

CHESTER-LE-STREET DISTRICT COUNCIL

DIRECTORATE OF DEVELOPMENT SERVICES

REPORT TO PLANNING COMMITTEE

19 JUNE 2006

REPORT OF THE ACTING PLANNING SERVICES MANAGER

- ITEM 1** District Matters Recommended Refusal

- ITEM 2** District Matters Recommended Approval

- ITEM 3** Planning General

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DOCUMENTATION CAN BE VIEWED IN THE PLANNING SERVICES
DIVISION PRIOR TO THE COMMITTEE MEETING**

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REPORT OF THE ACTING PLANNING SERVICES MANAGER

ITEM1

District Matters Recommended Refusal

1.

Reference: 06/00208/OUT

Proposal Outline application for residential development comprising 1 no timber residential chalet on site of former Lumley Boys School / Heinz Cottage, front street.

Location Land North of Fenton Well Lane Great Lumley Chester Le Street

Applicant Mr & Mrs Bell

The Proposal

Outline planning approval is sought for the residential development of a single, low-impact, timber residential chalet on the site of the former Lumley Boy's School, Fenton Well Lane (Front Street), Great Lumley. The application, in outline, reserves all matters for further consideration should the principle of the development being applied for be considered to be acceptable.

The application site measures approximately 36 metres wide by 47 metres deep and is located approximately 50 metres from the nearest neighbouring dwelling at 157 Front Street, Great Lumley. An area of open grassed land separates the site from the neighbouring dwelling, the boundary of which also marks the western extent of the settlement boundary of Great Lumley. The application site effectively forms a plateau cut into the prevailing slope, to the extent that on the eastern boundary there is a retaining wall / bank which is approximately 2 to 3 metres in height, with neighbouring ground levels correspondingly higher. To the west and south-western boundaries (side and front corners respectively) the ground levels rise to a height approximately 2 metres above the road level outside the site. A combination of stone wall and post-and-rail fencing marks the boundary of the application site.

In support of the application, the applicant has provided a lengthy covering letter outlining the benefits, key features and "very special circumstances" of the proposed development, which are outlined below:-

- The proposal is in outline and is for a "low impact eco-friendly chalet" with garage;
- The "chalet" will look no different to a standard bungalow, but will be built on a chassis and be a mobile structure no permanently fixed to the ground;
- The land benefits from having combined drains, water and electricity at hand;
- All materials will be locally supplied and manufactured;
- The land will be used for an organic garden / small-holding to enable self-sufficiency;
- The whole scheme will be "environmentally vibrant and eco-diverse" with the use of solar panels and rainwater harvesting;

- The development of the land will end its 30 - 40 years of dereliction which has led to problems of waste tipping and anti-social behaviour;
- The development will provide "stewardship" for this area of the village;
- Government guidance puts utmost importance on sustainability, as outlined above and in reducing the applicant's reliance on the motor car;
- Reference is made to other sites within the District where a distinction was made between previously developed land and "greenfield" land; and
- The site would provide a more healthy living environment than the applicant's current address.

In addition to these points, the applicant has also provided a brief summary of previous activities on the site, the main points of which are outlined below:-

- The Lumley Boy's School was previously located on the application site although the buildings were demolished "sometime in the 1970's";
- An application for planning permission was received in 1979 for an equestrian school at which point top-soil was laid over the remains of the school foundations;
- An application in 1975 refers to the site as "a tip";
- Since purchasing the site in 2003, the applicant has tried to erect new fencing and planting hedges, trees and shrubs, albeit with these being destroyed;
- The site has suffered from fly tipping and anti-social behaviour; and
- The development of the site would address the problems identified.
- The applicant also requests that the contents of the letters of objections are disregarded on the grounds they are considered to represent lies and inaccuracies.

Recent Planning History

Members may recall that an application for planning permission, made in outline, for the development of a single dwelling was submitted for consideration in September 2003. The Planning Committee considered the application at their meeting on 10 November 2003 where they resolved to refuse the application, stating 8 reasons for the refusal decision. The applicants subsequently lodged an appeal against this decision which was considered under the "written representations" procedure. A site inspection was carried out in July 2004 and the Inspector's decision to dismiss the appeal was received in August 2004.

The appeal was dismissed on the grounds that the Inspector concluded that the development constituted inappropriate development within the Green Belt and that the appellant had not provided justification of the "very special circumstances" required to counter the presumption in respect of development within Green Belt areas. Furthermore, the Inspector also concluded that the proposal would cause harm to the character and appearance of the countryside.

Consultation Responses

Durham County Council (Highways) have provided the following comments in respect of the application:-

- Recommendation was previously made (application 03/00558/OUT) that an application for residential development should be refused as the number of dwellings

served by an un-adopted road would exceed the County Council guidelines in increasing to five dwellings.

- On appeal, the Inspector did not uphold these reasons for refusal despite dismissing the appeal, and should have included the dwelling, and its access, at Lumley Grange Farm.
- Concern remains regarding the principle of development from un-adopted roads and the consequences of cumulative development in terms of ensuring the adequacy of matters such as lighting, drainage and highway maintenance.
- Despite these concerns, in light of the previous Inspector's findings on highways matters, it is considered that a reiterated highways objection would be unlikely to be upheld, and for these reasons, no highways objection is offered.

Durham County Council (Landscape) have provided the following comments:-

- The site lies outwith the boundary of the village as defined by the Local Plan. It also lies within an Area of High Landscape Value and the North Durham Green Belt. These designations are considered to recognise the quality of the landscape and restrict unnecessary development.
- The site is in a prominent position and a timber chalet would be an unwelcome and uncharacteristic development in this location.
- The derelict appearance of the site is likely to attract unauthorised tipping and the applicant is encouraged to address this issue as a matter of urgency.

A number of letters of representation, both in favour (6 letters) and objecting (5 letters) to the proposals, have been received in response to the public consultation exercise, the main points of which are outlined below:-

In Favour

- The site is a potential site for vandals, fly tipping and general anti-social behaviour;
- How can the re-development of a site which previously housed a school and cottage be a problem; and
- The development of this site would improve the surrounding area.

Objections (reference has been made by two objectors to their previous objections in respect of application 03/00558/OUT)

- The site is located within the Green Belt;
- If approved, the development of the application site (within the Green Belt) would leave the remaining area between the site and the end properties in Great Lumley open to further potential future development;
- Fenton Well Lane is un-adopted and already serves three dwellings. The development of the site would add to potential traffic generation in this area;
- The land has never been a tip, nor has it been the source of anti-social behaviour claimed by the applicants;
- The applicant's only tend to visit the site for short periods of time or to park a caravan on it, and would not therefore be able to judge any issues related to the site in the same way that adjoining residents can;
- The land has been used for grazing horses and also for riding, with jumps being set up on it for "many years" and was used for riding lessons;

- The school was demolished in the late 1950's and the adjoining cottage ("just above the paddock") similarly demolished in 1971;
- The condition of the land has deteriorated since the current applicants took ownership of the land in 2003;
- The letter submitted by the applicant dating from 1975 is irrelevant as it is over 30 years old, the paddock has been used to its full potential over the years, has been used as a grazing area for horses and physical evidence of the previous buildings was only revealed after the applicant excavated the site over New Year 2005.

Great Lumley Parish Council have objected to the proposal on the grounds that the site falls outside the Local Plan area for the village. Reference is also made to the content and nature of the Parish Council's objections to the previous application for planning permission on this site.

Relevant Planning Policies and Considerations

The applicant has described the purpose of the application as to provide a "low impact eco-friendly chalet". The applicant has not submitted any details with the application to expand upon the ecological credentials of the proposal, nor has any further information been provided regarding the type of residential structure, its construction, design and degree of permanence. However, as an outline application, consideration will be given to the principle of the residential use of this area of land.

The provisions of the County Durham Structure Plan and the Chester-le-Street District Local Plan are considered to be the starting points for the consideration of the current application for planning permission.

County Durham Structure Plan

Policy 4 and 14 of the Structure Plan states that the character and appearance of the countryside should be conserved and enhanced, and that this will be achieved by ensuring, amongst other criteria, that new development is located wherever possible within existing towns, villages and settlements. Further, development on the fringes of built up areas should have regard to the needs of agricultural and countryside activities. The application site is not, however, situated within the existing physical framework of Great Lumley, nor is it sited within the settlement boundary for Great Lumley, as defined by the Local Plan Proposals Map.

Policy 6 of the Structure Plan states that the openness of the Green Belt should be preserved and that the construction of new buildings within such areas will be inappropriate unless required for agricultural or forestry related activities, or for essential facilities for outdoor sport and recreation. Planning Policy Statement 7 (PPS7 - Sustainable Development in Rural Areas) goes further and also makes reference to "other occupational dwellings" associated with "rural-based" enterprises as potentially (and subject to further criteria) being appropriate within rural areas. Although the applicant has provided some additional justification with the current application, making reference to a desire to be self-sufficient, this is not felt sufficient to justify such a dwelling in this location. This matter is considered in more detail below.

