

# Public Document Pack

28 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 10th March 2008 at 6.00 pm**

Yours sincerely



**R TEMPLEMAN**

**Chief Executive**

## **AGENDA:**

1. Apologies for Absence
2. Minutes of Meeting held 11 February 2008 (Pages 1 - 16)
3. To Receive Declarations of Interest from Members
4. Confirmation of Speakers
5. Planning Matters (Pages 17 - 56)

Report Of Development and Building Control Manager

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

“That under Section 100(A) of the Local Government Act 1972, the Public and Press be excluded from the meeting for the following item of business on the grounds it involves the likely disclosure of exempt information as defined in paragraph 6(a), 6(b) and 7 of Part 1 of Schedule 12A of the Act.”

7. Planning Enforcement Performance Update

(Pages 57 - 60)

Report Of Development and Building Control Manager

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

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

Report of the meeting of Planning Committee held in the Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Monday, 11 February 2008 at 6.00 pm

### PRESENT:

Councillor G K Davidson (Chairman)

### Councillors:

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

### Officers:

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

Also in Attendance: There were also 26 members of the public in attendance.

### **56. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **57. MINUTES OF MEETING HELD 14 JANUARY 2008**

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 14 January 2008, be confirmed as being a correct record, subject to Mr Smerdon's title being changed to Planning Policy and Regeneration Manager and the apologies for absence being amended to change P H May to M D May"

The Chairman proceeded to sign the minutes.

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

Declarations of interest were received from Members as follows:

The Chairman, Councillor Davidson declared a personal and prejudicial interest in Item No. 1 as he lives near to the applicant. He advised that he would be leaving the meeting and returning once a decision had been made.

Councillor Turner advised that in relation to Item No. 5 in the report, he was a Member of Sacriston Parish Council and he had no involvement in discussion on this item at a Parish level. He advised that he would be declaring a personal interest in this item but would be remain in the Meeting.

Councillor K Potts declared a personal and prejudicial interest in Item No. 5 of the report as a Member of Durham County Cricket Club.

Councillor R Harrison declared a personal and prejudicial interest in Item No. 5 of the report as wife is a Parish Councillor at Sacriston. He advised that he would be leaving the Meeting and returning once a decision had been made.

Councillor Robson declared a personal and prejudicial interest in Item No.5 as he has family and friends who live in this area.

Councillor Wilkinson declared a personal and prejudicial interest in Item No. 5 as a Member of Durham County Cricket Club.

## **59. CONFIRMATION OF SPEAKERS**

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

## **60. PLANNING MATTERS**

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

The Chairman suggested that in recognition of the number of speakers present, the order of the agenda be changed so that the applications were considered in the following order - Item Nos. 5, 3, 1, 2, 4.

**Prior to consideration of the following item, Councillor Harrison and Robson declared their interest and left the meeting.**

### **(A) District Matters Deferred**

**(5) 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 Cuthbert's Drive, Sacriston**

**Applicant: Persimmon Homes NE Ltd – Reference 08/00021/VAR**

The Development and Building Control Manager advised that he had recently received an objection from Sacriston Parish Council and referred to a copy of the letter that was circulated to each Member.

In addition to the letter of objection from the Parish Council he advised that he had also received 67 letters of objection since the report had been published from people who live in the local area and the main points raised in these additional letters were as follows:

- That the circumstances have not been changed since the last application and Members will recall that this was considered at Planning Committee in August last year therefore this does not warrant the reinstatement of the footpath.
- The objectors consider that there is no sound evidence that this route has been walked for 20 years or more.
- That Durham Constabulary are aware of anti-social behaviour problems in the area and the objectors consider that the installation of the footpath will make it harder to control crime.
- The path in question has never been a public right of way and in their opinion was an informal route.
- They point out that no certainty exists that this route will gain full rights of way status and this could take a number of years before it was clarified.
- There are problems with motor cycles and quad bikes in the area and they have a fear that these motorbikes and quad bikes would use this to gain access to the right of way to the west of the site in the woods.
- There have been instances of anti-social behaviour and vandalism towards the Persimmons development.
- They have concerns that the reinstatement of the footpath will impact on the safety and security of existing residents.

He had also received comments from the police's Architectural Liaison Officer who in their opinion state that there has been no change since the last application that reinstating the footpath would have in relation to crime and disorder in the area. They advise that there is an existence of crime related problems with the footpath as it stands at present.

There had been one additional letter of support submitted in which stated that the path would provide a direct link to local country walks and that the lack of access at present was causing problems.

He also referred to a letter from Kevin Jones MP who upheld his previous objection that the path was not needed and would be potential to generate anti-social behaviour within the area. Kevin Jones MP feels that the development would be better without the footpath.

The Development and Building Control Manager advised that he had received a statement from the Rights of Way Department at the County Council who consider that a footpath link is likely to have been established across this route. This view is taken after having had the opportunity to consider the evidence of long usage, which has been submitted by residents of the area following the decision to grant planning permission at Committee in August.

They also state that no evidence has been offered to rebut the presumption that a public footpath has been established in the area. As Highways Authority their role is to protect and assert rights of highways users and for this reason they feel that a footpath link between the two areas of the site needs to be secured. They confirm that what is proposed by Persimmon Homes would appear to satisfy the needs of highways users as it would be of an adoptable standard. The Rights of Way Authority have gone on to levy some criticism in respect of the additional condition that was attached at Committee in August. They point out that under Law a footpath can only be stopped up under a legal order not a condition of approval.

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

**Mrs Edwards, Mrs Blakey (the objectors) and Mr Ritchie, Mrs Wilson (the supporters) spoke in relation to the application.**

The Development and Building Control Manager referred to the comments raised by the speakers. He stated that it was not the purpose of this Committee to make a definitive decision on whether or not this footpath should be given rights of way status. He advised that there was a separate process for this, which the County Council as a Public Rights of Way Authority were undergoing at present.

The Development and Building Control Manager felt that it was material for Members to take into account some of the extra evidence that has been submitted since Committee in August, which included the 59 people who had contacted Officers since the August Committee to say that they have walked the path. In his opinion, he felt there was some merit in improving the linkages between communities even though he did have sympathy with the concerns in relation to anti-social behaviour. He felt there was a need to strike a balance and persuade car users to use other means of transport.

In his opinion, he felt that there were people on the estate who would find it difficult without the link to get to friends and relatives which may not be in easy walking access and therefore this may cause them to use the private car to make these visits.

The Chairman asked that Members bear in mind that there was a path and it had been used however this was not at present a public right of way.

Members discussed in great length the footpath link proposal taking into account the comments put forward by both the objectors and the people in support of the application.

Councillor Turner suggested that an alternative route could be explored by relocating the pathway to the north west of the site, which would help resolve the issue for both the objectors and the supporters. He expressed his disappointment that alternative solutions had not already been looked at by the Rights of Way Officer and the Developer.

The Development and Building Control Manager explained the risks of delaying a decision on this proposal and the affect this would have on the application.

Members expressed their concerns on the difficulties of making a decision on this application and it was felt that this proposal needed to be explored further before a decision could be reached.

Councillor Sekowski referred to the suggestion made by Councillor Turner and proposed that this item be deferred pending investigation of alternative routes and discussions between the Rights of Way Officer and other interested parties. This proposal was seconded by Councillor Humes. This proposal was carried.

RESOLVED: "That this item be deferred pending investigations and discussions on an alternative route for a footpath link further to the north."

**Councillors R Harrison and D L Robson returned to the Meeting.**

**(B) District Matters recommended Approval**

Prior to consideration of the following item, the Chairman referred to correspondence received from the objectors and the applicant, which had been circulated prior to the Meeting and gave Members time to digest the information.

**(3) 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**

**Applicant: Mr and Mrs Fletcher – Reference 08/00003/FUL**

The Development and Building Control Manager advised that since the report had been produced an additional letter of objection had been received from the occupiers of 21 Arcadia Avenue who had raised the following points:

- The new application shows even greater disregard to the outline planning permission and conditions that were attached to comply with policy HP9.
- That the new dwelling is no longer in keeping or proportion with any of the adjacent single storey properties or within the size of the existing building plots along Arcadia Avenue.
- It has been deliberately been altered from a single storey bungalow into a two storey house.
- It extends well beyond the North East corner of No. 28 Arcadia Avenue.

- The new application is almost identical to the previous application except that it has been rotated through 180 degrees.
- All the dormer windows of this new two-storey house continue to cause an evasion of privacy into adjoining homes.
- The objector considers that the withdrawal of the oversized garage on the previous application has resulted in a new and additional provision of a secondary boundary wall to the Southern boundary of the site which in the objector's view is unnecessary and is an attempt to bypass planning regulations in order to establish a building line for the future submission of a double garage.
- If planning permission is approved it should be a condition of any approval that any single or double garage cannot be granted planning permission included by way of a temporary structure.

The Development and Building Control Manager advised that he had also received an additional comment of no objection from the occupiers of 15 Arcadia Avenue.

A letter had been received from Kevin Jones MP, who advises that he had met with the applicants who feel that the resubmission in comparison to their early refused application now offers in their view a reasonable compromise, which recognises and responds to the concerns, which lead to Committee refusing the previous application. He also points out that the applicants feel that the design of the development fits well in the context of the surrounding area and also to point out that the detached garage has been removed from this revised application.

