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Gary Ridley Acting Chief Executive

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15<sup>th</sup> October 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 23<sup>rd</sup> OCTOBER 2008** at **6.00 P.M.**

### AGENDA

	Page No.
1. Apologies for absence	
2. To consider the minutes of the meetings of the Committee held on 7 <sup>th</sup> August, 28 <sup>th</sup> August and 25 <sup>th</sup> September 2008 (to follow) as true records.	Copies attached
3. To consider development control application 3/2008/0534 – Amendment to approval no 3/2007/0508 – move position of access at Tow Law recreation facility, Ironworks Road, Tow Law for Tow Law Community Partnership.	1 - 5
4. To consider development control application 3/2008/0406 – Detached dwelling and garage at land north east of 1 West Road, Willington for Star Investment Properties.	6 - 14
5. To consider development control application 3/2008/0479 – Retention of part of the existing decking to create a 0.9 metre wide path to the side and a 1.3 metre wide path to the rear of the house at 45 Uplands Close, Crook for Mr. Carr.	15 - 19
6. To consider development control application 3/2008/0590 – Rear sun room and front garage extension at 3 Balmoral Grove, Bishop Auckland for Mr. Yorke.	20 - 24
7. To consider development control application TPO/2008/0014 – Prune and remove deadwood – two oak trees at land adjacent to Collier Close, Crook for Wear Valley District Council.	25 - 28
8. To consider development control application 3/2008/0456 – Erection of new community fire station – reserved matters	29 - 36

pursuant to outline planning permission 3/2005/0807 at Bishop Auckland Community Fire Station, Fylands Drive, Bishop Auckland for Collaborative Services Support and North East Fire and Rescue.

9. To consider development control application 3/2008/0427 – 37 - 43  
Change of use to form 1 no. shop and house into two dwellings, two conservatories and a proposed garage at 17 High Street, Tow Law for Mr. Swatton.
10. To receive for information appeal decision 3/2007/0644 – Two 44 - 46  
storey extension to side at 6 Hazel Grove, Bishop Auckland for E. Taylor.
11. To consider the present position in respect of the District Council 47 - 49  
of Wear Valley, Heather Lane, Crook, Public Path Stopping Up Order 2008.
- 12 To consider such other items of business which, by reason of  
special circumstances so specified the Chairman of the meeting is  
of the opinion should be considered as a matter of urgency.

Yours faithfully



**Acting Chief Executive**

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

Chair: Councillor Grogan

Deputy Chair: Councillor Mrs Jopling

Please note that the above membership of this Committee is subject to change further to the Council Meeting 15<sup>th</sup> October 2008.

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

DEVELOPMENT CONTROL COMMITTEE

23<sup>RD</sup> OCTOBER 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0534 - AMENDMENT TO APPROVAL NO 3/2007/0508 - MOVE POSITION OF ACCESS AT TOW LAW RECREATION FACILITY, IRONWORKS ROAD, TOW LAW FOR TOW LAW COMMUNITY PARTNERSHIP - 29.08.2008**

**description of site and proposals**

1. This application has been reported to Committee as the application site is owned by the Council. Members will recall that an extension to the recreational facility was approved by the Development Control Committee on 15<sup>th</sup> May 2008.
2. The amended scheme proposes that the entrance to the building would be in the eastern elevation instead of the northern elevation as approved in application 3/2008/0508, and seeks the creation of a 1 in 30 disabled access ramp measuring 6 metres in length. These are the only alterations to the scheme.
3. The proposed extension would measure 9.5 metres in width, 5 metres in length and 5.4 metres to the highest point. The proposed extension would create a larger internal exercise area, and would increase the footprint of the building from 144 sq. metres to approximately 191 sq. metres. The plans indicate that the extension would be constructed from materials which would match the host building, with the windows having steel security shutters and the emergency exit would have a steel door and frame.
4. The application site consists of a sports facility located just off Naismith Grove. The site is a well established leisure unit which contains two five-a-side football pitches and a full size football pitch to the south. To the north of the application site are a collection of new dwellings which form Naismith Mews which are located approximately 16 metres away.

**planning history**

5. The following planning history is considered relevant to this planning application:
  - 3/1996/0140 Soccer Pitch, Sports Court, Pavilion, Car Park and Floodlighting Approved 20.03.1996

### **planning policies**

6. The following policies of the Wear Valley District Local Plan (WVDLP) as amended by the Saved and Expired Policies September 2007 are relevant in the consideration of this application:
- GD1 General Development Criteria
  - RL1 Recreation- New Provision (General Policy)

### **consultations**

7. CDE&TS (Highways): No objection.

### **officer analysis**

8. The key issues for consideration are:

- Design/Effect on Open Space
- Residential Amenity

design/effect on open space

9. It is considered that the design of the proposed extension would be in keeping with the host building in terms of design, scale, mass and materials. It is considered that the new exercise area would complement the existing facilities and would broaden the range of activities available to users of the centre. The proposed extension would not result in the loss of open space, and would not conflict with adjoining uses. 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.

residential amenity

10. It is noted that the extension would be within 16 metres of the dwellings located on Naismith Mews to the north. However, as a result of the amendments, there would be no openings in the north elevation of the extension. As such it is considered that the proposal would not result in any loss of privacy to the occupiers of these dwellings. Due to the position of the proposed extension, occupiers of neighbouring dwellings would not be unduly affected in terms of any overbearing or overshadowing impacts as a result of the proposal. 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.

### **objections/observations**

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

## conclusion and reasons for approval

1. 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 as it;
  1. Would be in keeping with the host building in terms of design, scale, mass and materials.
  2. Would not result in the loss of open space, and would not conflict with adjoining uses.
  3. Would not result in any loss of amenities to the occupiers of neighbouring dwellings.

## RECOMMENDED

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

### conditions

1. The external surfaces of the extension hereby approved shall be formed using materials which closely match in colour and texture those used on the existing building on which the extension will form part.
2. Before the development hereby approved is commenced details of the colour treatment of the security shutters and new door shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

### reasons

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 the Saved and Expired Policies September 2007.
2. To achieve a satisfactory and acceptable 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.

### background information

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

PS code

18

number of days to Committee

57

target achieved

No

explanation Next available Committee

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**Officer responsible for the report**

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

**Author of the report**

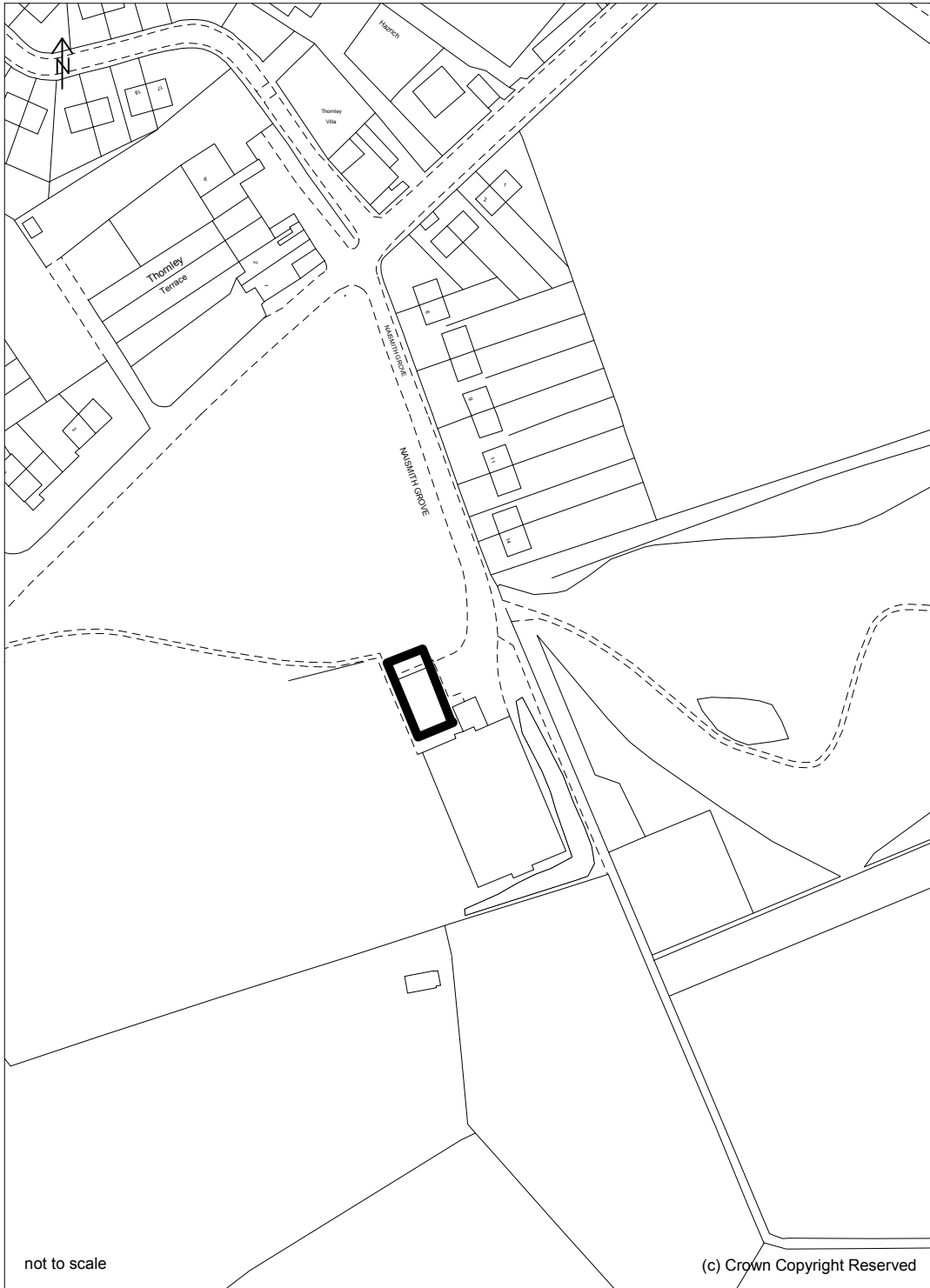
Adam Williamson

Planning Officer

Ext 495

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**3/2008/0534 - AMENDMENT TO APPROVAL NO 3/2007/0508 - MOVE POSITION OF ACCESS AT TOW LAW RECREATION FACILITY, IRONWORKS ROAD, TOW LAW FOR TOW LAW COMMUNITY PARTNERSHIP - 29.08.2008**



