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Gary Ridley Acting Chief Executive

10th December 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 18th DECEMBER 2008** at **6.00 P.M.**

AGENDA

	Page No.
1. Apologies for absence	
2. To consider the minutes of the meetings of the Committee held on 23 rd October and 20 th November 2008 as true records.	Copies previously circulated
3. To consider development control application 3/2008/0701 – Erection of a dwelling at Bluebell Stables, Quarryburn Lane, Hunwick for Miss N. Lander.	1 - 10
4. To consider development control application 3/2008/0664 – Insert window into existing gable elevation at 48 Uplands Close, Crook for Miss K. Willoughby.	11 - 15
5. To consider development control application 3/2008/0654 – Outline planning application for the erection of 3 no. two storey detached dwellings at 17 Prospect Terrace, Willington for Mr. Morland.	16 - 23
6. To consider development control application 3/2008/0580 – Two storey dwelling, garden and curtilage at 23 South Acre, Oakenshaw for Mr. and Mrs. Chester.	24 - 30
7. To consider development control application 3/2008/0703 – Single storey extension with mono pitch roof containing bathroom and lobby (re-submission) at 10 Nelson Street, Bishop Auckland for Wear Valley District Council.	31 - 35
8. To consider development control application 3/2008/0615 – Change one dwelling into two dwellings (retrospective) at 25 Johnson Street, Eldon Lane, Bishop Auckland for Mr. M. Norris.	36 - 40

9. To consider development control application 3/2008/0617 – 41 - 47
Change of use from public open space to domestic curtilage and the erection of a two storey side extension, two storey rear extension, single storey rear extension and porch to front elevation at 2 Cosgrove Avenue, Bishop Auckland for Mr. Clayton.
10. To consider development control application 3/2008/0661 – 48 - 56
Demolition of existing single dwelling and erection of three apartments at 1 Greenfields Road, Tindale Crescent, Bishop Auckland for Mr. Mann.
11. To consider development control application 3/2008/0720 – 57 - 61
Dormer window to rear elevation at 88 Woodside, Witton Park, Bishop Auckland for Wear Valley District Council.
12. To consider development control application 3/2008/0638 – 62 - 71
Convert existing garage and sunroom into house, including rear extension and raising roof at land rear of 17 Park Street, Wellington for Mr. Mounter.
13. To consider development control application 3/2008/0473 – 72 - 100
Proposed construction of 3 no. dwellings at land rear of 33 and 41 Uppertown, Wolsingham for Mr. and Mrs. Cassidy.
14. To consider development control application 3/2008/0724 – 101 -107
Re-development of former Civic Hall to provide a community based events/arts facility at Civic Hall, Military Row, Crook for Wear Valley District Council.
15. To consider such other items of business which, by reason of special circumstances so specified the Chairman of the meeting is of the opinion should be considered as a matter of urgency.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Sey R. ...', is written over a light blue rectangular background.

Acting Chief Executive

Members of this Committee: Councillors Anderson, Bowser, Buckham, Mrs Burn, Mrs Douthwaite, Gale, Grogan, Mrs Jopling, Kay, Kingston, Laurie, Mrs Lee, Lethbridge, Mairs, 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

18th DECEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0701 - ERECTION OF A DWELLING AT BLUEBELL STABLES, QUARRYBURN LANE, HUNWICK FOR MISS N. LANDER – 07.11.2008

description of site and proposals

1. Planning permission is requested for the erection of a detached 3 bedroom dwelling at Bluebell Stables, Quarryburn Lane, Hunwick.
2. The proposed dwelling would measure 9 metres in length, 10.3 metres in width, 5 metres to the eaves, and 7.7 metres to the ridgeline. The proposed dwelling would incorporate a small porch to the front, and a sunroom to the rear. The proposed dwelling is indicated to be finished from brick with art stone heads and cills, and the roof covering would be grey slate. The proposed dwelling would be positioned approximately 16 metres south of the current site of the existing temporary accommodation. The proposed dwelling would be sited approximately 18 metres from the highway.
3. The scheme also involves the construction of a detached garage which would measure 5.5 metres in width, 5.7 metres in length, 2 metres to the eaves, and 4.2 metres to the ridge line. The plans indicate that the garage would be constructed from materials which would match the main dwelling on the site.
4. The application site contains an existing barn/ stables to the centre, which is constructed from breeze blocks and vertical boarded timber to the first floor. To the rear of the site is a hay shed and associated equestrian paraphernalia. To the east of the site is an outdoor floodlit arena.
5. The application site lies in the open countryside and is located 0.8 kilometres north east of Howden le Wear, 1.4 kilometres south of Crook, and 1.4 kilometres north west of Hunwick.
6. The application site has consent for temporary residential accommodation (3 years) which was approved by Committee in November 2005 (ref 3/2005/0467). The siting of the proposed dwelling has been selected to allow security and to minimise the impact upon the character of the countryside.

planning history

7. The following planning history relates to the application site:

- | | | |
|---------------|---|---------------------|
| • 3/1997/0231 | Agricultural Building | Approved 02.07.1997 |
| • 3/2002/0379 | Outdoor Arena | Approved 07.08.2002 |
| • 3/2004/0469 | Livery Yard and Stationing of Mobile Home | Refused 17.09.2004 |
| • 3/2005/0467 | Livery Yard and Stationing of Mobile Home and Floodlighting | Approved 03.11.2005 |
| • 3/2006/0903 | Extension to Shed and New Stable Block | Approved 20.12.2006 |

planning policies

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

- GD1 General Development Criteria
- ENV1 Protection of the Countryside
- H3 Distribution of Development
- H24 Residential Design Criteria

Also relevant is PPS7: Sustainable Development in Rural Areas, RSS Policy 38, PPS1: Delivering Sustainable Development, PPS1: Climate Change Supplement, PPS22: Renewable Energy and PPS3: Housing.

consultations

9. Northumbrian Water: No objection.
10. CDE&TS (Highways): No response received at time of writing report. Any response received before Committee will be reported to Members.
11. Environment Agency: No response received at time of writing report. Any response received before Committee will be reported to Members.

officer analysis

12. The key issues for consideration are:

- Principle of Development
- Visual Impact
- Residential Amenity
- Energy Efficiency

principle of development

13. The applicant has run a livery yard from the site for the last 3 years. She has commented that owners of competition horses, which cost thousands of pounds, and in some cases tens of thousands, would not consider using the

proposed livery yard unless 24 hour supervision is provided. She has also stated that 24 hour supervision is a must to ensure the welfare of the horses. She has submitted letters from vets and horse welfare organisations supporting the need for someone to live on site. She has provided police reports of incidents at the site, including a case of three youths with air rifles who were arrested when found pointing their rifles at the horses in the field.

14. Policy GD1 seeks to ensure that applications for development would not have a detrimental impact upon the landscape quality of the surrounding area and policy ENV1 only allows development for the purposes of agriculture, farm diversification, forestry or outdoor recreation or if it is related to an existing compatible use in the countryside.
15. In terms of occupational dwellings, PPS7 states that one of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. Normally it will be as convenient for such workers to live in nearby towns or villages and this may have domestic and social advantages, as well as avoiding potentially intrusive development within the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any individuals involved.
16. There may also be instances where special justification exists for isolated dwellings associated with other rural based enterprises. PPS7 states that before a planning application for such a dwelling can be considered, the enterprise itself, including any development necessary for the operation of the enterprise, must be acceptable in planning terms and permitted in that rural location, regardless of the consideration of any proposed associated dwelling. Local planning authorities should apply the same criteria and principles set out in Annex A of PPS7 as far as they are appropriate to the nature of the enterprise concerned, to applications for other occupational dwellings in the countryside.
17. In this case the proposed rural enterprise is considered acceptable in this rural location and planning permission has been granted.
18. PPS7 also states that temporary accommodation in relation to an enterprise in the countryside should satisfy the following criteria:
 - i. clear evidence of a firm intention and ability to develop the enterprise concerned;
 - ii. functional need;
 - iii. clear evidence that the proposed enterprise has been planned on a sound financial basis;
 - iv. the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in this area which is suitable and available for occupation by the workers concerned; and
 - v. other normal planning requirements are satisfied.

19. The criteria will be examined in turn.
 - i. clear evidence of a firm intention and ability to develop the enterprise concerned.
20. The supporting statement shows major investment has taken place through the construction of a floodlit outdoor arena at a total cost of over £24,000, investment in infrastructure to the site at a cost of over £10,000. Essential utility services have been provided. New post and rail fencing has been constructed, as well as new stables, a hay shed and barn.
21. The agent explained in the 2005 application that the land and an existing building on the site had been 'gifted' to the applicant by her parents.
22. The applicant has submitted financial information which reinforces the investment that has taken place on the site. As such I am satisfied that the applicant has clear evidence of a firm intention and ability to develop the enterprise concerned.
 - ii. functional need
23. The agent for the applicant has stated that there is a functional need for someone to live on the site 24 hours a day for the following reasons;
 - a) Horses kept on the site need 24 hour supervision.
 - b) In medical emergencies it is important that the applicant is able to react swiftly in order to reduce the risk to horses kept in the stables.
 - c) The majority of horses on the site are owned by people other than the applicant. It is important that the stables are secure to avoid theft or vandalism to both the site and the horses.
24. Indeed by granting permission for temporary residential consent on the site in 2005 the Council accepted that there is a need for someone on site 24 hours a day. Since the granting of this temporary consent the business has continued to grow in line with the predicted financial forecasts.
25. The applicant has submitted supporting statements from 2 vets and other professional organisations in the equestrian community who have stated in their expert opinion there is a need for round the clock on site supervision.
26. When a previous application was under consideration (3/2004/0469) the case officer stated no consideration had been given to the use of CCTV or to regular checks on the animals throughout the day. In response the applicant has accepted CCTV would be effective in detecting intruders and in monitoring the condition of horses left in her care. However, she considers it would be of benefit to her only if she was living on site. Firstly, she has explained if CCTV were installed and no one was living on site the video recording could only be used to identify intruders after an incident has occurred. Secondly, she has explained CCTV would be no good to look after the welfare of the horses. She would not be able to identify any strange activity in a horse to notice if it were distressed in any way. If she could view the horses via CCTV from her parents' house it could be too late to help the

animal, for example if she noticed a horse was distressed and it had colic it could have twisted its gut before she could reach it.

27. The agent has also identified a need for someone to live on site in the interests of security. Both before and after the refusal of the previous application in 2004 there have been instances of theft and attempted theft. A police report has been previously submitted. Also the applicant has provided a police report of 3 youths who had air rifles and were arrested. The agent has stated these incidents can be attributed to the lack of a residential presence on the site.
28. It was previously suggested by the case officer that in order to prevent intruders secure locks could be fitted to the building. However, the applicant has commented that from a health and safety angle this would not be acceptable as the horses would be put in danger. If there were a fire inside the building the horses would be trapped. Any passer-by would be unable to gain access to the building to rescue the horses. A secure lock would delay the fire brigade entering the building which could result in the horses losing their lives.
29. I consider that a functional need has been demonstrated.
30. Some Members may recall a similar case at Hole in the Wall Riding School in 1995 when the Planning Committee allowed a temporary dwelling because it was accepted the applicants needed to live on site in the interests of the welfare of the horses kept on site and in the interests of security.
 - iii. clear evidence that the proposed enterprise has been planned on a sound financial basis.
31. The applicant, with the assistance of her accountant, has submitted financial details in respect of the financial activity of the business for the year ending April 2008, and future forecasts for growth.
32. In 2007 the business made a gross profit of £12,360, rising to £23,633 in 2008. In 2007 this profit was mostly used to pay for the electricity supply to the site at a cost of over £10,000 and other essential set up costs. In 2008 the business made an operating profit of over £5,500. The projected forecasts supplied by the applicant's accountant show that an operating profit of £7,257 in April 2009 is expected, rising to £11,020 in 2010 and over £13,000 in 2011.
33. The agent has stated that the forecasts are cautious, and reflect a perpetuation of current circumstances. The agent has stated that the proposed dwelling would allow the applicant to attract more and higher value horses to the stables, to charge higher stable fees and provide a greater range of chargeable services.
34. I consider that the enterprise has been planned on a sound financial basis and expect it to remain viable into the future.
 - iv. the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.

35. There is no existing residential property available which is sufficiently close to the site for the applicant to be within 'sight and sound' of the stables and allow the applicant to fulfill the functional need that has been identified.
- v. other normal planning requirements are satisfied.
36. The agent has stated that for operational reasons, the proposed dwelling needs to be close to the existing barn and stables, overlooking the entrance to the site. Due to the fact that the proposed dwelling would relate to the existing buildings, and would be built on low-lying land. The proposed dwelling would not appear as an obtrusive feature in the open countryside.
37. It is considered that subject to an appropriate condition requiring additional landscaping to help soften the impact of the proposed development, the proposed siting of the dwelling is acceptable as it would be viewed in conjunction with the existing buildings and would sit comfortably in its surroundings. The proposed siting of the dwelling is therefore considered to accord with policies GD1 and ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, and guidance contained within PPS7.
38. From the information submitted it is considered that the applicants have submitted a clear demonstration of need through the guidance contained in Annex A of PPS7, as well as proving that the business is financially viable.

visual impact

39. The proposed dwelling would be located close to the group of existing agricultural buildings. At present, the applicant lives in a temporary residential caravan. The dwelling would be sited 16 metres south from the present temporary accommodation, and would be accessed via the existing track from Quarryburn Lane. PPS7 states that any dwelling in the countryside should be of a modest size. Given the proposed dwelling would have three bedrooms, it is considered that the size, design, and appearance of the proposed dwelling are acceptable in this location. The dwelling would not appear as a dominant feature in the landscape, and would be sympathetic to the setting of the open countryside. Conditions are recommended in respect of landscaping of the site, and the removal of permitted development rights in order for the Local Planning Authority to control further development on the site to maintain the appearance of the site. It is considered that the proposal is acceptable in relation to policies GD1 and ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

residential amenity

40. As there are no immediate neighbours to the proposed dwelling, there would be no loss of privacy caused as a result of the proposed dwelling. From the submitted plans the dwelling would have a rear garden measuring 13 metres in depth by 20 metres in width, giving an area of 260 sq metres. This is considered to be more than sufficient useable amenity space provided to the rear of the dwelling.

41. It is considered that the proposal accords with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

energy efficiency

42. Since 1st May 2008 the Code for Sustainable Homes is mandatory for all new housing development, however a registration certificate is not required for this application because it was received before 1 May 2008. Nevertheless, this highlights the importance of sustainable design in the current policy climate and the thrust of planning policy in PPS1 and the Climate Change Supplement, PPS3 and PPS22; policy 38 of the RSS, as well as policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. These all require new development to be energy efficient. It is considered appropriate to condition further details to demonstrate how the proposed dwelling would be designed and built to be energy efficient.

objections/observations

43. The occupiers of the nearest properties were notified in writing and a site notice was posted.
44. No letters of objection/ observation have been received.

conclusion and reasons for approval

1. The business on the site to which the application relates was established in 2006. The applicant has spent over £34,000 on the site in terms of infrastructure provision and site development and the applicant has demonstrated clear evidence of a firm intention and ability to develop the enterprise concerned in accordance with Annex A of PPS7 Sustainable Rural Development.
2. It is considered that an equestrian business of this type and character based on present figures would provide the prospect of reasonable living and full time employment. From an animal welfare point of view there is a 'functional' need for a 'key worker' to be living within sight and sound of the equestrian buildings. It is therefore concluded that the applicant has demonstrated there is a functional need to have permanent accommodation on the site in connection with the proposed development in accordance with Annex A of PPS7 Sustainable Rural Development.
3. There are no existing dwellings on the site. There are no existing dwellings in the area that are for sale and within view of the application site. To this end, it is considered that there are no suitable dwellings, within sufficient travelling distance of the application site that could house the 'key worker' concerned in accordance with Annex A of PPS7 Sustainable Rural Development.
4. The proposed dwelling would be sited close to the existing agricultural buildings and would therefore be read in conjunction with this group of buildings. The proposed dwelling would be built on low lying land. As such it is considered that the proposal would be well related to existing development

at Bluebell Stables, and would sit comfortably in its surroundings, in accordance with policies GD1, H24 and ENV1 of the Wear Valley District Local Plan.

RECOMMENDED

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

conditions

1. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the dwelling and detached garage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
2. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority.
3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the 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.
4. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F, G, and H of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.
5. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, at the Bluebell Stables, or a widow or widower of such a person, and to any resident dependants.
6. Development shall not commence until details demonstrating how energy efficiency is being addressed in the design and construction of the dwelling hereby approved have been submitted to and approved in writing by the local planning authority and thereafter the development shall be implemented and retained in accordance with the approved details. The details shall include an assessment of the predicted energy performance of the approved dwelling against suitable baseline data.

reasons

1. To ensure the satisfactory appearance of the completed development. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. To ensure the satisfactory appearance of the completed development. In accordance with policies GD1, ENV1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policies GD1, ENV1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. The Local Planning Authority wishes to control future development at the site in order to safeguard the appearance of the site. In accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
5. The local planning authority would not be prepared to permit a residential unit on this site unconnected with the use of the land. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 and PPS7.
6. In the interests of reducing carbon emissions. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and PPS1, the PPS1 Climate Change Supplement PPS22 and policy 38 of the RSS.

background information

Application files, WVDLP as amended by the Saved and Expired Policies September 2007, PPS7 Sustainable Rural Development, PPS1: Delivering Sustainable Development, PPS1 The Climate Change Supplement, and PPS3: Housing, RSS.

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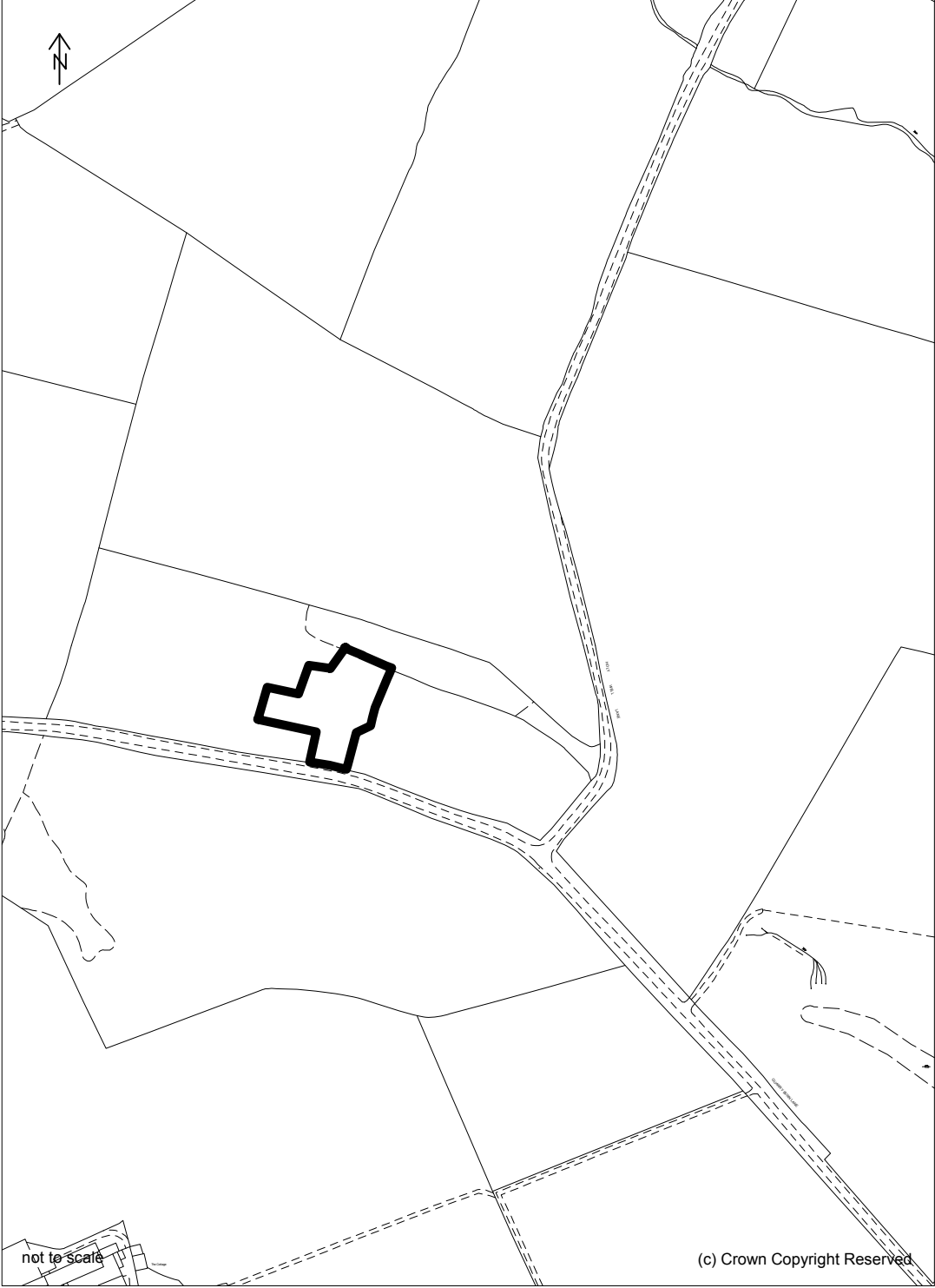
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Adam Williamson
Planning Officer
Ext 495

