

# Public Document Pack

1 February 2008

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 11th February 2008 at 6.00 pm**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roy Templeman', is written over a rectangular stamp area.

**R TEMPLEMAN**

**Chief Executive**

## **AGENDA:**

1. Apologies for Absence
  2. Minutes of Meeting held 14 January 2008 (Pages 1 - 10)
  3. To Receive Declarations of Interest from Members
  4. Confirmation of Speakers
  5. Planning Matters (Pages 11 - 62)
- Report Of Development and Building Control Manager

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

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

Report of the meeting of Planning Committee held in the Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Monday 14 January 2008 at 6.00 pm

### PRESENT:

Councillor G K Davidson (Chairman)

### Councillors:

R Harrison	W Laverick
L E W Brown	P B Nathan
D M Holding	M Sekowski
A Humes	F Wilkinson

### Officers:

S Reed (Development and Building Control Manager), D Chong (Planning Enforcement Officer), Smerdon (Development and Building Control Manager), J Bradley (Assistant Solicitor), L Willis (Senior Legal Assistant) and D Allinson (Democratic Services Assistant)

There were also 13 members of the public present.

### **51. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors D L Robson, P H May, A Turner and T H Harland.

### **52. MINUTES OF MEETING HELD 10 DECEMBER 2007**

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 10 December 2007, be confirmed as being a correct record, subject to the following amendments:-

Page 88 – 1<sup>st</sup> paragraph

'Councillor Holding proposed that this item be deferred as letters from objectors that had been received within the required time period had not been included in the report which was circulated to Members before the closing date for these objections.'

Page 98 (E) 2<sup>nd</sup> of last paragraph  
Replace 'workload' with 'numbers'

The Chairman proceeded to sign the minutes.

**53. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS**

There were no declarations of interest received from Members.

**54. CONFIRMATION OF SPEAKERS**

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

**55. PLANNING MATTERS**

A report from the Development and Building Control Manager was considered, copies of which had previously been circulated to each Member.

**(A) District Matters Recommended Refusal – Recommended Approval**

**(1) Proposal: Erection of two-storey extension at front of dwelling**

**Location: 6 Hazel Grove, Chester-le-Street**

**Applicant: Mr J Heeley – Reference 07/00492/FUL**

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

**Mr Heeley the applicant and Councillor T J Smith spoke in relation to the application.**

The Development and Building Control Manager spoke in response to the comments raised by the speakers and confirmed that there had been six letters of support received from nearby residents and that there had been no letters of objection.

He advised that it was important to look at each case on its own merit and that he was satisfied that planning permission had not recently been granted for a similar two storey extension within the Hilda Park estate. He felt that if Mr Heeley had been able to make reference to other approvals of very similar development on that estate then this may have affected the recommendation made.

He advised that clearly Officers did have extreme sympathies with the medical condition referred to, however he questioned whether this was sufficient enough to overcome the planning policies in this instance. He advised that Officers had formed the view on balance that it was not and that there were other ways that the property could be extended and although this would be inconvenient Officers felt that this was the preferred approach.

Councillor Laverick raised a point of order and stated that in accordance with the Members code of conduct, Councillor Smith had spoken on this

application and should therefore leave the meeting whilst this item was being discussed.

The Assistant Solicitor explained that if it was thought that the general public would think there was any perceived bias with Councillor Smith remaining in the room during the decision process then she would need to leave the meeting, however this was up to Councillor Smith to determine.

The Chairman suggested that in order to protect the integrity of the Committee and this Meeting, Councillor Smith should leave the Meeting.

**Councillor Smith left the meeting room whilst this item was considered.**

Councillor Holding referred to the alternative ways of achieving the objective in accordance with the Local Plan, which had been outlined by Officers and sought clarification on the financial implications of this alternative proposal.

The Building and Control Manager confirmed that he had not looked into the financial implications, however the application had been looked at in terms of whether or not Officers felt in principal that Mr Heeley could achieve the same amount of floor space as is proposed with this extension.

Councillor Nathan referred to a section in the report, which referred to the fact that the need to install a lift could only be given limited weight in making a decision and requested an explanation on how this related under Planning Law.

The Development and Building Control Manager felt that the primary issue, which should be given the most weight in terms of consideration of this application, was the impact upon the design of the property in the street scene. He explained that Members could give weight to the applicant's personal circumstances only in exceptional circumstances when making their decision.

Members raised comments and discussed issues in relation to the proposal. Members sympathised with the applicant and felt that this application would not have an adverse affect on the character of the existing buildings. They were in agreement that this proposal was unobtrusive and of moderate size and taking into account all matters including the circumstances of the locality they felt the application should be approved.

The Chairman advised that conditions could be added to ensure that the materials of the application be agreed with Officers prior to commencement of the proposal to ensure that they blended in with the street scene.

Councillor Brown proposed that the Officer's recommendation of refusal be overruled and the application be granted conditional approval. Councillor Humes seconded this proposal. This proposal was carried and the application was approved subject to standard conditions relating to commencement of development and materials.

RESOLVED: "That notwithstanding the Development and Building Control Manager's recommendation of refusal, the application be agreed subject to the following conditions.

Extra 1 The development must be begun not later in 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 2 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 3 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.

**At this point Councillor Smith returned to the Meeting.**

**(B) District Matters Recommended Refusal - Refused**

**(2) Proposal: Demolition of car showroom and workshop and erection of 10 no apartments and associated works (amended description)**

**Location: Johnsons Garage, 3 Newcastle Road, Chester-le-Street**

**Applicant: Mr J Johnson – Reference 07/00495/FUL**

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

The Chairman sought confirmation that Members were in receipt of correspondence that had been circulated prior to commencement of the Meeting.

The Development and Building Control Manager advised that the agent of this scheme had recently written into Officers to confirm that his clients were prepared to pay monies which would be secured through a section 106 agreement to address the fact that there was no open space shown on the layout and also to confirm their agreement to pay the same monies to go towards public artwork within the locality.

He therefore proposed that recommended refusal reasons Extra 2 and Extra 3 be withdrawn as the applicant had now addressed these issues of refusal.

He also advised that the Design Officers at the County Council had raised no objections to the application and had pointed out that they consider the scale and the massing of the design of the property would not be harmful to the visual amenity of the area.

The agent also pointed out that in his view the design was acceptable and would not look out of place in comparison to some of the buildings opposite the application site on the other side of Newcastle Road including the McCarthy Stone development and the Civic Centre.

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

In response to a query from the Chairman, the Development and Building Control Manager clarified the height of the proposal in relation to the neighbouring buildings.

The Development and Building Control Manager spoke in relation to proposal in the context of the neighbouring buildings and those opposite the site.

Members raised comments in relation to the proposal. Councillor Sekowski expressed his disappointment that the applicant had consulted with Durham County Council's Conservation Team and not this Authority's qualified Development Control Team prior to submitting this application.

Members raised comments in relation to the proposal and were in agreement with the refusal reasons that the development would be detrimental to the streetscene and the visual amenity.

Councillor Laverick stated that he although he was not in agreement with this particular development he was happy to support a development within this location in principle.

Councillor Nathan proposed to move the Officer's recommendation of refusal. Councillor Humes seconded this. This proposal was carried and the application was refused.

RESOLVED: "That the recommendation of the Development and Building Control Manager to refuse the application be agreed for the following reasons.

Extra 1 The proposal, by way of inappropriate scale, massing and detailed design solution, would provide for a form of development that would be incongruous within the street scene and as such would be detrimental to the visual amenity of the wider locality, contrary to the aims of PPS1 and PPS3 and Policy HP9 of the Chester-le-Street Local Plan.

**(C) List of Planning Appeals and Current Status**

The Development and Building Control Manager referred to the list of Planning Appeals, which were included in the report. He advised that he had now received confirmation from the Planning Inspectorate that the appeal at Twizell Dykes Farm Cottage, application no. 06/00306/FUL had now been dismissed. He also referred to the appeal at 4 Station Lane, Pelton Fell, application no. 07/00115/FUL and advised that the applicant Mr Laverick had withdrawn this appeal.

RESOLVED: "That the list of planning appeals and the updated information be noted."

**(D) Development Control Performance- Comparator Figures for 2006/07**

Consideration was given to a report to provide Members with an update in relation to the Development Control Team's performance, in comparison to other Authorities, for the last financial year; 2006/07. The Chairman and Members of the Planning Committee acknowledged the good work of the team.

RESOLVED: "That Members note the contents of this report."

**(E) Local Development Framework (LDF) Consultation Generic Development Control Policies – Issues and Options**

Consideration was given to a report to seek the views of Planning Committee Members in relation to the proposed Generic Development Control Policies document that the Council proposes to adopt as part of the Local Development Framework (LDF).

The Regeneration and Planning Policy Manager gave a background on the report and then requested that Members give appropriate answers to the twenty questions, which were contained in the consultation document.

Members proceeded to go through each question and their responses were summarised in addendum to these minutes.

(Officers who were not involved in the consideration of this item left the Meeting at 7.55pm. Councillor Holding left the meeting at 7.25pm and Councillor Nathan left at 7.35pm.)



RESOLVED: “That Members responses to the questions in relation to the proposed Generic Development Control Policy document which are attached as an addendum to these minutes be noted.”

**Addendum to Minutes held 14 January 2008 – Minute No. 55 (E)**

**Generic Development Control Issues and Options – Questionnaire  
Planning Committee collective response – 14<sup>th</sup> January 2008 Meeting**

<b>1</b>	<p><i>Refer to the policy in paragraph 4.3 in the Consultation Document.</i></p> <p>Are there any types of development which could not be adequately assessed by the above policy, which require a specific policy?</p>
	<p><b>Response</b>  <i>Generally in favour of having the suggested ‘catch all’ policy which could be used to assess all planning applications. Provided it covers all material planning considerations, including issues such as the quiet enjoyment of residential areas.</i></p>
<b>2</b>	<p>What are the main development pressures and issues affecting the District?</p> <p><b>Response</b></p> <ol style="list-style-type: none"> <li><b>1. Housing and continuing market demand to be a commuting area.</b></li> <li><b>2. Employment development such as the Drum expansion</b></li> </ol>
<b>3</b>	<p>Are there any development types and development pressures which are largely unique to the District, County Durham or the North East?</p>
	<p><b>Response</b>  <i>Generally no, other than the fact that the District has the highest levels of commuting in the north-east</i></p>
<b>4</b>	<p>What are the particular, positive characteristics of Chester-le-Street District which it is important to safeguard?</p> <p><b>Response</b>  <i>The green belt</i></p>
<b>5</b>	<p>Should there be joint working between the existing County Durham Councils to produce one set of generic development control policies for the whole of the County?</p> <p><b>Response</b>  <i>Yes, provided that the Council tries to set the agenda by establishing best practice which could then be used by the new unitary authority.</i></p>
<b>6</b>	<p><i>Refer to examples in paragraphs 6.2 and 6.3 in the Consultation Document</i></p> <p>Should the policies be worded in general, flexible terms which are open to interpretation (6.2).</p> <p><b>Or</b></p> <p>should we seek to impose precise and rigid local standards whenever possible (6.3)?</p> <p><b>Response</b>  <i>The majority preferred a more precise approach, which minimised ‘wriggle room’. However, it was thought that sometimes there were advantages in having a more flexible approach.</i></p>
<b>7</b>	<p>Should there be a limit to the proportion of non-retail uses allowed in Front Street of Chester-le-Street?</p>

	<p><b>Response</b> <b><i>Yes, and this should include village centres such as Pelton</i></b></p>
8	<p>Should major residential development be required to contribute towards the provision health facility/services improvement to serve the new residents?</p> <p><b>Response</b> <b><i>Yes, the shortage of GPs and dentists is a particular concern.</i></b></p>
9	<p>Should the Council insist that redundant farm buildings, such as historic stone barns, are only allowed to be converted to uses that benefit the rural economy, including holiday accommodation?</p> <p><b>Or</b> should conversion to residential use also be allowed?</p> <p><b>Response</b> <b><i>Generally, happy to continue the existing local plan policy of trying to encourage uses to benefit the rural economy and discourage residential use.</i></b></p>
10	<p>Are there any neighbourhoods where housing densities of less than 30 dwellings per hectare (the Government's suggested minimum density) would be appropriate;</p>
	<ul style="list-style-type: none"> <li>• Either on the rural edge of settlements in order to retain their existing semi-rural character and appearance)</li> </ul>
	<ul style="list-style-type: none"> <li>• Or where low density detached dwellings are required to rebalance the local housing market?</li> <li>•</li> </ul> <p><b>Response</b> <b><i>It was thought that there could be areas were lower densities were more appropriate. However, it was considered that a training event was needed for Councillors to gain a better understanding of how different densities looked in recently completed development.</i></b></p>
11	<p>Should the Council have a policy that will permit small-scale, rural, affordable housing schemes outside, but adjoining village development boundaries? Provided that there is proven need for affordable housing in that particular village, and that dwellings will remain affordable in perpetuity?</p> <p><b>Response</b> <b><i>Concerned about allowing such development in the green belt. There needs to be clear evidence of local need to justify such an approach.</i></b></p>
12	<p>Should the parking guidelines in the existing local plan* be used in the LDF <b>or</b> should they be revised?</p> <p><b>Response</b> <b><i>Continue to use the local plan guidelines</i></b></p>
13	<p>Should any new large plastic illuminated fascia signs be prevented from shop fronts in Chester-le-Street town centre conservation area?</p> <p><b>Response</b> <b><i>Continue the local plan policy of preventing such signs.</i></b></p>
14	<p>Should the standards for formal play space provision in appendix V of the existing local plan* be used in the LDF <b>or</b></p>

	<p>should they be revised?</p> <p><b>Response</b>  <i>It was agreed that there should be more emphasis on provision for teenagers to address anti-social behaviour problems</i></p>
15	<p>Should the design guidance in appendix 1,2, 8 of the existing local plan* be used in the LDF.</p> <p><i>or</i></p> <p>should a more comprehensive District design guidance to cover a wider range of developments be produced? Either</p> <p><b>Response</b>  <i>It was agreed that more comprehensive design guidance would be beneficial, but still include the guidance on residential design in the local plan</i></p>
16	<p><i>Refer to the topics in paragraph 7.2 in the Consultation Document.</i></p> <p>Should the District Council rely solely on PPG and PPS guidance for any of the above topics? If so, what topics?</p> <p><b>Response</b>  <i>Generally the Council should rely on the PPG/PPS guidance when it give clear guidance that could be used to assess planning applications</i></p>

The meeting terminated at 8.10 pm

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**CHESTER-LE-STREET DISTRICT COUNCIL**

**DIRECTORATE OF DEVELOPMENT SERVICES**

**REPORT TO PLANNING COMMITTEE**

**11 FEBRUARY 2008**

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

- ITEM 1** District Matters Recommended Refusal
- ITEM 2** District Matter Recommended Approval
- ITEM 3** Planning General

**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 PLANNING SERVICES MANAGER****ITEM1** District Matters Recommended Refusal

1.

**Reference: 08/00004/FUL****Proposal** Resubmission of 07/00396/FUL - proposed erection of 1 no dwelling on land to West of property**Location** 2 Carrowmore Road Chester-le-Street Durham DH2 3DY**Applicant** Ms. R. Miller

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**Application Summary****Ward:** Chester South**Case Officer:** Sarah Bough, Planning Officer**Contact Details:** 0191 387 2145[sarahbough@chester-le-street.gov.uk](mailto:sarahbough@chester-le-street.gov.uk)

**Summary of recommendation:** The proposal would appear unduly overbearing when viewed from the neighboring properties, No2 Carrowmore Road and No1 Sheelin Avenue and would also result in an unreasonable level of overshadowing to these properties. It is accordingly considered that the proposal would represent an unacceptable form of development, contrary to Policy HP9 of the Chester-le-Street Local Plan.