**DEVELOPMENT CONTROL COMMITTEE**

**23<sup>RD</sup> OCTOBER 2008**

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0406 - DETACHED DWELLING AND GARAGE AT LAND NORTH EAST OF 1 WEST ROAD, WILLINGTON FOR STAR INVESTMENT PROPERTIES - 05.07.2008 - AMENDED 17.09.2008**

**description of site and proposals**

1. Planning permission is requested for reserved matters approval for 1 dwelling on land north east of 1 West Road, Willington. Members may recall that outline planning consent was granted on the site by the Development Control Committee on 12<sup>th</sup> October 2007.
2. The proposed dwelling would measure 13 metres in length, 7.6 metres in width, 5.5 metres to the eaves, and 8.5 metres to the highest point. The dwelling would have a footprint of approximately 98 square metres. The dwelling would have a detached garage located to the northeastern corner of the site, and would measure 5.5 metres in length, 3.2 metres in width, and 4 metres to the highest point.
3. The submitted Design and Access Statement indicates that the dwelling would be constructed from brick with a grey tiled roof. The Design and Access Statement also indicates that stone heads and cills would be used on door and window openings. Access would be taken from the southern end of the site.
4. The application site consists of the rear garden of 1 West Road, Willington. The rear garden of the property measures approximately 40 metres in length by 15 metres in width. The host dwelling has a conservatory to the rear and a detached garage to the eastern boundary. To the east of the application site is Carville Terrace, which is located approximately 10 metres from the eastern-most boundary of the application site. To the west of the site is open agricultural land. To the northern end of the site is a TPO protected tree.

**planning history**

5. The following planning history is considered relevant to the consideration of this application.
  - 3/2007/0378      Erection of One Dwelling (outline)    Withdrawn 18.06.2007
  - 3/2007/0595      Erection of One Dwelling (outline)    Approved 12.10.2007



## planning policies

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

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

Also relevant are: Planning Policy Statement 3: Housing, and the North East Regional Spatial Strategy, Tree Preservation Orders: A Guide to Law and Good Practice, County Durham Local Transport Plan 2: 2006-2011.

## consultations

7. Northumbrian Water: No objection.
8. CDE&TS (Highways): No objection subject to *“The proposed dwelling must be served by a new vehicular access. The access must be constructed in accordance with Section 184(3) of the Highways Act 1980. Please advise the applicant of the need to contact the Durham County Council Southern Area Office, Etherley Lane, Bishop Auckland, (01388) 602028 to agree access construction details.”*
9. County Arboricultural Officer: A tree constraints plan is required to be submitted with this application if tree No. 2 is to be protected with a Tree Preservation Order in accordance with BS5837 trees in relation to construction recommendations.
10. All Arboricultural work to be carried out in accordance with BS3998 recommendations.
11. The Electricity Board will require to be notified prior to beginning work on this site.
12. NHBC recommendations require to be adhered to with regard to foundation depth and design.

## officer analysis

13. The key issues for consideration are:
- Principle of Development
  - Design
  - Impact on neighbouring properties
  - Residential Amenity
  - Highways Issues
  - Impact on Protected Tree

principle of development

14. The principle of residential development on the site has been established through the granting of outline planning permission for the erection of one dwelling, ref 3/2007/0595. The site lies wholly within the development limits for Willington and is a brownfield site as identified in PPS3: Housing. The site is classified as a Priority 1 site as identified under policies 4 and 6 of the Regional Spatial Strategy. The proposal accords with policies GD1 and H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

design

15. The proposed dwelling is of a high quality modern design, with two bay windows to the front elevation, and would be constructed from brick with stone cills and lintels. Whilst it is considered that the design of the proposed dwelling is significantly different from the design of surrounding dwellings, it would not have a detrimental impact on the street scene nor upon the character of the surrounding area. As such it is considered that the proposal accords with guidance contained within policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

impact on neighbouring properties

16. The proposed dwelling would be positioned approximately 18 metres from the front elevations of Nos. 5- 11 Carville Terrace. This distance is under the 21 metres window to window distance set out in policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. However the submitted layout shows that the proposed dwelling would be in line with the semi-detached dwellings to the north of the application site, and as such this window to window distance is in keeping with the character and layout of the surrounding area.
17. The submitted plans indicate that there would be no windows inserted to the northern or southern elevations, and as such the occupiers of 1 Carville Terrace and 1 West Road would not suffer any loss of privacy as a result of this proposal. To the rear of the site is open agricultural land.
18. Therefore, it is considered that the proposal has been sensitively designed and would not undermine guidance contained within policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 in terms of impact on neighbouring dwellings.

residential amenity

19. The application site consists of part of the rear garden of 1 West Road. A rear garden measuring approximately 12 metres in length would be retained for 1 West Road. A garden length of approximately 11.5 metres would be provided to serve the proposed dwelling. The plans show that the proposed dwelling would have a garden measuring approximately 86 square metres in area to the north of the site. This garden would be enclosed by a 1.8 metre high timber fence ensuring the amenity space would be private. As such it is

considered that the proposal would provide sufficient amenity space in accordance with policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

#### highways issues

20. The proposed dwelling would be set back from the highway by approximately 6.4 metres, providing space to park 3 cars in front of the property. The proposed dwelling would also have a detached garage. The County Durham Local Transport Plan 2 states that new residential development average on site parking provision should not exceed 1.5 spaces per dwelling unit. However, given the difficulties at present in respect of on street parking in the area, it is considered that the over provision of car parking for this development would be acceptable, as it would reduce on street parking pressure that may be caused by the erection of an additional dwelling. As such it is considered that sufficient off street car parking would be provided to serve the development. The County Highways Engineer has been consulted and has not raised an objection to the proposal providing that "*The proposed dwelling must be served by a new vehicular access. The access must be constructed in accordance with Section 184(3) of the Highways Act 1980.*" As such the proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

#### impact on protected tree

21. The County Arboricultural Officer has been re-consulted the amended plans. At the time of writing this report, no response has been received. Any response received before Committee will be reported.

#### **objections/observations**

22. Occupiers of surrounding properties have been notified in writing and a site notice has also been posted.
23. Six letters of objection have been received, the details of which are set out below;
  - a) Obstruction of privacy. The new property should be 21 metres from any properties in front of it. Looking at the plans, the proposed development is only 18 metres.
  - b) The proposed site has at least 6 established trees which may have to be felled to accommodate the new building.
  - c) Dust and dirt from the site during the period of construction.
  - d) Risk to vehicles from builders' deliveries to the site and contractors working on the site.
  - e) Contractors using up already restrictive parking in the area.

## **response to objections**

24. In response to the issues raised, the following comments are made:
- a) It is noted that the proposed window to window distances fall short of the 21 metres set out in policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. This is a guideline figure. The submitted layout shows that the proposed dwelling would be in line with the semi-detached dwellings to the north of the application site, and as such this window to window distance is in keeping with the character and layout of the surrounding area. It is considered that the proposal would not undermine the objectives of policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
  - b) The County Arboricultural Officer has been consulted and recommended that a TPO be attached to tree No. 2.
  - c) Not a material planning consideration.
  - d) Any damage caused would be a civil matter.
  - e) Not a material planning consideration.

## **conclusion and reasons for approval**

1. The principle of residential development on the site has already been established by the granting of outline planning consent. The site lies wholly within the development limits for Willington and is a brownfield site. The site is classified as a Priority 1 site as identified under policies 4 and 6 of the Regional Spatial Strategy. The proposal accords with policies GD1 and H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. Whilst it is considered that the design of the proposed dwelling is significantly different from the design of surrounding dwellings, it would not have a detrimental impact on the street scene or upon the character of the surrounding area. As such it is considered that the proposal accords with guidance contained within policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. It is noted that the proposal does not meet the 21 metres window to window distance as set out in policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. However, the submitted layout shows that the proposed dwelling would be in line with the semi-detached dwellings to the north of the application site, and as such this window to window distance is in keeping with the character and layout of the surrounding area. It is considered that the proposal would not undermine the objectives of policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. 1 West Road would retain a rear garden depth of approximately 12 metres and the proposed dwelling would have a garden area of approximately 86 square metres. The proposal would have sufficient useable private amenity space in accordance with policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

5. The proposed development would be served by a detached garage, along with a driveway capable of accommodating 3 vehicles. As such it is considered that sufficient off street car parking would be provided to serve the development, in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## **RECOMMENDED**

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

1. Before the development hereby approved is commenced samples of all materials to be used in the construction of the external surfaces of the buildings shall be submitted to and approved in writing by the local planning authority, and the external surfaces shall be constructed in accordance with the approved details.
2. Before the development hereby approved is commenced details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the local planning authority, and the development shall be carried out in accordance with the approved details.
3. 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 building hereby approved is commenced.
4. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F and G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended 2008 et seq none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.
5. Development shall not begin until details of existing and proposed site levels and the finished floor levels of the proposed dwelling and those of existing neighbouring dwelling houses have been submitted to and approved in writing by the local planning authority: and the works shall be completed in accordance with the approved details.
6. No construction activities shall be carried out on the site on any Sunday or Bank Holiday or outside the hours of 8.00 a.m. and 6.00 p.m. on any other day.
7. All trees and shrubs to be retained on site (as shown on drawing number 1) shall be protected for the duration of construction operations by appropriate protective fencing minimum 1 metre height. Protection to trees should be positioned around the crown spread to prevent any access, disturbance or contamination within the rooting zone.

