

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
REPORT TO SPECIAL MEETING OF PLANNING COMMITTEE
7 SEPTEMBER 2006

REPORT OF THE ACTING PLANNING SERVICES MANAGER

ITEM 1 District Matters Recommended Approval

**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 Approval

1.

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.

Members will recall consideration of this application was deferred at the committee meeting on 14 August 2006 in order to enable a site visit to be held. This visit was subsequently held on 16 August 2006.

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

Relevant Planning History

Outline planning permission was previously granted for the erection of one bungalow on the land in 1997.

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.
- Secondly the plans submitted in support of the earlier Reserved Matters application related, in part, to the wrong plot.

Officers have advised the applicant (and the applicant for plot 15) 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 subsequently proposed has 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. In particular he remains satisfied that the species proposed will be acceptable bearing in mind their proximity to the dwellings.

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 suitably worded conditions of approval can be used instead, which will require the planting of the approved scheme and moreover their maintenance 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.

Members will note from the Consultation Response Section above, and indeed from the comments made by the objectors to the scheme at the August committee, that the issue of the tree removal is of particular concern in the locality. However it must be emphasised that the committee report prepared in relation to the earlier outline application and considered at the November 2005 meeting, made a clear recommendation to Members that subject to the agreement of a replanting scheme this issue was not of sufficient weight to justify the refusal of planning permission. As this report was subsequently accepted, and indeed a replanting scheme agreed, it is considered that any decision to now refuse this revised scheme on the grounds of issues surrounding the previous tree removal, would be unreasonable and most difficult to defend at appeal.

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 acknowledged 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 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.

It is also important to bear in mind that both the previous grants of outline, and reserved matters, approval have established the acceptability of a 2 storey dwelling on the plot.

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 respect 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 original decision to limit the estate to 12 dwellings.

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 objectors concerns in this respect. This could include referring any concerns in respect to highway obstruction to the County Council – as Highways Authority, and referring any concerns in relation to noise disturbance to the Council's Environmental Health Team.

Conclusion

In summarising the application it is important to bear in mind the previous decisions reached, to grant outline planning permission for a detached dwelling on the site and indeed to grant reserved matters approval for the same.

For Members information copies of the previously approved plans were displayed at the site visit on 16 August 2006 and indeed are displayed in the Chamber for this meeting.

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 detail of the current proposal is 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.

Having regard to all of the above, including most importantly the fact that the Council has previously resolved to grant planning application for a 2 storey dwelling on the site twice in the last 9 months, it is considered that the proposals are wholly acceptable. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

Approve

61A Tree Protection

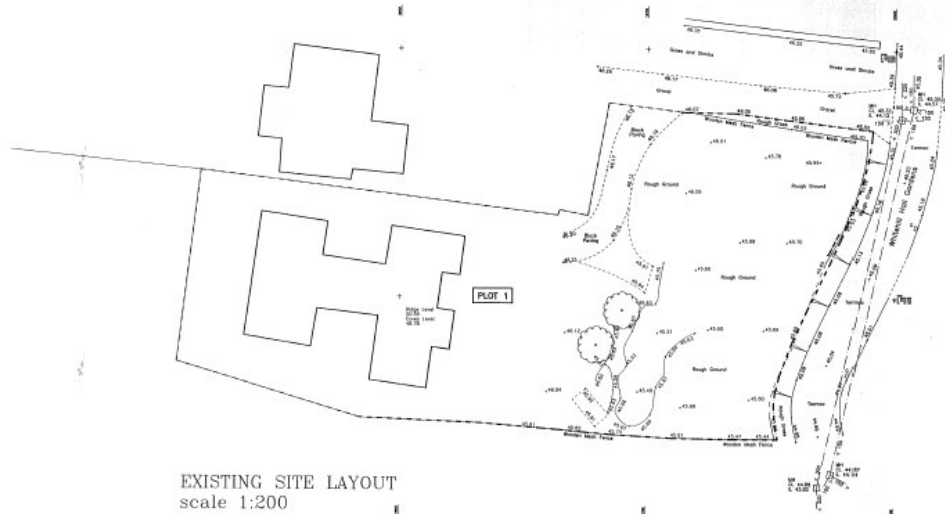
65 Removal of PD Rights (3)

Extra 1.

