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Gary Ridley Acting Chief Executive

12th November 2008

Dear Councillor,

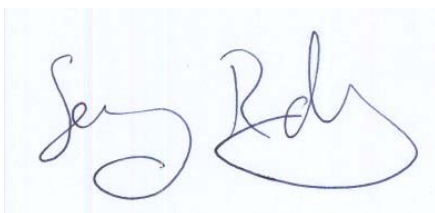
I hereby give you Notice that a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **THURSDAY 20th NOVEMBER 2008** at **6.00 P.M.**

AGENDA

	Page No.
1. Apologies for absence	
2. To consider development control application 3/2008/0613 – Change of use from open space to garden land and the erection of a boundary fence at 11 Quarry Farm Close, Hunwick for Mrs. Barker.	1 - 6
3. To consider development control application 3/2008/0642 – Construction of public toilet block at public convenience, Simpson Terrace, Rookhope for Wear Valley District Council.	7 – 13
4. To consider development control application 3/2008/0634 – Change of use to tattoo studio at 11 Church Street, Crook for Ms. Bone, Inky Junky Tattoos.	14 - 19
5. To consider development control application 3/2008/0595 – Demolition of existing brick building (Springfield House). Erection of new 81 bedroom nursing home and associated parking at Springfield House, West End Terrace, Willington for Dr. Dewan, S.D 1994 Voluntary Trust and others.	20 - 33
6. To consider development control application 3/2008/0627 – Siting of a multi use games area and climbing boulder at Ford Way, Woodhouse Close, Bishop Auckland for Wear Valley District Council.	34 - 40
7. To consider development control application SU/3/2008/0005 – 12 metre high streetworks monopole with 3 no. antennas inside GRP shroud (overall height 14.3 metres), 1 no. equipment cabinet and ancillary development at Woodhouse Lane, Bishop Auckland for Vodafone U.K. Limited.	41 - 50

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|-----|--|---------|
| 8. | To consider development control application 3/2008/0582 – The erection of a food superstore (class A1), cinema (class D2), 2 no. leisure units (class D2), 2 no. restaurants (class A3) and new football stadium (class D2), with associated parking, servicing, highways works and hard and soft landscaping (detailed application) and industrial development (class B2/B8) (outline application) at leisure and retail development site, St Helens Industrial Estate, St. Helen Auckland, Bishop Auckland for Terrace Hill (Bishop Auckland) Limited. | 51 - 78 |
| 9. | To receive for information appeal decision 3/2007/0845 – Erection of detached triple garage with pitched roof at Rose Hill, 35 High West Road, Crook for Mr. Edgar. | 79 - 81 |
| 10. | To receive for information appeal decision 3/2007/0682LB and 3/2007/0677 – Extension to provide porch entrance at Ruffside Hall, Ruffside Village, Edmundbyers for Mr. Cowie. | 82 – 84 |
| 11. | To receive for information appeal decision 3/2007/0651 – Two semi-detached stone dwellings at land south of 6 Low Dowfold, Crook for Mr. Quigley. | 85 - 87 |
| 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, Mowbray, Murphy, 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

20th NOVEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0613 - CHANGE OF USE FROM OPEN SPACE TO GARDEN LAND AND THE ERECTION OF A BOUNDARY FENCE AT 11 QUARRY FARM CLOSE, HUNWICK FOR MRS. BARKER – 26.09.2008

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 fence. The fence would be 1.8 metres high and would be of a timber close board construction similar to the existing fencing at the host property. The parcel of land covers an area of approximately 92 square metres. A 1 metre strip of land between the site and the adjacent public footpath would remain as public open space.
3. The land currently forms an attractive area of public open space within Quarry Farm Close, Hunwick. It adds to the open character of Quarry Farm Close. 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 rear of the host property to the front of the host property.

planning history

4. There has been no recent relevant planning history.

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 Section: No response.

7. DCC Highways Engineer: No objections.
8. DCC Public Rights of Way Officer: If approved the applicant has the following obligations:
 - No building materials must be stored on the right of way.
 - Vehicle movements must be arranged so as not to 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.

officer analysis

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

principle of development

10. The open space is located within a well established residential estate within the defined settlement limits for Hunwick. The open space is located adjacent to a public right of way and is not highly visible within the estate. It is considered that the change of use of the site from open land to extra garden space would not result in the loss of amenity to neighbouring properties in accordance with policies GD1 and H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

visual impact

11. The proposed means of enclosure for the piece of land would be a 1.8 metre high close boarded timber fence similar to the existing fence around the applicant's rear garden. The parcel of land slopes downwards from the rear of the host property and from the existing public right of way. Due to the changing levels of the site it is considered acceptable to erect a 1.8 metre high fence because the fence would not be visually intrusive. There are other examples of this type and height of fencing within the vicinity of the application site. The 1.8 metre high fence would restrict views into the rear garden from the public right of way while the downwards slope of the land would reduce the possibility of a "tunneling" effect and it would also reduce the prominence of the development in the street scene. The proposed means of enclosure

would not be prominent in the street scene nor detract from the appearance of the surrounding area. 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 right of way and would not be 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 Plan as amended by the Saved and Expired Policies September 2007.

highways/public right of way

13. The highways authority has raised no objections to the proposal. A sufficient amount of the open space immediately adjacent to the public right of way, would be retained to avoid creating a “tunneling” effect. The proposal would not be harmful to pedestrian safety and would not interfere with the public right of way 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. Three letters of objection have been received.
15. The following comments have been made:
 - a) This greenery is for all the villagers and should not be hidden behind a 6 foot high fence.
 - b) Object to the removal of open space.
 - c) The fence would create a tunnel.
 - d) No. 1 South View will apply again for a similar proposal leading to the loss of another piece of land.
 - e) The fence would make parking difficult.
 - f) Would make the lane “more dark and menacing”.
16. At the time of writing this report the site notice has not expired. Any further observations received by the date of the meeting will be reported to the Committee.

response to objections/observations

17. The following comments are made in response to the issues raised.
 - a) The officer analysis explains why it is considered acceptable to allow some of the open space to be incorporated within the garden of 11 Quarry Farm Close.
 - b) The officer analysis explains why it is not considered the loss of the open space would be harmful to the amenities of the neighbouring properties.
 - c) The officer analysis explains why it is not considered the proposal would create a tunneling affect.
 - d) Each application must be judged on its own merits.
 - e) There has been no highways objection raised to the proposed development.
 - f) Due to the height of the fence it is not considered it would be dominating within the street scene.

conclusion and reasons for approval

1. The open space is located within a well established residential estate within the defined settlement limits for Hunwick. The open space is located adjacent to a public right of way and is not highly visible within the estate. The proposal would not result in the loss of amenity to neighbouring properties and is acceptable in principle in accordance with policies GD1 and 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. Sufficient open space would be retained next to the public right of way to avoid creating a “tunneling” effect and the proposal would not interfere with the public right of way. The proposal would not be harmful to pedestrian 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. 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

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.

informative

- No building materials must be stored on the right of way.
- Vehicle movements must be arranged so as not to 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.

background information

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

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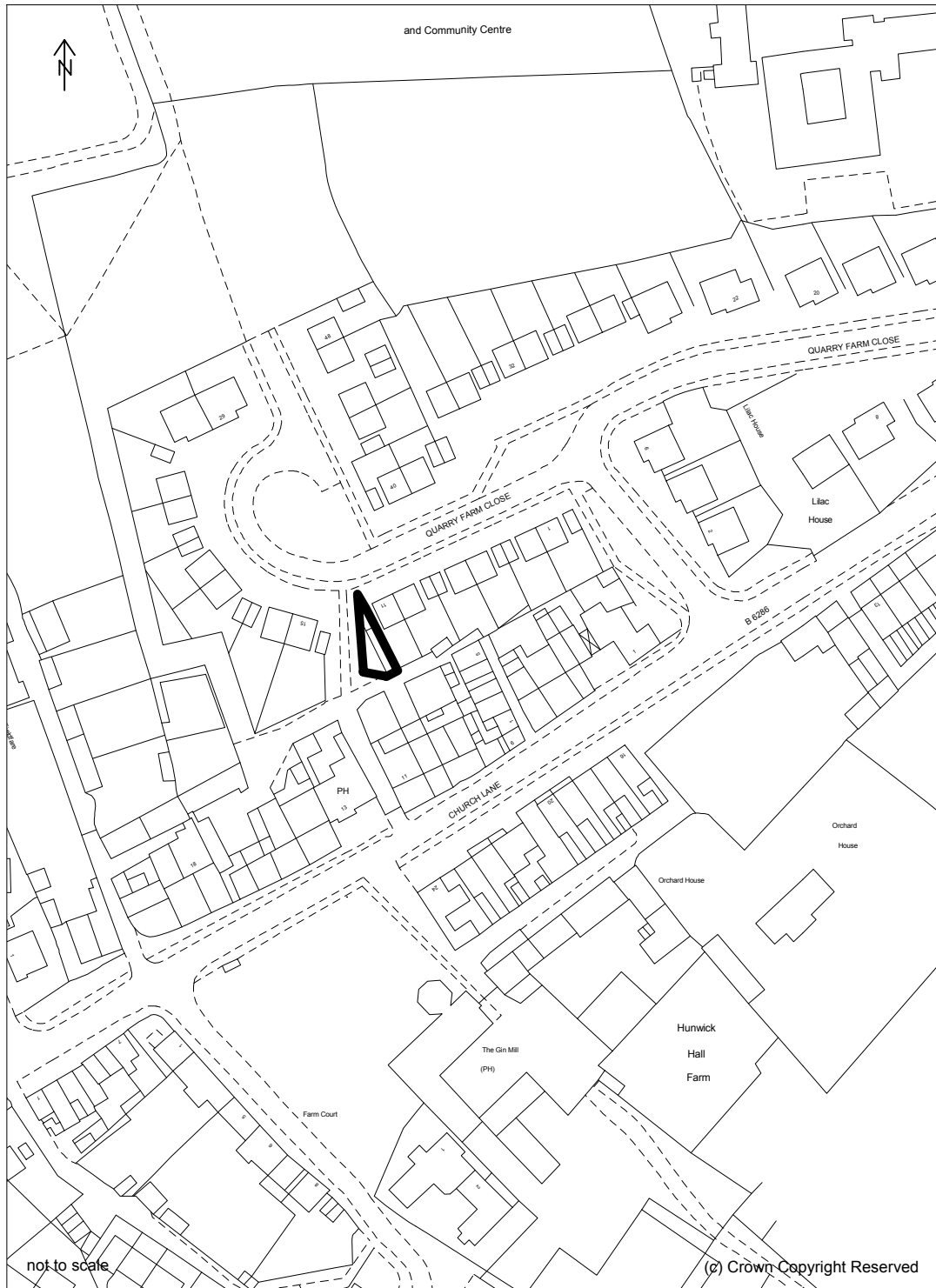
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Sinead Folan
Planning Officer
Ext. 272

3/2008/0613 - CHANGE OF USE FROM OPEN SPACE TO GARDEN LAND AND THE ERECTION OF A BOUNDARY FENCE AT 11 QUARRY FARM CLOSE, HUNWICK FOR MRS. BARKER – 26.09.2008





DEVELOPMENT CONTROL COMMITTEE

20th NOVEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0642 - CONSTRUCTION OF PUBLIC TOILET BLOCK AT PUBLIC CONVENIENCE, SIMPSON TERRACE, ROOKHOPE FOR WEAR VALLEY DISTRICT COUNCIL – 15.10.2008 – AMENDED 07.11.08

description of site and proposals

1. This application is reported to Committee as the land is owned by Wear Valley District Council.
2. Planning permission is sought for the erection of a public toilet block at Front Street, Rookhope. The toilet block would measure 6 metres in width and would have a depth of 3.6 metres. The building would have a mono pitched roof and would have a height at its highest point of 4.4 metres. The building would have two Velux roof lights and a solar panel to supply hot water. It is proposed that the building would be constructed of stone, with a slate roof, wooden or steel doors at the front and U.P.V.C windows at the rear.
3. The site is located within the settlement limits for Rookhope as identified by the Proposals Map of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. The site is currently vacant. Public toilets were previously located on the site. To the north and east of the site is open land, to the south is highway and to the west is a disused stone built barn.

planning history

4. The following history relates to the surrounding land:
 - 3/2006/0146 Redevelopment of 3 Approved 13.04.2008
 Redundant Buildings
 - 3/2005/0450 Redevelopment of 3 Withdrawn 10.07.2005
 Redundant Buildings and
 Erection of New Dwelling
 - 3/1986/0603 4 Dwellings Approved 28.05.2987
 - 3/1990/0427 2 Dwellings and Access Approved 04.10.1990
 Adjacent

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:

- ENV2 The North Pennines Area of Outstanding Natural Beauty
- H3 Distribution of Development
- TM2 Tourism within the Area of Outstanding Natural Beauty
- GD1 General Development Criteria

Also relevant: The Tourism Good Practice Guide

consultations

6. WVDC Public Protection: No response.

7. WVDC Legal: No response.

8. North Pennines AONB Partnership: Strongly support this application. Their one caveat is that they would wish to see timber framed windows and metal rainwater goods used, to make sure that this development, within the North Pennines AONB, is of the highest standard. They recognise that this is not grounds for refusal of this application, simply a condition that they would welcome being attached.

9. DCC Highways Section: No objections

officer analysis

10. The key issues for consideration are:

- Principle of Development
- Visual Impact
- Residential Amenity
- Impact on the North Pennines AONB
- Highways

principle of development

11. Public toilets were previously located on the site which lies within the defined settlement limits for Rookhope. The site is well related to the existing built up form of an established settlement. There is a need for more public toilets to support tourism within the North Pennines AONB. The proposal is acceptable in principle and in accordance with policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, subject to satisfactory design and external appearance, and no highway safety or amenity problems.

visual impact

12. The proposed building would, by reason of its single storey height, overall mass, design and external appearance, compliment the surroundings and not be a prominent feature in the street scene. Natural materials (stone for the external walls and slate for the roof) would be used in the construction of the building. The proposal accords with policies GD1 and ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and the Tourism Good Practice Guide.

residential amenity

13. The application site is not located close to any residential properties. It is therefore considered that the comings and goings of users of the public toilets, including those travelling by car, would not impact upon the privacy or amenity of any residential properties. The proposed public toilets, due to the height of the building, would not have any overbearing or overshadowing impacts on adjacent properties or the surrounding area. The proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

impact on the North Pennines AONB

14. The proposal constitutes a well designed building which would tie in with the surrounding area, the street scene and the North Pennines AONB. The building due to its scale, mass and design would not adversely impact upon the special scenic quality or nature conservation interest of the AONB. The public toilets at Rookhope are strongly supported by the North Pennines AONB Partnership as the facility will support tourism within the area and there is a current need for the facility. The proposal accords with policies GD1 and ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and The Tourism Good Practice Guide.

highways

15. Although no parking spaces are to be provided, the highways authority has raised no objections to the proposal. There are off street parking spaces close by and it is not considered the proposal would 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

16. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.
17. The site notice had not expired at the time of writing this report. Any observations received before the meeting will be reported to the Committee.

conclusion and reasons for approval

1. The site is previously developed land within the defined settlement limits for Rookhope. 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, subject to satisfactory design and external appearance and no highway safety or amenity problems.
2. The mass, scale and design of the proposed building ensure it would not be prominent in the street scene nor detract from the appearance of the surrounding area or the North Pennines Area of Outstanding Natural Beauty. In accordance with policies GD1, ENV2 and TM2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and The Tourism Good Practice Guide.
3. The public toilet block would provide a much needed facility to support tourism within the North Pennines AONB. In accordance with policies GD1, ENV2 and TM2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and The Tourism Good Practice Guide.
4. The building, due to its height, would not have any overbearing or overshadowing impacts 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.
5. The application site is not located close to any residential properties. It is therefore considered that the coming and goings of users of the public toilets, including those travelling by car, would not impact upon the privacy or amenity of any residential properties. The proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
6. Although no parking spaces are to be provided, the highways authority has raised no objections. There are off street parking spaces close by and it is considered the proposal would not be harmful to highway safety in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

RECOMMENDED

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

conditions

1. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-
 - a) all windows shall be recessed 100mm from the face of the building;
 - b) exposed stone lintels shall be used above all external door openings;

- c) exposed stone cills and lintels shall be used below and above the window opening on the front elevation of the building;
 - d) all external walls shall be formed using random, coursed, natural stone; prior to the commencement of development a sample panel shall be made up on site for inspection and approval in writing by the local planning authority. The approved sample panel shall remain in place throughout construction and the development shall be implemented in accordance with the approved details;
 - e) the roof covering shall be natural slate, a sample of the slate 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;
 - f) all rainwater goods shall be black;
 - g) the two roof lights shall be conservation flush-fit finished in black; and
 - h) a sample of the ridge tile shall be submitted to and approved in writing by the local planning authority and the development shall be implemented in accordance with the approved details.
2. Prior to the commencement of the development, details of the solar panel including a section through and method of fixing shall be submitted to and approved in writing by the local planning authority. The solar panel shall thereafter be installed in accordance with the approved details.
 3. Prior to the commencement of the development, details of the external doors shall be submitted to and approved in writing by the local planning authority, and the doors shall be implemented in accordance with the approved details.
 4. Prior to the commencement of the development hereby approved 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.

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 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.
3. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. To ensure 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.

background information

Application files, WVDLP as amended by the Saved and Expired Policies September 2007, The Tourism Good Practice Guide.

