will not give rise to nuisance for residents. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
14. In the interests of protecting the amenities of the locality. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
15. To safeguard against flooding and to ensure a satisfactory means of disposal. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
16. To prevent pollution of underground strata, water supplies and nearby water courses. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
17. To ensure the development is not detrimental to any ecology on the site. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
18. To ensure a satisfactory standard of development. To ensure the development is not unduly prominent within the surrounding landscape and streetscape. To safeguard the occupiers of existing neighbouring dwellings from loss of privacy or other residential amenities arising from the construction of the new buildings at a higher levels without adequate separation.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007, Regional Spatial Strategy (RSS), Durham County Council Parking Guidelines, PPS1, PPS3, PPS6, PPG13, PPG15, PPG16, PPG24 and PPS25.

PS code

6

number of days to Committee

77

target achieved

√

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

3/2007/0911 - CONSTRUCTION OF MIXED USE DEVELOPMENT COMPRISING 6384 M2 OF RETAIL (USE CLASS A1) AND 85 APARTMENTS INCLUDING CAR PARKING AT LAND AT NORTH BONDGATE, BISHOP AUCKLAND FOR HELIOS CITY LIMITED - 12.06.2008 - AMENDED 28.05.2008

