

Public Document Pack

05 November 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, 12th November, 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 Planning Committee held 8 October 2007 (Pages 1 - 8)
3. To Receive Declarations of Interest from Members
4. Confirmation of Speakers
5. Planning Matters (Pages 9 - 78)
Report of Head of Planning and Environmental Health

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

THE DISTRICT COUNCIL OF CHESTER-LE-STREET

Report of the Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street on Monday 8 October 2007 at 6.00pm.

PRESENT:

Councillor G K Davidson (Chairman)

Councillors:

L E W Brown	M D May
R Harrison	D L Robson
D M Holding	M Sekowski
A Humes	A Turner
W Laverick	F Wilkinson

Officers: A Hutchinson (Head of Planning and Environmental Health), S Reed (Acting Planning Services Manager), M Gibson (Planning Assistant), J Bradley (Assistant Solicitor), L Willis (Senior Legal Assistant) and D Allinson (Democratic Services Assistant)

Also in Attendance: There were also 3 members of the public in attendance.

33 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors P B Nathan and T H Harland.

34 MINUTES OF MEETING HELD 10 SEPTEMBER 2007

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 10 September 2007, copies of which had previously been circulated to each Member, be confirmed as being a correct record, subject to Councillor F Wilkinson being added to the list of attendees."

The Chairman proceeded to sign the minutes.

35 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

Councillor M D May declared a personal and prejudicial interest in Item No.2 of the planning report because the applicant is a neighbour and had discussed the application with her. She confirmed that she would therefore be leaving the Meeting when this application was considered and returning once a decision had been made.

Councillors R Harrison, D Robson and A Turner all declared a personal and prejudicial interest in item No. 3 of the planning report, as they were a friend

of the applicant. They confirmed that they would therefore be leaving the Meeting when this application was considered and returning once a decision had been made.

36 CONFIRMATION OF SPEAKERS

The Chairman referred to the list of speakers and confirmed their attendance.

37 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 Recommended Refusal

(1) Proposal: Proposed erection of 1 no dwelling on land to West of property

Location: 2 Carrowmore Road, Chester-le-Street

Applicant: Ms R Miller – Reference: 07/00396/FUL

The Acting Planning Services Manager referred to photographs in relation to this proposal, which were displayed for Members information.

He advised that since the report had been produced there had been ten letters of objection received from neighbours on the following grounds:-

- That the application will be less than the required 21metres separation standards between the front of the property and the bungalows opposite.
- Inadequate separation distances between the proposed dwelling and No.2 Carrowmore Road.
- The Local Plan advice in Appendix 1 advises that there should be a metre side path between both dwellings and the complainants have pointed out that there is only 1metre shown on the plans.
- Alleged overshadowing and right to light at No.1 Sheelin Avenue.
- That any building on the plot would be an intrusion of privacy.
- That the surrounding area was designed to be very open plan in nature with most of the corner houses having significantly large pieces of land to the side of the properties and concerns are raised that if the proposal was approved it would reduce the open space aspect to the side of the plots on the estate.
- That the house is so close to the corner of the road that this could create a traffic hazard for vehicles trying to manoeuvre around the corner.
- Construction traffic concerns at the construction phase.
- That the design of the dwelling is not in keeping with Sheelin Avenue.

- That the proposal is an inappropriate form of development in terms of the scale, character in comparison to the rest of the dwellings.
- Concern raised that the property is significantly larger than any other house on the odd side of Sheelin Avenue.
- The complaints have calculated that this proposed dwelling would be 87 square metres and it is contended that the average size of other plots on this side is only 75 square metres.
- That the dwelling would not be in keeping with Carrowmore Road as it will be set back from the front in comparison to all other properties, which are in a single straight alignment.

The Acting Planning Services Manager also advised that Durham County Council as Highways Authority had confirmed that they had no objections to the application.

Mr Richardson the applicant's representative, spoke in relation to the application.

Councillor Holding expressed concern on the following issues:

- The loss of the open aspect on the estate.
- Whether the refusal reason was sufficient enough grounds to refuse the application.
- That the application in its current form was too big and suggested the applicant should be advised to re-submit a revised application on a reduced scale.

The applicant's representative advised that the footprint of the proposal was identical to the existing property but with a larger garage.

Councillor Sekowski sought clarification on the suggested amendment to the application. The Chairman advised that the decision made at this meeting needed to be on the application as it stood in its present form.

The applicant advised that he would look at reducing the property to a three bed roomed however he felt that this would not have much bearing on the floor area.

Councillor Turner reiterated the fact that the Committee should be looking at the application in its current form and that the applicant's suggestion should have no bearing on the decision taken at the meeting he therefore proposed to move the Officer's recommendation of refusal.

Councillor Laverick spoke in relation to the open aspect of the estate, which he felt should remain for that purpose. He was therefore in agreement that the proposal should be refused.

Councillor Holding seconded Councillor Turner's proposal to move the Officer's recommendation to refuse the application. Members were in agreement with this decision.

RESOLVED: “That the recommendation of the Head of Planning and Environmental Health to refuse this application be agreed for the following reasons.

Extra 1 The proposed development would lead to an unacceptable level of overlooking and resultant loss of privacy for the occupiers of the adjacent property, No1 Carrowmore Road, contrary to the provisions of Policy HP9 of the Chester-le-Street Local Plan.”

(B) District Matters Recommended Approval

Prior to consideration of the following item Councillor M D May declared a personal and prejudicial interest and left the Meeting.

The Acting Planning Services Manager referred to photographs in relation to this proposal, which were displayed for Members information.

(2) Proposal: Erection of 12 no town houses with associated works

Location: Pelaw Grange Cottage North Road, Chester-le-Street

Applicant: Mr E Healer – Reference 07/00333/FUL

Councillor Brown spoke in relation to the history of the site and advised that he had no objections to the proposal; therefore he proposed to move the Officer’s recommendation to approve the application.

Councillor Turner advised that he also had no objection to this proposal, however he sought clarification on the acoustic report that was expected to be prepared for this application. The Acting Planning Services Manager advised that when the decision was made at a previous planning committee in May 2006 to approve the application, the Environmental Health Team had confirmed that there would not be any objection to the proposal in principle, although they had requested that extra condition 3 be applied to any approval which would control the type of glazing to be installed.

Councillor Sekowski sought clarification on page 7 of the report in relation to the Section 106 Agreement and Condition Extra 1 in the report. The Acting Planning Services Manager explained that the money would have to be spent on any dedicated off site leisure/recreation provision within the North Lodge Ward.

Councillor Humes seconded Councillor Brown’s proposal to move the Officer’s recommendation of conditional approval. Members were in agreement with this decision.

RESOLVED: “That the recommendation of the Head of Planning and Environmental Health for approval in respect of the application be agreed, 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.

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 development) 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.

10B 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 6IN; of the Chester-le-Street District Local Plan.

61 No trees shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees removed without such consent or dying, or being severely damaged, or becoming severely diseased shall be replaced with trees of such size and species as may be agreed with

this Local Planning Authority, in order to safeguard the life of the trees in the interests of visual amenity.

61A Any existing trees identified within the development site boundary which it is proposed/ required to be retained, shall be protected by a chestnut paling, or similar protective fence or barrier, to the satisfaction of the Local Planning Authority and in accordance with the provisions of BS3998, in order to ensure that building materials, plant and machinery are not stored around the base of the tree, in the interests of the long term health and well-being of the tree and in the interests of visual amenity.

65 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) any external alterations to the dwelling (except painting and repairs) and any development within the curtilage of the dwelling (ie development permitted under Schedule 2, Part 1 (Class A-H inc.) and Part 2 (Class A) of the Town and Country Planning (General Permitted Development) Order 1995 shall require the benefit of planning permission in order to ensure the satisfactory appearance of the development upon completion and in the interests of visual and residential amenity.

Extra 1: 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 HP9 and RL 5 of the Local Plan.

Extra 2: The stone boundary wall along the western boundary of the application site shall be retained and thereafter safeguarded in perpetuity, in the interests of visual amenity and the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Extra 3: Prior to the commencement of the development hereby approved an independent acoustic report shall be submitted to provide a full assessment of ambient noise levels within this site. This report shall also include a scheme for protecting the proposed dwellings from noise from both the adjacent road and the BOC plant, which shall be submitted to, and approved by the Local Planning Authority prior to the commencement of any development on site. Thereafter, all works required by the report shall be fully completed prior to the occupation of any of the proposed dwelling units in the interests of residential amenity and the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Extra 4: No development shall take place until an agreed programme of archaeological works has been submitted to and agreed in writing by the Local Planning Authority in order to ensure the development pays due regard to the archaeological potential of the site and to accord with the aims of Policy BE12 of the Chester-le-Street Local Plan.”

At this point Councillor May returned to the Meeting.

Prior to consideration of the following item, clarification was sought from Members on whether they should be declaring an interest in this item, which was confirmed by the Assistant Solicitor.

Councillors Harrison, Robson and Turner declared their personal and prejudicial interest and left the meeting.

(3) Proposal: Proposed erection of conservatory to rear elevation

Location: 33 Deneside, Sacriston

Applicant: Mr and Mrs Turnbull – Reference: 07/00367/FUL

Councillor Humes proposed to move the Officer’s recommendation of conditional approval, which was seconded by Councillor Wilkinson. Members were in agreement with this decision.

RESOLVED: “That the recommendation of the Head of Planning and Environmental Health for approval in respect of the application be agreed, 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.

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 in the side elevation of the conservatory, facing onto the common boundary with No 31 Deneside, shall be fitted with 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.

At this point Councillors Harrison, Robson and Turner returned to the Meeting.

38 CODE OF GOOD PRACTICE FOR DEVELOPMENT CONTROL

The Head of Planning and Environmental Health briefed Members on the report, which was to seek Members agreement to the Code of Good Practice for Development Control and to request endorsement for it to be sent to Standards Committee and then Council for approval.

The Chairman welcomed this report and gave Members an introduction to the document. The Head of Planning and Environmental Health advised that this document had been produced to complement the Members Code of Conduct and to set out a guide to Members in dealing with planning. It applied to all Members of the Council who may be involved in planning and development with special advice for Members of Planning Committee.

The Chairman spoke in particular on Appendix 3 of the report and asked for further clarification to be added in relation to the code of conduct for site visits.

Councillor Humes proposed to move the Officer's recommendation in the report, which was seconded by Councillor Brown.

The Chairman gave thanks to the Head of Planning and Environmental Health for producing this report.

RESOLVED: "That the Code of Good Practice for Development Control be endorsed and recommended to be reported to Standards Committee and then Council with a view to approving and adopting the Code as appended to the report, subject to the amendments to Appendix 3 as discussed."

The Meeting terminated at 6.40pm.

REPORT OF THE PLANNING SERVICES MANAGER**ITEM1**

District Matters Recommended Refusal

1.

Reference: 07/00389/FUL

Proposal Demolition of car showroom & workshop and erection of 12 no apartments & associated works

Location Johnsons Garage 3 Newcastle Road Chester-le-Street Durham DH3 3TJ

Applicant Mr J. Johnson

Application Summary

Case Officer: Stephen Reed

Contact Details: 0191 387 2212

stephenreed@chester-le-street.gov.uk

Summary of Reason for Recommendation: The proposal comprises an unacceptable form of development which would be harmful to acknowledged planning considerations, including of particular importance the character and appearance of the area and highway safety

The Proposal

This report relates to a full application for the erection of 12 number apartments on land comprising the Johnson's garage site, 3 Newcastle Road, Chester-le-Street.

The proposed dwellings would be arranged largely in a linear block, standing between 2 and half storeys and 3 storeys in height, fronting onto Newcastle Road. A second block runs to the rear, standing 2 storeys in height. Access is shown via a proposed one way system, entering along Pelaw Bank and exiting onto Newcastle Road. Some 18 parking bays are shown to the rear, to serve the proposed development.

The surrounding land uses are predominantly residential, although a community centre exists to the immediate South and the Civic Centre is situated across Newcastle Road to the East.

Relevant Planning History

The Council's Planning Register reveals several applications for development associated with the existing car showroom premises.

Consultation Responses

Durham County Council as Highways Authority for the area object to the proposal on the grounds that it will introduce additional traffic into the substandard road known as Hillside to the rear of the application site. It is noted that this road is presently narrow, whereby two vehicles can only pass with difficulty. No objections are raised to the proposed one way system off Pelaw Bank. In addition no objections are raised to the proposed vehicle exiting arrangements onto Newcastle Road.

The Council's Arboricultural Officer advises that the development will not cause any adverse impacts on trees situated close to the development site, subject to these trees being protected during the construction phase.

The Design and Conservation Officer at Durham County Council comments;

'The proposed building is very ordinary and could be anywhere. In my view it would make a neutral contribution to the street, which is not good enough for this important site. There are excellent buildings on either side from which some design clues could be taken and features enhanced, to create a more noteworthy development. In particular;

- The building is bland
- The windows are poorly proportioned with many having panes of glass with a horizontal emphasis
- The bay windows are very weak features
- The front doors are also weak with no entrance features that would add significance.
- There is too much reliance on dormer windows. These are not generally a feature of this street and should be avoided.
- The front of the building is on a single plane allowing for no depth and shade or good division between the building blocks.
- The roofs are bland'

The Archaeology Officer at Durham County Council advises that the site lies within an area of known archaeological importance (archaeological remains having been found during the construction of other recent developments in the surrounding area). As a result of this it is advised that the applicants should submit an archaeological desk based assessment of the site in order to enable the Council to determine what level of mitigation / further investigations will be required.

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

Durham Constabulary provide advice in relation to secured by design principles.

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

The application has been advertised by way of site and press notice and direct consultation with surrounding occupiers. In response five letters of objection have been received. Objections are raised on the following grounds;

- The proposals would lead to additional congestion along Hillside to the rear of the site
- It is requested that the road to the rear of the application site (which it is advised is owned by Chester-le-Street District Council) is widened as part of the development.
- Concern is raised that the applicant does not own all of the application site
- It is contended that there are existing private Rights of Way, contained in relevant conveyancing documentation, which might affect the proposal.
- Concern is raised about road safety implications on the grounds that the application will increase traffic exiting out onto Newcastle Road.
- It is requested that if planning permission is granted that all contractors vehicles should be made to park in a nearby car park; that noise and dust should be kept to a minimum; that vehicular access along Hillside must be kept clear at all times;

Relevant Planning Policies and Considerations

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

County Durham Structure Plan

Policy 3 of the Structure Plan advises that the location of new development should be well related to the County's main towns. The reasoning behind this policy is essentially to ensure that new housing development is located within sustainable locations, being well related to existing towns and transport infrastructure, and also to ensure that priority is given to the redevelopment of derelict or redundant sites.

In assessing the proposal against this relevant Structure Plan Policy it is considered that it is acceptable in principle. The proposed site is located within the existing urban framework of Chester-le-Street town and is situated in a location, which will reduce the need to travel by private car, being close to existing town centre amenities and public transport facilities. Furthermore, the site falls within the definition of previously developed land as it currently houses a commercial garage and showroom facility, with associated hard standing.

Chester-le-Street Local Plan

Policy HP6 of the Local Plan provides relevant advice on the subject of residential development within boundaries of settlements including Chester-le-Street. The Policy advises that proposals will be considered acceptable in principle provided the site comprises previously developed land and that the detailed criteria contained in Policy HP9 and any other relevant policies are met. As the application site clearly falls within the definition of previously developed land then the first leg of the requirements of Policy HP 6 are met.

Policy HP9 of the Local Plan requires residential development to meet a number of detailed design criteria. Of particular relevance to this proposal are the requirements that proposals must relate well to the character of the surrounding area - respecting its predominant character, street pattern and density; provide adequate privacy to both proposed and existing adjacent residents; provide convenient and safe access; provide adequate open space for children's play, and, provide for safe access arrangements.

Policy BE 2 of the Local Plan requires development in excess of £500,000 to provide 1% of development costs for public artwork.

Policy RL 5 of the Local Plan requires new residential development proposals to provide for the provision of recreational space (by either on site facilities or commuted sums to be spent elsewhere within the locality).

National advice detailed in Planning Policy Guidance Note 16 – 'Archaeology and Planning' provides Central Government advice in respect to the planning systems role in preserving potential archaeological interests.