Chester-le-Street District Local Plan

Policies NE2 (Development Beyond Settlement Boundaries), NE3 (Implementation of the North Durham Green Belt) and NE4 (Appropriate Development in the Green Belt) of the Local Plan are of direct relevance to the consideration of this application. Policies NE2 and NE3 set out the aims of preventing development, and particularly residential development, outside the defined settlement boundaries of towns and villages within the District. Policy NE2 is also cross-referenced to Policy AG9, which sets out a number of further criteria against which new dwellings for agricultural or forestry workers will be considered (the provisions of Policy AG9 are briefly summarised below). Policy NE4 sets out the detailed criteria against which applications for the construction of new buildings will be considered and whether they can be classed as being "appropriate development" within the Green Belt. The proposal is not, however, considered to satisfy any of the criteria outlined by Policy NE4 regarding what may constitute "appropriate development" in the Green Belt, nor has the applicant provided any justification to this effect.

Policy NE5 (New Dwellings in the Green Belt) sets out a presumption against the construction of new dwellings within the Green Belt. Policy NE5 also states that proposals for the siting of a residential caravan or chalet will be treated in the same way as proposals for new dwellings, whilst NE6 (Development Affecting the Visual Amenity of the Green Belt) states that proposals which are within the Green Belt will not be granted where the proposal would be detrimental to the visual amenity of the Green Belt, by virtue of scale, siting, materials or design. The application site is not only outwith the settlement boundary and within the Green Belt, but it is clearly so, with a buffer strip of open, grassed amenity and informal recreation land separating it from the built extent of the Great Lumley settlement. Whilst the materials and detailing of the timber "chalet" would only be able to be fully judged at the Reserved Matters stage, the siting and principle of the proposal is considered such that the proposed development, even when submitted in outline, cannot be accepted as being in accordance with these Policies of the Local Plan.

The development of this site for residential purposes, together with the trappings of residential use, would serve to extend the built limits of Great Lumley substantially beyond existing the settlement boundary. The site is located in a prominent hillside location and, when viewed from a westerly direction, a residential unit would be a prominent and a clear intrusion into the rural landscape, at odds with the aim of maintaining the openness of Green Belt's as set out by PPG2. In dismissing the previous appeal on this site, the Planning Inspector stated that "no matter how well designed, the dwelling and its residential curtilage would be as harmful to the character and appearance of the countryside as it would be to the visual amenity of the Green Belt".

Policy AG9 states that no new dwellings will be permitted within the countryside outside settlement boundaries, unless it can clearly be shown to support existing agricultural and / or forestry activities. As referred to above, current Government guidance in the form of PPS7 also makes reference to "other occupational dwellings" and sets out a number of criteria and "tests" to be applied when consideration is given to proposals for new, isolated dwellings within the countryside. In support of the application, the applicant has indicated that, if approved, the proposal would allow a more sustainable way of life to be achieved, combining growing vegetables, plants, shrubs and trees and the creation of wildlife habitats with the proposed residential use. However laudable such aims may be, they fail to satisfy the criteria outlined at Annex A of PPS7 for justification of such dwellings in that no information has been provided expressing any intention to start a "rural enterprise",

whether this has been done on a sound financial basis and whether there is a functional need to be resident on the site to support any such enterprise.

Other Material Considerations

For the reasons outlined above, it is considered that the proposed development would be contrary to Policies NE2 - NE6 and AG6 of the Local Plan. The applicant has not provided justification for the proposal that would outweigh the provisions of these Policies and as such it is considered that the proposed outline application for residential use would constitute inappropriate development within the Green Belt.

Planning Policy Guidance Note 2 (PPG2 - Green Belts) states that inappropriate development should not be approved within Green Belts except in very special circumstances, and that these circumstances will only exist where the inappropriateness, and any other harm, is clearly outweighed by other material considerations. The guidance goes on to advise that the applicant will be expected to show why permission should be granted and what special circumstances exist.

The applicant has stated on a number of occasions that the application site was formerly the location of the Lumley Boy's School. As such, it is the applicant's contention that the site should be classed as a "brownfield" site, or previously developed land. Advice and guidance contained within Planning Policy Guidance Note 3 - Housing (PPG3) explains that, regardless of whether a site has been previously developed, where the "remains of any structure or activity have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings), and where there is a clear reason that could outweigh the re-use of the site" the site should be excluded from the definition of previously developed land.

This matter has been considered and argued at length in both parties submissions to the Planning Inspector in respect of the previous appeal, but was a matter which the Inspector would not specifically be drawn upon. The Council would still contend that the site is a "greenfield" site but, even if the site were to be classed as previously developed (which would seem to be against the criteria and guidance in PPG3), the Inspector confirmed that Annex B of PPG3 also states that "previously developed land status" does not confer "very special circumstances" and that the general presumption against inappropriate development within the Green Belt remains. However, until the site was excavated by the applicant in December 2005, it was considered that the site and "structures or activity" had blended back into the landscape. The excavation works are currently being investigated by the Planning Enforcement Officer.

Other "very special circumstances" put forward by the applicant can be split into 2 main areas : the removal of "undesirable" alternative uses and personal circumstances.

With regard to the removal of "undesirable" alternative uses, the views of those neighbours who live near the site is that anti-social behaviour linked to the open, grassed, nature of the site prior to the applications has, to their knowledge, not been an issue. Furthermore, the use and appearance of the land, again as an open, grassed, plateau which has variously been used for the turning out and grazing of horses, is considered to be an entirely appropriate and common use of land in a semi-rural location such as this. This matter was also considered by the Planning Inspector during the previous appeal where the issue of long term stewardship of the land could be perceived as a positive

benefit although to accept this as a very special circumstance could create an argument that "could justify the development of other vacant site in similar locations, to the cumulative detriment of the Green Belt's integrity". In any event, the Inspector found that the site fell short of what could reasonably be classed as being "derelict" and which would not, in the circumstances, be considered as very special circumstances.

Similarly, limited information has been submitted by the applicant regarding the "personal" circumstances. However, as justification for the proposal a point of comparison is made with the applicant's current property within a residential development which adjoins the East Coast Main Railway line, and that the application site would provide a more healthy environment within which to raise their family and to overcome health issues. However, the applicant's current property is located in close proximity to the existing settlement boundary for Chester-le-Street, within walking distance of the Green Belt, extensive cycleway and footpath networks, informal and equipped children's play space, and on a main bus route with links to the town centre and further afield.

Conclusion

In conclusion, it is considered that the outline application for the proposed residential development of the site of the former Lumley Boy's School, including a timber chalet, is clearly contrary to a number of Local Plan and Structure Plan Policies. Furthermore, the proposal is considered to be contrary to Government guidance and Planning Policy in the form of Planning Policy Guidance Notes and Planning Policy Statements regarding appropriate development within Green Belt areas.

Notwithstanding the applicant's contention that "very special circumstances" exist that outweigh any harm caused to the designation of the land as Green Belt, that the site has previously been developed, that the proposal would allow an, albeit unsubstantiated, self-sufficient lifestyle and that the site enjoys a close relationship with an existing settlement well served by public transport links and with a range of facilities (albeit outside it and detached from the settlement boundary), these factors are not considered sufficient to overcome the general presumption against inappropriate development in the Green Belt. The development of the site for residential purposes would incrementally extend the settlement boundary into the Green Belt in a piecemeal fashion, and would result in a form of development which would have a disproportionate impact upon the landscape character and appearance of the area. The development of the site would represent a form of "skyline" development appearing over the crest of the hill when viewed from the west, leading built development to spill downwards out of the village towards the River Wear.

It is therefore recommended that the Planning Committee, having regard to the Development Plan and Government guidance in the form of PPG2, PPG3 and PPS7, refuse the application on the grounds that the proposal would be contrary to Policies 4, 6 and 14 of the County Durham Structure Plan, and Policies NE2-NE6 and AG9 of the Chester-le-Street District Local Plan.

RECOMMENDATION

Refuse FOR THE FOLLOWING REASONS:-

Extra 1.

The proposed development, by virtue of its location within the North Durham Green Belt and the absence of any justification for the development in terms of need in connection

with existing, established agricultural or forestry uses, is considered to be contrary to the provisions of Policy NE3 of the Chester-le-Street District Local Plan in that it would undermine the aims of the North Durham Green Belt, would encroach into it in a piecemeal manner visibly reducing the openness of the Green Belt and thereby creating a dangerous precedent if replicated.

Extra 2.