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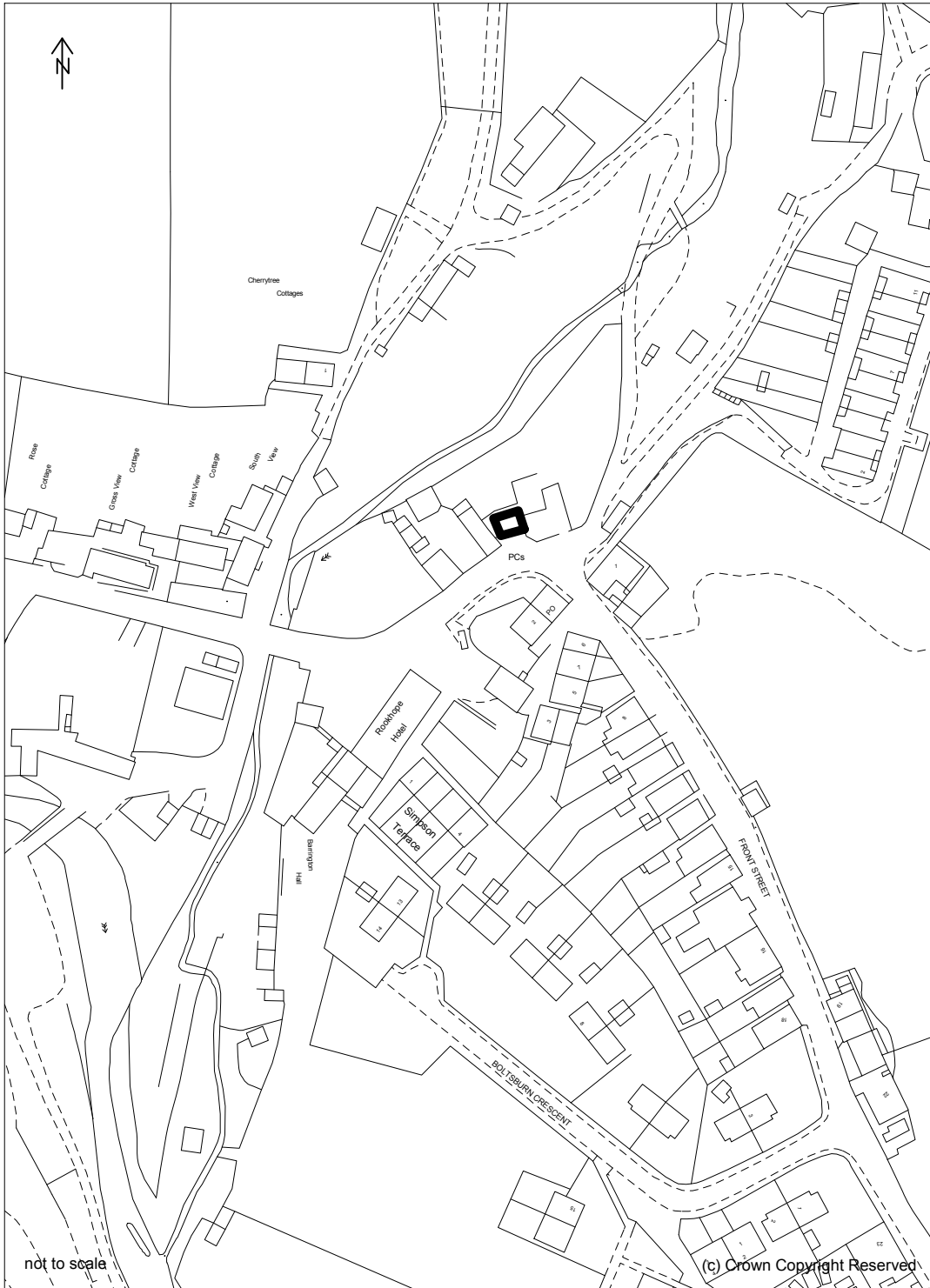
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Sinead Folan
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3/2008/0642 - CONSTRUCTION OF PUBLIC TOILET BLOCK AT PUBLIC CONVENIENCE, SIMPSON TERRACE, ROOKHOPE FOR WEAR VALLEY DISTRICT COUNCIL – 15.10.2008 – AMENDED 07.11.2008



DEVELOPMENT CONTROL COMMITTEE

20th NOVEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0634 - CHANGE OF USE TO TATTOO STUDIO AT 11 CHURCH STREET, CROOK FOR MS. BONE, INKY JUNKY TATTOOS – 08.10.2008

description of site and proposals

1. This application is reported to Committee as the proposal is contrary to policy S6 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 which restricts the use of retail premises within this part of the Crook town centre to A1, A2, A3, A4 and A5 uses, which includes shops, professional services, banks, restaurants, bars and take aways. The proposed tattoo studio is classified as a sui generis use. The application is for change of use only. No external or internal works to the building are proposed.
2. The host property constitutes a north facing two-storey, stone built building. The property is currently vacant; previously it was used as a newsagents. The building has been recently refurbished, including the addition of a new shop front. Previous improvements to the building included the insertion of new timber frame, double hung, vertically sliding sash windows, new doors, the insertion of larger conservation style rooflights and internal works. The site is located within Crook town centre and within the defined shopping area of the town centre as identified by the Proposals Map of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. The property is also within the Crook Conservation Area.
3. To the north of the site is the main road through Crook. Directly opposite the building is St Catherine's Church. To the east of the site is number 10 Church Street, which is currently used as a children's nursery, to the south of the site is a highway and to the west of the site is number 12 Church Street which currently operates as a shoe repair business.

planning history

4. The following planning history relates to the site:
 - 3/1980/0387 Illuminated Sign Approved 02.07.1980

- 3/2007/0558 Refurbishment and Alteration to A1 Shop and Residential Flat Over Approved 14.11.2007

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:

- BE5 Conservation Areas
- GD1 General Development Criteria
- H3 Distribution of Development
- S1 Town Centres
- S6 Retailing in Crook

Also relevant: Planning Policy Statement 6: Planning for Town Centres (PPS6).

consultations

6. WVDC Environment: The premises and business operator shall comply with all the requirements mentioned in the Wear Valley District Council Tattooing Bylaws.
7. WVDC Economic Regeneration: No response.
8. DCC Highways Engineer: No objections.
9. DCC Design and Conservation: No objections.

officer analysis

10. The key issues for consideration are:

- Principle of the Development
- Impact on the Shopping Area
- Impact on the Conservation Area
- Access and parking

principle of the development

11. The site is located within the settlement limits for Crook as identified on the Proposals Map and policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. The property is located within the shopping area of Crook town centre as defined by policy S6 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and is adjoined by neighbouring commercial properties.

12. Although policy S6 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 only supports change of use in the town centre for A1-A5 purposes, it should be borne in mind that a tattoo studio is a use commonly found in town centres. There is currently no other tattooist within Crook. The impact of the proposal on the shopping area and the conservation area are considered below.

impact on the shopping area

13. The Wear Valley Retail Study – Retail Study Update March 2007 showed that there were 110 commercial premises in Crook town centre. There were few (5 – 4.5%) vacant units. Only 46% of the premises were being used for retail purposes (class A1).

14. Policies S1 and S6 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 allow for change of use to classes A1-A5 at the ground floor of the application site. However it is considered that the proposed sui generis use of the premises as a tattoo parlour would be more beneficial to the shopping area than leaving the premises vacant. Indeed policy 6 of the Local Plan recognises the importance of maintaining a low vacancy rate. The previous use of the premises ceased two years ago. The tattoo studio would positively contribute to the commercial offer in the town centre and therefore to the vitality and viability of the shopping area and add to the diversity of uses within Crook town centre, in accordance with PPS6: Planning for Town Centres. There is scope for the new use to encourage linked shopping trips.

impact on the conservation area

15. There would be no internal or external alterations to the building. The application is for change of use only. The property has recently been restored to a high standard including the installation of a new shop front, which enhances the character and appearance of the conservation area. No details have been submitted to show what is proposed for the existing display windows. It is considered that subject to conditions regarding signage and the display windows the proposed development would be acceptable in relation to the host property, the surrounding area and the Crook Conservation Area, in accordance with policies GD1 and BE5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

access and parking

16. Since the application site is located within the defined town centre there is no need for dedicated parking provision to be made. It is considered that there is adequate car parking provision within the town centre to support the business. Durham County Council highways section have been consulted and have raised no objections to the proposals. It is therefore considered that the proposed development accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

objections/observations

17. Occupiers of the surrounding properties have been notified in writing, site notices have been posted and a notice was also placed in the press.
19. At the time of writing this report the site notice had not yet expired. Any observations received before the meeting will be reported to Committee.

conclusion and reasons for approval

1. The application site is located within the limits to development for Crook and within Crook town centre. The proposed development would add to the mix of uses within the town centre and support the vitality and viability of the town centre. The proposal is acceptable and in accordance with PPS6: Planning for Town Centres.
2. No external alterations are proposed and therefore the development would not have an adverse impact upon the character or appearance of the Crook Conservation Area in accordance with policies GD1 and BE5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. There is adequate car parking provision within the town centre to support the business. Durham County Council the highway authority, have raised no objections. The proposed development accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

RECOMMENDED

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

conditions

1. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 (or any order revoking and re-enacting those Regulations), no advertisements shall be displayed on the building or within the curtilage of the property without an application having been first submitted to and approved in writing by the local planning authority.
2. Before the change of use hereby approved is implemented details of the proposals for the display windows in the existing shopfront shall be submitted to and approved in writing by the local planning authority, and implemented.

reasons

1. To enable the local planning authority to control the number, size(s) and type(s) of advertisements displayed on both the building and site, in the interests of safeguarding the visual appearance of the building and surrounding area. In accordance with policies GD1 and BE5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. To ensure that any alterations to the display windows will not be harmful to the appearance of the premises nor to the character and appearance o the Crook Conservtion Area. In accordance with policies GD1 and BE5 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, PPS6.

PS code	<input type="text" value="20"/>		
number of days to Committee	<input type="text" value="44"/>	target achieved	<input type="text" value="√"/>
explanation			

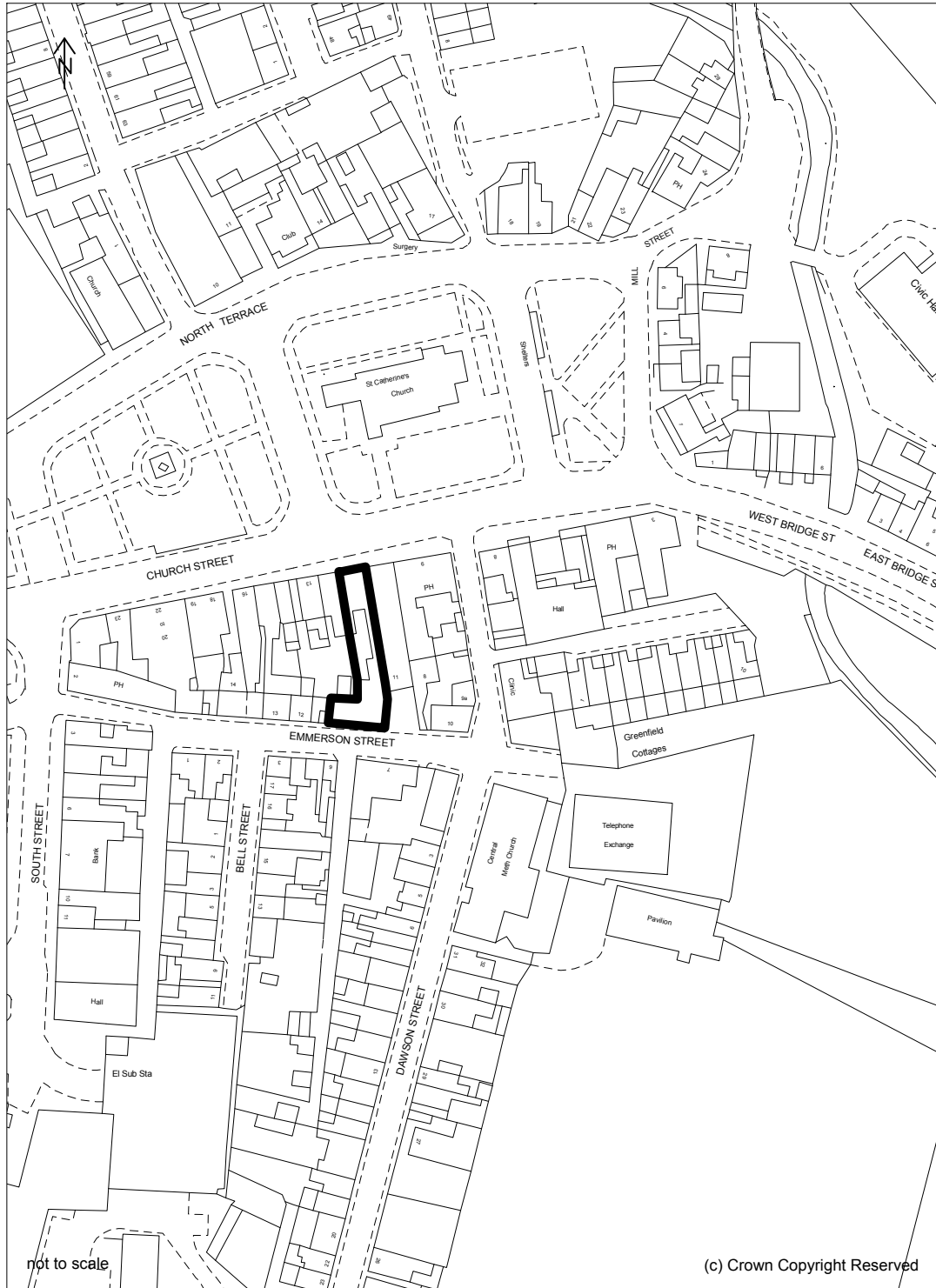
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext.264

Author of the report

Sinead Folan
Planning Officer
Ext. 272

3/2008/0634 - CHANGE OF USE TO TATTOO STUDIO AT 11 CHURCH STREET, CROOK FOR MS. BONE, INKY JUNKY TATTOOS – 08.10.2008



DEVELOPMENT CONTROL COMMITTEE

20th NOVEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0595 - DEMOLITION OF EXISTING BRICK BUILDING (SPRINGFIELD HOUSE). ERECTION OF NEW 81 BEDROOM NURSING HOME AND ASSOCIATED PARKING AT SPRINGFIELD HOUSE, WEST END TERRACE, WILLINGTON FOR DR. DEWAN, S. D. 1994 VOLUNTARY TRUST AND OTHERS – 16.09.2008

description of site and proposals

1. Outline planning consent is sought for the erection of an 81 bedroom nursing home located at Springfield House, West Road, Willington. Details of the layout, design, access, appearance, landscaping and scale have been reserved for future consideration.
2. The site to which the application relates is located within the settlement limits 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 is an existing detached structure on the site which was formally Springfield Care Home. The building now appears to be redundant and would be demolished as part of the proposed development. The site is located within a predominantly residential area with properties aligning the boundaries to the North, East, South and North West of the site. To the South West there are existing allotment gardens. To the North West of the site there is a modern housing development of executive homes which are located at a slightly higher site level than the application site. There is a highway (A690) located to the North of the site which would provide access to the development.
3. The site descends from the North to South. There are a variety of trees and shrubs within the site and aligning the boundaries some of which are covered by Tree Preservation Orders. The site boundaries are delineated by brick walls of various heights.

planning history

4. The following planning history relates to the site:
 - 3/2005/0890 18 Apartments Refused 16.12.2005
 - 3/200620934 16 Apartments Refused 05.01.2007
 - 3/2005/0943 6 Dwellings Withdrawn 08.12.2005

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
- H17 Housing for the Elderly, Handicapped and Disabled
- H20 Alternative Uses within Residential Areas
- H24 Residential Design Criteria
- H3 Distribution of Development
- T1 Highways - General Policy

Also relevant are: Planning Policy Statement 1 – Planning for Sustainable Development. PPS3 – Housing. Planning Policy Guidance 13 – Transport. Planning Policy Guidance 16 – Archaeology and Planning. Planning Policy Statement 22 – Renewable Energy. Planning Policy Statement 25 – Development and Flood Risk. Policy 4 of the North East of England Regional Spatial Strategy to 2021 July 2008. Tree Preservation Orders – A Guide to the Law and Good Practice.

consultations

6. Durham County Council Highways: No objection to the proposed development subject to the redundant vehicular access to the northern point of the site being stopped up.
7. Durham County Council Archaeology Officer: No objection to the proposal as the results of the pre application archaeological evaluation shows the route of the Roman road known as Dere Street does pass through the development site however the remains are in a poor state of preservation, given the paucity of datable artefacts and ecofacts recovered from the evaluation neither preservation in situ nor preservation by record would provide any further useful information.
8. Environment Agency: The proposal falls within the scope of the Environment Agency's standing advice.
9. Northumbrian Water: No objection to proposal subject to condition regarding disposal of surface water.
10. Durham County Council Arboricultural Officer: A full arboricultural report and tree constraints plan is required. The submitted information is not adequate and not in accordance with BS5837 trees in relation to construction.
11. Architectural Liaison Officer Durham Constabulary: Detailed recommendations received including landscaping, boundary treatment, appropriate lighting, car parking and CCTV.

12. Greater Willington Town Council: Expressed concern regarding the proposed development. The concerns are summarised below:
- Insufficient parking facilities.
 - It appears some trees would be felled to the eastern boundary to create a parking area.
 - Some of the ground floor rooms look directly onto brick walls.
 - Would the widened access to the east of the site be wide enough to allow for delivery vehicles and adult services buses.
 - In principle we approve the development with strong recommendation to address these areas of concern.
13. Ancient Woodland Trust: No comments received.

officer analysis

14. The key issues for consideration are:

- Principle of Development
- Design and Residential Amenity
- Access and Highway Safety
- Impact Upon Protected Trees
- Archaeology
- Renewable Energy

principle of development

15. The application site is situated within the settlement limits of Willington as identified within the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The site itself is previously developed land having formed the curtilage of the existing Springfield House. The site is considered to be brownfield land due to the previous use of the site and in accordance with the definition contained in Planning Policy Statement 3: Housing. The Government sets out in PPS3 specific outcomes that the planning system should deliver, including: 'A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate'. The basic principle of development is considered acceptable in relation to Policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007. As the site is considered to be brownfield in status and located within the sub urban area of Crook/Willington, it is considered to be sequentially suitable to receive new development in accordance with the objectives of Policy 4 of the Regional Spatial Strategy adopted 2008 sequential approach to development.

design and residential amenity

16. As the application site is situated within a predominantly residential area the impact on residential amenity must be considered. However, this would be assessed in the event of a detailed application being received. The Design and Access Statement indicates that the proposed development would be an attractive development that would compliment the existing properties within close locality to the site.
17. The indicative plans submitted with the application show that the two storey element of the proposed structure would be visible from West Road. As the existing residential properties on West Road are two storey terraced or detached properties this design is considered acceptable. The three-storey element of the development would be in the core of the site, which is well screened by existing trees and mature planting. Therefore, it is considered that the indicative plans are sensitive to the constraints of the site and compliment the design of the surrounding properties.
18. The illustrative plans show that the building would be constructed from materials which closely match the surrounding area and would not have an adverse visual impact on the front street scene. It is considered that the residential properties which align the site are located adequate distances away from the proposed structure to ensure no unreasonable overbearing or overshadowing impacts would occur. The building has been designed to limit any potential detrimental impacts on the occupiers of these properties. The property to the South East of the site (Myrtle House) is at a lower site level than the application site and the indicative plans show that parking facilities have been proposed to this boundary. A further assessment of the impact this layout may have on the residents of this property would be carried out when a reserved matters application is received. The proposed building has been located away from the boundary to this dwelling to limit any overbearing or overshadowing effects on the occupiers of this property. The proposal is acceptable in relation to policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

access and highway safety

19. The Design and Access Statement states that the proposed development provides the opportunity to accommodate an accessible and inclusive development through good links to existing footpaths and an established highway network. The Willington area is well served by existing cycle routes and pedestrian links with public transport ensuring reasonable accessibility to the existing services within the town. The submitted indicative layout shows that access to the site would be served by the existing access from the adjacent highway (A690). Durham County Council Highways Department has no objection to the proposed development subject to a condition that the additional access to the Northern point of the site is formally stopped up. This can be controlled by an appropriate condition.

