

# Public Document Pack

30 December 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, 10th December, 2007 at 6.00 pm**

Yours sincerely



**R TEMPLEMAN**

**Chief Executive**

## **AGENDA:**

1. Apologies for Absence
2. Minutes of Meeting held 12 November 2007 (Pages 1 - 14)
3. To Receive Declarations of Interest from Members
4. Confirmation of Speakers
5. Planning Matters (Pages 15 - 86)

Report Of Development and Building Control Manager

6. EXCLUSION OF PUBLIC AND PRESS. TO RESOLVE:-

“That under Section 100(A) of the Local Government Act 1972, the Public and Press be excluded from the meeting for the following item of business on the grounds it involves the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A of the Act.”

7. Planning Enforcement Performance Update  
Report Of Development and Building Control Manager

(Pages 87 -  
104)

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

## THE DISTRICT COUNCIL OF CHESTER-LE-STREET

Report of the meeting of Planning Committee held in the Council Chamber, Civic Centre, Chester-le-Street, on Monday 12 November 2007 at 6.00 pm

PRESENT:

Councillor R Harrison (Chairman)

Councillors:

L E W Brown	P B Nathan
D M Holding	D L Robson
A Humes	M Sekowski
W Laverick	A Turner
M D May	F Wilkinson

Officers:

A Hutchinson (Head of Planning and Environmental Health), S Reed (Development and Building Control Manager), D Chong (Planning Enforcement Officer), C Potter (Head of Legal and Democratic Services), J Bradley (Assistant Solicitor), L Willis (Senior Legal Assistant) and D Allinson (Democratic Services Assistant)

There were also 18 members of the public in attendance.

### **39. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors G K Davidson, T H Harland and K Potts.

### **40. MINUTES OF PLANNING COMMITTEE HELD 8 OCTOBER 2007**

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 8 October 2007, copies of which had previously been circulated to each Member, be confirmed as being a correct record."

The Chairman proceeded to sign the minutes.

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

Councillor M May declared a personal and prejudicial interest in Item No. 7 of the Planning Matters report, as her husband Councillor May represented the Ward where the application was proposed. She confirmed that she would be leaving the meeting whilst this item was being considered.

Councillors D Robson and A Turner declared a personal and prejudicial interest in Item No. 5 of the Planning Matters report in their capacity as Cestria Housing Board Members. They confirmed that they would be leaving the meeting whilst this item was being considered.

## **42. CONFIRMATION OF SPEAKERS**

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

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

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

### **(A) District Matters Withdrawn**

**(1) Proposal: Demolition of car showroom & workshop and erection of 12 no apartments & associated works**

**Location Johnson's Garage, 3 Newcastle Road, Chester-le-Street**

**Applicant Mr J. Johnson – Reference 07/00389/FUL**

The Development and Building Control Manager advised that the applicant had withdrawn this application.

### **(B) District Matters Recommended Approval**

**(2) 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**

**Applicant: The Lambton Estate – Reference 05/00437/FUL**

**The Development and Building Control Manager referred to photographs in relation to this proposal, which were displayed for Members information.**

The Development and Building Control Manager advised that he felt it was necessary to add an extra condition to the recommendation as extra 7 to require the details of the foul sewerage drainage system within the site to be agreed and proposed that this be added to the recommendation. Members were in agreement with this suggestion.

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

Councillor Sekowski referred to the parking arrangements for the scheme as set out in the report, which had been reduced from 94 spaces to 55 spaces and sought clarification on why this had been changed. The applicant's agent confirmed that this had been an error on the original drawings and that the

parking arrangements were now compatible with Durham County Council requirements.

Councillor Brown sought clarification on whether it could be guaranteed that the apartments were not sold on. The applicant's agent confirmed that because of the location of this building it would be highly unlikely that they would want to sell off the units.

The Development and Building Control Manager advised that Officers had not deemed it fit to impose a condition to require that the residential part of the scheme be tied to the office as they had taken the view that it would be difficult for the estate to successfully market the flats for separate sale.

He advised however, that if Members were minded to approve the proposal, an extra condition could be applied to make the occupation of the residential part of the development ancillary to people who are employed or managing the business operations within the site.

Councillor Laverick advised that he was pleased to see an effort being made to utilise these buildings in a commercial way and reflect the status of these buildings.

Councillor Humes advised that the application complied with national and local plan policies, therefore he proposed to move the Officer's recommendation of conditional approval with the suggested extra condition relating to foul sewerage and to tie the occupation of the residential units to people employed in the proposed commercial units. This proposal was seconded by Councillor Brown. Members were in agreement with this decision.

The Development and Building Control Manager confirmed that the additional condition would only tie the residential part to business proprietors within the live/work units within the application site.

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).

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.

Extra 7 Details of the private foul drainage treatment works referred to in the application, including details of the siting of the treatment works and the design and appearance of any buildings required in connection thereto, shall be submitted to, and agreed in writing by, the Local Planning Authority (in collaboration with Northumbrian Water and the Environment Agency) in the interests of the provision of satisfactory means of sewerage treatment and disposal of sewerage, and such an approved scheme shall be fully implemented and brought into use prior to the occupation of the first of the development. In accordance with Government Circular advice 03/99.

Extra 8 The occupation of the dwellings within this development shall be limited to a person solely or mainly employed by a business occupying one of the commercial premises within the red edged line, as illustrated on the application. To avoid any potential nuisance to the occupiers of the dwellings, which may arise from the operation of the authorised business activity, in accordance with the requirements of Policy IN9 of the Chester-le-Street Local Plan.

**(3) 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**

**Applicant: The Lambton Estate - Reference 05/00439/LBC**

Councillor Brown proposed to move the Officer's recommendation to approve the application, 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 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) Proposal: Erection of two storey extension to kitchen and bedroom and loft conversion (revised application of 07/00099/FUL)**

**Location: 5 Ash Meadows, Chester-le-Street**

**Applicant: Mr S. Thompson – Reference 07/00403/FUL**

**The Development and Building Control Manager referred to photographs in relation to this proposal, which were displayed for Members information.**

The Development and Building Control Manager confirmed that planning permission had been granted in August for substantially the same development with the only material difference being an increase in the height of the roof to 9.2metres from 8.4metres. He advised that there was quite a range and variety of dwelling types within the estate and as a result of that Officers were confident that a slight increase in height proposed would still render the development acceptable.

Councillor Humes referred to the previous planning approval that had been granted for this application and advised that in his opinion there was not much change to this proposal and therefore he proposed to accept the Officer’s recommendation of approval.

Councillor Robson sought clarification on the reason for increasing the height of the proposal which was explained by Mr Thompson, the applicant that there



had been a data transfer error by the Architect when the original plans were made.

Councillor Robson accepted the explanation given by the applicant and therefore seconded Councillor Humes's proposal. 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.

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."

**Prior to consideration of the following item, Councillors Robson and Turner declared their interest for the reasons outlined in minute number 41 and left the meeting.**

**(5) Proposal: Proposed change of use from A1 to A2 (Offices)**

**Location: 166B-166C Front Street, Chester-le-Street**

**Applicant: Cestria Community Housing Association – Reference 07/00432/COU**

**Mrs C Scott spoke in support of the application.**

Councillor Holding expressed his concerns in relation to the information in the report on the additional 6% of non-retail frontage being over and above what the policy stipulated as an acceptable level. He was concerned on the

precedent this may set for other applicants who may wish to apply for non-retail use of premises.

The Development and Building Control Manager advised Officers had acknowledged this as being a departure to what policies R5 and R7 of the Local Plan would normally allow, however he stressed the importance of each case being assessed on individual merits and in this case there were sound planning reasons to allow this as a departure application. He advised that extra condition 1 had been recommended in recognition of the fact that it was only for the special operational characteristics of the way this business would operate that Officers were recommending approval.

Councillor Brown concurred with Councillor Holding comments and concerns about setting a precedent and the public's perception on granting this application.

Councillor Laverick felt that a loss of retail in this part of town was irrelevant as there was already quite a large floor area of retail space, which was currently not in use. He also felt that because this application was for the benefit of the general public and would be restricted for use by Cestria Housing Association, he agreed with the Officer's recommendation to approve the application.

Councillor Sekowski proposed to move the Officer's recommendation of approval, which was seconded by Councillor Wilkinson. This proposal was carried and the application was approved.

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).

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."

**(1) 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**

**Applicant: Mr T. Thompson – Reference 07/00433/FUL**

The Development and Building Control Manager advised that Councillor Harland had contacted Officers to confirm that he had no objections to this development subject to assurances that obscure glazing would be installed on the roof lights. He confirmed that Extra condition 1 which was attached to the recommendation would secure the obscuring of the roof lights in question.

**The Development and Building Control Manager referred to photographs in relation to this proposal, which were displayed for Members information.**

Councillor Holding proposed to move the Officer's recommendation of approval, which was seconded by Councillor Brown. 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.

Extra 1 Notwithstanding the details shown on the submitted plans, the glazing panels on the hereby approved roof light shall be fitted with obscure glazing to the satisfaction of the Local Planning Authority, and such obscure glazing shall be retained in perpetuity in the interests of residential amenity, the avoidance of any potential overlooking and in accordance with the provisions of Policy HP11 of the Chester-le-Street District Local Plan."

**(C) District Matters Recommended Approval – Refused**

**Prior to consideration of the following item, Councillor P May declared a personal and prejudicial interest for the reasons given in minute number 41 and left the meeting.**

**(7) 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**

**Applicant: Mr D. Kumar – Reference 07/00436/FUL**

The Development and Building Control Manager advised that since the report had been produced there had been one additional objection received from Councillor P May and summarised the points he had made as follows:

- Concern that there is now an additional business, which is being advertised from this property in addition to the previous concerns that had been raised on a business under the name of 'North Lodge Property' being allegedly operated from the land.
- He points out that the property is situated on a road junction amongst a busy housing development.
- Concerns that if the allegations were true and there were two businesses being operated from this property this would cause unnecessary congestion within the estate and have potential impacts on road safety.
- Road safety concerns arising in particular from parking of commercial vehicles, which may be in the process of delivering to number 53 Longdean Park.
- That this has been a contentious issue before in the past and has allegedly resulted in a higher police presence being applied to monitor and control the parking in the area.
- He also considers that the proposed extension would have a detrimental impact on the occupiers of number 52 Longdean Park.
- That Members be made aware that he opposes the application on road safety grounds and by virtue of size, scale and bulk is considered to have a detrimental impact on the amenities of the adjacent occupiers of number 52 Longdean Park and would therefore be contrary to the provisions of HP11 of the Local Plan.

**The Development and Building Control Manager referred to photographs in relation to this proposal, which were displayed for Members information**

The Development and Building Control Manager advised that an application for this site had been refused in August and that the main difference with this application was that the proposed extension was now to be inset from the front by approximately one metre.

Copies of plans, which had been received from Mrs Dunn to support her application, were circulated to Members for their information.

**Mrs Dunn and Mr Beverley the objectors spoke in relation to the application.**

Councillor Holding referred to the objections raised by Councillor Proud in relation to the garage conversion and queried Officers views on whether having french doors fitted to the front of the property would be out of keeping with the general appearance of the area.

The Development and Building Control Manager advised that this was an issue that had been addressed in the report and that the conversion of the garage into living accommodation did not require planning permission. He confirmed that the elements of the application for Members consideration were the impact of the extensions.

Councillor Nathan raised a number of queries and comments in relation to the application as follows:

- To what extent the inaccuracies in the report referred to by Mrs Dunn the objector should influence Member's decision on this application?
- That it would be difficult to go against the application on Highways grounds as Durham County Council Highways Authority had no objections to the report and the applicant had proposed to widen the driveway.
- He felt the main consideration on this application should be the impact of the extension and queried whether this information alone would be enough to make a decision on this proposal?
- That if there was substantial evidence that a business was being run from the property to what extent should this influence Member's decision?

In relation to the query regarding allegedly running a business, The Head of Legal and Democratic Services directed that Members should totally ignore the issue of business, as this was irrelevant. He explained that the application before Members was for a residential application and was not concerned for an application for business use of this site. He advised that the Council had a duty to investigate allegations of breaches of planning legislation, however this was not a matter for consideration at this meeting and would be considered separately to this application.

In response to the comments made by Councillor Nathan, the Development and Building Control Manager advised that he fully concurred with the comments expressed by the Head of Legal and Democratic Services. He confirmed that the main material planning consideration was whether Members accepted that the recessing of the first floor extension by a metre sufficiently overcomes the concerns that were raised by Members in the Meeting in August. He confirmed that the consultation response received from Durham County Council as Highways Authority was that they had not raised any objections to it and therefore it would be very difficult for Members to refuse the application on any perceived Highway Safety grounds including the amount of parking space available within the premises.

In response to the query in relation to the inaccuracies of the plans, he confirmed that Officers were satisfied that the documentation submitted by the applicant was sufficient to make an assessment of the plans and a recommendation to Members. In addition to the site visit which the case officer had made he confirmed that he had visited the site in person and looked at the plans and whilst he had no reason to doubt the figures raised by Mrs Dunn, if there were any inaccuracies contained within the application

forms his view was that they would not prejudice Members ability to make a decision on the application tonight. He felt the photographs gave a clear representation on what the proposals involved and Members had also been given the opportunity to listen to the reports that the objectors had raised.

Councillor Brown raised a number of queries and comments in relation to the report as follows:

- The overbearing effect of the extension on number 52, which in his opinion was no different to the previous application that had been submitted in August.
- That even though the applicant had proposed additional car parking space there would be no control over the amount of cars parked in the surrounding area.
- In relation to the conversion of the garage into a residential room he advised that the Council had no control over its use and he was concerned that this could be used as an office.

The Development and Building Control Manager spoke in relation to the concerns expressed by Councillor Brown in relation to the conversion of the garage room to facilitate alleged business activity and outlined planning legislation and advice under PPG4 which does allow for part of domestic dwelling house to be utilised for business use, provided that the business use remains wholly ancillary to that of the residential use, and did not lead to a material change in the character of the dwelling house.

He stressed the fact that the alleged business use was entirely separate to the consideration of the current planning application and assured Members that Officers were monitoring the site on a regular basis and if enforcement action was to be taken then this would be reported back to Members separately.

Councillor Sekowski expressed his concerns in relation to the proposal which were summarised as follows:

- Concerns that if the application was refused then it could be lost on appeal.
- Concerns on loss of light and overshadowing to the adjacent dwellings.
- Concerns on the overbearing impact on the neighbouring properties.

The Chairman was in agreement with the comments made on the loss of light and the overbearing effects on the neighbouring properties. Councillor Turner also shared concerns in relation to the overbearing nature on the adjacent properties, highway safety issues and advised that because of this he could not support the application on those grounds. Councillor Laverick advised that he felt uneasy about the application and was wary of supporting this application.

Councillor Humes proposed to overturn the Officer's recommendation of conditional approval and refuse the application on the grounds of the

overbearing impact and loss of light on the neighbouring properties. Councillor Turner seconded this proposal. This proposal was carried and therefore the application was refused.