The proposed development, by virtue of its location within the North Durham Green Belt and the absence of any justification for the development in terms of need in connection with existing, established agricultural or forestry uses, is considered to be contrary to the provisions of Policy NE4 of the Chester-le-Street District Local Plan in that it does not satisfy the criteria for an appropriate form of development within the North Durham Green Belt.

Extra 3.

The proposed development, by virtue of its location within the North Durham Green Belt and the absence of any justification for the development in terms of need in connection with existing, established agricultural or forestry uses, is considered to be contrary to the provisions of Policy NE5 of the Chester-le-Street District Local Plan in that it does not satisfy the criteria for the development of new dwellings within the North Durham Green Belt.

Extra 4.

The proposed development, by virtue of its isolated location on a site detached from the main settlement of Great Lumley, and within the North Durham Green Belt is considered to be contrary to the provisions of Policy NE6 of the Chester-le-Street District Local Plan in that it would be a highly visible intrusion into the North Durham Green Belt when viewed from a westerly direction, to the detriment of the visual amenity of the Green Belt.

Extra 5.

The proposed development, by virtue of its location within the North Durham Green Belt outwith the settlement boundary for Great Lumley and in the absence of any justification for the development in terms of need in connection with existing, established agricultural or forestry uses, is considered to be contrary to the provisions of Policies 4, 6 and 14 of the County Durham Structure Plan which seek to locate new development within the existing physical framework of towns or villages and which set down the criteria for new residential development outwith settlement boundaries, would undermine the aims of the North Durham Green Belt, encroaching into it in a piecemeal manner and reducing its openness.

ITEM 2 District Matters Recommended Approval

2.

Reference: 05/00162/FUL

Proposal Erection of 3 no. B8 warehouse units (with ancillary offices), parking, block levellers, yards, landscaping and new access arrangements from the A693.

Location Land at Drum Industrial Estate Chester-le-Street Durham

Applicant Gladman Developments Limited

The Proposal

This report relates to an application for planning permission for the erection of 3 no. warehouse units (with ancillary offices), together with ancillary parking, block levellers, service yards, landscaping and a new roundabout on to the A693, at Drum Industrial Estate, Chester-le-Street.

The size of the proposed warehousing unit's range from 23,438 square metres (Unit A) to 7,189 square metres (Unit C). The heights of the units are all approximately 16 metres from existing ground level.

The applicants advise that the proposals will create in the region of 690 new jobs

The application site is located within the defined industrial allocation of Drum Industrial Estate, as detailed in Policy IN1 of the Local Plan. Existing commercial units exist to the north and west, with open land to the east separating the site from housing along Wear Lodge. The nearest residential property is some 140 metres to the east. To the south the site is separated from the A693 by a 25 metre landscaping belt. The land to the south of the A693 is located within the Green Belt.

Consultation Responses

The County Council, as Highways Authority for the area, note the site is allocated as a prestige industrial estate, as detailed in the Local Plan. They also note that access is currently provided for via an estate access road and that there are a variety of bus stops within 400metres of the application site. It is also noted that the proposals provide for access onto the adjacent C2C cycle link. The County Council also advise that the existing estate junction onto the A693 will exceed its capacity in the near future and that the development proposed will introduce more congestion at this point. As such they consider there is a clear need for the roundabout which is proposed as part of the application. They note that a proposed design for the roundabout has already been undertaken and would expect the developers to pay for its implementation. The County Council advise that as the construction of the roundabout will require the acquisition of third party land they will not require a condition to require the roundabout to be in place prior to commencement, but rather are prepared to accept a condition requiring that commencement of

development does not occur until such a time as an Agreement is in place to fund the roundabout. The County Council acknowledge that the development will have an effect on other road junctions in the vicinity, however they consider that the additional congestion will be minimal and as such no mitigation will be required. It is also requested that a condition of approval be imposed requiring the preparation of detailed travel plans, for each of the units, in an attempt to promote sustainable forms of travel.

Durham Constabulary (Traffic Section) consider that the development will generate a significant level of increased traffic movements at the A693 at the Drum entrance. They have concerns as to the impact these additional movements will have upon highway safety in the area, noting that the junction already has a poor accident history, with a significant proportion of accidents involving heavy goods vehicles. The Traffic Section advice that consideration is given to imposing a planning condition designed to improve traffic safety at the A693 entrance as part of the development

The County Council, Planning Policy Section, note that Policy 19 of the Structure Plan allocates the site as one of the Prestige Industrial Estates within the County. They therefore consider that the proposal complies with strategic structure plan aims of directing economic development proposals to sites well related to the County's main towns. They also note that part of the site (the land required for the construction of the new roundabout) is located within the Green Belt. However they note that no new direct development is proposed for this area and as such accept that the proposal will comply with the aims of Structure Plan Policy 6 - The North Durham Green Belt. The County Policy Section go onto to advise that the Council will need to satisfy itself that the proposals make adequate provision for public transport facilities.

Durham Constabulary (Architectural Liaison Officer) notes that the existing estate suffers from incidents of crime, albeit not to a high degree. They also note that the application site itself has a history of being abused by persons riding motorcycles and trial bikes. Subject to the incorporation of a number of detailed design features, designed to limit the opportunity for criminal activity, the Architectural Liaison Officer has no objection in principle to the proposals.

The County Durham Development Company welcome the proposed development.

The Environment Agency raise no objections to the proposal.

The Council's Planning Policy Officer notes that the site is allocated for prestige employment purposes in the Local Plan. It is also noted that the proposals will not harm the small areas of Green Belt located in and adjacent to the site. As such it is considered that the proposal are in accord with relevant National and Local Plan Policy.

The Ramblers Association observe that there is a Public Footpath running through the site. However they note the proposals make acceptable provision for the diversion of the route and as such raise no objections to the proposal.

The Highways Agency note that the traffic generation data supplied by the applicant's show that the development will only have a minimal increase in congestion at the nearest A1 (M) junctions and accordingly do not raise any objections in principle.

The Council's Regeneration Manager notes that the development is an important project for the District, and furthermore notes that the design of the proposals has been improved through the planning stage and as such raises no objections to the proposals.

The Council's Environmental Health Officer has no comments to make.

Gateshead Council, as neighbouring Authority have no comments to make.

The application has been advertised by way of press and site notice and by direct mailing to surrounding occupiers. In response 4 letters of objection have been received. Objection is raised on the following grounds;

- The proposal will generate additional traffic (in particular HGV's) on already busy roads;
- The proposals will lead to the loss of agricultural land that will affect the landowners business;
- The proposal may cause noise disturbance to nearby residents;
- The buildings will be too high / and the proposed colour scheme would be obtrusive;
- Screening will be required to lessen the impact of the development;
- Residents were given assurances by the Council that any units proposed for the site would be adequately screened. Concern is raised that the proposals do not provide for this;
- Litter - concern is raised that additional development of the site will add to existing litter problems experienced by occupants; and
- Drainage - Concern is raised that the proposals will add to existing drainage problems experienced on the estate.

Relevant Planning Policies and Considerations

The application 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

Structure Plan

Policy 16 of the Structure Plan advises that some 640 hectares of employment and will be identified within the County to provide for an adequate range of sites to meet economic development needs. Drum Industrial estate is identified within this Policy as the principle site within the Chester-le-Street District. Policy 19 of the Structure Plan advises that the location of prestige employment sites should be well related to the existing main towns of the County, including Chester-le-Street. In this respect the proposals clearly comply, in principle with the locational aims of these Policies The Policy goes on to advise that proposals should incorporate high standards of layout, design and landscaping.

Policies 35 and 37 of the Structure Plan require major development sites to be well served by public transport and provide safe access for pedestrians and cyclists. This general sustainable travel advice is developed further by Policies 43 and 44a, which require new development proposals to have pedestrian, cycle and footpath facilities provided as an integral part of their design. They also require new development to be served with the minimum amount of car parking required, in accordance with the County Council's revised parking standards.

In terms, of assessing the proposals compliance with the aims of relevant Structure Plan Policies it is considered they are compliant in principle. Clearly the proposals, for Warehousing development on the site, comply with the strategic allocation of the land for such uses. The site also provides for a reasonable range of public transport / pedestrian linkages (see further comment below) to comply with the aims of the relevant sustainable travel Policies.

Chester-le-Street Local Plan

Policy IN1 of the Local Plan - New Development Opportunities - advises that the District Council will bring forward some 35 hectares of new industrial land to facilitate economic growth in the District. Section 1 of this Policy advises that 31.5 hectares of this land will be provided at Drum, for prestige development. The proposals comply in principle with the land use allocation of the site, as detailed in the Local Plan.

