

Public Document Pack

30 April 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, 12th May, 2008 at 6.00 pm**

Yours sincerely



R TEMPLEMAN

Chief Executive

AGENDA:

1. Apologies for Absence
2. Minutes of Meeting held 14 April 2008 (Pages 1 - 18)
3. To Receive Declarations of Interest from Members
4. Confirmation of Speakers
5. Planning Matters (Pages 19 - 46)

Report Of Development and Building Control Manager

6. Exclusion of Public and Press. To Resolve:-

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

7. Planning Enforcement Performance Update (Pages 47 - 74)
Report Of Development and Building Control Manager
8. Planning Enforcement Prosecution (Pages 75 - 78)
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, 14 April 2008 at 6.00 pm

PRESENT:

Councillor G K Davidson (Chairman)

Councillors:

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

Officers:

S Reed (Development and Building Control Manager), C Potter (Head of Legal and Democratic Services), J Bradley (Assistant Solicitor), J Taylor (Senior Planning Assistant), L Morina (Planning Assistant) and D Allinson (Democratic Services Assistant)

Also in attendance: Councillor S C L Westrip (non-member of Planning Committee) and 35 members of the public.

68. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors K Potts, D L Robson and M Sekowski.

69. MINUTES OF MEETING HELD 10 MARCH 2008

With reference to Minute number 62 of the previous meeting, Councillor Brown acknowledged that a response had now been received from Durham County Cricket Club and Durham Constabulary in respect of the parking problems that had been raised in relation to the planning application of the South East Stand. A copy of these responses had been circulated to Members prior to the Meeting.

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 10 March 2008, be confirmed as being a correct record, subject to the following amendments:

Minute No. 65 (B) second of last paragraph – that conditional approval be changed to read refusal. Last paragraph – Councillor Holding be changed to Councillor Laverick."

70. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

Councillors D Holding and P Nathan declared a personal interest in Item No. 1 of the report as Councillors of the said Ward who had both been approached by members of the public and had attended a meeting regarding this item, however both Members stated that they had remained impartial.

71. CONFIRMATION OF SPEAKERS

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

72. 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 the order of the Agenda be changed to reflect the registered speakers present and it was agreed that it be considered in the following order – Item Nos. 1, 7, 4, 6, 2, 3, 5 and 8.

(A) District Matters Recommended Refusal

Proposal: Proposed erection of 29 no dwelling houses with associated road infrastructure and amenity space

Location: West Farm, Waldrige Lane, Waldrige, Chester-le-Street

Applicant: Mr T McGiven – Reference 07/00545/FUL

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

The Development and Building Control Manager advised that since the report had been produced he had received two further letters of objection in relation to the following issues:

- That the boundary fencing around the site should be replaced with a fence of more suitable quality.
- That the three storey properties were inappropriate for this particular site and out of character with the area.
- That construction traffic should not be routed on Waldrige Lane as this would cause congestion and disruption to surrounding residents especially with reduced visibility along the lane.

The Development and Building Control Manager advised that he had also received a 215 named petition in support of not using Waldrige Lane as the access into the development site. The grounds of petition had been raised on the understanding that the lane was not suitable for the volume of traffic and

as a result would raise the possibility of collision with other users of the lane. He advised that a copy of this petition had been circulated to Members prior to the Meeting.

He also advised that an e-mail had been received this morning from a resident of the area who had pointed out an error in the report on Page 18 paragraph 3 which advises that the Meadow Drive estate was approximately five years old, however this should be amended to state that it was 12 years old.

Mr Carter the applicant's agent and Mr White and Mrs Greer the objectors spoke in relation to the application.

The Development and Building Control Manager spoke in response to the comments made by Mr Carter in relation to his request for a deferral of this application and advised that the report which was presented at this Meeting was thorough and his view Members could proceed to make a decision on this matter at the meeting.

In relation to the issues of ecology, contaminated land and affordable housing he advised that these issues had been raised over the course of the consideration of this application with the appointed agents for the scheme. However it was considered that both the contaminated land report and the ecology report which the agents had submitted were not up to standard in terms of demonstrating the relevant impacts of the proposed development. In relation to affordable housing he advised the 30% figure was an indicative figure in the Local Plan, however it was up to the applicants for the particular scheme to come up with a justification for any proposed lower figure.

He advised that all applications for major housing development, which had been before the Committee since the adoption of the Local Plan, had included the 30% figure. He referred to the housing needs survey that the Council undertook in 2002 and updated in 2004 which had indicated a very significant demand for affordable housing within this District and this Ward and as a result of that he was not aware of any material planning considerations which would justify a low figure in this instance.

In relation to Mr Carter's proposal that the pedestrian link could be handled as a condition of approval, he felt that this showed insensitivity to the issue at hand and he did not agree with this proposal. He advised that consideration of this issue would take time as there would be a need for Officers to liaise with the architects and police to ensure that any link was designed in accordance with secured by design advice to ensure it did not promote crime and that this was not an after thought after any decision.

In relation to the points raised by Mr White and Mrs Greer in relation to the Highways issues he advised that it was relevant to rely on the advice received from Durham County Council's Highway Authority who were of the view that the construction traffic would be acceptable as a temporary measure along Waldrige Lane but not as a permanent access into the estate. They had

taken the view that the access through Heathfields was acceptable on the grounds that it does meet current Highways standards.

He advised that this was an issue that Officers and in particular the Case Officer had discussed at great length with Durham County Council to ensure the Highways Authority were fully aware of the contentious nature of the access arrangements which had informed the recommendation of refusal.

Councillor Brown spoke in relation to the comments raised by speakers on the rear lane access, concerns of heavy traffic and danger to pedestrian access. In his opinion he felt the access should be through the existing estate subject to conditions being added to restrict the times of access of traffic.

Councillor Nathan felt it was difficult for Members to make a decision and accept this application due to the Officer's recommendations and the request from the applicant's agent to defer the proposal. He raised issues on the proposal as follows:

- That the proposed access roads were very narrow and would not handle construction traffic.
- He sympathised with the speakers with respect to the comments on the pedestrian link, which he could not support.
- That the access via Waldrige Lane would only be used for construction traffic and not in the longer term.
- He had concerns in relation to unbalanced development and how this would fit in with the regional spatial strategy.
- He felt that there was a lack of facilities in this area and there should be a better way for this area to be used.

Councillor Turner sought clarification on the distance of the access of the proposal from the main road, which was clarified by the Chairman. He had concerns of lorries going through the estate and alternatively if they were to go along Waldrige Lane. He also felt the footpath access could lead to anti-social behaviour problems.

Councillor Harrison proposed to move the Officer's recommendation of refusal.

Councillor Laverick advised of his frustration that the issues in relation to the ecology survey, contamination and affordable housing could have been resolved if the applicant had taken the time to take up the free advice offered by the Planning Team. He felt that he was minded to support the Officer's recommendation and seconded Councillor Harrison's proposal. This 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 application has not fully taken account of the potential for contamination of the site by providing a desk top study of the readily available

records assessing the previous uses and their potential for contamination in relation to the proposed development. Therefore the proposed development is contrary to Planning Policy Statement 23: Planning and Pollution Control 2004.