**3/2008/0701 - ERECTION OF A DWELLING AT BLUEBELL STABLES,
QUARRYBURN LANE, HUNWICK FOR MISS N. LANDER – 07.11.2008**



DEVELOPMENT CONTROL COMMITTEE

18th DECEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0664 - INSERT WINDOW INTO EXISTING GABLE ELEVATION AT 48 UPLANDS CLOSE, CROOK FOR MISS K. WILLOUGHBY – 22.10.2008

description of site and proposals

1. This application has been reported to Committee as it has received 5 letters of objection.
2. Planning permission is requested for the insertion of an obscure glazed window to the ground floor of the north eastern elevation at 48 Uplands Close, Crook.
3. The proposed window would be inserted to the lounge, which at present does not have any windows. The proposed window would measure 1.7 metres in width by 1.5 metres in height. The proposed window would have two opening top lights positioned 1.7 metres above floor level. Normally the insertion of additional windows is permitted development, and would not require planning permission, however, the permitted development rights were removed from this property in the granting of planning permission for the estate (ref 3/2000/0489).
4. The application site comprises of a two storey modern semi-detached property. The host site has neighbouring dwellings to the front and rear with a neighbouring property to one side and neighbouring gardens to the other. The host dwelling has an open plan front garden and a garden area to the rear bounded by a two metres high timber fence. The proposed window would face onto the garden of 45 Uplands Close.

planning history

5. The following history relates to the application site:
 - 3/2004/0152 Sun Lounge to Rear Approved 19.04.2004
 - 3/2000/0488 75 Dwellings Approved 12.04.2001

planning policies

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

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

consultations

7. None.

officer analysis

8. The key issues for consideration are;

- Impact upon the Character and Appearance of the Host Dwelling and Surrounding Area
- Residential Amenity

impact upon the character and appearance of the host dwelling and surrounding area

9. It is considered that the insertion of a window to the ground floor of the north eastern gable of the dwelling would not be detrimental to the design or character of the host dwelling. It is considered that the design of the proposed window would not be out of keeping with the fenestration details of the existing dwelling. The proposed window would not appear as a later addition to the house and would sit well within the gable. As such the proposal accords with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

residential amenity

10. The proposed window would overlook the rear garden of 45 Uplands Close. Given this, the applicant has proposed that satin finished obscure glazing be used. As such there would be no loss of privacy or overlooking impact created by the insertion of this window. The proposed window would have two opening lights 1.7 metres above floor level to provide ventilation. Given this height, it would mean that persons using the rear garden of 45 Uplands Close would not suffer any loss of privacy caused by the opening lights. As such it is considered that the proposed window accords with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

objections/observations

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

12. Five letters of objection/ observation have been received, the details of which are set out below;
 - a) The proposed window is not in line with the window styles elsewhere on the development. The proposed window has 2 high level opening lights which is unlike the “country style” mid transome windows used elsewhere.
 - b) The window would invade my privacy.
 - c) My privacy is invaded by Miss Willoughby and her friends and family are constantly in their garden sitting on our separating wall.

response to objections

13. Below is a response to the points raised.
 - a) The window requires top opening lights to provide ventilation in accordance with building regulations approval. The use of top opening lights situated 1.7 metres above floor level means that the privacy of the occupiers of 45 Uplands Close will be safeguarded. The use of mid transome windows, would when open, lead to a loss of privacy to neighbouring occupiers.
 - b) The proposed window is to obscurely glazed, and as such no overlooking impacts would be created by the insertion of this window.
 - c) This does not relate to this planning application. The problem described is a civil matter.

conclusion and reasons for approval

1. The proposed window would not be to the detriment to the host property in terms of design, and would be in keeping with the existing fenestration details of the property. The proposal accords with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. Due to the use of obscure glazing and top opening lights, the proposed window would not lead to a loss of privacy or overlooking to occupiers of neighboring properties. The proposal accords with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

RECOMMENDED

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

condition

1. The window hereby approved shall be obscure satin glazed, and shall up to a height of 1.7 metres above finished floor level be fixed shut (without any opening mechanism). The window shall thereafter be retained as such.

reason

1. In the interests of the amenity of neighbouring properties. In accordance with policies GD1, H25, and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

background information

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

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explanation First available Committee.			

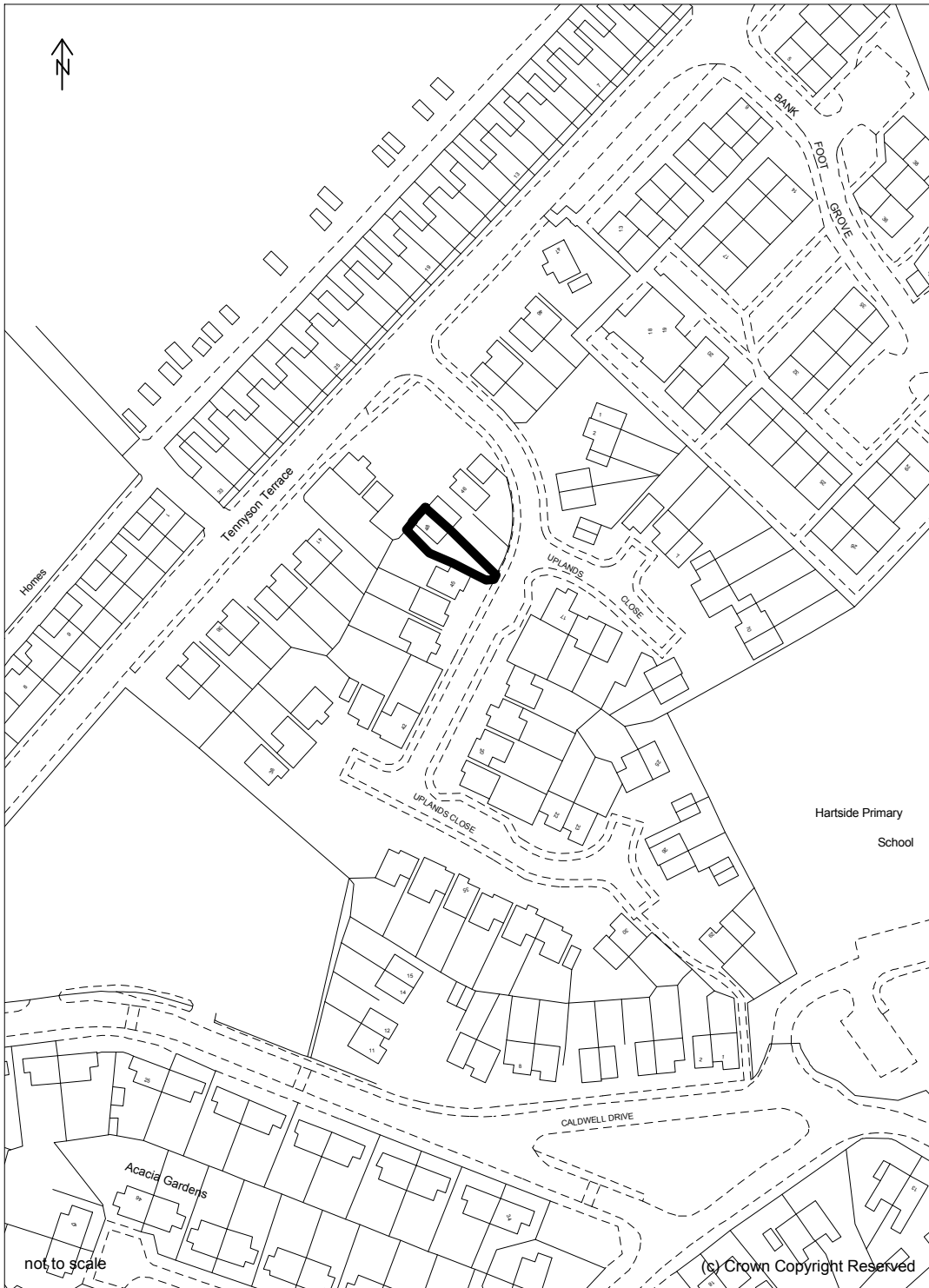
Officer responsible for the report

Robert Hope
Strategic Director for Environment and Regeneration
Ext 264

Author of the report

Adam Williamson
Planning Officer
Ext 495

3/2008/0664 - INSERT WINDOW INTO EXISTING GABLE ELEVATION AT 48 UPLANDS CLOSE, CROOK FOR MISS K. WILLOUGHBY – 22.10.2008



DEVELOPMENT CONTROL COMMITTEE

18th DECEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0654 - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF 3 NO. TWO STOREY DETACHED DWELLINGS AT 17 PROSPECT TERRACE, WILLINGTON FOR MR. MORLAND – 17.10.2008

description of site and proposals

1. Outline planning permission, with details of access and layout, is being sought for the residential development of 3 No. detached dwellings' on land at No. 17 Prospect Terrace in Willington. The proposed properties would be in a linear layout. Vehicular access would be taken directly off Prospect Terrace. A turning head is proposed as part of the highway works. Each dwelling would be set back approximately 6 metres from the highway. The proposed dwellings would each have an approximate footprint of 12 metres by 9 metres and would measure 5 metres to eaves height and 7 metres to ridge level. The middle property would have the smallest rear garden area measuring 88 sq.m. The proposed property to the west and the property to the east would have rear garden areas measuring 110 sq.m and 97.5 sq.m respectively.
2. The application site is made up of No. 17 Prospect Terrace and 2 No. narrow garden plots to the west of No. 17 Prospect Terrace. No. 17 Prospect Terrace is a detached bungalow which is proposed to be demolished to make space for the development. The agent for the application has indicated that the bungalow is in a poor condition structurally. Directly north of the site beyond the highway is the terraced houses on Prospect Terrace. To the south is a new residential housing estate. There are existing garden plots to the west of the application site.

planning history

3. The following planning history relates to the application site:
 - 3/2006/0191 Single Dwelling Refused 24.04.2006
 - 3/2008/0536 3 Dwellings (Outline) Withdrawn 23.09.2008

planning policies

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

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

Also of relevance: Planning Policy Statement 3: Housing (PPS3) and Regional Spatial Strategy (RSS).

consultations

5. Durham County Council (Highways Authority): The proposal shows a new turning head and highway improvements. As this application is in outline, it is assumed that any conditions requiring the highway improvements to be designed and constructed to meet current highway design standards can be made when a reserved matters application is submitted. At the reserved matters stage the developer will be required to enter into an agreement under Section 38 of the Highways Act 1980, in order to ensure the adoption of the proposed new highways. For the above reasons, no highway objections are raised to this proposal.
6. Willington Town Council: No comments received.
7. Ancient Woodlands: No comments received.
8. Northumbrian Water: No objections.

officer analysis

9. The key issues for consideration are:

- Principle of Development
- Visual Impact
- Residential Amenity
- Highways and Access Issues

principle of development

10. As the site is made up of an existing bungalow and garden areas, it is considered to be brownfield land. It is also within the settlement limits of Willington, which is one of the identified urban areas in accordance with the Council's Sequential Approach to housing development. The surrounding area is residential and the site is not allocated for any particular purpose. Residential development of the site is therefore considered to be acceptable in principle. The principle of the proposal therefore accords with saved 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 RSS and national planning guidance in PPS3.

layout and visual impact

11. The layout proposed shows the three properties in a linear position with the front of the properties facing north towards Prospect Terrace. This linear layout reflects the existing terraced properties to the north. The proposed layout is considered acceptable.
12. The application asks for the layout to be considered and therefore it is appropriate to consider the impact of the proposed development on the character and appearance of the surrounding area. The site is bordered by regular two storey terraced housing to the north and modern detached dwellings to the south with a large modern, flat roof dwelling to the east. Two storey development on the site would therefore be appropriate in principle, however any dwelling on the site would have to respect the scale and height of surrounding development. The terraced dwellings are approximately 7.8 metres in height and the highest dwellings to the south are 9.3 metres high. The dwelling immediately to the south is approximately 8.8 metres in height. Gable widths of the detached dwellings in the area are around 9.5 metres.
13. The proposed dwellings would measure 9 metres in width and have an overall length of 12 metres. The agent for the application has stated on the plans and within the design and access statement that the proposed dwellings would have an approximate height of 5 metres to the eaves and 7 metres to the ridge level. Given the dimensions of the proposed properties, it is considered that the proposed development would not have an adverse impact upon the character and appearance of the surrounding area.
14. Given the above the proposal is considered to be in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

residential amenity

15. The proposed layout ensures that adequate separation distances are achieved between the proposed properties and the existing dwellings to the north, south and east. There would be no loss of privacy to the occupiers of neighbouring dwellings. Detailed plans to be submitted in a reserved matters application would ensure there would be no overlooking to the sides of the properties.
16. As stated in the description of the proposals, the proposed layout of the development provides garden areas of 88sqm, 97.5sqm and 110sqm for each of the proposed properties. These garden areas are sufficient to provide adequate amounts of private and useable amenity space for the enjoyment of future occupiers.
17. The proposed layout of the development would ensure that adequate levels of residential amenity is achieved for the future occupiers of the proposed development. The residential amenities of neighbouring occupiers would not be compromised by the proposed development. The proposal is in accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

highways and access issues

18. Prospect Terrace is a narrow cul de sac, being only 5.75 metres wide with no turning head and no footpath on the southern side of the road. The proposed development would undoubtedly set a precedent and encourage further residential development on the south side of Prospect Terrace. The Durham County Council Highways Officer has requested that a turning head and a footpath be provided along Prospect Terrace as part of the application. Without a turning head towards the end of the street, vehicles would be most likely to reverse down the road or perform multiple manoeuvres to turn around. The lack of a footpath on the southern side of the highway would increase the hazard to pedestrians. The provision of a turning head and a footpath has been provided within the application. The Highways Officer has not raised any objections to the proposed scheme providing that a condition is imposed ensuring the highway improvements are designed and constructed to meet current highway design standards. A condition is recommended accordingly.
19. Given the above comments, it is considered that the proposed development would not compromise the safety of highway users. The proposal is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

20. Occupiers of the surrounding properties have been notified in writing and a site notice was posted. Nine letters of objection have been received. Five of these objections were sent via email and the content of these letters were duplicates of each other. A further email has been received from a neighbour, whose address was on one of the duplicate objections, this neighbour has stated that he did not submit any objections to the proposed development. The authenticity of these five objections sent via email is therefore questionable. Nevertheless, the contents of these emails are summarised along with the other objection letters, below:
 - a) The site is greenfield land and would be the loss of allotments.
 - b) The narrow cul de sac back lane is too narrow to accommodate extra traffic.
 - c) The proposed footpath ending half way up the lane would be a danger to pedestrians.
 - d) Loss of privacy.
 - e) The residents of Prospect Terrace do not have off street parking and currently park on the back lane.
 - f) There is no mention of the proposed footpath or turning head being adopted by the Council.
 - g) A planning application in 2006 for residential development on this site was refused on policy RL2 of the Local Plan which would have resulted in the loss of valuable urban open space (allotment land). This reason still relates to this application.
 - h) The application is contrary to Planning Policy Guidance Note 3: Housing as it is the development of greenfield land.

response to objections

21. The following points are made in response to the issues raised above:
- a) As part of the application site contains an existing bungalow with the remainder of the site being residential gardens, the land is clearly classed as brownfield land under the definition provided within Annex B of PPS3. As identified on the Proposal Maps of the Local Plan, the allotments are located south of the application site.
 - b) A turning head is to be incorporated into the development. Durham County Council Highways Officer has raised no objections to the proposed development.
 - c) As stated above the Highways Officer has raised no objections to the proposed development which includes the provision of a footpath.
 - d) Discussed in officer analysis, under the heading 'residential amenity'.
 - e) Noted. This situation will not alter.
 - f) The Durham County Council Highways Officer has indicated that the developer would have to enter into an agreement under Section 38 of the Highways Act 1980 which would ensure the adoption of the new highways.
 - g) The site is not allocated in the Local Plan as valuable urban open space. The site is not considered to be allotments. As stated previously, the land is brownfield land and would not result in the loss of urban open space.
 - h) Planning Policy Guidance Note 3: Housing has been superseded by Planning Policy Statement 3: Housing (PPS3). As stated above, the application site is classified brownfield land under the definition provided within Annex B of PPS3.

conclusion and reasons for approval

1. The proposal is acceptable in relation to policies GD1, H3, H24, and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, Policy 4 of the Regional Spatial Strategy and Planning Policy Guidance 3: Housing, for the following reasons:
- 1. The proposal is acceptable in principle as it constitutes the development of brownfield land in the urban area of Willington.
 - 2. The proposed layout would reflect the neighbouring properties to the north.
 - 3. The intended scale of the properties would not appear out of keeping with the character and appearance of the surrounding area.
 - 4. Adequate levels of residential amenity would be achieved for the proposed properties.
 - 5. Neighbouring occupiers would not be adversely affected in terms of loss of privacy.
 - 6. The proposed development would not compromise highway safety.

RECOMMENDED

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

conditions

- 1/2. Standard outline conditions (details of appearance, scale and landscaping reserved).
3. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the dwellings shall not be occupied until that work has been carried out in accordance with the approved details.
4. Development shall not begin until details of the existing and proposed site levels and the finished floor levels of the proposed dwellings and those of existing neighbouring dwelling houses have been submitted to and approved in writing by the local planning authority; and the works shall be completed in accordance with the approved details.
5. No development shall take place until samples of the materials to be used in the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
6. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the buildings hereby approved are first occupied.
7. Before the development hereby approved is commenced details of the highway improvements shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

reasons

- 1/2. Standard outline reasons.
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 a satisfactory standard of development and to ensure that the development is not unduly prominent within the surrounding landscape. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

5. 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.
6. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. In the interests of highway safety. 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 the Saved and Expired Policies September 2007, PPS3, RSS.

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explanation First available Committee.			

