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Gary Ridley Acting Chief Executive

17th September 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 25th SEPTEMBER 2008** at **6.00 P.M.**

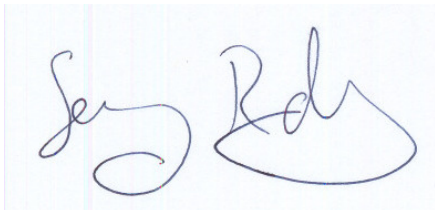
AGENDA

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1. Apologies for absence	
2. To consider development control application 3/2008/0474 – Proposed extension of existing community facility and leisure fitness complex, classified D2 assembly and leisure. Providing community café, crèche and multi purpose suite classified A3 at Spectrum Leisure Complex, Hunwick Lane, Sunnybrow for SLAM.	1 - 5
3. To consider development control application 3/2008/0479 – Removal of existing decking to 0.9m path with handrail and steps to lower garden area at 45 Uplands Close, Crook for Mr. Carr.	6 - 9
4. To consider development control application 3/2008/0192 – Proposed industrial estate, containing B1, B2 and B8 uses and infrastructure at land at Beechburn Farm, Low Beechburn, Crook for Wear Valley District Council.	10 - 25
5. To consider development control application 3/2008/0253 – Substitution of house types to provide 51 housing units in lieu of 39 housing units at land to the north of Middlewood Avenue, St Helen Auckland, Bishop Auckland for Mr. Alder, Gladedale (Sunderland).	26 - 36
6. To consider development control application 3/2008/0523 – Dormer extension to rear elevation at 88 Woodside, Witton Park for Wear Valley District Council.	37 - 40
7. To consider development control application 3/2008/0519 – Change of use from commercial premises (grocers shop) to residential two bedroom property at 101 Commercial Street,	41 - 46

Willington for Mr. Burnham.

8. To consider development control application 3/2008/0508 - 47 - 51
Change of use from open amenity land to residential use with provision of two storey bedroom over garage extension at 67 Bondisle Way, Stanhope for Mr. Emerson.
9. To consider development control application 3/2008/0404 – 52 – 59
Division of bungalow into two dwellings at Red Cottage, High Road, Stanley for Mr. Readman.
10. To consider development control application 3/2008/0336 – 60 – 72
Outline residential development (resubmission) at field 4775, Lowside Farm, High Grange, Crook for Mr. Robert Chicken.
11. To consider development control application 3/2008/0473 – 73 – 95
Proposed construction of 3 no. dwellings at land rear of 33 and 41 Uppertwon, Wolsingham for Mr. and Mrs. Cassidy.
12. To consider development control application 3/2008/0567 – 96 – 101
Change of use from public open space to domestic cartilage, two storey side extension, two storey rear extension, single storey rear extension and single storey front extension at 2 Cosgrove Avenue, Bishop Auckland for Mr. Clayton.
13. To consider development control application 3/2008/0528 – 102 -107
Change of use of open space to domestic cartilage and erection of wall at land adjoining 19 Hamsterley Drive, Crook for Mr. Swinhoe.
14. To consider development control application 3/2008/0373 – 108 -123
Erection of 1 no. two storey office unit, 7 no. three storey office units, 1 no. four storey office unit and associated car parking and landscaping at former B.B.H. Windings Limited, South Church Road, Bishop Auckland for Bowesfield Investments Limited.
15. 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

A handwritten signature in blue ink, appearing to be 'Sey Rdh', is written on a light blue background.

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

25TH SEPTEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0474 - PROPOSED EXTENSION OF EXISTING COMMUNITY FACILITY AND LEISURE FITNESS COMPLEX, CLASSIFIED D2 ASSEMBLY AND LEISURE. PROVIDING COMMUNITY CAFE, CRECHE AND MULTI PURPOSE SUITE CLASSIFIED A3 AT SPECTRUM LEISURE COMPLEX, HUNWICK LANE, SUNNYBROW FOR SLAM – 08.08.2008

description of site and proposals

1. This item has been reported to the Committee as the Council owns the application site.
2. Planning permission is requested for the erection of an extension to the eastern elevation of the Spectrum Leisure Complex. The proposed extension would measure 26.7 metres in length, 5.9 metres in width, and 4 metres to the highest point, giving a footprint of 150 sq. metres. The proposed extension would contain a multi-function space, a community cafe, and a sports hall store. The submitted plans show that the proposed extension would be constructed from a mix of brickwork and treated timber cladding. The scheme would also create a new more defined entrance to the centre.
3. The application site consists of an existing leisure facility, with the site measuring approximately 1.38 ha in area, with the existing built development being in the form of two buildings. The existing leisure facility has a footprint of 1145 sq. metres. The existing building is located at a lower level to the rear of the site, approximately 1.5- 2 metres below the level of the main car park. To the east of the site are the dwellings which form Armstrong Drive, which are approximately 43 metres to the east of the application site, between which is a band of mature trees and shrubs. To the south of the site is designated Ancient Woodland. There is a residential development currently under construction to the north of the application site.

planning history

4. The following applications relate to the site:
 - 3/1983/0018 Sports Building Approved 21.02.1983
 - 3/1982/0496 Sports Hall and Associated Buildings Approved 06.09.1982

planning policies

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

- GD1 General Development Criteria
- RL1 Recreation - New Provision

Also relevant: Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

consultations

6. Parish Council: No response received.

officer analysis

7. The issues for consideration are;

- Principle of Development
- Design
- Impact upon Neighbouring Properties

principle of development

8. PPG17 Planning for Open Space, Sport and Recreation states that *“Many sporting and recreational facilities will be similar in their land use characteristics to some forms of leisure - by making intensive use of land and attracting a large number of visits. Indeed, some will be mixed with significant elements of entertainment, retail or leisure uses and will function for many hours of the day. Planning permission for such developments should only be granted where they are to be located in highly accessible locations in or adjacent to town centres, or in district or neighbourhood centres. Planning permission should not be granted for a location outside such a town centre if the resulting development would undermine the centre. Sites in central locations should be allocated where there is a high level of demand for such mixed use facilities.”*
9. The application site is well served by public transport, with a bus stop on Hunwick Lane, approximately 90 metres west from the application site. The site is currently used as a leisure complex, and this proposal would seek to expand the type and quality of facilities provided by the existing centre. The site is within walking distance of Willington centre and Sunnybrow to the south. The proposal would increase the quality of facilities available to the local community and beyond. As such the principle of development is considered to be acceptable, and accords with policies GD1 and RL1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

design

10. The proposed extension is single storey, so it would appear proportionate to the existing building. The extension would be flat roofed with parapets stepping to form further interest against the main building. The choice of materials would contrast against the existing structure, and large glazed areas would break up the scale of the proposed extension. It is considered that the design of the proposed extension is in keeping with the character and appearance of the main building, and would not be visually detrimental upon the street scene. The proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

impact upon neighbouring properties

11. The nearest dwellings to the application site are located over 40 metres to the east, and are screened from the leisure centre by mature trees and shrubs. It is considered that given this distance, occupiers of neighbouring dwellings would not suffer any loss of residential amenity as a result of this proposal. The proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

objections/observations

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

conclusion and reasons for approval

1. The proposed extension would be attached to an existing leisure complex. The application site lies in a sustainable location, and would improve the quality of facilities at the sports centre. The proposed extension would not result in any detrimental impact upon the appearance of the sports centre nor be detrimental to the residential amenity of neighbouring residents. The proposal accords with policies GD1 and RL1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

RECOMMENDED

That planning permission be **APPROVED** subject to the following condition and reason;

condition

1. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the extension have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

reason

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 Saved and Expired Policies September 2007.

background information

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

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explanation			

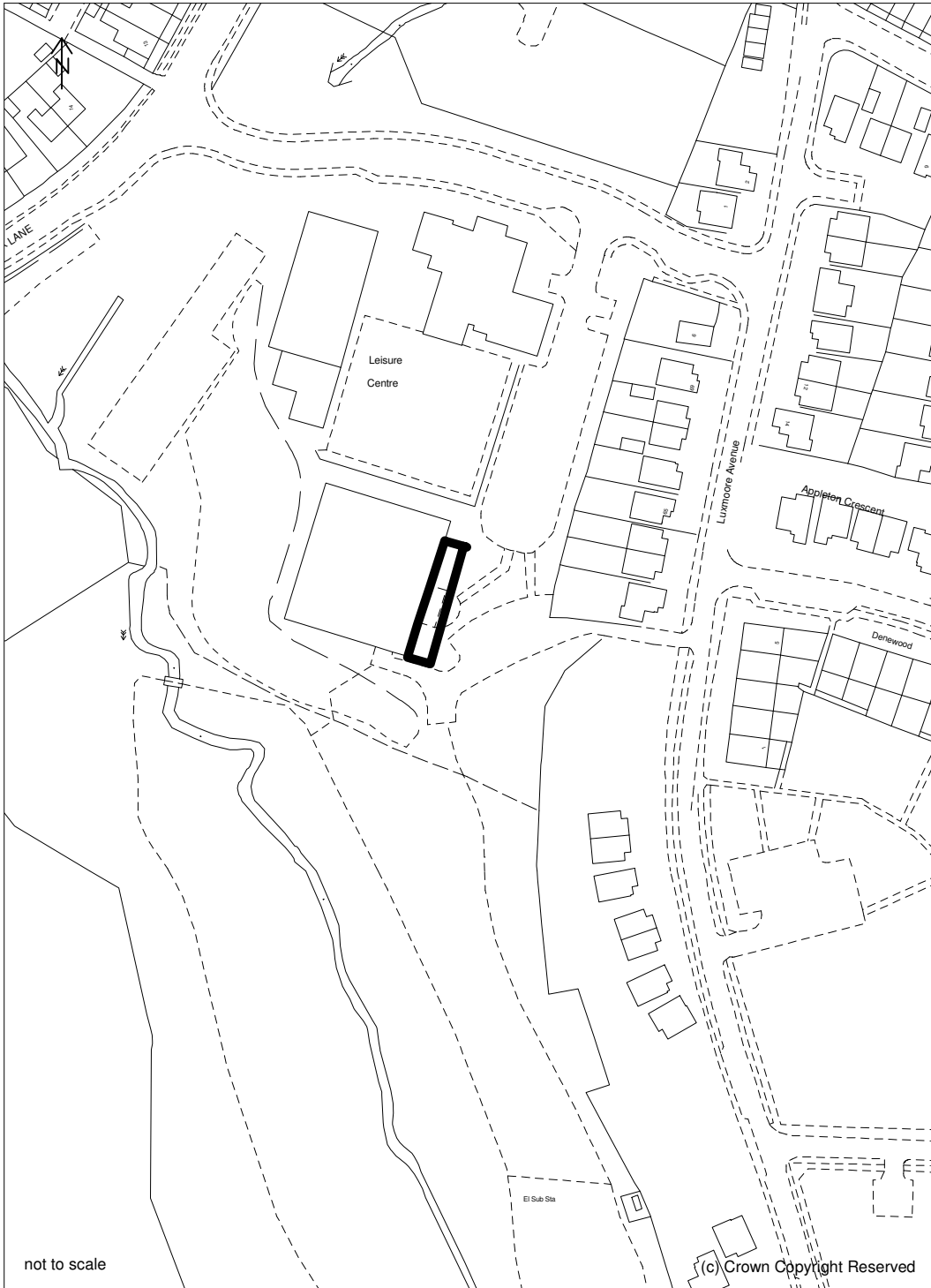
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Adam Williamson
Planning Officer
Ext 495

3/2008/0474 - PROPOSED EXTENSION OF EXISTING COMMUNITY FACILITY AND LEISURE FITNESS COMPLEX, CLASSIFIED D2 ASSEMBLY AND LEISURE. PROVIDING COMMUNITY CAFE, CRECHE AND MULTI PURPOSE SUITE CLASSIFIED A3 AT SPECTRUM LEISURE COMPLEX, HUNWICK LANE, SUNNYBROW FOR SLAM – 08.08.2008



DEVELOPMENT CONTROL COMMITTEE

25TH SEPTEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0479 - REMOVAL OF EXISTING DECKING TO 0.9M PATH WITH HANDRAIL AND STEPS TO LOWER GARDEN AREA AT 45 UPLANDS CLOSE, CROOK FOR MR. CARR – 18.07.2008 - AMENDED 26.08.2008

description of site and proposals

1. Planning permission is sought for the retention of part of the decking at 45 Uplands Close, Crook. The proposed decking would cover 9.96 square metres of the garden. It would have a length of 8.2 metres and a width at its widest point to the rear of 2.15 metres. It is proposed to remove some of the decking at the side of the house to form a 0.9 metre wide pathway. There would be a 0.9 metre high handrail affixed to the outer edge of the decking. The decking has been constructed to allow better access and use of the rear garden. Before the erection of the decking there was a 0.8 metre paved path beside the house beyond which the garden area dropped down steeply to the boundary with 48 Uplands Close.
2. The site constitutes a detached south east facing dwelling and its curtilage. To the north of the site is number 48 Uplands Close. To the south is the detached neighbouring dwelling number 44 Uplands Close and to the west is the rear garden of number 42 Tennyson Terrace.

planning history

3. The follow applications relate to this site:

• 3/2007/0064	2 Storey and Single Storey Extensions to Rear	Approved 15.03.2007
• 3/2008/0312	Retention of decking and erection of privacy screen (part retrospective)	Refused 13.06.2008

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:

• FPG5	Alteration and Extensions Guidelines
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- GD1 General Development Criteria
- H25 Residential Extensions

consultations

5. None.

officer analysis

6. The key issues for consideration are:

- Impact on Neighbouring Properties
- Design

impact on neighbouring properties

7. To the north of the site is number 48 Uplands Close. It is located on a lower level than number 45 Uplands Close. To the rear of the property is number 42 Tennyson Terrace. The decking is directly opposite the sun room extension at number 48 Uplands Close and looks onto the garden at number 42 Tennyson Terrace. To the rear of the property the decking covers an adequate area of the garden to allow for a seating area. Due to the elevated position of this seating area the decking would be detrimental to the privacy and amenity of the occupiers of neighbouring properties. The decking in its current form would encourage the occupiers of the host property to sit out on the decking overlooking neighbouring properties. It is therefore considered that the decking would be detrimental to the privacy and amenity of the occupiers of neighbouring properties contrary to policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

design

8. The decking has been constructed of timber it will have a 0.9 metre high wooden spindle handrail affixed to the edges of the decking. It is considered that the materials would be appropriate in a residential area and would be viewed alongside normal domestic paraphernalia. However due to the scale and mass of the decking to the rear of the property it is considered to be a prominent and obtrusive feature materially detrimental to the appearance of the surrounding area contrary to policies GD1, H25 and FPG5 of the Wear Valley District Council as amended by the Saved and Expired Policies September 2007.

objections/observations

9. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.
10. Two letters of objection from the same address have been received making the following comments:
 - a) The decking does not return to a path at the end of the gable, it could be used as a seating area.

response to objections

11. The comments are made in response to the issue raised:

- a) Refer to officer analysis.

RECOMMENDED

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

1. Due to the height and mass of the decking it is possible to overlook the gardens of neighbouring properties and thereby the proposal is materially detrimental to the privacy and amenity of the neighbouring properties, contrary to policies GD1 and H25 and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. Due to the height and mass of the decking it is a prominent and obtrusive feature materially detrimental to the appearance of the surrounding area, contrary to policies GD1 and H25 and FPG5 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.

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explanation: First available Committee following receipt of amended plans.			

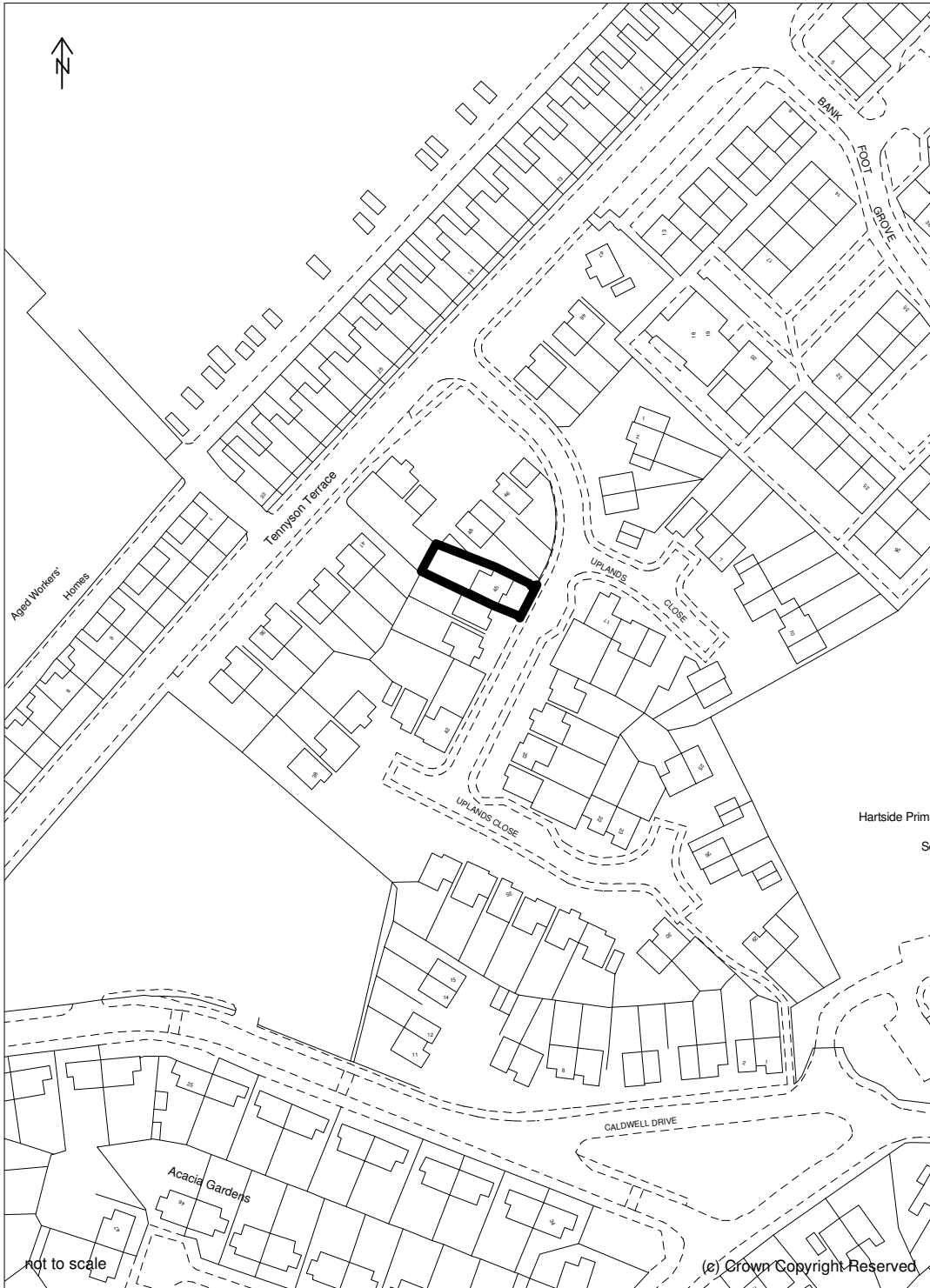
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext. 264

Author of the report

Sinead Folan
Planning Officer
Ext. 272

3/2008/0479 - REMOVAL OF EXISTING DECKING TO 0.9M PATH WITH HANDRAIL AND STEPS TO LOWER GARDEN AREA AT 45 UPLANDS CLOSE, CROOK FOR MR. CARR – 18.07.2008 - AMENDED 26.08.2008



DEVELOPMENT CONTROL COMMITTEE

25th SEPTEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0192 - PROPOSED INDUSTRIAL ESTATE, CONTAINING B1, B2 AND B8 USES AND INFRASTRUCTURE AT LAND AT BEECHBURN FARM, LOW BEECHBURN, CROOK FOR WEAR VALLEY DISTRICT COUNCIL – 18.07.2008 - AMENDED 07.08.2008

description of site and proposals

1. Outline planning permission with all matters reserved is sought for an industrial estate containing B1, B2 and B8 uses and infrastructure at land at Beechburn Farm, Low Beechburn, Crook. B1, B2 & B8 uses include:

B1 – offices and light industry
B2 – general industry
B8 – warehouses, distribution centres and repositories
2. The development area is split into two sites, site 1 and site 2. Site 1 covers an area of approximately 6.2 hectares. Site 1 is the primary plot on account of its size in comparison to site 2. Site 2 measures approximately 0.5 hectares and is regarded as a subsidiary plot, appended to the easterly boundary of site 1. For the purpose of this development, due to the close proximity of the two sites to one another, the overall development has been classed as one site covering an area of approximately 6.7 hectares.
3. The development site is allocated for use as a general industrial site by virtue of proposal I5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. Access to the site would be via an extension to the road serving the new housing estate to the south east of the development site. The development would include the upgrading of a section of the by way through the site and additional roadway within the site to gain access to individual development plots. The residents of Greenhead, a row of terraced dwellings to the south of the development site, have a prescriptive right of access to the by way through the site. This prescriptive right of access will remain.

5. A detention basin would be situated in the south east corner of the development site measuring 45 metres in width and 44 metres in length at its longest point. The detention basin would contain approximately 50cm of water at all times. The water level would only rise above this approximate 50cm level during extended storms, with the detention basin returning back to its baseline of approximately 50cm depth over a period of time. For safety reasons the gradient of the banks into the detention basin have been designed to be relatively shallow. The detention basin would be obscured by shrub planting. The shrub planting would also function to deter access to the detention basin.
6. A gas governor house would be located to the north of the site. It would house gas supply equipment for the site in the form of pumps, metres and valves to control the pressure and delivery of gas to the site. The building would be screened by means of appropriate landscaping. The building would be secured at all times; the security of the building is the responsibility of the utility company.
7. It is anticipated that the site would accommodate nine development plots for B1, B2 and B8 uses. Plot sizes would range from approximately 4,500 – 5,000 square metres. One of the plots would be approximately 6,800 square metres. A combination of single storey class B1, B2 and B8 general industrial/warehouse buildings will be erected on Site 1. Site 2 would contain single storey Class B2 general industrial buildings. Initial building plan sizes have been estimated to be in the region of 55 metres x 40 metres, 70 metres x 40 metres and 25 metres x 60 metres.
8. The site is located within a mixed use area which contains industrial units and residential buildings. An industrial estate is situated to the north and east of the site, off Prospect Road; accommodating general industrial development allocated under proposal I5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. Residential areas are located to the north, south and south east. A housing development is currently under construction to the south east of the development site. Open land and High Farm are located to the west of the site. At the northern end the site surrounds a small compound containing a few sheet metal sheds. The compound is adjacent to the track which runs from north to south through the centre of the western section of the site. The compound is a storage area for a roofing contractor.

planning history

9. There has been no recent relevant planning history.

planning policies

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

- GD1 General Development Criteria
- H3 Distribution of Development
- I2 New Industrial Allocations
- I5 General Industrial Sites

Also relevant Planning Policy Guidance 4: Industrial, Commercial Development and Small Firms (PPG4), Planning Policy Statement 22: Renewable Energy (PPS22) and The North East Regional Spatial Strategy (RSS).

consultations

11. DCC Highways Section: No objections in principle to the proposed industrial estate. However there are several issues which must be addressed prior to the submission of any reserved matters application.
12. Access to the proposed industrial estate is via a new junction and industrial estate road. This road is to be constructed by Hyperion Homes as part of their proposal for 56 dwellings on the former Wolff Commercial site (3/2005/1148). As you will be aware, Hyperion Homes are in breach of a number of planning conditions. The required junction improvements have not yet been designed and the developer, despite several letters, has not yet signed a Highways Agreement. The application site does not abut the public highway. Until the industrial estate road has been constructed, there is no means of access to this site.
13. I note that byway no. 193 runs north through the centre on the site. As the north-south road within the site follows the line of the byway it is possible that this section of byway will need to be stopped up in order to allow the development to proceed. It seems unlikely that this byway could be closed at the northern and southern boundaries of the site. Some means of retaining these connections, while making the byway unattractive as a route to the site must be included in the reserved matter proposals.
14. DCC Minerals and Waste: This response is made on the basis of any minerals and waste policy issues and on the basis of compliance with the RSS, notwithstanding that we have not had a formal request from the NEA to provide a RSS conformity report.

1. location

Policy 4 of the RSS states that locations for development should be selected in the following order: previously developed sites within urban areas; other sites within urban areas; suitable sites adjoining urban areas, particularly those on previously developed land, and suitable sites in settlements outside urban areas, particularly those on previously-developed land. The land is considered greenfield and quite low down the hierarchy of development land sites, as a greenfield site in a settlement outside an urban area. The site is within the settlement boundary as identified in the Wear Valley District Local Plan adopted 1997 and amended by the Saved and Expired Policies September 2007. There are buildings on three sides of the site, so it appears to be within rather than adjoining the settlement. The site was allocated for

general industrial use (B1, B2 and B8) in proposal 15 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

2. employment land

Policy 9 of the RSS states that the regeneration and development of Crook and other Regeneration Towns will be supported as long as it does not undermine regeneration within the conurbations.

The LPA should take care to ensure that there is a need for additional industrial estate space in Crook and should ensure that the scale and type of facilities provided are appropriate to meet the demands of the local economy.

3. biodiversity

Although the site has been developed in the past and although there is limited vegetation on the site, an ecological survey should be carried out so that any damage to ecosystems can be assessed and mitigated. This should take place prior to making a decision on this application. The site is not close to any county wildlife sites, SSSI's, or Local or National Nature Reserves.

(DCC's Ecologist has confirmed that an ecological survey will not be necessary).

4. sustainable construction

Further information on building techniques and efforts to reduce environmental impact will need to be provided with the full application.

5. design and layout

Policy 8 of the RSS advocates "promoting a high quality of design in all development and redevelopment...that is sympathetic to its surroundings". Further information regarding design will need to be provided at full application stage.