Extra 2 The application has not had full regard to wildlife and ecology considerations on site by not taking account of known nearby protected species principally the great crested newt population on Waldrige Fell of full consideration of the possibility of bats roosting in the building through inspection and surveys during the emergency periods. It is therefore considered that the presence or otherwise of protected species, and the extent that they may be affected by the development cannot be fully established contrary to Planning Policy Statement 9: Biodiversity and Geological Conservation 2005 and Policy 35 of the Regional Spatial Strategy.

Extra 3 The application has not provided for a pedestrian link to Waldrige Lane that would give access to local recreational areas as well as public transport and amenities. This is contrary to the objectives of sustainable development in promoting walking as an alternative to the motor vehicle and as such the development is contrary to Policy 5A of the emerging Regional Spatial Strategy, Planning Policy Statement's 1 and 3 and Policies HP9, T15 and T17 of the Chester-le-Street Local Plan.

Extra 4 The development hereby proposed does not provide the required level of affordable housing, thus fails to comply with policy HP13 of the Chester-le-Street Local Plan 2003."

Councillor Turner left the Meeting at 6.50pm.

(B) District Matters Recommended Approval

(7) Proposal: Erection of two-storey extension to side and rear elevations and enclosure, and change of use of land adjacent to side elevation from open amenity space to domestic garden (revised scheme of 07/00376/COU)

Location: 100 Queen Street, Grange Villa, Chester-le-Street

Applicant: Mr R H Robson – Reference 08/00096/COU

The Development and Building Services Manager advised that since the report had been produced one further letter of objection had been received in relation to the following issues:

- That the two-storey extension would constitute an invasion of privacy as well as a major and unwelcome restriction of view.

- The 6 foot 6 inch green industrial fence that had already been erected without planning permission was deemed to be an eyesore and was a second hand fence that had allegedly been taken from a local school.
- The fence was not in keeping with what the Council is trying to achieve in Grange Villa.
- The two-storey extension would not only affect privacy but it would also block out sunlight.
- The objector points out that when they purchased the property eight years ago this was on the grounds that the property did have a high degree of privacy because there was not a house in front of the window.

The Development and Building Control Manager advised that since considering this objection he proposed to recommend two additional extra conditions of approval as follows:

- To secure a different style of fence to the one that has been erected without planning permission along the northern elevation.
- That the fence be set back some 2 metres off the footpath edge to protect the visual amenity of the area.

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

Miss Robson the objector spoke in relation to the application.

Councillor Holding referred to page 85 of the report in relation to the untidy condition of the garden area and whether this was a material planning issue. He queried whether the decision could be split between the extension and the change of use of the land. The Chairman explained that a split decision would not be recommended and had been frowned upon in the past by the Planning Inspectorate at appeal.

Councillor Nathan sought clarification on where the objector lived which was indicated on a map and shown to all Members of the Committee. Councillor Nathan after viewing the map felt that every property in that street was overlooked in a similar manner.

Councillor Ellis queried whether a condition to impose obscure glazing would resolve the issue of overlooking. The Development and Building Control Manager advised that this would not be recommended and clarified that the separation standards proposed for this application did mirror the rest of the properties within the street.

Councillor Nathan proposed to move the Officer's recommendation of conditional approval to include the two extra conditions that had been suggested. This proposal was seconded by Councillor Humes and carried by Members.

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.

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

Extra 3 That the facing materials to be used for the external walls and roofs of the development hereby approved shall match in colour and texture those materials used on the existing dwelling house to the satisfaction of this Local Planning Authority, and where such matching materials are not available samples of the materials which it is proposed to use on the development shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site. Reason – In order to ensure that the proposal does not have an adverse impact upon the scale, form, character or appearance of the building upon completion, as required by Policy HP11 of the Chester-le-Street District Local Plan.

Extra 4 Notwithstanding the details shown on the submitted plans, a detailed planting scheme along the Western elevation of the enclosure to be submitted and agreed in writing by the Local Planning Authority, prior to commencement of the development, in the interests of the satisfactory appearance of the development upon completion.

Extra 5 A contaminated land survey be carried out and submitted to the Local Planning Authority for approval prior to commencement of any work(s) on site. Thereafter any works recommended by the said survey shall be undertaken in accordance with details to be first agreed in writing with the Council in order to ensure the safe development of the site and to accord with the aims of Planning Policy Statement 23 and Policy 24 of the Regional Spatial Strategy.”

Extra 6 Notwithstanding the details shown on the hereby approved plans and elevations, full details of a revised fence style to the Northern elevation of the site shall be submitted to, and approved in writing by, the Local Planning Authority, within 56 days from the date of approval, 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 HP16 of the Chester-le-Street District Local Plan.

Extra 7 Notwithstanding the details shown on the hereby approved plans and elevations, the proposed fence line to the Northern elevation of the site is to be set back 2m from the footpath. Full details of which shall be submitted to, and approved in writing by, the Local Planning Authority, within 56 days from the date of approval, 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 HP16 of the Chester-le-Street District Local Plan.

At this point Councillor Humes left the Meeting at 7.05pm.

(4) Proposal: Resubmission of 08/00003/FUL for the erection of 1 dormer bungalow (Amendment to provide additional dormer window at front of bungalow)

Location: Land West of the Populars, Arcadia Avenue, Chester-le-Street

Applicant: Mr J Fletcher – Reference 08/00065/FUL

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

The Development and Building Control Manager explained the difference between the application, which was approved in February, and this application. He advised that the applicant's architect had made a mistake and on the planned view drawings he had made reference to the dormer window but it had not been shown on the elevational drawings.

He advised that the applicant then had a choice to make on whether to amend the application to include this window for consideration or delete it. He advised that if the application had been amended Officers would have then had to go back out for consultation therefore the applicant had chosen to leave the application as it was and secure approval for the bungalow without the dormer window.

The Development and Building Control Manager clarified that this application was only to consider the dormer window on the front elevation and the remainder of the development had already been agreed at the Meeting in February.

He referred to a two-page letter submitted by the applicant, which had been circulated to Members.

Mrs Willis the objector and Mr Fletcher the applicant spoke in relation to the application.

Following a query from Councillor May, a plan was circulated to all Members to show the physical difference between the applications.

Both Councillor Laverick and Councillor Nathan were in agreement that the substitution of the dormer window in place of the velux would cause no more problem of overlooking on the adjacent property than what was originally approved.

Councillor Brown was of the opinion that the application should remain as originally agreed and he did not support the application before him.

Councillor Wilkinson felt that there was no reason why this application should be refused as the application complied with the 45-degree rule and separation distances.

Councillor Laverick proposed to move the Officer's recommendation of conditional approval, which was seconded by Councillor Harrison. 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."