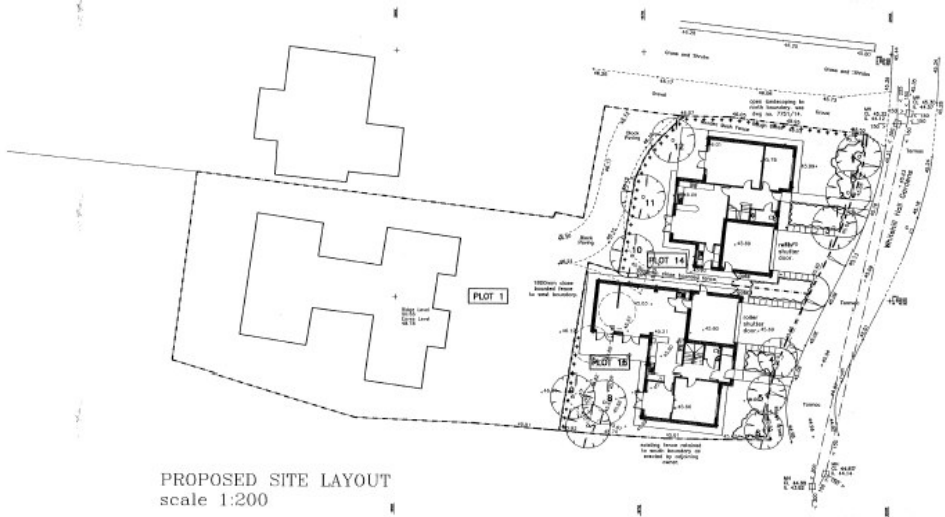
The hereby approved development shall be carried out in accordance with the scheme of landscaping shown in the application, and in particular drawing reference 7751/14. These works shall be carried out within the first planting season following completion of development of the site in the interests of 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 scheme 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	Quercus robur	10-12cm 3.0-3.5M
2	BEECH	Fagus sylvatica	10-12cm 3.5-4.0M
3	HORNBEAM	Carpinus betulus	10-12cm 3.5-4.0M
4	HORNBEAM	Carpinus betulus	10-12cm 3.5-4.0M
5	ALDER	Alnus glutinosa	10-12cm 3.0-3.5M
6	BEECH	Fagus sylvatica	10-12cm 3.5-4.0M
7	OAK	Quercus robur	10-12cm 3.0-3.5M
8	ALDER	Alnus glutinosa	10-12cm 3.0-3.5M
9	BIRCH	Betula pendula	10-12cm 3.5-4.0M
10	BIRCH	Betula pendula	10-12cm 3.5-4.0M
11	LIME	Tilia tomentosa	10-12cm 3.5-4.0M
12	BIRCH	Betula pendula	10-12cm 3.5-4.0M

TYPICAL PLANT SPECIFICATION All material to BS3436 part 1

TREES: Species as above in accordance with local authority requirements. Container grown if planted outside the recognised bare root season. All with tree root barrier, root barrier and irrigation tube. Plant with double short stem and tender cross brace.

HEDGE: Planted in a double staggered row, 500mm between rows 500mm between plants in a row. Include for post and wire support frame 500mm H (4 way).