6. flood risk

A site investigation has been conducted which found groundwater in two boreholes and recommended that some allowance should be made for dewatering and shoring of excavations. The application also states that suitable storm water management strategies are to be implemented, likely to include a pond. This is in accordance with policy 24 of the RSS, which advocates the use of Sustainable Urban Drainage Systems in new development.

7. transport

Policy 3 of the RSS states that “All sites should be in locations that are/will be well-related to homes, jobs and services by all modes of transport, particularly public transport, walking and cycling.” RSS Policy 5A advocates “minimising the impact of the movement of people and goods on the environment”. With this in mind, it will be necessary to consider the likely impact of activities at the site, particularly warehousing.

15. Public Rights of Way Officer: Public Byway 193 runs through the site. I would expect it to remain unaffected by any development or use of it to access the site.
16. If the proposal is approved can you please ensure that the applicant is aware of the following obligations:
 - No building materials must be stored on the right of way.
 - Vehicle movements must be arranged so as to not interfere with the public’s use of the way. The safety of members of the public using the right of way must be ensured at all times.
 - No additional barriers are to be placed across the right of way.
 - There must be no reduction in the width of the right of way available for use by members of the public.
 - No damage or alteration must be caused to the surface of the right of way.
17. Northumbrian Water: The development may be within the zone of influence of Northumbrian Water’s apparatus. Northumbrian Water will not permit a building close to or over its apparatus and the developer should contact Maurice Dunn at this office to discuss the matter further.
18. It is important that Northumbrian Water is informed of the local planning authority’s decision on this application.
19. Environment Agency: The Environment Agency objected to the proposal on 1st May 2008. This objection was withdrawn on 1st July 2008 with the following comments:
20. The adjoining private surface water sewer owner has agreed to accept the surface water and that the system can accept the flow without compromising the existing system. This being the case, we now wish to **WITHDRAW** the previous objection to the proposed development.
21. The original discharge rate from the existing site to Beechburn Beck appears to have been agreed between the developer and the Local Planning Authority as we have no record of agreeing any discharge rate. It must be ensured that as a result of the additional flows, the ultimate discharge to the watercourse does not increase the risk of flooding.

22. DCC Landscape: Any such planning application should be attended by a tree constraints plan and survey, in accordance with BS5837:2005 Trees in Relation to Construction recommendations. This information should inform the design process and decisions on the retention or removal of existing trees and hedges on or near the site.
23. The Design and Access Statement is indecisive on the subject of landscaping. A definitive solution to the issue of intervisibility and separation between the development site and housing to the east is required.
24. Photo montage and typical cross sections should illustrate any landform and structure planting proposals.
25. The consultants' landscaping plan shows inadequate structure planting provision – measuring as little as 6m in width. Transplant trees are typically planted at 2.5m or 3m centres. I recommend a minimum 10m depth.
26. The plan refers to 'coniferous tree planting'. Some evergreens, such as Scots Pine and Yew, could have a role in a more imaginative schedule containing a mainly deciduous variety of native species trees and shrubs.
27. External edges to plots, including H and J, might be bordered by (predominantly Hawthorn) hedging. The latter feature should stand outside any security fence likely to form part of the development.
28. 'Low level coniferous tree planting' around the Detention Basin translates as 'evergreen shrubs'. Native species planting should surround a more sensitively shaped balancing pond.
29. (Landscaping and the submission of a tree constraints plan to the LPA will be dealt with by conditions).

officer analysis

30. The key issues for consideration are:

- Principle of the Development
- Layout and Design
- Highways

principle of the development

31. The site constitutes a greenfield site located within the settlement limits for Crook as identified in the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. The site is allocated for general industrial use under proposal I5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

32. National planning policy guidance applies a presumption in favour of directing new industrial development to those areas best able to support it in terms of provision of transport links, links with other businesses in the area and access to workforce. The site is located approximately 1km west of Crook and its supporting facilities and services. Access to the site would be gained by the construction of a highway linking the site to the new road feeding the housing development off New Road, Crook. This link road would provide access to the surrounding road network. The site is well served by public transport links; a number of bus services operated by Arriva run close to the development site. Due to the existing industrial allocation, the proximity of the site to Crook town centre and the proposed and existing transport links it is considered that the development generally conforms to PPG4 'Industrial, Commercial Development and Small Firms'.
33. In terms of regional planning policy the site is located within a sustainable settlement as it is situated within an urban area. Policy 9 of the RSS states that the regeneration and development of Crook and other Regeneration Towns will be supported as long as it does not undermine regeneration within the conurbations. It is considered that the proposed development is of a scale which would not undermine regeneration in the conurbations.
34. Proposal I5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 identifies the application site for development as a general industrial site. The Local Plan states that proposals for use classes B1, B2 and B8 will be permitted on the site provided they fulfil where relevant the General Development Criteria. The Local Plan also states that proposals for retail, scrap yards or storage and distribution of minerals will not be allowed in this area as such uses would decrease the attractiveness of the industrial site to potential developers. The proposed development is for use classes B1, B2 and B8 only as allowed by proposal I5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
35. It is considered that the proposed development is acceptable in principle in relation to proposal I5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, PPG4 and the RSS.

layout and design

36. In relation to layout and design all matters are reserved. It is however anticipated that the site will accommodate nine development plots. Initial building plan sizes have been estimated to be single storey industrial buildings in the region of 55 metres x 40 metres, 70 metres x 40 metres and 25 metres x 60 metres.

highways

37. The primary supply road through the proposed development would be formed by upgrading the existing stoned access track running through site 1. An extension of the new road feeding the housing development off New Road, Crook would give access to the primary supply road and site 2, subject to agreement.

38. Residents of Greenhead have a prescriptive right of access on the byway running through site 1. This right of access will remain. The byway would not be upgraded all of the way to the northern and southern boundaries of the site to make the byway unattractive as a through route while at the same time retaining the connection and the prescriptive right of access for the residents of Greenhead.
39. The highways authority has raised no objection in principle to the proposed development. However several issues have been identified which must be addressed prior to the submission of any reserved matters application. The issues identified can be dealt with through appropriate conditions.

objections/observations

40. The occupiers of surrounding properties have been notified individually in writing of the application. A site notice and a press notice were also posted advertising the application. A petition of 199 signatures, 15 letters and 5 e-mails has been received objecting to the development. The objections are summarised below:
 - a) Children play on the site.
 - b) The proposal involves the development of green belt land.
 - c) The use of a detention basin rather than underground drainage will result in pollution of the ground when discharge from traffic is washed into the basin.
 - d) Failure or overflow of the detention basin would result in either polluted water flowing into residential properties or a children's play area.
 - e) Devaluation of house prices in the area.
 - f) The re-siting of the sub-station will have a significant impact on a residential property.
 - g) There is no requirement for this spend and development to go ahead. A number of factory units in the area are vacant. Low Willington is underdeveloped.
 - h) Will increase traffic.
 - i) Shrub planting around the detention basin will not prevent access as only three sides are covered.
 - j) The revised plans regarding the disused mine shaft are unclear.
 - k) There is no clearly defined route for estate traffic.
 - l) No provision has been made to stop south bound industrial goods traffic exiting past Greenhead residential properties.
 - m) Further landscaping is needed.
 - n) Impose a restriction on night time working – both during construction and when the units are occupied.
 - o) Bridge Cottage should be shielded from the development by landscaping, the property should be protected from noise and dirt during construction and no site traffic should be allowed access on the unmade road past the property. Electricity supply disruption should be kept to a minimum.
 - p) Loss of access along the byway.
 - q) Disturbance to what is a quiet rural environment.
 - r) Light and air pollution.
 - s) Disruption to wildlife including barn owls.
 - t) Proximity of estate to existing housing.

- u) Loss of outlook.
- v) The storage factories will bring crime and vandalism to Greenhead.
- w) The detention basin will be dangerous for children.
- x) The elderly will not be able to walk up the bridle way if it has an incline.
- y) Could cause flooding.
- z) Stagnant water smell from detention basin.
- aa) Two large old trees will be destroyed.
- bb) The Council has not provided information on what will be stored in some of the factories, working hours, noise levels pollution or security.
- cc) The land should be residential.
- dd) CMCA Limited has permission to construct a parking area to the east of the byway which will prevent the widening of the access way.
- ee) Will be an eyesore.
- ff) Loss of light and privacy to Greenhead.

response to objections

41. The following comments are made in response to the points raised:

- a) This is not a planning matter.
- b) There is no green belt land in the district. Refer to officer analysis for principle of development.
- c) The detention basin that is proposed for the above development is purely for grey water (run off from the road and adjacent ground caused by rainfall) and therefore it will not be carrying any polluted water. The detention basin will be protected from any possible pollution from the plots once they are developed through the application of the Environment Agency's PPG3 guidelines. The only possible pollutants that could come into contact with the surface water sewer would be oil leaks from parked cars, vans, etc. Therefore prior to being discharged into the surface water sewer and then ultimately the detention basin surface water from the individual plots will have to pass through an oil separator.
- d) The Environment Agency is satisfied with the proposed drainage.
- e) This is not a planning matter.
- f) The sub-station has been removed from the scheme.
- g) There is a need in the area, interest has already arisen in the plots.
- h) The highways authority has not objected to the proposed development.
- i) This is an outline planning application with all matters reserved. Full drainage details will be submitted and a comprehensive landscaping scheme will be submitted prior to the commencement of the development.
- j) Nothing will be built in this area within a 20 metres radius of the mine head.
- k) The highways authority has not objected to the proposed development.
- l) The internal road layout has been amended to discourage traffic from existing past Greenhead.
- m) This is an outline planning application with all matters reserved. A comprehensive landscaping scheme will be submitted prior to the commencement of the development.
- n) This is an outline planning application with all matters reserved. Hours of operation and working times will be assessed as part of the reserved matters.

- o) These issues will be assessed as part of the reserved matters.
- p) The right of access along Byway 193 will remain.
- q) Noise surveys will be submitted as part of the reserved matters.
- r) Possible light and air pollution will be assessed as part of the reserved matters.
- s) DCC's ecologist has not objected to the proposal.
- t) Impacts on nearby residential properties will be assessed as part of the reserved matters.
- u) This is not a planning matter.
- v) Possible impacts will be assessed as part of the reserved matters.
- w) This is not a planning matter.
- x) This is not a planning matter.
- y) The Environment Agency has raised no objections to the proposed development.
- z) The water would be renewed every time it rains.
- aa) A tree constraints plan will be submitted as part of the reserved matters.
- bb) This is an outline application with all matters reserved. These issues will be assessed as part of the reserved matters.
- cc) The site is allocated industrial land under proposal I5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
- dd) The construction of the car park at CMCA will not be affected by the upgrading of the Byway through the application site.
- ee) This is an outline application with all matters reserved. The design of the buildings will be dealt with as part of the reserved matters.
- ff) This is an outline application with all matters reserved. This will be dealt with as part of the reserved matters.

conclusion and reasons for approval

1. The proposal is considered to be acceptable as it is in accordance with policies GD1, I5, I2 and H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 as well as national policy in PPG4 and regional policy in the RSS as it:
 - a) The site is allocated for industrial development.
 - b) The site is in a sustainable location with links to the surrounding road network, public transport links and it would be within close proximity of the facilities and services of Crook town centre.
 - c) The site is located within a settlement where new development will be directed to in accordance with national, regional and local planning policy.
 - d) The development would not be detrimental to highway safety.
 - e) The development would allow continued usage of Byway 193.
 - f) The Environment Agency is satisfied with the flood risk assessment and the proposed drainage system.

RECOMMENDED

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

conditions

1. Prior to the commencement of development approval of the following reserved matters shall be obtained from the local planning authority.
 - Means of access
 - Strategic landscaping
2. Prior to the construction of any building within the site approval of the following reserved matters relating to that building shall be obtained from the local planning authority.
 - Layout
 - Scale
 - Appearance
 - Landscaping of individual plots including any hard landscaping
3. Application for approval of the reserved matters must be made not later than the expiration of 3 years beginning with the date of this permission.

The development hereby approved must be begun not later than whichever is the later of the following dates:-

- a) the expiration of 5 years from the date of this permission; or
 - b) the expiration of 2 years from the final approval of the last reserved matter.
4. Notwithstanding condition 2, no development shall take place until full details of the peripheral structure planting of the site has been submitted to and approved in writing by the local planning authority.
 5. 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.
 6. Details of any means of enclosure shall be submitted to and approved in writing by the local planning authority prior to their construction or erection, or the first use of the buildings erected on that part of the site. The development thereafter shall be implemented in accordance with the approved details.

7. The details submitted pursuant to condition 2 shall include details for the number of and layout of car parking areas. No building shall be occupied before its associated car parking is available for use. The areas to be used for car parking shall not be used for any other purpose.
8. Where in connection with the occupation of a building it is proposed to store goods, materials or waste outside that building, the outside storage shall not commence until details of the extent of the area to be so used, together with proposals for its landscaping or screening, have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to the commencement of the outside storage use and thereafter retained.
9. The details submitted pursuant to condition 2 shall, where they relate to the erection of a building or the layout of car parking and circulation areas, include details of the type, quantity, height and location of lighting proposed, such details to be approved in writing by the local planning authority. The details thereafter shall be implemented in accordance with the approved scheme.
10. Prior to the construction of any building within the site details of the arrangements for dealing with surface and foul water discharges from the site of that building shall be submitted to and approved in writing by the local planning authority and the works that are subsequently approved shall be implemented in accordance with the approved details before that building is first occupied.
11. Prior to the commencement of development details of the spine road linking the site to the A689 along with measures for improving the access from the A689 shall be submitted to and approved in writing by the local planning authority. No building within the planning application site shall be occupied until the approved details have been completed.
12. No building works shall commence on site before a form of temporary access has been completed in accordance with details to be submitted to and approved in writing by the local planning authority.
13. No development comprising the erection of a building shall be commenced until a scheme, the scope of which shall be agreed, to assess and mitigate against any acoustic and odour impact arising from the proposed use of that building has been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.
14. No development comprising the erection of a building shall be commenced until details showing the measures to be taken to produce a minimum of 10% of the total energy requirements of that building 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 the first occupation of that building and retained in perpetuity.

15. Prior to the construction of any building within the site details of the surface treatment and construction of all hard surfaced areas within the site of that building 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.

reasons

1. To enable the local planning authority to retain control over the reserved matters specified, to secure a satisfactory standard of 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 enable the local planning authority to retain control over the reserved matters specified, to secure a satisfactory standard of development. 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 that the development is carried out 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 the satisfactory appearance 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.
5. 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.
6. To achieve 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.
7. To ensure that adequate provision is made for vehicles to park clear of the highway in the interests of highway safety. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
8. To safeguard the character and appearance 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.
9. To safeguard the amenities of the adjoining properties and the character 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.
10. 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 the Saved and Expired Policies September 2007.

11. To ensure adequate access to the site. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
12. In the interests of highway safety. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
13. 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 the Saved and Expired Policies September 2007.
14. In the interests of sustainable development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and PPS22.
15. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

Informative

1. Public Rights of Way

- No building materials must be stored on the right of way.
- Vehicle movements must be arranged so as to not interfere with the public's use of the way. The safety of members of the public using the right of way must be ensured at all times.
- No additional barriers are to be placed across the right of way.
- There must be no reduction in the width of the right of way available for use by members of the public.
- No damage or alteration must be caused to the surface of the right of way.

2. Northumbrian Water

The development may be within the zone of influence of Northumbrian Water's apparatus. Northumbrian Water will not permit a building close to or over its apparatus and the developer should contact Maurice Dunn at Northumbrian Water, Leat House, Pattinson Road, District 15, Washington, Tyne and Wear, NE38 8LB (0191 4196577) to discuss the matter further.

background information

Application files, WVDLP as amended as amended by the Saved and Expired Policies September 2007, PPG4, PPS22, RSS.

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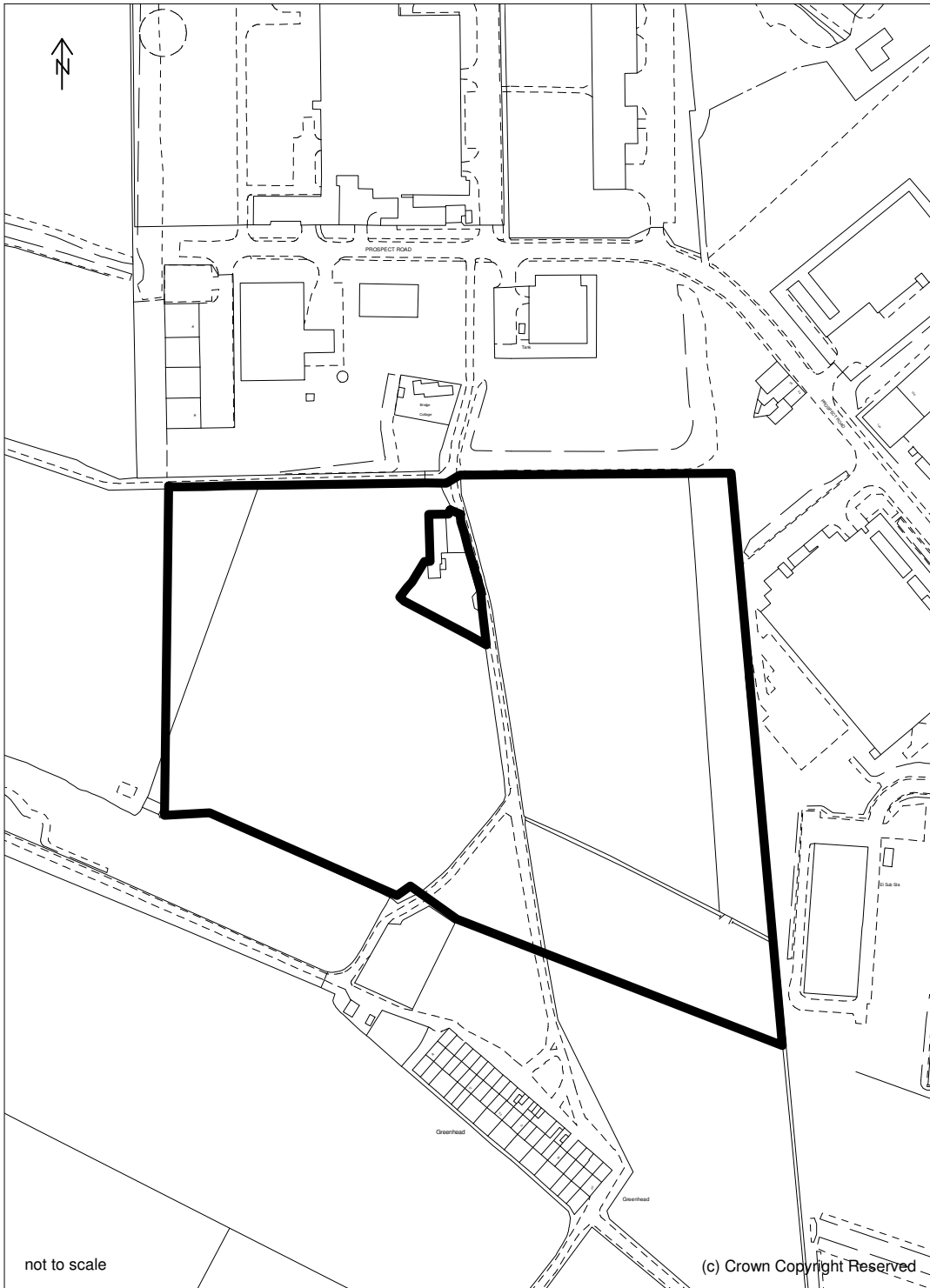
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext. 264

Author of the report

Sinead Folan
Planning Officer
Ext. 272

3/2008/0192 - PROPOSED INDUSTRIAL ESTATE, CONTAINING B1, B2 AND B8 USES AND INFRASTRUCTURE AT LAND AT BEECHBURN FARM, LOW BEECHBURN, CROOK FOR WEAR VALLEY DISTRICT COUNCIL - 18.07.2008 - AMENDED 07.08.2008



DEVELOPMENT CONTROL COMMITTEE

25th SEPTEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0253 - SUBSTITUTION OF HOUSE TYPES TO PROVIDE 51 HOUSING UNITS IN LIEU OF 39 HOUSING UNITS AT LAND TO THE NORTH OF MIDDLEWOOD AVENUE, ST HELEN AUCKLAND, BISHOP AUCKLAND FOR MR. ALDER, GLADEDALE (SUNDERLAND) – 12.06.2008

description of site and proposals

1. Full planning permission is requested for the erection of 51 new dwellings in part of the St Helen's Estate for residential development. The proposal would involve a range of 2, 3 and 4 bedroom properties with a range of house types.
2. Members may recall that planning permission was granted on the site by Committee on the 6th April 2006 to provide 80 dwellings (3/2006/0142). This section of the site was to originally contain 39 dwellings, and was the second phase of the development, but due to the current housing climate, the applicant is proposing to increase the range of house types and increase the numbers of dwellings on the site to 51 units.
3. The application site measures 1.25 hectares, giving a density of development of approximately 41 units per hectare. This is considered acceptable in light of guidance contained in PPS3: Housing.
4. The proposed dwellings would be constructed from red facing brickwork, with a mix of slate and terracotta tiles. The submitted design and access statement also states that the properties would have white uPVC casement windows, black uPVC rainwater goods and bargeboards and a range of canopy details. The submitted plans show that a 1.8 metre high close boarded fence would be provided to the rear gardens of the proposed dwellings, and a 900mm high post and rail fence provided to the garden boundaries between dwellings.
5. The site previously contained a mix of local authority housing and a few private houses built in the 1930's. The properties were demolished in 2006. The redevelopment of the site is a proposal which forms part of the wider "Master Plan" for St Helen Auckland. The Master Plan was produced by Nathaniel Lichfield and Partners in 2001 to guide future development and redevelopment opportunities; focus community and social infrastructure and seek to improve environmental quality in the St Helens Area. The Plan involved both the "old" and "new" estates, both comprising primarily Council property, and proposed the demolition and redevelopment for private sector

housing on the “old” estate (the application site). A Development Brief for the land was published in October 2003.

6. The site is located within the built-up area of St Helen Auckland in the southern part of Bishop Auckland, approximately 3 kilometers south west of Bishop Auckland town centre. There is a bus stop on the A688 within 300 metres of the application site.
7. The site is bounded to the east by phase one. The rear gardens of properties that front onto the northern side of Middlewood Avenue form the main part of the southern boundary. The west boundary of the site is formed by Woodhouse Lane beyond which are the residential properties on Finchale Square. Open land to the north of Blythe Avenue forms the northern boundary of the site beyond which lies open countryside. The site is level and has no significant landscape features worthy of retention. A village green would be provided to the centre of the site.

planning history

8. The following applications are relevant:
 - DE/3/2002/0006 Demolish Residential Properties No Objection 06.05.2003
 - 3/2004/0880 131 Dwellings, Associated Roads, Sewer etc. Approved 17.01.2005
 - 3/2005/1019 80 dwellings with Associated Works Approved Subject to Section 106 20.03.2006
 - 3/2006/0142 80 Dwellings and Associated Works Approved 17.05.2006

planning policies

9. The following policies of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 are relevant in the consideration of this application:
 - GD1 General Development Criteria
 - H24 Residential Design Criteria
 - BE17 Areas of Archaeological Interest
 - RL5 Sport and Recreation Target

Also relevant are: North East Regional Spatial Strategy, PPS1 Delivering Sustainable Development, PPS3: Housing, PPG13: Transport, PPG17: Planning for Open Space, Play and Recreation, PPS22: Planning for renewable Energy, PPS25: Development and Flood Risk, County Durham Local Transport Plan 2, Better Places to Live By Design, Development Brief October 2003.

consultations

10. Environment Agency: Objection withdrawn.

11. Northumbrian Water: No objection subject to following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON: To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 Development and Flood Risk and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

12. In discharging this condition the Developer should develop the Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000, namely:
- Soakaway
 - Watercourse
 - Sewer
13. If sewer is the only option the developer should contact New Development Team at NWL, Leat House, Pattison Road, Washington, NE38 8LB to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

officer analysis

14. The issues for consideration are:

- Principle of Development
- Vehicular Access and Parking
- Design and Layout
- Impact on Neighbouring Properties
- Flood Risk
- Recreation and Public Open Space Provision
- Sustainability

principle of development

15. The development of this site for residential purposes has been established previously by the granting of planning permission for 80 houses in April 2006 (3/2006/0142). This consent remains extant and predates the Council's recent local interpretation of the sequential search set out in policy 4 of the adopted 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.