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

Extra 3 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.

Extra 4 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 5 The hereby approved development shall be carried out in accordance with the scheme of landscaping which was submitted to the Local Planning Authority on the 20 February 2008 and approved via letter on the 6 March 2008 in accordance with plan reference LPA1 attached to planning application 08/00003/FUL. The works agreed 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.

Extra 6 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.

(6) Proposal: Erection of new residential dwelling to side of existing property

Location: 2 George Street, Chester-le-Street, Co Durham

Applicant: Mr and Mrs McGee – Reference 08/00078/FUL

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

Mrs Cruddas-Wynne the objector spoke in relation to the application.

The Development and Building Control Manager referred to points raised by the speaker and made reference to the access for wheelie bin storage, which he advised, would be a civil matter and this was not a reason to refuse the application.

In relation to the access arrangements he advised that this had been subject of discussions with the County Council as a Highways Authority and explained that the gates were designed to open inwards so that they would not obstruct the Highway.

In terms of the extra traffic he advised that there was no significant safety risk that the development would propose. In relation to the construction stage he advised that the developer needed to put scaffolding on the Highway then he would need a licence, which would be administered by Durham County

Council Highways Authority who could look at alternative provision for pedestrians.

In the Development and Building Control Manager's opinion these were all issues, which did not constitute refusal for this application.

Councillor Brown advised that although he agreed with the application in principal he had concerns in relation to parking problems, the lack of parking spaces and access for this development, therefore he felt he could not go support the Officer's recommendation.

The Development and Building Control Manager clarified the points raised by Councillor Brown which he felt would be difficult to refuse the application on the grounds he had raised.

In response to a query from Councillor Nathan the Development and Building Control Manager confirmed that he understood the Highways Authority Officers had visited the site.

Councillor Harrison referred to the points raised and advised that in his opinion the problems with parking was a civil matter and he agreed with the Officer's recommendation.

Councillor Wilkinson was in agreement with Councillor Harrison and proposed to move the Officer's recommendation, which was seconded by Councillor Harrison. 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).

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 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 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, roofs and hard standings/access roads of the development 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.

Extra 3 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 and in the interests of visual and residential amenity in accordance with policy HP9 of the Chester-le-Street Local Plan 2003.”

At this point Councillor Holding left the Meeting at 7.45pm.

(2) Proposal: Erection of 10 no apartments and associated parking

Location: Former Dog and Gun, Front Street, Great Lumley

Applicant: Ashbrooke Developments – Reference 07/00542/FUL

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

He referred to an error on page 33 paragraph 1 of the report, which should state that the open space was to be served by extra planning condition 9 and not 3.

He advised that since the report had been published the case officer had held further discussions with the architect which had resulted in Block B to the rear of the site being moved further forward so that it complied with the 21 metre separation standards.

He suggested that an extra condition be added to state that the development was recommended for approval in accordance with the approved plans received on 25 March 2008.

Councillor Ellis proposed to move the Officer’s recommendation of conditional approval, which was seconded by Councillor Harrison. 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.

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 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 drawings No's 1 to 5 amended 25 March 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.

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, roofs and hard standings/access roads of the development 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.

Extra 4 Notwithstanding the details shown on the hereby approved plans and elevation, 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 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) in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy HP9; of the Chester-le-Street District Local Plan.

Extra 6 Notwithstanding the information submitted with the application all parking spaces on the application site indicated on plan 2 amended March 2008 shall be 4.4m wide unless otherwise agreed in writing with the Local Planning Authority, in the interests of highway safety and acceptable, useable parking provision in accordance with policy HP9 of the Chester-le-Street Local Plan.

Extra 7 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 should 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.

In accordance with the aims of Planning Policy Statement 23.

Extra 8 The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the provision of adequate public artwork provision within the locality in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for recreational and open space facilities and to comply with the aims of Policy BE2 of the Local Plan 2003.

Extra 9 The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56 (4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the provision of adequate children's play and open sporting space within the locality in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for children's play and recreational sporting facilities and to comply with the aims of Policies HP9 and RL5 of the Local Plan 2003.

Extra 10 Prior to the commencement of development hereby approved a scheme to demonstrate compliance with the aims of the Code for Sustainable Homes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to provide for a sustainable form of development and to comply with the aims of the emerging Regional Spatial Strategy, Planning Policy Statements 1 and 3."

(3) Proposal: Substitution of house types at plots 72-74, 81-95, 102-115, 117-134, 146-162, 246 and three additional dwellings (plots 253-255)

Location: Pelton Fell Regeneration Site, Whitehill Crescent, Pelton Fell

Applicant: Bellway Homes (NE) Ltd – Reference 08/00036/FUL

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

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 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 drawing S.3681 Rev A received 28th March 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.

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, roofs and hard standing/access roads of the development 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.

Extra 4 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 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 shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) in the interests of visual amenity, the satisfactory appearance of the development upon completion and in

accordance with the provisions of Policy HP9; of the Chester-le-Street District Local Plan 2003.

Extra 5 Unless otherwise agreed in writing, the submitted planting scheme shall be implemented with the first planting season following completion of the development (or of that phase of the development in the case of phased developments) and any trees, shrubs or planting which becomes dead, dying, diseased or is removed, shall be replanted to the satisfaction of the Local Planning Authority, with the first 5 years of the planting being planted, in the interests of the satisfactory appearance of the development upon completion and to ensure a successful and robust landscaping scheme.

Extra 6 Notwithstanding the details shown on the hereby approved plans and elevation, 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 upon completion and in the interests of visual and residential amenity.

Extra 7 Notwithstanding the information submitted on the application a parking scheme shall be submitted to and approved in writing by the Local Planning Authority for plots 134, 161 and 162 prior to works commencing and implemented in accordance with the agreed scheme thereafter in accordance with Policy HP9 of the Chester-le-Street Local Plan 2003.

Extra 8 The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the provision of the 32 units as referred to in the development hereby approved as affordable dwellings, provided for through a shared ownership scheme, in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for affordable housing and to comply with the aims of Policy HP13 of the Chester-le-Street Local Plan 2003.

Extra 9 The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the provision of adequate open space and recreational facilities within the locality in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for recreational and open space facilities and to comply with the aims of Policies HP9 and RL5 of the Local Plan 2003.

Extra 10 The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until

arrangements have been made to secure the provision of adequate public artwork provision within the locality in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for recreational and open space facilities and to comply with the aims of Policy BE2 of the Local Plan 2003.

Extra 11 Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), any walls or fences forward of the elevation of a dwelling house fronting onto a highway shall require the benefit of planning permission, in order to ensure the satisfactory appearance of the development upon completion in the interests of visual amenity in accordance with policy HP9 of the Chester-le-Street Local Plan 2003.