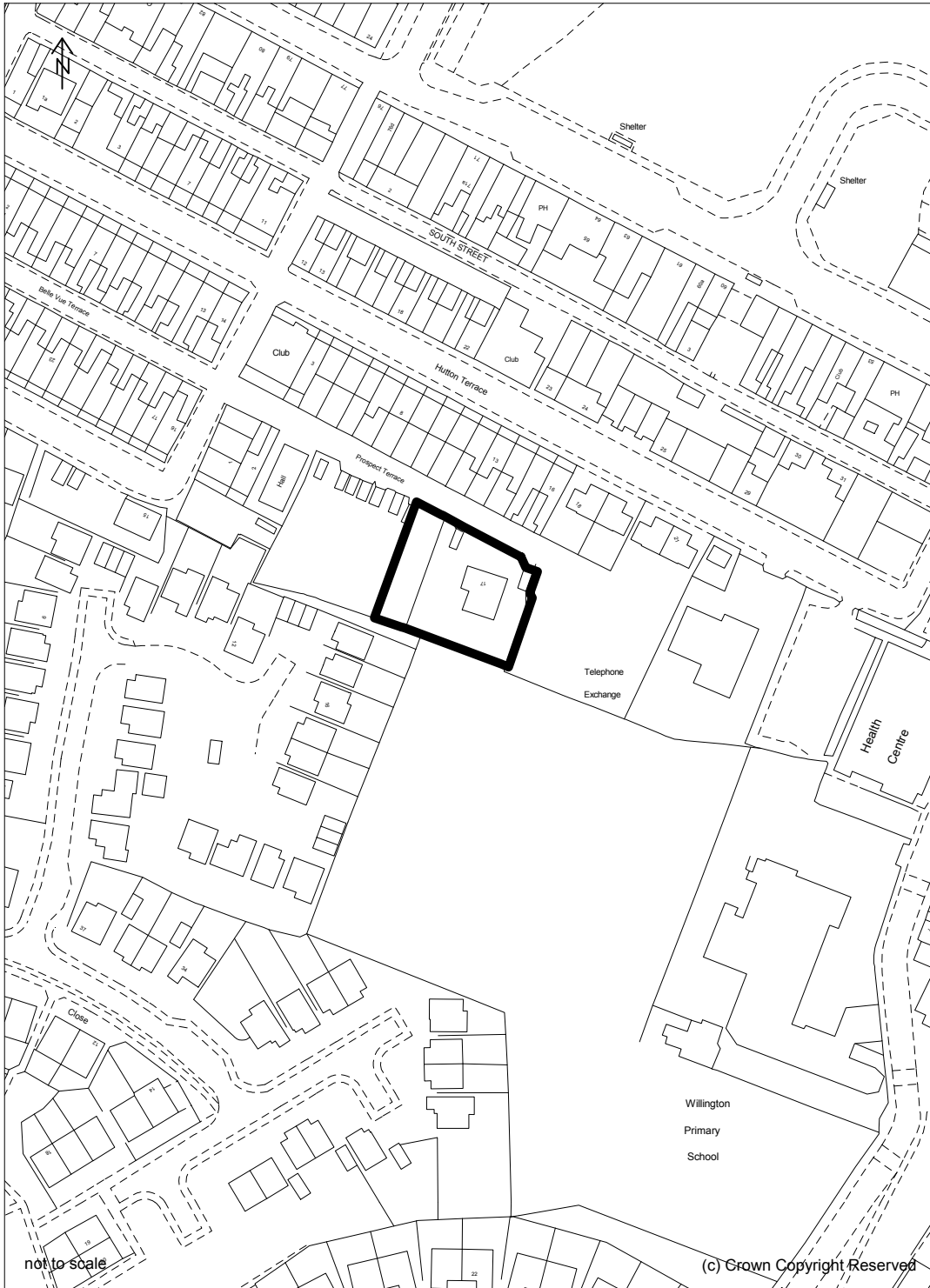
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Chris Baxter
 Senior Planning Officer
 Ext 441

3/2008/0654 - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF 3 NO. TWO STOREY DETACHED DWELLINGS AT 17 PROSPECT TERRACE, WILLINGTON FOR MR. MORLAND -17.10.2008



DEVELOPMENT CONTROL COMMITTEE

18th DECEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0580 - TWO STOREY DWELLING, GARDEN AND CURTILAGE AT 23 SOUTH ACRE, OAKENSHAW FOR MR. AND MRS. CHESTER – 10.10.2008

description of site and proposals

1. Full planning permission is sought for the erection of 1no. two storey dwelling on land at the end of South Acre, Oakenshaw, which is within the development limits of Oakenshaw. Permission was recently granted for a dormer bungalow on the site (3/2008/0163). Outline planning permission was also granted on the site in 1996 (3/1996/0169).
2. The site is currently occupied by a large shed and has been used as an allotment. It is the last undeveloped plot towards the end of South Acre and is flanked on each side by new dwellings.
3. The growth of South Acre has seen dwellings developed on an ad hoc basis from 1993 when outline planning permission was granted, to the present where dwellings to the north of the application site are still under construction.
4. The proposed dwelling would occupy a similar footprint to the previously approved dormer bungalow and would be built in materials to match the other new dwellings in South Acre. It would have a conservatory to the rear and garaging to the front like other dwellings in the street. The overall height would be around 8.6m.

planning history

5. The following planning history for the site is relevant:
 - 3/2008/0163 Dormer Bungalow Approved 16.05.2008
 - 3/1996/0169 Outline Application for 4 Bungalows Approved 22.05.1996
6. History of the surrounding plots is also relevant:
 - 3/2006/0328 1 Dormer Bungalow Approved 22.06.2006 (No.26)
 - 3/2006/0076 Detached Dwelling Approved 23.03.2006 (No.22)

- 3/2005/0817 2 Dwellings
(Adjacent to School
House)

Approved 24.11.2005

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

Also relevant are PPS1 – Delivering Sustainable Development, PPS3 – Housing and PPS22 – Renewable Energy, as well as Policies 4 and 6 of the Regional Spatial Strategy (RSS)

consultations

8. Durham County Highways Authority: No objection.
9. Parish Council: No response.
10. Northumbrian Water: No objection.

officer analysis

11. The key issues for consideration are:

- The Principle of Development
- The Impact on the Character and Appearance of the Surrounding Area
- Residential Amenity
- Highways
- Energy Efficiency

the principle of development

12. The principle of residential development for 1 No. dwelling on the site has already been recently accepted with the approval of 1 No. dormer bungalow in May this year (3/2008/0163). Despite not being located within the most sustainable location, an exception was made because of the significant amenity benefits of seeing the last vacant site in the street developed. Circumstances have not changed since and therefore the principle of development for a single dwelling remains acceptable.

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

13. Being the last vacant plot, the proposed development would “finish off” the street. It is presently the only gap in the houses along the street and is flanked by new housing on each side and opposite, some of which are still under construction. There is currently a large greenhouse building occupying the

site, which does not fit in or contribute to the character of the street scene and its replacement with a dwelling would have significant benefit to the character of the area.

14. South Acre comprises a mix of two storey dwellings and dormer bungalows and therefore a two storey dwelling would not look out of place in the street scene. Front projections are a common feature on dwellings in the street. Overall, the general scale, character and use of materials for the proposed dwelling would reflect that of surrounding development.
15. The proposal is therefore in accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

residential amenity

16. Habitable windows would be positioned to the front where privacy distances would be met and to the rear where there are no neighbours. Adequate levels of privacy would therefore be retained between windows. Details of boundary treatment should be reserved for later approval.
17. The alignment of the dwelling would match that of the two adjacent dwellings and the overall height would only be around 1.5m higher than the two adjacent dormer bungalows. Therefore, despite being higher than its neighbours, the proposed dwelling is unlikely to be overbearing.
18. Sufficient amenity space would be provided within the site.
19. The proposal accords with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

highways

20. The County Highways Authority has no objection to the proposed vehicular access. The dwelling would have an integral garage and further space would be available within the site to the front for additional car parking – a total of 4 No. spaces. The proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

energy efficiency

21. Since 1st May 2008 the Code for Sustainable Homes is mandatory for all new housing developments. This highlights the importance of sustainable design in the current policy climate. The thrust of planning policy in PPS1 and the Climate Change Supplement, PPS3 and PPS22; as well as policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, all require new development to be energy efficient. Given that the site is considered to be in an unsustainable location, it is considered to be even more important to ensure the new development is designed and constructed to be energy efficient to mitigate some harm. It would therefore be appropriate to condition further details to demonstrate how the proposed dwelling would be energy efficient.

22. Ideally, at present, new dwellings should be achieving code level 3 (2010 target). In terms of energy performance this would represent a 25% improvement in the Dwelling Emission Rate (DER) compared to the standard building regulations Target Emission Rate (TER). As a minimum, the proposed dwelling should demonstrate at least a 10% DER improvement beyond the minimum Building Regulations, which would be the equivalent of code level 1. This would at least enable the dwelling to achieve a Code for Sustainable Homes rating certificate, although applicants should be encouraged to aim for higher level given the target for 2010. These details should be conditioned for approval.

objections/observations

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

conclusion and reasons for approval

1. Although the proposed dwelling would be located outside the main urban centres of the district and in an unsustainable location, it is considered that because the proposal is only for a single dwelling that would complete and improve the street, and is unlikely to lead to further housing development, special circumstances exist to justify the granting of planning permission as an exception as:
 1. It would be located within the development limits of Oakenshaw and would not prejudice the wider aims of securing sustainable patterns of development in the local area, nor the district's oversupply of housing.
 2. It would have significant benefits in improving the character of South Acre and finishing off the street.
 3. It would not cause harm to the living conditions of neighbours and would offer a suitable level of amenity.
 4. It would be served by an acceptable access and parking arrangement.

RECOMMENDED

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

conditions

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

2. The external walls of the building shall be constructed in natural stone to match neighbouring dwellings. No development shall take place until a sample panel of the stonework has been made up on site for inspection and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
3. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the dwelling is first occupied.
4. Before the commencement of any other parts of the development hereby approved, the proposed vehicular access to the highway shall be constructed in accordance with Section 184(3) of the Highways Act 1980 and to the satisfaction of the local planning authority.
5. Development shall not commence until the details demonstrating how CO2 reduction and energy efficiency measures will be incorporated in the development hereby approved have been submitted to and approved in writing by the local planning authority and thereafter the development shall be implemented and retained in accordance with the approved details. These details shall include an assessment to demonstrate how a minimum improvement in DER over TER of 10% will be achieved; or the equivalent of Code Level 1 of the Code for Sustainable Homes.

reasons

1. To ensure the satisfactory appearance of the completed development. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To ensure the satisfactory appearance of the completed development. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. In the interests of highway safety. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. In the interests of reducing carbon emissions. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and PPS1, the PPS1 Climate Change Supplement and PPS22.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007, PPS1, PPS3, PPS22, RSS.

PS code

13

number of days to Committee

70

target achieved

No

explanation First available Committee.

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

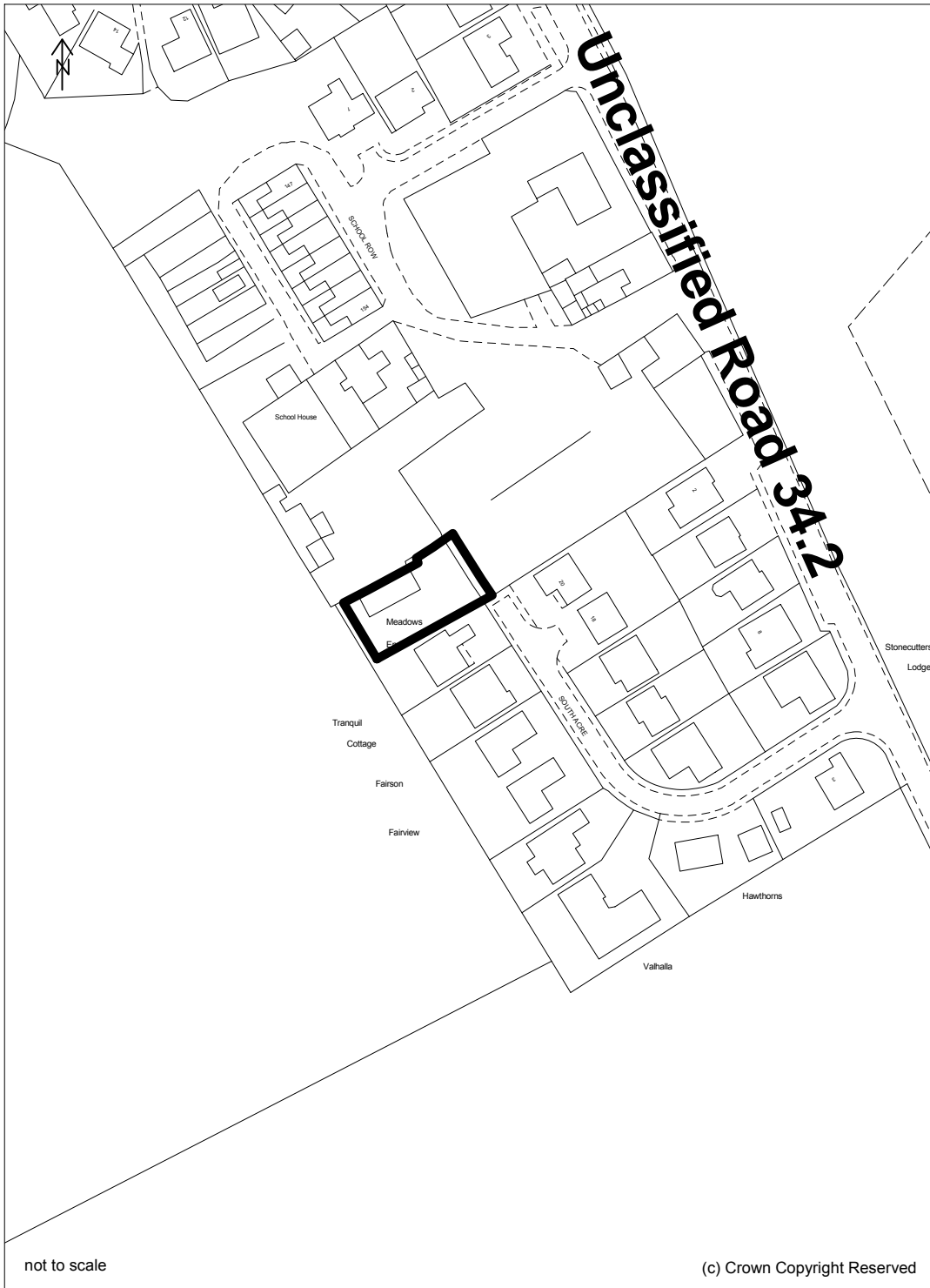
Author of the report

Adrian Caines

Senior Planning Officer

Ext 369

3/2008/0580 - TWO STOREY DWELLING, GARDEN AND CURTILAGE AT 23 SOUTH ACRE, OAKENSHAW FOR MR. AND MRS. CHESTER – 10.10.2008



DEVELOPMENT CONTROL COMMITTEE

18TH DECEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0703 - SINGLE STOREY EXTENSION WITH MONO PITCH ROOF CONTAINING BATHROOM AND LOBBY (RE-SUBMISSION) AT 10 NELSON STREET, BISHOP AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL - 06.11.2008

description of site and proposals

1. The application has been brought to Committee as the applicant is Wear Valley District Council.
2. Planning permission is sought for the erection of a single storey extension to the rear of the host property. The extension would measure 2.9 metres in width, 3.5 metres in depth and have a maximum height of 3.8 metres. The extension would be constructed from materials which closely match the existing property.
3. The application site comprises of a mid terraced property within a predominantly residential area. There are neighbouring properties to either side of the host property. To the rear there is an enclosed amenity area delineated by a brick wall. There are various styles and designs of existing extensions aligning the rear of the terrace. There is an access lane to the rear of the dwelling.

planning history

4. The following planning history relates to the application site:
 - 3/2008/0477 Two Storey Extension Withdrawn 18.09.2008

planning policies

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

consultations

6. Durham County Council Highways Department: No response received.
7. Bishop Auckland Parish Council: No objection.

officer analysis

8. The key issues for consideration are:

- Principle of Development
- Residential Amenity
- Visual Impact

principle of development

9. The application site is situated within the settlement limits for Bishop Auckland as identified within the Proposals Map of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The property is located within a predominantly residential area. The development complies with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

residential amenity

10. The neighbouring dwelling number 9 Nelson Street would not suffer any unreasonable overbearing or overshadowing effects as a result of the proposed extension as it would be set away from the boundary of the property and of a modest scale. There would be a small window to the east elevation of the proposed extension facing No. 9 Nelson Street. However it would serve a bathroom therefore would be obscurely glazed. No loss of privacy would be caused to the occupiers of this property.
11. The neighbouring property number 11 Nelson Street has an existing two storey extension to the rear elevation. It is noted that the erection of the proposed structure may cause some overshadowing of the rear amenity area to this property however the effect would not be sufficient to warrant refusal of the application. This neighbouring property is at a slightly higher site level than the application site therefore the main window to the rear elevation of No. 11 Nelson Street is also higher. After carrying out a daylight and sunlight assessment it is concluded that there would be no unreasonable overshadowing of the main rooms to the rear of this dwelling. There would be no additional windows to the west facing elevation of the extension therefore no loss of privacy would be caused. The proposal accords with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

visual impact

12. The proposed extension would be located to the rear of the host property and would not be visible from the front street scene. From the rear the development would be partially screened by the existing boundary treatment. The proposed extension would be constructed from materials which closely match the existing property and those within close proximity to the site and therefore would not have an adverse impact on the visual amenity of the host dwelling and would not be detrimental to the surrounding area. A rear amenity area measuring approximately 4.2 metres in width and 7.3 metres in depth would be retained after the construction of the proposed extension which is considered acceptable for a modest family home. The proposal accords with policies GD1, H25 and FPG5 of the Wear Valley District Local plan as amended by Saved and Expired Policies September 2007.

objections/observations

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

conclusion and reasons for approval

1. The proposal is acceptable in relation to policies GD1, H25 and FPG5 of the Wear Valley District Local plan as amended by Saved and Expired Policies September 2007 as it:
 1. Would be acceptable in principle at this location.
 2. Would reflect the character and appearance of the existing property and those within close proximity to the site.
 3. Would not cause any unreasonable overbearing or overshadowing effects on the adjacent dwellings.
 4. Would not result in loss of privacy to these occupiers.
 5. Would retain sufficient amenity space to the rear of the property.

RECOMMENDED

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

conditions

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

2. Notwithstanding any other details shown on the plans hereby approved, the window and any other glazing to be inserted in the east elevation of the extension shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass of factor 3 or above. The window shall thereafter be retained as such.

reasons

1. To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. In the interests of the amenity of neighbouring properties. In accordance with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

Application files, Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

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explanation			

Officer responsible for the report

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Author of the report

Joy Whittington
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3/2008/0703 - SINGLE STOREY EXTENSION WITH MONO PITCH ROOF CONTAINING BATHROOM AND LOBBY (RE-SUBMISSION) AT 10 NELSON STREET, BISHOP AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL- 06.11.2008



DEVELOPMENT CONTROL COMMITTEE

18th DECEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0615 - CHANGE ONE DWELLING INTO TWO DWELLINGS (RETROSPECTIVE) AT 25 JOHNSON STREET, ELDON LANE, BISHOP AUCKLAND FOR MR. M. NORRIS – 25.10.2008

description of site and proposals

1. This application is reported to Committee as it does not comply with the Regional Spatial Strategy adopted 2008.
2. This application seeks retrospective planning consent for the sub division of a mid terraced property into two dwellings. The alterations to the dwelling include the addition of one window to the rear elevation and the insertion of one window and a door to the front elevation. Internal alterations have also been carried out.
3. The application site is located within a predominantly residential area within the settlement limits to development of Dene Valley as allocated within the Proposals Map of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The character of the properties within the immediate area is terraced dwellings.

planning history

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

planning policies

5. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:
 - GD1 General Development Criteria
 - H24 Residential Design Criteria
 - H3 Distribution of Development
 - T1 Highways -General Policy

Also relevant – Policy 4 of the Regional Spatial Strategy 2008.

consultations

6. Durham County Council Highways: No objection.
7. Dene Valley Parish Council: No response.

officer analysis

8. The key issues for consideration are:

- Principle of Development
- Design and Visual Impact
- Residential Amenity
- Access and Parking

principle of development

9. The site is within a well established residential area and involves the subdivision of an existing dwelling into two separate dwellings. The property is within the built up framework of Eldon Lane.
10. The site falls outside of the urban areas which have been identified by the Council as sequentially preferable for development in line with Policy 4 of the Regional Spatial Strategy and would therefore be classified as a priority four site where development would not formally be acceptable until priority 1, 2 and 3 sites have been developed.
11. In this instance, the development is for the sub division of a property which originally was two dwellings, as stated in the Design and Access Statement. It is considered that the two smaller dwellings are more desirable in this location than the previous large dwelling, and are similar in size to other dwellings in the street. The area is in need of investment. The site is also considered to be in a relatively sustainable location close to the urban area of Bishop Auckland. In the circumstances that the application reinstates the original use of the buildings and makes more efficient use of the land, it is considered that the development is acceptable in principle and is in accordance with policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

design and visual impact

12. The external alterations to facilitate the sub- division include the provision of a front door in a previously bricked-up opening, along with the installation of two first floor windows. The alterations are in keeping with the character of the building and indeed that of the wider area. The development has not had an adverse visual impact on the host property and it has not been detrimental to the surrounding area. The proposal accords with policies H24 and GD1 of the Wear Valley District Local plan as amended by Saved and Expired Policies September 2007.

residential amenity

13. The installation of additional windows to the first floor of the property and the reinstatement of the front door has not caused any loss of privacy to the occupiers of surrounding properties. The proposal does not impact on the residential amenities of the adjoining dwellings. Although it is noted that the amenity areas to the rear of the properties are modest they are similar to the rear yard areas of the adjoining dwellings. The development accords with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007.

access and highways

14. The properties benefit from on site parking facilities. No additional parking is proposed however it is considered that the parking available within close proximity to the site is adequate. Durham County Council Highways Department has no objection to the development. The development accords with policies GD1, T1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

15. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted. As the application is a departure from the local plan it was also advertised in the local press.
16. No observations have been received.

conclusion and reasons for approval

1. The application is acceptable in relation to policies GD1, H3, H24 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as it:
 1. Is in a relatively sustainable location in an existing residential area and makes more efficient use of the land.
 2. Is in keeping with the existing building in terms of scale, design and materials.
 3. Does not adversely impact on the amenities of the adjoining dwellings.
 4. There is sufficient available on street parking and the development would not generate any highway safety issues.

