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Michael Laing Chief Executive

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13<sup>th</sup> February 2008

Dear Councillor,

I hereby give you Notice that a Special Meeting of the **DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **THURSDAY 21<sup>st</sup> FEBRUARY 2008** at **5.00 P.M.**

### AGENDA

	Page No.
1. Apologies for absence	
2. To consider development control application 3/2007/0871 - Erection of 2 No. 2 storey extensions with associated road and car parking (phase 2), including demolition of existing buildings at Bishop Auckland College, Woodhouse Lane, Bishop Auckland for Bishop Auckland College.	1 - 10
3. To consider development control application 3/2007/0879 – Change of use from A1 to A3 (retail to café) at 60-61 Hope Street, Crook for Mr. K. Athanasopoulos.	11 - 18
4. To consider development control application 3/2007/0829 – Proposed mix use development with offices and small industrial units. The offices are a mixture of two and three storey, the business park development also includes a single storey café at land at Henson Close, South Church Enterprise Park, Bishop Auckland for Mr. Glass.	19 - 28
5. To consider development control application 3/2007/0866 – Demolition of existing out-building and extension and creation of new wings to form residential development at Fairfield House, High Street, Stanhope for Knightsbridge Developments N.E. Limited.	29 - 49
6. To consider development control application 3/2007/0780 – Addition of bushwood screening to existing lap larch fence at 8 Kirkrise, Frosterley for Mr. and Mrs. Barron.	50 - 54

Yours faithfully

A handwritten signature in black ink that reads "Michael Laing". The signature is written in a cursive, flowing style.

**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, Mews, Murphy\*, Perkins, Seabury\*, Taylor, Des Wilson and Zair.

\*ex-officio, non-voting capacity.

Chair: Councillor Grogan

Deputy Chair: Councillor Mews

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

SPECIAL DEVELOPMENT CONTROL COMMITTEE

21<sup>st</sup> FEBRUARY 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2007/0871- ERECTION OF 2 NO. 2 STOREY EXTENSIONS WITH ASSOCIATED ROAD AND CAR PARKING (PHASE 2), INCLUDING DEMOLITION OF EXISTING BUILDINGS AT BISHOP AUCKLAND COLLEGE, WOODHOUSE LANE, BISHOP AUCKLAND FOR BISHOP AUCKLAND COLLEGE – 04.12.2007**

**description of site and proposals**

1. Planning permission is sought for the phase 2 development of Bishop Auckland College, which would include the erection of 2 No. two storey extensions/buildings on each end of the existing (phase 1) new college building and new car parking facilities for a total of 320 spaces for the college. The development to the west wing would create a two storey Performing and Visual Arts Centre and the development to the east wing would create a Technology area with external compounds for bricklaying and motor vehicles study. Following the relocation of the faculties into the completed development, all the existing redundant buildings would be demolished.
2. The proposed developments would be of a contemporary design to complement the architecture and materials of the existing new phase 1 building. The palette of materials would comprise a mix of facing brick, coloured render, powder coated aluminium doors and window frames, and colour coated metal deck roofs.
3. The application site is accessed off Woodhouse Lane. It is in an area containing a number of community facilities including the police station, library and St Johns Comprehensive School, which is immediately to the east. Existing buildings on the site are largely set back from the road. The modern phase 1 building has been completed, including the new parking area, and is functional. Playing fields and open space are to the south and west of the buildings. There are dwellings opposite on the north side of Woodhouse Lane and further to the south beyond the playing fields.

**planning history**

4. The most relevant planning history relevant to the application site is the phase 1 development:

- 3/2005/0749 Erection of 3 Storey Building with Associated Road and Car Park Approved 24.02.2006

5. There is further planning history for the whole of the site:

- 3/1993/0057 Elevational Alterations and Fire Exit Extensions Approved 24.03.93
- 3/1995/0171 Erection of Telecommunications Mast/Dishes and E.Q. Cabinets Not determined
- 3/1996/0252 Extension and Alterations to Form Management Development Centre Approved 17.07.96
- 3/1998/0390 New Entrance Canopy and Glazed Link - Approved Approved 23.09.98
- 3/2000/0358 Floodlit Synthetic Turf Pitch/ Access Improvements/Car Parking Spaces Approved 27.09.00
- 3/2001/0048 Additional Car Parking Approved 14.03.01
- 3/2003/0118 0.3 m Transmission Dish Approved 24.03.03
- 3/2004/0540 Temporary Accommodation for Childcare and Hairdressing Approved 18.10.04

### **planning policies**

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

- BE14 Open Spaces within Built-up Areas
- GD1 General Development Criteria
- H3 Distribution of Development
- RL2 Protection of Existing Recreation and Play Provision
- T1 Highways -General Policy

Also relevant are policies 2, 2A, 3, 5, 5A, 7, 14, 36, 37, 39, 40, and 54 of North East of England Regional Spatial Strategy The Secretary of State's Further Proposed Changes to the Draft Revision submitted by the North East Assembly February 2008 (RSS); the Durham County Council Parking Guidelines and the Local Transport Plan; as well as PPS1: Delivering Sustainable Development, PPS1 Climate Change Supplement , PPG13 Transport, PPS22: Renewable Energy and PPS25: Development and Flood Risk.

### **consultations**

7. North East Assembly (NEA): The principle of development is in conformity with the relevant policy requirements. The Council should seek to minimise parking provision linked to an up to date travel plan. The development should incorporate energy efficiency measures and renewable energy generation, as well as sustainable urban drainage systems (SUDS).

8. Sport England: In light of the lack of information to show existing/proposed pitch layouts Sport England objects to the permanent loss of part of the existing playing fields.
9. Environment Agency: The rate of discharge to sewers must be agreed with Northumbrian Water. A SUDS approach to surface water discharge should be implemented and surface water should be passed through trapped gullies. The buildings should be designed to ensure energy consumption is minimised and meets the BREEAM excellent rating. There should also be embedded renewable energy generation to meet a minimum of 10% of the energy requirements of the buildings.
10. Northumbrian Water: No objections.
11. Durham County Council Arboricultural Officer: Insufficient information submitted to assess impact on trees.
12. Durham County Council Public Rights of Way Officer: Footpath 12 is outside the site boundary and should remain unaffected. The applicant has obligations to ensure the PROW remains unaffected.
13. Durham County Highways Authority: No official response received. Discussions have indicated that an up to date travel plan is needed and car park layout details are to be agreed.

#### **officer analysis**

14. The key issues for consideration are:
  - Principle of Development
  - Impact on the Character and Appearance of the Surrounding Area
  - Sustainability
  - Loss of Playing Fields
  - Flood Risk and Drainage
  - Highways

principle of development
15. The College is an existing facility (brownfield land) located within the settlement limits of Bishop Auckland, which is identified in the RSS as a regeneration town where development of an appropriate scale and appearance should be permitted. As the proposal involves the redevelopment of an existing college, the principle of development for education purposes has already been accepted. The proposal to extend the existing college to provide new/better facilities is therefore consistent with the location strategy of national, regional and local planning policy in PPS1, PPG13, RSS policies 3 and 5, Policy H3 of the WVDLP as amended by Saved and Expired Policies September 2007 and the Council's sequential approach to development.
 

impact on the character and appearance of the surrounding area
16. Apart from the new phase 1 building, the existing original college buildings have become outdated in appearance and function and the resultant

demolition of those original buildings would be welcomed. The new phase 1 building has seen the introduction of an attractive modern building onto the site and resultant dramatic improvement of the character of the site, together with improved parking facilities.

17. The proposed extensions would flank the east and west of the new phase 1 building, which is set further within the site than the original college buildings. The western extension would be the closest towards Woodhouse Lane and therefore would be the most visible of the additions, but nevertheless, the development would be far enough within the site and of suitable scale so that it would not be visually prominent from the road. Some trees would have to be removed to accommodate the eastern flank. This is not objectionable as they are not specimen species and as they are located deep within the site, their amenity value to the surrounding area is limited. It is considered that the design and scale of the proposed extensions would compliment the appearance and character of the phase 1 building, creating a vibrant and attractive modern building that would improve the overall character of the site, as well as the image of the college and Bishop Auckland as a whole. The regeneration benefits would therefore be considerable.
18. Further details are required for the construction/appearance of the amphitheatre, landscaping, and construction of the parking area, however the general principle and siting of those works are considered to be acceptable and the details can be secured by planning conditions.
19. The developments would be a sufficient distance from surrounding residential properties and would not create an intensification of use significantly beyond the existing situation and therefore the proposal is unlikely to cause harm to the living conditions of neighbours.
20. The proposal therefore accords with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

sustainability

21. Climate change is high on the global agenda and the Government's recent Energy White Paper has given a statutory requirement to reduce carbon emissions by among other things: promoting sustainable patterns of development, making efficient use of land and securing renewable energy and energy efficiency measures in new development. Sustainability is therefore the overarching aim of all planning policy. In particular PPS1, including the Climate Change Supplement, PPG13 and PPS22 all place an emphasis on achieving sustainable development. RSS policies 2, 2A, 39 and 40 reinforce this requirement and policy GD1 of the WVDLP as amended by Saved and Expired Policies September 2007 requires new development to be designed to conserve energy.
22. The site is an established facility located within the settlement limits of a main urban centre where there is access to public transport and local facilities and where users can also access the facility by foot and cycle. The proposal is therefore consistent with the sustainability aims of locational policy and making efficient use of brownfield land.

23. A Green Transport Plan was drawn up for the phase 1 development which aims to introduce initiatives to reduce private vehicle movements by staff and students. The philosophy remains the same for this proposal however; it still needs updating to take account of the new developments. Together with the resultant reduction in parking spaces from around 450 to 320, it is considered that an updated Transport Plan can secure the aims of encouraging more sustainable choices in transport to reduce the impact of travel demand from the college redevelopment. The required changes to the previous Transport Plan are considered to be minor as the new development is replacing existing buildings and therefore an updated version can be required by condition.
24. No details have been submitted to show how the development would achieve the high standards of energy efficiency required for such buildings, or how a minimum of 10% of the energy requirements for the development would be met by on site renewable energy means. This is expected, but can be secured by planning condition.
25. Subject to further conditional details in the form of an amended Transport Plan and sustainable construction and renewable energy consideration, the proposal accords with the requirements of PPS1, including the Climate Change Supplement, PPG13 and PPS22; RSS policies 2, 2A, 39 and 40; and policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

#### loss of playing fields

26. The principle of building on the playing fields has already been accepted with the phase 1 development however, the proposed eastern flank would involve further development on the playing field, although this would be on the northern perimeter adjacent to an embankment and car parking area. Sport England's objection to loss of playing field area is noted however, it seems this objection is based largely on a lack of information regarding the use of the playing fields and layout of pitches.
27. Running in parallel with the physical redevelopment of the college buildings is an initiative to reorganise the playing fields. This includes the removal of the disused running track and laying out of 5no. football pitches (including 2no. junior pitches). This would create a net increase in the formal sport facilities available on the existing playing fields, making more efficient use of the available space. The proposed eastern extension would not prejudice these plans and would nevertheless be located on a part of the playing fields that has never been fully utilised for sports/play because of its peripheral location. It is therefore considered that the proposal would not lead to the loss of useable playing field area or adversely affect the use of the rest of the playing fields.
28. For these reasons the proposal is considered to accord with Policy BE14 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and the exception provisions of Sport England's Policy under E2 "*The proposed development is ancillary to the principle use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.*" and E3 "*The proposed*

*development affects only land incapable of forming, or forming part of, a playing pitch and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facilities on the site.”*

29. A retraction of objection from Sport England is accordingly being sought. However, at present if the Committee are minded to approve the application the proposal will have to be referred to the Government Office.

flood risk and drainage

30. The Environment Agency is largely satisfied with the findings of the submitted Flood Risk Assessment, however, the rate of discharge into Northumbrian Water Ltd (NWL) sewers must be agreed with NWL and it is suggested that surface water runoff is controlled as near to its source as possible, preferably through a sustainable urban drainage system (SUDS) and trapped gullies to comply with the Building Regulations. This would reduce the risk of flash flooding and contribute to a reduction in water based pollution.

