

CHESTER-LE-STREET DISTRICT COUNCIL

DIRECTORATE OF DEVELOPMENT SERVICES

REPORT TO PLANNING COMMITTEE

14 AUGUST 2006

REPORT OF THE ACTING PLANNING SERVICES MANAGER

- ITEM 1** District Matters Recommended Refusal
- ITEM 2** District Matters Recommended Approval
- ITEM 3** Planning General
- ITEM 4** Development Control Performance Update

COPIES OF ALL PLANS, ELEVATIONS AND SUPPORTING DOCUMENTATION CAN BE VIEWED IN THE PLANNING SERVICES DIVISION PRIOR TO THE COMMITTEE MEETING

COPIES OF PLANS AND ELEVATIONS FOR APPLICATIONS WHERE THE APPLICANT / OBJECTORS / SUPPORTERS WISH TO SPEAK OR FOR OTHER MAJOR APPLICATIONS WILL BE DISPLAYED IN THE COUNCIL CHAMBER PRIOR TO AND DURING THE COMMITTEE

REPORT OF THE ACTING PLANNING SERVICES MANAGER

ITEM1 District Matters Recommended Refusal

1.

Reference: 06/00306/FUL

Proposal Demolition of existing dwelling and agricultural outbuildings, and erection of replacement dwelling.

Location Twizell Dykes Farm Cottage Grange Villa Chester-le-Street Durham DH2 3JZ

Applicant Mr N. Carris

The Proposal

Planning permission is sought to erect a replacement dwelling house at Twizell Dykes Farm Cottage, Grange Villa.

The application site forms part of what was once a single farm holding, comprising the main farm house, farm cottage, numerous stone barns and a number of more modern, pre-fabricated barns. The farm was subdivided and sold in two separate "lots" within the last two years. The application site is located in otherwise open countryside, some distance from the main road through Grange Villa, and is accessed by an un-made track. The track also serves the adjoining farm house and the complex of buildings and barns which formerly comprised Twizell Dykes Farm.

The proposal seeks to build a single dwelling house to replace the existing farm cottage, and which would also entail the demolition of a substantial stone and slate roofed barn, single storey stone and slate roofed stables, and a small piggery building. The main barn and piggery are attached to the main house.

The application as submitted proposes a replacement dwelling house, partly on the footprint of the demolished house and partly on that of the barn / piggery, of approximately 148 square metres (ground floor footprint) with accommodation over two main floors, with further "loft" bedrooms within the roof space.

The applicant has submitted, as part of the original planning application submission, a "Bat and Barn Owl Survey" of the existing house and adjoining main barn. The report concludes that there is no evidence of the buildings surveyed being used as roosts or nests for bats or barn owls. The report also concluded that there was a "low individual risk of bats using the site" and that the site would have a "low significance to bats".

Planning History

Members may recall that an application was previously submitted in September 2005 for the erection of a replacement dwelling at this location (planning application reference

05/00487/FUL). In that instance, the proposed replacement building was significantly larger than that currently proposed and the application was withdrawn by the applicant prior to the matter being formally considered.

A further application was submitted in 2006 (planning application reference 06/00070/COU) seeking retrospective planning permission for a change of use of the land and buildings at the farm to allow the operation of a concreting business. That application was refused by the Planning Committee in April 2006 and is currently subject to both a planning appeal and a planning enforcement appeal.

Consultation Responses

The application has been advertised as a departure from the adopted development plan which is in force for the area within which the application falls. As such, site notices have been displayed and an advertisement placed in the local newspaper. In addition, consultation letters have been sent to the neighbouring farm house, and to properties in the vicinity of the entrance to the application site. As a result of this process, a total of three letters of objection have been received, the content of which is outlined below:-

- The proposed new dwelling is not in proportion to the existing cottage;
- The adjoining outbuildings have been used as a piggery and storage for hay. A small agricultural workshop is also located within the adjoining main barn;
- The adjoining barn has not been used for residential purposes in the past;
- Any replacement dwelling should be no larger than the existing cottage, which has already been substantially extended; and
- The proposed dwelling is almost three times larger than the cottage it is to replace.

Durham County Council (Highways) have not provided comments on the current application, but their comments on the previous application for planning permission for a replacement dwelling at this location are of relevance and are as follows:-

- A replacement single dwelling, even though significantly larger physically, could not be argued to generate a material difference in vehicular traffic, therefore no highway objection is raised.

English Nature have raised the following comments in respect of the submitted "Bat and Barn Owl Survey":-

- On the basis of the information provided within the report, the buildings due to be demolished have a low risk of bat usage;
- Following receipt of further information that there is bat usage within the wider complex of farm buildings, English Nature raises no objections to the proposed development in relation to species especially protected by law, subject to the imposition of the following condition:-
 - A full, detailed inspection is undertaken by the Ecological Consultant of each building immediately prior to demolition. If, as part of the inspection methodology there is further emergence survey work English Nature recommends that this is undertaken by more than one surveyor. If the results of this inspection show evidence of bat usage, then the Ecological Consultant must amend the mitigation recommendations accordingly and re-

consider whether a DEFRA licence is required. If the results of this inspection confirm no evidence of bat usage then no development shall take place unless in accordance with the mitigation detailed within the protected species report (Bat and Barn Owl Survey at Twizell Dykes Farm Cottage, Grange Villa. Andrew Gardner) including, but not restricted to, adherence to timing restrictions; adherence to precautionary working methods; provision of bat roosting opportunities.

- Reason – To maintain the favourable conservation status of the protected species.
- In addition English Nature advise that all of the recommendations regarding incorporating bat roosts are integrated into the new dwelling proposals.

Durham Bat Group (DBG) have raised the following comments in relating to the submitted "Bat and Barn Owl Survey":-

- DBG are aware that there has been a roost within the barn previously;
- The survey makes a number of assumptions which are ill-founded and not based on the way bats behave in County Durham;
- The survey does not meet methodologies as set out in English Nature's Bat Mitigation Guidelines 2004;
- There is no reason why the presence of a bat roost at Twizell Dykes Farm Cottage should prevent the desired work taking place, provided that proper mitigation is put into place.

Relevant Planning Policies and Considerations

County Durham Structure Plan

The Structure Plan does not contain any Policies specifically relating to the erection of replacement dwellings within the open countryside. Policy 4 states that the character and appearance of the countryside should be conserved and enhanced, whilst Policy 9 states that new housing development should be located within, or be well related to, the main towns. Policy 14 states that new housing development should only be located within the open countryside where there is an essential full time agricultural or forestry employment justification and where that need cannot be met within an existing town or village.

Chester-le-Street District Local Plan

The application site is located within open countryside and outside the settlement boundaries for Grange Villa, as shown on the Local Plan proposals map.

Policy AG9 of the Local Plan relates to the provision of new dwellings within the open countryside, outside settlement boundaries, and states that such proposals will only be acceptable if it can be clearly shown to be necessary to support an existing agricultural / forestry activity on a well established unit that needs to be located in the open countryside. Policies AG6, AG7 and AG8 relate to the conversion of existing rural buildings to alternative uses (including residential uses), whereas the current application seeks to erect a replacement dwelling.

Policy NE13 (Protected Species and their Habitats) states that development will not be permitted which would adversely affect protected species or their habitats. Planning conditions or legal agreements will be used to ensure that, where development proceeds,

the developer is required to ensure mitigation measures / alternative habitats are provided. Government Circular 06/05 - Biodiversity and Geological Conservation - states at paragraph 99 that "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted...".

On the basis of the Policies set out within the development plans identified above, it is considered that the current proposal, if recommended for approval, would represent a departure from those adopted Policies.

Other Material Considerations

Clearly therefore, the Policies within the Local Plan set out a presumption against residential development where there is no justification in agricultural or forestry terms for that development. In this instance, the applicant has not submitted any such justification. The Local Plan Policies however, remain silent on the principle of the "one for one" replacement of dwellings within the open countryside.

Whilst accepting that the provision of a new dwelling without such justification would clearly be contrary to Local Plan Policies, the applicant is proposing the replacement of the existing dwelling with a new dwelling. In order to assist in the assessment of such a proposal, the general provisions of Policy HP11 (Residential Extensions) are of some relevance. This Policy advises that extensions to existing properties should not have an adverse effect on, amongst other matters, the scale and form of the existing building. As a very general approach, extensions and additions of up to a third of the original floorspace are generally accepted as being proportionate in scale to the main building.

In this particular instance, it is recognised that the property has previously been extended in excess of a third of its original floor space, albeit at a time when this was of less significance or planning importance. Taking this general approach for extensions and applying it equally to a replacement dwelling, it is considered that replacement, on a similar scale is unlikely to raise any significant planning issues. Neither is it likely to result in a materially greater impact upon the character, appearance and function of the open countryside, provided that the replacement dwelling is sited in approximately the same location as the current dwelling. Once again, in this particular instance, the existing (and proposed replacement) dwelling is located within an extensive and well established complex of farm and farm related buildings and, as such, could not be said to affect the character and openness of the countryside.

Turning to the specifics of the proposal, the applicant has submitted proposals for a replacement dwelling extending to a ground floor footprint area of some 148 square metres. The objections received to the application have noted that this is substantially in excess of the existing residential footprint of the building. In the absence of any proof, evidence or other justification that the residential use of the buildings extends beyond that of the existing dwelling house, it is considered that footprint of the proposed replacement dwelling exceeds that of the existing dwelling by some 44 percent. An inspection of the adjoining buildings during the course of this application supports the contention that those buildings have not, in planning terms, been used for, or been established to have, a residential use.

Conclusion

In conclusion, it is considered that the proposed development is contrary to the provisions of Policy AG9 of the Chester-le-Street District Local Plan. The applicant has provided no justification to show that the proposed replacement dwelling is needed to support an existing agricultural or forestry operation. Furthermore, the scale of the proposed dwelling would not, due to its scale and substantial increase in size, represent a "one for one" replacement of a comparable scale, and instead represents a substantially larger development.

Taken together, these factors are such that the proposal would, if recommended for approval, represent a substantial departure from adopted Local and National policies regarding development within the open countryside. Whilst it may be possible to view a replacement dwelling of a similar scale to the existing as a more minor, and thereby acceptable, departure from Local Plan Policy, it is not considered that this is the case in this instance.

With regard to the impact of the proposed development upon protected species, having regard to the comments received from English Nature's, who are the statutory consultee in respect of nature conservation issues it is not felt that the proposal could be resisted on these grounds.

