

Public Document Pack

30 May 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, 9th June, 2008 at 6.00 pm**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roy Templeman', written over a light grey rectangular background.

R TEMPLEMAN

Chief Executive

AGENDA:

1. Appointment of Chairman
 2. Appointment of Vice-Chairman
 3. Apologies for Absence
 4. Minutes of Previous Meeting held 12th May 2008 (Pages 1 - 10)
 5. To Receive Declarations of Interest from Members
 6. Confirmation of Speakers
 7. Planning Matters (Pages 11 - 126)
- Report Of Development and Building Control Manager
- 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, 12 May 2008 at 6.00 pm

PRESENT:

Councillor George Keith Davidson (Chairman)

Councillors:

R Harrison	M D May
L E W Brown	P B Nathan
D M Holding	M Sekowski

Officers:

S Reed (Development and Building Control Manager), C Potter (Head of Legal and Democratic Services), D Chong (Planning Enforcement Officer), J Taylor (Senior Planner), L Morina (Planning Assistant), D Allinson (Democratic Services Assistant) and M Fell (Democratic Services Assistant)

Also in attendance: There were 17 members of the public in attendance.

73. APOLOGIES FOR ABSENCE

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

74. MINUTES OF MEETING HELD 14 APRIL 2008

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 14 April 2008, be confirmed as being a correct record, subject to Councillor S A Henig (non-member of Planning Committee) being shown as in attendance at the meeting.

75. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

Councillor M May declared a personal interest in Item No. 1 of the report as she had attended a residence association meeting regarding this item, however she stated she had remained impartial.

Councillor R Harrison declared a personal and prejudicial interest in Item No. 2 of the report. He advised that he would be leaving the Meeting and returning once a decision had been made.

76. CONFIRMATION OF SPEAKERS

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

77. PLANNING MATTERS

ITEM 1

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

(A) District Matters Recommended Approval - Refused

- (1) **Proposal: Proposed installation of raised decking area to front, 2 no umbrellas, 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 – Reference 07/00340/FUL

The Development and Building Services Manager advised that since the report had been produced eleven additional letters of objection had been received and that copies of the letters received from Mr. Briggs, Mr Culkin and Mr and Mrs Franklin had been circulated to members prior to the meeting. Objections had been received in relation to the following issues:

- That there will be an increase in the amount of anti-social behaviour on the Front Street and the surrounding area as a result of the proposed development.
- Concern that there would be an increased risk of trouble at night, with people passing by the rear of the premises.
- That at a meeting attended by the management of the Lambton Arms the management had agreed to withdraw the planning application on the strength of public concern, however this application was still proceeding.
- Concern that the application had been substantially amended and that this should have led to a period of extra consultation with the residents. As a result it was requested that the application be either refused or deferred for further consideration.
- Concern was raised that there had been no consultation or notices posted in the press and as the proposal was far more extensive this could lead to people using the side door of the premises, along Wesley Terrace as a toilet.
- Concerns that the front of the Lambton Arms had never been obstructed and that people had used it as a right of way.

- Concerns that the proposal would be excessively noisy especially in the early hours and would also require extensive work after drinking up time if it is to be properly cleaned.
- Concern that the applicants had failed to consider the views and wishes of the residents or the general uses of the street and had been more concerned with trying to secure profit.
- Concerns that the development would overstretch the existing police force.
- Concerns that the plans included for the rear area would lead to a 100 % increase in capacity, which in turn will lead to a 100 % increase in noise for the residents of Wesley Terrace.
- Concern that the Officer's report had failed to demonstrate how the proposal would impact on Policy R19 of the Local Plan.
- Concern was raised in relation to the supportive comments that had been received from the Design and Conservation Officer at Durham County Council.
- Concern that the jumbrellas were an easy and cheap solution rather than a good effective one, which would have been in keeping with the design of the street.
- Concern as to how the jumbrellas might affect trees.
- That the proposed bi-folding doors were out of character with the surrounding area, unsympathetic to the street and concern as to how the condition that the doors have to be closed would be adequately enforced.

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

Mr Briggs the objector and Mr Poulter the applicant's agent spoke in relation to the application.

Councillor Holding sought clarification from the applicant's agent on a number of issues regarding the application, which were in turn addressed by him.

In relation to one of the points raised by Councillor Holding, the Development and Building Control Manager confirmed that they had followed the standard consultation procedure, although they had not consulted directly with the residents at Wesley Terrace, as the proposed development was for the front of the premises. He also advised that a notice was placed in the press, which is a statutory requirement in terms of publicity for an application within a conservation area. He also spoke in relation to comments made by Councillor Holding about the two sets of bi folding doors proposed and advised that since the original application one set of doors had now been withdrawn.

Councillors Harrison, May, Brown, Nathan & Sekowski raised concerns in relation to the proposal on the following issues: -

- That the proposal would encourage more noise and disturbance on the front street, and increased crime and anti social behaviour problems.
- That the bi-folding doors were not in keeping with the appearance of the building.
- Concerns in relation to the cleanliness of the proposed decking area and whether it may attract vermin or be a fire hazard.
- The design of the proposal would detract from the street scene and affect the visual amenity.
- Concern that the police had not been consulted on this proposal.

The Development and Building Control Manager spoke in relation to the comments raised by Members and advised that:

- The applicants currently owned the land and did not require planning permission for its current use.
- In terms of noise and disturbance from the premises that the new decking area may bring, he felt the applicants had addressed this by producing an acoustic report and through the discussion of conditions imposed by the Environmental Health Officers.
- In terms of the removal of the windows and doors and replacing them with the bi folding doors; the Design and Conservation Officer at Durham County Council had no objections to the design and layout of this proposal.
- In terms of the health and safety issue of the decked area not being cleaned properly; the Environmental Health Officers would be required to monitor the situation if it did become an issue.
- The police were not a statutory consultee and were not required to be consulted on secure by design issues; the views of Environmental Health had been sought in terms of the impact on noise and disturbance.
- That crime and anti social behaviour concerns were an important factor, however they were not adequate reasons to reject the application.

Councillor Holding was in conflict over the decision on this application as he felt that we should be encouraging people to come to Chester-le-Street, and that this type of proposal was often seen and enjoyed in European cities and should not be discouraged from being used in our culture and area.

Further discussion ensued by Members on the application. Councillor Brown proposed to reject the Officer's recommendation of conditional approval and refuse the application on design grounds, which was seconded by Councillor Nathan.

Councillors Nathan and Sekowski also felt that the proposal should be refused on anti social behaviour grounds, however the Development and Building Control Manager advised against this refusal reason as the proposal was not indifferent from its current use.

The Head of Legal and Democratic Services spoke to reiterate the view of the Development and Building Control Manager. He advised that it would be unsound to refuse the application on anti social behaviour grounds given that the use exists and no reason was given that such disturbance would occur as a direct result of the development.

The proposal to refuse the application on design grounds was carried by Members.

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

1. The proposed development is considered to have an adverse impact upon the character of the existing host property, the wider streetscene and Chester-le-Street Town Centre Conservation Area thereby being detrimental to the visual amenity of the area and accordingly is considered to be contrary to the provisions of PPG 15 and Policy R19 of the Chester-le-Street District Local Plan."

(B) District Matters Recommended Approval

Prior to consideration of the following item, Councillor Harrison declared his interest and left the Meeting.

(2) 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 – Reference 08/00021/VAR

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 there had been an error on page 29, in the last paragraph of the consultation section of the committee report. He stated that instead of the two objections referred to in the report, the total number of objections received to vary the condition for this application had risen to sixty-four.

The grounds for objection had been received in relation to the following issues:

- That the circumstances had not changed sufficiently enough since the last application, to warrant the reinstatement of the footpath.

- There had been no evidence presented to say that the route had been walked for twenty years or more.
- That Durham Constabulary were aware of anti social behaviour issues, in the area and in the objectors view this would make it harder to control crime.
- The path was not a public right of way, but more of an informal route.
- There was an existing problem with motorcycles and quad bikes in this area, in particular with those who use the existing footpath to gain access to the public right of way to the west of the site.
- There had been incidents of vandalism and anti social behaviour towards the Persimmons Homes site since development commenced.

The Development and Building Control Manager advised that there had been seven written representations received in support of the application, which was in addition to the number stated in the report.

He advised that those in support of the proposal had put forward the following statements:

- That the residents of Rydal Close strongly support the path and its historical existence as an informal right of way.
- The supporters also stated that irrespective of the rights of way issue, a footpath should be provided for recreational use such as dog walking.
- Concern that by removing the access to the right of way at the west of the site, dog fouling would increase around Rydal Close.
- That Durham Constabulary had been requested to give the number of incidents reported to them as a result of people using the footpath, however they were unable to give an exact figure as to the incidents that had occurred.
- Some comments made by the police against the existence of the footpath were made prior to discussion with the Architectural Liaison Officer, a professional officer of the Police who is qualified to comment on design issues.
- Children regularly use the footpath when they are walking to and from school.

The Development and Building Control Manager referred to photographs in relation to the proposal, which were displayed for Members information and provided Members with an update of the actions that had taken place since the application was deferred in February.

Mrs Blakey and Mrs Edwards the objectors, and Mr Richie, Mrs Wandless and Mr Tindale the supporters, spoke in relation to the application.

Clarification was sought by Councillor Holding as to the location of the footpath link that was being considered which was indicated by the Chairman as running East to West through the site.

Councillor Nathan sought clarification from the Development and Building Control Manager on whether a right of way would be granted, if the variation of the application were to be approved at the meeting.

The Development and Building Control Manager advised Members that the variations were recommended for approval, regardless of whether the footpath was granted right of way status in the future. He also stated that in planning terms, there would be advantages in having the footpath in place, such as it would provide access to amenities for the estates and advised that planning officers had carried out impartial checks on plans of the area, and the results do support the view that there has been a path in the past.

The Chairman commented that Members should disregard the rights of way issue and make a decision on whether the estate and environment would benefit from the footpath or not.

The Development and Building Control Manager advised that following the deferral of the original application in February; a meeting had taken place with Persimmons to discuss the option of re-routing the footpath to another part of the site. He advised however that this had been disregarded, as there were no other potential options within the approved layout of the development and that there was no reasonable control of land outside the site.

Councillor Sekowski was of the opinion that the application should be approved; as it would allow the current access to amenities to remain and that the proposed barriers/ gates would help control access.

Councillor Sekowski therefore proposed to move the Officer's recommendation of conditional approval, which was seconded by Councillor Holding. This proposal was carried.

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

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.”

Councillor Harrison returned to the Meeting.

Councillor Holding left the Meeting at 7.40pm.

(C) Planning Appeals Update

The Chairman referred to the list of Planning Appeals, which were included in the report for information.

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

(D) Development Control Year End Performance Update For 2007/08

Consideration was given to a detailed update on the Development Control Team’s performance during the last financial year 2007/08 for the following indicators:

- BVPI 109 – Speed of Decision Making
The Chairman felt the statistics did not accurately reflect the Authority’s actual speed of decision-making, as it did not take into account the total number of applications actually received by the Authority.
- BVPI 204 – Percentage of Appeals Allowed
The Chairman advised Members that once an appeal is lodged, the Planning Inspectorate will make the decision, and therefore the authority is being judged on their performance.

RESOLVED: “That the contents of the report be noted.”

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

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

79. Planning Enforcement Performance Update

The Development and Building Control Manager gave an update on the planning enforcement discipline within the Authority. The Chairman advised that if Members did have queries in relation to the individual cases outlined in the report that they speak to the Enforcement Officer. Discussion ensued in relation to the report.

RESOLVED: "That the information contained in the report be noted."

80. Planning Enforcement Prosecution

The Development and Building Control Manager gave an update on the planning enforcement prosecution. The Planning Enforcement Officer advised that this was an on-going investigation and they were looking into take the defendant back to court.

RESOLVED: "That the information contained in the report be noted."

The Chairman took the opportunity on behalf of the Planning Committee to thank Dawn Allinson, Democratic Services Assistant who was moving on to a different role within the Authority for all her hard work over the years and conveyed best wishes for the future.

The meeting terminated at 7.50 pm

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CHESTER-LE-STREET DISTRICT COUNCIL

DIRECTORATE OF DEVELOPMENT SERVICES

PLANNING COMMITTEE 9 June 2008

REPORT OF THE DEVELOPMENT & BUILDING CONTROL MANAGER

- ITEM 1** District Matters Recommended Approval
- ITEM 2** Planning Appeals Update
- ITEM 3** Notification of Outcome of Appeal Decisions

**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**

ITEM 1 District Matters Recommended Approval

1.

Reference: 08/00101/FUL

Proposal Erection of 13 residential flats, two ground floor retail units & associated car park to rear

Location The Fleece 41 Front Street Pelton Chester-le-Street Durham DH2 1DE

Applicant Mr S. Hudson - 1973 Construction Ltd

Application Summary

Ward: Pelton

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk

Summary of recommendation: The development hereby proposed is considered to be in accordance with the character and appearance of the surrounding area. It will enhance the quality and choice of retail space in the existing centre and through increased residential accommodation will contribute to the viability of the centre.

Accordingly it is recommended that the application be approved.

The Proposal

Planning consent is sought for the erection of 13 apartments on the site of the Fleece public house, Pelton. The site is located in a prominent location to the south of the co-operative store and fronting the main parking area for the Pelton village centre.

The proposed building is Victorian in appearance with vertically proportioned fenestration and four peaks set into the proposed roof. The overall solidity, scale and massing are four square and again representative of the Victorian period. As the existing property, the material mix is brick up to first floor level and then rendering above.

Planning History

No relevant planning history to the application site.

Consultation Responses

Pelton Parish Council objects to the proposal. A copy of their letter of objection is appended to this report.

Durham County Council Highway Authority have not objected to the principle but have raised concerns over the width of the side access track to allow two-way movement and that ideally the pavement should be adopted. However, In light of amended plans received the Highway Authority are in support of the scheme as two way movement is now possible.

The Council's Environmental Health Team have made no comments.

The Council's Regeneration Team have made no comments.

The application has been advertised by way of a site and press notice and through direct mailing to adjacent occupiers. Three public objections to the proposal have been received and one objection from Pelton Parish Council. The main issues raised are as follows:

- Loss of trees to rear of the application site
- Development will prevent rear access to Ivyway
- Concern that shops will be a hot food takeaway or off-licence
- Privacy to rear properties of Ivyway
- That footfall in the centre is decreasing and that there is no demand for new retail units in light of the vacant units which already exist. Rather than providing new shops the application should be solely residential in nature.

Relevant Planning Policies and Considerations

Planning Policy Statement One: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Statement Three: PPS3 sets out the sustainable delivery of the Government's national housing objectives. Housing should be of a high quality, offer variety and choice, be affordable and make use of previously developed land in sustainable locations whilst being well related to existing facilities and infrastructure.

Planning Policy Statement 6: PPS6 has regard to promoting the viability and vitality of existing retail centres. Retail development should be concentrated within existing centres in view of their long-term survival.

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 late spring/summer 2008. The following policies contained within the RSS are of relevance to the proposal:

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

Policy 5B - Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.

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

Policy 25 – Urban and Rural Centres: In other centres, town centre uses should be consistent with their scale and function to maintain and enhance their vitality and viability.

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

County Durham Structure Plan

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

Chester-le-Street Local Plan

Policy HP6 allows residential development within the settlement of Pelton provided it is on previously developed land and complies with policy HP9.

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

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

Policy RL15 allows the change of use of community facilities only when the facility is no longer viable and that there is no longer a demand for it. Consideration is also given to whether there are alternative facilities in the area.

Policy T15 seeks to ensure development proposals offer safe access, provision for all users and links to existing infrastructure.

Policy R15 seeks to encourage retail development in local centres such as Pelton, as long as it does not impact adversely on Chester-le-Street town centre or the amenity of surrounding dwellings. Non-retail uses are controlled to be no more than 60% of the street level frontage.

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

Efficient use of land

Policy HP6 of the Local Plan provides relevant advice on windfall residential development within settlement boundaries including Pelton. The Policy advises that proposals will be considered acceptable in principle provided the site comprises previously developed land and accords with policy HP9.

In terms of assessing the principle of residential development it should be noted that the site comprises previously developed land (a former public house). The site is also located in close proximity to public transport links and other village facilities. Accordingly it is considered that the site does comprise a sustainable location, in accordance with the general aims of Policy HP 6 and PPS1. This sustainable location helps to justify the high density of units per hectare as well as the open aspect and sizeable separation distances.

Scale, Design and Massing

Policy HP9 of the Local Plan requires residential development to be in character with the surrounding area, provide safe access, adequate car parking and have regard to the residential amenity of surrounding occupiers.

Having surveyed the existing building it is approximately 9.5m in height, 11m deep and 15.5m wide at the front. The proposal, as originally submitted was 11.3m high, 17.2m deep and 15.5m wide at the front. Whilst the width is largely commensurate with the existing building the height of the proposal, as submitted, was considered out of character. Whilst the architect had originally shown the ridge height matching the adjacent co-operative building (as it does at present), after investigation by Officer's it would appear to be approximately 2m higher. This was considered out of character with the area, which is predominantly lower two-storey development. The property is forward of the building line of the co-operative premises and as such has significant presence in the centre. An 11m ridge height would be further overbearing in relation to the surrounding properties detrimental to the visual amenity.

In light of this, and following a request from Officer's the height of the building has been reduced to a maximum of 9.5m, in proportion with the surrounding properties. In addition architectural features of the existing property such as pilaster and pediment detailing have been introduced to give local distinctiveness to the scheme. It is considered that these scale and design improvements will enhance the appearance of the area and result in a form of development that will make a positive contribution to the street scene.

The depth increase of 6.5m further encroaches rearwards towards the properties of Ivyway. However, having measured the distance on site the facing distances to Ivyway are still in excess of 21m as stated in Appendix I of the Local Plan.

Viability of Public House

The public house was available to let following September 2007 when the current lease was forfeited. Following this the applicant's have advised that there has been no other firm interest in operating the property as a public house. There are two other public houses in the vicinity the 'Crown' and RAOB club. Taking into account the viability report submitted, and the availability of further public houses within the village, it is considered the loss of the Public House is acceptable in this instance.

Retail Provision

The applicant is proposing two A1 retail units on the ground floor of the development. The units can be used for a variety of A1 related uses such as a newsagent, grocers, travel agent or a host of other shop uses. This use class does not allow hot food takeaways, café's, restaurants or general offices. The local centre of Pelton has a high number of hairdressers and hot food takeaways with the main convenience retailer being the Co-operative store. In addition to these occupied units there are a number of vacant units, which are believed to have been so for a reasonable period of time.

On the grounds of the evidence presented to prove the Public House is no longer viable, encouraging further commercial premises into the centre can make a positive contribution to its viability and vitality. The units will be modern in size and facilities and offer a high quality unit in the retail mix which can encourage new or the expansion of existing businesses to the benefit of the centre.

If these benefits are combined with an increase in residential occupation (as is proposed with this application) this will increase demand on the shops in the centre making another further contribution to the viability of the area.

The provision of this retail element is considered to broadly accord with the aims of the Local Plan Policy R15, which gives support to provision of a strong retail mix in Pelton's Local Centre and PPS1, which seeks to promote the concept of sustainable communities.

Access and Parking Provision

The parking provision is currently one space per flat with two visitor places taking the total to fifteen. The County Highway Authority are in support of this number of spaces but have requested that they be unallocated as it is possible some one bed apartments may not have access to a vehicle and therefore a reserved vacant space is wasted. This matter is assessed by a recommended planning condition.

In regard to access the County Highway Authority have raised concern regarding the width of the side access road to allow two vehicles to pass. As originally submitted this was unachievable as the gap shown on the layout plan was 3.8m. However, the architect has re-surveyed the access road and amended the scheme to accommodate two way traffic as requested.

Recreational Land

Policy RL5 requires in this instance off site provision of recreational sporting land and children's play space. There is no available area within the application site for the provision of recreational space. Members will note that a condition is recommended for an agreement to be reached regarding the off site provision. This would be done through a Section 106 Agreement, to secure the sum of £6,500. This sum is commensurate with other figures agreed elsewhere in the District.

Public Art

For development costs in excess of £500,000 policy BE2 requires 1% of this build cost to go towards the provision of public art to be spent in the application ward. Members will note that a condition is recommended to secure this provision, again via a Section 106 Agreement. This would provide for a figure of £6,500, again as per other figures agreed elsewhere in the District.

Conclusion

Policy HP6 allows windfall housing development within settlement boundaries on previously developed land of which this site accords. Policy HP9 focuses on quality of design and layout. It is considered the Victorian influenced design and alterations to the scale and massing have preserved the visual amenity of the local centre in accordance with the aims of the Local Plan. The County Highway Authority are satisfied with the level of parking provision and access arrangements. The residential amenity of the occupiers to the rear has been preserved through a minimum of 21m facing distances.

The existing public house through the viability report undertaken satisfies the need under policy RL15 to satisfy that the existing premises is no longer commercially viable.

In regard to objections about addition of further shop units, the benefit of potentially stimulating growth in the existing centre through modern retail units and as such increasing footfall, reinforcing the vitality and viability is considered of material benefit to the centre.

Accordingly it is recommended that the application be approved.

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 drawing No's 1 to 5 amended 23rd May 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 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 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.

Unless otherwise agreed in writing, the submitted planting scheme shall be implemented within 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, within 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 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 shall be submitted to the LPA; and

e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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 BE 2 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 HP 9 and RL 5 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.

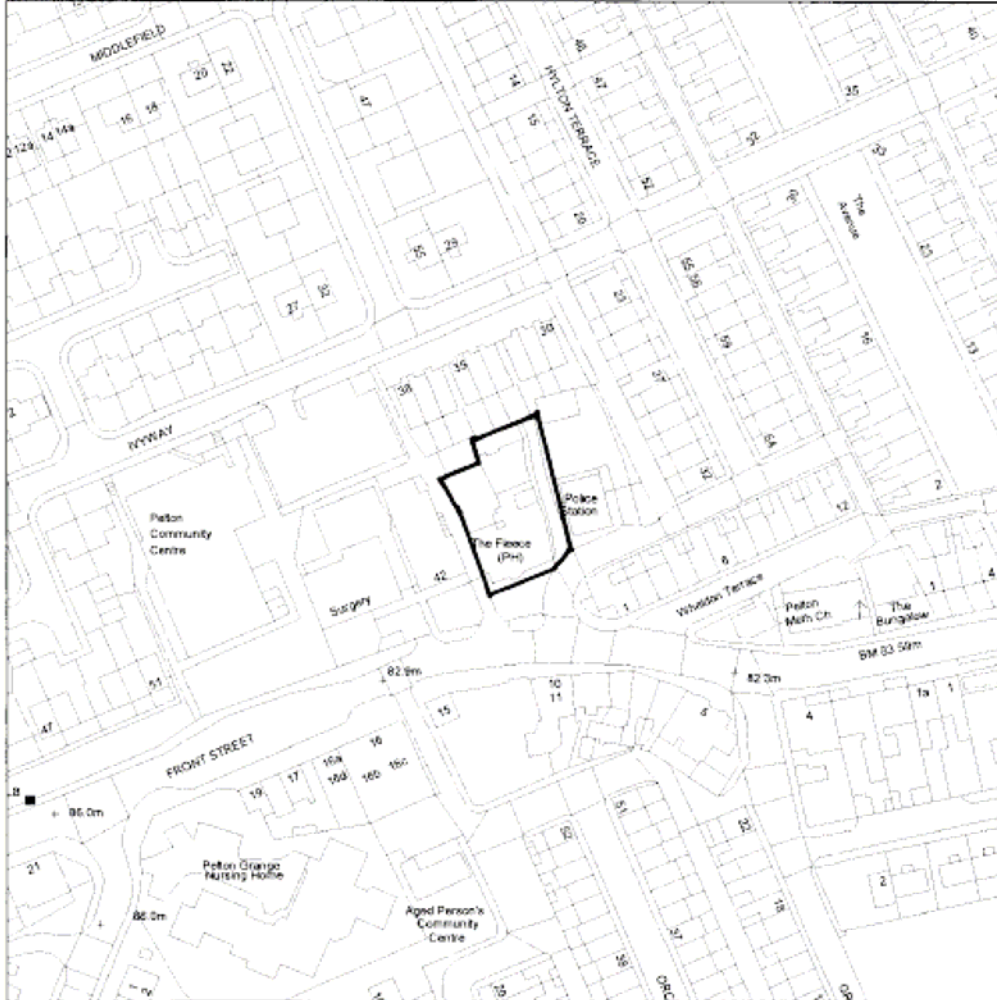
Extra 11.

Notwithstanding any information submitted on the application the parking to the rear of the development shall be unallocated unless otherwise agreed in writing with the Local

Planning Authority to ensure the efficient use of parking spaces in accordance with policy T15 of the Chester-le-Street Local Plan.

