

**CHESTER-LE-STREET DISTRICT COUNCIL**

**DIRECTORATE OF DEVELOPMENT SERVICES**

**PLANNING COMMITTEE     11 August 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**     Development Control Performance for Quarter 1
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TO AND DURING THE COMMITTEE**

**ITEM 1** District Matters Recommended Approval

1.

**Reference: 08/00194/FUL**

**Proposal** Proposed erection of an 88 bed residential care home including access details, car parking, surfacing, landscaping and boundary treatment

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

**Applicant** Mr J. Oates - Premier Developments Ltd

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**Application Summary**

**Ward:** Chester North

**Case Officer:** James Taylor, Senior Planning Officer

**Contact Details:** 0191 387 2002  
jamestaylor@chester-le-street.gov.uk

**Summary of recommendation:** The proposed 88 bed care home is considered to be of an acceptable design, assimilating its massing into the surrounding area by virtue of its reduced ridge height. The proposal is considered to preserve the amenity of surrounding occupiers and complies with the relevant policies of the Development Plan.

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**The Proposal**

This report relates to a full application for the erection of an 88 bed residential care home including access details, car parking, surfacing, landscaping and boundary treatment on land known as the former County Council Highways Depot, Picktree Lane, Chester-le-Street.

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

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

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

### Relevant Planning History

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

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

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

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

07/00539/FUL – Construction of 104 bed residential care home including details of associated access, car parking, servicing, arrangement landscaping and boundary treatment – Refused March 2008.

### Consultation Responses

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

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

Northumbrian Water raise no objections to the proposed development having examined the proposal.

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

Durham County Council Design and Conservation department confirm that considerable pre-application discussion had taken place prior to submission and that they supported the previous larger 109 bed proposal.

They consider the reduction in one storey from three to two alongside Hopgarth Gardens as being a positive amendment reducing the scale and massing to a level more appropriate with the immediate neighbouring dwellings. The Design and Conservation department make a recommendation for conditions in regard to landscaping, boundary treatment and the recessing of windows.

Durham County Council Adult and Community Services Team, whilst recognising that their views do not have to be taken into account as part of determinations made in regard to planning applications, have commented in respect to the proposals.

They raise concerns about the lack of pre-application consultation between the applicant and their team, who are available to give advice and information on such proposals. They uphold their comments from their letter of 1st February 2008 on the 109 bed proposal questioning whether there is a need for such a large development as numbers of people admitted to care homes have reduced in the County. They state that occupancy rates hover around 80% in the area indicating enough capacity to serve an aging population. Further objection is raised to the lack of outdoor space being to the detriment of the occupant's quality of life. In conclusion they do however welcome the reduction of beds to 88 and the division into units (self contained clusters), in comparison to the previous application.

The Council's Environmental Health Team has commented on the need for noise control conditions at the construction phase in recognition of the scale of development and close proximity to residential property. They have recommended hours of operation and a construction methodology to be conditioned as part of any consent given to tackle any potential noise issues that may occur.

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

The application has been advertised by way of press and site notices and direct consultation with surrounding occupiers. In response 26 letters of objection have been received, which many are similar to the previous application. Objections are raised on the following grounds:

- That the design revisions compared to the 104 bed proposal are not sufficient to overcome the visual and residential amenity impact.
- The development will generate additional traffic in the locality, adding to an already congested road system. In particular concerns are raised about additional traffic along Hopgarth Gardens, including the impact on amenity levels the additional traffic will have and children's safety. Many of the residents of Hopgarth Gardens consider the access should only be taken off Picktree Lane.
- The development will add to already congested on street parking in the area, in particular as it is considered the amount of car parking proposed is inadequate for the operational needs of the development.
- The development would be overbearing in the street scene; taller than the adjacent Sandringham Court development.
- The development will lead to overlooking and privacy concerns to adjoining residents especially those in Hopgarth Court and Sandringham Court.

- The development will lead to additional loading onto existing foul sewerage systems further exacerbating an existing problem.
- The applicants right to develop part of the land over which the new access is proposed is queried
- The development would lead to a loss of light into adjacent residential properties. This would be to the detriment of residential amenity.
- The development would provide for a depressing outlook for the proposed residents with very little outdoor recreational space.
- The development would pose a fire risk to proposed residents
- It is claimed that the site may be contaminated
- Concerns are raised about negative impacts at the construction phase of the development, including by way of mud on the road and loss of utility services.
- Construction on site has already caused vibration concerns to adjoining residents and surrounding buildings primarily the Northern Bus Depot.