20. The layout submitted has provision for 20 parking facilities with achievable access for larger emergency vehicles. It is considered that the proposal would enhance the sustainability of the area in accordance with PPG1, and policies T1 and GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
21. The proposed development would include the creation of a number of jobs therefore its location in relation to existing transport links and facilities are paramount. It is considered that the Willington area offers a realistic choice of modes of transport as the area can be accessed by public transport, cycling and walking. The proposal is considered acceptable in relation to Planning Policy Guidance 13.

impact upon protected trees

22. The application site is host to a vast variety of Protected Trees and a number of mature specimens. The applicants have submitted a tree survey with the application however it was considered inadequate by the Durham County Council Arboricultural Officer. In response a condition would be applied to any approval requiring a full tree report to be submitted with any detailed application, to ensure the proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007.

archaeology

23. The site is known to be of archaeological interest as the course of a known Roman Road from Binchester to Chester – le – Street passes through the site. An archaeological survey was submitted with the application which revealed evidence of a Roman Road surviving on the site despite considerable truncation however it is not thought that any further significant sections of the road have survived on the site. Therefore, no further schemes of archaeological works are recommended in relation to this development. Durham County Council Archaeological Officer has no objection to the development of the site. The proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and also advice contained within PPG 16.

renewable energy

24. Climate change is high on the global agenda and the Government's recent Energy White Paper has given a statutory requirement to reduce carbon emissions among other things: promoting sustainable patterns of development, making efficient use of land and securing renewable energy and energy efficiency measures in new development. Sustainability is therefore the overarching aim of all planning policy. In particular PPS 1, including climate change supplement, PPS3, PPG13 and PPS22 all place an emphasis on achieving sustainable development. RSS policies 2,3,12,24,38,39 and 40 reinforce this requirement and Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 requires new development to be designed to conserve energy.

25. In this respect the development would be suitably located and would make efficient use of previously developed land. In order to satisfy RSS Policy 38 and the general provisions of PPS1 and the climate change supplement, the detailed development proposal should be designed to achieve high energy efficiency and to minimize energy consumption. Accordingly, the development should be designed to achieve a minimum BREEAM (Multi – Residential) rating of ‘very good.’ This would ensure that the building would be built and managed to a high environmental standard. A planning condition to this effect would be appropriate.
26. In addition, in order for the region to achieve its target of at least 10% of consumption of electricity from renewable sources by 2010, RSS policy 38 requires all major developments to secure at least 10% of their energy supply from renewable sources. This is also strongly supported by the Environment Agency, the NEA and One NorthEast. The application has not demonstrated how the development would achieve this target and therefore a condition to demonstrate how this will be achieved is appropriate.

objections/observations

27. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted. The application was also advertised in the local press. Eleven letters of observation have been received, the contents of which are summarised below:
 1. The building would be massively out of scale in an area of small residential properties.
 2. The building would take up an area not previously built on.
 3. The building would affect visibility across the countryside to all currently living in Springfield Terrace.
 4. The building is three storeys high and built on land which is much higher than ground level.
 5. The style of the building is at odds with the Victorian and pre Victorian dwellings in the vicinity.
 6. New dwellings would be overlooked by the proposed building.
 7. The size of the building would undoubtedly increase traffic flow to the busy main road.
 8. Cars and delivery vans would park on the main road.
 9. Due to the site topography the water run off tends to fall on the lower part of the site. An increased parking or hard surface area may have an increased effect on the land drainage.
 10. An increase in traffic and disruption due to shift changes, visitors and ambulance calls coupled with the increase in lighting will further disrupt a quiet residential area.
 11. If the home is closed a building of this scale unoccupied could become the target for vandals and a further strain on local residents.
 12. The building would result in loss of privacy to occupiers of surrounding properties.
 13. The existing property is not unoccupied. It is currently a family home.
 14. The style of the building lacks quality in both material and detail when compared to nearby dwellings.
 15. Bats reside in the area and their habitat would need to be protected.
 16. TPO trees will need to be protected at all times.

17. Why do the developers feel the need to reduce the building to two storeys adjacent to the main road and not the rest of the site.
18. The amount of open space left for greenery is limited.
19. The submitted Transport Statement claims that neither of the two accesses meets Durham County Council standards. The access to the West was never an access.
20. The statement also states that at least 32 car parking spaces, 5 bicycle spaces and 1 ambulance space would be required for this development although the plan only shows 20 spaces.
21. These spaces are located on a recognised TPO area.
22. The proximity of the proposed parking spaces to the eastern boundary would lead to activity which would be prejudicial to the amenity currently enjoyed by the occupants of Myrtle House due to the difference in site levels.
23. In a similar application in 2006 planning permission was refused as the development was in conflict with policy ENV14 of the Wear Valley District Local Plan as there was no clear justification for the removal of protected trees.
24. The development would encourage the parking of vehicles on the A690 or adjoining verges which, other than interrupting the free flow of traffic on approach to the mini roundabout, would restrict the visibility for vehicles leaving the existing accesses onto the A690.
25. The boundary wall between the application site and Myrtle House is not a retaining wall. It could be affected by the pressure of traffic and parking.
26. There is no possibility of the boundary wall being heightened to give more privacy from sight, sound and pollution.

response to objections

28. The following is a response to the issues raised by local residents:
 1. The scale of the proposed development has been reserved for future consideration. The plans submitted are indicative for illustrative purposes.
 2. The application site is located within the settlement limits to development as identified within the Proposals Map of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and is considered to be brownfield in status in accordance with Policy 4 of the Regional Spatial Strategy and the sequential approach to development for priority to be given to previously developed land and buildings in sustainable locations within urban areas.
 3. Loss of view is not a material planning consideration.
 4. It is agreed that the site is at a higher level than some of the residential properties within close proximity however as this application is for outline planning permission with all matters reserved details of scale and design should be reserved for future consideration.
 5. Design of the proposed structure is reserved for future consideration.
 6. The relationship between the proposed structure and existing properties would be considered once the principle of development was established. Careful consideration will be given to the residential amenity of neighbouring properties at the detailed stage.

7. Durham County Council Highways Department has no objection to the application.
8. Durham County Council Highways Department are satisfied with the details submitted with the application however further details of access and parking are reserved for future consideration.
9. A condition would be applied to any approval to ensure further details of surface water run off and drainage are submitted to and approved in writing by the local planning authority before the commencement of development.
10. Durham County Council Highways Department has no objection to the proposal.
11. The Council cannot comment on the possible failure of the business.
12. As the scale, design and layout are reserved for future consideration the privacy of existing occupiers within close proximity has not been assessed at this stage. The outline application will only establish the principle of development on the site.
13. The existing building does not benefit from planning permission for the change of use from care home to residential dwelling. Therefore, enforcement action is in progress to rectify this situation.
14. Materials used to construct the proposed building would be controlled by appropriate condition. The design of the structure would be reserved for future consideration.
15. An ecological survey would be a condition of any subsequent development.
16. The protection of TPO trees would be a condition of any development in accordance with an appropriate tree survey and advice from the Durham County Council Arboricultural Officer.
17. The final design and scale of the building are reserved for future consideration.
18. The layout and scale are reserved for future consideration.
19. Access has been reserved for future consideration.
20. Layout is considered for future consideration.
21. Appropriate conditions would be applied to any future development to ensure there is justification for the removal or works to any trees covered by Tree Preservation Orders.
22. The final layout of the proposed development is reserved for future consideration. The plans submitted are an indicative layout and for illustrative purposes only.
23. Policy ENV14 of the Wear Valley District Local plan expired in September 2007. A full tree survey would be required before any works commenced on the site.
24. Durham County Council Highways Department has not objected to the scheme.
25. The impact the development would have on the boundary wall aligning Myrtle House will be fully assessed when a reserved matters application is received.
26. As the design, scale and layout of the proposed scheme have been reserved for future consideration the erection of additional boundary treatments would be assessed at the detailed stage.

conclusion and reason for approval

1. The site is located within Willington, one of the district's urban areas and therefore satisfies the sequential approach to development within Policy 4 of the adopted Regional Spatial Strategy. The site is also within the settlement limits to development as identified within the Proposals Map of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. Given the site is previously developed in status and is already host to an existing care home facility, even though it is currently redundant, it is considered that the proposal for a nursing home would be acceptable in this location in accordance with policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as well as Policy 4 of the Regional Spatial Strategy.

RECOMMENDED

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

conditions

- 1/2. Standard outline conditions (all matters reserved).
3. Before the development hereby approved is commenced samples of all materials to be used in the construction of the external surfaces of the building 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.
4. 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 nursing home hereby approved shall not be occupied until that work has been carried out in accordance with the approved details.
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.
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 building 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. No demolition or 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.

8. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upo 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 occupied.
9. Before the development hereby approved in commenced wheel washing equipment shall be provided at all egress points. The equipment installed shall be of a grid type to ensure that once the bottom of the vehicle is cleansed of mud etc this mud is not trailed onto the public carriageway. The wheel washing equipment shall be used on all vehicles leaving the site during the period of construction works.
10. At no time whatsoever shall any waste material, goods, merchandise or any article of any description be burnt on the site.
11. Before the development hereby approved is commenced details of the arrangements for dealing with surface and foul water discharges from the site shall be submitted to and approved in writing by the local planning authority and the arrangements shall be implemented in accordance with the approved details before the building hereby approved is occupied.
12. Before commencement of development a full arboricultural report and tree constraints plan shall be submitted containing Tree Root Protection Areas, Construction Exclusion Zones, Tree Protection Plan, Arboricultural Implications Assessment and Arboricultural Method Statement. The works shall be carried out in accordance with the approved details.
13. Before the development hereby approved is commenced details of the proposed external lighting 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.
14. The existing redundant vehicular access at the northern end of the site shall be stopped up, its use permanently abandoned and the verge/footway crossing reinstated in accordance with details which shall be first submitted to and approved in writing by the local planning authority.
15. The development hereby approved shall achieve a BREEAM (multi residential) minimum rating of 'very good'. Evidence should be provided to the local planning authority that:
 - i) Prior to the commencement of the development, the development has been registered for BREEAM assessment and can achieve a BREEAM minimum 'very good' rating or alternative as agreed in writing by the local planning authority and;
 - ii) Prior to the occupation of the development, the development has achieved a BREEAM post construction certificate minimum 'very good' rating or alternative as may be agreed in writing by the local planning authority.

16. Prior to the commencement of the development details showing the measures to be taken to produce a minimum 10% of the total energy requirements of the development hereby approved by means of renewable energy sources shall be submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be implemented prior to the first occupation of the development and retained in perpetuity.
17. An ecological investigation and assessment of the site and existing building must be undertaken and completed by competent persons and the findings submitted for the written approval of the local planning authority prior to the commencement of the development. Thereafter the development shall be carried out in accordance with any agreed findings, method statement and/or mitigation measures.

reasons

- 1/2. Standard outline reasons.
3. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. 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.
5. 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 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 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.
8. To achieve 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.
9. 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.
10. 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.

11. To safeguard against flooding. To ensure a satisfactory means of disposal and to ensure the development does not increase the risk of flooding from sewers. In accordance with the requirements of PPS25 and policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
12. To ensure that the proposed works would not be harmful to the trees covered by Tree Preservation Orders and any works are carried out in a satisfactory manner to ensure the remainder of trees are not harmed. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and Tree Preservation Orders - A Guide to the Law and Good Practice.
13. To ensure a satisfactory standard of development and help deter crime and anti social behaviour. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
14. In the interests of highway safety. In accordance with policies T1 and GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
15. To reduce CO2 emissions in the interests of reducing the effect the development may have on climate change. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, PPS1 and RSS Policies 3,38 and 39.
16. To reduce CO2 emissions in the interests of reducing the effect the development may have on climate change. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, PPS1 and RSS Policies 3,38 and 39.
17. To ensure the development is not detrimental to any ecology on the site. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007: Planning Policy Statement 1 – Planning for Sustainable Development. PPS3 – Housing. Planning Policy Guidance 13 – Transport. Planning Policy Guidance 16 – Archaeology and Planning. Planning Policy Statement 22 – Renewable Energy. Planning Policy Statement 25 – Development and Flood Risk. North East of England Regional Spatial Strategy to 2021 July 2008. Tree Preservation Orders – A Guide to the Law and Good Practice.

PS code	12		
number of days to Committee	67	target achieved	√
explanation			

Officer responsible for the report

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Ext 264

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Joy Whittington

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Ext 268

3/2008/0595 - DEMOLITION OF EXISTING BRICK BUILDING (SPRINGFIELD HOUSE). ERECTION OF NEW 81 BEDROOM NURSING HOME AND ASSOCIATED PARKING AT SPRINGFIELD HOUSE, WEST END TERRACE, WILLINGTON FOR DR. DEWAN, S. D. 1994 VOLUNTARY TRUST AND OTHERS – 16.09.2008



DEVELOPMENT CONTROL COMMITTEE

20th NOVEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0627 - SITING OF A MULTI USE GAMES AREA AND CLIMBING BOULDER AT FORD WAY, WOODHOUSE CLOSE, BISHOP AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL

description of site and proposals

1. This application is reported to Committee as the application site has been submitted by Wear Valley District Council. Members will recall a previous application for streetscape improvements, a new bus shelter and landscaping which was approved by the Development Control Committee on 19th March 2007. The multiuse games area originally formed part of this proposal but was withdrawn in the light of neighbour objections. Local people have been consulted and a petition in favour of the all weather pitch, signed by 554 persons, has been submitted with this application.
2. Planning permission is sought for the siting of a multi-use games area and climbing boulder at Ford Way, Woodhouse Close, Bishop Auckland. The games area would consist of a central tarmac all-weather pitch measuring 38m x 20m. It would be constructed over the old Ford Way road which has been stopped up following the recent streetscape improvements. The pitch would be orientated north-south and would be enclosed by a 3m high powder coated steel fence. Basketball hoops and football goals would be incorporated into the north and south fence with six flood lights sited around the perimeter of the pitch to allow the facility to be used after dark. Seating and refuse bins would be sited to the east of the games area. Trees are proposed to be planted alongside the seating areas.
3. The climbing boulder would be manufactured from concrete and would measure approximately 1.5m high. It would be sited to the south of the multi use games area.
4. The application site is located within a large expanse of open space to the rear of properties on Scott Road and Proudfoot Drive. The multi use games area would be constructed over what was previously an access road. The road has since been relocated to the west of the application site.

planning history

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

- 3/2007/0024 Streetscape Improvements, New Approved 20.03.07
Bus Shelter, Shopfront Improvements, Replacement and Renewal of Road/Paving Surfaces (Including Parking Bays), Enhanced and New Street Furniture, Provision of All Weather Sports Facility Including Floodlighting and CCTV

planning policies

6. 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
- H20 Alternative Uses within Residential Areas
- RL1 Recreation – New Provision
- RL8 Improvements to Existing Open Space

consultations

7. Environmental Health: The Environmental Health Act 1990 protects the owners of residential property by intrusion of unwanted light from floodlighting and security lighting. The developers must ensure that the position and design of the lighting installation prevents spillage of light to affect any neighbouring residential properties.

8. Legal: No response.

9. Highway Authority: No response.

10. Public Rights of Way: No response.

11. Town Council: No response.

12. Police Architectural Liaison: No response.

officer analysis

13. The key issues for consideration are:

- Principle of Development
- Impact on Character and Appearance of the Surrounding Area
- Residential Amenity

principle of development

14. Policies RL1 and RL8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 support the provision and improvement of recreation areas and the provision of modern facilities for sport within or adjacent to built up areas. This application proposes the provision of high quality modern sports facilities as part of wider improvements to this underutilised area of public open space. It is therefore considered that the proposal complies with RL1 and RL8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

impact on character and appearance of the surrounding area

15. The proposed multi use games area and climbing boulder would be located within an existing area of open space in a built-up area. The area has already seen considerable streetscape improvements however much of the landscaping of the site is not yet complete. Following the completion of the landscaping of the site, the multi use games area and boulder would be absorbed well into the wider area. The fencing, surface materials and facilities would not detract from the character or amenity of the surrounding area and as such the proposal complies with policies GD1, RL1 and RL8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

impact on residential amenity

16. The application site is already a recreation area with associated landscaping which was approved as part of planning application ref. 3/2007/0024. As such the proposal would represent an improvement to an existing recreation area rather than the introduction of a new use. The intensified use of this area for sport would be likely to create higher levels of noise, however, the closest dwellings, on Scott Road, would be approximately 25m away from the games area. It is therefore not considered that the proposal would cause unacceptable noise disturbance to neighbouring residential properties.
17. The application proposes the installation of six floodlights which would be in operation on darker nights until 10pm. The analysis of the floodlighting submitted with the application shows the levels of light spillage to be a maximum of 12m away from the floodlighting. The closest dwelling would be located 25m away from the floodlighting and as such it is not considered the proposed floodlighting would harm the amenities of the occupiers of the dwellings on Scott Road.
18. It is widely accepted that play is a vital activity in relation to healthy child development. There is increasing awareness of the importance of good quality play opportunities for children's social, emotional, physical and cultural development. The experiences of play are crucial to the development of children, enhancing their physical, social and intellectual capabilities through interaction with their environment. Play also has social benefits, promoting social cohesion and supporting families and communities, offering opportunities for exploring cultural identity and difference. For these reasons

and because there is a lack of suitable local facilities and stimulation, it is considered the proposal would be an important and beneficial resource for local children and social cohesion in the area. Concerns that the proposal would increase anti-social behaviour are therefore considered unjustified.

19. The proposal is in accordance with policies GD, RL1 and RL8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

20. Occupiers of the surrounding properties have been notified in writing and a site notice has also been posted (site notice expires 12/11/2008).
21. Three objections have been received at the time of writing this report, the content of which are outlined below:
 - a) The application site is too close to the existing dwellings leading to light and noise pollution for the occupiers of these properties.
 - b) There is no need for a sports facility in this location as there is a recreation ground around the corner.
 - c) The site would attract vandals and drug users already use the area as a meeting place.
22. If further comments are received before the meeting they will be reported to the Committee.

response to objections

23. In response to the issues raised, the following comments are made:
 - a) The application site is located 25m away from the closest dwellinghouses on Scott Road, and as such the facility is not considered to be likely to create an unacceptable level of noise or cause light pollution which would be significantly detrimental to the amenities of the occupiers of those properties.
 - b) There is a recreation ground at Cockton Hill which has two full size football pitches, and is approximately 0.5 miles away from the application site. The Jane Armstrong Park off the A688 has a children's playground. However neither of these recreation areas has the modern sports facilities supported by policies RL1 and RL8, whilst the closest multi use games area to the application site is located at Middlewood Green in St Helen Auckland. The proposal would be the only such facility in the locality that would be provided with floodlighting.
 - c) This is considered to be unjustified as the majority of evidence shows that such facilities improve social cohesion and social development, and are a valuable local resource. The site has good natural surveillance and CCTV coverage is proposed. The development of the site as a sports facility would also be likely to reduce the potential for drug users to operate in the area as a result of the increased surveillance by users of the facility. It is also important to note that

there are measures outside the planning system to control anti-social behaviour.

conclusion and reasons for approval

1. The proposal is acceptable in relation to policies GD1, RL1 and RL8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as it:
 - a) Would contribute to the provision and improvement of play facilities in the local area.
 - b) Would not be detrimental to the amenities of the occupiers of the surrounding residential properties.
 - c) Would not be detrimental to the character or appearance of the surrounding area.