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**The Proposal**

This report relates to a full application for the erection of a 4 bedroomed detached house on land within the side garden of 2 Carrowmore Road.

The site comprises previously developed land, being part of the residential curtilage of the existing property. The curtilage area of the application site measures approximately 310 square metres. The proposed dwelling would have a footprint of approximately 81 square metres.

The surrounding land uses are residential, comprising a mix of bungalows and two storey detached and semi detached properties.

## Relevant Planning History

06/00031/FUL - Two storey extension to side elevation of property - Approved

07/00396/FUL - Members may recall an application was previously refused by the Planning Committee in October 2007 for the erection of a two storey dwelling on this site. The application was refused on the basis that the proposed dwelling would result in an unreasonable loss of privacy to No 1 Carrowmore Road.

## **Consultation Responses**

Durham County Council, as Highway Authority, have raised no objection to the proposed development.

This application has been advertised by way of direct neighbour notification letters. As a result of this exercise 19 letters of objection have been received to the application. The objections are summarised as follows: -

- The proposed dwelling would not be in keeping with the look and flow of Sheelin Avenue as it protrudes and obstructs the view down this street
- The proposed dwelling would result in a loss of privacy
- Due to the difference in ground level the proposed dwelling would sit higher than properties on Sheelin Avenue, thereby reducing privacy further.
- Due to the limited drive area and the close proximity of the house to the end of the road, we believe that there would be cars parked on the corner of Carrowmore Road
- If planning permission goes ahead for this property it will set a precedent for other developments within our residential area
- The rear of the proposed dwelling will be exposed to the street giving exposure to garden furniture, sheds etc
- The proposal would not be in keeping with open plan aspect of the estate
- We believe that this dwelling would be out of proportion to the land compared to other dwellings in the immediate vicinity
- The proposal would result in loss of light to surrounding properties.
- The garden in which the proposed dwelling would stand was prepared by pulling down trees and shrubbery, this should have been subject to council permission.
- Consideration should be given to the impact of the proposed dwelling on No2 Carrowmore Road.
- The proposed dwelling would neither enhance or benefit the lives of any of the local residents as we will lose green land, lose the open aspect of the neighbourhood and have to put up with the additional traffic generated by a new house.
- There is a restrictive covenant on the land that means if the proposed dwelling was to go ahead this property would be refused insurance
- Due to the elevated position of the proposed house there may be a reduction in the grounds ability to drain away water and obstruct the natural flow.
- The Local plan stipulates that there should be a minimum of 1m either side of the boundary between two properties i.e. 2 metres. However there is only 1 metre between the proposed dwelling and No 2 Carrowmore Road

- Because of the close proximity of the house to No 1 Sheelin Avenue, if the 45 degree rule is applied this would cut through half of the proposed property
- The house has been designed in such a way that a disabled person could not live there
- There has been 2 similar applications previously made within this area, both of these were refused planning permission
- If planning permission is granted the development could take up to 2 or 3 years to complete. This would constitute a health and safety issue.
- Due to the close proximity of the proposed dwelling to both No2 Carrowmore Road and 1 Sheelin Avenue, there may be an issue of "whistling" during times of high to moderate winds.
- The proposal conflicts with a number of Policies within the Local Plan.

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

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

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

Policy 3 of the Structure Plan stipulates that the provision of new development should be well related to the County's main towns, including Chester-le-Street. In assessing the proposals against this 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. Furthermore, the site falls within the definition of previously developed land comprising a residential garden. In principle therefore, the site would be acceptable for residential development.

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

Policy HP6 of the Local Plan provides relevant advice on the subject of residential development within boundaries of settlements, including Chester-le-Street. The Policy advises that proposals will be considered acceptable in principle provided that 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 application are the requirements that the proposals 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.

Whilst the site would be classed as previously developed land, in assessing the proposals against the detailed requirements of Policy HP9, it is considered that the proposals are unacceptable.

The proposed dwelling has been designed to reflect the design of existing surrounding properties. Accordingly, and despite the objections raised by local residents to the



contrary, it is considered that it would be in keeping with the character of the area. However, the dwelling is, in comparison to the previously refused application, set 2.5metres further east, in order to achieve the minimum separation standards between the proposed dwelling and the existing bungalow at No1 Carrowmore Road. Whilst the privacy standards are now achieved and the impact upon this property addressed, it is now considered that the proposed dwelling would adversely impact upon the residential amenity of both No1 Sheelin Avenue, immediately to the east of the dwelling and also on No2 Carrowmore Road itself.

The proposed dwelling would be located just 4.5 metres from No 1 Sheelin Avenue, which is at a 90 degree angle to the rear of the proposed dwelling. The proposed dwelling would, in its entirety, extend beyond the front elevation of No1 Sheelin Avenue. It is considered that, this fact, together with the close proximity of the proposed dwelling to this property would result in an overbearing impact upon this property. Furthermore, No 1 Sheelin Avenue is to the east of the application site. Given this fact and the close proximity of the proposed dwelling, it is considered that an unacceptable degree of overshadowing would occur during the late afternoon and evening.

Similarly, the proposed dwelling would project beyond the rear elevation of No2 Carrowmore Road by approximately 6 metres and would be just 1 metre from this property. On this basis, it is considered that the proposed dwelling would have an overbearing impact upon this property. Furthermore, the proposed dwelling, which is to the south of No2 Carrowmore Road, would result in overshadowing of the rear elevation and garden area of this property during the late morning and afternoon.

### Other Issues

A number of objections have been raised on highway safety grounds. Bearing in mind the views of the Highway Authority, it is not considered that the proposal would adversely impact upon highway safety and accordingly the proposal is, in this regard, considered to comply with the requirements of Policy HP9.

A number of other issues which have been raised, including the deeds covenants, health and safety and wind tunnelling, do not constitute material planning considerations and therefore cannot be taken into account when assessing the acceptability of the proposed development.

Concern is expressed that if the proposal were approved it would set a precedent for other similar development within the area. As Members are aware, each planning application is assessed on its individual planning merits and accordingly it is not considered that this development would set a precedent.

### Conclusion

In conclusion, it is considered that whilst some form of residential development on the site may have been acceptable in principle, the development this application seeks approval for, represents an inappropriate form of development, which would be harmful to the residential amenity of adjacent properties by reason of its overbearing impact/ overshadowing.

Accordingly it is considered that the proposal fails to comply with the detailed requirements of Policy HP9 of the Local Plan and it is recommended that planning permission be refused.

**RECOMMENDATION**

Refuse

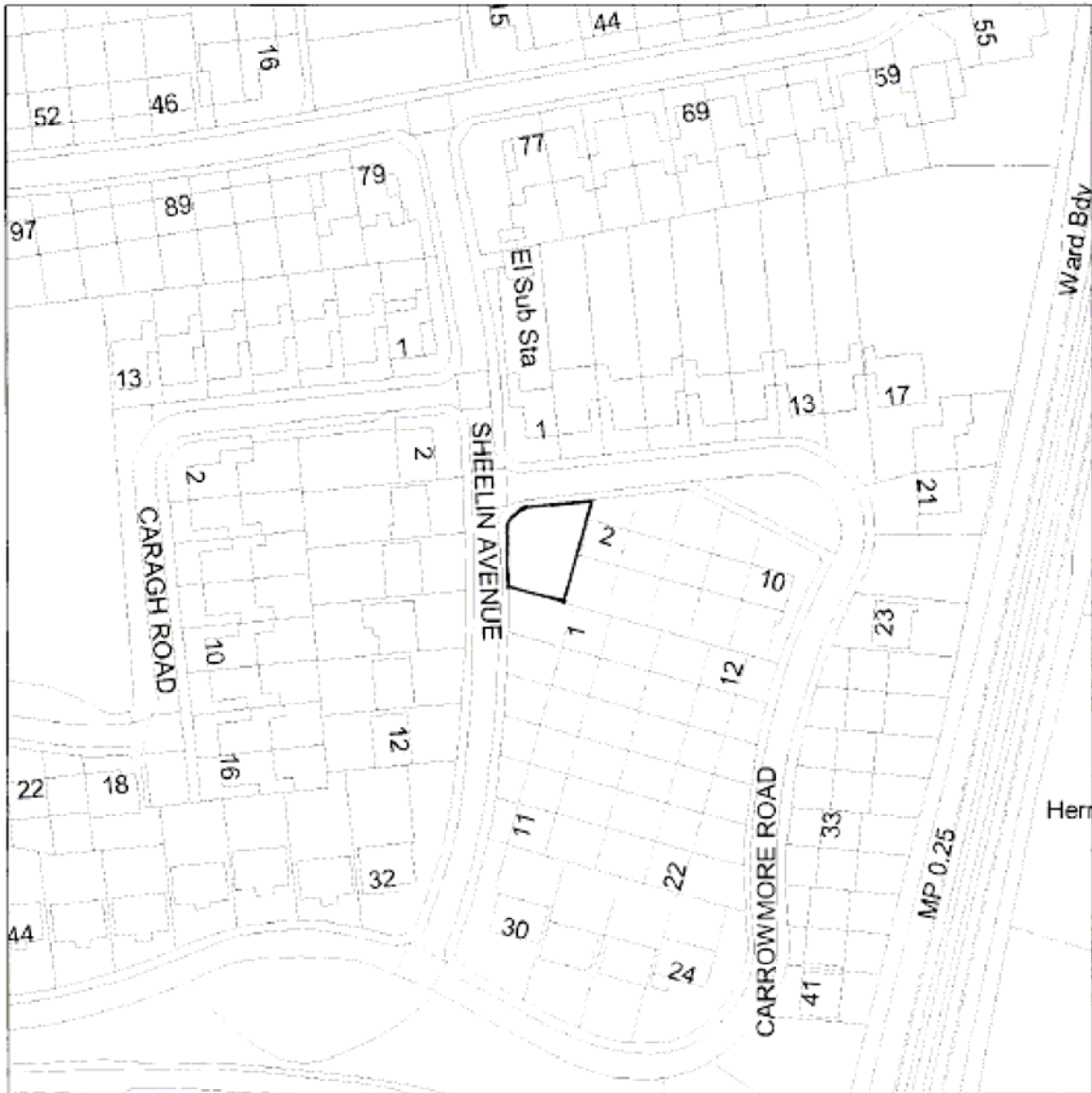
FOR THE FOLLOWING REASONS:-

Extra 1.

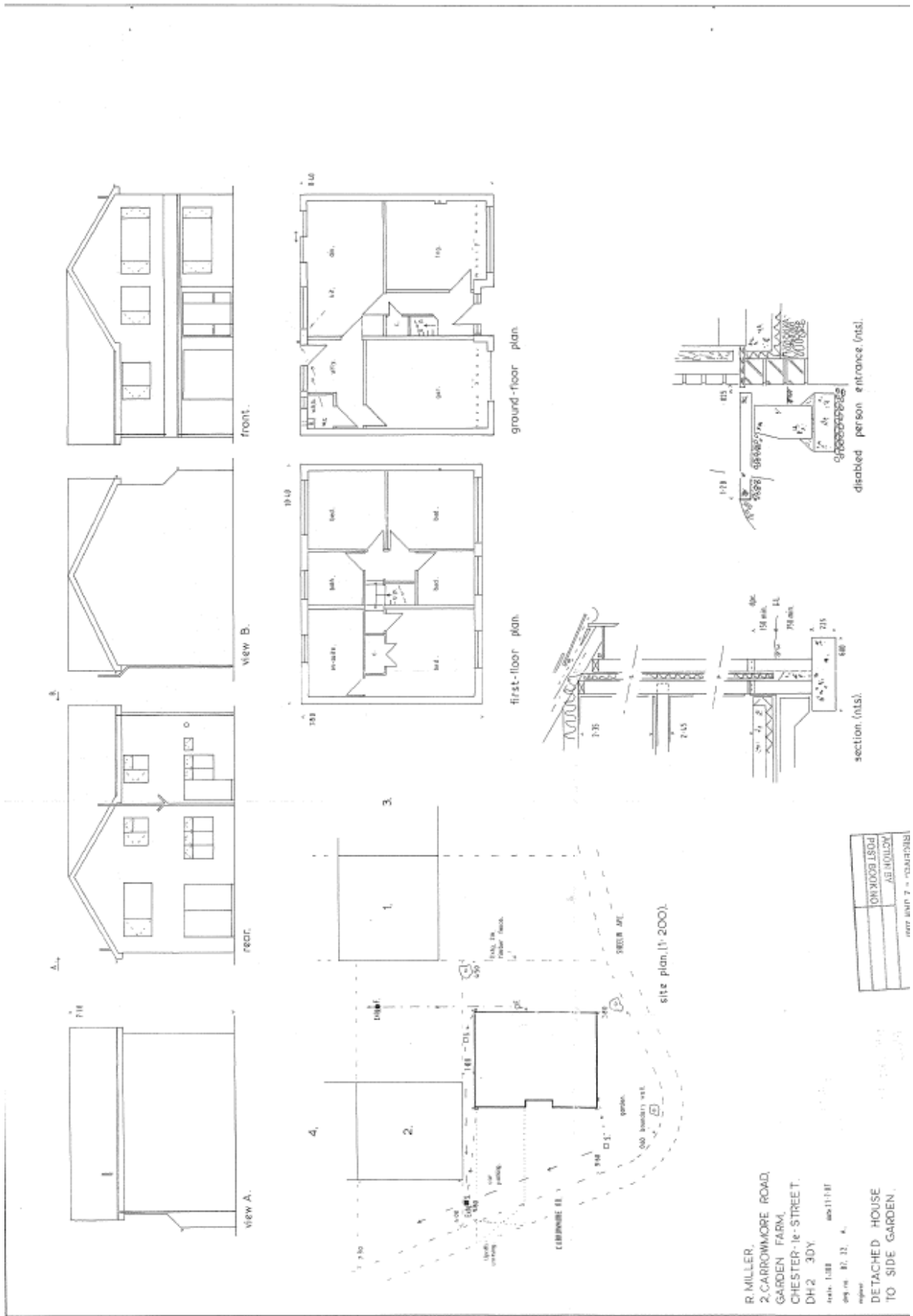
The proposed dwelling would, by virtue of its proximity to and relationship with No1 Sheelin Avenue and No2 Carrowmore Road, represent an unacceptable form of development which would appear unduly overbearing in relation to these properties and would also result in unreasonable overshadowing of these properties, detrimental to residential amenity and thereby contrary to Policy HP9 of the Chester-le-Street District Local Plan.

## 2 Carrowmore Road

Chester-le-Street



Scale : 1:1250



**ITEM 2**

District Matters Recommended Approval

**2.****Reference: 07/00397/FUL****Proposal** Extension / alteration to existing South-East stand**Location** Durham County Cricket Club Riverside Chester -le-Street DH3 3QR**Applicant** Durham County Cricket Club

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**Application Summary****Ward:** Chester East**Case Officer:** Stephen Reed, Development & Building Control Manager**Contact Details:** 0191 387 2212[stephenreed@chester-le-street.gov.uk](mailto:stephenreed@chester-le-street.gov.uk)

**Summary of recommendation:** The proposals would provide for an acceptable form of development which, subject to appropriate conditions, would provide for a sustainable form of development that would not be harmful to the character of the locality, including the North Durham Green Belt. The proposals comply with the aims of relevant development plan policy for the area

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**The Proposal**

This report relates to an application for extensions and alternations to the existing South-East stand at the Durham County Cricket Club, Riverside, Chester-le-Street.