16. The application site falls within the settlement limits to development for Bishop Auckland, 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, and is classified as a Priority 1 site under policy 4 of the adopted RSS. As such the principle of residential development on the site is acceptable.

vehicular access and parking

17. The access to the site remains unaltered to that which was approved in application 3/2006/0142, i.e. with access taken from Woodhouse Lane. At the time of writing this report no response has been received from the County Highways Engineer. Any response will be reported to the Committee in a supplementary report.
18. The site would provide 106 car parking spaces (including garages) for 51 units equating to an average of just over two per dwelling. This accords with guidance set out in the County Durham Local Transport Plan 2 (LTP2).

design and layout

19. Achieving high quality design and in particular promoting better housing design is a key objective of national planning policy in PPS1 and PPS3.
20. Ten house types are now proposed on the site. The new dwellings would be 2 storeys high, and represent a mix of housing types ranging from 2, 3 and 4 bedroom detached, semi detached and terraced houses, built at a density of approximately 41 dwellings to the hectare.
21. 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 proposed dwellings are what one would expect to find on a modern housing development. 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.
22. In terms of the internal relationships, the privacy distances set out in policy H24 of the Wear Valley District Local Plan have been achieved throughout the majority of the site although there are a few relationships which do not meet with this standard. However, given that the development relates to new building works and that no existing occupants would be affected, it is considered reasonable on this occasion to relax these standards in order to achieve the density requirements set out in PPS3. Some of the rear garden lengths would be below the required 10 metres however it is considered that the proposed curtilages would be commensurate with the sizes of the units to be provided.
23. Having addressed the proposed development in the light of local, regional and national guidance and having taken account of the guidance set out in Better Places to Live By Design, it is considered that the proposed design and layout are acceptable.

impact on neighbouring properties

24. As referred to above, it is deemed appropriate in this instance to relax minimum distances set out in policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 in terms of the internal relationships. All relationships including those which do not strictly accord with policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 are considered to be acceptable in the light of the guidance contained in PPS3: Housing which must be taken as a material consideration in determining planning applications for developments of this size. This section seeks to consider the relationship between the proposed dwellings and those existing properties which adjoin the application site.
25. The impact of the development on existing properties surrounding the application site has been considered carefully in the light of the guidance contained in policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
26. The eastern boundary of the site is formed by the land on which phase one of the development has been approved. The relationship between the two sites has been addressed and is considered to be acceptable.
27. On the western boundary of the site the existing and proposed dwellings would be separated by Woodhouse Lane, beyond which there are a number of existing residential properties. The distance between the proposed units and these existing properties is considered to be appropriate, and more than satisfies policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
28. The northern boundary of the site is formed by open countryside and therefore there are no privacy implications in this direction.
29. Finally the southern boundary of the site adjoins the rear gardens of properties on Middlewood Avenue. The relationship between the existing properties and the proposed dwellings would be generous and would more than satisfy the requirements of policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
30. Having addressed the relationship of all the properties both internally and in relation to those existing residential properties which border the site it is considered that the minimum distances as set out in policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 (having regard to the guidance contained in PPS3: Housing) have been achieved. The proposed development is therefore considered to accord with policies H24 and GD1 of the adopted Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

flood risk

31. The scheme involves the creation of a Sustainable Urban Drainage System (SUDS). The Environment Agency has not objected, and as such it is considered that the proposal would not have a detrimental impact in terms of flood risk. The proposal would not undermine guidance set out in PPS25 Development and Flood Risk.

recreation and public open space provision

32. Despite the fact that an element of open space would be provided in this phase of the development and given the size of the site, in order to satisfy policy RL5 of the Wear Valley District Local Plan the applicants have previously agreed to make a financial contribution for the replacement/improvement of nearby children's play and recreational facilities which are within walking distance of the application site and for their future maintenance. A S.106 Agreement has been prepared previously and signed regarding the whole of the site.
33. Planning approval 3/2006/0142 (80 dwellings and associated works) has been part implemented. In the terms of the agreed S.106, the developer agreed to contribute £82,000, of which £44,800 has been received. A further payment is due in October 2008, and the final payment is due next year.
34. As such it is considered that in respect of this application that no S.106 be attached, as the majority of the monies have been received, and the balance due will be payable by Dunelm Castle Homes on the basis that they have implemented planning permission 3/2006/0142.

sustainability

35. The site is previously developed land within the development limits of an urban area where there is good access to a range of services by more sustainable transport means. This accords with the sustainable locational policy in the Regional Spatial Strategy (RSS), PPS1 and PPS3.
36. In terms of construction, the importance of sustainability is high in the current policy climate and the thrust of planning policy in PPS1 and the Climate Change Supplement, PPS3 and PPS22; as well as policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 all require new development to be energy efficient. The applicant should be made aware that since 1 May 2008 the Code for Sustainable Homes is now mandatory for all new housing developments. All new housing is therefore required to have a Code for Sustainable Homes Rating Certificate before it can be sold.

37. Ideally the development should be achieving code level 3. In terms of energy performance this would represent a 25% improvement in the Dwelling Emission Rate (DER) compared to the standard Building Regulations (TER). As a minimum it would be appropriate to condition further details to demonstrate how the proposed dwelling would have at least a 10% DER improvement beyond the minimum Building Regulations, which would be the equivalent of code level 1. This would at least enable the dwelling to achieve a Code for Sustainable Homes rating certificate, although the applicant is encouraged to aim for higher.

objections/observations

38. The application has been advertised on site and in the local press. The occupiers of neighbouring properties have been notified individually in writing of the proposals. No objections have been received.

conclusion and reasons for approval

1. The development of this site for residential purposes has been established previously by the granting of planning permission for 38 houses on this phase of the site in April 2006 (3/2006/0142). This consent remains extant and predates the Council's recent local interpretation of the sequential search set out in policy 4 of the adopted 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. The proposed density satisfies the requirements of PPS3: "Housing".
2. The proposed access arrangements and internal road layout are considered acceptable in relation to policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. Any comments received from CDE&TS (Highways) will be reported to Committee.
3. The proposed design and layout of the development are acceptable. A range of house types is proposed. The proposals satisfy policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

RECOMMENDED

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

conditions

1. Before the development hereby approved is commenced, detailed drawings showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those of existing neighbouring dwelling houses (if any) shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with the approved details.

2. No development shall take place until samples of the materials to be used in the external surfaces of the buildings hereby granted permission have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
3. 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 dwellings shall not be occupied until that work has been carried out in accordance with the approved details.
4. 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, and details of any to be retained, together with measures for their protection in the course of development.
5. 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.
6. Before the development hereby approved is commenced wheel washing equipment shall be provided at all egress points to the satisfaction of the local planning authority. The equipment installed shall be of the grid type to ensure that once the bottom of the vehicle is cleansed of mud, etc. this mud, etc. 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.
7. Before the dwellings hereby approved are occupied the garages and hardstandings/drives shall be constructed to the satisfaction of the local planning authority in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.
8. The garages hereby approved shall not be used other than for the accommodation of private motor vehicles for purposes incidental to the enjoyment of the dwellinghouses; no trade or business shall be carried out therein.
9. No construction activities shall be carried out on any Sunday or Bank Holiday or outside the hours of 8.00 a.m. and 6.00 p.m. on any other day.
10. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

11. Development shall not commence until details demonstrating how CO2 reduction and energy efficiency measures will be incorporated in the development hereby approved have been submitted to and approved in writing by the local planning authority and thereafter the development shall be implemented and retained in accordance with the approved details. These details shall include an assessment to demonstrate how a minimum improvement in DER over TER of 10% will be achieved - the equivalent of Code Level 1 of the Code for Sustainable Homes.

reasons

1. To secure a satisfactory standard of development and, in particular, to protect the adjacent residents from overlooking or other loss of amenity. In accordance with policies GD1 and H24 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 achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. To 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.
5. 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.
6. In the interest of traffic safety and to safeguard the amenity of the surrounding area. 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. To ensure that adequate provision is made within the site for vehicles likely to visit it, and maintained to the satisfaction of the local planning authority. 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. To safeguard the occupiers of adjacent properties from undue noise, traffic generation or other loss of amenity arising from the use of the proposed garages for trade or business purposes. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
9. To safeguard the occupiers of adjacent premises for 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.

10. To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 Development and Flood Risk and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.
11. In the interests of reducing carbon emissions. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, and PPS22 Planning for Renewable Energy.

background information

Application files, WVDLP as amended by the Saved and Expired Policies September 2007, North East Regional Spatial Strategy, PPS1 Delivering Sustainable Development, PPS3: Housing, PPG13: Transport, PPG17: Planning for Open Space, Play and Recreation, PPS22 Planning for Renewable Energy, PPS25: Development and Flood Risk, County Durham Local Transport Plan 2, Better Places to Live By Design, Development Brief October 2003.

PS code	7				
number of days to Committee		106	target achieved		N
explanation					
Awaiting further information from applicant in respect of Flood Risk Assessment.					

Officer responsible for the report

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 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Adam Williamson
 Planning Officer
 Ext 495

3/2008/0253 - SUBSTITUTION OF HOUSE TYPES TO PROVIDE 51 HOUSING UNITS IN LIEU OF 39 HOUSING UNITS AT LAND TO THE NORTH OF MIDDLEWOOD AVENUE, ST HELEN AUCKLAND, BISHOP AUCKLAND FOR MR ALDER, GLADEDALE (SUNDERLAND) – 12.06.2008



DEVELOPMENT CONTROL COMMITTEE

25th SEPTEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0523 - DORMER EXTENSION TO REAR ELEVATION AT 88 WOODSIDE, WITTON PARK FOR WEAR VALLEY DISTRICT COUNCIL – 19.08.2008

description of site and proposals

1. This application has been reported to the Development Control Committee as it has been submitted by Wear Valley District Councils Community Department.
2. Planning permission is sought for the insertion of a dormer extension to the rear roof slope of the host property. The dormer would include two separate windows with a pitched roof covering. The development would serve the existing second bedroom to the rear of the property. The structure would measure approximately 3.1 metres in width, 2 metres to the highest point and would project 4 metres from the rear roof slope. The proposed dormer would not be higher than the ridge line of the host property and would not project from the face of the building.
3. The application site comprises of an end terraced property located within the predominantly residential area of Woodside in Witton Park. There is an attached neighbouring property to the west of the site. To the east there is a row of terraced properties which are located approximately 55 metres from the application site. To the front of the property there is a highway. To the rear there is an amenity area which slopes steeply to the south with fields beyond.

planning history

4. There is no recent planning history relevant to this application.

planning policies

5. The following policies of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 are relevant in the consideration of this application:
 - FPG5 Alteration and Extensions Guidelines
 - GD1 General Development Criteria
 - H25 Residential Extensions

consultations

6. Escomb Community Association: No comments received.

officer analysis

7. The key issues for consideration are:
 - Visual Impact
 - Impact on Neighbouring Properties

visual impact

8. The proposed development would be located to the rear of the host property and would not be clearly visible from the front street scene. From the rear the development would be visible from the open fields and the rear amenity areas of the neighbouring dwellings. It is considered that as the dormer has been designed to compliment the scale and materials of the existing property its addition would not have a detrimental impact on the appearance of the property. The structure would not dominate the rear of the property and its insertion would not be out of character with neighbouring dwellings as there are a number of existing styles and design of extensions within close proximity to the application site. The existing bedroom window at first floor would be removed as part of the scheme as the proposed dormer would serve this bedroom. The proposal accords with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

impact on neighbouring properties

9. The proposed dormer would be inserted into the rear roof slope and would be of a modest scale. The dormer would be located centrally and set in from the boundary to the neighbouring property. It is considered that there would be no overbearing or overshadowing effects on the occupiers of the neighbouring dwelling as a result of the proposal. The windows to the structure would overlook the rear amenity area of the property and the fields beyond but would not result in any loss of privacy to the occupiers of the neighbouring dwelling. The proposal accords with policies GD1, H25 and FPG5 of the Wear valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

10. The occupiers of the surrounding properties have been notified in writing and a site notice was also posted. No letters of observation have been received.

conclusion and reasons for approval

1. The proposal accords with policies GD1, H25 and FPG5 of the Wear Valley District Local plan as amended by Saved and Expired policies September 2007 as it:
 - Would not have an adverse visual impact on the host property or the surrounding area.
 - Would not cause any overbearing or overshadowing effects on the residents of the adjacent property.
 - Would not result in any loss of privacy to the neighbouring occupiers.

RECOMMENDED

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

condition

1. The external surfaces of the dormer extension hereby approved shall be formed using materials which closely match in colour and texture those used on the existing building on which the dormer will form part.

reason

1. 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, H25 and FPG5 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	<input type="text" value="21"/>		
number of days to Committee	<input type="text" value="37"/>	target achieved	<input type="text" value="√"/>
explanation			

Officer responsible for the report
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Author of the report
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**3/2008/0523 - DORMER EXTENSION TO REAR ELEVATION AT 88 WOODSIDE,
WITTON PARK FOR WEAR VALLEY DISTRICT COUNCIL – 19.08.2008**



DEVELOPMENT CONTROL COMMITTEE

25TH SEPTEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0519 - CHANGE OF USE FROM COMMERCIAL PREMISES (GROCERS SHOP) TO RESIDENTIAL TWO BEDROOM PROPERTY AT 101 COMMERCIAL STREET, WILLINGTON FOR MR. BURNHAM – 27.08.2008

description of site and proposals

1. This application has been reported to the Development Control Committee as it represents a departure from the Policies within the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. Planning permission is sought for the change of use of an existing commercial unit into a two bedroom residential property. The scheme would include the removal of the existing shop front and the replacement with a separate door and window, changes to the first floor windows (front and back) and the addition of two windows to the rear of the building.
3. The application site comprises of an end terraced commercial unit within the commercial core of Willington as identified within the Proposals Map of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. There are residential properties to either side of the application site. To the front of the building there is a main highway. To the rear there is an existing yard area. There is no vehicular access to the yard because there is a vacant site not in the applicant's ownership separating the yard from the highway.

planning history

4. There is no recent planning history relevant to this application.

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:
 - GD1 General Development Criteria
 - H3 Distribution of Development
 - S1 Town Centres
 - S8 Local Shopping Areas

consultations

6. Durham County Council Highways Officer: No response received.
7. Greater Willington Town Council: Support proposal.

officer analysis

8. The key issues for consideration in this application are:
 - Principle of Development
 - External Appearance
 - Residential Amenity
 - Highway Safety

principle of development

9. The application site is within the limits to development for Willington (policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007). The Proposal Map (Inset 10) of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 shows the application site to be within a Local Shopping Area. Policy S8 of the Local Plan states shopping proposals (A1, A2, A3 subject to Policy S11) will be permitted in local shopping areas. The aim of the policy is to define local shopping areas and to maintain the attractiveness and vitality of local shopping areas by limiting retail development to these areas.
10. The Willington Local Shopping Area is a linear centre (about 0.75 km long) and includes a number of residential properties. The central core of the shopping area lies between Burn Place in the north and Lydia Street in the south. The application site is located at the southern end of the Local Shopping Area where there are several residential properties and vacant shops. This part of the Local Shopping Area is best described as mixed commercial and residential. The Wear Valley Retail Study: Retail Study Update March 2007 showed that Willington Local Shopping Centre is one of the weakest centres in Wear Valley. Its main weaknesses included the linear nature of the centre and the very high vacancy rate (23%). On street parking is restricted in front of the application site. There are no public car parks close to the application site.
11. The vacant ground floor shop unit is very small (6m x 3.5m = 21 sq. metres). There is a store at the rear measuring 4.2m x 3m = 12.6 sq. metres. At first floor level is further storage space. There is no vehicular access to the small rear yard. Deliveries must take place from the front of the shop. The vacant premises are not an attractive option when compared to other vacant shops in the Local Shopping Area.
12. The applicant has recently moved his business to the central part of the Local Shopping Area. His business was losing trade because of the peripheral location of the premises. To assist in the funding of the move the applicant is seeking permission to convert the shop to residential.

13. The Willington Town Council support the application. The Town Council consider the premises are located in an area of increasing disadvantage. Properties are boarded up and are for sale. The road in front of the premises is narrow, congested, and has parking restrictions. With the introduction of free bus passes the applicant's business was suffering. Pensioners now alight at the centre of the Local Shopping Area. There are only 3 shops out of 16 premises in the terrace. On both sides of the application site are residential properties. In the Town Council's opinion there is no prospect of the commercial attractiveness of this part of the Local Shopping Area being restored.
14. This assessment of the situation is agreed and a departure from Local Plan Policy S8 is considered appropriate in this instance. The change of use would not harm the attractiveness and vitality of the core of the Local Shopping Area. Indeed it would be of benefit, helping to consolidate retailing in the core of the Local Shopping Area.

external appearance

15. It is proposed to remove the shop front and first floor window and replace with a new door and one ground floor and one first floor window of domestic proportions. At the rear there would be a new ground floor window and two first floor windows. On the side elevation a new door in an existing doorway would be provided. The walls would have a rendered finish. These proposals are considered in keeping with the surrounding buildings and in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

residential amenity

16. The proposed dwelling would have on the ground floor a living room and kitchen, and on the first floor there would be two bedrooms and a bathroom. At the rear there would be a small yard measuring 4m x 5.5m. The occupiers of the property would have an acceptable standard of residential amenity. There are no properties at the rear. There is a shop with a flat above on the opposite side of Commercial Street. The separation distance is no different to what exists elsewhere in the street. The proposal does not compromise the aims of policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

highway safety

17. The DCC Highways Officer has not commented on the proposals. The application site currently does not have any off street parking spaces and it is not possible to provide any. There are parking restrictions in Commercial Street. When the shop was operating deliveries were taken from Commercial Street. Shoppers arriving by car would park their cars in nearby streets. The closure of the shop has improved the situation in that deliveries no longer take place on a daily basis from the front. The occupiers of the proposed dwelling and their visitors would have to park their cars on nearby streets. The proposal is not strictly in accordance with policy GD1 of the Wear Valley

objections/observations

18. The application has been advertised on site and in the press. The nearby occupiers have been notified. No observations have been received.

conclusion and reasons for approval

1. Although the proposal conflicts with policy S8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 the change of use would not harm the attractiveness and vitality of the core of the Local Shopping Area. Indeed it would be of benefit helping to consolidate retailing in the core of the Local Shopping Area.
2. The external alterations are in keeping with the surrounding buildings and in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. The occupiers of the flat would have a satisfactory standard of residential amenity. The proposal does not compromise the aims of policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. The change of use would result in deliveries no longer taking place on a daily basis off Commercial Street. The application site does not have space for off street parking. The occupiers of the proposed dwelling and their visitors would have to park their cars on nearby streets. The proposal is not strictly in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

RECOMMENDED

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

condition

1. Details of the rendered finish for the external walls and details of the windows and doors shall be submitted to and approved in writing by the local planning authority before the development hereby approved is commenced.

reason

1. To ensure the external appearance of the development would not be detrimental to the visual amenities of the area in accordance with policies GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

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

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number of days to Committee	<input type="text" value="28"/>	target achieved	<input type="text" value="√"/>
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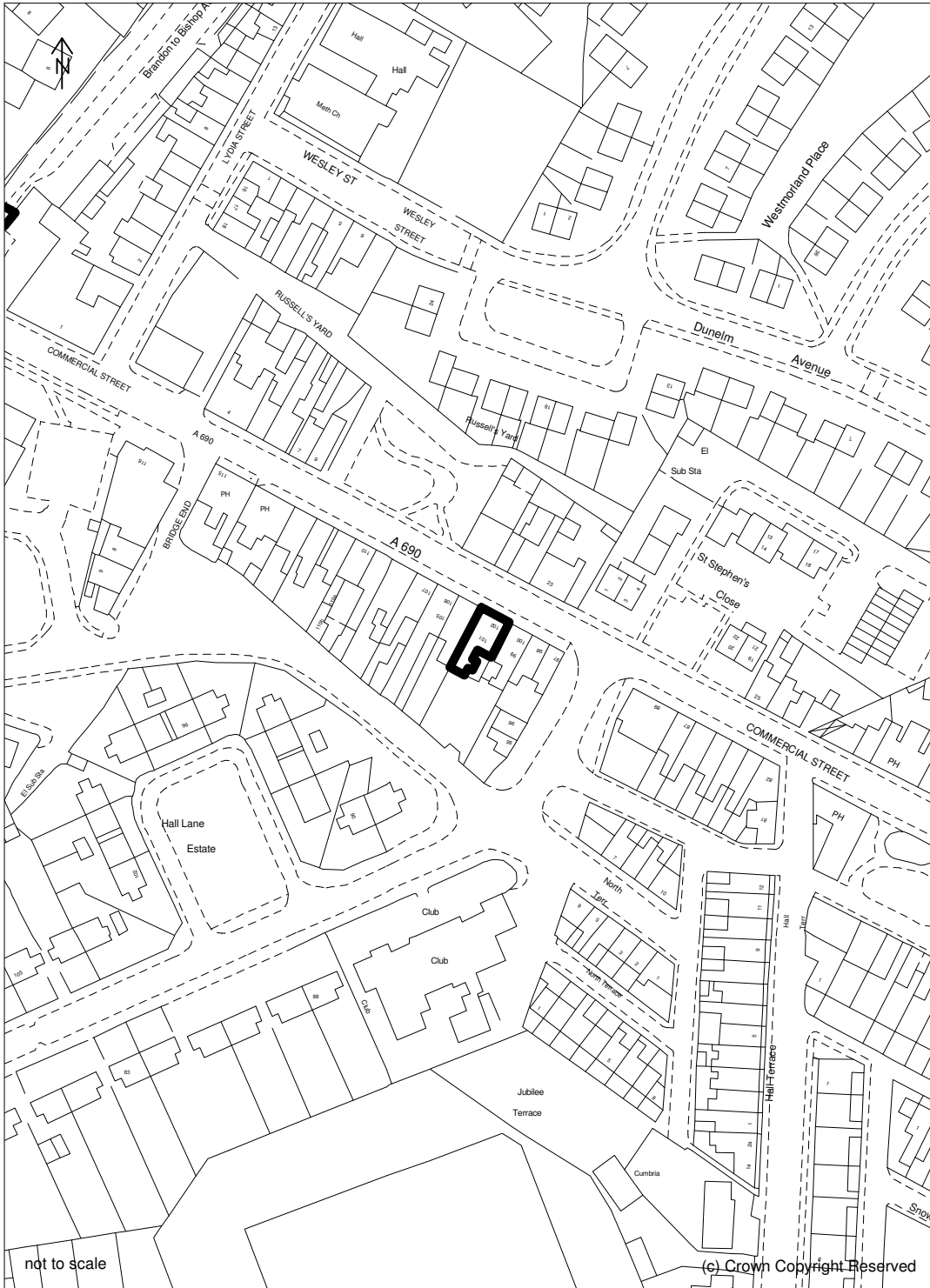
Officer responsible for the report

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Author of the report

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3/2008/0519 - CHANGE OF USE FROM COMMERCIAL PREMISES (GROCERS SHOP) TO RESIDENTIAL TWO BEDROOM PROPERTY AT 101 COMMERCIAL STREET, WILLINGTON FOR MR. BURNHAM – 27.08.2008



DEVELOPMENT CONTROL COMMITTEE

25th SEPTEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0508 - CHANGE OF USE FROM OPEN AMENITY LAND TO RESIDENTIAL USE WITH PROVISION OF TWO STOREY BEDROOM OVER GARAGE EXTENSION AT 67 BONDISLE WAY, STANHOPE FOR MR. EMERSON - 02.08.2008

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 domestic curtilage. It is proposed to erect a two storey extension to the side of 67 Bondisle Way within this piece of land and to extend the domestic curtilage of the host property. The area of open space measures 23.1 metres in length at its longest point and has a width of 4.55 metres at its widest point.
3. The proposed extension would measure 6.12 metres in length and would have a width of 3.8 metres. It would have a height to the eaves of 4.55 metres and a height to the ridge of 6.3 metres. It would be set back 0.45 metres from the front elevation of the host dwelling and would be set down 0.4 metres from the ridge of the host dwelling. It would be set in 0.45 metres from the rear elevation of the host dwelling.
4. The area of open space constitutes a large parcel of attractive public open space. The land is well maintained and is one of a number of similar parcels of open space on the estate.

planning history

5. None.

planning policies

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

- H25
- FPG5 Alteration and Extension Guidelines
- H3 Distribution of Development

Also relevant: Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

consultations

7. WVDC Legal: No response.
8. DCC Highways Section: No objections.
9. Stanhope Parish Council: Give their support towards this application as it will not detract from the streetscene and will cover the polytunnels in the allotments.

officer analysis

10. The key issues for consideration are:
 - Principle of the Development
 - The Character and Appearance of the Estate
 - Residential Amenity
 - Highways
 - Mass, Scale and Design

principle of the development

11. National planning policy discourages building on open space unless the land has been shown to be surplus to requirements. The land in question is deemed to be open space of value to the community. It provides an important local amenity and contributes to the appearance of the area. The development of the land would result in a loss of amenity to Bondisle Way. The proposed development is contrary to PPG17.

the character and appearance of the estate

12. The site is located at the end of the main section of roadway through Bondisle Way. Similar parcels of open space are located all the way down the street adjacent to numbers 20, 21, 43, 44 and 66 Bondisle Way. None of these parcels of open space have been developed. There is a strip of open space located to the south of the estate and there are a number of open spaces at the end of the side roads through the estate. There are larger areas of open space overlooked by dwellings on the estate. Each of these areas of open space contributes to the character and appearance of Bondisle Way and to the local area. The estate is characterised by areas of open space, it is important to protect these areas of public amenity.
13. The development would not be in keeping with the character and appearance of the area. It would result in the loss of an important area of open space within the village of Stanhope. The proposed development is considered to be contrary to policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

residential amenity

14. The parcel of open space contributes to residential amenity within the local area. Loss of this area of open space would set a precedent within the estate which could lead to the loss of more areas of open space at Bondisle Way. Open space within the estate contributes to the living environment of the local residents. Loss of this area of open space would be contrary to policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

highways

15. No highways objection has been raised to the proposed development. In this respect the proposal does not conflict with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

mass, scale and design

16. The mass, scale and design of the proposed extension would ensure it is subordinate to the host dwelling and so satisfy the requirements of policies GD1, H25, H3 and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. However, because the proposed extension would be immediately adjacent to Bondisle Way it would be prominent in the streetscene and in this respect it would be in conflict with policy GD1 of the Saved and Expired Policies September 2007.

objections/observations

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

conclusion and reasons for refusal

1. The proposal is considered to be unacceptable as it is contrary to policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 as well as national planning guidance in PPG17 as it;
 - Would be detrimental to the character and appearance of the housing estate.
 - Would result in the loss of a valuable area of open space.
 - Would result in loss of amenity for local residents.
 - Would set a precedent and could lead to the loss of other areas of open space within the estate.
 - The two storey extension would be prominent in the streetscene.

RECOMMENDED

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

1. The development of this important area of public open space would be materially detrimental to the character and appearance of the housing estate and result in a loss of amenity for local residents. If the proposal were allowed, a precedent would be set for similar proposals which could result in the loss of other important areas of open space within the estate, further eroding the character and appearance of the housing estate and harming the amenity of local residents. The proposal is contrary to policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and national planning guidance in PPG17.
2. The proposed two storey extension would be immediately adjacent to Bondisle Way and thereby be prominent in the streetscene and in conflict with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

background information

Application file, as amended by the Saved and Expired Policies September 2007, WVDLP, PPG17.

