



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

---

Robert Hope      Acting Chief Executive

---

4<sup>th</sup> February 2009

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 12<sup>th</sup> FEBRUARY 2009** at **6.00 P.M.**

### AGENDA

	Page No.
1. Apologies for absence	
2. To consider the minutes of the meeting of the Committee held on insert date as a true record.	Copies previously circulated
3. To consider development control application 3/2008/0709 – Build a double garage at garden opposite to 1 Castle Close, Crook for Mrs. Pybus.	1 - 6
4. To consider development control application 3/2009/0014 – (Resubmission) application for the construction of a new village hall at Village Hall, High Escomb, Escomb for Wear Valley District Council.	7 - 12
5. To consider development control application 3/2008/0522 – Change of use from redundant agricultural building to live/work unit at High Sunny Side, Huntshildford, St. Johns Chapel for Mr. Raine.	13 - 22
6. To consider development control application 3/2008/0717 – Enhancement of the area surrounding West Auckland Pant and change of use to memorial garden area at The Green, Front Street, West Auckland for Wear Valley District Council.	23 - 27
7. To consider development control application 3/2008/0501 – New road around existing caravan site at Village Green Caravan Site, Edmundbyers, Consett for Mr. Foster, Kendal Caravans Limited.	28 - 32

8. To consider development control application 3/2008/0764 – Retain temporary roof for 3 years at 45 High Street, Wellington for Mr. Williams. 33 - 36
9. To consider development control application 3/2008/0758 – 1.5 storey side extension to form utility, bathroom, garage and family room with garden room extension to rear at 37 Staindrop Road, West Auckland for Mr. Keenan. 37 – 41
- 10 & 11. To consider development control application 3/2008/0746 – Amendment to condition 21 of planning permission reference 3/2007/0340 to allow additional 1,995 sq.m. Class A1 retail floorspace at Asda Supermarket, 6 South Church Road, Bishop Auckland for Asda Stores Limited. 42 – 53
- To consider development control application 3/2008/0747 – Mezzanine floorspace, improvements to the service yard area including enhanced acoustic screening and other ancillary works at Asda Supermarket, 6 South Church Road, Bishop Auckland for Asda Stores Limited.
12. To consider the proposed amendment of a Section 106 agreement. 54 - 55
13. To consider such other items of business which, by reason of special circumstances so specified the Chairman of the meeting is of the opinion should be considered as a matter of urgency.

Yours faithfully



**Acting Chief Executive**

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

Chair: Councillor Grogan

Deputy Chair: Councillor Mrs Jopling

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

DEVELOPMENT CONTROL COMMITTEE

12<sup>th</sup> FEBRUARY 2009

---

Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0709 - BUILD A DOUBLE GARAGE AT GARDEN OPPOSITE TO 1 CASTLE CLOSE, CROOK FOR MRS. PYBUS – 05.12.2008**

**description of site and proposals**

1. This application has been reported to Committee as it represents a departure from the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. Planning permission is requested for the erection of a detached double garage on land opposite 1 Castle Close, Crook. The proposed garage would measure 10 metres in length, 5 metres in width, 3.5 metres to the eaves, and 5 metres to the ridgeline. The proposed garage would be rendered with grey roof tiles.
3. The site to which the application relates is a detached residential garden plot located within the Castle Close Industrial Estate. The site is allocated as a general industrial estate under proposal I5 of the Local Plan and Proposals Map. The site is served by an unadopted road, which although it has had a recent layer of tarmac laid, remains in poor condition, serving a terrace of 4no. residential properties, a garage site and 2 No. industrial premises. There is a brick built double garage to the north west corner of the application site and the site is enclosed by a 1.5m high timber fence to the west and south boundaries and a 1.8m high brick wall to the north boundary.

**planning history**

4. The following planning history is relevant to the consideration of this application.
  - 3/2004/0151 4 Bedroom Bungalow Refused 19.04.2004
  - 3/2004/0840 4 Bedroom Bungalow Refused 06.10.2004

## planning policies

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

- GD1 General Development Criteria
- I5 General Industrial Sites
- H25 Residential Extensions
- T15 Garages

## consultations

6. CDE&TS (Highways): Whilst I have no objection in principle to the erection of a new domestic garage in this location, I have some concerns regarding the scheme as submitted. The proposed building, at 10m x 5m, is large enough to easily accommodate three vehicles. The building is also taller than most domestic garages. Almost half the floor area cannot be accessed through the garage doors. I am aware that in 2004 an application (3/2004/0151) for a new dwelling on this site was refused. The fact that the building is larger than necessary for a domestic garage is not however a reason to recommend refusal. I will, therefore, raise no objections to this proposal from the highways aspect subject to the following condition:
7. The proposed garage shall be used for the domestic use of the occupier of 1 Castle Close and not for any commercial or residential purposes.

## officer analysis

8. The issues for consideration are;
- Principle of Development
  - Design
  - Residential Amenity

principle of development

9. The application site consists of a detached garden in the use of 1 Castle Close, Crook. The site is allocated as a General Industrial Site under policy I5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. Policy I5 states that allocated land will be reserved and developed as general industrial sites. Within this policy context the erection of a domestic garage on the site would not be supported. However, notwithstanding its industrial allocation the application site and adjoining land has been used as domestic curtilage since at least the mid 1980's. As the land is already domestic curtilage, no change of use is required. Policy I5 states that proposals which decrease the attractiveness of these industrial sites to potential developers will not be allowed. The development proposed differs significantly in principle to the previously refused dwelling. This would have introduced a further residential dwelling within an area safeguarded for industrial development as opposed to a development which is incidental to the enjoyment of an existing dwelling. The development is of a type which one could reasonably expect to find in a domestic curtilage. Given the existing use

of the site one could not argue that the proposal itself would prejudice any future industrial development on the remainder of the industrial allocation or conflict with adjacent existing commercial activity. As such the proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, and would not undermine the objectives of policy I5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

#### design

10. It is considered that the proposed garage, although large, is of a typical design for a detached garage. The development would not be seen from the main public vantage points within the area and there are several garages located to the north of the application site. As such it is considered that the proposed garage would be in keeping with the character of the area and would not be detrimental to the streetscape.
11. The proposed garage would be positioned to the rear of the site, approximately 31 metres from the rear of the highway. Policy T15 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 states that private garages shall achieve a distance of 6 metres from the rear of the highway. The proposal accords with policy T15 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

#### residential amenity

12. The proposed garage would be positioned over 45 metres from the nearest dwellings (nos. 1- 4 Castle Close) which are to the north west of the application site. Given this distance, it is considered that the proposal would not have a detrimental impact upon the residential amenity of neighbouring occupiers. As there are no immediate neighbouring buildings, the proposal would not create any detrimental overbearing or overshadowing impacts to neighbouring dwellings. The proposal accords with policies GD1 and H25 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
13. After the proposed garage is built, 1 Castle Close would still have more than sufficient useable amenity space. The detached garden which would contain the garage would still have over 450 square metres of amenity space retained. The proposal accords with policies GD1 and H25 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

#### **objections/observations**

14. Occupiers of surrounding properties have been notified in writing in respect of the application, and a site notice has also been posted. The application has also been advertised in the press.
15. No letters of objection have been received.

## **conclusion and reasons for approval**

1. The application seeks the erection of a domestic garage within a domestic curtilage. The land is allocated as an industrial site. However, as the land is already used as domestic curtilage, the proposed garage would not decrease the attractiveness of the industrial site, and the proposal would not prejudice any future industrial development to surrounding allocated sites. The proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, and would not undermine the objectives of policy I5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. The proposed garage is of a typical design, and would not cause an overbearing impact within the street scene, and would be in keeping with the character of the surrounding area. The proposal accords with policies GD1 and H25 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. The proposed garage would be positioned over 30 metres from the rear of the highway, exceeding the minimum distance of 6 metres as set out in policy T25 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. The proposed garage would be positioned over 45 metres from the nearest dwellings (Nos. 1- 4 Castle Close) which are to the north west of the application site. Given this distance, it is considered that the proposal would not have a detrimental impact upon the residential amenity of neighbouring occupiers. The proposal accords with policies GD1 and H25 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. The proposed garage shall be used for domestic purposes only. No business, industry or trade shall be carried out from the site.
2. Before the development hereby approved is commenced samples of all materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority, and the external surfaces shall be constructed in accordance with the approved details.

### **reasons**

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

**background information**

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

<b>PS code</b>	<input type="text" value="18"/>		
<b>number of days to Committee</b>	<input type="text" value="69"/>	<b>target achieved</b>	<input type="text" value="No"/>
<b>explanation</b> Next 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

---

**3/2008/0709 - BUILD A DOUBLE GARAGE AT GARDEN OPPOSITE TO 1 CASTLE CLOSE, CROOK FOR MRS. PYBUS – 05.12.2008**





DEVELOPMENT CONTROL COMMITTEE

12<sup>th</sup> FEBRUARY 2009

---

Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2009/0014 - (RESUBMISSION) APPLICATION FOR THE CONSTRUCTION OF A NEW VILLAGE HALL AT VILLAGE HALL, HIGH ESCOMB, ESCOMB FOR WEAR VALLEY DISTRICT COUNCIL – 16.01.2009**

**description of site and proposals**

1. This application has been reported to Committee as Wear Valley District Council is the applicant.
2. Planning permission is requested for construction of a new village hall at High Escomb, Escomb. The proposed new building would be an 'L' shape, and would have a floorspace of 184 sq. metres, and would accommodate a main hall, a kitchen, toilet facilities, a store room, and two meeting rooms. The hall would be single storey, measuring 6.1 metres to the ridge above the main hall. The walls of the hall would be faced in brick, with a Marley Mendip roof tile.
3. The application site measures 27 metres in width by 42 metres in length. The new village hall would occupy the car park of the existing village hall. The existing hall appears somewhat dated, finished in roughcast render with a cement tiled roof, giving the appearance of a pre fabricated building. To the rear of the site is a large car park, with a play area and football pitch beyond. The existing hall is located behind the dwellings which form High Escomb, and is accessed via an unmade road off High Escomb. To the south of the site are detached garages in varying states of repair.
4. The existing village hall is a known bat roost, and as such cannot be demolished until a bat license has been obtained. However, the demolition of the existing village hall does not form part of this application. This application relates only to the erection of the new village hall.
5. The existing hall lies just within the settlement limits for Escomb as identified under policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## **planning history**

6. The following history is relevant to the consideration of this application.

- 3/2008/05808 Construction of New Village Hall Withdrawn 12.01.2009

## **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
- RL1 Recreation and Leisure - New Provision

Also relevant is: PPS9: Biodiversity and Geological Conservation.