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

**Mr Middlemast, Mrs Willis, Mr Beck, Mr Robinson (the objectors) and Mr Fletcher (the applicant) spoke in relation to the application.**

The Development and Building Control Manager spoke in response to the comments raised by the objectors as to why the last application was refused. He advised that at the last Meeting there was some discussion as to the desirability of getting the footprint put back beyond the corner line, which would admittedly comply with the outline approval. However he advised that the decision to refuse the previous application had not been taken on issues of scale or design or by virtue of the fact that it was forward of the line as such, rather it was due to the harm to the neighbouring occupiers of 28 Arcadia Avenue. He explained that the reason why Officers felt they could recommend approval for this revised scheme was that the amendment shown had overcome the refusal reason of the last application, by removing the proposed part of the dwelling closest to number 28, and to ensure that the separation distances are maintained.

In relation to the comments on how the proposal would fit into the street scene and the building lines he advised that the forward most part would sit behind the neighbouring properties to the east, this was a point picked up in the last



application in that the street scene impact was considered acceptable. He felt it was a key material planning consideration whether Members feel that this revised scheme has overcome the concerns raised against the last application ie. the impact on number 28 Arcadia Avenue.

Members gave their comments in relation to the application and were of the opinion that the applicant had met the criteria and made the necessary amendments to overcome the objections raised by the Planning Committee when it had last been considered. Members therefore supported the Officer's recommendation to approve the application. Councillor Nathan proposed to move the recommendation of approval, which was seconded by Councillor May. This proposal was carried.

RESOLVED: "That the recommendation of the Officer to approve the application be agreed, subject to the following conditions."

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

01C The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on 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 provided 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.

**At this point Councillor Humes left the Meeting at 7.35pm.**

**Prior to consideration of the following item, the Chairman Councillor Davidson declared his interest and left the meeting.**

**Councillor R Harrison took the Chair.**

**(1) 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**

**Applicant: Ms R Miller – Reference 08/00004/FUL**

The Development and Building Control Manager advised that he had received a letter from Kevin Jones MP in respect of this application. The MP advises that he has been contacted by Mr Pyke the objector in relation to this application and notes that he and other residents are still concerned in relation to the position of the proposed dwelling and the fact that it would be only 4.5metres from the front of Mr Pyke's property. The MP feels that it would affect Mr Pyke's privacy and block light entering into his home. He is also concerned that if a house was to be constructed here that the future resident would be likely to park on Carrowmore Road, which is in very close

proximity of the junction at Sheelin Avenue and as a result there is a concern that this may obstruct the traffic using that junction.

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

**Mr Pyke the objector spoke in relation to the application.**

Members expressed their concerns in relation to the application as follows:

- That the open aspect of these areas of land should remain on open plan estates.
- That this development could set a precedent for other applications of a similar nature.
- The proposal would be overbearing to 1 Sheelin Avenue and would result in a loss of privacy.
- The proposal would be harmful to the character of the street scene.
- The proposal was contrary to Policy HP9 of the Local Plan.
- Some Members raised concern as to how any additional dwelling could be satisfactorily positioned on the plot, without harming the street scene.

The Development and Building Control Manager advised that if Members were minded to refuse the application, and had particular concerns as to how the development may harm the street scene, he could add a second refusal reason that the development would be harmful to the character of the street scene contrary to policy HP 9.

Councillor Brown proposed to move the Officer's recommendation of refusal with the extra refusal reason as recommended by the Development and Building Control Manager, which was seconded by Councillor Wilkinson. Members were in agreement with this decision and the proposal was carried.

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

Extra 1 The proposed dwelling would, by virtue of its proximity to and relationship with No 1 Sheelin Avenue and No 2 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.

Extra 2 The proposed dwelling is, by virtue of its scale and siting, considered to have a detrimental impact upon the form and character of the surrounding streetscene and as such is considered to be contrary to the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

**Councillor Davidson returned to the Meeting and re-took the Chair,**

**(C) District Matters Recommended Approval**

**Prior to consideration of the following item, Councillors Wilkinson and K Potts declared their interest and left the Meeting.**

**(2) Proposal: Extension/alteration to existing South-East stand**

**Location: Durham County Cricket Club, Riverside, Chester-le-Street**

**Applicant: Durham County Council – Reference 07/00397/FUL**

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

Councillor Brown advised that although he was not against the proposal, he had concerns on the lack of car parking at the Riverside and the problems encountered by residents of people parking in residential areas near to the Riverside and surrounding areas. He referred to the travel survey, which had been promised to be undertaken by the Highways Authority within 9 months of the proposal being approved and suggested that this be carefully monitored.

The Development and Building Control Manager advised that the extra seating capacity that this proposal contained had always been envisaged to be part of the development when the original grant of planning permission for this development was approved. He advised the proposals did not amount to a net addition to seating capacity at the ground.

He advised that the extra conditions that Councillor Brown had referred to was an opportunity to get the Cricket Club to encourage alternative use of transport on match events which he hoped would lead to a significant improvement.

It was suggested that the Development and Building Control Manager raise the parking problems, which were occurring in residential estates with Durham County Cricket Club, Durham County Council and the police.

The Development and Building Control Manager suggested that if Members were minded to approve the application he would put an informative on the certificate to say that Members did express their concern about the present practices and he would make it quite clear that he would ensure compliance with the recommended conditions.

Councillor Harrison also raised the problems encountered by the Sea cadets on match days, which the Development and Building Control Manager noted for inclusion in his comments.

Councillor Turner proposed to move the Officer's recommendation of conditional approval, which was seconded by Councillor Laverick. This decision was carried.

**Councillors Wilkinson and K Potts returned to the Meeting.**

RESOLVED: “That the recommendation of the Development and Building Control Manager for approval in respect of the application be agreed, subject to the following conditions.”

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

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

Extra 1 Notwithstanding 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 Policies RL8 and NE6 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 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 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 motorcar 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.

**(4) Proposal: Demolition of library and erection of 4 no. new dwellings**

**Location: Former Library, Front Street, Grange Villa**

**Applicant: Mr T Parker – Reference 08/00009/FUL**

The Development and Building Control Manager advised that the Council's Environmental Health Team had confirmed that they had no objections to this proposal.

He also advised that the County Council as Highways Authority had advised that they were concerned about the level of car parking provision proposed for this development and had pointed out that the majority of terraced properties in the surrounding area have little potential for incurtiledge parking. They also advise that the bus stop to the front of the site would severely eliminate the possibility for future residents to be able to park on the street to the front. The County Council did advise however that notwithstanding the above comments they would raise no objections as long as a sixth car parking space was provided as part of this development which were shown on the pre-application drawings.

He advised that Officers had considered this request and felt that it would be within the powers of the applicant to reconfigure the car parking space shown at the rear to provide six spaces as opposed to five and therefore he proposed to add an extra condition to this affect.

The Development and Building Control Manager advised that he had also received two additional letters of objection from surrounding residents who raised concerns that there was no justification for further residential

development, as there was an existing supply of vacant properties within the area. They consider the Development is not in keeping with the surrounding area. Concerns had also been raised that the new dwellings would impede traffic flows through the village. The objectors point out that in their view there is insufficient parking provision and that this is already a local issue within Grange Villa, especially with vehicles which relate to the social club, which is opposite the site. Concerns are also raised that there would be an adverse impact upon residents at the construction phase.

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

Members took into account the concerns raised by the objectors and spoke in great length on the potential problems of car parking and traffic flows through the village. The Development and Building Control Manager reassured Members in relation to these concerns and advised that it would be difficult to go against the proposal when Durham County Council's Highway Authority had raised no objections and the fact that six car parking spaces were now proposed.

Councillor Laverick advised that he was in support of this application and therefore proposed to move the Officer's recommendation of conditional approval, subject to the extra condition to require 6 parking spaces as opposed to 5, which was seconded by Councillor Robson. This proposal was carried.

RESOLVED: "That the recommendation of the Development and Building Control Manager for approval in respect of the application be agreed, subject to the following conditions."

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

01C The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended 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.

Notwithstanding the information, submitted development shall not commence before a scheme of the arrangement of vehicular parking has been submitted to and agreed in writing with the Local Planning Authority. The vehicular parking scheme shall then be carried out in accordance with this approved scheme thereafter. In accordance with Policy HP9 of the Chester-le-Street Local Plan.

**(D) Planning General**

**1.0 NOTIFICATION OF PLANNING APPEAL DECISION**

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

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



## **2.0 LIST OF PLANNING APPEALS**

RESOLVED: “That the list of Planning Appeals and the current status be noted.”

**The Chairman took the opportunity on behalf of the Planning Committee to thank Sara Bough, Planning Officer who was leaving the Authority for all her hard work over the years and conveyed best wishes for the future.**

The meeting terminated at 8.20 pm

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**CHESTER-LE-STREET DISTRICT COUNCIL**

**DIRECTORATE OF DEVELOPMENT SERVICES**

**REPORT TO PLANNING COMMITTEE**

**10 March 2008**

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

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

**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**

**ITEM 1**

District Matters Recommended Refusal

1.

**Reference: 07/00544/FUL**

**Proposal** Erection of single storey extension at side of dwelling and erection of detached garage in garden area at side/front (amended plans received 18 February 2008).

**Location** 3 Kingsmere Chester-le-Street Durham DH3 4DB

**Applicant** Mr & Mrs Cree

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**Application Summary**

**Ward:** North Lodge

**Case Officer:** Lisa Morina, Planning Assistant

**Contact Details:** 0191 387 2146

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

**Summary of recommendation:** The proposal would provide for an unacceptable form of development having a detrimental impact on the visual amenity of the streetscene.

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**The Proposal**

This report relates to the erection of a single-storey extension at the side of the property and the construction of a detached garage in the garden area at front/side.

Amended plans have been received to provide a flat roofed garage instead of the previously submitted pitched roof garage. Neighbours have been re-notified.

**Site History**

There is no relevant planning history on this site.