PS code	<input type="text" value="27"/>		
number of days to Committee	<input type="text" value="55"/>	target achieved	<input type="text" value="√"/>
explanation			

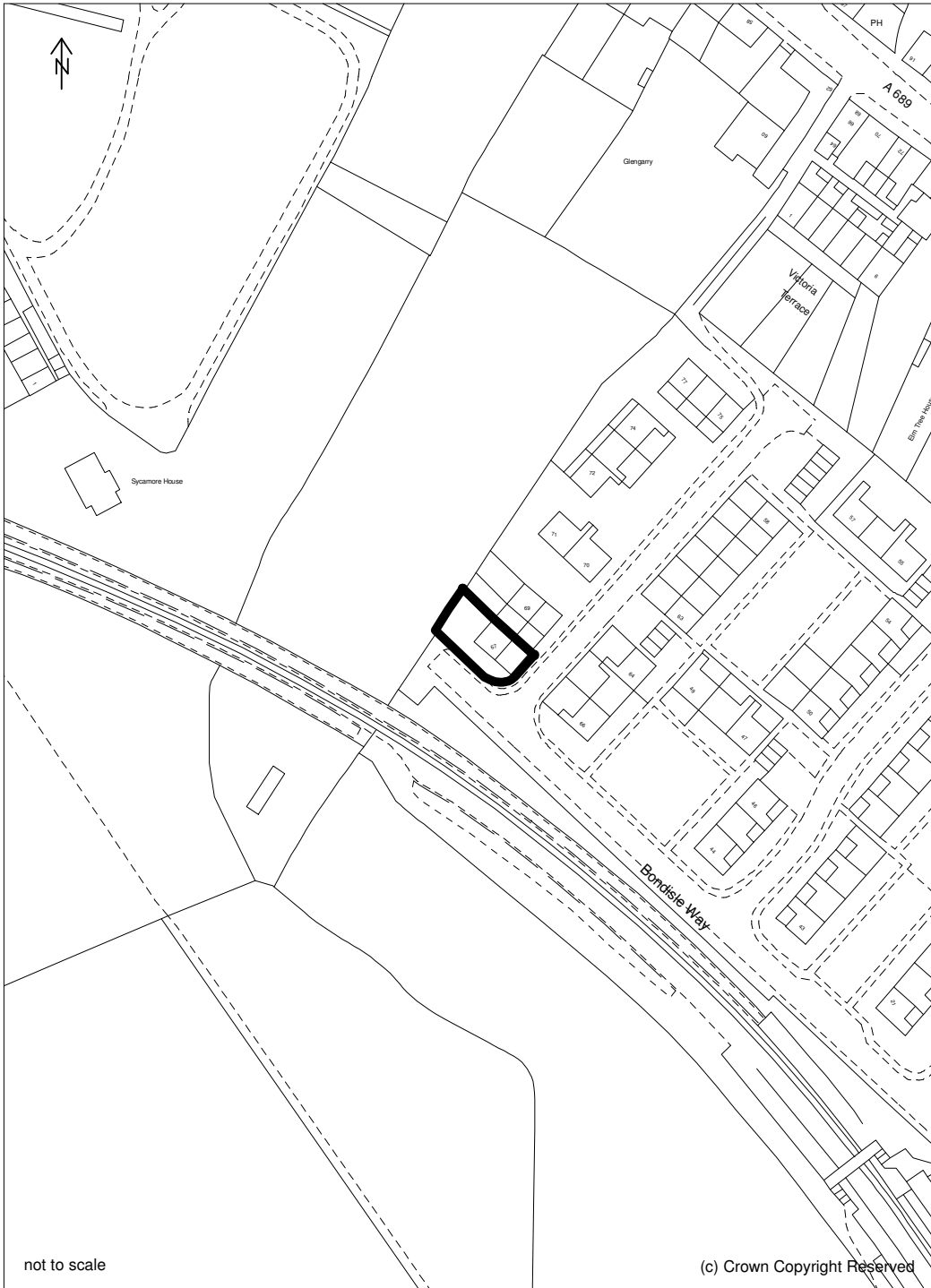
Officer responsible for the report

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Ext. 264

Author of the report

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Ext. 272

3/2008/0508 - CHANGE OF USE FROM OPEN AMENITY LAND TO RESIDENTIAL USE WITH PROVISION OF TWO STOREY BEDROOM OVER GARAGE EXTENSION AT 67 BONDISLE WAY, STANHOPE FOR MR. EMERSON – 02.08.2008



DEVELOPMENT CONTROL COMMITTEE

25th SEPTEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0404 - DIVISION OF BUNGALOW INTO TWO DWELLINGS AT RED COTTAGE, HIGH ROAD, STANLEY FOR MR. READMAN – 27.06.2008

description of site and proposals

1. Planning permission is sought for the formation of an additional dwelling through the subdivision of an existing bungalow known as Red Cottage, High Road, Stanley Crook. The proposal would create 2no. two bedroom dwellings, each served by a single parking bay within the site.
2. The property is located on the west side of High Road where there is a row of terraced dwellings to the north and a two storey detached dwelling that has been constructed to the south in what was the former garden of Red Cottage. Further to the south are some more newly constructed detached dwellings. Opposite on the east side of High Road are further dwellings, including a large new housing development. To the rear (west) is the community centre, accessed from an unadopted road that runs along the rear of the dwellings on the west side of High Road. There is no pedestrian footway on the west side of High Road or on the rear access road.
3. Red Cottage is a single storey dwelling within a tight curtilage. Following the erection of a dwelling in its former garden, the only amenity space left is a paved yard area to the front (east), which is used mostly for parking vehicles. A low rendered wall surrounds the east, south and west boundaries and there is a fence approximately 1.6m high on the north boundary. Vehicular access is taken directly onto High Road.

planning history

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

• 3/2006/0646	Change of Use to 40 Place Children's Nursery	Appeal dismissed
• 3/1997/0002	Change of use to 16 Place Children's Nursery	Appeal allowed
• 3/1999/0593	Erection of One Dwelling	Approved 26.01.2000

- 3/1990/0055 Erection of Bungalow and Detached Garage Refused 17.03.1999
- 3/1987/0289 Change of Use to Light Engineering Refused 25.08.1987

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:

- GD1 General Development Criteria
- H24 Residential Design Criteria
- H3 Distribution of Development
- T1 Highways – General Policy

Also relevant are: Regional Spatial Strategy (RSS) policies 2, 3, 4, 5, 6, 7, 8, 24, 28 and 29 and Wear Valley District Council's adopted local interpretation of RSS policies 4 and 6 for a sequential approach to development.

6. National planning policy in PPS1: Delivering Sustainable Development and the Climate Change Supplement, PPS3: Housing and PPG13: Transport.
7. The Durham County Council Accessibility and Parking Guidelines.

consultations

8. Durham County Council Highways Authority: Object to the proposal as submitted. The development is likely to result in the parking of vehicles on the public highway at a point where there is no footway. This would prejudice the safety of road users at this location. At least one additional car parking space must be provided. This space should be shared between the properties and be available for use by visitors.

officer analysis

9. The key issues for consideration are:

- The Effect on the Creation of Sustainable Patterns of Growth in the Local Area
- Residential Amenity
- Highway Safety

the effect on the creation of sustainable patterns of growth in the local area

10. There is clearly an issue of principle here given the national, regional and local policies of development restraint outside established settlements.

11. The overarching objectives of national planning policy in PPS1, PPS3 and PPG13, all seek to secure sustainable patterns of development by directing new development to within the most sustainable locations, which are those that are well served by local shops, community and leisure facilities in order to reduce the need to travel by private car. At local and regional level specifically, this is reflected in the sequential approach to development which is set out in RSS policies 4 and 6, as well as Wear Valley District Council's local interpretation to now align with the adopted RSS, which limits new housing development to within the settlement limits of the main 'urban areas' of the district, giving preference to development on brownfield sites. In Wear Valley district, these are defined as Bishop Auckland, West Auckland, St Helen's Auckland, Crook, Willington, Tow Law, Coundon, Stanhope and Wolsingham.
12. It is accepted that this more up to date approach is somewhat in conflict in parts with the provisions of policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007; however, national planning guidance is clear that decisions should be taken in accordance with the most recent and up to date policy framework. In this respect, the Wear Valley District Local Plan was adopted in 1997, well before a sequential approach to development had been advocated for housing development and it would be unreasonable to expect a Local Plan adopted over a decade ago to fully reflect the aims of current policies. Accordingly, the settlement limits identified in saved policy H3 do not reflect the sequential approach envisaged by the now adopted Regional Spatial Strategy (RSS). Local Plan Policy H3 simply lists places where residential development might be acceptable, provided certain criteria are met. Those selected settlements have not been selected as places providing significant opportunities on previously developed land or where significant local employment, shops and services can be accessed by walking, cycling and public transport. It is precisely for this reason that the Council has adopted an interpretation of the sequential approach to development to align with the most recent and up to date locational policy in the Regional Spatial Strategy (RSS). This interpretation has the important function of up-dating the operation of an old policy to comply with the new Development Plan system in the absence of a new Local Development Framework (LDF) and therefore carries significant weight.
13. Stanley Crook is not one of the identified main urban areas under the Council's interpretation of the sequential approach to development. It is clearly a satellite settlement to the main urban centre of Crook with a very limited range of employment, local facilities and public transport access. The existence of a public house and post office/general dealers is not sufficient to render the settlement as a sustainable location under the terms of RSS policies 4 and 6. It is most likely that residents are reliant on car journeys to access the facilities and services in the larger urban settlements of Crook, Bishop Auckland and Durham for their daily and essential needs. It is for this reason that it is considered that the formation of additional dwellings in Stanley Crook should be resisted, regardless of whether the site is classed as previously developed land, as it is likely that such development would still lead to an increase in private car journeys for daily needs. This would be in direct conflict with the wider aims of creating sustainable patterns of development in the local area and reducing the need to travel by car.

residential amenity

14. National planning policy in PPS1 and PPS3 calls for poor quality design to be resisted. There is also now a growing emphasis for improvement in the quality of new housing development in both appearance and amenity quality. In particular, the requirements for suitable and sufficient outdoor amenity space, such as residential gardens, are recognised in PPS3 as an important matter to consider when assessing the design quality of new housing development.
15. In this respect policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 clearly sets out the requirement for new houses to have adequate private amenity space to ensure prospective residents have basic facilities and amenities and importantly a pleasant place to live.
16. At present the dwelling already has a very limited outdoor amenity area as a result of loss of the main garden to build another dwelling. The remaining yard to the front is now taken up mostly by car parking. The application proposes to divide the dwelling in two and accordingly divide the yard in two, providing one parking space per dwelling, therefore leaving double the number of dwellings with even less amenity space for each dwelling. The unit on Plot 1 especially would be left with severely limited amenity space, about the size of a parking space and the Highway Authority is requiring an additional parking space to be provided within the site, which could only be functionally accommodated on Plot 2, thereby removing the amenity space for that dwelling in its entirety. In addition, the limited amenity space that would be provided to each dwelling would not be private in any way. This lack of sufficient private amenity space would create a substandard living environment for prospective occupants and certainly would not meet the expected standards for good housing design.
17. Already one additional dwelling has been built in the original curtilage of Red Cottage and this proposal would represent a step too far in terms of creating an acceptable living environment for the new dwellings. The proposal is therefore in conflict with the requirements of policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and the design aims of PPS1 and PPS3.

highway safety

18. Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 requires new development to have adequate parking within the site and to provide links to the local footpath and cycle networks where practicable. The Durham County Council Accessibility and Parking Guidelines requires 1.5 parking spaces per dwelling and for developers to demonstrate how pedestrians will access the site.

19. This proposal would create 2 No. off street parking spaces for the two dwellings. This would fall short of the required standard of 3 No. parking spaces, which is considered essential in a location which does not have frequent public transport access or local services that can be reached by foot. The repercussions of this are that additional vehicles, both occupier and visitor, are likely to be parked outside the property on High Road where there is no pedestrian footway on that side. As well as the cars obstructing the free flow of traffic outside the site, drivers and passengers would only be able to exit/enter on the road side of the car, thereby having to step out directly into the road and into potential oncoming traffic. This would unacceptably prejudice the safety of pedestrians and road users at this location. This problem was recently highlighted by the Planning Inspector who dismissed the appeal for change of use of the property to a children's nursery for this reason amongst others.
20. An additional shared parking space would have to be provided within the site to overcome the highways objection, but as mentioned above, this would further reduce the already limited amenity space provision to an even more unacceptable level, so much so that one of the dwellings would have no amenity space at all. The provision of an additional parking space within the site is therefore not a viable option. This would also not overcome the problem of the lack of footway outside the site and the effect on pedestrian safety entering/exiting the site. The proposal is therefore contrary to the provisions of policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and the Durham County Council Parking Guidelines.
21. A comparison cannot be drawn between the application site and the new development opposite as while some of the individual dwellings do not have 1.5 parking provision on site, the new development as a whole meets the County parking guidelines and facilitates safe pedestrian access with footway provision both within and outside the site.

objections/observations

22. Occupiers of the surrounding properties have been notified in writing, and a site notice was posted.
23. No objections have been received. There has been one letter of support from the applicant's daughter who lives in the neighbouring dwelling that was built in the former garden of Red Cottage.

conclusion and reasons for refusal

1. The proposal is considered to be unacceptable and contrary to policies GD1, H24 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007; Regional Spatial Strategy (RSS) policies 2, 3, 4, 6, 7, 8, and 24 and national planning policy in PPS1, PPS3 and PPG13 as:

1. The two proposed dwellings would have insufficient off street parking provision. This could result in additional vehicles being parked outside the property on a road without a pedestrian footway on that side, thereby potentially obstructing the free flow of traffic and making it dangerous for drivers, passengers and pedestrians who would have to step out directly into the road. This would unacceptably prejudice the safety of pedestrians and road users at this location.
2. The two proposed dwellings would have insufficient private amenity space. This would create a substandard living environment for prospective occupants.
3. The site is located outside the identified urban areas of the district in a location that is poorly related to employment, local facilities and services. The formation of an additional dwelling would therefore lead to an increase in private car journeys to meet the daily needs of the occupiers. This would be in direct conflict with the wider aims of creating sustainable patterns of development and in turn seeking to reduce the need to travel by private car.

RECOMMENDED

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

1. The proposal, by reason of insufficient off street parking provision within the site and the lack of a pedestrian footway outside the site, would unacceptably prejudice the safety of pedestrians and road users at this location. This is contrary to policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and the Durham County Council Accessibility and Parking Guidelines.
2. The proposal, by reason of insufficient provision of private amenity space for each dwelling, would create a substandard living environment and poor level of amenity for the occupiers. This is contrary to policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and the aims of national planning policy in PPS1 and PPS3.
3. The proposal would be in a location that is poorly related to employment, local facilities and services, and could therefore lead to an increase in private car journeys to meet the daily needs of the occupiers. This would be in direct conflict with the implementation of a sequential approach to development which seeks to secure sustainable patterns of development and reduce the need for car travel; contrary to Regional Spatial Strategy (RSS) policies 2, 3, 4, 6, 7, 8, and 24 and national planning policy in PPS1, PPS3 and PPG13.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007, Regional Spatial Strategy (RSS), Durham County Accessibility and Parking Guidelines, PPS1, PPS3, PPG13, the Council's adopted local interpretation of RSS policies 4 and 6.

PS code

13

number of days to Committee

92

target achieved

No

explanation Taken to the next Committee after expiry of the consultation period.

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

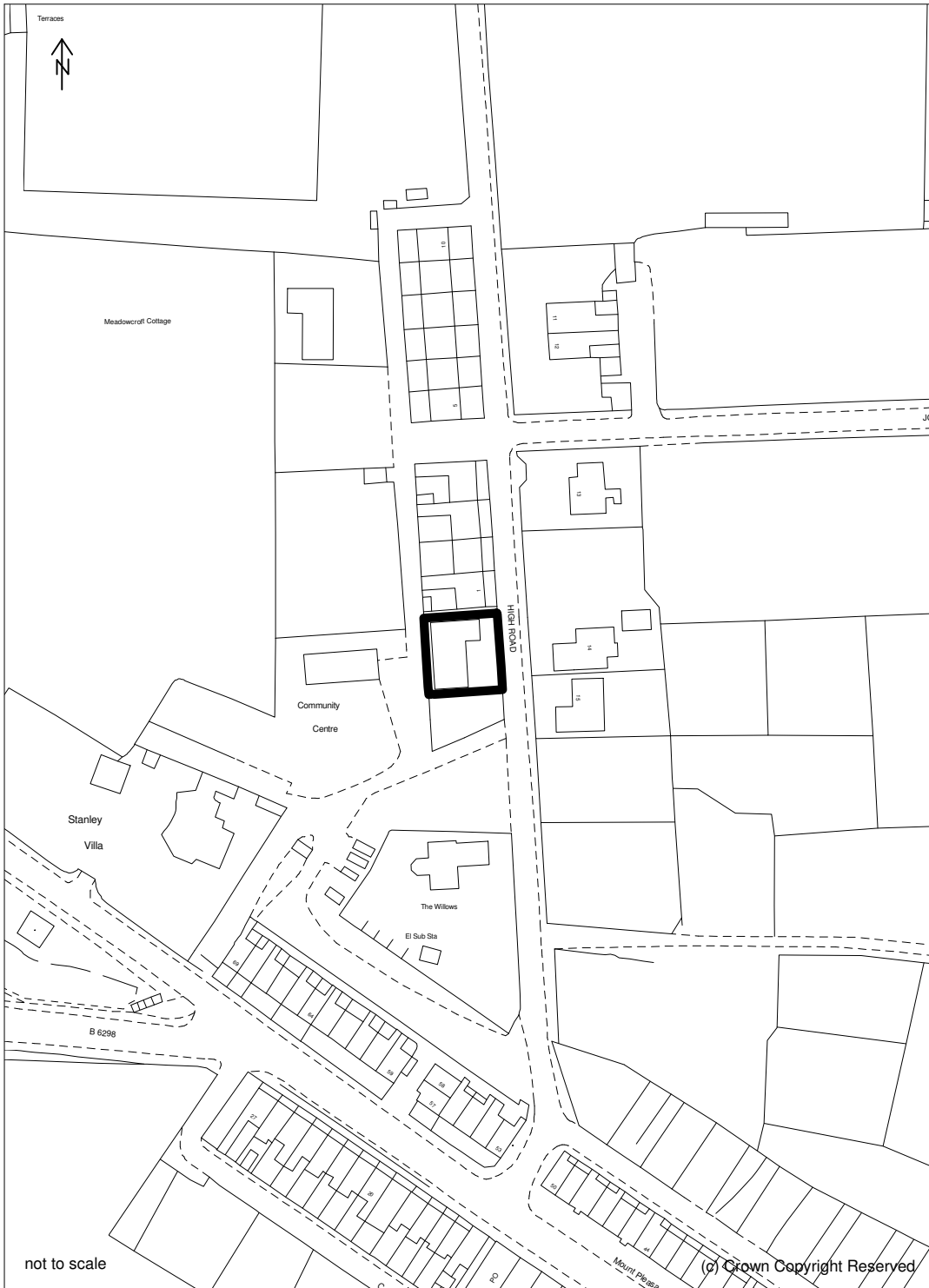
Author of the report

Adrian Caines

Senior Planning Officer

Ext 369

3/2008/0404 - DIVISION OF BUNGALOW INTO TWO DWELLINGS AT RED COTTAGE, HIGH ROAD, STANLEY FOR MR. READMAN – 27.06.2008



DEVELOPMENT CONTROL COMMITTEE

25th SEPTEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0336 - OUTLINE RESIDENTIAL DEVELOPMENT (RESUBMISSION) AT FIELD 4775, LOWSIDE FARM, HIGH GRANGE, CROOK FOR MR. ROBERT CHICKEN – 31.07.2008

description of site and proposals

1. This is a resubmission (not amended) of withdrawn application 3/2007/0611 for outline permission for the residential development of an open agricultural field (OS 4775) to the south east of High Grange. The proposal is a departure to the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as it involves residential development in the open countryside. All matters are reserved for future consideration although the illustrative details indicate that the type of development envisaged is for 19 No. 5/6 bedroom, executive, detached dwellings, set in large plots and located around a green open space. A new vehicular access road into the site would be taken directly from the A689 to the south of the site and would involve removal of the existing access road to the rear of 45-62 High Grange.
2. The site is greenfield land in the open countryside. It is an open, grassed field of approximately 2.3 hectares, surrounded largely by hedgerows with several mature trees interspersed between. Four trees at the northern end of the site are now protected by a Tree Preservation Order (TPO) as a result of this application. The land level falls considerably from north to south. The surrounding countryside has an attractive rolling pasture character and is accordingly designated in the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 (ENV3) as an Area of Landscape Value.

planning history

3. The following planning history is considered relevant to this planning application:
 - 3/2007/0611 Outline Application for Residential Withdrawn 19.10.2007 Development Comprising 19 No. 5/6 Bedroom Executive Detached Dwellings

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:

- ENV1 Protection of the Countryside
- ENV3 Areas of County Landscape Value
- GD1 General Development Criteria
- H22 Community Benefit
- H24 Residential Design Criteria
- H3 Distribution of Development
- T1 Highways – General Policy

Also relevant are: Regional Spatial Strategy (RSS) policies 2, 3, 4, 5, 6, 7, 8, 24, 28, 29, 30, 35, 38 and 39 and Wear Valley District Council's adopted local interpretation of RSS policies 4 and 6 for a sequential approach to development. National planning policy in PPS1: Delivering Sustainable Development and the Climate Change Supplement, PPS3: Housing, PPS7: Sustainable Development in Rural Areas, PPS9: Biodiversity and Geological Conservation, PPS25: Development and Flood Risk, PPG13: Transport, and PPG16: Archaeology and Planning.

consultations

5. Environment Agency: Object. No technical information regarding flood risk, in the form of a Flood Risk Assessment (FRA) has been provided with the application. The submitted information does not define a means of surface water drainage at the site and in addition, does not identify opportunities to reduce the probability and consequences of surface water flooding in line with the requirements of PPS25. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). The application should incorporate sustainable construction and renewable energy generation principles.
6. Northumbrian Water: Details of a surface water drainage scheme are required. Discharge to sewers should be the last resort.
7. Durham County Highways Authority: Object for the reasons given on previous proposal:

“Object strongly to the proposal for the following reasons and point out that the Design and Access Statement is misleading because no agreement was given to the access arrangements, as claimed:

- The increase in conflicting traffic movements on the de-restricted A689 road would be prejudicial to highway safety.
- The site has insufficient frontage to enable an access to be laid out incorporating the visibility splays that are essential in the interests of highway safety. The proposal shows a 160m visibility splay, but because of the road speed and accident history a 210m splay would be required.

- The proposed access roads do not conform to the agreed highway standards in the 'Guide to the Layout and Construction of Estate Roads' and are not therefore adequate to serve the proposed development.
 - The proposal is contrary to PPG13 in that it is in a location poorly related to local facilities and fails to promote more sustainable transport choices, accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and therefore fails to reduce the need to travel by car.”
8. Durham County Council Rights of Way Officer: Footpath 115 Crook should be kept clear of obstruction.
 9. Durham County Council Arboricultural Officer: 4 No. trees along the north eastern edge of the site are of high aesthetic and amenity value and should be placed under the protection of a Tree Preservation Order (TPO). The tree near the proposed access point does not need a TPO as it is the responsibility of Durham County Council. A bat survey is required before any tree felling.
 10. Durham Constabulary Architectural Liaison: General crime prevention advice given.

officer analysis

11. The key issues for consideration are:
 - Principle of Development
 - Impact on the Character and Appearance of the Surrounding Area and Area of Landscape Value
 - Impact on Local Ecology and Protected Species
 - Highways
 - Flood Risk
 - Archaeology

principle of development
12. There is a whole raft of local and regional policy reflecting the overarching objectives of national planning policy in PPS1, PPS3, PPS7 and PPG13, which all seek to secure sustainable patterns of development by focusing new development on brownfield land within existing towns and villages to reduce the need to travel by private car to access employment, shops, community and leisure facilities. At local and regional level specifically, this is reflected in the sequential approach to development which is set out in RSS policies 4 and 6, as well as Wear Valley District Council's adopted local interpretation to align with the RSS, which limits new housing development to within the settlement limits of the main 'urban areas' of the district. In Wear Valley district, these are defined as Bishop Auckland, West Auckland, St Helen's Auckland, Crook/Willington, Tow Law, Coundon, Stanhope and Wolsingham.