Policy IN3 of the Local Plan builds on this advice by stating that proposals for new build schemes on Drum will only be approved for Use Classes B1, B2 or B8. As the proposals for warehousing use fall within the terms of Use Class B8, they comply in principle with the aims of this Policy. However the Policy also requires proposals to comply with a number of detailed criteria, including providing for; High specification and appearance (particularly along the A693 frontage); Provide for a clean attractive environment; High quality landscaping and means of enclosure; External storage is well screened; Parking provision is in accordance with adopted standards, and, safe highway access is provided for.

In assessing the proposals against the requirements of these relevant Policies it is considered important to have regard to the following detailed material considerations;

Scale & Design

As discussed above, the proposed units are large, ranging from 23,438 sq metres through to 7,189 sq metres. The height of the proposed units is some 16 metres. This proposed height is clearly larger than the existing Batley's building, against which the proposals would primarily be seen. This building has an approximate height of 9 metres. However, the view is taken that this height differential will not prove unduly problematic. Whilst clearly the buildings will have a considerable presence within the wider area, it is noted that they are set back from the A693 by approximately 55 metres. The majority of this set back comprises a mature landscaping belt. In addition there is a demonstrable drop in land levels between the site and the A 693 to the South. Accordingly the view is taken that the height of the proposed buildings will be mitigated by the existing site features to the extent that the visual impact they would have is considered acceptable.

With regard to the proposed design solution the submission has been improved as part of the consultation process. The original submission was considered somewhat unimaginative, and concern was expressed that the proposals would not meet the aims of providing for a high specification, as required by relevant Local Plan Policy. However, the amended scheme provides for a more imaginative design, especially in regard to the roof design (which now has a modern curved roof appearance) and on balance the view is taken that the design solution proposed will be acceptable in the context of the surrounding area.

Layout / Landscaping

The layout of the site has also been amended during the course of the application process. Specifically these amendments have affected the internal road layout (which now has a more staggered layout than originally submitted), and the size of the units, which have been reduced slightly.

The layout is considered to provide for a high degree of natural landscaping features, in particular along the distributor road into the development. This will allow for the presentation of an attractive green corridor into the site, and will also allow for the introduction of a Sustainable Urban Drainage Scheme, which will provide with it opportunity for wildlife habitat creation. The submitted plans also indicate the landscaping of the proposed internal car park areas. Again this will soften the development.

It is also relevant to note that the layout has been amended to ensure no hard development infringes on an area of Green Belt land located within the site. Indeed the view is taken that these amendments to the layout (to bring the footprint of the proposed units further away from this area) render the development acceptable in terms of its impact on the Green Belt.

The existing landscaping buffer, which exists along the southern boundary of the site with the A693, is considered adequate to provide a sufficient landscape framework for this elevation of the site

Impact on Surrounding Residents

As will be noted from the representations section above, an objection has been raised on the perceived impact the proposals will have on residential properties to the east of the site. However in terms of assessing this objection it is noted the nearest residential properties are located some distance from the site (ranging from 140 metres to 350 metres), and that this intervening land is landscaped. As a result it is considered that whilst the proposals will invariably have some degree of visibility when viewed from surrounding residential properties, it is not considered they would have such an overbearing impact, sufficient to warrant refusal.

Highway Safety Issues

Members will note that both the Police and the County Council, as Highways Authority for the area have expressed concern that the proposals will add to the existing unsatisfactory traffic congestion at the entrance to the estate off the A693. Both these agencies have advised that junction improvement works need to be provided for as part of any application to develop the subject land. In this respect Members will be aware that the application includes detail of a proposed new roundabout at the entrance to Drum off the A 693. The County Council have confirmed that this facility will overcome their concerns and render the proposals acceptable. Members will note that it is recommend that this facility is funded by the developers, though a Section 106 Agreement (see further comment below).

Careful consideration has also been given to the impact the proposals will have on the wider highway network. Indeed the applicants have submitted a Traffic Assessment to demonstrate the impact the proposals will have. Whilst the Assessment does reveal that additional congestion will arise, most notably at the Northlands roundabout and the junction of Drum Road with Durham Road, the County Council are satisfied that any such increase in congestion levels would be minor and that accordingly there is no need for any

mitigation to be put in place. Similarly the Highways Agency are satisfied that the proposals will not have a significant impact on the flow of traffic on the nearby A1 (M) junctions and accordingly raise no objections to the scheme.

On balance, and having regard to the detailed assessment of the proposals which has been undertaken by the relevant Authorities, and taking into account the opportunity to enter into a 106 Agreement to secure the provision of the new roundabout, the view is taken that the proposals are acceptable on highways safety issues.

Rights of Way

A public footpath runs through the site in an east-west direction. However. The proposals show this route diverted, and also linked in with the adjacent C2C cycle route. The Ramblers Association do not object to this proposed route re-alignment and as such it is considered that the proposals will not have a demonstrable impact on Rights of Way issues.

The Section 106 Agreement

As discussed above the development proposals are considered to generate a clear, demonstrable need to justify the construction of a roundabout at the entrance into Drum off the A693. Indeed the detail of this facility is shown as part of the application. Detailed discussions have been ongoing for some time, between Officers, the developers and the County Council as to the proposed funding and implementation method for this facility. Following these discussions the relevant parties have reached an in principle Agreement to make the grant of planning permission subject the entering into of a Section 106 Agreement by the developer to fund the costs associated with the implementation of this roundabout. The County Council have provided a provisional cost estimate of £1,000,000 (one million pounds) for the construction the roundabout. The basic Heads and terms of the 106 Agreement which have been agreed between the relevant parties would provide for the payment of the £1,000,000 by the developers. Full details are provided for Members information in the recommendation below.

The view is taken that the entering into of this Agreement will ensure that a clear commitment is made to provide for the requisite highway improvements which are required to render the development proposed acceptable in highway safety terms.

The applicants have also offered the sum of £25,000 towards public artwork contributions, to meet the aims of Policy BE2 of the local Plan.

In summary, and following discussions with the Council's Legal Services team, the view is taken that the proposed 106 Agreement meets the relevant statutory tests and that accordingly it is appropriate to require the Agreement to be entered into as part of any resolution to grant planning permission.

Conclusion

In conclusion it is considered that in principle the proposals provide for an acceptable form of development having regard to the aims of relevant Structure and Local Plan Policies. Furthermore it is considered that subject to the entering into of the proposed 106 Agreement, that the proposals are acceptable having regard to all detailed material planning considerations.

RECOMMENDATION Approve SUBJECT TO THE FOLLOWING CONDITIONS AND THE ENTERING INTO AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO PROVIDE FOR:

- The developer paying the Council the sum of £1,000,000 (One Million Pounds) upon commencement of development on site;
- In the event of the developer securing grant funding towards the cost of the roundabout, the developer contribution would be reduced pro-rate;
- The funding to be ring fenced by the Council for use only in the construction of the roundabout;
- The County Council will be responsible for the construction of the roundabout, with the Council releasing the money to the County Council as requested; and
- The County Council will be responsible for any land acquisition proceedings necessary to facilitate the roundabout and also for bearing any costs in excess of the £1,000,000 (One Million Pounds).

CONDITIONS

01A time limit (3 years)

Extra 1.

Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls and / or roofs of the building(s) have been submitted to, approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy IN3 of the Chester-le-Street District Local Plan.

Extra 2.

The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of screen fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy IN3 of the Chester-le-Street District Local Plan.

Extra 3.

Notwithstanding the details shown on the hereby approved plans and elevations, full details of all means of enclosure of the site (including any internal means of enclosure to sub-divide individual plots) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy IN3 of the Chester-le-Street District Local Plan.

Extra 4.

There shall be no open storage on the site of any material, including cartons, packing cases, waste materials, or materials awaiting fabrication, except in areas to be shown on site plans, and first submitted to, and approved in writing by, the Local Planning Authority, in the interests of visual amenity and the satisfactory appearance of the development and to accord with the aims of Policy IN3 of the Chester-le-Street Local Plan

Extra 5.

Notwithstanding any description of the materials in the application, no development shall be commenced until details of a Sustainable Urban Drainage Scheme have been submitted to, approved in writing by, the Local Planning Authority in order to ensure the development makes adequate provision for sustainable waste water management and to comply with the provisions of Policy NE1 of the Chester-le-Street District Local Plan.

Extra 6.