In assessing the proposals against the requirements of the relevant national and Local Plan Policies as detailed above, and taking into account all relevant material planning considerations, including an appraisal of the comments received as part of the consultation exercise carried out, it is considered the following areas of the proposal require particularly careful assessment;

Highway Safety

As will be noted from the Consultation Response section above Durham County Council as Highways Authority for the area have raised objections to the proposal on the grounds that the road to the rear, Hillside, is inadequate (by reason of substandard width) to serve the additional amount of traffic that will be generated by the development. It is considered that the additional traffic the development would generate would be likely to lead to problems of congestion in the locality.

Accordingly it is considered the proposals fail to comply with the aims of Policies HP 9 and T15 of the Local Plan, which seek to ensure that new development proposals do not give rise to conditions which would be prejudicial to highway safety, and the free flow of vehicular traffic.

Scale / Massing of Development & Design Issues

Policy HP 9 of the Local Plan requires new development to respect the character of the surrounding area. In addition the need for good design is now placed at the heart of the planning system through Central Government advice detailed principally in Planning Policy Statement 1 and Planning Policy Statement 3.

This particular site also enjoys a very sensitive location, being situated adjacent to the Town Centre Conservation Area, and positioned along one of the primary transport routes into Chester-le-Street Town.

Taken against this established need for high quality design, it is considered that the proposals, as presented, fall some distance short of what the site deserves. As will be noted by the comments received from the Design Team at Durham County Council the general design solution proposed is considered of poor quality and as such is not considered acceptable for the location.

In particular the 3 storey form of development proposed is considered to be at odds with the prevailing 2 storey form of development found elsewhere along this stretch of Newcastle Road. As a result it is considered that the elevations would dominate the street and appear out of context with the area.

In addition to this the general design solution proposed is considered weak, as it pays little attention to the desirable design features found elsewhere along Newcastle Road (such as bay windows, chimney pots, door / window design for example).

In summarising the design / massing attributes of the scheme it is considered the development, as presented, is ordinary and pays little attention to the particular circumstances of the site and the wider locality. As such the proposals would be harmful to the character of the street scene, and wider visual amenity of the area. This arrangement is contrary to one of the key themes on both up to date national planning policy advice and that detailed in Local Plan Policy HP9.

Privacy / Residential Amenity

Policy HP 9 requires new residential development to respect the amenities of existing surrounding occupiers.

In this respect concern is raised about units 9 / 10 which are proposed to the rear of the site. These units would directly overlook the rear garden area of number 5 Newcastle Road, an arrangement which would be detrimental to their privacy and also give rise to a perception of over dominance.

In addition it is considered that the occupiers of the proposed units 9 / 10 would fail to be provided with any reasonable amount of amenity / outlook. These units are positioned to the rear of the site with main habitable windows facing north – south, onto the community centre to the rear and the rear garden area of 5 Newcastle Road to the front. This arrangement is considered unsatisfactory as it would not provide the occupiers of these units with a proper frontage and outlook.

Open Space / Children's Play Space.

Policy RL5 of the Local Plan requires new recreation space to be provided for as part of new residential development proposals. In this regard the application as proposed shows no meaningful outdoor amenity space as part of the development.

As Members will be aware in many other instances of similar sized proposals the Council has requested developers enter into Agreement under Section 106 of the Town and Country Planning Act (as amended) to provide for a commuted sum to be paid in place of dedicated on site provision.

However in this instance, and despite the agent for the scheme being invited to consider this potential by Officers, the development as presented provides neither the requisite amount of on site recreational space, nor has the developer indicated his willingness to enter into any 106 Agreement.

Accordingly the view is taken that the application should be considered on the basis of how it was submitted. As this does not include the requisite amount of on site provision, nor does it make arrangements for any 106 Agreement to secure off site enhancements it should be concluded that the application fails to comply with the requirements of Policy RL 5 of the Local Plan as it does not make arrangements for appropriate recreational space.

Public Artwork

Members will also be aware that Policy BE 2 of the Local Plan requires developers to devote 1% of construction costs for major development proposals to public artworks.

In many instances developer's obligations in this respect are also dealt with by Agreement under Section 106. However, and as with the issue of recreational space as discussed above, the developer has not provided details as to how the aims of this Policy would be addressed as part of the planning application.

Accordingly it has to be concluded that the application fails to comply with the requirements of Policy BE 2 of the Local Plan as it does not make arrangements for appropriate public artwork.

Archaeology

Planning Policy Guidance Note 16 advises that a proposed developments impact on known or suspected archaeological interest can be a material planning consideration.

In recognition of this, and in the knowledge that previous development proposals in the vicinity to the application site have revealed issues of archaeological interest, consultations have been carried out with the Archaeological Officer at Durham County Council.

As will be noted from the representation section above, the Archaeological Officer has recommended that the appropriate pre-determination survey be carried out.

Despite requests being made by Officers for such a report to be commissioned no such documentation has been submitted to assist in the determination of the application. PPG 16 advises that in such instances applications may be refused on the grounds that applicants have failed to discharge their obligations to satisfy the Local Planning Authority that the development will not lead to irrevocable harm to interests of archaeological importance.

Other Issues Raised

Members will note that objections have been received on the grounds of the development allegedly impacting on private rights of access and that the applicant allegedly does not own all the land.

With respect to the issue of the alleged private right of access, this is a civil matter, which would need to be resolved between the developer and the party claiming any such right. It is not a material planning consideration, which could be taken into account in the determination of the planning application.

In relation to the land ownership issue the applicants have made the appropriate declaration as part of the planning application to certify they own the land. Despite the objection, as noted, no evidence has been submitted to Officers which would indicate that the applicant's statement in this regard is not correct and as such there are no grounds to invalidate the application.

Conclusion

In conclusion, having regard to the above, it is considered that whilst residential development may be acceptable in principle on the land, the detailed proposals as presented are wholly unacceptable when assessed against the provisions of the development plan and to all material planning considerations.

Furthermore the development would cause demonstrable harm to a number of interests of acknowledged planning importance, including of particular significance the character and appearance of the area and interests of highway safety

Accordingly it is recommended that planning permission be refused.

RECOMMENDATION

Refuse FOR THE FOLLOWING REASONS: -

Extra 1.

The proposal, by way of inappropriate scale, massing and detailed design solution, would provide for a form of development that would be incongruous within the street scene and as such would be detrimental to the visual amenity of the wider locality, contrary to the aims of PPS 1 and PPS 3 and Policy HP 9 of the Chester-le-Street Local Plan.

Extra 2.

The proposal comprises a form of development, which would be harmful to the amenities of surrounding residential occupiers by way of undue overlooking and overbearing impact, contrary to the aims of Policy HP 9 of the Chester-le-Street Local Plan

Extra 3.

The proposal would provide for an inadequate outlook and resulting daylight for proposed occupiers, contrary to the aims of Policy HP 9 of the Chester-le-Street Local Plan

Extra 4.

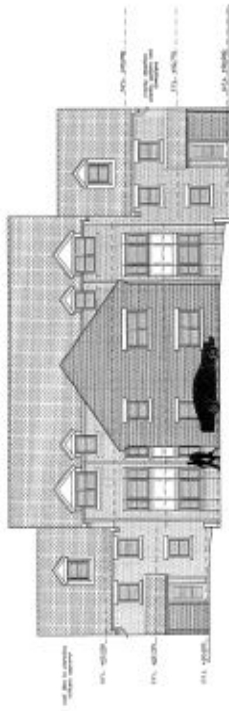
The proposal fails to provide for adequate recreational open space contrary to the aims of Policy RL 5 of the Chester-le-Street Local Plan

Extra 5.

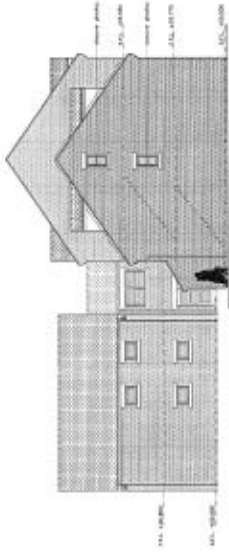
The proposal fails to provide for adequate public art work contrary to the aims of Policy BE 2 of the Chester-le-Street Local Plan

Extra 6.

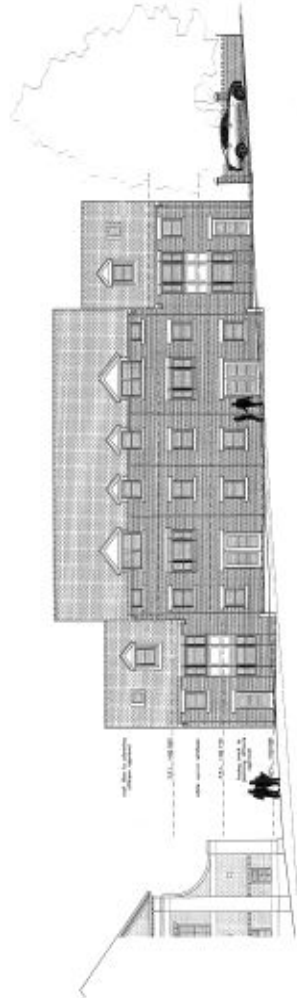
The proposal has failed to demonstrate that it would not lead to irreversible harm to interests of archaeological importance contrary to the aims of Planning Policy Guidance Note 16.



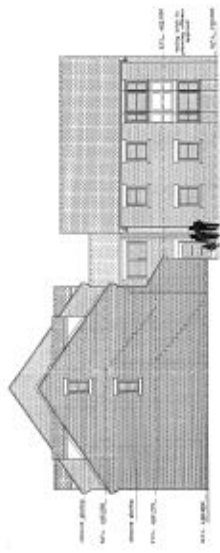
WEST ELEVATION
PROPOSED scale 1:100



SOUTH ELEVATION
PROPOSED scale 1:100



EAST ELEVATION
PROPOSED scale 1:100



NORTH ELEVATION
PROPOSED scale 1:100

CHESTER-LE-STREET D.C.
 PLANNING DEPT.
 RECEIVED 11 SEP 2007
 2007 00042

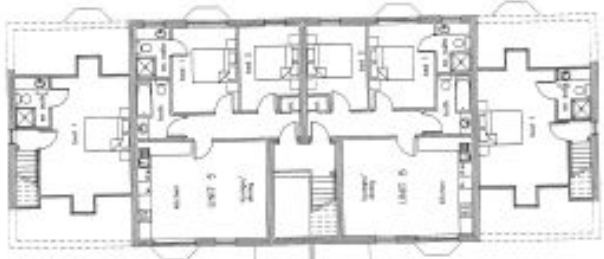
Proposed Building, Development
 NEWCASTLE ROAD, CHESTER-LE-STREET
 For Mr. J. JARVIS
 EXISTING ELEVATION 1:100
 PROPOSED ELEVATIONS 1:100

Date: 12/06/07 P.N. Checked: JED 78999/03

Drawn: JED
 Scale: 1:100
 Project: 78999/03

In the event of a change of circumstances, the client is responsible for the validity of the information provided. The architect is not responsible for the accuracy of the information provided.

JED
 JED



SECOND FLOOR PLAN
PROPOSED scale 1:100



FIRST FLOOR PLAN
PROPOSED scale 1:100



GROUND FLOOR PLAN
PROPOSED scale 1:100

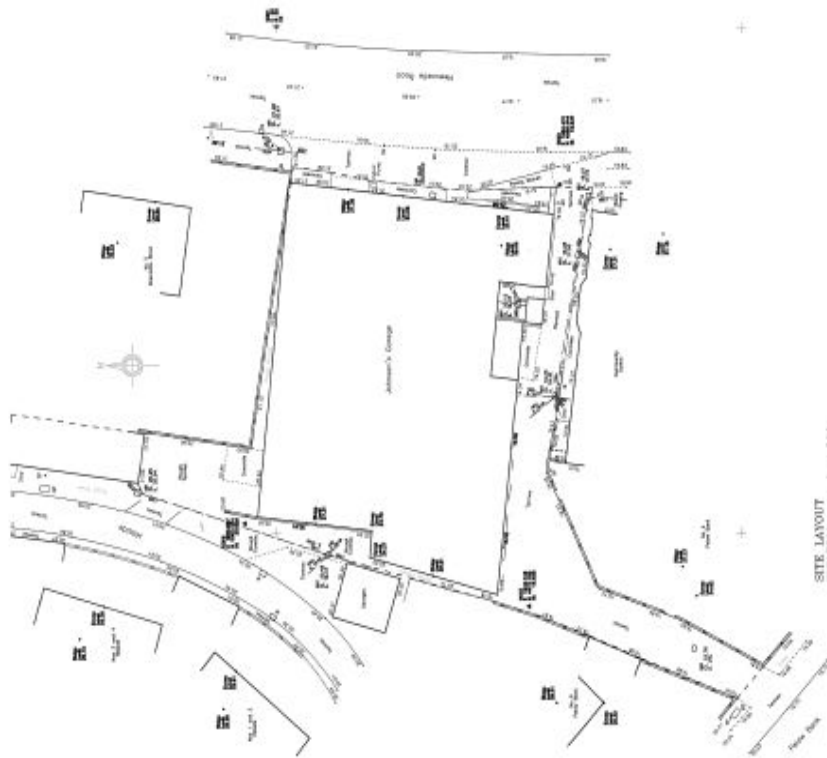
CHRYSTER IS STREET DC
PLANNING DEPT.
PO BOX 65 101 0P
DUBLIN 1
TEL: 01 708 1234

11A

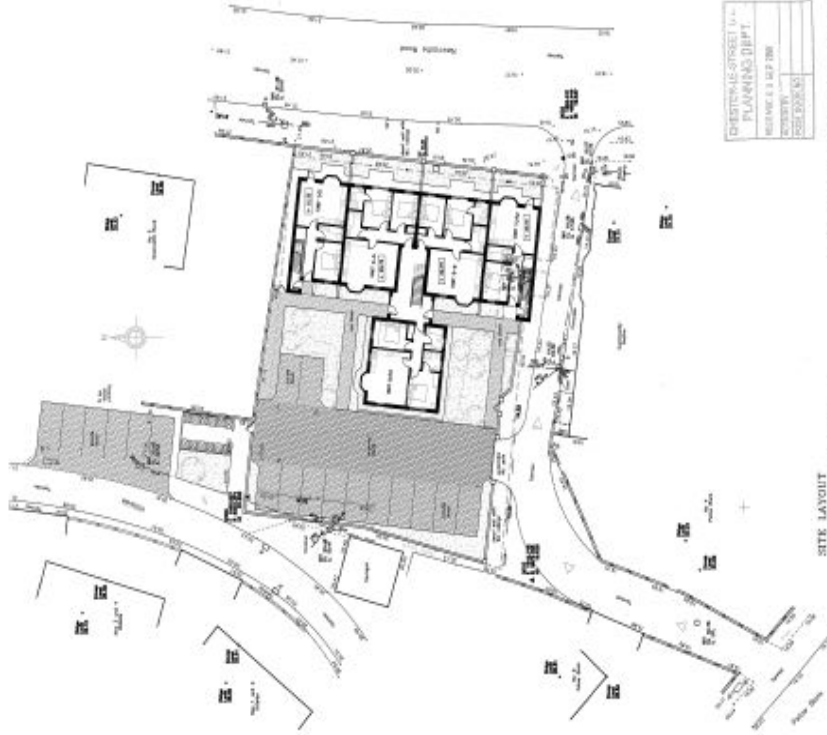
Do not sign, seal, stamp or otherwise mark this drawing until you are satisfied that it is your work and that you have the necessary authority to do so.