13. High Grange is therefore not one of the defined urban areas and is not even considered to be a settlement as it has no defined settlement limits under policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. High Grange is accordingly considered to be in the open countryside. Additionally, the application site is a greenfield site in the open countryside to which there is the strongest presumption against development. High Grange is not served by a good range of local facilities, services, employment or public transport. Housing development in this location would therefore represent the most unsustainable form of development and would lead to an unacceptable increase in private car journeys. This would be detrimental to the aims of securing sustainable patterns of development in the local area and reducing the need to travel by car.
14. In addition, in light of RSS policy 28 and the Council's Annual Monitoring Report 2005/2006, which indicate that the housing target for the district (2004-2021) has already been exceeded, residential development of this site, in a completely unsustainable location, would further contribute to the housing oversupply and prejudice future housing targets and the development of more sequentially preferable sites now and in the future. This would have a detrimental effect on the environmental benefits and regeneration aims of concentrating housing development within the identified urban areas, where there are still brownfield sites undeveloped. The Council can comfortably demonstrate a 5 year supply of housing land and therefore there is no overriding justification for the release of this land.
15. Although all matters are reserved, it is clear from the submitted details that the proposal aims to put forward a low density development (8 dwellings per hectare) of large 5/6 bedroom dwellings, which would cater only for the upper level of the housing market. No affordable housing is proposed. This is in direct conflict with the provisions of PPS1 and PPS3, as well as the Government's Sustainable Communities objective of promoting a mix of housing types, tenures and affordability and maximizing the development potential of land. So, as well as representing wasteful development of a valuable resource of countryside, the proposal would create an exclusive 'enclave' with the undesirable potential to foster social exclusion. In this respect, the indicative details also indicate that the whole development would be inward focused thereby creating a clear social and physical separation from High Grange.
16. It is therefore considered that this proposal represents the most blatant disregard of basic planning policy. The supporting statement makes no attempt to assess or address the relevant policy context and is mischievously misleading in its false claims of consultation. This is a highly misinformed proposal that has stirred up major public objection in High Grange. The proposal is in direct conflict with planning policy in PPS1, PPS3, PPS7 and PPG13, RSS policies 2, 3, 4, 5, 6, 7, 24, 28, 29 and 30, the Council's adopted sequential approach to development, and policies H3 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

impact on the character and appearance of the surrounding area and area of landscape value

17. Notwithstanding the strong objection in principle to the proposal, it would involve the large-scale development of an open field in an attractive pastoral landscape, designated as an Area of Landscape Value because of the high quality of the landscape. This landscape represents some of the most significant, intact, mature and unspoilt rural countryside in the county and is therefore worthy of protection from inappropriate development. The application site is approximately twice the size of High Grange and would therefore represent a significant encroachment of built form in the countryside.
18. The scale and form of the dwellings shown on the indicative details would not relate in any way to their surroundings and the whole character of the development would be suburban and lacking local distinctiveness. It would thus appear as a most incongruous element in the rural landscape. Because of the rising level of the site away from the A689, the inappropriate development would be highly visible. The resultant harm to the character of the surrounding area and landscape would therefore be great and again this is sufficient grounds for refusal on this basis alone.
19. It is also likely that the mature hedgerows surrounding the site would be lost and there would be risk to specimen trees, some of which are now protected by a TPO. In particular, the hedgerow along the north west field boundary adjacent to Pipe Row would be removed to make way for the new access road. It is likely that the hedgerow has been in place since at least the mid 1800s as the field boundary is shown on historic maps circa 1856-1865 and has not changed to date. This hedgerow in effect has always marked the village boundary on that side and is therefore an important historic feature. Its loss would be detrimental to the rural character of the area and setting of the village of High Grange. Loss of the protected trees would also be contrary to the aims of the TPO which specifically protects the trees for their amenity value.
20. The whole concept of the development is of the poorest design quality and it appears that no thought has been given to how the development could relate to its surroundings and the natural environment. Therefore, despite all matters being reserved, the indicative details presented indicate that a suitable form of development cannot be accommodated on this site. The proposal is therefore contrary to PPS1, PPS3 and PPS7; RSS policies 2 and 8, and policies GD1, ENV1, ENV3 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

impact on local ecology and protected species

21. The site is in a naturalised state comprising pasture land surrounded by hedgerows and mature trees.

22. The hedgerows around the site are well established and have been in existence for over 100 years. They are densely formed with what appears to be a variety of flora, which undoubtedly provides a rich habitat to many species of insects, birds and mammals. An ecological survey has not been provided to prove otherwise. The plans do not show retention of the hedgerows and the hedgerow adjacent to Pipe Row would definitely be removed to make way for the new access road. Without an ecological survey to prove otherwise it has to be concluded that removal of the hedgerows could potentially be detrimental to wildlife habitats around the site, contrary to the advice in PPS9, RSS policy 2, and policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
23. It is also proposed to remove a number of mature trees around the perimeter of the site. Bats have been witnessed flying near the trees and therefore there is a high potential for bat roosts to be present in the trees. As it is an offence to destroy a bat roost, a protected species survey should have been carried out to determine the potential risk to bats and their habitat from the proposed development, but was not. This again is contrary to PPS9, RSS policy 2 and policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

highways

24. There is a very strong objection on highways grounds from the Highways Authority. The proposal indicates that a new access road would be taken directly off the A689, which is a derestricted road with a design speed of 60mph. Highway Authority records indicate that the actual average recorded speeds on the road exceed 60mph and there is a record of vehicle accidents near the site. The proposed point of access would be in the western corner of the site in close proximity to the junction on the opposite side of the road. The Highways Authority considers that this would be an extremely dangerous point of access onto a busy road and that there is insufficient frontage on the site to achieve the required 210m visibility splays. In addition, it is likely that additional vehicles would be waiting on the highway to enter the site from the south, which would create an additional risk of hazard for all road users. It is therefore considered that the proposal would be dangerous and prejudicial to highway safety.
25. The new access road into the development is intended to replace the existing access road (Pipe Row) that serves the rear of the properties 45-62 High Grange and move it approximately 12m to the east, whilst still accommodating some parking for the residents of 45-62 High Grange. This is a poorly considered idea on just a practical level as it would inconvenience those existing residents who would have to park further from their dwellings and it would also prevent access to existing garages. Most importantly though, this would involve major works on land that is not in the applicant's ownership and for which notice has not been served on the landowners. This would ultimately prevent the access road from being constructed. The application therefore fails to demonstrate that it can be served by a suitable and safe vehicular access.

26. The proposal also fails to demonstrate how pedestrian or cycle links would be adequately accommodated, and the existing bus stop (which the applicant does not own) would even be relocated further away from High Grange, once again inconveniencing existing local residents. Overall, this is another representation of the poor design and lack of thought given to the proposal.
27. The proposal is therefore contrary to policies GD1, T1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

flood risk

28. The site falls within Flood Zone 1, is greater than 1 hectare in size, and therefore in accordance with PPS25 the proposal requires a flood risk assessment (FRA) to determine whether the development could increase the risk of flooding elsewhere and identify any mitigation measures and a suitable surface water drainage scheme. The provision of percolation test results is not sufficient to satisfy the requirements of a full FRA. Without submission of a full FRA it cannot be determined that the development would not increase the risk of flooding. The Environment Agency has objected to the proposal on this basis.
29. There is also a history of site specific flooding at the southern end of the field with standing water accumulating over the winter months in particular. The gradient of the site is such that water will naturally collect at this end of the site. It is therefore considered that the submission of a flood risk assessment and identification of suitable surface water drainage systems is crucial for this site as the new hard surfaces and buildings will considerably reduce the permeability of the site, potentially increasing the risk of flooding from surface water runoff. Therefore, without any information to prove otherwise, it is considered that there is a high risk that development on the site could increase the risk of flooding to surrounding areas and that there is a high likelihood that dwellings at the southern end of the site would experience some site specific flooding. Given the recent experiences of flooding throughout the country, a cautious approach is considered most appropriate.
30. The proposal is therefore considered to be contrary to PPS25, RSS policy 35 and policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

archaeology

31. The County Archaeology Section has advised that the site is of the type that may be ideal for the location of a prehistoric settlement or archaeological remains. A desk based assessment was submitted with the application. The assessment recognises that as a result of a number of recorded archaeological findings in the surrounding area that there is potential for prehistoric, and particularly medieval and post-medieval archaeology at the site. The report concludes that there is a strong possibility that sub surface deposits could survive on site and that residential development is likely to have an irreversible direct impact on the sub-surface deposits which could be damaged by any groundworks.

32. PPG16 advises that where initial research indicates that archaeological remains are likely to be present, a full field evaluation should be carried out before a decision can be made on the application. The evaluation would help to define the character and extent of the archaeological remains and indicate the weight which ought to be attached to their preservation.
33. Without the provision of a full archaeological evaluation of the site, the local authority cannot identify the appropriate course of action to be taken and therefore it cannot be determined that the proposal would not be detrimental to any archaeological remains on the site. This is contrary to PPG16 and policies GD1 and BE17 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

34. Occupiers of the surrounding properties have been notified in writing, a site notice has been displayed and the application has been advertised in the press, advertising the proposal as a departure from the Local Plan. The applicant did not carry out any pre application consultation with local residents and neighbours.
35. The proposal has caused significant local objection with 24 letters of objection and a 45 signature petition against the proposal having been received from local residents to date.
36. The relevant main points of objection have been addressed in the report, but are nevertheless summarised below:
 - a) The developer did not consult with the residents of High Grange.
 - b) The development is contrary to planning policy because it is outside the development limits and on greenfield land.
 - c) There are no facilities in High Grange to support a larger community.
 - d) The vehicle access will be dangerous and there have already been a number of accidents on that stretch of road.
 - e) Residents will lose their parking close to their houses in Pipe Row.
 - f) Moving Pipe Row will prevent residents from accessing their garages and make residents park further from their houses.
 - g) The proposed houses are not in keeping with High Grange.
 - h) The development will split High Grange which will promote social exclusion and will not meet housing need in the area.
 - i) The development is twice the size of High Grange and will harm the rural character of the village and landscape.
 - j) The development will result in the loss of mature hedgerows and trees with resultant destruction to wildlife habitats.
 - k) The development will result in the loss of attractive countryside.
 - l) The site includes land not in the applicant's ownership.
 - m) The existing bus stand would be relocated further from High Grange making it more difficult for elderly and disabled residents to access public transport.
 - n) The field floods in winter and water collects at the bottom of the field and across the road (A689).
 - o) The archaeological report states the proposal would have an irreversible impact on sub surface deposits.

- p) There is no need for an additional green as there is already a community owned green.

response to objections

37. The following points are made in response to the issues raised by the objectors:
- a) A full public consultation exercise was not carried out by the developer, which is contrary to the requirements of the Statement of Community Involvement approved by the Council.
 - b) Agreed in the report.
 - c) Agreed in the report.
 - d) Agreed in the report and identified by the DCC Highways Authority.
 - e) Agreed in the report.
 - f) Agreed.
 - g) Agreed in the report.
 - h) Agreed in the report.
 - i) Agreed in the report.
 - j) Agreed and no ecological survey has been provided to prove otherwise.
 - k) Agreed in the report.
 - l) Although land ownership disputes are a civil matter the development could not be implemented without the consent of the relevant owners.
 - m) Agreed in the report.
 - n) Noted. A Flood Risk Assessment has not been submitted to demonstrate the development would not increase the risk of flooding.
 - o) A full archaeological field evaluation is required to address the issue.
 - p) Noted. This also results in a low density of development which makes inefficient use of land.

conclusion and reasons for refusal

1. The proposal is considered to be unacceptable and contrary to policies GD1, ENV1, ENV3, H24, BE17, T1 and H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, the Council's sequential approach to development to align with the RSS, policies 2, 3, 4, 5, 6, 7, 8, 24, 28, 29, 30 and 35 of the RSS, and national planning policy in PPS1, PPS3, PPS7, PPS9, PPS25, PPG13 and PPG16 as:
- 1. The proposal is for low density development of a greenfield site, which is in the open countryside and outside the main urban areas of the district. Accordingly, the development would be in a location that is poorly served by employment, facilities and services, which would lead to unsustainable transport patterns, particularly an increase in private car journeys. This is in direct conflict with the main thrust of planning policy at national, regional and local level to secure sustainable patterns of development.
 - 2. The proposal would contribute to the housing oversupply in the district in an unsustainable way, thereby prejudicing future housing targets and the development of more sequentially preferable sites within the identified urban areas.

3. The proposal fails to demonstrate that it could provide a suitable mix of dwelling types and tenures, and achieve a socially inclusive development, which is contrary to the Government's wider Sustainable Communities objectives.
4. The proposal fails to demonstrate that it can be served by a safe and suitable vehicle access and would therefore be to the detriment of highway safety.
5. The proposal, by reason of its scale, suburban character and resultant loss of open countryside, would fail to relate to, or respect its surroundings and would represent an unacceptable urban encroachment in the countryside. This would cause unacceptable harm to the character of High Grange and the special landscape character of the designated Area of Landscape Value.
6. Without the submission of a Flood Risk Assessment to prove otherwise, it is considered that there is a high risk that the proposal could increase the risk of flooding to surrounding areas, and there is a high likelihood that dwellings at the southern end of the site would suffer from some site specific flooding.
7. The initial archaeological assessment indicates that the potential for archaeological remains to be present on the site is high. Without a full site evaluation it cannot be determined that the development would not be detrimental to potential archaeological remains.
8. The proposal has not been supported with a protected species survey or ecological assessment of the site, and in light of the potential removal of hedgerows and trees around the site, it is considered that the proposal could have a detrimental effect on the natural ecology and habitats around the site.

RECOMMENDED

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

1. The proposal is for low density development of a greenfield site, which is in the open countryside and outside the main urban areas of the district. Accordingly, the development would be in a location that is poorly served by employment, facilities and services, which would lead to unsustainable transport patterns, particularly an increase in private car journeys. This is in direct conflict with the main thrust of planning policy in PPS1, PPS3, PPS7 and PPG13; RSS policies 2, 3, 4, 5, 6, 7, 24, 28, 29 and 30; the Council's adopted sequential approach to development; and policies H3 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, which all seek to secure sustainable patterns of development and combat climate change.

2. The proposal would contribute to the housing oversupply in the district in an unsustainable way, thereby prejudicing future housing targets and the development of more sequentially preferable sites within the identified urban areas. This is contrary to PPS3 and RSS policies 4, 5, 28 and 29.
3. The proposal fails to demonstrate that it could provide a suitable mix of dwelling types and tenures, and together with the potential character of the development, could foster social exclusion. This is contrary to the Government's wider Sustainable Communities objectives and planning policy in PPS1 and PPS3, as well as RSS policies 24 and 30.
4. The proposal fails to demonstrate that it can be served by a safe and suitable vehicle access, or make suitable provision for pedestrian and public transport links. This would be to the detriment of highway and pedestrian safety; contrary to policies GD1, H24 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. The proposal, by reason of its scale, character and resultant loss of open countryside, would fail to relate to or respect its surroundings and would represent an unacceptable urban encroachment in the countryside. This would cause unacceptable harm to the character of High Grange and the special landscape character of the designated Area of Landscape Value; contrary to PPS1, PPS3, PPS7; RSS policies 2 and 8 and policies GD1, ENV1, ENV3, H3 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. The proposal fails to demonstrate that it would not increase the risk of flooding to surrounding areas, and there is a likelihood that dwellings at the southern end of the site could suffer from some site specific flooding. This is contrary to PPS25, RSS policy 35 and policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. The proposal fails to demonstrate that it would not be detrimental to potential archaeological remains on the site. This is contrary to PPG16 and policies GD1 and BE17 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. The proposal fails to demonstrate that it would not be detrimental to the ecology and natural habitats within and surrounding the site. This is contrary to PPS9, RSS policy 2 and 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, Regional Spatial Strategy (RSS), PPS1, PPS3, PPS7, PPS9, PPG13, PPG16, PPS25, the Council's adopted sequential approach to development.

PS code

7

number of days to Committee

57

target achieved

√

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

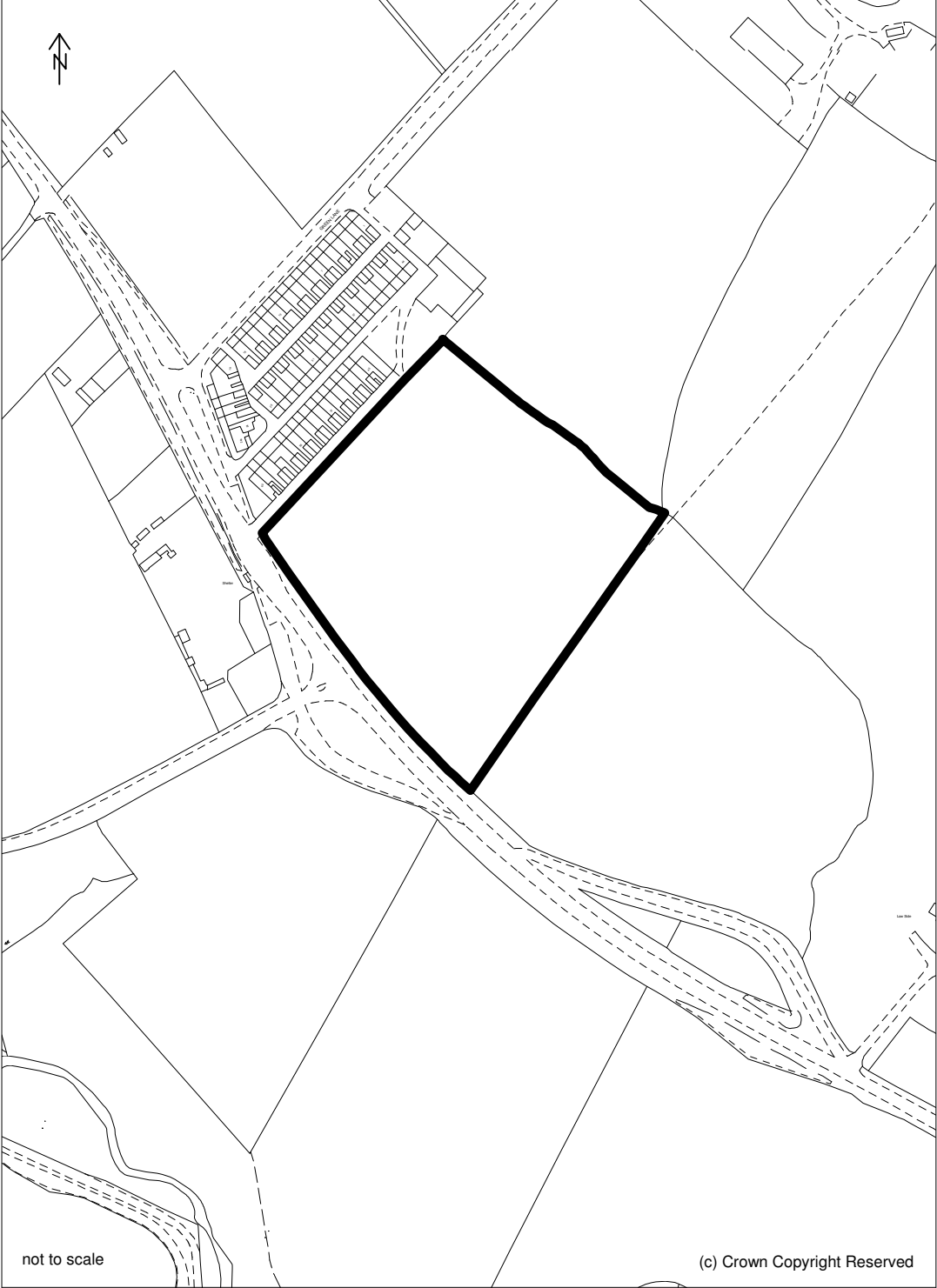
Author of the report

Adrian Caines

Senior Planning Officer

Ext 369

**3/2008/0336 - OUTLINE RESIDENTIAL DEVELOPMENT (RESUBMISSION) AT
FIELD 4775, LOWSIDE FARM, HIGH GRANGE, CROOK FOR MR. ROBERT
CHICKEN – 31.07.2008**



DEVELOPMENT CONTROL COMMITTEE

25th SEPTEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0473 - PROPOSED CONSTRUCTION OF 3 NO. DWELLINGS AT LAND REAR OF 33 AND 41 UPPERTOWN, WOLSINGHAM FOR MR. AND MRS. CASSIDY – 15.07.2008 - AMENDED 11.09.2008

description of site and proposals

1. Planning permission is sought for the erection of 3 No. detached dwellings on land to the rear of No. 33 and 41 Uppertown in Wolsingham.
2. The proposed property on plot 1 would be a two storey building incorporating four bedrooms. The main foot print of the proposed building would be approximately 14 metres by 12 metres. In addition to the main foot print of the proposed building there would be a sun room to the rear of the property and a garage with games room above attached to the front of the property. The proposed building on plot 1 would have a mix of different eaves and ridge levels. It would be constructed from natural stone rubble to the external walls and a mix of natural blue slate and stone slates to the roofs. Plot 1 would incorporate a rear garden area measuring 441 square metres.
3. The property on plot 2, which is the central plot of the three, would comprise of five bedrooms at first floor level with a lounge, kitchen, study and dining room at ground level. The property would incorporate an integral double garage. The foot print of the proposed property would reach a maximum span of approximately 18 metres by 13.5 metres. Similarly with the property on plot 1, the proposed property on plot 2 would have a mix of different eaves and ridge levels, and there would be a dormer window proposed in the front and rear elevations of the building. Natural stone coursed is proposed for the external walls and natural blue slate for the roof coverings. Plot 2 would incorporate a rear garden area measuring 600 square metres.
4. Plot 3 is the northern most plot. The proposed property on plot 3 would be a two storey building. The foot print of the main body of the building would measure approximately 15 metres by 12.5 metres. There would be a garage with office above linked to the main property. The garage would have a foot print of 8 metres in length by 5.8 metres in width. As with the properties on plots 1 and 2, there would be a mix of different eaves and ridge levels. The external walls of the building would be constructed from natural stone coursed

with a mix of natural stone slate and natural blue slate for the roof coverings. Plot 3 would incorporate a rear garden area measuring 480 square metres.

5. Plots 1 and 2 would be accessed via the existing road which runs between Nos. 31 and 33 Uppertown. The property on plot 3 would be accessed by the existing lane which lies between Nos. 37 and 39 Uppertown.
6. The application site is located to the west of Nos. 33 and 41 Uppertown. The bungalow of No. 31 Uppertown is to the east of plot 1. The bungalow of No. 33 and the pair of semi-detached properties Nos. 35 and 37 are directly to the east of plot 2. Properties Nos. 39, 41 and 43 Uppertown are to the east of plot 3. The main highway, the B6296, which runs in a north to south direction, is located to the east of the application site beyond the existing properties. The application site is situated at a higher level than the level of the highway. The boundaries of the site are clearly defined on the north, south and west by a mixture of walls, hedging and trees. There are a number of trees situated within the site. Whilst these trees are within the conservation area, none of the trees are protected by Tree Preservation Orders. There are open fields to the west and south of the site. There is a public right of way which runs along the south and west boundaries of the application site. It appears that garden areas of neighbouring properties are located to the north of the application site.
7. The application site has been described by the agent for the application as a site which used to be worked as a builders yard. The boundary line of Wolsingham's settlement limits to development runs approximately half way through the application site. The whole of the site is within the Wolsingham Conservation Area. Half of the site is also located within an Area of Landscape Value. Archaeological remains of a building which has been described as 'Chapel Walls' is situated underground and is located towards the west boundary of the site.

planning history

8. The following planning history is considered relevant to this planning application:
 - 3/1975/0698 Shop and Store to Rear Approved 16.12.1975
 - 3/1976/0481 Workshop Stores Etc. Approved 05.11.1976
 - 3/2002/0691 Retention of Existing Polytunnel Withdrawn
 - 3/2005/0996 5 No. Dwellings Withdrawn 02.12.2005
 - 3/2007/0760 3 No. Dwellings Withdrawn 14/07/2008

planning policies

9. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
 - BE5 Conservation Areas
 - BE1 Protection of Historic Environment
 - BE15 Scheduled Ancient Monuments
 - BE16 Education and Archaeology

- GD1 General Development Criteria
- H24 Residential Design Criteria
- H3 Distribution of Development
- T1 Highways - General Policy
- ENV3 Area of Landscape Value

Also of relevance: Regional Spatial Strategy (RSS), Planning Policy Guidance 16: Archaeology and Planning (PPG16).

consultations

10. WVDC (Conservation and Environment Manager): A copy of the full detailed analysis is available on file. A summary of this consultation response is provided below:
11. The current application, on balance, is considered acceptable development in this part of the Wolsingham Conservation Area. There are several critical differences in this application compared to the previous scheme, which was not supported, which when looked at independently and objectively this time around have resulted in this proposal being considered an appropriate form of development.
12. There is no doubt also that the application has been better presented and more visual evidence provided as to the overall quality and therefore impact of the development including landscaping and levels. Together with significant alterations of siting, design and reduction of ridge heights these features have made the difference and produced a development which can be supported.
13. Durham County Council (Highways Authority): Full response on file, comments summarised below:
14. The proposed site plan shows provision for turning for 35 and 37 Uppertown and shows access to the rear of 33 Uppertown. Both accesses to the site are included within the red line site plan. From information submitted by both the applicants' agent and some of the objectors, it appears that the land to the rear and the two accesses are all in one ownership, and that the adjacent properties (31, 33, 35 and 37 Uppertown) all have rights of vehicular access over this third party land.
15. The submitted scheme would result in four dwellings (31 and 33 Uppertown and plots 1 and 2) taking access from the southern access. In addition, there is a milk business operating from 33 Uppertown. It is understood that this business use is not independent, but is tied to 33 Uppertown. The access to the land to the rear is straight and visibility at the junction with the B6296 is good. The private drive varies in width from less than 3.5m at the stone gate posts to over 7.0m at the approach to plot 1.
16. The Durham County Council Guide to the Layout & Construction of Estate Roads, which is now over 13 years old, recommends that no more than 3 properties be served from a private drive. National guidance (DB32) recommended that private drives serve no more than five dwellings. This guidance has been superseded by The Manual for Streets, issued in March 2007. Manual for Streets states:

17. *Highway authorities have also tended to only adopt streets that serve more than a particular number of individual dwellings or more than one commercial premise. Five dwellings are often set as the lower limit, but some authorities have set figures above or below this.*
18. Durham County Council is currently revising the Design Guide, the number of properties from a private shared drive is yet to be agreed. However, at least two recent planning applications were refused because the private drive would serve five dwellings. Neither of these refusals were upheld at an appeal. Given these decisions, width of this access, and the fact that this proposal will result in the access being shared between four dwellings (one of which has an associated milk business) I consider that I could not sustain a highway objection to plots 1 and 2.
19. Plot 3 is shown to be served via the northern access. This access track is less than 4.0m wide. It is understood that two properties, 35 and 37 Uppertown have a right of access over this track to the rear of their properties. There are currently no parking facilities to the rear of these properties, although it would be possible for each of these properties to provide a parking space on the land currently within their ownership. The proposed plans provide a small area to allow cars accessing the rear of the two existing properties to turn. No. 39 Uppertown has neither pedestrian nor vehicular access to the rear of the property. While the northern access is not wide enough to allow two cars to pass, it will serve as sole means of access to only one dwelling (plot 3) and as a secondary access to the rear of 35 and 37 Uppertown. This access is within the red line site boundary and within the control of the applicant.
20. The lack of parking for the adjacent properties is, unfortunately, not something that can be taken into account. Those properties with little or no off street parking could provide parking within the curtilage of their property. For this reason it is considered that a highway objection to the proposed dwelling could not be sustained.
21. Durham County Council (Landscape): Additional information required. Further information has been forwarded to DCC Landscape. Awaiting a response.
22. Durham County Council Arboricultural Officer: Additional information required. Further information has been forwarded to DCC Forestry. Awaiting a response.
23. Durham County Council (Public Rights of Way): No comments received.
24. Durham County Council (Archaeologist): A copy of the full detailed analysis is available on file. A summary of this consultation response is provided below:
25. In cases where archaeological remains are known or suspected the relevant Government planning policy guidance (PPG 16: DoE 1990) states that planning authorities should bear in mind that "archaeological remains are a finite, and non-renewable resource, in many cases highly fragile and vulnerable to damage" (para 6). PPG16 further states that the "...desirability of preserving an ancient monument and its setting..." should be a material consideration in the planning process and that there should be "...a presumption in favour of their physical preservation" (ibid para. 8).

