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04 July 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, 14th July, 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. Apologies for Absence
2. Minutes of Previous Meeting held 9th June 2008 (Pages 1 - 26)
3. To Receive Declarations of Interest from Members
4. Confirmation of Speakers
5. Planning Matters (Pages 27 - 74)
Report Of Development and Building Control Manager

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

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THE DISTRICT COUNCIL OF CHESTER-LE-STREET

Report of the meeting of Planning Committee held in the Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Monday, 9 June 2008 at 6.00 pm

PRESENT:

Councillors:

J W Barrett	P B Nathan
P Ellis	K Potts
T H Harland	M Sekowski
R Harrison	J Shiell
D M Holding	T J Smith
A Humes	D Thompson
W Laverick	A Turner
M D May	F Wilkinson

Officers:

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

Also in attendance: There were 18 members of the public in attendance.

It was noted that some Members who were present had not received planning training, and therefore would not take part in any decisions being made at the Meeting.

1. APPOINTMENT OF CHAIRMAN

Nominations were invited for the appointment of Chairman. It was proposed by Councillor Holding and seconded by Councillor Wilkinson that Councillor R Harrison be appointed as Chairman of Planning Committee.

Councillor Harrison thanked Members for this appointment and welcomed the new Members of the Committee to their first Meeting of the Planning Committee.

RESOLVED: "That Councillor R Harrison be appointed as Chairman for the ensuing year."

2. APPOINTMENT OF VICE-CHAIRMAN

Prior to a decision being made, Councillor Laverick queried whether the intended Vice-Chairman had undertaken any training on planning issues. The Head of Legal and Democratic Services spoke in relation to the issue raised and advised the committee that training would be provided for the new members before the next committee meeting. The Chairman therefore invited nominations for a member, who was planning trained, to be elected as Vice-Chairman for Item 3, for which he was to declare an interest.

Nominations were invited for the appointment of Vice-Chairman for the meeting. It was proposed by Councillor Humes and seconded by Councillor Wilkinson that Councillor A Turner be appointed as Vice-Chairman for the Planning Committee in progress.

Nominations were invited for the appointment of Vice-Chairman. It was proposed by Councillor Holding and seconded by Councillor Wilkinson that Councillor T J Smith be appointed as Vice-Chairman of Planning Committee.

RESOLVED: "That Councillor A Turner be appointed as Vice-Chairman for the Committee Meeting in progress and Councillor T J Smith be appointed as Vice-Chairman for the ensuing year."

3. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors L Armstrong, G Armstrong, L E W Brown, G K Davidson and D L Robson.

4. MINUTES OF PREVIOUS MEETING HELD 12TH MAY 2008

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 12 May 2008, copies of which had previously been circulated to each Member, be confirmed as being a correct record."

The Chairman proceeded to sign the minutes.

5. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

Declarations of interest were received from Members as follows:

Councillor M D May declared a personal and prejudicial interest in Item No. 10 of the planning matters report as the application was on her behalf and her husband; the applicant was speaking in support of the application. She proposed to leave the meeting and return once a decision had been made.

Councillor M Sekowski declared a prejudicial interest in Item No.1 of the Planning Matters report in his capacity as Parish Clerk for Pelton. He proposed to leave the meeting and return once a decision had been made.

Councillor R Harrison declared a personal and prejudicial interest in Item No. 3 of the Planning Matters report, as he would be speaking as an objector to this application. He proposed to leave the meeting and return once a decision had been made.

6. CONFIRMATION OF SPEAKERS

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

7. PLANNING MATTERS

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

The Chairman suggested that the order of the Agenda be changed to reflect the registered speakers present and it was agreed that it be considered in the following order – Item Nos. 3, 2, 4, 1, 10, 5, 6, 7, 8, and 9.

At this point the Chairman Councillor R Harrison declared his interest and Councillor A Turner took the Chair.

(A) District Matters Recommended Approval - Deferred

(3) Proposal: Erection of garden room at rear of dwelling (amended plans received 9.5.08).

Location: 31 Deneside Sacriston Durham DH7 6DE

Applicant: Mr J Wray – Reference: 08/00158/FUL

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

He advised Members that an error had been made on page 37 of the Planning Matters report and the amended plans for this application had actually been received on 9th May 2008.

Councillor Harrison the objector and Mr Wray the applicant spoke in relation to the application.

The Chairman felt disappointed with the comments raised by the speakers in relation to the application and requested that Members disregard all comments made in relation to a dispute between the neighbours. He advised that Members should restrict their deliberations to the planning issues raised by the actual application.

Councillor Nathan requested comments from the Development and Building Control Manager on an issue raised by the objector, in relation to the possibility that the proposed extension would overshadow the neighbours.

The Development and Building Control Manager advised Members that the proposed development was not dissimilar to most household extensions, and that this would have some affect on the neighbours. He stated that planning officers were of the opinion that the application did satisfy the planning criteria of HP11 and Appendix 1 of the Local Plan, and therefore should be recommended for approval. He advised Members that as the proposed extension would project out further than the recommended 3 metres on a common boundary, before being chaptered, that they would need to consider whether this would have a detrimental effect on the neighbouring properties. In addition, he stated that the inclusion of extra condition 4, which was to install obscure glazing to the south facing elevation of the extension, has been included in the conditions for approval to reduce the impact on the neighbouring properties to the south.

In relation to a query raised by Councillor Nathan, the Development and Building Control Manager advised that the proposed extension would be approximately six foot high and would exceed the height of the boundary fence to the rear of the property by up to a metre and a half. He also advised that the height of the extension was considered acceptable, being comparable to the height of similar extensions in the locality of the property.

Councillor Laverick was of the opinion that the applicant had placed the proposed extension an agreeable distance away from Mr Harrison's property and felt that as a result of this the degree of overlooking to his property would be kept to a minimum. He also commented that as the other neighbouring property has had permission to erect a conservatory prior to this application being submitted, then this should not prevent the applicant from extending their property in a similar way.

Councillor Laverick sought clarification from the objector as to whether he felt the proposed extension would result in his property being overlooked.

At this point Councillor R Harrison left the Meeting.

The Chairman raised concern that the extension may affect the privacy of the neighbouring properties and suggested that the application be deferred for a site visit for this reason.

Councillor May felt it was difficult to make a decision due to the close proximity of the properties and agreed with the Chairman that the application should be deferred for a site visit.

Councillor Humes proposed to reject the Officer's recommendation of conditional approval and defer the application pending a site visit.

In relation to a query raised by Councillor Laverick, the Chairman clarified that the nature of the site visit was to observe the site itself and advised that Members would not be able to make any decision at the time of the site visit regarding the application.

Councillor Nathan felt that site visits were not usual practice, and that Members should approve the application in line with the Officer's recommendation.

The Chairman advised that site visits had previously been used for Members to obtain a better understanding of a site.

The Chairman took Councillor Humes' proposal to reject the Officer's recommendation of conditional approval and defer the application for a site visit, which was seconded by Councillor Potts.

The proposal to defer the application, pending a site visit was carried by Members.

RESOLVED: "That this item be deferred pending a site visit".

At this point Councillor R Harrison returned to the Meeting and resumed his position as Chair.

(B) District Matters Recommended Approval

- (2) 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 40m outdoor ménage.**

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

Applicant: D & D Ivers – Reference: 08/00135/FUL

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

The Development and Building Control Manager advised Members that an amendment had been made to the original application and as a result a new access road was no longer included in the proposal. He informed Members that a new access road would have been in conflict with the policies in the Local Plan and with national planning advice, and that following advice, the applicants had amended their proposal to include merely a slip road from the original access road instead.

The Development and Building Control Manager advised that since the report had been produced an additional letter of objection had been received on the grounds that the development was not in keeping with the rural design of the surrounding area. He also proposed to include an additional condition to the recommendation that all window openings, which face Mr. Carris's property to the west, were to be obscurely glazed in accordance with the Local Plan requirements.

Mr Carris and Mr Shears the objectors, and Mrs Ivers the applicant, spoke in relation to the application.

Councillor Holding stated that farm buildings in this particular area were more commonly made of brick rather than stone and that a large amount of these buildings were increasingly being converted for use as homes. He was therefore of the opinion that the application should be approved as he felt it would be an improvement to the appearance of the area.

Councillor Potts was in agreement with Councillor Holding and felt that as the applicants were replacing the building 'like for like'; he could see no reason to refuse the proposal. He proposed to move the application for approval.

Councillor Laverick was also in support of the application but felt there should be restrictions put in place to prevent the site being used for commercial use.

The Development and Building Control Manager advised Members that extra condition 8 would restricts the use of the barn to private use only and assured Members that the Enforcement Officer would ensure the conditions attached to the proposal would be adhered to.

In relation to a point raised by Councillor Nathan, the Development and Building Control Manager confirmed that the current policies in the Local Plan did not recommend approval for a new dwelling in the countryside. However, as the applicants were seeking to replace an existing dwelling and that this was a significant design improvement, which also followed advice from a recent planning inspectorate appeal decision then these were all material considerations, which merited the recommendation for approval.

In relation to Councillor Sekowski's comment, the Development and Building Control Manager advised that the Environmental Agency had raised an objection to the proposal and had requested further details in respect of the disposal of foul sewage for the site, which the applicant would be required to submit in accordance with extra approval condition 12.

Councillor Holding proposed to move the Officer's recommendation, which was seconded by Councillor Potts. This proposal was carried.

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

Extra 1.

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

Extra 2.

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

Extra 13.