The Fleece PH

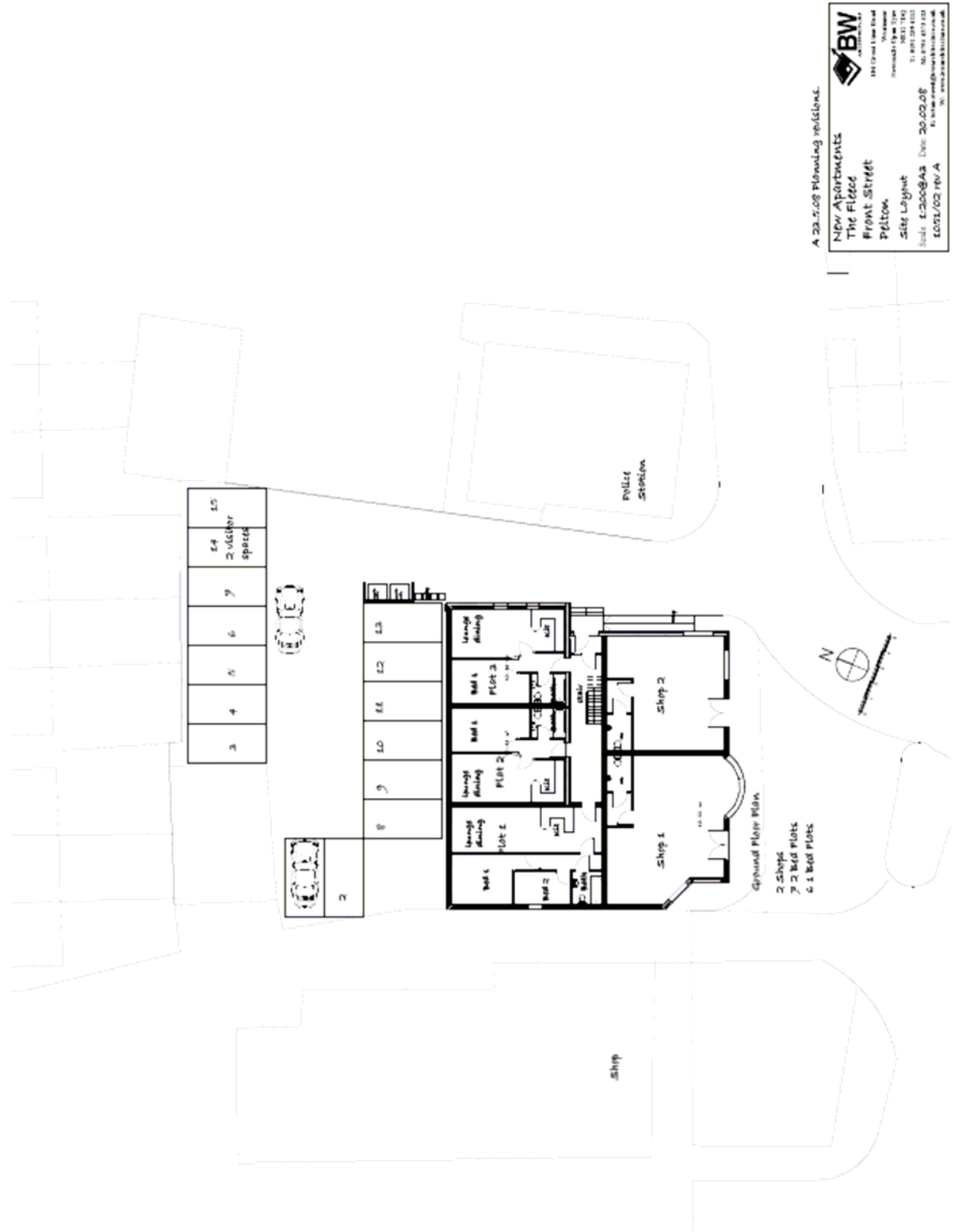
Front Street, Pelton

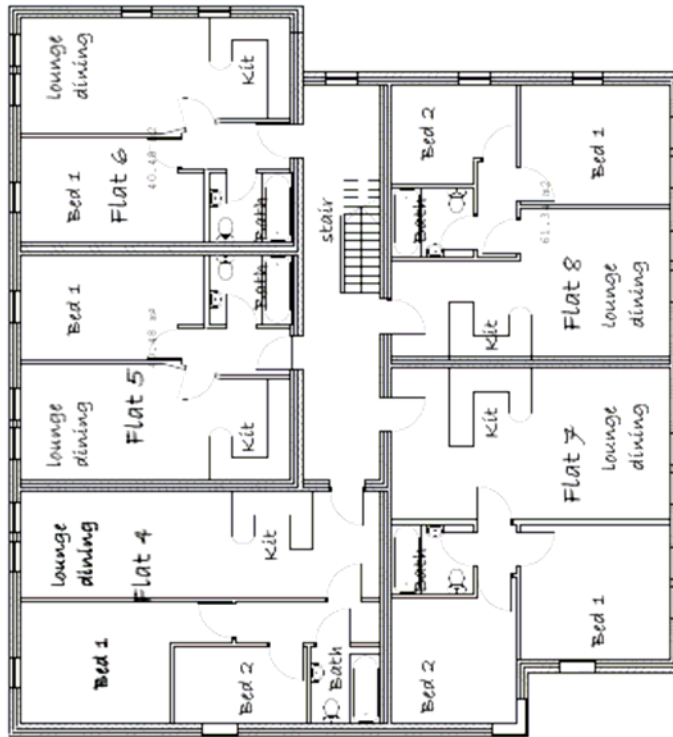


Scale : 1:1250

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES

PLANNING COMMITTEE 9 June 2008





First Floor Plan

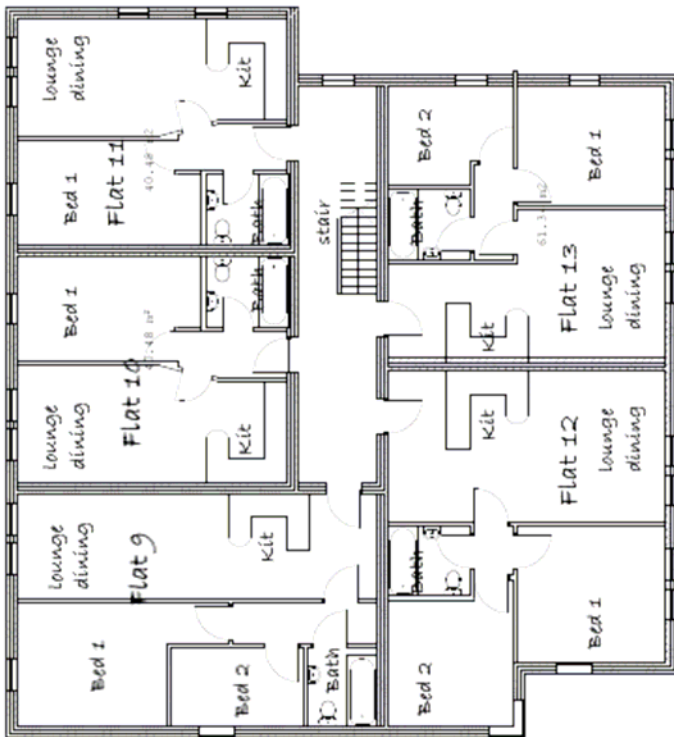
A 23.5.08 Planning revision.

BW
Architects

**New Apartments
The Fleece
Front Street
Pilton.**

Project Name: The Fleece
Project No: 08/008A3
Date: 20.02.08
Scale: 1:100
Rev: A

100 Church Lane Road
Pilton, Devon
TQ 13 4JH
Tel: 01392 821111
Fax: 01392 821112
www.bwarchitects.co.uk



Second Floor Plan

A 23.5.08 Planning revision.

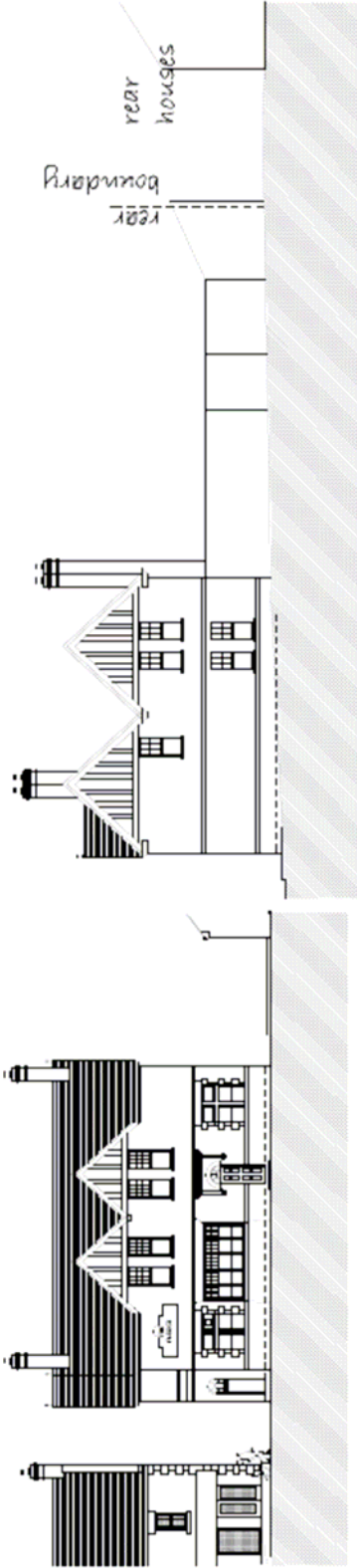
BW
Architects

**New Apartments
The Flats
Front Street
Pilton.**

Scale: 1:100 @ A3 Date: 20.02.08
1:200 @ A4
1:400 @ A1

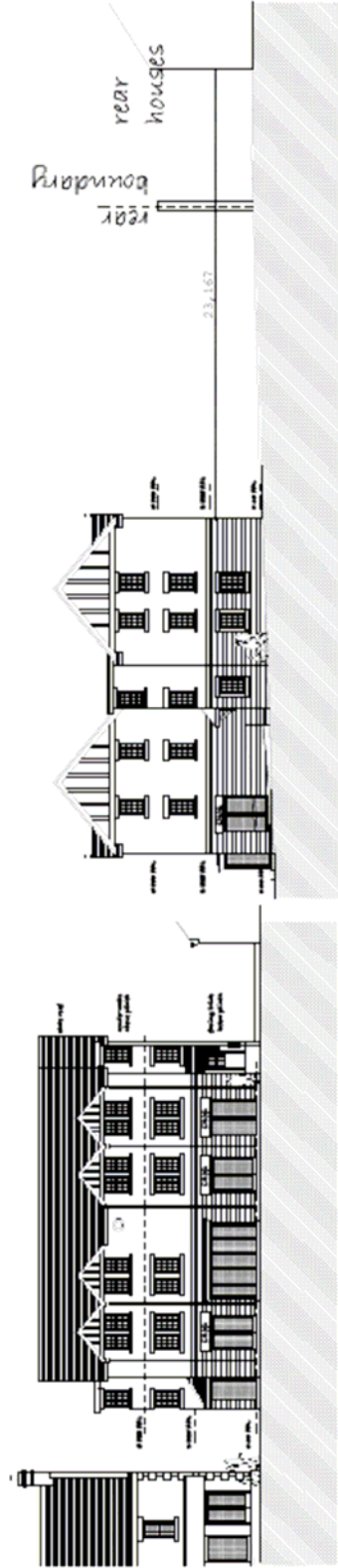
Project No: 08/001/001
Site No: 08/001/001

01204 200 4100
01204 200 4101
01204 200 4102



Existing Front Elevation

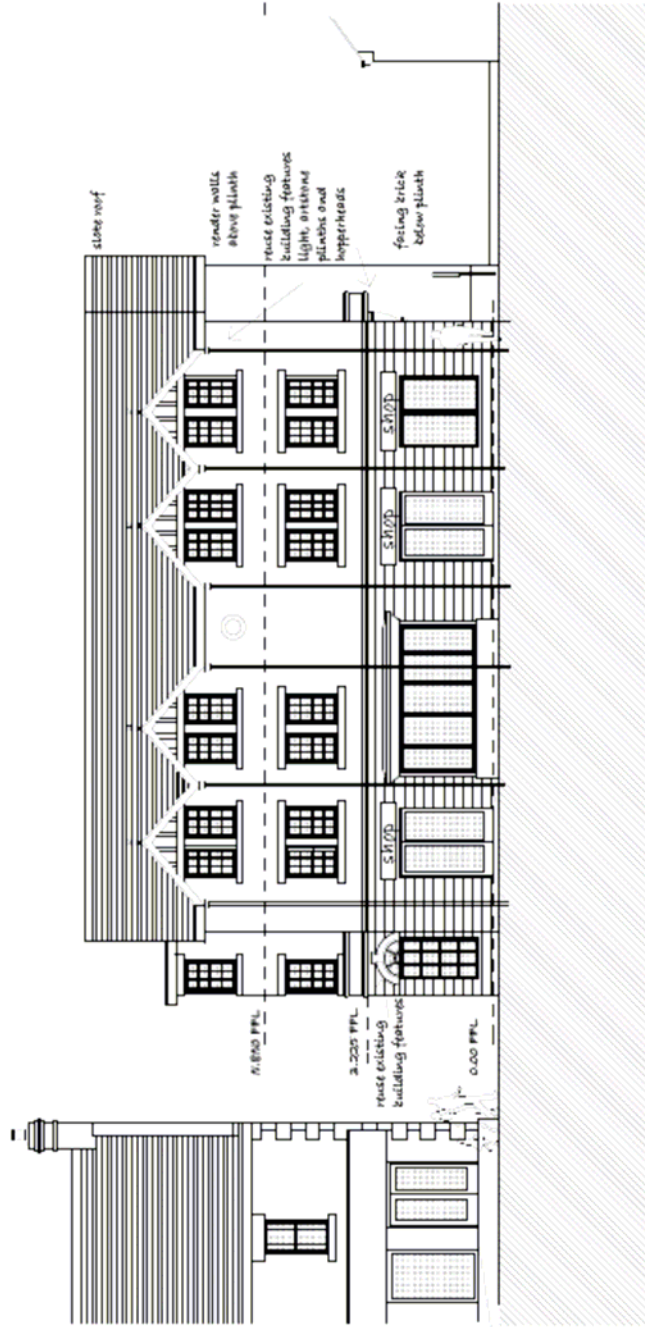
Existing Side Elevation



Proposed Front Elevation

Proposed Side Elevation


New Apartments
The Fleece
Front Street
Pelton.
 Existing & Proposed Elevations
 Scale: E200/8A3 Date: 07.02.08
 E: 01464-1000@buckingham.co.uk
 Tel: 01295 2446 & 01295 2447

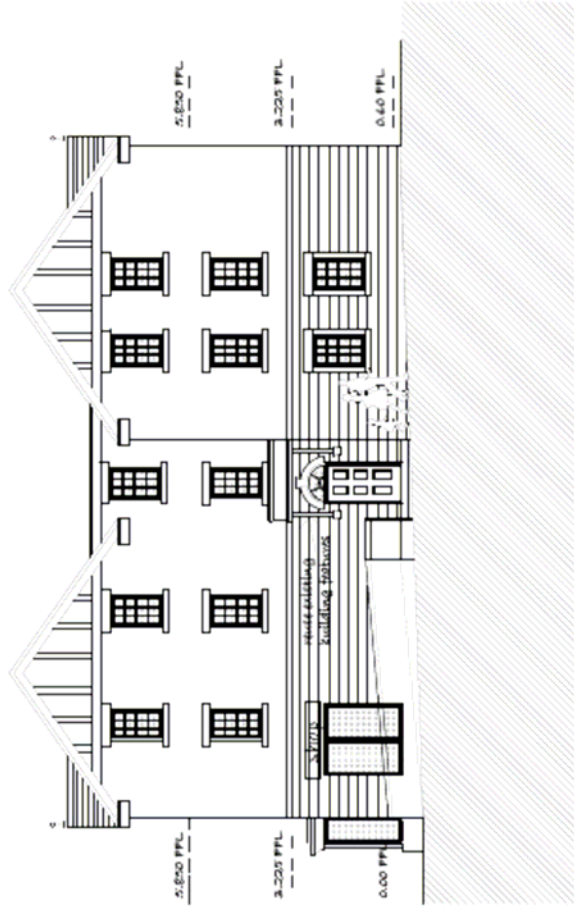


A 23.5.08 Planning revisions.

BW
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Wokingham
Telephone: 01329 224 111
Fax: 01329 224 112
www.bwarchitects.co.uk

**New Apartments
The Fleece
Front Street
Pitsoy.**

Proposed South elevation
Scale: 1:100 @ A3 Date: 20.02.08
E: 01329 224 111
P: 01329 224 112

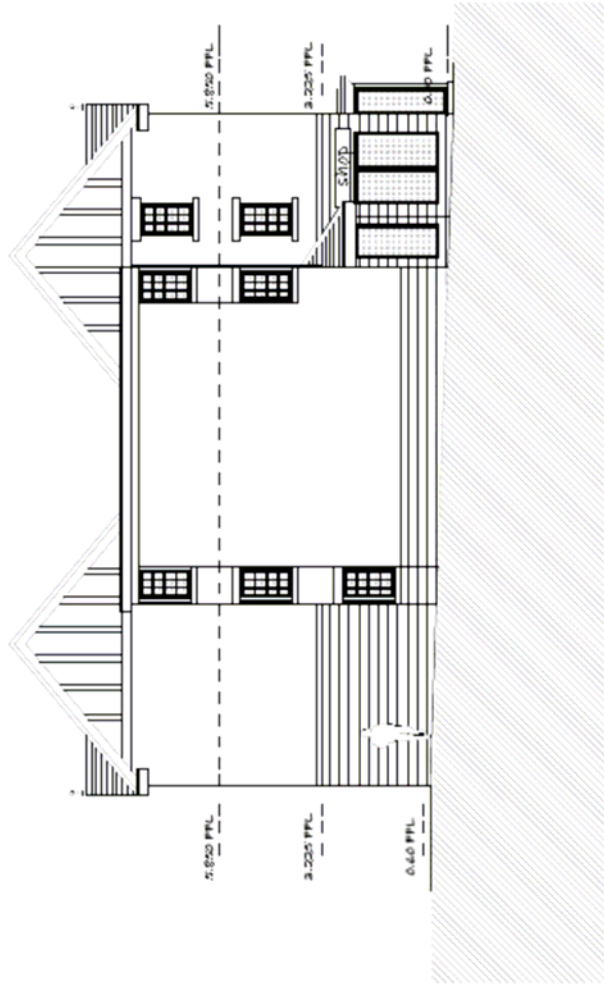


A 23.5.08 Planning revisions.

BW
Architects

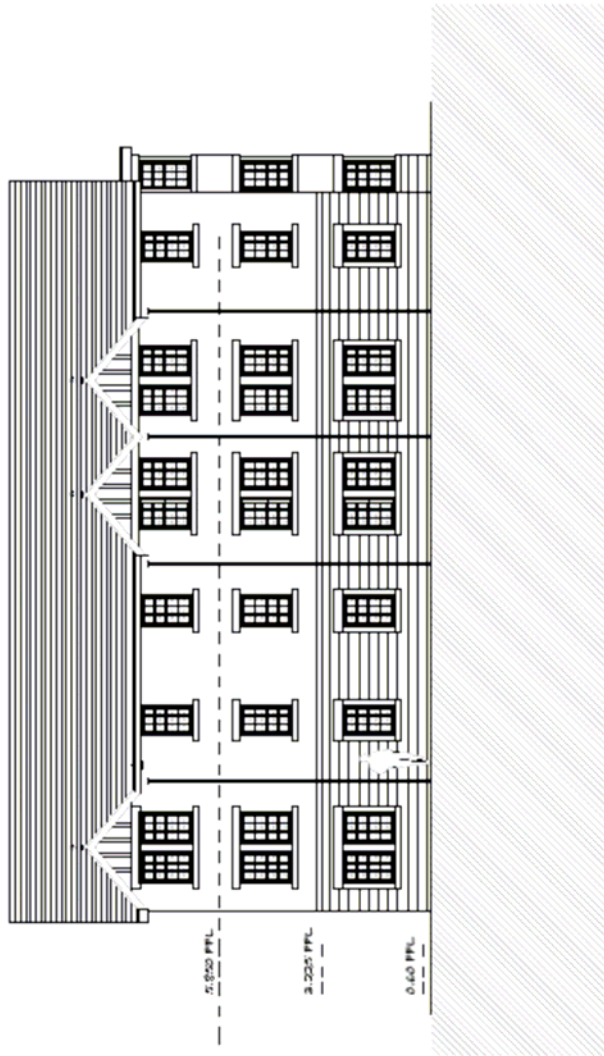
New Apartments
The Fizzle
Front Street
Pilton.

Principal East Elevation
Scale: 1:100 @ A3 Date: 20.02.08
10.976.877.110
E: brian@bwan.co.uk
Tel: 01294 246 111



BW
Architectural
100 Central Lane East
Westborough
Proposed Type: 210
Tel: 508.229.4100
Fax: 508.229.4101
E: bwa@bwaarchitectural.com
W: www.bwaarchitectural.com

New Apartments
The Flaze
Front Street
Pittown
Proposed west elevation
Scale: 1/8"=1'-0" Date: 20.02.08
10/1/09



BW
New Apartments
The Fizzle
Front Street
Plymouth
Principal North Equinox
Scale: 1:100 @ A3 Date: 20.02.08
1:500 @ A4 Date: 20.02.08
1:200 @ A1 Date: 20.02.08
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1:5 @ A0 Date: 20.02.08
1:2 @ A0 Date: 20.02.08
1:1 @ A0 Date: 20.02.08

Melton Parish Council

Clerk :
Mike Sekowski
0191 370 3416

"Melrose"
6 Newfield Road
Newfield
Chester-le-Street
Co. Durham
DH2 2SP

Development and Building Control Manager
Chester-le-Street District Council
Civic Centre
Newcastle Road
Chester-le-Street
DH3 3UT

28 April 2008

Your ref JT

Dear Mr Reed

CHESTER-LE-STREET D.C. PLANNING DEPT.	
RECEIVED 30 APR 2008	
ACTION BY	JT
POST BOOK NO	

Chester-le-Street
District Council
30 APR 2008

ACKOBI DONE
-7 MAY 2008

APPLICATION 08/00101/FUL THE FLEECE PUBLIC HOUSE PELTON

At the meeting of the Parish Council on 23rd April 2008, Mr Taylor kindly gave a presentation on the above application to erect 13 residential flats and 2 retail units on the site.

Members conveyed to him their strong feelings about the inclusion of the two retail units in the proposal. They understood that this was to try and generate some economic life back into the village centre. However, they feel that the footfall is continuing to decrease in the village – indeed one of the Parish Councillors runs the greengrocers and he demonstrated to the meeting the decrease in his takings over the last three years. He has now put the premises up for sale because he cannot make a living out of the retail side of his business.


The meeting also indicated to Mr Taylor that the GP surgery is to close and a new health centre is to be provided within the site of the new community primary school. The pharmacy will inevitably follow. Also, a library is to be built within the school site. Thus ever more footfall is being drawn away from the village centre to the edge of the settlement. The new apartments at Kingslane has not increased footfall in the village and the Parish Council do not believe that the proposed 13 flats at the Fleece will either. The pattern of shopping has changed over the last few years – people commute to work and commute for their shopping – many go to Tescos or travel up the A693 to Stanley.

Four shop units in Pelton village have been empty for some time:

- the hairdressers next to the greengrocers has been empty for some six months now.
- A little further eastwards, the small pizza shop has been closed for a number of years and the unit next to it was first a pet shop then a poodle parlour and this closed some 12 months ago.
- Orchard Beauty on the opposite corner to the Sunflower only occupies half a unit, the other half being empty.
- The Sunflower itself only occupies half the available unit.

Accordingly, the Parish Council would object to the above application if it includes two retail units. Given the above evidence, they believe that the retail units would not be viable and would soon become empty, attracting applications for more take-aways which they would strongly resist as there is already an imbalance of these units in the village. The Parish Council would prefer all residential units to be included in the Fleece proposal.

Yours faithfully



Clerk to the Council

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **9 June 2008**

2.

Reference: 08/00135/FUL

Proposal Demolition of existing farmhouse and erection of replacement dwelling with detached garage, re-building and conversion of existing barns into stables & storage and construction of 40m x 40 m outdoor menage.

Location Twizell Dyke Farm Grange Villa Chester-le-Street Durham DH2 3JZ

Applicant D & D Ivers

Application Summary

Ward: Grange Villa

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk

Summary of recommendation: The development hereby proposed for a replacement dwelling and barns is considered acceptable in principle and not detrimental to the visual or residential amenity of the area.

Accordingly, and in recognition of the presence of an existing dwelling on the application site it is considered that there is an appropriate justification in place to justify approval as a departure to the aims of relevant development plan policies.

The Proposal

Planning consent is sought to replace the existing Twizell Dykes Farm House and two storage barns to the rear of the property. The existing property has a 7.7m ridge height is 9.9m in length and 10.8m in depth. The ground floor area including extensions is 122.8sqm. The design of the house is Georgian in style and appearance with steep hipped roofs, vertically proportioned voids and a four square stance. The property is suffering from neglect and poor maintenance but appears generally solid.

The proposed replacement dwelling is again Georgian inspired with twin hipped roof gables and four square dimensions. The fenestration is divided into eighths with the openings emphasising the vertical. The proposed dwelling has a commensurate ridge

height as existing and currently measures 11.7m by 12m with a ground floor area of 140sqm (as amended).

The application site is located outside the settlement limit of Grange Villa as depicted in the Local Plan 2003.

Planning History

06/00158/FUL– Proposal for demolition of farm house and erection of replacement dwelling, conversion of barns to stables and arena and construction of outdoor ménage, and retention of existing pole-mounted camera on barn / proposed arena building (application withdrawn).

APP/A/G1305/A/07/2038183/NWF – Appeal for replacement dwelling on application 06/00306/FUL (neighbouring site of Twizell Dyke Cottage) for the demolition of existing dwelling and agricultural outbuildings, and erection of replacement dwelling (appeal dismissed).