## **reasons**

1. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. To 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.
3. 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.
4. The local planning authority wishes to control future development to ensure the site is not overdeveloped and in order to safeguard residential amenities and the protected tree. 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 that the existing ground conditions are protected from undue disturbance and to safeguard the occupiers of existing neighbouring dwellings from loss of privacy or other residential amenities arising from the construction of the new dwelling at a higher level without adequate separation. In accordance with policies GD1 and H24 of the Wear valley District Local Plan as amended by the Saved and Expired Policies September 2007.
6. To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
7. To ensure that the trees to be retained are appropriately protected from damage by the engineering or building operations. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## **informative**

The proposed dwelling must be served by a new vehicular access. The access must be constructed in accordance with Section 184(3) of the Highways Act 1980. Please advise the applicant of the need to contact the Durham County Council Southern Area Office, Etherley Lane, Bishop Auckland, (01388) 602028 to agree access construction details

## **background information**

Application files, WVDLP as amended by the Saved and Expired Policies September 2007, Planning Policy Statement 3: Housing, and the North East Regional Spatial Strategy, Tree Preservation Orders: A Guide to Law and Good Practice, County Durham Local Transport Plan 2: 2006- 2011

**PS code**

13

**number of days to Committee**

110

**target achieved**

No

**explanation** Scheme has been amended in response to TPO on site.

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**Officer responsible for the report**

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

**Author of the report**

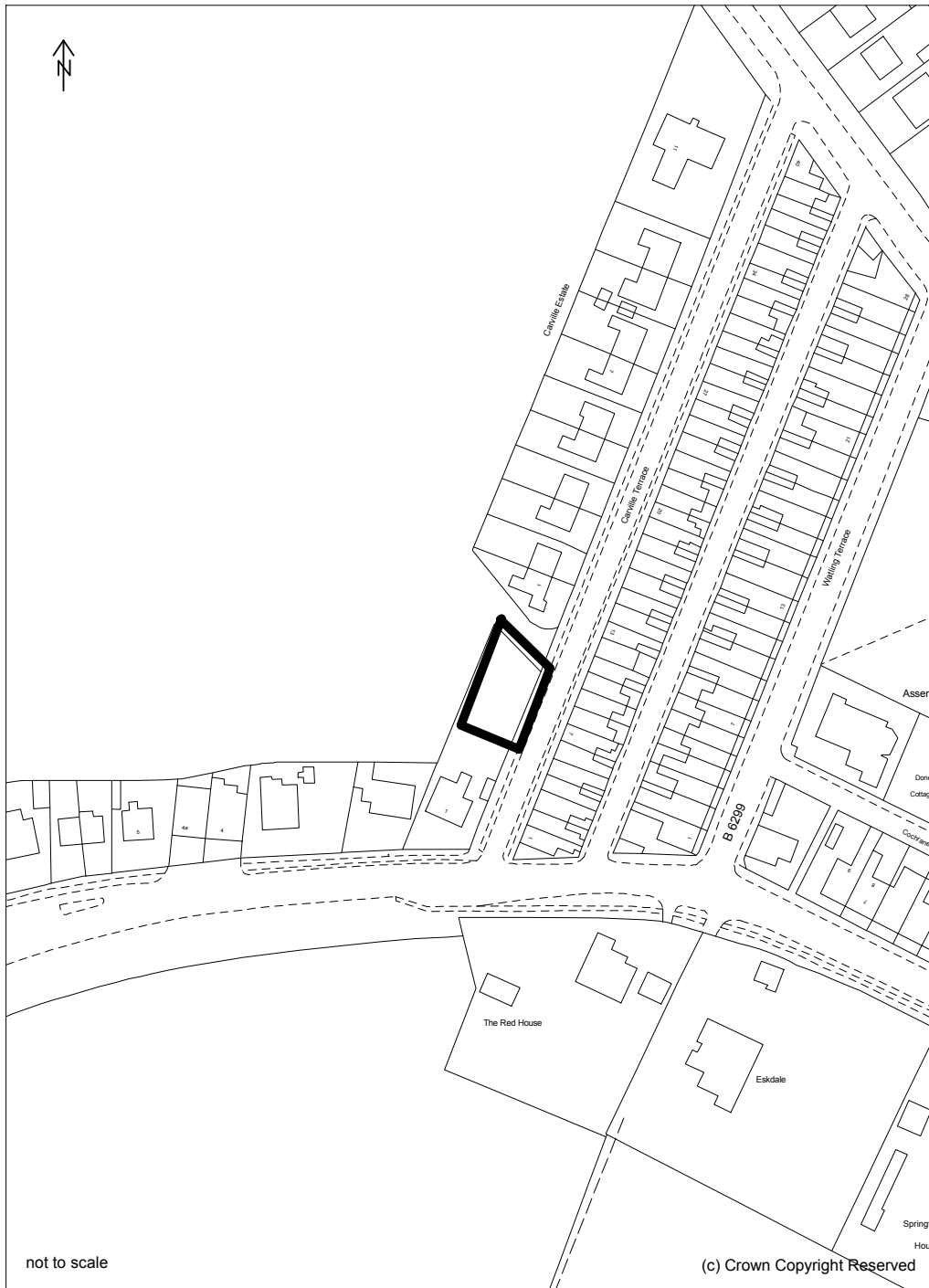
Adam Williamson

Planning Officer

Ext 495

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**3/2008/0406 - DETACHED DWELLING AND GARAGE AT LAND NORTH EAST OF 1 WEST ROAD, WILLINGTON FOR STAR INVESTMENT PROPERTIES - 05.07.2008 - AMENDED 17.09.2008**





DEVELOPMENT CONTROL COMMITTEE

23<sup>rd</sup> OCTOBER 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0479 – RETENTION OF PART OF THE EXISTING DECKING TO CREATE A 0.9 METRE WIDE PATH TO THE SIDE AND A 1.3 METRE WIDE PATH TO THE REAR OF THE HOUSE AT 45 UPLANDS CLOSE, CROOK FOR MR. CARR 18.07.2008 – AMENDED 19.09.2008**

**description of site and proposals**

1. Planning permission is sought for the retention of part of the decking at 45 Uplands Close, Crook. The decking measures 7.2 metres long along the side of the house and 2.15 metres long at the rear of the house. The decking forms a 0.9 metre wide pathway to the side of the house and a 1.3 metre wide pathway to the rear of the house. There would be a 0.9 metre high handrail affixed to the outer edge of the decking. Before the erection of the decking there was a 0.8 metre wide 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 following 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 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**

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 amended plans, reducing the decking to a pathway at the side and rear of the house, remove the potential of the decking to be used as a seating area. It is therefore considered that the decking would not be detrimental to the privacy and amenity of the occupiers of neighbouring properties in accordance with 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. A 0.9 metre high wooden spindle handrail would be 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. Due to the reduced scale and mass of the decking and the removal of the steps to the lower garden it is no longer considered to be a prominent and obtrusive feature materially detrimental to the appearance of the surrounding area. The amended development is in accordance with 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. One objection was received to the original proposal. The objectors were concerned that the decking at the rear of the house could be used as a seating area. The width has now been reduced to 1.3m. The objectors have been notified about this change.

10. One e-mail of observation has been received in relation to the amended plans making the following comment:
  - a) Would have preferred the site returned to its original state (i.e. 0.9m wide path to the rear as well as to the side of the house). Not satisfied with the scheme, however will accept it because could not face fighting over 40cm.

### **response to objections**

11. The following comment is made in response to the above point raised:
  - a) The reduction in the width of the decking is considered acceptable for the reasons explained in the officer analysis.

### **conclusion and reason for approval**

1. Due to the reduced scale and mass of the decking and the design of the decking it is considered that it would not be a prominent and obtrusive feature and it would not impact upon the privacy or amenity of neighbouring properties in accordance with policies GD1, H25 and FPG5 of the Wear Valley District Council 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. Notwithstanding the information shown on the submitted application, within 56 days of the date of this permission the decking shall be altered in accordance with the approved plans.
2. Notwithstanding the information shown on the submitted application, within 56 days of the date of this permission details of the handrail shall be submitted to the local planning authority for approval in writing. The handrail shall be implemented in accordance with the approved details within 28 days of approval in writing by the local planning authority and shall thereafter be retained.