The proposals involve erecting a new stand above the existing single storey stand to the South – East corner of the ground. Alterations are also proposed to the existing undercroft (the ground floor area on the rear elevation of the stand) to allow this area to be used as a grounds mans store (thus facilitating the removal of the present stand alone store adjacent to the stand) and for temporary match day retail use. The proposals will increase the seating capacity at the stadium by some additional 1,551 seats.

The application site comprises part of a larger area of land known as the Riverside, which in addition to the DCCC Headquarters, includes other sport and leisure related facilities including the offices of the Council's Leisure Services Team, the Headquarters for the Durham Football Association and a number of outdoor sports pitches. Residential development exists to the west of the site.

The site is located outwith the defined settlement limit of Chester-le-Street Town as detailed in the Local Plan, and rather is classified as being within an Area of High Landscape Value (AHLV) and the Great North Forest. The site is also surrounded by land classified as being within the North Durham Green Belt.

### Planning History

The Council's Planning Register reveals a number of planning applications related to the development of the site as the Headquarters for the DCCC. Most recent applications include approval for the erection of a private members fitness club and a media centre.

### Consultation Responses

Durham County Council as Highways Authority for the area note that the application will help formalise seating capacity at the ground, being used to replace temporary seating presently utilised during major events. The Highways Authority advise that the influence of traffic movements associated with major events at the ground cannot be overstated, in particular in relation to the impact on the A1(M). They consider it is necessary to formalise the travel planning work that the cricket club have done to date as part of any approval. This is essentially to ensure that the development helps to 'manage down' traffic movements associated with large-scale events at the venue.

Having regard to the above the Highways Authority advise that they raise no objection subject to the following recommended conditions;

- Within 6 months of the approved seating area being available for use a Travel Plan co-ordinator shall be appointed and contact details for this individual shall be provided to the LPA and Highway Authority.
- Unless otherwise agreed, a detailed travel survey shall be undertaken within 9 months of the approved seating area being available for use. The results of this survey shall be provided to the LPA and Highway Authority and used to agree appropriate mode share targets, outcomes and corresponding timescales.
- A detailed travel survey shall be undertaken at least once every three years. The results of these surveys shall be provided to the LPA and Highway Authority, and used to identify appropriate corrective measures should the Travel Plan fail to comply with the agreed mode share targets and outcomes within the specified timescales.

The Highways Agency raise no objections to the proposal, in terms of additional impact on the A1(M) subject to the conditions recommended by the County Council as local Highways Authority for the area (see above).

The Council's Environmental Health Team have been consulted; a response is awaited

The Council's Regeneration team (Planning Policy) support the application, but suggest that any approval is subject to the applicant submitting and implementing a 'green travel plan'. Linked to this should be proposals to improve pedestrian and public transport links between the cricket ground and the town centre. It is advised this could include fairly modest proposals, such as the provision of vandal proof, public display maps, showing the best routes, to be located at the train station and the cricket ground.

The Environment Agency have raised no objections to the proposal, subject the retail element being for match day only, on the grounds that this temporary nature of retail activity will not lead to any issues associated with flood risk. They also request the developers prepare a flood evacuation plan as part of any approval.

Durham County Council's Design Team raise no objections to the proposal. In doing so they recognise the regional importance of the site and comment that the proposals will enhance the existing appearance of the area.

Sport England have been consulted; a response is awaited

The Council's Leisure Services Team have been consulted; a response is awaited

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

In support of the application the agents for the scheme have raised the following points;

- The cricket club have progressively improved their facilities following the granting of test match status for the ground in 2001. The England Cricket Board (ECB) guidelines now require 25% of seating to be undercover. This is a fundamental requirement to maintaining test match status. This application marks the beginning of wider proposals to respond to this requirement;
- The presence of a test match ground in Chester-le-Street increases the profile of the town, county and region, bringing with it increased financial and employment benefits;
- The proposed top tier will sit below the height of the previously approved canopy, and is also broadly on line with the eaves height of the adjacent media centre;
- The aesthetic value of the existing landscaping backdrop to the east will be maintained as views of the landscaping will be maintained through the structure;
- The visual continuity of the overall site will be maintained by the proposal;
- The removal of the present grounds mans store releases the piece of land on which it is located for additional cricket related activities;
- The proposed undercroft area will provide addition facilities for match day retail use;
- The cricket club have already addressed the issue of traffic management as part of major events through a travel plan, which has included trialing a park and ride facility to link the venue to the town centre.

### **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 – promoting a North East Renaissance; Policy 2 – securing Sustainable Development; Policy 5 – Locational Strategy (identifying Chester-le-Street as a regeneration town); Policy 5B – Protecting and Enhancing the Environment; Policy 16 – Culture and Leisure; Policy 33 – Landscape Character; Policy 37 - Flood Risk; Policy 54 - Parking and Travel Plans

These Policies essentially require that new development proposals should comply with the aims of promoting interests of sustainable development, including through locating new development close to existing urban centres, and promoting alternative means of transport to the private car. They also provide support for the development of Chester-le-Street as a regeneration town, and provide support for the development of first class sporting and recreational facilities in the North East. The RSS also encourages the protection of important landscapes, as well as advocating a precautionary approach to development in areas subject to flooding.

For reasons as discussed below, it is considered that 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 close to the Chester-le-Street Town, as defined in the local Plan. As such, and subject to the securing of measures to improve linkages with the Town, the view is taken the proposals are compliant with the aims of the relevant Structure Plan advice.

### Chester-le-Street Local Plan

Policy RL1 of the Local Plan – Sport and Recreational Opportunities: General - sets out the District Council's aspiration to securing the highest possible standard in the range and quality of sport and leisure opportunities within the District. Policy RL 8 – Riverside: Cultural and Leisure Facilities – builds on this general aspiration by providing support for the developing of cultural and leisure facilities in the Riverside area.

Policy NE6 advises that development within, or conspicuous from, the Green Belt will not be allowed where it would be harmful to the visual amenity of the Green Belt.

Policy NE15 advises that development proposal should maintain the special character of Areas of High Landscape Value (AHLV).



Policies T6 and T15 essentially require new development proposals to be located conveniently for public transport provision, and also to ensure that new development is served by adequate levels of car parking provision.

In assessing the proposals against the requirements of these relevant Local Plan policies, and having regard to all material planning considerations, including representations received as part of the consultation process, it is considered that the following represent the principle material planning considerations raised by the proposals;

#### The Issue of Principle

As Members will appreciate the site is part of an existing significant sport and leisure facility. Policy RL8 provides support for further sport and cultural development at the Riverside and as such the principle of additional development of the site is considered acceptable, subject to detailed issues relating to scale / design, landscape impact and sustainable transport being satisfactory.

This view is also formed having regard to the general thrust of the RSS which seeks to promote the various existing cultural and sporting heritage of the North East.

#### Scale / Design

Bearing in mind the sensitive location of the site, adjacent to the North Durham Green Belt, and an Area of High Landscape Value, and also taking into account the need to secure high quality design as an integral part of the planning system, the view is taken that it is essential to ensure any development permitted on the site is of high quality, which will sit well in the context of both the existing Riverside complex, and when viewed from the surrounding vantage points outside of the site.

In this respect the proposals are considered acceptable. The design has been produced to ensure it melds with the character of the existing Riverside complex (exhibiting many design features found in the existing stadium) and moreover, displaying a scale which will also fit appropriately, in particular when viewed from outside of the site. This view is formed acknowledging the fact that the height of the top stand will sit below the height of the neighbouring Media Centre and as such it will not appear unduly out of character with the existing complex.

The restrained height of the development will also enable views of the existing mature landscaping, along the rise into Great Lumley to the East, to be maintained from within the stadium.

Similarly views of the external face of the development, i.e. what will be viewed from outside of the site, are also considered acceptable. As Members will appreciate the site sits in a natural bowl (the River Weir flood plain). This bowl will help ensure the development does not have any adverse impact on the character of the Green Belt, nor adjacent AHLV. Relatively lightweight materials (in the visual sense) are proposed for the external face of the stand; this will ensure that the development does not appear unduly harsh, nor bland, when viewed from outside of the site.

Having regard to the above analysis, the scale and design of the development is considered acceptable.

#### 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, subject to the installation of suitable conditions to help 'manage down' private vehicular trips.

As Members will note from the representation section above, The County Council as Highways Authority for the area, and this Council's Regeneration Team (Planning Policy) have advised of the need to ensure the development adequately provides for opportunities of access to the site by means other than the private car. Subject to the installation of planning conditions to secure such measures the County Council raise no objections to the development (in doing so they acknowledge the amount of car parking available to support the level of demand for the site is acceptable).

Suitable conditions, designed to help secure this modal shift from car to public transport options, are covered by recommended conditions as detailed below.

Subject to the installation of these conditions, the view is taken that the proposals are acceptable in terms of meeting the aims of the RSS, and the detailed Local Plan Policies in relation to the need to secure sustainable transport.

#### Flood Risk

Planning Policy Statement 25 – Flood Risk, sets out national planning policy designed to ensure that development takes into account the potential to increase flood risks.

As the site is located within a flood plain the developer has been required to submit a Flood Risk Assessment (FRA) as part of the planning application. This FRA concludes that subject to certain measures (including the raising of the proposed ground floor level; the use of flood resilient materials, and the preparation of a flood warning / evacuation plan) the proposals will not raise significant flooding concerns sufficient to justify refusal. This view is formed taking into account the fact that the site is already established in principle for sporting use, and that the proposed development will have a somewhat limited additional impact on flood risk issues.

As Members will note the Environment Agency have been consulted on the application, and have raised no objections subject to the attachment of conditions to ensure the retail facilities are only used on a match days and to require the developers to submit a Flood Evacuation Plan. Members will note these issues are secured by recommended conditions.

#### **Conclusion**

Having regard to the above, and taking into account the potential to impose conditions as recommended to mitigate against some of the likely impacts of the development, in particular in relation to sustainable development and flood risk, 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 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 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 Policies RL8 and NE 6 of the Chester-le-Street District Local Plan.

Extra 2.

The retail facilities hereby approved shall only be used on 'match days' (that is to say events during which the land edged red on the application plan is in use), in order to ensure the proposals adequately mitigate against flood risk and to accord with the aims of policy 37 of the RSS

Extra 3.

Unless otherwise agreed, a detailed travel survey shall be undertaken within 9 months of the approved seating area being first brought into use. Thereafter the results of this survey shall be provided to the Local Planning Authority and Highway Authority and shall be used to agree appropriate mode share targets, outcomes and corresponding timescales, which shall be agreed in writing with the Local Planning Authority. To ensure the development meets the aims of sustainable transport and to accord with the aims of policies 2 and 54 of the RSS and policies T6 and T15 of the Chester-le-Street Local Plan

Extra 4.

Unless otherwise agreed, a detailed travel survey shall be undertaken every 3 years following the approved seating area being first brought into use. Thereafter the results of this survey shall be provided to the Local Planning Authority and Highway Authority and shall be used to agree appropriate mode share targets, outcomes and corresponding timescales, which shall be agreed in writing with the Local Planning Authority. To ensure

the development meets the aims of sustainable transport and to accord with the aims of policies 2 and 54 of the RSS and policies T6 and T15 of the Chester-le-Street Local Plan

Extra 5.

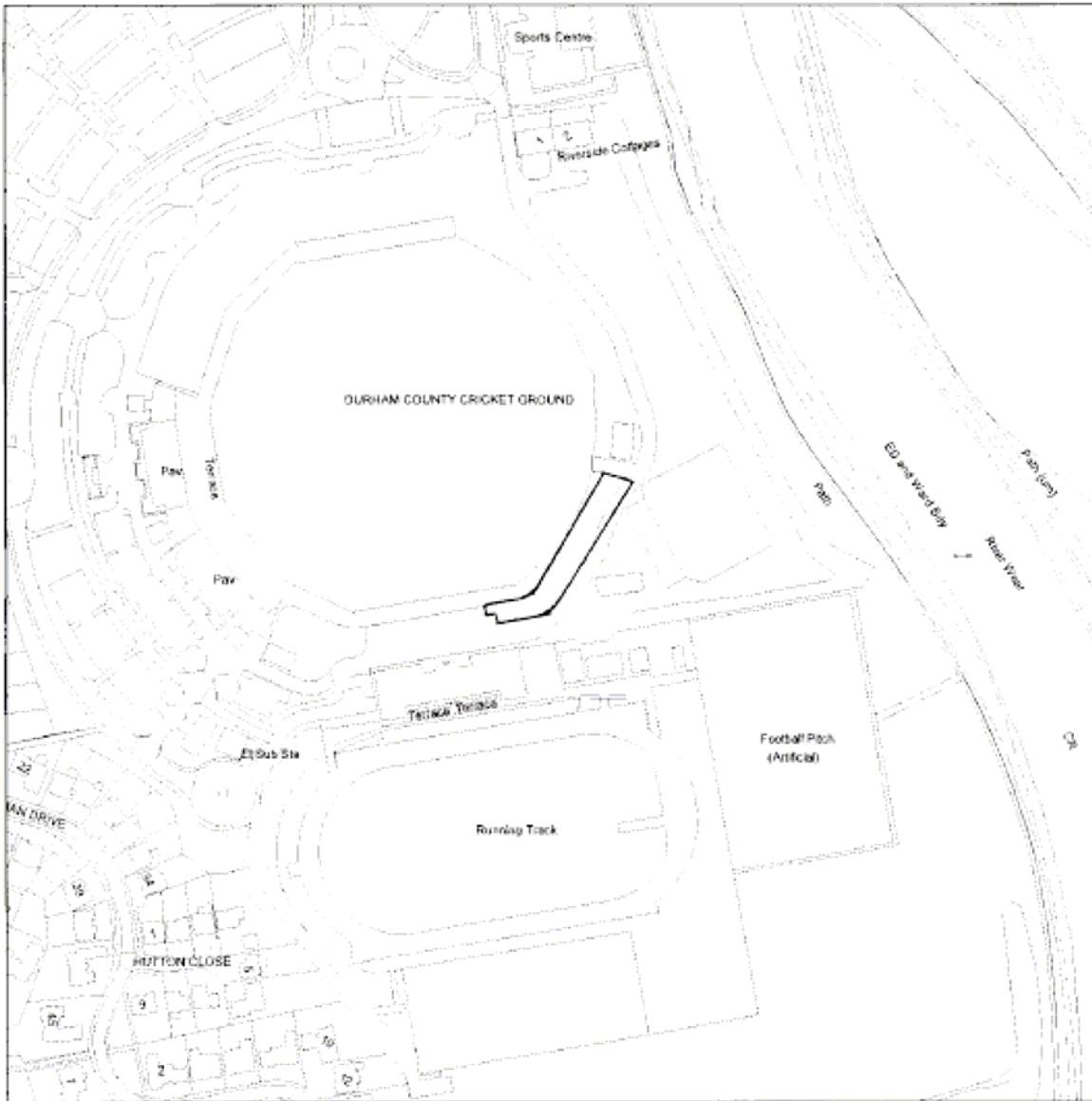
Prior to the bringing into use of the development hereby approved a flood evacuation plan shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed plan shall be available for implementation at all times the development hereby approved is in use. In order to minimise flood risk and to accord with the aims of policy 37 of the RSS

Extra 6.