PROPOSED RESIDENTIAL DEVELOPMENT
NEWCASTLE ROAD CHRYSTER IS STREET
DUBLIN 1
FLOOR PLANS

DATE	DRAWN	CHECKED	NO.
13/06/07	AM	AM	7899/02



SITE LAYOUT
EXISTING scale 1:500



SITE LAYOUT
PROPOSED scale 1:500

CHRISTMAS STREET 11-13
PLANNING DEPT.
RESUBMIT DATE 2007
PROJECT NO. 2007/000/01

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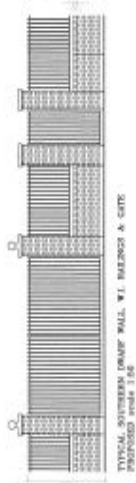
PROPOSED RESIDENTIAL DEVELOPMENT
 11-13 CHRISTMAS STREET
 NO. 11 & 13, JOHNSON

EXISTING SITE LAYOUT 1:500
 PROPOSED SOUTHERN DRAIN WALL 1:50
 PROPOSED EASTERN DRAIN WALL 1:50
 PROPOSED EASTERN DRAIN WALL 1:50
 PROPOSED EASTERN DRAIN WALL 1:50

DATE: 21/08/07
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

7899/01

1. 1:500 SITE LAYOUT
 2. 1:500 SITE LAYOUT
 3. 1:500 SITE LAYOUT
 4. 1:500 SITE LAYOUT



ARCHITECT
 [Logo]
 11-13 CHRISTMAS STREET
 JOHNSON
 011 833 1111
 11-13 CHRISTMAS STREET
 JOHNSON

ITEM 2

District Matters Recommended Approval

2.**Reference: 05/00437/FUL**

Proposal Conversion of existing buildings to office space and creation of 4 no apartments, formation of associated car parking, access and ancillary works.

Location The Lambton Stables/ Byers Cottage Lambton Park Chester-le-Street Durham

Applicant The Lambton Estate

Application Summary

Case Officer: Sarah Bough

Contact Details: 0191 387 2145

sarahbough@chester-le-street.gov.uk

Summary of Reason for Recommendation: The proposed conversion works, which secure the long term use of these Listed Buildings, is considered to comply with relevant National and Local Plan Policies and having considered all material planning considerations, is deemed to represent an acceptable form of development.

The Proposal

Detailed planning approval is sought to convert the existing buildings to office space and for the creation of 4 apartments together with the formation of associated car parking, access and ancillary works at this range of buildings located with Lambton Estate. The location of these properties is illustrated on the attached location plan. This application should be considered in conjunction with Application 07/00439/LBC, which seeks Listed Building consent for works to alter the structure of the listed buildings within this site. This application is reported elsewhere on this agenda.

The Stable Courtyard building is a quadrangle building comprising a mix of single and two storey buildings. This range of buildings has been constructed in stone and brick with slate roofs. The architectural detailing of these buildings is considered to be far superior to those of the other buildings with the estate, a factor acknowledged by their ' Grade II Listed' status. Of particular merit is the western entrance archway, which includes a

carved family crest. The quadrangle also includes a carriage house set diagonally to the main buildings. Beyond the main stable range to the east lies Byre Cottage, which is in residential use, and the former dairy building.

It is proposed to convert the existing quadrangle buildings into seven office suites. The gross floor area of the suites would vary from between 110 - 217 square metres and would provide a total of 1065 square metres. It is also proposed to form four apartments at first floor level above the western and southern archways into the quadrangle. The central carriage building would be converted to form three meeting rooms.

The existing property at Byre Cottage would be retained and the existing range of outbuildings are to be converted to form a total of five offices with a gross floor area ranging from between 72 -124 square metres.

It is proposed to restrict internal access within the quadrangle to pedestrian access only with car parking areas being laid out south and east of the main block. Vehicular access to the site would be taken from the existing but infrequently used gateway off Bonemill Lane. It is also proposed to construct a car parking area on hardstanding immediately to the east of The Stables and to create an additional car parking area within an area of woodland plantation immediately to the south of The Stables building.

Consultation Responses

The agents have stated that, "this application has been submitted by Rural Solutions, acting on behalf of Lambton Estates. This company has concentrates on rural regeneration projects and specialises in the preservation and re-use of rural buildings by the identification and provision of uses compatible with the structure, form and location of the subject site.

The key objectives of this scheme were to

- To preserve, refurbish and re-use these important buildings
- To find new uses which are both viable and respect the integrity of the buildings and Estate
- To provide a diversification opportunity for the Estate as the traditional role for Lambton continues to alter
- To create an employment use which will benefit not only the Estate but also the wider local economy

The proposed conversion works have been sensitively designed so that the existing cross walls within the building and external openings are all respected and retained in their original form. New openings have been introduced sparingly to the north and east facade and the design and form of these exactly matches those already found in the building. This proposal would include the careful repair and consolidation of all existing fabric of the buildings.

It is proposed that the use of the four apartments be intrinsically linked with the proposed offices to be created within this proposal. As such, residents would live and work in this unique a high quality environment. Research compiled by the agent has shown that this approach is highly attractive to the business community."

Because of the nature of this application, which involves the conversion of this historic range of listed farm buildings, extensive consultation has been undertaken with a number of Consultees, the comments received in response to these consultations are summarised below: -

Initial concern was raised by both Natural England (formerly English Nature) and Durham Bat Group regarding the lack of detail provided regarding the proposed conversion works including the failure to provide a detailed bat survey of the existing buildings in September 2005. Following the submission of a revised bat survey in January 2007 Natural England have confirmed that, based on the information provided, the proposal is unlikely to have an adverse affect in respect of protected species subject to the development being carried out in accordance with mitigation details provided within the protected species report and the associated plans.

Following the submission of the additional bat report, Durham Bat Group remain concerned that the bat survey report does not adequately demonstrate how the development can be achieved without disturbing and damaging the roosts.

English Heritage were contacted regarding this proposal on the basis of the Listed status of this building, however, they have raised no objection regarding this application.

The Design and Conservation Officer of Durham County Council has provided a detailed assessment of the submitted scheme. She has confirmed that two 'Listed' structures are associated with this application. The Stone centre piece of the former stable block and the piers, wall and gates serving the proposal site via Bonemill Lane, are both Grade II Listed structures. In summary, it was felt that this scheme 'is a good proposal making use of the buildings in a sympathetic way. Workspace is generally favoured over conversion to residential use because of the reduced need to make changes to the buildings'. It has, however, been requested that the style of the proposed doors be altered so that these are more in keeping with those on the courtyard building and that all works of repair are agreed in writing prior to the commencement of works.

The Highways Section of Durham County Council commented upon the initial scheme and did not raise any objection to the proposal other than to comment that the number of car parking spaces proposed appeared to be unduly high, even accepting this rural location. In response to these concerns the number of car parking spaces proposed has been reduced from 94 to 55 spaces, a level which accords with Durham County Council's parking and accessibility standards.

The Policy Officer of Durham County Council has acknowledged that the application site is located within the North Durham Green Belt and the Area of High Landscape Value. It is stated that the re-use of existing buildings would be appropriate provided that this does not have a materially greater impact on the green belt than the present use. It is felt that this proposal would 'provide a good solution to the reuse of attractive and important buildings'. Other comment was made regarding the need to ensure that the proposals maintain and enhance landscape quality of this area. It was also pointed out that pedestrian, cycle and public transport accessibility measures are incorporated as an integral part of the design and layout and that car parking provision should be limited to

that necessary to ensure the safe and efficient operation of the development, in order to encourage the use of other forms of transport.

Regeneration (Technical section) has raised no comments regarding this proposal.

The Regeneration Manager is in support of the proposed development stating that the proposal will contribute to the provision of employment uses within Chester-le-Street and to the wider regeneration of the area, in line with the Councils regeneration strategy.

Northumbrian Water has no objections or comments to make regarding this proposal.

City of Sunderland, who were consulted on this application as a neighbouring Planning Authority, have raised no objection regarding this proposal.

The application has been advertised by way of a site notice and the publishing of a Pres Notice. No objections have been received to the proposal.

Relevant Planning Policies and Considerations

Authorities are required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.

Accordingly, having regard to this statutory duty, it is considered that the impact of the proposed development on the character and setting of the listed buildings which are present within the site is the primary material consideration raised by the development

There are a number of National, Regional and Local Plan Policies, which are of relevance to the assessment of this application.

National Planning Policy

Planning Policy Guidance Note 2 - Green Belts states that with suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there. It can help to secure the continuing stewardship of land and may contribute to the objectives for the use of land in Green Belts. The alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction.

The re-use of buildings inside a Green Belt is not inappropriate development providing:

- It does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
- Strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);

- The buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and
- The form, bulk and general design of the buildings are in keeping with their surroundings.

Planning Policy Statement 7 - Sustainable Development in Rural Areas provides guidance on the reuse of rural buildings, amongst other things. The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. It is considered that the following points are of relevance: -

- The potential impact on the countryside/ landscape and wildlife;
- The suitability of the buildings for re-use;
- The need to preserve buildings of historic or architectural importance or interest, or which otherwise contribute to local character.

Planning Policy Guidance Note 15 - Planning and the Historic Environment provides guidance on, amongst other things, development involving Listed Buildings. In assessing an application affecting a Listed Building, regard should be had to the following: -

- The importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms
- The particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the list
- The building's setting and its contribution to the local scene, which may be very important, e.g. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby;
- The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment.

Planning Policy Statement 9 - Biodiversity and Geological Conservation, requires amongst other things, that protected species, such as bats, be protected from the adverse effects of development, is also considered to be of relevance.

Regional Planning Policy

The Regional Spatial Strategy (RSS) sets out a long-term planning strategy for the spatial development of the North East Region of England. The RSS is part of the statutory Development Plan. It is now at an advanced stage, prior to formal adoption, and accordingly significant weight should now be given to Policies within the RSS. Of particular relevance to the assessment of this application is Policy 8 - Rural Areas. This Policy requires that planning proposals should support the development of a vibrant rural economy that makes a positive contribution to regional prosperity, whilst protecting the region's environmental assets from inappropriate development. This should be achieved by ensuring, amongst other things: -

- Capitalising on the key opportunities the environment provides for a range of employment uses and
- Encouraging an appropriate scale of development that is sufficient to sustain settlements and a vibrant rural economy

Chester-le-Street Local Plan

Policy NE4 - Appropriate Development in the Green Belt, advises that the reuse or conversion of buildings within the Green Belt will be acceptable providing that there would be no materially greater impact on the openness of the Green Belt

NE6 - Development affecting visual amenity of the Green Belt - stipulates that development within, or conspicuous from, the Green Belt will not be granted where the proposal would, by virtue of it's scale, siting, materials or design be detrimental to the visual amenity of the Green Belt.

Policy HP9 - Residential Design Criteria - This policy, together with Appendix 1, set out a number of detailed criteria to which new residential developments should adhere. As part of the proposal includes the conversion of part of the building to provide 4No residential units, the provisions of the Policy are deemed of relevance.

Policy BE9 - Historic Parks and Gardens stipulates that development within the designated Historic Park of Lambton Castle will only be permitted where it can be demonstrated that the proposal would conserve or enhance the special and historic landscape value of the area.

Having regard to the requirements of the national, regional and local policy advice as detailed above, it is considered that the following factors comprise the principal areas for assessment: -

Impact upon Green Belt and Historic Park and Garden

The key consideration in this matter is that this proposal involves the re-use of existing buildings in the Green Belt and open countryside, which although capable of conversion are underused. The Government's policy, as set out in Planning Policy Statement 7 is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. The re-use for economic development/employment purposes is the preferred option for such buildings, although residential conversion may also prove acceptable.

The sensitive conversion of these buildings, as proposed in this case, would safeguard their long-term future without compromising the character or appearance of either the North Durham Green Belt or this Historic Park and Garden. In fact, it is felt that the re-use of these buildings for high quality business use would lead to further improvements and enhancement to the surrounding parkland setting. Members will note that this view is supported by Durham County Council's Conservation and Design Officer and English Heritage.

With the exception of the additional car parking area, which is to be located within an existing plantation to the south of the Stable buildings, all of the proposed works are located within the curtilage of the existing buildings. It should also be noted that the additional area of car parking to the south would be concealed within an area of existing tree cover. This would, it is considered ensure that the landscape setting and openness of the Green Belt would not be compromised.

It is considered that the development of a small-scale employment generating development in this location will help to provide economic and employment opportunities in the area and promote rural development. The promotion of economic activity within the countryside contributes to the provision of jobs, can support other local services and help to maintain a viable local community.

Bearing in mind the above, it is considered that the proposal would comply with the aims of PPG2, PPS7 and Local Plan Policies NE4, NE6 and BE9

Impact upon Listed Buildings

This conversion scheme has been sensitively designed to minimise any external changes to the Listed structures. Members will note that this view is supported by Durham County Council's Conservation and Design Officer. The detailing of the proposed conversion works demonstrate that any alterations are in keeping with the character and appearance of the building and safeguard the distinctive qualities of the buildings concerned. It is considered that the proposal would bring the buildings back in to use in a sympathetic way.

Impact of Proposed Conversion upon Protected Species

It has been identified that a number of bat species utilise the Stable and Cottage buildings for roosting. In assessing the merits of this planning application it is necessary to ensure that the proposal would not pose a threat to these protected species. It is considered that planning permission should only be granted for the conversion of rural buildings where satisfactory safeguards for bats are in place.

The application is accompanied by a comprehensive bat survey, which includes mitigation measures to minimise the impacts of the development on bats, which roost within the stable and cottage buildings. Despite the submission of this document, Durham Bat Group, remain concerned that the bat survey report does not adequately demonstrate how the development can be achieved without disturbing and damaging the roosts. However Natural England have confirmed that, on the basis of the bat survey and mitigation proposals, that the development is unlikely to have an adverse affect on protected species.

Notwithstanding the views of Durham Bat Group, it is considered that the advice of Natural England, as statutory consulted, should prevail and accordingly it is considered that the proposal, subject to the implementation of satisfactory mitigation measures (to be secured by condition) would not adversely impact on bats present within the buildings and is considered to comply with the requirements of PPS9.

Contribution to the Rural Economy

National and Regional Policy advice in the form of PPS7 and the RSS recognise the important contribution that small scale employment uses within rural areas, make to the local rural economy, seeking to encourage rural business creation. Whilst the cumulative regional impact of business creation in rural areas may be minor, strong local economies are vital to securing indigenous population.

It is considered that the proposal, would not only secure the long term future of the buildings, but would also help to fulfil the general aims of PPS7 and the emerging RSS advice with regards to the development and enhancement of the rural economy.

Highway Issues

The application site would be accessed via Bonemill Lane to the Northern boundary of Lambton Park. Whilst there is likely to be an increase in traffic movements as a result of the development, it is not considered, given the scale of the development that this would be significant or result in any highway safety issues. The lack of any objection from the Highway Authority would support this view.

The Highway Authority initially expressed concern regarding the overprovision of parking spaces in association with the proposed development. However, following the submission of amended plans reducing the parking provision from 96 to 55 the parking provision is now in line with Parking and Accessibility Guidelines.

A condition of approval is recommended to secure sustainable transport initiatives, via the implementation of a Green Travel Plan.

Residential Development

Advice contained with PPS7 advises that the reuse of existing buildings within the countryside will preferably be for economic development purposes, although it also recognises that residential conversion may be appropriate in some circumstances. It is considered that the proposed creation of 4No residential units, which is limited to part of a wider mixed use scheme would prove acceptable in this location.

The government is looking to "mixed use" development to bring workplaces, homes and services closer together in more "compact" settlements. Live/work is such a form of fully integrated mixed use. Live/work units are residential buildings designed to have a high intensity of business use and residential living space. Such developments are occurring increasing to encourage the growth of micro business and also reducing the need to travel to and from places of employment.

Other Issues

It is not considered, given the location of the buildings within Lambton Estate and its remoteness from other residential properties, that there would be any adverse impact on the amenity of nearby residents. With regards to the proposed residential units it is considered that these, which form an ancillary element of the proposal would, prove

acceptable and, given their layout and interrelationship, would comply with the provisions of Policy HP9 of the Chester-le-Street Local Plan.

Conclusion

In conclusion, the proposed conversions works as proposed would comply with relevant National and Local Plan Policy and having considered all material planning considerations, are deemed to represent an acceptable form of development.

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).

01C

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 1 August 2005; 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.

61A

Any existing trees identified within the development site boundary which it is proposed / required to be retained, shall be protected by a chestnut paling, or similar protective fence or barrier, to the satisfaction of the Local Planning Authority and in accordance with the provisions of B.S.3998, in order to ensure that building materials, plant and machinery are not stored around the base of the tree, in the interests of the long term health and well-being of the tree and in the interests of visual amenity.