#### **reasons**

1. To enable the local planning authority to control details of the development in the interests of residential and visual amenities. 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 control details of the development in the interests of visual amenity. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

**background information**

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

**PS code**

21

**number of days to Committee**

98

**target achieved**

NO

**explanation:** Proposal has been amended. It was necessary to renotify the neighbouring occupiers.

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**Officer responsible for the report**

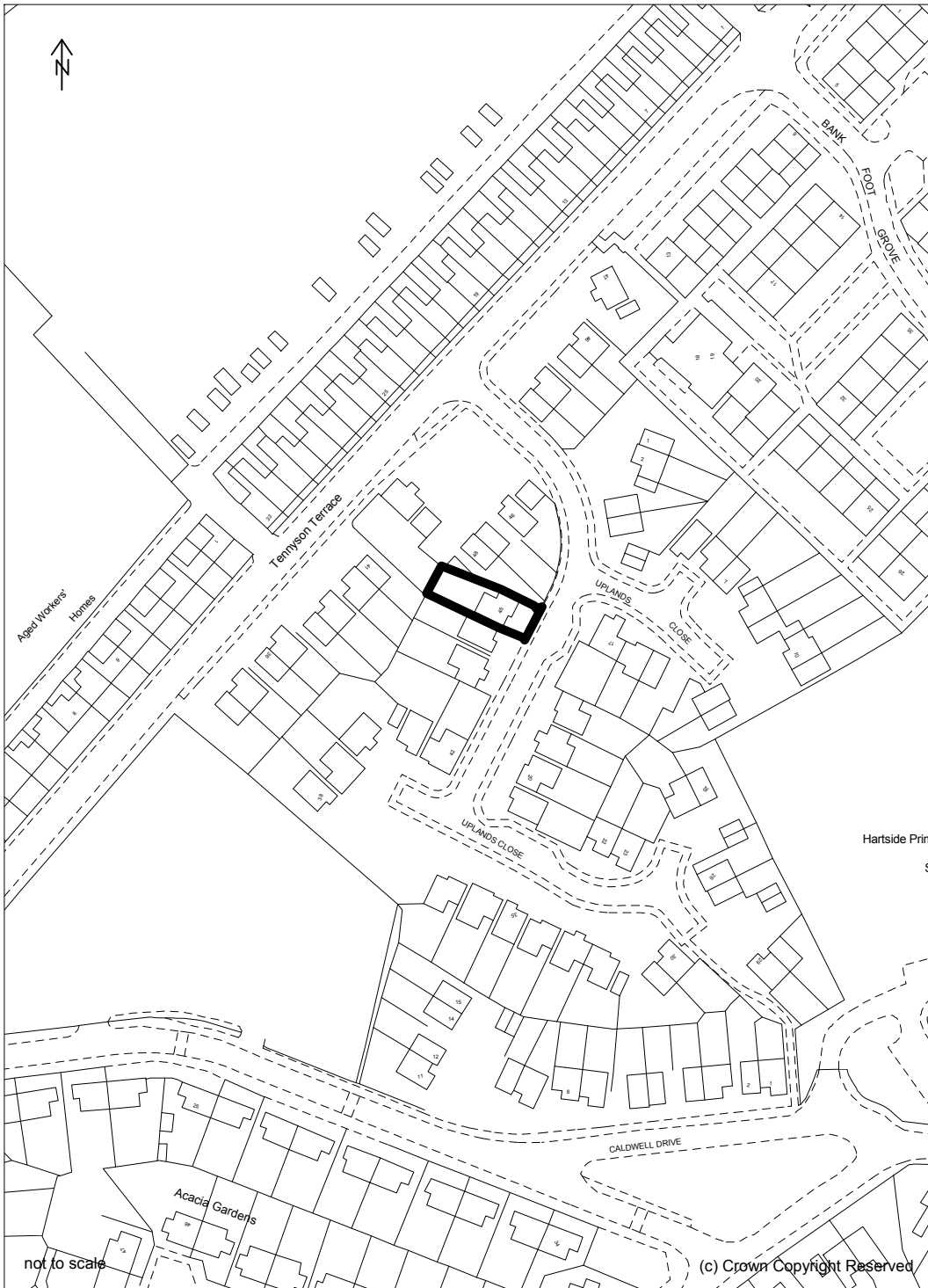
Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

**Author of the report**

Sinead Folan  
Planning Officer  
Ext 272

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**3/2008/0479 – RETENTION OF PART OF THE EXISTING DECKING TO  
CREATE A 0.9 METRE WIDE PATH TO THE SIDE AND A 1.3 METRE WIDE  
PATH TO THE REAR OF THE HOUSE AT 45 UPLANDS CLOSE, CROOK FOR  
MR. CARR 18.07.2008 – AMENDED 19.09.2008**



DEVELOPMENT CONTROL COMMITTEE

23<sup>rd</sup> OCTOBER 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0590 - REAR SUN ROOM AND FRONT GARAGE EXTENSION AT 3 BALMORAL GROVE, BISHOP AUCKLAND FOR MR. YORKE – 22.09.2008**

**description of site and proposals**

1. The application is reported to Committee because the applicant is a Councillor.
2. Planning permission is sought for the erection of a pitched roof above an existing attached flat roof garage, and for a sun room and garage extension to the rear. This is a resubmission of a previous application 3/2008/0188. The plans have been amended to incorporate a small additional extension at the front of the property, bringing the front of the garage in line with the dwellinghouse. The previous approval showed a canopy over the garage with the front elevation of the garage being set back 1m from the front elevation of the dwellinghouse. The sun room and garage extension to the rear are almost completed.
3. The property comprises a detached bungalow located towards the end of a cul de sac in Balmoral Grove, Bishop Auckland. The neighbouring dwellings in Balmoral Grove are all bungalows. The property has gardens to the side and rear. The rear garden is well enclosed by timber fencing.

**planning history**

4. The following planning history is considered relevant to this planning application:
  - 3/2008/0188 Planning Permission for the Erection of a Rear Sun Room and Front Garage Extension Approved 19.05.2008

## **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:
  - FPG5 Alteration and Extensions Guidelines
  - GD1 General Development Criteria
  - H25 Residential Extensions

## **consultations**

6. Durham County Highways: No response received at the time of writing this report.
7. Town Council: No response received at the time of writing this report.

## **officer analysis**

8. The key issues for consideration are:
  - Impact on Residential Amenity
  - Impact on the Character and Appearance of the Dwelling and Surrounding Area

impact on residential amenity

9. The small change from the previous approval involving the infilling of the area beneath the canopy at the front of the garage would not result in an overbearing impact on the adjacent residential properties. Furthermore, no additional windows are proposed from the previous approval and as such there would be no additional overlooking of neighbouring properties. The small increase in extension would not have a significant impact on the amount of amenity space associated with the existing dwelling. No changes are proposed to the rear extensions from the previous approval. These extensions are small in scale and located off the rear boundary where they do not have any overshadowing effects on neighbouring properties. The proposal would therefore not be detrimental to residential amenity and as such complies with policies GD1 and H25 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

impact on the character and appearance of the dwelling and surrounding area

10. The host dwelling is located at the end of a cul-de-sac containing similar bungalows. Only the proposed pitched roof would be visible from the highway and it is considered that this would not harm the appearance of the dwelling nor the street scene. The infilling of the canopy area would not significantly change the appearance of the front elevation from that approved. The extensions to the rear are small in scale and otherwise acceptable in their appearance. The proposal therefore 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**

- 11. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.
- 12. No observations have been received at the time of writing this report.

**conclusion and reasons for approval**

- 13. The proposal is considered to be acceptable and in accordance with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as it:
  - 1. Would not cause harm to the character and appearance of the dwelling and surrounding area.
  - 2. Would not be detrimental to residential amenity.

**RECOMMENDED**

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

**condition**

- 1. The external surfaces of the extension hereby approved shall be formed using materials which closely match in colour and texture those used on the existing building on which the extension 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 and H25 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.

<b>PS code</b>	21		
<b>number of days to Committee</b>	31	<b>target achieved</b>	√
<b>explanation</b>			



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**Officer responsible for the report**