(5) Proposal: Erection of three illuminated fascia signs, two illuminated projecting signs and one non-illuminated wall sign

Location: Kwik Save, Osborne Road, Chester-le-Street

Applicant: Wilkinson Hardware Stores – Reference 08/00076/ADV

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

Extra 1 This permission is given for a limited period of 5 years from the date hereof, expiring on 14 April 2013 when the signs hereby permitted shall be removed to the reasonable satisfaction of this Local Planning Authority, in the interests of visual amenity. In accordance with Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

(8) Proposal: Change of use and conversion of existing commercial property to residential dwelling (Use Class C3)

Location: 8 Red Rose Terrace, Chester-le-Street

Applicant: Mr I Cross Smith and Ms M Fenwick – Reference 08/00109/COU

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

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 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 approved plans."

(C) Planning General

(1) List of Planning Appeals

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

(2) Proposed Planning Validation Checklist

RESOLVED: "That the draft validation checklist be approved."

(3) Changes to Planning Performance Indicators for 2008-09

Consideration was given to a report from the Development and Building Control Manager to advise Members of changes to the Government's published list of performance indicators for Local Authority planning services, to be implemented from 1 April 2008.

RESOLVED : "That the contents of the report be noted."

The meeting terminated at 7.55 pm

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
REPORT TO PLANNING COMMITTEE
12 MAY 2008

REPORT OF THE DEVELOPMENT & BUILDING CONTROL MANAGER

- ITEM 1** District Matters Recommended Approval
- ITEM 2** Planning Appeals Update
- ITEM 3** DC Performance Indicator Report 07/08
- ITEM 4** Enforcement Performance Indicator Report 07/08
- ITEM 5** Enforcement Prosecution Update

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

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

REPORT OF THE PLANNING SERVICES MANAGER

ITEM 1

District Matters Recommended Approval

1.

Reference: 07/00340/FUL

Proposal Proposed installation of raised decking area to front, 2 no Jumbrellas, alterations to front elevation and erection of canopy to rear

Location Lambton Arms Front Street Chester-le-Street Durham DH3 3BJ

Applicant Mr A. Mountain

Application Summary

Ward: Chester Central

Case Officer: Lisa Morina, Assistant Planning Officer

Contact Details: 0191 387 2146

lisamorina@chester-le-street.gov.uk

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

The Proposal

Planning approval is sought for the installation of a raised decking area and 2No Jumbrellas to the existing external drinking area to the front of the Lambton Arms. The application also proposes the installation of a canopy to the rear and alterations to the main front elevation, in the form of a new mahogany bi folding door, to replace the existing door and window surrounds on the front of the premises.

The decking would be split into two areas on either side of the existing entrance lobby. The area of decking to the south of the lobby area would measure 16.6 metres x 6.8 metres. It would be on this area of decking that the two 6 square metre Jumbrellas would be positioned. Access to the decking could either be taken from Front Street or through the pub itself via a set of bi folding doors. To the north of the lobby the decking area

would measure 13.3 metres x 5.3 metres. This area of decking would only be accessible from within the Lambton Arms.

The proposed bi folding doorway to the front would span 3.3 metres, replacing an existing 1.2 metre wide doorway, and two window openings to either side of the door.

The application site is located in the Town Centre Conservation Area. It is bound by a range of commercial properties to the North, East and South. There are also a number of residential properties to the Northwest and Southwest of the premises. The nearest residential property is situated some 50 metres to the northwest of the premises.

Consultation Responses

Durham County Council, as Highway Authority, has confirmed that they have no objection to the proposals.

The Conservation and Design Officer has made the following comments: -

I consider there would be no undue harm at the Lambton Arms despite the front elevation of the building having considerable character. My reasons are:

- The Lambton Arms is recessed behind the building line so that the proposed decking area would not extend into the street. It would fill the gap between the frontage and the street in an area that is already well defined. There would therefore, be little additional impact on the appearance of the street.
- The space is currently well used and adds vibrancy to the street. The Jumbrellas and decking would only formalise what is already happening at the front of the building.
- The front elevation of the building is also already obscured by the rows of trees so that the Jumbrellas would have little additional impact on views of the front elevation.
- The most interesting parts of the building are above first floor and would still be visible in views across the street.

The Conservation and Design Officer has re-assessed the proposal against the objections raised and still has the above comments to make.

The Councils Environmental Health Team have raised the following points: -

The proposed alterations have significant potential to cause noise nuisance to the surrounding residential properties. I would therefore, recommend if you are minded to grant the application that the following conditions be applied:

- The use of the proposed raised decking area be limited to 01.00 hours.
- The proposed folding door should remain closed (except for in emergencies) where internal noise levels are likely to lead to external noise levels exceeding background levels by more than 10dB (A) at the boundary of the site.

I would also suggest that an explanatory note be attached to explain condition 4. Its inclusion is designed to allow the playing of low level background music for the benefit of

patrons using the decking area. However, it effectively prohibits the folding door being used whilst higher volume activities, for example, dance music area taking place.

This application has been advertised by way of a press notice, site notice and direct neighbour notification letters. As a result, 9 letters of objection have been received.

The objections raised are summarised as follows: -

- The Lambton Arms is a major attraction on the Heritage trail; no consideration has been given to the aesthetics of the building;
- The property is an Old Coaching House and the front elevation of the property should remain as close as possible to what it was originally;
- Views of the front elevation of the building will be totally obscured
- There is no need for additional public houses in Chester-le-Street town centre
- The proposed decking would not be in keeping with the surrounding area;
- Cigarettes, food and drink will go underneath the decking and attract vermin;
- The decking area will lead to increased noise;
- Such smoking areas should be addressed by adapting the rear of the premises;
- The front area is continually left with empty glasses left out, litter and general untidiness;
- The noise coming out of the Lambton Arms at night is overbearing at times. This will be made worse with the proposals for the rear of the building;
- There is already a parking problem on Wesley Terrace and these proposals will add to this problem;
- The materials proposed for the rear alterations do not fit in with the building;
- The proposals would not be in keeping with the regeneration aspirations of the town.

Relevant Planning Policies and Considerations

Policy R19 of the Chester-le-Street Local Plan states that Food and Drink uses (formerly Use Class A3 which included public houses) are normally considered appropriate within the town centre boundary of Chester-le-Street provided that there is no detrimental impact on the amenity of the occupants of residential property from noise, smells, lighting, activity levels or hours of operation and that there are no overriding highway objections.

Having regard to the above it is considered that the main issues to be considered in the determination of this application are the impact the proposal will have on the visual amenity of the streetscene/host property and the effect the proposal will have on the residential amenity of neighbours in particular with regards to noise.

Streetscene / Impact on host property

Notwithstanding the objections raised, it is not considered that the proposed decking areas and Jumberella's, nor the proposed bi folding doors would be harmful to the appearance of the host property and wider streetscene. The ground floor level of the property is already largely obscured by the existing trees, seating and umbrellas which are in situ. Also, the main features of historic interest at the front of the property will remain in

place and not be altered with the addition of this proposal. This is due to the fact that they are located at first floor level. This view is also supported by the comments of the Conservation and Design Officer, who has raised no objections to the proposals, including after being requested to consider the level of objections raised to the scheme.