## **Consultation Responses**

The application has been advertised by way of direct notification. At the point of preparation of this report, three letters of support from 4 different households have been received with the following comments:

- There are no objections to the proposed plans.
- Judging by the standard of renovations made so far, they have greatly improved the property which was in an appalling state of repair. A garage and extension can only improve the property.
- As a neighbour to the said property there is no objection to the garage being in the proposed location.

Regeneration Team - Awaiting Comments

Durham County Council Highways Team - No highway objection is raised.

## **Relevant Planning Policies and Considerations**

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

Having regard to the requirements of the above policies in determining this application, the main issues to be considered are the design of the proposal in relation to the streetscene and the host property, the impact the proposal may have on the residential amenity of neighbouring properties, and consideration of any highway issues.

### **Streetscene/Impact on host property**

#### Single-storey extension

As the proposed single-storey extension is replacing an existing on a slightly smaller footprint, a precedent has already been set therefore; it is considered that the visual amenity of the streetscene would not be adversely affected. The proposed single-storey extension when viewed from the front of the site appears on a smaller scale than the existing attached garage currently in situ.

#### Detached garage

The dwelling is in a prominent location highly visible from Newcastle Road (which leads into Chester-le-Street from the North) across a large expanse of open space. The context of this approach is characterised by its openness and the pattern of the development in this area of Kingsmere. The properties benefit from open planned gardens. It is considered that the provision of a detached garage in the proposed location would impact negatively on the openness of the streetscene and would be detrimental to the visual amenity of the streetscene. It is therefore, considered that the proposal does not accord with Policy HP11 of the Chester-le-Street District Council Local Plan.

### Highway Safety

As a result of the consultee comments received from the Durham County Council as Highway Authority, it is considered that the proposal would not be prejudicial to highway safety.

### Residential Amenity

#### Single-storey extension

The proposed single-storey extension at the side of the property is replacing an existing attached garage. In this instance, the proposed side extension will be smaller in width however; will project the same as the existing garage. Due to this, the proposal when viewed from the adjoining neighbour (1 Kingsmere) will appear the same as the existing garage. It is considered therefore, that the proposed side extension would not cause any loss of light, overlooking or overshadowing to this neighbour.

With regards to the neighbour to the south, (13 Kingsmere), the proposal does not project any further forward than the original building line therefore, the residential amenity of this neighbour would not be affected.

The rear elevation of the neighbour to the west, no. (5 Kingsmere), will face onto the side elevation of the proposed single-storey extension. However, there are separation distances of approximately 9m between the rear elevation of this neighbour and the common boundary with a further 0.9m to the extension. It is considered therefore, that no loss of light or overshadowing issues would occur as a result of this proposal. There are no windows proposed in this elevation, therefore, there would be no overlooking issues.

#### Detached Garage

The detached garage due to its position being more than 9.5m away from the common boundary with the adjoining neighbour (no.1) and due to the projection of the existing garage on the neighbouring property at no. 5 is not considered to cause a negative impact on the residential amenity of the neighbouring properties as it would not create any loss of light, overlooking or overshadowing.

### Conclusion

Taking all relevant issues into account, whilst it is accepted the proposals are acceptable in terms of their impact on highway safety and residential amenity, it is considered that planning permission should be refused due to the impact the proposed garage will have on the visual amenity of the streetscene.

### RECOMMENDATION

Refuse

FOR THE FOLLOWING REASONS:-

#### Extra 1.

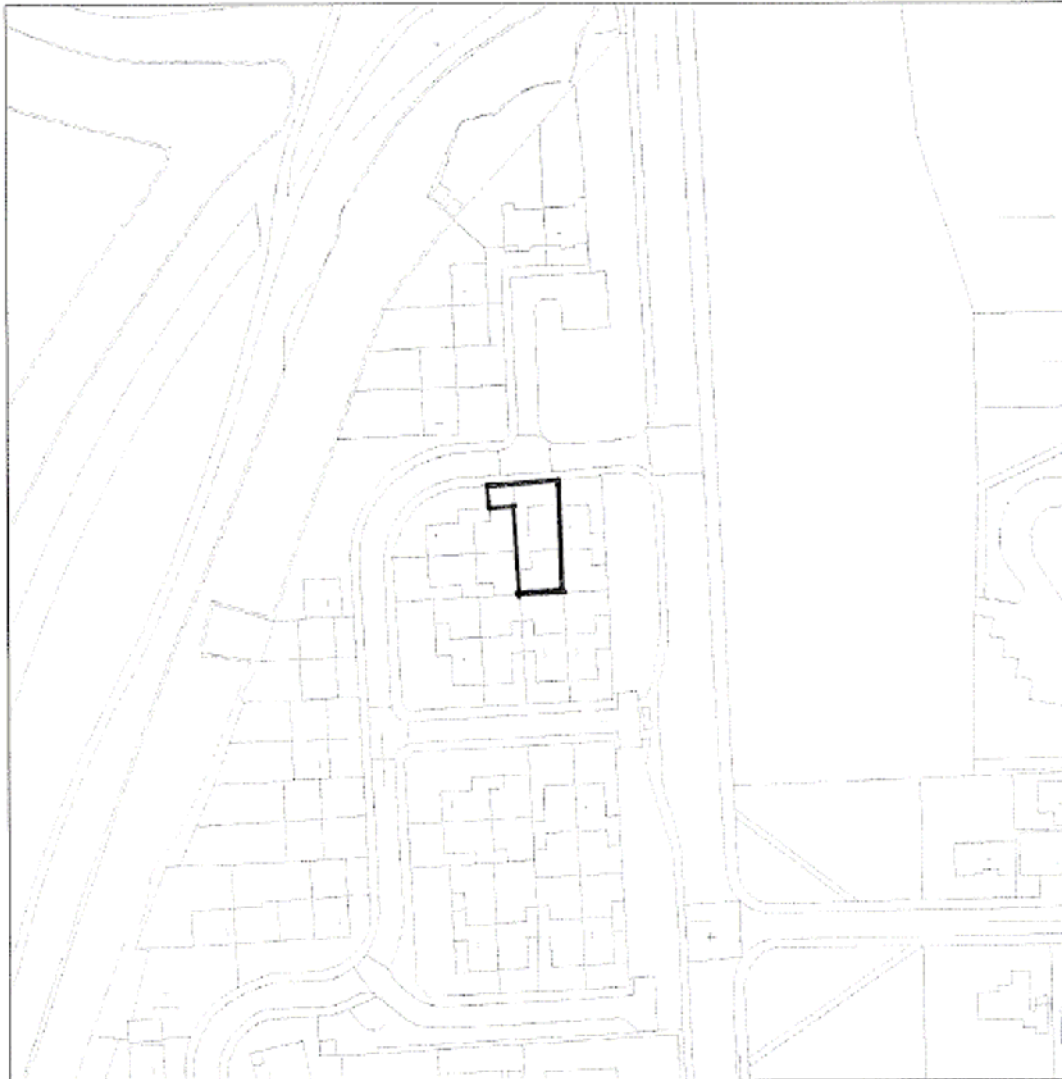
The proposed detached garage by virtue of its position is considered to have a negative impact upon the character and openness of the existing streetscene creating a detrimental impact on the visual amenity of the streetscene and is considered to be contrary to the provisions of Policy HP11 of the Chester-le-Street District Local Plan.

### 3 Kingsmere

Chester-le-Street



GIS by Esri/UK



Scale : 1:1250

A3

CHESTER-LE-STREET D.C. PLANNING DEPT. RECEIVED 13 DEC 2007 ACTION BY POST BOX NO.
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Client	Mr. Cree, 3, Kingsmere, Chester-le-Street.
Project	Proposed Utility & Detached Garage.
Title	Proposed Floor Layout.
Scale	1:100
Drawing No.	05
Revision	

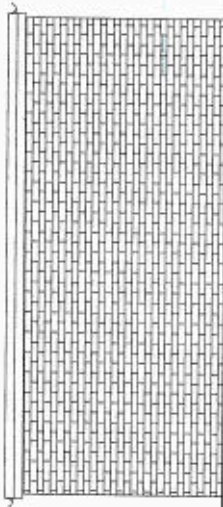
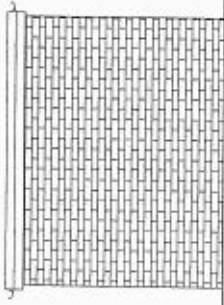
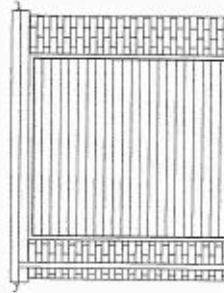
PROPOSED FLOOR LAYOUT



The image contains three architectural drawings. The top drawing is a planting plan showing a row of seven trees along a boundary line. A label points to the trees: "proposed trees are to be planted at the perimeter of the front boundary." Another label points to the line: "boundary line".

Below the planting plan are two elevation drawings. The left one is labeled "PROPOSED FRONT ELEVATION" and shows a building with a brick base, a window, and a horizontal-slatted upper section. The right one is labeled "PROPOSED REAR ELEVATION" and shows a similar building with a brick base, a window, and a horizontal-slatted upper section.