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

**Author of the report**

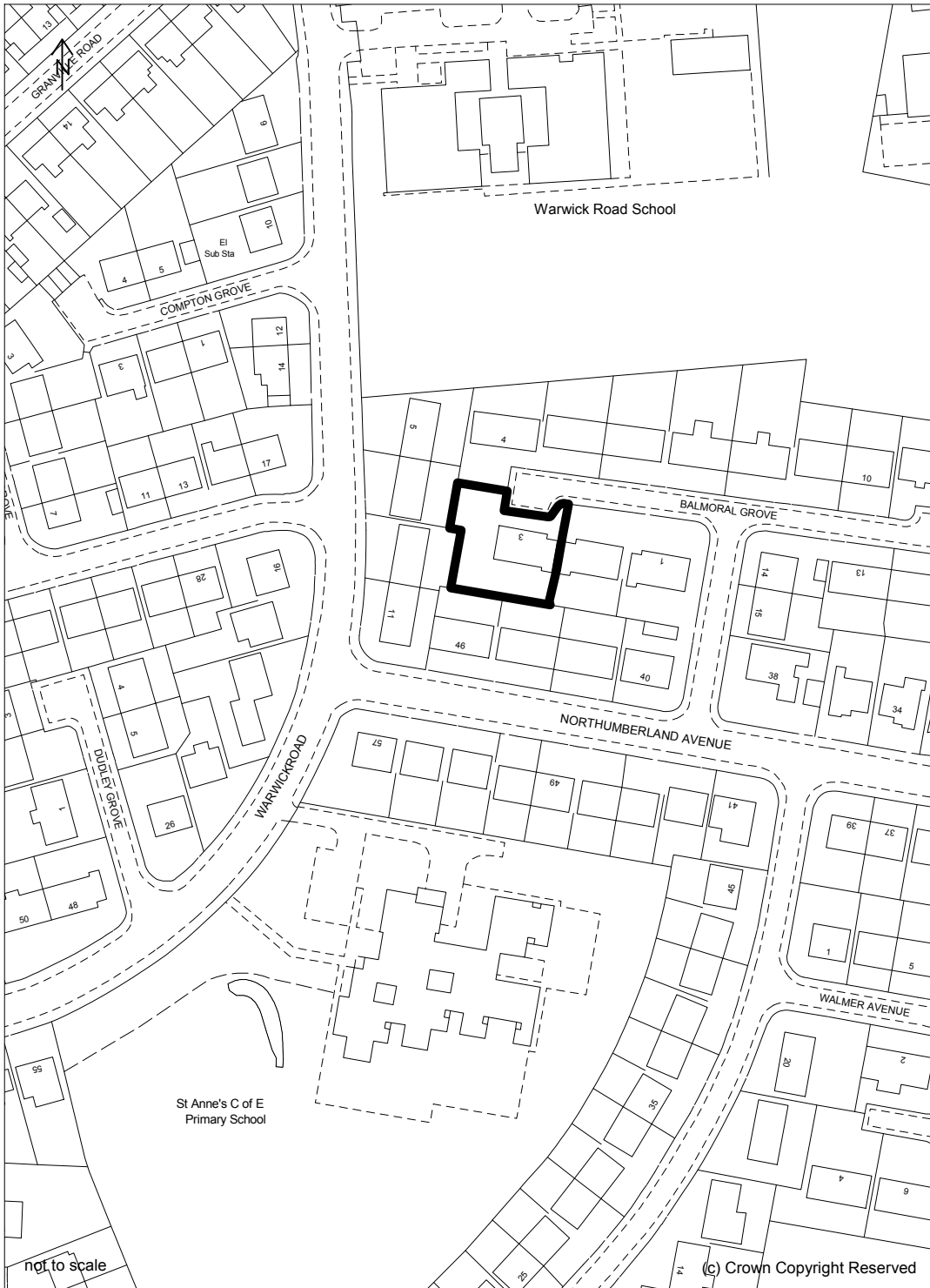
Paul Martinson

Planning Officer

Ext 539

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**3/2008/0590 - REAR SUN ROOM AND FRONT GARAGE EXTENSION AT 3 BALMORAL GROVE, BISHOP AUCKLAND FOR MR YORKE**



DEVELOPMENT CONTROL COMMITTEE

23<sup>rd</sup> OCTOBER 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**TPO/2008/0014- PRUNE AND REMOVE DEADWOOD - TWO OAK TREES AT LAND ADJACENT TO COLLIER CLOSE, CROOK FOR WEAR VALLEY DISTRICT COUNCIL – 29.08.2008**

**description of site and proposals**

1. This is an application to carry out works to 2 trees covered by a Tree Preservation Order at land adjacent to Collier Close, Crook. The trees are located on an area of open space at the south eastern edge of Collier Close, a cul-de-sac located off Thistleflat Road in western Crook. It is proposed to selectively prune and remove all dead wood in the trees in line with the County Council Arboricultural Officer's report submitted with the application.

**planning history**

2. The following application relates to the site:
  - TPO/2008/0009 Application to Remove Two Oak Trees      Withdrawn following County Arboriculturalist Officer's comments.

**planning policies**

3. The Tree Preservation Orders: A Guide to the Law and Good Practice is relevant in the consideration of this application.

**consultations**

4. The County Arboricultural Officer has commented as follows:
5. T262 (Oak) is a senescent tree of medium size that is growing close to the turning head of the cul-de-sac. The tree has substantial levels of dead wood but is still of amenity value and otherwise in relatively good health. It is recommended that all dead wood be removed, prune to remove a branch stub and reduce the crown height above the main fork.

6. T268 (Oak) is a mature tree with a relatively large crown growing further south in the site. The tree has dead wood in the crown but makes a significant contribution to the visual amenity of the surrounding area. It is recommended that all dead wood be removed and prune to reduce the crown height above the main fork with the fork being retained.

### **officer analysis**

7. The key issues for consideration are:

- Appearance and Health of the Trees

Appearance and health of the trees

8. The proposed works would improve the appearance of the trees whilst maintaining their health. The County Council Arboricultural Officer has recommended the works in the interests of the health of the trees and their visual amenity. It is therefore considered that the proposed works would not be detrimental to the visual amenity of the trees and would be in the interests of their health and long-term future. This is subject to the proposed works being carried out in accordance with BS No. 3998. The proposal accords with the Tree Preservation Orders: A Guide to the Law and Good Practice.

### **objections/observations**

9. A site notice has been posted on site and the occupiers of the neighbouring properties have been consulted.
10. No observations have been received.

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

1. The proposed works are acceptable for the following reasons and accord with the Tree Preservation Orders: A Guide to the Law and Good Practice:
  - The works would be in the interests of the health of the trees.
  - The works would help maintain the amenity value of the trees.

### **RECOMMENDED**

That **TPO CONSENT** be granted for the proposed works subject to the following condition and reason:

#### **condition**

1. All pruning work shall be carried out in accordance with BS No. 3998.

#### **reason**

1. To ensure that the pruning works are undertaken in a satisfactory manner and to ensure that the remainder of the trees are not harmed. In accordance with Tree Preservation Orders: A Guide to the Law and Good Practice.

**background information**

Application files, WVDLP, Tree Preservation Orders: A Guide to the Law and Good Practice.

<b>PS code</b>	<input type="text" value="0"/>		
<b>number of days to Committee</b>	<input type="text" value="55"/>	<b>target achieved</b>	<input type="text" value="√"/>
<b>explanation</b>			

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**Officer responsible for the report**

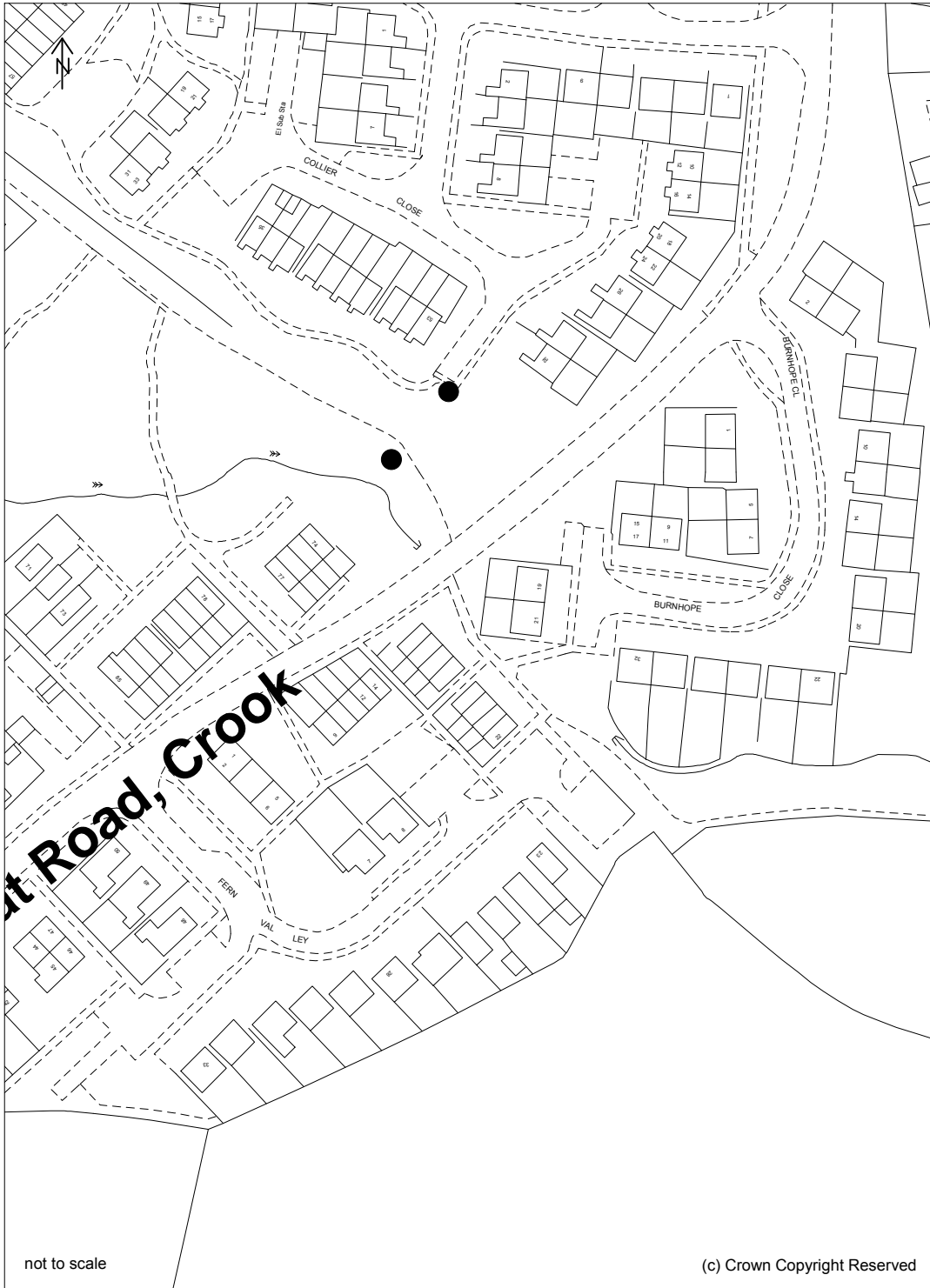
Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

**Author of the report**

Paul Martinson  
Planning Officer  
Ext 539

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**TPO/2008/0014 - PRUNE AND REMOVE DEADWOOD - TWO OAK TREES AT LAND ADJACENT TO COLLIER CLOSE, CROOK FOR WEAR VALLEY DISTRICT COUNCIL – 29.-08.2008**



**DEVELOPMENT CONTROL COMMITTEE**

**23<sup>rd</sup> OCTOBER 2008**

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0456- ERECTION OF NEW COMMUNITY FIRE STATION - RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 3/2005/0807 AT BISHOP AUCKLAND COMMUNITY FIRE STATION, FYLANDS DRIVE, BISHOP AUCKLAND FOR COLLABORATIVE SERVICES SUPPORT AND NORTH EAST FIRE AND RESCUE – 15.07.2008**

**description of site and proposals**

1. This application seeks approval of reserved matters (Access, Appearance, Landscaping, Layout, Scale) following the grant of outline planning permission for a new community fire station at Fyland Bridge, south of Bishop Auckland.
2. The site is to the south of the A688 and is currently undeveloped, primarily being used for the grazing of horses. The site is within a larger site allocated for Business/Industrial uses in the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. To the west of the site are bulky goods retail uses and to the south is the Traveller's site located on Green Lane.
3. The application proposes the erection of a fire station building to the northern corner of the site with access achieved from Green Lane at the south western corner. A further Training Tower, Training House and Garage would be sited in the eastern part of the site with a Training Yard and staff parking. Public parking would be provided alongside the A688. Landscaping would be provided to all boundaries of the site.
4. The principle of development has already been established on the site by way of the outline planning permission.