RECOMMENDED

That retrospective planning permission is **GRANTED**.

background information

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

PS code

13

number of days to Committee

41

target achieved

√

explanation

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

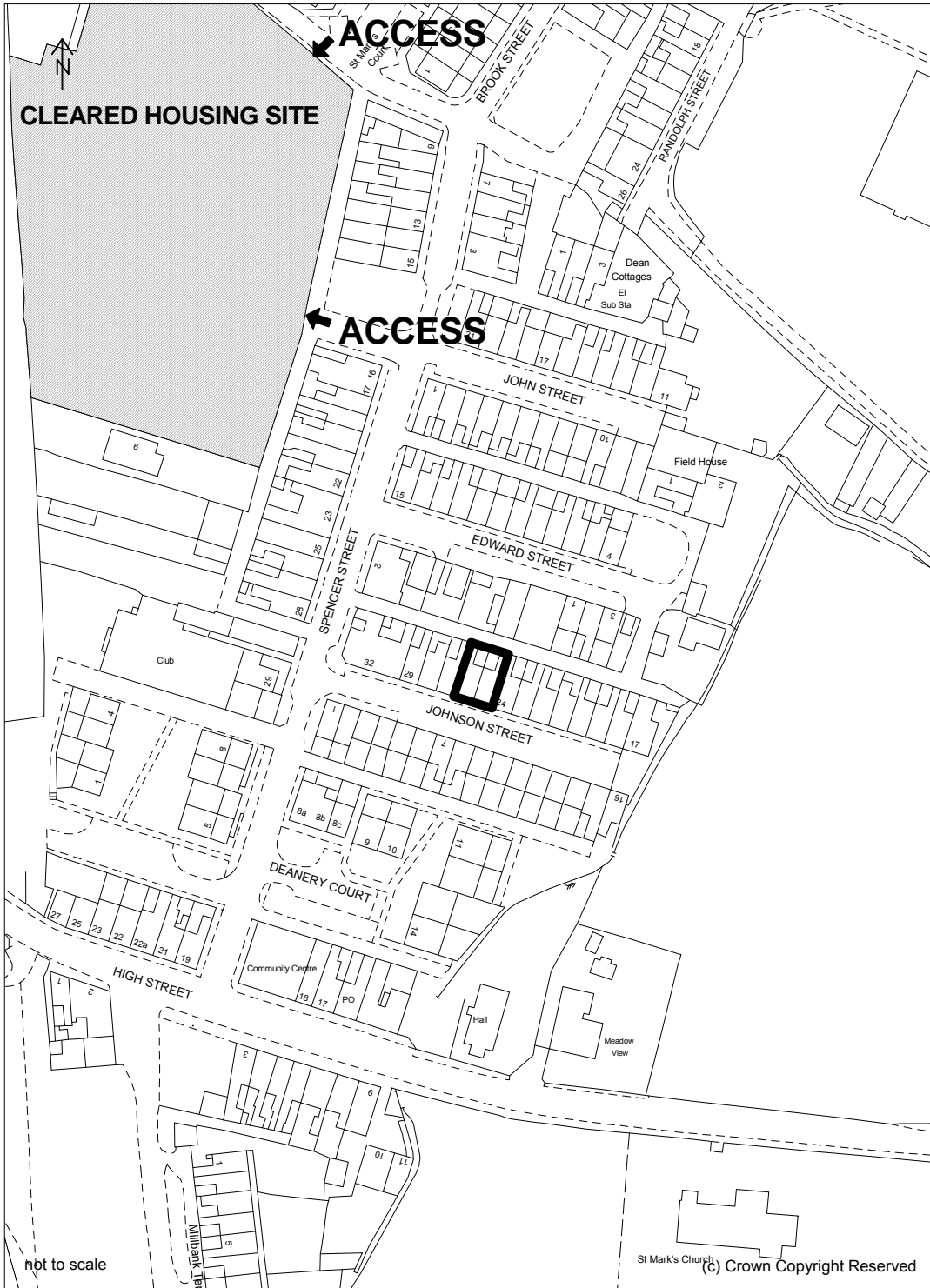
Author of the report

Joy Whittington

Planning Officer

Ext 268

3/2008/0615 - CHANGE ONE DWELLING INTO TWO DWELLINGS (RETROSPECTIVE) AT 25 JOHNSON STREET, ELDON LANE, BISHOP AUCKLAND FOR MR. M. NORRIS – 25.10.2008



DEVELOPMENT CONTROL COMMITTEE

18th DECEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0617- CHANGE OF USE FROM PUBLIC OPEN SPACE TO DOMESTIC CURTILAGE AND THE ERECTION OF A TWO STOREY SIDE EXTENSION, TWO STOREY REAR EXTENSION, SINGLE STOREY REAR EXTENSION AND PORCH TO FRONT ELEVATION AT 2 COSGROVE AVENUE, BISHOP AUCKLAND FOR MR. CLAYTON

description of site and proposals

1. This application is brought to Committee as the application relates to land owned by the Council. Members will recall an earlier application being withdrawn which was recommended for refusal at the Committee Meeting on 25.09.2008. This application had been recommended for refusal as the front extension would have had a detrimental impact on the character and appearance of the street scene. This front extension no longer forms part of the scheme.
2. The application seeks planning permission for the change of use from public open space to domestic curtilage, erection of a two storey side extension, two storey rear extension, single storey rear extension and porch to the front of Cosgrove Avenue, Bishop Auckland.
3. The area of public open space is a rectangular parcel of land measuring approximately 12m x 20m. The applicant is in the process of purchasing the land from Wear Valley District Council. An area measuring 6m x 19.5m would be incorporated into the domestic curtilage with a 1m high railing defining the boundary to the side and front of the property. A 2m high fence would define the small area of boundary with the neighbouring property of No. 52 Brooklands.
4. The two storey side extension would measure approximately 3.3m wide and would extend along the full length of the gable. The roof would be hipped with the ridge stepped down from that of the existing dwelling. French windows would be installed in the side (east) elevation. The two storey rear extension would project out from the existing dwelling by 3m and would have a width of 6.6m. The roof would be hipped with the ridge stepped down from that of the existing dwelling. The single storey rear extension would adjoin the west elevation of the two storey extension. This lean to extension would have a 3m projection and would measure 3.1m wide. It would be sited approximately 0.5m away from the boundary of the adjoining property. The single storey

front extension would project out by 2m and would have a lean to roof. Matching materials are proposed. It is proposed to demolish the existing detached garage.

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

planning history

6. The following planning history is considered relevant to this planning application:
 - 3/1980/0084 Erection of Bay Window Approved 14.08.1980
 Extension
 - 3/2008/0567 Change of Use from Public Withdrawn 25.08.2008
 Open Space to Domestic
 Curtilage, Two Storey Side
 Extension, Two Storey Rear
 Extension, Single Storey
 Rear Extension, and
 Single Storey Front Extension

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

consultations

8. Highway Authority: No objections.
9. Bishop Auckland Town Council: No objections.

officer analysis

10. The key issues for consideration are:

- Principle of Change of Use
- Impact on Character and Appearance of Street Scene
- Impact on Residential Amenity

principle of change of use

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

impact on the character and appearance of the street scene

12. The proposal would involve the change of use of approximately half of the open space to domestic curtilage. An area measuring approximately 6m x 20m would remain as open space. The installation of a 1m high railing to the south and east boundaries would preserve the substantially open character of this part of the estate. This is because approximately half of the public open space would remain open. Furthermore, as the open character would be maintained, this would lessen the cumulative impact if the public open space adjacent to No. 1 was incorporated into its domestic curtilage. Also it is suggested permitted development rights be removed by condition so that the open character can be maintained. Further details of the fence could be secured through a planning condition in the event of a planning approval. As such it is considered that this part of the proposal would not harm the character or appearance of the street scene and complies with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

13. The proposed two storey side extension has been amended from the plans that were originally submitted as part of the withdrawn application through a decrease in width. The amended plans show the extension to be approximately half the width of the existing dwelling, set back from the existing building line and set down from the existing ridge line. The roof form would match that of the existing dwelling and matching materials are proposed. As such the extension is considered to be subordinate to the existing dwelling and in line with the guidance provided in FPG 5. The side (east) elevation of the extension would be visible from Brooklands. However it is considered that this would be located a sufficient distance away from the highway so as not to have an overbearing impact on the street scene. The proposed two storey side extension therefore complies with policies GD1, H25, and FPG 5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

14. The proposed porch to the front elevation is an improvement from the previous scheme which proposed a much larger porch extension which would have extended along the whole of the front elevation. The proposed porch would have traditional proportions and would replace the timber porch that exists at present. Matching materials are proposed for the external surfaces of the porch and it is considered that the proposal would not be detrimental to the appearance of the dwellinghouse. There are other porches within the streetscene of Cosgrove Avenue and this proposal would not be out of keeping with the character of the area. The proposal therefore complies with policies GD1, H25, and FPG5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

impact on residential amenity

15. The proposed rear extension would bring the rear building line 3m closer to the garden of the neighbouring bungalow, No. 52 Brooklands. Due to its positioning, it is unlikely to have any impact on the garden area of No. 52 in terms of loss of light. The proposed extension would be located a sufficient distance away from the boundary of the bungalow so as not to result in an overbearing impact. The rear extension would be single storey adjacent to the adjoining property, No. 4 Cosgrove Avenue. It would also be set back from the boundary by 0.5m. It is possible that there could be a small loss of early morning sunlight into the rear garden of no. 1; however this would not be significantly detrimental to the amenity of the occupiers of that property. The side extension and porch would be located a sufficient distance away from any neighbouring properties and as such would not result in an adverse impact in terms of overlooking or an overbearing impact. Although the public open space has a visual amenity value, it is not large enough to be of recreational benefit and as such a recreation/play area would not be lost if the land was incorporated into the domestic curtilage of No. 2. As such it is considered that the proposals would not be detrimental to residential amenity and comply with policies GD1 and H25 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

objections/observations

16. The application has been advertised on site and neighbouring properties have been notified individually in writing. No observations have been received.

conclusion and reasons for approval

1. The proposed extensions and change of use comply with policies GD1, H25, and FPG 5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 for the following reasons:
 1. The proposals would not be detrimental to the appearance of the streetscene.
 2. The proposals would not be detrimental to residential amenity.
 3. The proposals would not be detrimental to the character or appearance of the dwellinghouse.

RECOMMENDED

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

conditions

1. The external surfaces of the extensions hereby approved shall be formed using materials which closely match in colour and texture those used on the existing building on which the extensions will form part.
2. Notwithstanding the provisions of Article 3 and Classes A, D, E and F of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no buildings, extensions, fences or any other forms of development shall be carried out in the domestic curtilage hereby approved without an application for planning permission having been first made to and approved in writing by the local planning authority.
3. For the avoidance of any doubt, the railings which define the boundary of the new curtilage shall be no more than 1m high and painted black.

reasons

1. To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policies GD1, H25, and FPG5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. In the interests of the appearance of the street scene and to maintain the open character of the former public open space. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. In the interests of the appearance of the development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

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

PS code	21		
number of days to Committee	80	target achieved	No
explanation First available Committee			

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

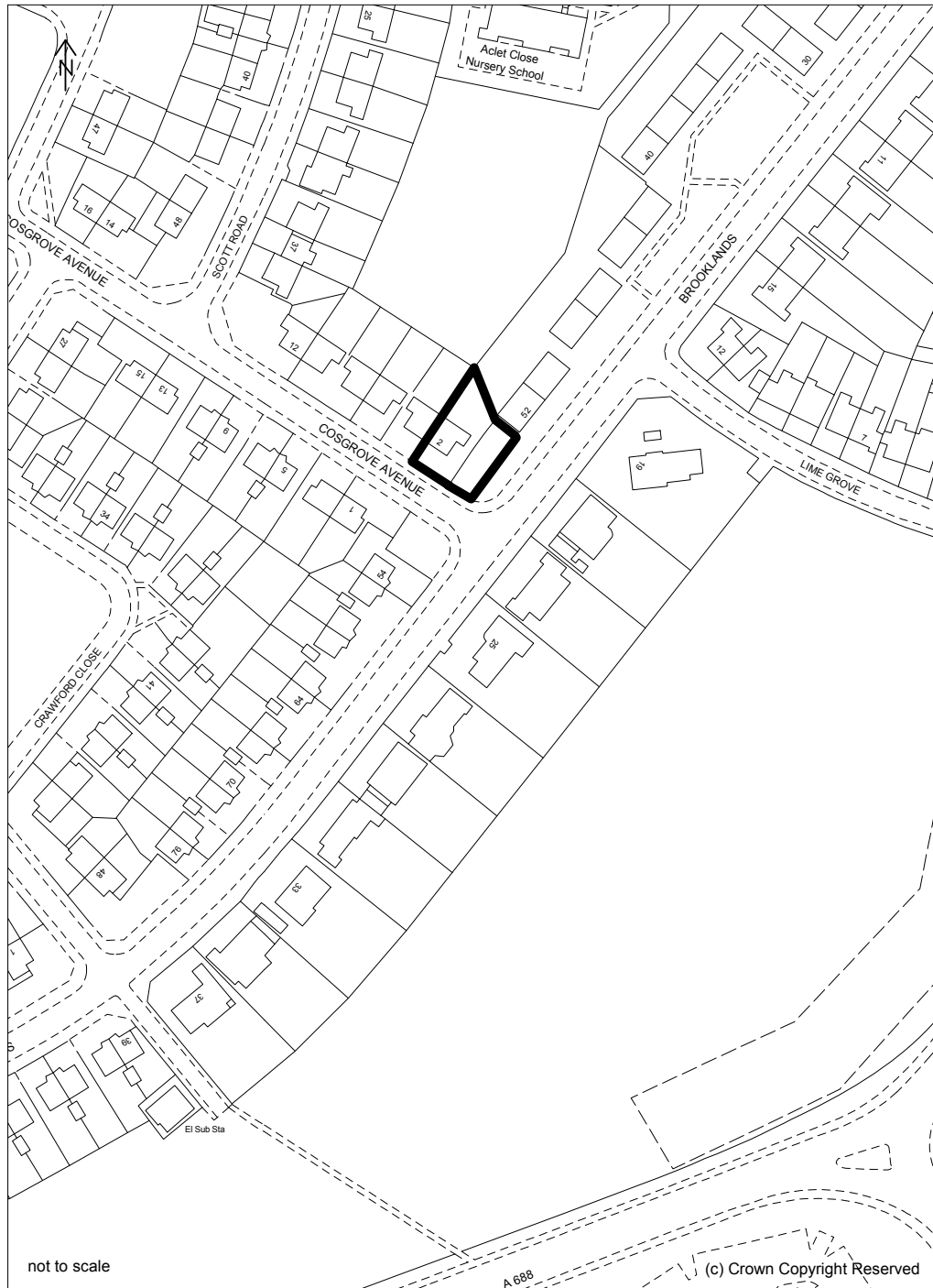
Author of the report

Paul Martinson

Planning Officer

Ext 365

3/2008/0617- CHANGE OF USE FROM PUBLIC OPEN SPACE TO DOMESTIC CURTILAGE AND THE ERECTION OF A TWO STOREY SIDE EXTENSION, TWO STOREY REAR EXTENSION, SINGLE STOREY REAR EXTENSION AND PORCH TO FRONT ELEVATION AT 2 COSGROVE AVENUE, BISHOP AUCKLAND FOR MR. CLAYTON



DEVELOPMENT CONTROL COMMITTEE

18th DECEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0661 - DEMOLITION OF EXISTING SINGLE DWELLING AND ERECTION OF THREE APARTMENTS AT 1 GREENFIELDS ROAD, TINDALE CRESCENT, BISHOP AUCKLAND FOR MR. MANN – 23.10.2008

description of site and proposals

1. Planning permission is sought for the demolition of an existing two storey semi-detached property and the erection of a building comprising of two single bedroom apartments at ground floor and a three bedroom apartment at first floor.
2. The site is located on the junction of Greenfields Road and Tindale Crescent in Bishop Auckland and occupies a prominent location adjacent to a main highway. The existing dwelling is within a mixed use area with residential properties to the north and south, Auckland Gate Centre to the east, and a fish and chip shop to the west.
3. The proposed structure would occupy a similar footprint to the existing dwelling however there would be a 200mm gap between the adjacent property resulting in the proposed structure being a detached property. Four parking spaces would be located to the rear of the proposed structure with an additional cycle and bin storage facility. A communal garden area is proposed to the front and side elevations of the development. Access to the site would be taken from the existing vehicular entrance to the rear.

planning history

4. The following planning history relates to the application site:
 - 3/2008/0541 Demolition of Existing Single Dwelling and Erection of 4 Single Bedroom Apartments Withdrawn 20.10.2008

planning policies

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

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

Also relevant are: Planning Policy Statement 1 – Sustainable Development, Planning Policy Statement 3 – Housing, Planning Policy Statement 22 - Renewable Energy, Policies 2, 3, 4, 24 and 38 of the Regional Spatial Strategy (RSS) adopted 2008.

consultations

6. Durham County Council Highways Department: No objection on condition the existing vehicular access is widened and improved.
7. Bishop Auckland Town Council: No objection.
8. Environment Agency: No objection. Referred to standing advice.
9. Northumbria Water: No objection.
10. Durham County Council Design and Conservation Officer: No objections.

officer analysis

11. The key issues for consideration are:

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

principle of development

12. The application site is located within the settlement limits of Bishop Auckland as identified within the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The site itself is considered to be brownfield in status as it is currently host to an existing property and in accordance with the definition contained in Planning Policy Statement 3: Housing. 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 brownfield land and located within the urban area of Bishop Auckland it is a sequentially suitable site to receive new development in accordance with the objectives of

Policy 4 of the Regional Spatial Strategy adopted 2008 sequential approach to development.

impact on character and appearance of the surrounding area.

13. The application site is located within an area which hosts both residential and commercial properties therefore the impact on the character and appearance of the surrounding area must be considered.
14. The surrounding area consists of buildings which are predominantly two storey. The proposed building respects the design and scale of the existing properties and would not appear dominant in the street scene. The front elevation of the building would incorporate bay windows which are a feature found on a number of properties within close proximity to the site. The building would be constructed in a prominent location on a busy highway junction however it is considered the design and scale of the proposal compliments the style of the surrounding area and would not have an adverse visual impact on the area. Conditions have been applied to the proposed scheme which ensures samples of all external materials and means of enclosure are submitted to the local planning authority before commencement of development to ensure acceptable and appropriate materials are used to further protect the character of the surrounding area. The proposal accords with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

residential amenity

15. The immediate neighbouring property is located to the northwest elevation of the application site. There would be no windows to this elevation of the proposed development therefore it is considered that the privacy of the occupiers of this dwelling would be protected. The height of the existing property is approximately 6.5 metres and the height of the proposed development would be 7.9 metres. It is considered that the modest increase in height would not have an unreasonable overbearing or overshadowing effect on the occupiers of this property.
16. The Auckland Gate Centre is located sufficient distance away from the application site to ensure no detrimental effects are caused as a result of the proposed scheme. There are residential properties located to the south east of the development, however it is considered that as these dwellings are sited approximately 20 metres from the application site they would not suffer any detrimental impacts as a result of the proposed scheme. There are a number of windows proposed to the rear elevation of the development. These windows would directly overlook an existing commercial unit and parking area. There are no windows to the gable elevation of this neighbouring unit therefore no loss of privacy would occur. The proposal accords with policies GD1 and H24 of the Wear valley District Local Plan as amended by Saved and Expired Policies September 2007.

17. There would be a communal garden area to the front and side of the proposed building. Policy H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 states that private and usable amenity space should be supplied with any proposed housing development. For flats and apartments this space should be 25 sq metres per unit. The proposed amenity area for the development would be approximately 30 sq. metres per unit which would meet the objectives of this policy. In addition as there are a number of community facilities and commercial units within close proximity to the site this is considered acceptable. The proposal accords with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

highways

18. The existing vehicular entrance to the rear of the existing dwelling would be used for the entrance to the parking area to the rear of the proposed building. Durham County Council Highways Department has no objections to the scheme on condition that this access is widened and improved prior to the commencement of the development. There would be four car parking spaces provided within the site which is considered acceptable. 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 proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

energy efficiency

19. RSS policies 2,3,24 and 38 together with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 require new development to be designed to conserve energy. Policy 38 of the RSS states that new buildings should achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice.
20. Since 1st May 2008 the Code for Sustainable Homes is mandatory for all new housing developments. This highlights the importance of sustainable design in the current policy climate. The thrust of planning policy in PPS1 and the Climate Change Supplement, PPS3 and PPS22; as well as policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, all require new development to be energy efficient. It is therefore important to ensure the new development is designed and constructed to be energy efficient to mitigate some harm. It would therefore be appropriate to condition further details to demonstrate how the proposed dwelling would be energy efficient.
21. Ideally, at present, new dwellings should be achieving code level 3 (2010 target). In terms of energy performance this would represent a 25% improvement in the Dwelling Emission Rate (DER) compared to the standard building regulations Target Emission Rate (TER). As a minimum, the proposed dwelling should demonstrate at least a 10% DER improvement beyond the minimum Building Regulations, which would be the equivalent of

code level 1. This would at least enable the dwelling to achieve a Code for Sustainable Homes rating certificate, although applicants should be encouraged to aim for higher given the target for 2010. These details should be conditioned for approval.

objections/observations

22. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted. Six letters of objection have been received the contents of which are summarised below:
1. The house in question is the oldest building in Tindale Crescent.
 2. The building is one of the few examples of architecture which was around before the mass development of terraced houses in the area.
 3. The area is not large enough to accommodate 3 single apartments/dwellings and provide parking. If two people lived in each apartment and each had a car where would 6 people park?
 4. These kinds of apartments would not fit in with the existing terraced houses.
 5. The site is located at a busy junction.
 6. There is currently uproar among residents regarding the recent erection of flats on the east side of the traffic lights.
 7. Why do we need more flats in Tindale when there are dozens which will not sell?
 8. If anything I would encourage that the current owners be made to rebuild the wall to enclose the back yard and the building be listed if it is not already.
 9. 1 Greenfields Road is a lovely quaint cottage albeit in need of some love and attention.
 10. Further comments to Ebac were submitted with this objection letter.

response to objections

23. The following comments are made in response to the issues raised:
1. Agreed.
 2. The Design and Conservation Officer stated having considered the objections raised and viewed the property it is not possible to oppose the redevelopment of the building. It is clear that the property has in the past formed part of the residential development of the outer areas of Bishop Auckland, perhaps associated with traditional local industries. This said it has been altered beyond all recognition with the form and appearance having been changed. External materials have been changed, the rear roof slope has been extended and altered and all original openings have been changed. Had the building been in anything like its original form and offered any significant social comment then its protection may have been appropriate, as it is this is not the case. I therefore have no objection to the proposal. .
 3. The submitted plans show that there would be sufficient space for the proposed building, a communal garden area and a parking area.