## **consultations**

8. Durham Bat Group: In view of the high density of bats in Escomb, it is hard to imagine that there is not some use of this building at certain times of the year. In order to minimise the risk of an offence, DBG advise the LPA to request sight of a recent and relevant bat report before making any decision in this case.
9. CDE&TS (Highways): No objection.
10. Northumbrian Water: No objection.
11. County Ecologist: No objection.

## **officer analysis**

12. The issues for consideration are:

- Principle of Development
- Design and External Appearance
- Impact on Residential Amenity
- Protected Species

principle of development

13. The site is a brownfield site located half within the settlement limit and half outside the settlement limit for Escomb as identified under policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. The existing hall lies within the settlement limit, whilst the existing car park lies outside the settlement limit.
14. Policy RL1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 states that "The Council will give encouragement to schemes which will provide leisure and recreation facilities providing they are located within or adjacent to built-up areas and complement existing facilities."

15. The scheme would provide a vastly improved village facility to serve Escomb on a site established for community use. As such the proposal accords with policies GD1, H3 and RL1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

design and external appearance

16. The proposed village hall would have an external appearance similar to a bungalow, and would be constructed from brick with a Marley Mendip roof tile. The proposed materials would complement the existing built environment around the application site. The proposed building would be an improvement over the existing village hall, and would contribute positively to views into the village from the north and west. It is considered that the design of the proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

impact on residential amenity

17. The proposed village hall would be located on the existing car park behind the existing village hall. This would give a distance of approximately 35 metres from the western elevation of 39 High Escomb. The eastern elevation of the proposed hall (which would look onto 39 High Escomb), would contain the windows to the W.C's and a store room. As no windows of the main hall would look onto neighbouring dwellings, there would be no loss of privacy caused as a result of the proposed scheme. The proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

protected species

18. The existing village hall is a known bat roost. The Council has entered into discussions with the County Ecologist in order to obtain a bat license to allow works to a known bat roost. This application seeks the erection of a new village hall on the site of the existing car park. The scheme of works proposes the erection of the new village hall first, incorporating bat mitigation measures, then the demolition of the old village hall when a license has been issued. The demolition of the existing village hall does not require planning permission. The submitted plans show a roof void, bat slates and bat boxes incorporated into the design of the building. As such the approval of this application would not cause harm to an existing bat roost, and would not have a detrimental impact upon protected species. The proposal accords with guidance contained within PPS9: Biodiversity and Geological Conservation.

### **objections/observations**

19. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted. The application has also been advertised in the press.

20. One letter of observations has been received, the details of which are set out below;

a) This new hall will regenerate the village and surrounding area.

### **response to objections/ observations**

21. Below is a response to the point raised;

a) Noted.

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

1. The scheme would provide an improved recreational facility on a brownfield site established for community use in Escomb, in accordance with policies GD1, H3 and RL1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. The design of the proposed new village hall would complement the character of the surrounding area, and would be constructed from materials which would blend in to the existing street scene. Overall the design of the proposal accords with guidance contained within policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. There would be no loss of privacy afforded to neighbouring residents as a result of the proposed scheme, as there would be no overlooking windows between the proposed hall and 39 High Escomb. The proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. The construction of the proposed village hall would not have a detrimental impact upon existing protected species roosts. The proposal accords with guidance contained within PPS9: Biodiversity and Geological Conservation.

### **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 new village hall hereby approved shall incorporate the mitigation measures for bats shown on the approved plans before it is brought into use.

3. Before the new village hall hereby approved is brought into use a car park shall be constructed in accordance with details to be first submitted to and approved in writing by the local planning authority. Thereafter the parking spaces shall be retained and maintained in such a manner to ensure their availability at all times for the parking of private vehicles.

**reasons**

1. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To ensure no adverse impact on a European Protected Species of wildlife. In accordance with guidance contained within PPS9: Biodiversity and Geological Conservation.
3. To ensure that adequate provision is made for vehicles likely to visit the village hall. 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, PPS9: Biodiversity and Geological Conservation.

<b>PS code</b>	18				
<b>number of days to Committee</b>	27	<b>target achieved</b>	√		
<b>explanation</b>					

---

**Officer responsible for the report**

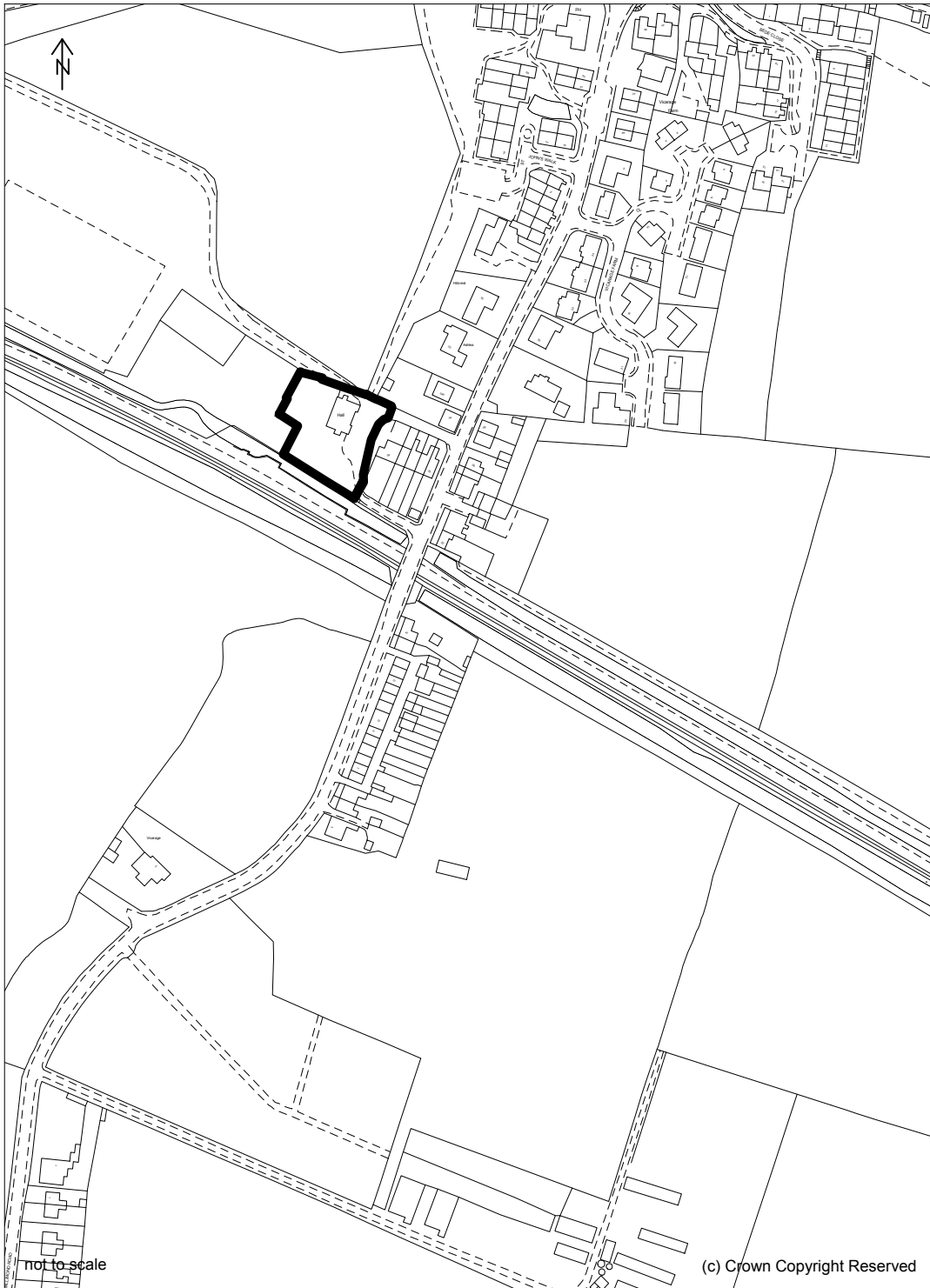
Robert Hope  
 Strategic Director for Environment and Regeneration  
 Ext 264

**Author of the report**

Adam Williamson  
 Planning Officer  
 Ext 495

---

**3/2009/0014 - (RESUBMISSION) APPLICATION FOR THE DEMOLITION OF THE EXSTING VILLAGE HALL AND CONSTRUCTION OF A NEW VILLAGE HALL AT VILLAGE HALL, HIGH ESCOMB, ESCOMB FOR WEAR VALLEY DISTRICT COUNCIL – 16.01.2009**



DEVELOPMENT CONTROL COMMITTEE

12<sup>th</sup> FEBRURY 2009

---

Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0522 - CHANGE OF USE FROM REDUNDANT AGRICULTURAL BUILDING TO LIVE/WORK UNIT AT HIGH SUNNY SIDE, HUNTSHILDFORD, ST. JOHNS CHAPEL FOR MR. RAINE – 14.11.2008**

**description of site and proposals**

1. This application has been called to the Committee by the Ward Councillor.
2. Planning permission is requested for the change of use from a redundant agricultural building to a live work unit at High Sunny Side, Huntshildford, St. Johns Chapel.
3. The scheme also involves the demolition and rebuilding of the eastern elevation of the barn. The proposed extension would measure 5.5 metres in length, 4.7 metres in width, 2.2 metres to the eaves, and 4.1 metres to the highest point. The proposed studio/ work element of the proposal would occupy 24 square metres of floor space, or 33.4% of the total building.
4. The application site comprises of a former dwelling, currently or previously used for agricultural purposes (namely livestock and hay storage). The building itself is in a poor state of repair. To the eastern elevation of the building is a profile sheet and timber boarded agricultural store which has a stone plinth. This building is in a dilapidated condition, and is not suitable for conversion. There is no defined curtilage to the building, and it is accessed via an informal track from the unclassified road between Newhouses and St. Johns Chapel. To the north west of the site is a wooded area and to the south east are open fields. The building is situated in the North Pennines Area of Outstanding Natural Beauty.

**planning history**

5. The following history is relevant to the consideration of this application.
  - 3/2003/0668 Conversion of Former Dwelling to Refused 09.10.2003 Dwelling with Workshop
  - 3/2004/0639 Conversion of Agricultural Building and Former Dwelling to Refused 24.09.2004 Holiday Accommodation

- 3/2005/0569      Conversion of Agricultural Building and Former Dwelling to Holiday Accommodation      Approved 02.05.2005

### **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
- ENV1        Protection of the Countryside
- ENV2        The North Pennines Area of Outstanding Natural Beauty
- ENV3        Areas of County Landscape Value
- BE20        Conversion of Buildings in the Countryside
- H24          Residential Design Criteria

Also relevant are: PPS1: Delivering Sustainable Development, PPS7: Sustainable Rural Development, PPS9: Biodiversity and Geological Conservation, PPG13: Transport.