RESOLVED: "That notwithstanding the recommendation of the Head of Planning and Environmental Health to approve the application, the application be refused for the reasons given as follows."

Extra 1 The proposed extension would, by virtue of its size, scale and bulk, have a detrimental impact on the amenities of the adjacent occupiers at 52 Longdean Park and as such is considered to be contrary to the provisions of Policy HP11 (i) of the Chester-le-Street District Local Plan.

**(D) Planning General**

**1.0 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.**

RESOLVED: "That the decision of the Planning Inspectorate to allow the appeal be noted."

**2.0 NAMING AND NUMBERING OF NEW DEVELOPMENT**

**2.1 Residential Development off St Cuthbert's Drive, Sacriston for Persimmon Homes North East.**

RESOLVED: "That the residential development off St Cuthbert's Drive, Sacriston consisting of 36 dwellings be agreed to be named and numbered as 1-37 (omitting no. 13) St Cuthbert's Meadow."

The Meeting terminated at 7.15pm.

At the close of the Meeting the Chairman reminded Members that Telecom training would be held on Tuesday 13 November 2007 and encouraged Members to attend.

Members and Officers of the Planning Committee acknowledged the news that Councillor Davidson's wife was ill and conveyed their get-well wishes.

The Head of Legal and Democratic Services extended his best wishes to Annelise Hutchinson the Head of Planning and Environmental Health who was leaving the Authority to take up a new position at Gateshead Council. The Chairman also conveyed best wishes on behalf of the Members of the Planning Committee.

The meeting terminated at 7.25 pm





**CHESTER-LE-STREET DISTRICT COUNCIL**

**DIRECTORATE OF DEVELOPMENT SERVICES**

**REPORT TO PLANNING COMMITTEE**

**10 DECEMBER 2007**

**REPORT OF THE DEVELOPMENT & BUILDING CONTROL MANAGER**

- ITEM 1** District Matters Recommended Refusal
- ITEM 2** District Matters Recommended Approval
- ITEM 3** Development Control Performance Update
- ITEM 4** Planning General
- ITEM 5** Planning Enforcement Performance Update

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

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

**REPORT OF THE DEVELOPMENT AND BUILDING CONTROL MANAGER**

**ITEM 1**

District Matters Recommended Refusal

1.

**Reference: 07/00438/FUL**

**Proposal** Retrospective application to allow glass panels between bay windows instead of previously approved timber panels in application 06/00016/FUL

**Location** 1 - 4 Chalmers View Newcastle Road Chester-le-Street Durham DH3 3TE

**Applicant** McCarrick Construction

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**Application Summary**

**Ward:** Chester North

**Case Officer:** Lisa Morina

**Contact Details:** 0191 387 2146

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

**Summary of recommendation:** The proposal would provide for an unacceptable form of development being detrimental to the visual amenity of the streetscene.

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**The Proposal**

The application seeks retrospective permission to allow glass panels between bay windows instead of previously approved timber panels as approved in planning application 06/00016/FUL. This application is as a result of an enforcement complaint and subsequent investigations by Officers.

**Planning History**

The previous application (06/00016/FUL) was for the demolition of a warehouse building and erection of 4 no apartments with associated car parking and landscaping. This application was approved on 9 March 07. The plans submitted in support of this application showed timber panels to be installed between the bay windows on the front elevation.

**Consultation Responses**

The planning application was advertised through direct notification to local householders. As a result of this exercise, 6 letters of support have been received from nearby residents. The main issues raised are:

- The glass panels are maintenance free; the timber panels would require decoration on a bi-annual basis
- They match the buildings in the surrounding area i.e. the Civic Centre
- Timber panels would be out of place in the overall design
- The proposal enhances the appearance of the location which has a variety of styles
- The proposal improves the approach and appearance of the entrance to the town

Regeneration Team - No comments

Durham County Council Highways Authority - No objection, the proposal has no highway implications.

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

Policy HP9 - Residential Design Criteria - General of the Chester-le-Street District Plan is of relevance to this application.

The main issue to be considered is the design of the proposal in relation to the streetscene.

#### **Streetscene**

The proposal is a block of four recently constructed flats on Newcastle Road which is one of the main access roads into Chester-le-Street Town Centre. The glass panels are considered to provide a poor design solution and it is considered that they impact negatively upon the visual amenity of the streetscene. Other residential properties along the same side of the street which have bays are constructed using hanging tiles or timber. Accordingly, it is considered that the development is out of character within the existing residential streetscene.

It has been mentioned in letters of support that the glass panels match those within the civic centre building opposite. However, it is considered that the proposal should not be assessed against the design of the civic centre but rather should be read in context of those residential properties adjacent. The proposal is therefore considered to be contrary to policy HP9 of the Local Plan.

#### **Other Issues**

The main reasons for supporting the application were that the glass panels would be maintenance free unlike the timber panels. However, the maintenance of properties is not considered a significant material planning consideration and therefore should not be given significant weight as part of the assessment of this application. No information to substantiate this claim has been submitted by the supporters.

## **Conclusion**

Taking all relevant issues into account, it is considered that planning permission be refused due to the impact the proposal will have upon the streetscene.

In addition as the application is retrospective Members are recommended to authorise the commencement of planning enforcement action to secure the replacement of the glass panels with timber panels.

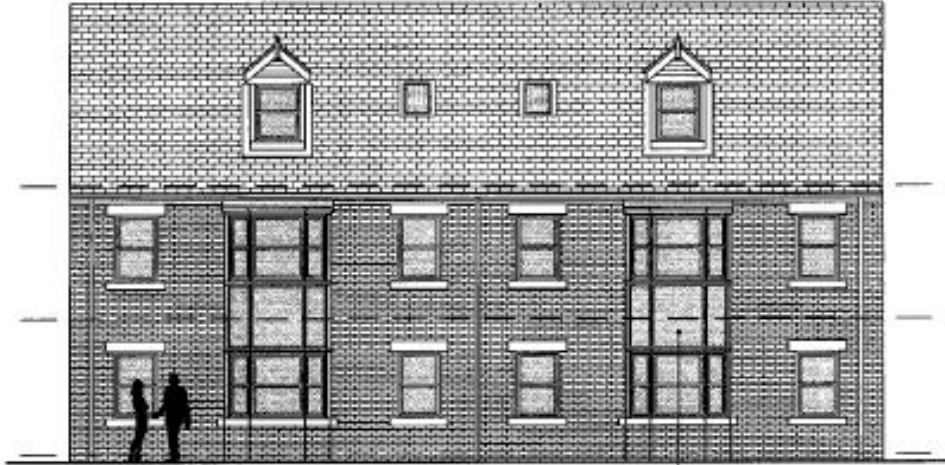
It is considered expedient to recommend enforcement action in this particular instance having regard to relevant development plan Policies and all material planning considerations including the negative impact, which the proposal has on the existing streetscene. It is recommended that a relatively lengthy time period of 180 days is given for compliance with the Notice. It is considered this time scale will provide the owners of the properties with ample time to gain builders quotes and thereafter have the appropriate work carried out.

**RECOMMENDATION**                      **Refuse** and authorise the taking of planning enforcement action to bring about the removal of the glass panels and the insertion of timber panels as a replacement

FOR THE FOLLOWING REASONS:-

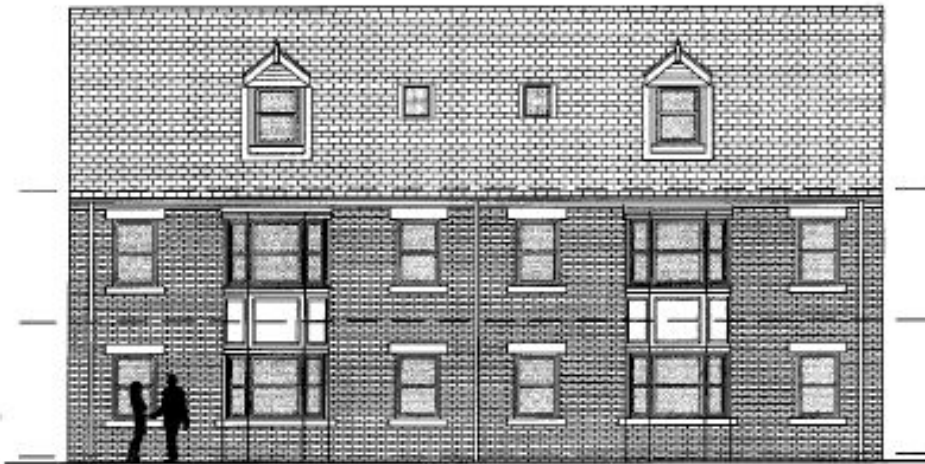
Extra 1.

The glass panels are considered to be of a poor design quality resulting in a development which is considered to have a negative impact upon the visual amenity of the existing streetscene thereby being contrary to the provisions of Policy HP9 of the Chester-le-Street Local Plan.




EAST ELEVATION  
AS PROPOSED 1:100

coloured glass to  
boze in lieu of timber  
boarding.



EAST ELEVATION  
AS APPROVED 1:100

	PROPOSED RESIDENTIAL DEVELOPMENT, NEWCASTLE ROAD, CHESTER-LE-STREET, for McCARRICK CONSTRUCTION.			1:100 7802/A4
	APPROVED & PROPOSED EAST ELEVATION			
Date: 27/09/07	Drawn: LS	Checked: LE		

1:100 (A4) 27/09/07  
 1:100 (A4) 27/09/07  
 7802/A4 27/09/07  
 8/09/07/07/07

2.

**Reference: 07/00502/ADV**

**Proposal** Display of externally illuminated free-standing 48 sheet advertisement hoarding, size 3.048 metres x 6.096 metres, along east elevation of front of site (retrospective application).

**Location** AP Developments 28 - 29 Front Street Pelton Chester-le-Street Durham DH2 1LU

**Applicant** JC Decaux

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**Application Summary**

**Ward:** Pelton

**Case Officer:** Lisa Morina

**Contact Details:** 0191 387 2146

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

**Summary of recommendation:** The proposal would provide for an unacceptable form of development being detrimental to the visual amenity of the streetscene.

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**The Proposal**

This report relates to the display of an externally illuminated free-standing 48 sheet advertisement hoarding, size 3.048m x 6.096m along side the front of an office development site on Front Street, Pelton.

The application is being sought retrospectively as a result of an enforcement complaint and subsequent investigations by Officers.

**Planning History**

An application for an extension to the premises was granted planning approval on 8 October 1987 under planning reference 87/00376/FUL.

**Consultation Responses**

The application has been advertised by way of direct neighbour notification. One letter of representation has been received from Councillor Laverick with the following concerns:

- Road Safety issues - It is on the approach to a major junction and would be a distraction to motorists.
- It is an eyesore.

Regeneration Team - No comments

Durham County Council Highways Authority - No highway objection to the application.

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

Section 3, Part 1 of the Town and Country Planning (Control of Advertisements) Regulations 2007 states that Local Planning Authorities shall only exercise powers in relation to advertisements in the interests of amenity and public/highway safety.

Accordingly it is considered there are two principle areas to be assessed.

#### **Streetscene**

The advertisement hoarding is situated on the main road through Pelton and is very visible within the streetscene. It is considered that due to the size and the position of the advertisement, it has a negative impact on the visual amenity of the streetscene. It does not relate well to the existing built environment and rather appears as an incongruous, stand alone feature within the streetscene. Pelton itself has been subject to a significant amount of Regeneration improvement works over the past years and it is considered that the advertisement hoarding remaining insitu would result in a serious loss of visual amenity and set an undesirable precedent for others.

#### **Public/Highway Safety**

Bearing in mind the comments received from Durham County Councils Highway Authority, the proposal is considered acceptable in terms of highway safety as it is not considered to cause a distraction to motorists.

### **Conclusion**

Taking all relevant issues into account, it is considered that advertisement consent should be refused and furthermore that prosecution proceedings under section 224 of the Town and Country Planning Act 1990 are started to secure the removal of the said hoarding.

### **RECOMMENDATION**

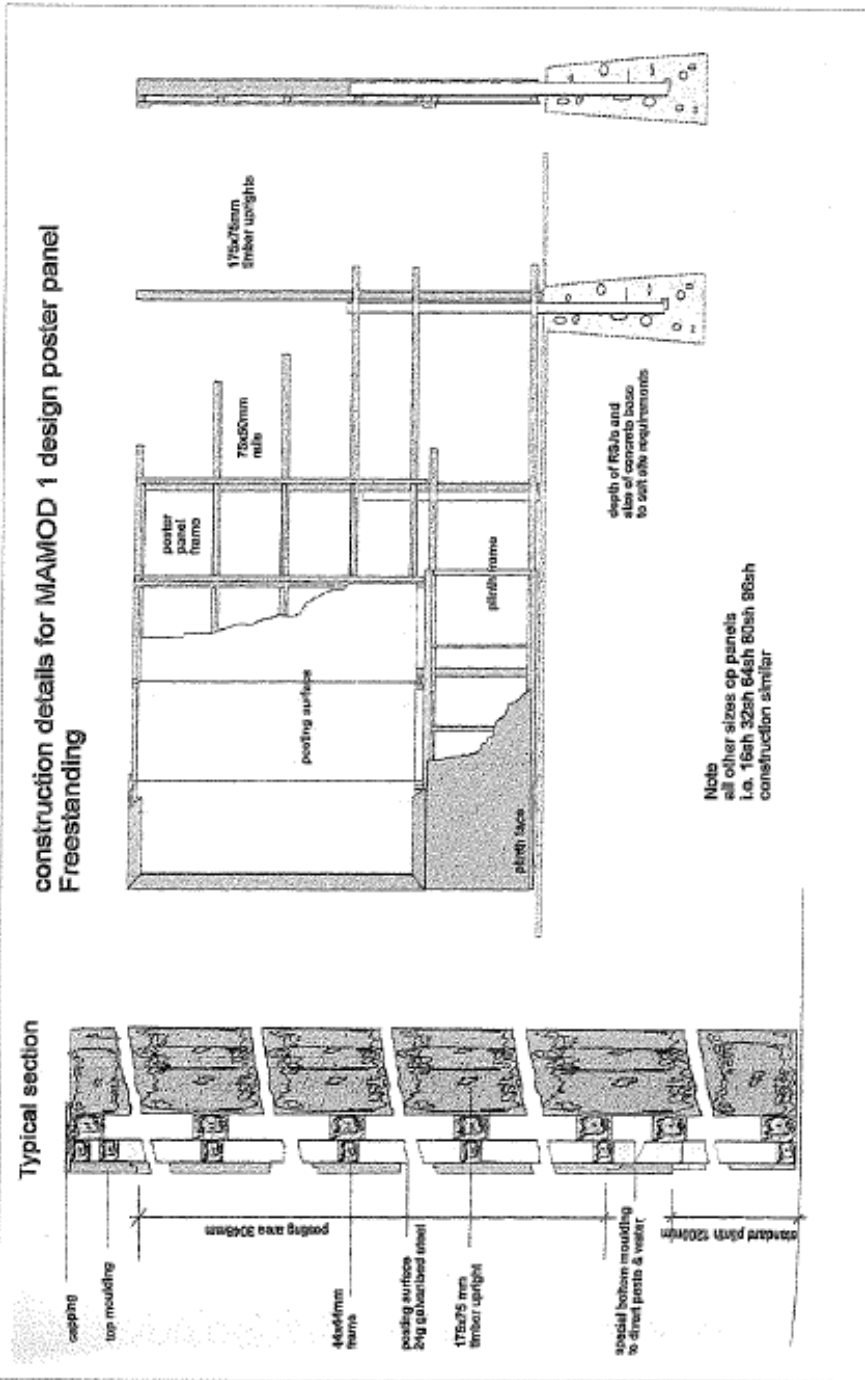
**Refuse** and authorise prosecution proceedings

FOR THE FOLLOWING REASONS:-

Extra 1.