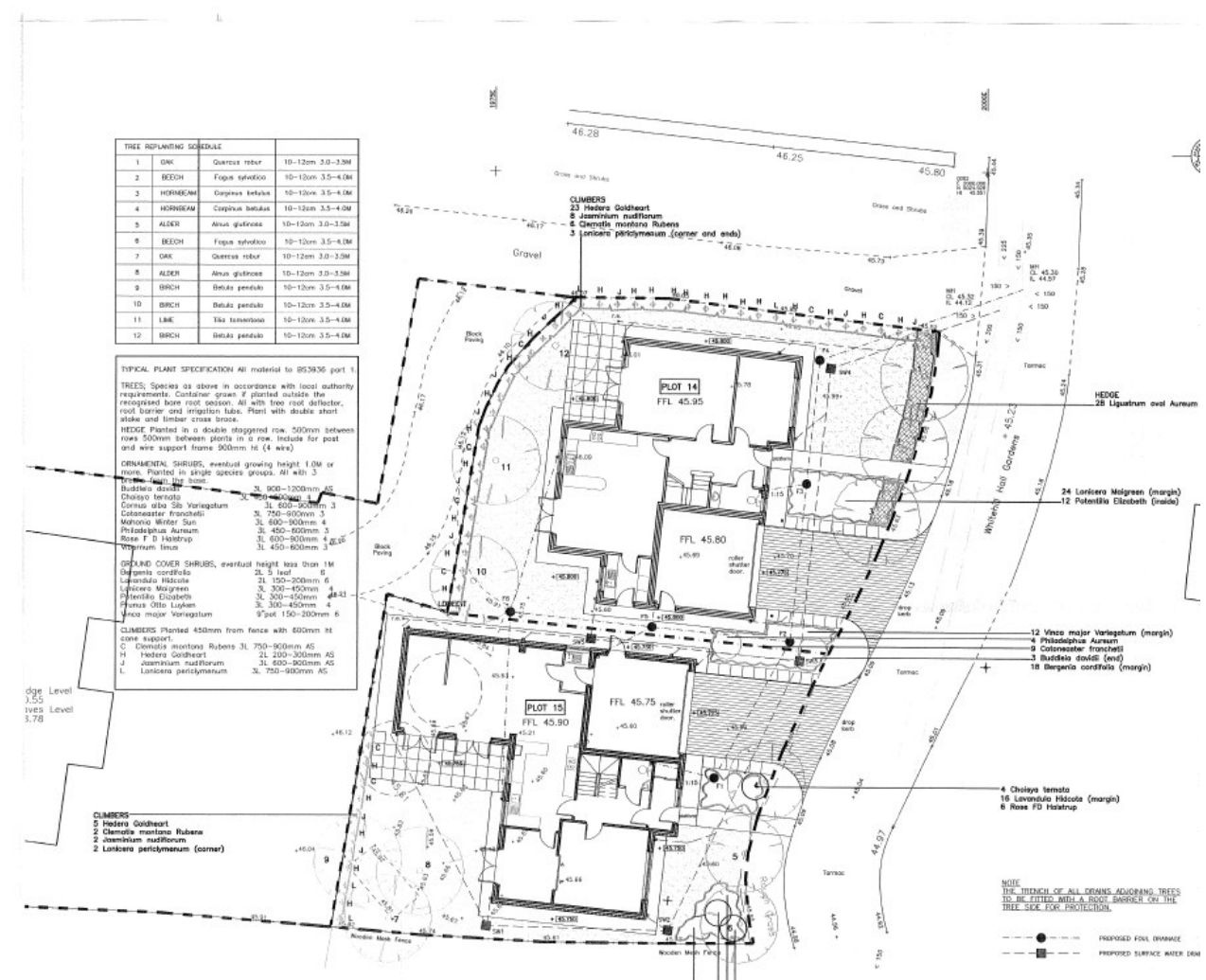
ORNAMENTAL SHRUBS: eventual growing height 1.0M or more. Planted in single species groups. All with 3 stems. Rooted and balled.

GROUND COVER SHRUBS: eventual height less than 1M

CLIMBERS: Planted 450mm from fence with 800mm st. cone support.