### **consultations**

7. Durham Bat Group: No objection.
8. Environment Agency: Objection withdrawn.
9. CDE&TS (Highways): The proposal is contrary to PPG13 Transport in that it is poorly related to existing facilities and fails to promote more sustainable transport choices, accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and therefore reduces the need to travel, especially by car. However, if your authority is of the opinion that there is a justification for a live work unit, the existing access must be improved in accordance with the requirements of Section 184(3) of the Highways Act 1980. The developer must contact the Area Engineer, Southern Area, Etherley Lane, Bishop Auckland, DL14 6UQ in this regard.
10. Public Rights of Way: No response received.
11. Design and Conservation: No response received.
12. Natural England: In the protected species report the consultant has stated that this site is within an area of high quality habitat for bats (section C8) and although no evidence of roosting bats was found during the surveys, the building provides several opportunities for bats (section A). Although the consultant has given a thorough description of the buildings the emergence surveys were undertaken in September outside of the optimum period May-August. Absence of bats is much harder to prove than presence and as there are suitable areas of this building for roosting bats. Natural England would advise that additional survey work should be undertaken within the optimum period.



13. Based on the information provided, Natural England feels that there is insufficient information for the Local Planning Authority to reliably assess the likelihood of harm to protected species from the proposed development.

**officer analysis**

14. The issues for consideration are:

- Principle of Development
- Impact on the Appearance of the Building and Surrounding Area
- Impact on Protected Species
- Foul Drainage

principle of development

15. The application site is located in an isolated position outside of the development limits of a town or village identified within the Wear Valley District Local Plan, and as such is classed as being in the open countryside. The use of the building as a dwelling is considered to have been abandoned as it has been vacant for more than 40 years, and the fact that an intervening use has been implemented, the building having been used for a considerable period for agricultural purposes.
16. PPS7 Sustainable Rural Development offers no support for live/work units in the countryside but confirms that any agricultural, forestry or occupational dwelling should be subject to the same stringent tests in that there should be a sound functional test.
17. Annex A (of PPS7) outlines that one of the few circumstances under which residential development in the countryside may be justified is to “*enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work.*” where the nature and demands of the work concerned make it essential for one or more people to live at, or 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 the individuals involved. Annex A further goes on to give guidance in respect of occupational dwellings:
- a. there is a clearly established existing functional need,
  - b. the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement,
  - c. the unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound and have clear prospects of remaining so
  - d. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area, and
  - e. other planning requirements are satisfied.

18. Therefore, both a “functional” and a “financial” need must be demonstrated for an application for a new dwelling in the countryside to be considered acceptable under PPS7 Annex A.
19. No justification has been submitted to support the proposal. The agent has submitted details relating to the advertising of the building for sale as holiday accommodation, rural enterprises and for small scale employment use over the past two years, and has stated that no expressions of interest or offers have been received.
20. No supporting statement has been submitted in respect of fulfilling the requirements set out in Annex A of PPS7. As such no evidence has been submitted to show either a ‘functional’ or ‘financial’ need for a new dwelling on the site. Also, no details of an end user of the proposed live work unit have been provided. A live work unit in this location cannot be supported, as no justification has been submitted to prove the need for an unspecified type of business in this location. As such the proposal is contrary to guidance contained within PPS7: Sustainable Development in Rural Areas.
21. Policy ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007 states that development in the open countryside will only be allowed for the purposes of agriculture, farm diversification, forestry or outdoor recreation. The proposed conversion would not relate to a use set out under policy ENV1, and would represent a new residential use within the open countryside not related to agricultural or recreation use. The proposal is contrary to policy ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.
22. Policy BE20 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007 gives support for conversion of rural buildings to small-scale commercial uses such as holiday accommodation, providing other criteria are satisfied including: the building should be capable of conversion without significant rebuilding or extensions; the proposal would not be detrimental to the landscape quality of the area; the conversion respects the form, character, architectural features, design and setting of the building; there are no adverse environmental effects and; there are no adverse highway impacts.
23. Policy BE20 states that the conversion of rural buildings to residential use may be considered if the building forms part of a group of buildings which includes at least one dwelling. The building to which the application relates is isolated and does not form part of a group of buildings containing at least one dwelling. The proposed business use would be ancillary to the proposed residential use. Also the proposal involves the construction of a significant extension. The proposal does not accord fully with policy BE20 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
24. PPG13: Transport states that *“In remote locations well away from large urban areas, local authorities should focus most development comprising jobs, shopping, leisure and services in or near to local service centres, to help ensure it is served by public transport and provides some potential for access by walking and cycling. These centres (which might be a market town, a single large village or a group of villages) should be identified in the*

*development plan as the preferred locations for such development. They should also be the main focus for significant additional housing, to enable it to be accessible to a range of services and to help support the use and quality of local services)”. It is considered that the proposal is poorly related to existing facilities and fails to promote more sustainable transport choices, accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and therefore does not reduce the need to travel, especially by car. The proposal is contrary to guidance contained within PPG13: Transport.*

25. Whilst it is noted that the site has planning permission for a holiday let, a holiday let is not a full time dwelling and is not subject to the same strict control as a new dwelling in the countryside. A functional or financial need does not have to be proven for a holiday let.
26. The principle of development for the change of use to a live work unit cannot be supported in this instance as no justification has been made as to why a live work unit is needed on the site, and a local economic need has not been demonstrated. No proof has been submitted demonstrating that a specific business use has been attracted to the site. The building to which the application relates is isolated and does not form part of a group of existing buildings. The employment function would be ancillary to the main use, and the application site is poorly related to existing facilities, failing to promote more sustainable transport choices, accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling. Therefore the scheme does not reduce the need to travel, especially by car. The proposal does not accord with policies GD1, ENV1, and BE20 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, and does not accord with PPS1: Delivering Sustainable Development, PPS7: Sustainable Rural Development, and PPG13: Transport. The principle of development cannot therefore be supported.

impact on the appearance of the building and surrounding area

27. The design of the proposed extension would have the same dimensions as the extension approved in the application to create holiday accommodation on the site. The case officer, when examining the design of the previous application, stated that *“The proposed conversion utilises where possible existing openings and respects the existing form and character of the building. The proposed extension would be traditional in form, position and scale, and would appear subordinate to the host property. The host building is attractive, and makes a positive contribution to the appearance and setting of the landscape. Its retention and sympathetic conversion could potentially enhance the appearance of the landscape and the overall appearance of this part of the North Pennines Area of Outstanding Natural Beauty.”*
28. In this respect, the development does not compromise the aims of policies GD1, BE20, H24, ENV1 and ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

impact on protected species

29. A bat survey has been submitted to support the application. Natural England have been consulted and commented that *“the consultant has stated that this site is within an area of high quality habitat for bats (section C8) and although no evidence of roosting bats was found during the surveys, the building provides several opportunities for bats (section A). Although the consultant has given a thorough description of the buildings the emergence surveys were undertaken in September outside of the optimum period May-August. Absence of bats is much harder to prove than presence and as there are suitable areas of this building for roosting bats. Natural England would advise that additional survey work should be undertaken within the optimum period.”*
30. PPS9: ‘Biodiversity and Geological Conservation’ states that *“The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”*
31. Based on the information provided, Natural England feels that there is insufficient information for the Local Planning Authority to reliably assess the likelihood of harm to protected species from the proposed development. As such the impact of the proposed development on protected species cannot be adequately assessed, contrary to guidance contained within PPS9: ‘Biodiversity and Geological Conservation’

foul drainage

32. Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 states that proposals will not be permitted where they have inadequate storm and foul water drainage, where the proposal would significantly pollute the environment or where it would have a detrimental impact on ground water resources. The agent has submitted details indicating that surface water will be disposed of via a soak-away system to the south side of the property. The details also indicate that the foul drainage will be dealt with via a septic tank suitably sized in relation to the property. It is considered that sufficient measures would be taken to ensure there would be no adverse impacts from storm or foul water and therefore the proposed development accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## **objections/observations**

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

## **conclusion**

1. The application seeks the change of use of a building used for agricultural purposes to a live work unit. The site lies in the open countryside as shown on the Adopted Proposals Map of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. Therefore, both a “functional” and a “financial” need must be demonstrated for an application for a new dwelling in the countryside to be considered acceptable under PPS7 Sustainable Rural Development, Annex A. No evidence has submitted to show either a ‘functional’ or ‘financial’ need for a new dwelling on the site. As such, the need for a live work unit in this location has not been demonstrated. The proposal is contrary to guidance contained within PPS7: Sustainable Development in Rural Areas.
2. Policy ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007 states that in the countryside, development will only be allowed for the purposes of agriculture, farm diversification, forestry or outdoor recreation. The proposed conversion would not relate to a use set out under policy ENV1, and would represent a new residential use within the open countryside not related to agricultural or recreation use. The proposal is contrary to policy ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.
3. Policy BE20 states that the conversion of rural buildings to residential use may be considered if the building forms part of a group of buildings which includes at least one dwelling. The building to which the application relates is isolated and does not form part of a group of buildings. The proposed employment use would be ancillary to the proposed residential use. The proposal does not accord with policy BE20 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. It is considered that the proposal is poorly related to existing facilities and fails to promote more sustainable transport choices, accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and therefore does not reduce the need to travel, especially by car. The proposal is contrary to guidance contained within PPG13: Transport.
5. There is insufficient information for the local planning authority to reliably assess the likelihood of harm being caused to protected species from the proposed development. As such the impact of the proposed development on protected species cannot be adequately assessed, contrary to guidance contained within PPS9: ‘Biodiversity and Geological Conservation’

## RECOMMENDED

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

1. A functional or financial need for a live work unit in the open countryside has not been demonstrated. The exceptional need for a live work unit in this location cannot be supported, as no specific locational justification has been submitted to prove the need for an unspecified type of business at this site. As such the proposal is contrary to guidance contained within PPS7: Sustainable Rural Development.
2. The proposed live work unit would not be used for the purposes of agriculture, farm diversification, forestry or outdoor recreation, and would represent a new residential use within the open countryside not related to agricultural or recreation use. The proposal is contrary to policy ENV1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.
3. The building to which the application relates is isolated and does not form part of a group of buildings which includes at least one dwelling. The employment use would be ancillary to the proposed residential use. The proposal does not accord with policy BE20 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. The application site is poorly related to existing facilities and fails to promote more sustainable transport choices, accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and therefore does not reduce the need to travel, especially by car. The proposal is contrary to guidance contained within PPG13: Transport.
5. There is insufficient information for the local planning authority to reliably assess the likelihood of harm being caused to protected species from the proposed development. As such the impact of the proposed development on protected species cannot be adequately assessed, contrary to guidance contained within PPS9: 'Biodiversity and Geological Conservation'

### background information

Application files, WVDLP as amended by the Saved and Expired Policies September 2007, PPS1: Delivering Sustainable Development, PPS7: Sustainable Rural Development, PPS9: Biodiversity and Geological Conservation, PPG13: Transport.

