

# Public Document Pack

06 August 2007

Dear Councillor

A meeting of the Planning Committee will be held in the Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Monday, 13th August, 2007 at 6.00 pm

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roy Templeman', written over a light grey rectangular background.

**R TEMPLEMAN**

**Chief Executive**

**AGENDA:**

1. Apologies for Absence
2. Minutes of Previous Meeting held 9 July 2007 (Pages 1 - 4)
3. To Receive Declarations of Interest from Members
4. Confirmation of Speakers
5. Planning Matters Report (Pages 5 - 78)

(Please note that the meeting may be recorded for clerical purposes only)



## **THE DISTRICT COUNCIL OF CHESTER-LE-STREET**

Report of the meeting of Planning Committee held in the Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Monday, 9 July 2007 at 6.00 pm

### PRESENT:

Councillor George Keith Davidson, Councillor Lancelot Edward William Brown, Councillor Paul Ellis, Councillor David Michael Holding, Councillor William Laverick, Councillor Maureen Diana May, Councillor Philip Bernard Nathan, Councillor Michael Sekowski, Councillor Allen Turner and Councillor Frank Wilkinson

Officers: A Hutchinson (Head of Planning and Environmental Health), C Potter (Head of Legal and Democratic Services), S Reed (Acting Planning Services Manager) and D Chong (Planning Enforcement Officer)

Also in Attendance: Four members of the public.

### **16. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors A Humes, D L Robson, K Potts and R Harrison.

### **17. MINUTES OF PREVIOUS MEETING**

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 11 June 2007, copies of which had previously been circulated to each Member, be confirmed as being a correct record, subject to the address on page 23 of the report on Item 3 being amended to read '1 Ash Meadows, Picktree.'"

The Chairman proceeded to sign the minutes.

### **18. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS**

There were no declarations of interest received from Members.

### **19. CONFIRMATION OF SPEAKERS**

The Chairman referred to the list of speakers, copies of which had previously been circulated to each Member and confirmed their attendance.

### **20. REPORT OF HEAD OF PLANNING AND ENVIRONMENTAL HEALTH - PLANNING MATTERS**

A report from the Head of Planning and Environmental Health was considered, copies of which had previously been circulated to each Member.

**(A) District Matters Withdrawn**

**Proposal:** Construction of 109 bed residential care home including details of associated access, car parking, servicing, arrangement landscaping and boundary treatment

**Location:** Site of Former County Council Depot, Picktree Lane

**Applicant:** Premier Quality Developments Ltd – Reference 07/00160/FUL

The Acting Planning Services Manager advised that the applicant had withdrawn this item from being considered on the agenda.

**(B) District Matters Recommended Refusal**

Prior to consideration of the following item, the Acting Planning Services Manager referred to photographs in relation to this proposal, which were displayed for Members information.

**(2) Proposal:** Proposed change of use of games room to private members club

**Location:** White House, Greenford Lane, Ouston

**Applicant:** Sylvia Pallas – Reference – 07/00201/COU

**Mr Hamilton, the applicant's agent spoke in relation to the application.**

The Acting Planning Services Manager spoke in response to the comments raised by the speaker and advised of discussions Officers had held about the possibility of a 106 Agreement or a potential condition of planning permission that could be attached to this development, which may help overcome refusal reason number one in the report.

He advised however, that Officers did not favour this approach as one of the key tests of any such Agreement or condition was that it had to be enforceable and having regard to that test he did not feel that it would be practicable to enforce such an Agreement. He further advised that even if there were such an Agreement in place he would still have concerns that the development would increase the amount of vehicular traffic using this access point and as a result refusal reason number two would still remain.

He advised that he did not feel the comments the speaker had made in relation to the existing access to the North of the site at Bewicke Main Caravan Park had any relevance to this proposal. He reminded Members that they should consider each particular scheme on its own merits.

He advised that Durham County Council as the Highways Authority had looked at this particular scheme and were not satisfied that the access proposed for this site was acceptable, hence the refusal reason in the report.

He referred to a point listed in the report in relation to the advice in PPS7 that does encourage the development of rural facilities and amenities, which was a factor the applicant did have in favour of this proposal. Officers view however, was that this potential positive benefit of the application did not outweigh the negatives.

Members raised queries and concerns in relation to the proposal on the following issues:

- It was felt that the club would be more suitably located at the Bewicke Main Caravan Park Site.
- Concerns in relation to accessibility of the site for pedestrians and vehicular traffic.
- Concerns on the amount of increased traffic, which would be prejudicial to highway safety.
- Concerns on how this proposal could be enforced.
- Clarification on how the facilities were currently utilised.
- The number of members anticipated to be visiting the site.
- The type of activity proposed in the clubhouse.
- Clarification on current planning restrictions on the building.

The applicant's agent spoke in response to the queries raised by Members and the Acting Planning Services Manager addressed the comments made in relation to the planning aspects of the proposal.

Councillor Turner proposed to move the Officer's recommendation of refusal, which was seconded by Councillor Sekowski. It was agreed that the application be refused.

RESOLVED: "That the recommendation of the Head of Planning and Environmental Health for refusal in respect of the application be agreed, for the following reasons.

Extra 1: The proposed location of the development would, in the opinion of the Local Planning Authority, represent an unsustainable location, encouraging the use of the private car and would therefore be contrary to the aims of Planning Policy Guidance Note 13 and Local Plan Policy T17.

Extra 2: The proposal would be contrary to Local Plan Policy T15 in that the accessibility of the site for pedestrians and drivers is likely to create conditions prejudicial to highway safety both in terms of the lack of a lit segregated footway from nearby settlements and the substandard vehicular access from the application site."

The meeting terminated at 6.35 pm

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**REPORT OF THE HEAD OF PLANNING AND ENVIRONMENTAL HEALTH**

**ITEM1** District Matters Recommended Refusal

1.

**Reference: 07/00294/FUL**

**Proposal** Ground floor hot food takeaway unit with residential unit to first floor consisting of one bedroomed flat.

**Location** Land Adjacent to 1 Hilda Park South Pelaw Chester-le-Street Durham

**Applicant** Mr T. Ramshaw

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**Application Summary**

**Ward:** Chester North

**Case Officer:** Matthew Gibson

**Contact Details:** 0191 387 2148

[matthewgibson@chester-le-street.gov.uk](mailto:matthewgibson@chester-le-street.gov.uk)

**Summary of recommendation:** The proposal would not accord with the provisions of the development plan policies which relate to Hot Food Takeaway development and would be harmful to the amenities of neighboring residents

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**The Proposal**

Planning permission is sought for the construction of a Hot Food Takeaway with a residential unit in the form of a 1no bedroomed flat to the first floor above. The land presently comprises hard standing at the entrance to Hilda Park Estate. Surrounding uses are predominately commercial in the form of an existing parade of neighbourhood shops to the east with a public house to the West. Residential development comprises the prevailing land use to the North and South.

**Relevant Planning History**

90/001/DM – Proposed Change of use From Furniture Shop at no.1 Hilda Park to a Hot Food Takeaway. Application Refused 14 February 1990 for the following reason, “The proposed use would be likely to cause disruption in the area by virtue of parking problems,

litter, cooking smells and noisy or anti-social behaviour from customers to the detriment of residential amenity in the immediate area”.

90/007/DM – Change of use to a Hot Food Takeaway - 3 Hilda Park. This application was refused for the same reasons as above

05/00575/FUL – An application for the construction of an A1 retail unit with residential flat above (on the same plot of land as this application) – Approved 2 December 2005.

### **Consultation Responses**

The application has been advertised by way of a site notice and direct letters of consultation. As a result of the consultation the Council received 17 letters of objection and a 59-name petition against the application.

The objections were based around the following points:

- Is there a need for a further Hot Food Takeaway when a similar establishment near the Mills Newsagents serves South Pelaw? Also the town centre is within easy reach with an adequate choice of takeaways.
- The proposed hot food takeaway will have a detrimental effect on the environment in terms of litter, noise, unpleasant smells and waste with the potential to attract vermin.
- Cooking smells will be an ever-present problem, which can travel considerable distances and have a damaging effect on quality of life over a wide area.
- Customer parking would be a major problem and lead to indiscriminate parking in nearby residential areas.
- The proposal will cause an increase in road traffic and problems with parking arrangements at an already busy road junction.
- The nature of the business will encourage young people to congregate with the potential to engage in anti-social behaviour.
- People from the adjacent public house possibly under the influence of alcohol would 'loiter' in this area and could lead to further anti-social behaviour.
- The planned extension would not enhance the entrance to this residential estate and will look out of place.

The Councils Environmental Health Team have raised two principal areas of concern:

- The potential for disturbance from noise/vibration to the adjacent flat and proposed first floor flat.
- There is a potential for disturbance from odour arising from the extract system. This is particularly the case to the first floor flat directly above the proposed outlet from the ventilation system.
- Other concerns – Car parking, litter, focal point for anti-social behaviour. However, it is advised that these issues are difficult to predict and can arise for a number of different reasons, some not within the control of the proprietor.



The County Highways department raised no objection subject to there being a parking space being constructed prior to the occupation of the premises (which is shown on the proposed plans).

### **Relevant Planning Policies and Considerations**

The main policy consideration from the Chester-le-Street Local Plan is Policy R19 – Food and Drink. The Policy states that when determining applications for A3 Hot Food Takeaway uses (now A5 following recent legislative changes), the Council will only permit proposals where there is no detrimental impact on the amenity of the occupants of residential properties from noise, fumes, smell, lighting, activity levels, or hours of operation at the site.

Accordingly it is considered the primary issue for consideration raised by the proposals is to assess the likely impact of the development on the amenity of nearby residential occupiers. In this respect it is noted the proposal is in a predominantly residential area with residential units in very close proximity, including flats above shops immediately adjacent to the proposal site.

It is considered the impact of increased noise and activity generated by the proposal, especially later on in an evening, will lead to an unacceptable level of nuisance for residents who live in the vicinity. In this respect Members will note that this issue was influential in the refusal of 2 applications for Hot Food Takeaway development in neighbouring properties in the same shopping parade in 1990.

In particular, concern is raised that nearby occupants will experience a detrimental impact caused by increased activity levels in the area in the form of customers coming and going. This would be likely to manifest itself in the form of noise from car doors banging, engines revving and noise attributed to the general operation of the premises. The combination of the existing public house and the takeaway it is felt will lead to increased levels of noise and activity in the late hours.

It should be noted that these concerns have also been supported by the Council's Environmental Health Officers.

### **Other Issues Raised**

As will be noted from the representations section above a number of comments have been made in relation to this application, which although not considered to be material to the recommendation made nevertheless require appraisal.

A number of the objectors to the development raised concerns about car parking and highways issues. Specifically there is a concern that the parking is inadequate for the development when customers will be using the take-away. Also, another issue, which has been raised, is the possible overcrowding of an already busy highway junction. However, Members should bear in mind that the County Council, as Highways Authority for the area, have not seen fit to lodge any objection to the proposal as long as the additional parking space shown on the plans is provided for.

Objections have also been made on the premise that the proposal would look out of place at the entrance to the estate. This objection would be difficult to support, as the application, in scale and design, is substantially the same as the earlier approval in 2005.

Members will also note that objection has been raised on the grounds that the area is already adequately served by similar establishments and therefore there is no a need for another take-away in the Pelaw area. In response to this issue, whilst clearly there is this feeling amongst the objectors, it would not be appropriate to resist the application on such grounds. As members will be aware it is not the purpose of the planning system to restrict competition. Therefore it is not a relevant planning issue.

### **Conclusion**

Bearing in mind the above, it is considered that the proposal does not accord with the aims of relevant development plan policies as the impact on the amenity of residents in the surrounding the area, in particular the adjacent flats, will be detrimentally affected. Taking into consideration the previous two refusals and the comments received herein it is recommended accordingly that planning permission be refused.

### **RECOMMENDATION**

Refuse FOR THE FOLLOWING REASONS:-

Extra 1.