**planning history**

5. The relevant planning history of the site is as follows:
  - 3/2005/0172      New Community Fire Station      Approved 20.05.2005  
(Outline)

- 3/2005/0807 New Community Fire Station Approved 03.11.20054  
(Removal of Condition Requiring  
Provision of Footbridge)

### **planning policies**

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

- H3 Distribution of Development
- GD1 General Development Criteria
- I3 Business/Office Sites
- I2 New Industrial Allocations
- T1 Highways - General Policy

Also relevant: PPS1, PPS22, RSS

### **consultations**

7. Environment Agency: Originally objected on grounds of lack of Flood Risk Assessment. Objection has been withdrawn following the submission of additional information.
8. Northumbrian Water: No objections.
9. DCC Highways: No objections.

### **officer analysis**

10. The key issues for consideration in relation to this development are as follows:
  - Design and Layout
  - Highways and Access
  - Landscaping
  - Ecology and Biodiversity
  - Renewable Energy
  - Flood Risk Assessment

design and layout

11. The site occupies a prominent location on one of the main routes into Bishop Auckland. The scheme is designed so that the main fire station building would provide an easily recognisable feature which would become a community landmark.
12. The buildings are contemporary in design and are of a scale appropriate to the location. The construction is proposed to incorporate a mixture of brickwork, cladding and render with colour introduced throughout the external appearance of the buildings. The buildings would relate comfortably to the nearby retail units and would not over dominate the residential properties in the locality.



13. Servicing/yard areas would be located to the rear of the site and would largely be screened by the principal building on the site.
14. On balance the proposal is considered to be innovative in design and in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

#### highways and access

15. Limited parking for the public and retained staff would be available to the front of the building, with a dedicated staff parking area to the east of the site. The level of parking proposed is considered reasonable to serve the use and the parking would be located in a manner to ensure that it would not be prominent. Fire appliances would be parked in bays attached to the rear of the main building.
16. Access to the site would be achieved via Green Lane and this arrangement was required as a condition of the outline planning permission. The County Highways Engineer has not raised any objections to the proposal. The proposal is considered to be in accordance with policies T1 and GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

#### landscaping

17. It is proposed that the site would incorporate a significant amount of landscaping with structural planting to the north and eastern boundaries. The southern and western boundaries would also be landscaped and there is an existing landscaped bund immediately to the west of the site.
18. The planting would help to soften the impact of the buildings, although it is not expected that the northern boundary would incorporate high level planting as the fire station building is intended to be the focus of the site and the principal elevation would remain visible from the A688.
19. It is noted that the eastern boundary is sensitive at present, however this would eventually be the boundary with the wider industrial site and therefore the proposed 5-7.4m wide planting belt is considered to be sufficient.

#### ecology and biodiversity

20. The application is accompanied by an ecological assessment which has been prepared by Durham County Council Ecological Section. The assessment concludes that the proposed development would not have an impact on protected species and suggests that site clearance should take place between 31<sup>st</sup> August and 28<sup>th</sup> February.

renewable energy

21. In order for the region to achieve its target of at least 10% of consumption of electricity from renewable sources by 2010, RSS policy 38 requires all major developments to secure at least 10% of their energy supply from renewable sources. This is also strongly supported by the Environment Agency, the NEA and One NorthEast.
22. Whilst the application does not specifically propose any measures for incorporating renewable energy, it is considered that the proposal represents an excellent opportunity to achieve a sustainable development which can be achieved by way of a condition.

flood risk assessment

23. The Environment Agency initially objected on the basis that no Flood Risk Assessment had been undertaken. Notwithstanding that this is a reserved matters application, this has now been rectified and the objection has been formally withdrawn. The Environment Agency has confirmed no objections to the proposal subject to the inclusion of a condition to impose a maximum discharge rate.

#### **objections/observations**

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

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

1. The proposal is considered to be acceptable as it is in accordance with policies H3, T1 and GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as:
  1. The site is within the defined limits of Bishop Auckland and has the benefit of outline planning permission for the erection of a community fire station.
  2. The proposal would not be detrimental to highway safety.
  3. The buildings would be of a scale and design appropriate to the surroundings.
  4. The site would benefit from additional landscaping.
  5. The Flood Risk Assessment and Ecological Assessment demonstrate that there would be no adverse impacts in these respects on the locality.

## RECOMMENDED

That the reserved matters (Access, Appearance, Landscaping, Layout, Scale) be **APPROVED** subject to the following conditions and reasons;

### conditions

1. No development shall take place until a sample board identifying the materials and finishes to be used in the external surfaces of the buildings hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
2. Before the development hereby approved is commenced a detailed planting specification and 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, shall be submitted to and approved in writing by the local planning authority.
3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings hereby approved or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
4. Then maximum surface water discharge rate shall be no greater than 3.5l/s as per drawing no. 607957 SD DT BA-001 B.
5. No construction activity shall take place on the site within the bird breeding season (March to August inclusive) unless prior to the commencement of development a survey of the site has been undertaken by a suitably qualified person to identify the location of any breeding birds on site and to set out measures to protect breeding birds throughout construction. Details of the survey and necessary protection and mitigation measures shall be submitted to and approved in writing by the local planning authority prior to the commencement of construction activities and shall be implemented in full during the course of the development.
6. Prior to the commencement of the development hereby approved details showing the measures to be taken to produce a minimum of 10% of the total energy requirements of the development by means of renewable energy sources shall be submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be implemented prior to first use of the development and retained in perpetuity.

## reasons

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 the Saved and Expired Policies September 2007.
2. To enable the local planning authority to retain control over the landscaping of the site to secure a satisfactory standard of development and protection of existing trees and hedgerows. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. To reduce the risk of flooding downstream. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
5. In order to protect nature conservation interests on the site. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
6. In the interests of environmental sustainability and reducing the risk of climate change as supported in PPS1, PPS22 and policy 39 of the North East Regional Spatial Strategy.

## INFORMATIVE

It will be necessary to enter into an agreement under Section 38 of the Highways Act 1980 to ensure adoption of the proposed new highways. It will also be necessary to enter into an agreement under Section 278 of the Highways Act 1980 to allow the required works within the existing highway to be carried out.

### background information

Application files, WVDLP as amended by the Saved and Expired Policies September 2007, PPS1, PPS22, RSS.

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<b>number of days to Delegation</b>	<input type="text" value="100"/>	<b>target achieved</b>	<input type="text" value="No"/>
<b>explanation</b>	First available Committee		

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**Officer responsible for the report**