**PS code**

13

**number of days to Committee**

90

**target achieved**

No

**explanation** Awaiting withdrawal of objection by Environment Agency.

---

**Officer responsible for the report**

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

**Author of the report**

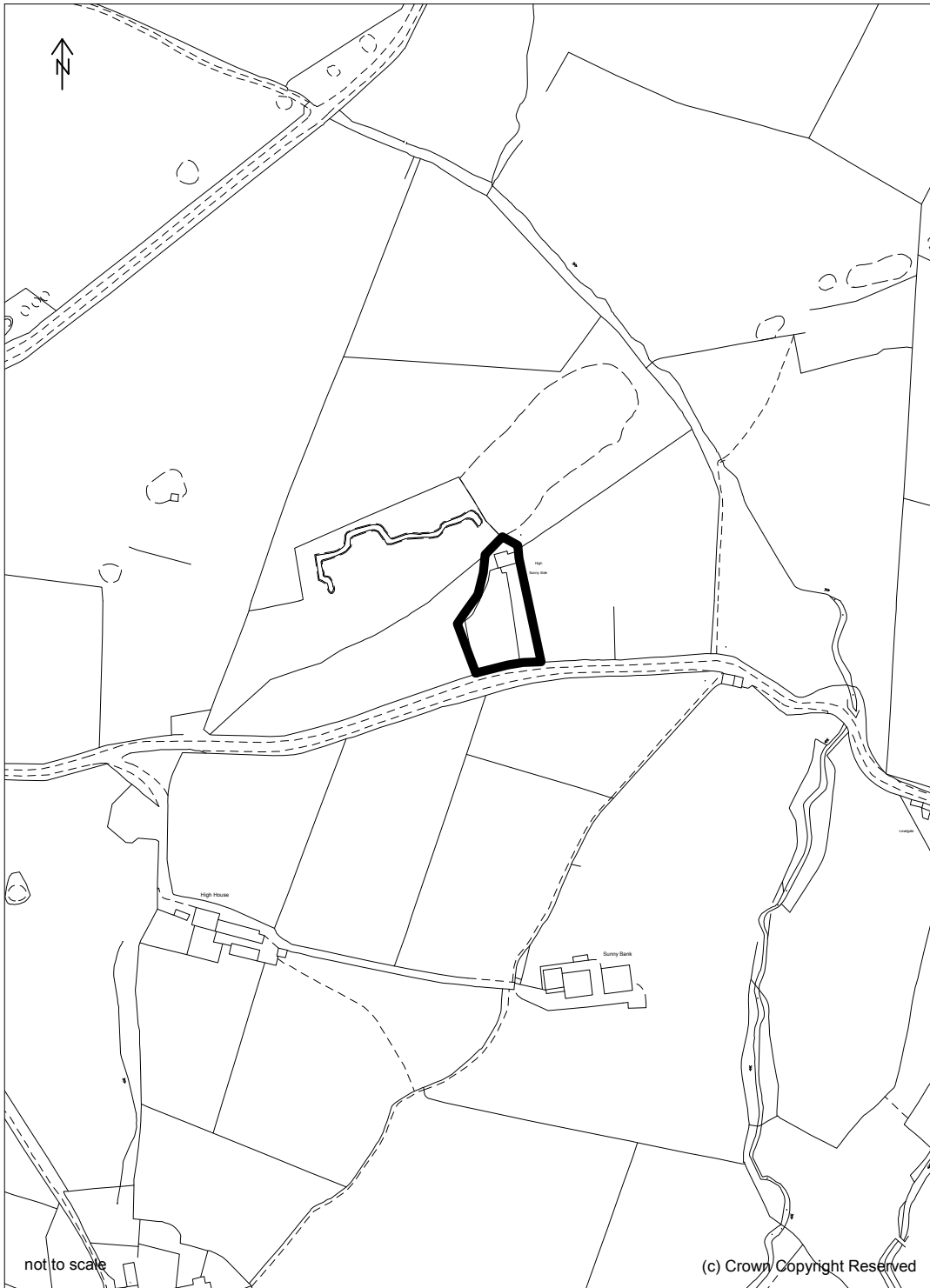
Adam Williamson

Planning Officer

Ext 495

---

**3/2008/0522 - CHANGE OF USE FROM REDUNDANT AGRICULTURAL BUILDING TO LIVE/WORK UNIT AT HIGH SUNNY SIDE, HUNTSHIELDFORD, ST. JOHNS CHAPEL FOR MR. RAINE - 14.11.2008**





DEVELOPMENT CONTROL COMMITTEE

12<sup>th</sup> FEBRUARY 2009

---

Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0717 - ENHANCEMENT OF THE AREA SURROUNDING WEST AUCKLAND PANT AND CHANGE OF USE TO MEMORIAL GARDEN AREA AT THE GREEN, FRONT STREET, WEST AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL – 21.11.2008 AMENDED 26.01.2008**

**description of site and proposals**

1. This item has been reported to Committee as the Council is the applicant.
2. Planning permission is requested for environmental improvements around The Pant, The Green, West Auckland.
3. It is proposed to pave the area around The Pant in a mixture of small natural sets, diamond cut York stone paving, and landscape the area around the new hardstanding with planting. In all, the proposed landscaping scheme would cover approximately 30 square metres in area. The scheme also involves the installation of 2 backless sandstone benches and a memorial stone which would be inscribed with *"In memory of those who have given their lives in the first and second world wars and subsequent conflicts, that we may live in peace."* The memorial stone would measure 600mm in height, 2 metres in length, and 1.8 metres in width, and would incorporate a wreath rail measuring 800mm in height.
4. The submitted landscaping plan shows that the proposed planting would consist of Skimmia Japonica, 'rubella', Prunus Laurocerasus, 'zabeliana' and Viburnum Opulus 'compactum'.
5. The Pant is a grade II listed structure dating from 1848 and is constructed from Ashlar with a cast-iron pump and stone-flagged roof, and is Gothic Revival in style. There is a cast-iron pump on the west side. The Pant lies on The Green in West Auckland, and is also located within the West Auckland Conservation Area.

**planning history**

6. None relevant.

## **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
- BE1 Protection of Historic Heritage
- BE4 Setting of a Listed Building
- BE5 Conservation Areas
- BE6 New Development and Alterations in Conservation Areas
- BE8 Setting of a Conservation Area

## **consultations**

8. CDE&TS (Highways): Although none of the land within the application boundary is adopted highway, the proposed works abut highway land to the north, west and south. For this reason the developer must contact the Area Engineer, Southern Area Office, Etherley Lane, Bishop Auckland, DL14 6UQ, 01388 602028 in order to agree the works abutting the highway.
9. Design and Conservation Officer: Has been heavily involved in pre application discussions.
10. West Auckland Parish Council: No response received.

## **officer analysis**

11. The key issues for consideration are:

- Impact on the Appearance of the Conservation Area
- Impact Upon the Setting of the Listed Building

impact on the appearance of the conservation area

12. The amenity area is currently in a declining condition and is therefore uninspiring and underutilised for recreation purposes. The proposal seeks to rejuvenate the area to increase its amenity value for the surrounding residents, and surface materials have been chosen for ease of use by the elderly and disabled.
13. It is considered that the proposed development would be in keeping with the character of the existing area in terms of mass, scale, design and materials and would not have an adverse impact on the visual amenity of the surrounding area. At present the area around The Pant appears somewhat unkempt and is in need of improvement. The scheme would greatly improve the appearance of the site and the wider conservation area. The proposal conforms to policies GD1, BE5 and BE6 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

impact upon the setting of the listed building

14. As stated above the area around The Pant is in declining condition, and this scheme seeks to improve the landscape quality around this listed structure. The proposed works would greatly enhance the setting of the listed structure, adding to its architectural and historical merit. The proposed works would enable the structure to be enjoyed for many more years and become a more utilised area of The Green. The proposal accords with policies GD1, BE1, BE4, BE5, BE6 and BE8 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

### **objections/observations**

15. Occupiers of neighbouring dwellings have been notified by post and a site notice was also posted. The application was also advertised in the press.
16. One letter of observation has been received, the details of which are set out below;
  - a) The plan should include re-turfing the now disused road beside the Pant to enhance the overall look of the area. The unsightly “No Through Road” signs also need removing.

### **response to objections/observations**

17. Below is a response to the points raised;
  - a) Noted, however the disused road does not form part of the application site.

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

1. The proposed scheme would rejuvenate a listed structure located within The Green, greatly improving the appearance of the site and the West Auckland conservation area, in accordance with policies GD1, BE5 and BE6 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. The proposed works would greatly enhance the setting of the listed structure and would add to its architectural and historic merit in accordance with policies GD1, BE1, BE4, BE5, BE6 and BE8 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 for the hard surfaced 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.
2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development, 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.

## reasons

1. To achieve a satisfactory form of development. In accordance with policies GD1, BE1, BE4, BE5, BE6 and BE8 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
2. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policies GD1, BE1, BE4, BE5, BE6 and BE8 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## background information

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

<b>PS code</b>	<input type="text" value="18"/>		
<b>number of days to Committee</b>	<input type="text" value="83"/>	<b>target achieved</b>	<input type="text" value="NO"/>
<b>explanation</b> In discussions with applicant re further details.			

---

**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

---

**3/2008/0717 - ENHANCEMENT OF THE AREA SURROUNDING WEST AUCKLAND PANT AND CHANGE OF USE TO MEMORIAL GARDEN AREA AT THE GREEN, FRONT STREET, WEST AUCKLAND FOR WEAR VALLEY DISTRICT COUNCIL – 21.11.2008 AMENDED 26.01.2008**



**DEVELOPMENT CONTROL COMMITTEE**

**12<sup>th</sup> FEBRUARY 2009**

---

Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0501 - NEW ROAD AROUND EXISTING CARAVAN SITE AT VILLAGE GREEN CARAVAN SITE, EDMUNDBYERS, CONSETT FOR MR. FOSTER KENDAL CARAVANS LIMITED – 10.10.2008**

**description of site and proposals**

1. This application is brought to Committee as it is a major application due to the size of the application site.
2. Planning permission is sought for a new 5m wide road which would provide access from the entrance of the site to the caravans in the west of the site. The road would culminate in a turning head in the west and would link into the existing site road in the east. The road would be surfaced with tarmac and would be bounded by flush pin kerbs. The applicant has proposed additional tree planting to the perimeter of the site.
3. The application site is a caravan park located on the north eastern edge of Edmundbyers. The site currently has planning permission for 79 caravans which are arranged around the proposed road. The site has an area of approximately 2.86 hectares and is surrounded by varying amounts of tree cover. Access is provided from the south east via a road leading from the Village Green.