Consultation Responses

Durham County Council as Highway Authority raise the concern that any commercial equestrian facility would require alterations to the visibility splay at the access junction with Stone Row.

The Council's Environmental Health Team have made no comment on the development.

Natural England have commented that the proposal is unlikely to have an adverse effect in respect of species protected by law, but have recommended planning conditions to mitigate any potential impact.

The Environment Agency have objected on the grounds that further details are required in respect of the disposal of foul sewerage.

The application has been advertised by way of a site notice and through direct mailing to adjacent occupiers. In response four public objections have been received on the following grounds:

- Scale of the dwelling is not sympathetic to the appearance of the area, resembling a modern town house.
- That the scale of the chimney is out of character.
- That the fenestration in the west elevation is overbearing and intrusive.
- That a stone building should be proposed not a red brick to match the neighbouring development.
- That the barns have increased in size without any justified need.
- That the Bat and Owl survey has not been undertaken by a suitable professional body.
- That the new access is not needed and will intrude into the countryside.
- That the level of hard standing will be detrimental to the landscape.
- That the applicant does not have the requisite access rights to cross the land other than for the purposes of a single family in a single house.

Relevant Planning Policies and Considerations

National Planning Policy

Planning Policy Statement One: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Guidance Two: PPG2 sets out the national policy objectives of Greenbelts to maintain their openness and restrict urban sprawl. Inappropriate development is strictly controlled without special justification, in regard to replacement dwellings these are allowed subject to being on the existing footprint and of comparable scale.

Planning Policy Statement Three: PPS3 sets out the sustainable delivery of the Government's national housing objectives. Housing should be of a high quality, offer variety and choice, be affordable and make use of previously developed land in sustainable locations whilst being well related to existing facilities and infrastructure.

Planning Policy Statement Seven: PPS7 aims to raise the quality of life and the environment in rural areas, promote sustainable patterns of development, support economic development and diversification of agriculture in rural areas. In regard to housing it should be related within close proximity to existing settlements and the re-use of existing buildings is encouraged for economic and housing purposes where it can support local facilities.

Planning Policy Statement 9: PPS9 seeks to deliver the Government's Biodiversity and Geological Conservation policy. This is achieved through promoting, conserving, enhancing and restoring the diversity of England's wildlife and ecology.

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 summer 2008.

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

Policy 5B - Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.

Policy 8 – Promotes the regeneration, economic prosperity, sustainable communities and connectivity in rural areas.

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

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

Chester-le-Street Local Plan

The Local Plan does not have a specific policy for replacement dwellings in the countryside although PPS7 above does have reference to replacement buildings.

Policy NE2 has regard to development outside settlement boundaries, outlining that development should be strictly controlled and new dwellings granted only where there is a need to support existing agricultural or forestry activities.

Policy NE4 has regard to appropriate development in the Green Belt and in accordance with PPG2 does allow replacement dwellings. Although this site is not located within the Green Belt (and rather is merely contained within open countryside) It can be assumed taking a pragmatic view that in an area of highly restricted development such as the Green Belt replacement dwellings should also be considered acceptable in the wider countryside. This in principle could be considered material to justify approval of a dwelling on the site as a justified departure to the development plan.

Policy HP9 considers the design and layout of residential development and how it will impact on the residential and visual amenity.

Appendix I sets out the layout and separation distances for new residential development.

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;

Principle of a Replacement Dwelling and Barns

Members will be aware that planning decisions should be made in accordance with the development plan. The relevant development policy for this proposal is NE2 which does not allow new dwellings outside settlement boundaries other than to support agricultural or forestry activities. The applicant has not sought to justify the proposal on agricultural or forestry grounds and as a result it is considered that this proposal does not accord with the relevant development plan. It is considered however, that the following material considerations justify a departure in this instance from the development plan advice;

Planning Policy Guidance Two does allow replacement dwellings that are within the scale and footprint of existing dwellings in the Green Belt. As the Green Belt is an area of stricter control than the open countryside within which the application site lies, it can be considered that in the open countryside the same principle would be applicable.

The pragmatic response to rural replacement house proposals, as applied by most of the Planning Inspectorate decisions, is to note appropriate plan policy but to use ministerial advice to examine a proposed dwelling for any increased impact on the rural scene, and to determine whether or not the proposal would be significantly more intrusive. Planning Policy Statement 7 (PPS7) refers to replacement buildings with a preference for economic re-use; however in instances where the original use was residential the same approach would appear to apply.

PPS7 goes on to state 'the replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example, where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape'

The general approach as to the principle of a replacement dwelling can be directly steered from the Planning Inspectorate decision on the previous appeal decision for the neighbouring property, that of Twizell Dykes Cottage. Here the Inspector accepted the view that a replacement dwelling was acceptable in principle subject to it being of appropriate scale and massing and being contained within the farm grouping.

In essence a dwelling already exists on the site and the proposal is to replace this in the same area it currently occupies and of a commensurate scale. Taking this and the above matters into account it is not considered that replacing one house with another that is similarly sized in this instance will cause demonstrable harm to the landscape character and appearance of the area.

In regard to replacing the barns there is no known agricultural case put forward for an increase in the size of barns for the agricultural land surrounding the dwelling and in the applicant's ownership. Neither is there any indication or justification put forward that the equestrian use will be other than for private personal purposes. As the existing barns are in situ and the proposal is on the same footprint albeit linking the two together it is considered that in principle the barns can be replaced. Any larger barn, proposed in future development, will require agricultural or other justification in line with local and national policy guidance.

Scale of Replacement Dwelling

With no direct Local Plan guidance and only the general advice in PPS7 regarding design and impact on surroundings, the position on the neighbouring replacement dwelling appeal decision is a key consideration to be taken into account. Here the Inspector did not question using the ground floor area of the existing dwelling as a guide to assessing a like for like replacement. Case law and other Authority Development Plan Policies generally seek to allow replacement dwellings of a similar footprint to the existing dwelling or state precise square metre floor areas or even cubic volume. The ground floor area as assessed from the existing elevations is 122sqm. Application 08/00160FUL is currently pending for a replacement dwelling for the neighbouring property and a marginal 10% increase has been agreed by Officers between existing and proposed ground floor areas. This is on grounds that the design will bring a significant environmental improvement to the area and that the Inspector had not queried the 100sqm as stated by the applicant

previously. Furthermore it is not considered the scale and appearance will be to the detriment of the area as a whole.

In regard to this proposal the ground floor area was amended from 152sqm to 140sqm, which equates to a 14% increase over the existing footprint. On balance the replacement dwelling does not go beyond any of the existing building lines and will still occupy the overall majority of the existing ground floor area. It is therefore considered that the 14% increase will not result in an overly large dwelling out of character with existing or to the detriment of the local area, nor any longer distance views from Grange Villa.

The comparable external dimensions are as follows:

	Existing House	Proposed House	Difference
Ridge Height	7.5m	7.5m	
Width	10.8m	12m	1.2m
Depth	9.9m	11.7m	1.8m
Ground Floor Area	106.9 + 15.91sqm*= 122sqm	140sqm	18sqm

* The 15.91 sqm is the external area of the adjoining buttry/chemical store.

Design

The existing dwelling has a solid appearance with a balanced solid to void ratio and prominent roof slopes. The design while modern in some respects has been influenced by the Georgian period a fact emphasised by the twin hipped roofs and foursquare stance. Despite these attributes the property is severely run down and in an internal state of disrepair with the majority of the ground floor windows broken. Surrounding the property is rough grassland and general inert waste materials detracting from the appearance of the site.

On balance it is concluded that the proposed dwelling will significantly enhance the character and appearance of the location and having regard to PPS7 in seeking an environmental improvement, the proposal accords in this respect.

To maintain control over the design integrity, windows and doors should be of timber construction and a condition is proposed to ensure materials are agreed prior to development to ensure a suitable type.

Residential Amenity

The only residential property in the proximity of the dwelling is that of Twizell Dykes Cottage, 10m west of the application site. This property is currently vacant in a state of some disrepair similar to the applicant's existing property.

The neighbouring property as referred to above is subject to a planning application No. 08/00160/FUL for a replacement dwelling. This application is reported elsewhere on this agenda. As the two proposed properties are effectively gable-to-gable with minimal secondary fenestration the impact on residential amenity is not a significant consideration.

Foul Sewerage

The applicant has cited that the foul disposal will remain unchanged from the existing provision. Details have not been provided as to what the existing facilities are with the possibility of non-mains drainage. Such is the location further details have been requested under a recommended condition, having regard to advice in circular 03/99.

Ecology

Reference is made to the bat survey submitted with the application which was compiled by Durham Bat Group having first undertaken emergence surveys. Natural England as statutory consultee on ecology issues have advised that the proposal is unlikely to have an adverse effect in respect of species especially protected by law, subject to the imposition of various conditions. Members will note these conditions are attached to this report.

As the statutory consultee on ecology issues Natural England do not consider that the development will cause harm to protected species including bats. In light of this professional advice it is not considered the proposal can be refused on these grounds, However, it is proposed to attach a condition as recommended.

Conclusion

The development hereby proposed does not accord with the provisions of the development plan in force.

However, having regard to national Planning Policy Statement 7 and the previous Inspector's decision is considered to be acceptable on its merits. The Inspector's steer that the dwelling should be approximately the same ground floor area and footprint of the existing building has been followed. The environmental improvement to the appearance of the area is a significant consideration and the proposed dwelling is considered to raise the design standard to the benefit of the location. The development will not adversely impact on the amenity of the neighbouring occupier due to the gable-to-gable relationship. The ecology aspect has been fully considered by Natural England and it is considered that the development does not pose a risk to the bat population.

It is considered that the applicant has presented a clear justification to warrant approval as a departure to the aims of the development plan and accordingly recommend that the application be approved, subject to the receipt of no new material planning objections from the ongoing publicity period.

RECOMMENDATION AUTHORISE DELEGATED AUTHORITY TO THE DEVELOPMENT AND BUILDING CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE RECEIPT OF NO NEW SUBSTANTIVE MATERIAL PLANNING OBJECTIONS FROM THE ONGOING CONSULTATION PERIOD

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 received 23rd May 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 hard standings, walls and / or roofs of the buildings 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 any information submitted on the application all windows and doors shall be of timber construction in accordance with designs to be agreed with the Local Planning Authority prior to the commencement of development and implemented thereafter in accordance with the agreed details in the interest of the design of the development and visual amenity of the area in accordance with policy HP9 of the Chester-le-Street District Local Plan.

Extra 5.

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 6.

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 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 7.

Unless otherwise agreed in writing, the submitted planting scheme shall be implemented within 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, within 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 8.

The proposed barns shall be used for private, personal, non-commercial equestrian use or for agricultural purposes only in the interests of the visual and residential amenity of the area in accordance with Policies NE2 and AG3 of the Chester-le-Street Local Plan.

Extra 9.

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

Extra 10.

No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Consultancy Survey at Twizell Dykes Farmhouse, Grange Villa, August 2006, G White for Durham Bat Group,' including, but not restricted to:

- adherence to timing and spatial restrictions;
- provision of mitigation in advance. N.B. We understand the barn that the bat boxes were to be supported on has suffered some damage and is now to be demolished. As such we advise that the boxes should be attached to another appropriate location on the day of demolition.
- adherence to precautionary working methods

In the interest of conserving protected species and their habitat in accordance with Planning Policy Statement 9.

Extra 11.

No structural work shall be undertaken during the Autumn months as recommended by the ecologist to be agreed in writing with the Local Planning Authority. In addition, immediately prior to the demolition of the farm cottage, the project ecologist should conduct a thorough inspection of the building to ensure that the status in relation to the presence/absence of bats has not changed. If bats are found the ecologist should reassess the situation and determine an appropriate mitigation strategy, in the interests of conserving protected species and their habitat in regard to Planning Policy Statement 9.

Extra 12.

Notwithstanding the information submitted with the application prior to development commencing a scheme for the disposal of foul sewerage shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with this agreed scheme prior to the occupation of the development, in the interest of pollution prevention and advice set out in circular 03/99.

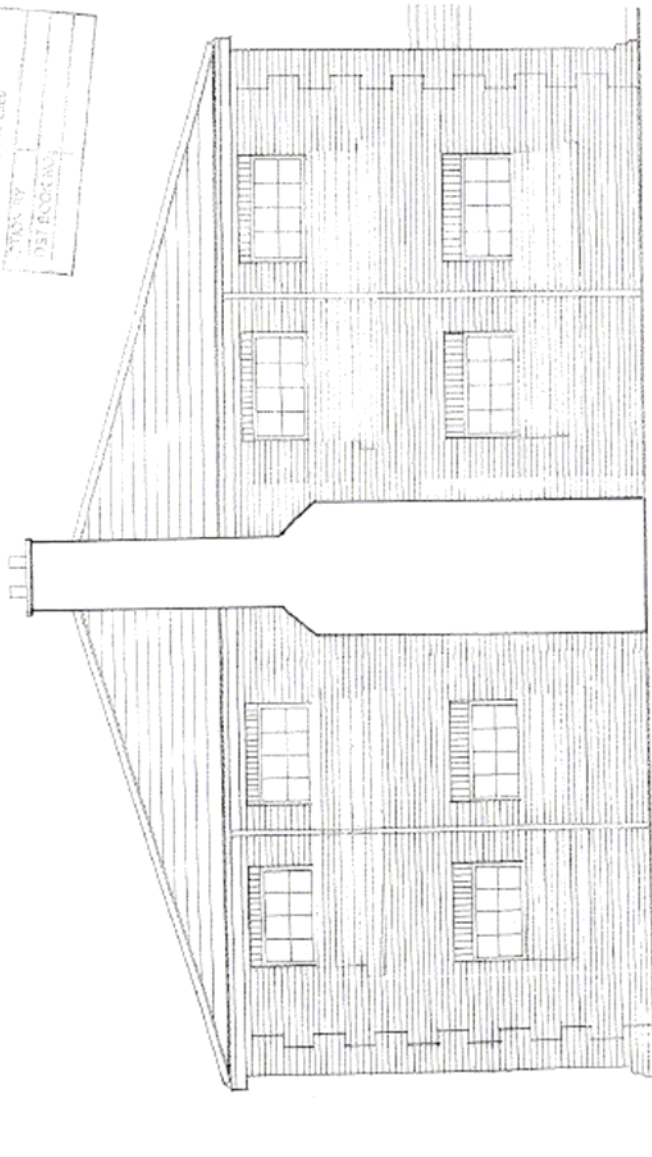
Twizell Dykes Farm

Grange Villa



Scale : 1:2500

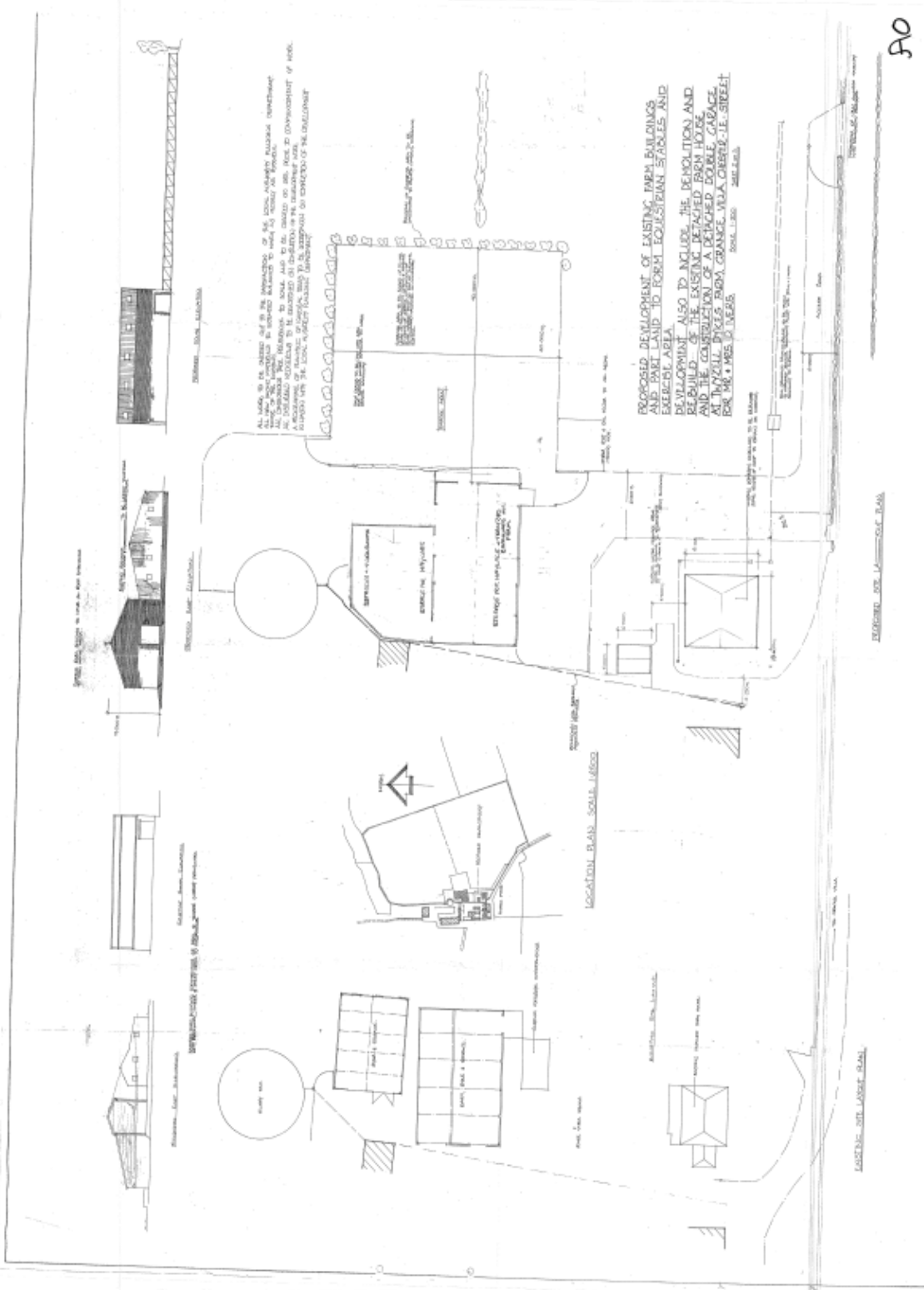
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PLANNING DEPT
RECEIVED 27 MAR 2008
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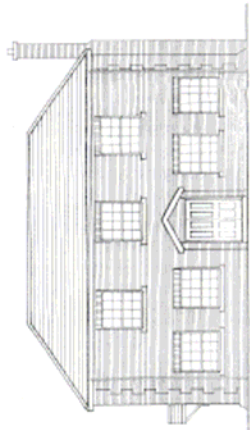


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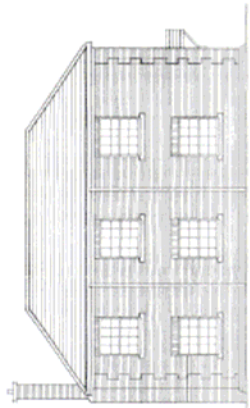
PROPOSED NEST ELEVATIONS

Scale:- 1:50

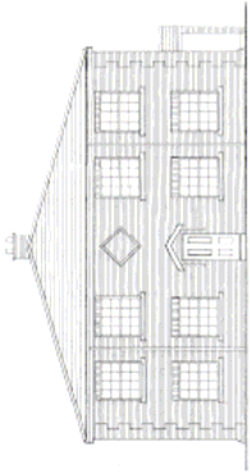




REAR FACADE - EAST ELEVATION

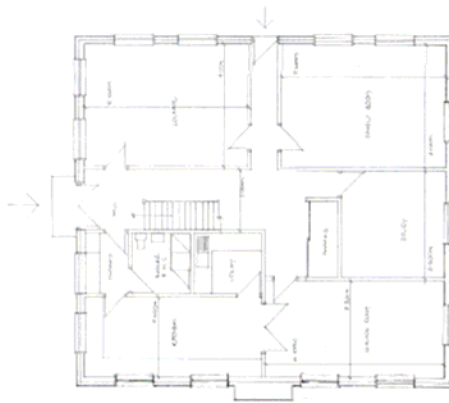


REAR FACADE - WEST ELEVATION

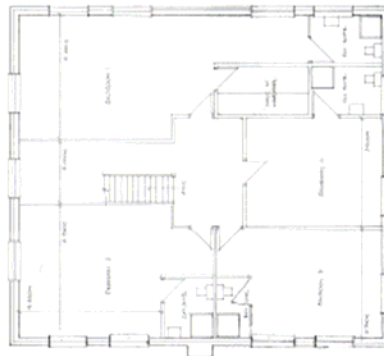


REAR FACADE - SOUTH ELEVATION

DATE	DESCRIPTION
10/10/07	REVISED PLANS
10/10/07	REVISED PLANS
10/10/07	REVISED PLANS



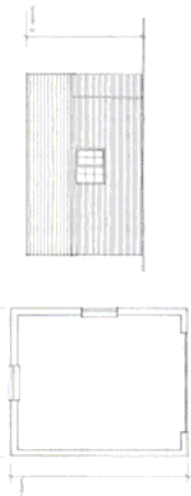
REAR FACADE - WEST ELEVATION
Revised plans & elevations



REAR FACADE - EAST ELEVATION

PROPOSED DETACHED FOUR BEDROOM HOUSE TO REPLACE EXISTING DETACHED DWELLING AT TWIZELL DYKES FARM, GRANGE VILLAGE, CHESTER (E. STREET FOR MRS D. J. JONES)

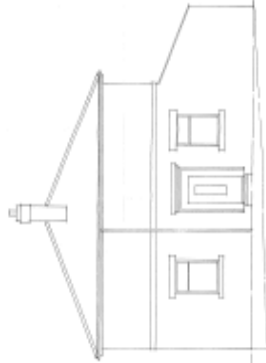
REVISIONS:
 1. TO REPLACE EXISTING DETACHED DWELLING AT TWIZELL DYKES FARM, GRANGE VILLAGE, CHESTER (E. STREET FOR MRS D. J. JONES) WITH A NEW DETACHED DWELLING.
 2. TO REPLACE EXISTING DETACHED DWELLING AT TWIZELL DYKES FARM, GRANGE VILLAGE, CHESTER (E. STREET FOR MRS D. J. JONES) WITH A NEW DETACHED DWELLING.
 3. TO REPLACE EXISTING DETACHED DWELLING AT TWIZELL DYKES FARM, GRANGE VILLAGE, CHESTER (E. STREET FOR MRS D. J. JONES) WITH A NEW DETACHED DWELLING.
 4. TO REPLACE EXISTING DETACHED DWELLING AT TWIZELL DYKES FARM, GRANGE VILLAGE, CHESTER (E. STREET FOR MRS D. J. JONES) WITH A NEW DETACHED DWELLING.
 5. TO REPLACE EXISTING DETACHED DWELLING AT TWIZELL DYKES FARM, GRANGE VILLAGE, CHESTER (E. STREET FOR MRS D. J. JONES) WITH A NEW DETACHED DWELLING.
 6. TO REPLACE EXISTING DETACHED DWELLING AT TWIZELL DYKES FARM, GRANGE VILLAGE, CHESTER (E. STREET FOR MRS D. J. JONES) WITH A NEW DETACHED DWELLING.
 7. TO REPLACE EXISTING DETACHED DWELLING AT TWIZELL DYKES FARM, GRANGE VILLAGE, CHESTER (E. STREET FOR MRS D. J. JONES) WITH A NEW DETACHED DWELLING.
 8. TO REPLACE EXISTING DETACHED DWELLING AT TWIZELL DYKES FARM, GRANGE VILLAGE, CHESTER (E. STREET FOR MRS D. J. JONES) WITH A NEW DETACHED DWELLING.
 9. TO REPLACE EXISTING DETACHED DWELLING AT TWIZELL DYKES FARM, GRANGE VILLAGE, CHESTER (E. STREET FOR MRS D. J. JONES) WITH A NEW DETACHED DWELLING.
 10. TO REPLACE EXISTING DETACHED DWELLING AT TWIZELL DYKES FARM, GRANGE VILLAGE, CHESTER (E. STREET FOR MRS D. J. JONES) WITH A NEW DETACHED DWELLING.



REAR FACADE - WEST ELEVATION
REAR FACADE - EAST ELEVATION

PROPOSED DEVELOPMENT COMPRISING OF DEMOLITION AND REPLACEMENT OF THE EXISTING HOUSE AND THE CONSTRUCTION/FORMATION OF A PRIVATE EQUESTRIAN CENTRE AT TWIZELL DIKES FARM, CRANCE VILLA, CHESTER-LE-STREET FOR MR & MRS D. IVERS

Scale 1:500



EXISTING EAST ELEVATION (approx. facing)



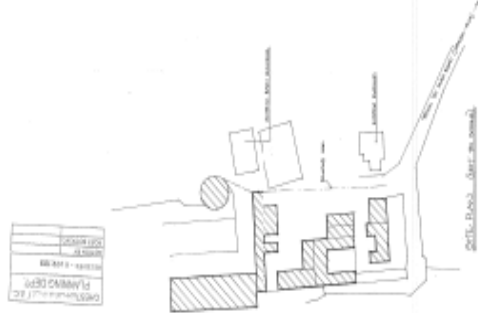
EXISTING SOUTH ELEVATION



EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN



A0

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **9 June 2008**

3.

Reference: 08/00158/FUL

Proposal Erection of garden room at rear of dwelling (amended plans received 9.8.08).