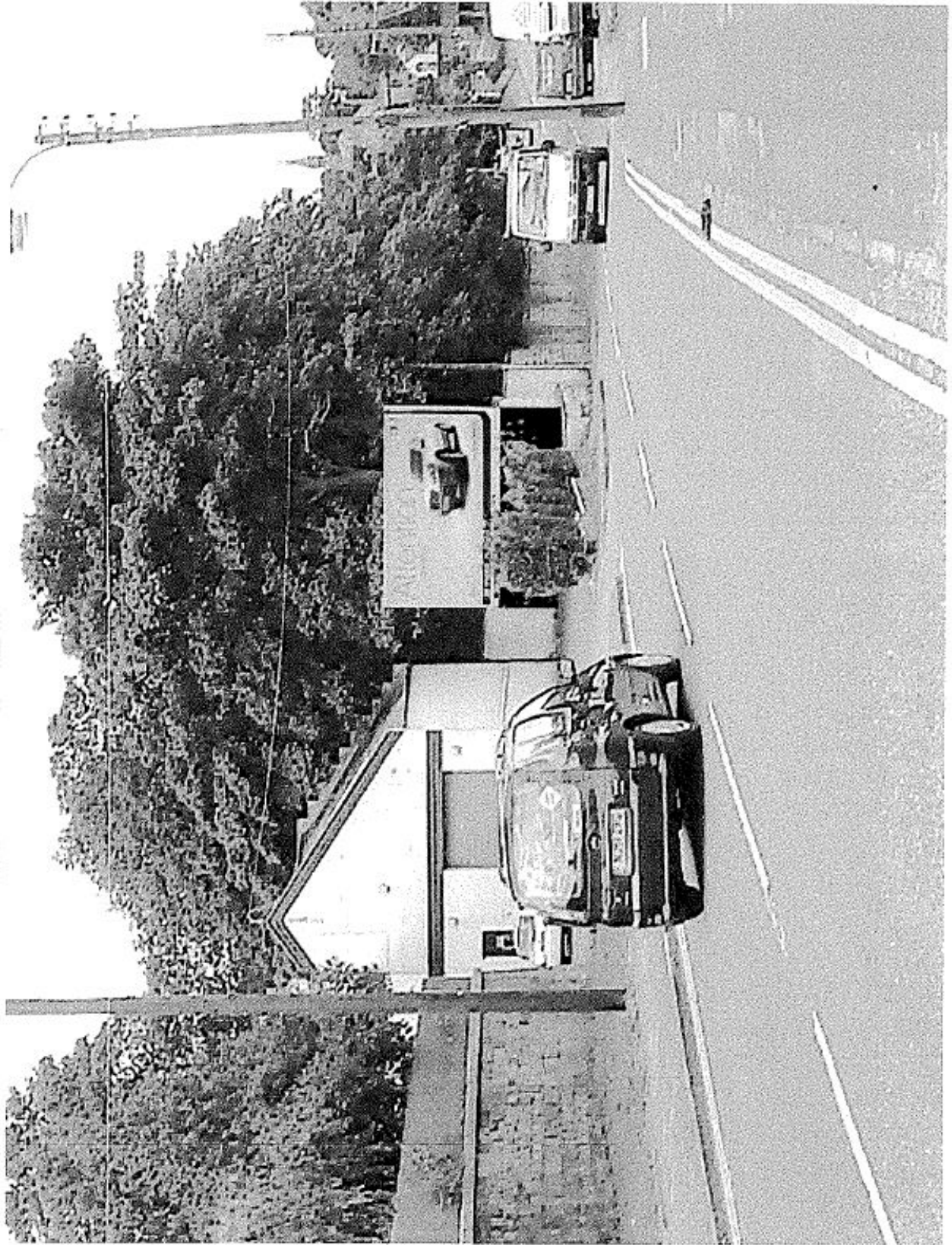
The advertisement hoarding by virtue of its size and position is considered to be detrimental to the visual amenity of the streetscene.

JCDecaux



CONSTRUCTION DETAIL





**ITEM 2** District Matters Recommended Approval

**3.**

**Reference: 07/00165/FUL**

**Proposal** Construction of industrial / warehouse facility with ancillary offices, yards, car and trailer parking. Ancillary vehicle maintenance building, energy centre, dekit area, gatehouse, substation, fuel area, vehicle wash area. Site enclosed by perimeter fencing and landscaping scheme.

**Location** Phase 1 Land at Drum Road Chester-le-Street Durham

**Applicant** Mr Edward Harper

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**Application Summary**

**Ward:** North Lodge

**Case Officer:** Stephen Reed

**Contact Details:** 0191 387 2212

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

**Summary of recommendation:** The proposal would provide for an acceptable form of development, which would not cause any demonstrable harm to acknowledged planning considerations. The proposal complies with the aims of relevant Development Plan advice for the area

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**The Proposal**

This report relates to an application to erect a warehouse unit (Use Class B8) together with ancillary offices and other associated development on land to the eastern extent of Drum Industrial Estate, Chester-le-Street. The site is presently vacant and is surrounded by commercial units to the north, south and west. The East Coast main railway runs to the east of the site. Residential properties exist beyond this, further eastward.

The nearest residential properties are located along Kingsmere, some 135 to 150 metres from the footprint of the proposed unit.

The proposed unit would provide for approximately 26,000 sq m of new floorspace, measuring 217 metres by 95 metres. The height of the units would be 16.5 meters to the eaves and 18.00 metres to the ridge.

The application site comprises part of a larger area of land on which planning permission was granted for 3 no. B8 warehouse units at the Planning Committee meeting in June 2006. Further discussion in regard to the relationship between the existing approval, and this proposal is provided below.

### Planning History

04/00033/FUL - New car warehouse/showroom, associated facilities (including offices, workshops, customer crèche & toilet facilities), external sales area (approx. 1150 spaces) & customer/trade parking. - Withdrawn

05/00162/FUL - Erection of 3 no. B8 warehouse units (with ancillary offices), parking, block levellers, yards, landscaping and new access arrangements from the A693 (amended 15/11/05 & 22/02/06 & 02/08/06) - Approved

### Consultation Responses

Durham County Council as Highways Authority raise no objections comment that;

- The predicted additional increase in traffic flows generated by the development is acceptable in terms of its impact on the local road network
- The amended plans received, showing a reduction in the amount car parking spaces proposed are acceptable as the parking provision will comply with DCC guidelines
- It is noted that the applicants are already committed to improvements to the surrounding highway / rights of way network by restrictions attached to previous grants of planning permission elsewhere on the estate. As such the impact on these areas would be acceptable.
- It is noted that similar to the above the applicants are committed to helping to fund a replacement bus service into Drum
- A condition of approval should be applied requiring the submission and implementation of a final travel plan.
- Whilst some concerns do exist regarding the sustainability of the site (in particular in relation to access other than the private car), having regard to existing extant consents, and the size of the increase now proposed, it is considered no objections could be raised to the proposal.

The Highways Agency have appraised the Transport Assessment submitted by the applicants in support of the application. Whilst some concerns are raised in relation to how the methodology has been applied, and also in regard to the ability of the site to provide for sustainable means of travel, the HA do not raise any objections, noting the proposal will have a relatively limited impact on the A1 (M). The HA do however recommend that a more comprehensive travel plan is prepared, to provide for a more comprehensive range of measures to ensure a range of travel to work options other than the private car is secured.

The Council's Environmental Health Manager raises no objections, subject to the imposition of appropriate conditions of approval, on the grounds that he is satisfied that the development will not be likely to generate significant noise problems to nearby

residents. This view has been formed following the appointment of an independent expert acoustic consultant, who has appraised the acoustic report submitted by the applicants.

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

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

Network Rail make comments in relation to the need to secure the site from the adjacent railway.

The Environment Agency originally raised objections to the proposal on the grounds of concerns about the level of surface water run off associated with the application. However this objection has been withdrawn following confirmation from Northumbrian Water Ltd that the surface water run off will be drained into mains drainage.

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

No comment have been received form either the Ramblers Association or Durham Wildlife Group

The application has been advertised by way of press and site notice and through direct mailing to adjacent occupiers. In response the following comments have been received;

Kevan Jones MP advises he has been contacted by a number of residents who have raised concerns on the grounds of visual impact, harm to local wildlife, increased traffic levels on Blind Lane, blocking of a public right of way, noise disturbance. On the last point the MP queries whether or not the unit could be 'reversed' in order to ensure that the goods delivery area did not face onto residents.

Cllr J Proud advises that she has been asked by residents of Lyndhurst Avenue, Kingsmere, and Wear Lodge to voice objections to the application. Objections are raised on the following grounds; Noise from parking and lorry bays facing onto residents homes (it is noted the proposals are for a 24 hour operation and as such concern is raised as to how the proposals may affect the sleep patterns of residents – especially bearing in mind the potential for reversing beepers and lights to be used). Cllr Proud suggests that the 'flipping over' of the unit, so as to ensure these areas were on the western side of the property, may alleviate this potential problem.

North Lodge Parish Council object to the proposals. A copy of their letter of objection is appended to this report.

41 letters of objection and 2 letters of no objection have been received to the proposals. The objections have been lodged on the following grounds;

- Visual intrusion - The units would be too high in the context of the surrounding area, in particular when viewed form residents homes. This would be accentuated

by the proposed increase in ground levels. Residents allege that they were assured that smaller units would be erected on this part of Drum. It is considered there is a lack of planting to effectively screen the building.

- Noise pollution, caused by the proximity of the site to residential properties, accentuated by the layout which shows delivery / loading bays facing residential properties and the fact that the premises is proposing to open 24 hours a day.
- Increased traffic congestion in the locality, in particular around the 'Northlands Roundabout' and local roads such as Park Road North and Blind Lane. Concerns are also raised that the Transport Assessment submitted as part of the application is not thorough enough, in the sense it does not consider the impact on the wider road network. Concerns are also raised about vibration affecting nearby homes, as a result of additional HGV movements. Finally it is suggested that making Blind Lane a one way road would help ease predicted congestion.
- Concern is raised that additional surface water run off will harm surrounding property, including the railway
- Light pollution, caused by an exterior lights fitted to the premises
- Harm to wildlife, including species that use existing ponds within the site
- Some residents would prefer to see smaller office units built on the site (as have been provided for to the west of Drum)
- Concerns are raised about lack of consultation on the application, and an alleged lack of impartiality on the applicant's professional reports.
- It is pointed out that a public right of way exists within the site.
- It is requested that if the application is approved no lettering should be allowed on the elevation of the unit facing residents.
- Concerns are raised about what will be stored in the unit, including if this was to be hazardous materials, or fuel. Similarly concern is raised that rubbish may be stored outside of the unit.
- The proposals may affect TV reception to local households

In support of the application the applicants have submitted a number of documents including; a Supporting Planning Statement, a Habitat Survey, an Interim Travel Plan, a Transport Assessment, an Acoustic Report, an Access Statement and plans showing the relationship of the proposal with the earlier extant approval. The applicants contend that these documents demonstrate the benefits of the scheme, including;

- That the site is accessible by a variety of modes of transport and that the proposals will not have an adverse impact on the highway network
- That the units are accessible to wheelchair users and are compliant with DDA legislation
- That the layout / design of the scheme is of a high quality which will meet the prestige aims of Local Plan Policy. In terms of scale it is pointed out that the height of the unit is lower than that previously approved, and that the positioning of the unit is further away from residential property
- That the proposals will not harm any protected wildlife species
- That issues associated with potential noise concerns have been fully investigated and that it has been demonstrated that the proposals will not have any adverse impact on residential properties beyond the site boundary to the East.
- The proposals will assist in delivering the Council's ongoing regeneration efforts within the District. It is advised that the intended occupiers of the unit are the Co-

op, who are looking to relocate from their existing premises to the north on Drum Road. The applicants advise that the Co-op are actively considering other potential sites, in the event of planning approval not being forthcoming for this site, it could jeopardise over 300 jobs.

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

The application raises a number of issues for consideration having regard to the relevant Policies contained in the emerging Regional Spatial Strategy (RSS) and the saved policies contained in both the County Durham Structure Plan and Chester-le-Street Local Plan

#### **Regional Spatial Strategy**

The (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 are Policies 1 – North East Renaissance, Policy 2 – Sustainable Development, Policy 5 – Locational Strategy, Policy 12 Sustainable Economic Development, Policy 18 – Employment Land Portfolio, Policy 24 – Sustainable Communities, Policy 39 – Sustainable Construction, Policy 40 – Renewable Energy.

These Policies essentially require that new development proposals should comply with the aims of promoting the interests of sustainable development (including through locating new development close to existing urban centres, promoting renewable energy and sustainable forms of construction). They also provide support for the development of Chester-le-Street as a regeneration town, and in doing so are considered to provide support for proposals that will facilitate the development of employment opportunities in and around the Town. Policy 18 establishes a requirement that Chester-le-Street District shall provide 30 hectares of new employment land as part of the Local Development Framework process.

For reasons as discussed below it is considered the proposals are compliant with the aims of the relevant RSS advice

#### **County Durham Structure Plan**

Policy 3 of the Structure Plan advises that priority shall be given to the provision of new development on sites that are within, or well related to the main towns of County Durham, including Chester-le-Street.

In this respect the site is located immediately adjacent to the Chester-le-Street Town Centre boundary, as defined in the local Plan, and furthermore is situated in close proximity to the town of Birtley to the north. As such the principle of development of the site is considered to accord with the aims of the relevant Structure Plan advice.

#### **Chester-le-Street Local Plan**

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

Policy IN3 of the Local Plan builds on this advice by stating that proposals for new build schemes on Drum will only be approved for Use Classes B1, B2 or B8. As the proposals are for warehousing use (with ancillary offices) they fall within the terms of Use Class B8. Again this is in accordance with the requirements of this Local Plan Policy.

The Policy also requires development proposals to comply with a number of detailed criteria, including providing for; High specification and appearance (particularly along the A693 frontage); Provide for a clean attractive environment; High quality landscaping and means of enclosure; External storage is well screened; Parking provision is in accordance with adopted standards, and, safe highway / access is provided for.

In assessing the proposals against the requirements of these relevant Policies, and having regard to all material planning considerations, including representations received, it is considered that the following represent the principle material planning considerations raised;

#### Highways / Sustainable transport Issues

The Highways Agency have raised no objections to the scheme, commenting that the proposals will not cause congestion problems on the nearby A1 (M) Trunk Road. They do raise comments in relation to the need to secure a commitment to sustainable travel options and this is an issue discussed in greater details below.