31. Support for the SUDS approach to managing surface water runoff is set out in PPS1 and in more detail in PPS25; as well as in RSS policy 36. No drainage details have been submitted however, it is considered that a suitable agreement can be achieved and therefore this can be secured by planning condition.

highways

32. The college redevelopment aims to accommodate only a very small increase in the number of students attending and therefore the level of traffic movements to and from the site would not significantly alter. In fact, with successful implementation of a Green Transport Plan the movements could reduce. The need for an up to date Transport Plan has already been addressed.
33. The vehicular access arrangement into the site remains unchanged. The proposal does however include provision for new car parking (174 spaces), bus laybys and cycle provision within the site.
34. The number of parking spaces is considered to be acceptable in light of the Durham County Council Parking Guidelines, but the internal layout still needs closer examination by the highways authority. This can be secured by planning condition.
35. Subject to these further details the proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.



## **objections/observations**

36. Occupiers of the surrounding properties have been notified in writing and a site notice was posted. The application was also advertised in the local press.
37. No objections have been received.

## **conclusion and reasons for approval**

1. Subject to conditions, the proposal is considered to be acceptable and in accordance with national planning guidance in PPS1, PPS1 Climate Change Supplement, PPG13, PPS22 and PPS25; RSS policies 2, 2A, 3, 5, 5A, 7, 14, 36, 37, 39, 40, and 54; and policies GD1, H3, BE14 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, as it:
  1. Would involve development on brownfield land within the settlement limits of Bishop Auckland (Priority 1 Site).
  2. Would have significant regeneration benefits for Bishop Auckland and support the growth of colleges in the regional economy.
  3. Would have a positive visual effect on the character and appearance of the surrounding area.
  4. Would not exceed local road capacity or be detrimental to highway safety.
  5. Would not result in unacceptable loss of part of a playing field or prejudice future use of playing fields.

## **RECOMMENDED**

That Government Office for the North East be informed the Committee are minded to **GRANT** planning permission subject to the following conditions and reasons;

### **conditions**

1. Prior to the commencement of development, details of the construction methodology and measures for achieving high levels of energy efficiency in the building and for the generation of on-site renewable energy shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how energy efficiency is being addressed in the development hereby permitted and show the on-site measures to be taken to produce a minimum of 10% of the total energy requirements of the development hereby permitted by means of renewable energy sources. Such details as may be approved shall be implemented prior to the first use of the development hereby approved and retained in perpetuity.
2. The submitted Green Transport Plan 2007-2012 is not approved. No development shall commence until a revised and updated Green Transport Plan has been submitted to and approved in writing by the local planning authority. Thereafter, the approved Green Transport Plan shall be implemented in accordance with a timetable to be submitted to and approved in writing by the local planning authority before the development hereby approved is commenced.

3. Before the development hereby approved is commenced, details of the means to control surface water runoff shall be submitted to and approved in writing by the local planning authority. These details shall show how the drainage system meets Approved Document Part H of the Building Regulations 2000 and incorporates a sustainable drainage approach to surface water management (SUDS), unless otherwise agreed in writing by the local planning authority. The development shall thereafter be implemented and retained in accordance with the approved drainage details.
4. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the approved development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
5. Before the development hereby approved is commenced, details including levels, sections and materials, for the construction of the amphitheatre shown on the approved plans shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
6. Notwithstanding the details on the approved plans and prior to first use of the development hereby approved, details of the car parking layout, number of spaces, surface materials, location and type of cycle storage shall be submitted to and approved in writing by the local planning authority, and implemented to the satisfaction of the local planning authority. Thereafter the approved details shall be used and maintained to ensure their availability at all times for car parking and cycle storage.
7. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

#### **reasons**

1. To reduce carbon emissions and in the interests of securing sustainable development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, policies 39 and 40 of the Regional Spatial Strategy and requirements of PPS1 and PPS22.
2. In order to reduce the number of private car journeys and promote sustainable means of transport. In accordance with policy T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, Policies 5A and 54 of the Regional Spatial Strategy and requirements of PPS1 and PPG13.

3. To manage the rate of surface water runoff in order to reduce the risk of flooding to surrounding areas and to reduce water based pollution. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, policy 37 of the Regional Spatial Strategy and provisions of PPS1 and PPS25.
4. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. To secure a satisfactory standard and appearance of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. In the interests of road safety and traffic convenience, and the amenities of the locality. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. To ensure the satisfactory appearance of the completed development. To ensure the implementation of the approved scheme of landscaping within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

**background information**

Application files, WVDLP of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, Regional Spatial Strategy (RSS), PPS1, PPS1 Climate Change Supplement, PPG13, PPS22 and PPS25, Durham County Council Parking Guidelines and the Local Transport Plan.

<b>PS code</b>	5	<b>number of days to Committee</b>	79	<b>target achieved</b>	√
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**Officer responsible for the report**

Robert Hope  
 Strategic Director for Environment and Regeneration  
 Ext 264

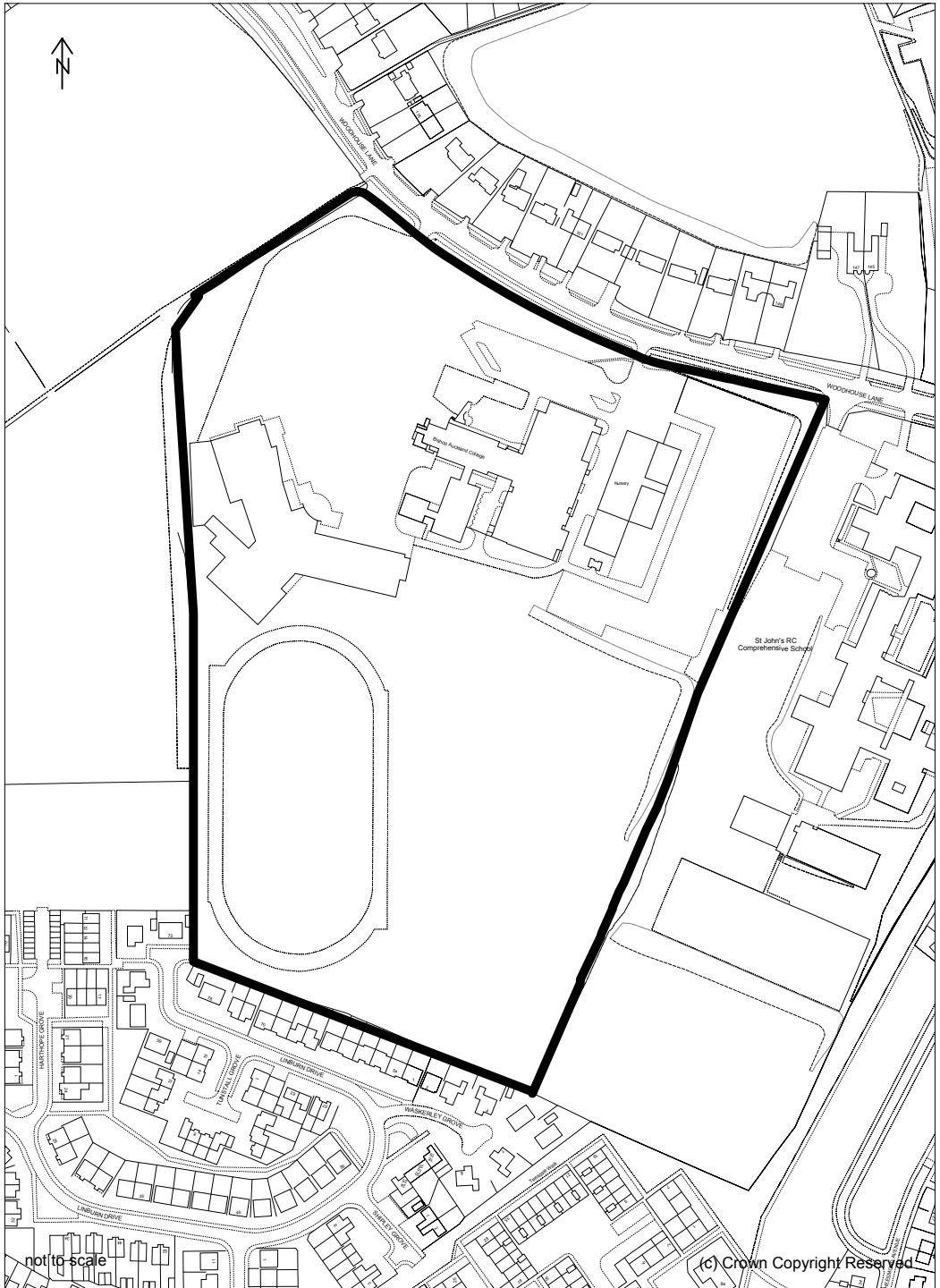
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**Author of the report**

Adrian Caines  
 Planning Officer  
 Ext 369

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**3/2007/0871- ERECTION OF 2 NO. 2 STOREY EXTENSIONS WITH ASSOCIATED ROAD AND CAR PARKING (PHASE 2), INCLUDING DEMOLITION OF EXISTING BUILDINGS AT BISHOP AUCKLAND COLLEGE, WOODHOUSE LANE, BISHOP AUCKLAND FOR BISHOP AUCKLAND COLLEGE 04.12.2007**



SPECIAL DEVELOPMENT CONTROL COMMITTEE

21<sup>ST</sup> FEBRUARY 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2007/0879- CHANGE OF USE FROM A1 TO A3 (RETAIL TO CAFE) AT 60 - 61 HOPE STREET, CROOK FOR MR. K. ATHANASOPOULOS -19.12.2007**

**description of site and proposals**

1. This application is reported to Committee at the request of a Ward Councillor.
2. Planning permission is sought for the change of use from Use Class A1 (retail to Use Class A3 (restaurants and cafes). No external changes are proposed to the building.
3. The application site comprises of a recently constructed end terraced retail unit which has a residential unit to the first floor. The development is near completion although the retail unit has yet to be occupied. The building has an existing shop front to the front and side elevations. The building is located within the commercial core of Crook town centre and is also within the Conservation Area as identified within the Proposals Map of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The building occupies a prominent position on the corner of the main shopping street with a highway to the front and access to the side. There is a small yard area to the rear of the building.