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

- The application has been submitted following extensive pre-application discussions with previous planning and design officer's involved in the proposal. That following refusal of the 104 bed development, design changes to the scale and massing are more similar to the extant outline consent.
- There is an extant consent for the development of the site, which has been lawfully implemented and was previously considered acceptable.
- The proposal complies with the requirements of Policies HP9, BE2 and HP17 of the Chester-le-Street Local Plan
- The proposals will lead to the redevelopment of an unsightly site located in a central position within Chester-le-Street.
- The proposals will generate some additional investment of approx £1.8 million capital spend a year some of which may benefit Chester-le-Street.
- The proposal will create between 70 full/part time jobs, 22 of which will be on site at any one time.
- The proposals will deliver 'First Class' elderly care management to Chester-le-Street.
- The proposals comply with the relevant access and car parking standards as detailed by the County Council as Highways Authority
- The applicant's point out it is not the role of the planning system to restrict competition following the guidance in Planning Policy Statement 6 to this effect.
- The applicant considers there is a demonstrable level of need for the facility, pointing out the existing population is ageing with 16% 65 yrs and over and set to increase, therefore the proposal will meet a future growing need.

### **Relevant Planning Policies and Considerations**

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

### 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 by encouraging social cohesion and inclusion, protecting and enhancing the environment, championing prudent use of natural resources and through sustainable economic growth. 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 Fourteen: PPG14 sets out the national planning context to developing on unstable land. It establishes the responsibility for investigation and mitigation firmly with the developer of the site.

### Regional Spatial Strategy

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

Of particular relevance to the assessment of this application are the following:

Policy 2 – Sustainable Development (essentially requiring new development proposals to meet the aim of promoting sustainable patterns of development),

Policy 4 – Sequential Approach to New Development (which essentially provides support for the priority of the use of previously developed sites in urban areas)

Policy 6 – Locational Strategy (which requires new development to maximise the major assets and opportunities available in the North East and to regenerate more deprived areas).

Policy 7– Connectivity and Accessibility (which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk)

Policy 8– Protecting and Enhancing the Environment (which requires new development to maintain local distinctiveness)

Policy 24 – Delivering Sustainable Communities (planning proposals should assess the suitability of land for development and the contribution that can be made by design).

Policy 30 – Improving Inclusivity and Affordability (developments should provide a range of housing types and sizes responding to the needs of all members of the community as well as addressing affordability).

Policy 38 - Sustainable Construction (to ensure layouts and design of new development minimise energy consumption and encourage energy efficiency techniques as well as renewable energy provision).

Policy 54 – Parking and Travel Plans (seek to minimise parking for non-residential development that link in to public transport and ensure travel plans are sought for major development).

### Chester-le-Street Local Plan

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

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

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

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

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

In addition, being a development with a build cost in excess of £500,000 Policy BE2 – Public Art is considered material. This Policy encourages the devotion of 1% of development costs to public art work projects, accessible by the general public.

Policy T15 requires new development to provide safe and accessible access and not create problems to the existing road network. In addition it requires good links to local transport services and requires on site cycling provision.

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

### Design, Scale and Massing and Impact on Visual Amenity

Design is considered indivisible from good planning and is at the forefront of Planning Policy Statement 1 (PPS1) which states the following:-

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

As discussed above the general thrust of this advice is followed in relevant RSS Policy 8 and Local Plan Policies HP 9 and HP 17. As a result of the need to ensure that particular careful attention is paid to the design of the proposals the application has been referred to the Design & Conservation Team at Durham County Council for comment. They refer to the extensive pre-application discussions and welcome the changes previously made to the 104 bed application following their comments and the additional change on this proposal of reducing the elevation facing Hopgarth Court to only two-storeys.

Members may recall refusal reason two for the 104 bed proposal previously considered at the planning committee of March'08 was as follows:-

"The proposal, by way of inappropriate scale, massing and detailed design solution, would provide for a form of development that would be incongruous within the street scene and as such would be detrimental to the visual amenity of the wider locality, contrary to the aims of PPS1 and PPS3, Policy 5b of the Regional Spatial Strategy, and Policies HP9 and HP17 of the Chester-le-Street Local Plan".

In considering the issue of scale the view is taken that the development now proposed is more commensurate with the massing of the elevations on the original outline consent although still represents a size increase. The SE elevation of the outline was 10.3m in height and is now proposed at 12m while the SW elevation is 9m, which is lower than the outline by 1.2m. However the maximum height represented on the north elevation is 12.1m which is 1.6m above the outline drawing's but is still less than the 14.8m proposed for the 104 bed scheme. Crucially comparing the highest part of the proposal to the neighbouring highest part of Sandringham Court the development is lower by 300mm.

In order to relate better to the two storey properties of Hopgarth Court the nearest elevation has not only been reduced to a 9m ridge height but importantly a 4.72m eaves height below the first floor window heads in order to reduce the perceived scale. Combining the reduction in height and the separation distance to Hopgarth Court and also taking into account the domestic detailing to the west elevation, it is considered the proposal is more in keeping with the character of the area than previous.