The proposed development would be likely to cause disruption in the area by virtue of cooking smells and noisy or anti-social behaviour from customers to the detriment of residential amenity in the immediate area and accordingly would be contrary to the aims of Policy R19 of the Chester-le-Street Local Plan.





**ITEM 2** District Matters Recommended Approval

**2.**

**Reference: 07/00191/FUL**

**Proposal** Erection of 11 no commercial units (Use Class B1) and 5 no self contained units (Use Class B2/B8) together with associated landscaping, roads and infrastructure.

**Location** Land West of Drum Road Drum Industrial Estate Chester Le Street Durham

**Applicant** Mr Carl Barnett

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**Application Summary**

**Ward:** North Lodge

**Case Officer:** Stephen Reed

**Contact Details:** 0191 387 2212

[stephenreed@chester-le-street.gov.uk](mailto:stephenreed@chester-le-street.gov.uk)

**Summary of recommendation:** Subject to the imposition of the recommended conditions of approval, including those designed to secure the appropriate developer provision towards new and improved highways and transport infrastructure, this proposal would accord with the provisions of the development plan and would be acceptable having regard to all material planning consideration

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**The Proposal**

This report relates to an application to erect 11 No. office units (Use Class B1) together with 5 No. Self Contained industrial / storage units (Use Class B2/B8) on land to the western extent of Drum Industrial Estate, Chester-le-Street. The site is presently vacant and has been the subject to earth moving / land remodelling works in the past.

The proposed office units range in size from 574 sq/m to 646 sq/m. The proposed industrial / storage units range from 1,485 sq/m to 1,890 sq/m. The height of the proposed office blocks would be 8.5 meters, the industrial / storage units 11 meters

Surrounding uses are predominantly commercial, with the recently completed Angel Park development to the north and other storage and commercial operations to the east. The site is bordered to the south by an office development that is presently under construction (approved at Planning Committee in October 2006). Open agricultural land exists to the west of the site.

Planning History

07/00027/FUL - Erection of 12 No commercial units and 5 No industrial units - Withdrawn

03/00175/FUL – Development of milk distribution depot & store (phase 1) and attached commercial milk dairy, processing & packaging plant (phase 2) – Approved

01/00013/FUL - Erection of milk storage and distribution facility incorporating ancillary offices, car parking, lorry parking and landscaping – Approved

**Consultation Responses**

Durham County Council as Highways Authority comment that the application will generate a demand for additional improvement works to the roundabout that is proposed to be installed at the entrance to the Drum Industrial Estate off the A693. They also comment that the development will lead to a worsening of delays at the nearby Northlands roundabout. The County Council advise that they will require the developers to provide for a commuted sum to facilitate the required improvements to these roundabouts in order to render the additional impacts of the development acceptable. A figure of £300,000 has been requested (£150,000 for each roundabout).

In addition the Highways Authority advise that public transport links into the existing site are poor, with the nearest existing bus stop being in excess of 400 metres from the application site. As such they require the developer to provide for arrangements to secure a replacement bus service into the estate and also to carryout improvements to the existing Public Rights of Way network linking low Flats road with the eastern end of Drum Industrial Estate. They also require a condition to be attached to any approval requiring the implementation of a Green Travel Plan.

Finally the Highways Authority comment that the amount of car parking proposed to serve the units is slightly in excess of recommended standards.

The Highways Agency originally raised concerns in relation to the development. However following receipt of additional information from the applicant's transport consultants they advise that they are satisfied that the development will not cause any material increase in traffic congestion on the nearby A1 (M) and accordingly raise no objections.

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

The Council's Head of Regeneration supports the proposals on the grounds that they will complement the Council's Regeneration Strategy by generating significant new employment opportunities in the District.

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

The Police Architect Liaison Officer raises no objections, although provides a number of comments in relation to how the development could be designed to incorporate Secured by Design measures.

The application has been advertised by way of press and site notice and through direct mailing to adjacent occupiers. No comments have been received.

In support of the application the applicants have submitted a number of documents including; a Supporting Planning Statement, a Habitat Survey, an Interim Travel Plan, a Transport Assessment, and an Access Statement. The applicants contend that these documents demonstrate the benefits of the scheme, including;

- How the site is accessible by a variety of modes of transport
- How the units are accessible to wheelchair users and are compliant with DDA legislation
- That the layout / design of the scheme is of a high quality which will meet the prestige aims of Local Plan Policy
- The proposals will not have an adverse impact on the surrounding highway network
- That the proposals will not harm any protected wildlife species
- The proposals will be complementary to the Council's ongoing regeneration efforts within the District, providing for a mix of unit sizes with new employment opportunities for up to 623 people.

### **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 land 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.

Policy 19 also goes on to advise that proposals should incorporate high standards of layout, design and landscaping. Further comment in respect to these considerations is provided below.

Policies 35 and 37 of the Structure Plan require major development sites to be well served by public transport and provide for 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 Use

Class B1, B2 and B8 office / industrial and storage development on the site, comply with the strategic aims of reserving the land for such uses. Further comment in relation to sustainable transport issues is provided below.

#### 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 application site is contained within this allocation and as such, 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 office, storage and industrial use, fall within the terms of Use Class B1, B2 and B8 again they comply in principle with the aims of this Policy.

The Policy also requires development 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, and having regard to all representations received, it is considered that the following represent the principle material planning considerations raised;

#### Highways / Sustainable Transport Issues

The Highways Agency have raised no objections to the scheme, commenting that the proposals will not cause congestion problems on the nearby A1 (M) Trunk Road.

However, as Members will note from the representations section above, the County Council as Highways Authority for the area have commented that the proposals will have a material impact on the capacity of the local highway network, in particular nearby roundabouts; those at the existing Northlands site and the one which is to be installed as part of the decision taken at Planning Committee in June 2006 to approve the development referred to as 'Drum 1', to the rear of Batley's Warehouse, to the east of Drum. The County Council have advised that unless the developers were prepared to provide the requisite funding to enable them to implement improvements to these roundabouts that they would object to the development.

In this respect discussions have taken place between Officers and the developer. The developers have confirmed their willingness to provide the requisite funds to facilitate these works. This amounts to £150,000 to fund additional improvement works necessary to upgrade the previously approved roundabout at the entrance off the A693 and a further £150,000 to provide for improvements to the Northlands roundabout. Members will note that the securing of the monies, through a Section 106 Agreement, will be achieved by extra conditions 3 and 4.



In relation to the Northlands roundabout it should be noted that the County Council do not have any firm improvement proposals to hand at present. However they have undertaken to commence site investigations work once the funding has been received with a view to implementing a suitable scheme as soon as practicable.

Members will also note that the County Council have raised concerns in relation to the sustainability of the site, on the grounds that at present the area is not adequately served by public transport links. As a result of this, and recognising the substantial nature of the development, the County Council recommend that the developer be obligated to provide for a replacement bus service into the development, and to upgrade existing pedestrian links as part of any decision to grant planning permission.

This issue has also been the subject of discussions between Officers (including those from the public transport team at the County Council) and the developers. The developers have indicated a willingness to provide such a replacement service (details of the frequency and costs of which are yet to be agreed). Again Officers consider there is a direct link between the scale of the development proposed and the need to facilitate improvements to the existing public transport links into Drum. As such it is recommended that a developer contribution be requested as part of any decision to grant planning permission. Members will note that this requirement is to be secured, again by a Section 106 Agreement by extra conditions 5 and 6.

It is also recommended that a condition of approval be imposed to agree the final details of the number of car parking spaces within the development. A condition of approval is also recommended to ensure the implementation of a Green Travel Plan, to promote travel to work patterns that do not rely on the private car.

Having regard to the above, and taking into account the potential to impose conditions to facilitate the required highways and sustainable transport improvements, including through Agreements under Section 106, it is considered the development is acceptable in terms of the additional impacts it would generate on the surrounding highway network.

#### Layout / Design

The layout of the development has evolved through discussion with officers during the last few months. As Members will note from the Planning History section above, the earlier withdrawn application – reference 07/00027/FUL – proposed 12 No commercial units (an addition of 1 on the number proposed with this application). This reduction in numbers was requested by Officers and has allowed for the creation of a communal landscaped area within the office courtyard. Officers consider this arrangement will allow for a more balanced layout, providing for an attractive outdoor amenity area for the employees of the units.

In addition the layout has been designed to provide for a high level of landscaping, both along the internal distributor road within Drum IE and from the western edge of the development facing out on to open agricultural land similar, to what was agreed as part of the earlier approval for the office blocks to the south.

The developers have also submitted a cross section plan showing the floor to ridge height of the development in the context of Angel Park to the North. This plan shows the eaves height of the existing and proposed units to be on a very similar level to Angel Park. As a result of this the view is taken that the impact the development will have on the wider landscape is acceptable.

The design of the units also follows the general principles laid down by the existing built form within Drum. The scheme will provide for a range of attractive modern units with a reasonable amount of interesting design features. It is considered this will provide for a pleasant environment, which will help meet the aims of relevant development plan policies which seek to promote the area as a prestige industrial site.

### Sustainable Construction

Members may be aware that the Regional Spatial Strategy (RSS) for the North East has been emerging across the last few years. The document is now at a relatively advanced stage with the Government Office publishing their proposed changes in May 2007.

One of the important changes in the planning system the RSS will introduce in relation to major development proposals is the concept that new development should meet certain standards in relation to sustainable construction and generating energy supply from renewable sources.

Officers consider these requirements are material to the proposed development and accordingly it is recommended that appropriate conditions (see extra 1 and 2) be imposed to secure the implementation of agreed schemes to meet the aims of this advice.

### Employment Generation

As discussed above the applicants envisage the scheme is likely to yield in the region of 623 new jobs. Whilst clearly this figure is indicative (the development is speculative therefore no occupants are identified at this stage) and is merely based on accepted industry norms, clearly this represents a significant and most welcome level of inward investment into the District. This is a material planning consideration in favour of the proposals.

### Percent for Art

Members will be aware that Policy BE 2 of the Local Plan encourages the devotion of 1% of development costs to works of public art. This Policy has been applied to previous major developments within Drum and has led to 106 funding to the value of £28,000 being realised. Members will note that condition extra 9 is intended to secure additional public artwork funding as a result of this development.

### Conclusion

In conclusion it is considered that the proposals are acceptable when assessed against relevant development plan policies and also the principal material planning considerations, including those of highway safety and the impact on the character of the area.

Accordingly it is recommended that planning permission be granted.

**RECOMMENDATION**

Approve SUBJECT TO THE FOLLOWING

CONDITIONS: -

01A – The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

01B – The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

10A - Unless otherwise agreed in writing, the submitted planting scheme shall be implemented within the first planting season following completion of the development (or of that phase of the development in the case of phased developments) 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, within the first 5 years of the planting being planted, in the interests of the satisfactory appearance of the development upon completion and to ensure a successful and robust landscaping scheme.

Extra 1.

Prior to the commencement of development hereby approved a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for at least 10% embedded renewable energy. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to minimise energy consumption and to comply with the aims of the emerging Regional Spatial Strategy, Planning Policy Statement 1 and Local Plan Policy NE1

Extra 2.

Prior to the commencement of development hereby approved a scheme to demonstrate compliance with the aims of the Building Research Establishments Environmental Assessment Method shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to provide for a sustainable form of development and to comply with the aims of the emerging Regional Spatial Strategy, Planning Policy Statement 1 and Local Plan Policy NE1

Extra 3.

The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the implementation of measures to improve the access arrangements into Drum Industrial Estate from the A693, in accordance with a detailed scheme, which has first been

submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for safe vehicular access and to comply with the aims of Policy IN3 of the Chester-le-Street Local Plan

Extra 4.

The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the implementation of measures to improve the traffic flows at the roundabout referred to as the Junction 3 in the TA submitted in support of the application hereby approved (the 'Northlands Roundabout'), in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for safe vehicular access and to comply with the aims of Policy IN3 of the Chester-le-Street Local Plan

Extra 5.