**planning history**

4. The following application was previously received:
  - 3/2004/0985 Demolition of Building and Rebuild with 6 Apartments and Renovation of Shops with 2 Flats Above Approved 24.01.05

**planning policies**

5. The following policies of the Wear Valley District Local Plan (WVDLP) as amended by the Saved and Expired Policies September 2007 are relevant in the consideration of this application:
  - BE5 Conservation Areas
  - BE6 New Developments and Alterations in Conservation Areas

- GD1 General Development Criteria
- S1 Town Centres
- S6 Retailing in Crook
- S11 Hot Food Takeaway
- T1 Highways – General Policy

Also relevant is: Planning Policy Statement 6: Town Centres

### **consultations**

6. Environmental Health: Objection regarding proposed opening times.
7. Durham County Council Highways: No objection.

### **officer analysis**

8. The key issues for consideration are
  - Principle of Development
  - Impact on Surroundings
  - Impact on Vitality and Viability of the Existing Shopping Area
  - Highways

principle of Development

9. The site is located within the commercial area of Crook town centre. The proposal involves a change of use only. The principle of the development must be determined in relation to Planning Policy Statement 6: Planning for Town Centres, and policies S1 and S6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
10. Policy S1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, states that proposals for Class A1- A3 uses will be permitted within the town centre, however proposals which undermine the vitality and viability of the town centre will be resisted. Policy S6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, states that retail uses (Use Class A1- A3) will be permitted to ground floor premises. Planning Policy Statement 6: 'Planning for Town Centres' considers cafés or restaurants as being appropriate uses within town centres. Local Plan policies S1 and S6 accept the principle of A1 retail, A2 offices and A3 cafes in this location. The Use Classes Order was amended in 2005 to include A4 (Pubs and Bars) and A5 (Take Away). Policies S1 and S6 should be read in conjunction with the amended Use Classes Order.
11. The acceptability of A3 uses is subject to there being no adverse impact on the amenities of neighbours and the proposal not undermining the vitality and the main function of the existing retail area. It is considered that the proposal accords with policies GD1, S1 and S6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

impact on surroundings

12. The site is located within an allocated shopping area, dominated by commercial uses. The neighbouring property is currently unoccupied. To the south of the application site there is an existing restaurant. As no external alterations are proposed, the proposal would not have a detrimental effect on the setting or appearance of the Conservation Area. It is considered that the proposal accords with policies GD1, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
13. No details have been provided on the proposed extractor system to deal with cooking odours, however it is common practice to require these details to be approved through a condition of the permission. Modern extraction systems are normally efficient enough to reduce any smells to acceptable levels and there is no reason to believe this cannot be achieved on this premises. It is considered a carefully sited external extractor system can be accommodated on the building without harming the character and appearance of the building or the Conservation Area. The effect of cooking smells on the living conditions of neighbours is therefore not considered to be an issue to justify refusal. The proposal accords with policy GD1 of the Wear Valley District Local Plan as Amended by Saved and Expired Policies September 2007.
14. There are a number of residential units within close proximity to the application site and also a residential unit located to the first floor of the building. Therefore, to protect the occupiers of these adjacent properties from any unreasonable noise or loss of amenity should planning permission be granted a condition is recommended restricting the hours of opening. Conditions are also recommended in respect of waste storage and internal noise attenuation measures. As such it is considered that the proposed change of use would not have a detrimental effect to residential properties in terms of noise and waste storage, subject to appropriate conditions. It is considered that the impact of the development on surrounding properties would be minimal due to the commercial setting of the property, in accordance with policies GD1 and S1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

impact on vitality and viability of the existing shopping area

15. Planning Policy Statement 6: 'Planning for Town Centres' states that 'a diversity of uses in town centres makes an important contribution to their vitality and viability' (paragraph 2.22). Policy S1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, states that proposals which undermine the vitality and viability of the town centre will be resisted. A café/bistro within this area of Crook town centre is considered an appropriate use which would add to the existing mix of A1 and A3 uses within the commercial core of Crook. In terms of impact on vitality and viability of the town centre the proposal accords with policy S1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, and guidance contained in PPS6 'Town Centres'.

16. It is noted that there are a number of existing establishments within Hope Street selling food. However, these commercial units are separated into four further categories. The approximate figures are listed below for illustration. The figures are taken from the Retail Study published in 2007 and do not include units with planning permission which have not been implemented.

17. The following statistics summarise the percentage of commercial units on Hope Street which sell food.

Use Class A3 - Restaurants and Cafes – 2 units = 2.4%

Use Class A4 – Pubs and Bars – 4 units = 4.8%

Use Class A5 – Take-Away – 5 units = 6%

Total number of commercial units within Hope Street are 82.

18. In addition there are also establishments within Hope Street which offer hot food for example Greggs, Peters Bakery and Big Bite sandwich shop however as these are Use Class A1 and the take away element of the business is considered to be ancillary to the main function these are not included. This is decided through the Use Classes Order.

19. This would result in 13% of the commercial units within Hope Street offering food. It is considered that this would not constitute a saturation of establishments selling food within the main commercial core of Crook town centre.

20. At present Hope Street has a good mix of retail, office and food and drink establishments. A recent retail study dated March 2007 identified the centre of Crook as lacking in, amongst other facilities, restaurants. Whilst it is noted that another café has opened in the centre of Crook since this study was published it is still considered that another café at the proposed site would be acceptable. Furthermore, the proposed café would not result in dead frontage during the day thus helping to retain the appearance of a town centre. An A3 use is a use that can contribute to the vitality of a shopping area. The proposed use would operate during daytime hours, and would attract pedestrian foot flow. Under the Use Classes Order an A3 use can be changed to an A1 or A2 use without planning permission, as such it is considered that the proposal would not harm the vitality or viability of the shopping area in accordance with guidance contained in PPS6: "Town Centres". The proposal accords with policies GD1, S1 and S6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

highways

21. It is considered that the proposed development would not significantly impact on traffic generation on Hope Street. The highway to the front of the building has an existing one way traffic calming system in effect and there is ample car parking provided on the Market Place. The proposal is acceptable in relation to policies GD1 and T1 of the adopted Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 in terms of the potential traffic movements.



## **objections/observations**

22. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted. The application was also advertised in the local press. Three letters of objection have been received. As two letters were from the same individual they have been counted as one objection for the purposes of this report. The contents of the objection letters are summarised below:
1. It is becoming increasingly difficult to make ends meet in this trade with so many establishments now offering food. Does there not come a time when you say no to give the existing businesses a chance at making a living?
  2. This town needs a variety of shops to attract people to visit.
  3. Closures could happen resulting in more empty shops and job loss.
  4. Having nothing but food establishments in Crook is not a diversity of uses and will not make an important contribution to the vitality and viability of the area.
  5. There is no means of waste disposal on the plans.
  6. As there is new living accommodation next door to the building the cooking smells would be a concern.

## **response to objections**

23. The following comments are made in response to the issues raised.
1. Competition is not a valid planning reason to justify refusal of an application.
  2. It is considered that a café/bistro within this area of Crook town centre is an appropriate use which would add to the existing mix of A1 and A3 uses within the commercial core of Crook.
  3. Competition is not a valid planning reason to justify refusal of a planning application.
  4. It is considered that a café/bistro within this area of Crook town centre is an appropriate use which would add to the existing mix of A1 and A3 uses within the commercial core of Crook.
  5. This will be controlled through appropriate planning conditions.
  6. This would be controlled by appropriate planning conditions.

## **conclusion and reasons for approval**

1. The proposal is acceptable in relation to policies GD1, S1, S6, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as it:
  1. Would not undermine the retail function of the town centre and would add further to the diversity and vitality to this part of Hope Street. The proposal accords with policies GD1, S1 and S6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

2. Would not cause unacceptable harm to the living conditions of neighbours in terms of noise and disturbance, cooking smells and waste storage and these issues can be further controlled by conditions of the permission to ensure the use is not harmful to amenity. This accords with policies GD1, S6 and S11 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. Would not prejudice highway safety or create unacceptable levels of traffic. This accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

## **RECOMMENDED**

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

### **conditions**

1. The premises shall not be open for business outside the hours of 8:00 a.m. and 11:00 p.m. on any day.
2. No development shall take place until details of the storage of refuse (and returnable containers) 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.
3. All cooking smells, noxious fumes or vapours from the premises hereby approved shall be disposed of in accordance with details which shall be submitted to the local planning authority and approved in writing prior to the commencement of the development hereby approved. Details of any external feature required to be added to the exterior of the building for this purpose, including location, colour, finish and design shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details before the A3 use hereby approved is commenced. Thereafter the means of disposal shall be retained and maintained at all times to ensure the effective disposal of smells, fumes or vapours.
4. Before the A3 use hereby approved is commenced details of a scheme to attenuate noise emissions through the ceiling of the premises shall be submitted to and approved in writing by the local planning authority and the scheme shall be implemented in accordance with the approved details before the use is commenced. Thereafter the apparatus/means of attenuation shall be retained and maintained at all times to ensure the effective attenuation of noise emissions.

## reasons

1. To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To enable the local planning authority to retain control over the provision of facilities for the storage of refuse; to secure a satisfactory standard of development and in the interests of road safety. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. In the interests of protecting the amenities of the locality. In accordance with policies GD1 and S11 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. In the interests of protecting the amenities of the neighbours. In accordance with policies GD1 and S11 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

## INFORMATIVE

This approval shall not be construed as including permission for any existing or proposed advertisements. Any advertisements shall be considered separately as they may need to be the subject of Advertisement Consent.

The selection of the fan and the method of installation must ensure that both airborne noise and vibration arising are minimised and do not create any adverse impact on the neighbouring residential properties and in this respect the applicants will need to consult with appropriately qualified ventilation engineers.

## background information

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

**PS code**

12

**number of days to Delegation**

67

**target achieved**

No

**explanation** The application was called into Committee after 50 days. This is the next available Committee.

**3/2007/0879- CHANGE OF USE FROM A1 TO A3 (RETAIL TO CAFE) AT 60 - 61 HOPE STREET, CROOK FOR MR. K. ATHANASOPOULOS -19.12.2007**



SPECIAL DEVELOPMENT CONTROL COMMITTEE

21<sup>st</sup> FEBRUARY 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2007/0829- PROPOSED MIXED USE DEVELOPMENT WITH OFFICES AND SMALL INDUSTRIAL UNITS. THE OFFICES ARE A MIXTURE OF TWO AND THREE STOREY, THE BUSINESS PARK DEVELOPMENT ALSO INCLUDES A SINGLE STOREY CAFÉ AT LAND AT HENSON CLOSE, SOUTH CHURCH ENTERPRISE PARK, BISHOP AUCKLAND FOR MR. GLASS – 06.12.2007 – AMENDED 06.02.2008**

**description of site and proposals**

1. The application site comprises of a vacant parcel of open land located south of Dovecot Hill and east of Henson Close within the South Church Enterprise Park at Bishop Auckland. The site is allocated in the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 as a Prestige Industrial Site under Proposal I4. The adopted highway is located directly north of the application site with commercial buildings located beyond. There are commercial buildings to the east and west of the site.
2. Planning permission is sought for a mixed use development incorporating offices and small industrial units which would comprise of a mix of B1, B2 and small element of B8 use. 9 no. office blocks are proposed, eight of which would be of a two storey design, and one office block would be of a three storey design positioned centrally within the office development. 20 no. small industrial units are proposed which would be split into three individual blocks. The industrial units are a traditional single storey industrial design. An ancillary cafeteria building is proposed within the development.
3. The development is to be accessed from a new road which would be taken from the highway to the north of the site. The office blocks would be positioned to the north of the site with the industrial units grouped together to the south of the site. The cafeteria building would be situated centrally on the east boundary of the site.

**planning history**

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

## planning policies

5. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:
  - GD1 General Development Criteria
  - I4 Prestige Industrial Sites
  - T1 Highways – General Policy

## consultations

6. WVDC (Economic Development): Commented orally stating they are fully supportive of the proposed development.
7. Durham County Council (Highways Authority): Minor amendments recommended with regards to the introduction of footpaths and the slight alteration to the access road. Amended plans have been submitted by the agent for the application. None of the car parking or servicing areas will be eligible for adoption. The main access road at the west of the site could be adopted. Full engineering details must be submitted for the adoptable length of highway.
8. Bishop Auckland Town Council: No comments.
9. Northumbrian Water: No comments.
10. Environment Agency: Objects to the proposal as a Flood Risk Assessment (FRA) has not been submitted. The agent for the application has indicated that a FRA is to be submitted. The Environment Agency have indicated that if the matter of flood risk can be resolved and the Council is minded to grant planning permission, a condition should be imposed.