4. The proposed style and design of the development are considered to be appropriate to the surrounding area as there are a variety of buildings within close proximity to the site.
5. Agreed. Durham County Council Highways Department has not objected to the scheme.
6. Previously approved schemes are not to be judged as part of this application.
7. This is not a material planning consideration.
8. It is considered that the building is not of sufficient architectural merit to be made a listed building.
9. Agreed.
10. Not appropriate to this application.

conclusion and reasons for approval

1. The proposal is acceptable in relation to policies GD1, H24, H3 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and PPS1, PPS3 and the RSS for the following reasons:
 1. The application site falls within the settlement limits to development for Bishop Auckland as allocated on the Proposals Map of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
 2. Although the proposed development would be prominent within the front street scene it is considered that it has been sympathetically designed to compliment the scale, design and materials of the surrounding area. It would not have an adverse visual impact.
 3. The residential amenity of the surrounding properties would not be compromised as a result of the development.
 4. Durham County Council Highways Department have confirmed that there would be no highway objections to the proposed scheme. There would be sufficient off street parking provided.

RECOMMENDED

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

conditions

1. No development shall take place until samples of the materials to be used in the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
2. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
4. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the building hereby approved is first occupied.
5. Before the occupation of the dwellings hereby approved the four parking spaces shown on the approved plans shall be provided within the curtilage of the site and thereafter permanently retained for the parking of cars incidental to the residential use of the site.
6. No construction activities shall be carried out on the site on any Sunday or Bank Holiday or outside the hours of 8.00 a.m. and 6.00 p.m. on any other day.
7. The development shall not commence until the details demonstrating how CO2 reduction and energy efficiency measures will be incorporated in the development hereby approved have been submitted to and approved in writing by the local planning authority and thereafter the development shall be implemented and retained in accordance with the approved details. These details shall include an assessment to demonstrate how a minimum improvement in DER over TER of 10 % will be achieved; or the equivalent of Code Level 1 of the Code for Sustainable Homes.

reasons

1. To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by 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 Saved and Expired Policies September 2007.
3. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

5. To ensure that satisfactory off-street car parking provision is made in accordance with the local planning authority's standards and 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.
6. To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. In the interests of reducing carbon emissions. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and PPS1 Climate Change Supplement and PPS22.

Informative

The proposed development must be served by a widened and improved vehicular access. The access must be constructed in accordance with Section 184 (3) of the Highways Act 1980. The applicant must contact Durham County Council Southern Area Office on 01388 602028 to agree access and construction details before commencement of development.

background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007, PPS1, PPS3, PPS22, RSS.

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explanation				

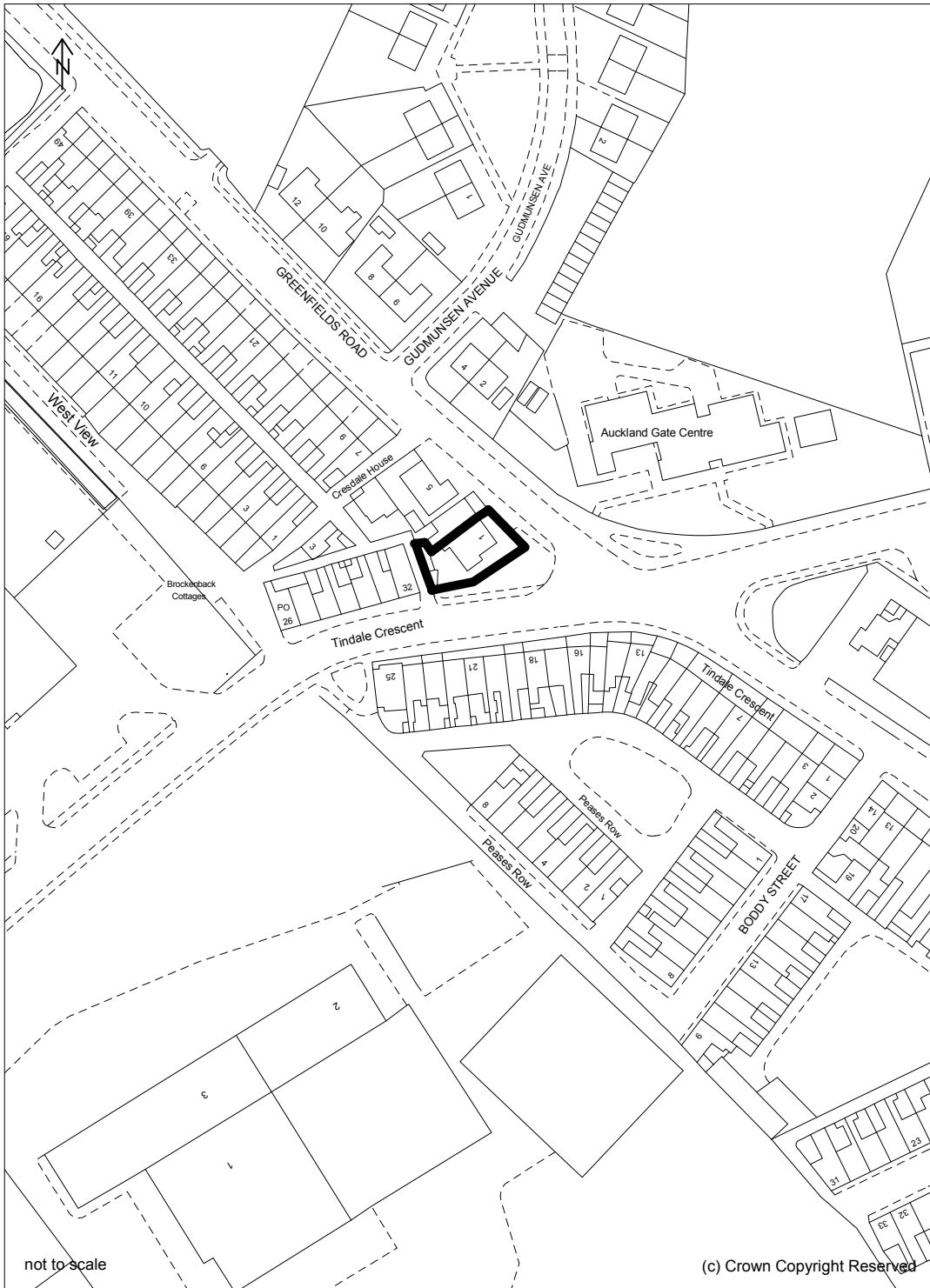
Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

Joy Whittington
 Planning Officer
 Ext 268

3/2008/0661 - DEMOLITION OF EXISTING SINGLE DWELLING AND ERECTION OF THREE APARTMENTS AT 1 GREENFIELDS ROAD, TINDALE CRESCENT, BISHOP AUCKLAND FOR MR. MANN – 23.10.2008



DEVELOPMENT CONTROL COMMITTEE

18th DECEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0720 - DORMER WINDOW TO REAR ELEVATION AT 88 WOODSIDE, WITTON PARK BISHOP AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL - 12.11.08

description of site and proposals

1. This application is brought to Committee as the applicant is Wear Valley District Council. Members will recall an earlier application 3/2008/0523 which was approved by Committee on 25.09.2008. This application has revised the rear roof slope.
2. The dormer window would be installed on the rear roof slope of 88 Woodside, Witton Park. The dormer would include two separate windows and would have a pitched roof. The development would serve the existing second bedroom to the rear of the property. The structure would measure approximately 3.1 metres in width, 2 metres to the highest point and would project 4 metres from the rear roof slope. The dormer would be faced with white UPVC cladding. The rear roof slope of the main dwellinghouse has a steeper pitch than of an existing two storey extension to the rear; this application proposes to align the two roof slopes together, which would involve a small extension to both parts of the roof.
3. The application site is comprised of an end terraced property located within the predominantly residential area of Woodside in Witton Park. There is an attached neighbouring property to the west of the site. To the east there is a row of terraced properties which are located approximately 55 metres from the application site. To the front of the property there is a highway. To the rear there is an amenity area which slopes steeply to the south with fields beyond.

planning history

4. The following planning history is considered relevant to this planning application:
 - 3/2008/0523 Dormer Windows to Rear Elevation Approved 26.09.2008

planning policies

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

consultations

6. Escomb Community Association: No response received.

officer analysis

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

visual impact

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

impact on neighbouring properties

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

objections/observations

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

conclusion and reasons for approval

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

RECOMMENDED

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

conditions

1. The roof covering of the dormer window hereby approved shall as closely as possible match the roof covering of the existing dwellinghouse.
2. The alteration to the roof form shall be carried out using materials which closely match in colour and texture those used in the existing roof.

reasons

1. In the interests of the appearance of the development. In accordance with policies GD1 and H25 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. In the interests of the appearance of the development. In accordance with policies GD1 and H25 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

background information

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

PS code

21

number of days to Committee

30

target achieved

√

explanation

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

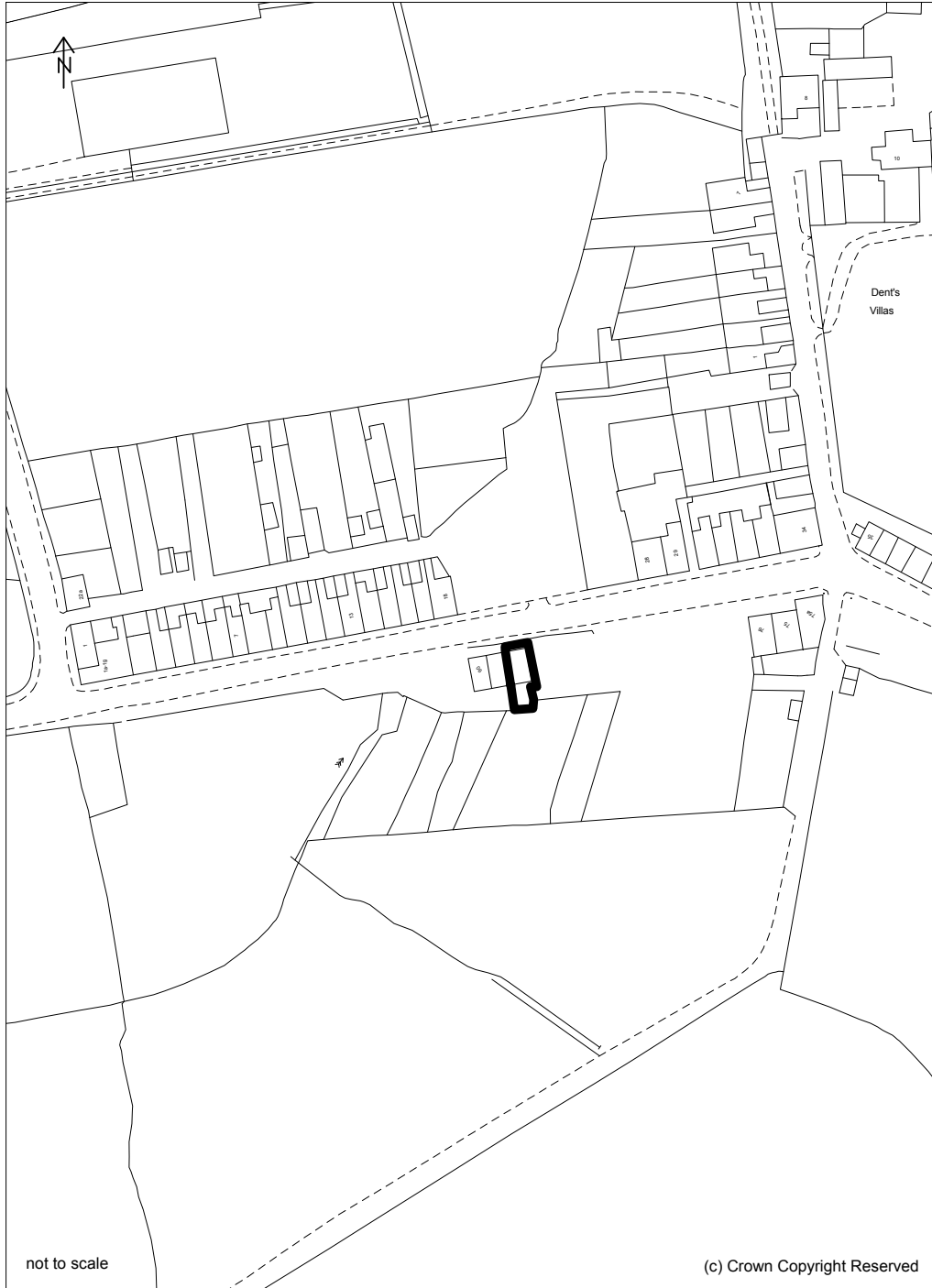
Author of the report

Paul Martinson

Plannign Officer

Ext 365

**3/2008/0720 - DORMER WINDOW TO REAR ELEVATION AT 88 WOODSIDE,
WITTON PARK BISHOP AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL -
12.11.08**



DEVELOPMENT CONTROL COMMITTEE

18TH DECEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0638 - CONVERT EXISTING GARAGE AND SUNROOM INTO HOUSE, INCLUDING REAR EXTENSION AND RAISING ROOF AT LAND REAR 17 PARK STREET, WILLINGTON FOR MR. MOUNTER – 23.10.2008

description of site and proposals

1. This application has been reported to Committee as it has received 7 letters of objection.
2. Planning permission is requested for the conversion of a garage to form a 3 bedroom dwelling on land to the rear of 17 Park Street, Willington.
3. The present garage measures 9 metres in length, 6.9 metres in width, 2.6 metres to the eaves and 5.2 metres to the ridge line. Internally the garage incorporates a sunroom to the rear.
4. The proposed works would involve increasing the eaves of the garage to 4 metres, and the ridge line to 6.7 metres in height. A single storey extension is proposed to the rear elevation, which would measure 6 metres in length, 4.6 metres in width, 2.4 metres to the eaves and 4.1 metres to the ridge line. The submitted Design and Access Statement states that the proposed alterations would be constructed from materials that would match the existing garage on the site.
5. The application site consists of a detached garden in the ownership of the occupier of 17 Park Street, Willington. At present the site has a double garage to the southern end of the site. To the north of the site is the rear garden of 16 Park Street which has planning permission for a substantial modern bungalow, whilst to the south lie a number of detached garages and the detached gardens for the dwellings on Park Street. The northern and southern boundaries of the application site are defined by mature hedging, along with a 1.8 metres high close boarded timber fence, whilst the northern boundary of the site is defined by mature hedging.

planning history

6. The following planning application is relevant:
 - 3/2004/0610 Garage and Garden Room Approved 20.09.2004

planning policies

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

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

Also relevant are PPS1: Delivering Sustainable Development, PPS3 Housing, North East Regional Spatial Strategy policies 3, 4 and 38 (RSS), PPS22 Renewable Energy, County Durham Local Transport Plan 2.

consultations

8. CDE&TS (highways): No objection.
9. Greater Willington Town Council: No objection.
10. Northumbrian Water: No objection.

principle of development

11. The key issues for consideration are;

- Principle of Development
- Residential Amenity
- Design and Character
- Highways
- Energy Efficiency

principle of development

12. The application site lies within the settlement limits for Willington as allocated under policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
13. On the 2nd April 2007, at a Special Regeneration Committee, the Council approved and adopted a sequential search against which all proposals and applications for new housing, regardless of site, scale, and size must be assessed. The approved sequential search expresses in local terms the requirements of Policies 4 and 6 of the adopted North East Regional Spatial Strategy (RSS).
14. The application site lies within one of the identified 'urban areas' and as the application site is garden land, it is classified as 'brownfield' land under the requirements of PPS3 Housing. As such, the proposal meets the description of a Priority 1 site as set out in Policy 4 of the North East RSS:-

“Suitable previously - developed sites and buildings within urban areas, particularly around public transport nodes”.

15. As such it is considered that the proposal is acceptable in relation to policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007, and policies 4 and 6 of the adopted North East Regional Spatial Strategy.

residential amenity

16. To the north of the application site is land which has planning permission for a detached dwelling (3/2008/0208). To the southern elevation of approval 3/2008/0208 would be a ground to eaves window to serve the kitchen/ dining room, and at first floor level an en suite window which would be obscurely glazed. The ground to eaves window would be positioned adjacent to the existing garage. As the garage would be increased in height by 1.5 metres, it is considered that this proposed conversion would cause minimal additional overbearing to the kitchen/ dining room window in approval 3/2008/0208. To the northern elevation of this proposed dwelling would be 3 high level rooflights, with the eastern most also containing an obscurely glazed escape window. The rooflights would be positioned 2.1 metres above the finished floor level to ensure that there would be no overlooking or loss of privacy caused as a result of the proposal. The proposal accords with policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
17. There would be a distance of approximately 13 metres between the front of the proposed dwelling and the rear of 17 Park Street. This distance does not meet the requirements of Policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. However as the two windows in the eastern elevation would utilise obscure glazing, no loss of privacy would be caused by the proposal. As such the proposal would not undermine the objectives of Policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
18. The submitted plans show that the proposed dwelling would have a rear garden measuring approximately 14.1 metres in length by 8.5 metres in width. This exceeds the recommended rear garden depth of 10 metres set out in policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
19. As Park Street slopes to the north, the ridge of this dwelling would be 200mm lower than the dwelling approved to the north of the site. Given the relationship between the two dwellings, it is considered that there would be no significant loss of light caused by this proposal.
20. It is recommended that a condition should be applied removing the permitted development rights so any new development on the site would require planning permission, including the insertion of additional windows to the northern and southern elevations, to protect the amenities of the occupiers of neighbouring properties.