Location 31 Deneside Sacriston Durham DH7 6DE

Applicant Mr J Wray

Application Summary

Ward: Sacriston

Case Officer: Lisa Morina, Planning Assistant

Contact Details: 0191 387 2146

lisamorina@chester-le-street.gov.uk

Summary of recommendation: The development hereby proposed will provide for an acceptable form of development which would not impact negatively on the visual amenity of the streetscene or the residential amenity of neighbouring properties.

Accordingly it is recommended that the application be approved.

The Proposal

Planning Consent is sought for the erection of a garden room to the rear of the above property which projects from the existing rear elevation by 3m, before being chamfered at a 45 degree angle to a maximum projection of 3.9m.

This proposal is an amended scheme to which was originally submitted which showed a 3.9m projection set 0.5m off the boundary with no chamfer.

Planning History

83/00503/FUL - Brick Chimney. Approved 9/9/83.

99/00538/FUL - Erection of pitched roof over existing flat roof canopy and garage (and extension to existing flat garage). Approved 9/12/99.

Consultation Responses

The application has been advertised by way direct mailing to adjacent occupiers. As a result of this exercise, four letters of public objection from three separate households have been received on the following grounds:

- The garden room would have an elevated position over an adjacent garden and there would be an invasion of privacy as the applicants would have an increased view into both the rear of the property but also the garden of no. 23 Deneside.
- The proposal being unacceptably near to boundaries with adjacent properties thus affecting the privacy of neighbours.
- The building will overshadow the neighbouring properties to the rear having an overbearing effect. This problem will be amplified due to the additional glazing in the revised plans.
- Decking and fencing have already been erected and due to the raised nature of the decking as well as the distance to no. 25, this is a further impact on privacy.
- The proposal is incorrectly classified as a garden room as there is no wall or door to separate it from the dining room.
- The proposal is not in accordance with policy HP11 of the Chester-le-Street Local Plan
- The proposal is not in accordance with Appendix 1 of the Local Plan with regards to the 45 degree rule due to the distance from the neighbouring dining room window.
- Daylight/Sunlight will be blocked from no. 33 Deneside until noon each day and the brick wall will have an overbearing, visual impact on this neighbour

Regeneration Team - No Comments

Relevant Planning Policies and Considerations

Policy HP11 as well as the accompanying appendix 1 of the Local Plan is of relevance to this application. Policy HP11 states that proposals for residential extensions will not be acceptable where they:-

"Have an adverse impact on the scale, form and character of the existing building, any neighbouring property, or the locality in general" or,

"They would cause an unacceptable loss of light or privacy to adjacent properties, or significantly affect their amenities"

Appendix 1 of the Local Plan, which is accompanying guidance, states:-

"On detached, semi-detached and modern terraces (i.e. post war), in order to protect a neighbour's amenities, single-storey extensions on the common boundary should not exceed 3 metres in length unless it can be adequately demonstrated that the resultant loss of daylight requirements to or outlook from, the adjacent property would be negligible."

In determining this application the main issues to be considered are the design of the proposed garden room in relation to the host property and the streetscene, and the impact the proposal may have on the residential amenity of the neighbouring properties.

Streetscene/Visual amenity

As the proposal is situated on the rear of the property it is not visible to the main public domain, therefore, it is considered that the visual amenity of the streetscene would not be adversely affected with the addition of this proposal.

The scale and style of the proposal is considered appropriate to the host.

Residential Amenity

To the east of the proposal, is a garage block before another residential property which is over 20m away from the proposed extension, due to this distance, this neighbour would be unaffected by this proposal.

With regards to the neighbour to the west, the proposal is set in 0.5m from the common boundary and projects out 3m before being chamfered at a 45 degree angle away from this neighbour, to a 3.9m projection. Due to this, the proposal is considered to be in accordance with appendix 1 of the Local Plan which states that extensions can project by more than 3m as long as the resulting impact on a neighbour would be acceptable. As the proposal is chamfered at a 45 degree angle away from this neighbour at the 3m point, the proposal is considered acceptable in terms of its overall projection as the additional 0.9m past the allowable 3m projection is chamfered away and it is considered that the impact this extra distance would have would be negligible.

Objections have been received which state that the proposal will have an overbearing and visual impact thereby being contrary to policy HP11. It is considered however, that the proposal has been designed in accordance with appendix 1 of the Local Plan which is accompanying guidance with regards to Policy HP11 in order to reduce the impact upon this neighbour. The neighbour at no. 33 also has an extension to 3.9m which is chamfered. Overlooking issues would not occur as the wall facing no.33 is of a solid brick construction. A condition will be added to prevent further windows or doors from being inserted at a later date.

With regards to the neighbours to the rear (south) of the property, the proposal is set approximately 2.4m off the rear boundary line and would look into the rear garden area of no. 25 Deneside. Their property is set approximately 8m to the east of the proposal. It is considered therefore, that the proposal would not create any loss of light or overshadowing issues to this neighbour. Windows are proposed in this elevation however, they are to be conditioned to be non-opening or top hung opening only and to be obscurely glazed in order to reduce any overlooking issues.

With regards to the neighbour at no. 23, the proposal is situated over 13m from the side wall of this neighbouring property therefore it is considered that the residential amenity of this neighbour would not be adversely affected.

Other Issues Raised

The previously erected decking is not part of this application and therefore, can not be considered as part of this proposal.

Whether the proposal is for a garden room or an extension to the dining room is irrelevant as the same guidelines apply, and therefore, the description is considered appropriate.

Conclusion

The proposal is considered to be in accordance with policy HP11 of the Local Plan as it is not considered to have a detrimental impact on the visual amenity of the area or the residential amenity of neighbouring properties. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION Approve 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 9 May 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.

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.

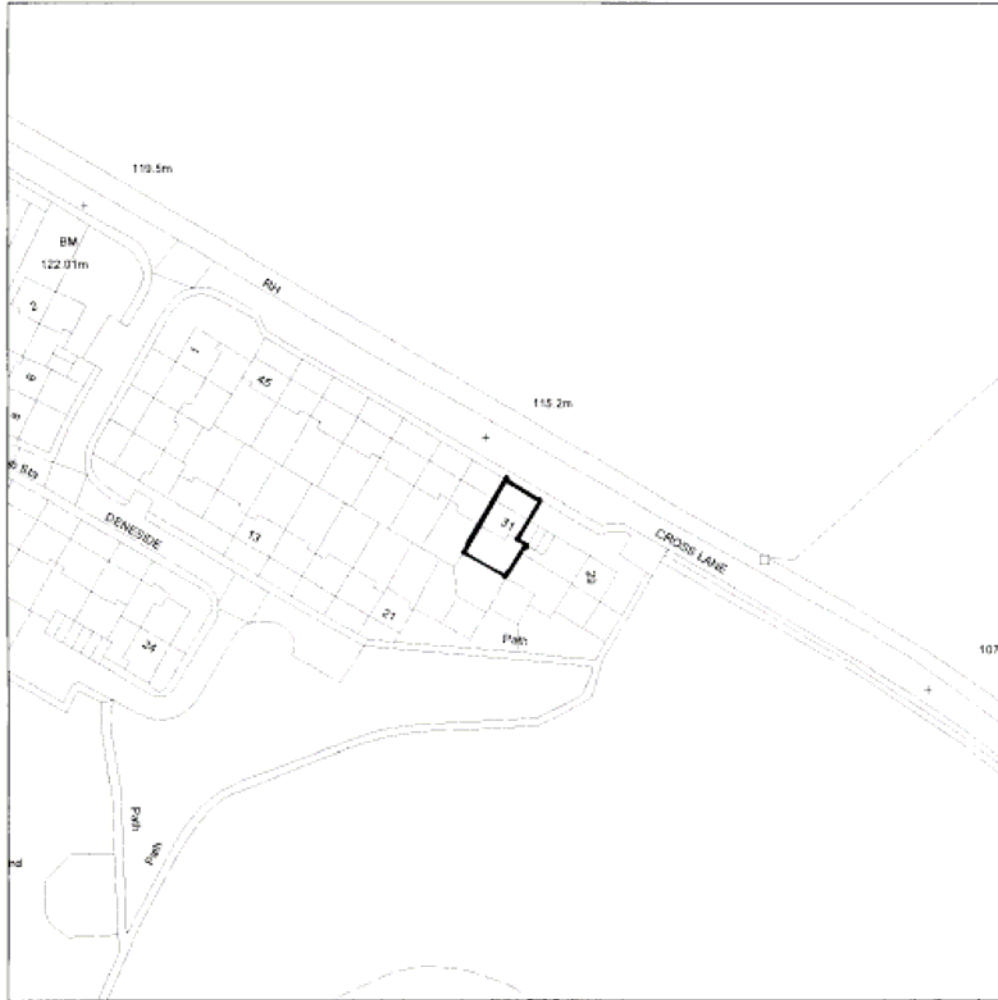
Notwithstanding the details shown on the submitted plans, the garden room glazing panels on the south facing elevation of the hereby approved extension (marked red on the returned plan) shall be fitted with obscure glazing and shall be either non-opening or top hung, details of which shall be submitted to and approved in writing to the satisfaction of the Local Planning Authority, and such obscure glazing and design of window shall be retained in perpetuity in the interests of residential amenity, the avoidance of any potential overlooking and in accordance with the provisions of Policy HP11 of the Chester-le-Street District Local Plan.

Extra 5.

Notwithstanding the details shown on the submitted plans, no additional doors or windows should be added to the west facing elevation of the hereby approved extension facing no. 33 Deneside for so long as the development remains in existence. In the interests of residential amenity, the avoidance of any potential overlooking and in accordance with the provisions of Policy HP11 of the Chester-le-Street District Local Plan.

31 Deneside

Sacriston



Scale : 1:1250

CHESTER-LE-STREET DISTRICT COUNCIL

DIRECTORATE OF DEVELOPMENT SERVICES

PLANNING COMMITTEE 9 June 2008

NO	DATE	BY	CHKD BY
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CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **9 June 2008**

4.

Reference: 08/00160/FUL

Proposal Demolition of existing dwelling & stables and erection of replacement dwelling and storage barn

Location Twizell Dykes Farm Cottage Grange Villa Chester-le-Street Durham DH2 3JZ

Applicant Mr N. Carris

Application Summary

Ward: Pelton

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk

Summary of recommendation: The development hereby proposed is considered acceptable in terms of scale and design to not harm the visual or residential amenity of the surrounding rural area.

Accordingly, and in recognition of the presence of an existing dwelling on the application site it is considered that there is an appropriate justification in place to justify approval as a departure to the aims of relevant development plan policies.

The Proposal

Planning consent is sought to replace the existing Twizell Dykes Cottage. The existing property has a 7.5m ridge height at its highest point, is 9.3m in length and 7.7m in depth. The ground floor area including the porch, boiler house and conservatory extensions is 90sqm. The existing property is brick and of generally poor design merit.

The proposed replacement dwelling is Georgian in appearance and measures 12m wide by 8.3m deep. The ridge height from ground level is 8.7m to allow for third floor attic accommodation. The floor area of the proposed replacement dwelling is 99sqm.

The application site is located outside the settlement limit of Grange Villa as depicted in the Local Plan 2003.

Planning History

The history relevant to this application is as follows:-

05/00487/FUL – Proposed demolition of existing dwelling & erection of new-detached dwelling (application withdrawn).

06/00070/COU – Change of use of land for the storage & operation of a concreting business (retrospective) (application refused - appeal dismissed).

06/00306/FUL – Demolition of existing dwelling and replaced with a new dwelling (of 146sqm - 46% larger than existing) (application refused).

APP/A/G1305/A/07/2038183/NWF – Appeal on application 06/00306/FUL (above) for the demolition of existing dwelling and agricultural outbuildings, and erection of replacement dwelling. The appeal was dismissed.

07/00360/FUL & 07/00505/FUL – were submitted for the proposed demolition of existing dwelling & erection of new-detached dwelling, which were withdrawn and returned.

Consultation Responses

Durham County Council Highway Authority have raised no objection to the proposed development on the grounds that no material increase in usage of the access road will occur.

The application has been advertised by way of a site notice and through direct mailing to adjacent occupiers. In response five public objections have been received on the following grounds:

- Bat and Owl survey provided is out of date.
- That the Bat survey does not meet with required standards set by Natural England.
- That Durham Bat Group have not been contacted as they hold the records of bat roosts in the area.
- Proposed dwelling too large as it exceeds the size of the existing dwelling taking into account that the existing has been extended.
- That the proposed replacement barn should not be attached to the proposed dwelling and that it could be used for residential purposes.
- That special justification has not been provided as to the need for a new dwelling.
- That the replacement dwelling should go back to the original non-extended dimensions of the original cottage.

Relevant Planning Policies and Considerations

National Planning Policy

Planning Policy Statement One: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Guidance Two: PPG2 sets out the national policy objectives of Green Belts to maintain their openness and restrict urban sprawl. Inappropriate development is strictly controlled without special justification, in regard to replacement dwellings these are allowed subject to being on the existing footprint and of comparable scale.

Planning Policy Statement Three: PPS3 sets out the sustainable delivery of the Government's national housing objectives. Housing should be of a high quality, offer variety and choice, be affordable and make use of previously developed land in sustainable locations whilst being well related to existing facilities and infrastructure.

Planning Policy Statement Seven: PPS7 aims to raise the quality of life and the environment in rural areas, promote sustainable patterns of development, support economic development and diversification of agriculture in rural areas. In regard to housing it should be related within close proximity to existing settlements and the re-use of existing buildings is encouraged for economic and housing purposes where it can support local facilities.

Planning Policy Statement 9: PPS9 seeks to deliver the Government's Biodiversity and Geological Conservation policy. This is achieved through promoting, conserving, enhancing and restoring the diversity of England's wildlife and ecology.

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 summer 2008.

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

Policy 5B - Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.

Policy 8 – Promotes the regeneration, economic prosperity, sustainable communities and connectivity in rural areas.

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

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

Chester-le-Street Local Plan

The Local Plan does not have a specific policy for replacement dwellings in the countryside although PPS7 as cited above does have reference to replacement buildings.

Policy NE2 has regard to development outside settlement boundaries, outlining that development should be strictly controlled and new dwellings granted only where there is a need to support existing agricultural or forestry activities.

Policy NE4 has regard to appropriate development in the Green Belt and in accordance with PPG2 does allow replacement dwellings. Although the site is not located within the Green Belt (and rather is merely contained within open countryside) it can be assumed taking a pragmatic view that in an area of restricted development such as the Green Belt replacement dwellings can be considered in the wider countryside. This in principle could be considered material to justify approval of a dwelling on the site as a justified relevant departure to the development plan.

Policy HP9 considers the design and layout of residential development and how it will impact on the residential and visual amenity.

Appendix I sets out the layout and separation distances for new residential development.

Policy AG3 supports agricultural development as long as it does not impact adversely on the character and amenity of the surrounding area.

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;

Principle of a Replacement Barn and Dwelling

Members will note that planning decisions should be made in accordance with the development plan. The relevant development policy for this proposal is NE2 which does not allow new dwellings outside settlement boundaries other than to support agricultural or forestry activities. The applicant has not sought to justify the proposal on agricultural or forestry grounds and on balance it is considered that the proposed dwelling does not accord with the relevant development plan. It is considered however, that the following material considerations justify a departure in this instance from the development plan advice.

Planning Policy Guidance Two does allow replacement dwellings that are within the scale and footprint of existing dwellings in the Green Belt. As the Green Belt is an area of

stricter control it can be considered that in the open countryside the same principle would be applicable.

The pragmatic response to rural replacement house proposals, as applied by most of the Planning Inspectorate, is to note appropriate plan policy but to use ministerial advice to examine a proposed dwelling for any increased impact on the rural scene, and to determine whether or not the proposal would be significantly more intrusive. Planning Policy Statement 7 (PPS7) refers to replacement buildings with a preference for economic re-use; however in instances where the original use was residential the same approach would appear to apply.

PPS7 goes on to state 'the replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example, where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape'

The general approach as to the principle of a replacement dwelling can be directly steered from the Planning Inspectorate on the previous appeal decision for this property. Here the Inspector accepted the view that a replacement dwelling was acceptable in principle, subject to it being of appropriate scale and massing and being contained within the barn grouping.

In essence a dwelling already exists on the site and the proposal is to replace this in the same area it currently occupies and of a commensurate scale. Taking this and the above into account it is not considered that replacing one house with another that is similarly sized in this instance will cause demonstrable harm to the landscape character and appearance of the area.

As the existing stone barn are is in situ and the proposal is on the same footprint (albeit squaring off the footprint) it is considered that in principle the barn can be replaced. Any larger barn in future development will require agricultural or other justification in line with local and national policy guidance. Combining the appearance of the barn and replacement dwelling both in stone with slate roofs will give the appearance of a traditional steading, further enhancing the character and appearance of the area.

Scale of Replacement Dwelling

With no direct Local Plan guidance and only the general advice in PPS7 regarding design and impact on surroundings, and the position on the previous appeal decision is taken into consideration. Here the Inspector did not question using the ground floor area of the existing dwelling as a guide to assessing a like for like replacement. Case law and other Authority Development Plan Policies generally seek to allow replacement dwellings of a similar footprint to the existing dwelling or state precise square metre floor areas or even cubic volume. There was some doubt in the last appeal as to the ground floor area of the existing house, the Council stated it at 85sqm while the applicant at 100sqm. Having assessed the ground floor area on site including the existing off shoots the ground floor area is 90sqm. The floor area of the proposed dwelling is 99sqm representing a 9sqm increase or 10%.

The external dimensions are as follows (excluding extensions):

	Existing House	Proposed House	Difference
Ridge Height	7.5m	8.8m	1.3m
Width	9.2m	12m	2.8m
Depth	7.7m	8.2m	0.5m

The most significant change is in the width of the dwelling gaining 2.8m, this is mainly due to squaring off the floor area of the off shoot extensions and adding it to the rectangular floor plan of the proposed house. In cubic volume terms the house is larger than existing but in the absence of Local Plan direction and the acceptance by the Inspector of using the ground floor area as a guide it is considered an acceptable method. Ultimately a balance has to be struck between scale and design, and the acceptance that one house is replacing another.

It is considered that a 10% or 9sqm increase is negligible in planning terms and as the design has robustness and solidity far improved on existing it is not considered the increase will result in demonstrable harm to the area.

Location of Replacement Dwelling

Having looked at the previous appeal decision, generally speaking a replacement dwelling should be on the site of that which it is replacing. In this instance the replacement dwelling is within the majority of the footprint of the existing property allowing for the volumetric increase from amassing the floor area of the extensions. It is considered that the orientation and general layout are in accordance with the existing dwelling. The development will not spill out into the surrounding open countryside.

Design

The proposed replacement dwelling is entirely stone built with a very solid rectangular symmetrical stance. The applicant has chosen a Georgian farmhouse as inspiration with a traditional 40o roof pitch finished in natural slate and large vertically proportioned fenestration. The distribution and uniformity of the solid to void mix emphasises the entrance doorway and sets a high standard of design in the area. The existing dwelling could not be further removed from the replacement with an awkward roof design, visually poor extensions and remiss of any distinctive features.

It is concluded that the proposed dwelling will significantly enhance the character and appearance of the rural location and having regard to national policy in seeking an environmental improvement the proposal broadly accords in this respect.

To maintain control over the design integrity, windows and doors should be of timber construction and a condition is proposed to ensure materials are agreed prior to development to ensure a suitable type.

Residential Amenity

The only residential property in the proximity of the dwelling is that of Twizell Dykes Farm House, 10m east of the application site. This property is currently vacant in a state of some disrepair similar to the applicants existing property.

The neighbouring property as referred to above is subject to a planning application no. 08/00135/FUL for a replacement dwelling. The application is reported elsewhere on this agenda. As the two proposed properties are effectively gable-to-gable with minimal secondary fenestration the impact on residential amenity is not a significant consideration.

Replacement Storage Barn

As existing the barn measures approximately 9.5m by 13.5m and 6.7m in height to the ridge. The building is in a poor state of repair and is currently used for agricultural storage and for accommodating pigs.

The proposed replacement barn now amended measures, 13.5m by 9.5m with a ridge height of 7.5m. The increase in height of 0.8m while larger is now commensurate with the proportionate increase in height of the adjoining dwelling. Visually the barn will appear subordinate to the dwelling house, which it achieves through the lower eaves and ridge height. As the barn is a like for like replacement albeit a more squared off shape it is considered that no demonstrable harm will occur to the character and appearance of the area.

Foul Sewerage

The applicant has cited that the foul disposal will remain unchanged from the existing provision. Details have not been provided as to what the existing facilities are with the possibility of non-mains drainage. Such is the location further details have been requested under a recommended condition, having regard to advice in circular 03/99.

Ecology

Reference is made to the bat survey submitted which is an updated version of the previous survey undertaken in June 2006. Natural England as statutory consultee on ecology issues do not consider that the development will cause harm to protected species including bats. In light of this professional advice it is not considered the proposal can be refused on these grounds, However, it is proposed to attach a condition as recommended by Natural England.

Conclusion

The development hereby proposed does not accord with the provisions of the development plan in force.

However, having regard to national Planning Policy Statement 7 and the previous Inspector's decision is considered to be acceptable on its merits. The Inspector's steer that the dwelling should be approximately the same ground floor area and footprint of the existing building has been followed. The environmental improvement to the appearance of

the area is a significant consideration and the proposed dwelling is considered to raise the design standard to the benefit of the location. The development will not adversely impact on the amenity of the neighbouring occupier due to the gable-to-gable relationship. The ecology aspect has been considered by Natural England as well as the LPA and it is considered that the development does not pose a risk to protected species subject to conditions.

It is considered that the applicant has presented a clear justification to warrant approval as a departure to the aims of the development plan and accordingly recommend that the application be approved subject to the receipt of no new material planning objections from the ongoing publicity period.

RECOMMENDATION AUTHORISE DELEGATED AUTHORITY TO THE DEVELOPMENT AND BUILDING CONTROL MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE RECEIPT OF NO NEW SUBSTANTIVE MATERIAL PLANNING OBJECTIONS FROM THE ONGOING CONSULTATION PERIOD

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 received 19th May 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 hard standings, walls and / or roofs of the buildings 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 any information submitted on the application all windows and doors shall be of timber construction in accordance with designs to be agreed with the Local Planning Authority prior to the commencement of development and implemented thereafter in accordance with the agreed details in the interest of the design of the development and visual amenity of the area in accordance with policy HP9 of the Chester -le-Street District Local Plan.

Extra 5.

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 6.

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 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 7.

Unless otherwise agreed in writing, the submitted planting scheme shall be implemented within 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, within 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 8.

No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Bat and Barn Owl Survey at Twizell Dykes Farm Cottage, Grange Villa. Andrew Gardner, Feb 2008', including, but not restricted to

- adherence to timing and spatial restrictions;
- provision of mitigation in advance;
- adherence to precautionary working methods`

In the interest of conserving protected species and their habitat in accordance with Planning Policy Statement 9.

Extra 9.

No structural work shall be undertaken during the Autumn months as recommended by the ecologist to be agreed in writing with the Local Planning Authority. In addition, immediately prior to the demolition of the farm cottage, the project ecologist should conduct a thorough inspection of the building to ensure that the status in relation to the presence/absence of bats has not changed. If bats are found the ecologist should reassess the situation and determine an appropriate mitigation strategy, in the interests of conserving protected species and their habitat in regard to Planning Policy Statement 9.

Extra 10.

Notwithstanding the information submitted with the application prior to development commencing a scheme for the disposal of foul sewerage shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with this agreed scheme prior to the occupation of the development, in the interest of pollution prevention and advice set out in circular 03/99.

Extra 11.

The proposed barns shall be used for agricultural purposes only in the interests of the visual and residential amenity of the area in accordance with Policies NE2 and AG3 of the Chester-le-Street Local Plan.

Extra 12.