<b>Client</b>	Mr. Cree, 3, Kingsmere, Chester-le-Street.
<b>Project</b>	Proposed Utility & Detached Garage.
<b>Title</b>	Proposed Front & Rear Elevations.
<b>Scale</b>	1:75
<b>Drawn By</b>	

 <p style="text-align: center;">PROPOSED SIDE ELEVATION (garage) (revised)</p>	 <p style="text-align: center;">PROPOSED REAR ELEVATION (garage) (revised)</p>  <p style="text-align: center;">PROPOSED FRONT ELEVATION (garage) (revised)</p>														
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><b>Client</b></td> <td>Mr. Cree, 3, Kingsmere, Chester-le-Street.</td> </tr> <tr> <td><b>Project</b></td> <td>Proposed Utility &amp; Detached Garage.</td> </tr> <tr> <td><b>Title</b></td> <td>Proposed Detached Garage Elevations.</td> </tr> <tr> <td><b>Scale</b></td> <td>1:50</td> </tr> <tr> <td><b>Drawn By</b></td> <td></td> </tr> <tr> <td><b>Drawing No.</b></td> <td>09</td> </tr> <tr> <td><b>Revised</b></td> <td></td> </tr> </table>		<b>Client</b>	Mr. Cree, 3, Kingsmere, Chester-le-Street.	<b>Project</b>	Proposed Utility & Detached Garage.	<b>Title</b>	Proposed Detached Garage Elevations.	<b>Scale</b>	1:50	<b>Drawn By</b>		<b>Drawing No.</b>	09	<b>Revised</b>	
<b>Client</b>	Mr. Cree, 3, Kingsmere, Chester-le-Street.														
<b>Project</b>	Proposed Utility & Detached Garage.														
<b>Title</b>	Proposed Detached Garage Elevations.														
<b>Scale</b>	1:50														
<b>Drawn By</b>															
<b>Drawing No.</b>	09														
<b>Revised</b>															

**ITEM 2** District Matters Recommended Approval

2.

**Reference: 07/00539/FUL**

**Proposal** Construction of 104 bed residential care home including details of associated access, car parking, servicing, arrangement landscaping and boundary treatment

**Location** Site of Former County Council Depot Picktree Lane Chester-le-Street  
Durham DH3 3RW

**Applicant** Premier Quality Developments Ltd

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**Application Summary**

**Ward:** Chester North

**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, in particular in regard to issues of scale, massing, impact on neighboring residents and highway safety. The proposals comply with the aims of relevant development plan policy for the area

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**The Proposal**

This report relates to a full application for the erection of a 104 bed residential care home including details of associated access, car parking, servicing arrangements, landscaping and boundary treatment on land known as the former County Council Highways Depot, Picktree Lane, Chester-le-Street.

The site comprises previously developed land, being the site of a former County Council storage depot. The site is presently hard surfaced, part of works which have recently been carried out on site to keep alive a previous grant of planning permission for a 60 bed care home (see further details below). The size of the site amounts to some 0.76 hectares.

The proposed care home would be accessed direct off Picktree Lane, to the north with a secondary access located along the southern elevation facing onto Hogarth Gardens.

The surrounding land uses are predominantly residential, comprising a mix of traditional two storey terraced and semi detached dwellings, together with apartments in the form of the recently completed Sandringham Court development to the immediate north. The Northern Bus Depot adjoins the site to the east.

The application is a re-submission of an earlier application for a 109 bedroomed care home that was withdrawn in July 2007 (see further comment below)

### Relevant Planning History

00/00337/OUT – Erection of three storey residential care home incorporating 60 bedrooms, 20 car parking places, landscaping works and utilising existing vehicular access and new vehicular access from Hopgarth Gardens - Approved 5 April 2001

04/00582/VAR – Variation of condition 2 of Outline Planning Permission ref; 00/00337/FUL to extend the period for submission of the Reserved Matters application to 31/12/04 – Approved 17 September 2004

04/00725/REM - Application for Reserved Matters Approval in respect to details of landscaping scheme required by Condition 1 of Outline planning permission 00/00337/OUT for residential care home – Approved 29 November 2004

07/00160/FUL - Construction of 109 bed residential care home including details of associated access, car parking, servicing, arrangement landscaping and boundary treatment – Withdrawn July 2007

### Consultation Responses

Durham County Council as Highway Authority for the area raise no objections to the proposals. They comment that the amount of car parking spaces proposed (25 spaces) is acceptable for the development (albeit at the minimum level permissible) bearing in mind the sites location close to the town centre and public transport links. However it is also advised that part of any grant of permission should include a condition to require the adoption of a green travel plan, the aim of this being to avoid dingle occupancy motorcar trips.

In regard to the objections received concerning the proposed access to the site via Hopgarth Gardens, the County Council advise that they are satisfied that the existing carriageway widths are acceptable to accommodate the anticipated additional traffic generated by the development. This view is formed in part having regard to the fact that the site has historically enjoyed a commercial use, and the existing live consent for a 60-bed care home on site.

Northumbrian Water Limited raise no objections, advising that there is capacity in the existing sewerage network to accommodate the additional flows that would be generated by the proposed development. They also comment that as the site is Brownfield the development will not generate additional surface water run off.

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

Durham County Council Design Team comment that the proposals have been subject to a significant amount of pre-application discussion (including with District Council Officers) in an attempt to overcome the reasons for refusal which were proposed with the earlier application. These discussions have centred around reducing the height of the building and improving the external appearance.

The Design Team comment that the amended application shows positive improvements in comparison to the earlier application. In particular the building has been reduced in height at both eaves and ridge levels, so that it would now sit more comfortably with its neighbours. In addition the roof has a steeper pitch, and a more domestic appearance. The general design has also been improved to create a more interesting and unified elevations. The Design Team go onto to comment that further details are required of the landscaping details, in order to provide enjoyment for elderly people.

Durham County Council Adult and Community Services Team, whilst recognising that there their views do not have to be taken into account as part of determinations made in regard to planning applications have commented in respect to the proposals. They raise concerns about the lack of pre-application consultation between the applicant and their team, and also query whether or not the proposals accord with present Central Government advice in relation to elderly persons housing provision. They also query whether or not there is any need for the development, pointing out that at present occupancy rates in existing premises are around the 80% level. The Adult Services Team also raise some concerns as to the size of the proposals, commenting that the unit appears institutionalised, with little outdoor space for residents. Some concern is raised that this may affect their outlook and quality of life.

The Council's Environmental Health Team have no comments to make

Durham Constabulary – Police Architectural Liaison Officer - has no comments to make.

The application has been advertised by way of press and site notices and direct consultation with surrounding occupiers. In response 22 letters of objection have been received. Objections are raised on the following grounds:

- The development will generate additional traffic in the locality, adding to an already congested road system. In particular concerns are raised about additional traffic along Hopgarth Gardens, including the impact on amenity levels the additional traffic will have and children's safety. Many of the residents of Hopgarth Gardens consider the access should only be taken off Picktree Lane.
- The development will add to already congested on street parking in the area, in particular as it is considered the amount of car parking proposed is inadequate for the operational needs of the development.
- The development would be overbearing in the street scene; taller than the adjacent Sandingham Court development.
- The development will lead to overlooking and privacy concerns to adjoining residents
- The development will lead to additional loading onto existing foul sewerage systems

- The applicants right to develop part of the land over which the new access is proposed is queried
- The devolvement would lead to a loss of light into adjacent residential properties. This would lead to a loss in residential amenity.
- The development would provide for a depressing outlook for the proposed residents
- The development would provide for a fire risk to proposed residents
- It is claimed that the site may be contaminated
- Concerns are raised about negative impacts at the construction phase of the development, including by way of mud on the road and loss of power
- Construction on site has already caused vibration concerns to adjoining residents
- It is requested Members visit the site prior to the making of any decision

In support of the application the agents raise the following points:

- The application has been submitted following extensive pre-application discussions with Officers during which time the applicant has endeavoured to meet all the requirements made by Officers. In particular the application has been amended following the withdrawal of the last application. In addition the application has been amended during the course of this application to overcome concerns raised about the primary access being via Hopgarth Court, and overlooking problems to adjacent residents
- There is an extant consent for the development of the site, which has been lawfully implemented. The revised proposal seeks to deliver a scheme which will provide for a reduced impact on adjacent residents than that proposed by the extant scheme
- The application proposes no worse conditions on adjacent residents than that approved by the Council at the time of approval of the Sandringham Court development
- The proposal complies with the requirements of Policy HP 9 of the Chester-le-Street Local Plan
- The proposals will lead to the redevelopment of an unsightly site located in a central position within Chester-le-Street. As such it is considered the proposals will assist in the regeneration of the District
- The proposals will generate some additional investment of approx £1.8 million a year in Chester-le-Street and create between 70 and 80 new jobs
- The proposals will deliver state of the art elderly care management to Chester-le-Street
- The proposals comply with the relevant access and car parking standards as detailed by the County Council as Highways Authority
- The applicants point out it is not the role of the planning system to restrict competition. They also point out that the County Council has been consulted as part of the development of the proposals
- The applicant considers there is a demonstrable level of need for the facility, pointing out the existing population is ageing with 16% 65 yrs and over.

## **Relevant Planning Policies and Considerations**

The proposals raise a number of issues for consideration having regard to the relevant Policies contained in the Regional Spatial Strategy (RSS), the County Durham Structure Plan and the Chester-le-Street Local Plan.

### Regional Spatial Strategy

The (RSS) sets out the 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 be given to Policies within the RSS.

Of particular relevance to the assessment of this application are Policies 2 – Sustainable Development (essentially requiring new development proposals to meet the aim of promoting sustainable patterns of development), Policy 3 – Sequential Approach to New Development (which essentially provides support for the priority of the use of previously developed sites in urban areas) Policy 5 – Locational Strategy – Policy 5A – Connectivity and Accessibility (which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk) Policy 5b – Protecting and Enhancing the Environment (which requires new development to maintain local distinctiveness) Policy 24 – Sustainable Communities, Policy 32 – Improving Inclusivity, Policy 39 - Sustainable Construction, Policy 40 – Renewable Energy, Policy 41 – Planning for Renewables, Policy 54 – Parking and Travel Plans

These Policies require that new development proposals should comply with the aims of promoting the interests of sustainable development (including through locating new development close to existing urban centres, promoting renewable energy and sustainable forms of construction / transport).