Notwithstanding the details shown on the submitted plans, the fenestration to the west elevation of the hereby approved development shall be fitted with obscure glazing to the satisfaction of the Local Planning Authority, and such obscure glazing shall be retained in perpetuity in the interests of residential amenity, the avoidance of any potential overlooking and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan."

- (4) **Proposal: 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 – Reference: 08/00160/FUL

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

Mr and Mrs Ivers the objectors, and Mr Carris the applicant, spoke in relation to the application.

The Development and Building Control Manager requested that Members disregard any comments raised by Mr and Mrs Ivers in relation to the integrity of the applicant including the allegation of a business being run from the site and advised that they should not be taken into account when considering the application. He also referred to comments raised by the objectors, in relation to the advice given by Planning Officers and informed Members that he remained satisfied with the guidance they had given.

In relation to a query raised by Councillor Humes, the Development and Building Control Manager clarified the intended size of the proposed building, including roof heights and advised Members of the guidance in relation to this matter.

Councillor Potts was of the opinion that the application should be approved as he felt it was similar to the previous application and could see no reason to refuse the proposal.

In relation to a point raised by Councillor Nathan, the Development and Building Control Manager advised that the choice of building material would be the applicant's decisions as either red brick or stone would have been acceptable choices. However as part of the original property has been built with natural stone, Officers felt the choice of building material proposed for the application should be approved.

Councillor Holding sought clarification from the applicant on the proposed use of the barn and whether he intended to use the barn for agricultural storage.

The Chairman advised Members that extra condition 11 would restrict the use of the barns for agricultural purpose only.

Further discussion ensued by Members on the application. The Development and Building Control Manager proposed to include an extra condition to the recommendation that all window openings, on the eastern gable end of the property, should be obscurely glazed in accordance with the Local Plan requirements.

Councillor Potts proposed to move the Officer's recommendation, which was seconded by Councillor Harland. This proposal was carried.

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

Extra 1.

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

Extra 2.

The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on drawing 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 (i.e. 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 13

Notwithstanding the details shown on the submitted plans, the fenestration to the west elevation of the hereby approved development shall be fitted with obscure glazing to the satisfaction of the Local Planning Authority, and such obscure glazing shall be retained in perpetuity in the interests of residential amenity, the avoidance of any potential overlooking and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.”

Councillor Harland left the Meeting at 7.35pm.

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

- (1) 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 – Reference: 08/00101/FUL

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

The Development and Building Control Manager advised that there had been an error on page 7, in the last paragraph of the recommendation section of the committee report. He informed Members that extra condition 2 should have made reference to the amended drawings being numbered from 1 to 9, instead of 1 to 5.

Mr. Kelly the objector, spoke in relation to the application.

Councillor Humes left the Meeting at 7.45pm.

In relation to comments raised by the objector, the Development and Building Control Manager advised that the possible occupation of the flats was not a material planning consideration and should not be considered by Members when making their decision. He also advised that the application would have been difficult to reject on the grounds of the trees at the rear being removed as they were not mature specimens, they did not have a significant impact on the visual aspect of the street scene and were not protected by a Tree Preservation Order.

Discussion ensued in relation to the design of the proposal as Councillor Potts felt the style was not in keeping with the look of other premises in that street.

Councillor Holding felt concerned that the proposal was to include two retail units when there are currently several retail units vacant in this area of Pelton. He queried whether the area would benefit more from additional housing instead of the proposed retail units.

In relation to a query raised by Councillor Ellis, the Chairman advised Members that extra condition 5 would require the applicant to carry out a landscaping scheme in accordance with the development.

Councillor Laverick spoke in relation to the proposal and advised that although he was a member of Pelton Parish Council, he had taken no part in the decision to send a letter of objection to this committee. He informed Members that residents were pleased with intended development but were

concerned about the proposed retail units and the fact they may become fast food outlets in the future.

Councillor Turner also raised concern about the proposed two retail units but felt the application could not be refused on these grounds.

Councillor Laverick 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 be agreed, subject to the following conditions:

Extra 1.

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

Extra 2.

The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on drawing No's 1 to 9 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.

Councillor Sekowski returned to the Meeting.

Prior to consideration of the following item Councillor M D May declared her interest and left the meeting.

(10) 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 – Reference: 08/00207/OUT

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

Mr. May the applicant, spoke in relation to the application.

Councillor Turner was of the opinion that the application should be approved; as he felt the reason the proposal had been brought to the committee was due to the fact the applicants were District Councillors.

Councillor Laverick sought clarification from the applicant, as to whether the properties were to share the existing access or whether an alternative access would be provided for the proposed building.

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

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

Extra 1

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.”

Councillor M D May returned to the Meeting.

Councillor Potts left the Meeting at 8.00pm.

- (5) Proposal: Installation of a fully modular ball court (suitable for a variety of multi sports)**

**Location: Playground Moorfoot Avenue Chester-le-Street Durham
DH2 1DE**

Applicant: Mr B. Alderson – Reference: 08/00156/FUL

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

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

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

Extra 1

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

Extra 2

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

- (6) Proposal: Installation of a multi use games area with associated footpath (amended plans received 16/05/08)**

**Location: Recreation Ground Appledore Gardens Edmondsley
Durham DH7 6DW**

Applicant: Mr B. Alderson – Reference: 08/00171/FUL

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

Councillor Holding stated that he had attended the most recent Edmondsley Parish Council Meeting and advised that no comments had been made in relation to this application.

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

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

Extra 1.

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

Extra 2.

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

(7) Proposal: Installation of multi use games facility

**Location: Land to the rear Community Centre Front Street
Great Lumley Durham**

Applicant: Mr B. Alderson – Reference: 08/00174/FUL

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

The Development and Building Control Manager advised that in one of the letters of objection received, concern had been raised in relation to the football pitch being moved closer to residential properties. He commented that the Leisure Services Team had confirmed that the pitch would be moved slightly to the north of the site in order to accommodate the proposed facility. However he considered there was ample screening from nearby residential properties to prevent any adverse impact on occupiers.

In relation to a query raised by Councillor Turner, the Development and Building Control Manager advised that CCTV cameras would not cover the site of the proposal, however with the addition of extra condition 3, which required the removal of earth to the side of the development, would ensure the site became more visible to the surrounding residential properties.

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

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

Extra 1.

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

Extra 2.

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

Extra 3.

Notwithstanding 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.

(8) 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 – Reference: 08/00177/FUL

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

Councillor Sekowski 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 be agreed, subject to the following conditions:

Extra 1.

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

Extra 2.

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

Extra 3.

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.

(9) Proposal: Multi use games area and associated pathways

**Location: Land to the rear of Elm Crescent Kimblesworth
Chester-le-Street Durham**

Applicant: Mr B. Alderson – Reference: 08/00180/FUL

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

Councillor Turner was of the opinion that the application should be approved and congratulated the Leisure Services team on achieving these improvements across the District.

Councillor Turner 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 be agreed, subject to the following conditions:

Extra 1.

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

Extra 2.

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

(C) Planning General

(1) Planning Appeal 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."

(2) Notification of Planning Appeal Decisions

2.1 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

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

2.2 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

RESOLVED: “That the decision of the Planning Inspectorate to overturn the decision and allow the appeal, be noted.”

The meeting terminated at 8.09 pm

CHESTER-LE-STREET DISTRICT COUNCIL

DIRECTORATE OF DEVELOPMENT SERVICES

PLANNING COMMITTEE 14 July 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 Decision
- ITEM 4** Proposed Amendments to Development Control Code of Good Practice

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

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

REPORT OF THE PLANNING SERVICES MANAGER

ITEM1

DISTRICT MATTERS RECOMMENDED APPROVAL

1.

Reference: 08/00158/FUL

Proposal Erection of garden room at rear of dwelling (amended plans received 9.5.08).

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.

This application was deferred at the Planning Committee meeting of 9 June 2008 in order to allow a member site visit to be carried out. This took place on Thursday 20th June 2008 at 6pm.

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 with regards to the 45 degree rule which states that extensions can project by 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 and as such the proposal could not be considered to be contrary to this policy. 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.