## officer analysis

11. The key issues for consideration are:

- Principle of Development
- Visual Impact on Surroundings
- Highway Issues

principle of development

12. Proposal I4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 states that:

*'Proposals for office and business uses (Class B1) and general industry (Class B2) will be permitted.'*

13. The proposed development is predominantly for Class B1 and B2 use in the form of office and industrial units. In respect of these elements of the proposal, the development is considered to be in accordance with Proposal I4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
14. A cafeteria (Class A3) and some general B8 use accommodation are also proposed within the development and these elements need to be considered further.
15. Proposal I4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 specifically states that uses which fall under Class Use A3 should not be permitted on this site. In the justification for Proposal I4 it is indicated that because of the relative scarcity of such good quality land, such as the application site, efforts should be made to preserve it for B1 and B2 uses. The site is to be predominantly utilised as B1 and B2 use, and the cafeteria element is described as ancillary to the main development. It is also noted that the proposed cafeteria is of a limited scale and the proposed plans show a meeting room incorporated within the cafeteria which the applicants have indicated could be utilised by the employees of the surrounding offices. Given the scale of the proposed cafeteria, it is considered that the cafeteria would genuinely be ancillary to the proposed development which could also be utilised by employees of other existing businesses within South Church Enterprise Park. The proposed cafeteria would provide an opportunity to create a vibrant, self contained development which would retain employees on the site throughout the working day, which would also promote green travel objectives. Whilst the cafeteria element of the proposed development would not directly accord with the description of Proposal I4, it is not considered to conflict with the aims of Proposal I4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
16. The applicants have also indicated that of the 20 industrial units proposed to the rear of the site, 25% would be utilised as B8 use. Proposal I4 does not specifically indicate in the description that B8 uses are not permitted however the justification for the Proposal does state that '*Large land users which provide few jobs such as warehousing and storage (B8) will not normally be allowed.*' It is noted that Proposal I4 (Prestige Industrial Sites) intends to provide high quality industrial development which can compete against the very attractive sites now available in many parts of the UK. Whilst B8 uses are not specifically indicated as the preferred use for development on this site, only 25% of the industrial units would be for B8 uses which is considered small in comparison to the large scale of the overall development, and it is not considered that this would compromise the attractiveness of the development or contradict the aims of Proposal I4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

17. On balance, the majority of the site is to be developed for B1 and B2 use which is in direct accordance with Proposal I4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The cafeteria and B8 use elements of the proposed scheme are to be ancillary to the main development and are considered acceptable as they would not compromise the aims of Proposal I4.
18. There are specific uses which are indicated in Proposal I4 which should not be allowed on Prestige Industrial Sites. These specific activities and uses are recommended to be prohibited on the site through the means of planning conditions. Conditions are recommended accordingly.

visual impact on surroundings

19. Proposal I4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 offers justification that:

*'Prestige sites are high quality, strategically located major industrial sites capable of competing against the very attractive sites now available in many parts of the UK. Sites should be designed to a high standard with good landscape and building quality.'*

20. The proposed development site is allocated as a Prestige Site therefore the scheme has to be of a high quality which reflects the appearance of the existing South Church Enterprise Park.
21. The proposed development comprises of two main elements. These are the office units to the north and the industrial blocks to the south. The industrial units would be sited away from the main highway which runs through South Church Enterprise Park. The industrial units are all single storey and are a typical industrial design combining block work and corrugated metal cladding. Although the design and materials of the industrial units may not be normally acceptable on a prestige site, it is noted that these industrial units would not be highly visible from the main transport links through South Church Enterprise Park. The industrial units would be set away from the main highway and would be heavily screened by the office units which would be located between the main highway and the industrial units. In this case the style, design and materials of the industrial units are considered acceptable.
22. The office units would be located to the north of the site which fronts onto the main highway which is the main transport link through South Church Enterprise Park. The office units are all of a two storey design with the exception of one three storey office block which would be located centrally on the north boundary. This three storey office block would provide an interesting focal point to the development which offers an attractive feature to the site and the surrounding area. The layout of the office units show two parallel rows, with the parking facilities for the offices being set in between. A row of the office blocks would be set along the main highway and would provide a strong frontage. The Design and Access Statement submitted by the applicants indicated that the office units are derived from a contemporary design specification. The statement further indicates that the units would be finished in brickwork to provide a high quality finish. The proposed elevation drawings



for the office units also show an element of glazing. It is considered that the mix of brickwork and glazing for the office blocks would provide a high quality image which would reflect the high standard of the South Church Enterprise Park. A small amount of landscaping has been indicated on the proposed plans, and it is essential that landscaping is incorporated within the scheme to ensure the development is visually attractive. A condition is recommended accordingly.

23. The cafeteria building would be of a single storey design and would be constructed of a mix of brickwork, glazing and timber cladding. The design and use of different materials for this building is considered to be of a high quality and would not compromise the attractiveness of the overall development.
24. Given the sensitive layout of the scheme, by situating the office units to the front of the development where they would be highly visible from a public view point, and screening the industrial units to the rear of the site, it is considered that the proposed development would contribute positively to the high quality standard of the South Church Enterprise Park. The proposal is in accordance with Policy GD1 and Proposal I4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

#### highway issues

25. The proposed development is to be accessed directly off the main highway to the north of the site. The development would incorporate an area for car parking for the office blocks and the industrial units. Durham County Council Highways Authority have been consulted on the application. The Highways Officer has requested several minor amendments to the scheme. Amended plans have been received which show the introduction of several footpath links within the scheme and slight alteration to the access road on the west boundary in order to satisfy the Highway Officer's requirements. The Highways Officer has raised no objections to the main access to the site, the layout of the scheme or the parking provision provided within the development.
26. With the application, a Travel Plan and a Transport Assessment were submitted. These reports have made an assessment of the existing public transport, cycling and walking routes and collected data on current traffic patterns. These reports conclude that the proposed development is accessible to the surrounding area and that the development traffic could be accommodated by the local highway network.
27. It is considered that the proposed development would not have a detrimental impact on the existing road network and would not compromise road safety. The proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

#### **objections/observations**

28. The occupiers of surrounding properties have been notified individually in writing of the application. A site notice and a press notice were also posted advertising the application.

29. No observations have been received.

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

1. The majority of the site is to be developed for B1 and B2 use which is in direct accordance with Proposal I4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. The cafeteria and B8 use elements of the proposed scheme are considered to be ancillary to the main development. Each application has to be determined on its own merits and the proposed development in this application is considered acceptable as the cafeteria and B8 elements would not compromise the aims of Proposal I4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. The proposed development would provide an interesting and attractive frontage by siting the office units to the north of the site adjacent to the main highway. The design and materials proposed for the office units would provide a high standard finish which would be visually attractive to the surrounding area. The proposed industrial units would not be highly visible from any public viewpoint as they would be located away from the main highway and screened by the office development. The proposed development is considered to be designed to a high standard which would contribute positively to the high quality standard of the South Church Enterprise Park. The proposal accords with the aims of Policy GD1 and Proposal I4 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. The proposed development provides adequate parking provision and the layout and access are considered acceptable in highway terms. There are sufficient and acceptable footpath links within the site. The proposed development is accessible to the surrounding area and the development traffic would be accommodated by the local highway network. The proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

### **RECOMMENDED**

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

#### **conditions**

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

2. The development hereby approved shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the buildings shall not be occupied until that work has been carried out in accordance with the approved details.
3. The development hereby approved shall not begin until details of the existing and proposed site levels and the finished floor levels of the proposed buildings and those of existing neighbouring buildings have been submitted to and approved in writing by the local planning authority; and the works shall be completed in accordance with the approved details.
4. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
6. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the buildings hereby approved are commenced.
7. Before the development hereby approved is commenced full engineering details of the proposed new road, including an engineering layout, shall be submitted to and approved in writing by the local planning authority, and before the buildings hereby approved are occupied the subsequently approved engineering details shall be implemented to the satisfaction of the local planning authority.
8. Before the development hereby approved is commenced wheel washing equipment shall be provided at all egress points. The equipment installed shall be of the grid type to ensure that once the bottom of the vehicle is cleansed of mud, etc. this mud, etc. is not trailed onto the public carriageway. The wheelwashing equipment shall be used on all vehicles leaving the site during the period of construction works.
9. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the local planning authority. Roof water shall not pass through the interceptor.

10. There shall be no storage in the open on the site of goods, materials, equipment, vehicles or waste except in areas which may be first approved in writing by the local planning authority.
11. The business units hereby approved shall not be used for scrapyards, car sales, petrol sales, lorry parks and for the storage and distribution of minerals.

**reasons**

1. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. To ensure a satisfactory standard of development and to ensure that the development is not unduly prominent within the surrounding landscape. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. To ensure the satisfactory appearance of the completed development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
5. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. To achieve a satisfactory form of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. In the interest of highway safety. In accordance with policies T1 and GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. In the interest of traffic safety and to safeguard the amenity of the surrounding area. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
9. To prevent pollution of the water environment. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
10. In the interest of visual amenity. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
11. To avoid the introduction of inappropriate uses on the site and to ensure adjoining or nearby buildings are not adversely affected. In accordance with

policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

**background information**

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

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<b>explanation</b>			

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**Officer responsible for the report**

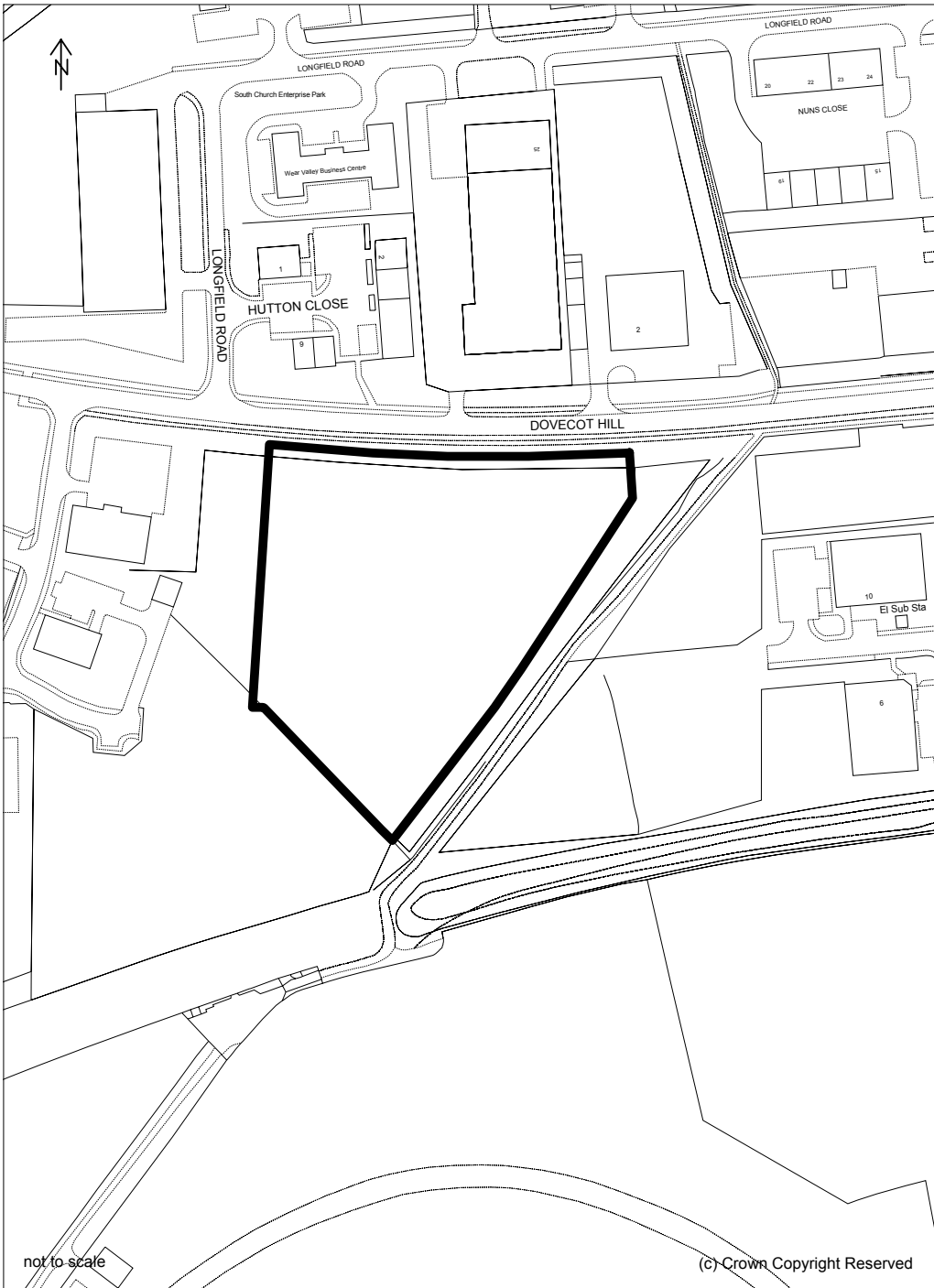
Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