The County Council as Highways Authority for the area have commented that the proposals will not have a material impact on the capacity of the surrounding highway network. This view is formed on the basis of the acknowledge fall back position the developers have (the earlier approval granted by application 05/00162/FUL) and taking into account previous commitments made by the developers, and secured through conditions / Section 106 Agreements attached to other grants of planning permission on Drum Industrial Estate which will secure improvements to the highway network, and public transport infrastructure. Specifically Members will be aware these include a commitment to install a roundabout at the entrance into Drum off the A693, to provide for upgrading works to the nearby 'Northlands' roundabout, to provide funding to support the re-introduction of a bus services into Drum, and to upgrade pedestrian links into Drum. Members will be aware that these improvements have been secured through earlier grants of planning permission to the developers for land elsewhere on Drum; application references 05/00162/FUL and 07/00191/FUL refers.

The County Council note the amended plans which have been received through the course of the application have reduced the number of car parking spaces proposed to serve the development. This brings the ratio of spaces to development size into line with their revised standards. The County Council are also satisfied that the proposals will not have a material increase in traffic numbers on the parts of the surrounding highway

network, which was not specifically appraised as part of the Transport Assessment submitted with the application.

As members will note from the representations section above some concerns have been raised by both the Highways Agency, and County Council in terms of the level of sustainability of the site, in particular with reference to its ability to allow people to access it by means other than the private car. However in this respect it should be noted that the site-specific allocation of the land for employment generating use has been saved as part of the recent amendments to the Local Plan. As such it is considered it would be wholly unreasonable to resist the principle of development of the site at this stage. In addition it is also material to consider the various sustainable transport improvements which will be introduced into Drum, as secured by the Agreements / conditions attached to earlier approvals elsewhere on Drum. These are discussed above, and include enhancements to the public right of way network, and the securing of funding to re-introduce a bus service into the estate. Clearly these measures will significantly improve the ability of visitors to access the site by means other than the private car. Finally it should also be noted that conditions of approval are recommended to Members to secure the implementation of a green travel plan and cycle stands. This will also help promote sustainable forms of transport into the development. Members will note these are provided for at conditions Extra 16 and 17.

On balance, and having regard to the above, it is considered that the proposals are acceptable when assessed on transport grounds, including in the area of sustainable transport.

#### Noise Disturbance

A large number of objections to the proposals have been received from residents (supported by the MP, Parish Council and Ward Councillor) in relation to this area.

Officers accept that this issue is clearly a relevant material planning consideration. Indeed the resident's perception of potential disturbance is considered understandable, as the proposals are materially different to those already approved for the site as part of application 05/00162/FUL. On the earlier approval the unit proposed for this part of the site was 'handed' so as to ensure the loading bays faced to the west, away from the residential properties to the east. The earlier approval was also materially smaller, standing at 16,128 sq meters in comparison to the 20,615 sq meters now proposed.

In acknowledgment of this Officers have required the developers to commission an acoustic report, to investigate the impact the development would have in terms of potential noise disturbance. This report has been the subject of independent appraisal by acoustic consultants appointed by Officers.

Officers did request the applicant give consideration to 'handing' the current proposals, in order to ensure the loading bays continued to face to the west, as per the extant approval. However the applicants have verbally advised that this would not be possible on the grounds of operational reasons claimed by the intended operator. They have requested the application is considered as presented. They have also pointed out that the application as now presented proposes some physical measures which will help support their view that the present scheme will not have an adverse impact on the nearby residents. This



includes the fact that the unit now proposed is situated further away from the nearby residents, by some 10 metres to the East, and some 40 metres to the South, in comparison to the earlier approval on site.

Notwithstanding the issue of the footprint of the unit being situated a greater distance from residential properties, both the applicant's and Council's acoustic consultants have appraised the potential for noise complaints using a commonly applied acoustic standard. The results indicated that the projected noise levels from the site were of "marginal significance". This implies that whilst that some noise from the site may well be audible from nearby properties, it is unlikely to be at a level that would give rise to justifiable complaints.

Officers are satisfied, following an independent appraisal of the applicant's acoustic report, that the proposals will not lead to any significant problems to residents by way of increased noise and disturbance. The report prepared by the applicant's acoustic engineer indicated that any increase in background noise level would be classed as of "marginal significance."

Members will note that the Environmental Health Manager supports this view. This view is formed having regard to the ability of the Council to impose relevant conditions of approval, to tie the operators of the unit to certain operating parameters. These are listed below at conditions Extra 5, 9, 12 and 18 to 25.

#### Height of Proposed Units

Objections have also been received against the height of the proposed units, and how this may impact on the amenity of residents to the east of the site.

In assessing the height issue it is of importance to take into account the fact that the height of the unit proposed, at approximately 16.5 metres to eaves level, is of virtually identical height to that approved by application 05/00162/FUL. Clearly, taking this into account (and notwithstanding discussion about land levels / distance from residential properties, see below) as a matter of principle it would be unreasonable to now resist this application on heights grounds.

However, Officers are satisfied the height proposed will not only not cause any adverse impacts to nearby residents, but will also be acceptable in general visual impact terms when viewed from the wider area.

In relation to the impact on nearby residents it should be noted that these occupiers are situated some considerable distance from the footprint of the unit, some 135 to 150 metres to the east. This is a greater distance than that provided for with the earlier application. It is also material to note that the ground levels between the application site and the dwellings are such that there will be little visibility of the unit from the rear elevation of the closest dwellings along Kingsmere, to the East. These level changes include, of particular significance, the embankment of the East Coast Main line.

It is also relevant to note that the applicants have revisited the changes in ground levels within the site that were approved as part of the earlier application. The levels now provide for a reduction on these existing within the site prior to development, and indeed a

reduction on those proposed by the earlier application. This situation will ensure the development now proposed will have an overall floor to ridge height of around 1 – 1.5 metres lower than that previously approved.

In light of the above, and recognising the greater distance from residential properties now proposed, the reduction in floor to ridge height, and of most importance the contention that the development will have little visibility from nearby residential properties as a result of distance and existing ground levels the view is taken that the height and visual impact of the proposed development is entirely acceptable.

#### Wildlife / Ecology

Some objections have been received in relation to how the development may harm wildlife and ecology interests that may be present within the site.

In recognition of this concern Officers have requested the developers carry out an ecology survey of the site. This survey has not revealed the presence of any protected species within the application site. The survey does however advise there is a medium risk of breeding birds being present within parts of the site, and as such recommends a programme of habitat replacement measures, including the provision of bird nesting boxes.

Officers consider there is opportunity to secure these replacement habitat features through landscaping conditions, including for the adjacent pond area covered by the earlier application). Members will note that this is secured by Condition Extra 2 and 8. Subject to the above it is not considered the development would be likely to cause significant harm to wildlife / ecology issues sufficient to justify the refusal of planning permission.

#### Surface Water Discharge

Whilst the concerns raised in this regard are noted Northumbrian Water Limited have advised that surface water run off from the site can be directed into mains drains. Members will note this requirement is secured by condition Extra 7. Subject to the imposition of this condition the development will not give rise to any adverse surface water concerns in the locality.

#### Public Right Of Way

It is acknowledged that a public right of way exists within the development site, and that the proposals will require a diversion of this route. Whilst this is ultimately a decision to be taken as a separate matter (following application to the Head of Legal Services) the relevant Circular advice does acknowledge that a development's impact on an existing public right of way is a material planning consideration. As such it is appropriate, at the planning application stage, to have regard to the availability of ensuring a right of way, to a broadly commodious standard could be maintained.

In this respect the overall development proposals submitted for the site do indicate how a diverted right of way could be provided, which would enable the existing journey west /

east through the site to be achieved. Accordingly the view is taken that the proposal is acceptable in terms of its impact on the public right of way network.

### Employment Generation

The ability of a proposed development to secure / increase employment levels within an area is a material planning consideration. As discussed above the applicants envisage the scheme is likely to protect in the region of 300 jobs. Whilst clearly this figure is indicative, and Members should be bear in mind that clearly these views cannot be substantiated, it is nevertheless a matter of fact that the development will create a significant amount of net additional commercial floorspace in the District's primary employment site. This is a material planning consideration in favour of the proposals.

### Public Artwork

Members will be aware that Policy BE 2 of the Local Plan requires developers to devote a percentage of devolvement costs to public artwork. Whilst a figure has not yet been agreed in relation to this application, Members should be aware that recommended condition 14 will be applied to secure a figure equitable to those agreed with other similar developments.

### Television Reception

Some objections have been received on the grounds that the development may affect TV reception. Whilst the original version of PPG 8 advised this was not a material planning consideration, the most recent revision to this document advises that it can in certain circumstances be a material consideration.

Whilst there is no definitive evidence to suggest the development will lead to a loss of signal Officers have been made aware from local residents that some problems have allegedly been experienced following the completion of the adjacent unit on the site. Officers have raised this issue with the developers and to date no response has been forthcoming.

Taking the above into account it is considered appropriate, bearing in mind revised PPG 8 advise to adopt the 'precautionary approach' and to attach a condition of approval to require the developers to investigate this concern, and thereafter to implement any works considered necessary to address any problems identified. Members will note this is covered by condition 13.

### Other Issues Raised

The above is considered to represent an appraisal of all material planning considerations raised by the proposal. However it is also considered appropriate to consider some of the other issues raised as part of the consultation process.

Some objectors have expressed a view that they would prefer to see smaller units, perhaps in the form of offices provided on the site. Whist this view is acknowledged, and indeed office development would be acceptable in principle when assessed against

relevant Local Plan policies, clearly it is the applicant's prerogative to make application for the particular form of development they wish to promote for the site.

Some concerns have also been raised in relation to the unit potentially becoming a hazard, as a result of fuel / other flammable materials being stored in the premises. However this is not a material planning consideration as other statutory controls exist to address this concern, including the Planning (Hazardous Substances) Regulations 1992.

A number of residents have expressed a concern about a perceived lack on consultation of the proposals. However Officers have carried out consultation in accordance with statutory requirements and in addition to this have ensured a wide letter drop to surrounding properties. Officers have also attended public meetings to further assist in the public's understanding of the application.

### **Conclusion**

Having regard to the above, and taking into account the potential to impose conditions as deemed necessary to mitigate against some of the likely impacts of the development, it is considered the development is acceptable when assessed against all relevant development plan policies and having regard to all material planning considerations.

Accordingly it is recommended that planning permission be granted.

### **RECOMMENDATION**

Approve

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).

02C - Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls and / or roofs of the building(s) have been submitted to, approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy IN3; of the Chester-le-Street District Local Plan.

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.

Reversing alarms shall be broad band with minimum allowable noise level, details of which shall first be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved, in order to ensure the development will not give rise to amenity problems to nearby residents

Extra 2.

The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of screen fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be retained for a period of 5 years; in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy IN3 of the Chester-le-Street District Local Plan.

Extra 3.

Full details of all means of enclosure of the site, including any internal means of enclosure to sub-divide individual plots, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of construction in order to ensure the satisfactory appearance of the development and to accord with the aims of Policy IN3 of the Chester-le-Street Local Plan

Extra 4.

Notwithstanding the details shown on the hereby approved plans and elevations, and the provisions of Part 8 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) there shall be no amplified noise systems attached to the external elevations of the hereby approved building, in order to ensure the development protects the amenities of nearby residents

Extra 5.

Details of any external lighting to be attached to the building hereby approved shall be submitted to and approved in writing by the local planning authority prior to the building being brought into use, in order to ensure the development protects the amenities of nearby residents

Extra 6.

Notwithstanding the provisions of Part 8 the Town and Country Planning (General Permitted Development) Order 1995 (as amended) there shall be no extensions or alterations to the hereby approved building, in order to ensure the development protects the amenities of nearby residents.

Extra 7.

All surface water discharges associated with the development hereby approved shall be to surface water sewerage systems, details of which shall first be agreed in writing prior to the commencement of the development hereby approved, in order to ensure the development does not give rise to flooding concerns in the locality

Extra 8.

A scheme for the installation of replacement habit features, to include bird boxes, shall be submitted to and agreed in writing within 2 months of the occupation of the development hereby approved. Thereafter the agreed measures shall be implemented on site within 6

months of the date of approval and shall be retained in perpetuity, in order to ensure the development militates against any potential harm to protected species

Extra 9.

The proposed floor levels shall be implemented on site wholly in accordance with the details contained in the application hereby approved, in order to ensure the development does not give rise to amenity problems to nearby residents by way of increased noise pollution or visual intrusion.

Extra 10.

Prior to the commencement of development hereby approved a scheme to minimise energy consumption that achieves a minimum 10% reduction in energy consumption shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to minimise energy consumption and to comply with the aims of the emerging Regional Spatial Strategy, Planning Policy Statements 1 and 3 and Local Plan Policy NE1

Extra 11.

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

Extra 12.

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

Monday to Friday - 0730 to 1800

Saturdays - 0900 to 1300

Sundays - No working

Bank Holidays - No working

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

Extra 13.

Prior to the commencement of construction of the development hereby approved, the applicant shall commission a television reception study to assess the potential for the development to affect television reception in the locality. Thereafter any recommendations arising from this report shall be implemented in full prior to the occupation of the unit, in order to ensure the development does not adversely affect television reception in the locality

Extra 14.

The development hereby permitted shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the provision of adequate public artwork provision within the locality in accordance with a detailed scheme, which has first been

submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for recreational and open space facilities and to comply with the aims of Policy BE 2 of the Local Plan

Extra 15.

There shall be no open storage of materials within the application site, unless in areas otherwise first agreed in writing with the Local Planning Authority, in order to ensure the development does not give rise to amenity problems and to accord with the aims of Policy IN3 of the Local Plan

Extra 16.

Within 6 months of the occupation of the unit hereby approved a final travel plan shall be submitted for approval, in order to ensure the development encourages sustainable forms of travel and to accord with the aims of PPG 13 and Policy T15 of the Chester- le- Street Local Plan 2003

Extra 17.

Notwithstanding the details contained in the application hereby approved a scheme for the installation of cycle stands shall be submitted to and approved in writing prior to the occupation of the unit. Thereafter the approved cycle stands shall be implemented on site and retained in perpetuity for the lifetime of the development, in order to ensure the development promotes interests of sustainable transport and to comply with the aims of PPG 13 and Policy T15 of the Chester- le- Street Local Plan 2003

Extra 18.

Sound power levels from installed plant, vehicle maintenance unit compressors, energy centre plant, roof mounted condensers, vehicle wash and similar shall not exceed those on which the assessment by the applicants acoustic consultant (Wardell Armstrong) was based, in order to ensure the development does not adversely affect the amenities of nearby occupiers

Extra 19.

Vehicular operations on site shall not exceed those detailed in the submitted noise assessment that is; 10 per hour 23:00 to 04:00, 20 per hour 04:00 to 05:00, 28 per hour 05:00 to 06:00, 43 per hour 06:00 to 07:00 with 12 per hour average from 07:00 to 23:00, in order to ensure the development will not give rise to amenity problems to nearby residents

Extra 20.