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

**Author of the report**

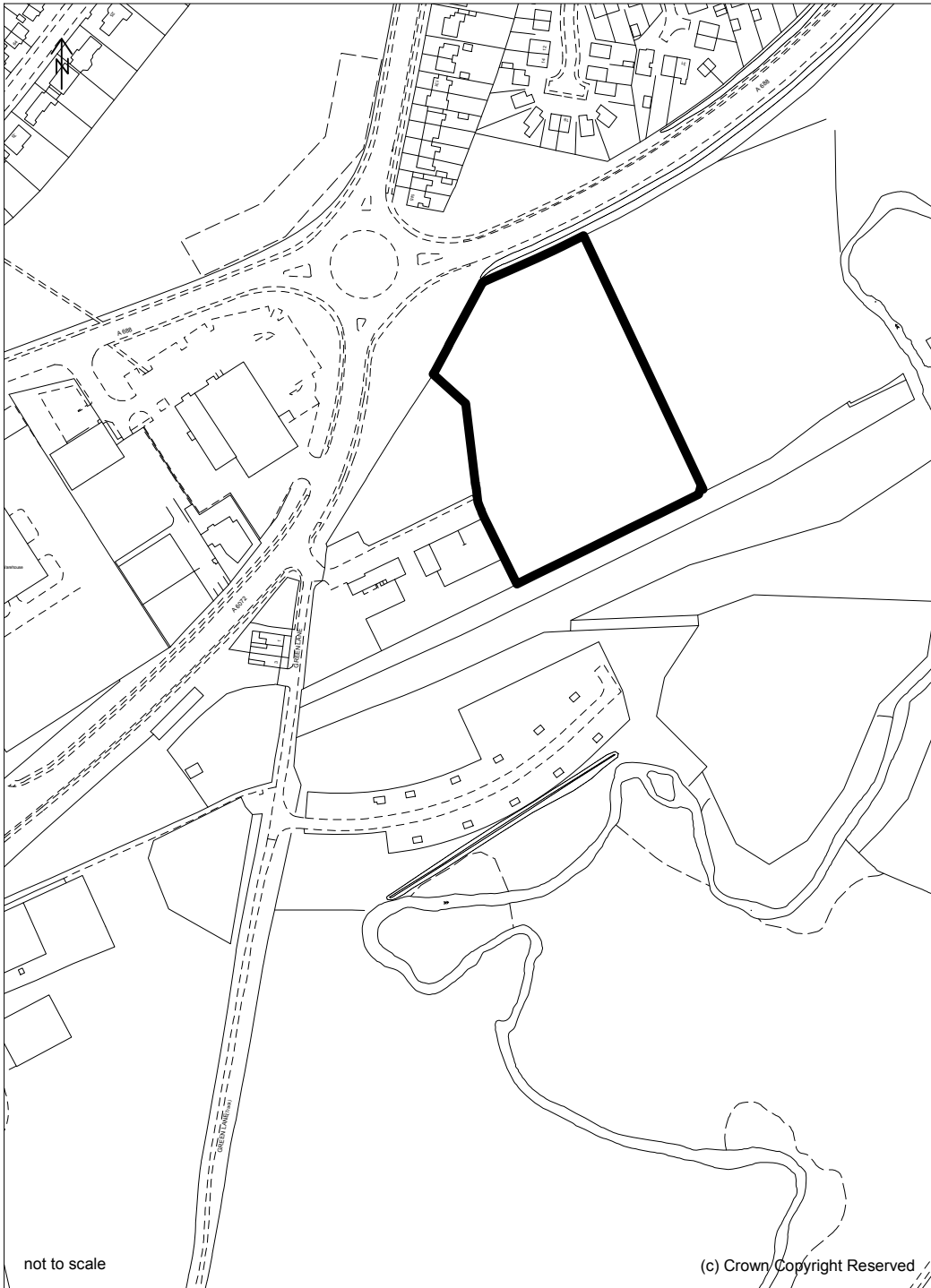
Sarah Eldridge

Planning Officer

Ext 267

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**3/2008/0456- ERECTION OF NEW COMMUNITY FIRE STATION - RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 3/2005/0807 AT BISHOP AUCKLAND COMMUNITY FIRE STATION, FYLANDS DRIVE, BISHOP AUCKLAND FOR COLLABORATIVE SERVICES SUPPORT AND NORTH EAST FIRE AND RESCUE – 15.07.2008**



DEVELOPMENT CONTROL COMMITTEE

23<sup>rd</sup> OCTOBER 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0427- CHANGE OF USE TO FORM 1 NO. SHOP AND HOUSE INTO TWO DWELLINGS, TWO CONSERVATORIES AND A PROPOSED GARAGE AT 17 HIGH STREET, TOW LAW FOR MR. SWATTON – 07.08.2008**

**description of site and proposals**

1. Planning permission is sought for the conversion of one shop and house into two dwellings, two conservatories and a proposed garage.
2. The proposed garage would measure 6 metres in length and 3.5 metres in width. It would have a height to the eaves of 2.4 metres and a height to the ridge of 3.9 metres. The garage would be located 2.6 metres from the rear elevation of the host dwelling. The shop front would be removed and the frontage of the property would have a smaller window inserted to give a domestic appearance to the property. To the rear of the dwelling the windows would be replaced with smaller windows to suit the proposed internal arrangements. A conservatory would be added to both of the new dwellings. The conservatory to the north would have a width of 5 metres and a depth of 3 metres. It would have a height of 2.6 metres. The conservatory to the south would have a width of 3.5 metres and a depth of 3.7 metres. It would have a height of 2.7 metres.
3. This application is reported to Committee as it does not comply with policy S8 'Local Shopping Areas' of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. The application site is located within the settlement limits for Tow Law and within the Tow Law local shopping area as identified by the Proposals Map of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

**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:

- H3 Distribution of Development
- S1 Town Centres
- S8 Local Shopping Areas
- H24 Residential Design Criteria
- H25 Residential Extensions
- T1 Highways – General Policy
- T15 Garages

Also relevant: The North East Regional Spatial Strategy 2008, Planning Policy Statement 6: Planning for Town Centres (PPS6), Planning Policy Statement 1 'Delivering Sustainable Development' and PPS3 'Housing'.

## **consultations**

7. DCC Highways: No objections.
8. Tow Law Town Council: No objections.
9. WVDC Regeneration: No response.

## **officer analysis**

10. The key issues for consideration are:

- Principle of the Development
- Design
- Residential Amenity
- Access and Parking

principle of the development

11. The site is located within the settlement limits for Tow Law as identified in the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. Whilst the property is located amongst a number of residential properties, the building is located within the Tow Law Local Shopping Area. Therefore the ground floor of the building is designated for retail use under policy S8 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
12. The building has been vacant for many years.
13. National Planning Policy guidance applies a presumption in favour of securing sustainable housing development by directing new housing to those areas best able to support it in terms of the provision of services and facilities and good public transport links. The settlement in question is well served by facilities and services. Tow Law is also serviced by good public transport links. It is one of the district's urban areas.



14. In terms of regional planning policy the North East Regional Spatial Strategy (RSS) policy 4 'The Sequential Approach to Development' emphasises that the underlying reason for the implementation of a sequential approach is to direct development to the most sustainable locations whilst prioritising previously-developed land. The Council has adopted (April 2007) a local interpretation of this policy (Previously RSS Policy 3), which sets out a sequential approach that limits new housing development to the district's most sustainable locations. Tow Law is identified in this policy as a settlement where new housing could be directed.
15. In the interests of sustainable development it would be acceptable to convert the shop to residential use to alleviate the long term vacancy of the property and remove the dead frontage which currently has a harmful effect on the character and appearance of the area. Although this vacant shop is shown to be within the local shopping area it is actually located within a predominantly residential terrace. The change of use would not therefore be harmful to the vitality and viability of the local shopping area.
16. The proposal generally conforms to PPS3 'Housing', PPS6 'Planning for Town Centres' and PPS1 'Delivering Sustainable Development'.

design

17. The proposed external alterations to facilitate the change of use include the removal of the shop front and replacement with smaller domestic type windows, alterations to the arrangement of the rear windows, the construction of conservatories to the rear of both properties and the construction of 1 No. domestic garage. It is also proposed to construct a boundary wall between the rear yards of the two dwellings. The proposed works to the property would be in keeping with the character and appearance of the building and the surrounding area. The proposal is in accordance with policies GD1, H24, H25 and FPG5 of the Wear Valley District Council Local Plan as amended by the Saved and Expired Policies September 2007.

residential amenity

18. The proposed new boundary wall to the rear would ensure that adequate privacy is maintained for the occupiers of both proposed dwellings and sufficient amenity space is provided for each dwelling. The new window openings would not cause loss of privacy for neighbouring properties.
19. The new garage would be visible from the ground floor living room window of number 19 High Street. The new garage would not increase loss of light to the rear of number 19 High Street. Light to the rear of 19 High Street is affected by the existing 2.6 metre high boundary wall. It is considered that the proposed development would not impact upon the privacy or amenity of neighbouring properties nor would it create significant overbearing or overshadowing impacts to neighbouring properties in accordance with policies GD1, H25, H24 and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

access and parking

20. Both of the dwellings would have a private garage for parking. Durham County Council highways section has been consulted and has raised no objections to the access or parking proposals. It is therefore considered that the proposed development accords with policies GD1, T1 and T15 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

### **objections/observations**

21. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.
22. One letter of objection has been received making the following comments:
  - a) It will affect my quality of light.
  - b) It will affect my quality of life.
  - c) It will affect the value of my property.

### **response to objections**

23. The following comments are made in response to the issues raised:
  - a) This issue has been assessed in the officer analysis and has been found to be acceptable.
  - b) This issue has been assessed in the officer analysis and has been found to be acceptable.
  - c) Not a planning matter.

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

1. The proposal is acceptable in relation to policies GD1, H24, H25, T1, T15 and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and PPS6, for the following reasons:
  1. The proposal is acceptable in principle in relation to national, regional and local planning policy and can be considered sustainable development as the new dwellings would be located within one of the district's urban areas. The proposal would bring back into use a building that has been vacant for a number of years and remove a dead frontage. The dwellings would be within close proximity to essential facilities and services.
  2. The proposal would not have an adverse impact upon the privacy or amenity of any neighbouring properties.
  3. The proposal would provide sufficient useable private amenity space for the dwellings.
  4. The proposed external alterations, conservatories and garage would be in keeping with the character and appearance of the host property and the surrounding area in terms of mass, scale, design and materials.

5. The access and parking proposals have been accepted by the Highways Authority.

## RECOMMENDED

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

### conditions

1. Prior to the commencement of the development hereby approved samples of all materials to be used in the construction of the external surfaces of the garage and conservatories shall be submitted to and approved in writing by the local planning authority, and the external surfaces shall be constructed in accordance with the approved details.
2. Prior to the commencement of the development hereby approved 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 building hereby approved is first occupied.
3. The garage hereby approved shall be used for domestic purposes only incidental to the enjoyment of the dwelling and not for any industrial, commercial or business use.

### reasons

1. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. To ensure 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.
3. To safeguard the occupiers of adjacent premises from undue noise, traffic generation or other loss of amenity arising from the use of the proposed garage for trade or business purposes. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

### background information

Application files, WVDLP as amended by the Saved and Expired Policies September 2007. RSS, PPS1, PPS3, PPS6.