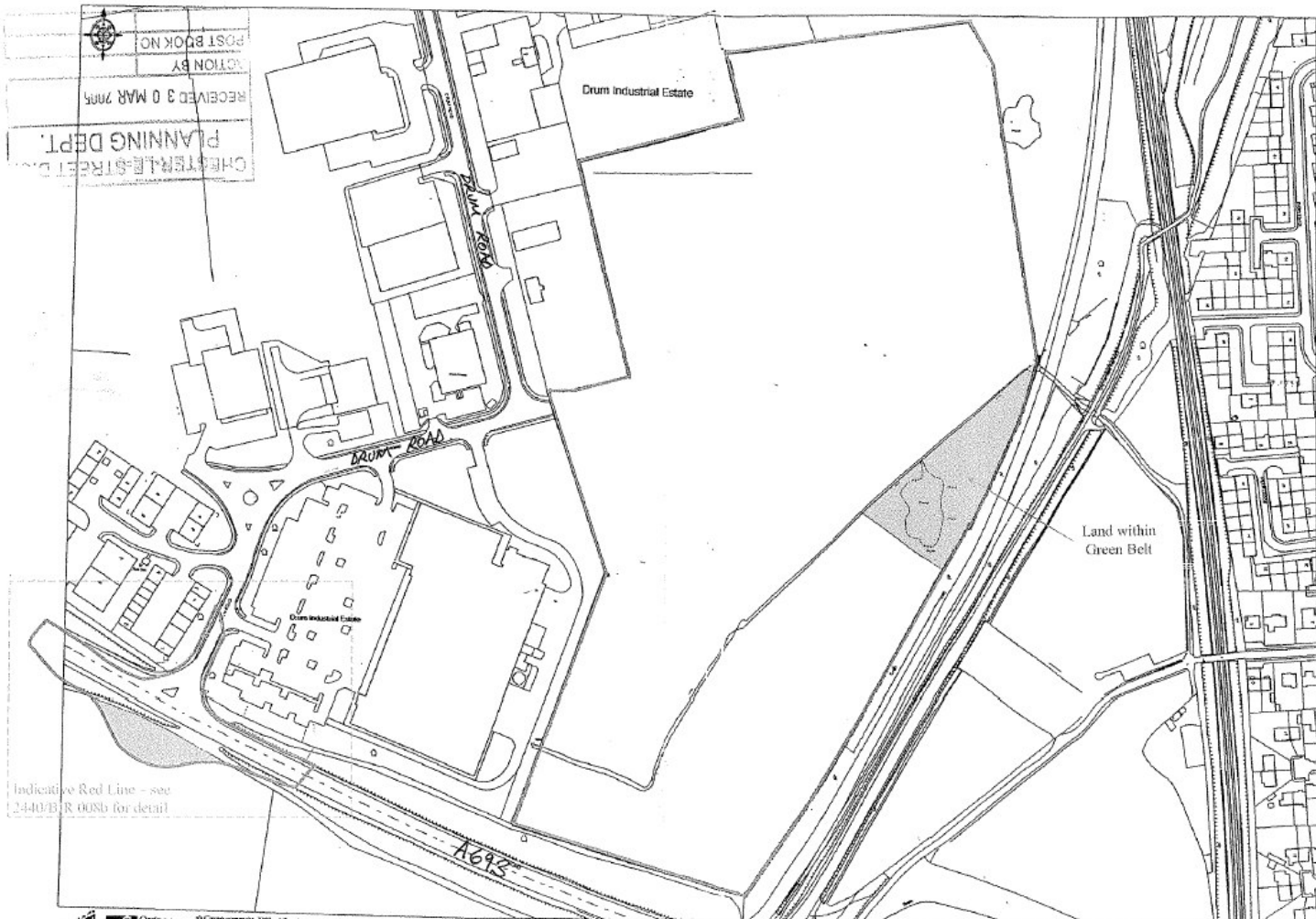
Notwithstanding the details contained in the application, no development shall be commenced until details of a scheme for the provision of cycle stands have been submitted to, approved in writing by, the Local Planning Authority in order to ensure the development makes satisfactory provision for sustainable transport facilities in the interests of sustainable development and to accord with the provisions of Policy NE1 of the Chester-le-Street District Local Plan.

Extra 7.

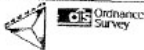
The hereby approved development shall be carried out in accordance with a Green Travel Plan to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the management of transport users within the development in the interests of sustainable development and in accordance with the provisions of Policies NE1 and T17 of the Chester-le-Street District Local Plan.

Extra 8.

The development to which this permission relates shall be used for warehousing / storage and distribution purposes and for no other purpose in Use Class B8; nor any other Use Class specified in the Schedules to the Town and Country Planning (Use Classes Amendment) Order 2005, nor for any other purpose without the prior permission of this Local Planning Authority, in order to enable this Local Planning Authority to retain control over the development and to assess specific implications arising from any alternative uses of the site, including potential additional traffic congestion in the surrounding area, and to accord with the aims of Policy T15 of the Chester-le-Street Local Plan



Indicative Red Line - see
2440/BIR 008b for detail

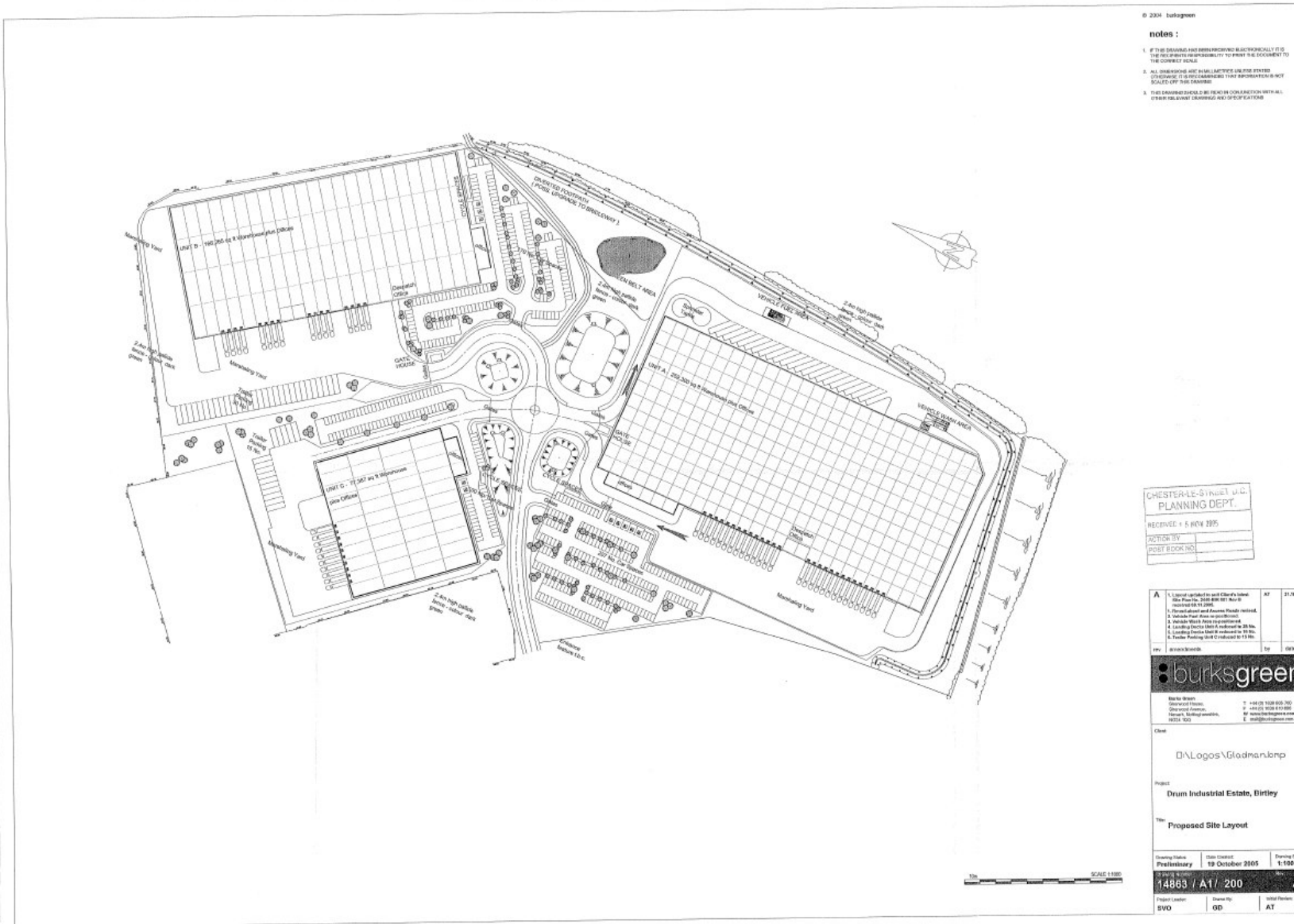


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Do not scale from this plan

GLADMAN HOMES - LOCATION PLAN
2440/BIR 008 REV
SCALE 1:2500
DRUM INDUSTRIAL ESTATE - BIRTLEY

PLANNING COMMITTEE 19 June 2006



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notes :

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CHESTER-LE-STREET U.K.
PLANNING DEPT.
RECEIVED 15 NOV 2005
FOUNDED BY
POST BOOK NO.