Residential Amenity

The proposal involves improvements to the existing external drinking area to the front of the existing public house. As previously stated the proposal is bound to the northwest and southwest by residential properties. Accordingly the impact the development will have on the amenities of the adjacent residents is a key consideration to be taken into account. However, balanced against this it should be noted that the area to the front of the premises is already utilised as an external drinking area and therefore the only matters being considered in the assessment of this application is the proposed operational development element, namely the decking and Jumbrellas as well as the installation of the bi folding door.

With regards to the potential increase in noise levels, it should be noted that the use of this area of land as an external drinking area cannot be controlled through this application. However, it is considered that noise emissions from within the premises may be increased as a result of the bi folding doors, which, when in an open position would allow noise to emanate from the building and potentially cause nuisance to nearby residents. However, it is considered that this issue may be dealt with through a suitably worded condition requiring that the bi-folding doors be closed when noise levels reach a certain level. In this instance a level of 10dB has been recommended by the Environmental Health Officer. This condition would effectively mean that anything more than the playing of casual background music within the premises would require the doors to be shut i.e. (if dance music was taking place then the doors would need to be shut).

A restriction of the use of the decking area until 1am (which is the time for external drinking on the current Premises Licence) should also be added to the application so that the decking area is not used at inappropriate times, to the detriment of residential amenity.

Other Issues Raised

An objection was raised on the grounds that there are already too many pubs within Chester-le-Street. However, as the proposal relates to an extension to an existing pub and not a new pub, the issue of 'need' is not considered valid in this particular case.

Some objectors have commented that the proposed decking (to create a smoking area) should be located to the rear of the premises, as opposed to the front. However this view is not favoured, on the grounds that this situation would be most likely to lead to additional noise and disturbance to the residents of Wesley Terrace to the rear of the site.

Conclusion

In conclusion it is considered that the proposal would comply with Local Plan Policy R19, subject to the imposition of planning conditions requiring the closure of the bi folding doors when noise reaches a certain level, and to restrict the use of the external drinking area to no later than 1am, in the interests of protecting the residential amenity of nearby properties.

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.

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 22 February 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.

Extra 3.

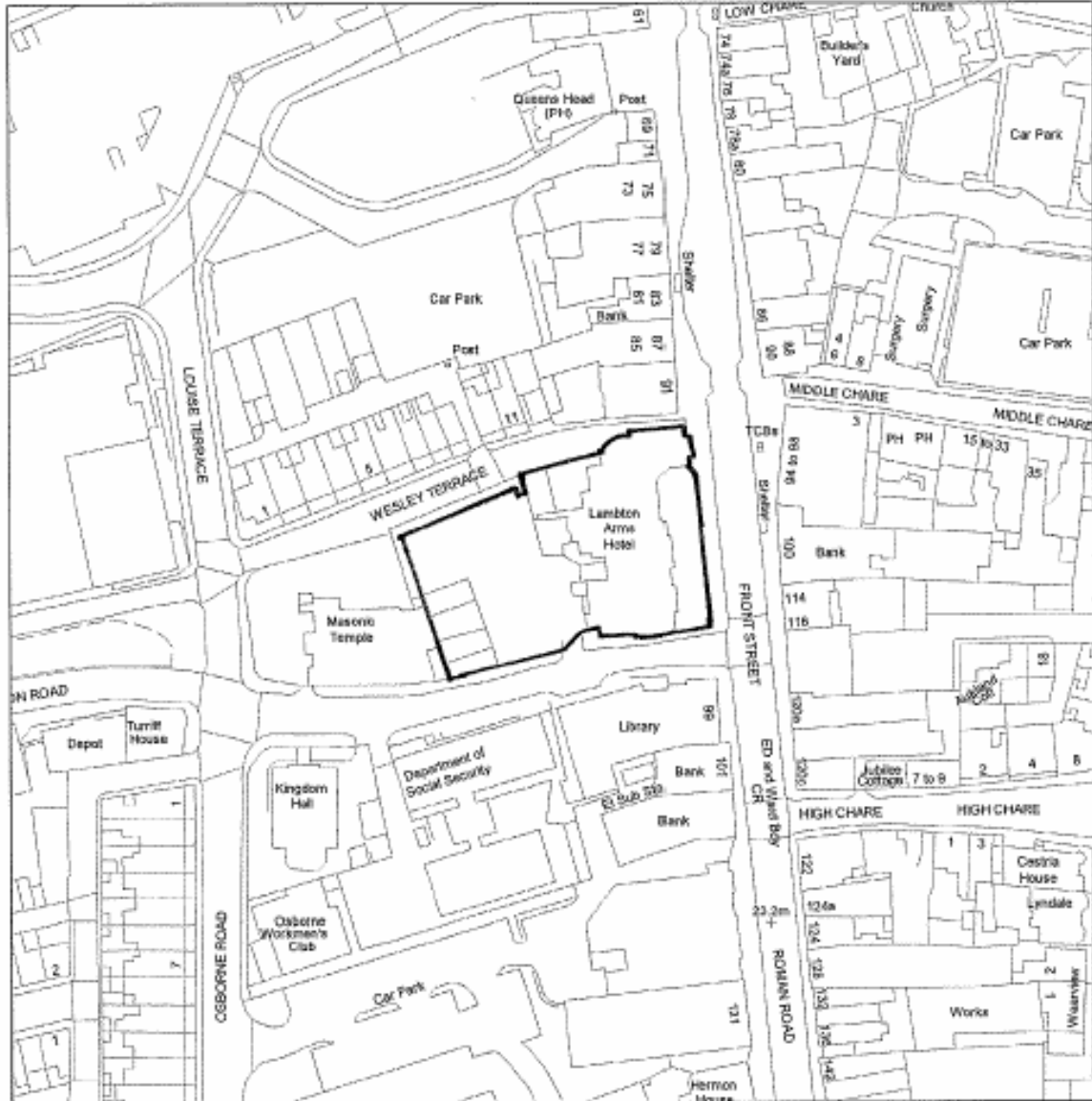
The external decking area hereby approved shall not be used as an external drinking area between the hours of 01.00 hours and 09.00 hours in order to protect the residential amenity of neighbouring properties in accordance with the aims of policy R19 of the Chester-le-Street Local Plan.

Extra 4.