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

Twizzel Dykes Farm Cottage

Grange Villa

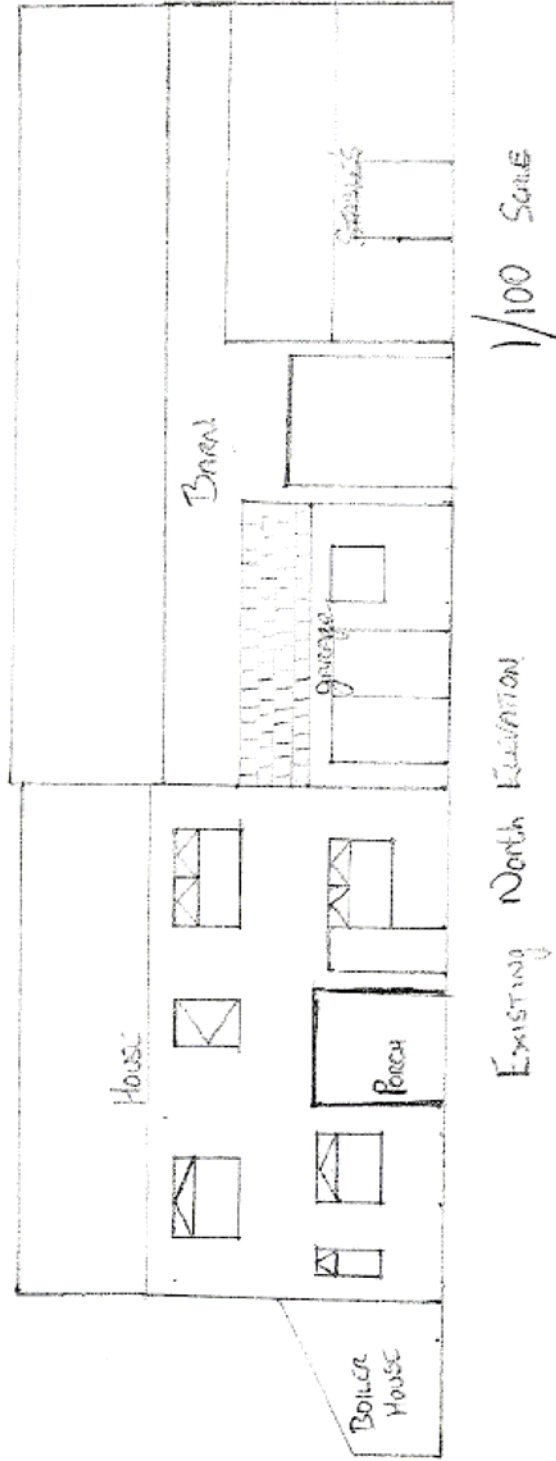


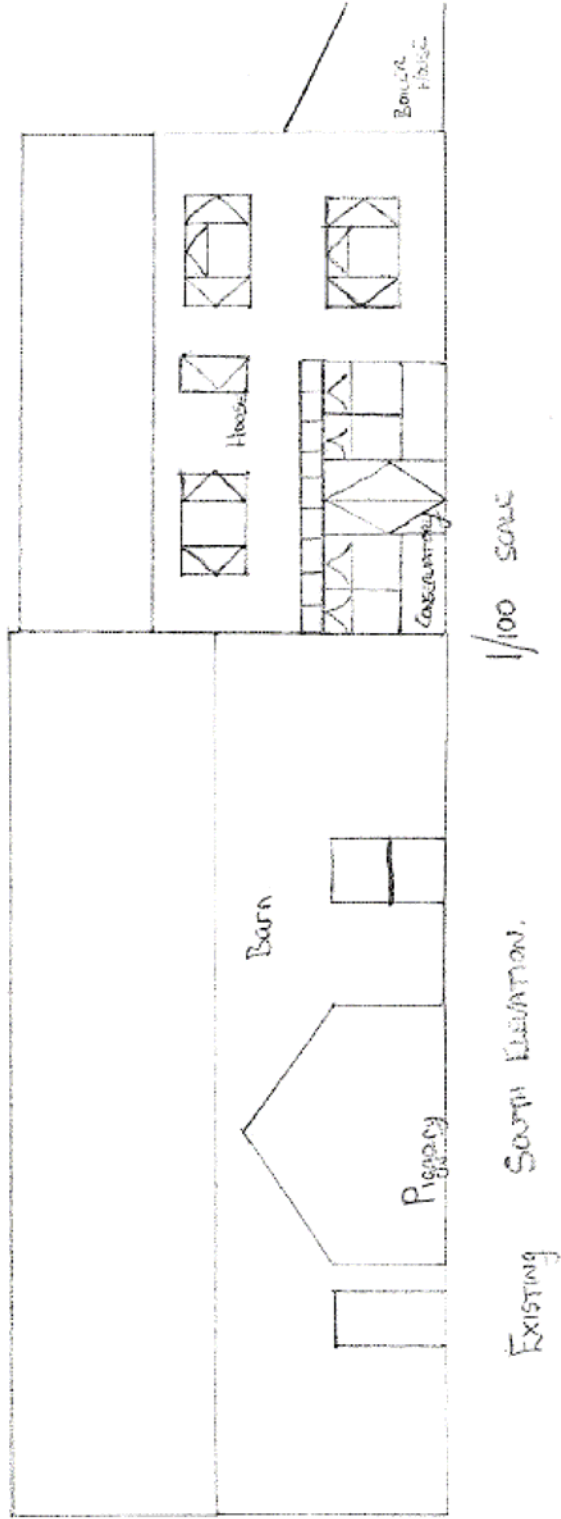
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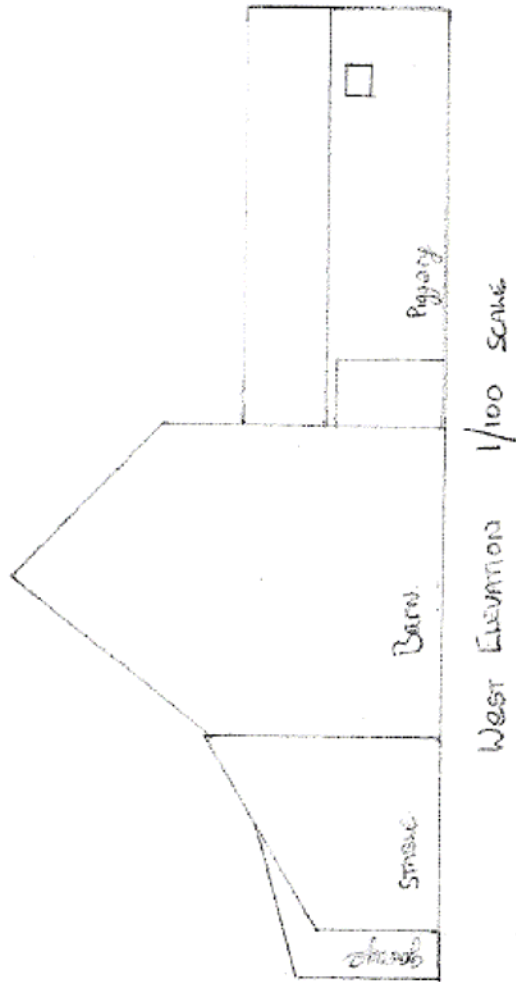
CHESTER-LE-STREET DISTRICT COUNCIL

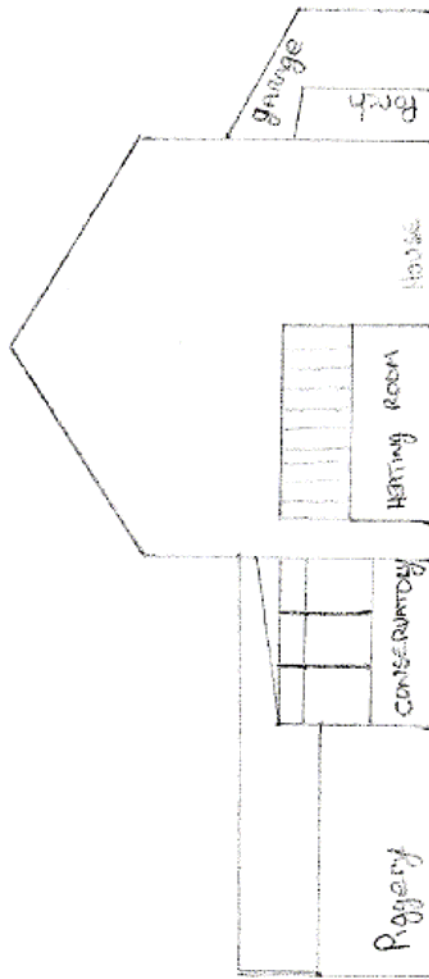
DIRECTORATE OF DEVELOPMENT SERVICES

PLANNING COMMITTEE 9 June 2008





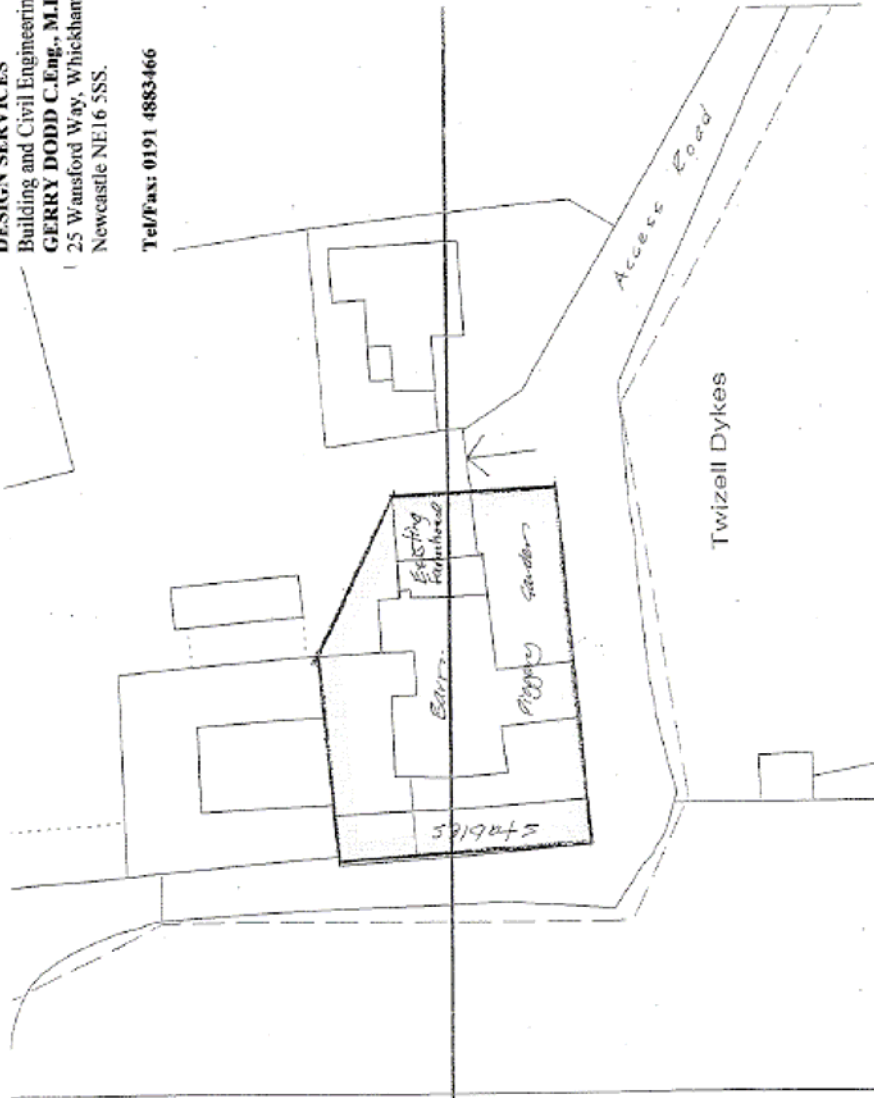




EXISTING EAST ELEVATION. 1/100 SCALE.

DESIGN SERVICES
Building and Civil Engineering
GERRY DODD C.Eng., M.I.C.E.,
25 Wansford Way, Wickham,
Newcastle NE16 5SS.

Tel/Fax: 0191 4883466

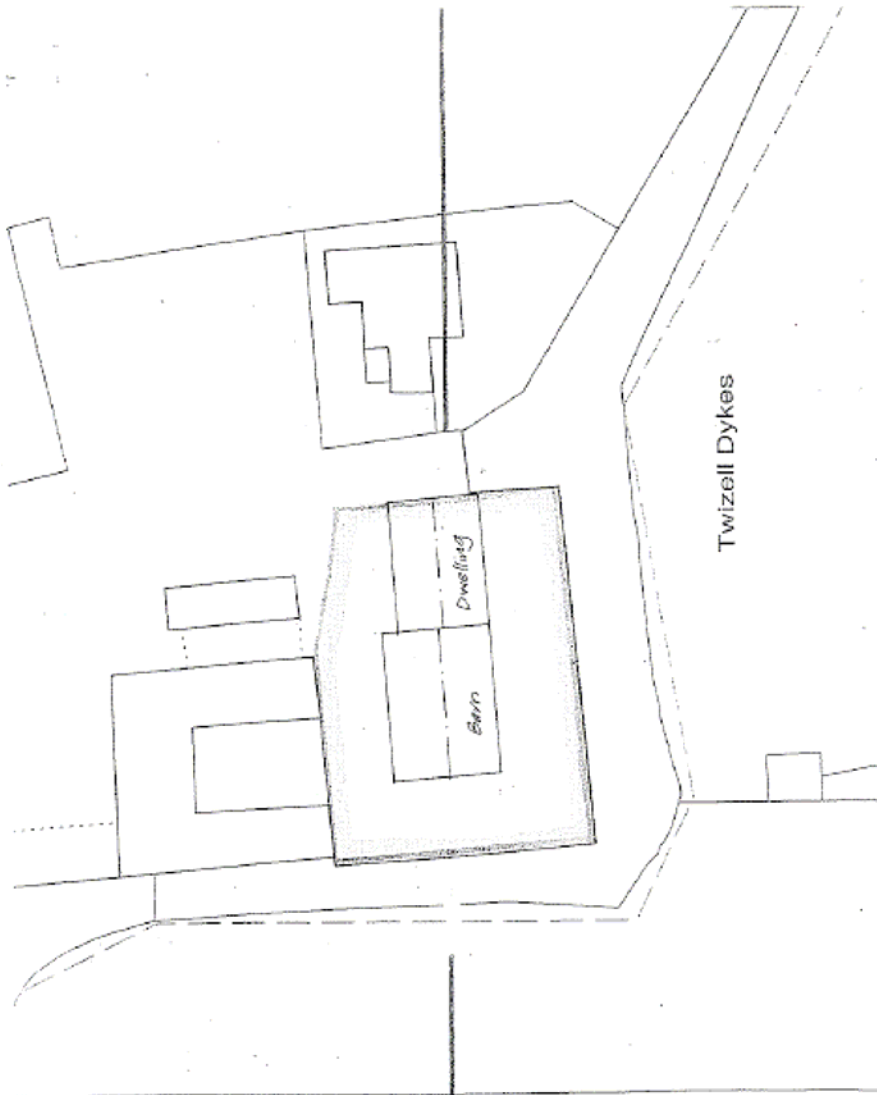


Replacement Dwelling & Barn at
Twizell Dykes Farm, Grange Villa.

Existing Details:

Drawg.No.3: Site Plan : Scale:1/500

CHATELAIN-STREET D.C.
PLANNING DEPT.
RECEIVED 7 APR 2008
CITY OF NEWCASTLE
CITY ENGINEER

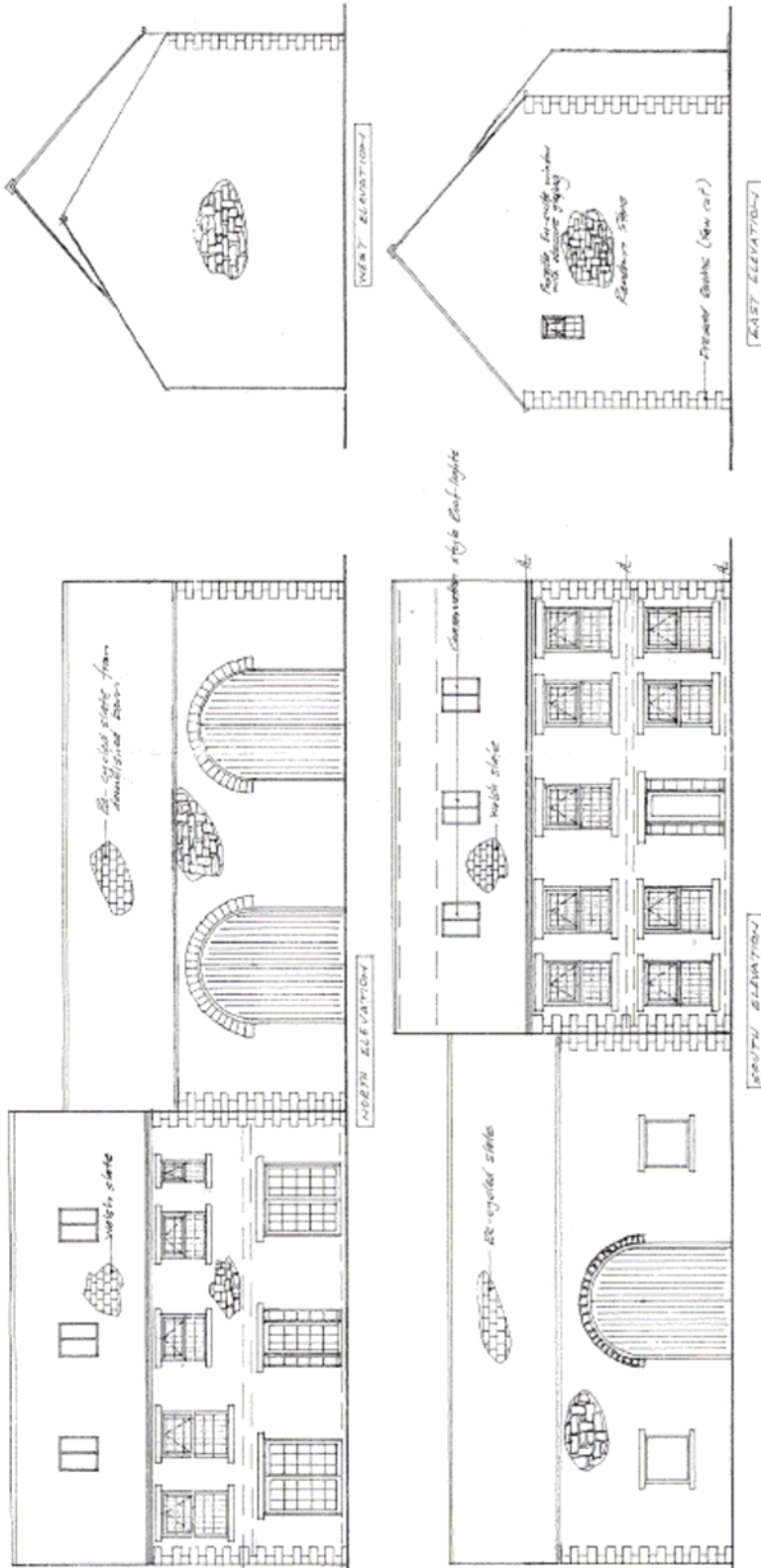


Replacement Dwelling & Barn
Twizell Dykes Farm, Grange Villa

Proposed Details:

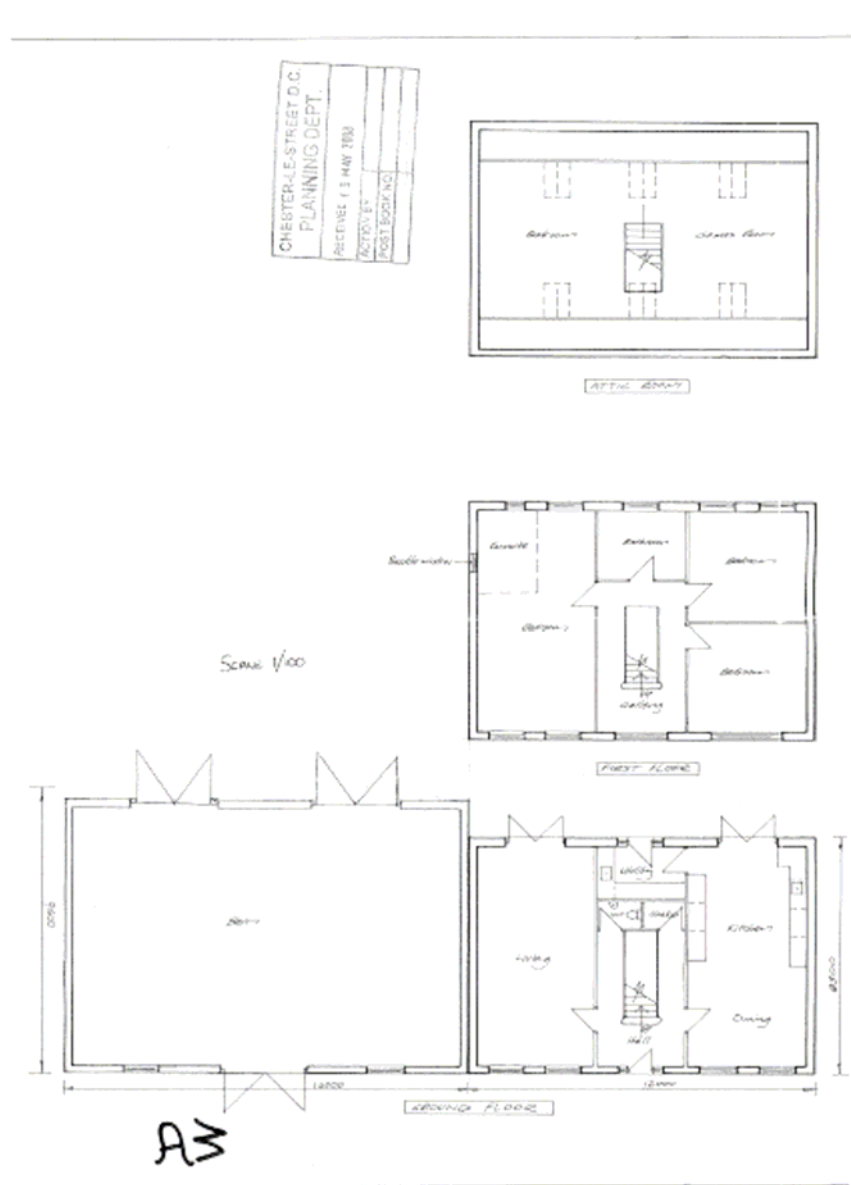
Drwg. No. 4: Site Plan, Scale: 1/500

UNIVERSITY OF STRATHMORE
PLANNING DEPT.
14 APR 2008
14 APR 2008
14 APR 2008
14 APR 2008



CHESTER-LE-STREET D.C.
PLANNING DEPT.
RECEIVED 18 MAY 2008
ACTION BY
POST BOOK NO.

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 9 June 2008



5.

Reference: 08/00156/FUL

Proposal Installation of a fully modular ball court (suitable for a variety of multi sports)

Location Play Ground Moor foot Avenue Chester-le-Street Durham DH3 3AJ

Applicant Mr B. Alderson

Application Summary

Ward: Chester South

Case Officer: Lisa Morina, Planning Assistant

Contact Details: 0191 387 2146

lisamorina@chester-le-street.gov.uk

Summary of recommendation: The development hereby proposed will introduce a high standard of multi use recreational facility for the local community not to the detriment of visual or residential amenity.

Accordingly it is recommended that the application be approved.

The Proposal

Planning consent is sought for a Multi Use Games Area (MUGA) which comprises an enclosed marked playing surface. The MUGA has two 3.1m fences at each goal end with integrated goal and basket ball hoop at each. Along the sides of the court runs full length 1.1m fencing with access gaps on each side. The overall external size of the facility is 12.5m wide by 19.7m long.

The MUGA is to be centrally located within the Moorfoot Avenue recreation ground, which boasts facilities mainly for smaller children. The MUGA is one of five proposed across the District to improve the play facility offer for the local communities. As part of the application a tarmac pathway is proposed to link to the existing play equipment to allow easy access. The recreation ground is bounded by residential properties around all elevations with the nearest property being some 46m away.

Planning History

There is no relevant planning history related to this playing field.

Consultation Responses

Durham Constabulary Architectural Liaison has made no representations.

The Council's Environmental Health Team have raised no objection to the proposal.

Sport England have made a non-statutory objection despite the provision of new facilities being in accordance with their Planning Policy Statement (1999): Policy Objective 7. The objection is on technical grounds regarding the lack of floodlighting, height of side rebound fencing and proximity to residential properties.

The application has been advertised by way of a site notice and through direct mailing to adjacent occupiers. As a result of this exercise, two letters of public objection have been received on the following grounds:

- Loss of view and devaluation
- The children who play here now are more concerned in playing football. Why can the council not just replace the goal posts that were removed a few years ago
- No fencing around the playing area
- Loss of open green space.
- Loss of an area for dog walkers which has no problems with regards to dog fouling
- Anti social behaviour
- Increase in litter pollution
- Consultations have not been carried out widely enough

Relevant Planning Policies and Considerations

National Planning Policy

Planning Policy Statement One: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Guidance 17: PPG17 sets out the Government's planning policy on the delivery of recreation space to promote health and well being, inclusive communities and high quality recreation facilities.

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 late summer 2008. The following policies contained within the RSS are of relevance to the proposal:

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

Policy 5B - Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.

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

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

County Durham Structure Plan

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

Chester-le-Street Local Plan

Policy RL1 seeks to ensure a high standard in the range, amount, distribution and quality of sport and leisure opportunities for all members of the community. In addition RL1 considers the impact new facilities may have on the amenity of surrounding occupiers or the appearance of the area.

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;

Visual Amenity

The MUGA facility is located within an established play area. The play area has been in situ for a substantial period of time and offers the main recreational facility in this area. The new facility will be more prominent but taken in the context of a play area such a facility is not out of character. Open space will still remain as a result of the proposal and it is not considered that the addition of this MUGA will result in a negative impact on the visual amenity of the streetscene.

Residential Amenity

The MUGA is proposed to be located centrally with the nearest residential properties being some 46m away and having taken into consideration the historical use as a play area and the activities that already occur within the already established play area, it is considered the proposal will not be unreasonably detrimental to residential amenity.

Anti-Social Behaviour

Play areas and open spaces on the periphery of built up areas can attract some anti-social behaviour and is a general issue throughout the District. The facility in question is robust and well surveyed by properties to discourage such activity and it is not considered that

the possibility of anti-social behaviour occurring is reason to restrict provision of good quality facilities for the local community.

Floodlighting & Fence Height

In reference to the non-statutory Sport England objection, the applicants have advised that floodlighting was never intended for the development, as the MUGA's are not proposed to be formal sporting facilities. They are informal play and recreational facilities for older children to complement the existing facilities of which they go alongside. It is not therefore considered necessary to offer floodlighting for such an informal facility. Mandatory floodlighting would also threaten the provision of facilities in principle because of the impact it would have on neighbouring residential properties.