A	1. Layout verified for use and Client's name. Site Plan No. 2005/0011. Rev 01. Issued 08/11/2005.	AT	21.78.2005
	2. Check dates and Access Reader verified.		
	3. Check all other requirements.		
	4. Check all other requirements.		
	5. Loading Docks Unit 6 reduced to 20 No.		
	6. Check Parking Unit 7 reduced to 11 No.		
REV	DESCRIPTION	BY	DATE

burksgreen

Marko Dean
General Manager
Chester-le-Street
Market, Chester, Merseyside
CH1 3JG

T +44 (0) 1243 616 300
F +44 (0) 1243 616 300
M +44 (0) 7799 999999
E info@burksgreen.com

Client: D:\Logos\Gladman\Jorp

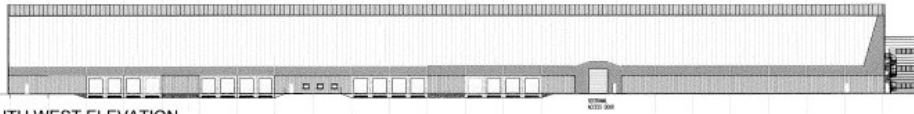
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Title: Proposed Site Layout

Planning Status: Main Consultation
Preliminary: 19 October 2005
Drawing Date: 1:1000

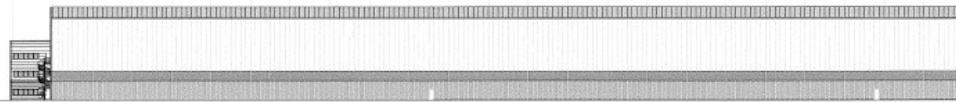
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Project Number: 14883 / A1 / 200
Project Leader: SVO
Drawn By: OD
Initials: AT

Z Y X W V U T S R Q P N M L K J H G F E D C B A A1



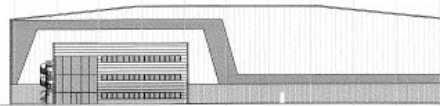
SOUTH WEST ELEVATION

A1 A B C D E F G H J K L M N P Q R S T U V W X Y Z



NORTH EAST ELEVATION

1 2 3 4 5 6 7 8 9 10 11



SOUTH EAST ELEVATION

11 10 9 8 7 6 5 4 3 2 1



NORTH WEST ELEVATION

1 2 3 4 5 6 7 8 9 10 11



FINISHES

EXTERNAL WALLS

CLADDING TO BE COLOURED SHEETING WITH VERTICAL CONTRASTING BANDS AND EDGING COLOUR AND BAND.

ROOF

COLOURED PLASTISOL COMPOSITE SHEETS.

TRIMS

COLOURED PLASTISOL SHEETS.

WINDOWS

COLOURED POWDER COATED OR LPVC.

DOORS

SECTIONAL OVERHEAD DOORS IN POWDER COATED STEEL OR SIMILAR TO MATCH CONTRASTING COLOUR. BUS DOORS IN STEEL AND PAINTED AS SECTIONAL.

CLOURS

CLADDING VERTICAL HAMLET HP200 COMPOSITE SHEET AS KINGSPAN RW 1000 3750 MM HIGH MERLIN GREY BAND FROM FFL TO ALL ELEVATIONS OFFICE AREA TO BE HAMLET / GOOSEWING / MERLIN MICROFIBRE HP 230 FIXED HORIZONTALLY.

ROOF CLADDING GOOSEWING GREY HP 200 AS RS 1000 RW.

CLOUR BANDS HERITAGE GREEN RAL 6002 HP 200.

WINDOWS AND DOORS DK GREY.

CHECKED BY: J.C. PLANNING DEPT.
RECEIVED: 5 NOV 2015
ACTION BY:
POST BOX NO.:

07.11.05. UNIT SIZE & DOORS REDUCED	CR		
A. 08.05.06. ELEVATIONS UPDATED	CR		
Rev	Date	Revision notes	By
		DO NOT SCALE	
PLANNING			
Project: DRUM INDUSTRIAL ESTATE BIRTLEY			
Title: UNIT B ELEVATIONS			
		GLADMAN HOMES 2 West Street Congleton, Cheshire, CW12 1JG Tel: 01280 288800 Fax: 01280 288811 www.gladman.co.uk e-mail: info@gladman.co.uk	
Drawn By	Issue Date	Scale	
SAH	23-03-06	1:400 @ A3	
Project no.	Drawing no.	Revision	

3.

Reference: 06/00170/COU

Proposal Change of use to hot food takeaway (Use Class 5).

Location 8 Front Street Sacriston Durham DH7 6LE

Applicant Danny Lau

The Proposal

This report relates to an application for the change of use of a shop at 8 Front Street, Sacriston into a Hot Food Takeaway (Use Class A5).

The site is located within the local retailing centre of Sacriston, as detailed in the Local Plan. Commercial uses, in the form of shops, are the prevailing use in the surrounding parade, although a number of houses exist to the west, at the rear of the premises

Consultation Responses

The County Council as Highways Authority for the area raise no objections to the proposal

The Council's Environmental Health Team raise no objections to the proposal - subject to conditions designed to restrict the opening hours to those operated by neighbouring Hot Food Takeaways and to secure the implementation of an extract ventilation scheme.

The Council Planning Policy Officer notes that the proposal complies with the requirements of Policy R15 of the Local Plan as, even in the event of approval, the amount of non-retail use of the frontage would remain above the threshold of 40%, as recommended by Policy R15 (at some 78%).

The Council's Regeneration Manager has no comments to make.

The application has been advertised by way of site notice and direct mailing to surrounding occupiers. In response 3 letters of objection have been received. Objection is raised on the following grounds;

- The storage of food could result in rodents in the area;
- Potential odour nuisance;
- Increased traffic congestion in the street, posing a danger to children;
- There are already sufficient take-aways in the village;
- A potential increase in anti-social behaviour; and
- The proposal will result in the loss of a fresh fruit and vegetable shop. This is considered at odds with the Governments healthy eating agenda

Relevant Planning Policies and Considerations

Policies R15 - Retailing in Local Centres - and R19 - Food and Drink, of the Chester-le-Street Local Plan are the principle development plan policies of relevance to the proposal.

Policy R15 seeks to preserve the retail function of local retailing centres within the District, including Sacriston village centre, within which the application site is located. The Policy advises that proposals for non-retail use should not lead to a situation whereby remaining retail uses fall below 40% of the respective street level frontage.

In this respect the proposal would reduce the amount of retail provision within this particular frontage to a figure of 78%, in comparison to the current position of 88%. However clearly this figure is substantially above the indicative minimum figure of 40%. Accordingly the proposals comply with the aims of Policy R15.

Policy R19 provides specific advice on proposals for Food and Drink uses, including Hot Food Takeaways. The Policy acknowledges that such uses will be acceptable in local retailing centres (such as Sacriston), subject to compliance with the aims of Policy R15, as discussed above. However the Policy also goes on to advise that careful consideration will be given to a number of detailed criteria including, of particular relevance to this application, the impact of the proposals on surrounding residential occupiers and highway safety issues.

Residential Amenity

With reference to the likely impact of the proposals on surrounding residents, it will be noted that there is an established residential area to the immediate west of the site to the rear of the Front Street. Indeed the nearest residential property is situated some 10 metres from the rear of the application site. Clearly there is potential for the development to have some impact on the residents of these properties, in particular by way of additional late night disturbance and potential odour nuisance. However, as will be noted from the Representations Section above, the Council's Environmental Health Officer has raised no objections to the application. It is also relevant to note that the site lies within the existing defined local retail centre, and clearly residents living in such close proximity to this area can expect to encounter occasional noise / general disturbance which is normally associated with such retail centres.

It is also considered relevant to note that conditions of approval can be imposed requiring the installation of an extract ventilation scheme (to reduce odour nuisance) and also to restrict the hours of opening. Members will note that these conditions are listed in the recommendation below.

On balance the view is taken that subject to the imposition of the recommended conditions of approval, the proposals will not be likely to harm the amenities of the surrounding residents over and above that what they could realistically expect to enjoy.

Highway Safety

Members will note that objections have been received to the proposal on highway safety grounds. In particular concerns have been raised that the proposals will lead to extra traffic in the local area. However in assessing these concerns it should be noted that the site lies within the defined retail centre of Sacriston, and in close proximity to public car

park provision. Members will also note that the County Council, as Highways Authority for the area have raised no objections. Accordingly it is not considered appropriate to resist the proposals on highway safety grounds.

Other Issues

Some objectors have raised concern about rodents being attracted by the development. However there is no reason to suggest that the site is not of sufficient size to allow the proper storage of foodstuffs. In addition the Environmental Health Team will inspect the premises on a regular basis to ensure compliance with relevant food safety / health regulations. Accordingly it is not considered appropriate to resist the proposals on this ground.