CLIMBERS:

- C. Clematis montana Rubens 3L 700-800mm AS
- H. Hedera Goldheart 2L 200-300mm AS
- J. Jasminum nudiflorum 3L 800-900mm AS
- L. Lonicera periclymenum 3L 700-800mm AS



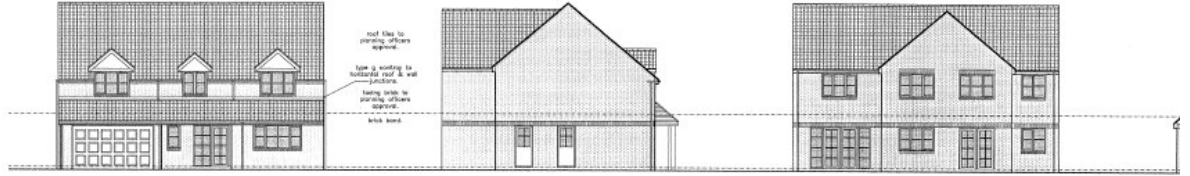
PROPOSED SITE LAYOUT
scale 1:100

MP NO.	COMP. LEVEL	BENCH LEVEL	TD	RVE DIA.	LENGTH	GRADIENT	BOTH	MR
SW1	45.750	44.500	SW2	150mm	8.5m	1.48	0.880	380 UPVC
SW2	45.750	44.800	SW2	150mm	15m	1.08	0.880	450 UPVC
SW3	45.800	44.700	SW4	150mm	15m	1.44	0.875	450 UPVC
SW4	45.800	44.900	EX 10'	150mm	8m	1.12	1.380	450 UPVC
SW5	45.750	44.850	SW3	150mm	10.5m	1.48	0.880	450 UPVC
F1	45.750	45.100	F2	150mm	8m	1.53	0.860	300 UPVC
F2	45.800	45.000	F3	150mm	8m	1.83	0.880	450 UPVC
F3	45.800	44.850	F4	150mm	6.3m	1.63	0.950	450 UPVC
F4	45.800	44.700	EX 100%	150mm	11m	1.61	1.080	450 UPVC
F5	45.800	45.150	F2	150mm	7m	1.40	0.850	300 UPVC
F6	45.800	45.350	F5	150mm	7.2m	1.48	0.900	300 UPVC

NOTE: THE TRINCH OF ALL GRASS ADJOINING TREES TO BE FITTED WITH A ROCK BARRIER ON THE TREE SIDE FOR PROTECTION.