**PS code**

21

**number of days to Committee**

80

**target achieved**

No

**explanation** Awaiting further information.

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**Officer responsible for the report**

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

**Author of the report**

Sinead Folan

Planning Officer

Ext 272

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**3/2008/0427- CHANGE OF USE TO FORM 1 NO. SHOP AND HOUSE INTO TWO DWELLINGS, TWO CONSERVATORIES AND A PROPOSED GARAGE AT 17 HIGH STREET, TOW LAW FOR MR. SWATTON – 07.08.2008**



DEVELOPMENT CONTROL COMMITTEE

23<sup>RD</sup> OCTOBER 2008

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Report of the Strategic Director for Environment and Regeneration

**PART III – OTHER MATTERS**

**FOR INFORMATION**

**APPEAL DECISION**

**3/2007/0644 - TWO STOREY EXTENSION TO SIDE AT 6 HAZEL GROVE,  
BISHOP AUCKLAND FOR E. TAYLOR – 08.09.2007**

1. Planning permission was sought for the erection of a two storey extension to the side at 6 Hazel Grove, Bishop Auckland. The appeal property is a two storey, end terrace dwelling with the ridgeline of each unit stepping up the slope. Planning permission was refused for the following reasons:
  1. In respect of mass, scale and design the proposal is considered to be overly bulky and would not be subordinate to the host dwelling. The design also incorporates a large blank gable adjacent to the conservation area. The scale, mass and design of the proposed side extension would be detrimental to the appearance of the host property, the surrounding area and the setting of the Conservation Area contrary to policies GD1, H25, BE8 and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Polices September 2007.
  2. The distance between the proposed gable end and the properties at Lindsay Street would be 11 metres, less than the 15 metres recommended between gable walls and windows to habitable rooms, resulting in an adverse affect upon the residential amenity of the occupiers neighbouring properties to the north of the site by virtue of the overbearing impact of the proposed extension and the adverse impact of the development on the daylight and sunlight to the properties on Lindsay Street. The proposal is contrary to policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
  3. The submitted proposal reduces the level of parking to a single garage, which from its design would be extremely difficult to access. In addition the proposal would create a long dropped kerb on the footway leading to a nursery school and may encourage additional parking on the footway, to the detriment of pedestrian safety. It is therefore considered that the proposed development would compromise highway safety, contrary to policy GD1 of the WVDLP as amended by the Saved and Expired Policies September 2007.

2. An appeal was made against the decision. The Inspector has dismissed the appeal for the following reasons;
- With its lean-to step forward at ground floor level, the extension would result in a clumsy and somewhat unbalanced façade. I also find the blank gable with its elongated garage door to be an unattractive feature in a prominent location. Whilst I appreciate the awkward shape of the plot and the appellant's desire to maximize the use of it, I do not find the overall design solution to be particularly attractive or sympathetic.
  - The present garage at the appeal property clearly leads to reversing manoeuvres onto the highway, but there is some degree of intervisibility between pedestrians and driver. This would be largely lost in the proposed arrangement and I share the highway authority's concern about the nature of the vehicle manoeuvres, which would be required. I also note the concern that the wide footway crossing required, could encourage parking on the footway and force pedestrians onto the carriageway. Whilst the highway is not heavily trafficked, except by pedestrians at certain times, the potential conflict would, in my view, give rise to dangers for users of the adjacent highway.
3. The Inspector considered that the proposal would not have any adverse effect on the living conditions of neighbours, nor would it have an adverse impact on the setting of the adjacent conservation area. However, the effect on the character and appearance of the host dwelling and the wider area, together with the impact on users of the adjacent highway, were sufficient reasons for the appeal to fail.

## **RECOMMENDED**

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

### **background information**

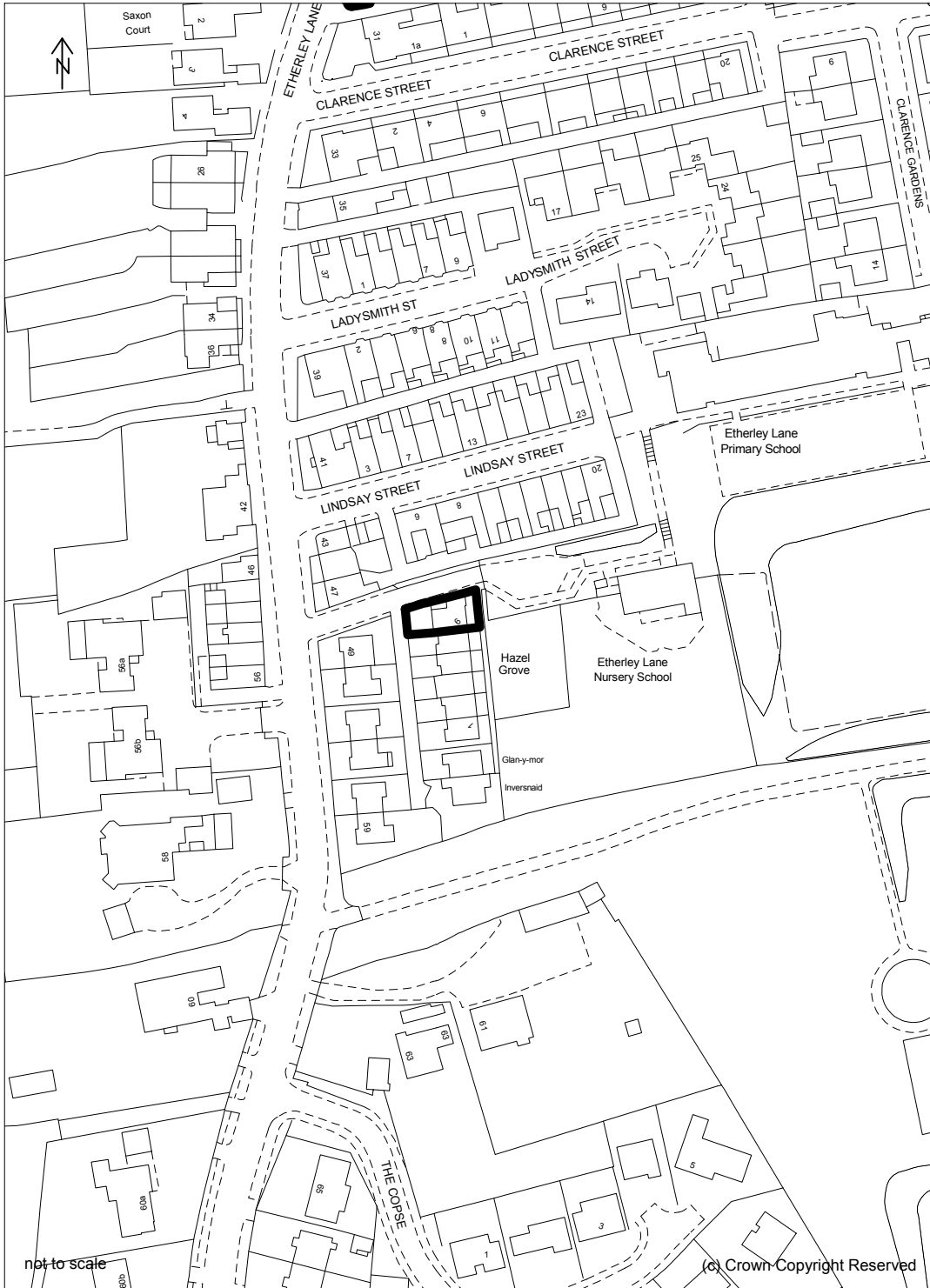
Application files, WVDLP, Inspector's letter dated 17<sup>th</sup> September 2008.

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<b>Officer responsible for the report</b>	<b>Author of the report</b>
Robert Hope	Sinead Folan
Strategic Director for Environment and Regeneration	Planning Officer
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**3/2007/0644 - TWO STOREY EXTENSION TO SIDE AT 6 HAZEL GROVE, BISHOP AUCKLAND FOR E. TAYLOR – 08.09.2007**





DEVELOPMENT CONTROL COMMITTEE

23<sup>RD</sup> OCTOBER 2008

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Report of the Strategic Director for Environment and Regeneration

**PART III – OTHER MATTERS**

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257  
THE DISTRICT COUNCIL OF WEAR VALLEY, HEATHER LANE, CROOK  
PUBLIC PATH STOPPING UP ORDER 2008**

**purpose of the report**

1. To advise Members of the present position in respect of the above Order and to seek Members' consent not to proceed with the order for the reasons set out in this report.

**background**

2. On 12<sup>th</sup> June 2008 this Committee recommended that the above Order made on 9th January 2008 be referred to the Secretary of State for determination as there were two outstanding objections to the Order which could not be resolved locally.

**present position**

3. The Order was submitted to the Planning Inspectorate for confirmation on 13th July 2008. The Rights of Way Section at the Planning Inspectorate have considered the application as submitted and they have advised that since the proposed Heather Lane housing development (in so far as it affects the path) constitutes the formation of a public carriageway across it, in their opinion the extinguishment of the footpath is wholly unnecessary. Closure of the path would not be necessary to enable the development to go ahead as the two highways may co-exist subject to highway safety issues.
4. The Developer has held discussions with Durham County Council in relation to highway safety issues. The County Council has confirmed that it is now satisfied that their concerns on highway safety issues have been satisfied by the Developer's engineering solution.

### **government guidance**

5. Government guidance in relation to footpath stopping up orders provides that since the legislation makes no provision for the withdrawal of orders, a formal resolution by the authority not to proceed is required to bring the procedure to a conclusion.

### **conclusion**

1. In the light of the advice from the Planning Inspectorate and confirmation that the County Council has been satisfied in relation to highway safety concerns, the Council resolves not to proceed with the above Order.

**RECOMMENDED** that the Council does not proceed with the Heather Lane Crook Public Path Stopping Up Order 2008.

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<b>Officer responsible for the report</b>	<b>Author of the report</b>
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**THE DISTRICT COUNCIL OF WEAR VALLEY, HEATHER LANE, CROOK  
PUBLIC PATH STOPPING UP ORDER 2008**