**planning history**

4. The following history is relevant to the consideration of this application.

• 3/1983/0390	Extension to Ablutions	Approved 25.07.1983
• 3/1987/0476	Erection of a Club Room and Office	Approved 26.10.1987
• 3/1991/0159	Addition of 12 Caravans	Approved 10.07.1991

**planning policies**

5. The following policies of the Wear Valley District Local Plan are relevant in the consideration of this application:
  - ENV1 Protection of the Countryside
  - ENV2 The North Pennines Area of Outstanding Natural Beauty

- BE8 Setting of a Conservation Area
- GD1 General Development Criteria
- TM2 Tourism within the Area of Outstanding Natural Beauty

Also relevant is PPG15: Planning and the Historic Environment.

### **consultations**

6. Edmundbyers Meeting: Whilst there is no objection to the road layout, there are concerns with the screening of the site which seems to be somewhat vague in the plans. The successful integration of the site into the village in the past has been, in a large part, due to the all year round screening. I would like the Council to ensure that re-planting be carried out that will ensure year round screening and not just deciduous trees that will provide summer screening only.
7. Highway Authority: No objections.

### **officer analysis**

8. The key issues for consideration are:
  - Impact on the Special Scenic Quality and Nature Conservation Interest of the AONB
  - Impact on setting of Conservation Area
  - Residential Amenity

impact on the special scenic quality and nature conservation interest of the AONB

9. The application site is located outside of the Edmundbyers settlement boundary and as such is considered to be located within the open countryside in policy terms. Policy TM2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007 allows tourism development proposals within the AONB providing they do not detract from the landscape quality and built environment of the AONB and are in keeping with the upland character of the area. The proposed road would replace an existing road and would be sensitively constructed within the site. The road would be unlikely to be prominent from outside of the site and would facilitate the improvement of an existing tourism facility. Although some trees which provided screening were felled in early 2008, these are in the process of being replaced by native species that have been agreed with the applicant as part of a condition of the most recent approval in 1991. It is understood that the parish meeting would like to use this opportunity to require further screening of the site; however it is not considered reasonable to impose a condition requiring additional screening as the application relates solely to the road and not to the provision of additional caravans. It is not considered that there would be any adverse impact on the nature conservation interest as a result of the construction of the road. The proposed road would not be detrimental to the special scenic quality of the AONB and as such would comply with policies GD1, TM2, ENV1 and ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007.

impact on setting of conservation area

10. The application site is located outside of, but within the setting of, the Edmundbyers Conservation Area. As such, in accordance with policy BE8 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007 and PPG15, the impact on the setting of the conservation area needs to be carefully considered. The proposed road would replace an existing road and would not be prominent from within the conservation area. The proposal would therefore not harm the setting of the conservation area.

residential amenity

11. The application site is located on the edge of Edmundbyers and the closest residential properties are located within 50m of the site, however the installation of a new road is unlikely to result in any unacceptable disturbance which would be detrimental to the amenities of the occupiers of those properties. The new road would not lead to an intensification of the use of the site as the number of caravans will not change. As such the proposal would not be detrimental to residential amenity and would comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

#### **objections/observations**

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

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

1. The proposal is in accordance with policies GD1, TM2, BE8, ENV1 and ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007 as it:
  1. Would improve access around an existing tourist site, and therefore the proposal would contribute to tourism in the locality to the benefit of the local economy and complement the area's tourism function.
  2. Would not detract from the special landscape character or nature conservation interest of the North Pennines Area of Outstanding Natural Beauty.
  3. Would not adversely impact upon the residential amenity of neighbouring dwellings.
  4. Would not be harmful to the setting of the Edmundbyers Conservation Area.

#### **RECOMMENDED**

That planning permission be **GRANTED**.



**background information**

Application files, WVDLP the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007, PPG15: Planning and the Historic Environment.

**PS code**

6

**number of days to Committee**

125

**target achieved**

NO

**explanation** Delay in posting the site notice.

---

**Officer responsible for the report**

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

**Author of the report**

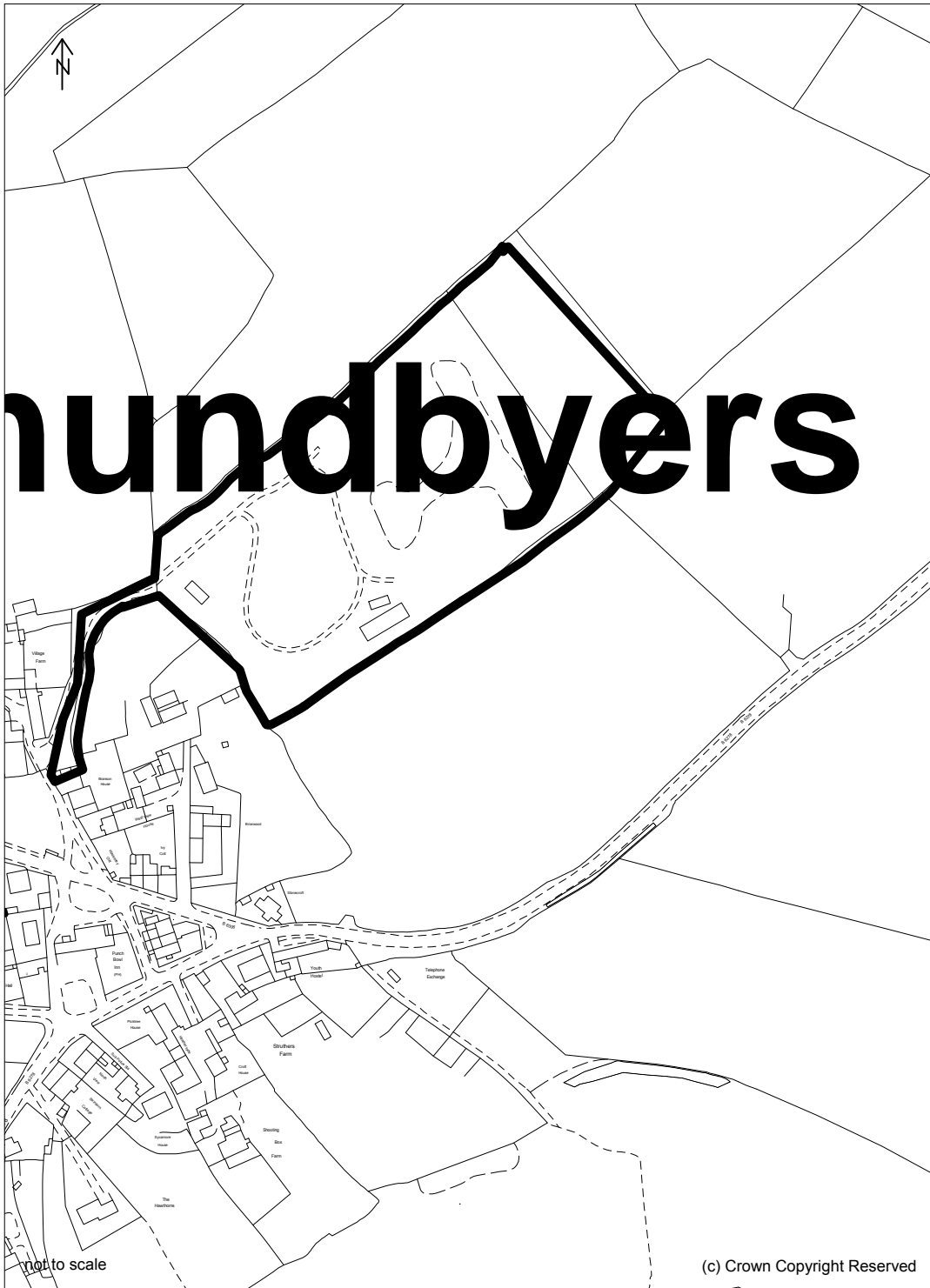
Paul Martinson

Planning Officer

Ext 365

---

**3/2008/0501 - NEW ROAD AROUND EXISTING CARAVAN SITE AT VILLAGE GREEN CARAVAN SITE, EDMUNDBYERS, CONSETT FOR MR. FOSTER KENDAL CARAVANS LIMITED – 10.10.2008**



DEVELOPMENT CONTROL COMMITTEE

12<sup>th</sup> FEBRUARY 2009

---

Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0764 - RETAIN TEMPORARY ROOF FOR 3 YEARS AT 45 HIGH STREET, WILLINGTON FOR MR. WILLIAMS - 05.12.2008**

**description of site and proposals**

1. This application is brought to Committee at the request of a Ward Councillor, who would like the Committee to consider the effect that allowing the temporary roof to remain for an extended period would have on the appearance of the building and surrounding area, and whether other retailers and property owners would apply to replace their roofs with a similar roof covering to that proposed by Mr. Williams.
2. Planning permission is sought to retain the temporary steel sheet roof for a period of 3 years at 45 High Street, Willington. The roof had previously been granted a temporary permission for 18 months which expired on June 1 2007. The roof is hipped to the south (front) with a gabled two storey projection at the north (rear). The roof is constructed of grey powder coated steel sheets.
3. The application site is a detached building located on Willington High Street that is occupied partly by a windows and conservatory company and partly by a domestic laundry business. The building has a hipped roof with a parapet on the street elevation.

**planning history**

4. The following planning history is relevant to the consideration of this application.
  - 3/2005/0570 Create Shopfront and Temporary Approved 15.11.2005 Roof for 18 Months

**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

- S1 Town Centres
- Also relevant: PPS6: Planning for Town Centres.

### **consultations**

6. Greater Willington Town Council: Object to the application as there are no reasons for a new temporary application and the original roof should have been retained.

### **officer analysis**

7. The key issues for consideration is:
  - impact on character and appearance of streetscene

impact on character and appearance of streetscene

8. The existing roof covering was granted temporary planning permission in 2005. The roof covering was not considered acceptable as a permanent roof covering because the steel sheet roof is an alien feature in Willington High Street. In order to protect the visual amenity of the area the steel sheet roof covering should have been removed on or before 1<sup>st</sup> June 2007 and the roof reinstated to a slate sheet roof on or before 1<sup>st</sup> September 2007.
9. The steel sheet roof is an obtrusive and inappropriate form of development in a prominent location on Willington High Street. The roof covering is not suitable in this town centre location where the dominant roofing materials are slate and concrete roof tiles. Although the building itself has limited architectural merit, it is considered that the roof covering has a detrimental impact on its character and appearance. The building originally had a slate roof covering. It is considered that this material should be reinstated. PPS6 requires the local planning authority to 'promote high quality and inclusive design' in town centres. It is considered that the existing roof is poorly designed and has a negative impact on the town centre and the character and appearance of the streetscene as a whole. The proposal therefore conflicts with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and would be contrary to the guidance provided in PPS6.
10. The applicant has applied to retain the steel sheet roof for a period of 3 years. He has stated that the period should be long enough to finalise negotiations for the sale and redevelopment of the site for a new retail store in accordance with a proposal of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The applicant's statement appears to be over optimistic, given the current economic climate. There is no guarantee that the sale would be completed and the redevelopment begun in the next 3 years.