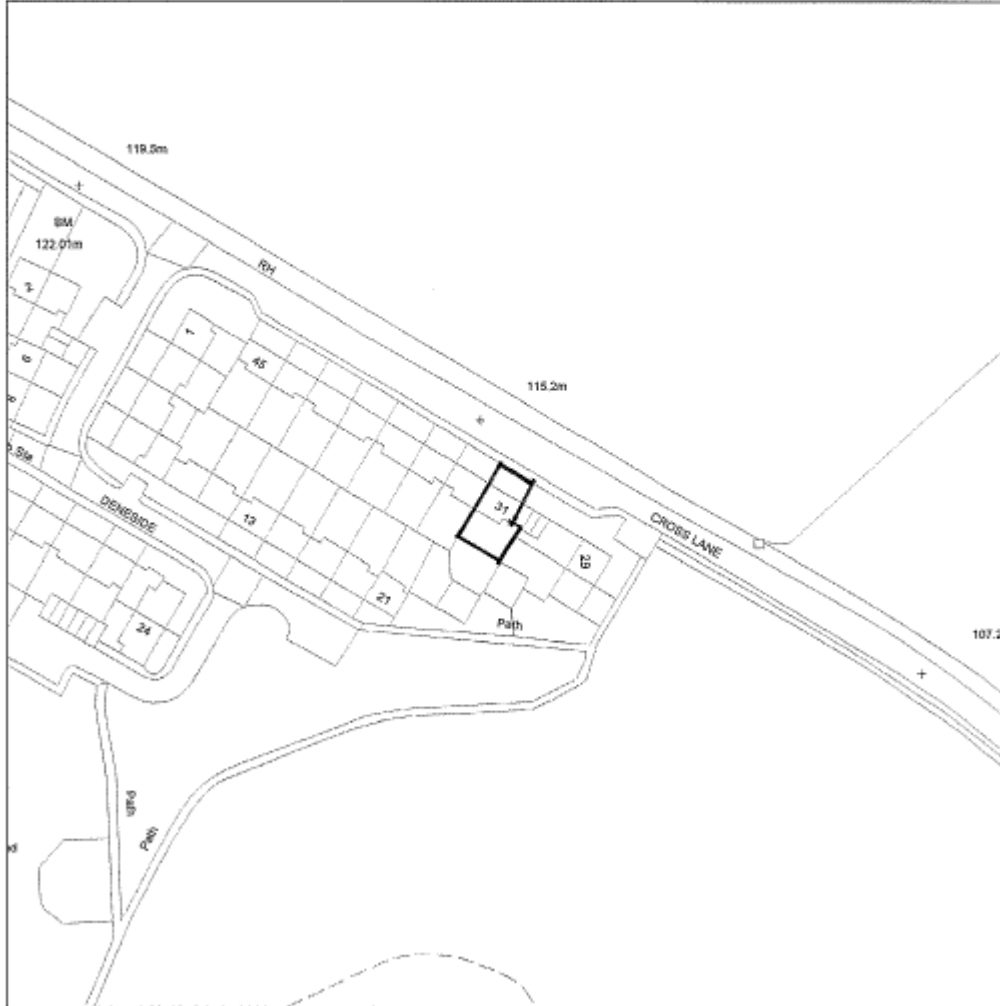
Notwithstanding the details shown on the submitted plans, the garden room glazing panels on the south facing elevation of the hereby approved extension (marked red on the returned plan) shall be fitted with obscure glazing and shall be either non-opening or top hung, details of which shall be submitted 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.

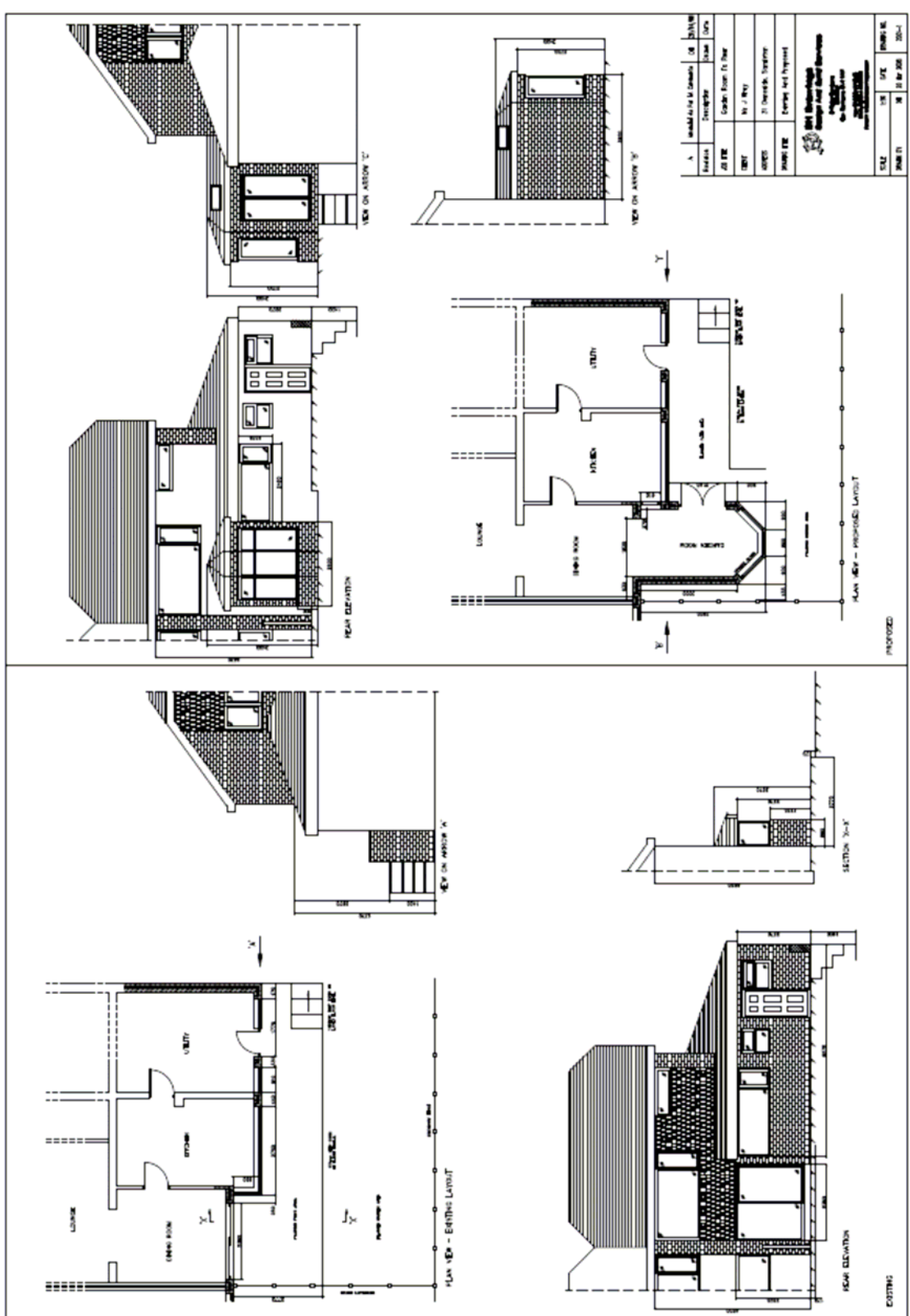
31 Deneside

Sacriston



Scale : 1:1250

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 14 July 2008



CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **14 July 2008**

2.

Reference: 08/00235/FUL

Proposal Extension and re-development of existing community centre, including car park, pathways and landscaping and erection of multi-use games area and children's play area

Location Community Centre Craghead Road Chester-le-Street Durham DH2 2NH

Applicant Chester-le-Street District Council

Application Summary

Ward: Pelton Fell

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk

Summary of recommendation: The extended and improved community centre is considered to be appropriate in design, scale and massing to the surrounding area, whilst the children's play area and Multi Use Games Area is considered a positive addition to the location recreational facilities whilst not adversely impacting on the residential amenity of surrounding occupiers.

Accordingly it is recommended that the application be approved.

The Proposal

Planning consent is sought for the refurbishment and extension of an existing community centre, provision of a children's play area alongside a multi use games area as well as associated hard surfacing, parking and landscaping.

The application site is centrally located within Pelton Fell off the B6313 integrating with the Pelton Fell regeneration site, formerly Whitehill Crescent. The Council's Regeneration Department in conjunction with the developer of the housing scheme have brought the development of the community centre forward.

Planning History

04/00633/FUL – Application approved for the demolition of existing houses and redevelopment to include erection of 244 dwellings, new roads, footpaths, community hall and landscaping (amended 25 / 10 / 04)

Consultation Responses

Durham County Council Highway Authority has made no representation at the time of writing.

Durham Constabulary Architectural Liaison Officer has issued guidance in regard to secure by design principles of which it is proposed to send a copy to the applicant and include as an informative on the decision.

Northumbrian Water have raised no objection to the proposal.

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

Sport England have raised no objection to the development and state that it accords with their policy objective to support the development of new facilities.

The application has been advertised by way of two site notices and through 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.

Planning Policy Guidance Seventeen: 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 during the summer of 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 16 – Seeks to promote cultural and sports facilities at a local level to the benefit of the local economy and people as long as they do not diminish the attractiveness of the location.

Policy 25 – Seeks to provide community and cultural facilities that are appropriate in scale and function to the surrounding area.

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

There is no specific local plan policy for the provision of new community facilities, although Policy RL15 seeks to secure the retention of existing facilities in recognition of the important role they play in community development.

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 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 by the proposal;

Principle of Development

Application 04/00633/FUL provided for a new community centre, parking and landscaping as part of the wider Pelton Fell regeneration scheme. At the time of the application the community centre was indicative only as to how a possible new facility may look. Following the approval of this application the development has been refined in conjunction with Officers from Planning, the Council's Regeneration Department and Leisure Services. Representations from the local community have also been involved in these discussions.

The site is currently general amenity land and home to the existing centre. As such it is considered that the principle of such development is established in the area. The developer contribution by Bellway Homes North East as a result of the adjoining regeneration scheme generated £798,000, to be used towards the provision of such a facility in addition to a Section 106 Agreement for an artwork scheme in the ward. This scheme was implemented during 2006.

As the site is adjacent a new housing regeneration scheme PPS3 gives the following guidance;

‘Housing developments should be in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure’.

It is considered the proposal satisfies the aspirations of PPS3 and offers a well-related community facility.

The MUGA and children’s play area concur with Policy RL1 of the Local Plan, providing a range of quality sport and leisure facilities. As the land is in an amenity use at present, albeit neglected, the location is considered appropriate for such facilities.

Design and Appearance of Community Centre

As opposed to an entirely new centre, the proposal is a refurbishment of the existing centre with extensions. The existing centre is in a poor state of maintenance, being predominantly boarded up despite being in use, which gives it a defensive, aggressive appearance. The proposed development effectively “squares up” the current building from its width of 17.7m at its western end and follows through the 27.6m length to the east forming a rectangular footprint. The design proposes additional offices, changing facilities, café and lounge. The main entrance has changed from the north to the south elevation, adjacent the car park.