26. It must be noted however, that PPG16 also states that " ... the case for preservation ... must ... be assessed on the individual merits of each case, taking into account [the various Local Plans and policies and other material considerations] including the intrinsic importance of the remains ..." (ibid para. 27). These must all be weighed against the need for the proposed development.
27. The site is considered to be that of a medieval manor house/hunting lodge belonging to the Durham Prince Bishops (the site is first recorded in Bishop Hatfield's survey in 1345-81). Because of the potential existence of important archaeological remains on at least part of the proposed development area the Archaeology Section recommended that an archaeological evaluation should be undertaken prior to determination so that a decision could be made on an informed basis. The applicant commissioned the evaluation (monitored by the Archaeology Section) and a report setting out the results (dated December 2007) was submitted in support of the application. After some revisions, the report is now acceptable to the planning authority.
28. The evaluation demonstrated that there are undoubtedly the remains of a large stone building on the site lying at a very shallow depth beneath the modern ground surface and putatively dated to the medieval period. As such, the building remains are of historic value and importance to both the local community and to the region as they provide archaeological information on the power and presence of the Prince Bishops across County Durham in addition to the available historical records.
29. However, the remains have been severely damaged and truncated both by previous development and by previous archaeological excavation in the 1970s for which no detailed record exists. In greater detail, while the lower courses of the external and internal stone walls survive, the occupation deposits (those that usually produce the environmental and artefactual data which allows archaeologists to interpret and analyse the site) have been removed. Thus the data which allows the site to be placed in its historical and social context no longer exists. This, in turn, means that the level of importance which can be attached to the site is vastly diminished. The north-west portion of the site could contain well preserved archaeological deposits as this area does not appear to have been affected by either the previous builder's yard or the unrecorded excavation in the 1970's. This same area was not evaluated in 2007 as it was not possible to place trenches due to the current tree cover.
30. Initial appraisal of the proposed development suggested that refusal might be appropriate given that it would be detrimental to the preservation of an important archaeological resource. However, the results of the evaluation works - showing varying levels of preservation across the area - have caused this view to be modified. This does not mean that we consider the site can be allowed to be destroyed by future development; rather we believe that preservation in situ of the building and any potential accompanying deposits can be achieved by careful design and siting of the proposed development.

31. As a consequence of further detailed discussions, the applicants and their architects have modified their original proposals so that in situ preservation of the archaeological remains can be achieved. This will be safeguarded by conditions on any planning permission as well as legal agreements constraining future activity on the site.
32. Subject to these provisions being imposed, there are no reasonable grounds for objecting to the proposed development on archaeological considerations.
33. Wolsingham Parish Council: The Parish Council unanimously object to plans for any building on the historically interesting site known as Chapel Walls. The site is a valuable archaeological resource which has the potential to become a major tourist attraction in Wolsingham, and for the whole district. The Parish Council's intention, if the application is refused, is to investigate and bring forward proposals for the development of the site as an appropriately and sensitively designed visitor site.
34. Ancient Monuments Society: No comments received.
35. Society Protection Ancient Buildings: No comments received.
36. English Heritage: No comments received.
37. Historic Monuments of England: No comments received.
38. Northumbrian Water: No comments received.
39. Environment Agency: Concerns have been raised with regards to contamination of the site. Information with regards to the contamination of the site has been submitted to the Environment Agency. A response from the Environment Agency is awaited.

officer analysis

40. The key issues for consideration are:
 - Principle of Development
 - Residential Amenity
 - Design and Impact upon Conservation Area
 - Highway Issues
 - Archaeological issues
 - Legal Agreement
 - Impact on Trees and Protected Species

principle of development

41. The boundary of the limits to development for Wolsingham runs through the application site. The proposed buildings would be situated within the limits of development and it would only be the rear garden areas of the proposed properties which would be located beyond the settlement boundary. The application site has clear established boundaries to the north, south and west which are defined by a combination of walls, trees and shrubbery. Given the

site is clearly defined, in the event that the settlement boundaries of Wolsingham were ever reassessed, it would be probable that the whole of the site would be incorporated within the limits of development.

42. Members may recall the planning application for a dwelling at the rear of 72 Lydgate Lane in Wolsingham (Ref: 3/2007/0690) which was determined at Development Control Committee and granted planning permission. The boundary of the limits to development ran through this site and the garden area and a section of the proposed house were located beyond the boundary. The principle of development was considered acceptable in this instance as the boundaries of the site were clearly defined.
43. Whilst it is accepted that the rear garden areas of the properties would be beyond the settlement limits of development, given the previous decision made by Members on the site at Lydgate Lane and that the site is clearly defined with established boundaries, it is considered that the proposed development is acceptable in principle.
44. The application site is considered to be a brownfield site. The agent has described the site as being formerly used as a builders yard. Photographic evidence and aerial photographs certainly prove that the site was used at the very least for an area of storage, particularly for the storage of wooden pallets. The site is considered to be a sequentially preferable site as it is the development of brownfield land within Wolsingham which is defined as an urban area within the district.
45. The proposed development does not compromise the aims of policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and the proposal accords with Policy 4 of the adopted Regional Spatial Strategy (RSS).

residential amenity

46. The proposed development is for the construction of three properties. Each property would incorporate over 441 square metres of rear garden area which is sufficient for use as private amenity space. There are no primary windows proposed in the side elevations of the proposed properties. There would be no overlooking issues between the proposed properties therefore the relationships between the proposed properties are considered acceptable.
47. In order to make a clear assessment of the impact of the proposed development on the residential amenities of the existing properties, it is necessary to break the analysis into three components. The first assessment is with regards to the impact the property on plot 1 would have upon neighbouring property No. 31 Uppertown situated to the east. The main bulk of the property on plot 1 would be situated 20 metres away from No. 31. The garage, which would also incorporate a games room, would be set at a lower height to the main building and would be situated approximately 10 metres from No. 31. It is considered given the height of the proposed property on plot 1 and the distance it is set away from the bungalow at No. 31, there would be no adverse impacts created upon No. 31 in terms of overbearing or overshadowing effects. It is noted that there is a window proposed into the games room above the garage on plot 1. The residents of No. 31 are

concerned with overlooking issues. Therefore to ensure there would be no loss of privacy to the residents of No. 31, a condition is recommended for obscure glazing to be fitted to the window of the games room. The proposed house on plot 1 would not compromise the residential amenities of existing neighbouring properties.

48. The second assessment relates to the impact the property on plot 2 would have upon the properties to the east. These properties include Nos. 33, 35 and 37 Uppertown. The proposed building on plot 2 is set 20 metres away from neighbouring No. 33. This distance is acceptable and would not result in the loss of privacy to the occupiers of No. 33, nor would it result in overbearing or overshadowing impacts upon No. 33. In terms of the relationship between the property on plot 2 and neighbouring properties Nos. 35 and 37, a gable elevation would be situated 15 metres away from the first floor windows of Nos. 35 and 37. This gable elevation which would look onto properties Nos. 35 and 37 would be a blank elevation with the exception of a decorative window in the roof space. Although this window would be into the roof space, a condition is recommended for this window to be obscurely glazed to ensure no loss of privacy to neighbouring properties, in the event that the roof space ever became a habitable room. The 15 metres distance from the first floor windows of Nos. 35 and 37 to the proposed property on plot 2 is acceptable. The proposed property on plot 2 would be located 11 metres away from the sun lounges of properties Nos. 35 and 37. Whilst policy H24 recommends that a 15 metres separation distance should be achieved, it must be remembered that this 15 metres separation distance is only stated as being a guideline for development. The main assessment which has to be considered is whether the neighbouring properties would lose any privacy from the proposed property and whether the proposed property would adversely affect the sunlight and daylight currently experienced by the occupiers of properties at No. 35 and 37. Given there would be no windows to habitable rooms in the gable elevation of the proposed property on plot 2, there would be no loss of privacy to the neighbouring occupiers.
49. Full consideration has been given to the potential for loss of light and overshadowing to the properties of Nos. 35 and 37 by considering the position of the property on plot 2 in relation to aspect and by applying the Building Research Establishment Guidelines (BRE) – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, which is the accepted method for assessing overshadowing in planning applications.
50. The BRE guidelines identify two components of natural daylight: Skylight, which is light diffused all around (even on cloudy days); and sunlight, which is the light directly from the sun on clear days. Tests for skylight and sunlight obstruction have been applied to the proposed property on plot 2 in relation to the neighbouring properties of Nos. 35 and 37, in the form of the BRE 25 degree line and 45 degree line tests, which are the appropriate tests in this case:

25 degree line – if a new building or extension significantly breaches a 25 degree line taken from a point 2m above ground level at, or just below the top of a neighbouring window, then overshadowing may occur (not applicable to north facing windows).

45 degree line – If a 45 degree line taken from the top of a new building or extension and drawn down towards the nearest neighbouring window crosses the centre point of that window then some overshadowing may occur.

51. In this case the two tests show that there would be no loss of general daylight or sunlight to the windows of Nos. 35 and 37 Uppertown as a result of the proposed property on plot 2. It is therefore considered that the proposed development of a property on plot 2 would not compromise the residential amenities currently experienced by the occupiers of Nos. 33, 35 and 37 Uppertown.
52. The third assessment is the impact the proposed property on plot 3 would have in relation to the neighbouring properties Nos. 39, 41 and 43 (located to the east of plot 3). Similarly with the property on plot 1, the main bulk of the property on plot 3 would be located 20 metres away from the neighbouring dwellings to the east. The garage which would have an office room situated above, would be located approximately 12 metres from the neighbouring properties Nos. 39, 41 and 43. There are windows proposed which would look onto the neighbouring properties, therefore to ensure adequate levels of privacy are maintained a condition is recommended for obscure glazing to be fitted to these windows. In terms of overbearing or overshadowing impacts, the proposed property on plot 3 would be sufficient distance away to ensure the occupiers of Nos. 39, 41 and 43 would not be adversely affected. The proposed property on plot 3 would not compromise the residential amenities of existing neighbouring properties Nos. 39, 41 and 43 Uppertown.
53. Given the above, it is considered that the proposed development would not adversely affect the residential amenities of existing and future occupiers of neighbouring properties and the proposed properties. The proposals do not compromise the aims of policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
54. It is noted that there is an existing milk delivery business which currently operates from the premises of No. 33 Uppertown. It appears that this business currently operates without any disturbance to the existing surrounding residents. There is a sign on the building which clearly indicates that a business is in operation, therefore any potential buyers of the proposed properties in this application which view the site would be aware that a business is in operation. Given that the milk delivery business currently operates without any disturbance to existing occupiers, there is no reason why the proposed properties would be disturbed by the existing business.

design and impact upon conservation area

55. The Conservation and Environment Manager, has submitted a detailed consultation response with regards to the design of the buildings and the impact these buildings would have upon the Conservation Area of Wolsingham. She has compared the proposals with a previously withdrawn scheme and has raised the following issues as key points to be evaluated and commented in detail on each issue:
 - I. Layout and relative position
 - II. Relative scale and mass/heights

III. Architectural detail

I. Layout and relative position

The proposal is still for three large properties but the critical difference is that the central building, arguably the most difficult to site and design because it could serve to 'join together' the other two proposed dwellings, has been significantly altered and improved. The central section has been broadened and the distance between it and the northern building widened. This allows for views through the building blocks. The building has been rotated slightly too.

In her opinion, these subtle changes have removed the overwhelming argument that a wall of new stone and slate would obliterate the details and variety of the rears of the frontage development.

The site is reasonably well screened in summer with dense branch cover in the winter. This level of screening can now be effective given the accumulated changes now offered by the whole scheme.

II. Relative scale and mass/heights

The evidence submitted and site inspections confirm that the 3 proposed dwellings viewed as a group, have been lowered in relative terms to the existing dwellings to the front; on average by one metre. The Conservation and Environment Manager considers that this is significant. The ridge heights of the main house blocks have been lowered, resulting in greater variation when viewed en mass thereby removing her previous objections concerning the 'wall like' block of the previous three buildings which obliterated the variety of the building forms of the mixed group of existing properties. This amendment therefore retains that characteristic of the conservation area in this location.

III. Architectural detail

Importantly, the Conservation and Environment Manager points to clever variations to the architectural detailing which in her opinion have further strengthened the positive impact that these dwellings should now have on this edge development in the built form of Wolsingham.

In general the clutter of over elaborate detailing that was a negative feature of the previous application has been ordered and rationalised. This means that the most high status features have been retained on the front elevations of the main houses but removed and simplified on the side elevations and garage blocks. This may not seem unduly significant in isolation but en mass together with the other alterations the Conservation and Environment Manager considers that it has a real impact on the softening of the impact of this proposal and therefore its suitability. It means that the development relates well to where it is in this rear and edge location.

Elaborate stone architraves, drip mouldings and water tabling have been removed from where it did not complement various secondary parts of the houses such as the sides and garage blocks. This introduces hierarchy to the scheme as befits the scale of the development in a traditional setting. Add this to the introduction of a mixture of roof materials over the scheme and the effect is significant.

56. As a result of the detailed assessment undertaken by the Conservation and Environment Manager, it is considered that the proposed development would not detract from the special scenic qualities of the Wolsingham Conservation Area and would not have an adverse impact on the visual appearance of the immediate street scene or wider surrounding area. As requested by the Conservation and Environment Manager, conditions are recommended with regards to landscaping and the submission of stone samples and samples of roofing materials.

57. The proposed development satisfies the aims of policies GD1, ENV3, BE5, BE6 and BE8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

highway issues

58. Durham County Council Highways Authority has been consulted on this application. The comments of the Highways Officer summarised in the consultation response section clearly explains the highways issues of the proposed scheme. The highway issues involve parking arrangements and means of access to the proposed properties and existing buildings. Although land ownership is not a planning consideration when determining an application, the ownership of land has also been looked into by the Highways Officer.

59. The Highways Officer has confirmed that a highway objection cannot be sustained against the proposed development. The proposed development would provide sufficient amounts of off street parking for the proposed properties. It is noted that the existing neighbouring properties currently only have a right of access over the proposed accesses to the proposed properties. The parking arrangements and accesses for the existing neighbouring properties would remain unchanged. It is accepted that there would be an increase in the number of vehicles using the accesses however it is considered this increase would be minimal and would not be to the detriment of highway safety.

60. Given the detailed response provided by the Highways Officer and the conclusion that he cannot sustain an objection in highway terms, the proposed development is considered acceptable. The proposal would not compromise highway safety and is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

archaeological issues

61. Durham County Council Archaeology Section has been consulted on this application. The Archaeological Officer has submitted a detailed consultation response which has been summarised in the consultations section of the report. The Archaeological Officer has fully assessed the impact of the proposed development upon the archaeological remains situated beneath the ground. It has been concluded that there are no reasonable grounds for objecting to the proposed development on archaeological grounds.
62. In addition to the comments provided by the Archaeological Officer, it is noted that the archaeological remains are not visible and are located underneath the ground. It is considered that the proposed development of three properties is an acceptable option to offer a level of protection to the archaeological remains. There would be no buildings located above the remains as the remains would be in the rear garden areas of the properties. On request of the Archaeology Officer, the applicants have indicated that the level of the ground above the archaeological remains would be increased by an additional 300 mm. This increase in ground level would further add to the level of protection to the archaeological remains. The applicants have agreed to a number of planning conditions which would increase the level of protection to the archaeological remains. The applicants are also willing to sign a legal agreement which would commit them to certain conditions. The details of the legal agreement are discussed in the section below. The proposed planning conditions which would provide the archaeological remains with a level of protection have been agreed with by the Archaeological Officer. The planning conditions recommended for the protection of the archaeological remains include:
- An archaeological mitigation strategy to be submitted prior to the commencement of development,
 - Protective fencing to be erected around the remains during the construction of the buildings,
 - The removal of all permitted development rights from each property,
 - The submission of a landscaping scheme prior to development which shall include details of the removal of trees.
63. Given the detailed consultation response from Durham County Council Archaeology Section and the number of planning conditions which are recommended, it is considered that the proposed development would not compromise the archaeological remains which are situated beneath the ground. As the site used to be utilised as a builders yard for storage of materials, it is actually considered that residential development is an appropriate use for the site as it would have minimal impact upon the archaeological remains.
64. The proposed development would offer a level of protection to the archaeological remains and it is therefore considered that the proposed development is in accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and does not compromise the aims of PPG16.

legal agreement

65. In order to secure the protection of the archaeological remains beneath the site, the applicants have agreed to sign a legal agreement in the form of a unilateral undertaking. The draft heads of terms for the unilateral undertaking which was submitted with the application include the following:
- The removal of permitted development rights to all the properties.
 - The provision afforded to the local planning authority/County Archaeologist to carry out annual visits for the purposes of ensuring archaeological remains are not being prejudiced.
 - The provision at the expense of the applicants of an interpretation board, the location of which and the contents of which, to be advised on by the County Archaeologist.
 - The applicants to provide evidence in the form of a draft wording of a covenant to be incorporated within the contracts for sale of the individual plots in respect of preventing structures or buildings being erected, or engineering works being undertaken, within the garden areas of the house plots, unless the prior written consent of the local planning authority has been obtained.
66. The details of this unilateral undertaking would further strengthen the level of protection towards the archaeological remains under the site, and would ensure the historic heritage of the site is not adversely affected.

impact on trees and protected species

67. Prior to the submission of the application a tree survey of the site had been undertaken and a report was submitted with the application. The tree survey proposes the removal of 69 trees in total. The survey indicates that the majority of the trees proposed to be removed are poor specimens, some of which are fruit trees of limited value. The survey further indicates that the removal of the trees indicated will bring the site back into a higher level of arboricultural management. A number of replacement trees are proposed. The tree report was sent to the County Council Arboricultural Officer to be assessed. The Arboricultural Officer has submitted a response, and whilst he has raised no objections to the tree survey, he has requested additional information be provided. At the time of this report going to print, the agent for the application was in discussions with the County Council Arboricultural Officer with regards to the additional information required.
68. Concerns have also been raised with regards to the possibility of bats being present within the trees on the site. A risk assessment for the possibility of the presence of bats is being undertaken by the applicants and this assessment is to be submitted to the County Council Ecologist for consultation. At the time of this report going to print a consultation response had not been received from the County Council Ecologist.

objections/observations

69. Occupiers of neighbouring properties have been notified in writing and a site notice was posted close to the site. A notice was also placed in the local press. 114 objection letters have been received up to when this report was written. Two of these objection letters have been withdrawn. The contents of the objection letters are summarised below:
- a) The B6296 main highway is a busy road and is close to the school.
 - b) Size of the properties are not in keeping with the village.
 - c) Inadequate and dangerous access for vehicles.
 - d) Overlooking issues.
 - e) Loss of privacy.
 - f) Loss of trees would impact upon wildlife.
 - g) Development beyond settlement limits for Wolsingham.
 - h) Loss of countryside.
 - i) The site is a medieval settlement, with archaeological remains and is a historic site which should not be developed on.
 - j) The houses are executive houses. No need for this type of development and it will result in houses being left empty.
 - k) Affordable housing required.
 - l) There would be nowhere for existing property owners to park their vehicles.
 - m) The proposed properties would be overbearing.
 - n) Loss of natural daylight to neighbouring properties.
 - o) The development would adversely affect the public footpath which runs approximately 20 metres from the site.
 - p) Proposed trees will overshadow neighbouring properties.
 - q) Reduce the valuation of neighbouring properties.
 - r) The site is an important archaeological site.
 - s) The proposed development would contravene PPG16.
 - t) The proposed development is out of character with the surrounding buildings and area.
 - u) The development is backland development which requires separate and satisfactory vehicular access.
 - v) Wolsingham has a 'Parish Plan' which was produced with the support of Wear Valley District Council and Durham County Council. The Plan states that future housing development should not exceed 50 new dwellings. This limit has already been exceeded.
 - w) The site is in a conservation area.
 - x) The houses would intrude into an area of high landscape value.
 - y) The application has been resubmitted when local government reorganisation is underway.
 - z) The archaeological remains should be a tourist attraction.
 - aa) Not all the site was a former builders yard.
 - bb) The development would overlook a scheduled monument.
 - cc) Will the foundations of the proposed properties and the removal of trees not disturb the archaeological remains?
 - dd) How will future development be stopped in the rear gardens of the proposed properties?
 - ee) Is this to be Holywood phase 2?

- ff) The ancient monument should be protected in line with policies BE1 and BE15 of the Local Plan.
- gg) The proposal is contrary to policies BE5 (FPG3) and BE6 part i) of the Local Plan.
- hh) The Parish Plan advocates the resistance of executive style houses, which these are.
- ii) The development would increase the amount of cars parked on the main road.
- jj) The proposed development will affect the neighbours' quality of life as the buildings will be within 15 metres.
- kk) The proposed development will affect the milk delivery business.
- ll) This development will create a precedent for further housing.
- mm) Why is this application being considered yet again, when it is an expense to the taxpayer.
- nn) Surely the schools and doctors are going to be affected by more buildings.
- oo) There is a fear that the proposed properties will be constructed from the stone of the Chapels foundations.
- pp) There have been artifacts found with the archaeological remains which are now in Durham Cathedral.
- qq) Although there used to be a builders yard nearby, the site is not brownfield land.
- rr) What restrictions can be put in place to safeguard an established business?
- ss) The proposed development would disrupt the access to the milk delivery business.
- tt) Overdevelopment of the site.
- uu) Has Alan Hodgson from Durham County Council been consulted?
- vv) Red squirrels have been seen on the site.
- ww) It is the understanding that English Heritage does not recommend building on or near this type of site.
- xx) There has been no consultation with the public on this development.
- yy) Has the District Council identified a need for any additional housing stock in the village?
- zz) The main structures of Wolsingham are linear houses looking onto roads.
- aaa) Concerns that a letter from the agents of the application indicates that meetings have taken place with Planners, County Archaeologist, Conservation Officers and Highway Officers.
- bbb) The proposal does not accord with policy H26 of the Local Plan.
- ccc) Concerns that the proposal and the removal of trees would result in flooding problems.
- ddd) The loss of trees on the site would contribute to climate change.
- eee) The proposal does not accord with policy H14 of the Local Plan.
- fff) The proposal is contrary to policies GD1 and H24 of the Local Plan.
- ggg) The proposal is contrary to PPS1, PPS3, PPG15 and PPG16.
- hhh) The proposal is not in accordance with 'Manual for Streets'.
- iii) Concerns that the proposal would affect drainage.

response to objections

70. The following points are made in response to the issues raised by the objectors:
- a) Durham County Council Highways Officer has not objected to the proposal. The Highways Officer's response is commented upon in the previous sections of this report.
 - b) The Conservation and Environment Manager considers the scale of the properties to be acceptable.
 - c) See point a).
 - d) Discussed in officer analysis.
 - e) Discussed in officer analysis.
 - f) A risk assessment on protected species has been submitted to the County Ecologist for consultation.
 - g) Discussed in officer analysis.
 - h) Given the site has clearly defined boundaries, it is not considered that the site is part of the open countryside.
 - i) Refer to officer analysis and the Durham County Council's Archaeological Officer's response.
 - j) Not a material planning consideration.
 - k) Policy H15 of the Local Plan states that the Council will seek to negotiate an appropriate element of affordable housing, where there is a demonstrateable need for such housing, but only sites accommodating 20 or more dwellings.
 - l) The parking arrangements for the existing properties would not change.
 - m) Discussed in officer analysis.
 - n) Discussed in officer analysis.
 - o) The public footpath does not run through the application site therefore the proposed site would not affect the public right of way.
 - p) Advice from the County Arboricultural Officer is being sought. A condition is proposed for a landscaping scheme to be submitted and agreed prior to works commencing on site.
 - q) Not a material planning consideration.
 - r) Discussed in officer analysis.
 - s) Disagree. Discussed in officer analysis.
 - t) Discussed in officer analysis.
 - u) The development would be classed as backland development. The proposed accesses are considered acceptable to serve the proposed development.
 - v) It is acknowledged that the Wolsingham Parish Plan has been publicised. It is noted that the Parish Plan is not a statutory plan. The Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, along with the Regional Spatial Strategy and the Planning Policy Guidance and Statements are the statutory documents from which planning decisions shall be based upon.
 - w) Agreed.
 - x) Agreed.
 - y) Agreed, however the status of the local government reorganisation does not impact upon the recommendation.
 - z) Comments noted.