### **objections/observations**

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

11. No observations have been received.

## RECOMMENDED

It is recommended that the application be **REFUSED** for the following reason;

### reason

1. The steel sheet roof is an obtrusive and inappropriate form of development in a prominent location on Willington High Street that has a detrimental impact on the character and appearance of No. 45 High Street and a negative impact on the street scene and town centre as a whole, contrary to policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

### background information

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

**PS code**

18

**number of days to Committee**

69

**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**

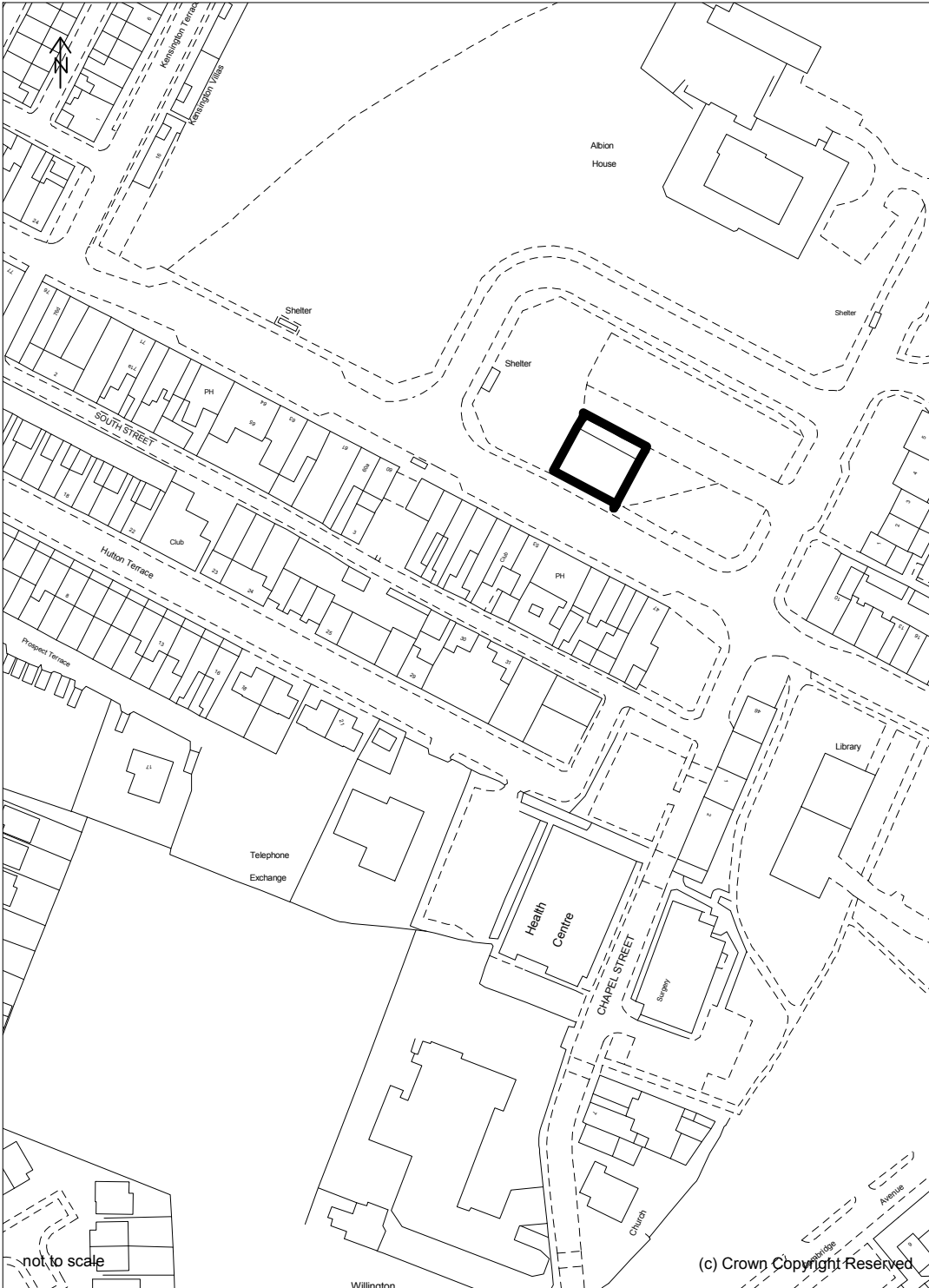
Paul Martinson

Planning Officer

Ext 365

---

**3/2008/0764 - RETAIN TEMPORARY ROOF FOR 3 YEARS AT 45 HIGH STREET, WILLINGTON FOR MR. WILLIAMS 05.12.2008**



DEVELOPMENT CONTROL COMMITTEE

12<sup>th</sup> FEBRUARY 2009

---

Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2008/0758 - 1.5 STOREY SIDE EXTENSION TO FORM UTILITY, BATHROOM, GARAGE AND FAMILY ROOM WITH GARDEN ROOM EXTENSION TO REAR AT 37 STAINDROP ROAD, WEST AUCKLAND FOR MR. KEENAN – 12.12.2008**

**description of site and proposals**

1. This application is brought to Committee as five objections have been received from the occupiers of neighbouring properties and the application is recommended for approval.
2. The application seeks planning permission for the erection of a one-and-a-half storey side extension and garden room to the rear of 37 Staindrop Road, West Auckland. The proposed side extension would measure approximately 6.1m wide x 7.4m long and would be 4.0m high at the eaves. It would be set back from the existing front elevation of the dwelling by approximately 0.5m, whilst the pitch of the roof would reflect that of the existing roof. Two windows would be inserted at ground floor of the front elevation of the extension whilst a dormer window would be installed in the rear roof slope. A roller shutter door to serve the garage would be installed in the rear elevation. The sun room would be constructed approximately 0.8m from the boundary of the adjoining property and would measure approximately 4.3m long x 3.4m wide. It would have a hipped roof which would be finished with natural Welsh slate. A 1.7m high boundary wall would be erected to define the southern boundary with the rear access road.
3. The application site is a large end terraced dwelling located on the east side of Staindrop Road in West Auckland. The dwelling has a small area of curtilage to the front which is defined by a low wall. A large area of curtilage extends to the south and east of the site which is located adjacent to the road providing access to the rear of properties on Staindrop Road. A patio is located to the rear of the property whilst the boundaries with the adjoining property and the new dwelling to the rear are defined by a 1.7m high wall.

**planning history**

4. There is no relevant planning history associated with this site.

## **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. Highway Authority: No objections.
7. Parish Council: No response received.

## **officer analysis**

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

residential amenity

9. The proposed extension would be located to the side elevation of the dwelling with the site cabin being relocated to the rear of the property for the duration of the works after which it will be removed. The side extension would be sited approximately 11m away from the adjacent neighbouring property, 39 Staindrop Road, which is located on the opposite side of the rear access road. The extension would therefore not have an overbearing impact on the neighbouring property. The dormer window to the rear would face the neighbouring property to the rear. However, as there is already substantial fenestration in this elevation, it is not considered that the dormer would result in any additional overlooking. There are no windows proposed in the side elevation and as such it is considered that the proposal would not be detrimental to residential amenity.
10. The proposed sun room would be located approximately 0.7m away from the boundary with the adjoining property which is defined by an approximately 1.7m high brick wall. Taking into account the distance from the boundary and the existing brick wall it is not considered that the proposal would lead to an overbearing impact on the adjoining property. The sun room would have a hipped roof which would further lessen the impact on the adjacent property. Although there would be likely to be some loss of light, it is not considered that this would result in a significant detrimental impact on the amenity of the adjoining property. This is supported by the absence of an objection letter from this property. It is considered that the proposal would leave sufficient amenity space at the application site. The proposal would therefore comply with policies GD1 and H25 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.



impact on the character and appearance of the surrounding area

11. The proposal would involve the construction of a one and a half storey extension to the side elevation of the property. The extension would be subordinate to the existing dwelling with the front elevation being set back from the existing building. The quoin detail on the existing building would be mirrored in the extension and matching materials are proposed. The proposal would therefore be in keeping with the character of the existing building and would not be detrimental to the character or appearance of the street scene. As such it would comply with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

### **objections/observations**

12. Occupiers of surrounding properties have been notified in writing and a site notice was also posted. 5 letters of objections have been received which are summarised below:
  - 1) The container on the site is an eyesore and should not be allowed to be sited permanently.

### **response to objections**

13. The following comments are made in response to the issue asked:
  - 1) The site cabin on the application site is currently sited to the south of the dwelling and is prominent within the street scene. The cabin has been investigated by one of the Council's planning enforcement officers and it has become apparent that the cabin is being used to store construction materials and tools in association with the building works. The applicant has confirmed that the site cabin will remain on the site whilst the works to erect the extension and sun room are ongoing. The temporary siting of a cabin to store building materials and tools is acceptable in planning terms and would not require a planning application. However it is recommended that a condition be imposed on any approval requiring the removal of the cabin upon the first occupation of the extension/sun room. The application originally included the site cabin on the plans however it has been removed following amendments to avoid any confusion and to ensure the building is not permanently approved.

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

1. The proposal is in accordance with policies GD1, H25 and FPG5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies 2007 as it:
  1. Would not be detrimental to the character or appearance of the application building or the surrounding area.
  2. Would not have an adverse impact on residential amenity.

## RECOMMENDED

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

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. Prior to the first occupation of the side extension hereby approved, the site cabin shall be removed from the site and the land returned to its former state.