No more than 20 units may load or unload simultaneously, in order to ensure the development will not give rise to amenity problems to nearby residents

Extra 21.

No more than 60 refrigeration units should utilise electrical hook up facilities at any time and no more than eight refrigeration units should utilise diesel power for maintenance of refrigeration systems at any one time in order to ensure the development will not give rise to amenity problems to nearby residents

Extra 22.

Stationary trailers awaiting drivers must be on electrical hook up to maintain their refrigeration systems with the exception of eight vehicles at any one time, and as specified under condition 21 of this permission, use of diesel engines for refrigeration systems should be restricted to trailers in the process of coupling or uncoupling or transiting the site, in order to ensure the development will not give rise to amenity problems to nearby residents

Extra 23.

A scheme to enforce a site speed limit of 15 km/h shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of the development hereby approved, in order to ensure the development will not give rise to amenity problems to nearby residents

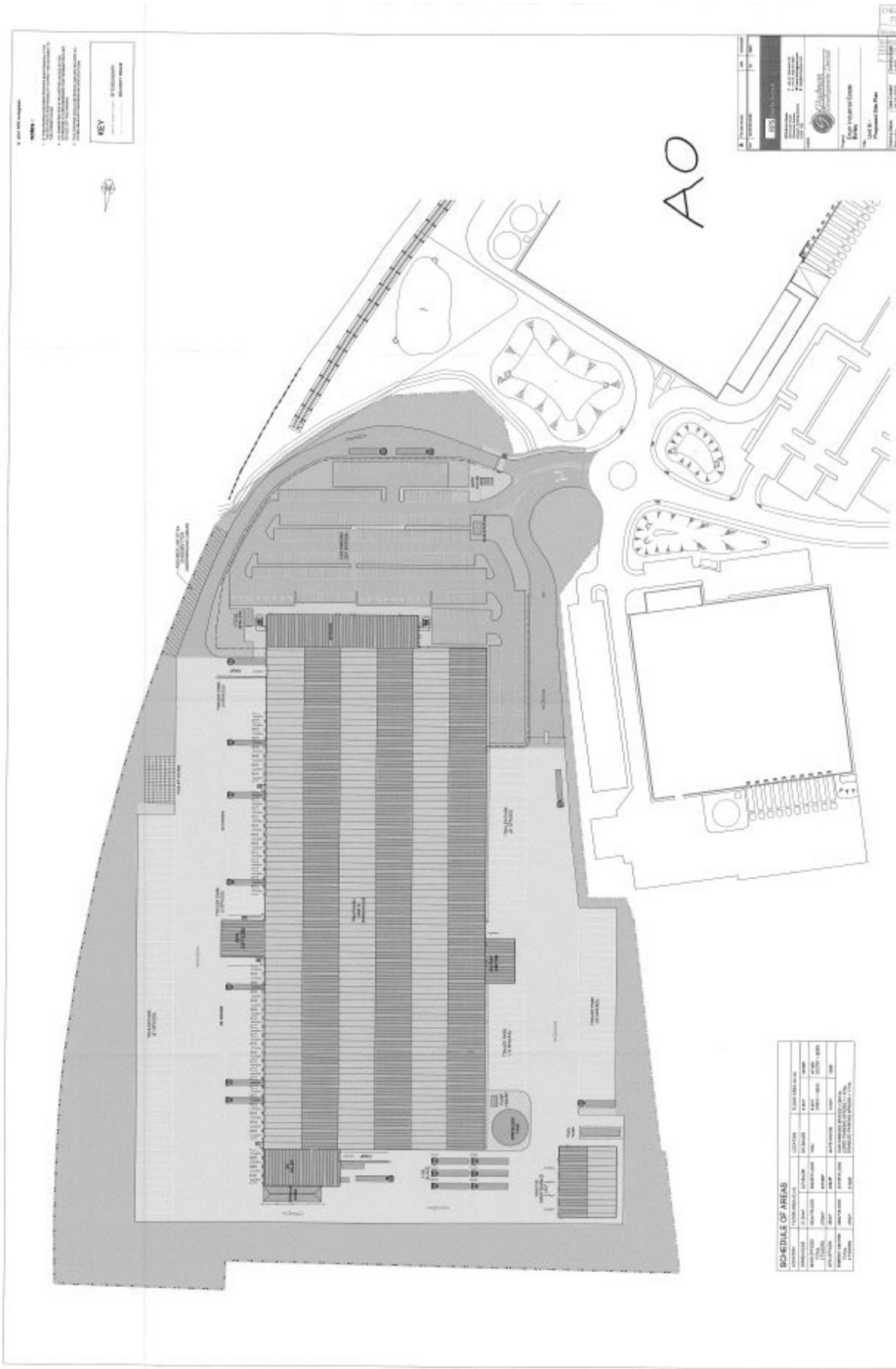
Extra 24.

The vehicle maintenance unit shall operate with its doors shut apart from when required to allow for the access and egress of vehicles, in order to ensure the development will not give rise to amenity problems to nearby residents

Extra 25.

No testing of vehicle horns or other alarms shall be carried out on site, in order to ensure the development will not give rise to amenity problems to nearby residents.









4.

**Reference: 07/00434/FUL**

**Proposal** Proposed mixed use development to include 2 no. (A1) shops, 2 no. (A2) offices and 1 no. (A3) restaurant at ground floor with 14 no. apartments above.

**Location** Land at 5 to 9 South Burns Chester-le-Street Durham DH3 3EZ

**Applicant** Quotient Solutions Limited

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**Application Summary**

**Ward:** Chester Central

**Case Officer:** Sarah Bough

**Contact Details:** 0191 387 2145

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

**Summary of recommendation:** The proposal represents an acceptable form of development, which would enhance the Chester-le-Street Town Centre Conservation Area.

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**The Proposal**

This application relates to the redevelopment of the former bingo hall site on South Burns. The proposed development would include the provision of 5No commercial units at ground floor level, composed of 2No A1 shops, 2No A2 Offices and 1No A3 Restaurant and 14No residential apartments above. The proposal would also include the provision of some in curtilage car parking.

The site is within the Chester-le-Street Town Centre Conservation Area and occupies a prominent position at the centre of South Burns. The site faces directly onto the newly refurbished market place, which is to the north. To the east and west the application site are existing two storey buildings and to the south are the residential properties of Carven House and Lowerton House both of which are at an elevated position above the site beyond the high brick retaining wall.

The site which is roughly rectangular in shape and derelict in appearance was formerly the site of the Queens Hall Bingo, now demolished. That building was the subject of severe fire damage. The proposed building, measuring some 40 metres in length by 18 metres in

depth, would cover the majority of the available site area, although some space would be retained to the rear of the building for access and an area to the southwest corner of the site would be utilised for 4No car parking spaces.

The building has been designed to appear as three separate buildings, although physically joined. Each building would have a different ridge height and the differences in design detailing and proposed material variations would reinforce the appearance of the three buildings. It is proposed that the two end blocks would be red facing brick, each of a varying shade and the mid block would be faced with white render. The design of the upper floors of the buildings includes the use of varying window detailing, cills and lintels and the use of dormer windows within the roof space of the middle block and eastern block of the building, as well as a parapet wall on the eastern block.

### Relevant Planning History

02/00091/FUL - Erection of building comprising of 2No shop units at ground floor level and nightclub at 1st floor level - Refused, 22 January 2003

03/00284/FUL - Erection of building comprising 2No shop units and cafe/bar at ground floor and nightclub at 1st floor level - Refused, 10 June 2003. This application was subsequently allowed at appeal on 19 November 2003 and is therefore still a live planning permission.

### Consultation Responses

The application has been advertised by way of a press notice, site notices and direct neighbour notification letters, as a result of which 1 letter of objection has been received and is summarised below: -

- The existing buildings are all two storey traditional brick or stone buildings with low pitched roofs. The proposed new building is almost twice the height of the existing buildings and at its highest point would exceed the height of the original brewery buildings and would be at the same height as Carven House.
- The proposed dormer windows on the rear elevation of the building would be looking directly into habitable windows within Carven House
- The agents have, within the design and access statement, commented that the vegetation along the embankment will provide adequate all year round screening, which is not true as the trees are not evergreen and therefore Carven House is exposed during the winter months.

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

The limited amount of incurtilage parking is considered acceptable, given the sites very central location within the town centre and proximity to the town's bus interchange. There are a number of District Council car parks within walking distance and a cycle store on site

Vehicular access to this part of South Burns is only from the junction with North Burns and there is a 'Motor Vehicles Prohibited' traffic regulation order in force with an exemption for buses and permit holders. It would be the intention that future occupants of the proposed development would be eligible for a permit.

The application site is, as previously stated, within the Chester-le-Street town centre conservation area and accordingly the views of Durham County Council Conservation and Design Officer have been sought. The comments received are summarised as follows: -

The building style complements existing buildings, the materials are used locally and are predominantly natural timber, stone, brick and slate. There is some attractive detailing including chimneys, rainwater hoppers, decorative stone lintels, cills and string bands and decorative metal gates. You will also note that the main block has a slight curve to it.

The existing stone archway has been removed. This is not a listed structure and I have no objections to its removal but there may be local objections. The benefits of the scheme will have to be measured against the benefits of its retention. It is too narrow for vehicular traffic.

I also like the mixed use within the scheme and the residential element would provide surveillance of the Market Place.

The main issue is the overall height of the scheme with all the buildings being taller than any in the street and the 3 storey block being particularly tall. However, I would defend the height as follows

- The original building was large scale
- The setting for the building is the Market Place, which is a big space that can accommodate a big building
- The proposed building would provide a strong backdrop to the Market Place.
- A precedent may have been set in a previous application that included a nightclub.

Nevertheless I consider that the height of the buildings does require further consideration, as this is such an important location.

The views of the Police Architectural Liaison Officer have also been sought. No objection has been raised to the proposal although a number of recommendations have been suggested for the developer, details of which will be provided to the developer for consideration.

At the time of writing this report the views of Environmental Health and Planning Policy are awaited.

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

The current proposal seeks permission for a major retail / residential mixed-use development within the town centre. As such, the provisions of National Policies in the form of Planning Policy Statement 3 and Planning Policy Statement 6 are considered to be of relevance to the assessment of this application. In addition the policies contained within the Housing and Retail chapters of the Chester-le-Street District Local Plan will also be central to the consideration of the proposal.

Planning Policy Statement 6 sets out the Governments objectives for town centres. The key objectives outlined within this Policy are to promote their vitality and viability by: -

- 1) Planning for the growth and development of existing centres;
- 2) Promoting and enhancing existing centres by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.

PPS6 also states that new development should be focused in existing centres in order to strengthen and where appropriate regenerate them. The policy also recognises the importance that housing forms an important element of mixed use, multi storey developments, stating that subject to other considerations, residential development should be encouraged as an appropriate use above ground floor retail, leisure or other facilities within centres.

Planning Policy Statement 3 - Housing provides the Governments key guidance with regards to new residential development. The Governments aim is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. This Policy also emphasises the need for priority to be given to the development of previously developed land, in particular vacant and derelict sites.

### Regional Spatial Strategy

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 6 which stipulates that planning proposals should support the development and redevelopment of the Tyne and Wear conurbation by supporting the regeneration of, amongst others, Chester-le-Street for sustainable indigenous growth to meet local needs. The RSS recognises that Chester-le-Street is one of the principle centres for employment, retailing and other services and recognises the importance of focusing regeneration on Chester-le-Street.

### Local Plan Policy

Policies within the County Durham Structure Plan and Policy HP6 (Residential Development Within Settlement Boundaries) of the Chester-le-Street Local Plan state that proposals for residential development not specifically allocated in the Local Plan will only be permitted within the defined settlement boundaries of, amongst others, Chester-le-Street, provided that the site can be classed as being "previously developed" and that other Local Plan Policies are satisfied. Clearly, the site can be classed as being "previously developed" being the site of the former Queens Bingo Hall.

Turning to the retail element of the proposals, Policy R7 of the Local Plan (Non-Retail Uses in Secondary Shopping Frontages) confirms the application site as being within the Secondary Retail Frontage within the town centre. This states that proposals for a change of use from Use Class A1 (Retail) at ground floor level will be permitted to uses falling within Use Classes A2 (Financial and Professional Services) and A3 (Food and Drink) provided that these non-retail uses do not account for more than 40 per cent of the street level frontage. Whilst this proposal does not relate to a change of use it is considered that the requirements to provide an adequate supply of retail units may be applied. The

proposal makes provision for 5No commercial units, 2 of which, it is proposed would be dedicated for Use class A1 (Shop), this is equal to 40% of the total to be provided. Whilst it may be preferable to encourage a greater portion of dedicated retail space it should be noted that the proposal would in fact result in a net gain of 2No retail units in comparison to the current situation and in reality, those units which have been identified as A2 (Offices) could in fact be changed to a shop without the need to apply for planning permission. Accordingly up to 80% of the units to be provided could be utilised for retail purposes.

The detailed assessment of both elements of the proposal centres around the statutory requirement to have special regard to the desirability of preserving any listed building or its setting and duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and the provisions of Policies R11 and Policy HP9 (Residential Design Criteria - General).

### The Retail Proposals

The current application seeks permission to re-develop the application site to provide 5 commercial units (in addition to the residential accommodation which is considered below) - currently the site is vacant. The mix of units is, as detailed above, considered to be acceptable and the proposed shop front are felt to be appropriately designed and reflect the "traditional" design qualities of the surrounding buildings, incorporating a traditionally proportioned timber shop front with stall-risers, pilasters and fascia / cornice detailing.

There is no car parking provided in association with the retail units, which given the town centre location and proximity to public car parks, is considered acceptable. Servicing would be to the front. It should be noted that Durham County Council have raised no objection to this arrangement.

### The Residential Proposals

The application site comprises a 40 metre section of South Burns. The design, scale and massing of the resulting building is therefore crucial to the successful integration of the building into the fabric of South Burns and its impact upon the character and appearance of the town centre.

The proposed proportions, detailing, window openings, features and materials are all felt to respect those of the adjoining two buildings, and the general appearance of the wider area. The proposal, at between 3 and 3.5 storeys, is larger than both of the adjoining buildings and indeed any others within South Burns. Notwithstanding this, the scale and height of the proposed buildings is considered acceptable on the basis that the setting for the building is the Market Place which is a big space and the site is capable of accommodating a large building. It is considered that the proposal would represent a landmark and provide a strong backdrop to the Market Place.

### Impact on neighbours

Directly to the rear of the application site are 2No bungalows, namely Lowerton House and Carven House. The rear elevation of the proposed development would face onto the blank gable of Lowerton House, accordingly it is not considered that the proposed



development would adversely impact upon this property. However, the relationship with Carven House requires greater consideration.