**Author of the report**

Chris Baxter  
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Ext 441

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**3/2007/0829 - PROPOSED MIXED USE DEVELOPMENT WITH OFFICES AND SMALL INDUSTRIAL UNITS. THE OFFICES ARE A MIXTURE OF TWO AND THREE STOREY, THE BUSINESS PARK DEVELOPMENT ALSO INCLUDES A SINGLE STOREY CAFÉ AT LAND AT HENSON CLOSE, SOUTH CHURCH ENTERPRISE PARK, BISHOP AUCKLAND FOR MR. GLASS – 06.12.2007 AMENDED 06.02.2008**



SPECIAL DEVELOPMENT CONTROL COMMITTEE

21<sup>ST</sup> FEBRUARY 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2007/0866 - DEMOLITION OF EXISTING OUT-BUILDING AND EXTENSION AND CREATION OF NEW WINGS TO FORM RESIDENTIAL DEVELOPMENT AT FAIRFIELD HOUSE, HIGH STREET, STANHOPE FOR KNIGHTSBRIDGE DEVELOPMENTS N.E. LIMITED-14.12.2007 – AMENDED 06.02.08**

**description of site and proposals**

1. Full planning permission is sought for the change of use of Fairfield House from a residential language school (Use Class C2) to apartments (Use Class C3) and extension and creation of wings to form residential apartments. The development would comprise 33 apartments and 43 parking spaces.
2. 26 of the apartments would be two bedroom, 3 would be one bedroom units, 2 would be three bedroom and 2 would be four bedroom apartments. The majority of the parking would be situated to the rear of the. There would be three parallel parking spaces along the access into the site and five undercroft spaces at the front elevation of the south east wing. There would be a further five parking spaces behind the bin store, which would be located 31 metres from the main road, High Street, Stanhope. The other 29 parking spaces would be located to the rear of the building.
3. Fairfield House is a large, two storey, south west facing vacant Victorian dwelling with a large mature garden to the front containing a number of specimen trees some of which are protected individually by a TPO. There is garden area and a tennis court to the south east of the property. The house itself is constructed of dressed stone with a slate roof. A stone wall encloses the site.
4. The building was previously used as an educational centre for overseas students. Previous to that it was used as Council offices.
5. The development would involve the demolition of an L shaped building to the north western side and rear of Fairfield House and the demolition of a number of greenhouses on the south eastern side of the site. An extension to the rear of Fairfield House, which was constructed in the 1980's, would also be demolished and replaced.

6. The proposed north western wing would be detached from the host property. The north western wing would measure 12.5 metres in width and 31 metres in length and have a height to the ridge of 12.2 metres. It would be set forward 0.4 metres from the front elevation of Fairfield House.
7. The proposed south eastern wing would be attached to Fairfield House by a link measuring 6.4 metres in width and 8 metres deep, it would have a height to the ridge of 7.5 metres, it would be set back 4.2 metres from the front elevation of Fairfield House and the ridge would be set down 1 metres from the ridge of the main dwelling. The south eastern wing would measure 13 metres in width, 27 metres deep and would have a height to the ridge of 10 metres.
8. To the north east of the site is a reclaimed, landscaped spoil heap. The spoil heap has been grassed over and planted with evergreen trees and is designated as an Area of Landscape Value. To the south east is agricultural land and Fairfield Cottages, to the south west is highway and residential properties at high Street and to the north west is the large rear garden of number 11 High Street.

### **planning history**

9. The following planning applications have been received in respect of this site:
  - 3/2007/0584 Residential Development and Change of Use Withdrawn

### **planning policies**

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

- GD1 General Development Criteria
- H3 Distribution of Development
- H24 Residential Design
- T1 Highways - General Policy
- BE5 Conservation Areas
- BE6 New Development and Alterations in Conservation Areas
- BE8 Setting of a Conservation Area
- FPG1 Highway Design Standards for New Development
- ENV3 Area of Landscape Value

Also relevant: Planning Policy Statement 3 PPS3 'Housing', Planning Policy Statement 7 'Sustainable Development in Rural Areas' (PPS7), North East of England Regional Spatial Strategy The Secretary of State's Further Proposed Changes to the Draft Revision Submitted by the North East Assembly February 2008 (RSS), County Durham Local Transport Plan 2 (LTP2), Planning Policy Guidance 13 'Transport' (PPG13), Planning Policy Statement 9 'Biodiversity and Geological Conservation' (PPS9), Planning Policy Guidance 17 'Planning for Open Space, Sport and Recreation' (PPG17), Planning Policy Guidance 15 'Planning and the Historic Environment' (PPG15).



## consultations

11. DCC Highways: The latest proposal shows 43 parking spaces for 33 units, the last plan had 41 spaces for 34 units. This is an increase in the ratio of parking spaces to the flats from less than 1.25 to over 1.3 spaces per unit. However, after our discussions on Wednesday I had been expecting a total of 45 parking spaces. However the revised layout would allow for, at a conservative estimate, an additional six vehicles to park as close as possible to their destination. For this reason I am satisfied that vehicles associated with this development will not overspill onto the surrounding streets.
12. The internal road layout is not designed to adoptable standards. However, this is an access to a car park for a development of flats and the bin store is shown to be close to the entrance. There is, therefore no requirement to provide an adoptable road within the site. The existing access must nevertheless be improved, to meet current adoption standards, back to the existing gate posts. At this point a kerb or channel must be provided to prevent water from the site running onto the highway. Full Officering details of the access must be submitted and approved prior to the commencement of any work on site.
13. Subject to the above requirement no objections are raised to this proposal.
14. Northumbrian Water: No objections.
15. Environment Agency: No objections.
16. Durham County Council's Arboricultural Officer has commented as follows:  
  
Tree No 440 Ulmus Procera Elm (Not Sycamore)
  - Prune in accordance with report submitted by Batsons Ltd.
  - Protect with a TPO.  
Tree No439 Sycamore
  - Prune to clean crown only. The crown already appears to be above 4 metres.
  - Protect with a TPO.  
Tree No 438 Sycamore
  - Prune in accordance with report submitted by Batsons Ltd.
  - Protect with a TPO.  
Tree No 437 Sycamore
  - Prune in accordance with report submitted by Batsons Ltd.
  - Protect with a TPO.

Tree No 436 Elm (Not Sycamore)

- Prune to reduce crown height by 25%.
- Prune to raise the crown over highway.
- Prune remainder in accordance with report submitted by Batsons Ltd.
- Protect with a TPO.

Tree No 435 Sycamore

- Prune in accordance with report submitted by Batsons Ltd.
- Protect with a TPO.

Tree No 434 Yew

- As report submitted by Batsons.
- Expendable.

Tree No 433 Prunus Cerasifera Plum (Not Cherry)

- Prune in accordance with report submitted by Batsons Ltd.

Tree No 432 Swedish White Beam

- Prune in accordance with report submitted by Batsons Ltd.
- Protect with a TPO.

Tree No 431 Wild Cherry

- Dangerous. Fell.

Tree No 430 Swedish Whitebeam (Not Cherry)

- As report submitted by Batsons.
- Protect with a TPO.

Tree No 429 Ornamental grafted Cherry

- Prune to clean out and tidy crown.
- Protect with a TPO.

Tree No 428 Plum (Not Elm)

- Prune in accordance with report submitted by Batsons Ltd.

Tree No 427 Hawthorn

- Prune to tidy.

Tree No 426 Common Lime

- Prune in accordance with report submitted by Batsons Ltd.
- Protect with a TPO.

Tree No 425 Sycamore

- Prune to reduce upper crown weight by one third.
- The tree although infected with fungal activity appears in my opinion to be structurally sound.
- A bat survey requires to be carried out if the tree is to be felled in the future.
- Protect with a TPO.

Tree No 423 Birch

- Pollard. Reduce crown by 50% and prune to balance.
- Expendable.

Tree No 421 Malus Apple (Not Cherry)

- As report submitted by Batsons Ltd.

Tree No 420 Cherry

- Dangerous. As report submitted by Batsons Ltd.

Tree No 419 Wild Cherry

- Fungal activity, dangerous. As report submitted by Batsons Ltd.

Tree No 418 Common Ash

- As report submitted by Batsons Ltd. Consider height reduction by 50%.
- Monitor.

Tree No 417 Common Ash

- Consider pruning in line with No 418 recommendations to create balance.
- Monitor.

Tree No 416 Holly (Not highlighted upon submitted plan)

- Prune to tidy and raise crown by 25%.

Tree No 415 Beech

- Prune in accordance with report submitted by Batsons Ltd.

## Tree No 414 Cherry

- Prune in accordance with report submitted by Batsons Ltd.
17. All trees that are recommended protection by a TPO are currently protected by a TPO.
  18. Durham Constabulary Architectural Liaison Officer: No observations.
  19. Durham Bat Group (DBG) has commented as follows:
  20. It comes as no surprise to find that this building is used as a bat roost.
  21. DBG are pleased to endorse both the survey and all its recommendations in this case.
  22. Further survey work will be needed in order to ensure that the current roosts are retained where possible and that effective mitigation is put in place to ensure that there is no loss of conservation status.
  23. As this is a proven bat roost, a DEFRA licence will be required before work can proceed and the award of a DEFRA licence should be a condition of consent in any planning permission awarded for this site.
  24. It is recognised that planning permission is not strictly required for demolition work. However, now the building is known to be a bat roost, any disturbance or destruction is illegal regardless of whether the person who does it is aware of the building's status. It is also worth remembering that a roost is a roost, regardless of whether the bats are present.
  25. Durham County Council's Ecologist: Having looked at the planning application and associated bat survey for Fairfield House, the risk assessment indicates that the L shaped building does not have a bat presence but that Fairfield House itself does. I am happy with the quality and extent of the risk assessment and agree with the ecological consultant's opinions on the value of the site to bats and the possible implications of development.
  26. I have no objection to the demolition of the L shaped building but as demolition of the main building will require a Natural England licence I expect that full surveys will be carried out this summer and any planning permission will be conditioned to include compliance with the ecologist's recommendations and the licence contents.
  27. Stanhope Parish Council: There are not enough parking spaces for the number of apartments. Parking is already an issue on the narrow roads and we feel that if there is an overspill, access for emergency vehicles will be a problem.
  28. Wear Valley District Council Design and Conservation Area Manager: It is considered that the overall impact of the proposal will be appropriate. The most significant and positive features of the existing site and buildings will be retained. The proposal will enhance the character and appearance of the immediate neighbourhood by ensuring well sited additions to the built form are

well screened and that there is effective parking locations and generally a high quality built design that will sit conformably to the rear of this large site. It will also help to provide a regenerated future for the site through appropriate investment in the fabric and quality of the local conservation area scene.