44

There shall be no open storage on the site of any material, including cartons, packing cases, waste materials, or materials awaiting fabrication, except in areas to be shown on site plans, and first submitted to, and approved in writing by, the Local Planning Authority, in the interests of visual amenity and the satisfactory appearance of the development.

Extra 1.

Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the alteration and repair 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 Planning Policy Guidance Note 15.

Extra 2.

Notwithstanding the details shown on the hereby approved plans and elevations, full details of all means of enclosure of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of PPG15.

Extra 3.

The offices illustrated on Drwg Nos 867 - 09B and 867-12A to which this permission relates shall be used for business purposes and for no the purpose in Use Class B1 as defined by the Town and Country Planning (Use Classes Amendment) Order 2005, nor for any other purpose without the prior permission of this Local Planning Authority, in order to enable the Local Planning Authority to retain control over the development in the interests of sustainable development and to accord with the aims of Policy T17 of the Chester-le-Street Local Plan.

Extra 4.

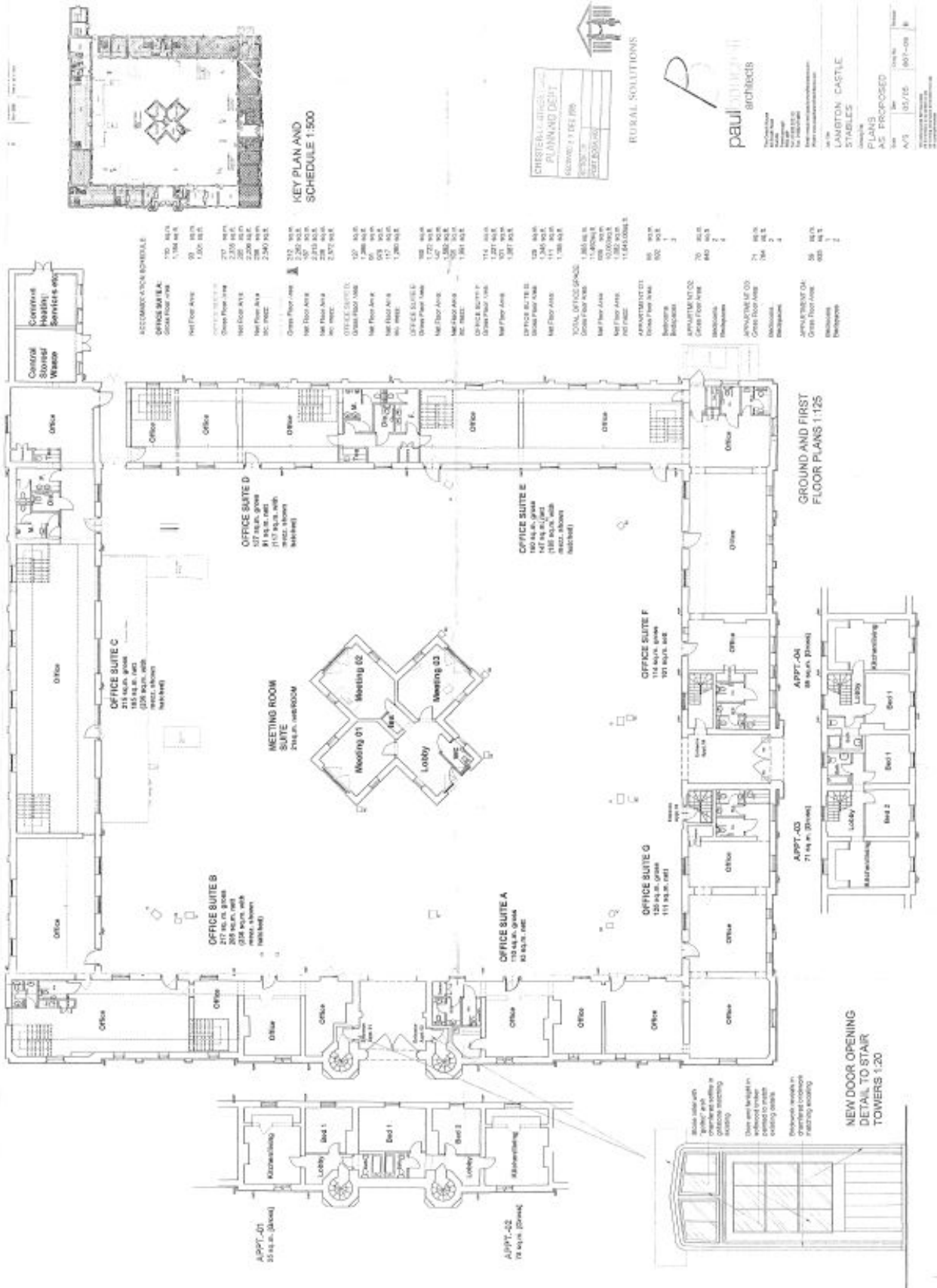
No development shall take place otherwise that in accordance with the mitigation detailed within the protected species report ('Lambton Stables, Chester-le-Street. Bat Survey Report: Baker Shepard Gillespie; 22 January 2007' and the plans as shown in the report 'Lambton Stables and Byers Cottages Protected Species Assessment and Conservation Report, Paul Bancroft Architects (with drawing 867-30 as updated by email on 12/02/2007) including adherence to timing and spatial restrictions; provisions of mitigation in advance; undertaking confirming surveys; adherence to precautionary working methods and provision of bat lofts. In accordance with the requirements of Planning Policy Statement 9.

Extra 5.

Prior to the commencement of any development on site, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in order to outline, which measures are to be incorporated within the scheme in order to reduce the reliance upon the private car, in accordance with Policy T17 of the Chester-le-Street Local Plan.

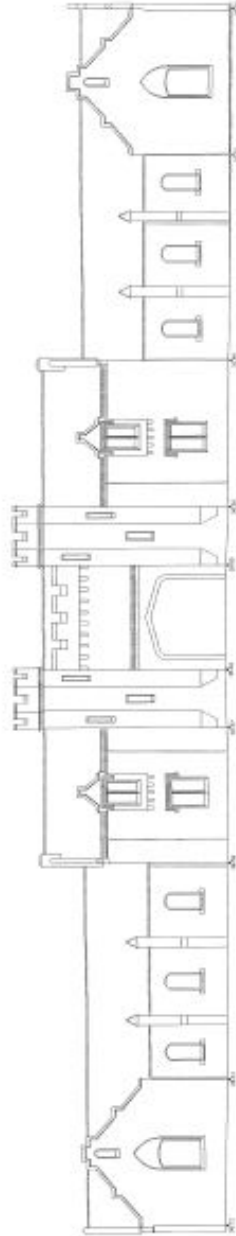
Extra 6.

Notwithstanding the detail of the doors illustrated on drwg No 867-09b the doors shall be constructed in solid timber with vertical boarding similar in character to those on the buildings of the courtyard. Details of the revised doorway are to be submitted to and approved in writing by the Local Planning Authority before development commences, in order to retain the integrity and appearance of the existing listed building and in accordance with the requirements of PPG15.

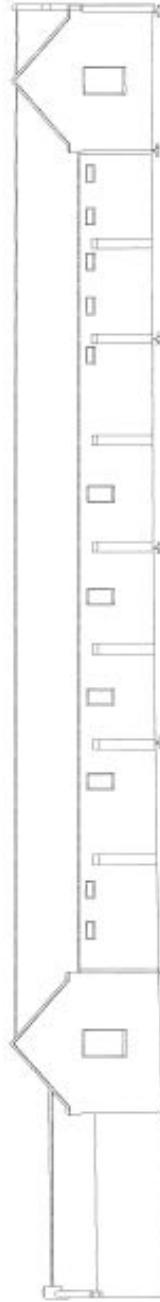




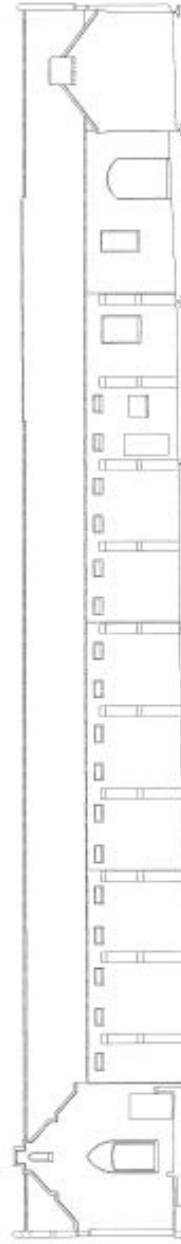
SOUTH ELEVATION - EXTERNAL



WEST ELEVATION - EXTERNAL



NORTH ELEVATION - EXTERNAL



EAST ELEVATION - EXTERNAL

CHESTERLE STREET D.C. PLANNING DEPT.
ADDRESS - 1 P60 000
CONTRACT NO.
DATE
DESIGNER



1000 W. 10TH ST.
 SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1000
 FAX: 303.733.1001
 WWW.PAULBANEROFF.COM

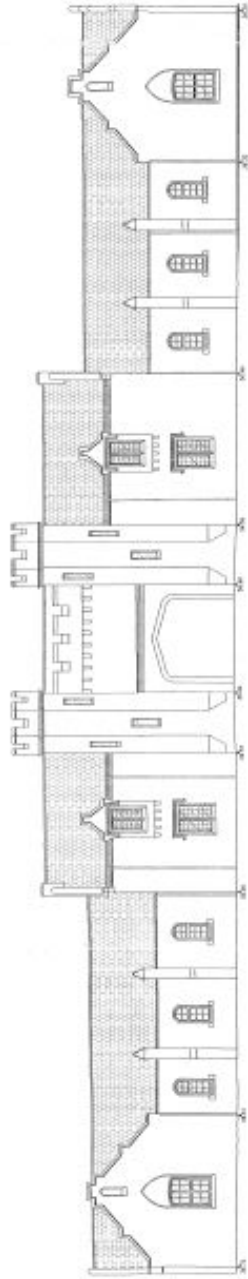
LAMBTON CASTLE
 THE STABLES

DRAWN BY
 STABLE ELEVATIONS EXISTING
 SHEET ONE

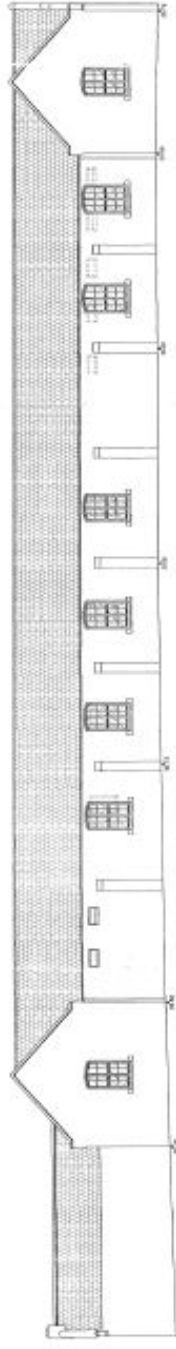
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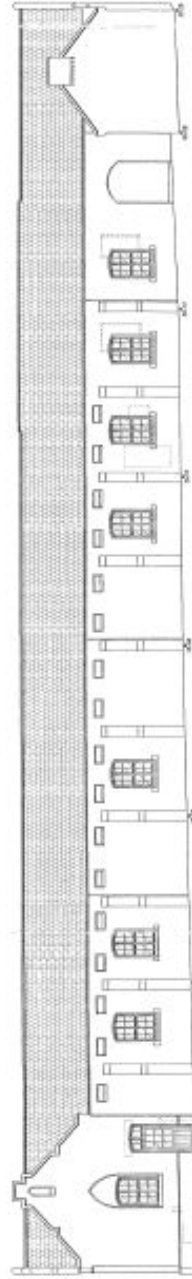
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WEST ELEVATION - EXTERNAL



NORTH ELEVATION - EXTERNAL



EAST ELEVATION - EXTERNAL

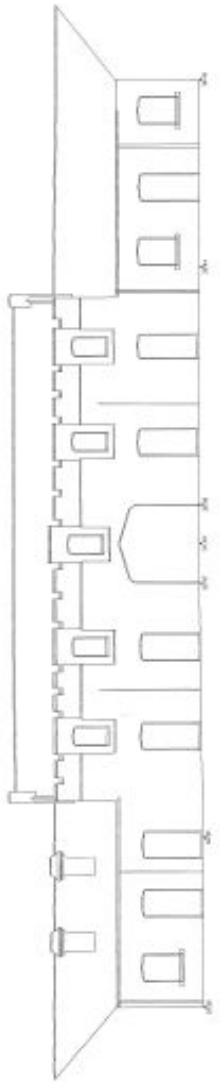


Nothing in this document is to be construed as
 a guarantee of any kind. It is to be used as a
 guide only. It is the responsibility of the client
 to ensure that all relevant planning and building
 regulations are followed.

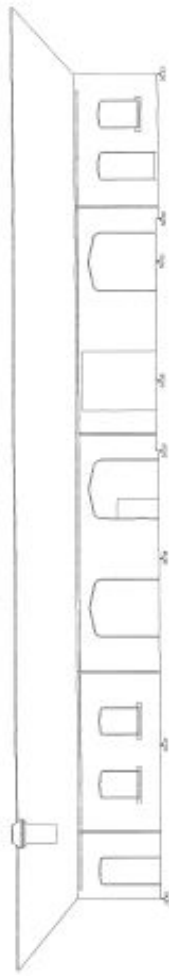


Paul Bancroft Architects
 10000 100th Street
 Edmonton, Alberta T5A 1K6
 Tel: 780-443-8888
 Fax: 780-443-8889
 Email: paul@paulbancroft.com

Project No: 10000
 Date: 1/10/06
 Sheet No: 10000-10000
 Project Name: LAMBTON CASTLE THE STABLES DEVELOPMENT
 Drawing Title: STABLE ELEVATIONS
 Proposed Sheet One



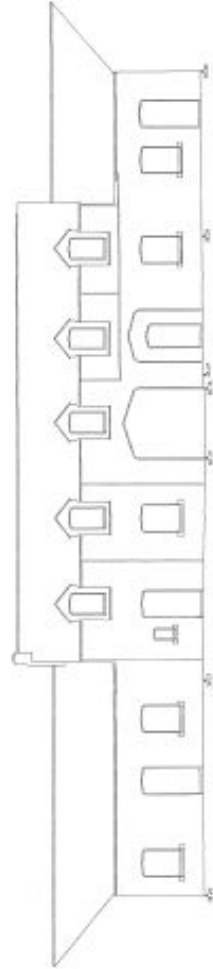
INNER COURTYARD EAST ELEVATION



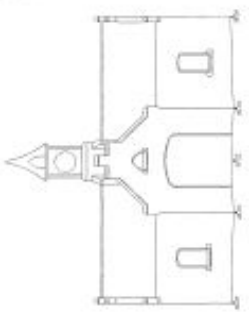
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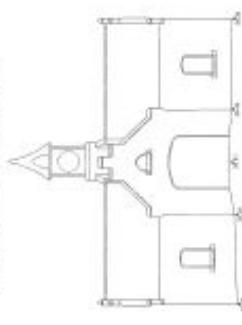
INNER COURTYARD WEST ELEVATION