PROPOSED FOLI DRAINAGE

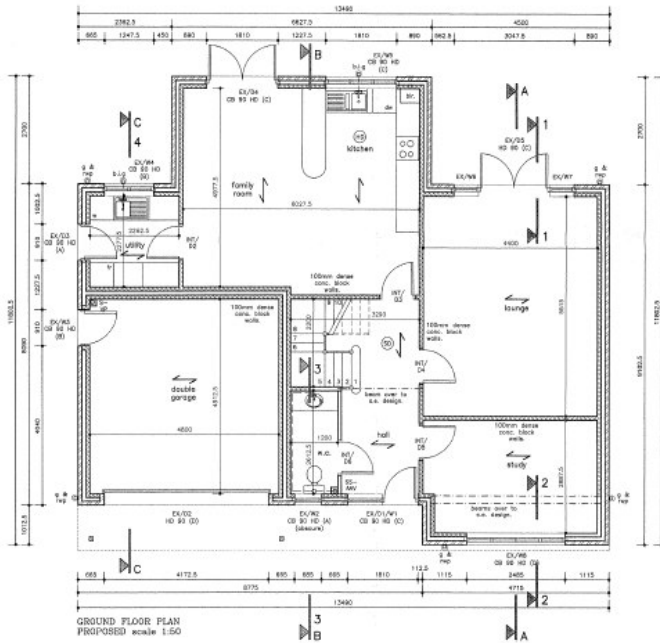
PROPOSED SURFACE WATER DRAIN



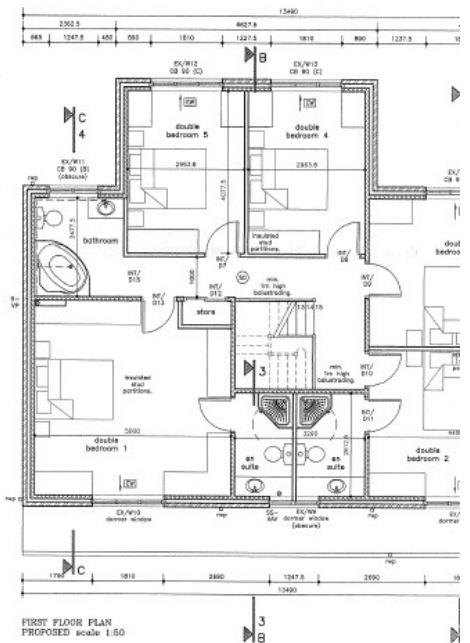
EAST ELEVATION
PROPOSED scale 1:100

SOUTH ELEVATION

WEST ELEVATION



GROUND FLOOR PLAN
PROPOSED scale 1:50



FIRST FLOOR PLAN
PROPOSED scale 1:50

- INTERNAL DRAINAGE LEGEND**
- 3-18 indicates 100mm soil and vent pipe carried up through roof to external of to be fixed with robbing access
 - 3-18 indicates 100mm slab stack with air admittance valve and robbing access at base
 - F300 Self draining FODS fire floor
Note: The doors in fittings may be fitted with rising butt hinges rather than spring or alternative of self closing doors.
 - F330 Double half-hour fire rated door and fitting fitted with smoke and flame resistant seals and self-closing devices
 - 3-18 Interconnected floor/ceiling ductwork/ducts - smoke alarm installed in fittings & ground floor to be made suitable for installation

Reference: 06/00321/FUL

Proposal Erection of dwelling house (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.

Members will recall consideration of this application was deferred at the committee meeting on 14 August 2006 in order to enable a site visit to be held. This visit was subsequently held on 16 August 2006.

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

Relevant Planning History

Outline planning permission was previously granted for the erection of one bungalow on the land in 1997.

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.

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

- Secondly the plans submitted in support of the earlier Reserved Matters application related, in part, to the wrong plot.

Officers have advised the applicant (and the applicant for plot 14) 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 subsequently proposed has 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 replanting scheme, it should be noted that the Arboriculture Officer remains satisfied with the proposals. In particular he remains satisfied that the

species proposed will be acceptable bearing in mind their proximity to the dwellings.

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 suitably worded conditions of approval can be used instead, which will require the planting of the approved scheme and moreover their maintenance 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.

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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 acknowledged 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.

It is also important to bear in mind that both the previous grants of outline, and reserved matters, approval have established the acceptability of a 2 storey dwelling on the plot.

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 respect 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 original decision to limit the estate to 12 dwellings.

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 objectors concerns in this respect. This could include referring any concerns in respect to highway obstruction to the County Council – as Highways Authority, and referring any concerns in relation to noise disturbance to the Council’s Environmental Health Team.

Conclusion

In summarising the application it is important to bear in mind the previous decisions reached, to grant outline planning permission for a detached dwelling on the site and indeed to grant reserved matters approval for the same.

For Members information copies of the previously approved plans were displayed at the site visit on 16 August 2006 and indeed are displayed in the Chamber for this meeting.

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 detail of the current proposal is 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.

Having regard to all of the above, including most importantly the fact that the Council has previously resolved to grant planning application for a 2 storey dwelling on the site twice in the last 9 months, it is considered that the proposals are wholly acceptable. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

Approve

61A Tree Protection

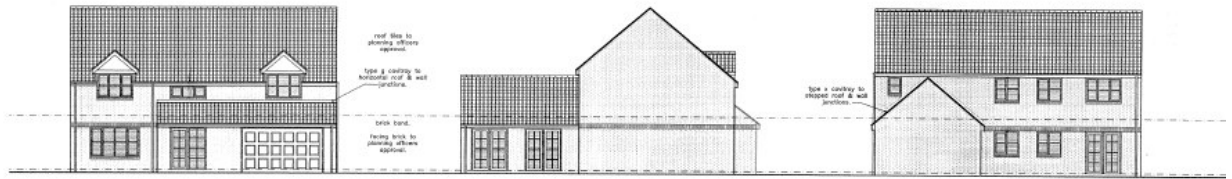
65 Removal of PD Rights (3)

Extra 3.