In regard to the side rebound fencing the MUGA's come in a variety of shapes and sizes. While a 1.06m fence will allow the ball to stray outside the enclosure there is sufficient space in the surrounding area for the ball to escape whilst not causing a nuisance. There is over 70m to the nearest road, should playing balls stray outside the facility. It is also likely that a 3m fence all round would still not prevent playing balls from escaping. In light of this it is considered that no amendments to the design are required.

Other Issues

An objection received states that litter is already an issue in the area. It is not considered that the addition of the MUGA would result in any more litter than that already caused within the existing play area.

It is considered that sufficient open space will still remain in order for other recreational facilities (such as cricket or family games) to continue to be played. As such the development will not threaten the wider open space value of the remainder of the site.

Conclusion

Policy RL1 seeks the provision of a range of high quality recreational facilities within the District. The proposed MUGA will offer a variety of potential ball sports for multiple users, be accessible to all, and therefore is fully in compliance with the policy RL1. The facility has been designed to resist anti-social behaviour and is surveyed by residential properties to deter crime activity.

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 unless otherwise firstly approved in writing with the Local

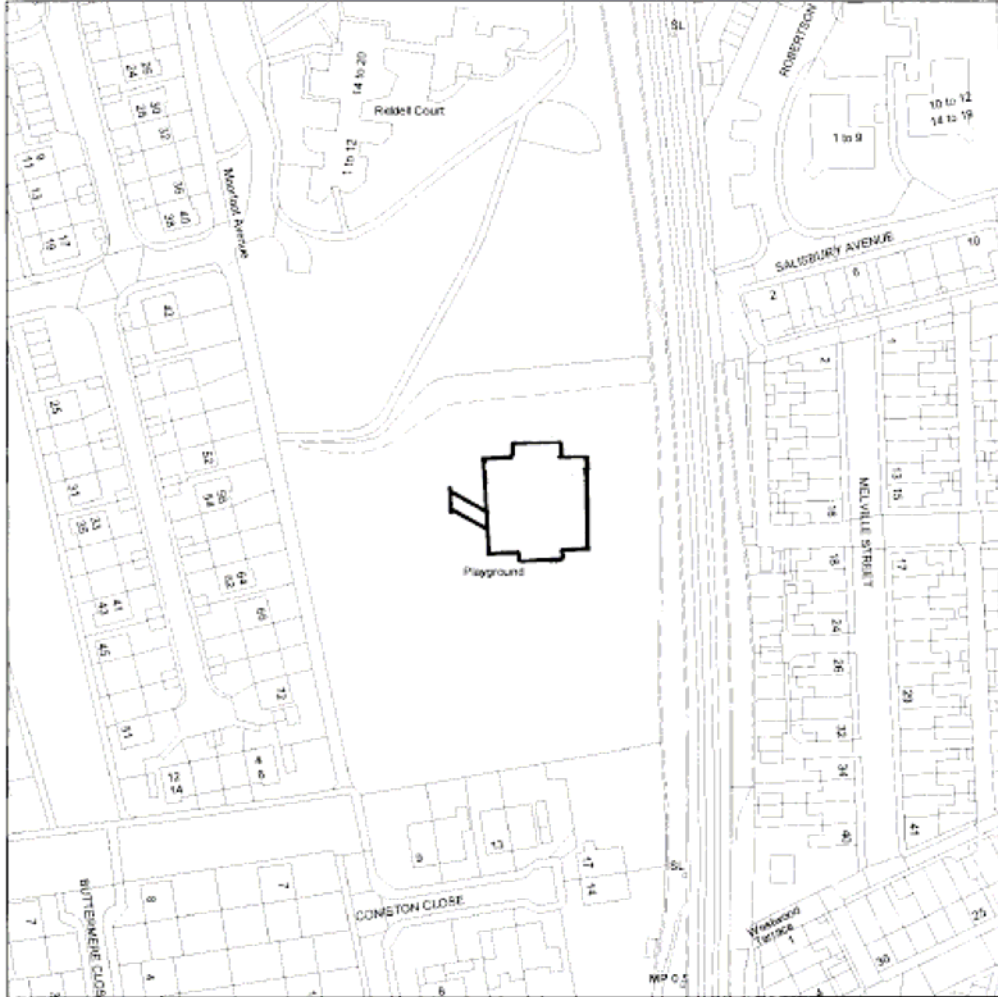
Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

Playground

Moorfoot Avenue, Chester-le-Street



GIS by ESRV (LW)



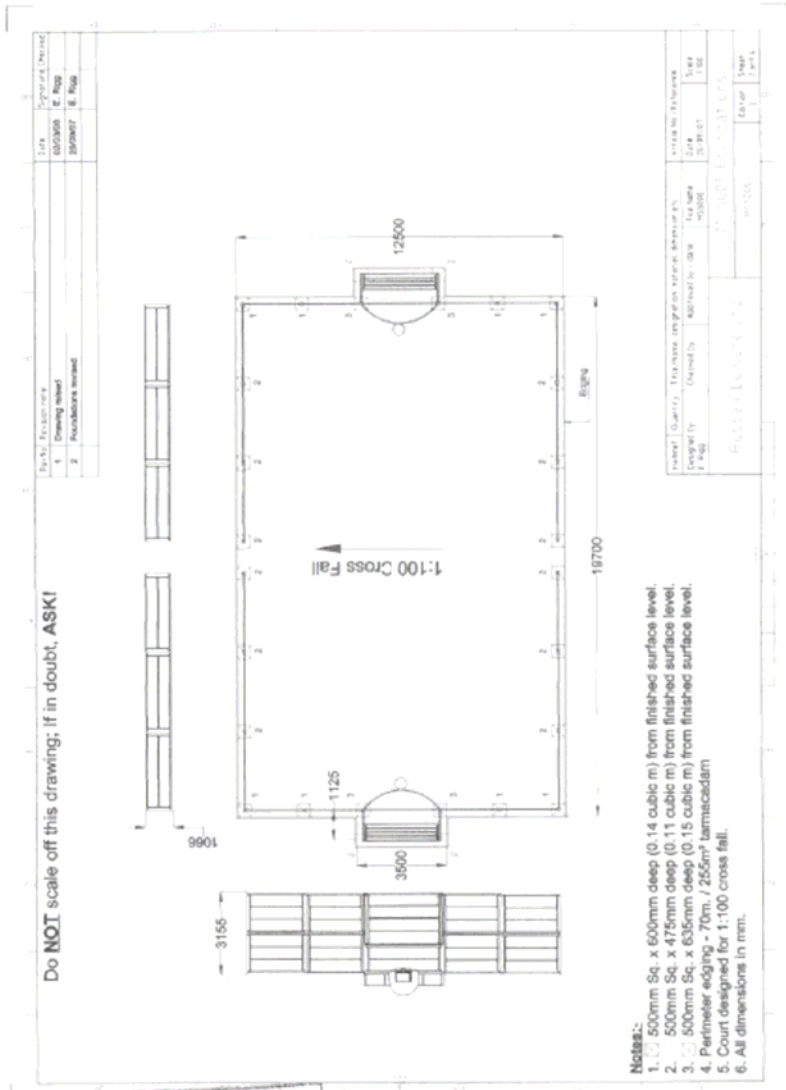
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CHESTER-LE-STREET DISTRICT COUNCIL

DIRECTORATE OF DEVELOPMENT SERVICES

PLANNING COMMITTEE 9 June 2008

CHESTER-LE-STREET D.C.
 PLANNING DEPT.
 RECEIVED 01 MAY 2008
 ACTION BY
 POST BOOK NO.



CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **9 June 2008**

6.

Reference: 08/00171/FUL

Proposal Installation of a multi use games area with associated footpath (amended plans received 16/5/08).

Location Recreation Ground Appledore Gardens Edmondsley Durham DH7 6DW

Applicant Mr B. Alderson - Chester-le-Street District Council

Application Summary

Ward: Edmondsley and Waldrige

Case Officer: Lisa Morina, Planning Assistant

Contact Details: 0191 387 2146

lisamorina@chester-le-street.gov.uk

Summary of recommendation: The development hereby proposed will introduce a high standard of multi use recreational facility for the local community not to the detriment of visual or residential amenity.

Accordingly it is recommended that the application be approved.

The Proposal

Planning consent is sought for a Multi Use Games Area (MUGA) which comprises an enclosed marked playing surface. The MUGA has two 3.1m fences at each goal end with integrated goal and basket ball hoop at each. Along the sides of the court runs full length 1.1m fencing with access gaps on each side. The overall external size of the facility is 12.5m wide by 19.7m long.

The MUGA is to be centrally located within the Appledore Gardens recreation ground, which boasts facilities mainly for smaller children. The MUGA is one of five proposals across the District to improve the play facility offer for the local communities. As part of the application a tarmac pathway is proposed to link to the pavement to allow easy access. The nearest property is 26m away to the north and the site is bounded by more properties to the east and south of the site as well as a Hall.

Planning History

There is no relevant planning history related to this playing field.

Consultation Responses

Durham County Council Highway Authority have raised no objection to the application.

Durham Constabulary architectural liaison have made no representations.

The Council's Environmental Health Team have raised no objection to the proposal.

Sport England have made a non-statutory objection despite the provision of new facilities being in accordance with their Planning Policy Statement (1999): Policy Objective 7. The objection is on technical grounds regarding the lack of floodlighting, height of side rebound fencing and proximity to residential properties.

The application has been advertised by way of a site notice and through direct mailing to adjacent occupiers. As a result of this exercise, two letters of public objection have been received on the following grounds:

- Litter is a problem
- Children and Adults do not keep to the footpath and will use the grass at the front and back of the houses
- Consideration about noise should be taken into consideration as most of the residents who live in this area are retired
- Anti social behaviour resulting from underage drinking
- A similar exercise has been tried at Stanley only for that to become an attraction for alcohol and drug users.

Relevant Planning Policies and Considerations

National Planning Policy

Planning Policy Statement One: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Guidance 17: PPG17 sets out the Government's planning policy on the delivery of recreation space to promote health and well being, inclusive communities and high quality recreation facilities.

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 late summer 2008. The following policies contained within the RSS are of relevance to the proposal:

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

Policy 5B - Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.

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

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

County Durham Structure Plan

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

Chester-le-Street Local Plan

Policy RL1 seeks to ensure a high standard in the range, amount, distribution and quality of sport and leisure opportunities for all members of the community. In addition RL1 considers the impact new facilities may have on the amenity of surrounding occupiers or the appearance of the area.

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;

Visual Amenity

The MUGA facility is located within an established play area. The play area has been in situ for a substantial period of time and offers the main recreational facility in this area. The new facility will be more prominent but taken in the context of a play area such a facility is not out of character. The MUGA is to be situated further west than the existing play facilities on site which is away from the main bulk of residential properties adjacent to the site.

Residential Amenity

The MUGA is to be situated further west than the existing play facilities on site which is away from the main bulk of residential properties adjacent to the site, with the nearest being approximately 45m away and having taken into consideration the historical use as a

play area and the activities that already occur within it is considered the proposal will not be unreasonably detrimental to residential amenity.

Anti-Social Behaviour

Play areas and open spaces on the periphery of built up areas can attract some anti-social behaviour and is a general issue throughout the District. The facility in question is robust and well surveyed by properties to discourage such activity and it is not considered that the possibility of anti-social behaviour occurring is reason to restrict provision of good quality facilities for the local community.

Floodlighting & Fence Height

In reference to the non-statutory Sport England objection, the applicants have advised that floodlighting was never intended for the development, as the MUGA's are not proposed to be formal sporting facilities. They are informal play and recreational facilities for older children to complement the existing facilities of which they go alongside. It is not therefore considered necessary to offer floodlighting for such an informal facility. Mandatory floodlighting would also threaten the provision of facilities in principle because of the impact it would have on neighbouring residential properties.

In regard to the side rebound fencing the MUGA's come in a variety of shapes and sizes. While a 1.06m fence will allow the ball to stray outside the enclosure there is sufficient space in the surrounding area for the ball to escape whilst not causing a nuisance. The nearest road is 20m away, should playing balls stray outside the facility. It is also likely that a 3m fence all round would still not prevent playing balls from escaping. In light of this it is considered that no amendments to the design are required.

Other Issues

The footpath proposed to link the MUGA to existing footpaths has been amended to provide more of a straight access than the originally proposed 'zig zag' style path. This is considered to be of a better design to encourage pedestrians to use the public footpath and not the grass as it provides the fastest access to the site.

It would appear from an objection received that litter is already an issue and it is not considered that the addition of the MUGA would result in any more litter than that already caused within the existing play area.

Conclusion

Policy RL1 seeks the provision of a range of high quality recreational facilities within the District. The proposed MUGA will offer a variety of potential ball sports for multiple users, be accessible to all, and therefore is fully in compliance with the policy RL1. The facility has been designed to resist anti-social behaviour and is surveyed by residential properties to deter crime activity.

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.

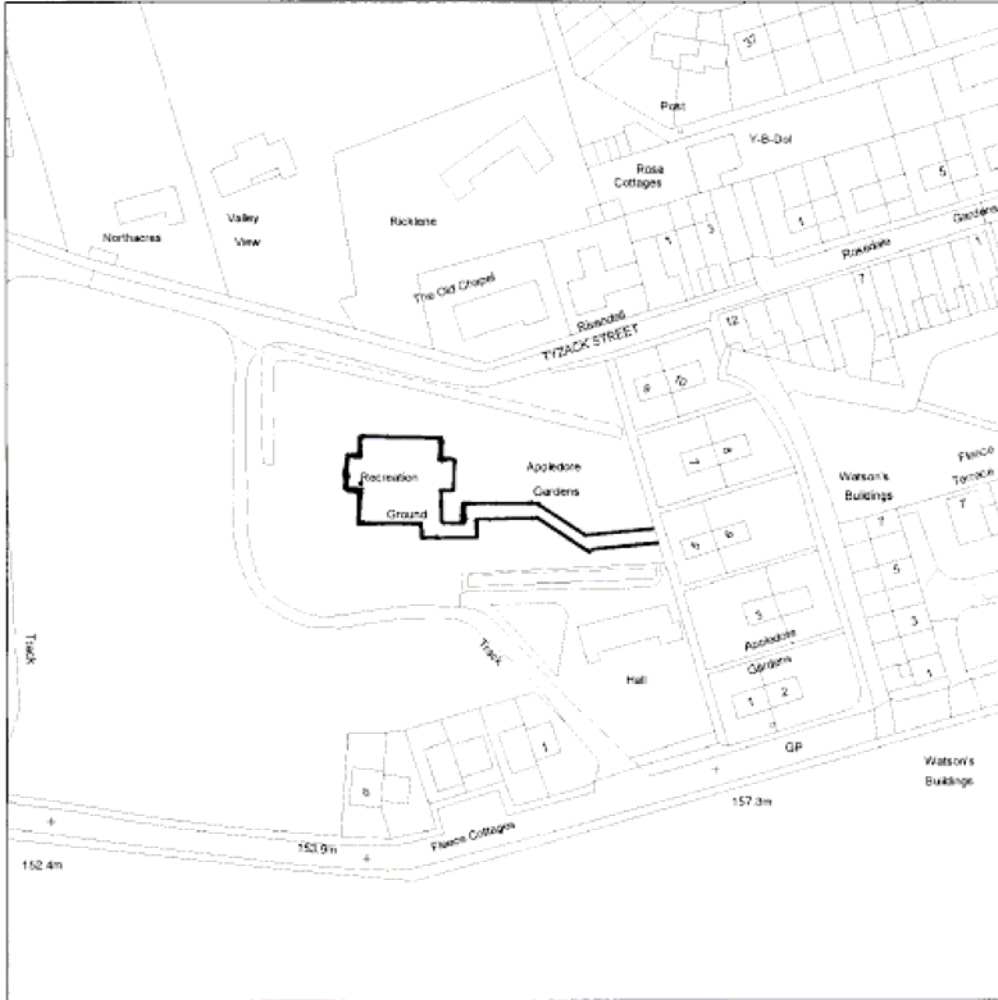
The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on 16 May 2008 unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

Recreation Ground

Appledore Gardens



GIS by ESRM (UK)



Scale : 1:1250

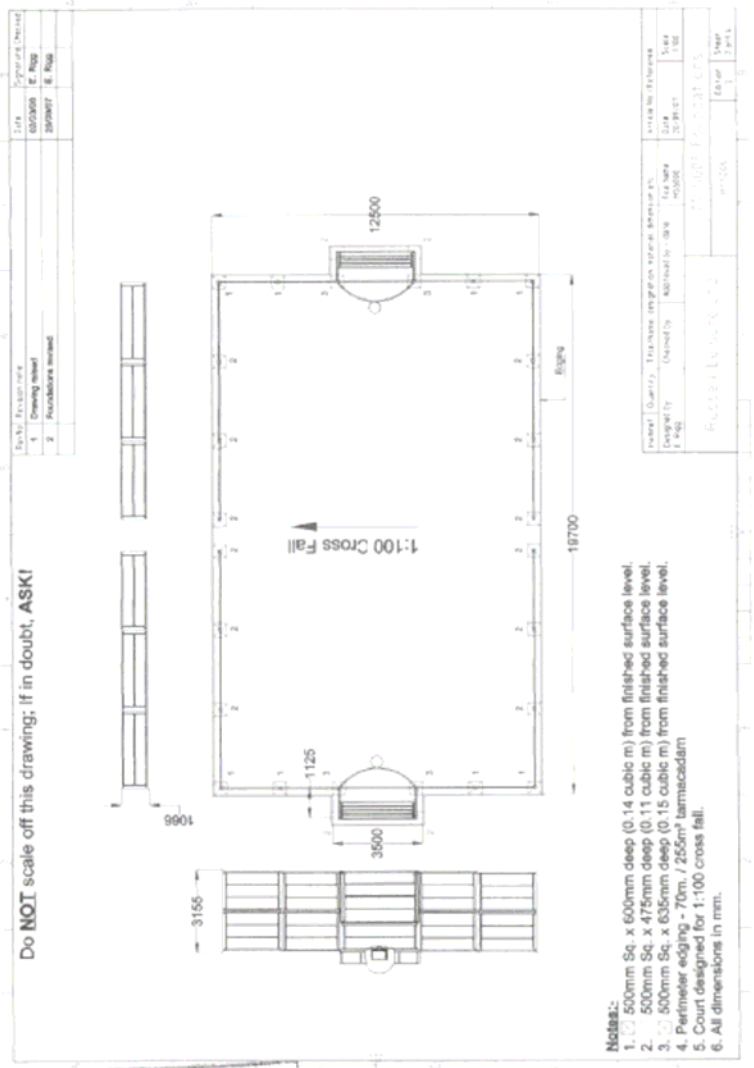
CHESTER-LE-STREET DISTRICT COUNCIL

DIRECTORATE OF DEVELOPMENT SERVICES

PLANNING COMMITTEE 9 June 2008

CHESTER-LE-STREET D.C.
 PLANNING DEPT.
 RECEIVED 01 MAY 2008
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Do NOT scale off this drawing; if in doubt, ASKI



- Notes:
1. 500mm Sq. x 600mm deep (0.14 cubic m) from finished surface level.
 2. 500mm Sq. x 475mm deep (0.11 cubic m) from finished surface level.
 3. 500mm Sq. x 635mm deep (0.15 cubic m) from finished surface level.
 4. Perimeter edging - 70mm / 265mm² harracedam
 5. Court designed for 1:100 cross fall.
 6. All dimensions in mm.

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **9 June 2008**

7.

Reference: 08/00174/FUL

Proposal Installation of multi use games facility
Location Land to The rear Community Centre Front Street Great Lumley Durham
Applicant Mr Barrie Alderson - Leisure Services

Application Summary

Ward: Great Lumley
Case Officer: Lisa Morina, Planning Assistant
Contact Details: 0191 387 2146

 lisamorina@chester-le-street.gov.uk

Summary of recommendation: The development hereby proposed will introduce a high standard of multi use recreational facility for the local community not to the detriment of visual or residential amenity.

Accordingly it is recommended that the application be approved.

The Proposal

Planning consent is sought for a Multi Use Games Area (MUGA) which comprises an enclosed marked playing surface. The MUGA has two 3.1m fences at each goal end with integrated goal and basket ball hoop at each. Along the sides of the court runs full length 1.1m fencing with access gaps on each side. The overall external size of the facility is 12.5m wide by 19.7m long.

The MUGA is to be located behind Great Lumley Community Centre within an existing recreation ground, which boasts facilities mainly for smaller children. The MUGA is one of five proposals across the District to improve the play facility offer for the local communities. The boundary of the nearest residential property is 10m away set at an angle to the north and the recreation area is bounded by more properties to the east and south of the site. A walk way and further recreational facilities exist to the west.

Planning History

There is no relevant planning history related to this playing field.

Consultation Responses

Durham County Council Highway Authority have raised no objection to the application.

Durham Constabulary architectural liaison have made no representations.

The Council's Environmental Health Team have raised no objection to the proposal.

Sport England have made a non-statutory objection despite the provision of new facilities being in accordance with their Planning Policy Statement (1999): Policy Objective 7. The objection is on technical grounds regarding the lack of floodlighting, height of side rebound fencing and proximity to residential properties.

The application has been advertised by way of a site notice and through direct mailing to adjacent occupiers. As a result of this exercise, two letters of public objection have been received on the following grounds:

- Objection to the football posts being moved closer to Norwich Close due to previous problems which resulted in broken windows and damage to gardens as well as being a danger to people and foul obscenities being heard by bystanders. The posts were moved as a result of this.
- The MUGA should be built alongside the bowling green which keeps the facilities together.
- The new development would be totally out of character
- The land has enough areas for children to play and there are further play areas within the village
- This area has very limited police patrols and would not be overlooked by any surrounding dwellings so children's safety could not be guaranteed.

Relevant Planning Policies and Considerations

National Planning Policy

Planning Policy Statement One: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Guidance 17: PPG17 sets out the Government's planning policy on the delivery of recreation space to promote health and well being, inclusive communities and high quality recreation facilities.

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 late summer 2008. The following policies contained within the RSS are of relevance to the proposal:

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

Policy 5B - Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.

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

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

County Durham Structure Plan

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

Chester-le-Street Local Plan

Policy RL1 seeks to ensure a high standard in the range, amount, distribution and quality of sport and leisure opportunities for all members of the community. In addition RL1 considers the impact new facilities may have on the amenity of surrounding occupiers or the appearance of the area.

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;

Visual Amenity

The MUGA facility is located within an established play area. The play area has been in situ for a substantial period of time and offers the main recreational facility in this area. The new facility will be more prominent but taken in the context of a play area such a facility is not out of character. The MUGA is to be situated to the rear of the Community Centre which locates it close to the existing play facilities leaving an expanse of green space remaining to the east which is away from the main bulk of residential properties adjacent to the site.

Residential Amenity

The MUGA is to be situated further west than the existing play facilities on site which is away from the main bulk of residential properties adjacent to the site, with the nearest being approximately 10m away to their nearest boundary and then a further 17m to their rear elevation. Having taken into consideration the historical use as a play area and the activities that already occur within it is considered the proposal will not be unreasonably detrimental to residential amenity. There is also a belt of trees to the rear boundary of the property which will help screen the site from residents.

Objections have been raised with regards to the moving of the existing football posts nearer to Norwich Close. Information has been submitted by the applicant to show that the posts are to be situated some 19m away from their rear boundaries which is considered to be an appropriate distance to be sited. Members should also be aware that Leisure Services can move the position of the goal posts without planning consent at any time.

Anti-Social Behaviour

Play areas and open spaces on the periphery of built up areas can attract some anti-social behaviour and is a general issue throughout the District. The facility in question is not that well surveyed by properties surrounding the area due to the strong boundary definition and tree belt. However, it is considered that the proposal is still considered acceptable in this location. The applicants have confirmed that the mound of earth to the west of the site is to be altered in order to allow the MUGA to be seen more from the road. This is to be secured via a condition of approval. It is not considered that the possibility of anti-social behaviour occurring is reason to restrict provision of good quality facilities for the local community. Members should be aware that the applicants have confirmed that this is the only location available within Great Lumley in order to build on and this has been agreed with the Millennium Trust and Parish Council.

Floodlighting & Fence Height

In reference to the non-statutory Sport England objection, the applicants have advised that floodlighting was never intended for the development, as the MUGA's are not proposed to be formal sporting facilities. They are informal play and recreational facilities for older children to complement the existing facilities of which they go alongside. It is not therefore considered necessary to offer floodlighting for such an informal facility. Mandatory floodlighting would also threaten the provision of facilities in principle because of the impact it would have on neighbouring residential properties.

In regard to the side rebound fencing the MUGA's come in a variety of shapes and sizes. While a 1.06m fence will allow the ball to stray outside the enclosure there is sufficient space in the surrounding area for the ball to escape whilst not causing a nuisance. The nearest road is some 50m, should playing balls stray outside the facility. It is also likely that a 3m fence all round would still not prevent playing balls from escaping. In light of this it is considered that no amendments to the design are required.

Conclusion

Policy RL1 seeks the provision of a range of high quality recreational facilities within the District. The proposed MUGA will offer a variety of potential ball sports for multiple users, be accessible to all, and therefore is fully in compliance with the policy RL1. The facility has been designed to resist anti-social behaviour and although not well surveyed by residential properties to deter crime activity changes are being made to the surrounding land to provide overlooking areas.

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 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 the details contained in the application hereby approved, a scheme shall be submitted to and approved in writing with the Local Planning Authority to improve the natural surveillance of the development. Thereafter the agreed scheme shall be implemented in full prior to the bringing into use of the development hereby approved. In order to ensure the development accords with interests of crime prevention and to accord with policy RL1 of the Chester-le-Street Local Plan.