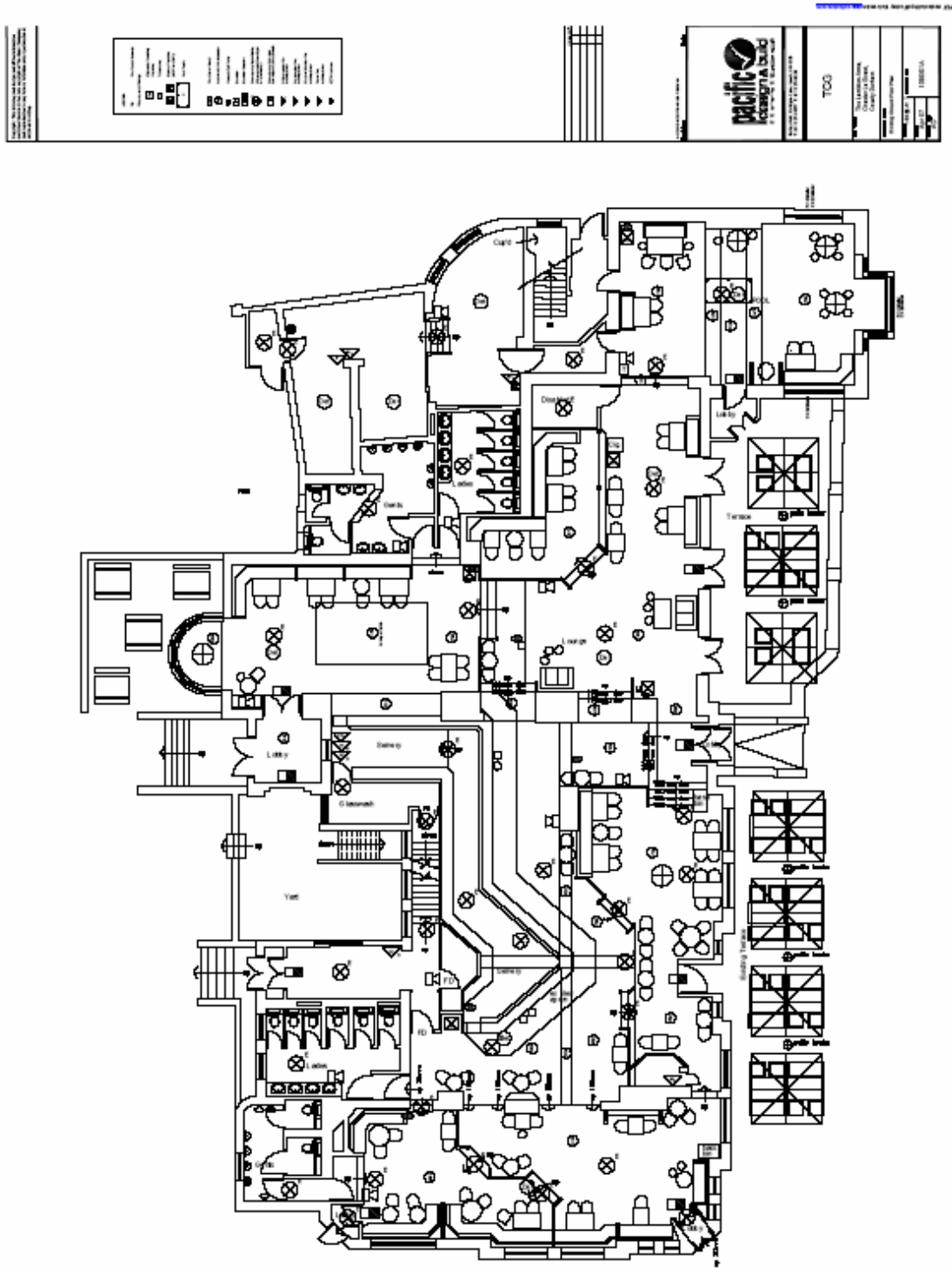
The proposed bi-folding door shall remain closed (except in emergencies) where internal noise levels are likely to lead to external noise levels exceeding background levels by more than 10dB(A) at the boundary of the site, in order to protect the residential amenity of neighbouring properties in accordance with the aims of policy R19 of the Chester-le-Street Local Plan.

Lambton Arms PH

Front Street, Chester-le-Street



Scale : 1:1250



2.

Reference: 08/00021/VAR

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

Location Persimmon Homes Site St Cuthberts Drive Sacriston Durham

Applicant Persimmon Homes NE Ltd

The Proposal

Application Summary

Ward: Sacriston

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk

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

The Proposal

This report relates to an application to remove planning condition 16 imposed on consent 07/00222/FUL for the non-provision of a right of way running NW to SE across the site.

Members will recall that this application was deferred at the Planning Committee of 11th February 2008, in order to enable officer's to further discuss with Persimmon Homes the options for providing a footpath link through the site.

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

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

The reasoning behind this application is that the County Highways Authority is in receipt of public evidence forms claiming the existence of a public right of way across the site. As a result it is likely public right of way status shall be granted to the path and as such the applicant requires condition 16 to be removed so they may provide for said path on site.

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

Planning History

03/00547/OUT – Outline Residential Development approved 11th April 2005

06/00532/FUL – Erection of 35 no. dwellings including associated roads means of enclosure and planting, withdrawn 8th January 2007.

07/00222/FUL - Erection of 36 no. dwellings, associated roads and other infrastructure, approved 15th August 2007.

Consultation Responses

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

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

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

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

- That the opening of the path will lead to anti social behaviour and a means of escape for criminals. They refer to occurrences of anti social behaviour towards the developer on site at present.
- That the path will allow a route for motorcyclists to gain access west of the site to open space.
- That there is no evidence to suggest the path has been walked for 20 years or more. They cite that the path was not in existence when Rydall Close was built in 1982.

In addition it has been requested that officer's draw to the attention of members the public representations both for and against on the previous (07/00222/FUL) application on the subject of the pedestrian link.

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

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

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

In support of the application the applicant's have advised, that they have been informed from Durham County Council that twelve user evidence forms have been received in support of the path. The County Council have thus suggested to the applicant that a good evidence base exists and that a right of way may exist.

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

Durham Constabulary Police Architectural Liaison Officer was originally oppose to the footpath link on anti social behaviour grounds. Following discussions post deferral of the application and a visit to site the objection has been removed subject to the following:

- Barriers to be erected at each end of the footpath to prevent motor cycles or quad bikes from entering the estate.
- A further two barriers to be erected off site either end of Footpath No.5 These will further prevent motor cycles and quad bikes from entering the area and causing a nuisance to residents. The developer has agreed to fund the proposed barriers.
- That the design of the link from Rydal Close and the newly proposed path should not be constructed by steps in order to reduce the potential for congregating youths leading to anti social behaviour.
- That improvements should be sought for the fencing on land on the other side of footpath 5 to the application site.

Relevant Planning Policies and Considerations

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

Regional Spatial Strategy

The (RSS) sets out a long-term planning strategy for the spatial development of the North East Region of England. The RSS is part of the statutory Development Plan. It is now at

an advanced stage, prior to formal adoption, and accordingly significant weight should now be given to Policies within the RSS. The final RSS for the North East is expected for publication in spring 2008.

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

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

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

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

Chester-le-Street Local Plan October 2003

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

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

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

Right of Way / Pedestrian Link

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

Several residents are concerned that this route will provide opportunity for anti social behaviour to occur in the locality, and that it will provide easy access for criminals to escape.