The rear elevation of Carven House faces directly onto the rear elevation of the proposed development. Carven House is a dormer bungalow with habitable rooms facing onto the site at both ground floor and also 2No dormer windows within the roof space. It is not considered that the proposal would impact upon the ground floor windows, which face directly onto a high close board fence and accordingly will not have view of the proposed development. However, the dormer windows of Carven House, which both serve bedrooms, would look directly onto the development. As members are aware, Appendix 1 of the Local Plan requires that a minimum separation of 21 metres be provided between facing habitable rooms. The separation between Carven House and the eastern block of the development would, at the closest point, be 18.5 metres, which is clearly below the set separation standards. The application, as originally submitted, included dormer windows in the third floor apartment looking directly onto Carven House. However at the request of officers, the application has now been amended to delete the dormer window and utilise velux windows as an alternative. In addition the velux windows have been set up the roof plane by 1.8 metres to ensure that no overlooking will occur onto Carven House. It is considered that this design solution is sufficient to secure the privacy for both the occupiers of Carven House and future occupiers of the proposed development.

Whilst the proposed development is within close proximity of Carven House it is not considered that the development would appear unduly overbearing when viewed from Carven House which is elevated above the site by 8 metres, the result of which is that the finished ridge height of the proposed development would be roughly in line with the ridge height of Carven House itself.

#### Highway/Parking Issues.

As previously stated the proposal only makes provision for 4No incurtilage car parking spaces, which are in association with the residential properties. Notwithstanding this, the views of the Highway Authority are that the provision is, in this instance, acceptable due to the central location of the site and proximity to public car parks. Bearing in mind the views of the Highway Authority, it is considered that the level of parking provided is acceptable.

Other "general" Policies contained within the Local Plan which are considered to be of relevance to the assessment of the current proposal are as outlined below:

BE2 - Public Art - As members will be aware, this policy seeks to secure a financial contribution towards the provision of public art work. Discussions have taken place with the agent with regard to making adequate provision as part of the grant of any planning permission. It is has been asked that that a contribution of £500 per apartment would be an appropriate sum, which would equate to £7000. This figure is equitable with other similar agreements received elsewhere. This would be secured through a condition requiring the applicant to enter into a Section 106 agreement.

RL5 - Outdoor Sport and Recreation Provision in New Residential Development / HP15 - Community Provision

As Members will be aware, these Policies set out the District Council's intentions in terms of securing appropriate levels of recreation provision within new developments. Ideally,

this will be in the form of provision within the site, but the Policy provides flexibility to negotiate a commuted payment as a contribution towards provision off-site. Previously negotiated agreements seeking a contribution towards such facilities have agreed contributions of £500 per apartment unit, which, in this instance, would equate to a commuted payment of £7000.

Clearly, a site as small and as central as this would not be felt to be appropriate for the provision of play equipment within its boundaries although conversely, the need for access to such play provision is perhaps greater due to the densely developed surrounding areas. It is considered however, that it would be most appropriate to seek a contribution, through a commuted payment secured by section 106 of the Town and Country Planning Act 1990 (as amended). This process can, as with a previous examples elsewhere, be secured through the use of an appropriately worded condition requiring the completion of an agreement under Section 106.

### **Conclusion**

In conclusion, the application is considered to represent an acceptable scale, form and type of development for a location such as this within Chester-le-Street town centre.

The proposal, due to the length of the frontage, is considered to represent a significant development opportunity within the town centre. By virtue of the design approach taken, which reflects the traditional features and materials of adjoining buildings, is felt to make a positive contribution to the character of the town centre and the Conservation Area and will respect the setting of the adjacent Listed Building. Furthermore, the development would also allow the redevelopment of a derelict site, which currently detracts from the appearance of the area and the newly refurbished market place.

The proposal is therefore felt to be in compliance with the overall provisions of the Chester-le-Street District Local Plan, and has been considered against the provisions of the Policies outlined above and other material considerations. Subject to suitably worded conditions, including one relating to the completion of an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure a contribution towards off-site play / recreation provision and public artwork, the proposal is considered to be acceptable in planning terms and is therefore recommended for approval.

### **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).
- 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 23 November 2007; unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

RENEN – Prior to the commencement of the development hereby approved a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for at least 10% embedded renewable energy. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to minimise energy consumption and to comply with the aims of the emerging Regional Spatial Strategy, Planning Policy Statements 1 and 3 and Local Plan Policy NE1.

Extra 1.

Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls and / or roofs of the building(s) have been submitted to, approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy R11 and HP9 of the Chester-le-Street District Local Plan.

Extra 2.

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 RL5 of the Local Plan.

Extra 3.

The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the 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 public artwork and to comply with the aims of Policies BE2 of the Local Plan

Extra 4.

In accordance with the details shown on the submitted ground floor plans, the car parking shall be marked out on site in accordance with the plans, prior to the occupation of the first residential unit in the interests of highway safety and the satisfactory provision and layout of parking spaces within the rear yard area in accordance with Policy HP9 of the Chester-le-Street Local Plan

Extra 5.

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.















5.

**Reference: 07/00476/FUL**

**Proposal** Erection of garden shed at side of property and erection of 1.65 metre high boundary fence at side. (Retrospective application)

**Location** 41 Turnberry Ouston Chester-le-Street Durham DH2 1LS

**Applicant** Mr A. Cooper / Miss V. Wood

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**Application Summary**

**Ward:** Ouston

**Case Officer:** Lisa Morina

**Contact Details:** 0191 387 2146

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

**Summary of recommendation:** The proposal would provide for an acceptable form of development within the streetscene and would not impact upon the residential amenity of the neighbouring properties.

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**The Proposal**

This report relates to the erection of a garden shed at the side of the property and the erection of 1.65m high boundary fence at the side which extends the existing boundary fence by 6.35m.

This application is being sought retrospectively as a result of an enforcement complaint and investigations by Officers.

**Planning History**

An application for the overall development of the estate was granted planning approval under planning application reference 86/00169/FUL on the 24 September 1986.

**Consultation Responses**

Regeneration Team - No Comments

The planning application was advertised through direct notification to local householders. As a result of this exercise, 3 letters of objection have been received from nearby residents. The main issues raised are:

- The shed and fence have been constructed without any consideration for, or consultation with, other residents.
- The side of 41 Turnberry faces the front aspect of all the houses within the cul-de-sac meaning the views from the front windows and front driveways are overpowered by the new additions.
- The area was built as an open plan development and the new fence and shed totally ruin the open feel within the cul-de-sac.
- Allowing the shed and fence to remain is equivalent to allowing anyone to build a large shed or garage in their front garden with no regard for anyone.
- The applicants do not see the development from their front window; surely the neighbours are entitled to the same privilege.
- The shed is an eyesore and is not in keeping with the rest of the development
- Although it is stated "at the side", the area is open plan and 41 is a side property therefore, it is in effect the front.
- The shed should be constructed in the rear garden.
- No objection would be raised to an extension in keeping with the development.
- The divide between the front and rear of the property has been moved by a great amount.
- A similar development at no. 3 Turnberry was "thrown out" therefore, a precedent has been set.
- There may be a covenant on the site restricting any walls, fences, sheds or hedges being constructed.

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

Policy HP11 and appendix 1 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 and the impact the proposal may have on the amenity of adjacent residents.

#### **Streetscene**

It has been stated in objections that the proposal is an eyesore and is not in keeping with the surrounding area due to the open plan aspect of the area and, that due to the host property being a corner plot, the proposal is essentially being constructed to the front.

However, the proposal is situated at the head of the cul-de-sac, and it is considered in planning terms that it should not be classed as a corner plot. Due to this, the erection of the additional fence is considered appropriate and is not considered to have an impact upon the open plan aspect of the streetscene. The shed is positioned to the side of the house and is well screen by the fence. It is considered therefore, that the visual amenity of the streetscene would not be adversely affected.

### Residential Amenity

The proposal is situated at the side of the property and is situated more than 15m from the front building lines of the neighbouring properties 35-39 Turnberry. It is considered therefore, that the residential amenity of these neighbours would not be adversely affected as there would be no loss of light, overlooking or overshadowing as a result of the shed and fence.

With regards to the neighbour closest to the development at no 40, due to the set back of the property it is already affected in terms of some overshadowing by the main dwelling. It is considered however, that due to the position of both the host property and this neighbour, the shed and fence would not create any additional undue loss of light or overshadowing issues.

### Other Issues Raised

With regards to other issues raised within the objections, clearly an applicant does not have to inform neighbours that they are intending to carry out building works. Upon the receipt of the planning application, albeit retrospectively, the relevant consultations were carried out by officers.

A covenant restriction is not a material planning consideration and therefore, can not be considered as part of the planning process.

With regards to a similar development being "thrown out" at no. 3 Turnberry, the development proposed with this application is of an entirely different nature to this nearby application. In addition, all applications have to be decided on their own individual merits.

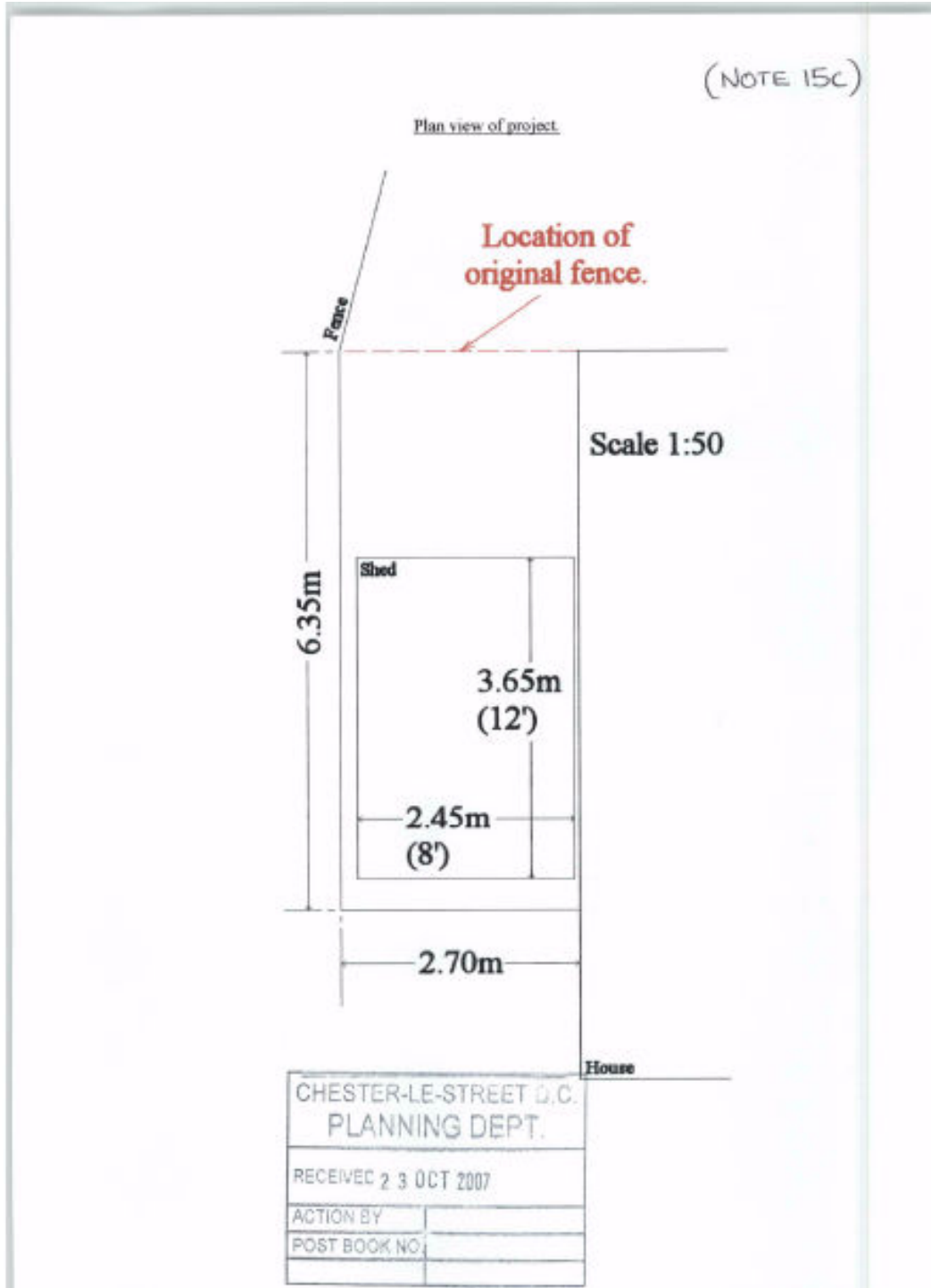
### Conclusion

Taking all relevant issues into account, it is considered that planning permission should be granted retrospectively.

### RECOMMENDATION

Approve

As this application is granted in retrospect, no conditions are suggested.





(NOTE 15c)

General views of project.



CHESTER STREET PLANNING DEPT.	
RECEIVED 23 OCT 2007	
ACTION BY	
POST BOOK NO.	

6.

**Reference: 07/00498/FUL**

**Proposal** Residential development comprising 4 no bungalows and 2 no semi-detached houses

**Location** Land at Fleece Terrace Edmondsley Durham

**Applicant** Mr P. Anderson

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**Application Summary**

**Ward:** Edmondsley and Waldrige

**Case Officer:** Sarah Bough

**Contact Details:** 0191 387 2145

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

**Summary of recommendation:** The proposal is considered to accord with the provisions of Policy HP9 of the Chester-le-Street Local Plan and is considered to represent an acceptable form of development having regard to all material planning considerations.

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**The Proposal**

Detailed planning permission is sought for the construction of 6 No dwellings, with associated garaging/parking on an area of land to the west of Fleece Cottages, Edmondsley. The site is roughly rectangular in shape and measures approximately 0.18 hectares. The land, which is currently an area of rough grassland was formerly occupied by a row of Terraced properties known as Stone Row and is located to the western edge of the village.

The site is bound to the east by bungalows, to the west by allotment gardens, to the north by an area of recreational open space and to the south by open fields.

The six residential units proposed would be created in 3No sets of semi detached properties. The mid section of the site would be occupied by 2No two storey dwellings with associated garages and by 2No semi detached dormer bungalows on either side. The development would include the provision of small front gardens with vehicular access and parking to the rear.



### **Consultation Responses**

The application has been advertised by way of direct neighbour notification letters and a site notice. No letters of objection have been received to the application.

Edmondsley Parish Council has offered the following comments: -

- There is a covenant attached to the deed of this land, which requires that access must be maintained on the side road occupying the land for the allotment holders.
- The site is not Fleece Terrace, as described but is Fleece Cottages, formerly Stone Row.

The views of Durham County Council, as Highway Authority, have been sought and their comments are summarised as follows: -

The vehicular access position for these properties is as previously discussed with the architect and is intended to respectively ensure (a) that adequate sight visibility is achieved, (b) vehicle manoeuvring takes place on the private road rather than the C11 highway, and (c) obviate the need for additional vehicle accesses onto the C11.

The level of parking provided is considered necessary to discourage parking on the C11 highway, which would otherwise be to the detriment of road safety. The electricity pole (currently at the access point) to be relocated should go to the west of the access, at the back of the footway, where it will have less effect on sight visibility.

No objection to the application is raised subject to the following condition:

Nothing shall be erected or installed greater than 0.9m in height within the 2.4m by 90m sight visibility splay to the east along the C11 highway.

