

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.

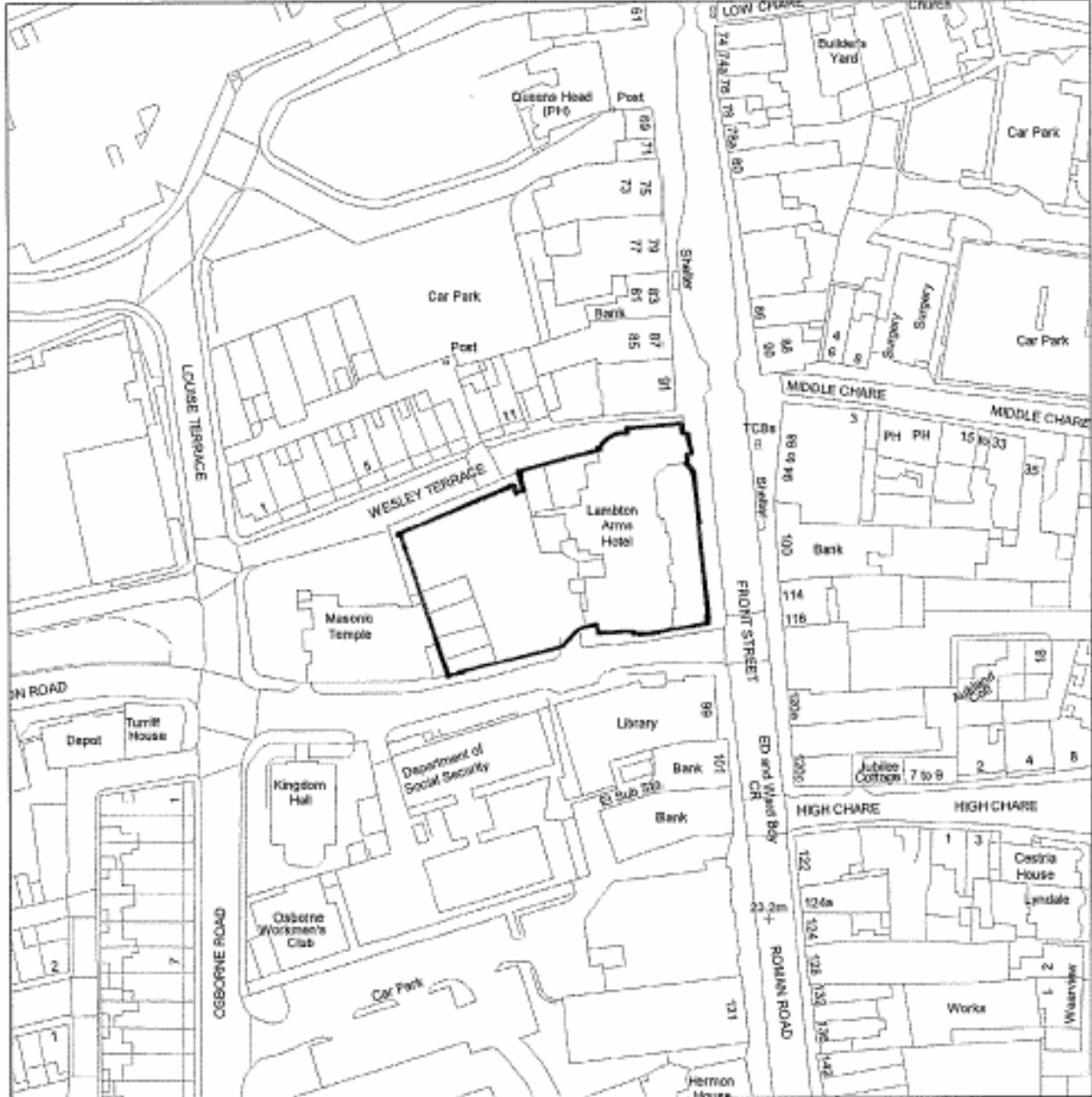
The external decking area hereby approved shall not be used as an external drinking area between the hours of 01.00 hours and 09.00 hours in order to protect the residential amenity of neighbouring properties in accordance with the aims of policy R19 of the Chester-le-Street Local Plan.