**Recreation Ground to the rear of
Community Centre, Front Street, Great Lumley**



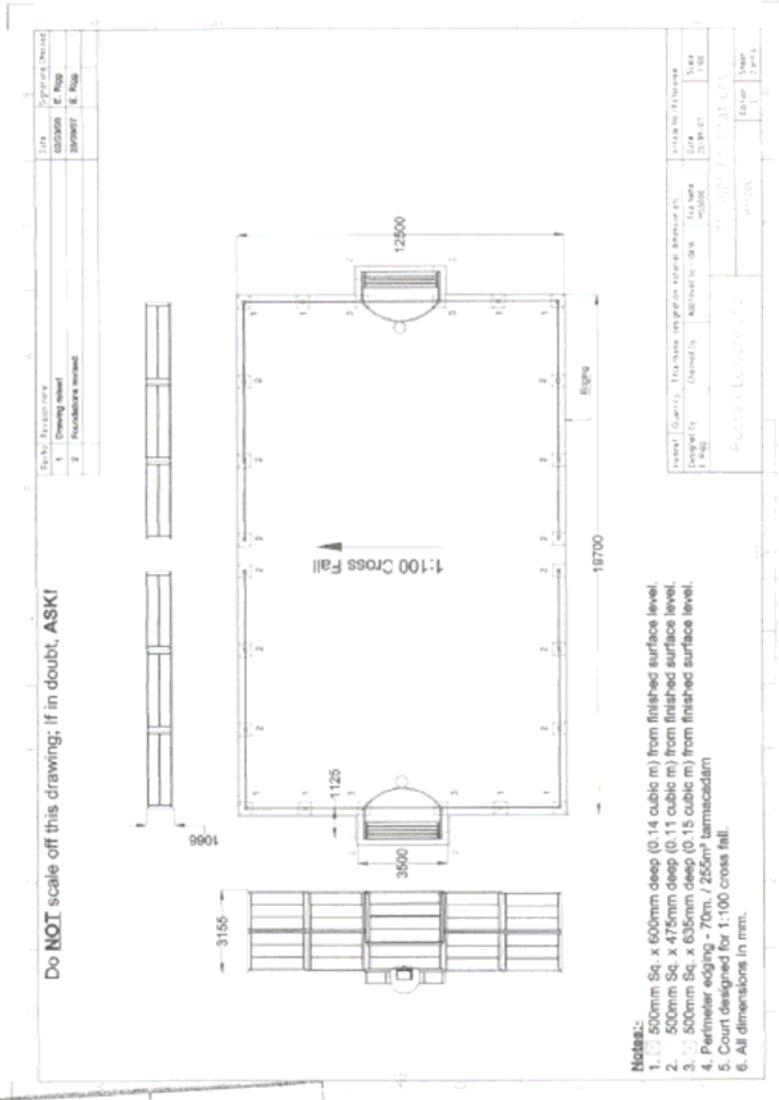
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CHESTER-LE-STREET DISTRICT COUNCIL

DIRECTORATE OF DEVELOPMENT SERVICES

PLANNING COMMITTEE 9 June 2008

CHESTER-LE-STREET D.C.
PLANNING DEPT.
RECEIVED 01 MAY 2008
ACTION BY
POST BOOK NO.



CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **9 June 2008**

8.

Reference: 08/00177/FUL

Proposal Installation of a multi use games area and associated footpath

Location Recreation Ground to rear of Arisaig / The Brooms Ouston Chester-le-Street
Durham

Applicant Mr B. Alderson - Leisure Services

Application Summary

Ward: Ouston

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk

Summary of recommendation: The development hereby proposed will introduce a new community facility to the area within an established playing field without detriment to the residential or visual amenity of the surrounding area.

Accordingly it is recommended that the application be approved.

The Proposal

Planning consent is sought for a Multi Use Games Area (MUGA) which comprises an enclosed marked playing surface. The MUGA has two 3.1m fences at each goal end with integrated goal and basket ball hoop at each. Along the sides of the court runs full length 1.1m fencing with access gaps on each side. The overall external size of the facility is 12.5m wide by 19.7m long.

The proposed location of the MUGA is to the rear of Arisaig Road in Ouston, alongside an existing child's play area furnished with fixed equipment such as swings and a roundabout. The facility is placed within a much larger rake of open space laid to grass and is 70m from the nearest residential property.

Planning History

There is no relevant planning history related to this playing field.

Consultation Responses

Durham County Council Highway Authority have raised no objection to the application.

The Council's Environmental Health Department have raised no objection to the proposals.

Durham Constabulary architectural liaison have made no comment on the proposals.

Sport England have made a non-statutory objection despite the provision of new facilities being in accordance with their Planning Policy Statement (1999): Policy Objective 7. The objection is on technical grounds regarding the lack of floodlighting and height of side rebound fencing.

The application has been advertised by way of a site notice and through direct mailing to adjacent occupiers. One public objection has been received on the following grounds:

- Loss of a small area of trees and vegetation
- Impact on ecology
- Parking for visitors
- Anti social behaviour resulting from underage drinking.

Relevant Planning Policies and Considerations

National Planning Policy

Planning Policy Statement One: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Guidance 17: PPG17 sets out the Government's planning policy on the delivery of recreation space to promote health and well being, inclusive communities and high quality sporting facilities.

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 late summer 2008. The following policies contained within the RSS are of relevance to the proposal:

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

Policy 5B - Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.

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

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

County Durham Structure Plan

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

Chester-le-Street Local Plan

Policy RL1 seeks to ensure a high standard in the range, amount, distribution and quality of sport and leisure opportunities for all members of the community. In addition RL1 considers the impact new facilities may have on the amenity of surrounding occupiers or the appearance of the area.

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:

Visual Amenity

The MUGA facility is 70m from the nearest residential property within a far larger area of open recreational grassland interspersed with tree planting. The site faces the main access path from the residential estate and as such pedestrian traffic faces the facility, and from an Officer site visit, the existing play area appears well used. Although the distance is 70m, due to the flat open topography some natural surveillance is afforded from the residential properties and as such the MUGA facility is well situated next to the existing play area.

The loss of the young trees is regretful especially as in its place the MUGA will be reasonably prominent in its blue and yellow colour scheme. Tree planting could soften the appearance in this urban fringe setting. Accordingly it is proposed to impose a condition to agree replacement tree planting in the vicinity of the MUGA in the interests of visual amenity. This has subsequently been agreed with the Council's Leisure Services Team.

Residential Amenity

The separation distances from the facility, to the nearest residential properties, are more than adequate to not cause nuisance to surrounding properties and as the area is already an established play area the use is firmly established.

In regard to the objection in reference to parking, the facility is designed to bolster the offer for the local community. The purpose is to not provide a facility that will attract people from areas beyond walking distance. The site is centrally located, well related to residential areas and offers users' access within easy walking Distance. This MUGA is one of five proposed across the District to increase the range and quality of facilities available for local communities.

Anti-Social Behaviour

Play areas and open spaces on the periphery of built up areas can attract some anti-social behaviour and is a general issue throughout the District and indeed nationally. However, the facility in question is robust and well surveyed to discourage such activity and it is not considered that the possibility of anti-social behaviour occurring is reason to restrict provision of good quality facilities for the local community.

Floodlighting & Fence Height

In reference to the non-statutory Sport England objection, the applicants have advised that floodlighting was never intended for the development as the MUGA's are not proposed to be formal sporting facilities. They are informal play and recreational facilities for older children to complement the existing facilities of which they go alongside. It is not therefore considered necessary to offer floodlighting for such an informal facility. Mandatory floodlighting would also threaten the provision of facilities in principle because of the impact it would have on neighbouring residential properties.

In regard to the side rebound fencing the MUGA's come in a variety of shapes and sizes. While a 1.06m fence will allow the ball to stray outside the enclosure there is sufficient space in the surrounding area for the ball to escape whilst not causing a nuisance. It is also likely that a 3m fence all round would still not prevent playing balls from escaping. In light of this it is considered that no amendments to the design are required.

Conclusion

Policy RL1 seeks the provision of a range of high quality recreational facilities within the District. The proposed MUGA will offer a variety of potential ball sports for multiple users, be accessible to all and therefore fully in compliance with the policy RL1. The facility has been designed to resist anti-social behaviour and is surveyed by residential properties to deter crime activity. Due to the established recreational use and helped by the separation distance it is not perceived that harm to residential amenity will occur.

Accordingly it is recommended that the application be approved.

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).

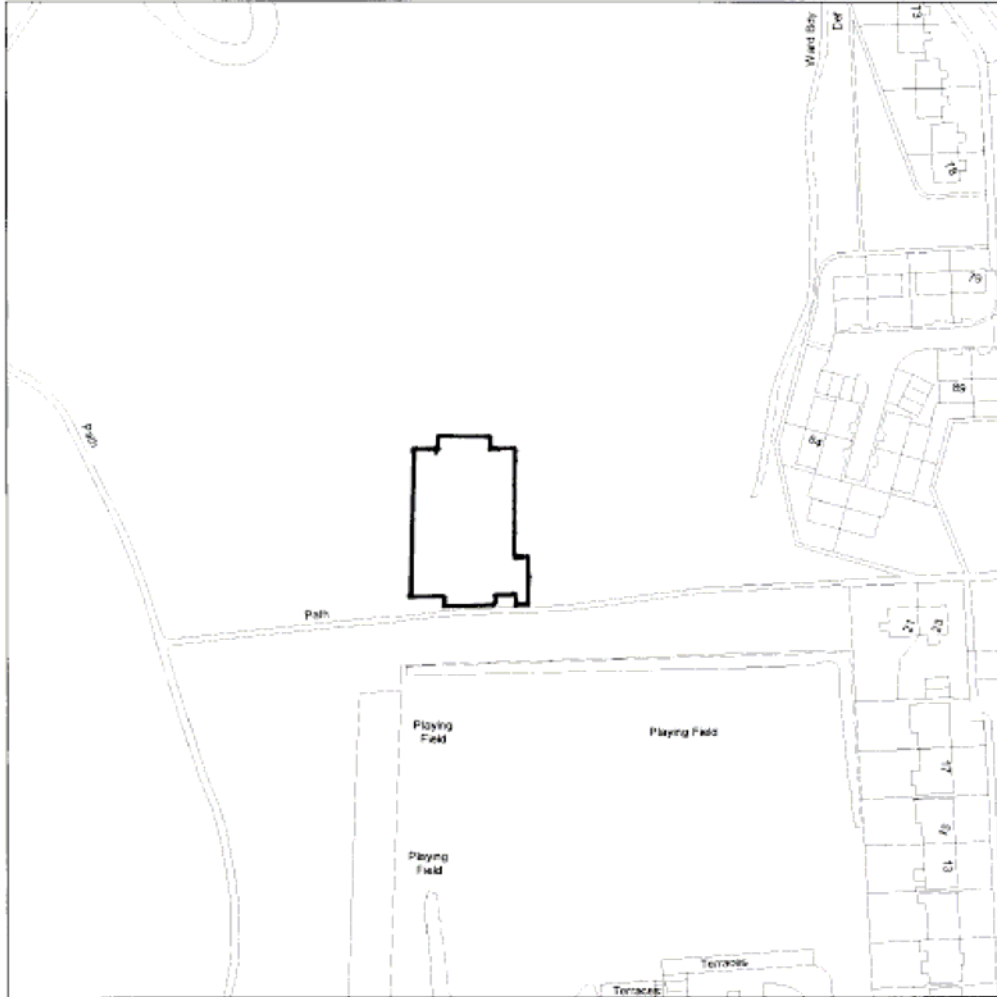
Extra 2.

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 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.

Prior to development commencing a scheme shall be submitted to and approved in writing by the Local Planning Authority as to tree and shrub planting in the vicinity of the multi use games area hereby approved. The tree and shrub planting shall be implemented in the first available planting season following completion of the multi use games area. The agreed planting shall be maintained and replaced where necessary for a minimum period of five years in the interests of the visual amenity of the area in accordance with policy RL1 of the Chester-le-Street Local Plan.

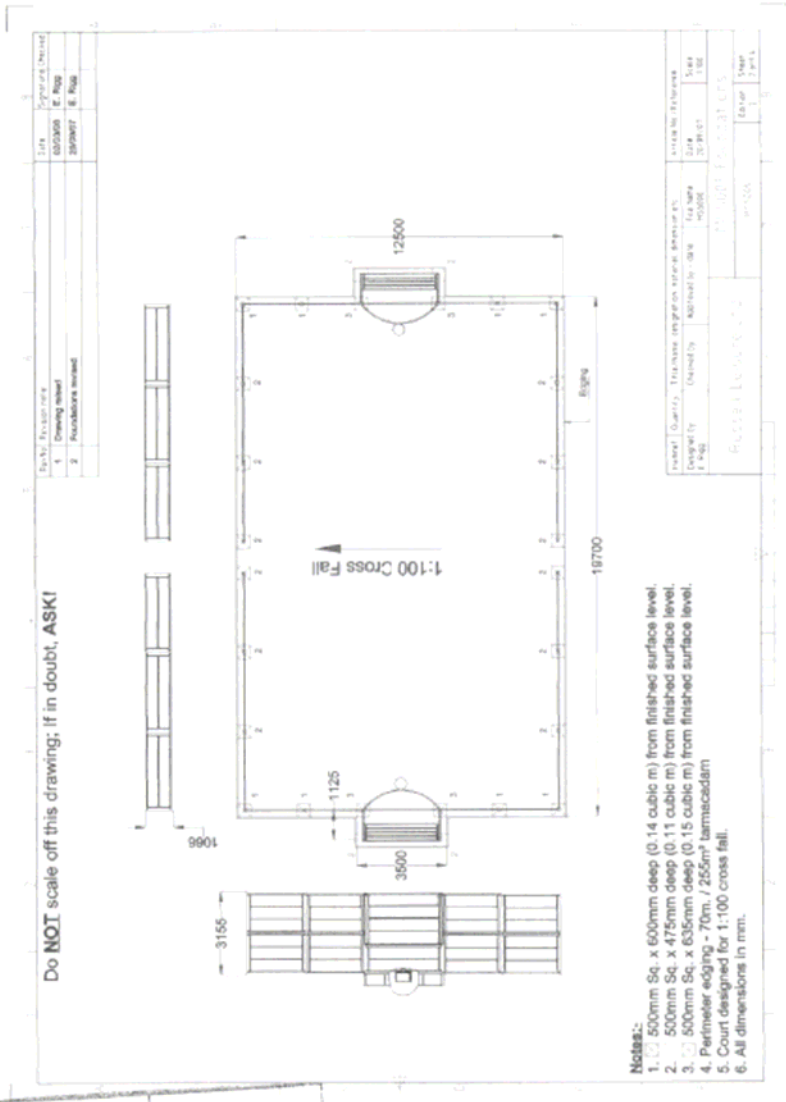
**Recreation Ground to the rear of
Arisaig/The Brooms, Ouston**



Scale : 1:1250

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 9 June 2008

CHESTER-LE-STREET D.C.
 PLANNING DEPT.
 RECEIVED 01 MAY 2008
 ACTION BY
 POST BOOK NO.



CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 9 June 2008

9.

Reference: 08/00180/FUL

Proposal Multi use games area and associated pathways

Location Land to The rear of Elm Crescent Kimblesworth Chester-le-Street Durham

Applicant Mr Barrie Alderson

Application Summary

Ward: Kimblesworth & Plawsworth

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk

Summary of recommendation: The development hereby proposed will introduce a high standard of multi use recreational facility for the local community without detriment to visual or residential amenity.

Accordingly it is recommended that the application be approved.

The Proposal

Planning consent is sought for a Multi Use Games Area (MUGA) which comprises an enclosed marked playing surface. The MUGA has two 3.1m fences at each goal end with integrated goal and basket ball hoop at each. Along the sides of the court runs full length 1.1m fencing with access gaps on each side. The overall external size of the facility is 12.5m wide by 19.7m long.

The MUGA is to be centrally located within the Elm Crescent recreation ground, which boasts facilities mainly for smaller children. The MUGA is one of five proposed across the District to improve the play facility offer for the local communities. As part of the application a tarmac pathway is proposed to link to the pavement to allow easy access. The nearest rear garden residential fence is 25m away (property 40m) and the site is surveyed by another eleven surrounding properties the furthest being 55m away.

Planning History

There is no relevant planning history related to this playing field.

Consultation Responses

Durham County Council Highway Authority have raised no objection to the application.

Durham Constabulary architectural liaison have made no representations.

The Council's Environmental Health department has raised no objection to the proposal.

Sport England have made a non-statutory objection despite the provision of new facilities being in accordance with their Planning Policy Statement (1999): Policy Objective 7. The objection is on technical grounds regarding the lack of floodlighting, height of side rebound fencing and proximity to residential properties.

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

Relevant Planning Policies and Considerations

National Planning Policy

Planning Policy Statement One: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Guidance 17: PPG17 sets out the Government's planning policy on the delivery of recreation space to promote health and well being, inclusive communities and high quality sport and recreational facilities.

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 late summer 2008. The following policies contained within the RSS are of relevance to the proposal:

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

Policy 5B - Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.

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

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

County Durham Structure Plan

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

Chester-le-Street Local Plan

Policy RL1 seeks to ensure a high standard in the range, amount, distribution and quality of sport and leisure opportunities for all members of the community. In addition RL1 considers the impact new facilities may have on the amenity of surrounding occupiers or the appearance of the area.

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:

Visual Amenity

The MUGA facility is proposed to be located within an established play area. The play area has been in situ for a substantial period of time and offers the main recreational facility in this area. The new facility will be more prominent but taken in the context of a play area such a facility is not out of character. Taking into account the boldness of the design it has been resolved to move the MUGA East to minimise its visual impact from the properties of Elm Crescent. The property of Hill View being a bungalow is less affected by the development.

Residential Amenity

The location of the MUGA now offers maximum separation distance from surrounding residential properties and having taken into consideration the historical use as a play area and the activities that already occur within, it is considered the proposal will not be unreasonably detrimental to residential amenity. The amended location now ensures the closest residential fence boundary is 25m away which is in excess of the minimum 12m required by Sport England in their technical guidance. The nearest residential property is also goal end on so protected by the 3.1m rebound fencing.

Anti-Social Behaviour

Play areas and open spaces on the periphery of built up areas can attract some anti-social behaviour and is a general issue throughout the District and indeed nationally. The facility in question is robust and well surveyed by twelve properties to discourage such activity

and it is not considered that the possibility of anti-social behaviour occurring is reason to restrict provision of good quality facilities for the local community.

Floodlighting & Fence Height

In reference to the non-statutory Sport England objection, the applicants have advised that floodlighting was never intended for the development, as the MUGA's are not proposed to be formal sporting facilities. They are informal play and recreational facilities for older children to complement the existing facilities of which they go alongside. It is not therefore considered necessary to offer floodlighting for such an informal facility. Mandatory floodlighting would also threaten the provision of facilities in principle because of the impact it would have on neighbouring residential properties.

In regard to the side rebound fencing the MUGA's come in a variety of shapes and sizes. While a 1.06m fence will allow the ball to stray outside the enclosure there is sufficient space in the surrounding area for the ball to escape whilst not causing a nuisance. There is 45m north before the nearest road, should playing balls stray outside the facility. It is also likely that a 3m fence all round would still not prevent playing balls from escaping. In light of this it is considered that no amendments to the design are required.

Conclusion

Policy RL1 seeks the provision of a range of high quality recreational facilities within the District. The proposed MUGA will offer a variety of potential ball sports for multiple users, be accessible to all and therefore fully in compliance with the policy RL1. The facility has been designed to resist anti-social behaviour and is surveyed by residential properties to deter crime activity. Due to the established recreational use and the amended location, further away from residential properties, it is not perceived that harm to residential amenity will occur.

Accordingly it is recommended that the application be approved.

RECOMMENDATION CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

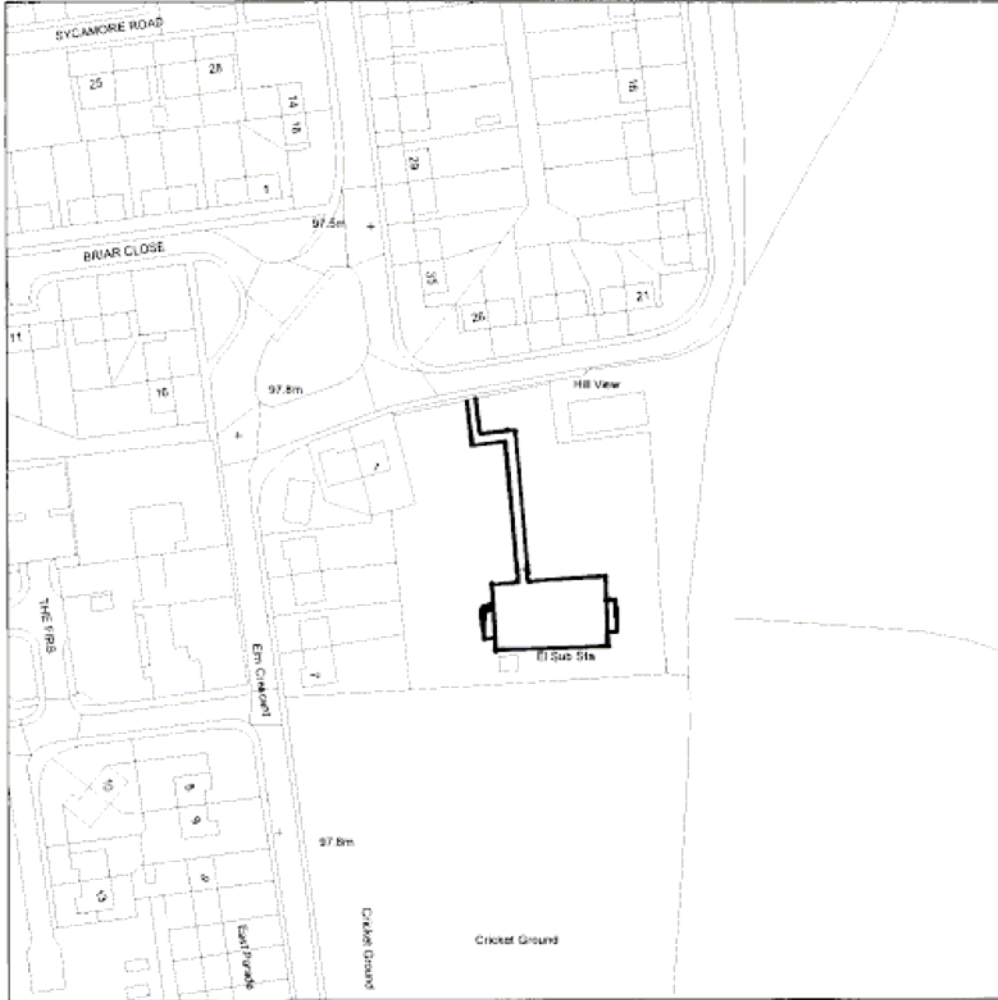
Extra 1.

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 19th May 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.

**Recreation Ground to the rear of
Elm Crescent, Kimblesworth**



Scale : 1:1250

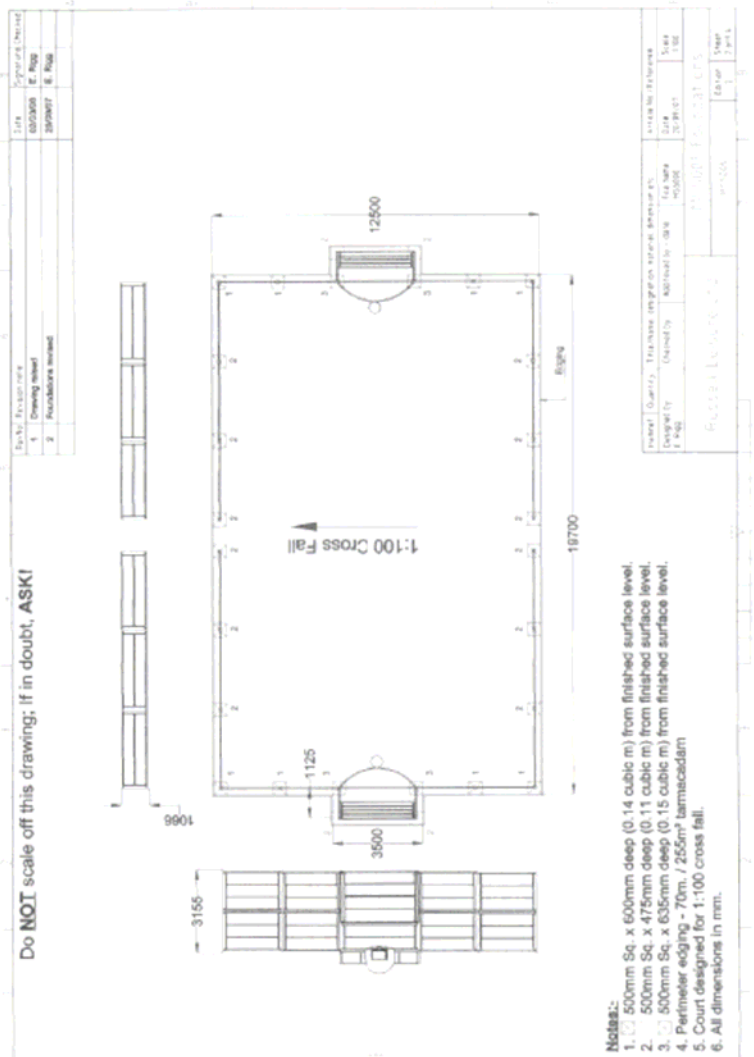
CHESTER-LE-STREET DISTRICT COUNCIL

DIRECTORATE OF DEVELOPMENT SERVICES

PLANNING COMMITTEE 9 June 2008

CHESTER-LE-STREET D.C.
 PLANNING DEPT.
 RECEIVED 01 MAY 2008
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Do NOT scale off this drawing; if in doubt, ASKI



- Notes:**
1. 500mm Sq. x 600mm deep (0.14 cubic m) from finished surface level.
 2. 500mm Sq. x 475mm deep (0.11 cubic m) from finished surface level.
 3. 500mm Sq. x 635mm deep (0.15 cubic m) from finished surface level.
 4. Perimeter edging - 70m. / 265m² harracedam
 5. Court designed for 1:100 cross fall.
 6. All dimensions in mm.