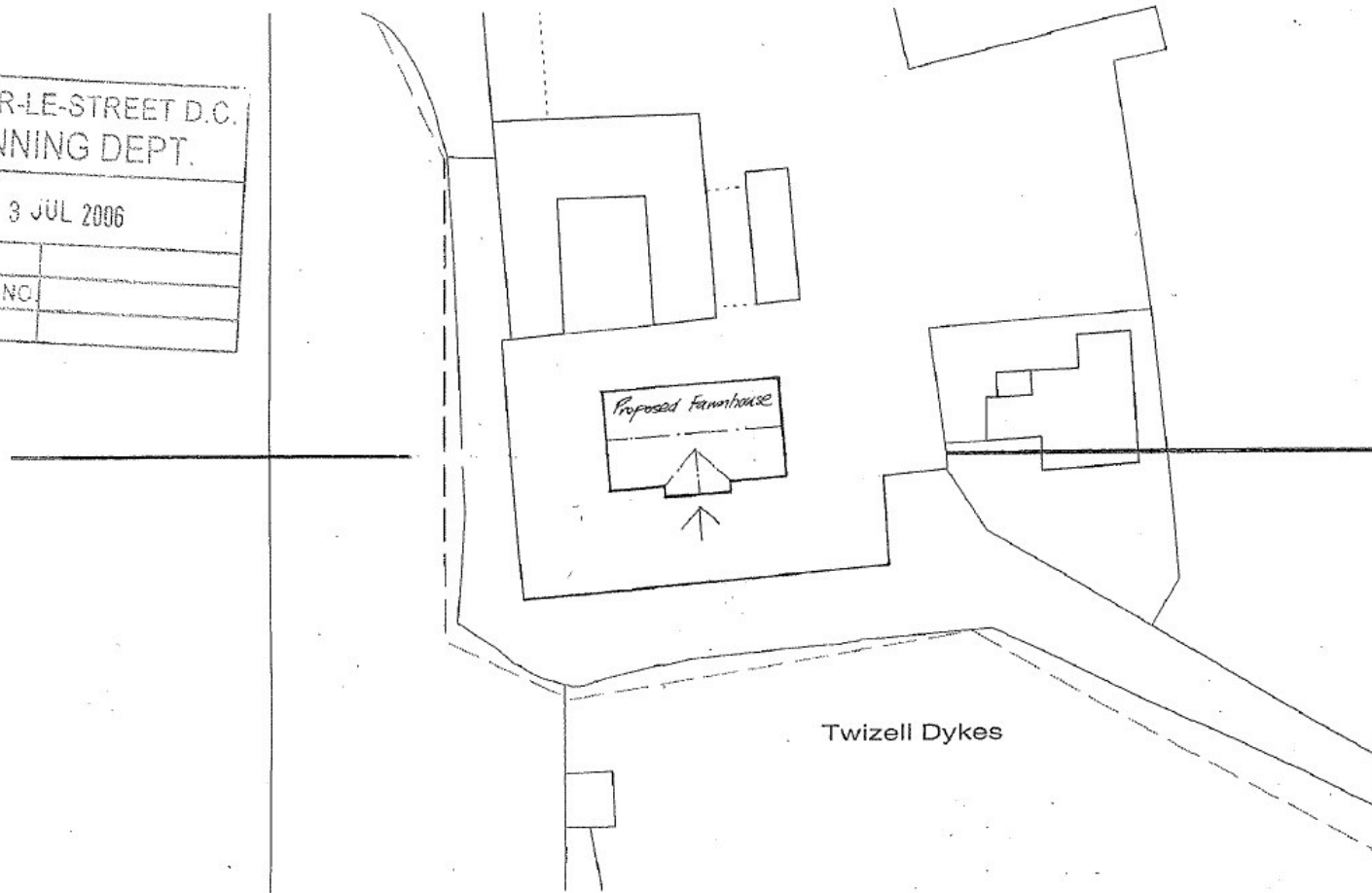
RECOMMENDATION

Refuse FOR THE FOLLOWING REASONS:-

Extra 1.

The proposed replacement dwelling is considered, in the absence of the submission of any agricultural or forestry worker justification and the significant increase in the scale of the dwelling over that of the existing dwelling, to be contrary to the provisions of Policy AG9 of the Chester-le-Street District Local Plan and Planning Policy Statement 7 - Sustainable Development in Rural Areas and would have a materially greater impact upon the landscape quality and openness of the area.

CHESTER-LE-STREET D.C. PLANNING DEPT.	
RECEIVED - 3 JUL 2006	
ACTION BY	
POST BOOK NO	



Proposed Farmhouse
Twizell Dykes Farm, Grange Villa.

Proposed Site Plan : Scale 1 / 500.

Drwg.No: 2005 / 62 / 13.



ITEM 2 District Matters Recommended Approval

2.

Reference: 06/00320/FUL

Proposal Erection of dwelling house (Revised scheme)

Location Plot 14 Whitehill Hall Gardens Chester-le-Street Durham

Applicant Mrs A. Marcantonio

The Proposal

This report relates to an application for the erection of a detached dwelling house on land known as Plot 14, Whitehill Hall Gardens, Chester-le-Street. The application is part retrospective as the development has commenced on site. An application for plot 15 is reported elsewhere on this agenda.

The site comprises land which was originally part of the garden area of number 1 Whitehill Hall Gardens.

Prior to the submission of this application the Council had previously resolved to grant outline planning permission for the construction of 2 detached dwellings on the land (including the adjacent land now known as plot 15) at the planning committee meeting in November 2005, reference 05/00505/OUT. Following this grant of outline permission a subsequent application for detailed Reserved Matters approval was also granted, under delegated powers, on 11 April 2006.

This application has been submitted in an attempt to regularise errors which were made in the earlier applications, and which have subsequently been brought to the attention of Officers by members of the public. These errors are basically twofold; firstly conditions which were attached to the earlier grants of outline and reserved matters approval (including one requiring the entering into of a Section 106 Agreement) were not complied with and secondly the plans submitted in support of the earlier Reserved Matters application related, in part, to the wrong plot. Officers have advised the applicant that as a result of this state of affairs the previous grants of planning permission are invalid.

Consultation Responses

Durham County Council as Highways Authority for the area raise no objections

The Council's Economic Development Manager has no comments to make.

The Arboriculture Officer at Durham County Council raises no objections to the proposals. He recommends the previously approved landscaping and planting works are carried out and that the approved trees are protected to guard against their loss due to lack of irrigation or maintenance.

The application has been advertised by way of site notice and direct mailing to adjacent residents. In response 17 letters of objection has been received, Objection is raised on the following grounds:

- The developer has failed to enter into the Section 106 Agreement to secure a tree planting scheme, as previously agreed.
- Concern is raised that there is a lack of space within the site to accommodate the proposed trees, and that these trees may eventually harm the foundations of the houses and adjacent highway.
- The amount of parking provision is inadequate – it is claimed 4 spaces are required to meet standards. Concern is also raised that over spill parking may occur on the adjacent highway.
- Concern is raised regarding the proximity of the development to existing residential properties. It is claimed that the minimum separation distances specified in the local Plan have not been complied with.
- The proposed tree planting scheme will not compensate for the loss of trees previously located on the site. It is pointed out that the previous trees were protected by a Tree Preservation Order.
- There is inadequate private amenity space associated with the proposal
- The building is too large and is not in keeping with the rest of the surrounding area.
- It is pointed out a previous approval on the site in 1997 was restricted to a bungalow. This would have had a lesser impact on the character of the area than the present scheme
- Disruption to residents during the construction phase, including through disruption to services
- Concern is raised that a previous application on the land may not have been advertised in the correct manner. It is felt therefore that Members were not provided with a balanced report.
- Concern is raised that the previous Case Officer also investigated the felling of trees that occurred on the site. It is felt a different Officer should have been assigned to the separate cases.
- The previous consent for the Whitehall Hall Gardens development was limited to 12 dwellings. Approval of this scheme would breach this limit.
- It is requested Members visit the site to appreciate the above concerns

In support of the proposals the applicant's agents raises the following issues;

- The submission of the wrong plans in respect to the earlier applications amounted to a mere administrative error, which should have been identified by Officers prior to approval being given
- They draw attention to the fact that they received a letter from the Council advising that the requirement on the outline approval to enter into a Section 106 Agreement had been discharged.

Relevant Planning Policies and Considerations

The proposal raises a number of issues for consideration having regard to the relevant Policies contained in the County Durham Structure Plan and Chester-le-Street Local Plan.

County Durham Structure Plan

Policy 2 of the Structure Plan seeks to ensure new development is directed to locations that minimise the need to travel. Policy 3 expands on this approach by advising that the provision of new development should be well related to the County's main towns. Policy 9 seeks to ensure that new housing development is located within sustainable locations, being well related to existing towns and transport infrastructure, and also seeks to ensure that priority is given to the redevelopment of derelict or redundant sites.

In assessing the proposals against these relevant Structure Plan Policies it is considered that they are acceptable in principle. The proposed site is located within the existing urban framework of Chester-le-Street and is situated in a location, which will reduce the need to travel by private car, being close to existing public transport facilities. Furthermore, the site falls within the definition of previously developed land comprising a residential garden. In principle, assessed against the relevant Structure Plan Policies, the site would be acceptable for residential development.

Chester-le-Street Local Plan

Policy HP6 of the Local Plan provides relevant advice on the subject of residential development within boundaries of settlements including Chester-le-Street. The Policy advises that proposals will be considered acceptable in principle provided the site comprises previously developed land and that the detailed criteria contained in Policy HP9 are met.

Policy HP9 of the Local Plan requires residential development to meet a number of detailed design criteria. Of particular relevance to this proposal are the requirements that the proposals must relate well to the character of the surrounding area respecting its predominant character, street pattern and density; provide adequate privacy to both proposed and existing adjacent residents, provide convenient and safe access, and, incorporate as far as possible existing landscape features.

In assessing the proposal against the requirements of the relevant Local Plan Policies, and taking into account all relevant material planning considerations, including the previous decisions reached by the Council, and all comments raised through the consultation process, it is considered the following areas of the proposal require careful assessment

Trees

As Members will recall the site is located on an area of land that historically housed a number of trees that were protected by a Tree Preservation Order. These trees were felled, without consent in early 2005. Following appropriate investigations into this matter Officers considered that an appropriate remedy could be achieved, to compensate for the felling that had taken place, through the provision of a replanting scheme. The replanting scheme proposed had been drawn up with the support of the Arboriculture Officer at Durham County Council.