Extra 4.

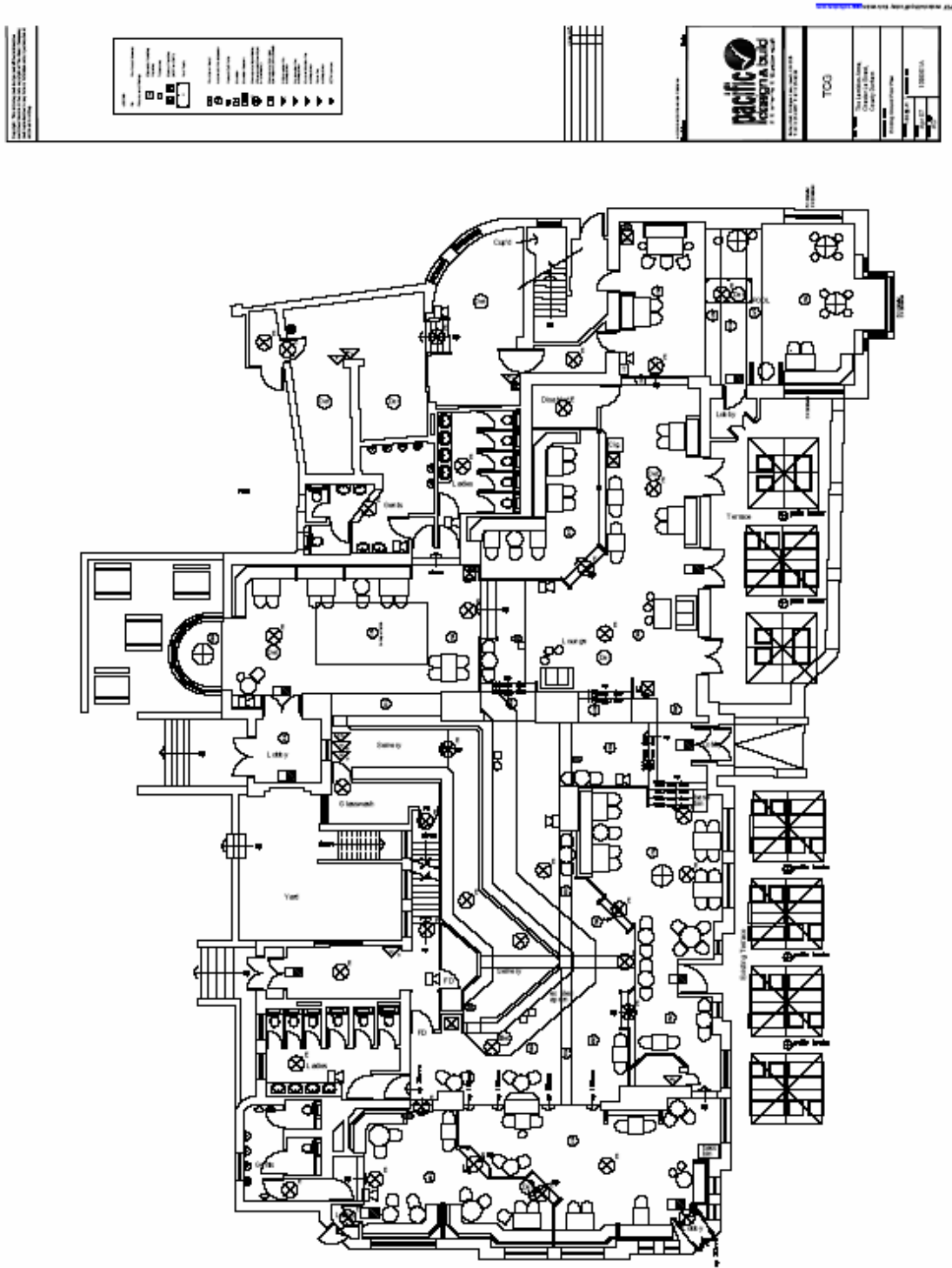
The proposed bi-folding door shall remain closed (except in emergencies) where internal noise levels are likely to lead to external noise levels exceeding background levels by more than 10dB(A) at the boundary of the site, in order to protect the residential amenity of neighbouring properties in accordance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