### 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 visual amenity of the area and in order to ensure the site cabin does not become a permanent feature. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

### background information

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

<b>PS code</b>	<input type="text" value="21"/>		
<b>number of days to Committee</b>	<input type="text" value="62"/>	<b>target achieved</b>	<input type="text" value="No"/>
<b>explanation</b> 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

---

**3/2008/0758 - 1.5 STOREY SIDE EXTENSION TO FORM UTILITY, BATHROOM, GARAGE AND FAMILY ROOM WITH GARDEN ROOM EXTENSION TO REAR AT 37 STAINDROP ROAD, WEST AUCKLAND FOR MR. KEENAN - 12.12.2008**



DEVELOPMENT CONTROL COMMITTEE

12<sup>th</sup> FEBRUARY 2009

---

Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATIONS FOR DECISION**

**3/2008/0746 - AMENDMENT TO CONDITION 21 OF PLANNING PERMISSION REFERENCE 3/2007/0340 TO ALLOW ADDITIONAL 1,995 SQ.M. CLASS A1 RETAIL FLOORSPACE AT ASDA SUPERMARKET, 6 SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR ASDA STORES LIMITED – 25.11.2008**

**3/2008/0747- MEZZANINE FLOORSPACE, IMPROVEMENTS TO THE SERVICE YARD AREA INCLUDING ENHANCED ACOUSTIC SCREENING AND OTHER ANCILLARY WORKS AT ASDA SUPERMARKET, 6 SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR ASDA STORES LIMITED – 25.11.2008**

**description of site and proposals**

1. Two separate planning applications have been submitted with regards to the Asda store at Bishop Auckland. The two applications are interrelated therefore the proposals have been presented in this one report. The details of each application are detailed below.
2. Planning application 3/2008/0747 seeks permission for the construction of a mezzanine floor and improvements to the service yard which includes acoustic screening along the south boundary. The mezzanine proposal includes the construction of a travelator, a lift and two external fire escape staircases. The restaurant is to be relocated from the ground floor to the mezzanine level. At present the service yard is bounded by a wall and metal cladding which has a gap. The proposed works to the service yard incorporate extending the metal cladding down to close the gap on the south elevation. The service area will therefore be fully enclosed on the south elevation. 2.5 metres high acoustic fencing is also proposed to be constructed around the area where delivery vehicles would be stationed. The proposed mezzanine floor would introduce an additional sales area of 1,783 sq.m.
3. Planning application 3/2008/0746 has been submitted to vary condition 21 of planning permission 3/2007/0340 which restricts the amount of floorspace to be used for the sale of convenience and comparison goods. The mezzanine floor would be utilised for the sale of comparison goods with the ground floor to be taken up with convenience goods. Condition 21 currently states *'The net floor area of the store given over to convenience sales shall be no more than 2,787 sq. metres and the net floor area of the store given over to comparison sales shall be no more than 1,392 sq. metres. The total net floor area of the store shall not exceed 3,716 sq. metres.'*

4. Given that there would be an increase in sales area from the proposed mezzanine floor, the condition is proposed to be varied to read, *'The net floor area of the store given over to convenience sales shall be no more than 3,109 sq metres and the net floor area of the store given over to comparison sales shall be no more than 2,602 sq. metres. The total net floor area of the store shall not exceed 5,711 sq metres.'*
5. The application site comprises of the Asda Supermarket situated to the west of South Church Road in Bishop Auckland. There are two entrances to the site, from the east and the west. The west entrance is predominantly used by shoppers arriving on foot and is close to public transport links. The east entrance is used mainly by shoppers arriving by car. The Asda Supermarket is located on the west side of the site with the main car park to the east.
6. Beyond the application site there is a mixture of commercial and residential buildings. The majority of the buildings to the north are all commercial buildings. The residential streets of Blackett Street and South Street are located to the west, Queens Road, Woodlands Road and Salisbury Place are located to the east, with Holdforth Drive located to the south of the application site. South Church Road and associated traffic lights abut the east boundary of the site. A railway line runs along the south boundary of the site.

### **planning history**

7. There have been a number of planning applications on this site. The following applications are considered relevant to the determination of this application:
  - 3/1998/0329      Retail Store/Car Parking and Ancillary Works      Approved 27.04.1999
  - 3/2007/0340      Variation of Condition 21 of Planning Permission 3/1998/0329 to Alter the Ratio of Convenience and Comparison Goods Sales Within the Existing Sales Area      Approved 02.08.2007
  - 3/2007/0456      Variation of Condition 12 from Planning Application 3/1998/0329 To Allow 24 Hour Opening      Refused 29.08.2007  
Appeal Submitted and Upheld

### **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:
  - GD1      General Development Criteria
  - S1      Town Centres
  - T1      Highways – General Policy
 Also of relevance: Planning Policy Statement 6: Planning for Town Centres (PPS6), Regional Spatial Strategy (RSS)

## consultations

9. WVDC (Economic Development): No response received.
10. WVDC (Environmental Health): Full response on file. Comments summarised below:
11. No information is provided on the application detailing the intended times when the work is to be carried out. There is potential for noise disturbance and nuisance to occur from the alteration works depending on the nature of the work and the type of plant to be used.
12. This Section have previously received complaints of noise with regard to alteration works at this type of premise as these have been carried out during the night. Complaints of noise have been received by this Section concerning the noise from deliveries made to the store and from the transfer of goods from the outside service area to within the warehouse area. To minimise the impact of the noise from the works an assessment of the nature of and the type of plant to be used for the work needs to be carried out. Any activities or the use of plant likely to give rise to noise emissions being carried from the site must be scheduled for the daytime period. Clarification should be obtained from the applicant to determine exactly what works and plant is to be used and when particularly with regard to the period during the night (23:00 to 07:00). A way of providing such an assessment of the works prior to the commencement of the works being carried out is by the completion of a Prior Consent Application Form issued under Section 60 of the Control of Pollution Act 1974. By completing the Prior Consent Application Form this will provide details to this Section of the nature of the work and the type of plant to be used and when in advance of the work commencing. A consent notice can then be issued by this Section for the works with any necessary conditions for controlling noise emissions. This approach can be beneficial to both the Authority and the applicant since such approach can assist in avoiding complaints being made when the work has commenced.
13. Durham County Council (Highways Authority): Full report on file. Comments summarised below:
14. The Transport Assessment is generally acceptable. The existing car park is not used to capacity and the 'colleague parking' is completely unused. Other supermarkets within the county have made similar alterations and experience shows that the increase in floor space from the mezzanine floor does increase traffic; however, this increase is not a straight percentage. The parking within the site will be satisfactory, along with the traffic signal analysis.
15. Durham County Council (Landscape): No objections raised.
16. Durham County Council (Planning Policy): No comments received.
17. Bishop Auckland Town Council: In view of the complications of the last application from Asda and the repercussions arising there from, the Town Council leaves the decision to the District Council to formulate an opinion.
18. Ancient Woodland Society: No response received.

19. Health and Safety Executive: No objections.
20. CABE: No comments raised.
21. Northumbrian Water: No objections raised.
22. Environment Agency: No objections raised.
23. Bishop Auckland Chamber of Trade: No response received.
24. North East Assembly: Full report on file. Conclusions state:
25. This proposal will only be in general conformity with RSS provided it meets BREEAM standards; incorporates at least 10% embedded renewable energy generation or demonstrates that this is unviable or unfeasible; and, provided the local authority is satisfied that there are no adverse impacts on the vitality and viability of Bishop Auckland town centre.
26. Rail Network: No response received.
27. Bishop Auckland Town Centre Manager: No response received.
28. One North East: No comments raised.

#### **officer analysis**

29. The key issues for consideration are:
  - Retail Need and Impact
  - Impact on Vitality and Viability of Bishop Auckland Town Centre and Crook Town Centre
  - Impact on Surrounding Area

retail need and impact
30. A retail assessment statement has been submitted with the application. This retail assessment statement has been undertaken by GVA Grimley (GVAG), the agents for this application. England & Lyle (E&L) Planning Consultants have been employed by the Council to independently assess the retail statement which has been submitted.
31. The application seeks to provide an additional 1,783 sq. m of retail sales area within the existing Asda store in the form of a mezzanine floor.
32. PPS6 states that need must be demonstrated for any application for a main town centre use which would be in an edge-of-centre location. Whilst the Asda store is located in an edge-of-centre location, it can be argued that the store is now part of the town centre and if the boundaries were to be reviewed the Asda store would be located within the town centre. It is stated within PPS6 that the level of detail and type of evidence and analysis required to address the key considerations including retail need should be proportionate to the scale and nature of the proposal.

33. GVAG show in their retail assessment that in 2006 Wear Valley's market share of convenience goods turnover was 58.5% of expenditure in the area. They further assume that the retention level would increase to 62% in 2011 as a result of the Asda development. The E&L assessment agrees that the future retention level for convenience goods is likely to be 62%. E&L have estimated an additional convenience turnover of the Asda store of £8.7m which is higher than the £4.4m GVAG have stated for additional convenience turnover. The £8.7m estimated by E&L is slightly less than the available capacity and it demonstrates that there is just sufficient capacity for the Asda convenience floorspace. From the £4.4m of additional convenience turnover predicted by GVAG, they assume that 80% of the turnover would be drawn from clawback of leakage and 20% as trade diversion from within Wear Valley. E&L have assumed a clawback of leakage of 60%, and consider a level of clawback of 80% is very high. Leakage of convenience goods represents about 40% of expenditure and there is a potential for some of this leakage to be clawed back particularly from the peripheral parts of the area. An increase in Asda's floorspace is not likely to change shopping patterns significantly, to the extent that shoppers would switch from going to Darlington, Durham or Newton Aycliffe. E&L have predicted that in convenience goods, the levels of trade diversion arising from the Asda proposal would be higher than those predicted by GVAG but they are not significant levels of trading impact. E&L have concluded the trading impacts on centres would be low and the highest impact, on Morrisons, would not be significant because Morrisons is trading strongly.
34. In terms of comparison goods, GVAG have assumed that the retention level would increase to 36% in 2011 as a result of the proposal, whereas E&L have estimated a retention level of 38%. Therefore the amount of expenditure retained is higher than that estimated by GVAG. The surplus capacity calculated by GVAG and E&L is shown as £33.2m and £46.1m respectively. Allowing for GVAG's estimate of the turnover of the North Bondgate commitment, the residual capacity is £17.2m. E&L estimate a slightly higher additional comparison turnover of the Asda store of £8.8m compared with £7.9m estimated by GVAG. Even with the higher £8.8m figure for additional comparison turnover, this would be still within the available capacity and it demonstrates that there is sufficient capacity for the Asda comparison floorspace as well as the North Bondgate development.
35. From the £7.9m of additional comparison turnover predicted by GVAG, they assume that 73% of the turnover would be drawn from clawback of leakage and 27% as trade diversion from within Wear Valley. E&L have assumed a clawback of leakage of 60%, and consider a level of clawback of 73% is high. Leakage of comparison goods represents about 66% of expenditure, with this leakage mostly being to Darlington, Metro Centre and Durham City. There is a potential for some of this leakage to be clawed back. An increase in Asda's comparison floorspace would help to claw back some of this leakage but it is believed that clawback would not represent more than 60% of the additional trade of the Asda store. 30% of the trade draw would be in the form of trade diversion from within Wear Valley. E&L consider that in comparison goods, the overall levels of trade diversion arising from the Asda proposals would be higher than those predicted by GVAG but they are not significant. The impacts



on Bishop Auckland and Crook town centres would be low in relation to the growth of expenditure in comparison goods.