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

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

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

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

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

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

Actions following Deferral

Following members decision to defer consideration of the application at their meeting in February 2008, to allow officer's to explore with Persimmon Homes other potential options for the location of the footpath link a number of actions and meetings have been undertaken.

A meeting was held 2nd April 2008 with Richard Tindale (Persimmon), Kevin Telford (ROW), John Hedley (Police Arch Liaison) and Shaun Ellis (Police), where it was decided that through careful design a solution could be found. It was agreed to defer to site the following week and discuss practical solutions.

A further meeting was held 10th April 2008 with Richard Tindale (Persimmon), Kevin Telford (ROW), John Hedley (Police Arch Liaison) and Shaun Ellis (Police), John Collins (DCC Adoptions Manager) regarding how to progress the right of way through the site. At the meeting a consensus was reached that the right of way was on the balance of probability likely to be adopted by designated such by the County Council. Having visited the site John Hedley (Police Architectural Liaison) agreed to remove his objection to the path subject to the aforementioned criteria.

Following the site meeting on 10th April 2008 discussion was held and commitment given from all parties to a design solution that was agreed with the police to overcome their concerns. The developer has agreed to fund offsite provision of barriers along footpath 5 as well as those required on the path itself. The Durham County Council Highway Adoptions Team have agreed that a new path off site connecting Rydal Close to the new path would not raise concern. The Durham County Rights of Way Authority have confirmed the developer contribution as being an appropriate amount for the works

required to provide two barriers. The Police Architectural Liaison Officer in a letter dated 17th April 2008, has agreed to remove his objection on the basis of these improvements.

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

The public objections have been fully taken into account, however it is felt that through careful design and negotiation a solution has been found supported by the police that allows permeability while minimising as much as possible any possible anti-social behaviour.

Conclusion

The planning application has been considered against policies T15 and HP9 of the Local Plan. Policy HP9 requires development to be safe and protect residential amenity. Through design and the implementation of on and off site barriers to control access and anti social behaviour the proposed footpath will allow permeability and access to surrounding areas while minimising harm to residential amenity in accordance with policy T15.

The objectors concerns of safety and anti-social behaviour have been carefully considered. However the benefits of creating pedestrian links and permeability through the site outweigh any safety concerns such are the steps taken to prevent anti-social activity.

Accordingly it is recommended that planning permission be granted.

RECOMMENDATION **CONDITIONS:-**

Approve SUBJECT TO THE FOLLOWING

Extra 1.

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

Extra 2.

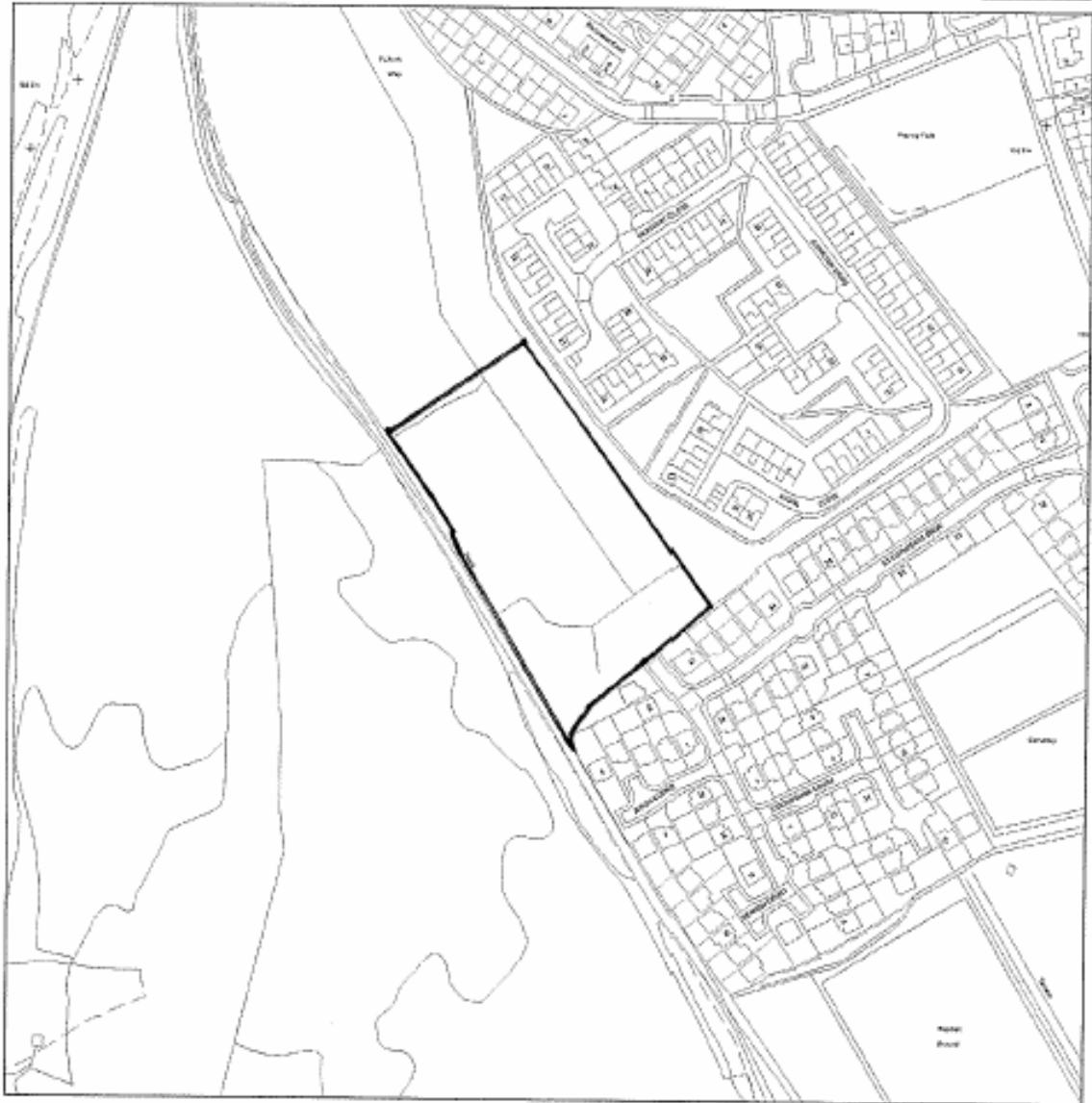
Prior to work commencing on the east – west pedestrian link a scheme for controlling access to the proposed pedestrian link and a design and location for two barriers/gates along footpath 5 shall be submitted to, and approved in writing by, the Local Planning Authority in order to ensure the development mitigates against potential anti-social behaviour, in the interests of reducing crime, disorder and preserving residential amenity, the approved scheme shall be implemented on site immediately after completion of the proposed east-west footpath in the interests of providing adequate recreational pedestrian links in accordance with policies T15 and HP9 of the Chester-le-Street Local Plan.