The most sensitive issues of scale, requiring particularly careful consideration are where the eastern block (south elevation), faces the occupier of 34 Hopgarth Gardens. Here the height to the ridge is 12m with a centrally projecting 8m high bay feature housing lounge windows. The distance off the boundary to the garden of No.34 is 6m and the difference in dwelling heights is 4.5m. No.34 does however face southeast and northwest so while the block will be noticeable, and to some degree will be viewed from within the garden, it is not considered the main massing will substantively harm the amenity of the occupier.

To summarise the following table outlines the comparison differences between the extant outline consent, the refused 104 bed proposal and the current application. Sandringham Court is also included for reference purposes.



APPLICAT ION NO.	00/00337/ OUT		07/00539/ FUL		08/00194/ FUL		Sandringham Court	
No. of Beds	60		104		88			
Max Height	10.5m		14.8m		12.1m		12.4m	
Min Height	10.3m		11.8m		9.0m		10.2m	
North Elevation Heights	R 10.4	E 7.5	R 14.1	E 10.1	R 12.1	E 7.8	R 10.4	E 5.0
East Elevation Heights	10.2	7.8	11.8	7.4	12.1	7.3	12.4	8.0
West Elevation Heights (opp Hopgarth Ct)	7.5	5.0	11.8	7.4	9.0	5.0	10.2	5.0
South East Gable Heights	10.2	7.8	11.8	7.4	12.1	7.3	N/A	N/A
South West Gable Heights	7.5	5.0	11.8	7.4	9.0	4.8	N/A	N/A

All measurements in metres.

R = Ridge Height, E = Eaves Height

Impact on the Residential Amenity of Surrounding Occupiers

Members will recall that refusal reason one of the earlier 104 bed application was as follows: -

“The proposal would provide for a form of development that would be harmful to the amenities of surrounding residential occupiers by virtue of undue overlooking and overbearing impact contrary to the aims of Policy HP 9 of the Chester-le-Street Local Plan”.

Accordingly this issue also requires careful consideration.

Policy HP9 of the Local Plan requires new development to respect the amenities of existing surrounding occupiers.

As Members are aware appendix 1 of the Local Plan advises that a distance of 21 metres should be provided for between the public faces of buildings (i.e. habitable rooms).

However the advice does go onto recognise that this distance should not be applied rigidly, and rather states that where dwellings are off set (i.e. do not directly overlook each other) the privacy distances may be reduced.

In regard to the impact on occupiers of Hopgarth Court the reduced glazing, by virtue of the reduction in height, limits the perception of being overlooked. Hopgarth Court is directly west of the western block and as such has the primary living windows angled northwest with an obscure pane facing south.

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

In regard to the impact on Hopgarth Gardens the most affected property is No.34 and then 33 moving south down the street. By virtue of the western block now being reduced in scale, orientated centrally down the street (so as not to face directly into these properties) and the resulting offset angle to the surrounding properties it is considered that no undue harmful overlooking will occur.

The applicant has reduced the level of second floor fenestration from curtain glazing to smaller individual windows, in the south eastern gable end bay feature following Officer requests to preserve the amenity of No.34 Hopgarth Gardens. In addition in the bedroom windows either side of the bay feature, obscure glazing has been introduced in the interests of further preserving residential amenity. The gable end is 6m from the boundary with the garden of No.34 and while the remaining communal lounge windows do face across No.34's garden, they also take in the wider view towards the river. As a result of this it is not considered the now amended level of glazing combined with the unimpeded longer distance outlook, will result in detrimental impact on the privacy of surrounding occupiers.

In regard to Sandringham Court to the North it is considered that due to the sharp 90 degree relationship between the development and the neighbouring habitable rooms no harmful overlooking will occur as a result of the proposal.

On balance, and taking into account various angles between the existing and proposed windows as well as the amendments sought the proposal has reduced the harm to residential amenity from the previous scheme.

#### Highway Safety / Car Parking Issues

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

In relation to the car parking provision in accordance with Durham County Highway Authority parking standards some 25 spaces have been provided, this equates to a welcome but small over provision in parking.

The view is also taken that the locational characteristics of the site will allow for a high percentage of staff and visitors to use public transport to reach the destination. Members will note that the securing of a Green Travel Plan as part of the development is a recommended condition of approval. Having regard to the above it is not considered the proposal could be resisted on lack of car parking provision.