RECOMMENDED

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

conditions

1. Before the development hereby approved is commenced details of the proposed colour finish to the fencing around the multi use games area 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 development hereby approved is first brought into use.
2. The floodlighting shall be implemented in accordance with the approved details. If within a period of three months following the first use of the lights the local planning authority requires realignment or shielding of the lights, this shall be carried out in accordance with a scheme to be agreed in writing by the local planning authority before the continuation of their use.
3. The floodlighting hereby approved shall not be used before 0700 hours nor after 2000 hours on any day.
4. Prior to the commencement of development, full details of the proposed surfacing to the multi use games area shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

reasons

1. To ensure the satisfactory appearance of the completed development. In accordance with Policies GD1, H20 and RL1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To safeguard the amenities of the surrounding occupiers and to ensure that any light pollution is minimised. In accordance with Policies GD1, H20 and RL1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

3. To safeguard the amenities of the surrounding occupiers and to ensure there is no light pollution outside of the specified hours. In accordance with policies GD1, H20 and RL1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. To ensure the satisfactory appearance of the completed development. In accordance with Policies GD1, H20 and RL1 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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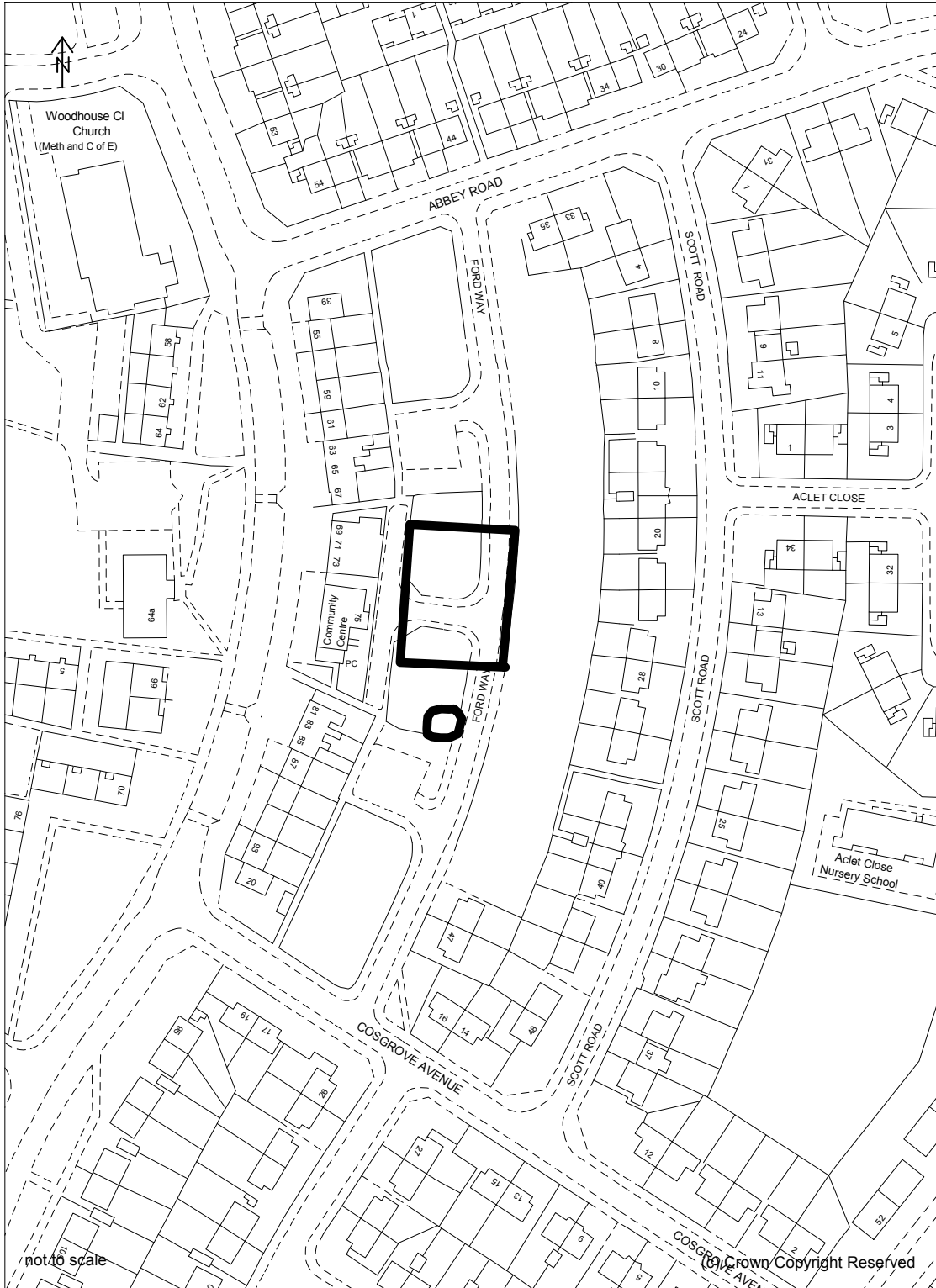
Officer responsible for the report

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 Ext 264

Author of the report

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 Planning Officer
 Ext 539

3/2008/0627 - SITING OF A MULTI USE GAMES AREA AND CLIMBING BOULDER AT FORD WAY, WOODHOUSE CLOSE, BISHOP AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL



DEVELOPMENT CONTROL COMMITTEE

20th NOVEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

SU/3/2008/0005 - 12 METRE HIGH STREETWORKS MONOPOLE WITH 3 NO. ANTENNAS INSIDE GRP SHROUD (OVERALL HEIGHT 14.3 METRES), 1 NO. EQUIPMENT CABINET AND ANCILLARY DEVELOPMENT AT WOODHOUSE LANE, BISHOP AUCKLAND FOR VODAFONE U.K. LIMITED 14.10.2008

description of site and proposals

1. Prior notification is sought for the erection of a telecommunications mast which would incorporate a 12 metre high street works monopole with 3 antennas inside a GRP shroud. The overall height of the mast would be 14.3 metres. The proposal also includes an equipment cabinet and electrical pillar positioned at the base of the mast. The equipment cabinet would measure 1.48 metres in length 0.35 metres in width and have a maximum height of 1.5 metres. The proposed telecommunications mast is required in order to provide 3G network coverage to the area. It should be noted that this application is for prior approval; the local planning authority are only therefore able to consider issues of siting and appearance.
2. The site to which the application relates is situated adjacent to Woodhouse Lane. The mast would be located in a position which would be in line with an existing CCTV pole. There are also existing lamp posts within close proximity to the site. The proposed monopole would be located on a grass verge adjacent to a footpath. Immediately to the north of the proposal there is a tarmac footpath and a cycle way. Woodhouse Lane runs adjacent to the site with Woodhouse Drive to the west. There are a number of residential properties surrounding the site.
3. The applicants have produced a supporting statement and a technical justification in addition to an ICNIRP Certificate which indicates that the proposed equipment would be in full compliance with public exposure guidelines. The applicants have identified 15 alternative sites within the area and listed the reasons for discounting these options. The reasons for discounting vary from issues surrounding land ownership, existing underground services, access requirements and visibility splays.

4. In accordance with publicity requirements set out in Planning Policy Guidance 8 the applicants carried out a pre application community consultation exercise, details of which are shown within the supporting statement. The applicants have confirmed that local ward councillors for Bishop Auckland, nearby residents and St Winifred's RC Primary School, St Anne's Primary School and Bishop Barrington School have all been consulted on the proposal prior to the submission of the application.

planning history

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

planning policies

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

- GD1 General Development Criteria
- T1 Highways - General Policy

Also relevant: Planning Policy Guidance 8: Telecommunications. Code of Best Practice on Mobile Phone Network Deployment.

consultations

7. Durham County Council Highways: No highway objection.
8. Crime Prevention Officer Bishop Auckland: No objection.
9. Bishop Auckland Town Council: Objects to the proposal on the following grounds:
 - This should not be within a residential area where children have to pass on their way to school. There are 3 schools nearby.
 - The proposed location is only 9 metres from the frontage of one of the resident's properties.
 - The Town Council has reservations regarding the site selection process.
 - Health risks associated with this technology.
 - This is a dangerous road and children will be attracted to climbing over the equipment with subsequent vandalism.
 - Wear Valley District Council has turned down better sites.
 - Just because there are already structures in place is not a valid reason for approval, there are better sites within the vicinity.
 - Further investigation should be made as to why the T.A Centre cannot be updated.
 - Alternative sites should be investigated in consultation with residents.
 - Why has Vodafone not considered a joint application with O2 for the proposed site at Caroline Street?

officer analysis

10. The key issues for consideration are:

- Principle of Development
- Visual Impact
- Residential Amenity
- Highway Issues

principle of development

11. The application site is located within the settlement limits to development as identified within the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

12. The Government's general policy on telecommunications seeks to facilitate the growth of new and existing systems whilst keeping the environmental impact to a minimum. Planning Policy Guidance 8 (PPG8) advises local planning authorities not to question the need for the services which a proposed development is to provide and authorities are encouraged to respond positively to telecommunications development proposals, especially where the proposed location is constrained by technical considerations, while taking account of the advice on the protection of urban and rural areas in other planning policy guidance notes.

13. In seeking to arrive at the best solution for an individual site, authorities and operators are encouraged to use sympathetic design and camouflage to minimise the impact of the development on the environment in terms not only of masts and structures but also materials and colouring.

14. In response to growing concerns from the general public the Government commissioned the 'Independent Expert Group on Mobile Phones' to examine the impact of telecommunications equipment on health. Sir William Stewart chaired the Commission and the report was published in May 2000. The Stewart Report recommended that as a precautionary approach the International Commission on Non Ionising Radiation Protection (ICNIRP) guidelines for public exposure be adopted for use in the UK rather than the National Radiological Protection Board (NRPB) guidelines.

15. In respect of base stations the Stewart Report concluded "that the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines. However, there can be indirect adverse effects on their well-being in some cases". A precautionary approach was recommended to the use of mobile phone technologies comprising a series of specific measures, until we have more detailed and scientifically robust information on any health effects becomes available.

16. PPG8: Telecommunications states that 'health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case. However, it is the Government's firm view that the planning system is not the correct forum for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing the application, to consider the health aspects and concerns about them".
17. Therefore, only limited weight can be given to perceived fears about projected exposure and health implications and these fears would not be grounds to refuse an application.
18. It should be noted that the High Court has overturned several appeal decisions where telecommunication developments were refused due to the perception of fear against the health and well-being of the resident population. The High Court in allowing development made clear that so long as the development is undertaken in accordance with the ICNIRP standards then it should not be necessary for a local planning authority in processing an application to consider the health effects further. The applicant has supplied a statement confirming that the proposal, when operational, will meet the ICNIRP guidelines. The applicant has indicated that the proposal is necessary to facilitate the introduction of the new G3 network to the district.
19. It is therefore considered that the principle of the proposal is acceptable in relation to policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and through Government guidance set out in Planning Policy Guidance 8: Telecommunications.

visual impact

20. The applicant has identified 15 alternative sites and stated reasons why these sites have been discounted. Details of these alternative sites and reasons are available with the submitted application. It was concluded that there were no suitable structures or buildings, which could be used to provide the required level of coverage in the immediate area, nor are there any existing installations which would be appropriate for either a site share or co – location.
21. The proposed mast would be located within an area where there are similar structures including a 9 metre high street lighting column, a 8 metre high CCTV pole and 8 – 9 metre high telegraph poles. Planning Policy Guidance 8 acknowledges that masts need to be a particular height to serve their purpose and advises that local planning authorities should seek to understand the constraints that the operator faces (para 75). In this instance there do not appear to be any other suitable sites within the search area and the applicants have chosen a sympathetic type of installation to minimise any visual impact.

22. It is considered that due to the extent of existing vertical structures within close proximity to the application site the proposed installation would form a congruous feature within the front street scene and would not break up the skyline causing a detrimental impact on the surrounding area. As the proposed structure has been designed to compliment the slim line design of the surrounding structures this would minimise the impact the development would have on the character and visual amenity of the surrounding area. The design of the mast is appropriate in the context of its proposed setting.
23. The proposed telecommunication equipment would be treated with a colour which would blend in with the surrounding area and the existing equipment in the locality therefore minimising the impact on the street scene. The colour and finish of the equipment would be controlled by appropriate condition.
24. Although the mast and ancillary equipment would be noticeable on first installation it would quickly blend in with the existing street furniture. The proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and the objectives contained with Planning Policy Guidance 8.

residential amenity

25. There are residential properties within close proximity to the application site. As explained previously, the health and safety aspects of the telecommunications mast cannot be taken as a material planning consideration since the applicants have confirmed the proposal meets current ICNIRP guidelines. The application can only be determined in relation to visual impact the proposed mast would have on the surrounding area. Government Guidance states that local planning authorities should not insist on minimum distances between new telecommunications development and existing development.
26. The construction is a monopole with associated equipment located close to the base which would be finished in an appropriate colour which would compliment the surrounding area. The design, scale and position of the proposed development would not have an adverse visual impact on the residential amenity of the surrounding properties. The development would not cause any overbearing or overshadowing impacts on these residents and accords with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

highway issues

27. Durham County Council Highways Department have raised no objection to the proposed development. The development would be located in an appropriate position which ensures it would not affect the visibility splay of motorists. It is considered that the proposal would not have an adverse impact on highway safety. The proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

28. Occupiers of the surrounding properties have been notified in writing and a site notice was posted. Twelve letters of objection have been received, the contents of which have been summarised below:
1. There is an existing 9 metre high pole at this location.
 2. The mast is higher than the lamp posts and will cause signal interference to television viewing.
 3. Sun will reflect off it and cause a distraction to motorists.
 4. It would be a target for vandals.
 5. Why not relocate this to the new development at St. Helens Industrial Estate?
 6. Having considered research from the radiation protection board and their guidelines and as the mast will be within a residential area close to all schools, nursery and college we are strongly opposed to your suggestions.
 7. Why has Mono literature only been posted to a selected few residents in the Bishop Auckland area.
 8. This road is a notorious accident black spot and oppose any further structures which would distract motorists.
 9. The plans are inaccurate as it would appear that the pole would be in line with the electrical pillar which is used by school children.
 10. You must consider the probability of vandalism and graffiti already to be seen on other such items.
 11. The area is too small for another appliance.
 12. Too close to residential properties.
 13. Everything seems to be being considered for this area.
 14. This will definitely have a massive effect on house prices in the area of the mast.
 15. I know they pay landowners good money to site the masts so the Butterwick option should have been better pursued.
 16. I live about 50 metres away and it will be straight out of my window.
 17. The existing cameras cannot be used at all to justify the mast.
 18. The cameras make people feel safer and are finished in black and can hardly be seen at all.
 19. They also do not give you cancer or whatever other things these masts may or may not do.
 20. To have to look at something that could cause harm to my health and my young family as well as looking a complete eyesore is disgraceful and will have an adverse effect on my quality of life.
 21. The application is obtrusive, being too close to properties and in an area which already has more than its fair share of street furniture.
 22. The submitted plans are an untrue representation of the area. They show trees and a fence which do not exist on the site and would not afford any camouflage for the mast.
 23. People with young families will not want to buy houses in this area some of which are classed as affordable.

24. A neighbour had to reduce his garden wall because it was too high.
25. Scientists in Vienna jointly agreed on dangers linked to low level exposure to radio/microwave EMR as emitted by mobile phones base stations in 1999. Australia has deemed it prudent that no mast be erected within a radius of 500 metres of any school or residential area.
26. Would the granting of permission allow this mast to be added to without further consultation and could several antennas be added?

response to objections

29. The following comments are made in response to the issues raised by objectors:
 1. Agreed. There are a number of structures within close proximity to the site.
 2. This is not a material planning consideration.
 3. The finish of the proposed mast and associated equipment would be controlled by the local planning authority.
 4. The Crime Prevention Officer from Bishop Auckland has assessed the proposal and considered that as there is an existing CCTV camera near the site any potential anti social behaviour could be monitored.
 5. Various sites within a defined search area were considered through detailed pre application advice.
 6. As discussed in the officer analysis health issues surrounding the proposal are not considered to be a material planning consideration.
 7. Mono have distributed letters to those residents living nearest to the application site. This is not part of the formal consultation by the local planning authority.
 8. Durham County Highways Department has not objected to the proposal.
 9. The submitted site plan identifies the proposed location of the mast and the location of the existing structures within the area.
 10. The Crime Prevention Officer has raised no objection to the proposal.
 11. It is considered that there is sufficient space within the area to accommodate the proposed mast.
 12. It is noted that the mast would be within close proximity to residential properties however it would not cause any overbearing or overshadowing impacts on the occupiers of these properties.
 13. Each individual application will be determined on its own merits.
 14. This is not a material planning consideration.
 15. The Butterwick Hospice site was discussed however discounted. Fees cannot be discussed or considered as part of this application.
 16. Loss of view is not a material planning consideration.
 17. The existing CCTV pole is not used to justify the erection of the proposed mast however it is used to highlight the fact that there are existing structures within close proximity to the site.
 18. Agreed.
 19. Health issues are not considered to be material in consideration of this development.
 20. As above.
 21. It is considered that due to the scale and design of the proposed mast it would not appear obtrusive within the street scene.

22. The plans highlight the existing trees to the boundary of properties to the rear of the site.
23. This is not a material planning consideration.
24. This development cannot be commented on as part of the proposed scheme as each individual planning application is determined on its own merits.
25. The Stewart Report May 2000 recommended that as a precautionary approach the International Commission on Non Ionising Radiation Protection (ICNIRP) guidelines for public exposure be adopted for use in the UK rather than the National Radiological Protection Board (NRPB) guidelines.
26. Any subsequent amendments or additions to the mast would need to be considered by the local planning authority.

conclusion and reasons for approval

1. Government Guidance PPG 8: Telecommunications indicates that proposals for telecommunications masts should be determined on the grounds of visual amenity. If a proposal would meet the ICNIRP guidelines it should not be necessary for the local planning authority to consider the health and safety aspects of the telecommunications mast.
2. The design of the mast is a monopole and would be treated in a colour finish which would ensure that it would blend in with the surrounding environment. The proposals, which include the associated equipment at the base, would be sited within close proximity to residential properties however due to the scale and design of the monopole it would not cause any overbearing or overshadowing impacts on these occupiers. It is considered that the design, scale and siting of the proposal would ensure there would be no adverse effects upon the residential amenities of surrounding neighbouring properties. The proposal satisfies policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. The size, design and appearance of the proposed monopole would be similar to that of the lamp posts and similar structures which are located along Woodhouse Lane. It is considered that the proposed monopole would not be highly noticeable within the street scene as it would blend in with these existing structures. The associated equipment to the base of the monopole would be treated in a finish which blends in with the surrounding area. The proposals would not be highly noticeable from the immediate surrounding area and would not be visually intrusive to the local streetscene. The proposal is in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. Durham County Council Highways Department has no objections to the proposed development. The development would be located in an appropriate position which ensures it would not affect the visibility splay of motorists. The proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

RECOMMENDED

That prior approval is **GRANTED** subject to the following condition and reason;

condition

1. Before any works are commenced on site, details of the colour treatment of the new telecommunications equipment shall be submitted to and approved in writing by the local planning authority. Once agreed, the development shall be colour treated within 56 days following installation.

reason

1. In the interests of visual amenity. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007.

background information

Application files, Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, PPG8, Code of Best Practice on Mobile Phone Network Deployment.