21. As such it is considered that the proposed dwelling would not have a detrimental impact on the residential amenities of neighbouring residents and the occupiers of the proposed dwelling would have adequate private amenity space. The proposal accords with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
22. As the proposed dwelling would be sited within the detached garden of 17 Park Street, this would leave no 17 Park Street with a small yard measuring approximately 8 metres in depth. Whilst this does not meet the 10 metres standard set out in policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, it would create a similar situation as for numbers 1 to 8 Park Street, and as such it is considered that an 8 metres garden depth would be in keeping with the character of the area. A relaxation of the 10 metres standard is considered acceptable in this instance.

design and character

23. The proposed dwelling would be created by increasing the height of the existing garage on the site. Whilst it is noted that the proposal would be accessed on foot to the southern side, the provision of the garage door to the front of the property would not be detrimental upon the character of the surrounding area. Whilst it is considered that the design of the proposed dwelling is significantly different from the design of surrounding dwellings, it would not have a detrimental impact on the street scene or upon the character of the surrounding area. The proposed dwelling would be set in from the northern and southern boundaries by approximately 1 metre to the southern boundary and approximately 400mm to the northern boundary, allowing space for maintenance. As such it is considered that the proposal accords with guidance contained within policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

highways

24. The proposed dwelling would have an integral garage for the parking of one vehicle. The County Council Highways Engineer has not objected to the proposal. This accords with guidance contained within the County Durham Local Transport Plan 2. As such, it is considered that the proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

energy efficiency

25. Since 1st May 2008 the Code for Sustainable Homes is mandatory for all new housing development, however a registration certificate is not required for this application because it was received before 1 May 2008. Nevertheless, this highlights the importance of sustainable design in the current policy climate and the thrust of planning policy in PPS1 and the Climate Change Supplement, PPS3 and PPS22; policy 38 of the RSS, as well as policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired

Policies September 2007. These all require new development to be energy efficient. It is considered appropriate to condition further details to demonstrate how the proposed dwelling would be designed and built to be energy efficient.

objections/observations

26. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.
27. Seven letters of objection/ observation have been received, the details of which are set out below;
 - a) The amount of proposed development in the Design and Access Statement is quoted as 22 sq. metres, but the dimensioned plan shows the extension to actually be 26.1 sq. metres. The ground area of the existing garage is stated to be 52 sq. metres whereas it measures 55.4 sq. metres. The site area is quoted as 245 sq. metres but measures only 228 sq. metres.
 - b) The figures included in the Design and Access Statement exclude the first floor. A simple calculation would show that the actual volume of the proposed development to be double the volume of the original.
 - c) Bedroom 3 has half its floor area located under a T fall. Any occupant would have to be less than 1 metre in height.
 - d) Side access to the proposed development is not a satisfactory arrangement especially when there is scope to make the front door visible.
 - e) Windows and doors of uPVC are not acceptable.
 - f) The garage would be increased by 1.5 metres overshadowing the courtyard approved at 16 Park Street.
 - g) The site at 16 Park Street is 80 sq. metres larger than the proposed development site.

response to objections/ observations

28. The following comments are made in response to the issues raised:
 - a) The agent has confirmed that the proposed extension would measure 26.4 sq. metres measured externally and would have a floor area of 21.6 sq. metres, that the existing garage/sunroom measures 60.52 sq. metres measured externally and 51.46 sq. metres measured internally. The site measures 8.2 m x 29.8 m = 244.36 sq. metres.
 - b) Agreed.
 - c) Not a material planning consideration.
 - d) It is considered that the design of the proposed dwelling would not be to the detriment of the street scene, or the character of the area.
 - e) It is considered that the use of uPVC windows and doors are acceptable as several dwellings on Park Street have uPVC windows and doors. The application site is not in a conservation area.
 - f) It is considered that given the orientation of the application site in relation to neighbouring sites, the proposal would not have a detrimental overshadowing impact on the site to the north.

- g) It is considered that the application site is large enough to accommodate the proposal with the required amount of amenity space.

reasons for approval

1. The application site is located within the settlement limits for Willington as identified under policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, and as the application site is garden land it is classified as brownfield land under the definition offered by PPS3 Housing. As such the application site is considered to be a Priority 1 site under the Council's interpretation of Policies 4 and 6 of the North East Regional Spatial Strategy, and the principle of residential development is accepted.
2. The proposed dwelling would not adversely affect the residential amenities of neighbouring dwellings, in terms of loss of light, overbearing or overshadowing impacts. The proposal would not reduce the amount of privacy enjoyed by neighbouring dwellings, and would provide more than sufficient useable private amenity space. The proposal accords with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. Whilst it is noted that the design of the proposed dwelling does not reflect the design of neighbouring dwellings, it is a high quality modern design that would not have a detrimental impact on the street scene or the character of the surrounding area. The proposal accords with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. The proposed dwelling offers adequate off street car parking and would not cause a hazard to users of the highway in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

RECOMMENDED

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

conditions

1. Before the development hereby approved is commenced, samples of all materials to be used in the construction of the external surfaces of the dwelling and attached garage shall be submitted to and approved in writing by the local planning authority, and the external surfaces shall be constructed in accordance with the approved details.
2. Before the development hereby approved is commenced details of the surface treatment of all hardsurfaced areas shall be submitted to and approved in writing by the local planning authority, and the development shall be carried out in accordance with the approved details.

3. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is 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.
5. The garage shown on the approved plans shall be used and maintained in such a manner as to ensure its availability at all times for the garaging of one private motor vehicle.
6. Notwithstanding the provisions of Article 3 and Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et sq. no additional openings shall be formed in the eastern and western elevations of the building hereby approved.
7. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E and G of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 et sq. none of the categories of development described therein shall be carried out on the site without an application for planning permission having first been made to and approved in writing by the local planning authority.
8. During the period when the dwelling is being constructed no activities shall be carried out on the site on any Sunday or Bank Holiday and outside the hours of 8:00 a.m. and 6:00 p.m. on any other day.
9. Before the development hereby approved is commenced details of the height, siting, appearance and means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with the approved details before the dwelling hereby approved is first occupied.
10. Development shall not commence until details demonstrating how energy efficiency is being addressed in the design and construction of the dwelling hereby approved have been submitted to and approved in writing by the local planning authority and thereafter the development shall be implemented and retained in accordance with the approved details. The details shall include an assessment of the predicted energy performance of the approved dwelling against suitable baseline data.

reasons

1. To ensure the satisfactory appearance of the completed development. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

2. To achieve a satisfactory form of development. In accordance with policies GD1 and H24 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 policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. To ensure the implementation of the approved landscaping scheme within a reasonable time. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
5. In the interests of road safety; to ensure that an adequate supply of off street car parking is maintained. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
6. To safeguard the privacy of the occupiers of nearby buildings. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
7. The local planning authority wishes to control future development on the site in the interests of safeguarding the amenities of surrounding occupiers. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
8. To safeguard the occupiers of adjacent premises from undue noise or any other associated disturbance. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
9. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
10. In the interests of reducing carbon emissions. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and PPS1, the PPS1 Climate Change Supplement and PPS22.

background information

Application files, WVDLP as amended by the Saved and Expired Policies September 2007, PPS1, PPS3, RSS, PPS22, County Durham Local Transport Plan 2.

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explanation First available Committee.			

Officer responsible for the report

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

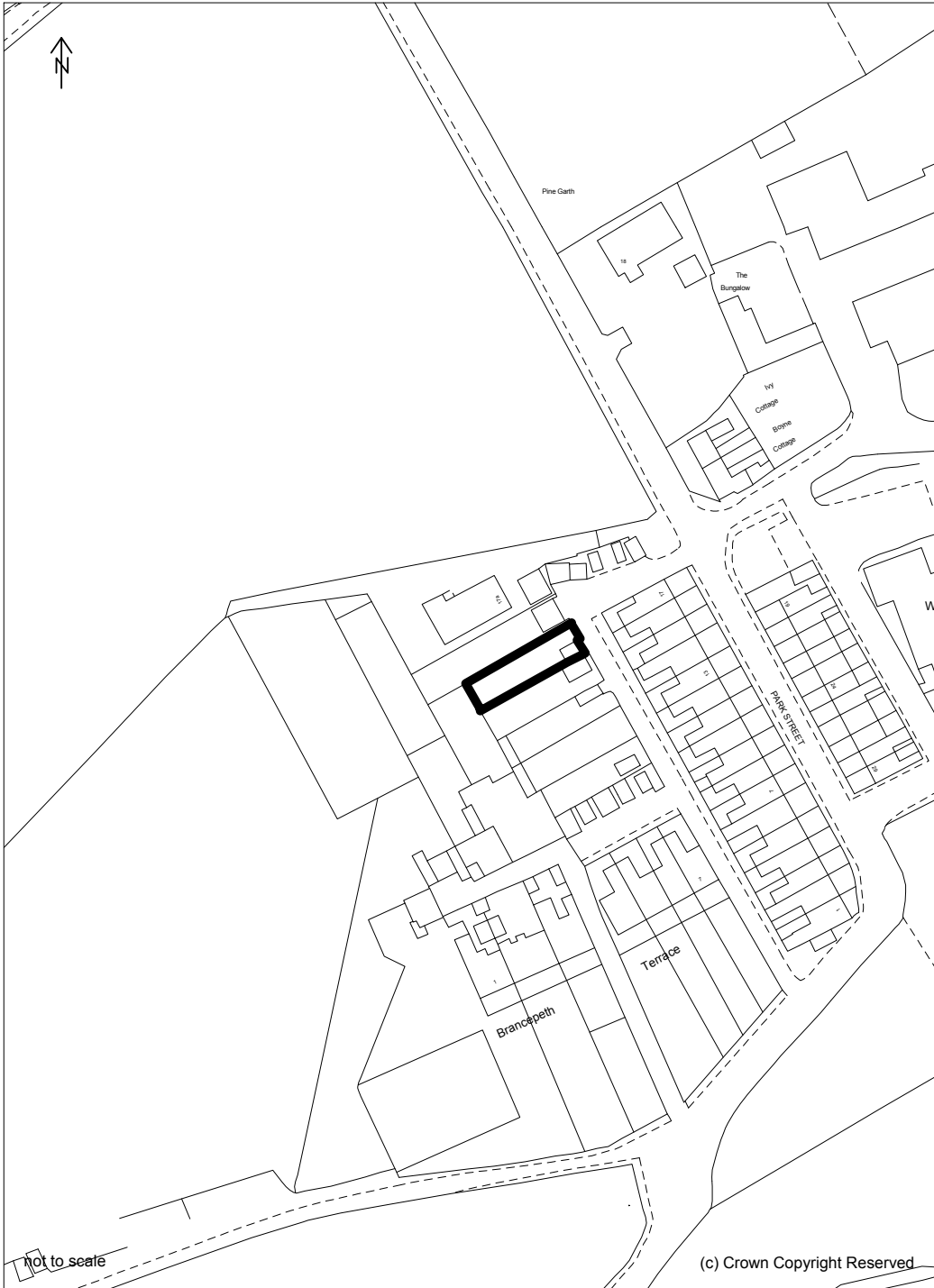
Author of the report

Adam Williamson

Planning Officer

Ext 495

3/2008/0638 - CONVERT EXISTING GARAGE AND SUNROOM INTO HOUSE, INCLUDING REAR EXTENSION AND RAISING ROOF AT LAND REAR 17 PARK STREET, WILLINGTON FOR MR. MOUNTER – 23.10.2008



DEVELOPMENT CONTROL COMMITTEE

18TH DECEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

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

description of site and proposals

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

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

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

planning history

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

• 3/1975/0698	Shop and Store to Rear	Approved 16.12.1975
• 3/1976/0481	Workshop Stores Etc.	Approved 05.11.1976
• 3/2002/0691	Retention of Existing Polytunnel	Withdrawn 29.02.2008
• 3/2005/0996	5 No. Dwellings	Withdrawn 02.12.2005
• 3/2007/0760	3 No. Dwellings	Withdrawn 14/07/2008

planning policies

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

- BE5 Conservation Areas
- BE6 New Development and Alterations in Conservation Areas

- BE1 Protection of Historic Environment
- BE15 Scheduled Ancient Monuments
- BE16 Education and Archaeology
- GD1 General Development Criteria
- H24 Residential Design Criteria
- H26 Backland Development
- H3 Distribution of Development
- T1 Highways - General Policy
- ENV3 Area of Landscape Value

Also of relevance: Regional Spatial Strategy (RSS), Planning Policy Guidance 16: Archaeology and Planning (PPG16), Planning Policy Statement 1: Delivering Sustainable Development (PPS1), the PPS1 Climate Change Supplement, Planning Policy Statement 3: Housing (PPS3), Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9), Planning Policy Statement 22: Renewable Energy (PPS22), Tree Preservation Orders: A Guide to the Law and Good Practice.

consultations

10. WVDC (Conservation and Environment Manager): A copy of the full detailed analysis is available on file. A summary of this consultation response is provided below:
11. The current application, on balance, is considered acceptable development in this part of the Wolsingham Conservation Area. There are several critical differences in this application compared to the previous scheme, which was not supported, which when looked at independently and objectively this time around have resulted in this proposal being considered an appropriate form of development.
12. There is no doubt also that the application has been better presented and more visual evidence provided as to the overall quality and therefore impact of the development including landscaping and levels. Together with significant alterations of siting, design and reduction of ridge heights these features have made the difference and produced a development which can be supported.
13. An additional consultation response has been received which deals with the impact of trees on conservation areas. These comments are detailed in the officer analysis.
14. Durham County Council (Highways Authority): Full response on file, comments summarised below:
15. The proposed site plan shows provision for turning for 35 and 37 Uppertown and shows access to the rear of 33 Uppertown. Both accesses to the site are included within the red line site plan. From information submitted by both the applicants' agent and some of the objectors, it appears that the land to the rear and the two accesses are all in one ownership, and that the adjacent properties (31, 33, 35 and 37 Uppertown) all have rights of vehicular access over this third party land.

16. The submitted scheme would result in four dwellings (31 and 33 Uppertown and plots 1 and 2) taking access from the southern access. In addition, there is a milk business operating from 33 Uppertown. It is understood that this business use is not independent, but is tied to 33 Uppertown. The access to the land to the rear is straight and visibility at the junction with the B6296 is good. The private drive varies in width from less than 3.5m at the stone gate posts to over 7.0m at the approach to plot 1.
17. The Durham County Council Guide to the Layout & Construction of Estate Roads, which is now over 13 years old, recommends that no more than 3 properties be served from a private drive. National guidance (DB32) recommended that private drives serve no more than five dwellings. This guidance has been superseded by The Manual for Streets, issued in March 2007. Manual for Streets states:
18. *Highway authorities have also tended to only adopt streets that serve more than a particular number of individual dwellings or more than one commercial premise. Five dwellings are often set as the lower limit, but some authorities have set figures above or below this.*
19. Durham County Council is currently revising the Design Guide, the number of properties from a private shared drive is yet to be agreed. However, at least two recent planning applications were refused because the private drive would serve five dwellings. Neither of these refusals were upheld at an appeal. Given these decisions, width of this access, and the fact that this proposal will result in the access being shared between four dwellings (one of which has an associated milk business) the Highways Officer considers that a highway objection to plots 1 and 2 could not be sustained.
20. Plot 3 is shown to be served via the northern access. This access track is less than 4.0m wide. It is understood that two properties, 35 and 37 Uppertown have a right of access over this track to the rear of their properties. There are currently no parking facilities to the rear of these properties, although it would be possible for each of these properties to provide a parking space on the land currently within their ownership. The proposed plans provide a small area to allow cars accessing the rear of the two existing properties to turn. No. 39 Uppertown has neither pedestrian nor vehicular access to the rear of the property. While the northern access is not wide enough to allow two cars to pass, it will serve as sole means of access to only one dwelling (plot 3) and as a secondary access to the rear of 35 and 37 Uppertown. This access is within the red line site boundary and within the control of the applicant.
21. The lack of parking for the adjacent properties is, unfortunately, not something that can be taken into account. Those properties with little or no off street parking could provide parking within the curtilage of their property. For this reason the Highways Officer considers that a highway objection to the proposed dwelling could not be sustained.
22. Durham County Council (Landscape): Additional information required. Further information has been forwarded to DCC Landscape. No response has been received.

23. Durham County Council Arboricultural Officer: The Arboricultural Officer has submitted three separate consultation responses (These letters are available on file). These letters are discussed in detail in the officer analysis. The following recommendations are made by the Arboricultural Officer:
- Install a Tree Preservation Order to protect all trees within the site - Groups 1 and 2 - except those recommended for removal.
 - All arboricultural work to be carried out in accordance with BS3998 recommendations.
 - NHBC National House Building Council recommendations should be adhered to with regard to foundation, depth and design.
 - BS5937 Trees in relation to construction to be adhered to at all times.
 - A bat survey is required to be carried out on this site.
 - Hedges to be incorporated into boundaries to the south and west of the site not cohesive boundaries.
 - Consider reducing the site to two properties rather than three.
24. Durham County Council (Public Rights of Way): No comments received.
- Durham County Council (Ecologist): No objections raised to the Protected Species Risk Assessment and Ecology Evaluation that has been submitted.
25. Durham County Council (Archaeologist): A copy of the full detailed analysis is available on file. A summary of this consultation response is provided below:
26. In cases where archaeological remains are known or suspected the relevant Government planning policy guidance (PPG 16: DoE 1990) states that planning authorities should bear in mind that "archaeological remains are a finite, and non-renewable resource, in many cases highly fragile and vulnerable to damage" (para 6). PPG16 further states that the "...desirability of preserving an ancient monument and its setting..." should be a material consideration in the planning process and that there should be "...a presumption in favour of their physical preservation" (ibid para. 8).
27. It must be noted however, that PPG16 also states that " ... the case for preservation ... must ... be assessed on the individual merits of each case, taking into account [the various Local Plans and policies and other material considerations] including the intrinsic importance of the remains ..." (ibid para. 27). These must all be weighed against the need for the proposed development.
28. The site is considered to be that of a medieval manor house/hunting lodge belonging to the Durham Prince Bishops (the site is first recorded in Bishop Hatfield's survey in 1345-81). Because of the potential existence of important archaeological remains on at least part of the proposed development area the Archaeology Section recommended that an archaeological evaluation should be undertaken prior to determination so that a decision could be made on an

informed basis. The applicants commissioned the evaluation (monitored by the Archaeology Section) and a report setting out the results (dated December 2007) was submitted in support of the application. After some revisions, the report is now acceptable to the planning authority.

29. The evaluation demonstrated that there are undoubtedly the remains of a large stone building on the site lying at a very shallow depth beneath the modern ground surface and putatively dated to the medieval period. As such, the building remains are of historic value and importance to both the local community and to the region as they provide archaeological information on the power and presence of the Prince Bishops across County Durham in addition to the available historical records.
30. However, the remains have been severely damaged and truncated both by previous development and by previous archaeological excavation in the 1970s for which no detailed record exists. In greater detail, while the lower courses of the external and internal stone walls survive, the occupation deposits (those that usually produce the environmental and artefactual data which allows archaeologists to interpret and analyse the site) have been removed. Thus the data which allows the site to be placed in its historical and social context no longer exists. This, in turn, means that the level of importance which can be attached to the site is vastly diminished. The north-west portion of the site could contain well preserved archaeological deposits as this area does not appear to have been affected by either the previous builder's yard or the unrecorded excavation in the 1970's. This same area was not evaluated in 2007 as it was not possible to place trenches due to the current tree cover.
31. Initial appraisal of the proposed development suggested that refusal might be appropriate given that it would be detrimental to the preservation of an important archaeological resource. However, the results of the evaluation works - showing varying levels of preservation across the area - have caused this view to be modified. This does not mean that the site can be allowed to be destroyed by future development; rather preservation in situ of the building and any potential accompanying deposits can be achieved by careful design and siting of the proposed development.
32. As a consequence of further detailed discussions, the applicants and their architects have modified their original proposals so that in situ preservation of the archaeological remains can be achieved. This will be safeguarded by conditions on any planning permission as well as legal agreements constraining future activity on the site.
33. Subject to these provisions being imposed, there are no reasonable grounds for objecting to the proposed development on archaeological considerations.
34. Wolsingham Parish Council: The Parish Council unanimously object to plans for any building on the historically interesting site known as Chapel Walls. The site is a valuable archaeological resource which has the potential to become a major tourist attraction in Wolsingham, and for the whole district. The Parish Council's intention, if the application is refused, is to investigate and bring

forward proposals for the development of the site as an appropriately and sensitively designed visitor site.

35. Ancient Monuments Society: No comments received.
36. Society Protection Ancient Buildings: No comments received.
37. English Heritage: No comments received.
38. Historic Monuments of England: No comments received.
39. Northumbrian Water: No comments received.
40. Environment Agency: Initially concerns were raised with regards to contamination of the site. Information with regards to the contamination of the site has been submitted to the Environment Agency and they have subsequently withdrawn their concerns and recommended conditions should Members agree to approve the application.

officer analysis

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

principle of development

42. The boundary of the limits to development for Wolsingham runs through the application site. The proposed buildings would be situated within the limits of development and it would only be the rear garden areas of the proposed properties which would be located beyond the settlement boundary. The application site has clear established boundaries to the north, south and west which are defined by a combination of walls, trees and shrubbery. Given the site is clearly defined, in the event that the settlement boundaries of Wolsingham were ever reassessed, it would be probable that the whole of the site would be incorporated within the limits of development.
43. Members may recall the planning application for a dwelling at the rear of 72 Lydgate Lane in Wolsingham (Ref: 3/2007/0690) which was approved by the Development Control Committee on 22nd November 2007. The boundary of the limits to development ran through this site and the garden area and a section of the proposed house were located beyond the boundary. The principle of development was considered acceptable in this instance as the boundaries of the site were clearly defined.