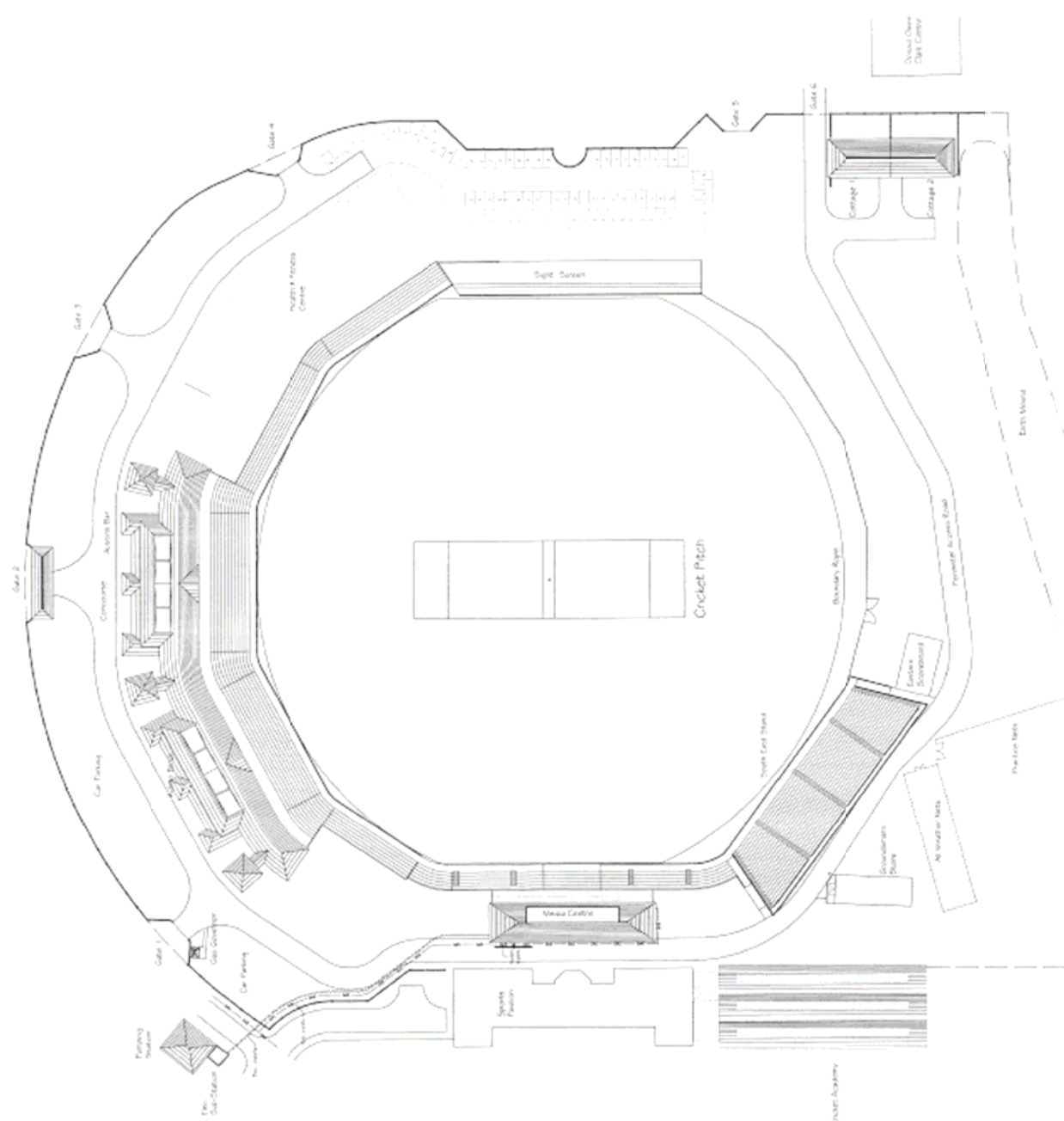
Prior to the bringing into use of the development hereby approved the developer shall submit a Green Travel Plan (to include the appointment of a named Travel Plan co-ordinator) to demonstrate proposed measures to reduce the reliance on the use of the private motor car to access the development. Thereafter the development shall be carried out in complete accordance with the measures approved as part of the said plan, unless otherwise first agreed in writing with the Local Planning Authority. To ensure the development meets the aims of sustainable transport and to accord with the aims of policies 2 and 54 of the RSS and policies T6 and T15 of the Chester-le-Street Local Plan

# Durham County Cricket Club

Riverside, Chester-le-Street



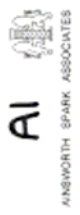
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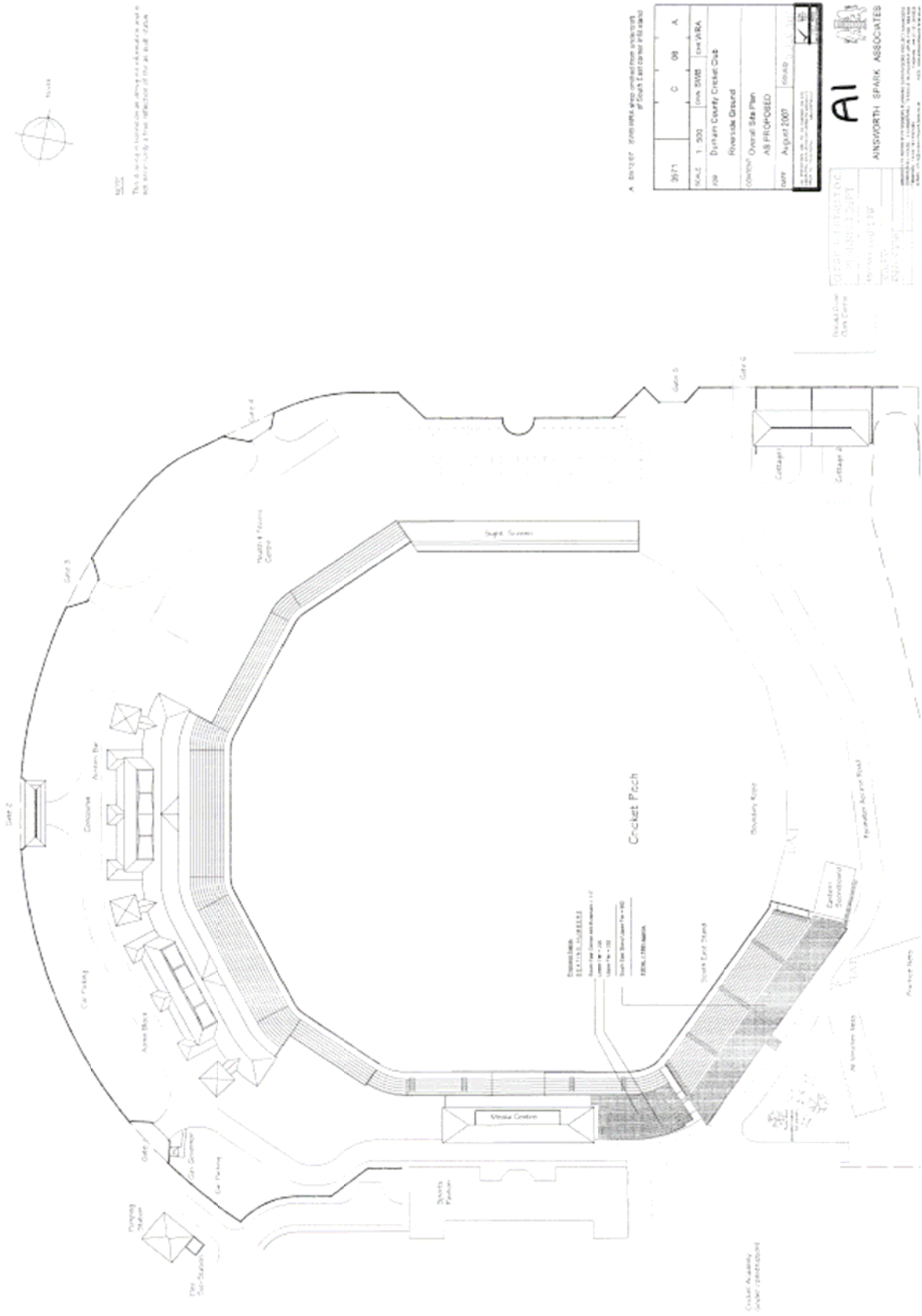
NOTE  
This drawing is based on the information provided and is not intended to be a representation of the actual works.



3571	B	02
SCALE: 1:500	Iron SWS	Iron WPA
JOB: Durham County Cricket Club	Reverse Ground	
CONTRACT: Overall Site Plan	AS EXISTENCE	
DATE: August 2007	ISSUED	



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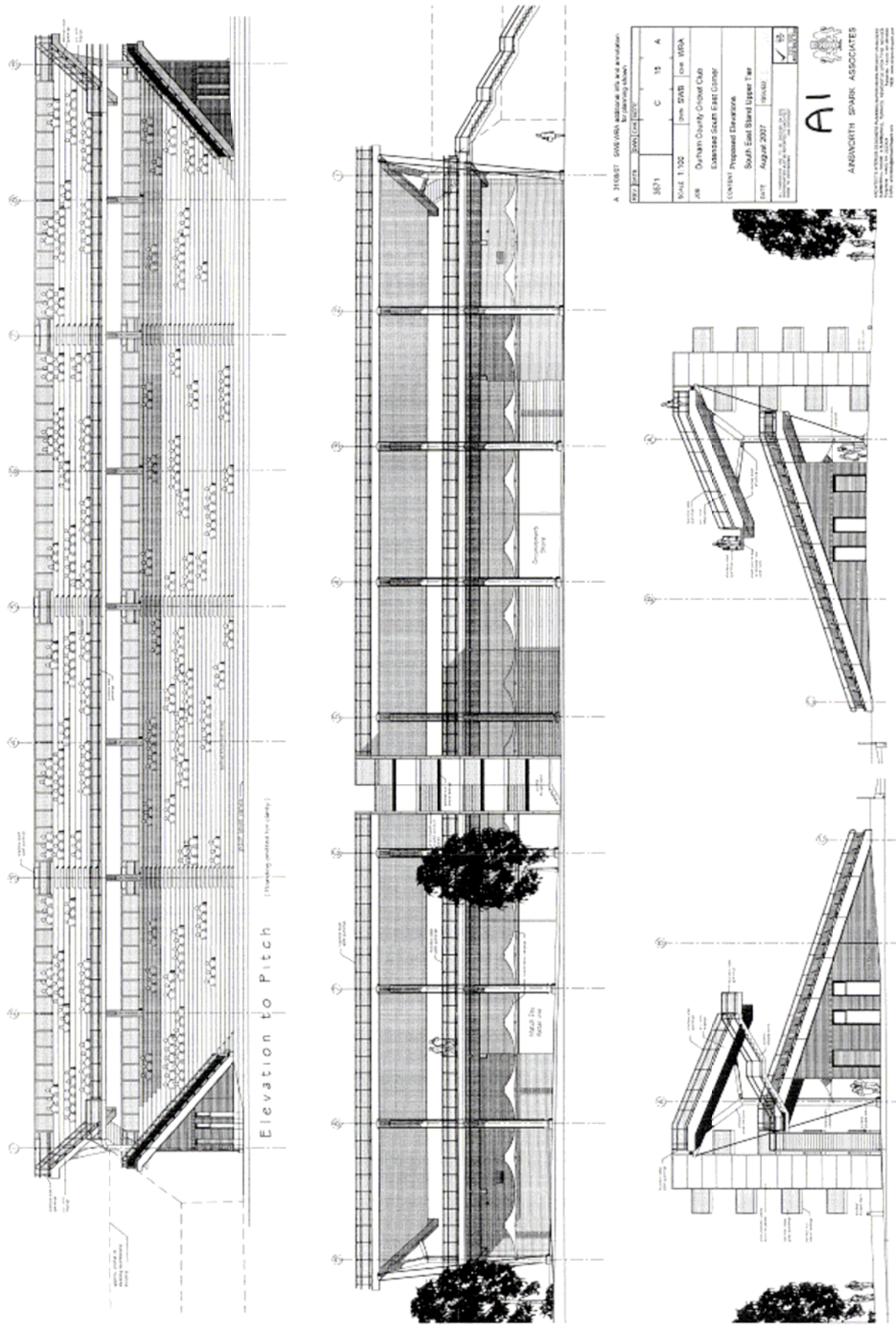


NOTE:  
This drawing is intended as a guide only and is not a contract. It is subject to change without notice.

A 2007/08 planning application for the proposed overall site plan for the Riverbank Ground

3571	C	09	A
Scale:	1:500	Drawn:	SMB
Job:	Durham County Cricket Club	Drawn:	WBA
Client:	Riverbank Ground		
Project:	Overall Site Plan		
Date:	August 2007	Issue:	1.0

AI  
ANSWORTH SPARK ASSOCIATES



A. 310807 545 454 address site and elevation for drawing above

REV	DATE	BY	CHKD	NO
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002	2007	SW	SW	1007
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Scale 1:100  
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 Date: WDA  
 Job: Durham County Cricket Club  
 Location: South East Stand  
 Project: Proposed Elevations  
 Client: South East Stand Upper Tier  
 Date: August 2007  
 Project No: 310807  
 Drawing No: 310807-01  
 Drawing Title: Elevation to Pitch

**AI**  
 ARBNOTH SWARK ASSOCIATES

INCORPORATED IN ENGLAND  
 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000



**3.****Reference: 08/00003/FUL**

**Proposal** Resubmission of 07/00494/FUL for the erection of 1 no dormer bungalow  
**Location** Land 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, Planning Officer  
**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**

This proposal seeks full planning permission for the construction of a single, detached dormer bungalow on land to the West of the Poplars at Arcadia Avenue. The site comprises land, which was originally part of the garden area associated with 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 this land at the planning committee in January 2007, Ref: 06/00538/OUT

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

Following the withdrawal of the above application, a full planning application was submitted for consideration on 7th November 2007 , Members may recall considering this

application at the Planning Committee meeting on 12th December 2007. The application was recommended for approval however, Members resolved to refuse planning permission as it was considered that the proposal would have an adverse impact upon the residential amenity of the neighbouring property, No 28 Arcadia Avenue.

### **Consultation Responses**

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

The application has been advertised by way of direct neighbour notification letters. At the time of writing this report 10 letters of objection and 4 letters of support have been received.

The objections raised are summarised as follows: -

- The condition of the previous outline approval, requiring that the dwelling should not project beyond the North East corner of No28 Arcadia Avenue, is still not adhered to in this new application.
- Outline planning permission was granted contrary to the views of the affected residents. Conditions were attached to go some way towards mitigating the concerns of the residents. It is the duty of the planning authority to check that its own conditions are complied with.
- The new proposal now comes forward of the front of No28 Arcadia Avenue by some six metres, in complete contradiction of Policy HP9 and the previous decision of the Planning Committee
- The plan to build a property out of line with the rest of the street would be detrimental to the aesthetics of the street and would be intrusive for near neighbours. Any development beyond the established building line of the street would have a greater impact on the streetscene.
- The proposal would overlook the rear garden area of properties on Highfield Rise, this would result in overlooking/loss of privacy and possibly result in devaluation of property.
- It would appear that the internal boundary wall to the South boundary of the site might be an attempt to bypass planning regulations by establishing a building line for a possible future application for a double garage
- The proposed two storey house is almost identical to the one, which was rejected by the Planning Committee. It has simply been turned around to provide the required 12.5 metres clearance with the bedroom window of 28 Arcadia Avenue. However, it still does not comply with Policy HP9 as it is several metres forward of the North Eastern corner of No28 Arcadia Avenue and should therefore be rejected
- The proposed new property is no longer in keeping with or in proportion to any of the adjacent properties within the street.
- A building that complies with the outline planning condition would be acceptable.
- This is not a bungalow, as described, it is a two storey house.