### County Durham Structure Plan

Policy 3 of the Structure Plan advises that the provision of new development should be well related to the County's main towns. Policy 81 seeks to ensure that the generation of energy by renewable sources is encouraged as part of major development proposals.

In assessing the proposals against these relevant Structure Plan Policies it is considered that they are acceptable in principle. The proposed site is located within the main settlement of the District and is also located in a sustainable location, close to the Town Centre. In addition a suitably worded condition can be attached to any approval to require the submission of a scheme to provide for a percentage of energy required to serve the proposal to be provided by way of renewable energy sources.

### Chester-le-Street Local Plan

Policy HP 17 of the Local Plan – Residential Institutions and Hostels provides relevant advice in relation to proposals for premises providing group accommodation, including elderly residential care homes.

The policy follows a similar approach to policies relating to new build residential development, including HP 9 – Residential Design Criteria – by requiring new development proposals to meet a number of detailed criteria. Of particular relevance to this new build proposal, Policy HP 17 requires proposals;

- Well related to public transport, shopping and community facilities;
- Provides adequate open space within the site to meet the needs of residents
- Is compatible with other Local Plan policies
- As appropriate in scale, character and appearance to the surrounding area

The supporting text to the Policy advises new build schemes should also have regard to the requirements of Policy HP 9. Of particular relevance to these proposals are the HP 9 requirements that development should;

- Relate well to the surrounding area, respecting its predominant character street pattern setting and density and avoiding damage to the amenities of surrounding properties
- Provide an attractive, efficient and safe residential environment
- Provide adequate privacy to existing and proposed residents
- Provide convenient and safe access

In addition, being a development which would cost more than £500,000 the requirements of Policy BE2 – Public Art are also considered material. This Policy encourages the devotion of 1% of development costs to public art work projects, accessible by the general public.

Having regard to the requirements of the above relevant development plan policies, and through an appraisal of all issues raised, including those made by consultees, the applicant and neighbouring occupiers, it is considered that the following are the principle material planning considerations raised by the application.

### Design / Impact on Street Scene / Character of Area

Members are aware that one of the key aims of present Central Government Planning Policy advice is to secure high quality design through the planning system. This consideration has taken on increased weight in recent years through the publication of Planning Policy Statement 1 (PPS 1) in January 2005. This document is quite explicit in its advice at paragraph 13 that:

‘Design which fails to take the opportunity available for improving the character and quality of an area should not be accepted’

As discussed above the general thrust of this advice is followed in relevant RSS Policy 5b and Local Plan Policies HP 9 and HP 17. As a result of the need to ensure that particular



Careful attention is paid to the design of the proposals the application has been referred to the Design Team at Durham County Council for comment. As Members will note from the representation section above the Design Officer has raised no objections to the proposals. This no objection marks a different viewpoint to that taken at the time of the last, withdrawn application. At the time of this application an objection was lodged on the grounds of the mediocre design proposed, and that fact that the scheme presented with this application would fail to respect the scale and massing of the existing street scene.

However the present application has been the subject of detailed pre-application discussions with Officers in an attempt to overcome the concerns raised in relation to the last application. These discussions have resulted in a number of important design amendments being made. Of particular relevance are the amendments which;

- Increase the angle of the pitch of the roof of the premises. Whilst this increases the overall floor to ridge height of the structure (see further comment below) the view is taken that this is a positive design feature which will help the massing of the development blend with the locality
- An increased vertical emphasis on the windows of the proposals, which will help the massing of the unit assimilate with the surrounding area, and also help reduce the bulky impression of the development
- A lowering of the eaves height, which again will help reduce the scale of the development
- A change in the overall scale of the elevation facing onto Hopgarth Court. The withdrawn application proposed a true 3-storey form of development along this elevation. However this application now proposes a form of development at two and a half storeys.

In considering the issue of scale and design the view is taken that the various amendments made to the proposals render the development acceptable in the context of the surrounding area. Whilst the development will undoubtedly have a significant presence in the street scene; especially when viewed from Picktree Lane and Hopgarth Court it is considered that this would not be sufficiently overbearing to warrant the refusal of planning permission.

In arriving at this conclusion Officers are mindful of other tall buildings in the locality. These include the bus depot to the north and the recently completed Sandringham Court development to the west.

The Sandringham Court development follows similar design principles to that now proposed with this development. In particular a 3 storey structure, with rooms in the roof space was considered acceptable as part of this application, along the northern boundary of the site. Whilst the proposal would now stand 2 metres higher along the elevation that faces onto Sandringham Court, the view is taken that, on balance, the site can accommodate this additional height without undue detriment to the street scene.

### Impact on Amenities of Adjacent Residents

Policy HP 9 of the Local Plan requires new development to respect the amenities of existing nearby occupiers. Members may recall that concerns Officers had in this regard were instrumental in recommending refusal of the earlier, withdrawn application.

However the revised application has been amended in an attempt to overcome these concerns. Specifically the amendments provide for a reduced scale and massing along the elevation facing onto Hopgarth Court (now two and a half stories as opposed to three as proposed with the earlier application). Although this has not produced any drop in the floor to ridge height of the elevation (in fact the overall height is now increased from approximately 10.6 metres to 11.6 metres) the view is taken that as this reduces number of true floors, together with the introduction of obscure glazing (see further comment below) this renders the development acceptable in terms of the impact on Hopgarth Court residents.

Careful consideration has also had to be given to the impact by way of overlooking, from habitable windows of adjacent property, to the habitable windows proposed by the development. Careful consideration is especially required in regard to the relationship between the windows proposed in the unit and the windows located in existing property along Hopgarth Court and Hopgarth Gardens.

As Members are aware appendix 1 of the Local Plan advises that a distance of 21 metres should be provided for between the public faces of buildings (i.e. habitable rooms). However the advice does go onto recognise that this distance should not be applied rigidly, and rather states that where dwellings are off set (i.e. do not directly overlook each other) the privacy distances may be reduced.

In this particular instance Members should be aware that in terms of minimum distances the 21 metre standard is not maintained in all directions. In particular some of the window openings proposed facing onto Hopgarth Court are located with 21 metres of the existing openings on the rear elevations of the properties at Hopgarth Court. To address this issue the applicant has proposed the use of oblique / obscurely glazed windows for all the windows which would be situated under 16.5 metres from those in Hopgarth Court. The applicant considers the facing standards should be reduced for those windows between the 16.5 metres distance and the recognised 21 metres distance. This is on the grounds of the angle that exists between these windows and those in the proposed development.

On balance, and bearing in mind the angle which exists to off set the windows (some 38 degrees) the view is taken that this represents an example where the 21 meters separation distances can be relaxed, without causing undue harm to the privacy levels of the occupiers of Hopgarth Court

A similar view is taken in relation to the impact on the privacy levels for the occupiers of 33 and 34 Hopgarth Court. Here the southern most elevation of the proposed building would be within 21 metres of the front elevation of these properties. However again there is significant angle, of some 50 degrees, which will help prevent any significant overlooking problems as a result of the revised spatial distances. Again, and on balance the view is taken that a justification exists to allow for a relaxation of the 21 metres separation distance here.

The development will also have habitable windows facing onto the recently completed Sandringham Court development to the North. Whilst the development faces onto gable ends (with no habitable windows located within them) at this point again the spatial distances in some areas, between existing and proposed habitable windows will be below the standard 21 metres. However the blocks within the Sandringham Court development are at a sharp 90-degree angle to those proposed in the development. As such there is clearly little potential for overlooking problems to occur, due to the angle in question.

On balance, and taking into account various angles between the existing and proposed windows, and the ability to impose a condition to require the use of obscure glazing on some of the windows closest to Hopgarth Court, the view is taken that the proposal will not be detrimental to the amenity of adjacent occupiers sufficient to warrant refusal.

#### Highway Safety / Car Parking Issues

A significant level of objections have been received to the application on the grounds of concerns about the surrounding highways infrastructure not being able to cope with the additional vehicular traffic likely to be generated by the development, and a perceived lack of car parking provision.

In relation to the car parking provision Officers accept that the amount of parking proposed to serve the development is at the minimum level considered acceptable to adequately serve the development (a point noted by the County Council as Highways Authority for the area). However Members will be aware of the present thrust of both central and local planning policy which seeks to reduce the reliance on the private car, by delivering a modal shift towards the use of other forms of transport.

This advice is particularly relevant to town centre forms of development. Whilst this site is not located within the defined town centre to Chester-le-Street it is nevertheless an edge of centre location, which scores highly in terms of distance to public transport facilities. As a result of this the view is taken that the locational characteristics of the site will allow for a high percentage of staff and visitors to use public transport to reach the destination. Members will note that the securing of a Green Travel Plan as part of the development is a recommended condition of approval. Having regard to the above it is not considered the proposal could be resisted on grounds of lack of car parking provision.

Turning to the issue of access, particularly strong objections were raised in relation to the proposal as originally submitted to have the main vehicular access point entering into the site off Hopgarth Gardens. Many residents considered this arrangement would be detrimental to highway safety and their present quiet enjoyment of the area.

Notwithstanding the fact that the County Council as Highways Authority raised no objection to this element of the scheme, in doing so commenting that the existing carriageway along Hopgarth Gardens is wide enough to accommodate the additional traffic which the development would generate, the application was asked by Officers to consider the use of the Picktree Lane access as the main entrance into the site.