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 4.

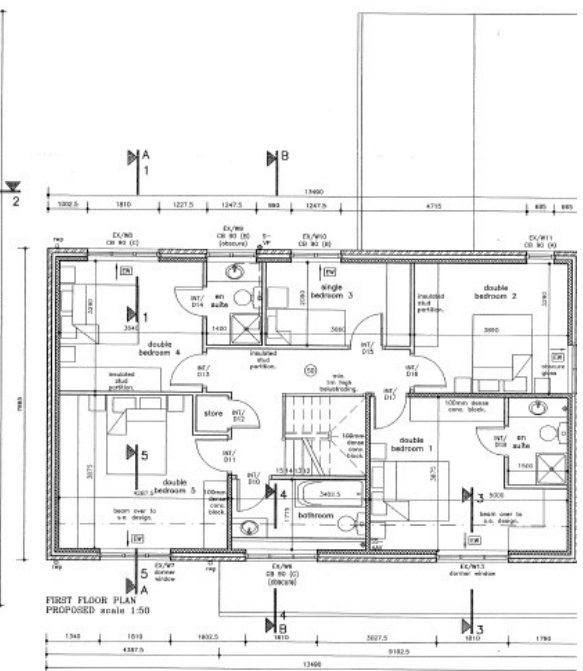
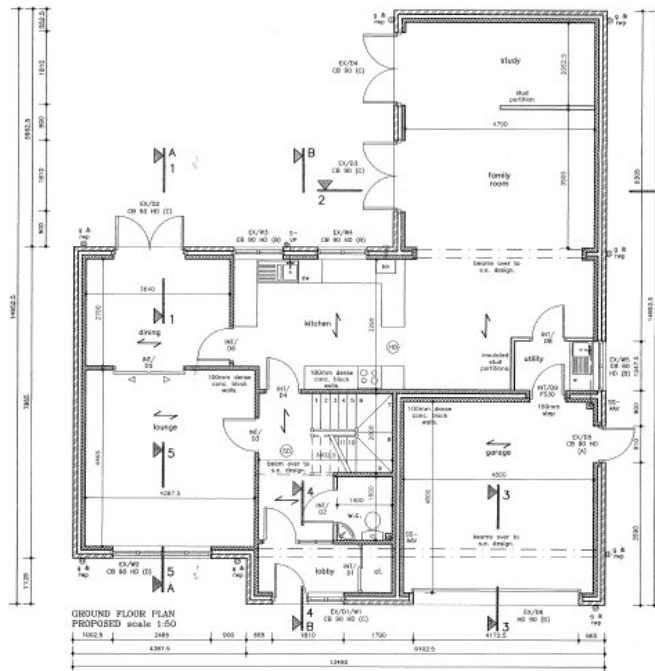
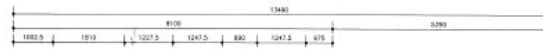
The landscaping scheme agreed pursuant to condition 1 scheme shall be maintained in perpetuity on site and any trees, shrubs or planting which becomes dead, dying, diseased or is removed, shall be replanted to the satisfaction of the Local Planning Authority in the interests of the satisfactory appearance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



EAST ELEVATION
PROPOSED scale 1:100

SOUTH ELEVATION

WEST ELEVATION



TREE REPLANTING SCHEDULE			
1	oak	Quercus robur	10-12m 3.0-3.5M
2	BEECH	Fagus sylvatica	10-12m 3.5-4.0M
3	HORNBEAM	Carpinus betulus	10-12m 3.5-4.0M
4	HORNBEAM	Carpinus betulus	10-12m 3.5-4.0M
5	ALDER	Alnus glutinosa	10-12m 3.0-3.5M
6	BEECH	Fagus sylvatica	10-12m 3.5-4.0M
7	oak	Quercus robur	10-12m 3.0-3.5M
8	ALDER	Alnus glutinosa	10-12m 3.0-3.5M
9	BIRCH	Betula pendula	10-12m 3.5-4.0M
10	BIRCH	Betula pendula	10-12m 3.5-4.0M
11	LIME	Tilia tomentosa	10-12m 3.5-4.0M
12	BIRCH	Betula pendula	10-12m 3.5-4.0M

TYPICAL PLANT SPECIFICATION All material to BS5836 part 1.