44. Whilst it is accepted that the rear garden areas of the properties would be beyond the settlement limits of development, given the previous decision made by Members on the site at Lydgate Lane and that the site is clearly defined with established boundaries, it is considered that the proposed development is acceptable in principle.
45. The application site is considered to be a brownfield site. The agent has described the site as being formerly used as a builders yard. Photographic evidence and aerial photographs certainly prove that the site was used at the very least for an area of storage, particularly for the storage of wooden pallets. The site is considered to be a sequentially preferable site as it is the development of brownfield land within Wolsingham which is defined as an urban area within the district.
46. The proposed development does not compromise the aims of policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and the proposal accords with Policy 4 of the adopted Regional Spatial Strategy (RSS).

residential amenity

47. The proposed development is for the construction of three properties. Each property would incorporate over 441 square metres of rear garden area which is sufficient for use as private amenity space. There are no primary windows proposed in the side elevations of the proposed properties. There would be no overlooking issues between the proposed properties therefore the relationships between the proposed properties are considered acceptable.
48. In order to make a clear assessment of the impact of the proposed development on the residential amenities of the existing properties, it is necessary to break the analysis into three components. The first assessment is with regards to the impact the property on plot 1 would have upon neighbouring property No. 31 Uppertown situated to the east. The main bulk of the property on plot 1 would be situated 20 metres away from No. 31. The garage, which would also incorporate a games room, would be set at a lower height to the main building and would be situated approximately 10 metres from No. 31. It is considered given the height of the proposed property on plot 1 and the distance it is set away from the bungalow at No. 31, there would be no adverse impacts created upon No. 31 in terms of overbearing or overshadowing effects. It is noted that there is a window proposed into the games room above the garage on plot 1. The residents of No. 31 are concerned with overlooking issues. Therefore to ensure there would be no loss of privacy to the residents of No. 31, a condition is recommended for obscure glazing to be fitted to the window of the games room. The proposed house on plot 1 would not compromise the residential amenities of existing neighbouring properties.

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

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

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

52. In this case the two tests show that there would be no loss of general daylight or sunlight to the windows of Nos. 35 and 37 Uppertown as a result of the proposed property on plot 2. It is therefore considered that the proposed development of a property on plot 2 would not compromise the residential amenities currently experienced by the occupiers of Nos. 33, 35 and 37 Uppertown.
53. The third assessment is the impact the proposed property on plot 3 would have in relation to the neighbouring properties Nos. 39, 41 and 43 (located to the east of plot 3). Similarly with the property on plot 1, the main bulk of the property on plot 3 would be located 20 metres away from the neighbouring dwellings to the east. The garage which would have an office room situated above, would be located approximately 12 metres from the neighbouring properties Nos. 39, 41 and 43. There are windows proposed which would look onto the neighbouring properties, therefore to ensure adequate levels of privacy are maintained a condition is recommended for obscure glazing to be fitted to these windows. In terms of overbearing or overshadowing impacts, the proposed property on plot 3 would be a sufficient distance away to ensure the occupiers of Nos. 39, 41 and 43 would not be adversely affected. The proposed property on plot 3 would not compromise the residential amenities of existing neighbouring properties Nos. 39, 41 and 43 Uppertown.
54. Given the above, it is considered that the proposed development would not adversely affect the residential amenities of existing and future occupiers of neighbouring properties and the proposed properties. The proposals do not compromise the aims of policies GD1, H24 and H26 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
55. It is noted that there is an existing milk delivery business which currently operates from the premises of No. 33 Uppertown. It appears that this business currently operates without any disturbance to the existing surrounding residents. There is a sign on the building which clearly indicates that a business is in operation, therefore any potential buyers of the proposed properties in this application who view the site would be aware that a business is in operation. Given that the milk delivery business currently operates without any disturbance to existing occupiers, there is no reason why the occupiers of the proposed properties would be disturbed by the existing business.

design and impact upon conservation area

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

I. Layout and relative position

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

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

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

II. Relative scale and mass/heights

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

III. Architectural detail

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

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

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

57. As a result of the detailed assessment undertaken by the Conservation and Environment Manager, it is considered that the proposed development would not detract from the special scenic qualities of the Wolsingham Conservation Area and would not have an adverse impact on the visual appearance of the immediate street scene or wider surrounding area. As requested by the Conservation and Environment Manager, conditions are recommended with regards to landscaping and the submission of stone samples and samples of roofing materials.
58. The proposed development satisfies the aims of policies GD1, ENV3, BE5, BE6 and BE8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

highway issues

59. Durham County Council Highways Authority has been consulted on this application. The comments of the Highways Officer summarised in the consultation response section clearly explains the highways issues of the proposed scheme. The highway issues involve parking arrangements and means of access to the proposed properties and existing buildings. Although land ownership is not a material consideration when determining a planning application, the ownership of land has also been looked into by the Highways Officer.
60. The Highways Officer has confirmed that a highway objection cannot be sustained against the proposed development. The proposed development would provide sufficient amounts of off street parking for the proposed properties. It is noted that the existing neighbouring properties currently only have a right of access over the proposed accesses to the proposed properties. The parking arrangements and accesses for the existing neighbouring properties would remain unchanged. It is accepted that there would be an increase in the number of vehicles using the accesses however it is considered this increase would be minimal and would not be to the detriment of highway safety.
61. Given the detailed response provided by the Highways Officer and the conclusion that he cannot sustain an objection in highway terms, the proposed development is considered acceptable. The proposal would not compromise highway safety and is in accordance with policies GD1, H26 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

archaeological issues

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

legal agreement

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

impact on trees

68. Prior to the submission of the application a tree survey of the site had been undertaken and a report was submitted with the application. The tree survey proposes the removal of 73 trees in total. The survey indicates that the majority of the trees proposed to be removed are poor specimens, some of which are fruit trees of limited value. The survey further indicates that the removal of the trees indicated will bring the site back into a higher level of arboricultural management. It is proposed to plant 4 semi mature trees on the west boundary of the site.
69. Three letters of correspondence have been received from the County Council Arboricultural Officer in respect to the trees located within the application site. Amongst the correspondence the Officer has assessed the tree report submitted with the application and he has concluded that 45 of the 73 trees recommended to be removed should be retained. The Arboricultural Officer has advised that the trees on the site (with the exception of the 45 trees recommended to be removed) should be grouped as Tree Preservation Orders (TPO).
70. The Arboricultural Officer has also made the following comments with regards to the trees on the site:
- The group of Scots Pine are not of high quality, however they are of value as a group. The trees should be retained, pruned and protected as a group within a Tree Preservation Order.

- Unnecessary tree removal of this area will open up the group and they will be more susceptible to high winds.
- Group 1 trees (group to the west of the site) are of value to the amenity and site aesthetics.
- Group 2 trees (group to the north west of the site) are of high amenity aesthetic and environmental value, the inner canopies of some trees are one-sided, however the outer canopies increase the overall aesthetics. This group of trees taking up the north west corner of the site enhance and contribute to the village setting.
- During the summer months you have the outstanding contrast of the different shades of foliage enhanced by the foliage of the Common Beech No. 83 (tree within the centre of the site) with the end of season compliment of outstanding autumn colours.

71. The Conservation and Environment Manager has provided the following comments in respect to the impact the trees have on the Wolsingham Conservation Area:

- The contribution the existing trees make to the character and appearance of the conservation area is a valid consideration which has to be taken fully into account when assessing the proposed development.
- There is no presumption that every tree within a conservation area will be protected at all costs to change.
- Gap or previously developed sites are not meant to stagnate rather to change in a sympathetic and sensitive manner, respecting the 'special interest' of each area.
- Trees generally do have positive qualities which can sometimes provide 'special interest' to the character and appearance of an area, however, it is essential that a balance and site specific weighting is placed on all trees in and around a development site.
- If planning permission is to be refused for otherwise acceptable development because of loss of trees within a site there must be a defensible argument that the trees are, in their own right, of such merit as to prevent the development.
- The trees on the application site have largely been unmanaged for a considerable period of time and there are a vast number of relatively poor examples.
- The most significant issue is not the number of trees to be removed but the loss of two internally sited Beech trees, both previously pollarded, a small group of mature scarred fruit trees and a line of unattractive overgrown mature conifers.
- Other trees that it is proposed to be managed by removal will in effect allow the attractive group of internally sited and more indigenous Scots Pine trees to be more appreciated from outside the site.
- None of the proposed removal of trees will impact upon the excellent screening and amenity contribution to the overall enjoyment of the Wolsingham Conservation Area which will continue to be made by the fine boundary sited mature Beech trees along the western boundary, which are to remain.

- If the Committee approve this application and place clear and precise conditions relating to the careful removal of trees and replanting based upon the proposed Tree Management Plan submitted by the applicants, then a full and balanced consideration of the actual contribution made by the individual critical trees to be removed will have been given and a rational and informed decision will have been made.
72. The following national guidance, Tree Preservation Orders: A Guide to the Law and Good Practice, states the criteria required for making a TPO. This guidance states that if trees cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances. It is noted that many of the trees on the site are not wholly visible from the public domain.
73. Whilst it is accepted that the trees enhance the appearance of the application site and are important in the immediate surrounding area, a distinction needs to be made between the trees on the west and south boundaries which are visible to the public who use the nearby public footpath, and the other trees which cannot be seen by the general public and are not prominent in views of this part of the conservation area.
74. Based on the comments raised in the tree report submitted with the application and the comments received from the County Council Arboricultural Officer, there does not appear to be a tree within the site which is individually of a high quality. It is accepted that the trees as part of a group provide high quality amenity value to the conservation area. However, it is not considered necessary to retain the large number of trees suggested by the County Council's Arboricultural Officer. The applicants have undertaken to carry out works to those trees they intend to keep which will prolong the lives of the trees and enhance the appearance of the trees, and they have provided further information in the form of a tree management scheme which indicates that 4 semi mature trees would be planted.
75. It is apparent that there is a conflict in advice between the County Council Arboricultural Officer and the Conservation and Environment Manager. In assessing the issues surrounding the trees, the advice from both the Arboricultural Officer and the Conservation and Environment Manager have been taken into consideration along with the guidance contained within 'Tree Preservation Orders: A Guide to the Law and Good Practice'. The majority of the 73 trees the applicants propose to remove would not be worthy of being protected individually and many of them are not visible from a public view point (which is one of the criteria for making a TPO). The proposed tree management scheme (which includes the planting 4 semi mature trees on the west boundary) submitted with the application would provide a significant amount of tree coverage on the boundaries of the application site, which are visible to the general public.

76. Taking into consideration the consultation responses from the Arboricultural Officer and the Conservation and Environment Manager, and assessing the proposed tree management scheme submitted with the application against the relevant national guidance, it is considered that the proposed removal of 73 trees, the works proposed for the retained trees and the planting of 4 semi mature trees would improve the amenity value of the site to the Wolsingham Conservation Area. The proposed tree works on the site do not conflict with the aims of policies BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. Should Members be minded to grant planning permission, a Tree Preservation Order will be made to protect the trees proposed to be retained.

protected species

77. Concerns have also been raised with regards to the possibility of bats and other protected species being present on the site and within the trees. A protected species risk assessment and ecology evaluation has been undertaken of the site and the report has been submitted to the County Council Ecologist. The report has concluded that the site has low ecological value and is unlikely to support any protected species. The County Ecologist has not raised any concerns to the protected species risk assessment and ecology evaluation that has been submitted. It is therefore considered that the proposed development would not have an adverse impact on protected species and their habitats. The development of the site would not be contrary to paragraphs 15 and 16 of PPS9.

energy efficiency

78. Since 1st May 2008 the Code for Sustainable Homes is mandatory for all new housing developments. This highlights the importance of sustainable design in the current policy climate. The trust of planning policy in PPS1 and the Climate Change Supplement, PPS3, and PPS22; as well as policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, all require new development to be energy efficient. To ensure the new development is designed and constructed to be energy efficient it is appropriate to condition further details to demonstrate how the proposed dwellings would be energy efficient.
79. Ideally, at present, new dwellings should be achieving code level 3 (2010 target). In terms of energy performance this would represent a 25% improvement in the Dwelling Emission Rate (DER) compared to the standard building regulations Target Emission Rate (TER). As a minimum, the proposed dwellings should demonstrate at least a 10% DER improvement beyond the minimum Building Regulations, which would be the equivalent of code level 1. This would at least enable the dwellings to achieve a Code for Sustainable Homes rating certificate, although applicants should be encouraged to aim for higher level given the target for 2010. These details should be conditioned for approval.

objections/observations

80. Occupiers of neighbouring properties have been notified in writing and a site notice was posted close to the site. A notice was also placed in the local press. 120 objection letters have been received up to when this report was written. Two of these objection letters have been withdrawn. The contents of the objection letters are summarised below:
- a) The B6296 main highway is a busy road and is close to the school.
 - b) Size of the properties are not in keeping with the village.
 - c) Inadequate and dangerous access for vehicles.
 - d) Overlooking issues.
 - e) Loss of privacy.
 - f) Loss of trees would impact upon wildlife.
 - g) Development beyond settlement limits for Wolsingham.
 - h) Loss of countryside.
 - i) The site is a medieval settlement, with archaeological remains and is a historic site which should not be developed on.
 - j) The houses are executive houses. No need for this type of development and it will result in houses being left empty.
 - k) Affordable housing required.
 - l) There would be nowhere for existing property owners to park their vehicles.
 - m) The proposed properties would be overbearing.
 - n) Loss of natural daylight to neighbouring properties.
 - o) The development would adversely affect the public footpath which runs approximately 20 metres from the site.
 - p) Proposed trees will overshadow neighbouring properties.
 - q) Reduce the valuation of neighbouring properties.
 - r) The site is an important archaeological site.
 - s) The proposed development would contravene PPG16.
 - t) The proposed development is out of character with the surrounding buildings and area.
 - u) The development is backland development which requires separate and satisfactory vehicular access.
 - v) Wolsingham has a 'Parish Plan' which was produced with the support of Wear Valley District Council and Durham County Council. The Plan states that future housing development should not exceed 50 new dwellings. This limit has already been exceeded.
 - w) The site is in a conservation area.
 - x) The houses would intrude into an area of high landscape value.
 - y) The application has been resubmitted when local government reorganisation is underway.
 - z) The archaeological remains should be a tourist attraction.
 - aa) Not all the site was a former builders yard.
 - bb) The development would overlook a scheduled monument.
 - cc) Will the foundations of the proposed properties and the removal of trees not disturb the archaeological remains?
 - dd) How will future development be stopped in the rear gardens of the proposed properties?
 - ee) Is this to be Holywood phase 2?

- ff) The ancient monument should be protected in line with policies BE1 and BE15 of the Local Plan.
- gg) The proposal is contrary to policies BE5 (FPG3) and BE6 part i) of the Local Plan.
- hh) The Parish Plan advocates the resistance of executive style houses, which these are.
- ii) The development would increase the amount of cars parked on the main road.
- jj) The proposed development will affect the neighbours' quality of life as the buildings will be within 15 metres.
- kk) The proposed development will affect the milk delivery business.
- ll) This development will create a precedent for further housing.
- mm) Why is this application being considered yet again, when it is an expense to the taxpayer?
- nn) Surely the schools and doctors are going to be affected by more buildings.
- oo) There is a fear that the proposed properties will be constructed from the stone of the Chapels foundations.
- pp) There have been artifacts found with the archaeological remains which are now in Durham Cathedral.
- qq) Although there used to be a builders yard nearby, the site is not brownfield land.
- rr) What restrictions can be put in place to safeguard an established business?
- ss) The proposed development would disrupt the access to the milk delivery business.
- tt) Overdevelopment of the site.
- uu) Has Alan Hodgson from Durham County Council been consulted?
- vv) Red squirrels have been seen on the site.
- ww) It is the understanding that English Heritage does not recommend building on or near this type of site.
- xx) There has been no consultation with the public on this development.
- yy) Has the District Council identified a need for any additional housing stock in the village?
- zz) The main structures of Wolsingham are linear houses looking onto roads.
- aaa) Concerns that a letter from the agents of the application indicates that meetings have taken place with Planners, County Archaeologist, Conservation Officers and Highway Officers.
- bbb) The proposal does not accord with policy H26 of the Local Plan.
- ccc) Concerns that the proposal and the removal of trees would result in flooding problems.
- ddd) The loss of trees on the site would contribute to climate change.
- eee) The proposal does not accord with policy H14 of the Local Plan.
- fff) The proposal is contrary to policies GD1 and H24 of the Local Plan.
- ggg) The proposal is contrary to PPS1, PPS3, PPG15 and PPG16.
- hhh) The proposal is not in accordance with 'Manual for Streets'.
- iii) Concerns that the proposal would affect drainage.
- jjj) Policies GD1, H24, H26, BE6 and FPG1 have been disregarded.
- kkk) The Water Authority have not been consulted.
- lll) The revised Archaeological Report was not available on the internet.

- mmm) There was an article in the local newspaper on 16th August 2008 confirming that the application was to be recommended for approval.
- nnn) Letters informing the public that the previous application had been withdrawn were sent out after the letters informing them of the new application, leading to confusion.
- ooo) There are bats present within the trees.
- ppp) Concerns over the amount of trees being removed.
- qqq) Concerns that the following responses have not been received from consultees: Ancient Monuments Society, Society Protection Ancient Buildings, English Heritage, Historic Monuments of England, Northumbrian Water and Environment Agency.

response to objections

81. The following points are made in response to the issues raised by the objectors:
- a) Durham County Council Highways Officer has not objected to the proposal. The Highways Officer's response is commented upon in the previous sections of this report.
 - b) The Conservation and Environment Manager considers the scale of the properties to be acceptable.
 - c) See point a).
 - d) Discussed in officer analysis.
 - e) Discussed in officer analysis.
 - f) Discussed in officer analysis. A risk assessment on protected species has been submitted which concludes the development would not have an adverse impact on protected species. Durham County Council Ecology Officer has not raised any objections.
 - g) Discussed in officer analysis.
 - h) Given the site has clearly defined boundaries, it is not considered that the site is part of the open countryside.
 - i) Refer to officer analysis and the Durham County Council's Archaeological Officer's response.
 - j) Not a material planning consideration.
 - k) Policy H15 of the Local Plan states that the Council will seek to negotiate an appropriate element of affordable housing, where there is a demonstrateable need for such housing, but only sites accommodating 20 or more dwellings.
 - l) The parking arrangements for the existing properties would not change.
 - m) Discussed in officer analysis.
 - n) Discussed in officer analysis.
 - o) The public footpath does not run through the application site therefore the proposed site would not affect the public right of way.
 - p) A condition is proposed for a landscaping scheme to be submitted and agreed prior to works commencing on site.
 - q) Not a material planning consideration.
 - r) Discussed in officer analysis.
 - s) Disagree. Discussed in officer analysis.
 - t) Discussed in officer analysis.

- u) The development would be classed as backland development. The proposed accesses are considered acceptable to serve the proposed development.
- v) It is acknowledged that the Wolsingham Parish Plan has been publicised. It is noted that the Parish Plan is not a statutory plan. The Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, along with the Regional Spatial Strategy and the Planning Policy Guidance and Statements are the statutory documents from which planning decisions shall be based upon.
- w) Agreed.
- x) Agreed.
- y) Agreed, however the status of the local government reorganisation does not impact upon the recommendation.
- z) Comments noted.
- aa) Comments noted.
- bb) Comments noted.
- cc) The foundations of the buildings can be built without disturbing the archaeological remains. Conditions are recommended to ensure the trees are removed in a way which would not disturb the archaeological remains.
- dd) Conditions are recommended to prevent future development in the gardens. A legal agreement is also to be signed by the applicants to prevent future development in the gardens areas.
- ee) Given the distance between the application site and Holywood, the proposed scheme is not phase 2 of the Holywood estate. Each application is determined on its own merits.
- ff) Agreed. It is considered that the development accords with policies BE1 and BE15 of the Local Plan.
- gg) Discussed in officer analysis.
- hh) Please refer to point v).
- ii) Disagree. The proposed development provides sufficient off street parking for the future occupiers of the proposed properties.
- jj) Discussed in officer analysis.
- kk) Discussed in officer analysis.
- ll) Each planning application has to be determined on its own merits therefore this proposal would not create a precedent.
- mm) There is no limit on the number of applications that can be submitted for a certain site.
- nn) It is considered three new properties would not adversely impact on schools and doctors.
- oo) The archaeological remains would not be disturbed.
- pp) Comments noted.
- qq) Disagree.
- rr) There are no specific planning conditions which can be imposed in this instance to safeguard the existing business. As discussed in the officer analysis, there are no current problems with the running of the nearby business. Potential buyers of the proposed properties who visit the site would be aware that a business is being run from the adjacent site.
- ss) This issue is commented upon by the County Highways Officer.
- tt) The proposal is not considered to be overdevelopment of the site.
- uu) Yes.
- vv) See point f).