29. The attention to detail that has now been achieved in this design is considered to be a positive opportunity for this currently underused and non active dormant site. If the scheme is built, it will be a carefully thought through comprehensive treatment to an important large site. Future pressures should arguably be resisted for any further development as a result. The long term appearance and on-going maturity of the site will be as assured as far as it is reasonable, allowing it to contribute positively and appropriately to the future identity of this conservation area and town as a whole.
30. Durham County Council's Public Rights of Way Officer: Public Footpath 14b, Stanhope runs adjacent to the western edge of the property. The development at Fairfield House appears not to affect this footpath; however the developer must ensure that this route remains open and free from obstruction throughout any works. If there is sufficient need to warrant a temporary footpath closure whilst some works are undertaken, the developer will need to discuss this with me beforehand. (Note: At least six weeks notice to arrange this is required).

#### **officer analysis**

31. The key issues for consideration are:
  - Principle of the development
  - Design
  - Impact on the Conservation Area
  - Residential Amenity
  - Parking and Access
  - Trees
  - Impact on Protected Species
  - Impact on Public Right of Way
  - Impact on an Area of Landscape Value

principle of the development

32. The site is a brownfield site located within the settlement limits for Stanhope as identified in the Wear Valley District Local plan as amended by the Saved and Expired Policies September 2007. The site is located in a primarily residential area not allocated for any specific use. Stanhope is identified as an area where development will be directed to under policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
33. National Planning Policy guidance applies a presumption in favour of securing sustainable housing development by directing new housing to those areas best able to support it in terms of provision of services and facilities and good public transport links. The settlement in question is well served by facilities and services within walking distance of the site. Stanhope is also serviced by good public transport links. Therefore the site is considered acceptable for

residential development and generally conforms to PPS3 'Housing' and PPS7 'Sustainable Development in Rural Areas'

34. In terms of regional planning policy the RSS is under review to project policies forward to 2021. The submission Draft of the RSS was released in June 2005. Following an examination in public, in May 2007, the Government Office for the North East published the Secretary of State's proposed changes and in February 2008 further changes were proposed. Draft RSS Policy 3 emphasises that the underlying reason for the implementation of a sequential approach is to direct development to the most sustainable locations whilst prioritising previously-developed land. The Council has adopted (April 2007) a local interpretation of RSS Policy 3, which sets out a sequential approach that limits new housing development to the district's most sustainable locations. Stanhope is identified in this policy as a settlement where new housing will be directed.
35. The Council's Economic Regeneration Section has made comments in objection to the proposed development at Fairfield House, stating that the site has been subject to considerable demand from the private sector looking to develop office and hotel accommodation and this would provide a much better economic use of the site. Designated employment land within the district is in scarce supply and the district is under immense pressure from housing developers to attain such sites. One of the key recommendations in the recent Employment Land Review (ELR) was to resist such developments from housing companies. Fairfield House in Stanhope historically has fulfilled a purpose of a training and education facility in the Dales and should not be lost to housing. In response to this objection, the site is in private ownership and not designated for any particular use within the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007. It is outside of the planning system to enforce that the site be retained for commercial use. Each planning application must be judged on its own merits and assessed in accordance with the relevant planning policy.

design

36. The proposed development is to demolish the existing extension to Fairfield House, the 'L' shaped building to the side and rear of Fairfield House and the existing outbuildings and to form two new wings one attached and one detached to create additional units. The mature garden to the front of the property will remain as amenity space for the residents.
37. The present character and contribution the site makes to the Stanhope Conservation Area is considered to be that of a principal building, an austere two storey stone and slate former house, sited on levelled ground to the rear of the site. The 'grey' stone is thought to be a granulated or crystalline limestone, not considered a common building material in the immediate area where most masonry building walls are sandstone. The house has a symmetrical frontage, with a main door to the side in a small porch and has a dramatic stepped gable front arrangement,

38. There is a low contemporary block of stone outbuildings to the rear boundary which compliment the former function and age of the principal building but are discreet on the site. There is a more modern two storey L shaped wing to the west, which makes a relatively poor albeit quite prominent impact to the appearance and contribution of the whole.
39. Wooded steep fell land rises to the rear outside the site. Internally, the generous cover provided by a variety of mature trees makes a significant and positive contribution to the Conservation Area. The appearance and value of the trees, which are very notable due to the wide expansive open site entrance and their visibility over the front stone walls, are arguably the main contribution of the site to the wider area, especially in the summer months when the built forms on the site become very screened from view. Appropriate protection and long term management of tree types, locations and cover on the site are therefore most important to the well being of the character of this part of the Stanhope Conservation Area.
40. The proposal seeks to remove the western block with its unsightly prominent garage doors facing down the wide open entrance drive and the flat-roofed covered terrace. It would be replaced by a balanced gable wall of a new two storey block with regular sash proportioned windows and traditional roof details. This wall would be natural stone and the windows timber.
41. The new block would be free standing, unlike the existing one, which is considered to be an improvement to the contribution that the main house can then make to the overall conservation area. The new block can be read individually, like a local short terrace and allow views through to the important fells behind.
42. The western elevation to this block would also be stone to ensure that no deterioration of render finish occurs and to ensure that the building adds to the local character of built form along its more prominent boundaries, which is especially important next to a public right of way through to open land.
43. Roof dormers have been re-designed to sit unobtrusively in one of the local vernacular styles.
44. This re-submitted application is significantly improved on the withdrawn one, especially in relation to the gap now created between the main existing block and the new west wing. This view of the principal building, its north-west corner and edge, contributes most to the conservation areas character and appearance. The application retains this positive impact as it also retains a side porch thereby also retaining the formal austere frontage, with its overlooking windows facing south.
45. The proposed recessed link is considered to be a good solution, it functionally attaches the proposed additional eastern block to the main house without reducing its integrity of presence on the site. Use of render on this recessed block would reinforce the understanding of this deliberate hierarchy of the relationship between the principal building and its secondary additions to the east.

46. Roof lights generally have been realigned and now 'run through' with lower floor fenestration patterns with a reduced size they now achieve an appropriate appearance, through the building group.
47. The eastern range is significantly reduced in scale from the original submission. Whilst still an extensive block it is significant to note that it is situated in the most discreet position on the site. The principal of it coming forward of the main house is considered acceptable given the site specifics. The link block, as above, maintains the understanding of the historic and architectural provenance of the site whilst the trees and levels dramatically reduce the actual visual impact of this wing.
48. The use of stone to the front and outside eastern edge would ensure that this block provides an attractive and appropriate edge to the conservation area. This consideration rests on the argument that the basic form of local housing is terraces rising up the contours. This block, partially sitting behind the existing wall, reflects this local form.
49. Use of render is proposed to the rear which is acceptable; it may provide a lighter reflective surface and save some use of external lighting on this north facing area. Parking would be very discreetly sited to the rear courtyard.
50. Architectural fenestration is considered well balanced and appropriate to the proposed enlarged building and its setting.
51. Levels are an important issue on this site. The gradients and surfaces as now submitted retain a suitable rural small town feel to the site.
52. The special contribution that the front garden currently provides to the conservation area has been retained and arguably strengthened with tree protection and a conditional 'landscape management plan' for new planting to ensure long-term cover.  
  
impact on the conservation area
53. The application site is deliberately included within the Stanhope Conservation Area boundary as it actually forms the edge of it against open fell land to the north and east. This fact demonstrates that the site, in its existing state, was considered to be sufficiently significant as part of the identity and character of Stanhope Conservation Area.
54. Since the site is located within Stanhope Conservation Area, the development must preserve or enhance the character of the area, use materials which are appropriate to the conservation area and reflect the vernacular style of the locality.
55. The site is not readily visible from the main road as it is set back 52 metres from the main road and is well screened by mature trees. It would however be visible from adjacent public paths. The site and the public footpath network are separated by a stone boundary wall.



56. The stone boundary walls would be retained to help integrate the development into its established environment. Rebuilding of the walls may be necessary. A condition will be attached to the planning permission controlling means of enclosure on the site in order to ensure that these important features within the conservation area would be protected and enhanced.
57. The applicants have taken care to consider the form and layout of the area and their design generally respects the existing built form. They have succeeded in achieving a good quality design taking into account the comments of the Design and Conservation Manager. The proposed development would result in the loss of a number of inappropriate extensions and dilapidated outbuildings. The removal of these extensions and outbuildings is to be welcomed as this in itself would enhance the character of this part of the conservation area.
58. It is considered that, with careful control over the use of construction materials, window designs, surface materials and lighting, the scheme would enhance this part of the conservation area. The proposed development therefore accords with policies GD1, BE5 BE6 and BE8 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

residential amenity

59. The development would be set back approximately 52 metres from the main road, High Street, Stanhope. It would be screened from the main road and properties on the opposite side of High Street by existing mature trees within the front garden of Fairfield House and along the access to the site. To the rear of the site is a reclaimed spoil heap landscaped, grassed and with mature evergreens. The spoil heap is designated as an Area of Landscape Value. There are no residential properties in close proximity to the north east of the site. The dwellings at Fairfield Cottages are 45 metres from the development. Mature trees and a 2.5 metre high hedge would screen the development from Fairfield Cottages. Number 11 High Street, Stanhope is situated approximately 50 metres from the proposed development. The development would be screened from 11 High Street, Stanhope by existing mature trees.
60. Separation distances well above the required 21 metres would be achieved between the proposed dwellings and neighbouring adjacent dwellings outside the site.
61. Within the site each of the units would achieve the 21 metres separation distances between windowed elevations and 15 metres separation distances between windowed elevations and opposing gable walls.
62. The existing mature garden to the front of Fairfield House is to be retained as amenity space for the residents of the development. The garden area occupies approximately 1600 square metres of the site. For flats/apartments policy H24 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 recommends a minimum of 25 square metres of amenity space per unit. For 33 units, 825 square metres of amenity space would be required. The site actually provides approximately 48.5

square metres of amenity space for each of the apartments. The garden area would be protected from vehicles parking on it by the erection of a low level birds mouth fence.