Members will recall that they were invited to consider this issue at the planning committee meeting in November 2005 at which the outline application for the erection of 2 dwellings on the land was considered. At this meeting Members subsequently agreed to the

recommendation made that subject to the imposition of a condition to require the entering into of a Section 106 Agreement, to secure the proposed replanting scheme that this would be acceptable to compensate for the loss of trees that had occurred.

In terms of the assessment of the current application, and its impact upon the proposed tree planting scheme, it should be noted that the Arboriculture Officer remains satisfied with the proposals.

As is discussed above the previous approval was subject to a condition to secure the entering into of a Section 106 Agreement designed to secure the retention of the trees. Whilst such an Agreement could be sought again the view is taken that a suitably worded condition of approval can be used instead, which will require the planting of the approved scheme and moreover the maintenance of the planted trees in perpetuity. The use of planning conditions, instead of a 106 Agreement, is fully in accordance with relevant Central Government advice on the subject. This advises that the use of conditions is normally preferable to requiring the entering into of complex 106 Agreements. Members will note that these conditions are listed below, as extra 1 and 2.

Highway Safety / Car Parking Provision

As will be noted from the representation section above a number of objections have been received on highway safety grounds, including a perceived lack of parking provision.

However the County Council, as Highways Authority for the area, have confirmed they have no objections to the proposal, including the amount of parking provision proposed. Accordingly it is considered the proposals are acceptable when assessed against highway safety / parking concerns.

Scale / Massing of Development

Policy HP9 of the Local Plan requires new development to respect the character of the surrounding area. In this respect it is considered the proposals, for a detached 2 storey development, are acceptable in the context of the surrounding area. Whitehill Hall Gardens contains a mix of dwelling styles, predominantly 2 storey, with design detailing similar to that proposed here.

In terms of the footprint of the development it is noted that admittedly this will provide for a relatively small amount of private amenity space. This would be smaller than the other plots existing within the development. However notwithstanding this point the footprint of the dwelling will allow for some useable private space, some 4.5 – 7 metres at the rear and 4 – 6 metres to the front. On balance the view is taken that it would be unreasonable to resist the proposals on this ground.

Privacy / Separation Distances

Policy HP 9 requires new residential development to respect the amenities of existing surrounding occupiers. This Policy is supported by Appendix 1 of the Local Plan, which provides guidelines in respect to separation distance to be achieved. This advises that a minimum distance of 21 metres should be preserved between existing and proposed habitable window openings.

In this respect the proposed layout meets the minimum separation distances in regard to all elevations. Accordingly it is considered the proposals are acceptable in this respect.

Other Issues Raised

As will be noted from the representation section above several objections to the scheme have been raised on a number of different grounds. It is important to consider these objections as part of the assessment of the proposal.

The concern that the original Whitehill Hall Gardens development was limited to 12 dwellings – and that this proposal would breach this figure - is noted. However there have been a number of changes in both national and local planning policy since the date of this decision. This includes a policy shift to secure higher density development on sites comprising previously developed land. As such it is not considered that the proposal could be resisted simply on the grounds that it conflicts with the earlier, original decision.

It is not considered material to the consideration of this application to comment on the stated concerns that the consultations carried out in respect to the earlier approvals was inadequate. However all relevant consultations have been carried out with regard to the current proposal.

The objectors concern in respect to disruption during the construction phase is noted. However this is a common problem during the construction of many new developments and it is not appropriate for the proposals to be resisted purely on these grounds. However other powers are available to potentially remedy the objector concerns in this respect.

Conclusion

In summarising the application it is important to bear in mind the previous decisions reached, to grant planning permission for a detached dwelling on the site. For a different decision to be reached now in regard to this particular application it would be necessary for there to have been either a material change in planning policy since the date of the earlier decision, or alternatively, for the now proposed scheme to be materially different (in a manner considered unacceptable on planning grounds) to the earlier scheme.

In respect to the issue of policy there has not been any material change since the date of the earlier approval. In principle residential development on the site remains acceptable. Similarly the individual details of the current proposal are considered acceptable on planning grounds, in particular having regard to the requirements of Policy HP9 and appendix 1 of the Chester-le-Street Local Plan.

Officers are satisfied that the issues raised in relation to the replacement tree planting scheme remain acceptable. Whilst a 106 Agreement is no longer considered necessary the view is taken that suitably worded conditions of approval can be used to achieve the same desired aim, that is to say the planting of the trees and thereafter their maintenance in perpetuity.

Accordingly it is recommended that planning permission be granted.

RECOMMENDATION
CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

61A Tree Protection

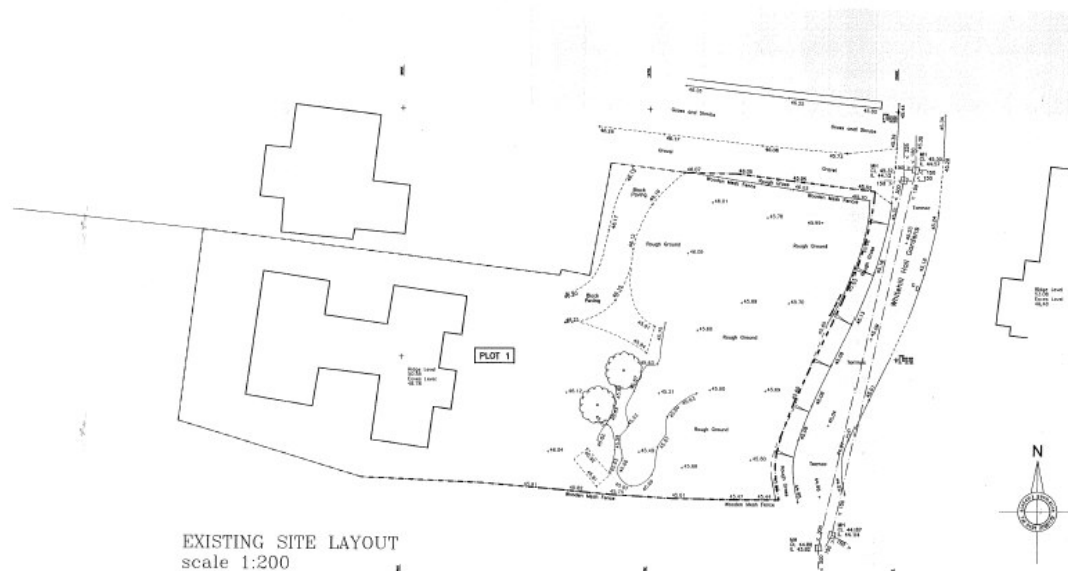
65 Removal of PD Rights (3)

Extra 1.

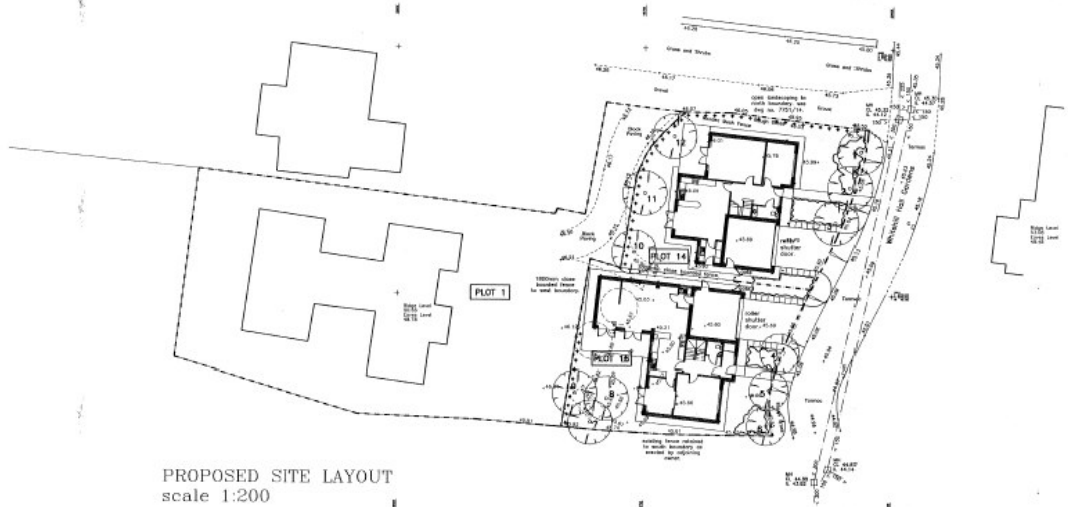
The hereby approved development shall be carried out in accordance with the scheme of landscaping shown in the application, and in particular drawing reference 7751/14. These works shall be carried out within the first planting season following completion of development of the site in the interests of visual amenity, the satisfactory appearance of the development upon completion, and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Extra 2.

The landscaping scheme agreed pursuant to condition 1 shall be maintained in perpetuity on site and any trees, shrubs or planting which becomes dead, dying, diseased or is removed, shall be replanted to the satisfaction of the Local Planning Authority in the interests of the satisfactory appearance of the development upon completion and to ensure a successful and robust landscaping scheme.



EXISTING SITE LAYOUT
scale 1:200



PROPOSED SITE LAYOUT
scale 1:200



TREE REPLANTING SCHEDULE	
1	OAK
2	BEECH
3	HORNBEAM
4	HORNBEAM
5	ALDER
6	BEECH
7	OAK
8	ALDER
9	BIRCH
10	BIRCH
11	LIME
12	BIRCH

CHESTER-LE-STREET D.C.
PLANNING DEPT.
RECEIVED 19 JUL 2006
PROJECT NO.
7751/000

- REV. G - 12/03/04 - MEMO OF ENCLOSURE INDICATED. CURRENT BUILDING PLANS PROTECTED. L.C.
- REV. F - 18/05/04 - UPDATED AS SITE PLAN DRAWING NO. 7751/000. L.C.
- REV. E - 18/04/04 - DRIVE LENGTHS INCREASED TO 46.5m FROM PUBLIC HIGHWAY. L.C.
- REV. D - 07/03/04 - DETAIL FLOOR PLANS REQUESTED - TREE REPLANTING SCHEDULE ADDED. L.C.
- REV. C - 26/01/04 - SWELLING OUTLINE PROPOSALS INDICATED. L.C.
- REV. B - 25/02/03 - SECONDARY FENCE BETWEEN PLOT 1 & PLOTS 14 & 15 REQUESTED AS PART OF EXISTING SITE SURVEY. L.C.
- REV. A - 02/12/03 - PLOT 1 ADDED AS REQUESTED BY S.A.L. SOLUTIONS. L.C.