Externally the height remains as existing at 5.5m through to 6.7m adjacent the proposed play areas (taking account of the drop in ground levels). The design is a vast improvement on existing with a mixture of bathstone blockwork with banding details interspersed with crème rendered panels. The fenestration is all aluminium in mid blue as is the external fencing, with the exception of the bin store in an olive green.

Overall the extended building reflects the existing footprint and is of a commensurate height, with significant external improvements. This is considered a positive addition to the surrounding area.

Children’s Play and Multi Use Games Area

The children’s play area has been sited to allow clear observation from the proposed manager’s office and the café/terrace. The site plan shows the possible provision of 10 play objects within an area enclosed by a 1m high blue bow top fence. The Multi Use Games Area will be surrounded by a 4m fence at each goal end and 3m side fence finished in a subdued green. The two facilities will be linked by a network of paths and landscaping. Visually the development is commensurate with modern play facilities and is not dissimilar to five others approved in the District (Members may recall these

applications were considered at June's Planning Committee). The proposed landscaping and trees on site will soften the development, particularly when viewed in either direction along the B6313.

The principal consideration is how the facility will impact on the residential amenity of surrounding occupiers.

Residential Amenity

Sport England, a non-statutory consultee for this type of development (not affecting a playing field) issue guidance on the location and design of multi use games areas. The guidance states a minimum distance of 12m to the nearest residence with the ideal distance being 30m. This is considered particularly crucial where floodlighting is proposed. The proposed MUGA at its closest is 12m from the nearest residential property, however this is south of the facility and the property faces principally east west. The dwellings on the east are likely to be most affected facing the broadside of the MUGA with their fences some 27 to 30m away. This accords with the Sport England guidance but could still adversely affect the properties if the floodlighting was to be poorly set up and thereafter maintained.

Sport England in its guidance on floodlighting state the following:

'Where floodlighting is to be installed as part of a MUGA construction, independent specialist technical advice should be taken regarding the choice and performance of the lighting system, the illumination requirements for the specific sports that will be catered for, and the management of the lighting system. Many local authorities have planning guidance on sports lighting and early consultation with the planning authority is advisable.'

In the absence of any technical expertise submitted as part of the application it is proposed, that prior to the installation of the floodlighting to require a scheme and specification of the floodlighting to be agreed with the Planning Authority. The scheme will include the management and maintenance of the luminaires as well as technical specifications, lighting patterns and orientation of luminaires. This will ensure the element is not unduly visible to surrounding residents.

Landscaping and Parking

As part of the application a landscaping scheme/schedule has been proposed. The landscaping acts as a buffer to the residential properties as well as enhancing the setting of the development, specifically the view from the B6313. In the northwest corner of the site, it is proposed to install a stone name plaque, set against shrub planting. The planting schedule provided is considered acceptable but does not include a specification of sizes, girth, pit depth etc, which can be controlled under condition. In regard to the four birch trees indicated to the north of the site these will require a root protection plan to preserve them during construction, as they are considered to add to the visual amenity of the area.

The parking provision has increased by 10 spaces to reflect additional demand which, considering the increase in facilities in the location, is not considered excessive.

Conclusion

It is considered that the community centre and associated recreational facilities are well related to the nearby housing development in accordance with the aims of PPS3. The type and diversity of facilities proposed satisfies the aims of policy RL1 of the Local Plan in providing a range of high quality recreational facilities. The scheme is to provide needed recreational and community facilities and has been in part provided by developer contributions agreed as part of the negotiations carried out at the time of the conception of the original scheme.

The design is commensurate with the appearance of the overall scheme and similar to other facilities in the District, enhanced further by the landscaping provision. The residential amenity of surrounding properties has been preserved through the separation distances and accords with Sport England advice who, alongside the Council's Environmental Health Team, have not raised objection. Overall, it is considered the community centre and recreational facilities will provide for a much needed development that will enhance the visual amenity of the surrounding area.

Accordingly it is recommended that the application be approved.

RECOMMENDATION
CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

01A

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

01B

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

Extra 1.

The fencing to the bin store hereby approved shall be painted green RAL 6025 unless otherwise agreed in writing with the Local Planning Authority in the interests of the visual amenity of the area in accordance with Policy 5B of the Regional Spatial Strategy.

Extra 2.

Prior to the installation of the floodlighting for the Multi Use Games Area a floodlighting scheme and specification for said area shall be submitted to and agreed in writing with the Local Planning Authority, the scheme shall include details of luminaires, lighting spread, lighting levels and maintenance plan. The floodlighting shall then be installed and maintained in accordance with the agreed scheme in the interest of the visual and residential amenity of the area in accordance with Policy RL1 of the Local Plan.

Extra 3.

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 in accordance with Policy 5B of the Regional Spatial Strategy.

Extra 4.

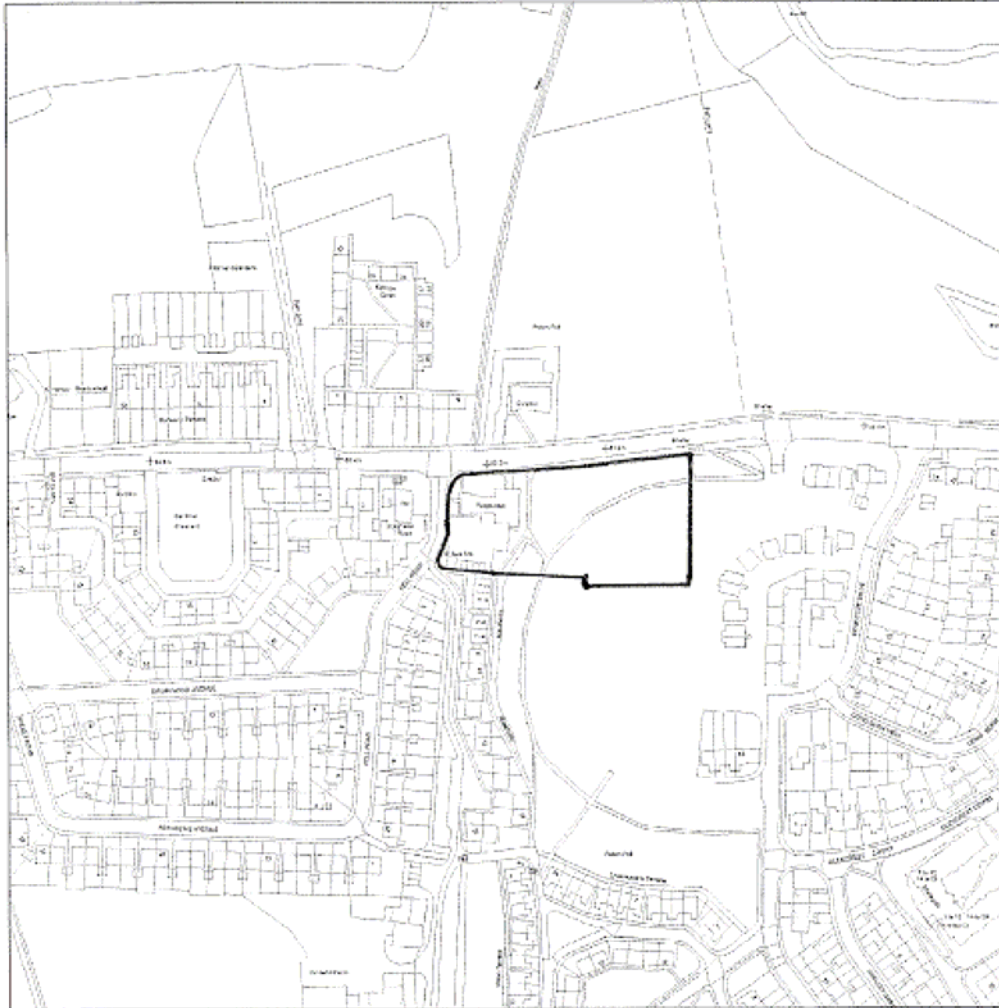
Prior to works commencing a root protection plan and protective fencing detail shall be submitted to and agreed in writing with the Local Planning Authority for the four birch trees along the north boundary indicated on plan 010/P1 and implemented in accordance with this agreement on site thereafter in the interest of the long-term preservation of the trees and the visual amenity of the area in accordance with policy 5B of the Regional Spatial Strategy.

Extra 5.

Prior to the planting of the landscaping described on plan 010/P1 a planting specification shall have been submitted to and agreed in writing with the Local Planning Authority and thereafter the landscaping carried out on site in accordance with the agreed specification in the interest of the visual amenity of the area in accordance with policy 5B of the Regional Spatial Strategy

Community Centre

Craghead Road, Chester-le-Street



Scale : 1:2500

External Details - As Existing

- 1. Metal Mesh and Fix
- 2. Flat Metal Roof
- 3. Rafters & Plywood Cladding
- 4. Timber Floor Slabs with 100mm PVC Pipe Support Pylons
- 5. Doors
- 6. Single Glazed Timber Glass Panels
- 7. Aluminium
- 8. Double Glazed UPVC Windows
- 9. Brickwork Facade
- 10. Concrete Wall Panels

Total Building Area: 265.5sqm

NOTICE
 It is the client's responsibility to ensure that all work is done in accordance with the relevant building regulations and to obtain all necessary consents prior to the commencement of any work.