TREES: Specied as above in accordance with local authority requirements. Container grown if planted outside the recognised bare root season. All with tree root deflector, root barrier and irrigation tubes. Plant with double stem stake and timber cross brace.

HEDGE: Planted in a double staggered row, 500mm between rows 500mm between plants in a row. Include for post and wire support frame 900mm to (4 wire)

ORNAMENTAL SHRUBS: eventual growing height 1.0M or more. Planted in single species groups. All 400-500mm

CLIMBERS: 3L 800-1200mm AS
 Buddleja davidii 3L 800-1200mm 3
 Chamaelirium 3L 800-1200mm 3
 Cornus alba Sibirica Variegata 3L 700-900mm 3
 Mahonia Winter Sun 3L 600-800mm 4
 Philadelphus Aureum 3L 450-600mm 3
 Rosa F. D. Hahnstrup 3L 600-800mm 4
 Viburnum tinus 3L 450-600mm 3

GROUND COVER SHRUBS: eventual height less than 1M
 Bergenia cordifolia 2L 100-200mm 6
 Lavandula Hidicola 3L 300-450mm 4
 Phlox subulata 3L 300-450mm 4
 Pansy Otto Luyken 3L 300-450mm 4
 Mica major Variegatum 9'pot 150-200mm 6

CLIMBERS: Planted 450mm from fence with 600mm at core support.
 C Clematis montana Rubens 3L 700-900mm AS
 H Hedera Goldheart 2L 200-300mm AS
 J Jasminum nudiflorum 3L 800-900mm AS
 L Lonicera periclymenum 3L 700-900mm AS

Age Level 3.55
 Level 3.78

- CLIMBERS:**
 5 Hedera Goldheart
 2 Clematis montana Rubens
 2 Jasminum nudiflorum
 2 Lonicera periclymenum (corner)

MISCLE SCHEDULE

MFL NO.	COVER LEVEL	MESH LEVEL	TD	PIPE DIA.	LENGTH	GRANULOM	DEPTH	MM
S01	45.750	44.800	900	150mm	8.5m	1.48	0.080	300 UPVC
S02	45.750	44.800	900	150mm	10m	1.06	0.080	450 UPVC
S03	45.680	44.720	900	150mm	10m	1.48	0.075	450 UPVC
S04	45.680	44.800	900	150mm	8m	1.23	1.360	450 UPVC
S05	45.750	44.800	900	150mm	10.5m	1.48	0.080	450 UPVC
F1	45.750	45.000	F2	150mm	8m	1.53	0.080	300 UPVC
F2	45.800	45.000	F3	150mm	8m	1.83	0.080	450 UPVC
F3	45.800	44.800	F4	150mm	6.5m	1.83	0.050	450 UPVC
F4	45.800	44.750	F5	150mm	11m	1.83	1.800	450 UPVC
F5	45.800	45.150	F2	150mm	7m	1.40	0.050	300 UPVC
F6	45.800	45.000	F5	150mm	7.5m	1.40	0.000	300 UPVC