Reason: In order to ensure an adequate sight visibility splay is achieved.

The views of the Conservation and Design Officer at Durham County Council have also been obtained with regards to the layout and design of the development. In summary the proposal is considered to be of an appropriate scale and character for the rural location with a traditional design. The dormer bungalows relate well to the adjacent site and the gaps between the buildings give the layout an open appearance.

The views of the Councils Regeneration Team are awaited at the time of writing this report.

### **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 stipulates that new development should be well related to the County's main towns in order to safeguard the quality and character of the countryside.

In assessing the proposal against the relevant Structure Plan Policy, it is considered that they are acceptable in principle. The proposed site is located within the existing framework of Edmondsley Village and has access to public transport facilities and a limited range of amenities including a post office and school. Furthermore, the site falls within the definition of previously developed land being the site of a former row of terraced properties.

### Chester-le-Street Local Plan

Policy HP8 of the Local Plan provides relevant advice on the subject of residential development within boundaries of a number of settlements, including Edmondsley. This Policy states that small scale residential development will be permitted providing that

- The site is classed as previously developed land
- The site is accessible by public transport, walking, cycling or the proposal can enhance such provision
- The site is readily accessible to employment, educational, retail and community and other facilities by modes of transport other than the car;
- The site can be sustained by the capacity of existing or potential infrastructure, including public transport, physical infrastructure and social infrastructure
- The proposal is appropriate in scale, character and location and fulfils the requirements of other relevant local plan policies

Policy HP9 of the Local Plan requires residential development to meet a number of detailed design criteria. Of particular relevance to this proposal is the requirement that the development relates well to the surrounding area, respecting the predominant character, setting and density and avoids damage to the amenities of adjoining properties, provides adequate privacy to both proposed and existing adjacent residents, provide convenient and safe access.

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

Members will be aware that Policy HP8 of the Local Plan advises that proposals will normally only be supported where sites can be classed as previously developed. Clearly issue requires careful consideration. Previous Ordnance Survey data suggests that housing and associated road system used to exist on the site around 30 years ago. As such and having regard to relevant national advice as detailed in PPS 3 it is contended that in principle the site could be classed as previously developed land. The key test is whether or not the remains of the previously existing structure have blended back into the landscape over a period of time to such that it could reasonably be considered as part of the natural surroundings.

The key test is considered to be whether or not the site blends into the natural surroundings, In this respect the view is taken that it has not been returned to any meaningful amenity use, nor is it equitable with the natural areas of land surrounding it which have, as a matter of fact, never been developed (i.e. the allotments to the west and

open fields to the south). Rather the view is taken that the land appears as a rough parcel of land, of no amenity value, within the defined settlement limit to Edmondsley. Accordingly, on balance, the view is taken that the land should be classified as previously developed.

#### Scale/Massing of Development

Policy HP9 of the Local Plan requires new development to respect the character of the surrounding area. In this respect it is considered that the proposal is acceptable. The form of the proposed development would reflect the loose knit form one would expect within a rural location and would reflect the adjacent residential properties at Fleece Cottages. Furthermore, it is considered that the design of the proposed properties reflects the traditional appearance of surrounding properties and accordingly is deemed acceptable.

#### Privacy and Impact on neighbours

Policy HP9 requires that new residential development respect the amenities of existing surrounding occupiers. This Policy is supported by Appendix 1 of the Local Plan, which provides guidelines in respect to layout and separation standards. When considering the proposal against the requirements set down, it is considered that the proposal would represent an acceptable form of development, which would provide for an acceptable level of privacy for occupiers of the proposed dwellings as well as protecting the privacy of existing nearby properties. Separation between the gable elevation of the existing bungalow, No 6 Fleece Cottages and the nearest proposed bungalow would be 12.5 metres, bearing in mind that neither the existing or proposed property contains habitable rooms in this elevation and therefore there is no requirement to provide this level of separation, the proposal is deemed acceptable. Whilst the proposed bungalow to the east of the site would project forward of No6 Fleece Cottages, it is considered that given the level of separation between the properties, that this would not adversely impact upon the residential amenity of No 6. The height of the proposed dwellings is considered acceptable on the basis that the site slopes away from the existing bungalows of Fleece Terrace and would, it is considered, not appear unduly dominant over the existing dwellings.

#### Highway Safety/Parking Provision

The proposal includes the provision of vehicular access from a newly formed access road, which would run around the rear section of the site. This would also provide the point from which vehicular access to the in curtilage parking would be taken. The development would make provision for 2No parking spaces per bungalow and 1.5 parking spaces (garage plus driveway) for the houses. The maximum parking standards as set out in Appendix X of the Local Plan stipulates a maximum parking standard of 1.5 spaces per residential unit. Clearly a strict interpretation of these standards would indicate that the proposal is making an over provision of parking. However, taking into account the views expressed by the Highway Authority, about the desirability to discourage parking on the C11 road, it is considered that both the vehicular access and the in curtilage parking provision are acceptable.

**Conclusion**

It is considered that the proposed development would comply with the requirements of relevant Development Plan Policies and taking into account all material planning considerations, would represent an acceptable form of development. It is accordingly recommended that planning permission be granted.

**RECOMMENDATION**

Approve SUBJECT TO THE FOLLOWING

**CONDITIONS:-**

- 01A - The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).
- 01B - The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.
- 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.
- 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 ^IN; of the Chester-le-Street District Local Plan.
- 20A - Notwithstanding the details shown on the hereby approved plans and elevations, full details of all means of enclosure of the site (including any internal means of enclosure to sub-divide individual plots) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual and residential amenity and

in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

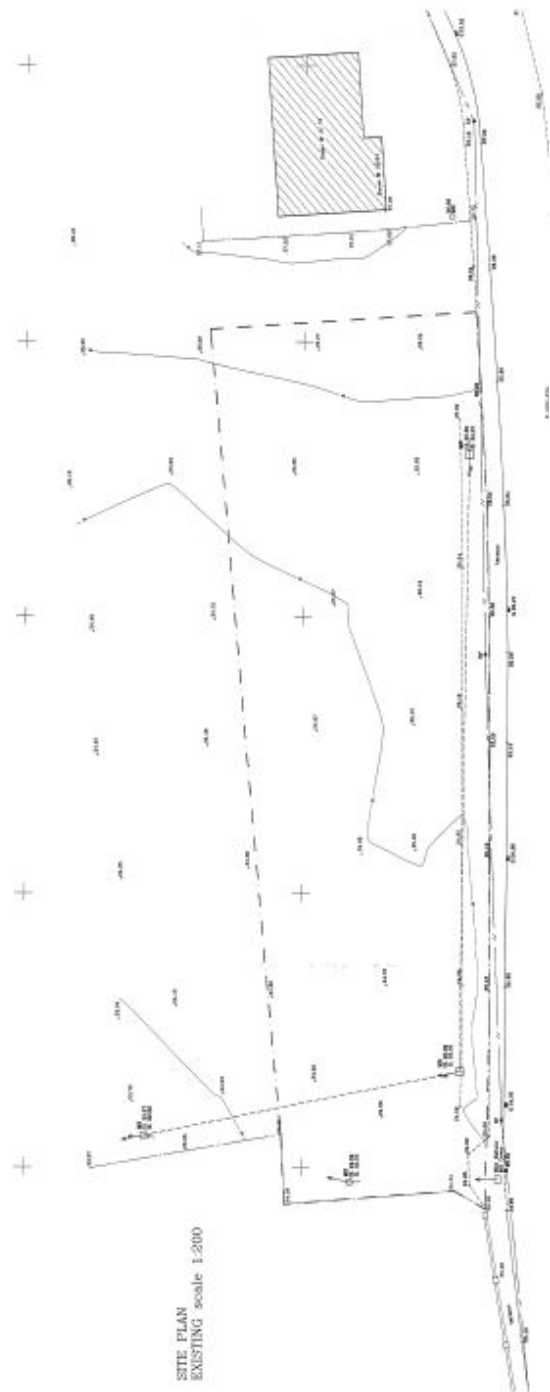
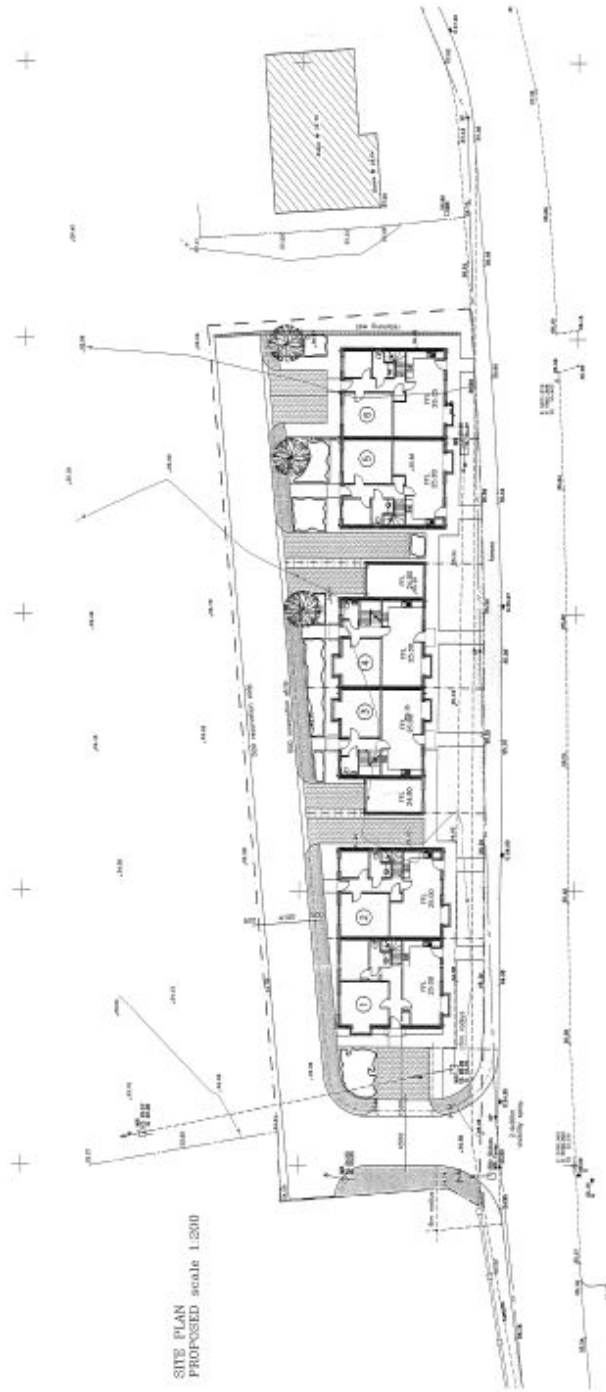
Extra 1.

No structure shall be erected or installed greater than 0.9 metres in height within the 2.4 metre by 90 metre visibility splay to the east, along the C11 highway. In order to ensure adequate sight visibility splay is achieved and in accordance with the requirements of Policy HP9 of the Chester-le-Street Local Plan.

Extra 2.

Notwithstanding the details contained within the application hereby approved, all windows shall be recessed by a minimum of 100mm into the opening in the interests of the satisfactory appearance of the development upon completion, in accordance with the requirements of Policy HP9 of the Chester-le-Street Local Plan.





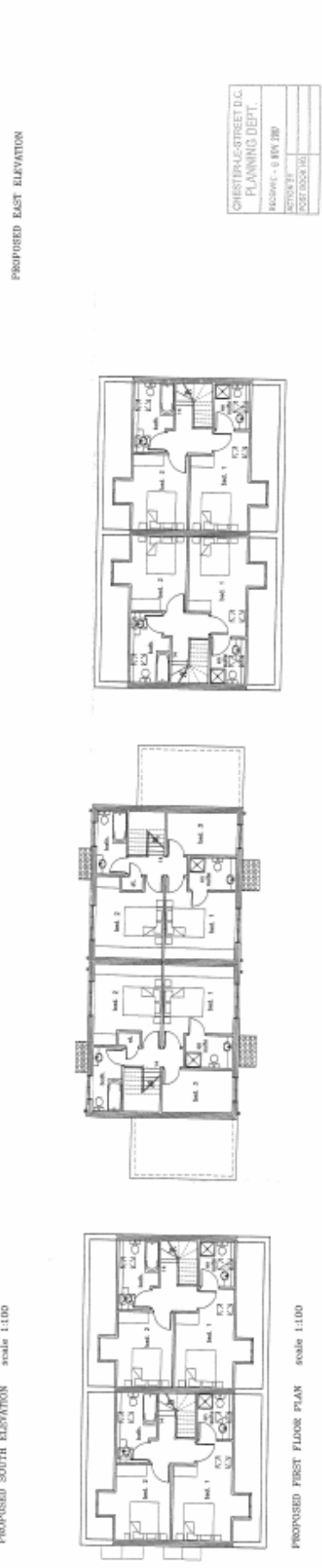
CHARLES STREET U.C. PLANNING DEPT.
PROJECT - 6 WY 001
ACTIVITY
POST CODE(S)

NOTES: 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.  
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

URBAN RESEARCH DEVELOPMENT,  
POLICE TERRACE, CAMBRIDGE,  
FOR MR. P. HEDGECOCK







CHRISTOPHER-STREET D.C.  
PLANNING DEPT.  
REVISED - 6 NOV 2007  
SECTION 1  
PROJECT NO. 07-001

SECTION 1 - 07-001 - 1 UNIT RESIDENTIAL DEVELOPMENT, FLEECE TERRACE, EDMONDSVILLE, FOR MR. P. ANDERSON.  
VERSION A - 6/11/07 - LAST REVISION TO THIS SET DRAWING IN SET OF A.  
DATE: 06/11/07  
SCALE: 1/8" = 1'-0"  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]  
DATE: 06/11/07  
PROJECT NO.: 07-001  
SHEET NO.: 1 OF 1

PROPOSED RESIDENTIAL DEVELOPMENT,  
FLEECE TERRACE, EDMONDSVILLE,  
FOR MR. P. ANDERSON.  
PROPOSED FLOOR PLANS  
PROPOSED ELEVATIONS  
1:100  
11/07

7.

**Reference: 07/00497/FUL**

**Proposal** Proposed erection of 1 no dormer bungalow and detached garage  
**Location** Land to The West of The Poplars Arcadia Avenue Chester-le-Street Durham  
**Applicant** Mr & Mrs Fletcher

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**Application Summary**

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

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

**Summary of recommendation:** The proposal is considered to accord with the provisions of Policy HP9 of the Chester-le-Street Local Plan and is considered to represent an acceptable form of development having regard to all material planning considerations.

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**The Proposal**

The proposal seeks to build a single, detached dormer bungalow and detached double garage.

This report relates to an application for the erection of a detached dwelling house on land to the West of The Poplars at Arcadia Avenue. The site comprises land, which was originally part of the garden area of the Poplars. The application plot has been created through the sub division of the western section of the garden.

**Planning History**

Prior to the submission of this application the Council had previously resolved to grant outline planning permission for the construction of 1No detached bungalow on the land at the planning committee meeting in January 2007, Ref: 06/00538/OUT.