Following this request amended plans have now been received which show the main access point off Picktree Lane. The entrance into the site from Hopgarth Gardens is now

shown as a secondary access. Clearly, as Members will appreciate it would not be sufficient to rely on this mere annotation on the submitted plans, to secure this operational use of Picktree Lane as the main access. To this end Officers have discussed with the applicant the possibility of attaching a condition to any approval to require that the Hopgarth Court access shall only be used in an emergency. This is considered appropriate to protect the existing levels of amenity of the residents of this area. The agents for the scheme have indicated their client's willingness to accept this condition; as such Members will note it has been listed as a recommended condition. A condition has also been recommended to require all construction traffic associated with the construction phase of the development to use the Picktree lane entrance into the site.

Bearing in mind the above, in particular the ability to attach conditions to control the construction traffic route, and thereafter the operational phase of the development, Officers consider that it would not be reasonable to resist the application on parking or highway safety grounds.

#### Percent for Art

Members will be aware that Policy BE 2 of the Local Plan requires development with a value of more than £500,000 to devote 1% of construction costs to public artwork projects. Indeed Members will be aware that a number of major developments recently approved in the District, following the adoption of the Local Plan, have been the subject of Section 106 Agreements to secure these facilities.

In this particular instance the applicant has sought to address his obligations in this respect by the submission of an undertaking, under Section 106 of the Town and Country Planning Act 1990 (as amended) to provide for the payment of £24,500 to the Council. These monies to be used in the provision of public artwork features within the locality. Officers consider this offer is equitable with similar arrangements made elsewhere in the District and as such, subject to the execution of the undertaking, the view is taken that the development proposed will be compliant with the aims of Policy BE2 of the Local Plan.

Members will note that the securing of this artwork provision is to be controlled through a recommended condition of approval.

#### Other Issues Raised

The above is considered to represent a detailed appraisal of the key material planning considerations raised by the proposal. However, as will be noted from the representation section above a number of comments have been made in relation to this application, which although not necessarily considered material to the recommendation made nevertheless require appraisal.

### Impact on Infrastructure

Some objections have been raised in regard to the impact the proposal will have on foul sewerage capacity on the area, and potential disruption to services during the construction phase. In relation to any disruption to infrastructure at the construction phase this is not a material planning consideration. Clearly if this was to occur it would be for the relevant statutory undertaker to take the matter up with the developer.

In relation to the concern expressed about the adequacy of the foul sewerage systems, Members will note from the representation section above that Northumbria Water Ltd have considered this issue and raised no objections; in doing so commenting that the foul sewerage facilities in the area are capable of accommodating the additional loads generated by the development.

### Contamination

Comments have been expressed that the site may comprise contaminated land. However a ground investigation report, submitted in 2007 to accompany an earlier application on the land demonstrated that there were no known contamination issues which would prevent development of the site

### Fire Risk

Objections have been received that future residents of the building may be subject to undue risk in the event of fire at the premises. However this is an issue that would be controlled by separate legislation (including the Building Regulations) and as such is not a material planning consideration. In the event of the development proposed requiring any amendments to comply with Building Control requirements it is likely that a new planning application will be required to be submitted.

### The Issue of Need

Members will note that the Adult and Community Services Team at Durham County Council have raised concerns in relation to the application, ostensibly on the grounds that they do not consider the development fits with their own strategy for elderly care within the County. In response the applicant has contended that there is a need for the development and that furthermore it is not the planning systems role to prevent competition.

In response to this issue, whilst clearly the County Council's negative comments could be construed as casting some significant doubt on the applicant's stated claims of need for the development, the view is taken that it would not be appropriate to resist the application on such grounds. As Members will be aware it is not the purpose of the planning system to restrict competition, nor to seek to implement the policies of other agencies that may have an interest in an application. This is therefore not a relevant planning issue.

### Vibration Caused by Construction Phase

This is not a material planning consideration and rather would be a civil matter to be resolved between the developer and adjacent landowners

### Control of Access Road

Members will note that some doubt has been cast over the applicant's ability to use the access into the site from Picktree Lane. Whilst the applicant has signed Certificate C as part of the application (to acknowledge he has been unable to identify all of the owners of the land) this is not considered sufficient an issue to resist the application.

In particular no party has come forward to claim ownership of the land as part of the consultation process. It is also material to note that this access point was used by the previous occupiers of the site, before the land came under control of the applicant. As such the view is taken that there is no reason to believe that the applicant will not be able to implement the scheme in accordance with the application as presented, including of particular relevance to be able to use the Picktree Lane access point as the main access point into the site.

### Regeneration / Economic Factors

The applicant has made reference to a number of positive factors he feels the development would realise. These include; securing the redevelopment of an unsightly site; employment creation (both at the construction and operational phase) and the ensuing increased expenditure in the local economy generated by staff and visitors choosing to shop within the town centre.

In response Officers acknowledge that these issues are relevant material planning considerations in favour of the development.

### The Fall Back Position

The applicant has pointed out that he has an established fall back position in the event of approval not being forthcoming for this application. This comprises the ability to construct the 60-bed care home on site, as approved in 2001 by application 00/000337/OUT. For the avoidance of doubt it should be acknowledged that this approval is live, as construction has commenced prior to the expiry of the application, with all conditions of approval being discharged.

However it is considered there are clear material differences between the earlier approval and the present application. Not least of these is the fact the development now proposed is significantly larger, and has a materially different scale / massing and design. As a result of this it is considered that the fall back position should be given little weight in the determination of this application. Each application should be considered on its own merits. In this particular instance, for the reasons discussed above, this revised development is considered acceptable.

## **Conclusion**

In conclusion, the application raises a number of finely balanced issues that require careful consideration. Of particular importance is the need for Members to give very careful consideration to issues of massing/scale, overlooking and car parking provision.

Whilst Officers accept these issues are very finely balanced the view is taken, on balance that bearing in mind the ability to impose conditions to limit the use of the Hopgarth Gardens access point, and also to ensure the installation of obscure glazing to limit overlooking and privacy concerns, the development is acceptable.

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).

SUSTAI

Prior to the commencement of development hereby approved a scheme to demonstrate compliance with the aims of the Code for Sustainable Homes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to provide for a sustainable form of development and to comply with the aims of the emerging Regional Spatial Strategy North East Policies 39, 40 and Planning Policy Statements 1 and 3.

Extra 1.

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 01/02/2008, 20/02/08; 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 2.

The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council, including the implementation of the submitted unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to provide for the applicants addressing their obligations in respect to public artwork; in order to ensure the development complies with the aims of Policy BE 2 of the Chester-le-Street Local Plans.

Extra 3.

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 Policies HP9 and HP17 of the Chester-le-Street District Local Plan.

Extra 4.

Notwithstanding the details shown on the submitted plans, the glazing panels shown hatched on the approved south west elevational drawing, received 1 February 2008, shall be fitted with obscure glazing to the satisfaction of the Local Planning Authority, and such obscure glazing shall be retained in perpetuity in the interests of residential amenity, the avoidance of any potential overlooking and in accordance with the provisions of Policies HP9 and HP17 of the Chester-le-Street District Local Plan.

Extra 5.

The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of screen fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 yrs following planting; in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy HP 9 and HP 17; of the Chester-le-Street District Local Plan.

Extra 6.

Prior to the commencement of the development hereby approved a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for at least 10% embedded renewable energy. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to minimise energy consumption and to comply with the aims of the emerging Regional Spatial Strategy North East Policies 39, 40 and Planning Policy Statements 1 and 3.

Extra 7.

No operations associated with the construction phase of the development hereby approved shall be carried out outside the hours of;

Monday to Friday - 07:30 to 1800

Saturdays - 0900 to 1300

Sundays - None

Bank Holidays - None

In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours

Extra 8.

No construction related traffic of any kind associated with the development hereby approved, including vehicles transporting materials to and from the site and carrying people involved with the development, shall at any time access the site via the secondary



access route shown on the approved plans along Hopgarth Gardens; in order to protect the amenities of local residents and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 9.

No vehicular traffic of any kind associated with the development hereby approved, shall at any time access the site via the secondary access route shown on the approved plans along Hopgarth Gardens, unless in the event of an emergency incident at the premises (an emergency incident being defined as an event requiring the attendance of the blue light emergency services); in order to protect the amenities of local residents and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 10.

Before the development hereby approved is commenced, a scheme to secure the attenuation of traffic-generated noise shall be agreed with the Local Planning Authority. The agreed scheme shall be implemented prior to the development coming into operation in order to protect the living conditions of prospective residents of the development and in order to comply with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 11.