The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the implementation of measures to improve the access arrangements into Drum Industrial Estate from the existing nearby Public Rights of Way network, in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for sustainable forms of transport and to comply with the aims of Policies TM10 and NE1 of the Chester-le-Street Local Plan

Extra 6.

The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the implementation of a bus service into Drum Industrial Estate, in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development does not generate unacceptable conditions on surrounding public highway network and also to make adequate provision for sustainable forms of transport and to comply with the aims of Policies T6 and NE1 of the Chester-le-Street Local Plan

Extra 7.

Notwithstanding the details contained in the application hereby approved no development shall commence until details of a scheme to reduce the number of car parking spaces designed to serve the development has been submitted to, approved in writing by, the Local Planning Authority in order to ensure the development does not lead to an over reliance in the use of the private motor car and to promote sustainable forms of transport and to accord with the aims of Policies NE 1 and T17 of the Chester-le-Street District Local Plan.

Extra 8.

Within 6 months of the completion of at least 50% of the units hereby approved a final travel plan shall be submitted for approval, in order to ensure the development

encourages sustainable forms of travel and to accord with the aims of PPG 13 and Policy T15 of the Chester-le-Street Local Plan 2003

Extra 9.

The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the implementation of a scheme for public artwork, in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development provides for adequate public artwork provision and to comply with the aims of Policy BE2 of the Chester-le-Street Local Plan

Extra 10.

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 IN1 of the Chester-le-Street District Local Plan.

Extra 11.

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 IN1 of the Chester-le-Street District Local Plan.

Extra 12.

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 which shall 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 IN1 of the Chester-le-Street Local Plan.











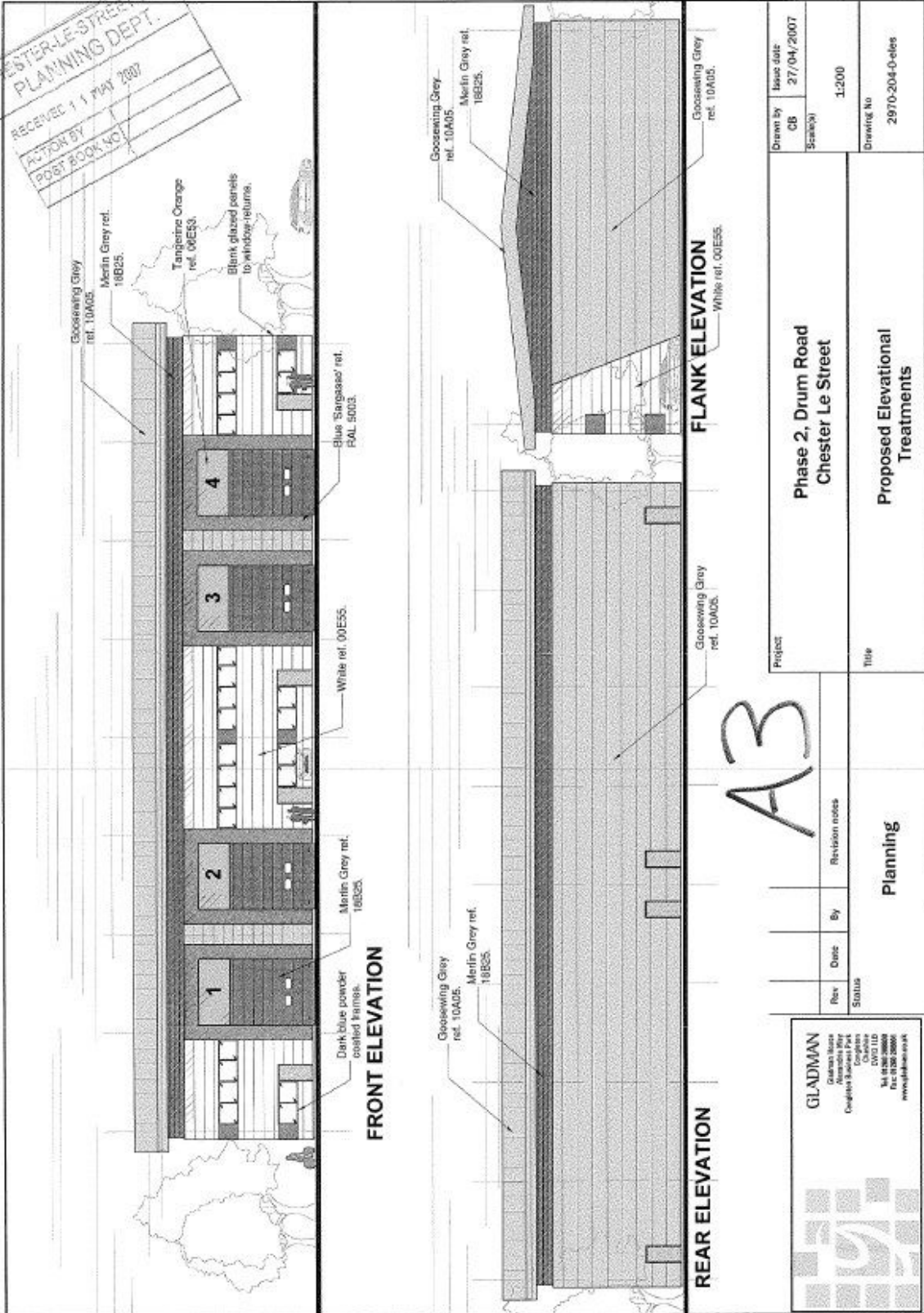
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Project	Phase 2, Drum Industrial Estate Chester Le Street, Co. Durham	
	Drawn by CB	Issue date June 2006
Title	Site Direction Plan	
	Scale(s) nbs nbs	Drawing No Loc 1

Rev	Date	By	Revision notes
STATUS			

CHESTER-LE-STREET D.C.  
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POST BOOK NO



A3

Project		Phase 2, Drum Road Chester Le Street	
Title		Proposed Elevational Treatments	
Drawn by	Issue date	Scale(s)	
CB	27/04/2007	1:200	
Drawing No		2970-204-0-etes	
Rev	Date	By	Revision notes
Status			
<b>Planning</b>			

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**3.****Reference: 07/00222/FUL****Proposal**     Erection of 36 no dwellings, associated roads and other infrastructure**Location**     Land at Lingey House Farm St Cuthbert's Drive Sacriston Durham**Applicant**    Persimmon Homes NE

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**Application Summary****Ward:**             Sacriston**Case Officer:**    Stephen Reed**Contact Details:** 0191 387 2212[stephenreed@chester-le-street.gov.uk](mailto:stephenreed@chester-le-street.gov.uk)

**Summary of recommendation:** Subject to the imposition of the recommended conditions of approval, including those designed to secure the appropriate community provision and to control the details of the proposed pedestrian link, this proposal would accord with the provisions of the development plan and would be acceptable having regard to all material planning considerations.

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**The Proposal**

This application relates to proposals for the redevelopment of land at Lingey House Farm, Sacriston, to provide for the erection of 36 new dwellings, together with associated roads and other infrastructure.

The site is located to the North of St Cuthbert's Drive, an existing modern residential development. The Rydal Close estate exists to the east, with a paddock to the north. A public Right of Way adjoins the site to immediate west. The site is presently used as grazing land.

The proposed development is broken down into 25 dwellings for private sale and 11 for affordable provision (see further comment below).

**Relevant Planning History**

03/00547/OUT Residential Development (outline) – approved 11 April 2005

06/00532/FUL – Erection of 35 Houses including associated roads, means of enclosure and planting – Withdrawn 8 January 2007

### **Consultation Responses**

Durham Constabulary – (Architectural Liaison Officer and Community Inspector) raise objections on the grounds that the proposed pedestrian link may cause anti social behaviour in the area (including through the anti social use of vehicles). The link would increase permeability and therefore would increase the vulnerability of both residents of the proposed estate and existing houses by providing ease of access for persons who may have committed unlawful acts.

Durham County Council as Highways Authority for the area raise no objections, subject to a condition of approval designed to secure the implementation of the proposed pedestrian links to the east and west of the site. The Highways Authority also comments that these links between the existing Right of Way and Rydal Close are important. It is also advised that this route can be adopted by the County Council.

Durham County Council as Rights of Way Authority for the area raise no objections. They comment that there is an existing 'well trod and partly maintained footpath that has probably acquired public rights', which crosses the site linking Rydal Close with Footpath 5. It is noted that the developers have incorporated a replacement footpath into the scheme. It is also advised that the use of this footpath by motorbikes could be effectively controlled by the installation of kissing gates at each end of the footpath. Finally, the Rights of Way Authority advises that Footpath number 5 should remain unaffected by the development.

Sacriston Parish Council raise objections to the proposed footpath link running through the development on the grounds that it may generate anti social behaviour in the area. The Parish Council's comments are appended to this report.

The Council's Regeneration Team (Technical - Sewers) has no comments to make.

The Council's Regeneration Team (Housing Strategy) raises no objections.

The Council's Regeneration Team (Planning Policy) raises no objections.

The Council's Acting Leisure Services Manger raises no objections to the scheme, subject to the developer entering into Section 106 Agreements to meet their public artwork and open space obligations by way of off site enhancements.

The application has been advertised by way of press and site notice and direct mailing to adjacent occupiers. In response 10 letters of objection have been received. Objections are raised on the following grounds;

- The proposed new footpath link will exit the site outside of existing residents houses. This could cause parking and access problems, particularly at the construction stage.
- The proposed footpath link will provide a direct link between the proposed site, St Cuthbert's drive and neighbouring estates. This may lead to motorbikes getting access into the residential areas. The existing footpath link within the site is not a

dedicated Public Right of Way and has not been used for the requisite period to allow for it to be confirmed.

- The developers have failed to consult with local residents nor have they taken their previously stated objections into account in the development of the scheme.
- The proposal will lead to additional parking in the St Cuthbert's drive estate
- The existing estate roads leading to the site are incapable of taking the additional traffic generated by the development. This will pose a danger to existing residents, including children.
- Additional noise, dirt and disturbance caused by delivery vehicles at the construction stage
- The proposed development was not revealed on a recent local land search.
- Statements made by the applicants as part of the application are incorrect and are not representative of local conditions
- There are bats present in the locality
- It is noted that a petition with 100 signatures was submitted to Officers against the proposed development prior to the submission of the present application.
- It is queried whether or not there is any need for further housing in the locality as a number of houses in the area have been up for sale for a number of months
- The Sacriston area requires further investment in services / regeneration before additional families are brought into the area.
- The proposals provide for an inadequate mix of house types, in particular in relation to the affordable dwellings
- Insufficient parking provision is provided for the proposed dwellings
- It is noted the plans show the provision of gates at the northern end of the development; this may allow for further development of the land to the north

Kevan Jones MP advises that he has been approached by a number of residents in relation to the proposals. They have raised concerns in relation to the fact the development is now for 36 dwellings, as opposed to the 30 originally proposed; That the plans show a gated access to the North of the development site - concern is expressed this may encourage future development of this land, and in doing so create a through road between St Cuthbert's Drive and Lingey Close; and, that the plans show a footpath link onto the old railway line to the west – it is noted that the Police have objected to this link.

In support of the scheme the applicant's have submitted a Design and Access Statement; a Traffic Statement and an Affordable Housing Statement. These documents are intended to demonstrate how the proposals have been designed to provide for a high quality residential environment, meeting the aims of sustainable development, and also to demonstrate that the development will not have any adverse impact on the local highway network.

The applicants have also advised that they would be prepared to enter into a Section 106 Agreement with the Council to provide for the following;

- The provision of 11 affordable units
- The payment to the Council of £36,000 in lieu of on site leisure / play provision
- The payment to the Council of £18,000 to the Council for public artwork provision

## **Relevant Planning Policies and Considerations**

### County Durham Structure Plan

Policy 2 of the Structure Plan advocates a general approach whereby the location of new development should have regard to the potential for minimising day to day travel needs by advising that new development should be located in locations convenient for public transport. Policy 9 builds upon this advice by stating that the principle locations for new housing development should be well related to the main towns in the county. It also advises that housing development should be directed to locations which are well served by public transport and located close to a reasonable range of services.