We will make all building out-connections to be site connected prior to work commencing and any obligations transferred to contractor. This drawing is for the use of the architect only and is not to be used for any other construction or structural purposes without the consent of the architect.

reliminary issue

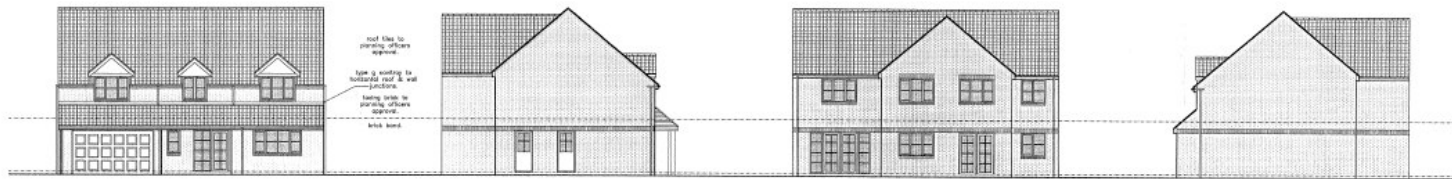
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TOTAL 386 0077
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01244 333333

PROPOSED DWELLING HOUSE, PLOTS 14 & 15
WHITEHILL HALL GARDENS, CHESTER-LE-STREET,
for MR G. CLARK & MRS A. MARCANTONIO

EXISTING SITE LAYOUT 1:200
PROPOSED SITE LAYOUT 1:200

Date: _____ Drawn: _____ Checked: _____ **7751/000**

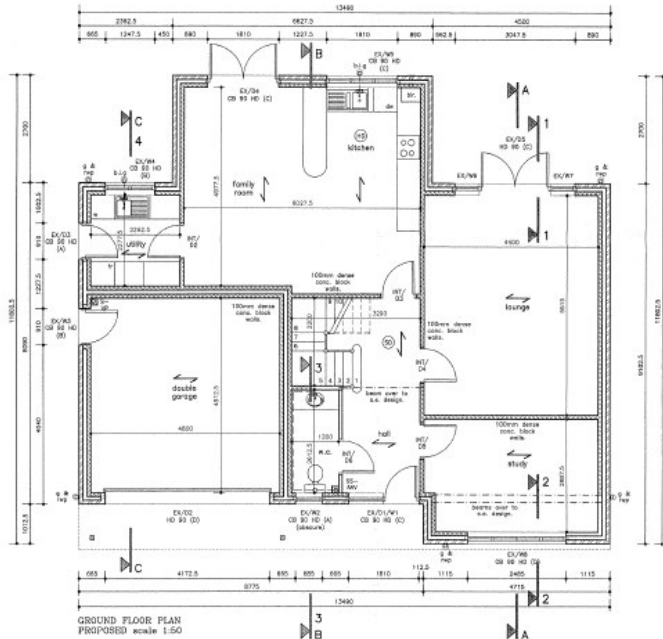


EAST ELEVATION
PROPOSED scale 1:100

SOUTH ELEVATION

WEST ELEVATION

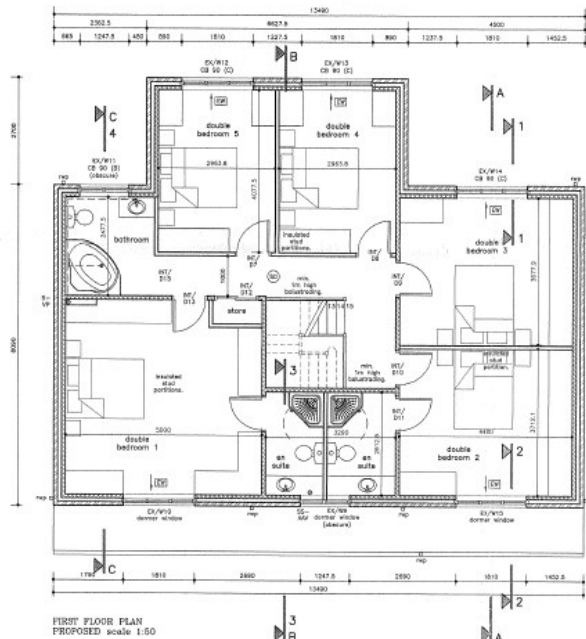
NORTH ELEVATION



GROUND FLOOR PLAN
PROPOSED scale 1:50

INTERNAL CIRCULATION LEGEND

- 3-4 indicates 100mm slab and wall core carried up through roof to exterior or to be filled with robbing screen
- 3B-4B indicates 100mm slab with or without stairs and robbing screen at base
- F20 Self cleaning 7000 fire floor
- Note: The floor in redings may be filled with rising ball traps rather than epoxy or concrete of self-cleaning cast.
- F30 Double half-hour fire rated door and being filled with smoke and flame resistant foam and self-cleaning mesh
- 90 Interconnected heat/smoke detector/alarm - smoke alarm installed in lounge & ground floor to be visible from street & courtyard



FIRST FLOOR PLAN
PROPOSED scale 1:50



REVISION C, 11 JULY 2006 - IN SUITE TO DOUBLE BEDROOM 1 REPOSITIONED - EX SUITE TO DOUBLE BEDROOM 2 REPOSITIONED IN SUITE - WINDOW CURTAIN HANGERS TO SUITE - DOOR IN LIFT OF WINDOW TO GARAGE
 REVISION D, 18 JULY 2006 - FLOOR POSITION ADJUSTED TO GROUND FLOOR W.C. TO COMPLY WITH BACKLOG TO 9' 9" FROM V
 REVISION E, 21 JULY 2006 - UPDATES TO CLIENT'S REQUIREMENTS - LAMPY EXTENDED OVER GARAGE DOOR - DOOR BETWEEN GARAGE & REARLAND CHANGED
 REVISION F, 21 JULY 2006 - UPDATES TO BRICKWORK REGULATIONS ENACTED
 REVISION G, 27 MARCH 2006 - GARAGE WINDOW ADDED TO FIRST FLOOR EN SUITE TO BEDROOM 2

Do not scale. All walling and dimensions to be also confirmed prior to works commencing and any discrepancies confirmed to architect. The drawing is to be read in conjunction with all other architectural and structural engineering drawings.

Drawn: Denise Chapman/Architect
 The CW Group
 Mary Oak Road
 Chester-le-Street
 County Durham
 NE4 4JF
 0191 388 5377
 0191 388 5345
 F 0191 388 5328
 E cw@cwgroup.co.uk

PROPOSED DWELLING HOUSE,
 PLOT 14, WHITEHALL HALL GARDENS, CHESTER-LE-STREET
 for MRS A. MARCANTONIO

PROPOSED PLANS
 PROPOSED PLANS

3.

Reference: 06/00321/FUL

Proposal Erection of dwelling (Revised Scheme)

Location Plot 15 Whitehill Hall Gardens Chester-le-Street Durham

Applicant Mr G. Clark

The Proposal

This report relates to an application for the erection of a detached dwelling house on land known as Plot 15, Whitehill Hall Gardens, Chester-le-Street. The application is part retrospective as the development has commenced on site. An application for plot 14 is reported elsewhere on this agenda.

The site comprises land which was originally part of the garden area of number 1 Whitehill Hall Gardens.

Prior to the submission of this application the Council had previously resolved to grant outline planning permission for the construction of 2 detached dwellings on the land (including the adjacent land now known as plot 14) at the planning committee meeting in November 2005, reference 05/00505/OUT. Following this grant of outline permission a subsequent application for detailed Reserved Matters approval was also granted, under delegated powers, on 11 April 2006.

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Consultation Responses

Durham County Council as Highways Authority for the area raise no objections

The Council's Economic Development Manager has no comments to make.

The Arboriculture Officer at Durham County Council raises no objections to the proposals. He recommends the previously approved landscaping and planting works are carried out and that the approved trees are protected to guard against their loss due to lack or irrigation or maintenance.

The application has been advertised by way of site notice and direct mailing to adjacent residents. In response 17 letters of objection has been received, Objection is raised on the following grounds:

- The developer has failed to enter into the Section 106 Agreement to secure a tree planting scheme, as previously agreed.
- Concern is raised that there is a lack of space within the site to accommodate the proposed trees, and that these trees may eventually harm the foundations of the houses and adjacent highway.
- The amount of parking provision is inadequate – it is claimed 4 spaces are required to meet standards. Concern is also raised that over spill parking may occur on the adjacent highway.
- Concern is raised regarding the proximity of the development to existing residential properties. It is claimed that the minimum separation distances specified in the local Plan have not been complied with.
- The proposed tree planting scheme will not compensate for the loss of trees previously located on the site. It is pointed out that the previous trees were protected by a Tree Preservation Order.
- There is inadequate private amenity space associated with the proposal
- The building is too large and is not in keeping with the rest of the surrounding area.
- It is pointed out a previous approval on the site in 1997 was restricted to a bungalow. This would have had a lesser impact on the character of the area than the present scheme
- Disruption to residents during the construction phase, including through disruption to services
- Concern is raised that a previous application on the land may not have been advertised in the correct manner. It is felt therefore that Members were not provided with a balanced report.
- Concern is raised that the previous Case Officer also investigated the felling of trees that occurred on the site. It is felt a different Officer should have been assigned to the separate cases.
- The previous consent for the Whitehall Hall Gardens development was limited to 12 dwellings. Approval of this scheme would breach this limit.
- It is requested Members visit the site to appreciate the above concerns

In support of the proposals the applicant's agents raises the following issues;

- The submission of the wrong plans in respect to the earlier applications amounted to a mere administrative error, which should have been identified by Officers prior to approval being given
- They draw attention to the fact that they received a letter from the Council advising that the requirement on the outline approval to enter into a Section 106 Agreement had been discharged.

Relevant Planning Policies and Considerations

The proposal raises a number of issues for consideration having regard to the relevant Policies contained in the County Durham Structure Plan and Chester-le-Street Local Plan.

County Durham Structure Plan

Policy 2 of the Structure Plan seeks to ensure new development is directed to locations that minimise the need to travel. Policy 3 expands on this approach by advising that the provision of new development should be well related to the County's main towns. Policy 9 seeks to ensure that new housing development is located within sustainable locations, being well related to existing towns and transport infrastructure, and also seeks to ensure that priority is given to the redevelopment of derelict or redundant sites.

In assessing the proposals against these relevant Structure Plan Policies it is considered that they are acceptable in principle. The proposed site is located within the existing urban framework of Chester-le-Street and is situated in a location, which will reduce the need to travel by private car, being close to existing public transport facilities. Furthermore, the site falls within the definition of previously developed land comprising a residential garden. In principle, assessed against the relevant Structure Plan Policies, the site would be acceptable for residential development.