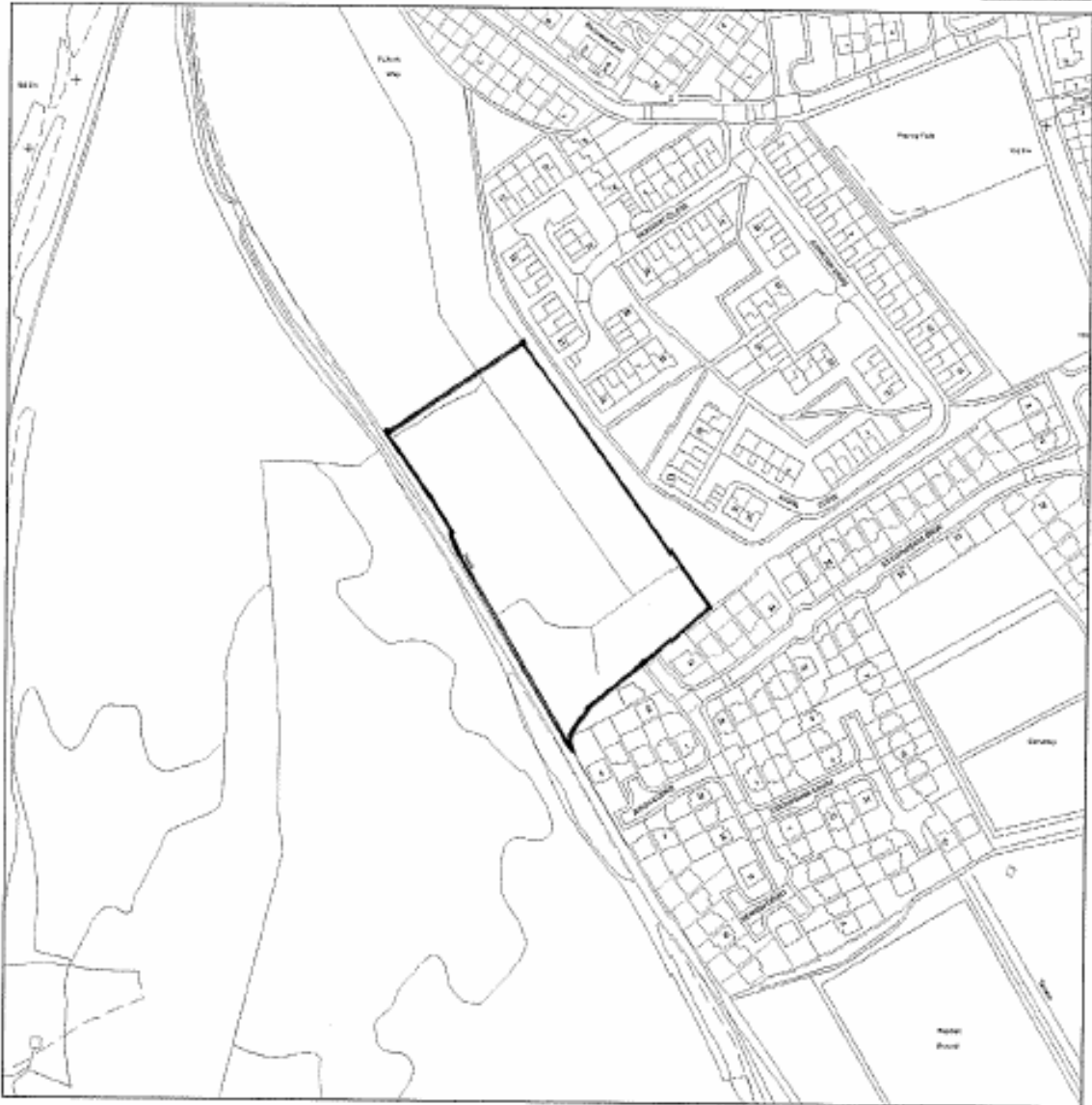
Prior to work commencing on the east – west pedestrian link a scheme for controlling access to the proposed pedestrian link and a design and location for two barriers/gates along footpath 5 shall be submitted to, and approved in writing by, the Local Planning Authority in order to ensure the development 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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