In assessing the proposals against the general thrust of these relevant Structure Plan policies it is considered that the principle of the development of the land for housing is wholly consistent with their strategic intentions. In particular it should be noted that the site is located in one of the principle settlements within the District and as such would be reasonably accessible to public transport facilities and the range of other community facilities and employment opportunities available within Sacriston.

It is also important to bear in mind that the site benefits from an extant outline planning permission for residential development.

### Chester-le-Street Local Plan

Policy HP4 of the Local Plan – Land allocated for Residential Development – allocates the land for residential development, to meet the Districts future housing requirements. As such the proposals to develop the land for residential purposes are in accordance with a specific land use allocation as detailed in the Local Plan.

Policy HP9 - Residential Design Criteria - provides general advice regarding the tests that successful applications for residential development should meet. Of particular importance to this application are the requirements that proposals should relate well to the character of the surrounding area; provide convenient and safe access, achieve a minimum density of 30 dwelling per hectare and incorporate (as far as possible) existing landscape features.

Policy HP 13 of the Local Plan requires new residential proposals in excess of 15 units to provide for 30% to be affordable.

Policy HP15 of the Local Plan, supported by RL5 and BE2, require new residential development proposals to make appropriate community provision, including for leisure / open space and public artwork provision.

Finally Policy TM10 of the Local Plan promotes the extension to existing Rights of Way Network within the District.

Having regard to the aims of the above relevant development plan policies, and after considering all material planning considerations, including an appraisal of all comments received as a result of the consultation process, it is considered the following are the principle material issues for consideration raised by the application;

### Impact on Character of Area

As discussed above this is a key requirement of Policy HP 9. In this respect it is considered the proposals are acceptable. The density of development proposed amounts to some 33 units per hectare. This is considered wholly acceptable when assessed against relevant Central Government advice, which would support densities in excess of 30 units per hectare in this type of location. In relation to the density issue Members may recall that the earlier outline approval (03/00547/OUT) contained a restriction limiting the number of units to 30. However it is not considered this limit could be supported, having regard to Central Government advice. In addition, the reasons stated at the time for imposing this condition (essentially to control housing supply and prevent an over-dominance of supply to Sacriston) are no longer prevalent as the Council has failed to meet its targets in relation to the number of new dwellings constructed across the last few years.

In terms of scale and design the proposals are considered acceptable and should blend well with the general layout on the neighbouring Hallowdene estate. The layout meets the minimum separation distances as laid out in the Local Plan.

Policy HP 9 also requires the retention of existing landscape features. In this respect the development will invariably lead to the loss of a number of small trees and shrubs located within the site. This removal was inevitable once the site was allocated for development in the Local Plan. There are however some mature hedgerows that flank the application site and it is recommended that these features be retained as part of the development. Members will note this is secured via condition Extra 5.

### Affordable Housing

The applicants have sought to meet their obligation in this respect by proposing that 11 houses are provided as affordable units. 7 No of these would be in the form of 2 bedroom houses and 4 No at 3 bedrooms. These units would be secured as affordable homes via a Section 106 Agreement, which would secure a shared ownership scheme with occupiers being entitled to purchase a fixed percentage of the dwellings.

These proposals have been considered by the Council's Strategic Housing Team who consider that both the type of units to be provided as affordable, and the means of provision (i.e. shared ownership) are considered acceptable as they will help meet a clearly defined need for this type of accommodation in this part of the District.

As Members will note this provision is intended to be secured via condition Extra 8. Subject to the imposition of this condition of approval it is considered the proposals comply with the aims of Policy HP 13.

### Open Space / Recreational Provision

Policy HP 9, supported by Policies HP 15 and RL 5, require new residential development to provide for appropriate open space and recreation provision. In this respect no meaningful areas of open space have been provided within the layout. However the applicants have indicated a willingness to provide a commuted sum to the Council of



some £36,000. These monies would be used to enhance off site play provision in the Sacriston area.

This arrangement is considered acceptable for this particular site (Members will note that the Leisure Services Manger has raised no objections to this approach, the figure is also equitable with other 106 Agreements entered into elsewhere within the District) and accordingly it is proposed that this sum is secured by means of a Section 106 Agreement. As Members will note this issue is addressed by Condition Extra 9.

#### Public Artwork Provision

Policy BE 2 of the Local Plan, again supported by HP 15, requires applicants to devote 1% of development costs to public artwork. The applicants have indicated a willingness to pay a commuted sum to the Council of £18,000 to meet their obligations in this respect. Again, following discussion with the Leisure Services Manager this arrangement is considered acceptable and can be secured through a Section 106 Agreement, see condition Extra 10.

#### Highway Safety / Access Issues

As Members will note from the representations section above a number of objections have been received to the proposals on the grounds of perceived inadequate vehicular access, including the fact that additional traffic movements will be generated within the existing neighbouring housing estate roads.

However Durham County Council, as Highways Authority for the area have confirmed they have no objections to the scheme. As a result it would not be appropriate to resist the development on these grounds. Clearly the responsibility for ensuring construction vehicles travel through the existing estate in a safe manner will rest with the developers and their contractors. In the event of concerns being raised that this is not the case the matter would need to be referred to the Police.

#### Footpaths / Rights of Way Issues

A number of objections have also been received in respect to the proposals to provide for a replacement footpath, running east – west through the proposed development. Several residents are concerned that this route will provide opportunity for anti social behaviour to take place in the locality, and that it will provide easy access for criminals. Members will note that these concerns are supported by the Police who have raised objections to this element of the proposals.

This footpath has been incorporated into the layout at the request of Officers (including those from the Rights of Way and Highways Departments at Durham County Council). The reason for this request has been on the grounds that there is an existing track that cuts across the site east to west, linking the Rydal Close area to the public footpath, which runs along the western boundary of the site. Whilst this track has not been granted public rights of way status, it is noted there is some evidence to suggest it is heavily used (it is 'well trodden') and has also been bollarded at one end in the past to help to demark the entrance point from Rydal Close.

Whilst the view of the objectors, and the police, are noted it is considered the securing of a replacement route is an important part of the proposed layout. As discussed above the fact that the existing route is 'well trodden' and largely devoid of grass, provides some significant evidence to the fact that the east west link is valued by existing residents as a means of obtaining access to the public footpath to the west of the site. The view is taken that if this replacement route was not provided for then a valued amenity would be lost.

Members will note that Policy TM10 of the Local Plan promotes the extension to the existing Rights of Way Network within the District and the fact that a replacement route has been provided for as part of this layout is considered wholly in accordance with the aims of this Policy.

With respect the concerns about anti social behaviour it is noted that the County Council have advised that they would be willing to adopt this route. This would ensure that lighting would be provided for which would help prevent problems occurring. In addition it is recommended that a condition of approval be imposed to secure the provision of robust kissing gates as part of the proposed link. It is the view of the County Council that these conditions would again help reduce anti social behaviour, including scrambling activities in the area. Condition Extra 8 refers.

Finally it is also important to bear in mind that the layout has been designed to ensure the proposed footpath will be overlooked by a number of existing and proposed dwellings. This level of overlooking will provide for a certain degree of natural surveillance that again will help deter any unauthorised activities.

On balance, and whilst the level of objections to this replacement footpath are noted, it is considered that there are sound planning reasons for requesting it's inclusion within the layout. Furthermore, subject to a condition of approval to ensure it is adequately gated, it is considered that the level of anti social problems it may be likely to generate could be adequately mitigated against.

#### Wildlife Issues

One respondent has advised that bats have been observed in the locality. However the Durham Bat Group have not provided formal comment on the proposals, nor is there any evidence to suggest that the site is located close to any sensitive wildlife designations which may be affected by the development.

Notwithstanding this it is recommended that a condition of approval be inserted (Extra 1) requiring the carrying out of a bat survey, and that thereafter the development precedes in accordance with the recommendations made in this report. This will ensure that any harm to any protected species is adequately mitigated against.

#### Sustainable Development Issues

Members may be aware that the Regional Spatial Strategy (RSS) for the North East has been emerging across the last few years. The document is now at a relatively advanced stage with the Government Office publishing their proposed changes in May 2007.

One of the important changes in the planning system the RSS will introduce in relation to residential development proposals is the concept that new dwellings meet certain standards in relation to sustainable construction. Specifically this includes meeting the aims of 'Eco Homes' and generating a certain level of energy supply from renewable sources.

Whilst ultimately the incorporation of the RSS advice into the Council's planning policy framework will be a matter for the Local Development Framework review to consider the view is taken that in advance of the LDF review, and following the publication of the RSS, it is appropriate to require certain renewable energy and sustainable construction measures to be required at this stage. Accordingly, as Members will note recommended conditions extra 2 and 3 are intended to secure the incorporation of these measures into the development.

#### Other Issues raised

As members will note from the representations section above, a number of comments have been received in addition to those appraised above. Whilst these are not considered of strict relevance to the recommendation made they nevertheless require assessment as part of Member's consideration of the proposals.

In relation to the issue about the gated access shown to the north, and the concern that this may encourage future development of this land, this issue is not considered of relevance to the application. Clearly any proposals, which may come forward at a future for this land, would need to be assessed as a separate matter, at the appropriate time. It would not be appropriate to resist this application on the grounds of what may hypothetically occur on a separate parcel of land at a future date.

The objection in relation to the contended lack of demand for the additional dwellings is also considered of little relevance. As discussed above, the site has been identified through the Local Plan adoption process, as being required to meet the District's future housing needs. The Council's Planning Policy Team has confirmed the site is still required to meet future housing needs. The concern that the local housing market may not be buoyant at present (as the objector advises) is of no relevance to the application.

#### Conclusion

In conclusion it is considered that the proposals, subject to the imposition of the recommended conditions including the ones which will require the entering into of Section 106 Agreements are acceptable having regard to the relevant development plan policies and to all material planning considerations.

Accordingly it is recommended that planning permission be granted

#### RECOMMENDATION CONDITIONS: -

Approve SUBJECT TO THE FOLLOWING

- 01A - The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning

permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

- 02A - 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, and 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 HP9 of the Chester-le-Street District Local Plan.
- 10A - Unless otherwise agreed in writing, the submitted planting scheme shall be implemented within the first planting season following completion of the development (or of that phase of the development in the case of phased developments) 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, within the first 5 years of the planting being planted, in the interests of the satisfactory appearance of the development upon completion and to ensure a successful and robust landscaping scheme.
- 20A - 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 and residential amenity and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.
- 63 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and / or re-enacting that Order with or without modification), no walls, fences, palisades or other means of enclosure shall be erected forward of the main front (or side in the case of corner sites) walls of dwellings, in order to ensure the satisfactory appearance of the development upon completion in the interests of visual amenity and the preservation of the open-plan character and appearance of the development.

Extra 1.

Prior to the commencement of the development hereby approved the developer shall submit an expert bat survey to the Local Planning Authority. Thereafter the development shall be carried out in a phased manner designed to mitigate harm to any protected species found to be present, including if necessary, the implementation of habitat replacement measures in order to ensure the development takes due account of the potential presence of protected species within the site to accord with policy NE13 of the Chester-le-Street District Local Plan

Extra 2.

Prior to the commencement of development hereby approved a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for at least 10% embedded renewable energy.

Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to minimise energy consumption and to comply with the aims of the emerging Regional Spatial Strategy, Planning Policy Statements 1 and 3 and Local Plan Policy NE1

Extra 3.

Prior to the commencement of development hereby approved a scheme to demonstrate compliance with the aims of the Code for Sustainable Homes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to provide for a sustainable form of development and to comply with the aims of the emerging Regional Spatial Strategy, Planning Policy Statements 1 and 3 and Local Plan Policy NE1

Extra 4.