Subsequent to the grant of outline planning permission as reserved matters application was submitted in September 2007 Ref 07/00395/REM The application was withdrawn on 19 November, following the raising a number of issues with the applicant.

### **Consultation Responses**

The application has been advertised by way of direct neighbour notification letters and a site notice. At the time of writing this report no letters of response have been received.

The views of Durham County Council, as Highway Authority, have been sought. No objection is raised to the proposal.

### **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 stipulates that new development should be well related to the County's main towns, including Chester-le-Street in order to safeguard the quality and character of the countryside

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

#### **Chester-le-Street Local Plan**

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

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

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

Scale / Massing of Development

Policy HP 9 of the Local Plan requires new development to respect the character of the surrounding area. In this respect it is considered the proposal, for a detached dormer bungalow, is acceptable in the context of the surrounding area. Arcadia Avenue contains a mix of dwelling styles, predominantly, in this area, single storey, with a variety of design detailing. There is evidence within the streetscene of other properties with dormer windows.

The surrounding bungalows have varying finished ridge heights of between 5.6 metres and 6.3 metres. The proposed dormer bungalow would have a ridge height of 7.1 metres, whilst this is clearly higher than other properties, it should be noted that due to variations in ground levels, the application plot being at a lower level than surrounding properties, the proposed dwelling would in reality be no higher than No 23 Arcadia Avenue, which is immediately opposite the application site and is accordingly deemed to be acceptable.

Privacy / Separation Distances and Impact on neighbours

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

In this respect the proposed layout meets the minimum separation distances in respect to properties to the front and rear of the application property.

It is considered that the relationship with the immediate neighbours at No28 Arcadia Avenue requires more in depth assessment.

Appendix 1 of the Local Plan requires that a minimum separation distance of 12.5 metres be provided between the main habitable room windows of a property and a gable elevation with no habitable rooms in that elevation. The front elevation of No28 Arcadia Avenue faces onto the application site and a small proportion of the gable elevation of the proposed dwelling would be adjacent to this property. The separation between the closest habitable room window of No 28 and the gable elevation of the proposed dwelling would be 8.6 metres. However, despite this it should be noted that only 1 metre of the proposed dwelling would actually project forward of the affected habitable room window and accordingly it is not considered that the proposal would have any undue overbearing impact on No28. It should further be noted that due to the orientation of the properties, the proposed dwelling would not result in any overshadowing of No28. The properties would be significantly offset from one another and in addition a significant proportion of the proposed dwelling would be obscured by the high hedge, which is within the boundary of the neighbouring property. Bearing in mind the above it is not considered that the proposal would adversely impact upon the residential amenity of the No28.

The scale and siting the proposed detached double garage is also considered to be acceptable. Whilst it has been sited at the South east corner of the site, immediately adjacent to the turning head, it should be noted that the corner of this site is substantially screened by existing mature conifer trees and shrubs, which are planted around the

boundary. There is currently a small gap in the planting, which would allow views of the garage from the turning head itself, however it is proposed that additional planting be incorporated to screen views from this vantage point and accordingly it is not considered that the proposed garage would have any adverse impact on the appearance of the surrounding street scene.

In terms of the footprint of the development it is considered that this is appropriate for the size of the plot and would ensure a good level of private amenity space in association with the dwelling and fits well with the prevailing density/plot sizes.

#### Highway Safety / Car Parking Provision

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

#### Conclusion

It is considered that the proposed development would comply with the requirements of relevant Development Plan Policies and taking into account all material planning considerations would represent an acceptable form of development. It is accordingly recommended that planning permission be granted.

#### RECOMMENDATION

Approve SUBJECT TO THE FOLLOWING

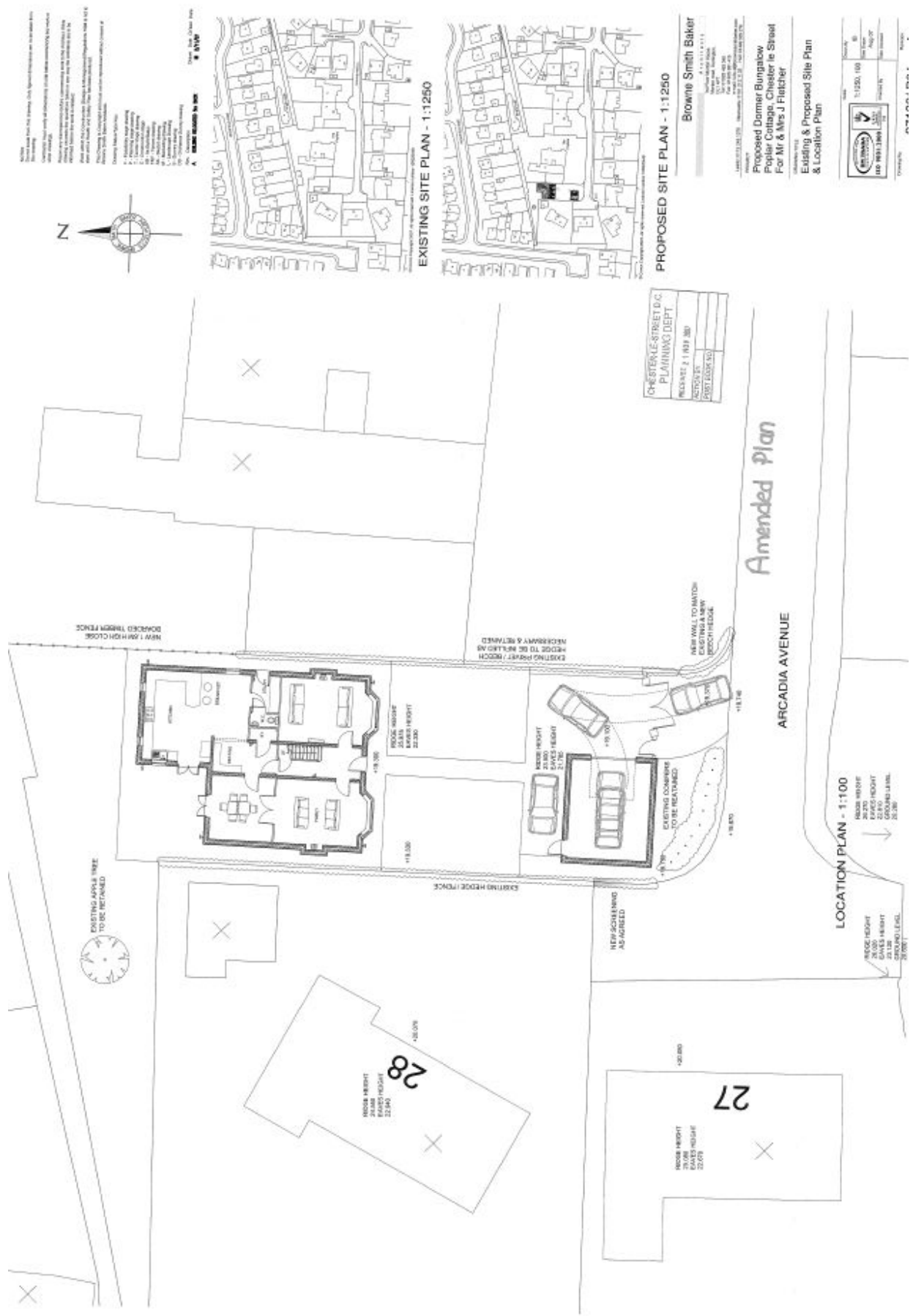
#### CONDITIONS:-

- 01A - The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).
- 01B - The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.
- 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.
- 20A - Notwithstanding the details shown on the hereby approved plans and elevations, full details of all means of enclosure of the site (including any internal means of enclosure to sub-divide individual plots) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site in order to ensure the satisfactory appearance of the

development upon completion, in the interests of visual and residential amenity and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Extra 1.

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 landscaping scheme shall include the retention of the existing conifer trees to the south west corner of the site, as shown on the approved plans and shall all so make provision of additional planting along this boundary, adjacent to the turning head. The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.



**Notes:**

1. All dimensions are in meters unless otherwise stated.
2. All heights are to the highest point of the roof unless otherwise stated.
3. All heights are to the finished ground level unless otherwise stated.
4. All heights are to the top of the parapet wall unless otherwise stated.
5. All heights are to the top of the finished floor unless otherwise stated.
6. All heights are to the top of the finished ceiling unless otherwise stated.
7. All heights are to the top of the finished floor unless otherwise stated.
8. All heights are to the top of the finished ceiling unless otherwise stated.
9. All heights are to the top of the finished floor unless otherwise stated.
10. All heights are to the top of the finished ceiling unless otherwise stated.

**Legend:**

- 1. Existing Buildings
- 2. Proposed Buildings
- 3. Proposed Landscaping
- 4. Proposed Fencing
- 5. Proposed Walls
- 6. Proposed Treeshedge
- 7. Proposed Screenings
- 8. Proposed Apple Tree
- 9. Proposed Fence
- 10. Proposed Wall
- 11. Proposed Treeshedge
- 12. Proposed Screenings
- 13. Proposed Apple Tree
- 14. Proposed Fence
- 15. Proposed Wall
- 16. Proposed Treeshedge
- 17. Proposed Screenings
- 18. Proposed Apple Tree
- 19. Proposed Fence
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- 97. Proposed Screenings
- 98. Proposed Apple Tree
- 99. Proposed Fence
- 100. Proposed Wall

**PROPOSED SITE PLAN - 1:1250**

**Browne Smith Baker**

Proposed Danner Bungalow  
Poplar Cottage, Chester le Street  
For Mr & Mrs J Fletcher

Existing & Proposed Site Plan  
& Location Plan

**Christenale Street D.C. Planning Dept**  
Michael J. (09) 300  
Activities  
Post Box 10

**LOCATION PLAN - 1:100**  
NEW ROOF  
NEW EAVES HEIGHT  
NEW GAVEL HEIGHT  
NEW GROUND LEVEL





**ITEM 3** DEVELOPMENT CONTROL PERFORMANCE UPDATE  
FIRST AND SECOND QUARTER 2007/08

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Report Summary

**Case Officer:** Stephen Reed

**Contact Details:** 0191 387 22 12

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

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Introduction

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

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

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

1. BVPI 109 – Speed of Decision Making

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

The BVPI enjoys the highest profile nationally of all the development control performance indicators and is widely regarded as providing a good means of assessing the efficiency of the service. It also plays a key role in defining the level of Planning Delivery Grant which Authorities receive each year.

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

The results for the first two quarters of 2007/08, in comparison to targets as set out in the Council's Corporate Plan are shown below;

<b>Application type</b>	<b>Quarter 1-2 result</b>	<b>CLS target</b>	<b>Variance</b>
Major applications	66% within 13 weeks	88%	-22%
Minor applications	68% within 8 weeks	92%	- 24%
Other applications	79% within 8 weeks	96%	- 17%

As the above table shows performance in relation to all the three categories is below the targets set out in the Corporate Plan. The reason for this drop in performance can be attributed to the recent staffing problems the Planning Services Team have faced across most of the last 12 months.

However this situation is being addressed (an appointment to the vacant Senior Planning Officer post is expected shortly after the Christmas break). Officer are confident that once this appointment has been made has been, performance will be back on track. However it is unlikely that this will come in time to ensure that the targets for the year end (i.e. March 2008) are met.

Whilst clearly it is regrettable that performance in this key indicator has slipped markedly this year it is of some comfort to note that the performance levels are above the minimum requirements as set by Central Government.

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

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

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

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

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

During the first two quarters of this year five appeal decisions were issued by the Planning Inspectorate. Three of these appeals were allowed, with the Council's decision to refuse

permission being over turned, the other two decisions were upheld. This provides for a 40% success rate during the relevant period.

Whilst this figure is below the Service Plan target Officers are mindful of the fact that performance has been worked out in relation to only 5 appeal decisions. Once further decisions are issued it is likely performance will improve.

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

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

The indicator is broken down in to 2 parts; major and minor enquires. The response target for minor enquiries (mainly those relation to house extension proposals) is to provide a full response to 90% of such enquiries within 14 days. The response target for major enquiries (which by definition can include high profile and complex development proposals) is to provide a full response to 90% of such enquiries within 28 days.

The figures for the first two quarters of 2007/08 show returns of 68% within target for major inquiries and 81% within target for minor inquiries.

Whilst both these figures are below the local target of 90% performance in this area is starting to improve markedly (the equivalent figures for quarter one of the year were 42% and 55% respectively). The recent improvement in performance can be attributed to the easing of work load pressure by the appointment of the Assistant Planning Officer in September, and a temporary consultant in October. Officer's are confident that further improvements will be made to this indicator as the year progresses, once the Senior Planning Officer post is filled (as discussed above)

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

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

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

The figures for the first two quarters of 07/08 show a return of 83 % within 8 weeks. This is below the locally set target and again has occurred due to the recent staffing difficulties

within the Team. Officers are confident that performance in this indicator will also increase as the year progresses.

**Recommendation**

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

**ITEM 4** Planning General



**Chester-le-Street District Council**

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

Tel: 0191 387 1919 Fax: 0191 387 1583

Directorate of Development Services

**29 November 2007**

**List of Planning Appeals and Current Status**

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

Key to Appeal Type Code

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

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

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
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Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
06/00306/FUL /	Mr N. Carris	Twizell Dykes Farm Cottage Grange Villa Chester-le-Street Durham DH2 3JZ	Demolition of existing dwelling and agricultural outbuildings, and erection of replacement dwelling.	I / 06.03.2007	E:422752 N:552000	Appeal In Progress /
06/00325/FUL /	M J Tinkler	12A Ellesmere Bournmoor Chester-le-Street Durham DH4 6DZ	Erection of 1.53 metre high fence and gates. (Retrospective)	W / 19.03.2007	E:430829 N:551090	Appeal Allowed / 10.08.2007
06/00570/COU /	Sightdirect Ltd	Unit 2e Drum Road Chester-le-Street Durham DH2 1AG	Proposed change of use from B2 to mixed use B2 and A1 (retrospective)	I / 15.05.2007	E:426472 N:552961	Appeal Dismissed / 21.09.2007
07/00006/FUL /	Mr & Mrs Sutherland	20 Dunstanburgh Court Woodstone Village Houghton-le-Spring DH4 6TU	Two storey rear extension to existing dwelling to form larger kitchen and additional bedroom.	W / 23.04.2007	E:430944 N:550323	Appeal Allowed / 13.09.2007

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
07/00051/TEL /	O2 (UK) Ltd	Telecommunications Mast Waldrige Road Chester-le-Street Durham	Erection of 12.5 metre high streetworks telecommunications column with ancillary equipment.	I / 03.05.2007	E:425581 N:550412	Appeal In Progress /
07/00115/FUL /	Mr A.J. Laverick	4 Station Lane Pelton Fell Chester-le-Street Durham DH2 2RL	Single storey ground floor extension to kitchen and replacement sun lounge for conservatory	W / 29.10.2007	E:425239 N:552103	Appeal In Progress /

**Stephen Reed**  
**Development and Building Control Manager**  
**29 November 2007**





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