## **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 material planning considerations, including the previous decisions reached and all comments raised through the consultation process, it is considered that the following areas of the proposal require careful assessment.

### Scale/Massing of Development

Policy HP9 of the Local Plan requires that new development respects the character of the surrounding area. In this respect it is considered that the proposal for a detached dormer bungalow, is acceptable in the context of the surrounding area. Arcadia Avenue contains a mix of dwelling styles. In the immediate vicinity of the application site the predominant style is that of single storey bungalows with a variety of design detailing. As there is no apparent generic house type, it is considered that the individuality of the design of the proposed dwelling is appropriate in this location. There is evidence within the streetscene

of other properties with dormer windows and therefore the use of dormer windows within the development is considered acceptable.

The surrounding bungalows have varying finished ridge height of between 4.5 metres and 6.3 metres. The proposed dormer bungalow would have a finished ridge height of 6.5 metres. Whilst this is slightly higher than other properties within the street, 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, appear no higher than No 23 Arcadia Avenue which is immediately opposite the application site and is accordingly deemed to be acceptable.

With regards to the position of the dwelling within the application site, the most forward part of the proposed dwelling would follow the general front building alignment of the Poplars and other dwellings extending eastwards along Arcadia Avenue, in this regard it is considered that the proposal follows the general street pattern and is acceptable.

#### Privacy/Separation Distances and Impact on neighbours

Policy HP9 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 distances to be achieved between existing and new development. This advises that a minimum distance of 21 metres should be preserved between existing and proposed habitable room windows.

In this respect, the proposed layout meets the minimum separation distances providing 24.5 metres to the nearest property to the rear, 17 Highfield Gardens and 35 metres to No 23 Arcadia Avenue, which is immediately opposite to the front of the site.

With regards to the relationship between the proposed dwelling and the neighbouring property, No 28 Arcadia Avenue, it is considered that the revised planning application would not have an adverse impact upon the residential amenities of this property. The building line of the new property, at its closest point to No28 Arcadia Avenue, would be in line with the North East corner of this property. The new dwelling would include a forward projecting gable feature, which would project beyond No 28 Arcadia Avenue by 5.1 metres. The separation between this element of the proposed dwelling and the closest habitable room window of No 28 Arcadia Avenue would measure 12.5 metres. This separation accords with the separation requirements set down in Appendix 1 of the Local Plan.

It is not considered that the proposed dwelling would result in any unreasonable loss of privacy for the occupiers of No28 Arcadia Avenue nor is it considered, given the separation distances, as detailed above, that the proposed dwelling would have any unreasonable overbearing impact upon this property. Whilst the gable feature to the front of the proposed dwelling may result in some overshadowing during the early morning, the orientation of the properties is such that, for the vast majority of the day, the proposed dwelling would not cause any overshadowing of the neighbouring property.

Other Issues raised

A number of objections have been raised on the grounds that the proposed dwelling does not accord with condition 4 attached to the outline planning permission granted in January 2007. It should be noted by Members that the current application is for full planning permission and is not a reserved matters application following the granting of outline permission. As this is a full application, the applicant is not bound by the conditions attached to the previously approved outline planning permission. The application now submitted must be considered on its planning merits.

Notwithstanding the objections raised, it is not considered that the proposed dwelling would have a harmful impact on the character and appearance of the streetscene. As detailed above, the proposal is considered to accord with the provisions of Policy HP9. As such, it is considered appropriate to depart from the stance taken at the time of the approval of the earlier application.

Objections have been raised on the grounds of loss of privacy. However, as demonstrated in the report, the proposal accords with the separation standards as detailed in Appendix 1 of the Local Plan and accordingly it is considered that there would be no unreasonable loss of privacy to adjoining properties.

Other objections raised refer to the potential for a future application for a garage and devaluation of property. The application must be determined on the basis of the plans submitted, any future extensions to the property would be subject to a separate application and would be assessed against the relevant policies. As Members are aware, devaluation of property is not a material planning consideration.

**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**  
CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

- 01A The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).
- 01C The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on 28<sup>th</sup> January 2008 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.

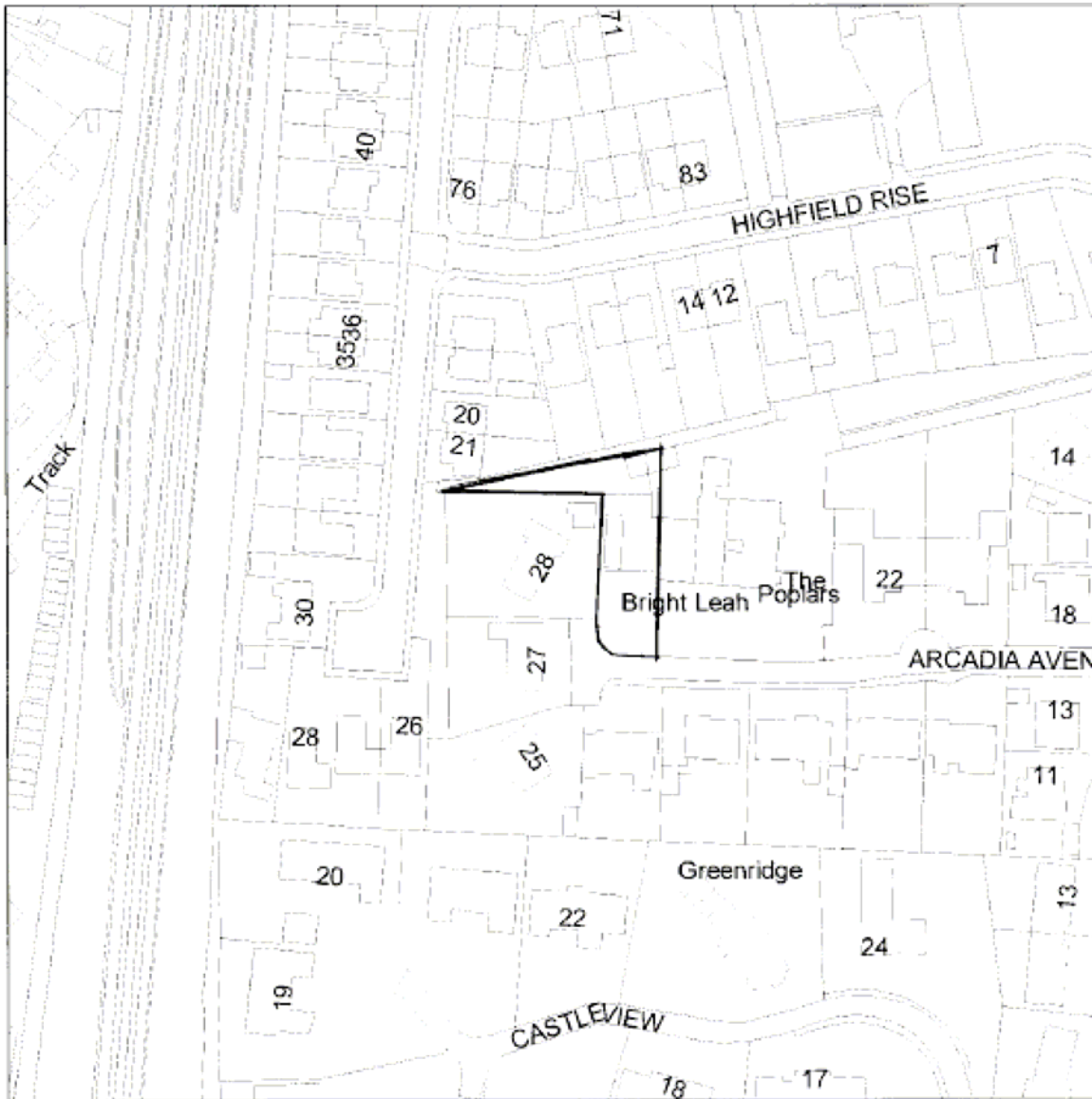
- 02A Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls and / or roofs of the building(s) have been submitted to, and approved in writing by, the 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.
- 65 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) any external alterations to the dwelling (except painting and repairs) and any development within the curtilage of the dwelling (ie development permitted under Schedule 2, Part 1( Class A-H inc.) and Part 2 ( Class A) of the Town and Country Planning (General Permitted Development) Order 1995 shall require the benefit of planning permission in order to ensure the satisfactory appearance of the development upon completion and in the interests of visual and residential amenity.

Extra 1

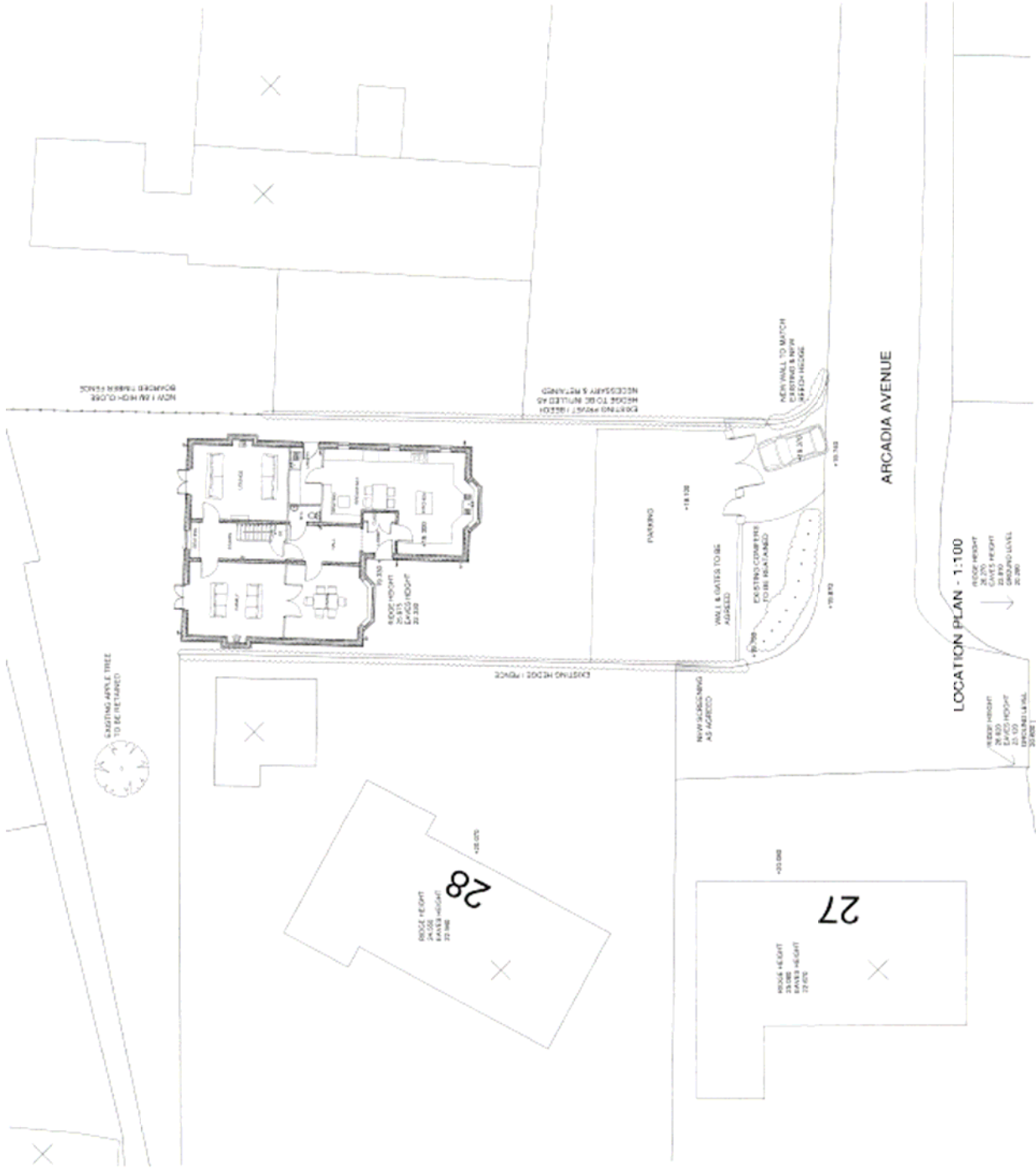
The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including 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) and thereafter be maintained for 5 years, 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.

# Land West of The Poplars

Arcadia Avenue, Chester-le-Street



Scale : 1:1250



Site plan shall be prepared, checked and approved by the applicant. The applicant shall be responsible for the accuracy of the site plan. The applicant shall ensure that the site plan is in accordance with the zoning regulations and other applicable laws. The applicant shall ensure that the site plan is in accordance with the zoning regulations and other applicable laws.

1. The applicant shall ensure that the site plan is in accordance with the zoning regulations and other applicable laws.
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5. The applicant shall ensure that the site plan is in accordance with the zoning regulations and other applicable laws.



EXISTING SITE PLAN - 1:1250



PROPOSED SITE PLAN - 1:1250

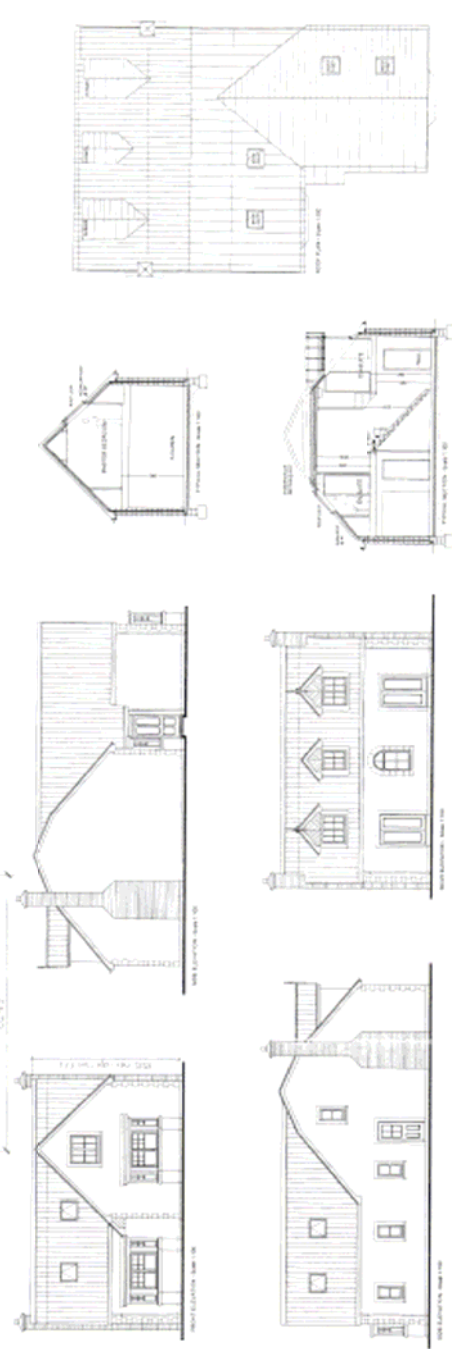
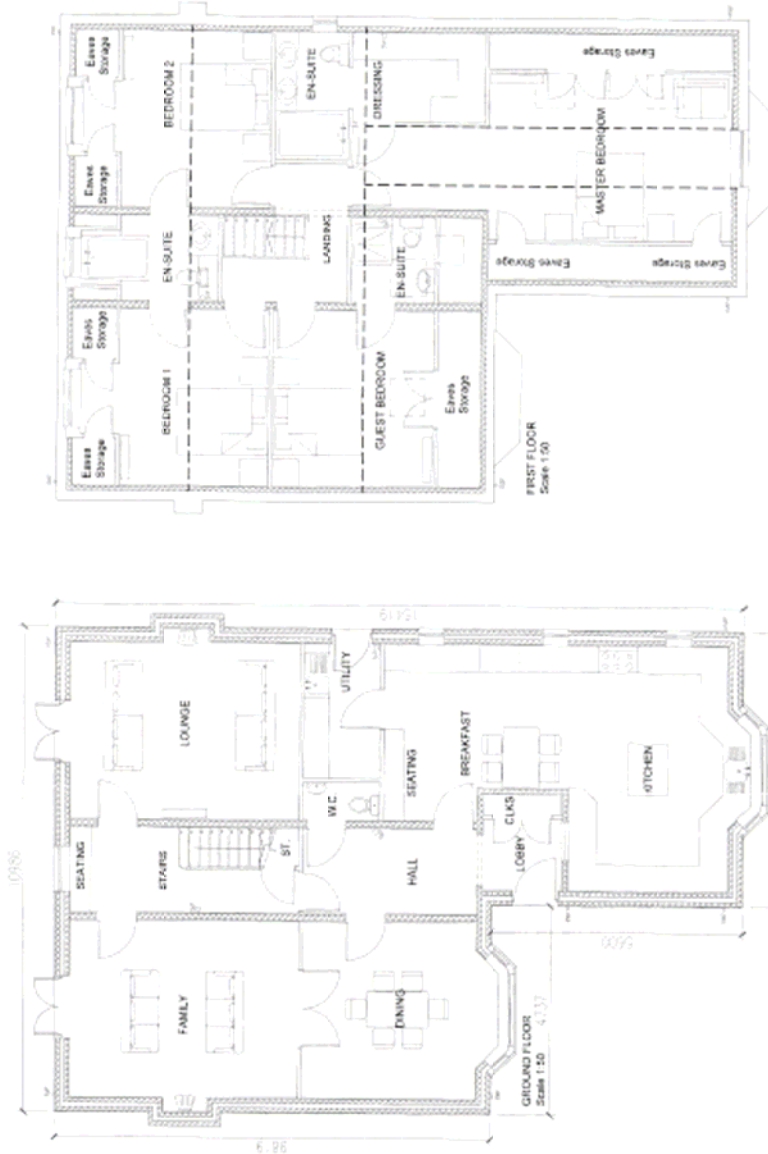
**Brownie Smith Baker**  
 ARCHITECTS  
 100 West 7th Street  
 New York, NY 10011-3200  
 Tel: 212 476 3800  
 Fax: 212 476 3801  
 www.browniesmithbaker.com