Operations in relation to the construction phase of the development hereby approved shall not be carried out outside of the following hours:-

Monday to Friday - 0730 to 1800

Saturdays - 0900 to 1300

Sundays - No working

Bank Holidays - No working

In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours and to accord with the aims of Policy NE 1 of the Local Plan.

Extra 5.

Any existing hedgerows within the development site shall be protected by a chestnut paling, or similar protective fence or barrier, in accordance with a scheme to be agreed in writing prior to the commencement of the development hereby approved, in order to ensure that building materials, plant and machinery are not stored around the existing hedgerows, in the interests of the long term health and well-being of the hedgerows and in the interests of visual amenity and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 6.

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 HP9 of the Chester-le-Street District Local Plan.

Extra 7.

The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on 12 July 2007; unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 8.

The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the provision of the 11 units as referred to in the development hereby approved as affordable dwellings, provided for through a shared ownership scheme, in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for affordable housing and to comply with the aims of Policy HP 13 of the Chester-le-Street Local Plan

Extra 9.

The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the provision of adequate open space and recreational facilities within the locality in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for recreational and open space facilities and to comply with the aims of Policies HP 9 and RL 5 of the Local Plan

Extra 10.

The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the provision of adequate public artwork provision within the locality in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for recreational and open space facilities and to comply with the aims of Policy BE 2 of the Local Plan

Extra 11.

Notwithstanding the details contained in the application hereby approved no development shall be commenced until details of a scheme for controlling access to the proposed footpath link running east - west through the application site have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the development mitigates against potential anti-social behaviour issues, in the interests of reducing crime and disorder and residential amenity and in accordance with the provisions of Policies NE 1 and BE 21 of the Chester-le-Street District Local Plan.

Extra 12.

The proposed pedestrian link running east - west through the application site shall be constructed and laid out wholly in accordance with the details contained in the application hereby approved, and shall be installed on site in accordance with a phasing plan to be first agreed in writing with the Local Planning Authority prior to the commencement of the development, in order to ensure the development provides for adequate recreational pedestrian links and to accord with the aims of Policy TM 10 of the Chester-le-Street District Local Plan.





A2





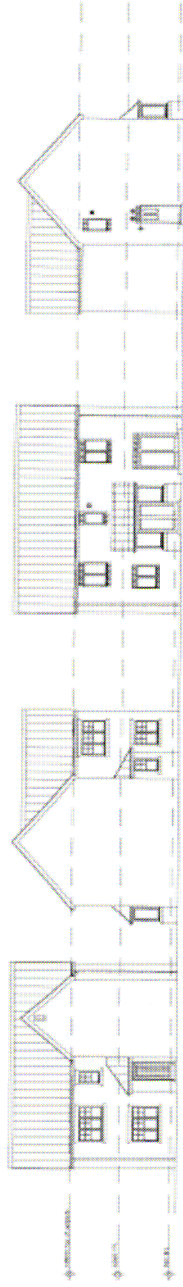








M/01/M/M/W/D1/J

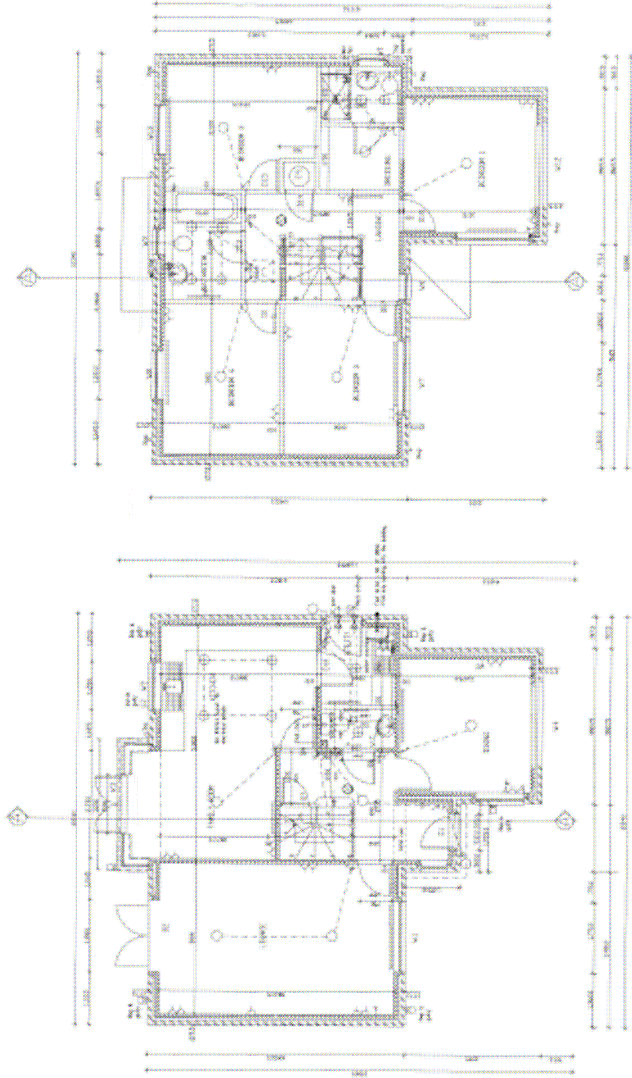


FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION

SIDE ELEVATION



1. THE ARCHITECT HAS PREPARED THESE PLANS TO THE BEST OF HIS KNOWLEDGE AND BELIEF.  
 2. THE ARCHITECT HAS NOT CONDUCTED A SURVEY OF THE SITE.  
 3. THE ARCHITECT HAS NOT CONDUCTED A STRUCTURAL ANALYSIS OF THE PROPOSED CONSTRUCTION.  
 4. THE ARCHITECT HAS NOT CONDUCTED A GEOTECHNICAL ANALYSIS OF THE PROPOSED CONSTRUCTION.  
 5. THE ARCHITECT HAS NOT CONDUCTED A HYDROLOGICAL ANALYSIS OF THE PROPOSED CONSTRUCTION.  
 6. THE ARCHITECT HAS NOT CONDUCTED A TRAFFIC ANALYSIS OF THE PROPOSED CONSTRUCTION.  
 7. THE ARCHITECT HAS NOT CONDUCTED A NOISE ANALYSIS OF THE PROPOSED CONSTRUCTION.  
 8. THE ARCHITECT HAS NOT CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED CONSTRUCTION.

DAVID HICKS ARCHITECTS  
 PLANNING DEPT.  
 LICENSE # 00000000  
 ADDRESS # 00000000

A1

- 1. THESE PLANS WERE PREPARED BY DAVID HICKS ARCHITECTS, INC. (DHA) FOR THE ARCHITECTURAL RECORDING DEPARTMENT OF THE CITY OF ASPEN, COLORADO.
- 2. THE ARCHITECT HAS NOT CONDUCTED A SURVEY OF THE SITE.
- 3. THE ARCHITECT HAS NOT CONDUCTED A STRUCTURAL ANALYSIS OF THE PROPOSED CONSTRUCTION.
- 4. THE ARCHITECT HAS NOT CONDUCTED A GEOTECHNICAL ANALYSIS OF THE PROPOSED CONSTRUCTION.
- 5. THE ARCHITECT HAS NOT CONDUCTED A HYDROLOGICAL ANALYSIS OF THE PROPOSED CONSTRUCTION.
- 6. THE ARCHITECT HAS NOT CONDUCTED A TRAFFIC ANALYSIS OF THE PROPOSED CONSTRUCTION.
- 7. THE ARCHITECT HAS NOT CONDUCTED A NOISE ANALYSIS OF THE PROPOSED CONSTRUCTION.
- 8. THE ARCHITECT HAS NOT CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED CONSTRUCTION.

PROFESSIONAL ENGINEER LICENSE # 00000000  
 ADDRESS # 00000000  
 CITY # 00000000  
 STATE # 00000000

2004/A/SPEN/01

**4.****Reference: 07/00276/FUL**

**Proposal** Erection of conservatory to rear, creation of new window opening to side elevation and installation of additional roof light to rear

**Location** New Dwelling Adjacent to Willowbrook Woodburn Close Bournmoor  
Chester-le-Street Durham DH4 6DH

**Applicant** Mr Thomas

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**Application Summary**

**Ward:** Bournmoor

**Case Officer:** David Chong

**Contact Details:** 0191 387 2155

[davidchong@chester-le-street.gov.uk](mailto:davidchong@chester-le-street.gov.uk)

**Summary of recommendation:** The proposal would accord with the provisions of the development plan and would be acceptable having regard to all material planning considerations, including the impact on the amenities on neighboring residents

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**The Proposal**

Detailed planning permission is sought for the erection of conservatory to the rear elevation, creation of new window opening to side elevation and installation of additional roof light to rear.

The property is a recently constructed detached dwelling house situated on the arterial route into New Lambton from Bournmoor.

Planning permission is required for this proposal as permitted development rights were removed from this property at the time it was granted planning permission. The proposed conservatory comprises of a 3m projection and 4m width, height at ridge level is measured at 3.7m. The additional roof light to the rear is to service the shower room and the creation of the new window opening to the Eastern elevation is to service bedroom 3.

The proposed conservatory is screened by a 2m high brick wall on both side elevations.

**Planning History**

04/00755/FUL - Detached dormer bungalow to the side.- Refused 15 December 2004



05/00062/FUL - Resubmission of 04/00755/FUL for 1 no detached dwelling to side of property. – Approved 13 April 2005

06/00002/FUL - Construction of additional bedroom over garage and installation of 2 no roof lights to rear of property.- Approved 15 February 2006

### **Consultation Responses**

The planning application was advertised through direct notification to local householders. As a result of this exercise , three letters of objection were received from neighbours at 1A, 2A Woodburn Close, and Woodburn House.

Below is a summary of the comments received: -

- 'Separation distances will be reduced from 15m to 12m as a result of the conservatory, which is contrary to policy guideline'
- 'Conservatory would constitute over development of site'
- 'the extra roof light would amount to an unacceptable loss of amenity to properties at 1A and 2A Woodburn Close'
- 'The developer has from the beginning of the project attempted to flaunt the Council's rules and regulations in a cynical calculated manner, despite removal of permitted development rights'
- 'we object to the fact that the developer should be allowed to install a third roof light and then apply retrospectively for permission'
- 'foundations have already been excavated for the conservatory, even though no planning permission has been granted'

### **Relevant Planning Policies and Considerations**

This planning application should be considered within the Policy context of HP11 and guidance set down in Appendix 1 of Chester-le-Street District Council's Local Plan. This Policy sets out various criteria to which residential extensions should be considered, albeit in this case, the proposal refers to a conservatory.

In general terms, the scale and design of the conservatory is considered to be acceptable and accords with guidance set down in Appendix 1. Objectors at 1A and 2A Woodburn Close have highlighted a reduction in the separation distance between their properties as a result of the proposal, which is contrary to policy guidance contained within Appendix 1 of the Local Plan.

Whilst this is the case, it is officer opinion that the proposed conservatory would be adequately screened by the Leylandi hedge planted to the Northern boundary of the site adjacent to neighbours at 1A and 2A Woodburn Close. Therefore the discrepancy in the reduced separation distances is considered negligible and any privacy/overlooking issues are considered to have minimal impact.

The scale and design of the additional roof light and window opening is considered acceptable and in keeping with the visual appearance of the property. Furthermore it is considered their impact in relation to the amenities of adjacent properties is wholly

acceptable. The roof lights will be positioned at such a height within the roof plane that they will not give rise to overlooking issues with neighbouring properties. The window to the east elevation will look out onto a blank gable wall.

It should be noted that this form of development (the new window and roof light) would not have required planning permission, had permitted development rights not been removed. Whilst the neighbours have objected to the development occurring in breach of the condition withdrawing permitted development rights it should be noted that the purpose of withdrawing such rights is not to prevent, in totality, any further development occurring at a property. Rather it is to give the Council some level of control over the said development, which it would not otherwise have had.