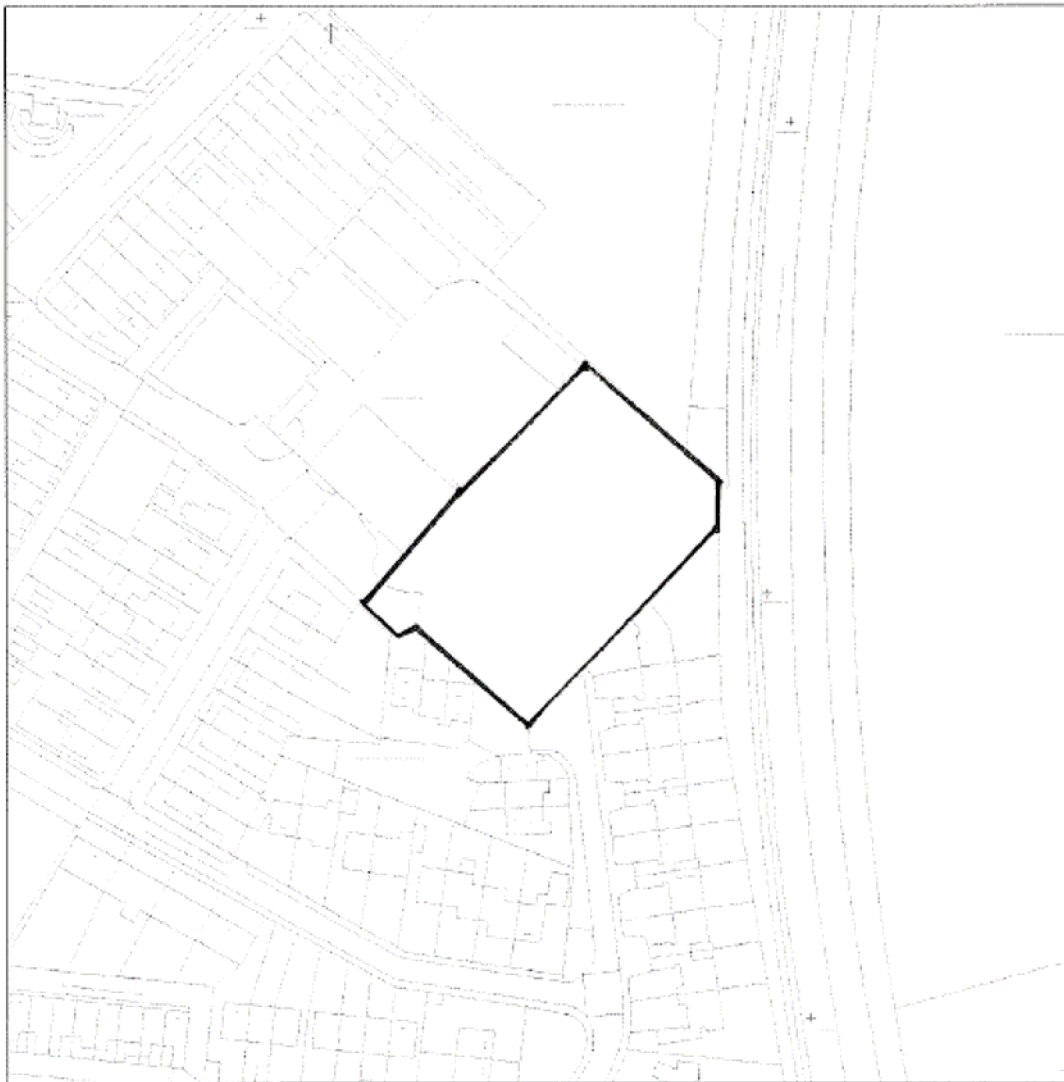
Prior to the bringing into use of the development hereby approved the developer shall submit a Green Travel Plan to demonstrate proposed measures to reduce the reliance on the use of the private motor car to access the development. Thereafter the development shall be carried out in complete accordance 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

Extra 12.

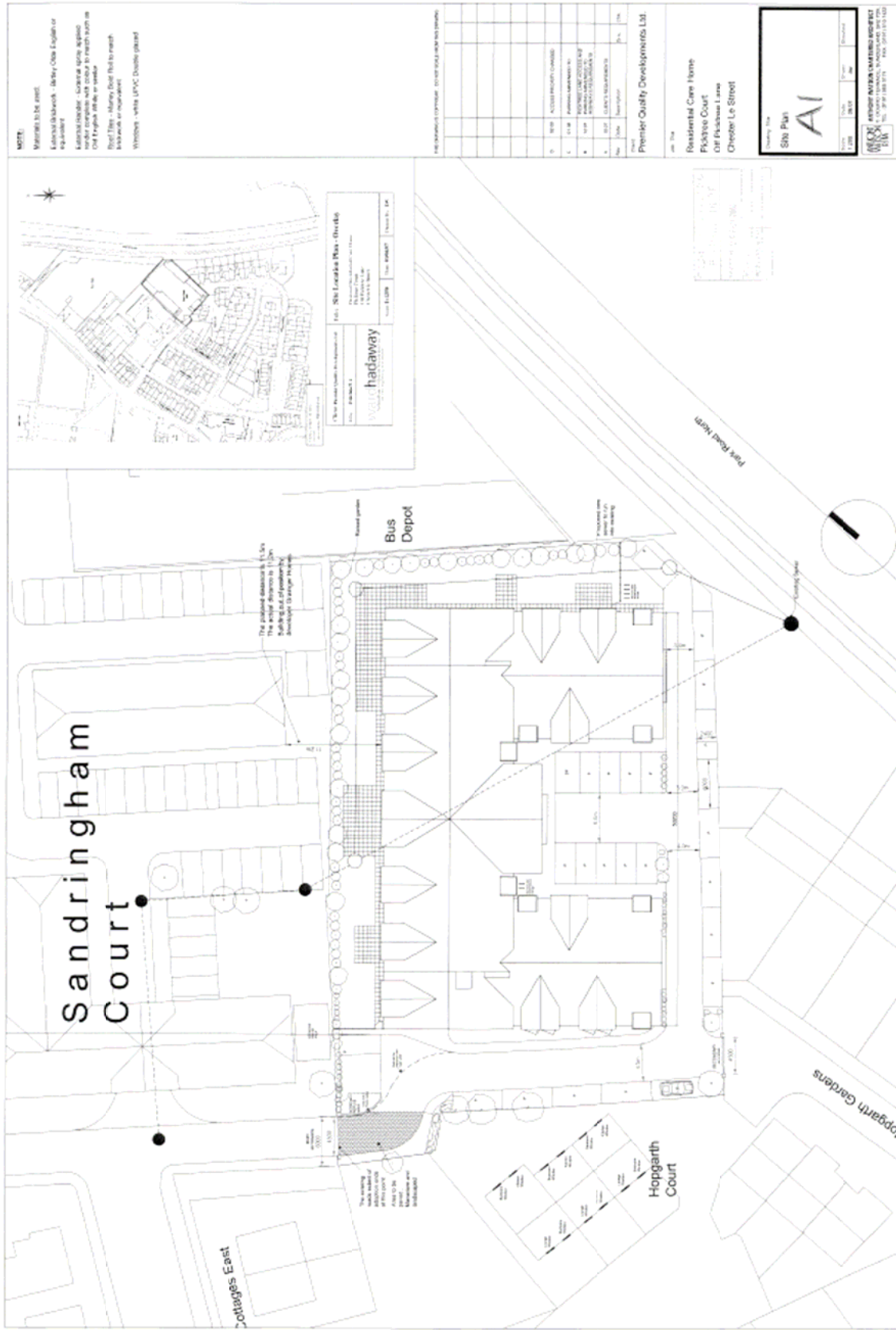
Notwithstanding the details shown on the hereby approved plans and elevations, full details of all means of enclosure of the site (including the means of enclosure proposed for the elevation adjacent to number 34 Hopgarth Gardens) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in order to ensure the development is not prejudicial to interests of highway safety and in accordance with the provisions of Policies HP 9, HP 17 and T15 ; of the Chester-le-Street District Local Plan.

# Site of Former County Council Depot

Picktree Lane, Chester-le-Street



Scale : 1:1250







3.

**Reference: 08/00048/TPO**

**Proposal** Various tree works to Sycamore trees (no's 1, 2, 4 and 5 on plan), including removing epicormic growth, remove dead wood, crown clean and reduced sail area by 20%. Also management of one Sycamore and one Willow tree (no's 3 & 6 on plan) on coppice basis (3 to 7 year cycle) and pruning of overhanging branches onto public highway from trees along Southern and Western boundary of garden

**Location** 1 Hermitage Gardens Chester-le-Street Durham DH2 3UD

**Applicant** Mr & Mrs Goulding

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**Application Summary**

**Ward:** Chester South

**Case Officer:** Lisa Morina, Planning Assistant

**Contact Details:** 0191 387 2146

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

**Summary of recommendation:** The proposal would provide for an acceptable form of development as the proposed tree works would help to enhance the existing tree population and reduce any health and safety risks posed to the trees at this time.

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**The Proposal**

This report relates to various tree works to Sycamore trees (no's 1, 2, 4 and 5 on plan); including removing epicormic growth, remove dead wood, crown clean and reduced sail area by 20%. Also management of one Sycamore and one Willow tree (no's 3 & 6 on plan) on coppice basis (3 to 7 year cycle) and pruning of overhanging branches onto the public highway from trees along the Southern and Western boundary of the garden which are protected by the Hermitage Tree Preservation Order.

In support of the application the applicant has submitted an ecology report which confirmed low or medium/low risk of bat use.

### Site History

89/00387/OUT - Outline application for residential development Approved 1989.

93/00003/REN - Renewal of outline planning permission for residential development Approved 9/2/93.

96/00011/OUT - Outline application for residential development Approved 6/8/96.

98/00276/FUL - 32 houses Approved 29/1/99.

01/00307/TPO - Tree Pruning Works Approved 13/11/01.

03/00417/FUL - Erection of trellis to existing fence around front garden Approved 14/8/03.

06/00182/FUL - Lounge Extension to rear. Approved 26/5/06.

07/00143/TPO - Pollarding of six Sycamore trees inside of garden of property. Withdrawn 29/1/08.

### Consultation Responses

Neighbours have been notified by way of direct notification. In response upon the preparation of this report no letters of representations have been received.

Regeneration Team - Awaiting Comments.

Environmental Services (Arboricultural Officer) - I have no objections to the proposed tree works. The proposed tree works will help to enhance the existing tree population and reduce any health and safety risks posed to the trees at this time.

### Relevant Planning Policies and Considerations

Policy NE11 of the Chester-le-Street District Local Plan is of relevance to this application. This policy states that:

Consent will only be granted for the cutting down, lopping, topping or uprooting of any tree protected by a Tree Preservation Order if the proposed work is necessary because:-

- The survival or growth prospects of other protected trees is threatened;
- It can be proven that the tree is causing structural damage and no remedial action to the trees is possible; or
- The tree is a danger to life or limb.