Chester-le-Street Local Plan

Policy HP6 of the Local Plan provides relevant advice on the subject of residential development within boundaries of settlements including Chester-le-Street. The Policy advises that proposals will be considered acceptable in principle provided the site comprises previously developed land and that the detailed criteria contained in Policy HP9 are met.

Policy HP9 of the Local Plan requires residential development to meet a number of detailed design criteria. Of particular relevance to this proposal are the requirements that the proposals must relate well to the character of the surrounding area respecting its predominant character, street pattern and density; provide adequate privacy to both proposed and existing adjacent residents, provide convenient and safe access, and, incorporate as far as possible existing landscape features.

In assessing the proposal against the requirements of the relevant Local Plan Policies, and taking into account all relevant material planning considerations, including the previous decisions reached by the Council, and all comments raised through the consultation process, it is considered the following areas of the proposal require careful assessment

Trees

As Members will recall the site is located on an area of land that historically housed a number of trees that were protected by a Tree Preservation Order. These trees were felled, without consent in early 2005. Following appropriate investigations into this matter Officers considered that an appropriate remedy could be achieved, to compensate for the felling that had taken place, through the provision of a replanting scheme. The replanting scheme proposed had been drawn up with the support of the Arboriculture Officer at Durham County Council.

Members will recall that they were invited to consider this issue at the planning committee meeting in November 2005 at which the outline application for the erection of 2 dwellings on the land was considered. At this meeting Members subsequently agreed to the recommendation made that subject to the imposition of a condition to require the entering

into of a Section 106 Agreement, to secure the proposed replanting scheme that this would be acceptable to compensate for the loss of trees that had occurred.

In terms of the assessment of the current application, and its impact upon the proposed tree planting scheme, it should be noted that the Arboriculture Officer remains satisfied with the proposals.

As is discussed above the previous approval was subject to a condition to secure the entering into of a Section 106 Agreement designed to secure the retention of the trees. Whilst such an Agreement could be sought again the view is taken that a suitably worded condition of approval can be used instead, which will require the planting of the approved scheme and moreover the maintenance of the planted trees in perpetuity. The use of planning conditions, instead of a 106 Agreement, is fully in accordance with relevant Central Government advice on the subject. This advises that the use of conditions is normally preferable to requiring the entering into of complex 106 Agreements. Members will note that these conditions are listed below, at extra 1 and 2.

Highway Safety / Car Parking Provision

As will be noted from the representation section above a number of objections have been received on highway safety grounds, including a perceived lack of parking provision.

However the County Council, as Highways Authority for the area, have confirmed they have no objections to the proposal, including the amount of parking provision proposed. Accordingly it is considered the proposals are acceptable when assessed against highway safety / parking concerns.

Scale / Massing of Development

Policy HP 9 of the Local Plan requires new development to respect the character of the surrounding area. In this respect it is considered the proposals, for a detached 2 storey development, are acceptable in the context of the surrounding area. Whitehill Hall Gardens contains a mix of dwelling styles, predominantly 2 storey, with design detailing similar to that proposed here.

In terms of the footprint of the development it is noted that this will provide for a relatively small amount of private amenity space. This would be smaller than the other plots existing within the development. However notwithstanding this point the footprint of the dwelling will allow for some useable private space, some 8 metres at the rear and 4 – 6 metres to the front. On balance the view is taken that it would be unreasonable to resist the proposals on this ground.

Privacy / Separation Distances

Policy HP 9 requires new residential development to respect the amenities of existing surrounding occupiers. This Policy is supported by Appendix 1 of the Local Plan, which provides guidelines in respect to separation distance to be achieved. This advises that a minimum distance of 21 metres should be preserved between existing and proposed habitable window openings.

In this respect the proposed layout meets the minimum separation distances in regard to all elevations. Accordingly it is considered the proposals are acceptable in this respect.

Other Issues Raised

As will be noted from the representation section above several objections to the scheme have been raised on a number of different grounds. It is also important to consider these objections as part of the assessment of the proposal.

The concern that the original Whitehill Hall Gardens development was limited to 12 dwellings – and that this proposal would breach this figure - is noted. However there have been a number of changes in both national and local planning policy since the date of this decision. This includes a policy shift to secure higher density development on sites comprising previously developed land. As such it is not considered that the proposal could be resisted simply on the grounds that it conflicts with the earlier, original decision.

It is not considered material to the consideration of this application to comment on the stated concerns that the consultations carried out in respect to the earlier approvals was inadequate. However all relevant consultations have been carried out with regard to the current proposal.

The objectors concern in respect to disruption during the construction phase is noted. However this is a common problem during the construction of many new developments and it is not appropriate for the proposals to be resisted purely on these grounds. However other powers are available to potentially remedy the objector concerns in this respect.

Conclusion

In summarising the application it is important to bear in mind the previous decisions reached, to grant planning permission for a detached dwelling on the site. For a different decision to be reached now in regard to this particular application it would be necessary for there to have been either a material change in planning policy since the date of the earlier decision, or alternatively, for the now proposed scheme to be materially different (in a manner considered unacceptable on planning grounds) to the earlier scheme.

In respect to the issue of policy there has not been any material change since the date of the earlier approval. In principle residential development on the site remains acceptable. Similarly the individual details of the current proposal are considered acceptable on planning grounds, in particular having regard to the requirements of Policy HP9 and appendix 1 of the Chester-le-Street Local Plan.

Officers are satisfied that the issues raised in relation to the replacement tree planting scheme remain acceptable. Whilst a 106 Agreement is no longer considered necessary the view is taken that suitably worded conditions of approval can be used to achieve the same desired aim, that is to say the planting of the trees and thereafter their maintenance in perpetuity.

Accordingly it is recommended that planning permission be granted.

RECOMMENDATION
CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

61A Tree Protection

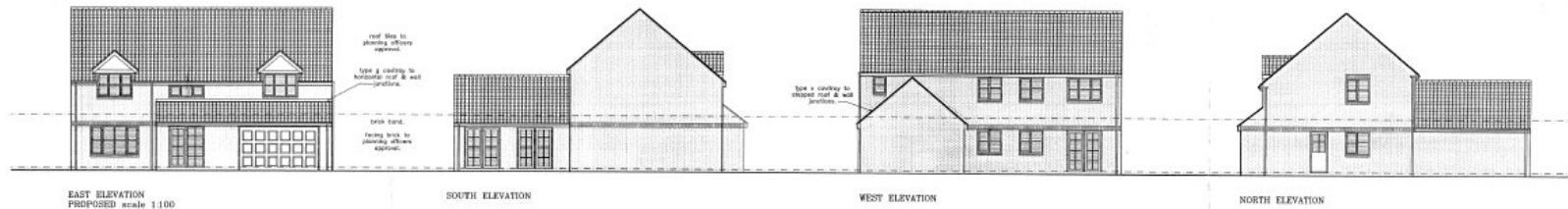
65 Removal of PD Rights (3)

Extra 1.

The hereby approved development shall be carried out in accordance with the scheme of landscaping shown in the application, and in particular drawing reference 7751/14. These works shall be carried out within the first planting season following completion of development of the site in the interests of visual amenity, the satisfactory appearance of the development upon completion, and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Extra 2.

The landscaping scheme agreed pursuant to condition 1 shall be maintained in perpetuity on site and any trees, shrubs or planting which becomes dead, dying, diseased or is removed, shall be replanted to the satisfaction of the Local Planning Authority in the interests of the satisfactory appearance of the development upon completion and to ensure a successful and robust landscaping scheme.

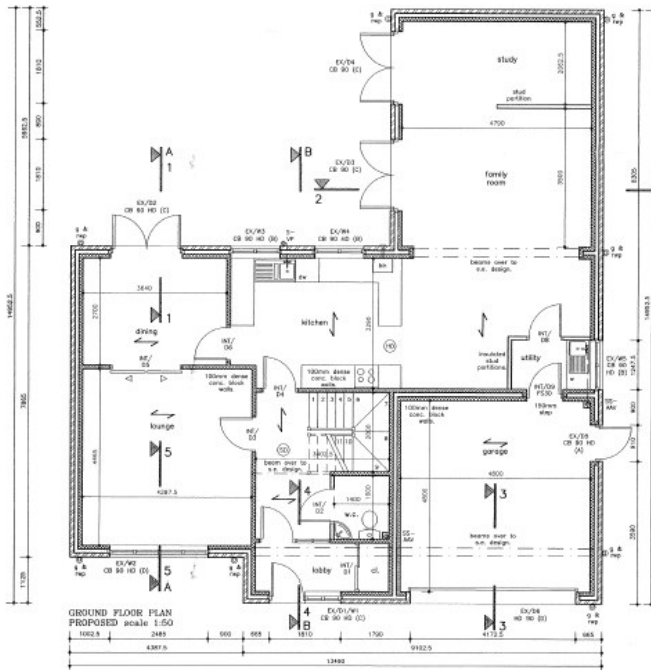
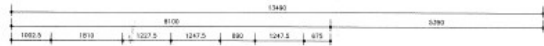


EAST ELEVATION
PROPOSED scale 1:100

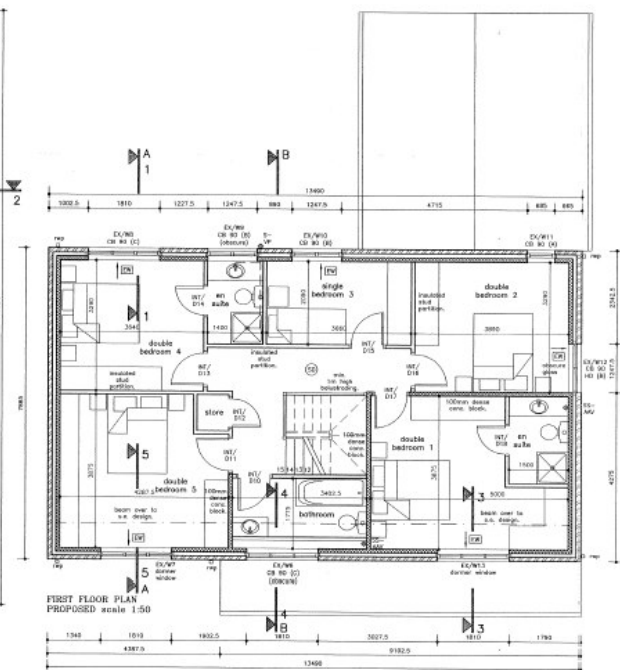
SOUTH ELEVATION

WEST ELEVATION

NORTH ELEVATION



GROUND FLOOR PLAN
PROPOSED scale 1:50



FIRST FLOOR PLAN
PROPOSED scale 1:50

- EXTERNAL DRAINAGE (ECCO)**
- S-10 Indicates 100mm soil and vent pipe carried up through roof in vertical or to be fitted with roofing access.
 - 95- Indicates 100mm stack which will not discharge water and making access to door.
 - F220 Self closing F220 fire door.
 - Note: fire doors in challenge may be fitted with rising bull hinges where both sides of door are in solid masonry.
 - F230 Devices half-hour fire rated door and being fitted with smoke and intumescent seals and self-closing devices.
 - ⊕ Unapproved roof/porch egress/doors - window areas located to lintels & ground floor to be made up to 2.0m.
 - ⊕ Unapproved egress window to have an unobstructed opening area of least 100mm high x 450mm wide (0.32sqm) and to be located to ground level. 211 The bottom of the window frame should be between 80mm & 130mm above floor level. All window holes will be made up to 2.0m.
- ← Obstructed area of door & both floor over.