Whilst the objections to the fact that the development is retrospective are noted, Members will be aware that the planning system does allow for the submission of retrospective planning applications and that furthermore they should be assessed in the normal manner, entirely on their relative planning merits.

### **Conclusion**

In conclusion, the proposed development is considered to be acceptable and compliant with the provisions of Policy HP11 of the Local Plan. Although neighbours at 1A and 2A Woodburn Close have raised concerns regarding the impact of the proposed development in relation to privacy, amenity and over development issues, it is felt that there would be no unacceptable impact caused to the these neighbours, and therefore it is recommended that planning permission be granted.

### **RECOMMENDATION** CONDITIONS: -

Approve SUBJECT TO THE FOLLOWING

01A - The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

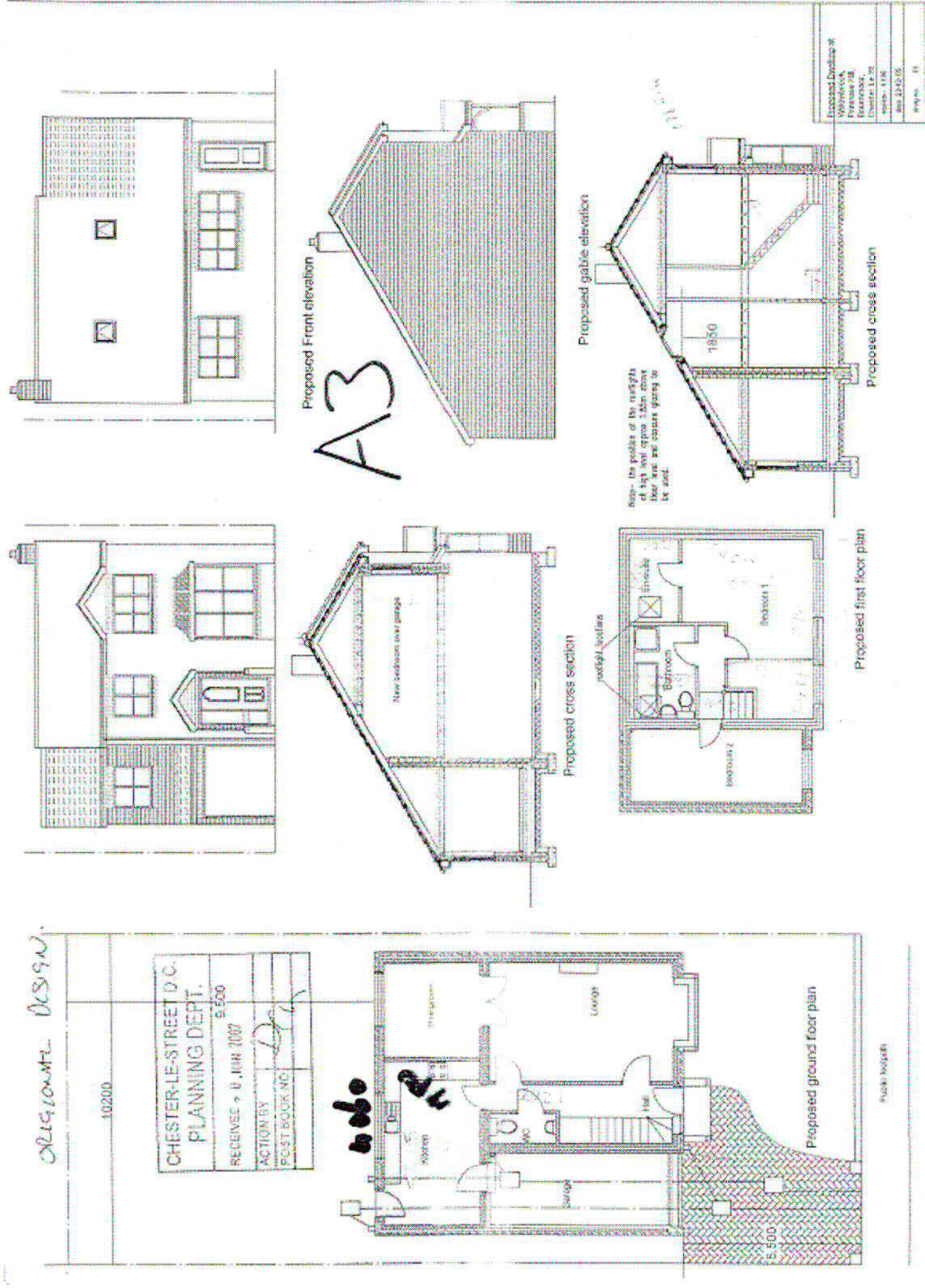
02E - That the facing materials to be used for the external walls of the development hereby approved shall match in colour and texture those materials used on the existing dwelling house to the satisfaction of this Local Planning Authority, and where such matching materials are not available samples of the materials which it is proposed to use on the development shall be submitted to, and approved in writing by, this Local Planning Authority prior to the commencement of any development on site. Reason - In order to ensure that the proposal does not have an adverse impact upon the scale, form, character or appearance of the building upon completion, as required by Policy HP11 of the Chester-le-Street District Local Plan.

Extra 1.

Notwithstanding the details shown on the submitted plans, the glazing panels on the hereby approved roof light shall be fitted with obscure glazing to the satisfaction of the Local Planning Authority, and such obscure glazing shall be retained in perpetuity in the

interests of residential amenity, the avoidance of any potential overlooking and in accordance with the provisions of Policy HP11 of the Chester-le-Street District Local Plan







**5.****Reference: 07/00285/FUL**

**Proposal** Conversion of garage to office, single storey extension to rear to provide sun lounge and extension above garage to provide additional bedroom and extended kitchen area plus widening of driveway.

**Location** 53 Longdean Park Chester-le-Street Durham DH3 4DG

**Applicant** Mr D. Kumar

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**Application Summary**

**Ward:** North Lodge

**Case Officer:** David Chong

**Contact Details:** 0191 387 2155

[davidchong@chester-le-street.gov.uk](mailto:davidchong@chester-le-street.gov.uk)

**Summary of recommendation:** The proposal would accord with the provisions of the development plan and would be acceptable having regard to all material planning considerations, including the impact on the street scene and amenities of neighboring residents

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**The Proposal**

Detailed planning permission is sought for the conversion of garage to office, single storey extension to rear to provide sun lounge and extension above garage to provide additional bedroom and extended kitchen area plus widening of driveway.

The property is a large detached dwelling house situated on the culvert of a 'three way' intersection, located to the Southern end of Longdean Park.

The first floor extension above the existing garage is to be set back approx. 2m from the front elevation of the garage, with the current building line of the first floor to continue across the full width of the garage.

The single storey extension to the rear will comprise of two separate components. Along the North Eastern elevation, the projection of the extended kitchen area is measured at 5m., whilst the projection of the proposed sun lounge along the Southwestern elevation is measured at 5.4m.

There is a two metre separation distance between the side elevations of neighbours at both 52 and 54 Longdean Park.

### Planning History

None Relevant

### Consultation Responses

The planning application was advertised through direct notification to local householders and by the display of a site notice. As a result of this exercise, eighteen letters of objection have been received from nearby residents, Parish Council, and 2 Ward Councillors.

Below is a summary of the comments received: -

- The applicant intends to utilise the proposed development for business use and as a consequence will introduce increased traffic hazards to the estate.
- Scale and design of proposal is not in keeping with the neighbouring properties.
- Overlooking and privacy issues.
- Loss of car parking provision as a result of the garage conversion.
- Prominent position of application site would have an overbearing impact on neighbouring properties.
- Covenant in title deeds restricts business use of properties in and around Longdean Park.
- Proposal has a detrimental impact on the setting of the street scene.

Comments were also received from Councillors Proud and May.

Councillor Proud highlighted the alleged unauthorised business use and the resultant traffic issues. In addition to this she also highlighted issues relating to the detrimental visual impact of the garage conversion, the prominent position and location of the application site, possible road safety issues as a result of the widening of the drive, and the existence of a deed of covenant restricting the business use of properties within the Longdean Park Estate.

Councillor May commented on the alleged unauthorised business use, safety/parking issues relating to the widening of the drive and that the proposal would not be in keeping with the general ambience of the estate.

DCC Highways have advised that despite increasing bedroom numbers up to 6 no. (the Temple room being a potential bedroom for a future occupier), Officers are satisfied that sufficient off-street parking will exist subject to the following condition if approved: -

'Prior to conversion of the double garage the driveway widening, depicted on the approved plan, shall be fully implemented and available for use'.

A copy of the Parish Council's comments are appended to this report.



### **Relevant Planning Policies and Considerations**

This planning application should be considered within the Policy context of HP11 of Chester-le-Street District Council's Local Plan. This Policy sets out various design criteria to which residential extensions should be considered. This Policy states extensions will not be acceptable where they are unable to meet the following criteria: -

- They would adversely effect the scale, form or character of the existing building or the locality in general
- They would cause an unacceptable loss of light or privacy for adjacent properties.

### **Impact on Design**

In general terms, the scale and design of the proposal is considered to be acceptable and in keeping with the style and character of the existing house. However, as the property is set approx. 4m further forward than neighbouring properties at 52 and 54, the visual impact is accentuated as a result of its prominent location. There is a two-metre separation distance between the side elevations of neighbours at both 52 and 54 Longdean Park.

### **Impact on adjacent residents**

Neighbours at 52 are concerned that the proposed extension above the garage would lead to loss of natural light to their main living room and also to the first floor bedroom closest to the proposed development. They are also concerned about the loss of light to a dressing room window on the side elevation adjacent to the proposed extension.

Whilst it is accepted that there will be some loss of natural light to neighbours at 52, it is officer opinion that this loss is not so significant to warrant refusal, bearing in mind the current position of the garage in relation to the main living room at 52. Neighbours at 52 have highlighted that the proposed extension above the garage would not accord with the 45degree angle guidance set down in Appendix 1 of Chester-le-Street District Council's Local Plan. However, it should be noted that this guidance is only applicable to rear extension, and that there are no such requirements applicable to front extensions.

The single storey extension to the rear will comprise of two separate components. Along the North Eastern elevation, the projection of the extended kitchen area is measured at 5m, whilst the projection of the proposed sun lounge along the South Western elevation is measured at 5.4m. Due to the location and position of the property, set forward from those to either side, the projection, design and scale of the rear extensions is considered acceptable with no detrimental impact on privacy/overlooking issues.

### **Other Issues raised**

The overwhelming majority of objections received are centred on the proposed conversion of the garage to office space and the presumption that this space is to be utilised for a business use. At the time of writing this report, the Agent acting on behalf of the applicant has verbally confirmed that his client wishes to amend this proposal to a living room, rather than office space and that written confirmation will be forthcoming.

It should be noted, however, that Planning Legislation and advice contained within PPG4 does allow for part of a domestic dwelling house to be utilised for business use, provided that the business use remains wholly ancillary to that of the residential use. Indeed, the proposal for the conversion of the garage would not require the benefit of planning permission.

Members are advised that the alleged business use is currently under investigation by the Authority's Planning Enforcement Officer, and is an altogether separate issue from this application.

### **Conclusion**

Members are advised that a number of legitimate concerns have been raised by neighbours in respect of this proposal and as a result, officers have had to maintain a fine balance in the recommendation making process for this application.

The presence of other examples of previously approved extensions above existing garages, is such that it is not felt that the proposal is out of character or scale with the existing house, or the surrounding area. Furthermore it is not considered the proposal would have such a significant impact on the amenities of adjacent occupiers to warrant refusal.

In conclusion, it is considered the proposal is generally acceptable and compliant with the provisions of Policy HP11 of Chester-le-Street District Council Local Plan, and therefore it is recommended that planning permission be granted.