Proposed Dormer Bungalow  
 Popular Cottage, Chester 10 Street  
 For Mr & Mrs J Fletcher

Architect: P.L.E.  
 Existing & Proposed Site Plan  
 & Location Plan

Scale: 1" = 100', 1/32" = 1' (as shown)  
 Date: 17/04/07  
 Plan No: AI  
 Project No: 07130/P01 B





**NOTES**

1. See also the proposed planning application on 11 February 2008.
2. All work to be completed within 12 months of the date of the grant of planning permission.
3. The proposed dormer shall be constructed in accordance with the details shown on the drawings.
4. The proposed dormer shall be finished with a dark grey slate roof.
5. The proposed dormer shall be finished with a dark grey stone finish.
6. The proposed dormer shall be finished with a dark grey stone finish.
7. The proposed dormer shall be finished with a dark grey stone finish.
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19. The proposed dormer shall be finished with a dark grey stone finish.
20. The proposed dormer shall be finished with a dark grey stone finish.

**PROPOSED FINISHES:**

- MAIN ROOF BY CLIPPING MANSARD SECTION
- UPVC DOUBLE GLAZED WINDOW COLOUR TO BE AGREED
- ANY STONE INCLUDING FLINDERS
- CHIMNEYS
- ROOF OVER MASTER BEDROOM
- ALL EXTERIOR
- CONCRETE
- WINDINGS & FINISH DOORS
- UPVC DOUBLE GLAZED WINDOW COLOUR TO BE AGREED
- ANY STONE INCLUDING FLINDERS
- CHIMNEYS
- ROOF OVER GUEST BEDROOM
- ALL EXTERIOR
- CONCRETE
- WINDINGS & FINISH DOORS
- UPVC DOUBLE GLAZED WINDOW COLOUR TO BE AGREED
- ANY STONE INCLUDING FLINDERS
- CHIMNEYS

**Amended Plan**

Browne Smith Baker

150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000.

## 4.

**Reference: 08/00009/FUL**

**Proposal** Demolition of library and erection of 4 no. new dwellings  
**Location** Former Library Front Street Grange Villa Chester-le-Street Durham  
**Applicant** Mr T. Parker

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## Application Summary

**Ward:** Grange Villa  
**Case Officer:** James Taylor, Senior Planning Officer  
**Contact Details:** 0191 387 2002

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

**Summary of recommendation:** The development hereby proposed is considered to be of acceptable design, scale and massing in regard to the context of the surrounding area and would not harm the privacy or amenity of surrounding occupiers.

Accordingly it is recommended that the application is approved.

---

**The Proposal**

Planning consent is sought to demolish the existing reading room/library on site and erect 4no. two storey terrace properties.

The dwellings are proposed to follow the topography of the land stepping down the street from west to east. They are of brick construction with artstone heads and sills, an impediment detail above the first floor bedroom and canopies over the front doors. The site is enclosed partly by brick walls and fencing at the sides and rear with steel railings to the front.

The application site is centrally located within Grange Villa opposite the Working Mens Club and approximately 35 metres east of the T-Junction with Stone Row. Immediately adjoining the application site to the east is a public path and then the premises of Grange Villa Cars.

## **Consultation Responses**

Durham County Council Highway Authority have not commented at the time of writing the report. Their comments shall be reported on the night of committee.

The application has been advertised by way of site notices and through direct mailing to adjacent occupiers. In response the following comment has been received at the time of writing;

The Grange Villa Social Club have objected on the following grounds:

- Concerns are raised as to the noise and activities emanating from the club premises in connection with its use by members. They feel that smokers congregating outside and having conversations may lead to complaints to the Council's Environmental Health Department.
- They raise concerns about the intense use of the bus stop in front of the properties especially by school children, again leading to noise complaints.
- The club raises concerns that prospective residents may obstruct the access road to the rear of the site thus preventing access by emergency vehicles.
- Lastly, a query was raised as to whether provision has been made in the development for a public path as now exists across the site.

## **Relevant Planning Policies and Considerations**

### **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. The final RSS for the North East is expected for publication in spring 2008.

Policy 2 – Sustainable Development: Planning proposals should seek to promote sustainable development through social, economic and environmental objectives.

Policy 5a – Connectivity and Accessibility: Seeks to promote internal and external connectivity within the region. It specifically promotes travel by alternative means other than by private vehicles.

Policy 24 – Delivering Sustainable Communities: Planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.

Policy 32 – Improving Inclusivity: Seeks to ensure new development allows and promotes alternatives to private vehicle use. This may include improving accessibility within a site to public services and facilities.

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.

### Chester-le-Street Local Plan

Policy HP8 allows limited infill within the settlement of Grange Villa provided it is on previously developed land, within a sustainable location and is appropriate to the scale and character of the surrounding context.

Policy HP9 outlines the residential design criteria applicable to new development of this type. The policy seeks to ensure new development is appropriate by design, protects the amenity of surrounding occupiers and provides adequate levels of parking and access arrangements.

In addition to HP9, Appendix I in the Local Plan gives more specific guidance on residential design layout and facing distances.

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;

#### Efficient use of land

In regard to the merits of the proposal, the site is currently home to a redundant library/reading room in a prominent location within Grange Villa. Subject to the land not being used for its original intended use and the prominent location it is considered a suitable site for residential development. The surrounding area is predominantly residential in character and as the site is previously developed it makes the most efficient use of land.

#### Accessibility

In regard to the sustainability of the location, being centrally located and in close proximity to local services as well as a bus stop adjacent, it is considered that the site accords with sustainable development objectives.

An objection was raised to the potential for the rear access to be blocked by residents of the dwellings hereby proposed. The access road serves a large number of residential properties and as such it is unlikely new occupiers would obstruct their access. If a highway obstruction is found to occur it is a matter for the police.

On site off-street parking has been provided for five spaces and there is also unrestricted street parking in the vicinity.

### Scale, Design and Massing

The scale of the dwellings are in character with surrounding existing properties at 7.5m high and 6m wide. In regard to design, value has been added through the detailing to the front elevation, especially the impediment and canopy, whereas the fenestration is also treated to artstone heads and cills. An amendment was requested in order to change the arrangement of the front elevations so that there was symmetry in the front door openings and canopy locations, it is considered that this has enhanced and balanced the proposals.

### Residential Amenity

In regard to privacy such is the acute angle of view from properties along Stone Row and Pine Street the development does not raise privacy concerns to these residents.

Concern has been raised as to possible noise and disturbance to potential occupiers from activities surrounding the working men's club opposite. Typically these clubs co-exist in residential areas throughout the district and in this instance none of the site directly abuts the club premises. The club is separated by a double road width and as such is divided from the application site by an intervening land use. This separation distance, and not untypical or unreasonable relationship would not warrant refusal of the application on these grounds.

The Council's Environmental Health Department under separate legislation have powers to control noise. The granting of planning permission does not remove the need to comply with these controls in regard to the operation of the club.

An objection was made to the intensive use of the bus stop leading to complaints by prospective residents. It is not uncommon to have a bus stop in front of a residential property, nor can the planning system control who uses the stop or their behaviour. It is therefore considered that this is not reasonable ground for refusal.

### Conclusion

The development hereby proposed is considered to be of acceptable design, scale and massing in regard to the context of the surrounding area and not harm the privacy or amenity of surrounding occupiers.

Accordingly it is recommended that the application is approved.

### **RECOMMENDATION** CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

- 01A The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).
- 01C The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on 25<sup>th</sup> January 2008

(drawing No.3 Rev A) 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.

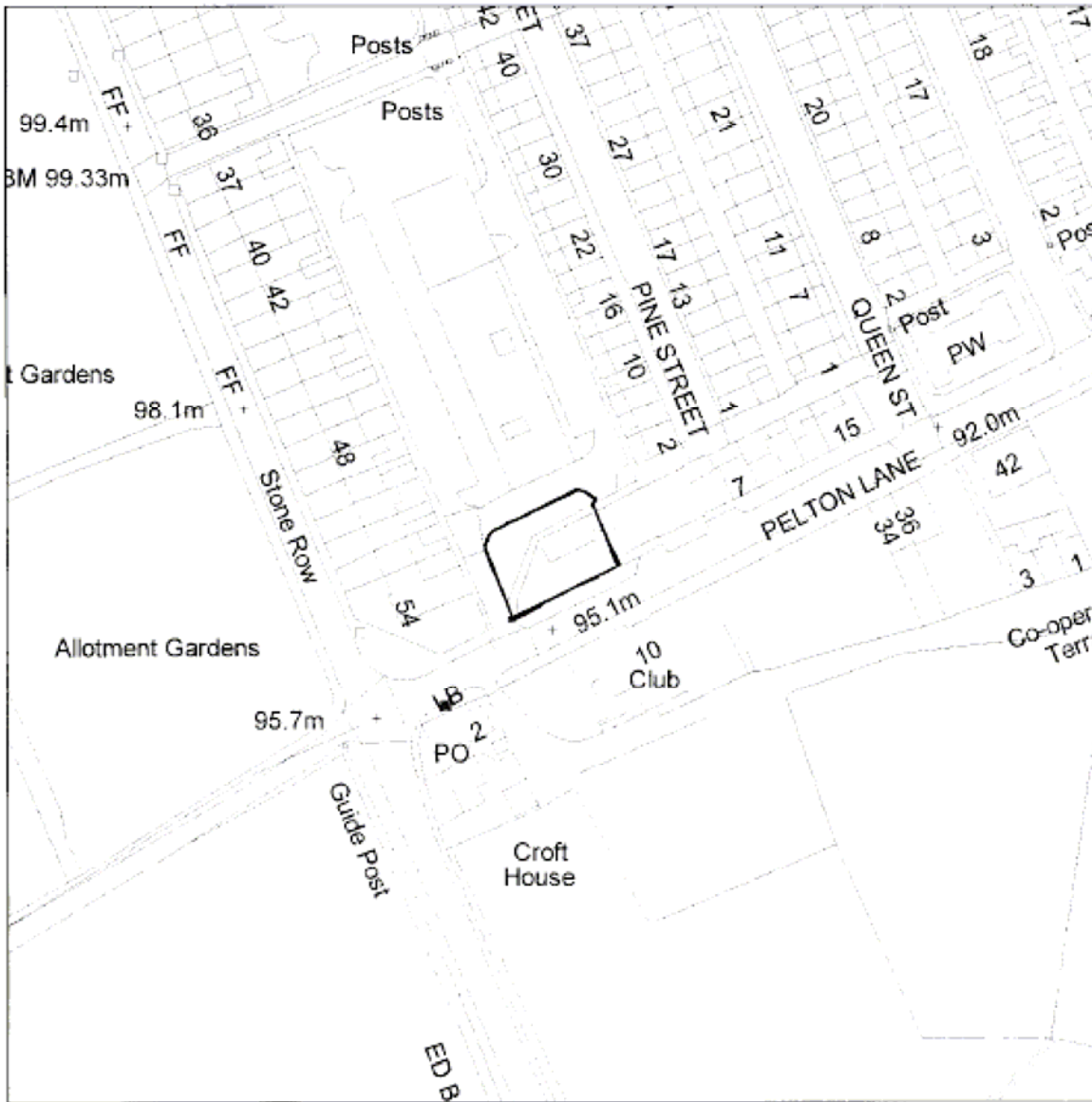
Extra 1.