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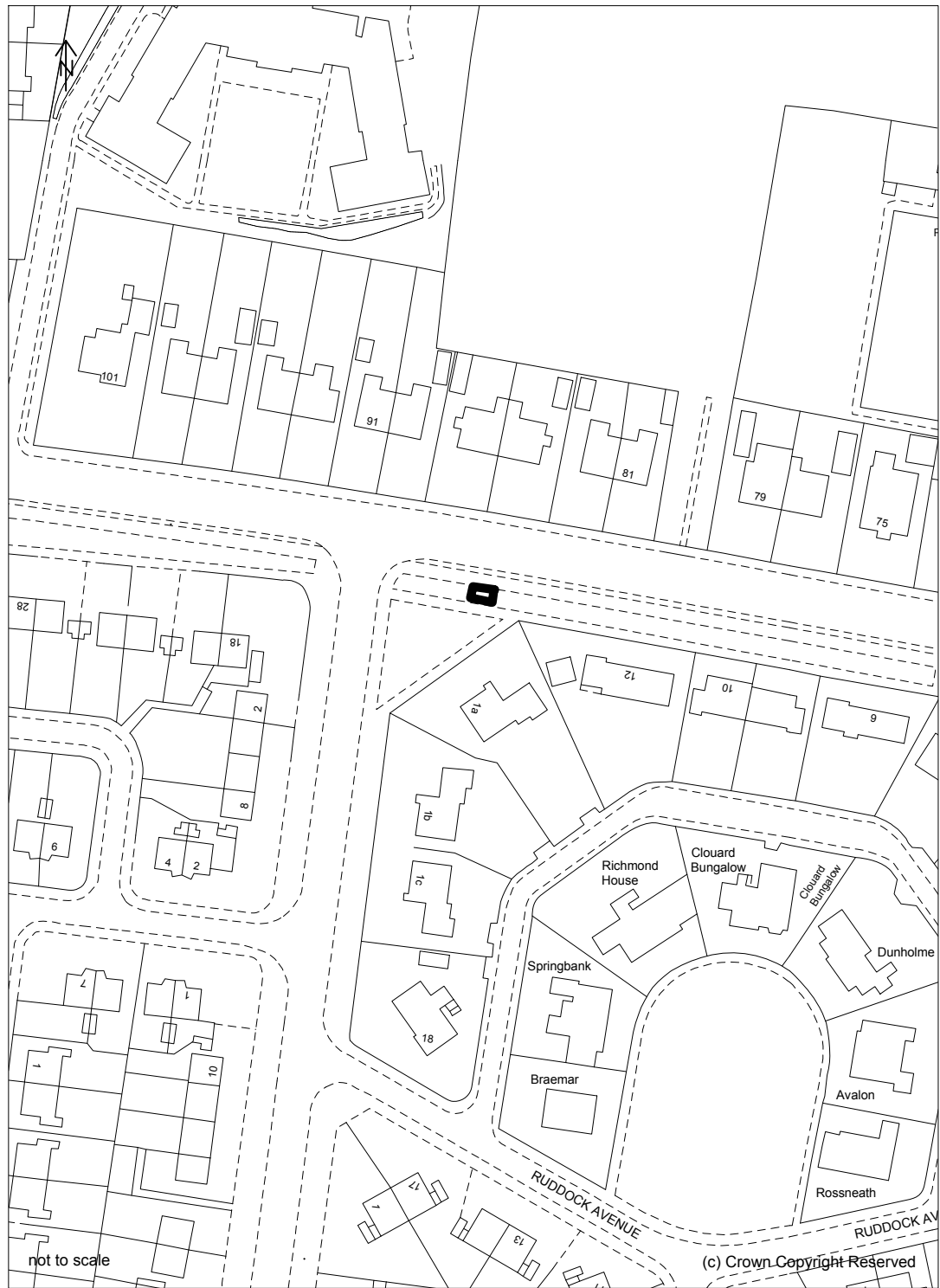
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Joy Whittington
Planning Officer
Ext 268

SU/3/2008/0005 - 12 METRE HIGH STREETWORKS MONOPOLE WITH 3 NO. ANTENNAS INSIDE GRP SHROUD (OVERALL HEIGHT 14.3 METRES), 1 NO. EQUIPMENT CABINET AND ANCILLARY DEVELOPMENT AT WOODHOUSE LANE, BISHOP AUCKLAND FOR VODAFONE U.K. LIMITED 14.10.2008



DEVELOPMENT CONTROL COMMITTEE

20th NOVEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0582 - THE ERECTION OF A FOOD SUPERSTORE (CLASS A1), CINEMA (CLASS D2), 2 NO. LEISURE UNITS (CLASS D2), 2 NO. RESTAURANTS (CLASS A3) AND NEW FOOTBALL STADIUM (CLASS D2), WITH ASSOCIATED PARKING, SERVICING, HIGHWAYS WORKS AND HARD AND SOFT LANDSCAPING (DETAILED APPLICATION) AND INDUSTRIAL DEVELOPMENT (CLASS B2/B8) (OUTLINE APPLICATION) AT LEISURE AND RETAIL DEVELOPMENT SITE ST. HELENS INDUSTRIAL ESTATE, ST. HELEN AUCKLAND, BISHOP AUCKLAND FOR TERRACE HILL (BISHOP AUCKLAND) LIMITED – 06.09.2008

description of site and proposals

1. Full planning permission is sought for the erection of a Sainsburys food store (Class A1), a six screen Apollo multiplex cinema (Class D2), 2 No. leisure units (Class D2), 2 No. restaurants (Class A3) and a new football stadium to accommodate Bishop Auckland Football Club (Class D2). Associated parking, landscaping and highway works are proposed within the application. Outline planning permission is also sought for the development of an area of land measuring 1.7 hectares land for Class B2 and B8 uses.
2. The application site measures approximately 11.2 hectares and includes the former Warner Electrics site, a small area of former public open space next to Dent Street and land which was previously occupied by a Colliery Pit Head. The open space and new industrial land was previously St. Helens Colliery Heap which was removed and reclaimed in late 1990's through the South Bishop Auckland's SRB3 programme specifically to accommodate the bypass, Bishop Auckland Football Club and industrial uses. The land to the south west of the site is allocated open space. The site is located on St. Helens Industrial Estate in Bishop Auckland and is allocated in the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 under policy I5 as a General Industrial site. The application site is bounded to the north by the A688, to the east by a predominantly residential area, to the west by an existing industrial area including a variety of uses and to the south by the new by-pass road. The land is approximately 1.5 miles south of Bishop Auckland town centre. Access is proposed from new junctions to the north and south of the site. The component parts of the proposed development are listed below;

Retail - Sainsburys food store

3. The proposed Sainsburys food store would have a gross internal floor space of 8,578 sq.m. (excluding the entrance foyer area which comprises approximately 110 sq.m.) and a net sales area (i.e. that used for the retail sale of goods) of 5,574 sq.m.

Leisure – Multiplex Cinema/2 No. leisure units/new football stadium/2 No. restaurants

4. The multiplex cinema would be operated by Apollo and would accommodate six screens and approximately 1000 seats, and this would have a gross internal floor space of 1,734 sq.m. Although there are no end users signed up for the 2 No. leisure units, it is likely that these units would be a bingo hall and a bowling alley. A football ground would be positioned to the south of the site. It would be fully enclosed with a standard football pitch and a football stand to the south.

Industrial

5. Outline permission is sought for industrial land to accommodate B2 and B8 industrial uses. This industrial land would be located to the south west of the site, directly west of the football ground.

planning history

6. The following planning history is considered relevant to the consideration of this application:
 - 3/2004/0582 New Football pitch, Grandstand and Terrace Approved subject to Subject to a Section 106 Legal Agreement being completed for a Green Travel Plan and Highway Improvements 31.03.2005
 - 3/2004/0935 New B&Q Store on the Warner Electric Site Withdrawn 18.01.2005
 - 3/2005/0080 New B&Q Store on the Warner Electric Site Withdrawn 18.04.2005
 - 3/2005/0118 Mixed Use Bulky Goods Retail, Commercial and Leisure Development Withdrawn 27.09.2006

- 3/2006/0465 Mixed Use Development of: Bulky Goods Retail, Employment, Ancillary Restaurant and Car Parking for BAFC Ground
Approved subject to a Section 106 Agreement being completed for a Phasing Scheme, a Green Travel Plan, Availability of Car Parking on Match Days and the Timing of Infrastructure

planning policies

7. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007 are relevant in the consideration of this application:
 - GD1 General Development Criteria
 - I5 General Industrial Sites
 - I8 Bulky Goods Retailing
 - S1 Town Centres
 - T1 Highways - General Policy
8. The following national planning policy and guidance is relevant to this planning application:
 - Planning Policy Guidance 4: Industrial, Commercial Development and Small Firms (PPG4).
 - Planning Policy Statement 6: Planning for Town Centres (PPS6).
 - Planning Policy Guidance 13: Transport (PPG13).
9. The following Regional Spatial Strategy (RRS) policies are considered relevant in the determination of this planning application:
 - Policy 2 – Sustainable Development
 - Policy 3 – Climate Change
 - Policy 6 – Locational Strategy
 - Policy 7 – Connectivity and Accessibility
 - Policy 8 – Protecting and Enhancing the Environment
 - Policy 18 – Employment Land Portfolio
 - Policy 24 – Delivering Sustainable Communities
 - Policy 25 – Urban and Rural Centres
 - Policy 27 – Out-of-Centre Leisure Developments
 - Policy 38 – Sustainable Construction
 - Policy 54 – Parking and Travel Plans

consultations

10. Durham County Council (Ecologist): Initial concerns were raised as it was thought Great Crested Newts may have been situated within the site. No records were found which identified any Great Crested Newts being located on the site. The County Ecologist is satisfied that a reasonable effort has been made to identify the location of the Great Crested Newts. No objections have been raised from the County Ecologist.
11. Durham County Council (Highways Authority): A copy of the full response on file. Comments summarised below;
12. There are a number of design issues with the submitted scheme. It appears that these can be resolved when full engineering details of the road layout are submitted. Issues to be addressed are: -
13. Northern Roundabout: Both entry and exit radii appear to be too small, it may be necessary to increase these. This will have an impact on the adjacent car park. The circulatory carriageway width should be 9m rather than 7m as the latter does not easily accommodate two vehicles negotiating the roundabout at the same time thus reducing capacity. Entry and exit widths on the C42 (former A688) should be 7m due to their use by large vehicles.
14. Northern link: The red line boundary on the S.38 plan (SK501) cuts across the forward visibility line on north east side. Forward visibility must be identified for all roundabout approaches to delineate the highway boundary (or an area of restricted development) in order to ensure that forward visibility is guaranteed.
15. Central Roundabout: Appears to show an overrun area (this may simply be the way the line style has been drawn). The Sainsburys access seems restricted by both alignment and width. As shown it would operate as a single lane exit for virtually its entire length. Amending the layout to provide a straighter approach from the car park to the roundabout would allow the introduction of flaring and increased capacity. The submitted layout would suffer unnecessary delays, particularly as it is the only exit from the Sainsburys. It would it be possible to have a 'left turn exit only' from Sainsburys car park onto the link road just south east of the western roundabout. In general, all entries/exits are too narrow.
16. Southern Link: the approach from the eastern to the central roundabout is tortuous, making it poor in safety and operational terms. It would be possible to straighten the section between these two roundabouts to eliminate reverse curve, this would have an impact on the layout for the restaurants.
17. Eastern Roundabout: The approach from the south west is unlikely to meet deflection requirements. This would be unacceptable. Correction of this would affect the adjacent car park. No splitter islands are shown on the approaches but acceptable entry/exit widths should be achievable. Approach alignments will require some minor changes. The circulatory width should be 9.0m. The north east bound approach shows cutting slopes extending right up to road kerbline, this is unacceptable.

18. Football Ground: The pedestrian link from the football ground towards the main part of the site, and the two restaurants, should be widened to 3.0m. A footway link should be provided from the western parking areas into the proposed industrial estate.
19. The above issues can be addressed by a condition requiring the developer to submit plans showing full engineering details for approval prior to the commencement of any work on site and a second condition requiring that the approved works be completed prior to the buildings opening for business.
20. It will be necessary for the applicant to enter into an agreement under Section 38 of the Highways Act 1980, in order to ensure the adoption of the proposed new highways. It will also be necessary for the applicant to enter into an agreement under Section 278 of the same Act, to allow the required works within the existing highway to be carried out.
21. Travel Plan: This is a retail/leisure development but the Travel Plan only concentrates on staff travel. There are no specific measures relating to the customers/visitors that will access this site. Additionally there are no financial commitments and no targets.
22. The document does not make it clear whether one Travel Plan will be produced for the whole site, or whether each unit will prepare their own document. Section 6.1.3 seems to imply that a separate document for each unit will be prepared, although the sections regarding monitoring and surveys imply that one Travel Plan will be produced for the whole site. A Travel Plan must be prepared for each unit, although they will need to work together on joint initiatives. If this approach is taken, a Travel Plan Coordinator would be the common denominator, bringing the organisations together, promoting the joint initiatives and undertaking duties around the site common to all units, for example the provision of information. A Travel Plan Coordinator should be appointed prior to first occupation. The Durham County Council Travel Plan Advisor should be included in the list of stakeholders.
23. Vague sentences are not acceptable in Travel Plans: firm commitments must be made: i.e. in 6.3.6 measures to promote cycling should not be considered they should be implemented and measures O1 & O2 are vague and lack commitment. It is unlikely that Taxi firms will offer a discounted travel scheme. Additionally, if staff members travel to work by taxi (not including taxi share) this is not a Travel Planning measure since private vehicles are still entering the site.
24. A monitoring strategy must be written into the framework. The document stated previously that a Travel Plan Coordinator would be responsible for monitoring the Travel Plan, although here it states that the person monitoring the plan has not yet been chosen. If each unit develops their own document, it would have to be decided if one Travel Plan Coordinator takes responsibility for the monitoring of each document.
25. It is not acceptable to state that targets will be produced once surveys have been undertaken. Modal share targets are needed in this Framework document. This provides the Travel Plan Coordinator with something to work towards, and the occupiers a level of car use that is desirable.

26. The main concern regarding the Travel Plan document is that it does not take into consideration the visitors/customers that will be using the site. There are no travel planning measures aimed at visitors/customers, with the exception of the measures to provide information.
27. Durham County Council (Design/Conservation): No comments received.
28. Durham County Council (Landscape): No comments received.
29. Durham County Council (Archaeologist): No objections received.
30. Durham County Council (Planning Policy): No comments received.
31. English Heritage: No objections have been raised.
32. CABI: No comments to make.
33. One North East: A copy of the full response on file. Comments summarised below;
34. Whilst the redevelopment of brownfield land is welcomed, the loss of employment land is noted. One North East recognise that PPS6 defines retail and leisure uses as town centre uses, and states that a sequential approach to site selection should be applied. One North East would ask the local planning authority to be satisfied that the loss of industrial employment land will not constrain industrial development overall in Bishop Auckland, and that the proposed retail and leisure uses will not undermine the vitality and viability of the town centre.
35. Northumbrian Water: No objections.
36. Environment Agency: No objections subject to the imposition of conditions regarding the drainage arrangements and the remediation of the site.
37. Natural England: A copy of the full response on file. Comments summarised below;
38. Great Crested Newts - The proposal is unlikely to have an adverse effect in respect of species especially protected by law.
39. Birds - It is an offence to kill, injure or take any wild bird or disturb, damage or destroy the nest whilst it is in use or being built, or take or destroy the egg of any wild bird. Any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present.
40. Controlling invasive species – The report notes the presence of Japanese knotweed on the southern site boundary. It is an offence to plant or cause Japanese knotweed to spread in the wild. The Environment Agency document 'Managing Japanese knotweed on development sites- the knotweed code of practice' offers advice on the control and eradication of this non-native invasive plant species.

41. Architectural Liaison Officer Police: No comments received.
42. Sports England: A copy of the full response on file. Comments summarised below;
43. On the main issues, Sport England are satisfied that the football ground would be graded at a level equivalent to that which was required for the level at which Bishop Auckland Football Club played in their last seasons at Kingsway (previous ground). As such the proposal meets Sport England's planning policy objectives.
44. The features of the ground have been compared with those detailed under the ground grading requirements of the FA Pyramid. The FA's specification for grounds is more exacting the further up the league pyramid that a club sits. The detail submitted with the application does not allow a full assessment of the grounds grading level to be made.
45. In light of the above, Sport England raise no objections subject to the imposition of a condition requiring a schedule which benchmarks the proposed design of the new football ground against the FA's ground grading criteria.
46. Bishop Auckland Town Centre Manager: No comments received.
47. Bishop Auckland Chamber of Trade: No comments received.
48. NE Assembly: A copy of the full response on file. Comments summarised below;
49. The principle of mixed use development in this brownfield location, within the urban area, which is well served by public transport, is in general conformity with the RSS. However, as this is an out-of-centre site, the local planning authority would need to be satisfied that there is no sequentially preferable site in Bishop Auckland town centre. In addition, the Council need to be satisfied that the scale and nature of development proposed is acceptable and will not adversely affect the vitality and viability of surrounding centres in line with policies 9 and 25. In addition, the applicant needs to ensure that SUDs and energy efficiency measures are incorporated into the entire development and that 10% of the development's energy is supplied from decentralised and renewable or low carbon sources, or to demonstrate that this is not viable, to ensure that the proposal is fully consistent with RSS policies 3, 34 and 38.
50. Tindale Residents Association: Supports the development.

officer analysis

51. The key issues for consideration are:
 - Definition of Catchment Area
 - Need
 - Retail
 - Leisure
 - Sequential Approach

Retail
Leisure

- Impact on the Vitality and Viability of Existing Town Centre
- Retail
Leisure
- Loss of Industrial Land
 - Highway Issues
 - Design and Impact on Surroundings
 - Loss of Open Space
 - Regeneration Benefits
 - Legal Agreement

definition of catchment area

52. The catchment area for this proposed development has been defined within the retail and leisure statement. This area comprises the following sub areas: Bishop Auckland, Shildon, Crook, Willington, Weardale, Ferryhill, Newton Aycliffe, Spennymoor and Barnard Castle. The catchment area defined in the retail and leisure statement has been agreed by England and Lyle Planning Consultants (appointed to act on behalf of the Council), and it is considered appropriate for the proposed mixed use development.

need (retail)

53. A retail assessment statement has been submitted with the application. England & Lyle Planning Consultants have been employed to independently assess the retail statement which has been submitted with the application.
54. The application seeks to provide 5,574 sq.m. of retail floor space, which would be utilised by the Sainsburys store.
55. PPS6 states that need must be demonstrated for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan document strategy. PPS6 further states that a quantitative need assessment must be undertaken of the proposed development. In the case of retail development the assessment should relate directly to the class of goods to be sold from the development.
56. A quantitative need assessment has been submitted with the application. This assessment explores the issue of convenience and comparison goods which the Sainsburys store would have on offer. The sales area allocated for convenience goods would be 3,252 sq.m. and the area allocated for comparison goods would be 2,323 sq.m. The assessment of retail need takes account of expenditure growth and an increase in trade retention in the catchment area. The retail assessment provides analysis and forecasts on population and expenditure, retail capacity including convenience and comparison goods capacity. Analysis of retail expenditure and turnover in 2008 shows that the existing retention levels in the defined catchment area are 83.6% in convenience goods and 46.4% in comparison goods. Therefore, for convenience goods the catchment area is relatively self-contained with

only about 16% of expenditure lost as leakage to centres outside the catchment area. For comparison goods, expenditure leakage is greater reflecting the attraction of larger competing centres such as Darlington town centre.