NO.	DATE	REVISION	BY	CHKD.
1	14/07/08	Issue for Planning

CAPITA SYMONDS North

EXCLUSIVE HULLER
 Building Services Park,
 Dorman Drive, 117N
 TEL: 01482 375 800
 FAX: 01482 375 808

CITY: Hull
 COUNTY: East Yorkshire
 CLIENT: Hull City Council
 PROJECT: Hull City Centre
 DRAWING NO: 0103247

DATE: 14/07/08
 PROJECT: Hull City Centre
 DRAWING NO: 0103247

PROJECT NO: 0103247
 SHEET NO: 010
 TOTAL SHEETS: 010

PROJECT: Hull City Centre
 DRAWING NO: 0103247

PROJECT: Hull City Centre
 DRAWING NO: 0103247

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **14 July 2008**

3.

Reference: 08/00232/COU

Proposal Retrospective application for change of use of agricultural land for the keeping of horses for personal recreation use and erection of field shelter

Location Land on the North Side of Pear Tree Terrace Castle Dene Chester-le-Street Durham

Applicant Mrs L. Walker

Application Summary

Ward: Lumley

Case Officer: Steven Pilkington, Planning Officer

Contact Details: 0191 387 2145

 stevenpilkington@chester-le-street.gov.uk

Summary of recommendation:

The development is considered to be in acceptable in terms of the visual amenity of the North Durham Green Belt and surrounding area, while not significantly impacting on the amenity of neighbouring residents or highway safety.

The application is therefore recommended for approval.

The Proposal

Retrospective planning permission is sought for the erection of a field shelter and the change of use of agricultural land, for the keeping of horses for personal recreation use on land to the north side of Pear Terrace, Castle Dene.

The field shelter measures approximately 10m in length by 4m in width and has an approximate height of 3m. The structure is of wooden construction and has been clad in corrugated steel profile sheets. The shelter provides accommodation for two horses and a storage facility for bedding materials and feed.

The site is located in the North Durham Green Belt, The nearest residential dwelling is located approximately 20m to the south of the application site.

Planning History

This application has arisen as a result of an enforcement complaint. A retrospective application was submitted for the erection of a field shelter (8/00028/FUL) however this was subsequently withdrawn on the 17th April 2008 at the request of Officers, as a change of use application was also required.

Consultation Responses

Neighbouring residents have been notified of the development by individual notification letters and by site notice. To date three letters of objection have been received.

The objections can be summarised to the issues below:-

- Not in keeping with the Green Belt,
- Loss of amenity - increase of smells, flies and rats,
- An overload in the area for the provision of horses,
- Too close to adjacent properties
- Highway Safety issues
- Parking on highway verge

Durham County Council Highways – No objections

The Council's Environmental Health Team - No Objections

Relevant Planning Policies and Considerations

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the adopted Chester-le-Street District Local Plan. The following policies contained in the Local Plan are considered to be relevant to the consideration of this application:-

NE4 - Appropriate Development in the Green Belt – Sets out the criteria for what developments are acceptable within the Green Belt including making provision for the erection of sport and recreation facilities.

NE6 - Development Affecting the Visual Amenity of the Green Belt – Identifies that only development that protects the character and visual amenity of the Green Belt will be permitted.

NE15 – Areas of High Landscape Value – Identifies that developments will only be permitted in AHLV providing the standard of design is appropriate, the character of the surrounding area is reflected in the design and the development does not detract from the high quality landscape

RL10 - Recreation and Outdoor Sports in the Green Belt – sets out the criteria for the provision of outdoor sports and recreation within the Green Belt, advising that development must not harm the visual amenity of the Green Belt.

RL11 - Equestrian Facilities –Identifies that the provision of equestrian facilities in the open countryside is acceptable, subject to appropriate design and the number of horses to be grazed is acceptable in relation to the amount of grazing land available.

In addition to the Local Plan polices the following National Planning Policy Documents are considered relevant:-

Planning Policy Guidance 2 - Green Belts (PPG2) which outlines land-use objectives and the presumption against inappropriate development in the Green Belt.

Planning Policy Statement 7- Sustainable Development in Rural Areas (PPS7), This PPS sets out the Government's national policies on different aspects of rural land use planning in England, making provision for appropriately located and designed equestrian facilities.

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

Principle of Development

The application site is located within the open countryside and within the Green Belt. As set out in policy NE4 and PPG2 there is a presumption against development in the Green Belt, to protect its purpose and character. However PPG2 and Local Plan policies RL10 and RL11 permit equestrian and recreation uses within the Green Belt in principle providing the structures are of an appropriate scale and do not detract from the surrounding landscape.

This is further replicated in recently published guidance in PPS7, which states that Local Authorities should permit equine related activities within the countryside, providing development proposals maintain environmental quality and do not have a harmful impact on the rural character and appearance of the open countryside.

Issues regarding the visual impact of the development will be considered below. However in principle the erection of the structure and the change of use is considered acceptable having regard to this policy context.

Character of the Area / Visual Amenity

As set out above the principle of development is considered acceptable providing the development does not have an adverse appearance on the character of the area.

The area surrounding the application site is characterised by open agricultural fields, broken up by wooded areas and small pockets of residential development.

The structure has been erected in an agricultural field bounded by a mature hedgerow, adjacent to a terrace of 5 properties. From outside the site, and the wider Green Belt, the field shelter is not particularly visible due to the significant screening provided by a wooded area to the south and east of the site, the existing residential properties associated with Pear Tree Terrace and the mature hedgerow enclosing the field. In addition to this, there is a slight level change between the highway and the structure, further obscuring views. Due to the screening provided and the lack of similar facilities directly adjacent the application site, no harmful visual arise.

The materials of the structure are considered appropriate, as they give the impression that the structure is of a temporary rural nature. In addition the materials replicate the roofing of an adjoining residential garage.

Overall it is considered that the erected structure does not significantly impact of the character of the surrounding area and wider Green Belt, due to its modest size, materials and specific location.

However it is considered expedient to attach a condition removing Permitted Development rights for the erection of further fences and the outside storage of materials to retain the character of the area.

Amenity of Neighbouring Land Users

A number of objections have been raised from neighbouring residents regarding a loss of amenity associated with smells, flies and an increase in vermin. However the site is located within the open countryside and as such there is an inherent association with agricultural smells, practices and pests caused by livestock and agricultural methods. As such is it considered that the provision of accommodation for two horses would not be significantly worse than a farmer stocking the field with other livestock. Member should also be aware that The Environmental Health Team have raised no objections to the application.

In addition to this the structure is located approximately 20m from the nearest residential dwelling, behind detached garages, and therefore does not lead to an overbearing effect on residents.

Highway Safety

Objections have also been raised to the parking of vehicles on the highway verge and public footpath. However as advised by Durham County Council as the Highway Authority, the proposal will not lead to any concerns regarding highway safety, providing the use is restricted to a recreational use by condition. The parking on the highway verge is a matter for the Highway Authority to control and resolve.

Other Issues Raised

An objection has been raised regarding an overloading of the provision of horses in the area. However as addressed above it is considered due to the screening around the site and the location of other similar developments, no harmful issues of cumulative visual impact have arisen.

Conclusion

The proposed scheme has been considered against the policies identified above, it is considered that the proposal conforms to these policies as the scheme does not impact on the character of the surrounding area, the amenity of neighbouring land users or highway safety. There are no material planning considerations which indicate a decision should be otherwise and therefore the application is recommended for approval.

RECOMMENDATION CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

Extra 1.

Notwithstanding the provisions of Class A1 of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no fences, walls or gates shall be erected within the application site to create additional enclosures or to sub-divide the land into smaller plots, other than those described on the plans and specifications hereby approved. In order to prevent fragmentation of the land and to maintain the essential rural character of the Green Belt in accordance with policy NE6 and policy of the Chester-le-Street District Local Plan.

Extra 2.

Notwithstanding the provisions of Class B of Part 4 of schedule 2 to the Town and Country Planning general Permitted Development Order 1995, (or any Order revoking or re-enacting that Order), there shall be no organised competitive spectator events or activities held on the land. In Order To ensure that there are no adverse environmental effects on the living conditions of nearby residents or highway safety concerns in terms of other road users in accordance with Policy T15 of the Chester-le-Street District Local Plan.

Extra 3.

No materials or articles of any kind shall be stored on the site other than within the building hereby approved. In order to maintain the character of the Green Belt in accordance with policy NE6 and policy RL9 of the Chester-le-Street District Local Plan.

Extra 4.