- ww) English Heritage have been consulted and have not commented on this application.
- xx) Comments noted.
- yy) Wolsingham has been identified as an urban area within the district where new housing should be directed towards.
- zz) Comments noted.
- aaa) Pre-application advice is common practice. The true test for the acceptability of a proposal can only be determined through the submission of a planning application.
- bbb) Discussed in officer analysis.
- ccc) The Environment Agency have been consulted on this issue.
- ddd) It is considered given the number of trees proposed to be felled it would not have a significant impact on the issue of climate change.
- eee) Policy H14 of the Local Plan has expired.
- fff) Discussed in officer analysis.
- ggg) The proposal would not be contrary to the aims of PPS1, PPS3, PPG15 and PPG16.
- hhh) Discussed in officer analysis.
- iii) The Environment Agency have been consulted on this issue and have raised no objections.
- jjj) Disagree. All the criteria within policies GD1, H24, H26 and BE6 of the Local Plan have been fully considered within the 'officer analysis' section of this report. FPG1 is guidance relating to highway design standards for new developments. This guidance has expired and has been replaced by Durham County Council publications.
- kkk) Disagree. Northumbrian Water have been consulted on this application and no response has been received.
- lll) Not a material planning consideration. The Archaeological Report was on the application file and available for the public to view.
- mmm) Comment noted.
- nnn) Comments noted however this is not a material planning consideration in determining this application.
- ooo) Discussed in officer analysis.
- ppp) Discussed in officer analysis.
- qqq) The Environment Agency have responded. Consultees choose whether or not to reply.

conclusion and reasons for approval

1. The boundary of the limits of development for Wolsingham runs through the application site. The application site has established boundaries to the north, west and south. The proposed buildings would be located within the settlement boundaries of Wolsingham and it would only be the garden areas which would be situated over the boundary. It is acknowledged that a similar application was granted permission by the Development Control Committee which was for a house in Wolsingham which had its garden area located beyond the settlement boundary, in this instance part of the property was actually located over the settlement boundary. From the previous use of the site, the application site is classed as brownfield land. The proposed development is considered acceptable in principle and does not compromise the aims of policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies

September 2007 and is in accordance with Policy 4 of the Regional Spatial Strategy.

2. The proposed development ensures that each property would have sufficient amounts of private useable amenity space. The relationship between the proposed properties would be acceptable and there would be adequate levels of privacy for future occupiers of the buildings. The existing residential properties to the east of the site would not be adversely affected by the proposed development. There would be no loss of privacy to the occupiers of neighbouring properties and the neighbouring buildings would not experience any adverse impacts in terms of overbearing or overshadowing effects. The existing milk delivery business which currently operates from a building connected with No. 33 Uppertown, would not disturb the future occupiers of the proposed development. The proposed development would not adversely affect the residential amenities of the occupiers of neighbouring properties. The occupiers of the proposed dwellings would have a satisfactory standard of residential amenity. The proposal does not compromise the aims of policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. The proposed development has been critically assessed in relation to the impact the properties would have on the immediate surrounding area and the wider conservation area. The layout and relative positions, the relative scale and mass/heights, and the architectural details of the proposed properties are all considered to be acceptable. The proposed development would not have an adverse impact on the visual appearance of the street scene and surrounding area. The proposal would not detract from the special scenic qualities of the Wolsingham Conservation Area. The proposed development is in accordance with policies GD1, BE5, BE6 and BE8 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. Sufficient amounts of off street parking would be provided for each property proposed. Durham County Council Highways Officer has fully assessed the access arrangements and has taken into consideration the existing arrangements for neighbouring properties and the situation with regards to land ownership and rights of way over the accesses. The proposed accesses to plots 1 and 2, and to plot 3, are considered acceptable and would not compromise highway safety. The proposal is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. The proposed buildings would not be built over the archaeological remains which are situated beneath the ground. The applicants have agreed to a number of conditions and are willing to sign up to a legal agreement which would offer a level of protection to the archaeological remains. Residential development is considered an appropriate use for the site as it would provide a high level of protection and have virtually no adverse impact on the archaeological remains. The proposed development would not have a detrimental impact upon the archaeological remains beneath the site. The proposal is in accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies

September 2007 and does not compromise the aims of Planning Policy Guidance 16: Archaeology and Planning.

6. The tree report submitted with the application proposes the removal of 73 trees from the site. The County Arboricultural Officer recommends only 45 of these trees should be removed and the remaining trees should be protected by a group Tree Preservation Order. The Conservation and Environment Manager has indicated that the applicants' proposals which include the planting of 4 semi mature trees, would not detract from the Wolsingham Conservation Area. National guidance contained within 'Tree Preservation Orders: a Guide to the Law and Good Practice' states that if trees cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances. Many of the trees on the site are not visible from the public domain, and only a few of the trees are worthy of TPO status individually. It is considered that the proposed removal of 73 trees, the works proposed for the retained trees, and the planting of 4 semi-mature trees would improve the amenity value to the Wolsingham Conservation Area. The proposals do not conflict with the aims of policies BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. A protected species risk assessment and ecology evaluation has been undertaken indicating that the site is of a low ecological value and is unlikely to support any protected species. The County Council Ecology Officer has raised no objections to this assessment. It is therefore considered that the proposed development would not have a detrimental effect on protected species or their habitat. The proposals do not conflict with the guidance contained in paragraphs 15 and 16 of Planning Policy Statement 9: Biodiversity and Geological Conservation.

RECOMMENDED

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

conditions

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

publication has been agreed in writing by the developer with the planning authority.

3. Before the commencement of any part of the approved development, a plan indicating the position and specification of protective fencing to the archaeological remains shall be submitted to and approved in writing by the local planning authority. The approved protective fencing shall be erected prior to the commencement of the development and retained until the completion of the development. Any land so enclosed shall be kept clear of all materials, machinery and temporary buildings at all times.
4. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F, G, H of Part 1 and Classes A, B, C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.
5. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The landscaping scheme shall include details of the method of removal of the trees proposed to be removed.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
7. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the buildings hereby approved are first occupied.
8. Notwithstanding the details included on the approved plans, the following design requirements shall be incorporated into the proposed scheme:-
 - a) The exact specifications for the windows shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved specifications;
 - b) All external walls shall be formed using random, coursed natural stone with pointing to match existing; a sample panel of stonework shall be made up on site for inspection by and written approval shall be obtained from the local planning authority prior to construction works commencing;

- c) The exact specifications for the doors shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved specifications;
 - d) The exact specifications for the roof coverings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved specifications;
 - e) all rainwater goods shall be black;
 - f) all rooflights shall be conservation flush-fit lights finished in black with a central glazing bar.
9. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the dwellings shall not be occupied until that work has been carried out in accordance with the approved details.
10. Notwithstanding any other details shown on the plans hereby approved, the window to be inserted in the east elevation of the play/games room of the property on plot 1, the window to be inserted in the east gable elevation at roof space height of the property on plot 2 and the windows to be inserted in the east elevation of the WC and kitchen of the property on plot 3 shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass of factor 3 or above. The windows shall thereafter be retained as such.
11. Before the dwellings hereby approved are occupied the garages and hardstandings/drives shall be constructed in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for purposes incidental to the enjoyment of the dwellinghouses.
12. The development hereby approved 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 and approved in writing by the local planning authority.
13. The development shall not commence until the details demonstrating how CO2 reduction and energy efficiency measures will be incorporated in the development hereby approved have been submitted to and approved in writing by the local planning authority and thereafter the development shall be implemented and retained in accordance with the approved details. These details shall include an assessment to demonstrate how a minimum improvement in DER over TER of 10% will be achieved; or the equivalent of Code Level 1 of the Code for Sustainable Homes.

reasons

1. To safeguard the archaeological remains. In accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To safeguard the archaeological remains. In accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. To safeguard the archaeological remains. In accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. The local planning authority wishes to control future development in order to ensure the residential amenities of adjacent properties are maintained and to safeguard the archaeological remains. In accordance with policies GD1, H24, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. To enable the local planning authority to retain control over the landscaping of the site to secure a satisfactory standard of development and to ensure the removal of trees does not adversely affect the archaeological remains. In accordance with policies GD1, BE1, BE15 and BE16 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. For the avoidance of doubt and to ensure the satisfactory appearance of the finished development. In accordance with policies GD1, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
9. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
10. In the interests of the amenity of neighbouring properties. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
11. To ensure that adequate provision is made within the site for vehicles likely to visit it, and maintained to the satisfaction of the local planning authority. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

12. 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.
13. In the interests of reducing carbon emissions. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and PPS1, the PPS1 Climate Change Supplement and PPS22.

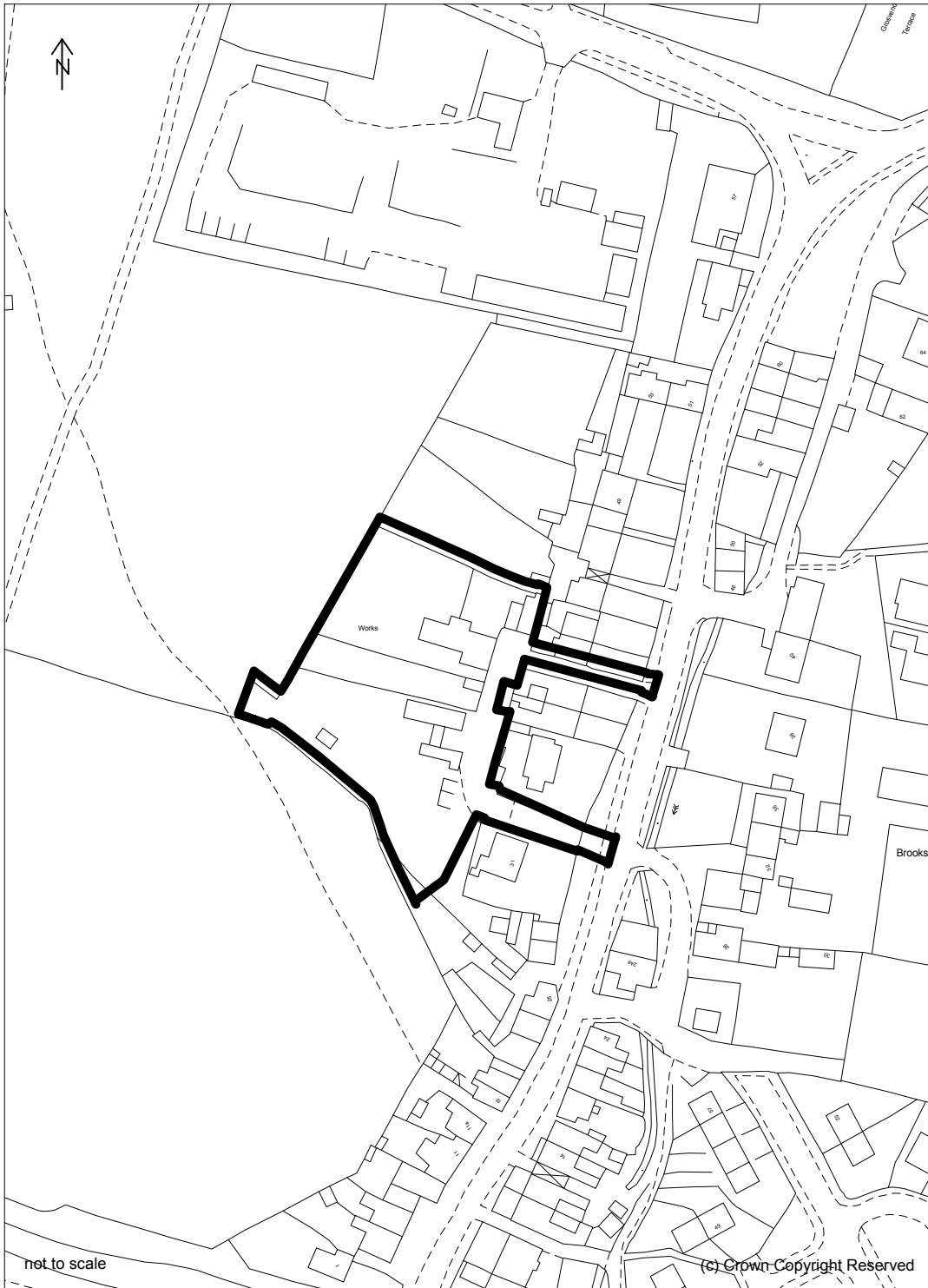
background information

Application files, WVDLP as amended by Saved and Expired Policies September 2007, Regional Spatial Strategy (RSS), Planning Policy Guidance 16: Archaeology and Planning (PPG16), Planning Policy Statement 1: Delivering Sustainable Development (PPS1), the PPS1 Climate Change Supplement, Planning Policy Statement 3: Housing (PPS3), Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9), Planning Policy Statement 22: Renewable Energy (PPS22), Tree Preservations Orders: A Guide to the Law and Good Practice,

PS code	13			
number of days to Committee	74	target achieved	NO	
explanation Given the complexity of the issues involved with this application it was not possible to determine the proposal within the target date.				

Officer responsible for the report	Author of the report
Robert Hope	Chris Baxter
Strategic Director for Environment and Regeneration	Senior Planning Officer
Ext 264	Ext 441

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



DEVELOPMENT CONTROL COMMITTEE

18TH DECEMBER 2008

Report of the Strategic Director for Environment and Regeneration

PART 1 – APPLICATION FOR DECISION

3/2008/0724 - RE-DEVELOPMENT OF FORMER CIVIC HALL TO PROVIDE A COMMUNITY BASED EVENTS/ARTS FACILITY AT CIVIC HALL, MILITARY ROW, CROOK FOR WEAR VALLEY DISTRICT COUNCIL – 13.11.2008 - AMENDED 09.12.2008

description of site and proposals

1. Planning permission is sought for the re-development of the former Civic Hall, Military Row, Crook to provide a community based events/arts facility. The application is reported to Committee as the application site is owned by the Council and the application has been submitted by the Council.
2. Alterations to the property include the addition of two porches, one at the entrance to the ground floor of the building and one at the entrance to the first floor of the building via the proposed extension. The existing flat roofed extension to the north east is to be re-modeled and to be provided with enlarged glazed openings in order to open up the interior to views up Church Hill. The proposed extension would measure 5.9 metres in width and 6.85 metres in depth. It would have a height to the eaves of 4 metres and a height to the ridge of 6.4 metres. A raised patio area would also be added to the rear elevation. It would have a height of 0.45 metre, a depth of 2.875 metres and would be surrounded by a powder coated guard rail with a height of 1.1 metres. A doorway on the front elevation of the building would be blocked off. Other alterations to the exterior of the building include the removal of the flag poles and extract grills. Where necessary the render is to be repaired and then decorated with masonry paint.
3. The application site is located within Crook Conservation Area. The host property constitutes a vacant civic hall; its last known use was as a warden control centre, and prior to that the hall was in regular use as a multi purpose function hall with associated ancillary lounge bar uses. The building is cut into the natural slope of the site. The original two storey element fronting Military Row has a single storey extension element to the north east which extends the first floor of the building out towards the rear car park; the exterior walls of the building are all rendered with a grey buff pebble dash finish with painted concrete window heads and cills. The original building has a traditional pitched roof, while the north east (rear) extension utilises a flat roof. The two storey element of the building has a recently recovered slate roof and the rear

extension has a mineral felt roof. Window frames are white powder coated aluminum.

4. The existing civic hall is bounded to the south west by a public footpath beyond which is the Military Row car park and Crook Beck. Beyond the beck lie the rears of the houses on Bridge Street and Mill Street. The north west boundary is formed by the access road to the rear car park which crosses open grass land, beyond which is Crook Beck. Beyond the beck is Mill Street and Church Hill and associated housing. The north east boundary is formed by a post and wire fence; beyond which is agricultural land. The south east boundary is formed by a post and wire fence beyond which is agricultural land and the gardens to the front of George Terrace.
5. Access to the site would be taken from Military Row. The site is well served by public transport and is within easy walking distance of the town centre. The proposed re-development of the site also incorporates provision for cyclists by means of the installation of a bike rack to the north west elevation of the building providing 6 cycle spaces.
6. Currently there are 4 car parking spaces for the property. An extra 15 car parking spaces and 2 spaces for disabled visitors are proposed to be provided as part of the re-development of the civic hall.

planning history

7. There has been no recent relevant planning history.

planning policies

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

- BE5 Conservation Areas
- BE6 New development and alterations in Conservation Areas
- GD1 General Development Criteria
- H3 Distribution of Development
- T1 Highways – General Policy

Also relevant is the Regional Spatial Strategy (RSS).

consultations

9. DCC Highways Engineer: No objection, subject to a condition being attached to the approval requiring engineering details to be submitted to show how vehicles will be directed correctly over the bridge to and from Mill Street.
10. DCC Design and Conservation Officer: No objections as the porches have been amended to a more appropriate design.

officer analysis

11. The key issues for consideration are:

- Principle of the Development
- Impact on the Conservation Area
- Impact on Neighbouring Properties
- Access and Parking

principle of the development

12. 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 site is located in a mainly residential area. Crook is a main urban area within the district and has been identified as an area where new development will be directed to under the local interpretation of the RSS.

13. No change of use to the building is proposed as part of this application. The building would be used as a public hall, which is its current status, although it has been unused for a number of years. Therefore the principle of the development must consider the extension of the facility. The principle of bringing the building back into use and its extension is in line with sustainable development principles where the re-use of existing buildings is encouraged. The civic hall is suitably located to provide a community facility, lying just outside Crook town centre. The development would add to the existing facilities within the area and would contribute to local amenity. The site is readily accessible as the development would have good, direct, accessibility to the road network and public transport.

14. The proposed development is in accordance with policies GD1 and H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

impact on the conservation area

15. The application site is located within the Crook Conservation Area. Although the building is not of significant architectural merit, since the site is located within the conservation area, the development must contribute to the preservation and enhancement of the character of the area and use materials which are appropriate to the host property and the conservation area.

16. The proposed alterations and extension of the building are of an appropriate scale and design for the host property, the conservation area and the surrounding area. The proposed development would result in a vast improvement to the appearance of the building, particularly to the rear elevation of the building. Overall the proposed development is to be welcomed as it would enhance the character and appearance of this part of the conservation area.

17. The proposed development accords with policies BE5, BE6 and GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

impact on neighbouring properties

18. The nearest neighbouring properties to the application site are located 20 metres to the south of the building. Impacts to neighbouring properties would not be significantly altered as a result of the development as the building would not be changing its allowed use, and the new window openings and the raised patio area would be located to the rear of the building facing onto agricultural land. The proposed development accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

access and parking

19. Access to the site would be taken from Military Row. Durham County Council, the Highways Authority, consider the access to the site over the existing bridge should be upgraded and have suggested a condition should be attached to the planning permission. The site is well served by public transport and is within easy walking distance of the town centre. The proposed re-development of the site also incorporates provision for cyclists by means of the installation of a bike rack to the north west elevation of the building providing 6 cycle spaces.
20. Currently there are 4 car parking spaces for the property. An extra 15 car parking spaces and 2 spaces for disabled visitors are proposed to be provided as part of the redevelopment of the civic hall.
21. The proposals are acceptable subject to the condition suggested by Durham County Council and accord with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

objections/observations

22. Occupiers of neighbouring properties have been notified in writing and a site notice has been posted. The application was also advertised in the press.
23. 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 lies within the settlement limits of 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 re-development and extension of the hall is considered acceptable in principle and in accordance with policies H3 and GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

2. The proposed alterations and extensions would enhance the character and appearance of the existing building, the conservation area and the surrounding area, and the proposal therefore accords with policies GD1, BE5 and BE6 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. Due to the scale, design and siting of the proposed extension and alterations to the building it is considered that occupiers of surrounding properties would not suffer any significant loss of amenity. The development would not result in any loss of privacy, nor would residents suffer any overbearing or overshadowing impacts, in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. The proposed parking provision is acceptable. To ensure the access is satisfactory and accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 a condition will be attached to the planning approval requiring details to be submitted to show how vehicles will be directed correctly over the bridge to and from Mill Street.

RECOMMENDED

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

conditions

1. Prior to the commencement of the development hereby approved details of the materials to be used for the external surfaces of the development shall be submitted to and approved in writing by the local planning authority, and the external surfaces shall be constructed in accordance with the approved details.
2. Prior to the commencement of the development hereby approved details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the local planning authority, and the development shall be carried out in accordance with the approved details.
3. Prior to the commencement of the development hereby approved details to show how vehicles will be directed correctly over the bridge to and from Mill Street 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 achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. To achieve a satisfactory access. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

background information

Application file, WVDLP Plan as amended by the Saved and Expired Policies September 2007, RSS

PS code	<input style="width: 40px; height: 20px;" type="text" value="18"/>				
number of days to Committee	<input style="width: 40px; height: 20px;" type="text" value="36"/>	target achieved	<input style="width: 40px; height: 20px;" type="text" value="√"/>		
explanation					

Officer responsible for the report

Robert Hope
 Strategic Director for Environment and Regeneration
 Ext 264

Author of the report

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 Ext 272

3/2008/0724- RE-DEVELOPMENT OF FORMER CIVIC HALL TO PROVIDE A COMMUNITY BASED EVENTS/ARTS FACILITY AT CIVIC HALL, MILITARY ROW, CROOK FOR WEAR VALLEY DISTRICT COUNCIL – 13.11.2008 - AMENDED 09.12.2008