57. It is predicted that as a result of the Sainsburys store, the retention level for convenience goods could increase to 85.1% in 2012. It is further estimated that £3.5m of Sainsburys turnover in convenience goods could be drawn from clawback of leakage. Clawback represents 11% of the estimated convenience turnover of £31.4m in 2012. England and Lyle have commented that this 11% is a modest estimate of the potential for a new foodstore to draw trade from clawback. This clawback could be higher. In terms of comparison goods, it is predicted within the retail assessment that the retention level could increase to 47.5% in 2012 as a result of the Sainsburys store. Again, England and Lyle have commented that this is a modest estimate of the potential for the proposed store to draw trade from clawback of comparison goods leakage. England & Lyle have confirmed that there is sufficient capacity for the convenience and comparison goods turnover of the proposed store. In quantitative terms, there is a need for a retail food store in this location.

The quantitative need assessment submitted by the applicant and agreed by England & Lyle Planning Consultants indicates that there is forecast to be significant convenience goods capacity in the catchment area. It is quoted that there is £59.2m capacity in 2012, increasing to £71.8m in 2016, before taking into account committed floorspace. Allowing for an increase in the rate of expenditure retention to 85.1%, and reflecting the potential of the proposed development to claw-back expenditure currently leaking to facilities beyond the catchment area, available capacity is estimated to be even higher, at £63.3m in 2012, and £76.1m in 2016. It is therefore considered that there is sufficient expenditure capacity to accommodate that proportion of the forecast turnover of proposed Sainsbury's food store which would be drawn from within the defined catchment area. In terms of comparison goods, after allowing for growth in the turnover of existing facilities, there is forecast for significant comparison goods capacity across the catchment area, with £86.5m in 2012, increasing to £119.0m in 2016. It is considered that there is sufficient capacity to accommodate that proportion of the forecast turnover of proposed Sainsbury's food store. Allowing for this additional turnover, there would remain significant comparison goods expenditure capacity with which to support additional new floorspace across the catchment area in 2012.

58. The retail assessment makes an analysis in terms of qualitative need for a Sainsburys store. The assessment indicates that the existing Morrisons and Asda stores within Bishop Auckland are currently over trading. Whilst the amount of over trading has not been specifically stated within the retail assessment, in a subsequent letter submitted by the agents for the application it has been stated that the over trading for Asda is 25% of its benchmark turnover and over trading by Morrisons is 50% of its benchmark turnover. England and Lyle have stated that these are significant levels of over trading and they are relevant factors in the interpretation of the predicted retail impact of the Sainsburys store.

59. Qualitative need, as defined by PPS6, is also concerned with choice and competition. The proposed Sainsbury's store would enhance consumer choice and competition in the catchment area by providing a high quality food store, reducing the need to travel to comparable facilities beyond the catchment area. England & Lyle have commented that the draft revision of PPS6 increases the weight to be given to qualitative rather than quantitative need. Capacity is to become part of the overall assessment of impact and does not have to be demonstrated specifically for development proposals. In this instance significant weight should be attached to the quantitative benefits of the proposed development as a whole, taking account of factors such as physical regeneration and employment.

60. Overall, it is accepted that the proposed development meets a clearly identifiable quantitative and qualitative need to provide an alternative retail food store which provides a range of convenience and comparison goods in the proposed location.

need (leisure)

61. The application seeks to provide leisure facilities comprising of a six screen multiplex cinema, 2 No. leisure units a drive through restaurant and a restaurant. It is intended the leisure these units are to be utilised as a bowling alley and a bingo hall. The development also includes the new football ground for Bishop Auckland FC with ancillary parking.

62. PPS6 specifically lists cinemas, restaurants and bingo halls as being main town centre uses. The guidance further states that need must be demonstrated for any main town centre use which would be in an out-of-centre location and not in accordance with an up-to-date development plan. It is recognised that it is more difficult to assess the need for a leisure development in comparison to the need for a retail development. A leisure statement has been submitted with the planning application which makes an assessment on the need for the leisure elements of the development. The leisure statement makes assessments on past expenditure and forecasted expenditure; opportunities arising from participation in leisure activities in recent years; and the existing range of leisure provision. The findings of this analysis are summarised below.

63. In terms of past expenditure, there has been a significant increase in demand for leisure facilities and services in the last 20 years. Growth in the commercial leisure sector was strong in the late 80's, which has continued since then. A Family Expenditure Survey states that average household expenditure on leisure services increased by approximately 12% between 2001 and 2006. To illustrate the forecast for future expenditure growth in the defined catchment area, data has been produced which indicates that expenditure on leisure services generated by the population in the area will grow significantly over the period to 2012 and beyond.

64. To establish whether there is a need for the multiplex cinema, past trends in the cinema industry have been considered. Also, information has been provided on current and future trends in the cinema industry which is provided by Dodona Research. The findings from Dodona Research forecast that total admissions would increase by about 10% between 2005 and 2009. Further forecasts state that by the year 2011, there will be 300 more screens added to the 3,440 which were operating in 2006. It is noted that there are no multiplex cinemas within the catchment area and surveys undertaken by NEMS Market Research illustrate that 47% of residents within the catchment area are travelling to the Showcase cinema at Teesside Park, with around 21% travelling as far as the Odeon facility at Metro Centre. It is considered that there is an un-met demand for new cinema provision in the catchment area. It is noted that a previous scheme on this site which incorporated a cinema development was supported by the Development Control Committee. It is further noted that Apollo Cinemas have been identified as the operators for this cinema facility and legal documentation has been finalised.
65. The other two leisure units are expected to be for a bingo hall and for a tenpin bowling alley, although operators have not committed. There is a need assessment for both of these provisions within the leisure assessment submitted with the application. These need assessments follow similar methods as undertaken with the need assessment for the proposed cinema. Past trends are looked at, and also the location of the nearest alternative facilities. Past trends show that there was a steady increase in attendance figures for bingo halls from the mid 90's, while tenpin bowling has also experienced steady recent growth. In terms of the proposed bingo facility, it is noted that there are two existing small bingo facilities within the catchment area, however the leisure assessment has considered there is an important need for a large purpose built bingo hall. There are currently no tenpin bowling facilities within the catchment area. Surveys undertaken by NEMS indicate that 47% residents of the catchment area who participate in tenpin bowling would visit Hollywood Bowl (Teesside Park) and 28% would visit Kascada Bowl (Durham City). Emphasis has also been put on the issue of critical mass and that the provision of bingo and tenpin bowling facilities along with a multiplex cinema would strengthen the development as a whole and increase the attractiveness to the general public.
66. The proposed restaurants (one of which would be a drive through restaurant) have not got operators yet, however it has been indicated that the restaurants would likely to be occupied by KFC and Frankie and Benny's. It can be argued that these types of restaurants situated within a retail/leisure development should be classed as being ancillary to the larger use. This approach has been accepted in past case law. Therefore, whilst it is recognised that such uses should generally be encouraged to locate within the town centre and that there would undoubtedly be sequentially preferable sites to accommodate such uses it is unlikely that they would choose to locate in the Bishop Auckland town centre if this development were not to happen. It is also very unlikely that any of these types of user would wish to occupy the application site unless the retail/ leisure uses were in place to attract visitors. In this context, it is accepted that the proposed restaurants should be considered as being ancillary to the larger scheme.

67. As stated previously, it is difficult to assess the need for leisure facilities such as cinemas, bingo halls and ten bowling as there is limited information available to assess the quantitative merits of the uses. These types of activity are very much 'product-led' and the supply of such uses has been very much market led. Given the fact that Apollo Cinemas has signed up as an end user for the cinema facility, this is evidence itself that there is a perceived demand for this use. It is considered that given the commitment from Apollo Cinemas, it is likely that operators from the other leisure units would follow.
68. On balance, based on the information provided, it is considered that there is both a quantitative and qualitative need for the leisure development proposed as part of this application.

sequential approach (retail)

69. PPS6 sets out the Government's objectives on town centres and retailing. The Government expects town and district centres to be the preferred locations for developments that attract many trips. If a developer is proposing an out-of-centre development the onus is on the developer to demonstrate that he has thoroughly assessed all potential town centre options.
70. PPS6 requires that a sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document. The first preference should be for town centre sites, where suitable sites are available, followed by edge-of-town centre sites, district and local centres and only then out-of-centre sites in locations that are accessible by a choice of means of transport.
71. In applying the sequential approach, developers should demonstrate flexibility in finding a site in terms of the planning considerations for the scale of the development, the format of the development, car parking provision and the scope for disaggregation (separating the development into smaller more sequential sites).
72. PPS6 suggests that developers should demonstrate that they have been flexible when seeking a site. PPS6 further states that local planning authorities should take into account any genuine difficulties, which the developer can demonstrate are likely to occur in operating the developer's business model from the sequentially preferable site.
73. Within the retail assessment, a sequential test has been undertaken and the results of this test indicate that there are no sites within or on the edge of Bishop Auckland town centre which would accommodate the proposed mixed use development. In coming to this conclusion the following sites have been assessed below:

a) North Bondgate

74. This site is within the town centre as defined by the Local Plan and is in a very sensitive location within the Bishop Auckland Conservation Area and adjacent to the sharp escarpment into the valley of the River Wear. A retail development would contribute to the attraction of the northern end of the town centre. Planning approval has recently been granted on this site for a mixed use development for retail use and residential accommodation. There are no units proposed for commercial leisure or food and drink use within this scheme. Sainsburys have indicated that they had previously looked at this site as a potential site however the size of site would not be able to accommodate a superstore of a scale and function able to compete with the existing superstores within the town.
75. The approved retail scheme would not lend itself for the use as a superstore as the retail elements are separated into small units. It is unlikely that a store of the size proposed in this application would be able to be accommodated on the North Bondgate site.

b) Newgate Centre

76. The Newgate Centre is a purpose built shopping centre and any development on this site would likely involve extensions to the centre which would probably require a reformatted bus station in the same area. Draft proposals have been discussed with officer's and it is clear any extension of the Newgate Centre would not accommodate the store proposed for Sainsbury's.
77. The majority of the floorspace within the existing centre is occupied and there are no current firm proposals for the redevelopment of the centre. A proposal for the redevelopment of the centre would necessitate the relocation of existing operators, which means that any scheme is unlikely to come forward within the foreseeable future. It is noted that Asda used to be located within the Newgate Centre which has since moved to the south east of the town centre. This gives an indication that the centre is not an ideal format or location for a modern foodstore. The Newgate Centre is not considered suitable to accommodate a Sainsburys food store of the type which is proposed in this application.

c) B&Q Store, Bob Hardisty Drive

78. This site is located at the south western end of the town centre and would provide sufficient floorspace for the development of a Sainsburys foodstore. B&Q originally had interest in the former Warner Electrics site a couple of years ago however they have since decided not to pursue this opportunity. As far as the applicant is aware there are no proposals for B&Q to vacate from the store, therefore the site is clearly not available for redevelopment or reoccupation.

d) Rudd's Yard site, West of Kingsway

79. This site is an area of land and buildings off Kingsway to the rear of Newgate Street. The site is not being actively marketed. Given the irregular shape and constraints from the adjoining commercial properties it is unlikely that this site would be acceptable to accommodate a food store of the size and format proposed within this application. The site appears to be within different ownerships and any development could potentially constrain access to the existing commercial buildings. This site is considered to be neither suitable nor available to accommodate the proposal in this application.

e) Vacant Public House, Westgate Road

80. This site occupies a vacant public house located on Westgate Road which runs adjacent to Newgate Street. The site is not being actively marketed. This site is not located within a prominent position and would not be large enough to accommodate a food store of the size proposed in this application. This site is neither viable nor suitable to accommodate the proposed development.

f) BBH Windings site, South Church Road

81. A previous planning application and public inquiry have considered the merits of this site for retail development and have found it to be unacceptable. This site now enjoys planning consents for residential and office development.
82. As stated previously, the sequential approach as defined in PPS6 requires that locations should be considered in the order of firstly those sites which are in the town centre, then edge-of-centre locations and then lastly out-of-centre sites. The sites listed above are considered to be sites which are either in the town centre of Bishop Auckland or on the edge or out of the centre of Bishop Auckland. The sequential test submitted with the application has looked further a field from Bishop Auckland, including sites in the Crook area, Spennymoor area and Newton Aycliffe Town Centre. The following sites have been assessed: Market Place, Crook; Former Council Depot, Market Place, Crook; Festival Walk, Spennymoor; Former Williamson Car Showroom, Spennymoor; Vacant site, south of Cheapside, Spennymoor; Site north of Cheapside, Spennymoor; Vacant club, Bishops Close, Spennymoor; and Newton Aycliffe Town Centre. The majority of these sites have been considered not to be sequentially preferable for one reason or another in comparison to the site in this application.
83. Following discussions with planning officers from Sedgefield Borough Council, it has come to light that Festival Walk Shopping Centre, which is located within the town centre of Spennymoor, has been earmarked for redevelopment and this could potentially be a location suitable for a retail food store. Whilst the site would not be large enough to accommodate both the retail and leisure elements proposed in this application, the planning officers from Sedgefield Borough Council have noted that there is sufficient space to accommodate a retail food store like Sainsburys.

sequential approach (leisure)

84. As main town centre uses, the leisure activities must also satisfy a sequential approach to site selection. Whilst it is not reasonable to expect the individual users to sub divide internally to fit into a smaller site, it is reasonable to isolate the use itself i.e. bingo hall or cinema for the purposes of the sequential approach. As referred to earlier, it is not considered that the restaurants should be made to satisfy a sequential approach as they are considered to be ancillary to the larger development. The leisure uses were also considered as part of the sequential test which was submitted with the application. Therefore the majority of the conclusions are similar to those for the sequential test for the retail element (see above section).
85. In terms of scope for the disaggregation of the development, there has been limited information provided in terms of looking at separate sites for individual elements of the proposal. Sites have been discounted because they would not be able to accommodate the size of certain elements of the proposed development. The developer has produced information indicating that the proposed uses contained within this application are only viable through a comprehensive development rather than several smaller schemes. For large leisure developments incorporating different uses there are a number of linked trips which adds to the viability for each particular use in that location. It is the potential market catchment that attracts an operator to a town along with the strength of this location compared to others. The developer has indicated that without the comfort of having similar uses adjacent, operators would be likely to ignore the town altogether. It is therefore considered that the proposed uses being together would create sufficient critical mass to attract individual operators. It is therefore argued that the development is only viable if the uses are all located within the same development as the critical mass makes the uses appealing to potential operators.

impact on the vitality and viability of existing town centre (retail)

86. Policy S1 of the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007 seeks to maintain and protect the role of Bishop Auckland town centre, allow new retail development in the identified shopping areas and resist development which will undermine its vitality and viability. It defines the town centre as including all of Newgate Street from the Market Place to the Railway. The Plan recognises the Newgate Centre and the pedestrianised parts of Newgate Street as being the prime retail area and in the justification to the policy it is emphasised that it is intended that this area remains the 'heart' of the town centre. Policy S2 provides specific guidance to control development in this area which maintains the retail (Class A1) floorspace to ground floor level. The southern part of Newgate Street, because of a history of vacancy, is covered by a more relaxed Policy S3 which allows other A1 class uses at ground floor level.
87. The 'sequential test' has demonstrated that there are no sites which are suitable or available within the tightly defined town centre or in an edge of centre location to accommodate the proposed retail development. Implementation of the proposal would not therefore be at the expense of losing a similar investment in the town centre.

88. The agents for the application have carried out health check assessments of the main centres in the catchment area, including Bishop Auckland, Crook and Shildon and centres more peripheral to the catchment area of the proposed development. England & Lyle Planning Consultants have stated in their Retail Study Update that Bishop Auckland has a relatively high level of vitality and viability, reflecting its role as an important shopping destination for the town and surrounding settlements. The diversity of uses and retailer representation are generally fair and food shopping is very good. The town is attractive to shoppers but there is a need for improvements to the range and quality of shopping provision. Accessibility factors are mostly good, particularly public transport. Environmental quality is good, especially along the pedestrianised section of Newgate Street. Comparing the 2007 health check appraisal with the previous one carried out in 2004 there have been improvements in the vacancy rate, yield and the general pedestrian environment.
89. Within the retail statement submitted with the application, it has been stated that the main competition between a new Sainsburys store and existing food stores in the Bishop Auckland catchment would be Asda and Morrisons, with convenience goods trade diversions of 16-17%. There would be smaller impacts on other convenience goods shops in Bishop Auckland town centre and on convenience goods trade in Crook, Shildon and other centres. The retail assessment considers that there are no concerns about the impact on the vitality and viability of Bishop Auckland town centre. England & Lyle's assessment is that Bishop Auckland town centre has a relatively high level of vitality and viability and it should be well able to withstand any initial trading impact arising from the proposed Sainsbury's store in the same way that the town centre was able to withstand the initial impact of the Asda store several years ago.
90. Information has been produced indicating that Asda and Morrisons are over-trading by 25% and 50% of its company average turnover respectively. Even if these stores experience trade diversions of 16-17% in convenience goods, their trading levels would remain above their company averages. There is no evidence to suggest that Asda or Morrisons would experience a serious loss of trade such that it would affect the viability of these stores or the overall vitality and viability of the town centre.
91. England and Lyle have agreed with the summary of impact that:
- A Sainsburys food store would increase choice and competition in shopping in the catchment area;
 - The proposed store would be complementary to new retail development at North Bondgate in Bishop Auckland;
 - Any initial impacts, particularly in comparison goods, would be offset by expenditure growth;
 - Sainsburys would help to claw back leakage of trade from the catchment area; and
 - The development would have employment and regeneration benefits.