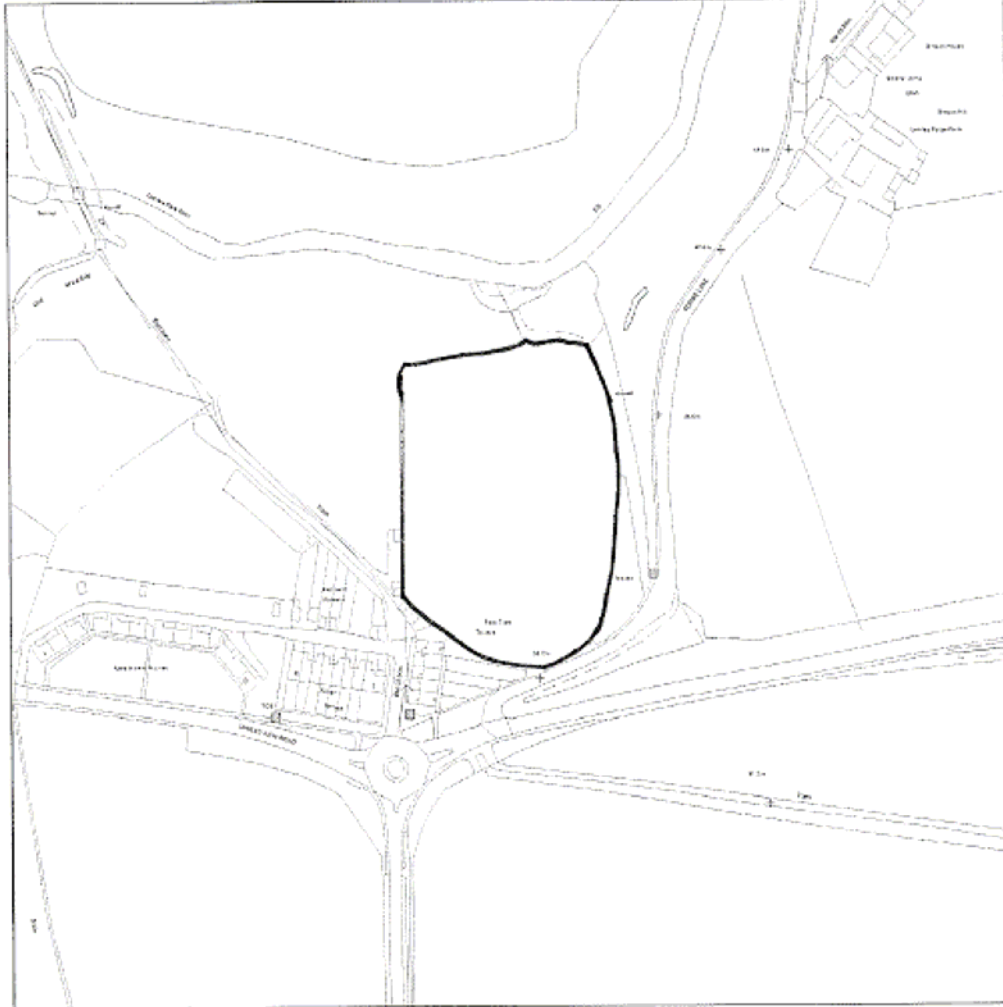
The land which this planning permission relates to shall not be used for business or commercial purposes, or any use other than for the stabling and exercising of horses and associated equestrian storage, in pursuit of a personal hobby or interest. In order to control the use of the land in the interests of maintaining the character of the Green Belt in accordance with policy NE6 and policy RL9 of the Chester-le-Street District Local Plan.

Land North of Pear Tree Terrace

Castle Dene, Chester-le-Street



0161 674 6301 (local)

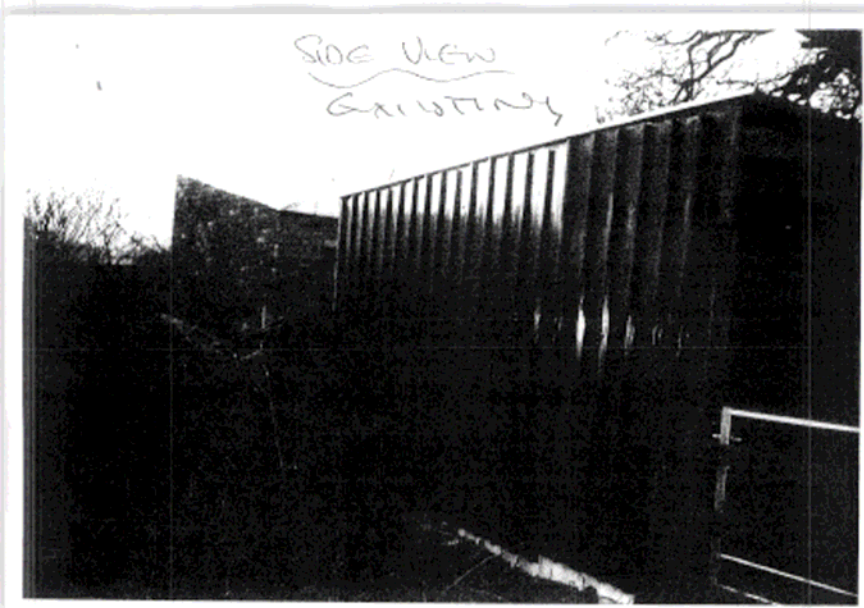


Scale : 1:2500

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 14 July 2008



30 feet wide
12 feet deep.

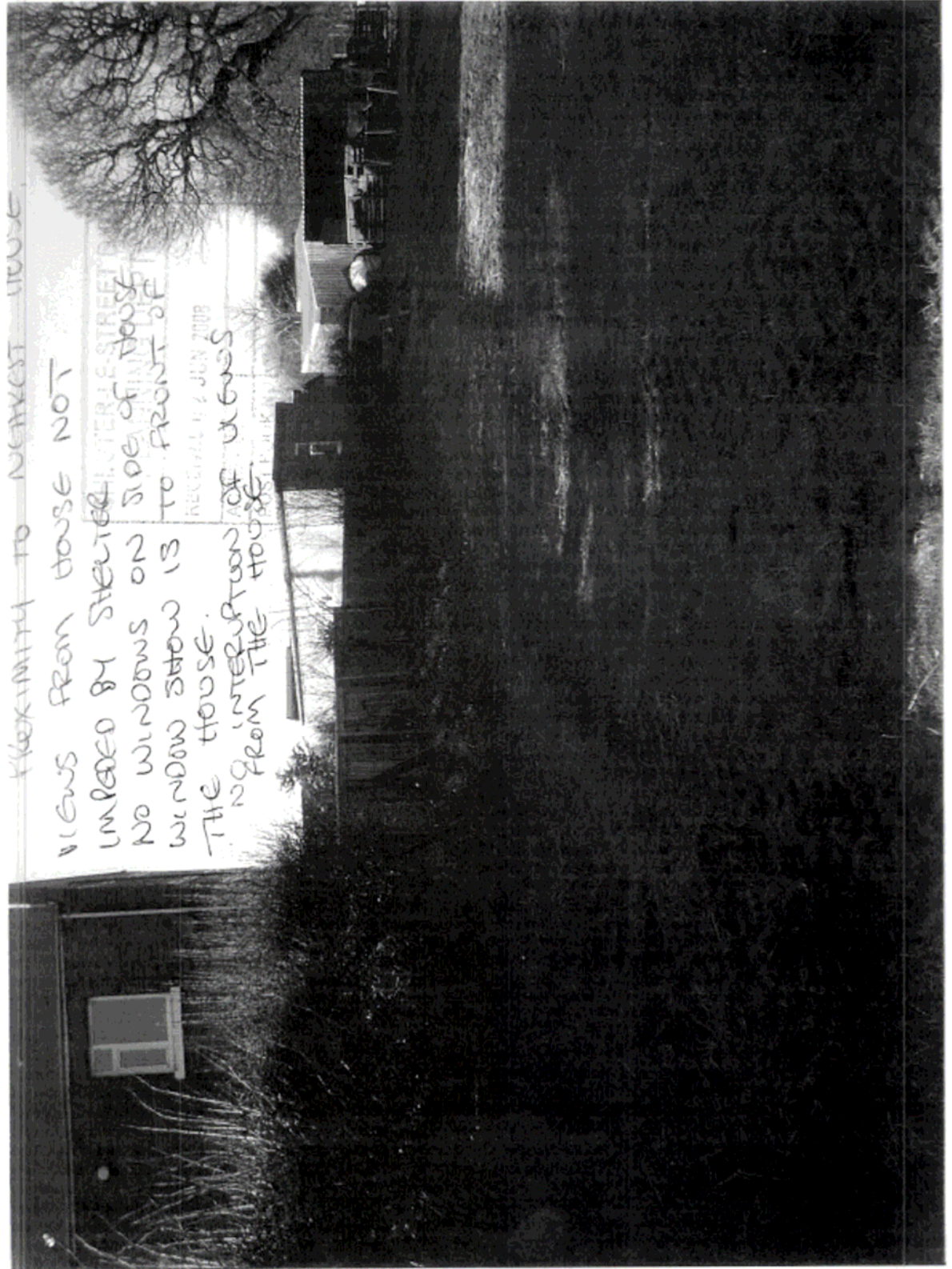


front elevation 9 feet
rear elevation 7 feet.

CHESTER-LE-STREET DISTRICT COUNCIL

DIRECTORATE OF DEVELOPMENT SERVICES

PLANNING COMMITTEE 14 July 2008



Shelter in relation to other garages.