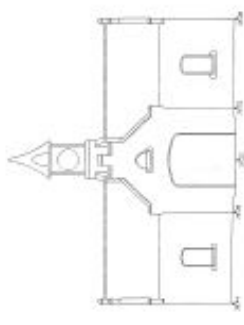
INNER COURTYARD NORTH ELEVATION



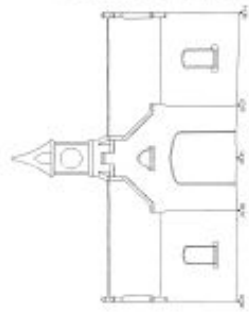
COACH HOUSE EAST ELEVATION



COACH HOUSE EAST ELEVATION



COACH HOUSE EAST ELEVATION



COACH HOUSE EAST ELEVATION

DEVELOPER	PLANNING DEPT.
PROJECT	1-PA-07-001
DATE	2007-11-12
SCALE	AS SHOWN

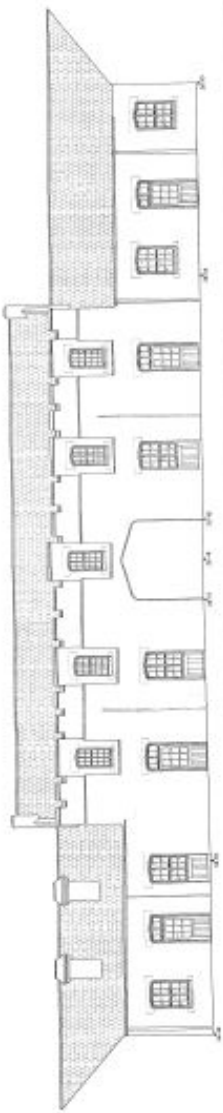


RURAL SOLUTIONS

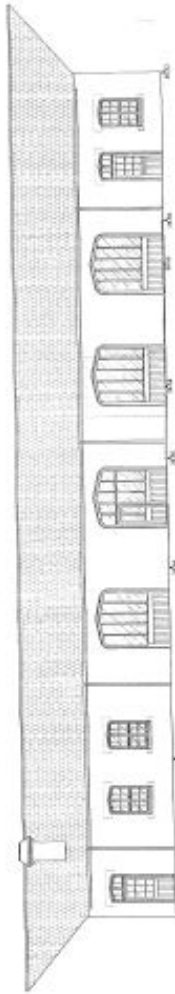


paulhancock
architects

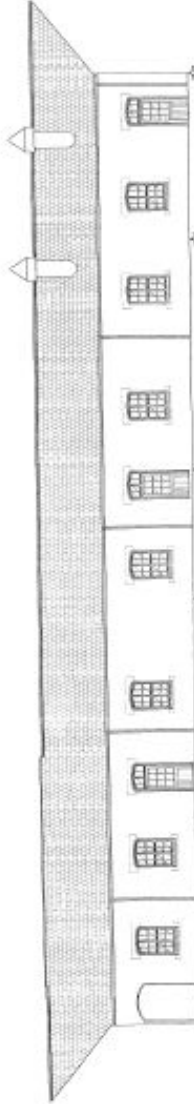
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LAMBTON CASTLE
STABLES
ELEVATIONS AS EXISTING
SHEET TWO



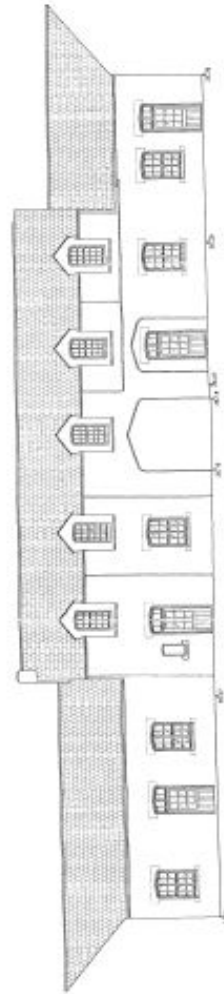
INNER COURTYARD EAST ELEVATION



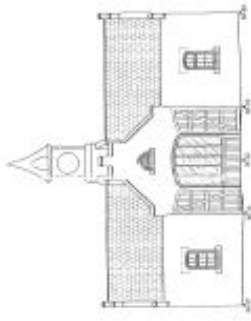
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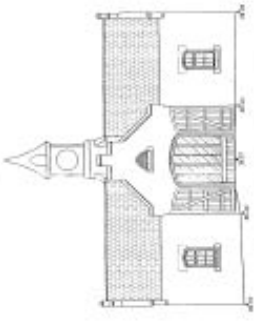
INNER COURTYARD WEST ELEVATION



INNER COURTYARD NORTH ELEVATION



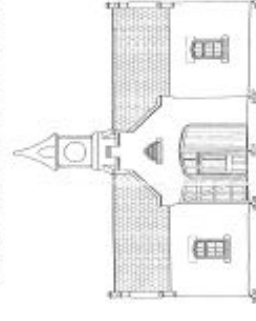
COACH HOUSE SOUTH EAST ELEVATION



COACH HOUSE NORTH EAST ELEVATION



COACH HOUSE NORTH WEST ELEVATION



COACH HOUSE SOUTH WEST ELEVATION

ENDING IN A WALLING & 2
REARLY-GATED (1/10). (1/10) (1/10) (1/10) (1/10)
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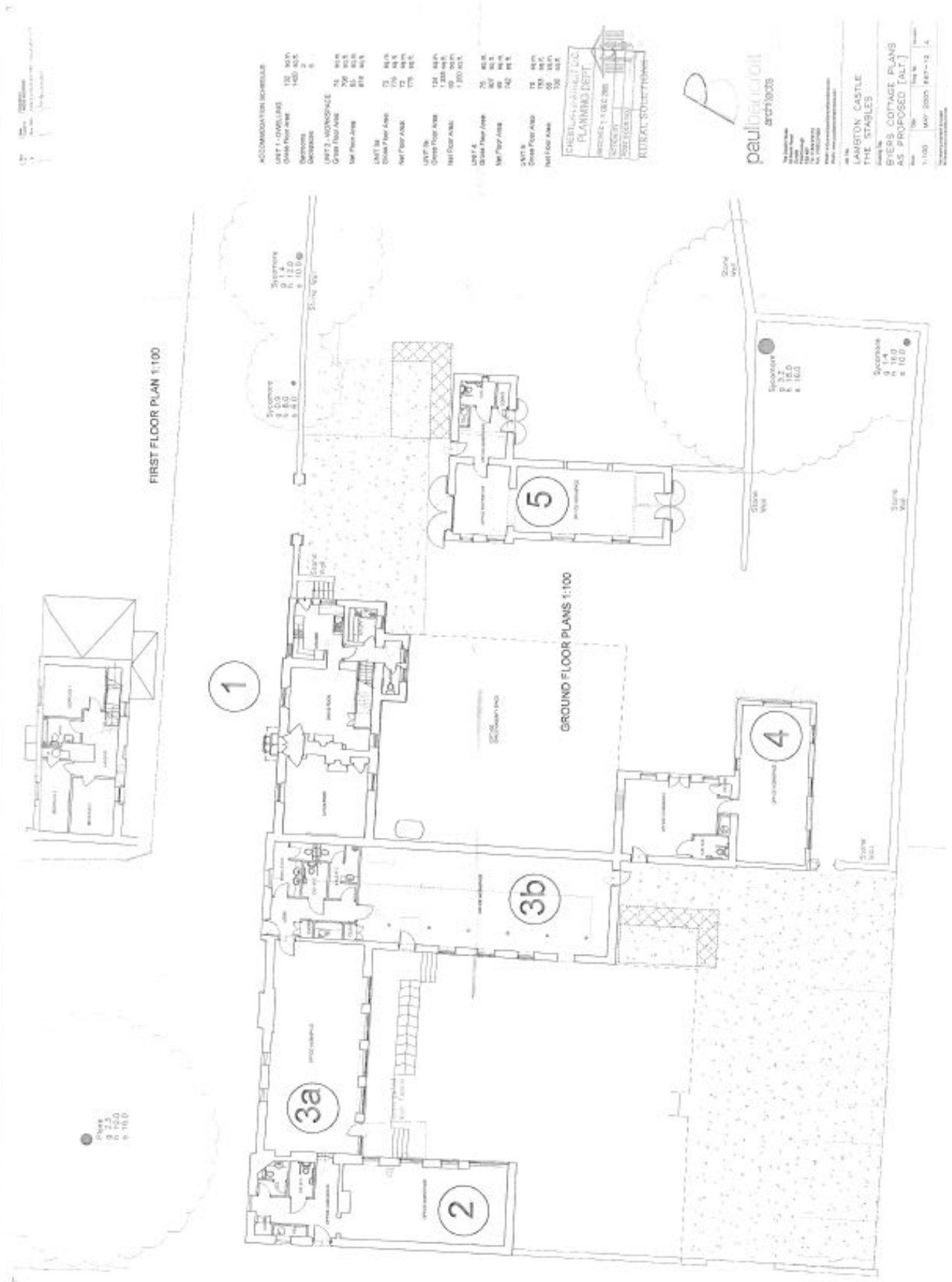
CHESTER LEIGHTON LTD
PLANNING DEPT
SERVICES & FEES
RURAL SOLUTIONS

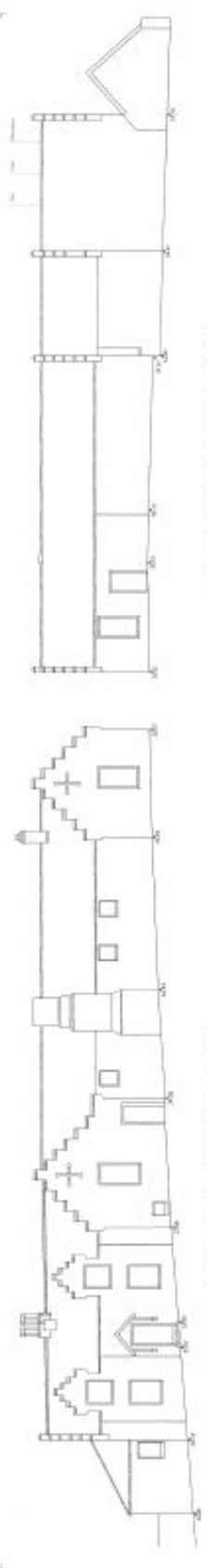


paul holt architect
architects

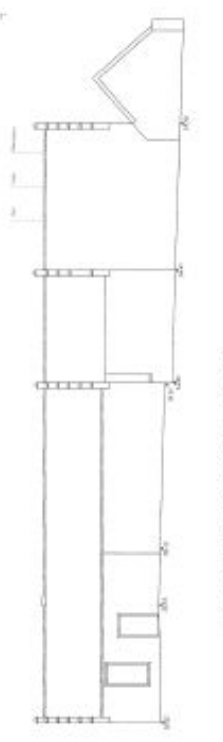
10-11
STANTON CASTLE
STABLES DEVELOPMENT
ELEVATIONS AS PROPOSED
SHEET TWO

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Project		Client		Scale	

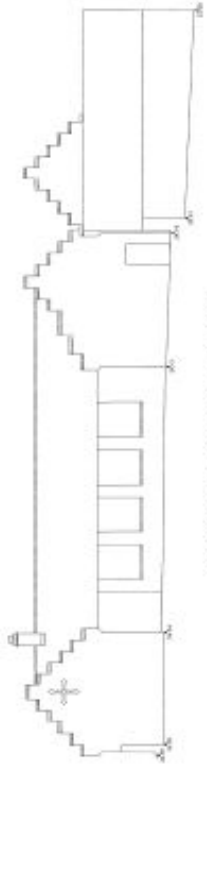




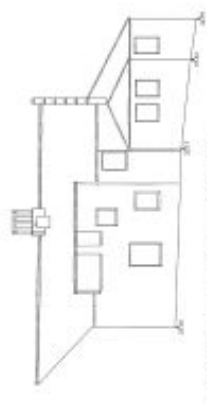
BYERS COTTAGES - NORTH ELEVATION



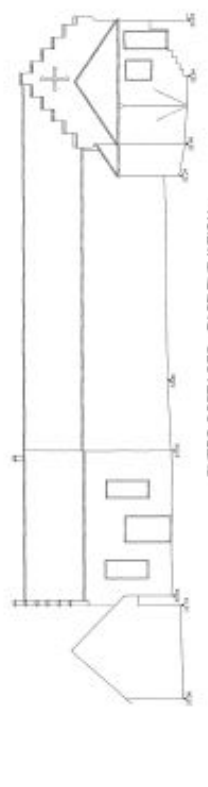
BYERS COTTAGES - WEST ELEVATION



BYERS COTTAGES - SOUTH ELEVATION



BYERS COTTAGES - SOUTH ELEVATION



BYERS COTTAGES - EAST ELEVATION

JUSTIN LEIGHTON ARCHITECTS
PLANNING DEPT
Newby - 2nd FLOOR
2500 WEST 10TH AVENUE
DENVER, CO 80202

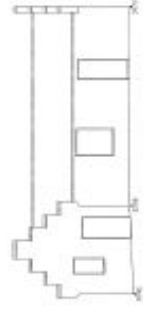


Paul Bancroft
Architects

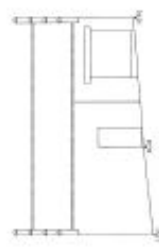
3000 West 10th Avenue
Denver, CO 80202
Tel: 303.733.1100
Fax: 303.733.1101
Web: paulbancroft.com

BYERS COTTAGES
EXISTING ELEVATIONS

Scale	1/4" = 1'	Date	04/03	Sheet No.	007-10
Project	BYERS COTTAGES	Client	CASTLE STABLES	Architect	PAUL BANCROFT ARCHITECTS



BARN - WEST ELEVATION



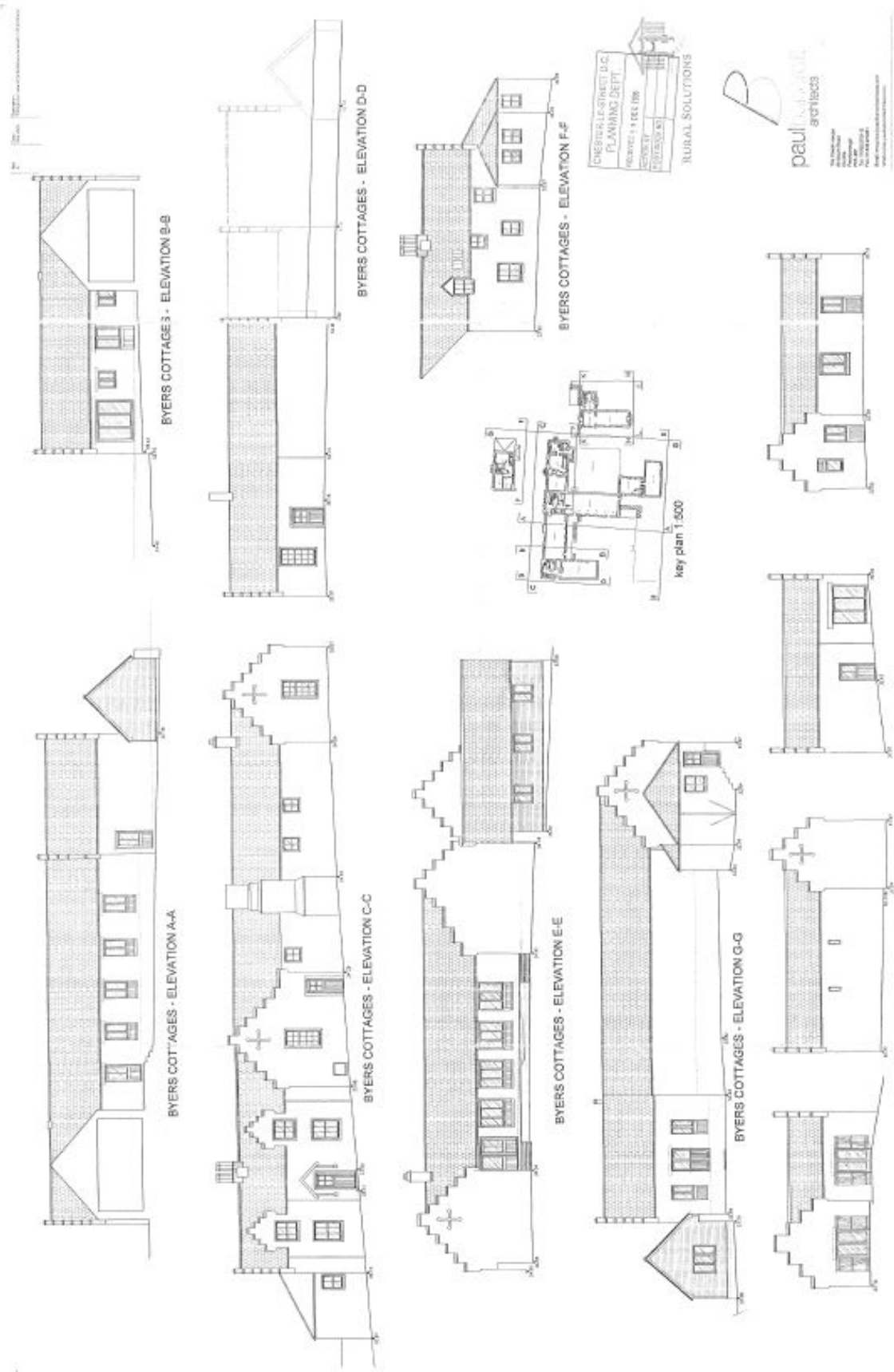
BARN - NORTH ELEVATION



BARN - EAST ELEVATION



BARN - SOUTH ELEVATION



BYERS COTTAGES - ELEVATION B-B

BYERS COTTAGES - ELEVATION D-D

BYERS COTTAGES - ELEVATION F-F

BYERS COTTAGES - ELEVATION A-A

BYERS COTTAGES - ELEVATION C-C

BYERS COTTAGES - ELEVATION E-E

BYERS COTTAGES - ELEVATION G-G

BYERS COTTAGES - ELEVATION I-I

BYERS COTTAGES - ELEVATION K-K

BYERS COTTAGES - ELEVATION J-J

BYERS COTTAGES - ELEVATION H-H

BYERS COTTAGES - ELEVATION L-L

3.**Reference: 05/00439/LBC**

Proposal Listed Building Consent application to convert existing building to office space and creation of 4 no apartments, formation of associated car parking, access and ancillary works.