REVISION 6, 12 AUGUST 2006 - EJECTOR OF WALL BETWEEN FAMILY ROOM AND STUDY REDUCED - UNDER EXISTING EXTERIOR CORNER BRICKWORK.
 REVISION 8, 08 MAY 2006 - UPDATES TO BUILDING REGULATION REQUIREMENTS.
 REVISION 9, 08 MARCH 2006 - UTILITY REDUCED IN SIZE - WHICH REDUCED TO DIMENSION 2.

Do not scale. All settings and dimensions to be taken confirmed prior to works commencing. See any disapproval and/or amendments to drawings. This drawing is to be read in conjunction with all other architectural and structural engineering drawings.

eliminary issue

Shear Design Chester Ltd
 The Old Vicarage
 Stone Park Road
 Chester in Merseyside
 CH3 7JQ
 Tel: 01244 566000
 Fax: 01244 566000
 E: info@sheardesign.co.uk
 #jag@sheardesign.co.uk

PROPOSED DWELLING HOUSE, PLOT 15, WHITEHILL HALL GARDENS, CHESTER-LE-STREET, for MR G. CLARK.	
PROPOSED PLANS	1:50
PROPOSED ELEVATIONS	1:100

4.

Reference: 06/00335/FUL

- Proposal** Erection of 17.5m high street furniture column including 3 no 3G antennas and ancillary ground level equipment.
- Location** Land at Pelton Lane South Pelaw Chester-le-Street Durham
- Applicant** O2 (UK) Ltd

The Proposal

Consent is sought for the installation of a 17.5 metre high street furniture column, with associated ground based equipment cabinet on land along Pelton Lane, Chester-le-Street.

The application site is located within the highway verge on a site approximately 15 metres north of Pelton Lane and is adjacent to the vehicular access to High Flatts Farm. Surrounding land uses are mainly agricultural. Residential properties are located approximately 210 metres to the southeast. The proposed location of the mast is shown on the attached plan.

The site is located outwith the defined settlement limit to Chester-le-Street and is located within the North Durham Green Belt.

Supplementary information supplied by applicant

The proposed installation is intended to enable the operator (O2 UK Ltd) to facilitate mobile telecommunications technology coverage in the South Pelaw area.

It is stated that the site and design of the proposed column have been carefully considered and although this option does not give the operator optimum coverage within the South Pelaw area, this has been located outwith the built up residential area and in an area which already houses several vertical structures including street lighting columns and electricity poles.

Planning History relating to O2 telecommunications equipment at South Pelaw, Chester le Street

Initially O2 sought planning approval in February 2005 to erect a 17.5 m high timber mono-pole at Crossing Gates Equestrian Centre (App. No. 05/00101/TEL). This application was the subject to several letters of objection regarding its location and design and the application was withdrawn by the applicant following the landowner's decision not to allow their land to be utilised to house the proposal.

A second planning application (App. No. 05/00393/TEL) was submitted on behalf of O2 in July 2005 seeking consent to erect a 15 m high street works style mast on land east of No. 1 Pelaw Square. This application was located in the centre of this established residential area, close to two local schools, a nursery and the local Post Office. This

application gave rise to a substantial number of objections because of its design and location and was withdrawn by the applicant prior to consideration by this Council.

A third planning application (App. No. 06/00110/FUL) was submitted on behalf on O2 in March 2006 seeking consent to erect a 20 m high column at the current application site to the north of Pelton Lane. This planning application was withdrawn by the applicant following concerns raised by officers regarding the size and style of the proposal prior to consideration by this Council.

Consultation Responses

Durham County Council, as Highways Authority for the area, have raised no objection to this proposal.

The views of the Economic Development Manager were awaited at the time of drafting this report.

The application has also been advertised by way of direct neighbour notification to 35 neighbouring properties and via the posting of three site notices in this area. The 21 day consultation period for direct neighbour notification expires on 10th August whilst the consultation period relating to the site notices expires on 17th August.

At the time of drafting this report two letters of objection have been received to the proposal. Objections are based on the following grounds;

- The proposal is too near residential properties and concern is raised regarding the health implications to residents of the proposal. It is noted concerns regarding the health implications of masts have not been proven.
- The development would be out of keeping with the open character of the surrounding area and would be harmful to the Green Belt
- The proposal will be harmful to views from the adjacent residential properties
- There are other alternative sites available (within industrial areas) which could provide a better level of coverage yet also reduce the impact upon residents.
- The development would interfere with the transmission of radio and television signals.
- The proposal will devalue property.

Relevant Planning Policies and Considerations

It is material in this instance to consider the contents of Policy PU6 of the Chester-le-Street Local Plan, Planning Policy Guidance Note 8 (PPG8 - Telecommunications) and Planning Policy Guidance Note 2 (Green Belts).

Policy PU6 states the main considerations that will be taken into account for telecommunications applications and goes on to state that the following factors will need to be taken account of

1. The specific needs and locational requirements of the development;
2. The dual use of existing installations, where technically and operationally possible;
3. Where it can be demonstrated that they are no other less harmful sites; and

4. The siting and external appearance of the apparatus has regard to the amenity of neighbouring land uses.

The Policy goes on to give further guidance relating to designated areas including the Green Belt. This states that planning permission will be granted for those telecommunications proposals : - where they are located within or would be conspicuous from the Green Belt, and are otherwise consistent with Green Belt policy would not injure the visual amenities of the Green Belt and incorporate design and landscaping appropriate to their location.

As the site is located within the North Durham Green Belt it is considered important to assess the proposal in regard to its visual impact, in particular its likely impact upon the openness of the Green Belt.

In addition PPG 8 makes specific reference to telecommunications development in Green Belt areas, advising that;

'In Green Belts, telecommunications development is likely to be inappropriate unless it maintains openness. Inappropriate development may proceed only if very special circumstances are demonstrated which outweigh the degree of harm to the Green Belt. The lack of a suitable alternative site that would meet the needs of network coverage or capacity might be considered as very special circumstances'.

PPG8 also recognises that the expansion and improvement of mobile phone technology can make a substantial contribution to the health of the national economy and is therefore supported in principle. However, in order to minimise the potential environmental impacts of such proposals, it is advised that operators investigate mast sharing where feasible and appropriate. PPG8 clearly states that Local Planning Authorities should concentrate on matters of appearance and siting. It also goes on to state that providing a proposed development meets the transmission guidelines established by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), it should not be necessary for a Local Planning Authority to consider health effects further. The applicants have submitted the appropriate certificate with the application to confirm it meet the ICNIRP guidelines.

Siting and Visual Amenity Issues

PPG8 indicates which factors can be considered in assessing the appearance of the mast, with those being the materials, the colour and the design. As discussed above, the siting of the mast is also a consideration, and the following factors are highlighted by PPG8 as also being of relevance: -

- The height of the application site in relation to surrounding land;
- The existence of topographical features and natural vegetation;
- The effect on the skyline or horizon;
- The site in relation to existing masts, structures or buildings including buildings of a historical or traditional character;
- The site in relation to residential property; and
- Any other relevant considerations.

In assessing the proposal against the considerations laid out in PPG 8 and Local Plan Policy PU6 it is considered important to note that the proposal, in scale and design, would be located in an area adjacent to both existing street lighting columns and overhead electricity lines. The proposed equipment cabin would also be seen against the background of the adjacent hedgerow.

Whilst the proposal would be higher than both the existing lighting columns and other street furniture present in the locality, the bulk of the column and the overall antenna has been minimised through this revised design. As such, the width of the supporting column reduces in three stages from 32.4 cm to 21.9 cm. The head frame of the antenna would measure 38 cm in diameter.

In addition to the street works column one equipment cabin is proposed measuring 1.65 m x 1.15 m and 1.7 metres in height is proposed, this would be painted dark green and would be unenclosed. A small meter cabinet 0.18 m x 0.35 m and 1.25 metres in height is proposed.

In considering this proposal it is useful perhaps to compare this proposal with the earlier schemes proposed in this area.

Although the original application at Crossing Gates Equestrian Centre (App. No 05/00101/TEL) related to a 17.5 m high column. The diameter of the column base measured approximately 0.8 m, with the head frame 2.5 m high and 1.0 m in width. This proposal also included the construction of a 5 metres square secured with a 2.1 metre high steel palisade fence.

The other application at this site (App. No. 06/00110/FUL) included proposals for a 20 m high column ranging in width from 40.6 - 32.4 cm with a 4 m head frame 51 cm in diameter.

Alternative Sites

The applicants have attempted to site the proposal in a number of locations in and around South Pelaw including High Flatts Farm, Crossing Gates Equestrian Centre, however, the landowners were not interested in locating the required apparatus on their land. The shared use of an existing mast at the former Northumbrian Water reservoir opposite Hilda Terrace was discounted because this would require the construction of both a taller and bulkier structure in this location. The potential siting of streetworks apparatus within the residential area at South Pelaw was discounted for technical, planning and highways reasons including the close proximity to local schools.

The lack of alternative sites in this area, as demonstrated above, is considered to constitute 'very special circumstances' sufficient to justify a Green Belt location in this case.

Need and Health Issues

Government guidance on this aspect of the consideration of this proposal is clear and unambiguous. Local Planning Authorities should not question the need for the telecommunications system, although developers may be expected to provide evidence regarding the need for the development itself. In this instance, the developer has provided coverage maps, which identify current gaps in coverage in the surrounding area.