No development approved by this permission shall be commenced until:

- a) the application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the LPA;
- b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;
- c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;
- d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and
- e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

# Former Library

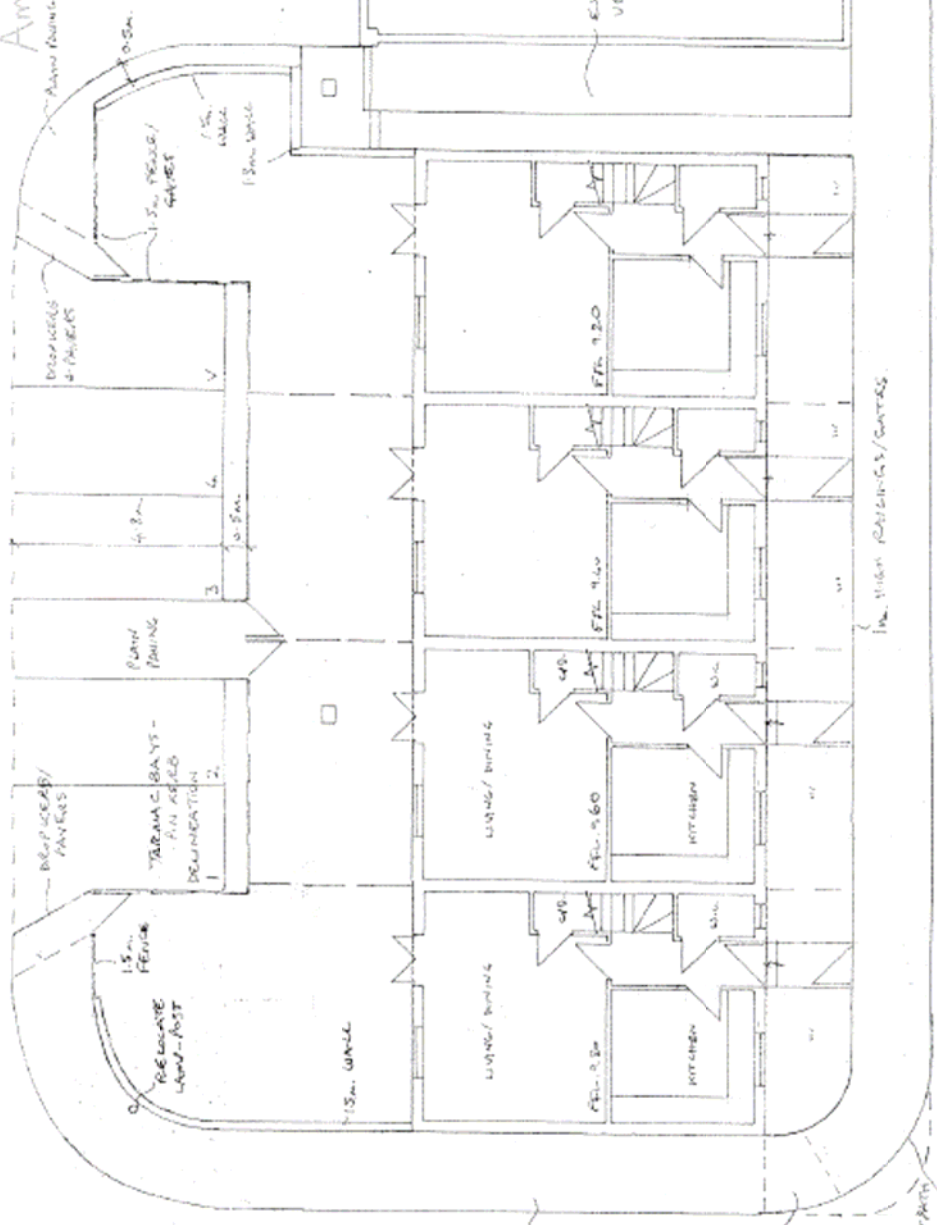
Front Street, Grange Villa



Scale : 1:1250

*Amended Plan*

CHESTER-LE-KEMET DS PLANNING DEPT.	RECEIVED 25 JUN 2008	ACTION BY	POST BOOK NO.
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LAND AT PELTON LANE, GRANGE VILLA DRG NO 2 A  
REV. A - PLANNING 22/1/08

A3

TYPICAL RAINING DETAIL 1:50  
 150mm VULCANISED RUBBER MEMBRANE/WATER  
 WITH 25mm GYPSUM STAINED BARK GREEN  
 FINISH PATENTED/PAINTS  
 PROPOSED GROUND FLOOR / SITE PLAN 1:100  
 40mm RAISED 15mm DIA BRASS/STEEL @ 150mm GC WITH 800 GC TOE  
 MATCHING GATES.



FENCE DETAIL 1:50

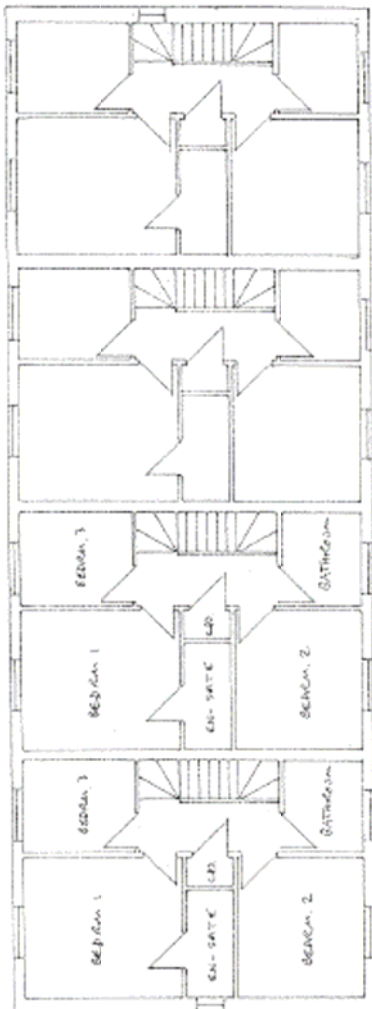


Amended Plan

LAND AT PELTON LANE, GRANGE VILLA DRG NO 3 A  
REV. A - PLANNING 22/1/08

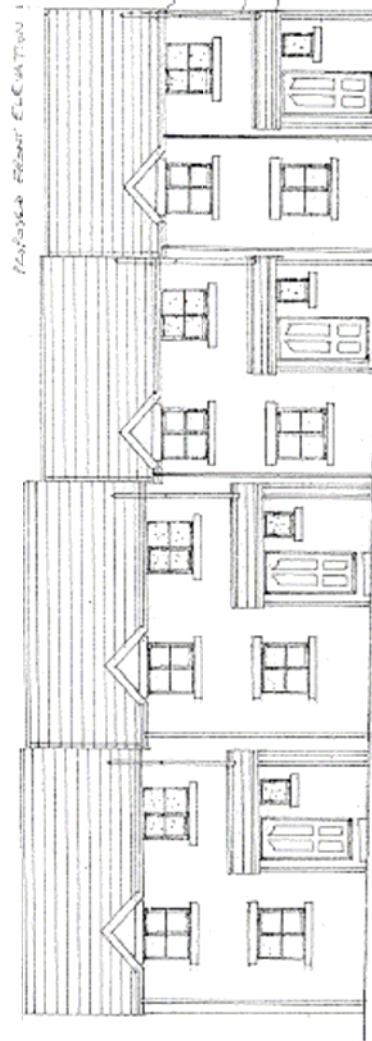
LEVEL ACCESS AND LOW LEVEL THRESHOLLS TO REAR  
DOORS TO ACCOMMODATE WHEELCHAIR ACCESS FROM  
PARKING BAYS

CHESTER-LE-STREET B.C. PLANNING DEPT.	
RECEIVED 25 JAN 2008	
ACTION BY	
POST BOOK NO	

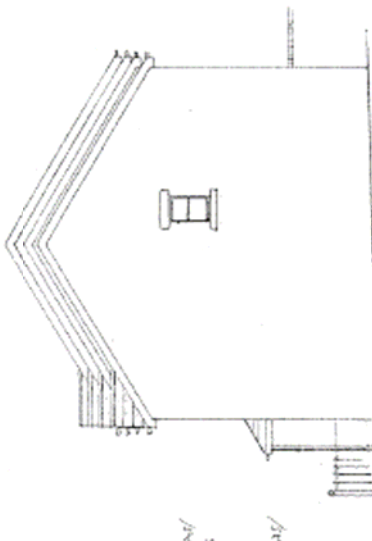


E PLAN 1:100

Proposed Rear Elevation 1:100

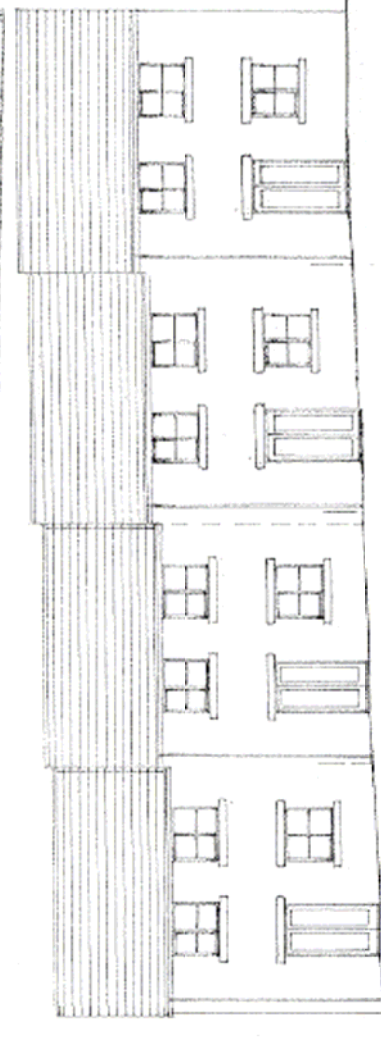


- BRICK GABLE ROOF-THING
- WHITE PLASTER TO CORNICES/PARCHING WINDOWS/DOORS
- FRANCIS BELUK
- ANTIQUE NEARLY GABLES



A3

Proposed Side Elevation 1:100



ZIG-ZAG WALLS WITH B.C.C.

## 5.

**Reference: 08/00021/VAR**

**Proposal** Variation of application 07/00222/FUL to remove Condition 16 (To allow footpath link through site to be provided)

**Location** Persimmon Homes Site St Cuthberts Drive Sacriston Durham

**Applicant** Persimmon Homes NE Ltd

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## Application Summary

**Ward:** Sacriston

**Case Officer:** James Taylor, Senior Planning Officer

**Contact Details:** 0191 387 2002

[jamestaylor@chester-le-street.gov.uk](mailto:jamestaylor@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 remove planning condition 16 imposed on consent 07/00222/FUL for the non-provision of a right of way running NW to SE across the site.

Drawing 232/A/GA/002 Rev F presented to committee in August 2007 on application 07/00222/FUL shows the pedestrian link. The officer recommendation was to approve the application subject to two further conditions for details of measures to control access along the path and that the pedestrian link shall be wholly constructed in accordance with the approved details. However, when resolving to grant planning permission for the development members resolved to add an additional condition (number 16) to require this proposed link to be stopped up.

This application therefore proposes removing condition 16 and as a result now providing for a pedestrian link on site as indicated on site plan 232/A/GA/002 Rev F of the previously approved application 07/00222/FUL.

The reasoning behind this application is that the County Highways Authority is in receipt of public evidence forms claiming the existence of a public right of way across the site. As a

result it is likely public right of way status shall be granted to the path and as such the applicant requires condition 16 to be removed so they may provide for said path on site.

Should planning permission be granted and formal right of way status given to the path, the applicant will then be required to stop us this existing right of way. The right of way would then be provided as shown on drawing 232/A/GA/002 Rev F.

### **Consultation Responses**

Durham County Council as Highways Authority raise no objections. In addition they consider the links between Rydal Close and the existing right of way (footpath 5) as important and broadly support the pedestrian link proposed.

Durham County Council as Rights of Way Authority raise no objection to the proposal. They are in receipt of what they term as a good evidence base to support the claim for public rights of way status for the existing link.

The application has been publicised by virtue of two site notices and 82 neighbour notification letters.

Two objections have been received from members of the public in the immediate vicinity. Their points of concern are summarised below:

- That the opening of the path will lead to anti social behaviour and a means of escape for criminals. They refer to occurrences of anti social behaviour towards the developer on site at present.
- That the path will allow a route for motorcyclists to gain access west of the site to open space.
- That there is no evidence to suggest the path has been walked for 20 years or more. They cite that the path was not in existence when Rydall Close was built in 1982.
- In addition it has been requested that officer's draw to the attention of members the public representations both for and against on the previous (07/00222/FUL) application on the subject of the pedestrian link.

Sacriston Parish Council objected to the proposals. They objected on the grounds that the path may generate anti social behaviour in the area.

Previously a 96-signature petition was presented from residents in the area against the pedestrian link now proposed. The grounds for the petition were that the link would lead to anti social behaviour such as the riding of motorbikes and encouraging a route for criminal escape. This was a view in part supported by Durham Constabulary.

In support of the footpath four letters were received during the previous application process. Following the applicant stopping up the path on site a further four letters and a 59 signature petition were received calling for the path to be opened, albeit following the determination at the August committee.

In support of the application the applicant's have advised, that they have been informed from Durham County Council that twelve user evidence forms have been received in

support of the path. The County Council have thus suggested to the applicant that a good evidence base exists and that a right of way may exist.

As a result the applicant is keen to remove condition 16 so that they can provide a link across the site in order that the build is not unduly held up by a delay at a later date.

### **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. The final RSS for the North East is expected for publication in spring 2008.

Policy 5a – Connectivity and Accessibility: Seeks to promote internal and external connectivity within the region. It specifically promotes travel by alternative means other than by private vehicles including walking.

Policy 24 – Promoting Sustainable Development: Seeks to promote accessibility to housing and facilities by all modes of transport, particularly walking.

Policy 32 – Improving Inclusivity: Seeks to ensure new development allows and promotes alternatives to private vehicle use. This may include improving accessibility within a site to public services and facilities;

Policy 51 – Regional Public Transport Provision: Seeks to ensure new and re-development encourages walking, cycling and public transport.

#### **Chester-le-Street Local Plan October 2003**

Policy HP9 - Residential Design Criteria - provides general advice regarding the tests that successful applications for residential development should meet. Of particular importance to this application are the requirements that proposals should relate well to the character of the surrounding area and provide convenient and safe access.

Policy T15 – Requires consideration to be given in new development to providing safe access and also to provide pedestrian access links within the site.

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;

Right of Way / Pedestrian Link

A number of objections have been received in respect to the proposals to remove condition 16 of consent 07/00222/FUL thus allowing a pedestrian footpath running east to west through the site.

Several residents are concerned that this route will provide opportunity for anti social behaviour to occur in the locality, and that it will provide easy access for criminals to escape. Members will note that these concerns are supported by Durham Constabulary who are against the provision of the path.

The reasoning behind this application is that the County Rights of Way Authority consider there to be a good evidence base and high likelihood of the path being adopted as an officially recognised right of way. As a result the applicant requires the removal of condition 16 to accommodate the right of way.

Members may recall on application 07/00222/FUL that there was some evidence to suggest the path was heavily used and has also been bollarded at one end in the past to help to demark the entrance point from Rydal Close.

Looking at the definitive footpath map of the area the link will connect into footpath five and allow residents easy access to the recreation ground as well as a network of other recognised paths.

Policy T15 of the Local Plan promotes pedestrian access within development proposals and on the basis that a replacement route is to now be provided by the removal of condition 16, this accords fully with the aims of this policy.

With respect to the residents concerns regarding anti social behaviour the County Highway Authority have indicated they would be prepared to adopt the pedestrian link. By doing so this will ensure streetlights are provided, therefore increasing surveillance and security along the route. In addition a condition is recommended to require agreement as to the details of a satisfactory form of access control such as a 'kissing gate' to prevent motorcycle access, this accords with policy T15 of the Local Plan to provide safe access.

Lastly, the route of the footpath has been kept open as much as possible and is surveyed by properties within the proposed estate. This open layout promotes natural surveillance from residents and further helps reduce the occurrence of crime.

To conclude the removal of condition 16 from application 07/00222/FUL to allow a pedestrian link east to west across the site will provide for a well-used pedestrian route increasing the permeability through the site. This will allow users to traverse easier on foot to local facilities as well as a much larger range of paths in the interest of promoting sustainable transport patterns, where possible giving an alternative to the private vehicle.

The public objections have been fully taken into account, however it is felt the planning merits outweigh their concerns. The anti social issues can be addressed through the

provision of acceptable access arrangements and the overall design has been prepared, to allow as much as possible natural surveillance to occur.

**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**  
CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

Extra 1.