CHESTER-LE-STREET DISTRICT COUNCIL

DIRECTORATE OF DEVELOPMENT SERVICES

PLANNING COMMITTEE 14 July 2008

ITEM 2 PLANNING APPEALS UPDATE



Chester-le-Street District Council

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

Tel: 0191 387 1919 Fax: 0191 387 1583

Directorate of Development Services

1 July 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
06/00570/COU /	Sightdirect Ltd	Unit 2e Drum Road Chester-le-Street Durham DH2 1AG	Proposed change of use from B2 to mixed use B2 and A1 (retrospective)	I / 15.05.2007	E:426472 N:552961	Appeal Dismissed / 21.09.2007
07/00006/FUL /	Mr & Mrs Sutherland	20 Dunstanburgh Court Woodstone Village Houghton-le-Spring DH4 6TU	Two storey rear extension to existing dwelling to form larger kitchen and additional bedroom.	W / 23.04.2007	E:430944 N:550323	Appeal Allowed / 13.09.2007
07/00051/TEL /	O2 (UK) Ltd	Telecommunications Mast Waldrige Road Chester-le-Street Durham	Erection of 12.5 metre high streetworks telecommunications column with ancillary equipment.	I / 03.05.2007	E:425581 N:550412	Appeal Allowed / 18.06.2008
07/00115/FUL /	Mr A.J. Laverick	4 Station Lane Pelton Fell Chester-le-Street Durham DH2 2RL	Single storey ground floor extension to kitchen and replacement sun lounge for conservatory	W / 29.10.2007	E:425239 N:552103	Appeal Withdrawn /

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
07/00276/FUL /	Mr Thomas	New Dwelling Adjacent to Willowbrook Woodburn Close Bournmoor Chester-le-Street Durham DH4 6DH	Erection of conservatory to rear, creation of new window opening to side elevation and installation of additional roof light to rear	W / 24.01.2008	E:431238 N:550971	Appeal 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 /
07/00438/FUL /	McCarrick Construction	1 - 4 Chalmers View Newcastle Road Chester-le-Street Durham DH3 3TE	Retrospective application to allow glass panels between bay windows instead of previously approved timber panels in application 06/00016/FUL	W / 30.05.2008	E:427422 N:551915	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 Allowed / 20.06.2008
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

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
07/00544/FUL /	Mr & Mrs Cree	3 Kingsmere Chester-le-Street Durham DH3 4DB	Erection of single storey extension at side of dwelling and erection of detached garage in garden area at side/front (amended plans received 18 February 2008).	W / 11.06.2008	E:427309 N:553411	Appeal In Progress /

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **14 July 2008**

ITEM 3 **NOTIFICATION OF PLANNING APPEAL DECISION**

Appeal Ref: APP/G1305/A/07/2044121

Description: The installation of a radio base station comprising a 12.5m street works column, ground based equipment cabinets and development ancillary thereto.

Location: Verges on the south side of Waldrige Road (west of the junction with Meadow Drive), Chester-le-Street, County Durham, DH2 3AD

Decision: The Appeal was allowed

Notification has recently been received from the Planning Inspectorate of a decision reached in an appeal lodged by O2 against refusal of prior approval for the siting and design of a 12.5m street works monopole on the highway verge alongside Waldrige Road, Chester-le-Street.

Members may recall that this application was presented to the Planning Committee meeting in March 2007 with a recommendation for approval. However, Members resolved to overturn the recommendation and refused the application on the following grounds:

“The proposal, by virtue of increased height in comparison to adjacent street lighting columns, would have a detrimental impact on the openness of the North Durham Green Belt and accordingly would be contrary to the aims of Policy PU 6 of the Chester-le-Street Local Plan”.

The key considerations for the Inspector were the impact on the openness of the greenbelt and the visual amenity of the surrounding area. In the following paragraphs the Inspector adequately summarises the key considerations and reasoning behind his decision to allow the appeal:

“Whilst the proposal would cause harm by reason of inappropriateness it would not have a significant effect on openness, and the street works column would only have a limited effect on the character and appearance of the area. Health concerns do not count against the scheme and this is a neutral matter in assessing its merits. The appeal proposal would improve the level of coverage in the appellant’s network on the west side of Chester-le-Street, and there is no suitable and available alternative site to meet this need. Having regard to the extent of the area, which would receive enhanced coverage and the investigation of a range of possible alternative locations for a base station, these considerations are of particular importance, and I conclude that they would clearly outweigh the harm associated with the scheme. Accordingly, very special circumstances exist to justify inappropriate development in the Green Belt”.

Accordingly, the appeal was allowed. A copy of the appeal decision is appended to this report for Member's information. In allowing the appeal the Inspector exercised his powers to impose two planning conditions as follows:

1) No development shall take place until full details of the appearance and position of the lighting arm on the street works column have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

2) No development shall take place until details of the colour and finish of the streetworks column and the equipment cabinets have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Report Summary

Ward: Edmondsley and Waldrige

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk



Appeal Decision

Hearing conducted on 13 February 2008

Site visit made on 13 February 2008

by **Richard Clegg BA(Hons) DMS MRTPI**

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

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

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

**Decision date:
18 June 2008**

Appeal Ref: APP/G1305/A/07/2044121

Verges on the south side of Waldrige Road (west of the junction with Meadow Drive), Chester-le-Street, County Durham, DH2 3AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under a development order.
- The appeal is made by O2 UK Ltd against the decision of Chester-le-Street District Council.
- The application Ref 07/00051/TEL, dated 5 February 2007, sought prior approval determination in respect of siting and appearance, and prior approval was refused by notice dated 14 March 2007.
- The development proposed is described as 'the installation of a radio base station comprising a 12.5m streetworks column, ground based equipment cabinets and development ancillary thereto'.

Decision

1. I allow the appeal and grant approval under the provisions of Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for the siting and appearance of a 12.5m streetworks column and two equipment cabinets on the verges on the south side of Waldrige Road (west of the junction with Meadow Drive), Chester-le-Street, County Durham, DH2 3AD, in accordance with the terms of the application Ref 07/00051/TEL, dated 5 February 2007, and the plans submitted with it, subject to the following conditions:
 - 1) No development shall take place until full details of the appearance and position of the lighting arm on the streetworks column have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 2) No development shall take place until details of the colour and finish of the streetworks column and the equipment cabinets have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Procedural matters

2. In the application, the location of the site is given as Waldrige Road, Chester-le-Street. At the hearing, the main parties agreed that it is more precisely referred to as verges on the south side of Waldrige Road (west of the junction with Meadow Drive), and I have identified it accordingly in the appeal details above. The main parties also agreed that the proposed development is more

clearly described as a 12.5m streetworks column and two equipment cabinets, and I have considered the appeal on this basis.

Main issues

3. I consider that the main issues in this appeal are:

(i) Whether the proposal would amount to inappropriate development in the Green Belt, and, if so, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations.

(ii) The effect of the proposed development on the character and appearance of the area.

Reasons

4. Planning Policy Guidance Note 2 (PPG2) explains that engineering and other operations are inappropriate in the Green Belt unless they would maintain openness and would not conflict with the purposes of including land therein. Similarly PPG8 makes it clear that telecommunications development is likely to be inappropriate in Green Belts unless it maintains openness. Although the two cabinets would be modest in size and the streetworks column would be a relatively slim structure, their presence in the verges between Waldrige Road and the field to the south would impinge on the openness of the Green Belt. Accordingly, I conclude that the proposal would amount to inappropriate development, which is, by definition, harmful to the Green Belt. I shall assess the harm to the Green Belt in relation to other considerations after addressing the other main issue.
5. There is a row of lighting columns along this side of Waldrige Road, which the main parties agreed are about 10m in height. The proposed streetworks column would be positioned between two of the street-lights at a similar distance from the edge of the carriageway. It would be about 2.5m taller than the lighting columns, and somewhat wider in diameter, but I do not consider than it would be a substantially larger structure. I have taken into account that the widest part would be the shroud at the top, but the incorporation of a mock lighting arm would reflect the appearance of the existing vertical structures, and lessen the impact of the new column. The lighting columns are evenly spaced along Waldrige Road, which rises to the south-west, but, whether travelling along the road in this direction or downhill from Waldrige towards the built-up area of Chester-le-Street, I do not consider that the difference in spacing resulting from the erection of the column would be perceived as significant. The presence of the column would be more apparent in views towards the appeal site from Meadow Drive and the orbital road, which join Waldrige Road at the roundabout junction to the north-east, and also from the public footpath across the field to the south. However, I consider that the lower height of the proposed column and the inclusion of a lighting arm represent key changes from the previous proposal for a taller monopole which was dismissed at appeal in 2006. Moreover, the appeal site would be further from the housing to the east of the roundabout junction than the previous scheme. Overall the difference in height and appearance of the streetworks column would be apparent within this row of uniform street-lights, but for the reasons given above, this would only have a limited effect on the character and appearance of the area.

6. The two cabinets would be set well back from the carriageway and close to the fence at the back of the second verge. They would not be in a prominent position, would resemble the control boxes often seen in roadside locations, and would have no harmful effect in this open landscape.
7. I conclude that the siting and appearance of the street works column would detract to a limited extent from the character and appearance of the area. In this respect, therefore, the proposal would conflict with Policy PU6 of the Chester-le-Street District Local Plan to 2006 and PPG2.
8. In support of the appeal proposal, the appellant has pointed to a need for extended coverage and a lack of alternative sites. The base station would provide third generation coverage to the west side of Chester-le-Street, and this extension of coverage would be in accordance with the appellant's licence requirements. PPG8 makes it clear that the aim of national policy is to ensure that there is more choice in the provision of telecommunications services, a wider range of services, and equitable access to the latest technologies as they become available. It identifies third generation mobile as one of the principal systems, and the guidance note does not suggest that its extension, to provide a range of enhanced services, is less relevant than that of other systems. Coverage plots show that an in-building level of service is not satisfactorily provided to a significant part of the town beyond the nearby roundabout. The plot of the situation without a base station which was submitted in respect of the previous proposal (Document 3) showed the area receiving in-building coverage extending further west than on the current coverage plot. I heard that the subsequent shrinkage in the extent of coverage was due to a reduction in output power following equipment changes. In any event, however, in the context of the situation in 2006 the previous appeal decision acknowledged that, without an additional installation, in-building coverage would not be satisfactorily provided to the built-up area on the west side of the town.
9. A number of possible alternative sites for a base station have been investigated. Initially, the appellant had considered the possibility of erecting antennae at the Whitehills public house further to the east, but a roof-top site was not feasible and an alternative arrangement could not be pursued as the landowner withdrew interest. Two applications within the built-up area, near the junction of Waldrige Road and Redesdale Road, have been refused, and the recent proposal for an installation to the east of the present site was dismissed on appeal. Approval has been granted to another operator for a monopole on the west side of the orbital road, but this mast could not accommodate the appellant's equipment, and a bulkier replacement structure or a second mast would be closer to nearby housing than the appeal proposal. The Council suggested that a timber monopole could be erected by the poles carrying an electricity transmission line across fields to the south of Waldrige Road. I consider that the siting of a base station, irrespective of its form, here, or elsewhere in the fields to the south of Waldrige Road, would have a much greater impact on the openness of the Green Belt than the appeal proposal in a roadside location where lighting columns are a key feature of the street scene.
10. The Council also suggested the possible use of a tree tower structure adjacent to the wooded area to the east of Waldrige. This location would be further from the edge of Chester-le-Street, and the appellant explained that from here it would not be technically viable to provide the coverage sought. Other

locations suggested at Waldrige Fell and Chester Moor are more distant. Whilst the Council queried whether a height of 12.5m was the minimum necessary for a streetworks column at the appeal site, the appellant explained that a reduction in height would have a corresponding effect on coverage and would lead to a requirement for several additional installations. A range of sites has been considered in accordance with the justification to Policy PU6 of the Local Plan, and, on the information before me, I consider that there are no available and suitable alternatives which would represent a preferable environmental solution.