Location The Lambton Stables/ Byers Cottage Lambton Park Chester-le-Street Durham

Applicant The Lambton Estate

Application Summary

Case Officer: Sarah Bough

Contact Details: 0191 387 2145

sarahbough@chester-le-street.gov.uk

Summary of Reason for Recommendation: The proposed alterations to the Listed Building are considered to comply with the requirements to preserve the special character of the buildings and accordingly the proposal is considered to be acceptable.

The Proposal

This report relates to an application for Listed Building Consent for works associated with proposals for the change of use of Lambton Stables and Byers Cottage to office space and 4No apartments.

A concurrent application for planning permission for the change of use and associated development is reported elsewhere on this agenda (Ref: 05/00437/FUL)

Consultation Responses

The application was advertised by way of a site notice and a press notice. No representations have been received in response.

Durham County Council's Conservation and Design Officer has commented that, "on the whole this is a good proposal making use of the buildings in a sympathetic way". After raising a number of specific concerns with regard to the alterations to the fabric of the

building amended details were submitted for consideration. Having considered these the Conservation and Design Officer has provided further comments. "Whilst there are a number of outstanding details, which require further information, including door detailing, a repair schedule and details of the mezzanine floors, these issues may be dealt with through appropriate conditions."

English Heritage were consulted on the proposed works to the building. However as the property is only Grade II Listed, no comments have been offered.

Relevant Planning Policies and Considerations

Authorities are required by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent to ensure that regard is had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess.

Accordingly, having regard to this statutory duty, it is considered that the impact of the proposed development on the character and setting of the listed buildings, which are present within the site is the primary consideration raised by the application.

Planning Policy Guidance Note 15 - Planning and the Historic Environment provides guidance on, amongst other things, development involving Listed Buildings. In assessing an application for Listed Building Consent, regard should be had to the following: -

- The importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms
- The particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the list
- The building's setting and its contribution to the local scene, which may be very important, e.g. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby;
- The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment.

Assessment

The alterations required in association with the proposed change of use are relatively minor involving mainly the replacement or creation of new windows and door openings. It is considered that these work, as proposed are sensitive to the Listed status of the buildings and would not, given their nature, adversely impact upon the fabric of the buildings nor detract from the intrinsic architectural merits or features of the buildings. Members will note that this view is supported by Durham County Council's Conservation and Design Officer.

The proposal would bring the vacant buildings into active use and would secure a long term use and in doing so, safeguard these protected buildings.

It is considered that the proposal would comply with the relevant statutory test and the aims of PPG15.

Conclusion

In conclusion, having regard to relevant national policy and all material considerations, the proposal is deemed acceptable and it is accordingly recommended that Listed Building Consent 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

01C

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 1 August 2005; 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 contained within the application hereby approved, no works shall be commenced until such time as the exact details of all works of repair, including the extent of the work to be undertaken and sample materials have been submitted to and approved in writing by the Local Planning Authority. In the interests of the satisfactory appearance of the development upon completion and the integrity of the character and appearance of the listed building.

Extra 2.

Notwithstanding the details contained within the application hereby approved, no works shall be commenced until such time as the exact details, including a cross section, of mezzanine have been submitted to and approved in writing by the Local Planning Authority. In the interests of the integrity of the character and appearance of the listed building.

4.

Reference: 07/00403/FUL

Proposal Erection of two storey extension to kitchen and bedroom and loft conversion (revised application of 07/00099/FUL)

Location 5 Ash Meadows Washington Durham NE38 9HN

Applicant Mr S. Thompson

Application Summary

Ward: North Lodge

Case Officer: Lisa Morina

Contact Details: 0191 387 2146

lisamorina@chester-le-street.gov.uk

Summary of recommendation: The proposal would provide an acceptable form of development, which is not considered to be out of character within the streetscene nor harmful to residential amenity and is in accordance with planning policies.

The Proposal

The application proposes the erection of a two-storey extension to the kitchen and bedroom and loft conversion.

The application is a revised proposal of a previously approved application under reference 07/00099/FUL for proposed two storey extension to kitchen and bedroom, loft conversion to provide a further two bedrooms with en-suites. A further application was approved for the erection of a conservatory to eastern elevation to match existing conservatory on same elevation approved under planning reference 07/00260/FUL.

The property as it currently stands is 8.4m in height, which was unchanged by the previously approved application. The new application proposes the raising of the roof height to 9.2m as well as the installation of 3 roof lights and the deletion of a conservatory from the eastern facing elevation (as approved under reference 07/00260/FUL), the deletion of two roof lights from the western elevation (facing towards no. 4) as well as the insertion of a small window which measures 1.6m high by 0.7m width on the first-floor.

Planning History

76/00220/FUL - Housing Estate, Picktree Lane, Rickleton - outline application for housing estate. Granted Planning Permission 1976.

87/00041/FUL - Dwelling House Granted planning permission 1987.

07/00099/FUL - Proposed two storey extension to kitchen and bedroom, loft conversion to provide a further two bedrooms with en-suites. Granted planning permission 23 April 2007.

07/00260/FUL - Erection of conservatory to eastern elevation to match existing conservatory on same elevation granted planning permission 14 August 2007.

Consultation Responses

Five letters of objection have been received from neighbouring properties with the following comments:

- Concerns over the proposal becoming a three storey house - the development would therefore, be out of character with the surrounding area and would dominate the houses
- Concerns over overlooking and loss of privacy
- Concerns over the dwelling being used partly as Mr Thompson business premises
- Concerns over the fire regulations for the loft conversion if the development was to go ahead
- Concerns over the covenant, which exists on the land and the proposal not according with this

Regeneration Team - No comments

Relevant Planning Policies and Considerations

Policy HP11 and appendix 1 of the Chester-le-Street Local Plan are of relevance to this application.

The main issues to be considered are the design of the proposal in relation to the streetscene and the host property, the impact the proposal may have on the residential amenity of neighbouring properties and all other matters raised.

Impact on host property/ streetscene

The property as it stands is 8.4m in height. Planning permission is being sought to raise the roof height of the property to 9.2m. It is considered that the increase in the roof height would appear minimal and would not create any serious impact upon the visual amenity of the streetscene. There are other properties within the street that have the benefit of dormer windows in their roof space and it is considered that the raising of the roof height by 800mm does not in planning terms create a third floor but rather creates a two-storey dwelling with a loft conversion.

The property stands in a large plot with a large garden area, the scale and style of the proposal is considered appropriate to the host dwelling.

The addition and removal of roof light windows in both side elevations are not considered to cause any further impact on the visual amenity of the streetscene. Normally, both the insertion and removal of relights would not require planning consent. However, in this instance they are being installed as amendments to a previously approved planning application and therefore, are to be included. It is considered that the installation of an additional window on the western side elevation is small in scale and would not provide any further additional overlooking issues to that previously approved due to the minimum separation distances as detailed in appendix 1 being met.

Residential amenity

It is considered that the addition of the roof light windows in the east elevation as well as the addition of a first-floor window would not provide any further overlooking issues to that previously approved due to the minimum separation distances being met.

It is considered that the raising of the roof height would not cause any additional loss of light or overshadowing issues due to the large plot, which surrounds the dwelling and the subsequent separation distances being met.

Other Matters

The issue relating to the covenant consent is not a material planning consideration and cannot be considered as part of the planning process.

With reference to the use of the premises, partly as a business, this has not been stipulated within the planning application forms or on the plans therefore, is not being considered as part of this application. An informative will be placed on this application to state that the approval is for the extension only and that the use of any part of the premises as a business would need to be considered under a separate enquiry/application.

The issue with regards to fire regulations would be controlled as part of the Building Regulations Approval during construction.

Conclusion

It is considered that the proposed changes from the previously approved planning application reference 07/00099/FUL are not significant enough to warrant refusal and taking all relevant issues into account, it is considered that planning permission should be granted subject to conditions.

RECOMMENDATION CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

01A

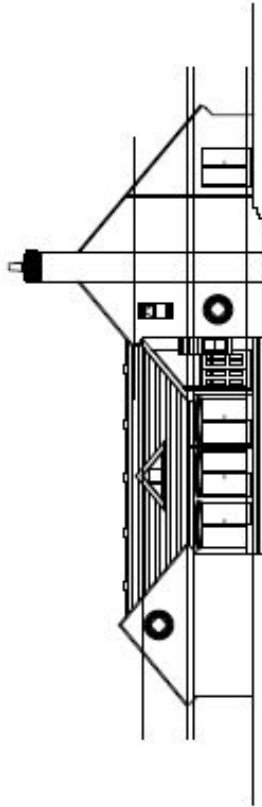
The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

01B

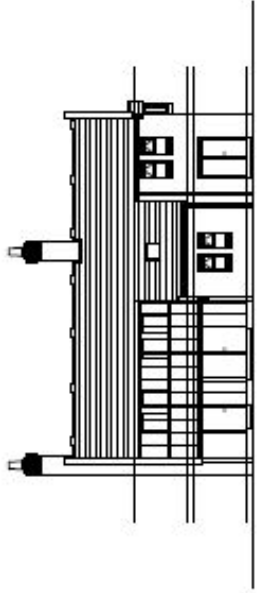
The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure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

02D

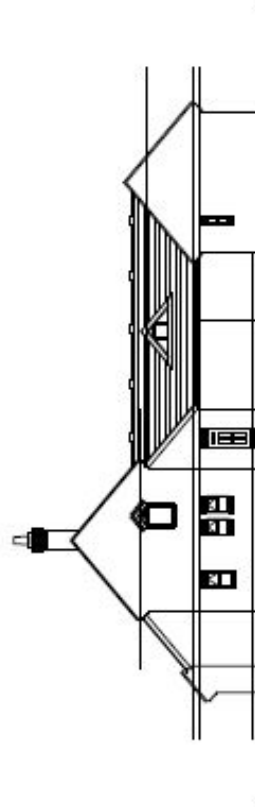
That the facing materials to be used for the external walls and roofs of the development hereby approved shall match in colour and texture those materials used on the existing dwelling house to the satisfaction of this Local Planning Authority, and where such matching materials are not available samples 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.



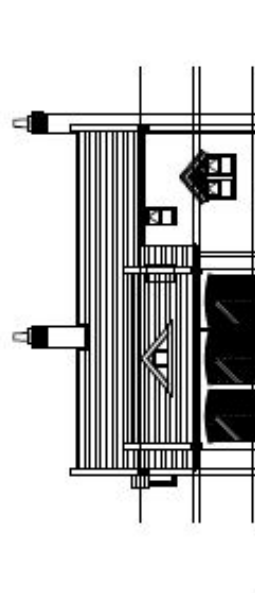
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Existing Side Elevation



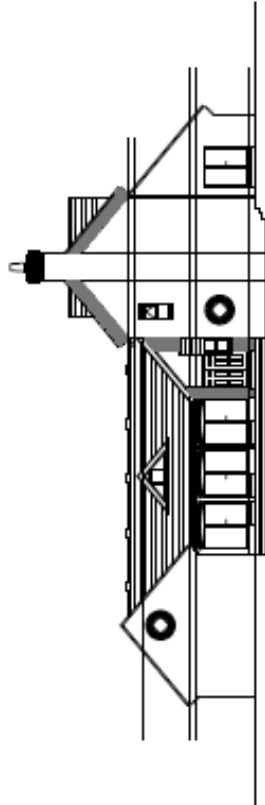
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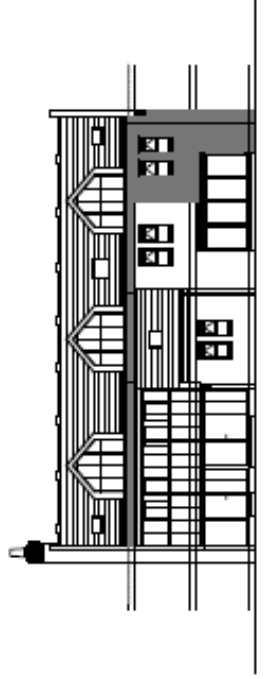
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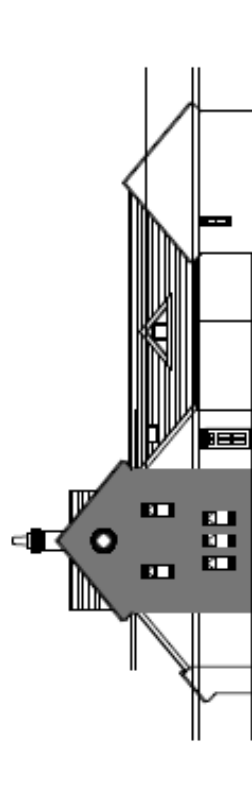
Coulson Synnott & Mees
ARCHITECTS
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Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation

DRAWN BY: J. THOMPSON
 CHECKED BY: J. THOMPSON
 DATE: 03/07/07
 PROJECT NO: 06/07/07

Coulson Symbiome Moore
CSM
 10000 100th Ave SE
 Bellevue, WA 98003
 Phone: 206.461.1000
 Fax: 206.461.1001
 Web: www.coulson-smoore.com

Proposed Extension at
 5, Ash Meadows, Picture Village
 Sean Thompson
 Architect
 Proposed Elevation
 1:100
 03/07/07
 2476 06

5.**Reference: 07/00432/COU**

Proposal Proposed change of use from A1 to A2 (Offices)
Location 166B-166C Front Street Chester-le-Street Durham DH3 3AZ
Applicant Cestria Community Housing Association

Application Summary

Case Officer: Sarah Bough
Contact Details: 0191 387 2145

sarahbough@chester-le-street.gov.uk

Summary of Reason for Recommendation: The proposal, whilst representing a departure from Policy R7 of the Chester-le-Street Local Plan is, on the basis of the nature of the business operation, considered to represent an acceptable form of development.

The Proposal

Detailed planning permission is sought for the Change of Use of 166B –166C Front Street to offices. The premises is currently vacant but was formerly in use as a shop. The proposal would include alterations to the property in order to create an office area, public area, interview room and managers office. The office would provide a one stop shop facility for Cestria Community Housing.

Consultation Responses

Durham County Council, as Highway Authority, have raise no objection to the proposed change of use.

The application was advertised via the posting of a Site Notice and also direct neighbour notifications. As a result of this exercise no letters of response have been received.

In support of the application the applicant states that 8,000 visits, from Council house tenants, are currently made to the Civic Centre. It is expected that the one stop shop would attract an increased number of visitors due to the range of service which would be provided including, advice and information on housing issues, details of properties to let,

allocation of properties, reporting of required repairs and other complaints, dealing with tenants general enquiries and homelessness applications.

The additional footfall that the one stop shop will create at the top end of the town will support other retail outlets in this area of the High Street and provide a much needed boost to the local retail economy.

Furthermore, the one stop shop would be immediately adjacent to a bus stop and is close to the Post Office, where we will be encouraging the majority of tenants to pay their rent.

We are also hoping to open the one stop shop on Saturday mornings to improve service access to tenants.

The supporting statement also indicates that it is intended to improve the shop frontage of the premises and install appropriate signage, both of which would potentially be subject to separate planning and advertisement consent applications.