Client/Quantity	Technical Department	Drawn by	Scale
Quantity	Quantity	Checked by	Scale
1:100	1:100	1:100	1:100
Project Name: 03/03/08			
Drawing No: 03/03/08			
Date: 03/03/08			
Author: ASKI			
Check: ASKI			
Date: 03/03/08			

10.

Reference: 08/00207/OUT

Proposal Outline application for the erection of 1 no detached dwelling with garage (all matters reserved except access and landscaping)

Location Hollydene North Lodge Chester-le-Street Durham DH3 4AZ

Applicant Mr & Mrs May

Application Summary

Ward: North Lodge

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk

Summary of recommendation: The development hereby proposed is considered to not harm the visual amenity of the area such is its set back from the road, separation distances and relationship with the surrounding pattern of development. The proposal is considered not harmful to the residential amenity of adjoining occupiers or the amenity and survival of the surrounding protected trees.

Accordingly it is recommended that the application be approved.

The Proposal

Outline planning consent is sought for one residential dwelling to the west of the existing house within the curtilage of this property. The site is currently laid to lawn with 19 protected trees within the application site, subject to an area Tree Preservation Order (TPO). All details are reserved with the exception of the details of the proposed means of access (coming from North Lodge as existing) and the general landscaping provision.

The site is North of Chester-le-Street town in close proximity to the neighbouring boundary with Birtley and is located off North Lodge private road.

The application is being reported to Committee as the applicants are Members of the District Council.

Relevant Planning History

01/00063/OUT Outline planning approval for one residential dwelling to the west of Hollydene - Approved

04/00572/REN Renewal for application 01/00063/OUT - Approved

08/00026/OUT Application for one residential dwelling - Application Withdrawn (due to lack of information regarding location of protected trees).

Consultation Responses

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

The Council's Regeneration department have made no representations.

Northumbrian Water have not commented on the proposed development.

The Council's Environmental Services Team (Tree Officer) raise no objections, commenting that the proposed location of the dwelling will not threaten any of the protected trees on site.

The application has been advertised through a site notice and direct mailing to adjacent occupiers. No public representations have been received.

Relevant Planning Policies and Considerations

National Planning Policy

Planning Policy Statement One: PPS1 sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Statement Three: PPS3 sets out the sustainable delivery of the Government's national housing objectives. Housing should be of a high quality, offer variety and choice, be affordable and make use of previously developed land in sustainable locations whilst being well related to existing facilities and infrastructure.

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 late summer 2008.

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

Policy 5B - Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.

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

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

County Durham Structure Plan

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

Chester-le-Street Local Plan

Policy HP6 allows residential development within the settlement of Chester-le-Street provided it is on previously developed land and complies with policy HP9.

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

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

Policies NE11 and NE12 require development to take account of existing trees on site and ensure their protection in the long-term interests of the trees.

Policies T15 and T17 seek to deliver safe and accessible access arrangements to all highway users and reduce the reliance on the private vehicle.

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;

Principle of Development

Under policy HP6 of the Local Plan “windfall” residential development is acceptable on previously developed land within settlement boundaries. The site is classed as previously developed in that it is within the current garden and curtilage of Hollydene. This accords with Planning Policy Statements One and Three which aim to focus residential development on previously developed land with good connectivity and links to public

transport and facilities. The site is within 400m of a bus stop and is a short distance from local shops within a defined urban area.

Visual Amenity

The site is located towards the eastern end of the North Lodge estate, going east. The application site is currently laid to lawn and forms part of the large garden for Hollydene. The area is characterised by its seclusion partly afforded by the high boundary walls but also the wealth of trees in the area. The proposed dwelling site will not be easily viewed unless specifically travelling to the end of North Lodge; furthermore it is well set back from the road edge. Looking at the pattern of development in the area the subdivision of this plot from Hollydene appears commensurate with the surrounding properties in regard to size and layout. It is not considered the proposal will be to the detriment of visual amenity in principle, notwithstanding the need to assess these details at a further reserved matters application stage.

Residential Amenity

The nearest residential property is that of no.20 North Lodge to the west of the site. This does not however have any primary windows in the elevation facing the application site and is afforded good screening by the protected trees to not raise amenity concerns. The existing property of Hollydene has a gable wall that faces the development with minor secondary windows and a 17m separation distance. This will ensure an acceptable impact on the residential amenity of the future occupiers of the proposed development.

Access

Durham County Highway Authority have not objected to the proposal as the access exists at present and will merely be enlarged to take one extra dwelling.

Amenity Space

The proposed dwelling will be served by a large garden commensurate with other properties along North Lodge and will not be to the detriment of potential future occupiers.

Protected Trees

As aforementioned the site is subject to an area TPO which affects 19 trees, 16 of which are closest to the proposed dwelling. The accompanying site layout plan shows the location of the trees and following inspection from the Council's arborist it is considered the dwelling can be constructed without harming the trees, subject to appropriate protection measures. It is therefore proposed to apply conditions for agreeing suitable protection measures and root protection areas in advance of any development. Permitted development rights for enclosures, hard standings, extensions and freestanding buildings will also be restricted to ensure the longevity of the trees and amenity of the street scene.

Conclusion

The proposed new dwelling is considered commensurate in layout and appearance with the existing street pattern and character of the surrounding area in accordance with policy HP9 of the Chester-le-Street Local Plan.

The proposal has comparable separation distances to surrounding dwellings that currently exist in the area and the inter relationships are thus not considered harmful to residential amenity in accordance with policy HP9 of the Chester-le-Street local Plan.

The access arrangements are similar to existing and surrounding area and the introduction of a new dwelling will offer two parking spaces, therefore it is considered the proposal accords with policy HP9, T15, and T17 of the Chester-le-Street Local Plan.

Accordingly it is recommended that the application be approved.

RECOMMENDATION CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

Extra 1

Applications for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. In accordance with Section 92 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004).

Extra 2

The appearance, layout and scale of development are reserved matters in relation to this permission. The development hereby given outline planning permission shall not be commenced until all of the aforementioned reserved matters have been approved.

Extra 3

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 4

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 5

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.

Extra 6

All building operations to be carried out in the vicinity of the protected trees located within the site shall be carried out in accordance with the requirements of BS 5837:2005 - Trees in Relation to Construction, in order to ensure the development does not harm any protected trees located within the site according with the aims of Policies NE 11 and NE 12 of the Chester-le-Street Local Plan.

Extra 7

Notwithstanding the information submitted with the application prior to works commencing agreement on site with the Local Planning Authority shall be reached as to the tree protection area and tree protective fencing which shall be erected in accordance with BS5837:2005 and policies NE11 and NE12 of the Chester-le-Street Local Plan.

Extra 8

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 9

Any trees, shrubs or planting which becomes dead, dying, diseased or is removed, shall be replanted to the satisfaction of the Local Planning Authority, within the first 5 years of the landscaping being planted, in the interests of the satisfactory appearance of the development upon completion and to ensure a successful and robust landscaping scheme and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

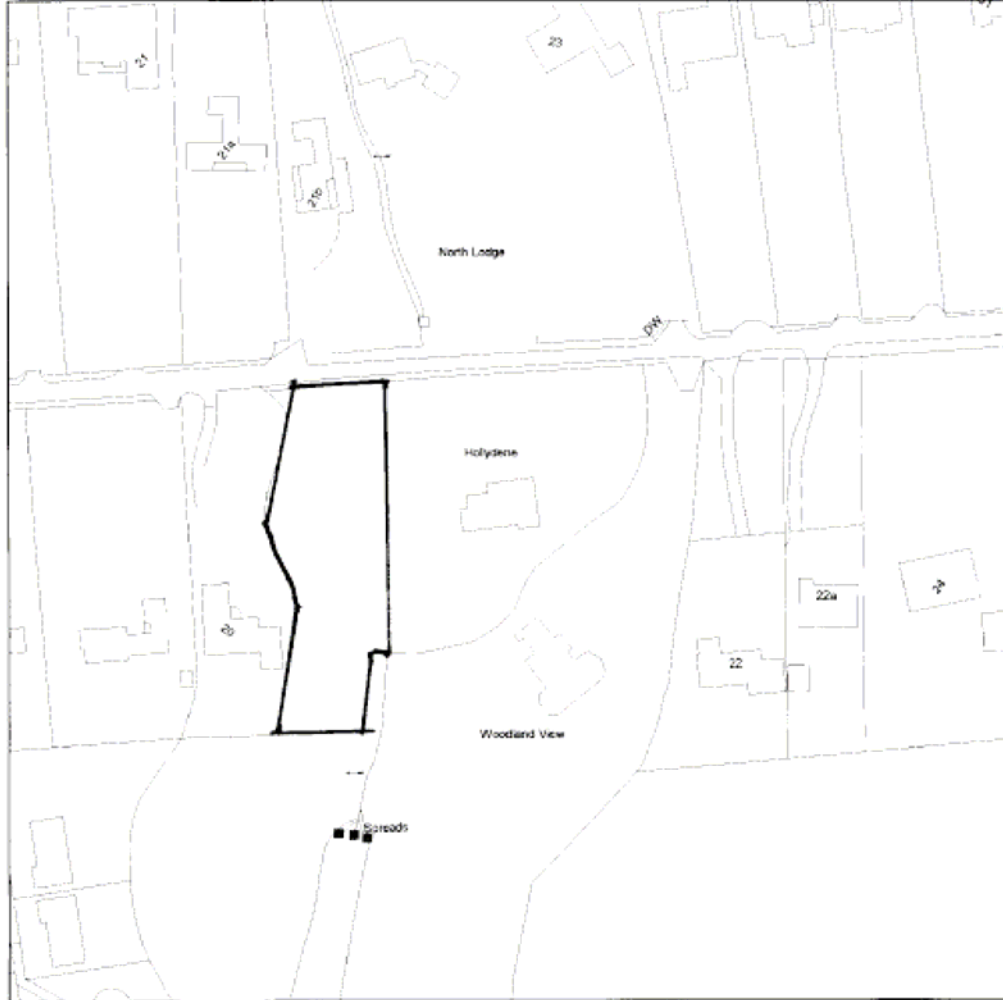
Extra 10

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

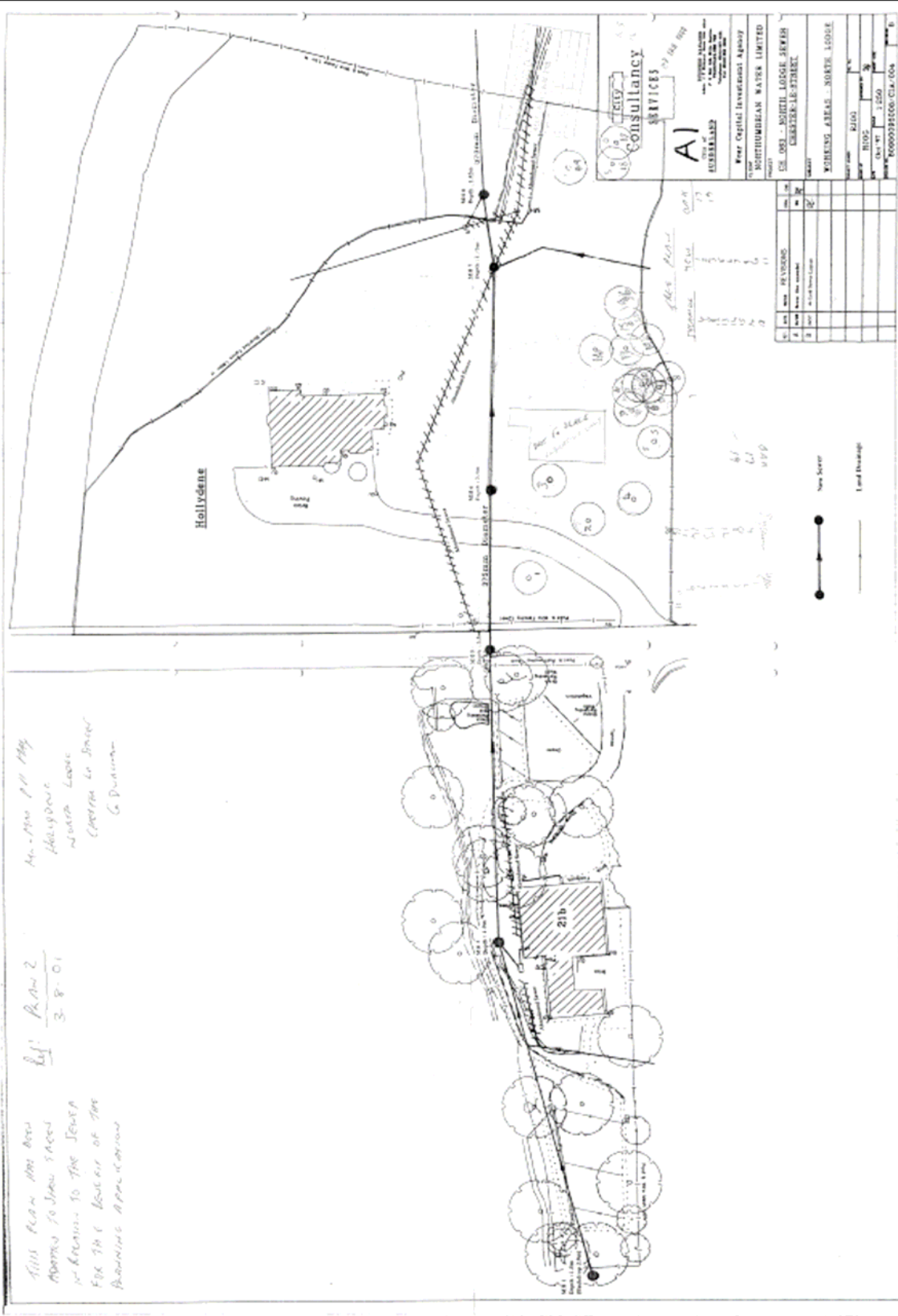
planning permission in order to ensure the satisfactory appearance of the development upon completion and in the interests of visual and residential amenity in accordance with Policy HP9 of the Chester-le-Street District Local Plan.

Hollydene

North Lodge, Chester-le-Street



Scale : 1:1250





Chester-le-Street District Council

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

Tel: 0191 387 1919 Fax: 0191 387 1583

Directorate of Development Services

28 May 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
07/00115/FUL /	Mr A.J. Laverick	4 Station Lane Pelton Fell Chester-le-Street Durham DH2 2RL	Single storey ground floor extension to kitchen and replacement sun lounge for conservatory	W / 29.10.2007	E:425239 N:552103	Appeal Withdrawn /
07/00276/FUL /	Mr Thomas	New Dwelling Adjacent to Willowbrook Woodburn Close Bournmoor Chester-le-Street Durham DH4 6DH	Erection of conservatory to rear, creation of new window opening to side elevation and installation of additional roof light to rear	W / 24.01.2008	E:431238 N:550971	Appeal Allowed / 01.05.2008
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 /

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
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 /
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 Dismissed / 06.05.2008

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **9 June 2008**

ITEM 3 NOTIFICATION OF PLANNING APPEAL DECISIONS

DISPLAY OF EXTERNALLY ILLUMINATED FREE-STANDING 48 SHEET HOARDING, SIZE 3.048 METRES X 6.096 METRES, ALONG EAST ELEVATION OF FRONT OF SITE (RETROSPECTIVE APPLICATION) AT 28-29 FRONT STREET, PELTON

Notification has recently been received from the Planning Inspectorate of a decision reached in an appeal lodged by JC Decaux against refusal of advertisement consent for an advertising hoarding at the front of the site at AP Developments, 28-29 Front Street, Pelton.

Members will note that this application was presented to the Planning Committee in December 2007 with a recommendation of refusal and Members agreed with the recommendation for the following reasons:

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

The key considerations for the Inspector related to whether or not the hoarding respects the character and appearance of the surrounding area.

The Inspector stated that although the panel is located on a site in commercial use, the buildings within the site are modest in size and are discreetly located well back from the main road through the village. Given its size and its free standing position on the forecourt, the panel is poorly related to the existing buildings and appears as an unacceptably prominent feature within the streetscene. The inspector also felt that due to the position of the hoarding it intrudes into the views of the adjacent group of trees which contribute to the rural character of the village and are subject to a Tree Preservation Order.

For these reasons therefore, it was concluded that the panel fails to respect the character and appearance of the surrounding area.

Accordingly, the appeal was dismissed. A copy of the appeal decision is appended to this report for Member's consideration.

Members should be aware that following the outcome of this appeal decision, Officer's have contacted JC Decaux and requested removal of the hoarding within 21 days otherwise prosecution proceedings will begin.

Case Officer: Lisa Morina



Appeal Decision

Site visit made on 3 April 2008

by **Mrs K.A. Ellison BA, MPhil, MRTPI**

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

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

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email: enquiries@pins.gsi.gov.uk

Decision date:
06 MAY 2008

Appeal Ref: APP/G1305/H/08/1202591

AP Developments, 28-29 Front Street, Pelton Co Durham DH2 1LU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by JC Decaux against the decision of Chester-le-Street District Council.
- The application Ref 07/00502/ADV, dated 7 November 2007, was refused by notice dated 12 December 2007.
- The appeal concerns the display of a freestanding 48-sheet poster panel.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is whether the panel respects the character and appearance of the surrounding area.

Reasons

3. Although the panel is located on a site in commercial use, the buildings within the site are modest in size and are discreetly located well back from the main road through the village. Given its size, some 6m by 3m, and its freestanding position on the front forecourt, the panel is poorly related to the existing buildings and appears as an unacceptably prominent feature in the streetscene. In addition, because it sits at right angles to the road it intrudes into views of the adjacent group of trees which contribute to the rural character of the village and are the subject of a Tree Preservation Order. For these reasons therefore, the panel fails to respect the character and appearance of the surrounding area.
4. During my site visit, I noted the position of the advertisement in relation to other features such as the bus stop and nearby road junctions, as referred to in the separate representation from a local ward councillor. However, this is a static and conventional display with a good range of forward visibility which allows drivers plenty of time to note its presence in advance of the site. Thus, whilst I appreciate that it is intended to attract attention, I consider that it is not so distracting as to represent a hazard to safety.
5. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of amenity.

K.A. Ellison

Inspector

ITEM 3 NOTIFICATION OF PLANNING APPEAL DECISION

ERECTION OF CONSERVATORY TO REAR, CREATION OF NEW WINDOW OPENING TO SIDE ELEVATION AND INSTALLATION OF ADDITIONAL ROOF LIGHT TO REAR AT WILLOW HOUSE, (LAND ADJACENT TO WILLOWBROOK), BOURNMOOR

Notification has recently been received from the Planning Inspectorate of a decision reached in an appeal lodged by Mr Thomas against the Council's decision to refuse planning permission for the Erection of conservatory to rear, creation of new window opening to side elevation and installation of additional roof light to rear at Willow House which is a recently built dwelling adjacent to Willowbrook, Bournmoor.

Members may recall that this application was presented to the planning committee in August 2007 with a recommendation of approval. However, Members overturned this recommendation for the following reasons:

The proposed conservatory is, by virtue of its size, scale and separation distance, considered to have a detrimental impact upon neighbours at Woodburn Close; and as such is considered to be contrary to the provisions of Policy HP11 (i) of the Chester-le-Street District Local Plan.

In considering the merits of the appeal the Inspector considered that the main issues raised by the application were whether the proposed conservatory would infringe on the light and privacy to the neighbouring properties due to the proposal being below the 15m separation distance as stated in Appendix 1 of the Council's Local Plan.

The Inspector stated that the Planning Officer recommended approval for the proposal and noted that the conservatory would be adequately screened by a thick Leylandii hedge along the northern boundary. In this instance the Inspector agreed with the appellants view that the hedge would provide a very effective screen.

The Inspector also considered that the conservatory would not affect the light of the adjacent bungalows.

Finally, the Inspector also went on to state that a 'sun lounge' of a similar depth was already in existence at the adjacent dwelling to the east and that he did not consider that the infringement of the 'guidelines' in appendix 1 of the Local Plan would result in a development that would not contravene policy HP11. On the contrary, the Inspector felt that the proposal would accord with the statutory requirements applicable in this instance.

Accordingly, the appeal was allowed. A copy of the appeal decision is appended to this report for member's consideration.

Case Officer: Lisa Morina



Appeal Decision

Site visit made on 1 April 2008

by **D R Cullingford BA MPhil MRTPI**

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

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

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email: enquiries@pins.gsi.gov.uk

Decision date:
1 May 2008

Appeal Ref: APP/G1305/A/07/2061906/WF New dwelling adjacent to Willowbrook, Woodburn Close, Primrose Hill, Bournmoor, Chester-le-Street, Co Durham, DH4 6DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is by Mr R Thomas against the decision of the Chester-le-Street District Council.
- The application (ref: 07/00276/FUL and dated 5 June 2007) was refused by notice dated 15 August 2007.
- The development is described as the 'erection of conservatory to rear, creation of new window opening to side elevation, and installation of additional roof light to rear'.

Decision

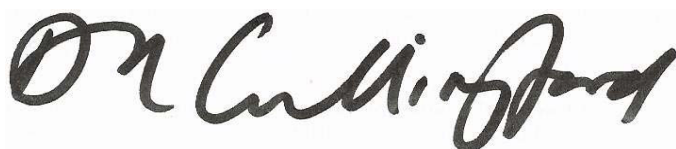
1. For the reasons given below, I allow the appeal, and grant planning permission for the erection of a conservatory to the rear, the creation of a new window opening to the side elevation, and the installation of an additional roof light to rear at the new dwelling adjacent to Willowbrook, Woodburn Close, Primrose Hill, Bournmoor, Chester-le-Street, Co Durham in accordance with the terms of the application (ref. 07/00276/FUL) dated 5 June 2007, and the plans submitted therewith, subject to the following conditions.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) Details of the materials to be used in the construction of the external surfaces of any development, hereby permitted, shall match those used in the existing building and shall be submitted to and approved in writing by the local planning authority before development commences. The works shall be carried out in accordance with the approved details.
 - 3) The additional roof light, hereby permitted, shall be fitted with obscure glazing to match that used on the existing roof lights unless the local planning authority give written consent for any variation; the glazing shall be retained in that condition.
 - 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme indicating the position, design, materials, landscaping and type of boundary treatment to the boundaries of the rear garden and, in particular, the treatment along the northern boundary. The boundary treatment shall be undertaken and retained in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons

2. The appeal property is a modest detached house built on an infill site on Primrose Hill: to the rear there is a pair of semi-detached bungalows that face the rear garden hedge of the appeal property across a gravelled private access. The front elevations of those bungalows stand barely 15m from the rear elevation of the appeal property. The proposal is to erect a small conservatory projecting 3m from the existing rear elevation and to install a side window to a

bedroom and a roof light to a shower room. Planning permission is required because the normally permitted development rights were removed when permission for the dwelling was first granted.

3. Both the Council and neighbouring residents object to the scheme because the conservatory proposed would infringe the 15m separation distance suggested as an 'indicative standard' to ensure privacy and amenity; it is claimed that such an infringement would impinge on the light and privacy reasonably expected by those nearby and thus contravene the requirements of 'saved' policy HP11. However, the planning officer recommended approval for the proposal and noted that the conservatory would be adequately screened by the existing thick leylandii hedge (roughly 2.5m in height) along the northern boundary. I agree, for I saw that the hedge provides a very effective screen and, of course, the small conservatory would not affect the light at the adjacent bungalows. In all other respects the additional structure would accord with the relevant guidance, provided that the materials were to match those of the existing dwelling where necessary; a suitable condition could be imposed. And, indeed, I saw that a 'sun lounge' extension of a similar depth existed at the adjacent dwelling to the east. Hence, I consider that this particular infringement of the 'guidelines' would not result in development that would contravene policy HP11. On the contrary, it seems to me that the proposal would accord with the statutory requirements applicable here.
4. Given the screening effects of the hedge, I do not see the need to require the north facing windows in the conservatory to be obscure glazed. I note that the Council consider that the hedge could be significantly reduced in height. However, I consider that a condition controlling boundary treatments could ensure the maintenance of suitable screening in some form or other. The proposed bedroom window would be acceptable as it would look on to the blank side elevation of an adjacent property. The additional roof light might offer the opportunity for some overlooking, but it could be obscure glazed to match the treatment of the existing roof lights.
5. I have considered all the other matters raised, but I find nothing sufficiently compelling to alter my conclusion that this appeal should be allowed subject to the conditions set out above. Those conditions are imposed to ensure that the scheme is implemented as intended. My conclusion rests on those assumptions.



INSPECTOR

Stephen Reed
Development and Building Control Manager
28 May 2008

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