63. There are no concerns regarding the residential amenity of the proposed dwellings or neighbouring adjacent dwellings. The proposal accords with policies GD1 and H24 of the Wear valley District Local Plan as amended by the Saved and Expired Policies September 2007.

parking and access

64. The development would use the existing access into the site which is 8.5 metres wide. The proposed access would maintain the wide sweeping entrance point but would be narrowed to approximately 6.5 metres to accommodate three parallel parking spaces. In relation to the adoptability of the internal road within the site, it is not designed to adoptable standards. However, this is an access to a car park for a development of flats and the bin store is shown to be close to the entrance. Durham County Council's Highways Officer has confirmed that there is therefore no requirement to provide an adoptable road within the site. The existing access must nevertheless be improved, to meet current adoption standards, back to the existing gate posts. This will be a condition of the planning permission.
65. The proposal shows 43 parking spaces for 33 units. This would provide a parking ratio of 1.3 parking spaces per unit. The revised layout of the site would allow for, at a conservative estimate, an additional six vehicles to park as close as possible to their destination. For this reason it is highly unlikely that vehicles associated with Fairfield House either residents or visitors would park on the surrounding streets. Durham County Council's Highways Officer is satisfied with the proposals and raises no objections to the proposed parking arrangements.
66. The proposed parking and access for the site are considered to accord with policies GD1 and T1 and FPG1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, the County Durham Local Transport Plan 2 and PPG13 'Transportation'

trees

67. A number of trees on the site are protected by a Tree Preservation Order and the rest are protected by Trees in a Conservation Area status. The developer has provided an arboricultural report for the trees on the site and adjacent to the site. The tree report was forwarded to Durham County Council's Arboricultural Officer for comment. These comments were then forwarded to Batson's Environmental Ltd, the authors of the report. Comments regarding the tree report for the site made by Durham County Council's Arboricultural Officer have been agreed to in writing by Batson's Environmental Ltd.
68. The trees to remain on site would be protected for the duration of the development by fencing.

69. The trees make a significant contribution to the local area and it is considered that the proposed pruning and felling works would improve the appearance and health of the trees and could be carried out in the interests of tree safety and management. 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 protected species

70. A bat survey was carried out at the property in October 2007. This is outside the normal period of bat activity. However evidence of bats was found at Fairfield House around the windows on the south and east sides, therefore Fairfield House is a high risk for bats. The 'L' shaped building on the site is considered a low risk building for bats as there have been no opportunities for bats to access the building and no bat field signs were found at the building. Replacement roost sites will be provided. The new roosts will be located, wherever possible to avoid the access road and car parking areas. Dusk emergence surveys will be carried out in 2008. A minimum of two years post-project monitoring will be implemented. This will entail two dusk emergence counts during the bat breeding season to gauge the impact of the conversion works. The data will be supplied to Durham Bat Group. The results of the 2008 dusk emergence surveys will inform the detailed methodology for which a Natural England bat licence will be obtained but standard exclusion methods will be used. The exclusion will take place in September/October 2008. The necessary mitigation works will be a condition both of the planning permission and of the necessary Natural England bat licence.
71. The site is unlikely to support other protected species other than breeding birds. Where any breeding birds are likely to be disturbed, works will be carried out outside the bird breeding season.
72. The development as proposed is considered acceptable in terms of impacts on protected species in accordance with PPS9.

impact on public right of way

73. Public Footpath 14b, Stanhope runs adjacent to the western edge of the property. Durham County Council's Public Rights of Way Officer has confirmed that the development at Fairfield House appears not to affect this footpath; however the developer must ensure that this route remains open and free from obstruction throughout any works. If there is sufficient need to warrant a temporary footpath closure whilst some works are undertaken, the developer will need to discuss this with Durham County Council's Public Rights of Way Officer. It is considered that the development does not conflict with PPG17 'Planning for Open Space, Sport and Recreation'.

impact on an area of landscape value

74. The site is located adjacent to an Area of Landscape Value. It is considered that the proposed development would not adversely impact upon the special landscape character and nature conservation interests of the adjacent Area of Landscape Value in accordance with policy ENV3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## objections/observations

75. Occupiers of the surrounding properties have been notified in writing and a site notice was also posted.
76. Ten letters of objection have been received in relation to the development making the following objections:
  - a) Insufficient parking spaces. Local residents already have trouble parking their cars.
  - b) High Street already suffers from congestion; construction traffic will only exacerbate the situation.
  - c) Construction traffic will cover the road in mud unless regular cleaning is scheduled.
  - d) Water pressure on High Street is abysmal, further apartments will only compound the problem.
  - e) Danger of heavy vehicles to pedestrians, particularly old people and children.
  - f) Damage to road surfaces, underlying mains services and existing walls (due to vibration) by heavy vehicles.
  - g) Few staff cars and few bus trips to Fairfield House when the site was a conference centre.
  - h) The environmental study has failed to cover the existence of bats, tawny owls, birds and flora. These will be affected by the demolition and building works.
  - i) High Street is single width. How will service vehicles and emergency vehicles counteract this?
  - j) Strain on capacity of drains.
  - k) The three storey units will affect the privacy of some residents on High Street.
  - l) Landscaping and tree removal will be detrimental to the curtilage for the area.
  - m) The bat roosts are likely to be disturbed. Substitute bat roosts do not mean the bats will move.
  - n) Why such a large development in a town where houses do not sell quickly?
  - o) The red line site location plan shows a section of garden that belongs to 1 Fairfield Cottages.
  - p) The development will look unsightly and out of place.
  - q) What price range will the apartments be in and will local people be able to afford them or will we be facing an influx of people into what is already an overstretched area for local amenities, i.e. doctors and dentists?
  - r) The applicant states that the site is not adjacent to a Public Right of Way whereas, in fact, there is a Public Right of Way between the boundary wall of the site and School House, 11 High Street, Stanhope.
  - s) The applicant states that no part of the site has been in Council ownership but, in fact, the whole site and buildings belonged to Wear Valley District Council from April 1974. They were subsequently sold.
  - t) The development is for more units than the previously withdrawn application.
  - u) The proposal would represent overdevelopment of the site.

## **response to objections**

77. The following comments are made in response to the issues raised:
- a) Durham County Council's Highways Officer is satisfied with the proposed parking arrangements for the site.
  - b) Durham County Council's Highways Officer is satisfied with the scale of the proposed.
  - c) The provision and use of wheel washing equipment will be a condition of the planning permission.
  - d) Northumbrian Water have raised no objections to the proposal.
  - e) Durham County Council's Highways Officer is satisfied with the proposals.
  - f) These issues are not a planning matter.
  - g) The building already has an existing use class as an educational centre. This use could be intensified without planning permission bearing this in mind Durham County Council's Highways Officer has not objected to the proposed development.
  - h) The existence of bats and birds has been commented upon in the accompanying environmental study and necessary mitigation has been detailed. Owls are not present on the site. Flora in the form of trees are protected on the site by a Tree Preservation Order and Trees in a Conservation Area status. A tree report accompanies the application. Other flora on site will be dealt with by means of a condition on the planning permission requiring the submission of landscaping details.
  - i) Durham County Council's Highways Officer is satisfied with the proposals.
  - j) Northumbrian Water have raised no objections to the proposal.
  - k) Refer to residential amenity in officer analysis.
  - l) Landscaping details must be submitted to and approved in writing by the local planning authority before the commencement of the development. The most valuable trees will be retained.
  - m) The bat report has been approved by both Durham County Council's ecologist and Durham Bat Group.
  - n) This is not a planning matter.
  - o) This has been rectified with the submission of an amended red line site location plan.
  - p) Refer to design in officer analysis.
  - q) The selling price of dwellings on the open market is not a planning matter nor is provision of doctors and dentists.
  - r) This has been corrected by the applicant.
  - s) This has been corrected by the applicant.
  - t) Refer to officer analysis.
  - u) Refer to officer analysis.

## **conclusion and reasons for approval**

1. The proposal is considered to be acceptable as it is in accordance with policies GD1, H3, H24, T1 ENV3, BE5, BE6, BE8 and FPG1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 as well as national planning guidance in PPS3, PPS7, PPG13, PPS9, PPG17, PPG15 and regional policy in the RSS as it:
  - a) Would represent effective and efficient use of brownfield land.

- b) Would be situated in a sustainable location within walking distance to services and facilities and public transport links.
- c) The site is located within a settlement where new housing will be directed to in accordance with national, regional and local planning policy.
- d) Would be suitably designed in terms of the layout, appearance of the dwellings and siting within the conservation area.
- e) Would offer suitable levels of amenity and security within the development, as well as preventing harm to the living conditions of neighbouring properties.
- f) Would provide adequate amenity space for each unit.
- g) Would be acceptable in terms of highway safety, access and parking.
- h) Would not be detrimental to the health of any trees on or around the site.
- i) Would not be detrimental to the well being of any protected species on the site.
- j) Would not significantly impact on the usage of the adjacent public right of way.
- k) Would not impact upon the special landscape character and nature conservation interests of the adjacent Area of Landscape Value.

## **RECOMMENDED**

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

### **conditions**

1. Notwithstanding the details included on the approved plans the following design requirements shall be incorporated into the proposed scheme unless otherwise agreed in writing by the local planning authority:-
  - a) all windows shall be timber, painted white, double hung vertically sliding sash;
  - b) all windows shall be recessed 100 mm from the face of the building;
  - c) all stone cills and lintels on the approved plans shall be exposed natural stone;
  - d) all external doors shall be natural timber doors;
  - e) the roof covering shall be natural slate to match the existing Fairfield House;
  - f) all rainwater goods shall be cast iron of a colour to match rainwater goods on the existing Fairfield House;
  - g) all sanitary ventilation shall be terminated internally with air admittance valves;
  - h) all rooflights shall be conservation flush fit lights, frames finished in black
  
2. Before the commencement of construction works on site a square metre sample panel of the stone and a square metre sample panel of the render to be used in the construction of the external walls of the development shall be made up on site for inspection and approval in writing by the local planning authority. The approved sample panel shall remain in place throughout construction and the development shall be implemented in accordance with the approved details.

3. Before the development hereby approved is commenced, details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the local planning authority, and the development shall be carried out in accordance with the approved details.
4. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include details of all trees to be removed and details of a replanting scheme the details of which shall be prepared by a suitably qualified person.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
6. All trees and shrubs to be retained on site shall be protected for the duration of construction operations by appropriate protective fencing minimum 1 metre height. Protection to trees shall be positioned around the crown spread to prevent any access, disturbance or contamination within the rooting zone.
7. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the apartments are first occupied.
8. All pruning work shall be carried out in accordance with BS No. 3998.
9. Before the development hereby approved is commenced full engineering details of the improvements to be made to the existing access, to meet current adoption standards, back to the existing gate posts, providing a kerb or channel to prevent water from the site running onto the highway, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details prior to the first occupation of the apartments.
10. Notwithstanding the provisions of Article 3 and Classes A and C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 et seq none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.

11. Before the development hereby approved is commenced all further survey work on protected species shall be carried out as per the requirements of the bat survey submitted as part of this application. The results of the survey work shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. All mitigation works recommended as per the bat survey with this application and any further mitigation works recommended as a result of the further survey work shall be carried out on site in accordance with the approved details before the commencement of development.
12. Before the development hereby approved is commenced, detailed drawings showing the existing and proposed site levels and the finished floor levels of the existing and proposed new buildings shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with any subsequently approved submission.
13. Before the development hereby approved is commenced the exact location of the proposed buildings shall be pegged out on site for inspection and approval in writing by the local planning authority and the works shall be implemented in accordance with the approved pegging out.

#### **reasons**

1. For the avoidance of doubt and to maintain the character of the building. In accordance with policies GD1, BE5, BE6, BE8 and ENV3 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, BE5, BE6, BE8 and ENV3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
3. To achieve a satisfactory standard of development. In accordance with policies GD1, BE5, BE6, BE8 and ENV3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
4. To ensure the satisfactory appearance of the completed development. In accordance with policies GD1, BE5, BE6, BE8 and ENV3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
5. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
6. To ensure that the trees to be retained are appropriately protected from damage by the Officering or building operations. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.