The applicant advises that alternative locations have been considered and / or suggested as part of the pre-application discussion process but have been shown to be either unable to address the coverage "gaps" or to be technically incapable of being utilised, or considered to be likely to be more harmful to the character of the area. These have included potential sites within the built up area of South Pelaw, and smaller installations in and around the application site.

In much the same manner, it should not be necessary for Local Planning Authorities to consider issues relating to health provided that the development meets the transmission guidelines established by ICNIRP. As discussed above the operator has submitted documentation to confirm this to be the case in this instance.

Potential Radio and Television interference

Guidance within Planning Policy Guidance (PPG) 8 - recognises that that the risk of interference can be a material planning consideration, however, this guidance states that 'it is unlikely that refusal of planning permission would be justified on the grounds of radio interference from a transmitter or radio equipment alone except in extreme cases. The guidance also goes onto state that if interference does occur this 'can often be alleviated by means of suitable technical measures to improve the immunity of affected equipment to unwanted signals'.

Devaluation of Property

Whilst acknowledging the concern of local residents regarding potential devaluation it should be noted that the planning system does not operate to protect the private interests of one person against the activities of another. Therefore, de-valuation of property cannot be regarded as a 'valid' planning consideration.

Conclusion

In conclusion, whilst the height of the proposed installation would be higher than that of the existing street columns and the adjacent electricity poles, it is felt that the revisions to the design and appearance of the proposed column (particularly the reduced height and reduced width of the head frame) are such that this would not appear out of keeping with the existing vertical structures already evident in this area.

Although the site is located within the Green Belt it is felt that the amended design and appearance of the column and associated equipment cabin would not unduly affect the openness of the Green Belt. Leading on from this bearing in mind the lack of other alternative locations within the area it is considered that this proposal would, in any event, constitute 'very special circumstances'.

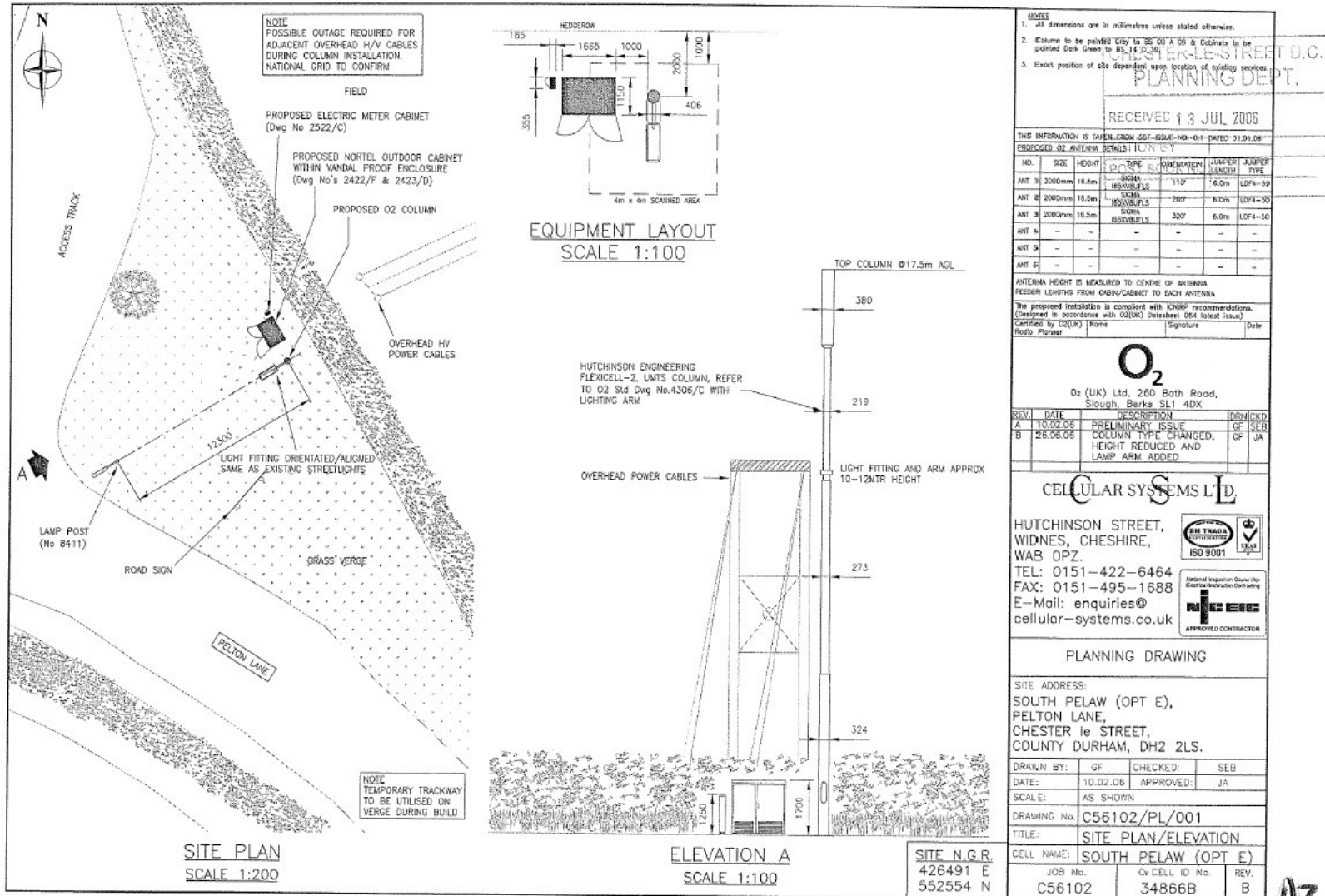
The proposal in its amended form is considered to satisfy the requirements of Policy PU6 of the Chester le Street Local Plan and other 'material' considerations and it is recommended that conditional planning approval be granted SUBJECT TO no new substantive issues being raised during the outstanding consultation period.

RECOMMENDATION Approve SUBJECT TO NO NEW SUBSTANTIVE OBJECTIONS BEING RECEIVED DURING THE REMAINDER OF THE ON-GOING CONSULTATION PERIOD, AND THEREAFTER AUTHORISE THE ACTING PLANNING

SERVICES MANAGER TO APPROVE THE APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS:-

Extra 1.

The associated equipment cabin and meter cabinet shall be finished in a colour to be submitted to, and agreed in writing by, the Local Planning Authority, prior to commencement of any development on site in order to ensure this satisfactorily blends into the area, in accordance with the provisions of Policy PU6 of the Chester le Street District Local Plan.



ITEM 3 Planning General

3.1 UPDATE OF PLANNING APPEAL DECISIONS

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION – SITE AT PLAWSWORTH RESERVOIR, A167, PLAWSWORTH

Notification has recently been received from the Planning Inspectorate of the decision reached in an appeal lodged by Mr Andrew Bradley against the Council's decision to refuse outline planning permission for the erection of a single dwelling house on the above site.

The Council's decision to refuse planning permission was upheld with the appeal being dismissed. In considering the merits of the appeal the Inspector considered that the principle issue raised was the impact of the proposed development on the Green Belt and open countryside.

In respect to this issue the Inspector noted that there is no agricultural or forestry justification for the proposed dwelling and that the proposal would therefore be inappropriate development within the Green Belt. He considered that a new dwelling would cause serious damage to the character and appearance of the countryside and that the proposal was contrary national, regional and local policy and accordingly dismissed the appeal.

A copy of the Inspector's decision letter is appended to this report.

3.2 APPEALS UPDATE

Members are requested to note the content of the updated list of planning appeal decisions in respect of planning appeals lodged during 2005 and 2006.



Chester-le-Street District Council

Civic Centre, Newcastle Road, Chester-le-Street, Co. Durham DH3 3UT

Tel: 0191 387 1919 Fax: 0191 387 1583

Directorate of Development Services

2 August 2006

List of Planning Appeals and Current Status (Appeals received during 2006)

The Planning Applications listed below have been, or are currently, the subject of appeals against the decision reached by the Planning Committee. Planning Appeals are considered by a Planning Inspector from the Planning Inspectorate, a body which is independent of Chester-le-Street District Council.

Key to Appeal Type Code

- W - Written Representations
- I - Hearing
- P - Public Inquiry

If you wish to view a copy of an Inspector's decision letter regarding any one of the appeals listed below please contact the Planning Division on 0191 387 2172 or 0191 387 2173 in order to arrange this.

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
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PLANNING COMMITTEE 14 AUGUST 2006

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
05/00142/CLU / APP/G1305/X/06 /2010026	Owlett Coachworks	Land Adjoining Owlett Coachworks Front Street Pelton Fell Chester-le-Street Durham	Certificate of Lawfulness application for an existing use comprising the parking / storage of vehicles.	P / 15.03.2006	E:425371 N:551991	Appeal In Progress / /
05/00325/FUL / APP/G1305/A/06 /2005628	McCarthy & Stone (Devs) Ltd	Chalmers Orchard Newcastle Road Chester-le-Street Durham DH3 3TS	Erection of 46 sheltered apartments plus resident managers accommodation, 17 car parking spaces and associated landscaping.	W / 05.01.2006	E:427455 N:551791	Appeal Allowed / 16.05.2006
05/00378/OUT / APP/G1305/A/06 /2012037/N	Mr Andrew Bradley - Northumbrian Water	Plawsworth Reservoir Chester Moor Durham	Outline application for a single dwelling house, including siting and means of access.	W / 13.04.2006	E:426253 N:548185	Appeal Dismissed / 31.07.0006
05/00531/ADV / APP/G1305/H/06 /1197954	Miss R. Thorne - Primesight Advertising Ltd	Park Road Service Station Park Road North Chester-le-Street Durham DH3 3SU	Installation of 2no double sided, internally illuminated, pole mounted display units. (Retrospective application - amended 21/12/05 to include second display unit).	W / 17.02.2006	E:427762 N:551939	Appeal Dismissed / 12.05.2006

PLANNING COMMITTEE 14 AUGUST 2006

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
05/00555/OUT / APP/G1305/A/06 /2011645/W	Colin Noble	Land Between 1 to 24 Queens Park Chester-le-Street Durham	Outline application for the erection of 2 no bungalows.	W / 28.04.2006	E:427988 N:550915	Appeal In Progress /
06/00070/COU / APP/G1305/A/06 /2016815/N	Nigel Carris	Twizell Dyke Farm Grange Villa Chester-le-Street Durham DH2 3JZ	Change of use of land for the storage & operation of a concreting business (Retrospective).	W /	E:422771 N:552005	Appeal Lodged /
06/00148/ADV / APP/G1305/H/06 /1199456	Primesight Advertising Ltd	Park Road Service Station Park Road North Chester-le-Street Durham DH3 3SU	Installation of 1 no internally illuminated, double sided, pole- mounted 6 sheet advertisement panel. (Retrospective application)	W / 24.07.2006	E:427762 N:551939	Appeal In Progress /