92. In view of the evidence provided within the retail assessment and the information received from England and Lyle Planning Consultants, it is considered that the provision of a Sainsburys retail store at the application site would not have a detrimental impact on the town centre. The proposed development is therefore seen to accord with policy S1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, and would not be contrary to the aims of policy 25 of the RSS and the guidance contained within PPS6: Planning for Town Centres.

impact on the vitality and viability of existing town centre (leisure)

93. It is difficult to assess the impact of the leisure development on the town centre. However, given that there is no cinema within the centre, the impact of this particular facility would be non-existent. Furthermore, the restaurant uses are considered to be ancillary to the larger development and again are considered to have a limited impact on any of the similar facilities within the town centre (although it is accepted that this conclusion is difficult to substantiate).
94. There is an existing bingo hall in the town centre which is located on Railway Street. The introduction of a new bingo hall would clearly have an impact on the existing facility. There has been no objection received from the current operator. Based on this basic information and having given consideration to paragraph 2.33 of PPS6 which states that *'local planning authorities should also take account of qualitative considerations. In deprived areas which lack access to as range of services and facilities, and there will be clear and demonstrable benefits in identifying sites for appropriate development to serve communities in these areas, additional weight should be given to meeting these qualitative considerations'* it is considered that the proposed bingo hall can be justified by the substantial qualitative benefits despite the concern about the quantitative need.

loss of industrial land

95. Clearly a large proportion of the application site is currently allocated for industrial purposes. There is approximately 6 hectares of allocated industrial land which is proposed to be developed upon within this application. The allocated land has frontage onto two key transport corridors within Bishop Auckland. The building occupied by Warner Electrics and sub-tenants was demolished several years ago. The rest of the application site is formed by protected open space (policy BE14) and the reclaimed Durham County Council land which is allocated for industrial use (policy I5) and open space (policy BE14).

96. The former Warner Electric site occupies approximately 2.3 hectares of land. Its redevelopment for retail purposes could compromise the district's ability to meet its aspirations of economic growth and prosperity. Given this concerns about the loss of high profile industrial land, the applicants have included a significant level of new industrial floorspace as part of the proposed development. 1.7 hectares of B2/B8 industrial land is proposed to the west of the football ground whilst it is accepted this would represent a reduction in the land for industrial use it is considered that there would be a qualitative improvement to the type of land provided which would help to meet the district's ability to meet its aspirations of economic growth and prosperity.
97. It is also noted that planning permission (Ref: 3/2006/0465) was previously granted in 2006 for a mixed use scheme which can still be implemented. The issues surrounding the loss of industrial land was discussed in this Committee Report. The proposed development in this application is similar to the development which was given permission in 2006 and the arguments for the loss of industrial land are similar. The proposed development is a comprehensive scheme which would regenerate the area and provide a significant number of jobs. It is considered that given the level of provision proposed and that there is an extant permission on the application site which could still be implemented, the proposed development accords with policy I5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and the guidance within PPG4: Industrial, Commercial Development and Small Firms.

highway issues

98. The proposed scheme proposes accesses from the new bypass to the south and from the highway to the north. The main road which would run through the site would be adopted by the County Council. The Durham County Council Highways Officer has commented in depth about the engineering details of the road layout. Slight amendments are required however this can be achieved through the use of planning conditions. With regards to the highway layout and the parking provision, the Highways Officer has not raised any objections.
99. In accordance with Government Guidance, the RSS and Local Plan policies, it is important to ensure that retail proposals are well served by public transport. In particular, services should be sufficiently frequent, reliable, convenient and come directly into or past the development site from a wide catchment. PPS6 suggests that most shoppers are unlikely to wish to walk more than 200 to 300 metres, especially when carrying shopping. The proposed development would be accessible by public transport. There are frequent bus services operating on the A688 with bus stops within close proximity of the site. The bus services go to various parts of Bishop Auckland (including the town centre and bus station, Woodhouse Close housing estate, St Helen Auckland, West Auckland), other parts of the catchment area (e.g. Coundon, Dene Valley, Crook, Tow Law, Ramshaw, Evenwood, Spennymoor, Shildon, Newton Aycliffe), and further afield (including Staindrop and Barnard Castle).

100. A Travel Plan and Transport Assessment report were submitted with the application. The Highways Officer has raised concerns regarding the details within the Travel Plan. The main concerns are that it does not take into consideration the visitors/customers that will be using the site. There are no travel planning measures aimed at visitors/customers, with the exception of the measures to provide information. A condition is therefore recommended for further details to be provided in respect of the Travel Plan.

101. Given the comments from the Highways Officer and the conditions suggested above, it is considered that the proposed highways issues involved with the proposed development are acceptable and are in accordance with Government Guidance, the RSS and Local Plan policies.

design and impact on surroundings

102. The site at present is vacant and awaiting development. In its present condition it detracts from the amenity of the surrounding area. The proposed buildings are considered typical of an out-of-town retail/leisure complex. The leisure units and the football ground have been sensitively designed and contain design elements within the buildings which match in with each other. The Sainsburys building would be a modern structure with glazing along the front elevation. It is considered that the proposed design, position and layout of the proposed buildings would be visually attractive within this location.

103. The developers have shown commitments to providing landscaping within the proposed development, as a landscaping scheme was submitted with the application. At the time of writing this report, comments had not been received from the County Council's Landscape Team on the landscape plan that was submitted. A landscape condition is recommended in order to ensure that planting is provided within the finished scheme. An ecology report was submitted with the application. The County Council Ecologist has confirmed that he has no objections to the proposed development. An acoustic and lighting assessment report was submitted with the application. The Council's Environmental Health Section have raised no objections to these reports.

104. Given the above, it is considered that the proposed development would regenerate an area which has been vacant for a number of years. The proposal would significantly contribute to the appearance of the area and provide an attractive complex which would be beneficial for the local community and the wider area. The proposal would be in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

loss of open space

105. There are two areas of the application site which are allocated as protected open space within the urban area defined by policy BE14 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The protected space to the east of the site had originally been protected due to the presence of a playground facility, however this facility was removed a few years ago. The loss of this open space has been discussed in previous application and the Council has accepted this. It is considered that this land is

now of limited amenity value to the surrounding residents and its loss would not have a detrimental impact on any of the adjoining residential areas. It is considered that the proposed development would not jeopardise the implementation of the adopted Local Plan in respect of this open space allocation as the land itself is of limited amenity value to the local community.

106. The protected open space to the west of the site would be the location of the proposed football club. It is noted there is currently an extant permission on this area of land for a football club. This open space is currently of limited amenity value. Indeed there have been problems of youths riding motor bikes on the land. It is considered that the development of this land for the use as a football ground for Bishop Auckland FC would be beneficial for the local community.

regeneration benefits

107. The redevelopment of this area of land would have significant regeneration benefits for the immediate area, and also for the district as a whole. The proposed development would create long term jobs as well as the construction jobs associated with the building works. It is noted that Sainsbury's have indicated that training programmes would be offered to provide jobs for the local people. It is recognised that there is a significant leakage of trade in terms of retail expenditure and leisure uses to centres such as Darlington, Durham, Newcastle and the Metrocentre. It is hoped that this development would have a significant impact in addressing this leakage by providing a comprehensive leisure development in a single location which is accessible by a number of forms of transport other than by the private car.
108. Given the ability of the scheme to reduce the need to travel outside the district to reach similar facilities, it is considered that the development would have considerable benefits to the town. It is considered that there may also be benefits for other comparison goods shopping in so far as the facilities which people currently travel outside the authority to use would now be provided locally. This in turn may encourage more shoppers to perform more of their general comparison shopping within Bishop Auckland rather than undertaking linked trip shopping to competing centres.

legal agreement

109. It is considered that a Section 106 legal agreement is required which will need to make reference to a phasing scheme for the site which would prevent the retail development proceeding in isolation from the proposed infrastructure works for the industrial premises which are fundamental to the Council's support for this scheme. The legal agreement will also need to include details of the transfer of the industrial land to the Council.

objections/observations

110. The application has been advertised on site and in the local press and neighbouring properties have been notified individually in writing of the proposals. Six letters of support have been received. Three letters of objection have been received, one from Peacock and Smith Chartered Town Planners acting on behalf of Morrisons Supermarket plc, one from Ward Hadaway acting on behalf of Ebac Limited and a letter which appears to be from a local resident living within Bishop Auckland. The comments of these objection letters are summarised below:

Peacock and Smith:

- a) The applicant has not demonstrated a need for the size and scale of the proposed Sainsburys store, by not providing evidence on the suggested extensive catchment area, existing shopping patterns or a qualitative need for such a large new store.
- b) The scale of the proposed development is inappropriate.
- c) There are sequentially preferable development sites that could accommodate more appropriately sized retail development.
- d) The impact of the proposal could have an adverse effect on the vitality and viability of existing centres.
- e) The site is not readily accessible by a choice of means of transport to the suggested catchment area.
- f) The site should be retained as an employment allocation.

Ward Hadaway:

111. Ebac Limited agree that there is a need for an additional food store in this part of Bishop Auckland. Ebac Limited however objects to this food store element of the application on the basis that there is an alternative site for this store which is to be preferred. This alternative option would be the Ebac site on Tindale Crescent within St Helen's Trading Estate. It is to be preferred for a number of reasons including that the facility is outdated and there is a need for the business, which is an important local employer, to relocate. For this relocation to be within, or in close proximity to Bishop Auckland, this would have to be delivered through the redevelopment of Ebac's site.

Local resident:

- 112.
- aa) There are sufficient supermarkets within the area.
 - bb) A new cinema should be located within the town centre of Bishop Auckland.
 - cc) There is currently a bingo hall in Bishop Auckland, there is no need for another one.
 - dd) It is likely that a bowling alley would close after a short period of time.
 - ee) Bishop Auckland is already over provided with food and drink outlets. There is no need for two new restaurants.
 - ff) The site should be used for industrial.
 - gg) The proposal would take trade away from the town centre.

response to objections

113. The following comments are made in response to the comments raised above:

Peacock and Smith:

- a) It is considered that sufficient details have been submitted by the applicant to demonstrate need.
- b) Sufficient information has been submitted with the application to justify the scale of development.
- c) Discussed in officer analysis, under heading 'sequential approach (retail)'.
- d) Discussed in officer analysis, under heading 'impact on the vitality and viability of existing town centre (retail)'.
- e) It is considered that the site can be accessed by a range of means of transport.
- f) Discussed in officer analysis, under heading 'loss of industrial land'.

Ward Hadaway:

114. Comments are noted, however the acceptability of a food store on the Ebac site can only be assessed through a formal submission of a planning application.

Local resident:

- 115.
- aa) Discussed in officer analysis, under heading 'impact on the vitality and viability of existing town centre (retail)'.
 - bb) Discussed in officer analysis, under heading 'sequential approach (leisure)'.
 - cc) Discussed in officer analysis, under heading 'impact on the vitality and viability of existing town centre (leisure)'.
 - dd) Not a material planning consideration.
 - ee) Discussed in officer analysis, under headings 'sequential approach (leisure)' and 'impact on the vitality and viability of existing town centre (leisure)'.
 - ff) Discussed in officer analysis, under heading 'loss of industrial land'.
 - gg) Discussed in officer analysis, under heading 'impact on the vitality and viability of existing town centre (retail)'.

conclusion and reasons for approval

1. It has been demonstrated that there is an identifiable need for the proposed development. There are no sequentially preferable sites in Bishop Auckland town centre which could accommodate the proposed development which are suitable, viable or available. The proposal is for a comprehensive mixed use development bringing regeneration benefits to the town.
2. The impact of the proposal on Bishop Auckland town centre would be within an acceptable level and would not be damaging to the vitality and viability of Bishop Auckland town centre.

3. There are frequent bus services operating on the A688 which go to various parts of the catchment area and beyond. The applicant would need to address customer/visitor trips to the site through further additions to the Travel Plan.
4. The development would result in the improvement of a derelict and unattractive site. There would be no loss of amenity for local residents. The area is located in one of the region's most deprived areas and this level of investment is likely to have a significant impact on the local economy.
5. It is considered that whilst the proposal will result in the loss of a prominent industrial site the level of alternative provision proposed is acceptable given the obvious qualitative benefits of the new scheme on industrial land supply.

RECOMMENDED

Since the proposal is for a retail unit with a gross floor space exceeding 2500 sq.m, in accordance with the provisions of the Town and Country Planning (Shopping Development) (England and Wales) (No. 2) Direction 1993, if Members are minded to grant planning permission the Department for Communities and Local Government must be consulted and given an opportunity to 'call-in' the application for the Minister's decision.

That Members are minded to **GRANT** planning permission subject to the applicants first signing a Section 106 legal agreement setting out:

- (a) details of the phasing of the development; and
- (b) transfer of the industrial land to the Council;

and the following conditions and reasons.

conditions

1. Unless an alternative timing has been approved in writing by the local planning authority, no development shall commence on site until an assessment as to the capability for the use of microrenewables as part of this development, which shall include proposals for the potential use of available renewable energy technology, has been submitted to and approved in writing by the local planning authority. Subsequently, before any part of the development is brought into use, any approved proposals for microrenewables for that part of the development, as set out within the assessment shall be implemented wholly in accordance with the approved details and shall subsequently be retained on the development unless the local planning authority gives prior written approval to alternative arrangements.

2. None of the buildings hereby approved shall be constructed until a full schedule of all the materials to be used in the external surfaces of the development have been submitted to and approved in writing by the local authority. Thereafter, samples of the materials to be used in the external surfaces of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to the commencement of the construction of these buildings. The development shall be carried out in accordance with the approved details.
3. No areas of hardstanding shall be constructed until details of the surface treatment and construction of all hardstanding areas and the phasing of the development have been submitted to and approved in writing by the local planning authority, and that part of the development 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 on the land, and details of any to be retained, together with measures for their protection in the course of the 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 implementation of the approved landscaping scheme 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 ensure that site vehicles are cleansed of mud so that mud is not trailed onto the public carriageway. The wheel washing equipment shall be used on all vehicles leaving the site during the period of construction works.
7. Prior to the commencement of development, a schedule shall be submitted to and approved in writing by the local planning authority which benchmarks the proposed design of the new football ground against the Football Association's ground grading criteria. The new football ground shall be developed in accordance with the approved grading benchmark, unless otherwise agreed in writing with the local planning authority. The football ground shall be constructed in accordance with the approved schedule.
8. Within the new foodstore hereby approved, the total net floor area to be used for the retail sale of goods shall be no more than 5574 sq m. The net floorspace to be used for the sale of convenience goods shall not exceed 3577 sq m, and the net area to be used for the sale of comparison goods shall not exceed 2555 sq m.

9. None of the highways hereby approved shall be constructed until, full highway engineering details have been submitted to and approved in writing by the local planning authority. The highway shall be constructed in accordance with the approved details prior to the occupation of the buildings.
10. Prior to the commencement of the development hereby approved further details in respect of the Travel Plan addressing issues surrounding the visitors/customers that will be visiting the site shall be submitted to and approved in writing by the local planning authority.
11. Before the development of the land for industrial units is commenced approval of the details of the following reserved matters shall be obtained from the local planning authority:
 1. the siting of the building(s);
 2. the design of the development proposed;
 3. external appearance;
 4. landscaping of the site;
 5. the means of access to the building(s).
12. Application for approval of the reserved matters of the development of the land for industrial units 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:-

1. the expiration of 5 years from the date of this permission; or
 2. the expiration of 2 years from the final approval of the reserved matters (or of any additional reserved matters) or, in the case of approval on different dates, the final approval of the last such matter to be approved.
13. 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.
 14. Before the development hereby approved is commenced details of the arrangements for dealing with surface water discharges from the site shall be submitted to and approved in writing by the local planning authority, and the arrangements shall be implemented in accordance with the approved details before the development hereby approved is commenced.

reasons

1. In the interests of environmental sustainability and reducing the risk of climate change, as supported in PPS1, PPS22 and policy 38 of the Regional Spatial Strategy.
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. 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.
4. 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.
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 Saved and Expired Policies September 2007.
6. In the interests 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.
7. To ensure the development of a football ground of the appropriate quality. 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 store would not have an adverse impact on the viability and vitality of Bishop Auckland town centre. In accordance with policy S1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
9. To ensure the provision of satisfactory highway arrangements. In accordance with policies T1 and GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
10. To ensure sustainable forms of transport are available to the completed development, as supported in PPG13.
11. 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 Saved and Expired Policies September 2007.
12. 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 Saved and Expired Policies September 2007.

13. 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.
14. To safeguard against flooding and to ensure a satisfactory means of disposal. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

Application files, Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, Regional Spatial Strategy, Planning Policy Guidance 4: Industrial, Commercial Development and Small Firms (PPG4), Planning Policy Statement 6: Planning for Town Centres (PPS6), Planning Policy Guidance 13: Transport (PPG13) .