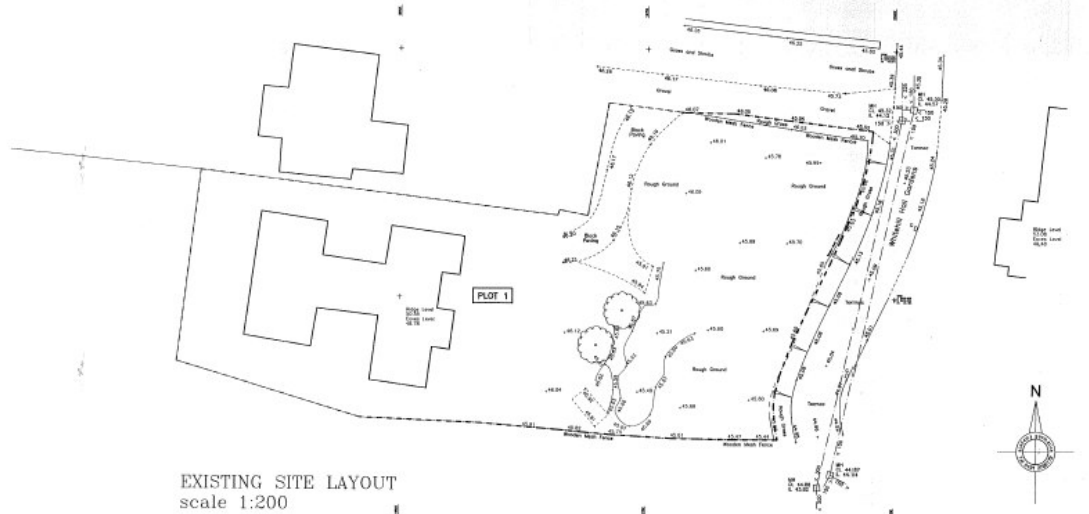


PROPOSED SITE LAYOUT
 scale 1:100

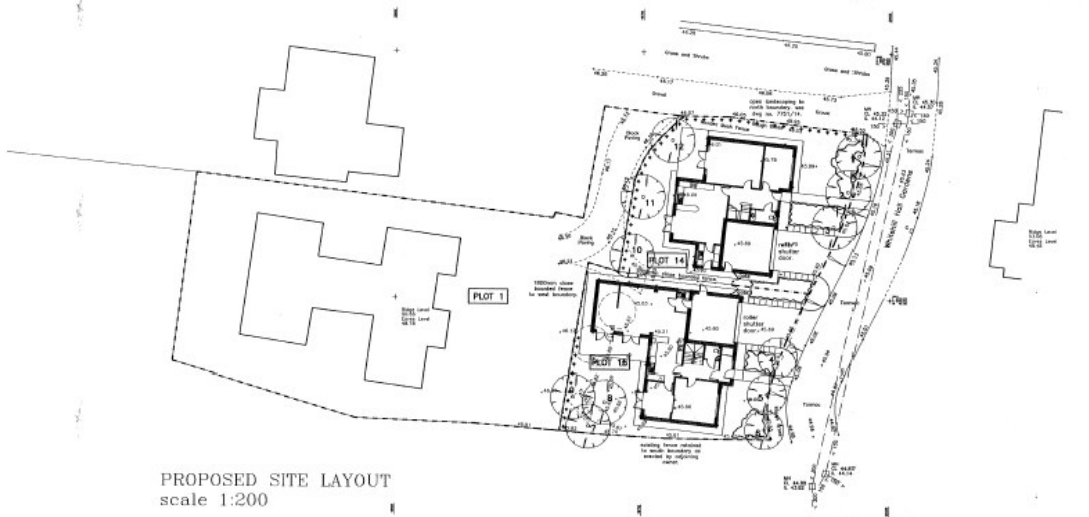
- 5 Cornus alba Sibirica Variegata
 4 Mahonia Winter Sun
 3 Pansy Otto Luyken
 4 Viburnum tinus

NOTE: THE TRINCH OF ALL ORGANS ADJOINING TREES TO BE FITTED WITH A ROOT BARRIER ON THE TREE SIDE FOR PROTECTION.





EXISTING SITE LAYOUT
scale 1:200



PROPOSED SITE LAYOUT
scale 1:200

S REED
ACTING PLANNING SERVICES MANAGER

16AUGUST 2006