- aa) Comments noted.
- bb) Comments noted.
- cc) The foundations of the buildings can be built without disturbing the archaeological remains. Conditions are recommended to ensure the trees are removed in a way which would not disturb the archaeological remains.
- dd) Conditions are recommended to prevent future development in the gardens. A legal agreement is also to be signed by the applicants to prevent future development in the gardens areas.
- ee) Given the distance between the application site and Hollywood, the proposed scheme is not phase 2 of the Hollywood estate. Each application is determined on its own merits.
- ff) Agreed. It is considered that the development accords with policies BE1 and BE15 of the Local Plan.
- gg) Discussed in officer analysis.
- hh) Please refer to point v).
- ii) Disagree. The proposed development provides sufficient off street parking for the future occupiers of the proposed properties.
- jj) Discussed in officer analysis.
- kk) Discussed in officer analysis.
- ll) Each planning application has to be determined on its own merits therefore this proposal would not create a precedent.
- mm) There is no limit on the number of applications that can be submitted for a certain site.
- nn) It is considered three new properties would not adversely impact on schools and doctors.
- oo) The archaeological remains would not be disturbed.
- pp) Comments noted.
- qq) Disagree.
- rr) There are no specific planning conditions which can be imposed in this instance to safeguard the existing business. As discussed in the officer analysis, there are no current problems with the running of the nearby business. Future occupiers who visit the site would be aware that a business is being run from the adjacent site.
- ss) This issue is commented upon by the County Highways Officer.
- tt) The proposal is not considered to be overdevelopment of the site.
- uu) Yes.
- vv) An Ecology Assessment has been submitted to the County Ecologist for consultation.
- ww) English Heritage have not commented on this application.
- xx) Comments noted.
- yy) Wolsingham has been identified as an Urban Area within the district where new housing should be directed towards.
- zz) Comments noted.
- aaa) Pre-application advice is common practice. The true test for the acceptability of a proposal can only be determined through the submission of a planning application.
- bbb) Policy H26 of the Local Plan has expired.
- ccc) Environment Agency have been consulted on this issue.
- ddd) It is considered given the number of trees proposed to be felled it would not have a significant impact on the issue of climate change.
- eee) Policy H24 of the Local Plan has expired.
- fff) Discussed in officer analysis.

- ggg) The proposal would not be contrary to the aims of PPS1, PPS3, PPG15 and PPG16.
- hhh) Discussed in officer analysis.
- iii) Environment Agency have been consulted on this issue.

conclusion and reasons for approval

1. The boundary of the limits of development for Wolsingham runs through the application site. The application site has established boundaries to the north, west and south. The proposed buildings would be located within the settlement boundaries of Wolsingham and it would only be the garden areas which would be situated over the boundary. It is acknowledged that a similar application was granted permission by the Development Control Committee which was for a house in Wolsingham which had its garden area located beyond the settlement boundary, in this instance part of the property was actually located over the settlement boundary. From the previous use of the site, the application site is classed as brownfield land. The proposed development is considered acceptable in principle and does not compromise the aims of policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and is in accordance with Policy 3 of the Regional Spatial Strategy.
2. The proposed development ensures that each property would have sufficient amounts of private useable amenity space. The relationship between the proposed properties would be acceptable and there would be adequate levels of privacy for future occupiers of the buildings. The existing residential properties to the east of the site would not be adversely affected by the proposed development. There would be no loss of privacy to the occupiers of neighbouring properties and the neighbouring buildings would not experience any adverse impacts in terms of overbearing or overshadowing effects. The existing milk delivery business which currently operates from a building connected with No. 33 Uppertown, would not disturb the future occupiers of the proposed development. The proposed development would not adversely affect the residential amenities of the occupiers of neighbouring properties. The occupiers of the proposed dwellings would have a satisfactory standard of residential amenity. The proposal does not compromise the aims of policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. The proposed development has been critically assessed in relation to the impact the properties would have on the immediate surrounding area and the wider conservation area. The layout and relative position, the relative scale and mass/heights, and the architectural details of the proposed properties are all considered to be acceptable. The proposed development would not have an adverse impact on the visual appearance of the street scene and surrounding area. The proposal would not detract from the special scenic qualities of the Wolsingham Conservation Area. The proposed development is in accordance with policies GD1, BE5, BE6 and BE8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4. Sufficient amounts of off street parking would be provided for each property proposed. Durham County Council Highways Officer has fully assessed the access arrangements and has taken into consideration the existing arrangements for neighbouring properties and the situation with regards to land ownership and rights of way over the accesses. The proposed accesses to plots 1 and 2, and to plot 3, are considered acceptable and would not compromise highway safety. The proposal is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. The proposed buildings would not be built over the archaeological remains which are situated beneath the ground. The applicants have agreed to a number of conditions and are willing to sign up to a legal agreement which would offer a level of protection to the archaeological remains. Residential development is considered an appropriate use for the site as it would provide a high level of protection and have virtually no adverse impact on the archaeological remains. The proposed development would not have a detrimental impact upon the archaeological remains beneath the site. The proposal is in accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and does not compromise the aims of Planning Policy Guidance 16: Archaeology and Planning.

RECOMMENDED

That, subject to the applicants completing a unilateral undertaking as described in this report, planning permission be **GRANTED** subject to the following conditions and reasons;

conditions

1. No ground works shall take place until an archaeological mitigation strategy has been submitted to, and approved in writing, by the local planning authority. The programme must include a scheme of watching briefs on the site, to include full excavation if required. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within one year of the date of completion of the scheme hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.
2. Development (including groundworks) must not commence until agreed archaeological works on site are completed. However, the site may be released on an area-by-area basis once archaeological works are completed, subject to approval in writing from the County Archaeologist on behalf of the local planning authority. The full condition will not be discharged until any required publication has been agreed in writing by the developer with the planning authority.

3. Before the commencement of any part of the approved development, a plan indicating the position and specification of protective fencing to the archaeological remains shall be submitted to and approved in writing by the local planning authority. The approved fencing shall be implemented prior to development and retained until the completion of the development. Any land so enclosed shall be kept clear of all materials, machinery and temporary buildings at all times.
4. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F, G, H of Part 1 and Classes A, B, C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.
5. 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, and details of any to be retained, together with measures for their protection in the course of development. The landscaping scheme shall include details of the method of removal of the trees proposed to be removed.
6. 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.
7. 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 buildings hereby approved are first occupied.
8. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-
 - a) The exact specifications for the windows shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved specifications;
 - b) All external walls shall be formed using random, coursed natural stone with pointing to match existing; a sample panel of stonework shall be made up on site for inspection by and written approval shall be obtained from the local planning authority prior to construction works commencing;
 - c) The exact specifications for the doors shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved specifications;

- d) The exact specifications for the roof coverings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved specifications;
 - e) all rainwater goods shall be black;
 - f) all rooflights shall be conservation flush-fit lights finished in black with a central glazing bar;
9. 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 dwellings shall not be occupied until that work has been carried out in accordance with the approved details.
 10. Notwithstanding any other details shown on the plans hereby approved, the window to be inserted in the east elevation of the play/games room of the property on plot 1, the window to be inserted in the east gable elevation at roof space height of the property on plot 2 and the windows to be inserted in the east elevation of the WC and kitchen of the property on plot 3 shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass of factor 3 or above. The windows shall thereafter be retained as such.
 11. Before the dwellings hereby approved are occupied the garages and hardstandings/drives shall be constructed in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for purposes incidental to the enjoyment of the dwellinghouses.

reasons

1. To safeguard the archaeological remains. In accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To safeguard the archaeological remains. In accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. To safeguard the archaeological remains. In accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. The local planning authority wishes to control future development in order to ensure the residential amenities of adjacent properties are maintained and to safeguard the archaeological remains. In accordance with policies GD1, H24, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. To enable the local planning authority to retain control over the landscaping of the site to secure a satisfactory standard of development and to ensure the removal of trees does not adversely affect the archaeological remains. In accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

6. 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.
7. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. For the avoidance of doubt and to ensure the satisfactory appearance of the finished development. In accordance with policies GD1, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
9. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
10. In the interests of the amenity of neighbouring properties. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
11. To ensure that adequate provision is made within the site for vehicles likely to visit it, and maintained to the satisfaction of the local planning authority. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007, Regional Spatial Strategy (RSS), Planning Policy Guidance 16: Archaeology and Planning (PPG16).

PS code

13

number of days to Committee

74

target achieved

NO

explanation

Given the complexity of the issues involved with this application it was not possible to determine the proposal within the target date.

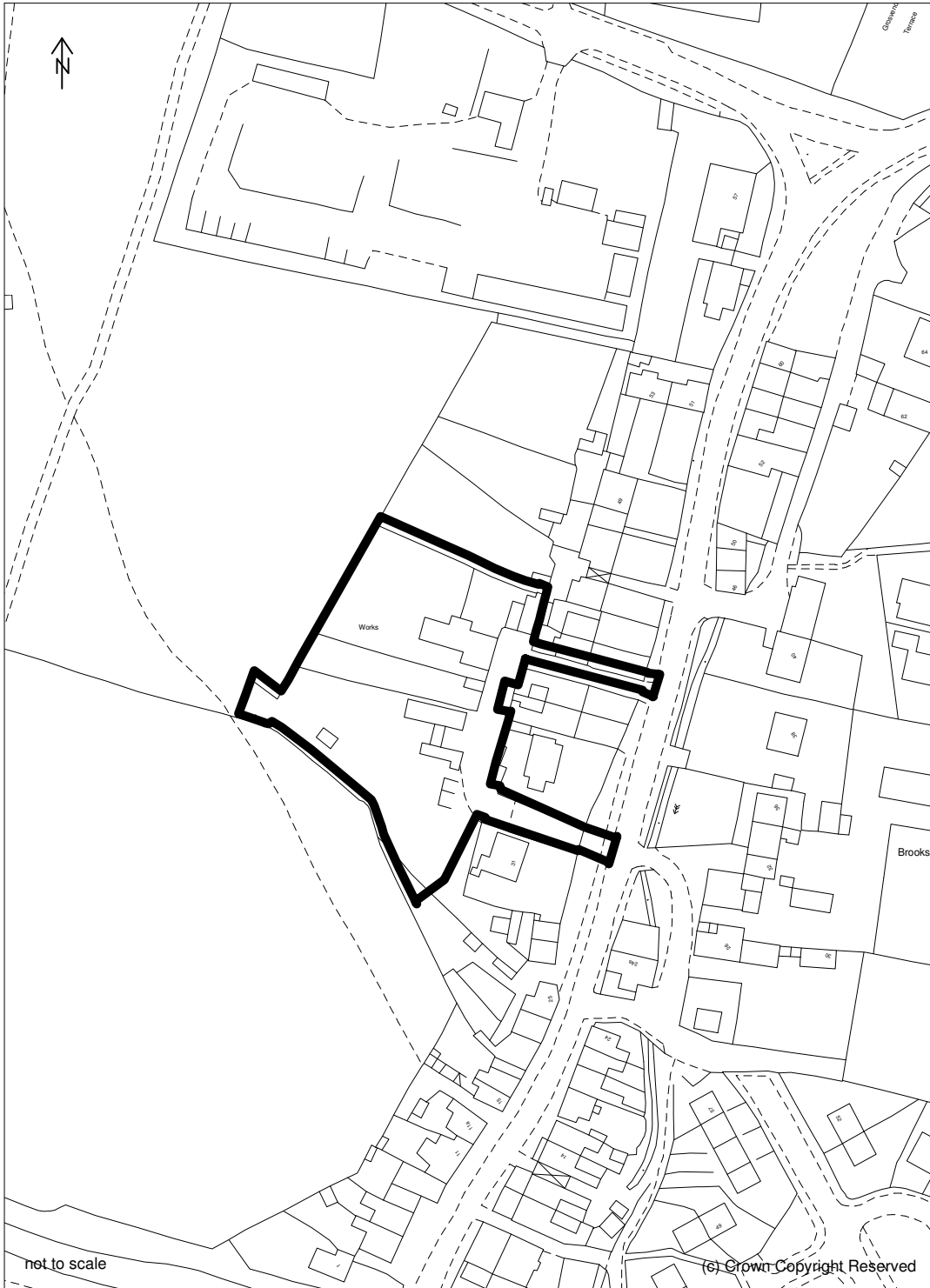
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Chris Baxter
Senior Planning Officer
Ext 441

3/2008/0473 - PROPOSED CONSTRUCTION OF 3 NO. DWELLINGS AT LAND REAR OF 33 AND 41 UPPERTOWN, WOLSINGHAM FOR MR. AND MRS. CASSIDY – 15.07.2008 - AMENDED 11.09.2008



DEVELOPMENT CONTROL COMMITTEE

25th SEPTEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0567- CHANGE OF USE FROM PUBLIC OPEN SPACE TO DOMESTIC CURTILAGE, TWO STOREY SIDE EXTENSION, TWO STOREY REAR EXTENSION, SINGLE STOREY REAR EXTENSION AND SINGLE STOREY FRONT EXTENSION AT 2 COSGROVE AVENUE, BISHOP AUCKLAND FOR MR. CLAYTON – 27.08.2008

description of site and proposals

1. This application is brought to Committee as the application relates to land owned by the Council.
2. The application seeks planning permission for the change of use from public open space to domestic curtilage, erection of a two storey side extension, two storey rear extension, single storey rear extension and single storey front extension at 2 Cosgrove Avenue, Bishop Auckland.
3. The area of public open space is a rectangular parcel of land measuring approximately 12m x 20m. The applicant is in the process of purchasing the land from Wear Valley District Council. An area measuring 6m x 19.5m would be incorporated into the domestic curtilage with a 1m high railing defining the boundary to the side and front of the property. A 2m high fence would define the small area of boundary with the neighbouring property of No. 52 Brooklands.
4. The two storey side extension would measure approximately 3.3m wide and would extend along the full length of the gable. The roof would be hipped with the ridge stepped down from that of the existing dwelling. French windows would be installed in the side (east) elevation. The two storey rear extension would project out from the existing dwelling by 3m and would have a width of 6.6m. The roof would be hipped with the ridge stepped down from that of the existing dwelling. The single storey rear extension would adjoin the west elevation of the two storey extension. This lean to extension would have a 3m projection and would measure 3.1m wide. It would be sited approximately 0.5m away from the boundary of the adjoining property. The single storey front extension would project out by 2m and would have a lean to roof. Matching materials are proposed. It is proposed to demolish the existing detached garage.

5. The application site is a semi detached dwellinghouse and adjoining parcel of land located within a suburban area in the south of Bishop Auckland. This area is characterised by semi detached houses interspersed by small areas of public open space which are laid to grass and maintained by the Council. No. 2 Cosgrove Avenue and the adjacent parcel of land is located on the corner of the junction of Cosgrove Avenue and Brooklands. To the north east of the application site is a pair of semi detached bungalows, No. 50 and No. 52 Brooklands. The open land to the rear of the application site is associated with the Aclet Close Nursery School.

planning history

6. The following planning history is considered relevant to this planning application:
 - 3/1980/0084 Erection of Bay Window Extension Approved 14.08.1980

planning policies

7. The following policies of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 are relevant in the consideration of this application:
 - FPG5 Alteration and Extensions Guidelines
 - GD1 General Development Criteria
 - H25 Residential Extensions

consultations

8. Highway Authority: No response received at time of writing report (Expires 23/09/2008).
9. Town Council: No response received at time of writing report (Expires 23/09/2008).

officer analysis

10. The key issues for consideration are:
 - Principle of Change of Use
 - Impact on Character and Appearance of Street Scene
 - Impact on Residential Amenity

principle of change of use

11. There have been two previous approvals (3/2001/0378 and 3/2006/0942) relating to the change of use from open space to domestic curtilage within this part of Bishop Auckland. More recently the Central Resources Committee on 24th June 2007, resolved to sell the area of public open space adjacent to No.1 Cosgrove Avenue. No.1 Cosgrove Avenue is located opposite the application site. In view of the Council's decision, it is considered that subject to the agreement of appropriate boundary treatments, the principle of the change of use of the public open space to domestic curtilage is acceptable.

impact on the character and appearance of the street scene

12. The proposal would involve the change of use of approximately half of the open space to domestic curtilage. An area measuring approximately 6m x 20m would remain. The installation of a 1m high railing to the south and east boundaries would preserve the substantially open character of this part of the estate. Furthermore, approximately half of the public open space would remain open. Further details of the fence could be secured through a planning condition in the event of a planning approval. As such it is considered that this part of the proposal would not harm the character or appearance of the street scene and would comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
13. The two storey side extension has been amended from the plans that were originally submitted through a decrease in width. The amended plans show the extension to be approximately half the width of the existing dwelling, set back from the existing building line and set down from the existing ridge line. The roof form would match that of the existing dwelling and matching materials are proposed. As such the extension is considered to be subordinate to the existing dwelling and in line with the guidance provided in FPG 5. The side (east) elevation of the extension would be visible from Brooklands. However it is considered that this would be located a sufficient distance away from the highway so as not to have an overbearing impact on the street scene. The two storey side extension would therefore comply with policies GD1, H25, and FPG 5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
14. The proposed single storey extension to the front would incorporate a porch, study and extension to the lounge. The extension would project out from the existing building line by 2m and would extend along most of the frontage of the property, stopping 0.5m off the boundary with No. 4 Cosgrove Avenue. The extension would not reflect the existing character of the dwellinghouse and would unbalance the pair of semi detached dwellings as a whole. The extension would be an obtrusive addition to the dwellinghouse and would have a detrimental impact on the character and appearance of the street scene. The applicant has argued that the property opposite the application site, No. 1, has a similar front extension to that proposed. However this has never had planning consent and as such would carry little weight when determining the current application. The proposal conflicts with planning

policies GD1, H25, and FPG5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

15. The agent has submitted a letter which suggests recent approval has been given to a similar front extension at 14 North End Gardens in Bishop Auckland. There appears to be no planning history relating to a front extension similar to the current proposal. As such it is likely that the extension was erected without planning permission and therefore would carry little weight when determining the current application. Furthermore 14 North End Gardens is located around one mile away from the application site.
16. The enforcement officer has been asked to investigate the developments at No. 1 Cosgrove Avenue and 14 North End Gardens.

impact on residential amenity

17. The proposed rear extension would bring the rear building line 3m closer to the garden of the neighbouring bungalow, No. 52 Brooklands. Due to its positioning, it is unlikely to have any impact on the garden area of No. 52 in terms of a loss of light. The proposed extension is also considered to be located a sufficient distance away from the boundary of the bungalow so as not to result in an overbearing impact. The rear extension would be single storey adjacent to the adjoining property of No. 4 Cosgrove Avenue. It would also be set back from the boundary by 0.5m. It is possible that there could be a small loss of early morning sunlight into the rear garden of no. 1; however this would not be significantly detrimental to the amenity of the occupiers of that property. The side extension and front extensions would be located a sufficient distance away from any neighbouring properties and as such would not result in an adverse impact in terms of overlooking or an overbearing impact. As such it is considered that the proposals would not be detrimental to residential amenity and would comply with policies GD1 and H25 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

18. The application has been advertised on site and neighbouring properties have been notified individually in writing. No observations received at time of writing report (Expires 23/09/2008).

RECOMMENDED

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

1. The proposed front extension would be an incongruous addition to the prominent front elevation, materially detrimental to the character and appearance of the dwellinghouse and the street scene in general. The proposal is contrary to 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 the Saved and Expired Policies September 2007.

PS code

21

number of days to Committee

29

target achieved

√

explanation

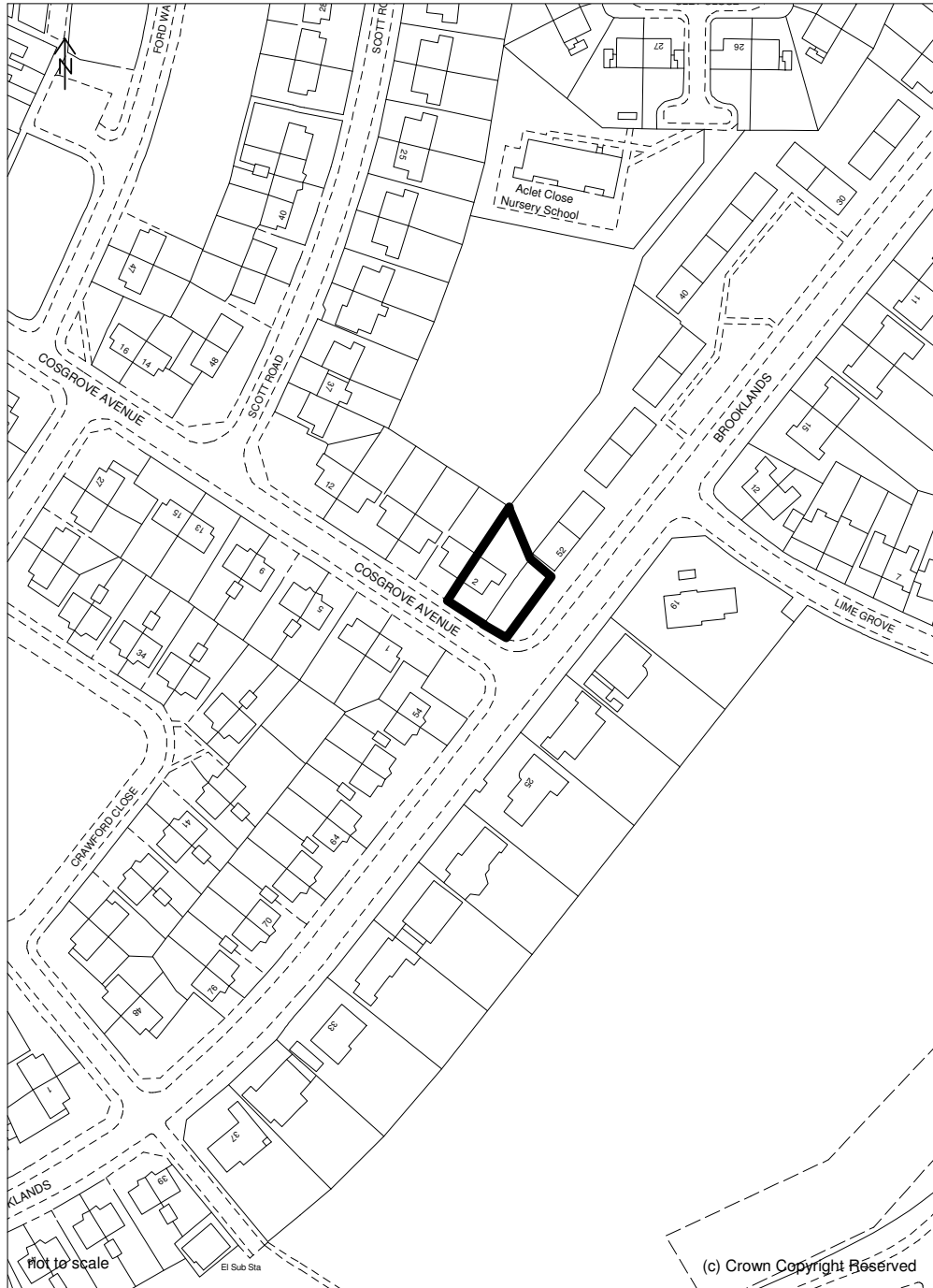
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

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Planning Officer
Ext 539

3/2008/0567- CHANGE OF USE FROM PUBLIC OPEN SPACE TO DOMESTIC CURTILAGE, TWO STOREY SIDE EXTENSION, TWO STOREY REAR EXTENSION, SINGLE STOREY REAR EXTENSION AND SINGLE STOREY FRONT EXTENSION AT 2 COSGROVE AVENUE, BISHOP AUCKLAND FOR MR. CLAYTON – 27.08.2008



DEVELOPMENT CONTROL COMMITTEE

25TH SEPTEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0528 - CHANGE OF USE OF OPEN SPACE TO DOMESTIC CURTILAGE AND ERECTION OF WALL AT LAND ADJOINING 19 HAMSTERLEY DRIVE, CROOK FOR MR. SWINHOE – 20.08.2008

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 the land from public open space to garden land and the erection of a boundary wall. The wall would range in height from 0.493 metres to 2.077 metres. The parcel of land measures 30.9 metres in length and has a width of 2.9 metres at its widest point.
3. The land currently forms an attractive area of public open space within Hamsterley Drive. It adds to the open character of Hamsterley Drive. The surrounding estate is characterised by areas of public open space. The land is located to the west of the dwelling adjacent to a public walkway through the estate. The site slopes downwards from the front of the host property to the rear of the host property.

planning history

4. The following planning history is considered relevant to this planning application:
 - 3/2006/0426 Extra Bedroom Above Garage and New Porch Approved 26.06.2006

planning policies

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

- H3 Distribution of Development
- GD1 General Development Criteria

consultations

6. WVDC Legal: A covenant in respect of the wall was included in the transfer deed which stated as follows: - “the Transferees covenant with the transferor that they will within twelve months of the date of sale, erect a fence no higher than 1 metre high, to the satisfaction of the Transferor around the boundary marked A - B, C - D and D – A of the property on the attached plan and be responsible for its future maintenance”.
7. DCC Highways: No objections.
8. DCC Public Rights of Way: Response is that they have checked the Definitive Map and there are no public rights of way affected by this planning application. The path which the applicant refers to is an adopted footpath.

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 Crook. 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. It is considered that in spite of the covenant on the sale of the land restricting the height of the means of enclosure to 1 metre, it is only necessary to restrict the height of the wall in front of the property. It is reasonable to allow the applicant to erect a wall with fencing on top up to 2.077 metres high along the side of the rear garden to ensure adequate privacy and security.

visual impact

11. The proposed means of enclosure for the piece of land would be a wall ranging in height from 0.493 metres (in front of the house) to 2.077 metres. The section of wall adjacent to the rear garden would have a section of fencing built on top of the wall, reaching a maximum overall height of 2.077 metres. The walling and fencing would not be prominent in the street scene. 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. 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. The proposed means of enclosure would be adjacent to a public footway and not close to any properties therefore it 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 as amended by the Saved and Expired Policies September 2007.

highways

13. The highways 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. Two e-mails of objection have been received. They are summarised below:
 - a) Would block access for emergency services.
 - b) Would block access for vehicles to 43 Hamsterley Drive.
 - c) It is my understanding that a previous application to build on this site was rejected following a site visit when emergency access was identified as a problem.

response to objections

16. The following comments are made in response to the issues raised by the objectors:
 - a) No highways objection has been raised.
 - b) No highways objection has been raised.
 - c) No highways objection has been raised.

conclusion and reasons for approval

1. The site is within the defined settlement limits for Crook. 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 be prominent in the street scene nor detract from the appearance of 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.