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explanation					

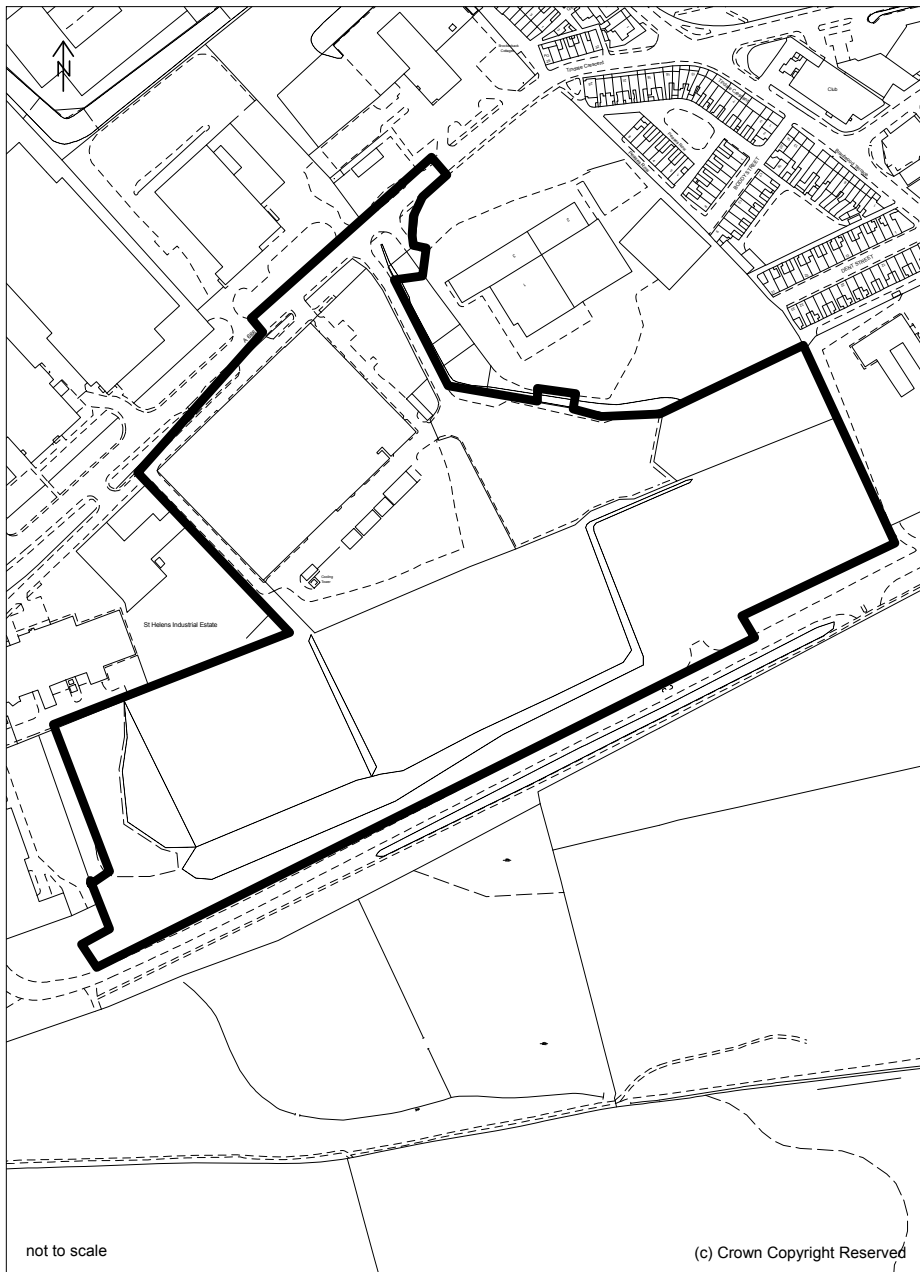
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Chris Baxter
 Senior Planning Officer
 Ext 441

3/2008/0582 - THE ERECTION OF A FOOD SUPERSTORE (CLASS A1), CINEMA (CLASS D2), 2 NO. LEISURE UNITS (CLASS D2), 2 NO. RESTAURANTS (CLASS A3) AND NEW FOOTBALL STADIUM (CLASS D2), WITH ASSOCIATED PARKING, SERVICING, HIGHWAYS WORKS AND HARD AND SOFT LANDSCAPING (DETAILED APPLICATION) AND INDUSTRIAL DEVELOPMENT (CLASS B2/B8) (OUTLINE APPLICATION) AT LEISURE AND RETAIL DEVELOPMENT SITE ST. HELENS INDUSTRIAL ESTATE, ST. HELEN AUCKLAND, BISHOP AUCKLAND FOR TERRACE HILL (BISHOP AUCKLAND) LIMITED – 06.09.2008 – AMENDED



DEVELOPMENT CONTROL COMMITTEE

20th NOVEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART III – OTHER MATTERS

FOR INFORMATION

APPEAL DECISION

3/2007/0845 - ERECTION OF DETACHED TRIPLE GARAGE WITH PITCHED ROOF AT ROSE HILL, 35 HIGH WEST ROAD, CROOK FOR MR. EDGAR - 20.11.2007

1. Consent was sought for the erection of a detached triple garage within the grounds of the new dwelling being constructed at 35 High West Road Crook. The proposed siting of the garage would be to the front of the dwelling, but still over 20m back from High West Road.
2. The application was refused at the Development Control Committee on 15 February 2008, against officer recommendation for the following reason:

“The proposed garage by reason of its scale, height and location, would constitute a prominent feature in the streetscene which would be detrimental to the visual amenity of the surrounding area. This is contrary to policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.”

3. An appeal was submitted against this refusal. The Inspector has **ALLOWED** the appeal noting the following:

“There is no uniform building line on either side of the road and I noted several garages located in front of the dwellings (e.g. at 40 and 42A on the opposite side of the road). I can, therefore, see no objection, in principle, to the location of the proposal.”

“The garage structure is large, but it is, in my view, commensurate with the size of the dwelling and, set back within the plot and screened by trees on adjacent plots, I consider that its impact on the street scene would be minimal.”

“I therefore conclude on the main issue that the proposal would not have a detrimental impact on the character or appearance of the area and would, in this respect, comply with the requirements of Policy GD1 in the Wear Valley District Local Plan.”

4. The Inspector also concluded that the garage would not have an overbearing effect on neighbouring properties, subject to conditions controlling levels, materials and that no business use is carried out from the garage.

RECOMMENDED

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

background information

Application files, WVDLP as amended by the Saved and Expired Policies September 2007 and the Inspector's decision letter dated 27th October 2008.

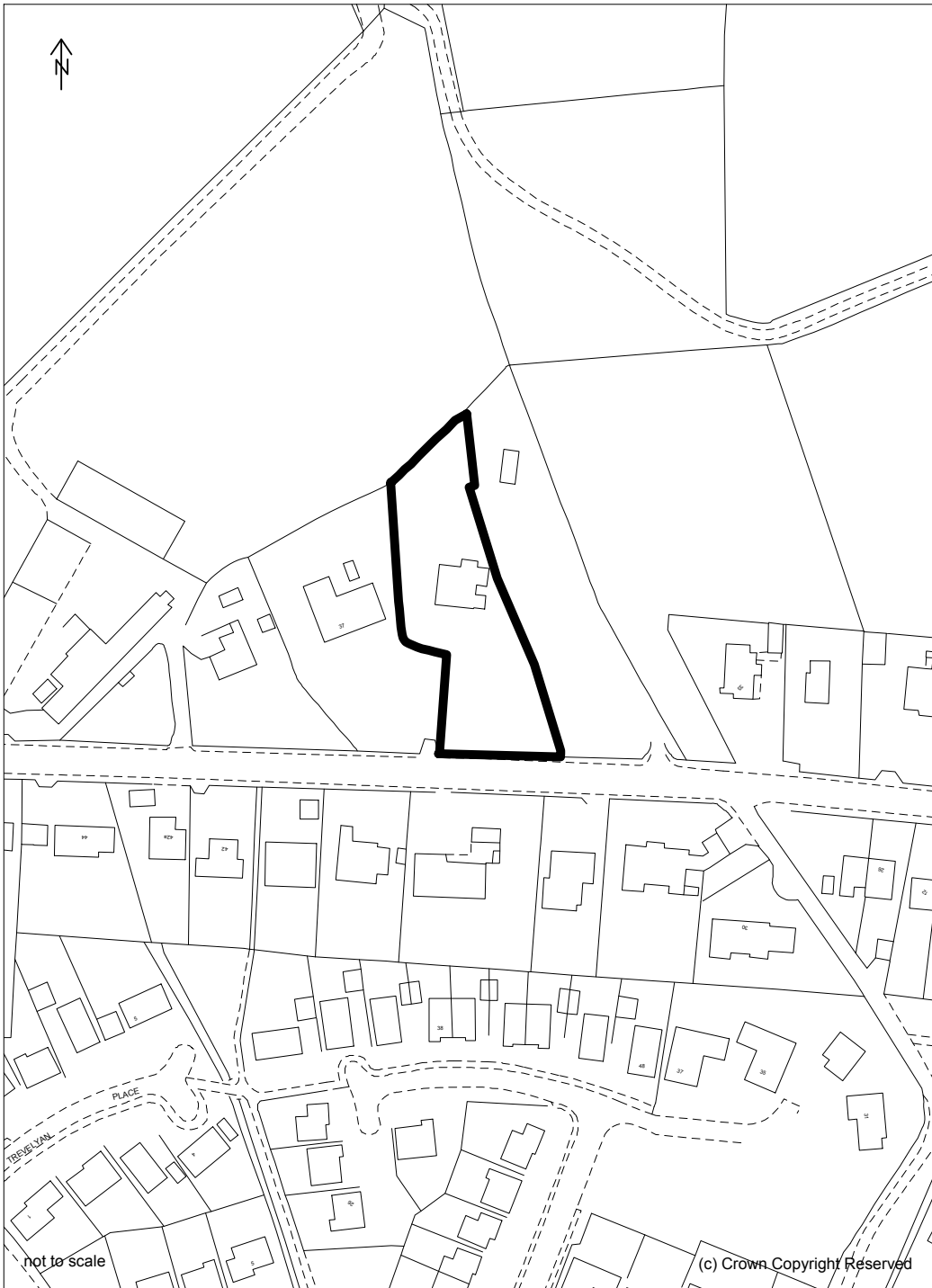
Officer responsible for the report	Author of the report
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Robert Hope	Adrian Caines
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Strategic Director for Environment and Regeneration	Senior Planning Officer
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Ext 264	Ext 369
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**FOR INFORMATION
APPEAL DECISION
3/2007/0845 - ERECTION OF DETACHED TRIPLE GARAGE WITH PITCHED
ROOF AT ROSE HILL, 35 HIGH WEST ROAD, CROOK FOR MR. EDGAR -
0.11.2007**



DEVELOPMENT CONTROL COMMITTEE

20th NOVEMBER 2007

Report of the Strategic Director for Environment and Regeneration

PART III – OTHER MATTERS

FOR INFORMATION

APPEAL DECISION

**3/2007/0682LB AND 3/2007/0677 - EXTENSION TO PROVIDE PORCH
ENTRANCE AT RUFFSIDE HALL , RUFFSIDE VILLAGE, EDMUNDBYERS FOR
MR. COWIE**

1. Planning permission was sought for the erection of a porch to the front of Ruffside Hall, Edmundbyers. The appeal property is a Grade II listed property dating from the 17th Century with 19th Century additions. The host part of the dwelling is the oldest part of the property. The property is set in extensive grounds and is set back approximately 200 metres from the main road the B306. Planning permission was refused for the following reasons:

In relation to the planning application 3/2007/0677.

- (i) It is considered that the proposed extension would not be in keeping with the character of the existing dwelling in terms of mass, scale and design contrary to policies GD1, H25, and FPG5 of the Wear Valley District Local Plan as amended by the saved and expired policies September 2007.
- (ii) The extension due to its mass and scale would be detrimental to the appearance of the Grade II listed building contrary to PPG15 'Planning and the Historic Environment'.
- (iii) It is considered that the proposed porch would be detrimental to the scenic quality of the Area of Outstanding Natural Beauty contrary to local plan policy ENV2 of the Wear Valley District Local Plan as amended by the saved and expired policies September 2007.

In relation to the listed building application 3/2007/0682.

- (i) It is considered that the proposed extension would not be in keeping with the character of the existing dwelling in terms of mass, scale and design contrary to policies GD1, H25, and FPG5 of the Wear Valley District Local Plan as amended by the saved and expired policies September 2007.
 - (ii) The extension due to its mass and scale would be detrimental to the appearance of the Grade II listed building contrary to PPG15 'Planning and the Historic Environment'.
2. An appeal was made against the decision. The Inspector has **DISMISSED** the appeal for the following reasons;
- The proposal would harm the special architectural and historic interest of the listed building and would consequently harm the character and appearance of the North Pennines Area of Outstanding Natural Beauty, contrary to national and local policy.

RECOMMENDED

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

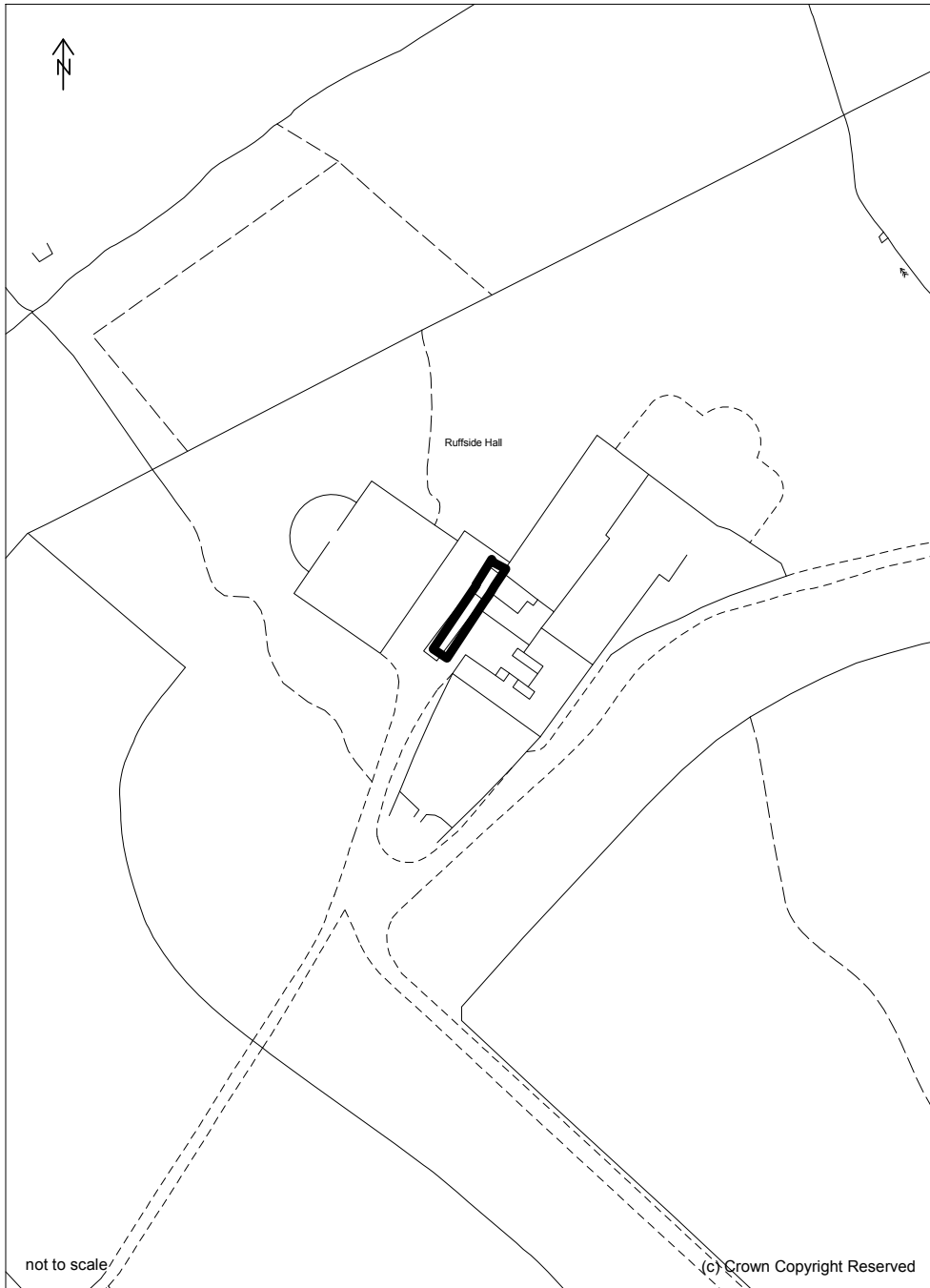
background information

Application files, WVDLP as amended by the Saved and Expired Policies September 2007, and the Inspector's decision letter dated 24th October 2008.

Officer responsible for the report	Author of the report
Robert Hope	Sinead Folan
Strategic Director for Environment and Regeneration	Planning Officer
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**FOR INFORMATION
APPEAL DECISION**

**3/2007/0682LB AND 3/2007/0677 - EXTENSION TO PROVIDE PORCH
ENTRANCE AT RUFFSIDE HALL, RUFFSIDE VILLAGE, EDMUNDBYERS FOR
MR. COWIE**



DEVELOPMENT CONTROL COMMITTEE

20th NOVEMBER 2008

Report of the Strategic Director for Environment and Regeneration

FOR INFORMATION

APPEAL DECISION

**3/2007/0651- TWO SEMI-DETACHED STONE DWELLINGS AT LAND SOUTH OF
6 LOW DOWFOLD, CROOK FOR MR. QUIGLEY**

1. Outline planning permission, including consideration of the siting and external appearance, was sought for 2 No. semi-detached dwellings on land adjacent (south) to 6 Low Dowfold Crook, which is located outside the development limits of Crook, but still falls within the Crook Conservation Area.
2. The application was refused under delegated powers on 1st November 2008 for the reasons that the proposed dwellings would:
 - a) represent an unsustainable form of development with poor access to local facilities and public transport;
 - b) create an encroachment of development into the countryside thereby detracting from the open rural setting of Crook and the character of the Crook Conservation Area;
 - c) result in vehicles parking on the highway to the detriment of road safety; and
 - d) have an oppressive effect on the outlook of the gable windows of No 6 Low Dowfold.
3. An appeal was submitted against this refusal. The Inspector has **DISMISSED** the appeal noting the following:

Accordance with Policies Relating to Sustainable Development

4. Although the appellant argued that the site had previously contained houses and that the site was not out of walking and cycling distance to Crook town centre, the site was clearly in the countryside as it was separated visually and physically from the main parts of Crook and the amenities in the town centre. This would be contrary to Policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. Moreover, the return route up Church Hill would be extremely steep with no formal footpaths on the upper section and no nearby bus stop. Occupiers of the dwellings would therefore be most likely to be mainly reliant on the private car to access facilities and services. This would not represent a sustainable form of development. The proposal was therefore contrary to the policy objectives in

PPS3 and PPG13 to site housing development in locations which offer good access to jobs and key services by public transport, walking and cycling; and to reduce the need to travel by car. In addition, irrespective of whether the site is greenfield or brownfield, since the site is outside of the development limits it would not fall within the priority categories of the sequential approach in the Council's adopted local interpretation of the Regional Spatial Strategy (RSS).

Effect on the Character and Appearance of the Crook Conservation Area

5. The proposed dwellings and their curtilages would result in an extension of suburban development on a currently open area. The resulting enlarged finger of development would be contrary to the intention of preserving an open rural character overlooking the town and in particular the listed Church. This would not preserve or enhance the character of the Crook Conservation Area, in conflict with the policy objectives of PPG15 and Policy BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

Effect on Highway Safety

6. The proposal would not provide sufficient space for vehicles to be parked off the road and there would not be adequate visibility for any vehicles to emerge safely onto the highway. The parking of vehicles on the highway would prejudice the free flow of traffic on the road and increase the risk of accidents to highway users. A lack of turning facilities within the site would also result in an increased risk of collision from vehicles reversing into or out of the site. This would be contrary to Policy T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

Effect on the living Conditions of No 6 Low Dowfold

7. The appellant indicated that the dining room of No 6 could be provided with an alternative window to the front and that windows in the side elevation could be obscure glazed. This would overcome concerns of oppressive visual impact and loss of outlook for the occupiers of No 6 Low Dowfold.

RECOMMENDED

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

background information

Application file, Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, and the Inspector's decision letter dated 23rd July 2008

Officer responsible for the report

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**FOR INFORMATION
APPEAL DECISION
3/2007/0651- TWO SEMI-DETACHED STONE DWELLINGS AT LAND SOUTH
OF 6 LOW DOWFOLD, CROOK FOR MR. QUIGLEY**