Extra 3.

Prior to completion of the east-west pedestrian link within the application site a path shall have been provided from the start of the footpath on the east side of the application site to adjoin the existing paths around Rydal Close. Prior to implementation a scheme shall have been submitted to and agreed in writing with the Local Planning Authority as to the details of the proposed path in the interests of providing adequate recreational pedestrian links in accordance with policies T15 and HP9 of the Chester-le-Street Local Plan.

Persimmon Development

Lingey House Farm



Scale : 1:2500

42



ITEM 2

Planning Appeals Update



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

25 April 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
06/00570/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
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 /

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
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 /
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 /
07/00495/FUL /	Mr J. Johnson	Johnsons Garage 3 Newcastle Road Chester-le-Street Durham DH3 3TJ	Demolition of car showroom & workshop and erection of 10 no apartments & associated works (Amended description)	W / 05.03.2008	E:427405 N:551809	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
07/00497/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 Withdrawn /
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 3 Development Control Year End Performance Update for 2007/08

Purpose of Report

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

Introduction

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. BVPI 205 (Quality of service checklist)
4. PLLP 33 (% of Pre-application enquiries responded to within target)
5. PLLP 02 (% of householder planning applications determined in 8 weeks)

Background

Members will be aware they have received these year end reports for the last 2 years. The reports are designed to keep Members fully abreast as to the Development Control Teams Performance against key performance indicators, across the year.

Members will recall that for the previous year (2006/07) performance was regarded as being excellent, with the service performing highly in comparison to other Local Authorities, in particular those in the North East.

Performance was particularly high for the key national indicator, BVPI 109 (time taken to determine planning applications). The service was ranked number one in the North East region for performance on BVPI 109 b (minor applications) and c (other applications).

Position Statement for 2007/08

The following represents a breakdown for performance against the key indicators, as detailed in the Service Plan for the last financial year, 2007/08.

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 classified as 'major', 'minor' and 'other' types of application. It enjoys the highest profile nationally of all the development control performance indicators and is widely regarded as providing a good means of assessing the efficiency of the service.

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

The results for the year ending 2007/08, in comparison to nationally set targets are shown below;

Application type	2007/08 result	DCLG target	Variance
Major applications	67% within 13 weeks	60%	+ 7%
Minor applications	75% within 8 weeks	65%	+ 10 %
Other applications	86% within 8 weeks	80%	+ 6%

Although the above table shows performance, for all three indicators, exceeded the minimum national targets during 2007/08 performance was significantly down on that achieved for the last year 2006/07. (the figures for this year being (a) 87 % (b) 92% and (c) 95%).

The performance levels achieved are also unlikely to be 'top quartile' (i.e. in the top 25% nationally).

Officers consider the reason this drop in performance occurred was down to the significant staffing shortages which occurred in the Development Control Team during the year. This resulted in between 25% and 50% of Officer posts being vacant, and clearly had a significant impact on the ability of the remaining Officers to carry the case load of application received.

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.

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

Member will recall that performance on this indicator was also impressive for 2006/07 with a success rate of 88.50% being achieved for all relevant appeals.

However for the year 2007/08 only 3 out of a total of 6 appeals were dismissed, providing for a success rate of 50%.

Clearly this figure is below the target set in the service plan. However Officers consider it relevant to note that the percentage figure is taken from a relatively low number of occurrences, and as such is clearly subject to wide fluctuations. It is also considered relevant to note that in addition to the 8 appeals which were reported on (i.e. a decision issued by the Planning Inspectorate) 2 were withdrawn by the applicants. There is some evidence to suggest that the applicants took the decisions to withdraw these appeals on the basis of the fact that they accepted the Council's decision to refuse was sound and as such the appeals would not have been successful.

3. BVPI 205 – Quality of Service Checklist

This national performance indicator seeks to assess the overall quality of a Council's planning service. It operates on a points based system, with points being allocated on the basis of the provision of certain areas of service, perceived to constitute service excellence for Planning Authorities. Examples of these include;

- A fully developed web site, allowing customers to interact with the service electronically
- The provision of a free pre-application advice service
- The use of specialist design advice in the service
- The use of specialist archaeology advice in the planning service
- The availability of pre-prepared information leaflets for applicants

Whilst this is a national performance indicator again, as with the indicator for appeals (discussed above) there is no set target and Authorities are invited to set their own, local targets. This Council's Service Plan sets a target of 100% to be achieved by year-end 07/08.

Officers have self assessed the service provided against the requirements of this BVPI and are satisfied that all relevant service requirements are in place and that accordingly a figure of 100% can be returned for this indicator for the year 2007/08.

4. PLLP 33 % of Pre-application Enquiries Responded to Within Target

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

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

The figures for the year ending 2007/08 show returns of 74% within target for major inquiries and 92% within target for minor inquiries.

The figure for major enquiries is clearly below the local target of 90%. The reason for this below target performance is down to staff shortages across the year (particularly at Senior Officer level), as discussed above in relation to BVPI 109.

The performance for minor enquires is however above target. This figure also represents a significant improvement on the return for the year 2006/07, which was 70%. This improvement has been realised through the appointment of the Assistant Planning Officer in September 2007, and by training up of a Senior Administration Officer across the year to handle relatively straightforward enquiries.

5. 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 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 planning 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 year ending 07/08 show a return of 87% within 8 weeks, some 8% below the locally set target.

This drop in performance can be attributed to the staffing difficulties experienced across the year, as discussed above.

Recommendation

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

Report Summary

Ward: All

Case Officer: Stephen Reed, Development & Building Control Manager

Contact Details: 0191 387 2212

stephenreed@chester-le-street.gov.uk

SACRISTON PARISH COUNCIL

Clerk: Mr C Turnbull
Telephone: 0191 3711018

33 Deneside Sacriston Durham DH7 6DE 8 February 2008	
CHESTER-LE-STREET D.C. PLANNING DEPT.	
RECEIVED 7-1 FEB 2008	
ACTION BY	
POST BOOK NO	

Mr S Reed
Chester-le-Street District Council
Civic Centre
Chester-le-Street
Co Durham
DH3 3UT

Your Ref: 08/00021/VAR

Dear Mr Reed,

Persimmon Homes Site, St Cuthberts Drive, Sacriston

Thank you for the opportunity of commenting on the application to allow a footpath link through the new development site at St Cuthberts Drive, Sacriston.

When this matter was last considered by the District Council's Planning Committee, Members took into consideration the objections raised by local elected Members on the Parish Council, local residents and the Community Police Officer who all opposed the provision of the footpath. The decision made by the Planning Committee to include a condition on the planning application to remove the footpath from the development, reflected this local opinion.

Members of the Parish Council are still opposed to the provision of the footpath and can see no reason why the Planning Committee should have a change of mind only six months after imposing the planning condition.

Yours sincerely,



Clerk to the Council

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