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 condition and reason;

condition

1. The brickwork for the wall hereby approved shall closely match in colour and texture the brickwork on the existing house.
2. Within 12 months of the fencing being erected it shall be stained in accordance with details to be first submitted to and approved in writing by the local planning authority
3. Notwithstanding the provisions of Article 2 and Classes A, 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.

reason

1. 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 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 Saved and Expired Policies September 2007.
3. 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.

background information

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

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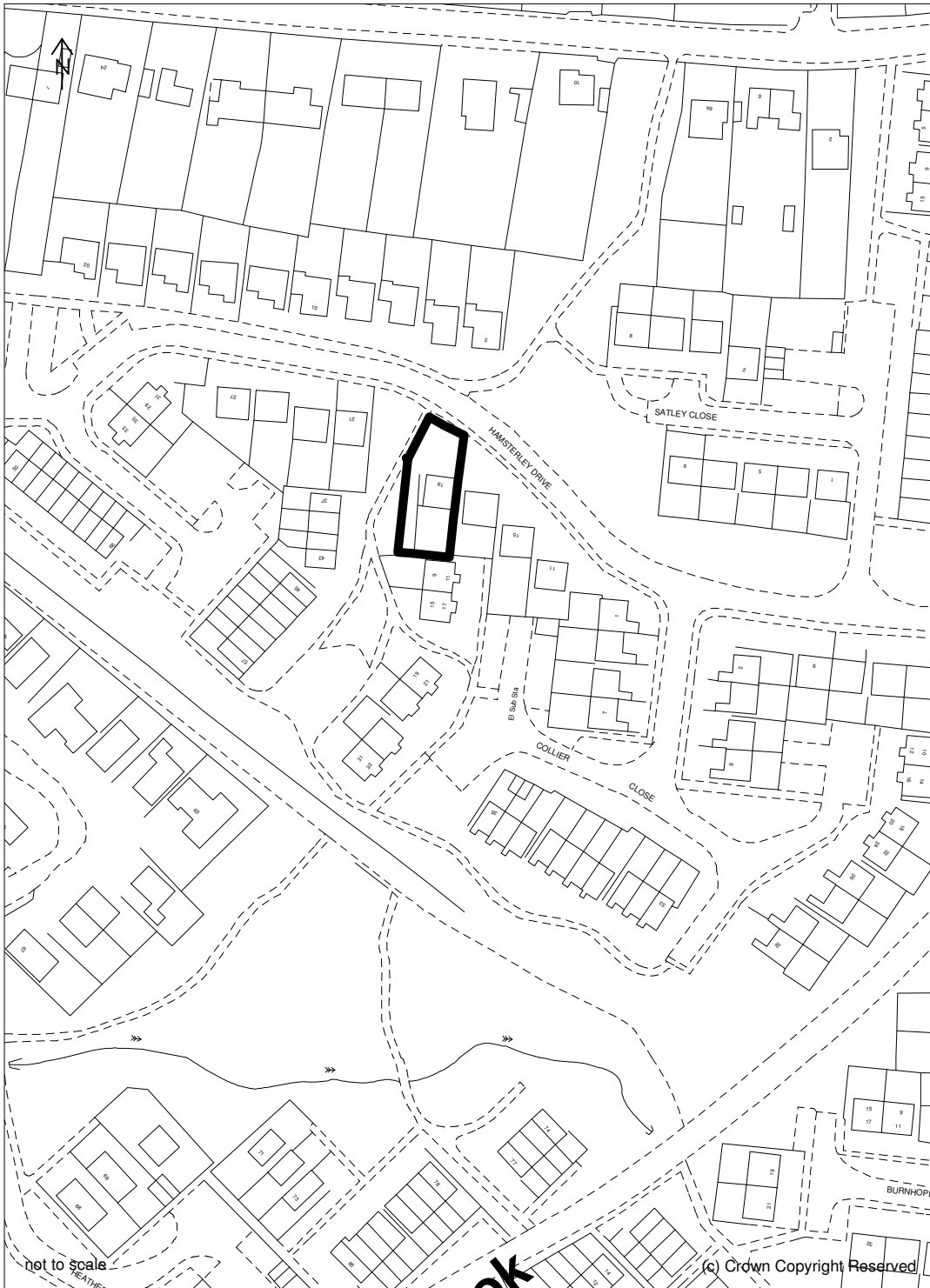
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Ext 264

Author of the report

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Ext 272

3/2008/0528 - CHANGE OF USE OF OPEN SPACE TO DOMESTIC CURTILAGE AND ERECTION OF WALL AT LAND ADJOINING 19 HAMSTERLEY DRIVE, CROOK FOR MR. SWINHOE - 20.08.2008



DEVELOPMENT CONTROL COMMITTEE

25th SEPTEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0373 - ERECTION OF 1 NO. TWO STOREY OFFICE UNIT, 7 NO. THREE STOREY OFFICE UNITS, 1 NO. FOUR STOREY OFFICE UNIT AND ASSOCIATED CAR PARKING AND LANDSCAPING AT FORMER B.B.H. WINDINGS LIMITED, SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR BOWESFIELD INVESTMENTS LIMITED – 28.06.2008 - AMENDED 19.09.2008

description of site and proposals

1. This application seeks planning permission for office development on the former BBH Windings site to the east of South Church Road in Bishop Auckland. The site is bounded to the south by an existing railway line, to the west by South Church Road, to the east by the River Gaunless and a cemetery, and to the north by Salisbury Place, a street of established residential properties.
2. The proposed development incorporates a mix of office blocks ranging from two storeys to four storeys. The proposed scheme provides a 'horse shoe' style layout with parking provided within the centre of the development. Parking would also be provided to the east of the site behind the office blocks. The existing access is to be utilised as the entrance into the office development. Alterations are proposed to improve the access.
3. In terms of its relationship with the Wear Valley District Local Plan, the application site is situated within the defined settlement limits of Bishop Auckland. The majority of the site has no allocation but was last used for industrial purposes. A small part of the south east corner of the site forms part of the Open Spaces within the Built-up Areas allocation (Policy BE14). The majority of the application site is previously-developed land. It is noted that the site excludes Bedford Lodge, a Grade II Listed Building. Bedford Lodge is currently in a derelict state which has been subject to vandalism and several fires.

planning history

4. The application site has been the subject of a Planning Inquiry following refusal of planning permission to use the site for retail purposes (Class A1) (ref: 3/2002/0413). The Planning Inspector dismissed the appeal. Other than the interest in the site for retail purposes, the following planning history is considered relevant to the consideration of this application:

- | | | |
|---------------|---|----------------------|
| • 3/2004/0601 | Outline Application for Residential Purposes | Approved 17.09.2004 |
| • 3/2007/0013 | Reserved Matters Application for 98 Residential Units | Withdrawn 27.03.2007 |
| • 3/2007/0277 | Reserved Matters Application for 88 Residential Units | Approved 02.07.2007 |
| • 3/2007/0668 | Application for 119 Residential Units | Approved 23.11.2007 |

planning policies

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

- GD1 General Development Criteria
- H3 Distribution of Development
- H24 Residential Design Criteria
- T1 Highways – General Policy
- BE4 Setting of a Listed Building
- BE14 Protected Open Space

Also of relevance: Regional Spatial Strategy (RSS), Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 22: Renewable Energy (PPS22), Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9).

consultations

6. WVDC (Environmental Health): There is potential for noise disturbance from the operation of plant used for the provision of services to the offices. The type of plant that may be installed includes air conditioning, heating systems and extraction fans. Careful consideration needs to be given to the selection and location of such plant to ensure the operation of it does not give rise to noise levels that will create disturbance to neighbouring residents. Both the mode of operation of the plant i.e. whether it operates continuously or on an intermittent basis and the frequency characteristics of the noise produced by the components of the plant are of considerable importance to the potential impact of the noise.

7. The impact of resultant noise from the operation of the plant can be minimised by locating noise producing plant away from the nearest residential properties and where it will be shielded. When specific types of plant have been selected for the purpose of the provision of services to the offices then an assessment needs to be undertaken of the potential impact of noise levels produced on the nearest residential property to the site. This can be achieved by initially establishing the existing background noise climate prevailing at the nearest residential property and then assessing the impact of noise from the operation of the plant on this. An assessment of the impact can be made using noise specification data from the supplier of the plant that is normally either a Sound Power Level (SWL) or a Sound Pressure Level (SPL) at a distance from the source. From this data a calculation can be made to determine a consequent noise level at the nearest residential property that can be used for comparison purposes with the prevailing background noise climate. Where it is found the noise produced by the operation of the plant is significantly above the existing prevailing background levels of noise then methods of attenuation of the noise need to be implemented to control and reduce the noise. Methods of selected attenuation together with evidence of the sound attenuation performance need to be submitted to demonstrate the noise can be reduced by such measures to an acceptable level. A level of not more than 3 dB(A) above the background is considered as inconsequential although it is noted a dominant tonal characteristic of the noise can increase annoyance. Therefore evidence also needs to be provided to show that the noise from the operation of plant is not characterised by a distinct tonal feature or characteristic.
8. A further issue that may arise from the use of the site as proposed is the potential for light spillage to occur and give rise to light nuisance to residents of neighbouring properties. Lighting may be used for security purposes including lights attached to the buildings themselves and on the perimeter of car parking areas. Both the design and selection of lighting needs to be considered and carefully undertaken to ensure spillage of light does not occur onto residential properties in close proximity to the site. For the design and selection of lighting reference should be made to the Institution of Lighting Engineers Guidance document. This document sets out, for planning purposes, acceptable levels of lighting falling onto residential properties. The light spillage from the design and location of selected lighting should be modelled to provide light levels at different distances from the source. This information should be provided for the purposes of demonstrating that any light spillage as a consequence of the lighting installed will be insignificant and inconsequential.
9. WVDC (Economic Development): Supports the application for office development. Redevelopment of this site would bring with it approximately 350 jobs once the project is fully complete.
10. Durham County Council (Highways Authority): The Highways Officer has verbally confirmed that there is no objections to the internal layout and parking provision. No objections to the access providing a condition is attached ensuring improvements to the access prior to development commencing.
11. Durham County Council (Ecologist): Detail is needed of how the trees will be dealt with and probably more survey work on the buildings. Natural England's response will be crucial.

12. Durham County Council (Design/Conservation): Full report on file. Comments summarised below.
13. The proposed layout of buildings and the scale, massing and design are generally acceptable. They respect the setting of the listed building and afford the opportunity for the restored Bedford Lodge to stand in splendid isolation as the focus of the development on entry. Whilst quality materials should be used throughout the site this is especially important in relation to the immediate spaces around the listed building. The use of appropriate hard surfaces and a planting scheme which reflects the age, style and quality of the building are important. Would welcome the opportunity to discuss with the wider project team how this can be achieved.
14. Overall this application provides the opportunity to enhance a poor quality site whilst facilitating the restoration of the listed building and delivering significant improvements to its surroundings.
15. Durham County Council (Landscape): Full report on file. Comments summarised below.
16. The proposed development appears appropriate for this site and is generally reasonably well screened by existing vegetation and landform from much of the surrounding area.
17. Durham County Council (Arboricultural Officer): No comments received.
18. Durham County Council (Public Rights of Way): Public Footpath 37 Bishop Auckland runs through the east of the site. It is expected the footpath will remain unaffected by any development or use of it to access the site. Informative recommended accordingly.
19. Durham County Council (Archaeologist): No objections subject to the imposition of conditions. These conditions are recommended accordingly.
20. Durham County Council (Planning Policy): No comments received.
21. Bishop Auckland Town Council: No objections.
22. Georgian Group: Questioned whether the listed building was included within the application.
23. CABE: Declined to comment on the scheme.
24. Ancient Woodland: No comments received.
25. Durham Bat Group: Concerns that the assessments of the bats in the report are made entirely by looking at the buildings and trees and there has been no attempt to observe bat use of the site or bat emergence from the building.
26. Open Space Society: No comments received.
27. Northumbrian Water: No objection subject to the imposition of a condition. The condition is recommended accordingly.

28. Environment Agency: No objections subject to a number of conditions. These conditions are recommended accordingly.
29. One North East: No comments received.
30. Natural England: Based on an assessment of the documentation submitted, Natural England advises that the Local Planning Authority, as the competent authority, should secure relevant measures to conserve protected species by way of conditions, where mitigation or enhancement is proposed. If the author of the above named report has determined that mitigation is not required, an informative should be attached.
31. Rail Network: No comments received.
32. Architectural Liaison Officer Police: Recommendations are made with regards to safety and security issues.
33. North East Assembly: Full report on file. Comments summarised below.
34. The development of offices in Bishop Auckland is in general conformity with the locational strategy and sequential approach for development. However, given that the site is located on the edge of the town centre, the Council should be satisfied that there are no more sequentially preferable sites available which could accommodate the development proposals. The NEA has raised a number of other issues, which if addressed would improve the overall conformity of the application with regional planning policy.
35. Bishop Auckland Chamber of Trade: No comments received.
36. Bishop Town Centre Manager: No comments received.

officer analysis

37. The key issues for consideration are:
 - Principle of Development
 - Design and Impact on Surrounding Area
 - Impact on Residential Amenity
 - Access, Layout and Parking Provision
 - Protected Open space
 - Impact upon Protected Species
 - Listed Building
 - Sustainability and Renewable Energy

principle of development

38. The proposal is for the development of an office scheme on brownfield land situated within Bishop Auckland. The site would be classed as an edge of town centre development, however the site is close to the town centre of Bishop Auckland with good transport links and public access routes.

39. Bishop Auckland is identified in the RSS as one of the regeneration towns. The development proposal is supported in this location by RSS policy 10, which supports the development and regeneration of Bishop Auckland as a focal point for local employment opportunities. Development in this location is also consistent with the sequential approach set out in RSS policy 4. As the site is classed as a previously developed site in an urban area, it falls into the first category of the sequential approach to site selection. Policy 12 states that economic development proposals should prioritise the renewal and reuse of previously developed land and buildings, particularly within town and city centres and established industrial and commercial estates.
40. The proposal is closely related to the town centre of Bishop Auckland, but it is not within the town centre boundary. Policy 19 of RSS states that town centres will be the preferred location for major office development which is not ancillary to other uses. Proposals for this form of office development, other than those already allocated in existing adopted development plans, will only be approved at Key Employment Locations. As the proposal is within the definition of major development (more than 1000sqm of non-residential floorspace), it presents some conflict with this policy. The agent for the application has provided information with regards to a sequential approach and it has been concluded that there are no preferable sites within the Crook and Bishop Auckland area. It is noted that there are certainly no sites of this particular size within the town centre of Bishop Auckland. It is considered that the sequential approach is adequate, and that there are no alternative sites in more sustainable locations which could accommodate the development proposal. The proposal is in general conformity with RSS policy 19.
41. Given the above it is considered that the proposed office development is acceptable in principle. The Council's Economic Development Officer has stated that the development of this site for office use would attract approximately 350 new jobs to the area. The proposal is in accordance with policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and does not conflict with the aims of Policies 4, 10, 12 and 19 of the Regional Spatial Strategy.

design and impact on surrounding area

42. The proposed office blocks are to be positioned around the boundaries of the application site in a 'horse shoe' layout. It is generally considered that the layout, the massing and the design of the buildings are acceptable. Amendments have been sought to reduce the height of the office block on the west boundary and the office block to the east of Bedford Lodge. The roof and window details of the office blocks have been amended to show a visually attractive frontage both within the site itself and externally to the surrounding area.
43. The existing residential properties in the area are mainly of a two storey design. Whilst it is accepted that the office buildings would be large, it is considered that they would not appear intrusive within the surrounding streetscape, given that the largest office blocks would be situated well within the site away from the main highway (South Church Road).

44. It is noted that there is a mix of different premises within the area, with residential properties to the north, south and south west, the Asda building to the west and other commercial buildings to the north west. The proposed style of the office blocks offers an interesting outlook which would give an attractive and unique appearance to the surrounding area.
45. Given the above, it is considered that the proposed development in terms of design and visual impact would not have an adverse impact on the visual amenity of the surrounding street scene. The proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

impact on residential amenity

46. There are existing properties to the north of the proposed development. The layout has been designed to respect the privacy and outlook of existing and future occupiers. The minimum separation requirements set out in policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 have been met with regards to neighbouring properties.
47. The Environmental Health Section have raised issues with regards to the effect plant machinery and lighting can have on the occupiers of nearby properties. It is important to ensure the residential amenities of existing properties are not compromised, therefore it is essential that plant machinery and lighting would be positioned in the correct location and to the correct specification to ensure residential amenity is not adversely affected. Conditions are recommended accordingly.
48. The proposed development would not have an adverse impact on the residential amenities of the occupiers of existing neighbouring properties. The proposed development does not conflict with the aims of policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

access, layout and parking provision

49. The Durham County Council Highways Officer has raised no objections to the internal arrangements, including the layout and the parking provision. A separate plan has been produced showing improvements to the existing access. These improvements show a protected right turn into the site and the provision of a footway link. A condition is recommended ensuring these access alterations are made prior to the development of the site. The proposal is considered acceptable in relation to policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

protected open space

50. It is noted that the south east corner of the application site is allocated as Open Spaces within Built-up Areas. Policy BE14 states that open spaces which contribute to the character and amenity of the area will be protected against development. The proposed scheme would not involve development on any of the land allocated as open space within built-up areas. The proposal is not contrary to policy BE14 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

impact upon protected species

51. An ecology report has been provided which examines the impact on bats and it concludes that there is a low risk of bats within the building with a medium risk of bats in the trees. A methodology statement is proposed for dealing with the presence of bats during building works. Natural England have responded advising that the Local Planning Authority should secure relevant measures to conserve protected species by way of conditions, where mitigation or enhancement is proposed. A condition is recommended for the methodology statement to be adhered to. It is considered that the proposal would not be contrary to guidance contained within PPS9.

listed building

52. It is noted that Bedford Lodge, a Grade II Listed building, is situated amongst the proposed development. The listed building is not included within this application. There is no requirement for the listed building to be incorporated within a scheme. The proposed development has to be determined in its current form and on its own merits. It is considered that the proposed development would not adversely impact on the setting of the listed building. The proposal is not contrary to policy BE4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

sustainability and renewable energy

53. PPS1, including the Climate Change Supplement and PPS22, all place an emphasis on achieving sustainable development. Climate change is high on the agenda and the Government's recent Energy White Paper has given a statutory requirement to reduce carbon emissions and promote renewable energy and energy efficiency measures in new development. The Government now expects local authorities to implement prescriptive 'Merton Rule' policies to achieve targets ranging from 10% to 30% for on-site renewable energy production. This has been reflected in policies 39 and 40 of the Regional Spatial Strategy (RSS) which requires all major developments to achieve at least 10% of energy supply from renewable resources. This can be through a number of options appropriate to the site.

54. A condition is therefore considered to be appropriate in this case to require details to demonstrate how energy efficiency is being addressed and show the on-site measures to produce a minimum of 10% of the total energy requirements of the development by renewable energy sources. This would be in accordance with policies 39 and 40 of the Regional Spatial Strategy (RSS), and fully consistent with the key planning objectives of PPS1 and the Climate Change Supplement and PPS22.

objections/observations

55. The occupiers of the surrounding properties have been notified in writing and a site notice was posted close to the site. The application has also been advertised in the local press.
56. One letter of observation has been received. The contents of this letter is summarised below:
- a) Is Bedford Lodge included within this application? The Lodge is a listed building which is in a poor state of repair and it is expected any development on this site would address the problem.

response to objections

57. The following point is in response to the issue raised above:
- a) Bedford Lodge is not included within this application. The concerns are noted however as described in the officer analysis, the proposal which has been submitted has to be determined on its own merits. The applicant does not have to include Bedford Lodge within the scheme.

conclusion and reasons for approval

1. The proposed office scheme is considered sequentially preferable as it is the development of a brownfield site and no other sites of this size are available within Bishop Auckland town centre. The application site is located within the settlement limits to development for Bishop Auckland. The proposed development would attract approximately 350 new jobs to the District. The proposal is acceptable in principle and in accordance with policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and does not conflict with the aims of Policies 4, 10, 12 and 19 of the Regional Spatial Strategy.
2. The proposed layout of buildings and the scale, massing and design are generally acceptable. The application provides the opportunity to enhance a poor quality site while delivering significant improvements to the surrounding area. The proposal is considered acceptable and in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

3. Due to the position of the office blocks, it is considered that the proposed development would not have an adverse impact on the residential amenities of the occupiers of existing neighbouring properties. The proposed development does not conflict with the aims of policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. The proposed improvements to the access to the site are considered acceptable and would ensure that vehicles entering and exiting the site would do so safely. Durham County Council Highways Officer has not objected to the proposed internal layout and parking provision for the site. The proposed scheme would not have an adverse impact on highway safety. The proposal is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
5. The proposed scheme would not involve development on any of the land allocated as open space within built-up areas. The proposal is not contrary to policy BE14 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. An ecology report has been provided which examines the impact on bats and it concludes that there is a low risk of bats within the building with a medium risk of bats in the trees. Natural England have not objected to the ecology report submitted. It is considered that the proposal would not be contrary to guidance contained within PPS9.
7. The listed building Bedford Lodge is not included within this application. The proposed development has to be determined in its current form and on its own merits. It is considered that the proposed development would not adversely impact on the setting of the listed building. The proposal is not contrary to policy BE4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

RECOMMENDED

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

conditions

1. 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. Development shall be carried out in accordance with the approved details.
2. 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 buildings shall not be occupied until that work has been carried out in accordance with the approved details.

3. Before the development hereby approved is commenced wheel washing equipment shall be provided at all egress points. The equipment installed shall be of the grid type to ensure that once the bottom of the vehicle is cleansed of mud, etc. this mud, etc. 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.
4. At no time whatsoever shall any waste material, goods, merchandise or any article of any description be burnt on the site.
5. No construction activities shall be carried out on the site outside the hours of 07.30 a.m. and 19.30 p.m. on Mondays to Fridays and outside the hours of 08.00 a.m. and 13.00 p.m. on Sundays and Bank Holidays.
6. Before the commencement of any other parts of the development hereby approved, the proposed vehicular access to the highway shall be constructed in accordance with the details shown on Capita Symonds drawing No. 700-140307 Revision: Rev O.
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.
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. All trees on the north boundary, under Tree Preservation Orders, shall be protected for the duration of construction operations by appropriate protective fencing minimum of 1 metre in height. Protection to trees shall be positioned around the crown spread to prevent any access, disturbance or contamination within the rooting zone.
10. Before the development hereby approved is commenced a management scheme for the trees on the site shall be submitted to and approved in writing by the local planning authority, which scheme shall be prepared by an arboriculturist and shall:
 - (i) give details of the size, spread of crown and general condition of each tree;
 - (ii) specify the proposed measures to be taken for each tree; and
 - (iii) indicate when these measures are to be implemented.

The management scheme shall be carried out in accordance with the agreed details.

11. Prior to the discharge 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 interceptor.
12. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the local planning authority. Such a scheme shall be implemented before the construction of impermeable surfaces draining to this system unless otherwise agreed in writing by the local planning authority.
13. The maximum surface water discharge from the site must be attenuated to 57 litres per second.
14. Development shall not commence until a scheme to deal with contamination, which shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, the buildings and the environment when the site is developed, has been implemented and a verification statement produced by a suitably qualified person has been submitted to the local planning authority.
15. No ground works shall take place until an archaeological mitigation strategy, has been submitted to, and approved in writing, by the local planning authority. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within one year of the date of completion of the scheme hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.
16. No development shall take place unless in accordance with the method statement detailed within Appendix 1 and 2 of the 'An Extended Phase 1 and Protected Species Survey of the Former BBH Windings, Bishop Auckland' – E3 Ecology Limited.
17. Before the buildings hereby approved are brought into use details of a scheme to attenuate noise emissions shall be submitted to and approved in writing by the local planning authority and the scheme shall be implemented in accordance with the approved details. Thereafter the apparatus shall be retained and maintained in good working order at all times to ensure effective attenuation of noise emissions.
18. Before the development hereby approved is commenced details of the lighting installation, including the type, dimensions and locations of fittings, cable routes and associated electrical equipment shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved details before it is brought into use.

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 use of the buildings hereby approved and retained in perpetuity.

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 Saved and Expired Policies September 2007.
2. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. 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.
4. In order 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.
5. 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 Saved and Expired Policies September 2007.
6. In the interest of highway safety. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. To enable the local planning authority to retain control over the landscaping of the site to secure a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
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. To ensure that the Tree Preservation Order trees are appropriately protected from damage by the building works. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

10. To ensure the continued existence of this attractive area of woodland; in the interests of safeguarding the appearance of the area. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
11. To prevent pollution of the water environment. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
12. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
13. To prevent any increase in flood risk downstream. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
14. To protect the environment and to ensure the remediated site is reclaimed to an appropriate standard. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
15. The site is in an area of high archaeological potential. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
16. To conserve protected species and their habitat. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
17. In the interests of protecting the amenities of the surrounding residents. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
18. In the interests of protecting the amenities of the surrounding residents. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
19. In order to contribute to the Government overarching ambition of achieving zero carbon development. In accordance with Policy 39 of the RSS.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007, Regional Spatial Strategy, PPS1, PPS9 and PPS22.

PS code	<input type="text" value="8"/>		
number of days to Committee	<input type="text" value="89"/>	target achieved	<input checked="" type="checkbox"/>
explanation			

Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

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Ext 441

3/2008/0373 - ERECTION OF 1 NO. TWO STOREY OFFICE UNIT, 7 NO. THREE STOREY OFFICE UNITS, 1 NO. FOUR STOREY OFFICE UNIT AND ASSOCIATED CAR PARKING AND LANDSCAPING AT FORMER B.B.H. WINDINGS LIMITED, SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR BOWSFIELD INVESTMENTS LIMITED – 28.06.2008 - AMENDED 19.09.2008