36. The qualitative need of the proposals is an important factor given that the draft revision of PPS6 increases the weight to be given to qualitative rather than quantitative need. Qualitative need is concerned mainly with consumer choice and meeting the needs of the community. The proposals would increase the range of goods available in Bishop Auckland which would help to increase consumer choice for shopping in Bishop Auckland. Increasing the consumer choice would be beneficial as it would help in reducing leakage of trade from the Bishop Auckland area, in both food and non-food shopping. Overtrading is also an aspect of qualitative need. Overtrading creates conditions of over crowding and congestion for customers. Asda is currently overtrading and the introduction of a mezzanine floor would reduce over trading, to the benefit of shoppers.
37. Overall, it is considered that there is an identifiable quantitative and qualitative need for the proposed mezzanine floor in the Asda store. The predicted increase in convenience and comparison goods sales at the Asda store would not have an adverse trading impact on Bishop Auckland town centre or surrounding town centres. The proposals are not contrary to policies S1 and GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and guidance contained within Planning Policy Statement 6: Town Centres.

impact on vitality and viability of Bishop Auckland town centre and Crook town centre

38. PPS6 states that in assessing retail impact local authorities should consider the impact of the development on the centre or centres likely to be affected by the proposal.
39. It is noted that a health check of Bishop Auckland town centre was undertaken within the Wear Valley Retail Study Update 2007. This report concluded that:
40. *'The overall vitality and viability index is 3.4. This is a relatively good score which reflects Bishop Auckland's role as an important shopping destination for the town and surrounding settlements. The diversity of uses and retailer representation are generally fair and food shopping is very good. The town is attractive to shoppers but there is a need for improvements to the range and quality of shopping provision. Accessibility factors are mostly good, particularly public transport. Environmental quality is quite good, especially along the pedestrianised section of Newgate Street. Comparing this health check appraisal with the previous one carried out in 2004 there have been some improvements. The overall vitality and viability index has increased from 3.3 to 3.4 and there have been significant improvements in the vacancy rate, yield and the general pedestrian environment.'*

41. E&L's assessment of the current applications concluded that there has been very little change in the vitality and viability of Bishop Auckland town centre since 2007. The vitality and viability index remains at 3.4 however changes have been seen in the fall of vacancy rates, an improvement in occupancy and environmental quality in Fore Bondgate but also a fall in the volume of pedestrian flow in Newgate Street and in the Newgate Centre. E&L have predicted that the trade diversions from Bishop Auckland town centre would be in the range 1-2% of turnover, and therefore E&L have concluded that there is no reason to suppose that the Asda proposals would result in any harm to the vitality and viability of Bishop Auckland town centre.
42. The health check carried out by E&L in 2007 (the Wear Valley Retail Study Update 2007) showed a slightly above average score for vitality and viability for Crook town centre (3.2). E&L's assessment is that the Asda proposals would not cause any harm to the vitality and viability of Crook town centre.
43. It is considered that the proposed development would not put at risk the spatial planning strategy for the Wear Valley area or the strategy for Bishop Auckland and Crook town centres, and would not affect future public or private sector investment needed to safeguard the vitality and viability of the town centres. Whilst the Asda store is in an edge-of-centre location, in planning terms, it can be argued that it actually functions as an integral part of Bishop Auckland town centre, and therefore the Asda proposals could have positive benefits for Bishop Auckland town centre through linked trips. The proposed development would not affect the range of services provided by Bishop Auckland and Crook town centres, would not increase the number of vacant properties in the primary shopping areas, and would not reduce the quality, attractiveness, physical condition and character of the two town centres and their role in the economic and social life of the community.
44. Overall, it is considered that the proposals would not have a detrimental impact on the vitality and viability of Bishop Auckland town centre or Crook town centre. The proposals are in accordance with policies GD1 and S1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and guidance contained within Planning Policy Statement 6: Town Centres.

impact on surrounding area

45. In terms of visual appearance, there are few external alterations proposed to the Asda building. The mezzanine floor would be internal. There would be two fire escape staircases visible externally however they would not appear out of character with the building.
46. The proposals do incorporate works to the existing service area. These works involve providing metal cladding to fill in the existing gap between the service area wall and the existing cladding, which would fully enclose the south boundary. Acoustic fencing is also proposed around the service yard. This metal cladding and acoustic fencing would help to reduce the noise emitted from the service area. An acoustic report has been submitted with the application which concludes:

47. *'The acoustic impact of these proposals have been considered in accordance with the permissible noise output levels for the site, concentrating upon achieving the lower nighttime noise limit of 45 LAeq dB, when considered at the specified residential premises at Holdforth Drive, Salisbury Place and Blckett Street... The result from enclosure of the marshalling area and acoustic screening around the service yard will significantly reduce the noise levels produced by the servicing activities, even though the existing noise levels fall within the limitations of the planning consent.'*
48. The Environmental Health Officer has not raised any objections however a condition is recommended to ensure that the nature of the construction work and the type of plant used would not have a detrimental impact on surrounding neighbouring properties. It is therefore considered that the proposals would not have a detrimental impact on the amenities of neighbouring occupiers.
49. A transport assessment has been submitted with the application which concludes that the proposed increase in store size can be accommodated in transport terms. Durham County Council Highways Authority have been consulted and they have raised no objections to the proposals. It is noted that the existing car park is not used to its full capacity and while it is likely there would be an increase in customers to the store as a result of the proposed development, there is sufficient parking to accommodate additional visitors. The proposed development would not have an adverse impact on the existing transport network and would not result in a detrimental impact on highway safety.
50. Given the above, it is considered that the proposed development would not have an adverse impact on the visual appearance of the Asda building and surrounding area. The residential amenities of surrounding neighbouring occupiers would not be compromised and the proposals would not be detrimental to the existing transport network. The proposals accord with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

### **objections/observations**

51. Occupiers of the surrounding properties have been notified in writing and a site notice was posted. The applications were also advertised in the local press. Three letters of objection have been received, one from Peacock and Smith Chartered Town Planners acting on behalf of Morrisons Supermarket plc, one from Ward Hadaway acting on behalf of Ebac Limited and a letter from a local resident who lives near the Asda store. The contents of the objection letters are summarised below:
52. Peacock and Smith:
- a) The applicant has not demonstrated a need for the size and scale of the proposed development.
  - b) The scale of the proposed development is inappropriate.
  - c) There are sequentially preferable development sites that could accommodate new retail space.

- d) The proposal could have an adverse effect on the vitality and viability of Bishop Auckland town centre.
53. Ward Hadaway: Ebac currently have a planning application submitted for a retail superstore with petrol station, parking and highway improvements. Ebac provide employment directly and indirectly to people in Wear Valley and beyond. To secure the future of the business there is a need for Ebac to relocate to modern facilities, and therefore require the redevelopment of the existing Ebac site to facilitate the relocation. Material considerations indicate that Ebac's planning application is to be preferred over the proposals contained in the Asda applications, it amongst other things facilitating the preservation of skilled local jobs. The preservation of skilled local jobs is a material consideration to be given significant weight. An appeal decision has been quoted where the Inspector and the Secretary of State afforded positive weight to the preservation of skilled jobs.
54. Local resident: The noise levels from the store is at an unacceptable level.

### **response to objections**

55. The following comments are made in response to the issues raised above:
55. Peacock and Smith:
- a) Discussed in officer analysis. It is considered that sufficient details have been submitted by the applicant to demonstrate need.
  - b) The proposed development is for a mezzanine floor within the existing Asda store and does not involve the expansion of the existing building footprint. It is considered the scale of development is acceptable.
  - c) Given that the proposed development is within the existing Asda store, it is considered that a sequential approach is not required for this application.
  - d) Discussed in officer analysis.
56. Ward Hadaway: It is noted that the Ebac application is a material consideration. However, the main consideration is whether the Asda proposals would have an adverse impact on the vitality and viability of Bishop Auckland town centre and Crook town centre.
57. Local Resident: The issue of noise from the Asda site is discussed in the officer analysis under the heading 'impact on surroundings'.

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

1. The application seeks to provide an additional 1,783 sq. m of retail sales area within the existing Asda store in the form of a mezzanine floor. The increase in the retail sales area would provide additional floorspace for convenience and comparison goods. There is an identifiable quantitative and qualitative need for the proposed mezzanine floor in the Asda store. The predicted increase in convenience and comparison goods sales at the Asda store would not have an adverse trading impact on Bishop Auckland town centre or surrounding town centres. The proposals are not contrary to policies S1 and GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies

September 2007 and guidance contained within Planning Policy Statement 6: Town Centres.

2. The proposed development of a mezzanine floor and the increase in sales area within the Asda store would not have a detrimental impact on the vitality and viability of Bishop Auckland and Crook town centres. The Asda store actually functions as an integral part of Bishop Auckland town centre, and therefore the Asda proposals would have positive benefits for Bishop Auckland town centre through linked trips. The proposals are acceptable and in accordance with policies S1 and GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and guidance contained within Planning Policy Statement 6: Town Centres.
3. The external works proposed within the application would not detract from the visual appearance of the Asda building and surrounding area. The proposed works to the existing service area would reduce the noise emissions and it is considered that the proposals would not have an adverse impact on the residential amenities of neighbouring occupiers. There is sufficient car parking within the site to accommodate any increase in visitors as a result of the proposals. The existing transport network would not be adversely affected. The proposals are in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

## **RECOMMENDED**

### **A. 3/2008/0746**

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

#### **condition**

1. The net floor area of the store given over to convenience sales shall be no more than 3,109 sq. metres and the net floor area of the store given over to comparison sales shall be no more than 2,602 sq. metres. The total net floor area of the store shall not exceed 5,711 sq. metres.

#### **reason**

1. To ensure the store will not have an adverse impact on the viability and vitality of Bishop Auckland town centre. In accordance with policy S1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

### **B. 3/2008/0747**

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

**condition**

1. Within 28 days of the date of this permission, details of the materials and colour finish of the acoustic fencing and service yard enclosure shall be submitted to the local planning authority for approval in writing by the local planning authority and the works shall be carried out in accordance with the approved details within 56 days of the date the details are approved in writing.

**reason**

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

**INFORMATIVE**

Before the development hereby approved is commenced, a Prior Consent Application Form issued under Section 60 of the Control of Pollution Act 1974 shall be completed and submitted to the Head of Public Protection for approval in writing.

**background information**

Application files, WVDLP as amended by Saved and Expired Policies September 2007, PPS 6: Planning for Town Centres, RSS.

<b>PS code</b>	<input type="text" value="10"/>		
<b>number of days to Committee</b>	<input type="text" value="81"/>	<b>target achieved</b>	<input checked="" type="checkbox"/>
<b>explanation</b>			

---

**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

---

**3/2008/0746 - AMENDMENT TO CONDITION 21 OF PLANNING PERMISSION REFERENCE 3/2007/0340 TO ALLOW ADDITIONAL 1,995 SQ.M. CLASS A1 RETAIL FLOORSPACE AT ASDA SUPERMARKET, 6 SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR ASDA STORES LIMITED – 25.11.2008**

**3/2008/0747- MEZZANINE FLOORSPACE, IMPROVEMENTS TO THE SERVICE YARD AREA INCLUDING ENHANCED ACOUSTIC SCREENING AND OTHER ANCILLARY WORKS AT ASDA SUPERMARKET, 6 SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR ASDA STORES LIMITED – 25.11.2008**