Objections have also been received on the ground that there are already a number of Hot Food Takeaways in the village. However this concern is not considered to hold weight, having regard to the fact that a reasonable range of retail provision remains, to comply with the aims of Policy R15, as discussed above. In addition issues relating to competition concerns are not material planning considerations

Conclusion

On balance, subject to the imposition of the recommended conditions of approval as listed below, the proposal is considered to comply with the aims of relevant development plan policy and is considered acceptable having regard to all material planning considerations.

Accordingly it is recommended that planning permission be granted.

RECOMMENDATION
CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

01A time limit (3 years)

Extra 1.

That premises shall not be open for business outside the hours of 09:00 to 23:30 in order to ensure that adjoining properties are not adversely affected by the development and to accord with the aims of Policy R19 of the Chester-le-Street Local Plan

Extra 2.

Prior to the commencement of the development hereby approved full details of an extract ventilation system shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved system shall be operational at all times the development is in use and shall be maintained in accordance with the manufacturers recommended specification, in order to ensure the development does not cause odour problems to surrounding residents and to accord with the aims of Policy R19 of the Chester-le-Street Local Plan

4.

Reference: 06/00210/TEL

- Proposal** Installation of 10m high slim-line streetworks monopole with ancillary equipment housing.
- Location** Highway Verge West of 11 Brandon Close Chester-le-Street Durham
- Applicant** Hutchinson 3G

The Proposal

Consent is sought for the installation of a 10 metre high telecommunications street works monopole, with associated equipment housing on land west of Brandon Close, Chester-le-Street.

The proposed installation is intended to enable the operator (Hutchinson 3G UK Ltd) to facilitate the rollout of 3rd Generation mobile telecommunications technology coverage in the Waldrige area of Chester-le-Street.

The application site is located within the highway verge on a site approximately 75 metres west north west of the entrance into Embleton Drive. Surrounding land uses are agricultural to the west and residential to the east. The nearest residential property is situated some 35 metres east of the application site at Brandon Close. 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 rather is located within the North Durham Green Belt.

The Prior Approval Procedure

In cases such as this where the proposed monopole would not exceed a height of 15 metres, planning legislation allows a simplified "notification" procedure to be followed. This procedure effectively stipulates a mandatory time limit for determining such applications, and where decisions are not taken within this period (56 days in the case of telecommunications prior approval applications), the development would be allowed to proceed irrespective of the views of the Local Planning Authority. The time limit for such a decision in this instance is 5 July 2006.

Consultation Responses

The Councils Regeneration Manager has no comments to make.

The County Council, as Highways Authority for the area raise no objections

The application has also been advertised by way of direct neighbour notification and through the posting of site notices. In response some 55 letters of objection, and 1 letter of

support 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 and that furthermore this is a material consideration having regard to recent Case Law.
- The proposal would de-value surrounding property
- The development would be out of keeping with the open character of the surrounding area, including the Green Belt.
- The proposal will be harmful to views from the adjacent residential properties; and
- There are other alternative sites available which could provide a better level of coverage yet also reduce the impact upon residents.
- The proposal fails to comply with advice in PPG 8
- The proposal may harm wildlife

The supporter advises he is in favour of the scheme as it will improve mobile phone reception to the surrounding area.

In support of the proposal, the applicant has advised that they have considered other potential sites, but these have been discounted and they consider this site represents the least environmentally intrusive option, which will also meet their roll out requirements. The applicants consider that as the installation is designed to look like a piece of street furniture, situated within a road side environment, that it will blend effectively into the landscape and not appear as an incongruous feature. They point out that the installation is intended to replace the temporary structure which was granted a 1 year temporary planning permission, on appeal, in June last year; this equipment has now been removed from site.

They also advise that they have considered the possibility of using a site to the west, at Waldrige Hall Farm. However this proposed installation would have necessitated a structure height of 15m minimum to provide adequate coverage for this area as its location is beyond western edge of the search area for this nominal. The agents advise that Officers expressed concern in respect to this possibility having regard to the fact that two previous applications for similar telecommunication equipment to be erected in the same location were refused with one also dismissed by the Planning Inspectorate on appeal. It is also advised that two wooded areas to the south of Waldrige, at Waldrige Wood and Southburn Dene, were not considered as potential options to provide coverage to the Waldrige area as they both lie too far south of the search area to provide the level of coverage necessary.

In summary the applicants consider that the proposal meets the requirements of PPG 8 - Telecommunications, and the relevant Local Plan Policy

Relevant Planning Policies and Considerations

It is material in this instance to consider the contents of Policy PU 6 of the Chester-le-Street Local Plan, Planning Policy Guidance Note 8 (PPG8 - Telecommunications) and Planning Policy Guidance Note 2 (Green Belts).

Policy PU 6 states the main considerations that will be taken into account for telecommunications applications and goes on to state 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;
- Where they are located within or adjacent to a SSSI, would not adversely affect the ecological and / or geological interest of the SSSI;
- Where they are located within a Conservation Area or adjacent to a Listed Building or Scheduled Ancient Monument, would preserve or enhance the character or appearance of the Conservation Area or would preserve the Listed Building or Scheduled Ancient Monument, together with their settings;
- Where they are located within a Site of Nature Conservation Importance, would not harm the nature conservation interest of the site, or would minimise damage to the designated site and compensate fully for the damage by habitat creation or enhancement elsewhere within the site or local area;
- Where they are located within an Area of High Landscape Value, would not significantly detract from the high landscape quality; and
- In all cases, 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.

PPG2 advises that any development which would be harmful to the open character of Green Belt areas is by definition inappropriate development which should normally be resisted.

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. To this end, 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, when observed from any side, including from outside the authorities own area;
- The site in relation to areas designated for their scenic or conservation value;
- 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, and in particular in considering the Green Belt issue it is considered that the proposal, in scale and design, would not have a demonstrably greater visual impact than the existing lighting columns and other street furniture present in the locality. The height of the structure, at 10 metres, is considered to represent a carefully designed proposal. It is also considered that the ancillary equipment, designed to serve the structure, would have a relatively limited impact as it is designed to a similar scale and design to a typical street kiosk. This equipment would also be partially screened by existing vegetation and would not involve bulky cabinets and palisade fencing which are often associated with telecommunications development.

The proposal would be viewed largely in the context of existing streetlights, which run north - south along the road and as such would not appear unduly out of keeping with the character of the immediate surrounding area. Whilst the structure would be taller than the existing street lighting columns, and views of the structure would undoubtedly be gained from the residential properties to the east, it is not considered that this increased visual intrusion is sufficiently detrimental to the openness of the Green Belt, nor the general visual amenity of the area, to warrant refusal.

It should also be noted that the surrounding area does not provide any obvious opportunities to provide for a mast share option, or alternatively the use of an antenna located on an existing structure. As discussed above, the applicants have advised that a substantially taller installation would be required to meet coverage requirements in the event of them having to move to the west, into the adjacent field

On balance it is considered that the siting and design issues raised by the proposals are considered acceptable when considered against the principle acknowledged material considerations.

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.

Alternative locations have been considered by the applicant 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 to the west, further away from the residential area of Waldrige Park. The applicant have pointed out that the Council has previously resolved to refuse consent for telecommunication equipment in this area, and that this decision has been upheld on appeal.

PPG 8 also advises that 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.