Relevant Planning Policies and Considerations

The application property falls within the Secondary Shopping Frontage of Front Street, as defined on the Chester-le-Street Local Plan proposals map. As such, the proposal should be assessed against Policy R7 of the Local Plan. This Policy stipulates that proposals for the change of use from Retail (Class A1) at ground floor level to, amongst others, Offices (Class A2) will be acceptable in principle where: -

- The proportion of non-retail uses either individually or cumulatively does not exceed 40% of the respective street level frontage; and
- The proposal fulfils other relevant policies of the Local Plan

In assessing the proposal against the above Policy it has been established that the current percentage of non-retail uses within the relevant street frontage equates to 39%. This would be increased to 46% if planning permission were granted for the proposed change of use. Accordingly the proposal, does not comply with the strict stipulations of Policy R7.

The principle aim of this Policy is to ensure that the predominant uses within the secondary shopping frontage of the town centre are for A1 (Retail). However, central government acknowledge, through guidance contained within PPS6 that non retail uses such as offices, banks, café's etc can also contribute to the vitality of town centres.

Whilst acknowledging that the proposal would lead to the percentage of non retail uses of exceeding 40%, which would not comply with Policy R7, it is considered that the proposed use as a one stop shop does have particular individual merit.

It is clear that the proposed use as a one stop shop for Cestria Housing would attract high numbers of visiting members of the public, comparable and indeed in excess, of the level of activity which one would usually expect to find with an A1 shop use. It is reasonable to suppose that nearby retail units may benefit from such high levels of visitors being attracted to this area of the Street. Furthermore, the proposal would only lead to an

additional 6% of non-retail street frontage over and above what the Policy stipulates as an acceptable level. It is not considered that this marginal increase would have a materially greater impact on the retail function of the Secondary Shopping Frontage, particularly bearing in mind the nature of the proposal

Conclusion

In conclusion, this proposal would, if implemented, provide an important facility for the Community. The provision of such services is considered a key factor in the development and maintenance of a vibrant Town Centre. Whilst strictly not in accordance with Policy R7 it is considered that the proposal would draw people to this area of the Front Street. Furthermore, the availability of such services, within a sustainable location, reduces reliance on the private car and would make the Housing Services easily accessible for tenants. It is not considered that the proposal would give rise to any adverse impacts sufficient to warrant the refusal of planning permission and it is accordingly recommended that planning permission be granted for the proposed change of use as a justified departure to the advice contained within Policy R7 of the Chester-le-Street Local Plan.

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).

Extra 1.

The use hereby permitted shall be carried on only by Cestria Community Housing. When the premises cease to be occupied by Cestria Community Housing the use hereby permitted shall cease. On the grounds that were it not for the personal circumstances of the applicant, the proposed change of use would be considered harmful to the vitality and viability of Chester-le-Street Town Centre contrary to Policy R5 and R7 of the Chester-Street Local Plan.

6.

Reference: 07/00433/FUL

Proposal Proposed addition of velux window to rear roof plane, new window to East elevation, installation of French doors & alterations to window to rear elevation

Location Willow House Woodburn Close Bournmoor Chester-le-Street Durham DH4 6DH

Applicant Mr T. Thompson

Application Summary

Case Officer: Sarah Bough

Contact Details: 0191 387 2145

sarahbough@chester-le-street.gov.uk

Summary of Reason for Recommendation: The proposal is considered compliant with the provisions of Policy HP11 and is accordingly considered to represent an acceptable development.

The Proposal

Detailed planning permission is sought for the addition of a velux window within the rear roof plane, a new window to the east facing elevation and installation of French doors and window alterations to the rear elevation of the above property.

The property is a recently constructed detached dwellinghouse 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 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 addition of the roof light is being sought retrospectively.

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 rooflights to rear of property.- Approved 15 February 2006

07/00276/FUL - Erection of conservatory to rear, creation of new window opening to side elevation and installation of additional roof light to rear – Refused 13th August 2007.

Consultation Responses

The planning application was advertised through direct notification to local householders. As a result of this exercise, one letter of comment has been received. In summary the resident has no objection to make to the proposal subject to the velux window being obscurely glazed.

Relevant Planning Policies and Considerations

Whilst strictly speaking this proposal does not involve any extension to the property it is considered that the provisions of Policy HP11 of the Chester-le-Street Local Plan - Residential Extensions - are of relevance to the consideration of this application.

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 rooflights 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.

With regard to the alterations to the rear elevation of the property, namely the installation of French doors and reduction in size of the kitchen window, it is considered that these alterations are acceptable and would not have any adverse impact on the appearance of the property, the wider streetscene or result in any harm to the residential amenities of neighbouring properties.

Conclusion

In conclusion, the proposed development is considered to be acceptable and compliant with the provisions of Policy HP11 of the Local Plan.

RECOMMENDATION
CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

01A

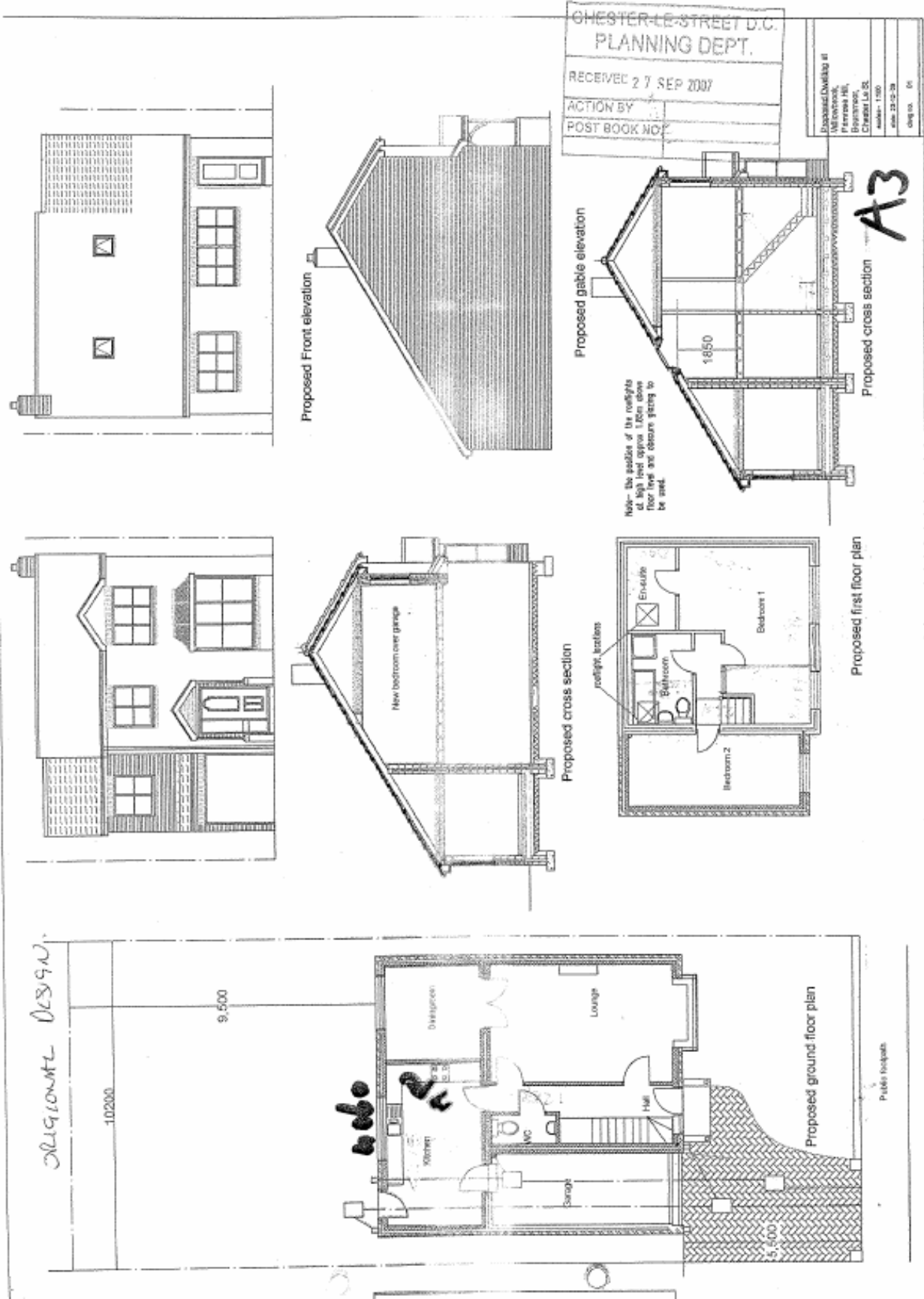
The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

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 glazing panels on the hereby approved rooflight 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.



CHESTER-LE-STREET D.C.
PLANNING DEPT.
RECEIVED 27 SEP 2007
ACTION BY
POST BOOK NO.

Approved/Working at
Permitted
Proposed
Chester Le St.
Number: 1150
Date: 23-10-06
Drawing: 01

A3

original design

7.

Reference: 07/00436/FUL

Proposal Resubmission of 07/00285/FUL - Single storey extension to rear to provide sun lounge and enlarged dining & sitting room. Extension above existing garage to provide 2 no bedrooms.

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

Applicant Mr D. Kumar

Application Summary

Case Officer: Sarah Bough

Contact Details: 0191 387 2145

sarahbough@chester-le-street.gov.uk

Summary of Reason for 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

The Proposal

Detailed planning permission is sought for an extension above the existing garage to provide additional bedroom and single storey extensions to the rear to provide a sun lounge and extended kitchen area.

The submitted plans also indicate that the existing garage would be converted to provide a sitting room and the driveway would also be widened to provide additional incurtilage parking. However, it should be noted that neither of these proposals require planning permission and as such have not been included within the description of the planning application.

The property is large detached dwellinghouse 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 from the main front elevation of the dwelling, by 1 metre, this would, in turn, result in a slightly lowered ridge level in comparison to the main dwelling.

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.

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

Planning History

Members may recall considering a similar application at August's Planning Committee Ref:07/00285/FUL. This application represents an amended scheme, specifically the set back of the 1st floor. The previous planning application was refused planning permission, against Officer recommendation.

Consultation Responses

The views of Durham County Council, Highway Authority are as follows: -

This proposal is for the conversion of the double garage and increasing bedroom numbers up to 6 no. (the Temple room being a potential bedroom for a future occupier). Despite this I am satisfied sufficient off-street parking will exist (up to 4 vehicles off-street) and will make no objection subject to the following condition:

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

Reason: In the interests of highway safety.

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, 14 letters of objection have been received from nearby residents.

Below is a summary of the comments received: -

- The grounds for the refusal of the previous planning application related to the size, scale and bulk and the resultant impact on No52 Longdean Park. It would appear that the only thing that is changing is that the applicant no longer requests the widening of the driveway. This has no bearing on the grounds given for the refusal in August.
- The front wall of the bedroom above the garage would be set 1 metre further back. This in no way alleviates any overall loss of amenity to neighbouring properties, especially No52
- Whilst the 1st floor has now been set back, the proposal will still take light from the front ground floor window of the neighbouring house and would intrude in the aspect from that window and, towards the end of the day, cast a shadow on it.
- No52 has a 1st floor window (to a dressing room) on the side of the house and the extensions which would be approximately 2 metres in front of it would take a lot of light from it and be visually intrusive.

- The proposed rearward extension also has an adverse effect. At present the forward position of the house and the existing tree in its back garden mean that the back garden of No52 on this side enjoys a high degree of privacy. The extension would place a bedroom window close to the boundary and remove the tree resulting in overlooking of No52's garden area.
- The plan showing the current layout grossly misrepresents both the size and position of the two adjacent properties. Also notable is that two trees would need to be felled.
- The level of business activity, which still continues, and ensuing vehicular visits forces extra pressure on visitors to park on pavements and this won't be helped by the decision not to expand access to the increased parking area
- The single storey extension adjacent to No 54 Longdean Park, projects from the rear of No53 a large amount to just beyond the rear building line of No54. It also threatens to take light from our upstairs window. The extension is too big and would reduce both privacy and ambience of both properties.
- The huge increase in floor area/footprint suggests a gross over development of the site out of keeping with the area.
- The extension is materially larger than other permitted extensions of properties in Longdean Park and would hence detract from the character of the area.
- The extension would increase the number of bedrooms to 6. These additional rooms must be intended for use on some occasions if not all of the time. With no garage available the inevitable increase in the number of vehicles will cause a hazard.
- The description of the proposal excludes reference to the garage conversion and the widening of the driveway. This is misleading to potential objectors. This gives the application the more favourable appearance of having been drastically changed from the original application.
- The renaming of the room to be created from the converted garage has been changed from office, on the previous application, to a sitting room. Given the problematic and hazardous situation with regards to the business activity ongoing at this address.
- The garage conversion would lead to constant and increasing vehicular traffic to the property causing road safety issues and also obstruction of the highway, on both the road and footpath in the immediate vicinity of the property.
- The potential usage of the converted garage would reduce privacy to the front and side aspects of No 39 Longdean Park.
- No other property within the estate has converted the garage in the manner proposed.
- The design and access to the "sitting room" is not in keeping with the style or design of any other residential building within this estate, namely the patio door style entrance. The design of this would be detrimental to the appearance of the estate.
- Sanctioning of the garage conversion of a residential premises into what is potentially a partly commercial premises will result in further and continued invasion of privacy. Namely customers of the housing agency, calling at this property. The office, which would have its own separate entrance would suggest that this is not for domestic use and that the applicant intends to resume business activities.
- Properties within Longdean Park are subject to restrictive covenants, which state that the properties are to be used for residential purposes only.

- The proposed 1st floor extension would, at the front, overlook the garden area of No39, leading to loss of privacy.
- The extension to the driveway would be unsightly primarily due to the prominent location of this property at the head of one branch of the main access road through the estate. It is also unnecessary as the existing driveway is frequently vacant.
- The driveway would be capable of accommodating up to 8 normal sized family cars. This may increase the amount of unwarranted vehicular traffic. This would both look unsightly and would also represent a road safety risk.
- The proposed alteration to the drive makes this wider adjacent to the house and much narrower adjacent to the road. This effectively locks in any other vehicles occupying the remaining areas of drive.
- There are already a high number of vehicles visiting this property, in association with the businesses, which are being operated from this address which already cause number of problems to several residents. To allow the extension of the driveway would encourage increased business traffic to the residential estate.

In support of the objectors, Councillor Proud, the ward Councillor for North Lodge, has submitted the following comments: -

“Although Mr D Kumar has opened an office in Birtley the website of North Lodge Housing continues to show the head office address as 53 Longdean Park. Residents remain apprehensive that 53 Longdean Park with the continuing parking problems they continue to experience at present may still be operating as a business address.

Whilst appreciating that the Enforcement Officer will continue to monitor this situation mentioned in paragraph two above, residents feel this does have a bearing on the reasons for the proposed enormous extension to No. 53.

The style of the proposed lounge i.e. the garage conversion with patio doors to the front is not in keeping with the existing properties on Longdean Estate. It is felt that the overpowering extension is not of an appropriate scale and therefore because of its size will have an impact on the surrounding area.

In view of very sincere anxiety of residents that this resubmission is not in keeping with the existing style of the properties on the estate I would request the Planning Committee to reject the application.”

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. Of particular relevance to this proposal, the Policy states extensions will not be acceptable where: -

- 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'
- They would impair highway safety or lead to inadequate car parking provision within the curtilage of the property.'

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. Notwithstanding the prominence of the application property being set forward in relation to neighbouring properties, it is not considered that the proposed extension would have any adverse impact on the appearance of the wider streetscene. 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 and this amended application includes a set back of the 1st floor by 1 metre to alleviate the impact on this property.

Impact on adjacent residents

Whilst it is accepted that there will be some loss of natural light and overshadowing to neighbours at 52 as a result of the first floor extension above the existing garage, 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. Whilst 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, it should be noted that this guidance is only applicable to rear extension, and that there are no such requirements applicable to front extension. In addition, the set back provided at the 1st floor level would reduce the bulk of the extension to the front of No52 Longdean Park and thereby reduce the impact on this property.

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. It is not considered that the proposed single storey rear extensions would have any adverse impact on the amenities of the neighbouring properties, due to the staggered relationship between the application property and No's 52 & 54.