List of Planning Appeals and Current Status (Appeals received during 2005)

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- P - Public Inquiry

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Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
04/00603/FUL / APP/G1305/A/05 /1176740	John Clark & Fern Stuart	57 Hilda Park South Pelaw Chester-le-Street Durham DH2 2JR	Proposed conversion of existing garage to kitchen / dining room and construction of a replacement garage.	W / 22.03.2005	E:426596 N:551977	Appeal Allowed / 30.06.2005
04/00657/FUL / APP/G1305/A/05 /1187066	Mr & Mrs Cutter	40 George Street Chester-le-Street Durham DH3 3NE	Erection of dwelling house.	W / 06.09.2005	E:427700 N:550640	Appeal Dismissed / 16.12.2005

PLANNING COMMITTEE 14 AUGUST 2006

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
04/00660/FUL / APP/G1305/A/04 /1170813	Mr & Mrs Shield	13 Lindom Avenue Chester-le-Street Durham DH3 3PP	Proposed single storey rear extension to provide utility room and garden room.	W / 07.01.2005	E:427881 N:551059	Appeal Dismissed / 01.06.2005
04/00711/TEL / APP/G1305/A/04 /1171160	Turner & Partners Telecom Services	Highway Verge Outside Arizona Chemical Vigo Lane Chester-le-Street Durham	Installation of telecommunications equipment including 15m slimline street furniture monopole and associated radio equipment housing and ancillary development.	W / 06.01.2005	E:427794 N:553929	Appeal Allowed / 21.06.2005
04/00719/COU / APP/G1305/A/05 /1174067	Mr Jackson	Land North East of 136 Warkworth Drive Chester-le-Street Durham DH2 3TW	Change of use from public open space to private garden and erection of 2m high, close boarded timber fence.	W / 07.02.2005	E:426503 N:550095	Appeal Dismissed / 04.07.2005
04/00728/COU / APP/G1305/A/05 /1180079	Mr L. Crawford	Land North East of 99 Picktree Lodge Chester Le Street Durham	Retrospective application for change of use & enclosure of land to the side of 99 Picktree Lodge.	W / 13.05.2005	E:428016 N:553727	Appeal Dismissed / 18.08.2005

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Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
04/00811/COU / APP/G1305/A/05 /1178622	Mr S Batty	Land to The West of 129 Rydal Road Chester-le-Street Durham DH2 3DS	Change of use from open space to domestic garden (retrospective)	P / 20.04.2005	E:426894 N:550313	Appeal Allowed / 10.08.2005
04/00836/FUL / APP/G1305/A/05 /1185913	Stuart Allison	24 Graythwaite Chester-le-Street Durham DH2 2UH	Erection of detached single garage at front of dwelling (siting and roof design amended 21/01/05)	W / 08.08.2005	E:425940 N:551125	Appeal Allowed / 07.11.2005
05/00015/OUT / APP/G/1305/A/0 5/1183530	Mr S. Wales	Land South of 12 Woodlands Chester-le-Street Durham	Erection of dwelling house (Outline).	W / 29.06.2005	E:427284 N:551898	Appeal Dismissed / 29.09.2005
05/00108/OUT / APP/G1305/A/05 /1187709	Bruce Coyle	Land North East of Ravenscroft Stoney Lane Beamish Durham	Proposed erection of 1 no dwelling.	I / 15.09.2005	E:422993 N:553406	Appeal Withdrawn / 28.07.2006
05/00118/TEL / APP/G1305/A/05 /1186410	O2 (UK) Ltd	Land South West of Roundabout Waldrige Road Chester-le-Street Durham	Erection of 15 metre high streetworks monopole with associated equipment housing and ancillary works.	I / 30.09.2005	E:425697 N:550444	Appeal In Progress /

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Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
05/00244/OUT / APP/G1305/A/05 /1189483	Mr M. Calzini	Land South of Courtney Drive Perkinsville Chester-le-Street Durham	Erection of 2 no single storey dwellings (outline with details of access provided).	W / 28.09.2005	E:425675 N:553439	Appeal Dismissed / 01.02.2006
05/00248/FUL / APP/G1305/A/05 /1185820	Mr S. Levison	West House Waldrige Road Chester-le-Street Durham DH2 3AA	Extension to existing care home.	W / 05.08.2005	E:426776 N:550751	Appeal Dismissed / 10.11.2005
05/00245/TEL / APP/G1305/A/05 /1185984	O2 (UK) Ltd	Land South of Carlingford Road Chester-le-Street Durham	Erection of 12m high telecommunication pole (Imitation telegraph pole), including 3 antenna and associated equipment cabinets and ancillary development.	I / 05.08.2005	E:426865 N:550388	Appeal In Progress /
05/00260/OUT / APP/G1305/A/05 /1186137	Mrs N. Marsden	Twizell Hall Farm Twizell Lane West Pelton Chester-le-Street Durham DH9 6SN	Proposed construction of detached dwelling.	I / 11.08.2005	E:421877 N:551932	Appeal In Progress /

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Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
05/00271/FUL / APP/G1305/A/05 /1187017	David Ewart	31 Northlands South Pelaw Chester-le-Street Durham DH3 3UN	Conservatory to front of property.	W / 19.08.2005	E:427236 N:552423	Appeal Allowed / 16.11.2005
05/00272/FUL / APP/G1305/A/05 /1187019	Mr S. Brannen	29 Northlands South Pelaw Chester-le-Street Durham DH3 3UN	Conservatory to front of property.	W / 19.08.2005	E:427244 N:552424	Appeal Allowed / 16.11.2005
05/00385/FUL / APP/G1305/A/05 /2005406	Garry Walker	Land West of Bruce Street Sacriston Durham	Re-modelling of land levels to form winter feeding area (retrospective). Installation of feed shelter and erection of retaining wall (part retrospective).	W / 22.12.2005	E:423784 N:548599	Appeal Dismissed / 05.04.2006
05/00380/FUL / APP/G1305/A/05 /1192917	P. Kettle	Land South West of Woodstone Terrace Bournmoor Chester-le-Street Durham	Proposed erection of a 5 no compartment stable block and 1 no tack room.	W / 02.11.2005	E:430913 N:549996	Appeal Dismissed / 17.02.2006

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Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
05/00449/FUL / APP/G1305/H/11 92895	Miss Rebecca Thorne / Primesight Advertising Ltd	Hett Hills Garage Hett Hills Pelton Fell Chester-le-Street Durham DH2 3JU	Installation of 1 no free standing, internally illuminated, double-sided, 6 sheet advertisement panel.	W / 31.10.2005	E:423832 N:551428	Appeal Dismissed / 05.12.2005

ITEM 4 Development Control Performance Update

Introduction

The purpose of this report is to provide Members with a detailed update on the Development Control discipline’s performance during the first quarter of 2006/07. This document focuses on the following areas of development control activity, having regard to Service Plan priorities: -

1. BVPI 109 (speed of decision making)
2. BVPI 204 (percentage of appeals dismissed)
3. BVPI 205 (Quality of service checklist)
4. PLLP 33 (% of Pre-application enquiries responded to within target)
5. PLLP 02 (% of householder planning applications determined in 8 weeks)

1. BVPI 109 – Speed of decision making

This national performance indicator assesses the time taken to determine planning applications, based on 3 separate categories as identified by Central Government. It enjoys the highest profile nationally of all the performance indicators and is widely regarded as providing a good means of assessing the efficiency of the service. The first quarter results, in comparison to nationally set targets are shown below;

Application type	1st quarter result	ODPM target	Variance
Major applications	100% within 13 weeks	60%	+ 40%
Minor applications	100% within 8 weeks	65%	+ 35%
Other applications	97% within 8 weeks	80%	+ 17%

As the above table shows performance has been most healthy during the first quarter with all three areas significantly above target.

2. BVPI 204 – Percentage of planning appeals allowed

This national performance indicator assesses the number of appeals allowed against the Council’s decision to refuse planning permission. It is widely regarded as providing an indication of the quality of decision-making within an Authority. However targets are not nationally set and all Authorities are at liberty to set their own, local targets. This Council’s Service Plan identifies a target of less than 30% of appeals allowed (i.e. at least 70% of appeals won).

During the first quarter one appeal decision was made. This appeal was dismissed, providing a 100% success rate during the relevant period.

3. BVPI 205 – Quality of Service Checklist

This national performance indicator seeks to assess the overall quality of a Council’s planning service. It operates on a points system, with points being allocated on the basis of the provision of certain areas of service, perceived to constitute service excellence for Authorities. Examples of this include;

- A fully developed web site, allowing customers to interact with the service electronically
- The provision of a free pre-application advice service
- The use of specialist design advice in the service
- The use of specialist archaeology advice in the planning service
- The availability of pre-prepared information for applicants

Whilst this is a national indicator there is no set target and Authorities are at liberty to set their own, local targets. The Service Plan sets a target of 100% to be achieved by year-end 06/07.

At present the level of service equates to 83%. The one area of service which needs to be developed – a Multi Disciplinary Approach to Determining Major Application is scheduled to be in place by the year end

4. PLL 33 % of Pre-application Enquiries Responded to Within Target

This is a local performance indicator, designed to measure the speed of response to developer requests for pre-application advice. The indicator was introduced into the 06/07-service plan in recognition of the importance of this area of the service in meeting customer’s needs.

The indicator is broken down in to 2 parts; major and minor enquires. The response target for minor enquiries (mainly related to house extension proposals) is to provide a response to 90% of such enquiries within 14 days. The response target for major enquires is to provide a response to 90% of such enquiries within 21 days.

The figures for the first quarter show returns of 82% within target for both categories. These figures are 8% below the local target.

5. PLL 02 % of householder planning applications determined in 8 weeks

This is a local performance indicator, designed to measure the speed of determining householder-planning applications. The indicator has been measured for some time and is considered of particular importance as householder applications generally account for some 70 – 75 % of all applications received. As such this indicator measures a high profile area of the service’s workload.

The target response time, as detailed in the service pan, is to determine 95% of householder applications in 8 weeks.

The figures for the first quarter 06/07 show a return of 98.9% within 8 weeks.

Recommendation

It is recommended that Members note the contents of this report.

**S REED
ACTING PLANNING SERVICES MANAGER**

3 AUGUST 2006