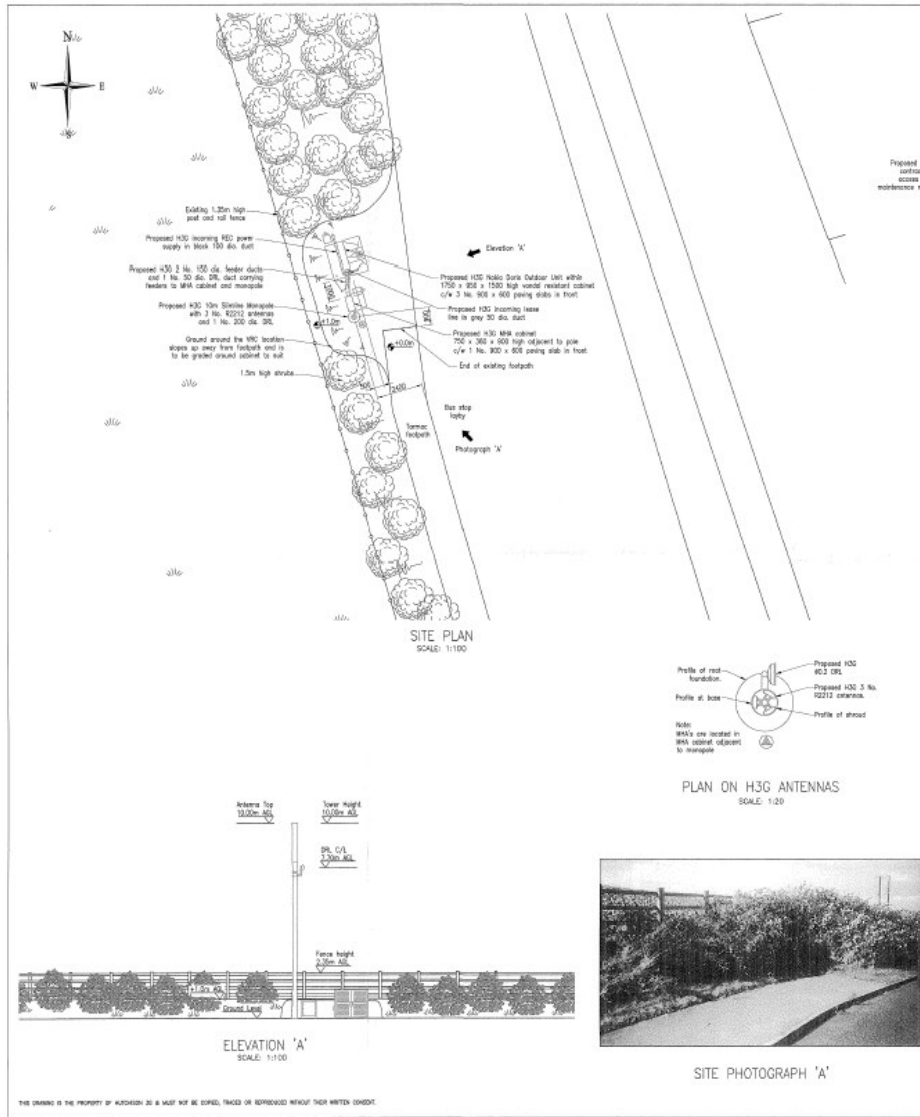
Conclusion

In conclusion it is considered that in this instance the siting and design of the scheme is considered to represent a form of development acceptable for the proposed location, especially taking into account the positive approach Local Planning Authorities are required to take to telecommunications development in principle as detailed in PPG 8. In particular it is considered that the slim line, 10m high scheme proposed comprises an acceptable form of development for the Green Belt location, bearing in mind the accepted lack of potential alternative sites, including the lack of mast share / antenna possibilities

It is not considered the proposal would be so incompatible with the surrounding area, nor detrimental to the openness of the Green Belt sufficient to warrant refusal of consent.

RECOMMENDATION

Approve



ITEM 3

Item 3

Planning General

3.1 NOTIFICATION OF APPEAL DECISIONS

APPEAL AGAINST THE REFUSAL OF ADVERTISEMENT CONSENT FOR THE DISPLAY OF 2no ILLUMINATED DISPLAY UNITS AT PARK ROAD SERVICE STATION, CHESTER-LE-STREET

Notification has recently been received from the Planning Inspectorate of their decision in respect of the appeal lodged by Primesight Advertising Ltd against the refusal of their application for advertisement consent at Park Road Service Station, Chester-le-Street.

Advertisement consent was sought retrospectively by Primesight Advertising Ltd for the display of 2no internally illuminated advertisement panels on the eastern and north-western forecourt boundaries of Park Road Service Station. The application was considered and refused by the Planning Services Manager under the extended scheme of delegation set out in the revised Council Constitution of May 2005.

The application was refused on the grounds that the advertisements were considered to “add further advertising elements to an already cluttered commercial forecourt area at a key entrance to the town centre of Chester-le-Street”, and that this would “create an increased sense of clutter which is injurious to amenity and the visual amenity of the area”. Government Guidance and Policy on the control of outdoor advertisements is set out by Circular 5/92, Planning Policy Guidance Note 19 and the Town and Country Planning (Control of Advertisements) Regulations 1992, and states that Local Planning Authorities may only exercise their power in respect of amenity and public safety considerations.

In dismissing the appeal lodged by Primesight Advertising Ltd, and thereby agreeing with the stance taken by the Local Planning Authority, the Advertisement Appeals Inspector correctly identified that one of the signs was located directly in front of the petrol price “totem” sign with a 96-sheet advertisement hoarding as a backdrop. Furthermore, the Inspector was also of the view that the forecourt was relatively small and already cluttered. The sign was felt to contribute to this “scene of untidiness”.

With regard to the second sign, on Picktree Lane, the Inspector noted that although this frontage was less cluttered the sign was nonetheless seen in conjunction with an existing price “totem” sign. This would add further to the “general sense of disorder to the detriment of the visual amenity of the area”.

Whilst the issue of public safety was not used as a reason for refusal, the Inspector confirmed this view, stating that in his opinion they did not constitute a distraction to drivers.

A copy of the appeal decision letter is available to view.

3.2 REQUEST TO WAIVE PRE-CONDITION 3 OF AN AGREEMENT MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS

**AMENDED) IN RESPECT OF 187 FRONT STREET (CHICAGO ROCK / STUDIO),
CHESTER-LE-STREET**

Introduction

A request has been received from solicitors acting on behalf of the part-owners of the site now occupied by Chicago Rock and Studio, to waive the terms and requirements of a condition precedent included within the original section 106 legal agreement in respect of that development.

The condition precedent to which this request relates sought to ensure that the “owner” did not commence development until they were entitled to obtain registration of the land as “proprietor with title Absolute” of the freehold of the whole of the site. A further clause, at 1.1 of the Recitals also required the accompanying plans to show “title possessory of the land”.

The owner of the site is currently in the process of selling their interest in the land and the provisions of the condition precedent have been queried by the purchaser’s funders.

The matter is being reported to the Planning Committee as the original decision to enter into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) was taken by the then Planning and Licensing Committee.

Background

An application for planning permission was received in January 2002 for the re-development of the former Wheelers of Stanley car showroom at 187 Front Street, Chester-le-Street to provide 2no café bar / A3 units. The application was considered by the then Planning and Licensing Committee in April 2002, where the Committee were minded to approve the application, subject to an agreement under section 106 of the Town and Country Planning Act 1990 (as amended).

The section 106 agreement placed the following obligations upon the developer:-

- 6.1 To pay the sum of £20000 to the Council when written notice is served upon the Council that the Development is to be commenced or if no such notice is served, the Material Start Date
- 6.2 Not to load or unload goods or materials from any vehicle to or from the Development Site except from the Service Area
- 6.3 To ensure that the Service Area is of sufficient capacity as to be determined by the Council to permit all delivery vehicles serving the Development Site to turn within the Service Area so as to prevent the need for such vehicles having to reverse onto Front Street, Chester-le-Street.

Correspondence between the Council and agents acting on behalf of the applicant in February and March 2003 confirmed that obligations 6.2 and 6.3 had been satisfied. The legal agreement was signed and completed on 5 March 2003 and planning permission formally issued on 12 March 2003.

The commuted payment detailed at 6.1 was received by the Council on 17 April 2003, thereby discharging the developers obligations.

Considerations

Procedural

Members may recall that at the previous meeting of the Planning Committee, consideration was given to a request to vary the terms of a s52 agreement (the fore-runner to s106 agreements) by way of issuing a new s106 agreement. In this instance, the request is not to vary a fundamental requirement or obligation of the s106, but rather for the Council to waive a procedural requirement regarding the issue of land ownership.

Planning Matters

The purpose of the section 106 agreement was to secure a commuted payment for “environmental improvement works” to offset the impact of the new development, and to ensure adequate serving provision within the site. Both of these obligations upon the developer have been satisfied and the development carried out in accordance with its planning approval.

The matter of ownership, title absolute and possessory title are, to all intents and purposes, considered to be irrelevant to the Local Planning Authority on the basis that the substantive planning aims of the s106 agreement have already been satisfied by performance.

Recommendation

It is therefore recommended that the Planning Committee agree to the waiver of the requirements of the condition precedent, as set out at section 3, of the section 106 agreement.

3.3 APPEALS UPDATE

Members are requested to note the content of the updated list of planning appeals which were lodged during 2005 and 2006.

**S REED
ACTING PLANNING SERVICES MANAGER
1 JUNE 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

1 June 2006

List of Planning Appeals and Current Status (Appeals submitted in 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 19 June 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 In Progress /
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 In Progress /
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 19 June 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 /

List of Planning Appeals and Current Status (Appeals submitted in 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
04/00603/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

PLANNING COMMITTEE 19 June 2006

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
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
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

PLANNING COMMITTEE 19 June 2006

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
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
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 In Progress /

PLANNING COMMITTEE 19 June 2006

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
05/00118/TEL / APP/G1305/A/05 /1186410	O2 (UK) Ltd	Land South West of Roundabout Waldridge 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 /
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 Waldridge 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 /

PLANNING COMMITTEE 19 June 2006

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
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 / /	E:421877 N:551932	Appeal in Progress /
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

PLANNING COMMITTEE 19 June 2006

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
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
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