In assessing the application against this relevant Local Plan Policy reference should be made to the professional views of the Arboricultural Officer for the District Council. Based upon the comments given, it is considered that the works are necessary in order to maintain the health and safety of the current trees.

Accordingly it is considered that there is sufficient justification to support the proposed works to the trees and as such the application complies with the relevant Local Plan Policy NE11 on the subject of works to protected trees.

**Conclusion**

Taking all relevant issues into account, it is considered that the proposal is in accordance with Policy NE11 of the Chester-le-Street District Council Local Plan and approval should be given.

**RECOMMENDATION**  
CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

Extra 1.

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

Extra 2.

All tree works to be carried out in conjunction with the Bird/Bat Risk Assessment as produced by Barry Anderson Environmental Biologists on 6th February 2008 in order to safeguard the amenity and long term well being of the trees in accordance with Policy NE11 of the Chester-le-Street Local Plan.

Extra 3.

All tree works to be carried out in accordance with BS3998 in order to safeguard the amenity and long term well being of the trees in accordance with Policy NE11 of the Chester-le-Street Local Plan.

Extra 4.

All existing trees to be retained and protected in accordance with BS5837:2005 in order to safeguard the amenity and long term well being of the trees in accordance with Policy NE11 of the Chester-le-Street Local Plan.

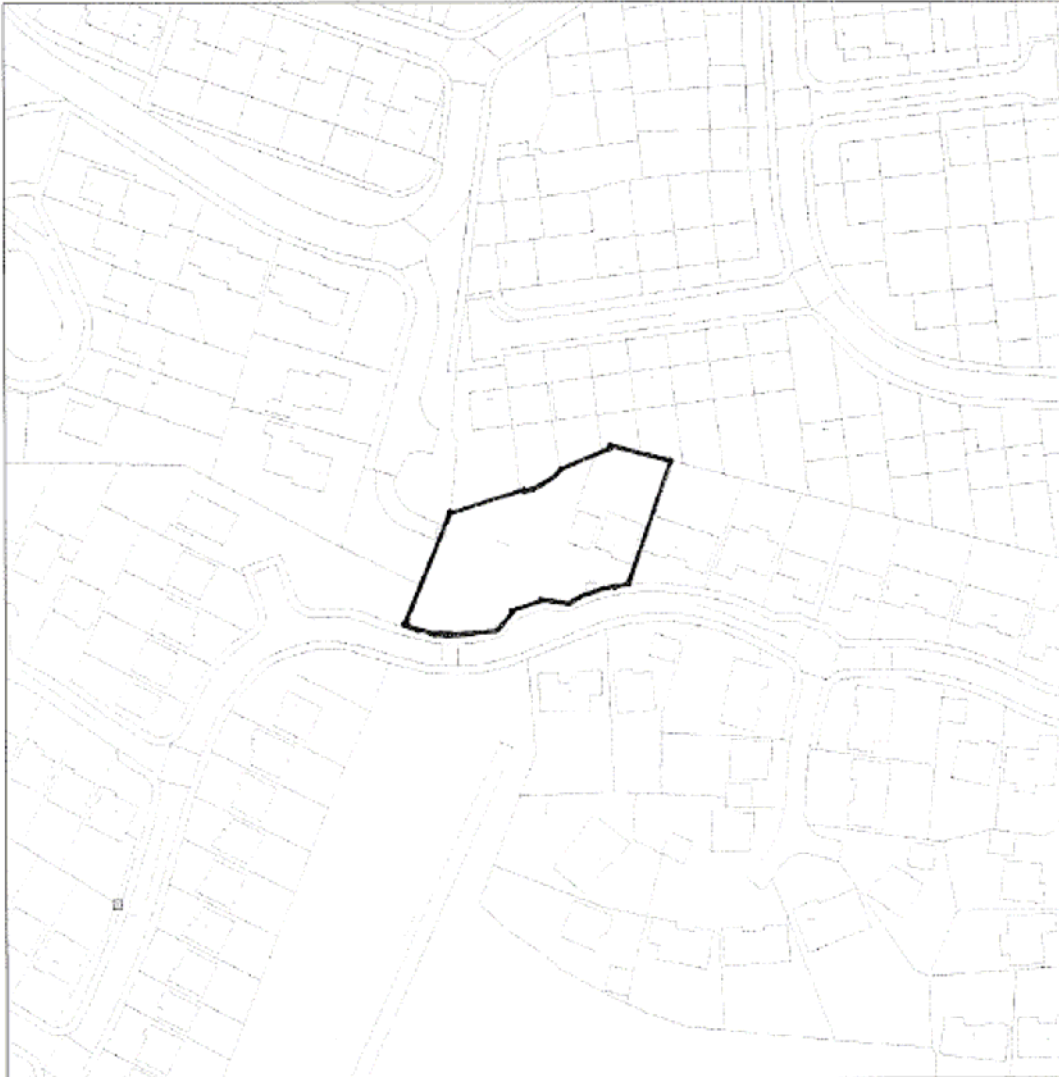


# 1 Hermitage Gardens

Chester-le-Street



GIS by ESRI (UK)



Scale : 1:1250

**ITEM 3** Planning General



## **Chester-le-Street District Council**

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

Tel: 0191 387 1919 Fax: 0191 387 1583

Directorate of Development Services

**28 February 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 /

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
07/00285/FUL /	Mr D. Kumar	53 Longdean Park Chester-le-Street Durham DH3 4DG	Conversion of garage to office, single storey extension to rear to provide sun lounge and extension above garage to provide additional bedroom and extended kitchen area plus widening of driveway.	W / 14.02.2008	E:427588 N:552791	Appeal In Progress /
07/00497/FUL /	Mr & Mrs Fletcher	Land to The West of The Poplars Arcadia Avenue Chester-le-Street Durham	Proposed erection of 1 no dormer bungalow and detached garage	W / 25.01.2008	E:427290 N:552194	Appeal In Progress /
07/00502/ADV /	JC Decaux	AP Developments 28 - 29 Front Street Pelton Chester-le-Street Durham DH2 1LU	Display of externally illuminated free-standing 48 sheet advertisement hoarding, size 3.048 metres x 6.096 metres, along east elevation of front of site (retrospective application).	W / 01.02.2008	E:424956 N:553078	Appeal In Progress /

**ITEM 4** DEVELOPMENT CONTROL PERFORMANCE UPDATE  
TO END OF QUARTER 3 FOR 2007/08

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Report Summary

**Case Officer:** Stephen Reed, Development and Building Control  
Manager

**Ward:** All

**Contact Details:** 0191 387 22 12

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

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Introduction

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

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

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

1. BVPI 109 – Speed of Decision Making

This national performance indicator assesses the time taken to determine planning applications, based on 3 separate categories as identified by Central Government. These are defined as 'major applications' (e.g. housing

developments over 10 dwellings); ‘minor applications’ (e.g. applications for single dwellings) and ‘other applications’ (e.g. householder extensions).

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

As Members will be aware the Council has displayed considerable improvements in this indicator in recent times with the service being ranked number 1 in the North East region for ‘minor’ and ‘other’ applications for years 2005/06 and 2006/07.

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

<b>Application type</b>	<b>Quarter 1-3 result</b>	<b>CLS target</b>	<b>Variance</b>
Major applications	57% within 13 weeks	88%	-31%
Minor applications	75% within 8 weeks	92%	- 17%
Other applications	83% within 8 weeks	96%	- 13%

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

Although this situation has recently been addressed with the appointment in January 2008 of a Senior Planning Officer post to a post which had been vacant for some months, this situation (of being fully staffed) will not remain for long with the present Planning Officer post holder due to leave the Authority in the next few days.

However, approval has been granted to fill the Planning Officer post and Officers are confident that the length of time this post will be vacant will be substantially less than has been the case with other posts which have fallen vacant across the last 12 – 18 months. In addition to this Officers are presently using other means to back fill workloads, largely involving Senior Administrative Staff undertaking a range of relatively straightforward tasks of acting as Case Officer on minor planning applications.

As a result of this Officers are confident that the impact of the vacant Planning Officers post will not be as substantial, in terms of impact on BVPI 109 performance (in particular in relation to performance on minor and other applications) as was the case at the time of the vacant Senior Officers post.

Whilst clearly it is regrettable that performance in this key indicator has slipped markedly this year it is of some comfort to note that the performance

levels are above the minimum requirements as set by Central Government, and also that performance has improved steadily across this year as staffing numbers have increased.

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

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

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

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

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

During the first three quarters of this year five appeal decisions were issued by the Planning Inspectorate. Three of these appeals were allowed, with the Council's decision to refuse permission being overturned, the other two decisions were upheld. This provides for a 40% success rate during the relevant period.

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

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

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

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



The figures for the first three quarters of 2007/08 show returns of 72% within target for major inquiries and 86.32% within target for minor inquiries.

Whilst both these figures are below the local target of 90% performance in this area is starting to improve markedly (the equivalent figures for quarter one of the year were 42% and 55% respectively). The recent improvement in performance can be attributed to the easing of work load pressure by the appointment of the Assistant Planning Officer in September, and a temporary consultant in October.

The temporary measures introduced to cover the future vacancy at Planning Officer level (see comment above) should also help enable a good quality of service to be maintained in relation to this indicator until such a time as this post is filled.

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

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

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

The figures for the first three quarters of 07/08 show a return of 84.98 % within 8 weeks. This is below the locally set target and again has occurred due to the recent staffing difficulties within the Team. However the figure has improved in comparison to the first two quarters of the year and notwithstanding the loss of the present Planning Officer post holder, Officers are confident that performance in this indicator will continue to increase as the year progresses.

**Recommendation**

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

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NOT FOR PUBLICATION  
By virtue of paragraph(s) 6, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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