11. Local residents have made objections to the objection expressing concern about the possible effects on health. The appellant has certified that the proposed equipment and installation would be fully compliant with the guidelines of the International Commission on Non-Ionizing Radiation Protection. PPG8 makes it clear that if the guidelines are met it should not be necessary to consider further the health aspects and concerns about them, and, having regard to the circumstances of this case, the concerns expressed do not justify taking a different approach.
12. PPG2 makes it clear that substantial weight is attached to harm to the Green Belt, but whilst the proposal would cause harm by reason of inappropriateness it would not have a significant effect on openness, and the streetworks column would only have a limited effect on the character and appearance of the area. Health concerns do not count against the scheme and this is a neutral matter in assessing its merits. The appeal proposal would improve the level of coverage in the appellant's network on the west side of Chester-le-Street, and there is no suitable and available alternative site to meet this need. Having regard to the extent of the area which would receive enhanced coverage and the investigation of a range of possible locations for a base station, these considerations are of particular importance, and I conclude that they would clearly outweigh the harm associated with the scheme. Accordingly, very special circumstances exist to justify inappropriate development in the Green Belt.
13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed. To ensure that the development is in keeping with its surroundings, full details of the appearance and position of the lighting arm should be submitted. For the same reason the colour of the column and cabinets are important, but I shall not require use of the shade of green specified on plan ref C56853_PL_001B, as it is not clear whether this would match the colour of the existing lighting columns on Waldrige Road. Instead I shall impose a condition requiring details of the colour to be submitted for approval. Having regard to my finding that the cabinets would have no harmful effect, I agree with the main parties that there is no need for landscaping to be undertaken around them.

Richard Clegg

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr J Scott BA(Hons) MCD MRTPI	Head of Planning, Galliford Try, Cloister House, Riverside, New Bailey Street, Manchester, M3 5AG.
Mr B McCrea	O2, Albany Court, Newcastle Business Park, Newcastle-upon-Tyne, NE4 7YB.

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Taylor Mr R Newstead MA MIET MAE	Senior Planning Officer, Chester-le Street DC. ECS Ltd, 89 Victoria Road, Macclesfield, SK10 3JA.
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INTERESTED PERSONS:

Councillor P Nathan	Member of the District Council for Edmondsley & Waldridge Ward, Civic Centre, Newcastle Road, Chester-le-Street, County Durham, DH3 3UT.
Councillor S Westrip	Member of the District Council for Edmondsley & Waldridge Ward and Member of Waldridge Parish Council, 39 Meadow Drive, Chester-le-Street, County Durham, DH2 2XA.
Councillor M Dulieu	Chairman of Waldridge Parish Council, 75 Bowmont Walk, Chester-le-Street, County Durham, DH2 3JA.
Mrs L Ford	Local resident of 3 Brandon Close, Waldridge Park, Chester-le-Street, County Durham, DH2 3AZ.
Mrs C C Hewison	Local resident of 65 Redesdale Road, Chester-le- Street, County Durham, DH2 3JG.
Mrs J McNish	Local resident of 7 Lesbury Close, Waldridge Park, Chester-le-Street, County Durham, DH2 3SS.
Mr A Oliver	Local resident of 12 Dronfield Close, Waldridge Park, Chester-le-Street, County Durham, DH2 3JE.
Mrs J Oliver	Local resident of 12 Dronfield Close.

DOCUMENTS

- 1 Distribution list for appeal notification letters.
- 2 Photomontage of appeal proposal. Submitted by Mr Scott.
- 3 Coverage plot relating to the previous proposal for a base station near the Waldridge Road/ Meadow Drive junction. Submitted by Mr Newstead.
- 4 Appeal decision dated 27 March 2007 concerning a base station on the orbital road. Submitted by Mr Taylor.
- 5 Plans relating to Document 4. Submitted by Mr Taylor.

ITEM 4 PROPOSED AMENDMENTS TO THE COUNCIL'S ADOPTED 'CODE OF GOOD PRACTICE FOR DEVELOPMENT CONTROL' AND 'HAVING YOUR SAY IN PLANNING DECISIONS' GUIDE

Purpose of Report

This report recommends Members authorise amendments to certain sections of the Council's adopted 'Having Your Say in Planning Decisions' guide and the adopted 'Development Control Code of Good Practice'.

The recommended amendments are made having regard to recent changes in Case Law and recommendations made by Trevor Robert's Associates (TRA) who carried out a review of the Council's Development Control procedures, which was completed in March 2008.

Background

The adoption of both a Development Control Code of Good Practice and a published leaflet to explain to customers their speaking rights at Planning Committee are accepted as important key documents for high performing Local Authorities to have in place.

Members may recall that the revised version of the Council's 'Having Your Say in Planning Decisions' guide was approved at Planning Committee in June 2007. The Code of Good Practice was approved at Planning Committee July 2007.

Existing Position

Paragraph 3.3 of the adopted Code, on the subject of Member Site Visits, advises that: *'Only Members of the Committee present at the site visit may be subsequently involved in the decision at the following Committee meeting'*.

It is now considered necessary to revisit this advice following the Court of Appeal case of Neath Port Talbot County Borough v. Linda Ware. Here it was held that it was unlawful to advise a Member that they could not vote on a planning application merely because they had not attended an earlier committee site visit.

Page 3 of the present 'Having Your Say in Planning Decisions Guide' advises that people wishing to speak at Planning Committee may support their address by the handing out to Members documentation to support their case. Indeed Members will be aware that a number of customers who have elected to speak at Planning Committee in the recent past have indeed taken advantage of this facility, to hand out documentation to Members on the night. It has been normal practice for the Chairman to invite Members to defer proceedings to allow time for Members to digest the late information received.

This practice was considered by TRA as part of their review of Development Control procedures carried out November 2007 – March 2008. As part of this review TRA (who had observed two Planning Committee meetings) commented that whilst this practice was

clearly in accordance with the Council's high customer care ethos, it was not advisable. As such it was recommended that the speaking at Committee procedures should be amended, to prevent the submission of late representations.

This recommendation was made on two grounds; firstly to prevent delays in the smooth running of the Committee meetings (with Members having to 'defer' to digest the material received), and secondly on the grounds that the submission of late material direct to Members may be considered prejudicial to the interests of 'the other side' (i.e. a person making representations against those of the particular speaker who wishes to hand out the material). TRA considered this could lead to the Council being potentially at risk of legal challenge on the grounds that Members may have been unduly influenced by late written submissions, of which the 'other side' had not had the opportunity to digest.

Proposed Changes

In light of the above developments it is proposed to implement the following changes;

- To amend Para 3.3 of the adopted Development Control Code of Good Practice to say: 'Whilst it is recommended that Members do follow any resolution of the Planning Committee to visit a particular site by subsequently attending the site visit this is not mandatory. As such Members who may not have been on a site visit can still cast a vote on the matter when it is reported back to Planning Committee, so long as they are satisfied that they are in possession of all the relevant information on which to base their decision'
- To amend the present 'Having Your Say in Planning Decisions' leaflet to say: (Under the Section Headed 'Can I present Photographs / Documentation at Committee): 'People wishing to speak at Committee cannot hand out documentation to Members of the Planning Committee the night. Any late representations must be submitted to Officers by the 12 noon on the day of the Committee. Officers will then consider any such submission and provide a verbal update to Planning Committee to advise of the nature of the representations. However it is permissible to present photographs to Committee to supplement your address. Any such you can submission must be made electronically. In such cases Officers will project the information themselves at the Committee meeting. This should be submitted on a USB Memory Stick / or on a CD Rom by 12 noon on the day of the committee. Documentation can also be submitted via E Mail. In the case of E Mail submissions these should be sent by no later than the 12 noon on the last working day prior to the date of the Committee meeting. Acceptable formats for electronic submission are:
 - Microsoft Officer Word 2000 onwards
 - Microsoft Powerpoint 2000 onwards
 - PDF Version 7
 - Windows Media Player'

Consultations

Officers from the Council's Legal Services Team have been consulted in the preparation of this report and support the recommendations made.

Recommendation

It is recommended that Members approve the recommended alterations to the Development Control Code of Good Practice and Having Your say In Planning Decisions Leaflet, as described in this report.

Report Summary

Ward: All

Case Officer: Stephen Reed, Development & Building Control Manager

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Stephen Reed
Development and Building Control Manager
3 July 2008

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