### **RECOMMENDATION** CONDITIONS: -

Approve SUBJECT TO THE FOLLOWING

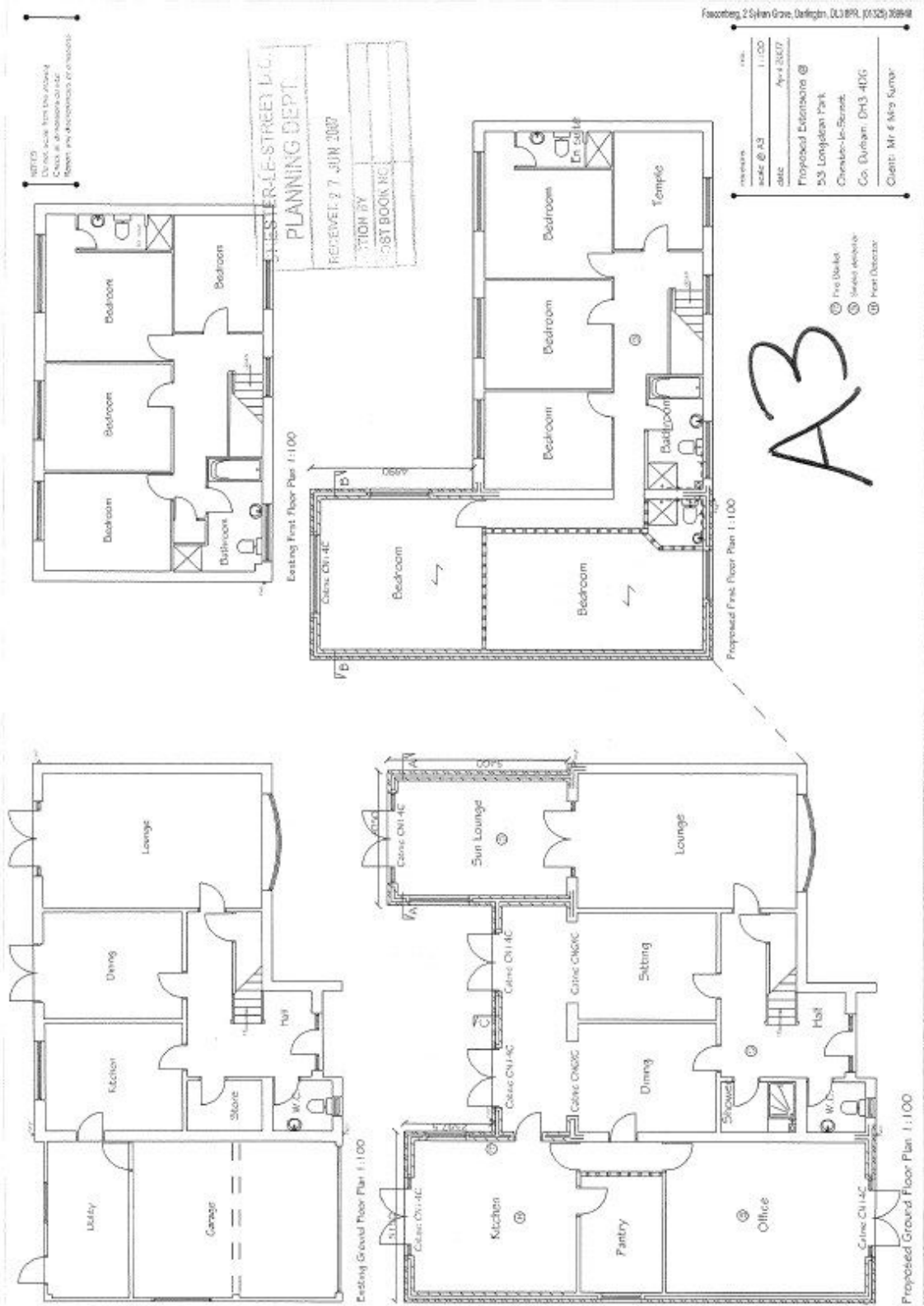
- 01A - The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).
- 01B - The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.
- 02D - That the facing materials to be used for the external walls and roofs of the development hereby approved shall match in colour and texture those materials used on the existing dwelling house to the satisfaction of this Local Planning Authority, and where such matching materials are not available samples of the materials which it is proposed to use on the development shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site. Reason - In order to ensure that the proposal does not have an adverse impact upon the scale, form, character or appearance of the building upon completion, as required by Policy HP11 of the Chester-le-Street District Local Plan.

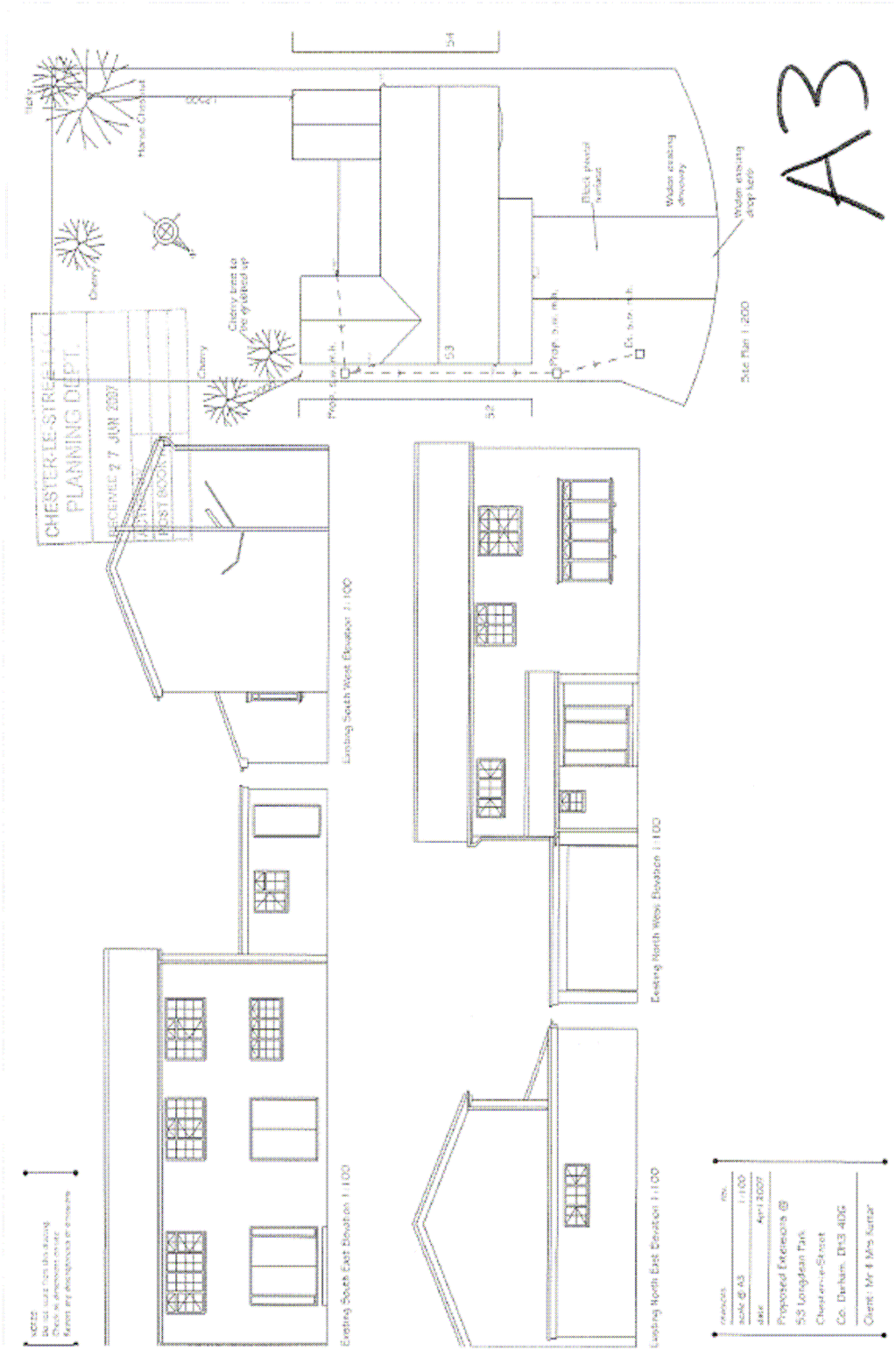
Extra 1.

That the development hereby approved shall not be used for any industrial, trade or business use, as defined within the guidelines of the Town and Country Planning Act 1990, in the interests of residential amenity in the locality.



PLANNING COMMITTEE 13 August 2007





NOTES

- 1. All work to be done in accordance with the Planning Act 2004.
- 2. All work to be done in accordance with the Building Regulations 2000.
- 3. All work to be done in accordance with the Fire Regulations 2002.

RECEIVED BY: JIM 2007

PLANNING DEPT.

13 AUGUST 2007

Proposed South East Elevation 1:100

Proposed South West Elevation 1:100

Proposed North East Elevation 1:100

Proposed North West Elevation 1:100

Scale: 1:100

Date: April 2007

Proposed Extensions @  
53 Longleat Park  
Chesham-up-Street  
Co. Durham, DN3 4DG

Client: Mr & Mrs Kumar

A3





**ITEM 3**

## District Council Development

**6.****Reference: 07/00243/NID**

**Proposal** Proposed installation of children's play area  
**Location** Land North of Hylton Terrace Pelton Chester-le-Street Durham  
**Applicant** Barrie Alderson - Leisure Services

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**Application Summary**

**Ward:** Pelton  
**Case Officer:** Sarah Bough  
**Contact Details:** 0191 387 2145

[sarahbough@chester-le-street.gov.uk](mailto:sarahbough@chester-le-street.gov.uk)

**Summary of recommendation:** The proposal would accord with the provisions of the development plan and would be acceptable having regard to all material planning considerations

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**The Proposal**

Detailed planning approval is sought for the development of a new children's play area on an area of open grassed land, to the North of Hylton Terrace, Pelton.

The proposal involves the creation of an equipped area with a range of equipment, such as swings, a spring seesaw, springer roundabout and climbing frame. The site area would measure approximately 10.5 metres by 7.5 metres and would be enclosed by a bow top fence of approximately 1.2 metres in height.

Additional justification for the proposal has also been provided with the application and which provides background to the choice of location for the proposed play area.

**Planning History**

There are no previous planning applications relating to this site.

### **Consultation Responses**

The application has been advertised by way of direct neighbour notification and by the posting of site notices. In response two letters of objection have been received and are outlined below: -

- There is already a problem with anti social behaviour involving local youths drinking alcohol and taking drugs, vandalism, litter and the use of abusive language. The introduction of a play area would attract youths and the play area would be destroyed.
- Youths would use the play area for drinking, graffiti and would vandalise the play equipment, just as has happened to the play area at the Wynd.
- The money funding this park would be better spent on funding other facilities such as the crèche and old people's club at the Community Centre.

Durham County Council, as Highway Authority, has no objections to the proposal.

At the time of writing this report the views of Durham Constabulary and the Police Architectural Liaison Officer are awaited.

### **Relevant Planning Policies and Considerations**

Policy RL1 of the Chester-le-Street Local Plan refers to the provision of sport and leisure opportunities within the District. It states that the District Council will "seek to ensure that the highest possible standards in the range, amount, distribution and quality of sport and leisure opportunities are achieved in order that all members of the community, including the disabled, may enjoy access to these opportunities". This will be achieved through improvements to existing facilities or the creation of new facilities, provided that they do not "damage the character and appearance of the locality or the amenity of neighbouring land uses.

The applicant has provided, as part of the application, additional information regarding the background to the current proposal and the choice of the application site for the proposed play area. It is stated that the application site is presently overgrown and has, in the past, been used for fly tipping and left in an unsightly condition. The proposal will allow the area to be cleared and levelled, enabling the installation of the play area which would enhance the visual appearance of the land and provide a social facility for the locality. The site for the play area has been identified through consultation involving the District Council, Parish Council, Local Residents Group and young people themselves, through the Positive Future Programme.