With regards to the potential overlooking of the garden areas of No39 and 54 Longdean Park. The bedroom window above the existing garage would be no closer to No39 than the existing habitable room windows facing onto this property. In fact, taking into account the proposed 1 metre set back, the separation would in fact be greater. It is therefore not considered that the proposal would result in any additional overlooking of No39 than currently experienced. The rear garden area of No52 is already overlooked by the existing dwelling at No 53 and also No 54. Whilst the proposal would result in an additional bedroom window, at a closer proximity to the rear garden area of No52, it is not considered that the increased overlooking in the rear garden area would warrant the refusal of the application, particularly given the estate setting and current level of overlooking from the neighbouring.

Highway Issues

A number of objections received relate to the widening of the driveway and the conversion of the garage. Whilst the points raise by objectors are noted, it should be borne in mind that planning permission is not required of these works. Notwithstanding this fact, the

Highway Authority has, in any event, confirmed that despite the conversion of the double garage and increasing bedroom numbers up to 6 no, they are satisfied that sufficient off-street parking will exist.

Other Issues raised

The overwhelming majority of objections received are centred on the proposed conversion of the garage to a sitting room and the presumption, as on the previous planning application, that this space is to be utilised for a business use. It was indicated verbally, during the consideration of the previous application, that the applicant proposed to use the converted garage as a sitting room and not as an office as it had originally been shown, the amended application illustrates this amendment. However it is important to note that changing of the use of a room i.e. garage to sitting room does not constitute development.

A number of objectors have raised concerns that a business is being operated from this property and that some elements of the proposal, namely the garage conversion and driveway widening are designed to facilitate the alleged business activity.

It should be noted, however, that Planning Legislation and advice contained within PPG4 does allow for part of a domestic dwellinghouse to be utilised for business use, provided that the business use remains wholly ancillary to that of the residential use.

Separate to this planning application investigations regarding the nature of the business operation are currently being conducted. Should it be established that the business activity being conducted from the property goes beyond what may reasonably be considered as ancillary, the appropriate action may then be taken. The alleged business use is entirely separate to the consideration of the current planning application.

It should be noted by members that both the garage conversion and driveway widening do not require the benefit of planning permission and cannot therefore be controlled by the Council.

Those issues raised with regards to the appearance of the patio doors and driveway cannot be taken into account in the assessment of this application as neither requires planning permission.

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

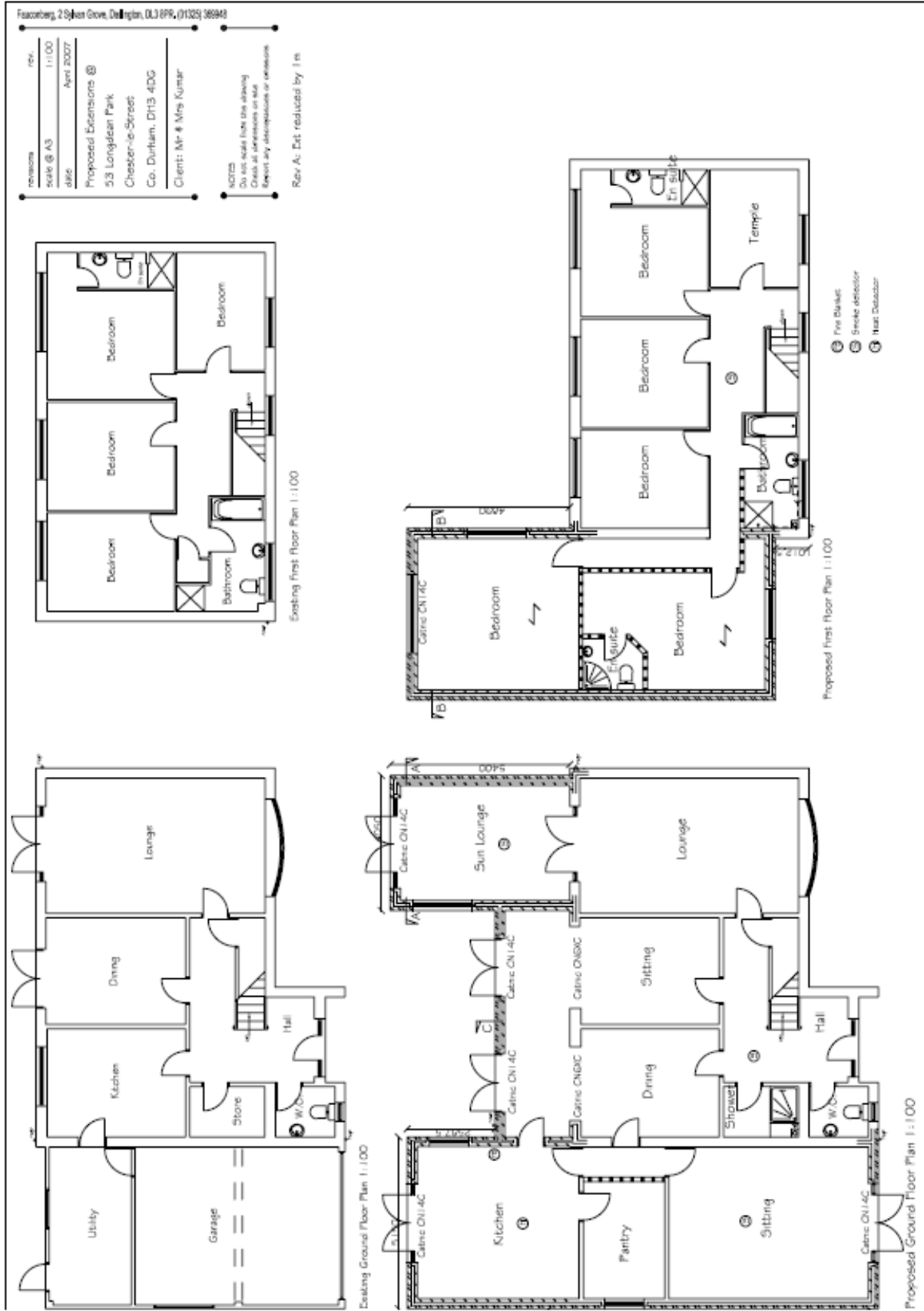
That the facing materials to be used for the external walls and roofs of the development hereby approved shall match in colour and texture those materials used on the existing dwelling house to the satisfaction of this Local Planning Authority, and where such matching materials are not available samples 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.

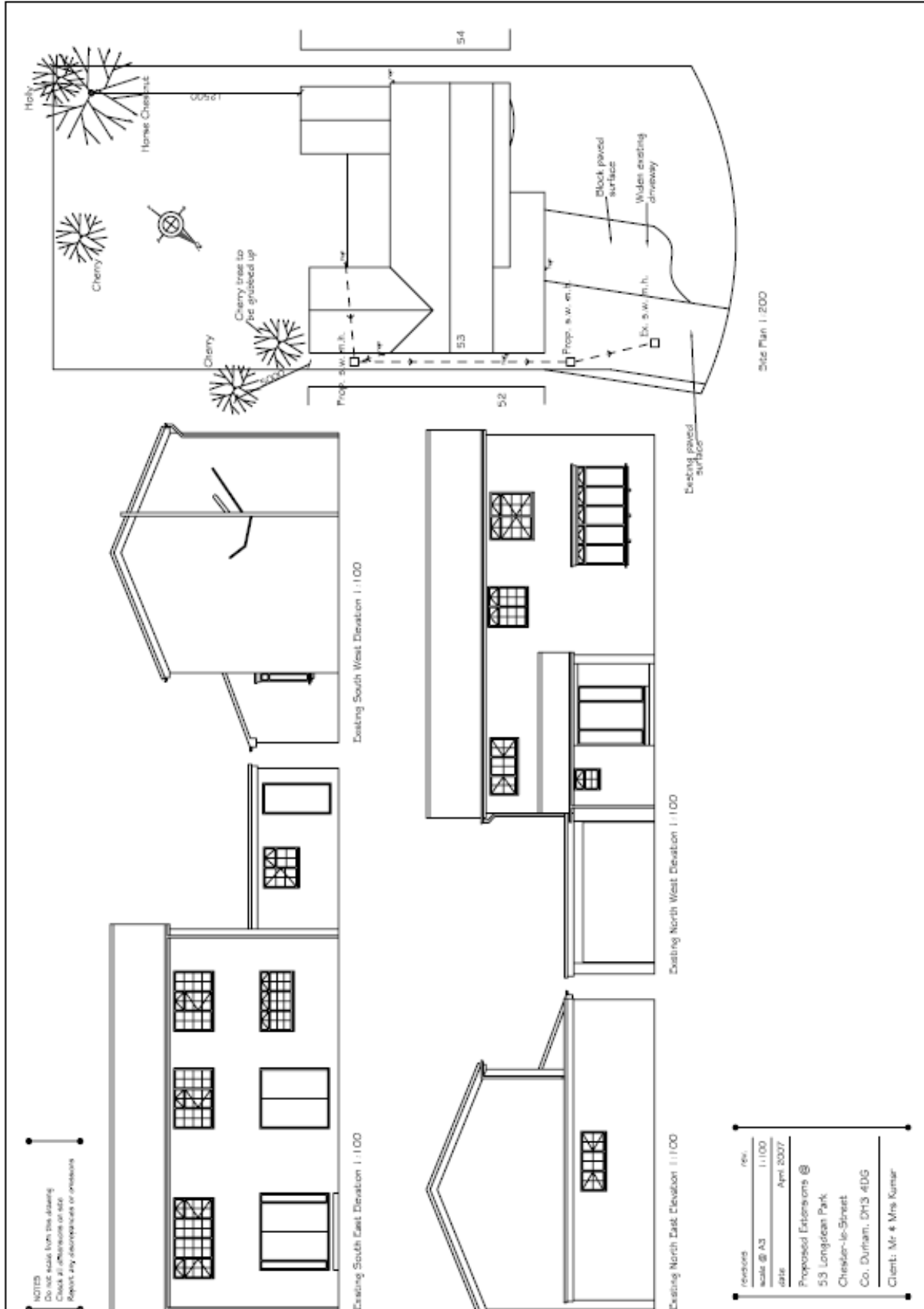
Extra 1.

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.

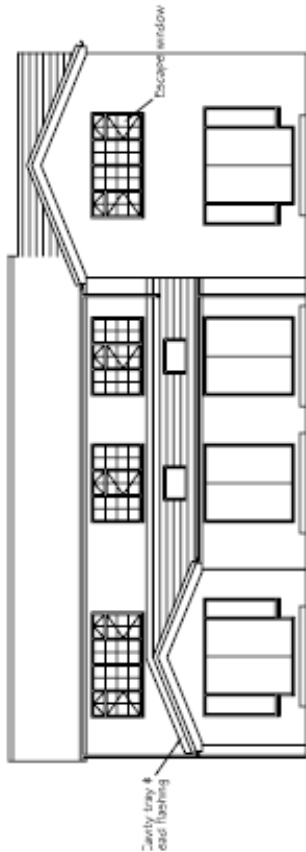
Extra 2.

Prior to conversion of the double garage the driveway widening, depicted on the approved plan, shall be fully implemented and available for use. In the interests of highway safety and in accordance with the requirements of Policy HP11 of the Chester-le-Street Local Plan.

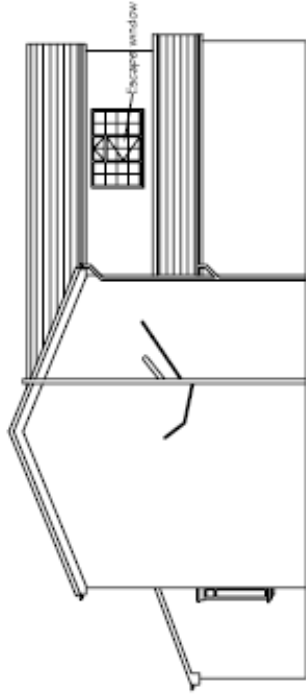




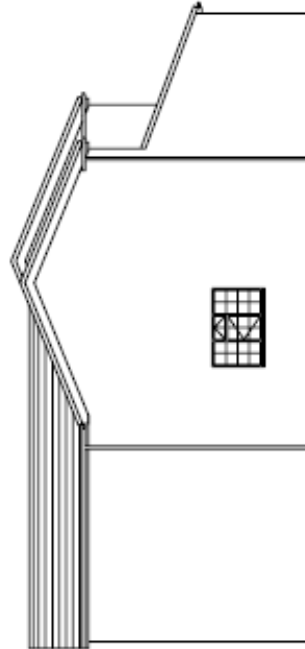
NOTES
 Do not scale from this drawing
 Check all dimensions on site
 Report any discrepancies or omissions



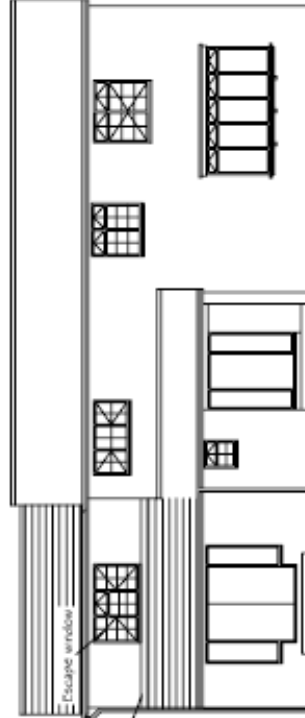
Proposed South East Elevation 1:100



Proposed South West Elevation 1:100



Proposed North East Elevation 1:100



Proposed North West Elevation 1:100

Faizonberg, 2 Spleen Grove, Dullington, DL3 6PW, (01323) 38948

Rev. A: Etc. reduced by 1m	rev.
revisions	1:100
scale @ A3	April 2007
date	
Proposed Dimensions @	
53 Longdean Park	
Chester-le-Street	
Co. Durham, DH3 4DG	
Client: Mr & Mrs Kumar	

ITEM 3

Planning General

3.1 APPEAL AGAINST REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF A TWO STOREY REAR EXTENSION OF THE DWELLING TO PROVIDE FOR A LARGER KITCHEN AND ADDITIONAL BEDROOM AT No.19 DUNSTANBURGH COURT, WOODSTONE VILLAGE

Notification has recently been received from the Planning Inspectorate of the decision reached in an appeal lodged by Mr and Mrs Sutherland against the Council's decision to refuse permission for the erection two storey rear extension of the dwelling to provide a larger kitchen and additional bedroom. Members may recall that this application was refused at the planning committee of 12 February 2007 against Officer advice

The Council's decision to refuse permission was overturned with the appeal being allowed.

The inspector noted that the proposed extension would project some 1m less along the common boundary with no.19 at ground floor level than the existing conservatory. Whilst this and the first floor element would have a solid appearance in comparison to the existing conservatory and be adjacent to the common boundary, the limited projection would mean that the proposals would not have an overbearing effect on the outlook, conservatory or garden of No.19 Dunstanburgh Court.

The Inspector considered that the scale of the extension would be proportionate to the existing dwelling and its plot and an adequate amount of garden space to the rear would remain. It was also stated that it would not create an overcrowded appearance or constitute over development and would not harm the character and appearance of the dwelling or the area generally.

Finally, the Inspector noted that there would not be a significant reduction in the distance between the rear of No.20 and properties in Richmond Drive therefore adequate levels of privacy would remain.

In conclusion the Inspector stated that after considering the councils argument that the proposal would set an undesirable precedent, he felt that in this case the proposed development would not harm the living conditions of neighbours or the character and appearance of the area. Therefore granting permission would not in his view set a harmful precedent and each subsequent application should be determined on its individual merits.

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

Case Officer: Matthew Gibson

0191 387 2148

matthewgibson@chester-le-street.gov.uk

3.2 NAMING AND NUMBERING OF NEW DEVELOPMENT

Residential Development off St Cuthberts Drive, Sacriston for Persimmon Homes North East

The above scheme consists of 36no. dwellings comprising of a mixture of detached and link dwellings.

A request has been received for consideration to be given to the naming and numbering of the development and the developer has suggested:

1 – 37 (omitting no. 13) St Cuthberts Meadow

Royal Mail has been consulted and raised no objection to naming and numbering.

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

**ANNELIESE HUTCHINSON
HEAD OF PLANNING AND ENVIRONMENTAL HEALTH
1 NOVEMBER 2007**

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