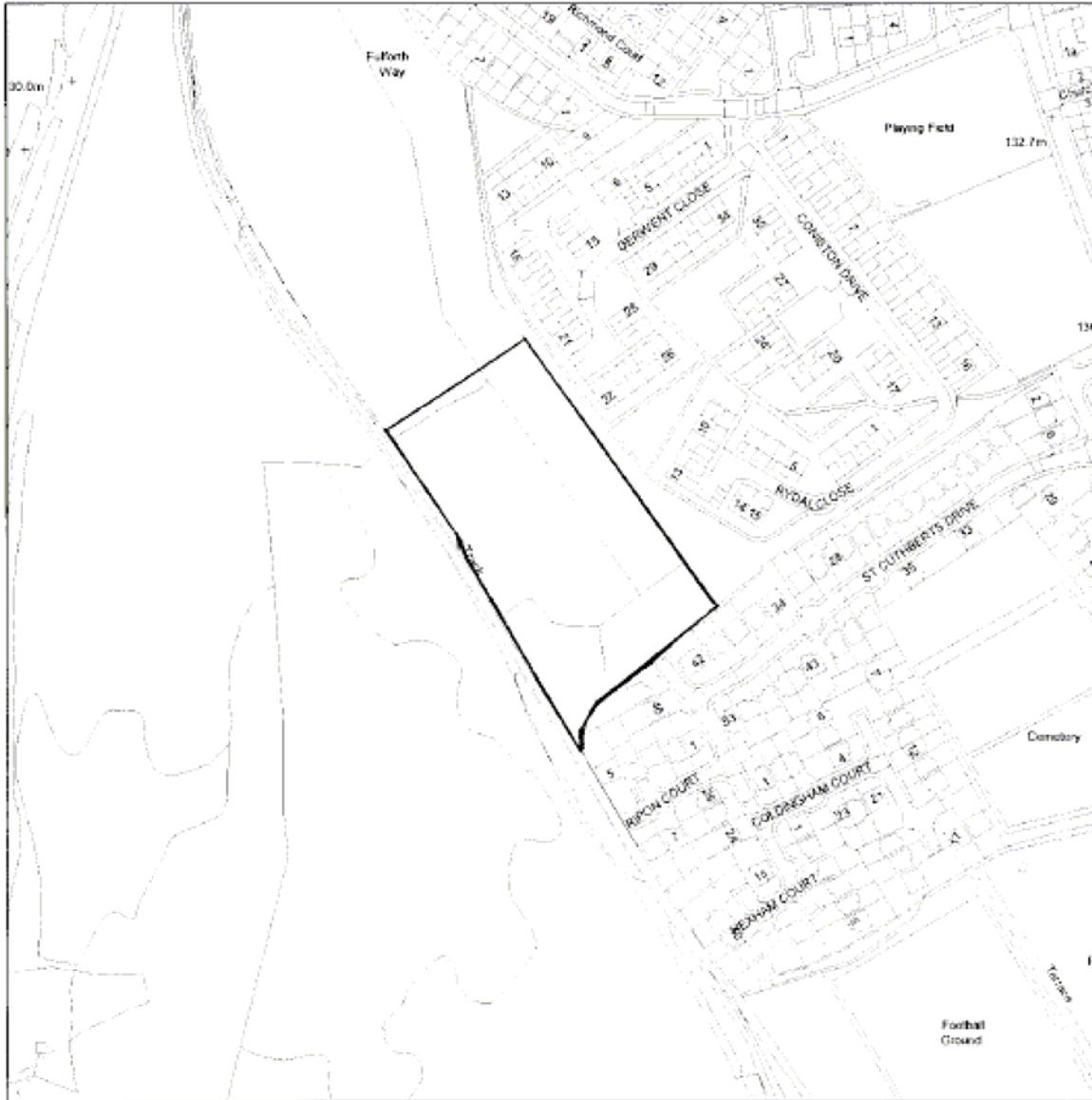
The approval of this application to vary the terms of planning permission 07/00222/FUL and remove condition 16 thereof, strikes down only condition 16 of that permission, and the development of the site will otherwise be expected to be fully in accordance with the approved plans, elevations and conditions of that planning permission and those now imposed.

Extra 2.

Prior to work commencing on the east – west footpath on application 07/00222/FUL as shown on drawing no. 232/A/GA/002 Rev F a scheme for controlling access to the proposed footpath shall be submitted to, and approved in writing by, the Local Planning Authority in order to ensure the development mitigates against potential anti-social behaviour issues, in the interests of reducing crime, disorder and residential amenity, the approved scheme shall be implemented on site immediately on completion of the path in accordance with the provisions of Policies T15 and HP9 of the Chester-le-Street District Local Plan.

# Persimmon Homes Site

St Cuthberts Drive, Sacriston



Scale : 1:2500

**ITEM 3** Planning General

**3.1 NOTIFICATION OF PLANNING APPEAL DECISION**

**APPEAL AGAINST REFUSAL TO GRANT PLANNING PERMISSION FOR THE CONSTRUCTION OF A REPLACEMENT DWELLING AT TWIZELL DYKES FARM COTAGE, TWIZELL DYKES FARM, GRANGE VILLA**

Notification has been received from the Planning Inspectorate of the decision reached in an appeal lodged by Mr N Carris against the Council's decision to refuse planning permission for the construction of a replacement dwelling at Twizell Dykes Farm Cottage.

The Council's decision to refuse permission was upheld with the appeal being dismissed.

In considering the merits of the appeal the Inspector considered that the main issues raised by this application were whether there was an agricultural justification for a dwelling in this location and secondly, whether the proposed replacement dwelling would represent an appropriate replacement for the existing dwelling on the site, with particular regard to the potential effect on the character and appearance of the area.

The Inspector agreed with the Council's view that the applicant had failed to provide any agricultural justification for the proposed replacement dwelling i.e. the applicant had not satisfied the requirement to demonstrate a functional need for a dwelling, nor satisfied the financial test, as required by Planning Policy Statement 7: Sustainable Development in Rural Areas.

The Inspector acknowledged that a replacement dwelling on a like for like basis i.e. of the same footprint of the existing dwelling, would be likely to prove acceptable. However, he considered that the proposed replacement dwelling would be significantly wider than the existing dwelling and would occupy a distinctly different position on the site. Furthermore the inspector considered that the design and appearance of the new dwelling would be significantly different to that of the existing, stating that, "it would have a bulkier appearance due its width and overall scale and be more suburban in design. It would also differ significantly from the design and appearance of the barn and the stable building."

Whilst acknowledging that the barn and stable could be demolished in any case, opening up the site, the view was taken that the erection of a large new dwelling of the design envisaged would particularly affect the character and appearance of the site which would be clearly visible from the public footpath which runs adjacent to the site.

Concluding on this issue, the inspector stated that the prominence of the site, combined with the scale, bulk and design of the new dwelling and its dominant position within a more open site would harm the rural character and appearance of the area. The proposed dwelling was therefore regarded as an appropriate replacement dwelling.

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

**Case Officer : Sarah Bough**



3.2 LIST OF PLANNING APPEALS



**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

31 January 2008

*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 Dismissed / 07.01.2008
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 Withdrawn
07/00276/FUL /	Mr Thomas	New Dwelling Adjacent to Willowbrook Woodburn Close Bournmoor Chester-le-Street Durham DH4 6DH	Erection of conservatory to rear, creation of new window opening to side elevation and installation of additional roof light to rear	W / 24.01.2008	E:431238 N:550971	Appeal In Progress /

**Stephen Reed**  
**Development and Building Control Manager**  
31 January 2008



# Appeal Decision

Hearing held on 20 November 2007

Site visit made on 20 November 2007

by **Kevin Ward BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**7 January 2008**

## Appeal Ref: APP/G1305/A/07/2038183

### Twizell Dykes Farm, Grange Villa, Chester-le-Street DH2 3JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr N Caris against the decision of Chester-le-Street District Council.
- The application Ref 06/00306/FUL, dated 30 June 2006, was refused by notice dated 15 August 2006.
- The development proposed is removal of some farm buildings and farmhouse and erection of new farmhouse.

## Decision

1. I dismiss the appeal.

## Procedural Matter

2. Policies 4, 9 and 14 of the Durham County Structure Plan (1999) and Policies AG9 and NE13 of the Chester-le-Street District Local Plan (2003) have not been saved under the terms of a direction made under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004. As a result they no longer form part of the development plan.

## Main Issues

3. The main issues are:
  - a) Whether there is an agricultural justification for the proposed new dwelling in this location.
  - b) If not, whether the proposed new dwelling is appropriate as a replacement for the existing dwelling on the site with particular regard to the potential effect on the character and appearance of the area.

## Reasons

### *Whether there is an agricultural justification*

4. The Council did not point to any saved development plan policies specifically relating to new dwellings in the countryside outside the Green Belt or to agricultural workers' dwellings. Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) therefore provides the basis for the

principle that isolated new dwellings in the countryside require special justification (paragraph 10) and the assessment of whether in this case there is an agricultural justification for a new dwelling (Annex A).

5. The appellant's grounds of appeal included references to a pig breeding business and their plan to re-establish the farmstead. However, no evidence had been provided to substantiate the nature of the agricultural business or an essential need for an agricultural worker's dwelling on the site. At the hearing the appellant described the nature of the pig and cattle rearing business and stated that it had been built up to now consist of 362 pigs and 6 Highland Heifers. It was confirmed that the appellant and his family live in a caravan on the site and that the existing farmhouse is unoccupied.
6. The appellant argued that there was a functional need for a new dwelling on the site to enable him to respond quickly and at any time to animal births and to provide the animals with continual attention. He did not consider that a property in the general locality, for instance Grange Villa, would be convenient enough to satisfactorily tend to animals. He considered that the existing farmhouse was in such a poor state of repair that it was uninhabitable and a new, larger property with a better internal layout was required to meet the needs of his family.
7. During the site visit it was clear that an agricultural business involving the rearing of pigs and, to a lesser extent, cattle exists on the site and that these animals would need to be attended to. However, there is no evidence to confirm the exact scale of the operation or the appellant's view that there was a need for someone to live on the site to tend to the animals at very short notice and at any time. Whilst the existing dwelling is clearly in a poor state of repair, no evidence was provided to explain why it could not be renovated to provide suitable accommodation and therefore avoid the need for a new dwelling. I consider therefore that a functional need for a new agricultural worker's dwelling has not been convincingly demonstrated.
8. In terms of the financial test set out in Annex A to PPS7, the appellant indicated that turnover in the first year was £72,488 and for the financial year to date had been £64,338. He was unable to give any figure for profits but estimated that they were in the order of 15% of turnover. He stated that the agricultural business supported a full time employee in addition to the involvement of himself and his partner, although this employee did not live on the site. He confirmed that he and his partner have other, non agricultural businesses, and indicated that the agricultural business contributed 15% to their total household income. He stated his intention to further develop the agricultural business.
9. The agricultural business has been operating for less than the minimum of three years referred to in paragraph 3(iii) of Annex A to PPS7. No definite evidence was provided to demonstrate profit levels or indeed that the business is profitable. I consider that it has not been clearly demonstrated that there is a well established and profitable agricultural business to support a new dwelling, and therefore the financial test in Annex A to PPS7 has not been satisfied.

*Whether a replacement dwelling is appropriate*

10. Although there is insufficient evidence to support an agricultural justification for a new dwelling, the fact that the proposed new dwelling would replace an existing dwelling on the site is a material consideration. The Council accepted that in principle the existing dwelling could be replaced provided that the replacement was not materially larger and occupied essentially the same position.
11. The main parties agreed that the new dwelling would have a ground floor footprint of approximately 146sqm. In relation to the ground floor footprint of the existing dwelling, the appellant argued that two sections of the adjoining barn, with an estimated ground floor footprint of 50sqm, have been used in connection with the dwelling for storage and parking and therefore should be included. The Council disputed this and pointed out that there is no record of the permitted area of the dwelling including these sections of barn. Other interested parties argued that the barn had always been used for agricultural purposes.
12. Whilst both the sections of barn in question are currently used for storage this appears to be largely in connection with the business activities on the site rather than directly connected to the dwelling, which in any case is currently unoccupied. Although one of the sections of barn is linked to the dwelling by a ground floor doorway, this does not in itself demonstrate that it is or has been an integral part of the dwelling as far as assessing the existing footprint is concerned. The barn was physically separated from the dwelling until the side extension, permitted in 1996, was built. The construction and appearance of the barn is distinct from the dwelling. I consider therefore that there is no conclusive evidence to support the view that part of the barn should be included in the footprint of the existing dwelling.
13. Excluding any of the barn, the existing dwelling, including the previously permitted extension and conservatory, has a ground floor footprint of some 85sqm according to the Council and 100sqm according to the appellant. In any case, this would mean that the footprint of the new dwelling would be at least 46% larger than that of the existing dwelling. I consider this to be significant and would result in a replacement dwelling materially larger than the existing.
14. The eastern gable end of the new dwelling would be some 9m to the west of that of the existing dwelling. In addition, the front elevation of the new dwelling would be significantly wider than that of the existing. It would occupy a distinctly different position on the site and would in fact broadly take up the footprint of the barn rather than the existing dwelling.
15. The design and appearance of the new dwelling would be significantly different to that of the existing. It would have a bulkier appearance due to its width and overall scale and be more suburban in design. It would also differ significantly from the design and appearance of the barn and the stable building.
16. The appellant confirmed that the outer wall of the stable building would be retained as a boundary feature and there would be scope for some landscaping. However, the clearance of the existing close knit arrangement of buildings and their replacement with a large, freestanding dwelling would significantly change the character and appearance of the application site.

Whilst it may be that the barn and stable could be demolished in any case, opening up the site, it would be the erection of a large new dwelling of the design envisaged that would particularly affect the character and appearance of the site.

17. Views of the site from the surrounding villages and the wider road network are limited. The new dwelling would also be seen to some extent against the backdrop of a collection of agricultural and other buildings and structures owned by the appellant and also the neighbouring dwelling. However, the site is in the open countryside and is some distance from the nearest village.
18. The access track to the site from Grange Villa also forms a public footpath. This public footpath runs right up to and around the site on two sides and forms part of a wider network of footpath routes. Whilst there is no evidence in relation to the level of use of this footpath, the new dwelling would be prominent for a considerable part of its length and particularly so as the footpath would pass very close to its front and side elevations. I consider that this prominence, combined with the scale, bulk and design of the new dwelling and its dominant position within a more open site would harm the rural character and appearance of the area.
19. I consider therefore, that due to the significant difference in scale, position, design and appearance of the proposed new dwelling, it could not be regarded as an appropriate replacement for the dwelling that currently exists on the site. It would be particularly prominent from the public footpath and an obtrusive feature which would harm the character and appearance of the area.

### **Conclusion**

20. For the above reasons and taking account of other matters raised, including the personal circumstances of the appellant and the nature of pre-application advice from the Council, I conclude that an agricultural justification for a new dwelling in this location has not been substantiated. The new dwelling would not be appropriate as a replacement for the existing dwelling on the site and in particular it would harm the character and appearance of the area. The special justification for an isolated new dwelling in the countryside required by PPS7 (paragraph 10 and Annex A) does not therefore exist and the appeal should be dismissed.

*Kevin Ward*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Mr G Dodd Design Services, 25 Wansford Way, Whickham  
NE16 5SS

Mr N Caris Twizell Dykes Farm Cottage, Grange Villa,  
Chester-le-Street DH2 3JZ

Ms A Redman Twizell Dykes Farm Cottage, Grange Villa,  
Chester-le-Street DH2 3JZ

### FOR THE LOCAL PLANNING AUTHORITY:

Ms S Bough Acting Senior Planning Officer, Chester-le-Street  
District Council

### INTERESTED PERSONS:

Mrs D Ivers The Farmhouse, Twizell Dykes Farm, Grange  
Villa, Chester-le-Street DH2 3JZ

Mr D Ivers The Farmhouse, Twizell Dykes Farm, Grange  
Villa, Chester-le-Street DH2 3JZ

Ms P McGarry 7 Front Street, Grange Villa, Chester-le-Street  
DH2 3LJ

## DOCUMENTS

1 Policies NE4 and HP11 of Chester-le-Street District Local Plan