The objections raised regarding the choice of site and the location of the proposed children's play area relate to the potential of the proposal to create/increase instances of anti-social behaviour in close proximity to dwellings. Notwithstanding these concerns, it is considered that the proposed site, due to its proximity to houses and estate road, is felt to enjoy acceptable levels of natural surveillance, bringing those who may chose to misuse the facility into clear view from surrounding properties. The view is taken that the presence of existing residential properties should help deter anti social behaviour issues arising. Furthermore, this site will also be the subject of regular inspection as part of the Council's standard maintenance schedule. This arrangement will also ensure that any

problems in relation to vandalism/graffiti are identified and the necessary remedial work carried out.

Other Issues Raised

With regards to objector's suggestion that the money funding the play area should be used to support other community activities , this does not constitute a material planning consideration and is therefore irrelevant to the consideration of the application.

**Conclusion**

In conclusion, the proposal is considered to satisfy the terms and provisions of Policy RL1 of the Chester-le-Street District Local Plan. Notwithstanding the objections received, the proposed site for the children's play area is considered appropriate for such a facility and it is accordingly recommended that planning permission be granted.

**RECOMMENDATION**  
CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

01A - The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

01B - The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 1.

Notwithstanding the details shown on the submitted plans, the hereby approved bow top fencing around the perimeter of the children's play area shall be painted in a colour to be first agreed in writing by the Local Planning Authority prior to the commencement of any development on site, and thereafter implemented in full accordance with the agreed details, in the interests of the satisfactory appearance of the development upon completion and the provisions of Policy RL1 of the Chester-le-Street District Local Plan.



**ITEM 4** DEVELOPMENT CONTROL PERFORMANCE UPDATE  
FIRST QUARTER 2007/08

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Report Summary

**Case Officer:** Stephen Reed

**Contact Details:** 0191 387 22 12

[stephenreed@chester-le-street.gov.uk](mailto:stephenreed@chester-le-street.gov.uk)

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Introduction

The purpose of this report is to provide Members with a detailed update on the Development Control Team's performance during the first quarter of 2007/08.

The report focuses on the following areas of development control activity, having regard to Service Plan priorities: -

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

1. BVPI 109 – Speed of Decision Making

This national performance indicator assesses the time taken to determine planning applications, based on 3 separate categories as identified by Central Government. These are defined as 'major applications' (e.g. housing developments over 10 dwellings); 'minor applications' (e.g. applications for single dwellings) and 'other applications' (e.g. householder extensions).

The BVPI enjoys the highest profile nationally of all the development control performance indicators and is widely regarded as providing a good means of assessing the efficiency of the service.

The Council has displayed considerable improvements in this indicator in recent times with the service being ranked number 1 in the North East region for 'minor' and 'other' applications for years 2005/06 and 2006/07.

The results for the first quarter, in comparison to targets as set out in the Council's Corporate Plan are shown below;

<b>Application type</b>	<b>Quarter 1-3 result</b>	<b>CLS target</b>	<b>Variance</b>
Major applications	100% within 13 weeks	88%	+ 12%
Minor applications	72% within 8 weeks	92%	- 20%
Other applications	89% within 8 weeks	96%	- 7%

As the above table shows performance in relation to the major category has been most healthy during the first quarter and is on course to achieve year end target.

However the performance for the 'minor' and 'other' categories is below the targets as set out in the Corporate Plan (although above the targets set by Central Government). Clearly, whilst this is the first time performance has dipped for some time it is nevertheless regrettable. The reason for this poor performance has been down to significant staff shortages which have recently been experienced within the Development Control team, following the departure of Officers.

Members can be assured that steps are being taken to bring the Team back up to full staffing establishment and once this has occurred performance will be brought back on target.

## **2. BVPI 204 – Percentage of Planning Appeals Allowed**

This national performance indicator assesses the number of appeals allowed against the Council's decision to refuse planning permission.

It is widely regarded as providing an indication of the quality of decision-making within an Authority. However targets are not nationally set and rather all Authorities are invited to set their own, local targets.

The Council has recorded significant improvements in this indicator across the last few years with a figure of only 12% of appeals allowed being recorded for 2006/07, an improvement on the figure of 33% for 2005/06. This in turn was an improvement on a figure of 50% allowed for 2004/05

This Council's Service Plan identifies a target of less than 25% of appeals allowed (i.e. at least 75% of appeals won) for 2007/08.

During the first quarter of this year two appeal decisions were issued. One of these appeals were dismissed, with the Council's decision to refuse permission being upheld, the other was allowed. This provides for a 50% success rate during the relevant period.

Whilst this figure is below the Service Plan target Officers are mindful of the fact that performance has been worked out in relation to only 2 appeal decisions. Once further decisions are issued it is likely performance will improve.

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

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

The indicator is broken down into 2 parts; major and minor enquiries. The response target for minor enquiries (mainly in relation to house extension proposals) is to provide a full response to 90% of such enquiries within 14 days. The response target for major enquiries is to provide a full response to 90% of such enquiries within 28 days.

The figures for the first quarter show returns of 55% within target for major inquiries and 42% within target for minor inquiries.

Both these figures are significantly below the local target of 90%. Whilst this is clearly regrettable Officers are confident that performance will be improved, in line with local targets, once the present staffing difficulties are resolved and the team is fully staffed. It should also be noted that Officers have had to give lesser priority to this indicator, in favour of attempting to ensure the BVPI 109 targets were met, during the recent staffing shortages.

**4. PLL 02 % of Householder Planning Applications Determined in 8 Weeks**

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

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

The figures for the first quarter of 07/08 show a return of 90 % within 8 weeks. This is below the locally set target and again has occurred due to the present staffing difficulties within the Team.

**Recommendation**

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

**ITEM 5**

Planning General

**Naming and Numbering of Development**

**Proposed Industrial, and Warehouse plus Office units on land at Drum Industrial Estate. A development by Gladman**

The scheme is for the erection of 17no. workshop units on one part of Drum Industrial Estate and 3no. warehouse and office units on another part.

The access to the development is from roads leading off Drum Road.

The developer has requested that consideration be given to the naming and numbering of the development and has suggested

Nos. 1 – 18 (omitting no. 13) 'Lumley Court', for the workshop units and Nos. 1-3 'Drum Park' for the Warehouse with office units

Royal Mail has been contacted and has raised no objection to the naming and numbering of the development.

As the name appears appropriate I would recommend your agreement to this.

**Proposed Dwelling on former garden area adjacent Willow Brook, Woodburn Close, Bournmoor**

The proposal is for the erection of a dwelling in the garden area of Willow Brook. The dwelling is nearing completion.

The owner has requested that consideration be given to the naming of the property and has suggested the name 'Willow House'

Royal Mail has been contacted and has raised no objection to the naming and numbering of the development.

As the name appears appropriate I would recommend your agreement to this.

**Proposed Conversion of retail unit (formerly Global Video) to two retail units at Front Street, Chester-le-Street**

The proposal is for the sub division of one retail unit to provide two retail units with shop front access directly off Front Street.

The owner has requested that consideration be given to the numbering of the units and has suggested nos. 5 and 7. The existing occupied unit forming part of the same building is no.3.

As the numbering appears appropriate I would recommend your agreement to this.



**Eden Garden Nursery in the grounds of St Benet's School, St Benet's Way, Ouston**

The above nursery building has recently been built in the grounds of St Bennet's School. The post for the nursery is currently delivered directly to the school; however, the nursery is experiencing difficulty with this arrangement.

A request has been received for consideration to be given to identify the nursery with its own postal address as:  
Eden Garden Nursery, St Benet's Way, Ouston

As the name appears satisfactory I would recommend your agreement to this.



# Chester-le-Street District Council

Civic Centre, Newcastle Road, Chester-le-Street, Co. Durham DH3 3UT  
 Tel: 0191 387 1919 Fax: 0191 387 1583  
 Directorate of Development Services

2 August 2007

*List of Planning Appeals and Current Status*

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 13 August 2007

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
05/00521/COU /	Harbour House Farms	Land at Harbour House Farm/ Former Cricket Pavilion Wheatleywell Lane Plawsworth Chester-le-Street Durham	Change of use of former cricket pavilion to farm shop. Extension and alteration of existing building including improved vehicular access.	W / 08.08.2006	E:428274 N:548262	Appeal Dismissed / 29.12.2006
06/00210/TEL /	Hutchinson 3G	Highway Verge West of 11 Brandon Close Chester-le-Street Durham	Installation of 10m high slimline streetworks monopole with ancillary equipment housing.	W / 06.11.2006	E:425772 N:550062	Appeal Allowed / 20.03.2007
06/00286/ADV /	Mr Martin Stephens	Tesco Stores South Burns Chester-le-Street Durham	Installation of illuminated display panel.	W /	E:427219 N:551634	Appeal Dismissed / 23.08.2006
06/00295/VAR /	Mrs C. Marshal	17 Graythwaite Chester-le-Street Durham DH2 2UH	Application to carry out works to trees contrary to the provision of Condition 61 of permissions 93/00103 & 93/00334, to remove 1 no Sycamore tree at the rear of the property and pollard Tree 2 (Ash) at front of the property.	W / 29.12.2006	E:425826 N:551172	/ 10.05.2007

PLANNING COMMITTEE 13 August 2007

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
06/00306/FUL /	Mr N. Carris	Twizell Dykes Farm Cottage Grange Villa Chester-le-Street Durham DH2 3JZ	Demolition of existing dwelling and agricultural outbuildings, and erection of replacement dwelling.	W / 06.03.2007	E:422752 N:552000	Appeal In Progress /
06/00311/FUL /	Mr Allan Carr	4 Ouston Spring Farm Cottages Milbanke Close Ouston Chester-le-Street Durham	Two storey extension to gable of property, installation of gable roof over existing flat roof to rear and conservatory to side.	W / 25.10.2006	E:426482 N:554236	Appeal Dismissed / 14.03.2007
06/00339/FUL /	Christopher Dixon	Land Adjacent to Humbleburn Lane Stanley Blackhouse Durham	Erection of 10 box stable block and barn.	W / 28.11.2006	E:422419 N:550672	Appeal Dismissed / 14.03.2007
06/00357/OUT /	Mr G. Raw	Land to The South of 11 - 16 Edgewood Court Sacriston Durham	Outline application for development of 18 no dwellings (All matters reserved).	W / 06.12.2006	E:423807 N:547812	Appeal Dismissed / 25.04.2007

PLANNING COMMITTEE 13 August 2007

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
06/00325/FUL /	Mr M J Tinkler	12A Ellesmere Bournmoor Chester-le-Street Durham DH4 6DZ	Erection of 1.53 metre high fence and gates. (Retrospective)	W / 19.03.2007	E:430829 N:551090	Appeal In Progress /
06/00494/FUL /	Mr W. A. Lowe	Rear Garden of 2 Blind Lane Chester-le-Street Durham	Construction of detached 3 bedroomed dwelling within rear garden and new vehicular access.	W / 29.12.2006	E:427447 N:552580	Appeal Allowed / 26.04.2007
06/00570/COU /	Sightdirect Ltd	Unit 2e Drum Road Chester-le-Street Durham DH2 1AG	Proposed change of use from B2 to mixed use B2 and A1 (retrospective)	I / 15.05.2007	E:426472 N:552961	Appeal In Progress /
07/00006/FUL /	Mr & Mrs Sutherland	20 Dunstanburgh Court Woodstone Village Houghton-le-Spring DH4 6TU	Two storey rear extension to existing dwelling to form larger kitchen and additional bedroom.	W / 23.04.2007	E:430944 N:550323	Appeal In Progress /
07/00051/TEL /	O2 (UK) Ltd	Land at Waldrige Road (South West of Roundabout) Chester-le-Street Co Durham	Erection of 12.5 metre high streetworks telecommunications column with ancillary equipment.	I / 03.05.2007	E:425581 N:550413	Appeal In Progress /

PLANNING COMMITTEE 13 August 2007

**ANNELIESE HUTCHINSON  
HEAD OF PLANNING AND ENVIRONMENTAL HEALTH  
2 AUGUST 2007**



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