7. To achieve a satisfactory form of development. In accordance with policies GD1, BE5, BE6, BE8 and ENV3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
8. To ensure that the pruning works are undertaken in a satisfactory manner and to ensure that the remainder of the trees are not harmed. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
9. In the interests of highway safety and efficiency. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
10. The local planning authority wishes to control future development in order to safeguard the appearance of the property. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
11. To satisfy the requirements of the bat survey. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
12. To ensure a satisfactory standard of development and to ensure that the development is not unduly prominent within the surrounding area and to safeguard the occupiers of neighbouring properties from loss of privacy or other residential amenities. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
13. For the avoidance. To ensure a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

### **Informative**

Public Footpath 14b, Stanhope runs adjacent to the western edge of the property. The development at Fairfield House appears not to affect this footpath; however the developer must ensure that this route remains open and free from obstruction throughout any works. If there is sufficient need to warrant a temporary footpath closure whilst some works are undertaken, the developer will need to discuss this with Durham County Council's Rights of Way Officer beforehand. (Note: At least six weeks notice to arrange this is required).

### **background information**

Application files, WVDLP as amended by the Saved and Expired Policies September 2007, Planning Policy Statement 3 PPS3 'Housing', Planning Policy Statement 7 'Sustainable Development in Rural Areas' (PPS7), North East of England Regional Spatial Strategy The Secretary of State's Further Proposed Changes to the Draft Revision Submitted by the North East Assembly February 2008 (RSS), County Durham Local Transport Plan 2 (LTP2), Planning Policy Guidance 13 'Transport' (PPG13), Planning Policy Statement 9 'Biodiversity and Geological Conservation' (PPS9), Planning Policy Guidance 17 'Planning for Open Space, Sport and

Recreation' (PPG17), Planning Policy Guidance 15 'Planning and the Historic Environment' (PPG15).

<b>PS code</b>	<input type="text" value="1"/>		
<b>number of days to Committee</b>	<input type="text" value="70"/>	<b>target achieved</b>	<input type="text" value="√"/>
<b>explanation</b>			

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**Officer responsible for the report**

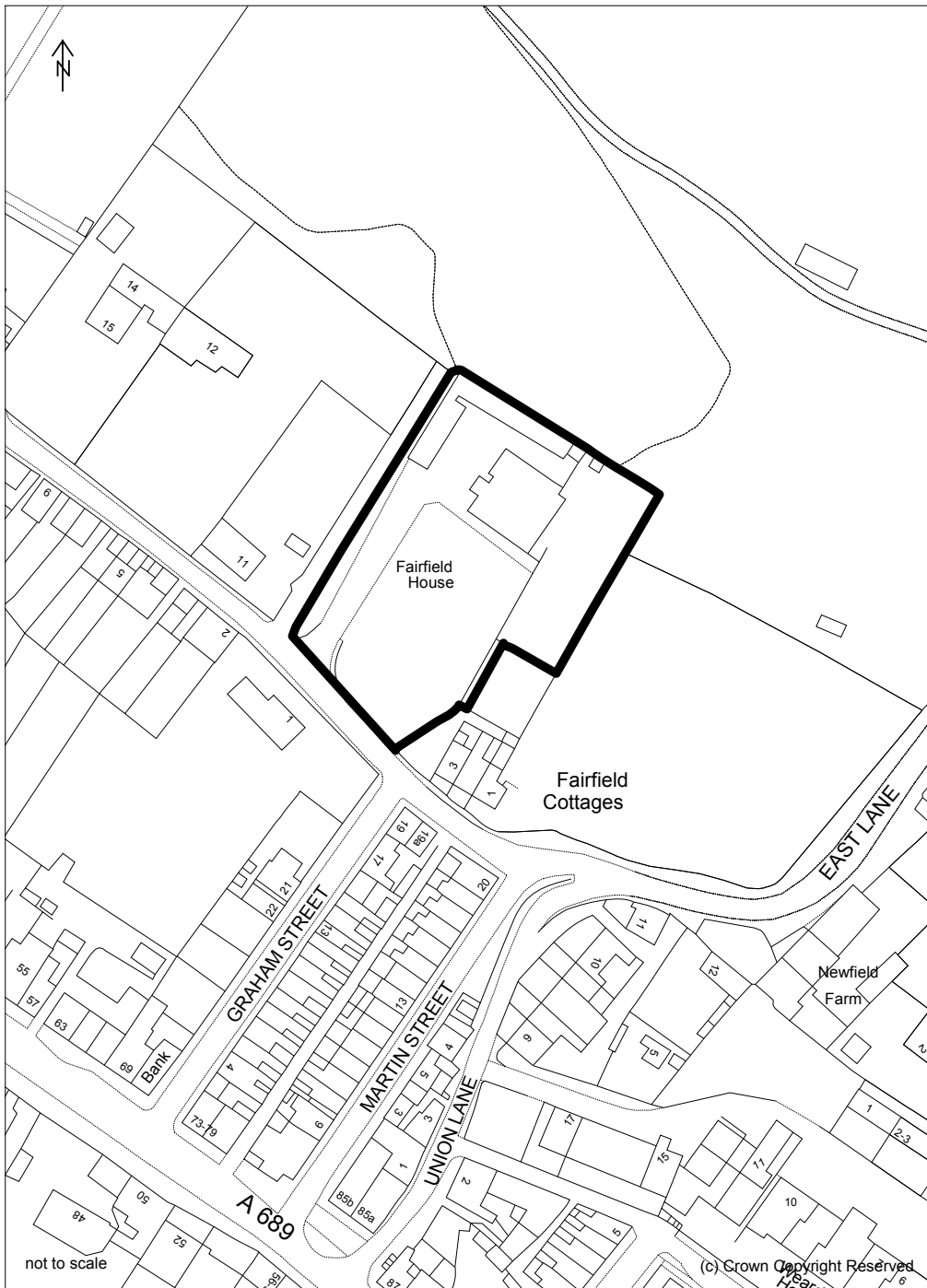
Robert Hope  
Strategic Director for Environment and Regeneration  
Ext 264

**Author of the report**

Sinead Folan  
Planning Officer  
Ext. 272

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**3/2007/0866 - DEMOLITION OF EXISTING OUT-BUILDING AND EXTENSION AND CREATION OF NEW WINGS TO FORM RESIDENTIAL DEVELOPMENT AT FAIRFIELD HOUSE, HIGH STREET, STANHOPE FOR KNIGHTSBRIDGE DEVELOPMENTS N.E. LIMITED-14.12.2007 – AMENDED 06.02.08**



SPECIAL DEVELOPMENT CONTROL COMMITTEE

21<sup>st</sup> FEBRUARY 2008

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Report of the Strategic Director for Environment and Regeneration

**PART 1 – APPLICATION FOR DECISION**

**3/2007/0780 - ADDITION OF BUSHWOOD SCREENING TO EXISTING LAP LARCH FENCE AT 8 KIRKRISE, FROSTERLEY FOR MR. AND MRS. BARRON - 19.12.2007**

**description of site and proposals**

1. This application is reported to Committee as it has attracted more than 3 unresolved objections.
2. Retrospective planning permission is sought for the erection of brushwood screening to an existing boundary fence separating the rear gardens of numbers 8 and 9 Kirkrise, Frosterley. The fence is now 2.25 metres at its highest point.
3. The application site is a large detached dwelling located within Frosterley Conservation Area.

**planning history**

4. The following history is relevant to the consideration of this application.
  - 3/2002/0679 Reduce Height and Thin Crown Approved 19.12.2002 of 2 Ash Trees

**planning policies**

5. The following policies of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 are relevant in the consideration of this application:
  - BE5 Conservation Areas
  - BE6 New Developments and Alterations in Conservation Areas
  - FPG5 Alteration and Extensions Guidelines
  - GD1 General Development Criteria

**consultations**

6. Design and Conservation Officer: No objections.

7. Frosterley Parish Council: No response.

### **officer analysis**

8. The key issues for consideration are:

- Impact as Residential Amenity/Impact on Visual Amenity and Conservation Area

impact as residential amenity/impact on visual amenity and conservation area

9. The brushwood fence is in keeping with the host dwelling in terms of scale, design and materials. The applicant advises that the fencing has been recommended by Durham Constabulary to improve security at the property as damage has been caused to the rear garden of the property. It is considered that the development does not have any significant overbearing or overshadowing impacts on neighbouring properties. It is considered that the proposal does not significantly impact upon the visual amenity of the host property, neighbouring properties, the conservation area or the surrounding area. The proposal accords with policies GD1, FPG5, BE5 and BE6 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

### **objections/observations**

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

11. Four letters of objection have been received, the details of which are set out below.

- a) Mr. and Mrs. Barron did not consult with their neighbour prior to commencement.
- b) The elevations are incorrect.
- c) Mr. and Mrs. Barron state that the extension to the fence was added upon the advice of Durham police. Have they submitted any documentary evidence to support this claim?
- d) Current regulations limit boundaries to 2 metres in height.
- e) The panel and post fence to which the brushwood is attached belongs to number 9 Kirkrise. The additional height and wind resistance now placed upon this fence will affect the lifespan of the fence.
- f) Durham Constabulary have not contacted number 9 Kirkrise about damage to the garden at number 8 Kirkrise.
- g) If the works were discussed with Mr. Ian Coulthard prior to works commencing why was a planning application not submitted prior to the works commencing?
- h) The applicants cannot determine the effects of the fence on number 9 Kirkrise.
- i) The photographs submitted by the applicants are trick photography.
- j) Impact on 9 Kirkrise.
- k) The fence at its highest point in the garden of 9 Kirkrise is 2.5 metres.
- l) The fence is higher than the fence between 9 and 10 Kirkrise.
- m) The fence is unsightly.

- n) The fence is not in keeping with neighbouring properties.
- o) Will set a precedent for the height of boundary fences.

### **response to objections**

12. The following comments are made in response to the issues raised:

- a) The applicants are not required to consult neighbours. The local planning authority undertake neighbour consultation.
- b) The elevations are deemed to be correct.
- c) This information was not necessary to the determination of this planning application.
- d) Planning permission is not required for a fence up to 2 metres high which is not adjacent to a highway used by vehicular traffic. Planning permission is required for any fences above 2 metres in height.
- e) This is not a planning matter.
- f) This is not a planning matter.
- g) Any work done prior the grant of planning permission is at the applicants' own risk.
- h) The local planning authority have assessed the impact of the fence on neighbouring properties. Refer to officer analysis.
- i) The photographs are supplementary information. The case officer has visited the site.
- j) Refer to officer analysis.
- k) Refer to officer analysis.
- l) Each application must be judged on its own merits.
- m) Refer to officer analysis.
- n) Refer to officer analysis.
- o) Each application must be judged on its own merits.

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

- 1. The proposal is acceptable in relation to policies GD1, FPG5, BE5 and BE6 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 as it:
  - 1. Would not have an adverse effect on neighbouring properties in terms of overbearing or overshadowing impacts.
  - 2. Would be in keeping with the design and materials of the host dwelling.
  - 3. Would not have an adverse effect on the character and appearance of the conservation area.

### **RECOMMENDED**

That retrospective planning permission be **GRANTED**.

### **background information**

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

**PS code**

13

**number of days to Committee**

65

**target achieved**

No

**explanation** The application has been reported to the first available Committee.

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**Officer responsible for the report**

Robert Hope

Strategic Director for Environment and Regeneration

Ext 264

**Author of the report**

Sinead Folan

Planning Officer

Ext. 272

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**3/2007/0780 - ADDITION OF BUSHWOOD SCREENING TO EXISTING LAP LARCH FENCE AT 8 KIRKRISE, FROSTERLEY FOR MR. AND MRS. BARRON - 19.12.2007**