Turning to the issue of access the vast majority of local residents would prefer Picktree Lane to be used as the primary access to the development. Members may recall that originally Hopgarth Gardens was identified as an access as proposed on the earlier application with the support of Durham County Council Highway Authority. Latterly on the previous application an amendment was sought for Picktree Lane to be the primary access and the Hopgarth Garden's access secondary. As a result this proposal states explicitly that the Hopgarth Gardens access is secondary. In addition in a letter dated 3rd July 2008 and by email dated 21st July 2008 the applicant has confirmed that the access is to be used in instances of emergency only and defined as follows;

"we can confirm the definition we would support for the term ' emergency ' would be at any time the main access via Picktree Lane was blocked outside our site (which we would anticipate would be very infrequently), or when emergency services or local authority refuse collection services wished to use it for specific operational purposes (again we would anticipate this would be on an infrequent basis)"

It is concluded in light of the above that a planning condition directly requiring the adherence to this arrangement should be attached to any approval to ensure no unreasonable impact should occur to the amenity of the occupiers of Hopgarth Gardens as a result of unrestricted use of the secondary access.

#### Percent for Art

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

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

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

#### Foul Sewerage Impact

Some objections have been raised in regard to the impact the proposal will have on foul sewerage capacity on the area, and potential disruption to services during the construction

phase. In relation to any disruption to infrastructure at the construction phase this is not a material planning consideration. Clearly if this was to occur it would be for the relevant statutory undertaker to take the matter up with the developer.

In relation to the concern expressed about the adequacy of the foul sewerage systems, Members will note from the representation section above that Northumbria Water Ltd have considered this issue and raised no objections.

Although not material to the application the applicant has made reference to a new sewerage layout that has been installed on site following the granting of a diversion order by Northumbrian Water.

### Contamination

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

### Fire Risk

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

### The Issue of Need

Members will note that the Adult and Community Services Team at Durham County Council have raised concerns on the grounds that they do not consider there to be a demonstrable need for the development with occupancy rates at 80% in the County and the number of people entering care homes falling.

By comparison the applicant has stated that the facility will cater for an identified need in the area as the population is ageing and hence the facility will serve this growing need.

As Members will be aware it is not the purpose of the planning system to restrict competition, nor to seek to implement the policies of other agencies that may have an interest in an application. In conclusion it is considered that grounds of need are not material to the determination of the application.

### Vibration and Unstable Land

Objections have been raised as to the potential for unstable land within the site. An objector has drawn attention to the southern wall of the adjacent Northern Bus Depot which, has a crack in its wall that it is alleged appeared following the completion of the sewer diversion. For whatever reason that the crack appeared it cannot be assumed from this that the site is unstable. In any case it is the developer's responsibility to ensure the

site is stable and fit for development and sole responsibility lies with the developer should instability affect surrounding landowners.

The Council's Building Control Team will also ensure the development meets the building regulation standards.

#### Ownership of Picktree Lane Entrance

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

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

#### Regeneration / Economic Factors

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

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

#### The Fall Back Position

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

However it is considered there are clear material differences between the earlier approval and the present application. Not least of these is the fact the development now proposed is larger in terms of height and massing with differing levels of fenestration. As a result of this it is considered that the fall back position should be given marginal material consideration as an extant consent, in the context of the aforementioned arguments and the comparison table showing the key differences.

Each application should be considered on its own merits. In this particular instance, for the reasons previously discussed, this revised development is considered acceptable.

## **Conclusion**

In conclusion, the application raises a number of finely balanced issues that require careful consideration. Of particular importance is the need for Members to give very careful consideration to issues of the scale and massing, how this relates to the area and street scene as a whole and whether the proposal has any detrimental impact on the privacy of surrounding occupiers.

Whilst Officer's accept these issues are finely balanced the view is taken, that the amendments to the scale and massing, reductions in fenestration and further detail in regard to the secondary access satisfies the concerns of Hopgarth Gardens residents and safeguards their visual and residential amenity. The reduction in the scale and massing of the Hopgarth Court elevation has resulted in a design more subservient to the surrounding area and is considered a design improvement. This view is supported by the County Council Design and Conservation Officer.

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 plans received 4th July 2008 including the heads and terms of the submitted undertaking pursuant to Section 106 of the Town And Country Planning Act 1990 unless otherwise agreed 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 the commencement of the development hereby approved a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.

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 and / or roofs of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the satisfactory

appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policies HP9 and HP17 of the Chester-le-Street District Local Plan.

Extra 5.

The boundary enclosures shall be carried out in accordance with plan 08\_018 017 A received 4th July 2008 with the exception of the 2 metre architectural boundary fence of which the length and design shall be agreed in writing with the Local Planning Authority prior to occupation of the development and implemented in accordance with this agreement thereafter, in accordance with policy HP9 of the Chester-le-Street Local Plan.

Extra 6.

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 provision of public art to comply with the aims of Policy BE 2 of the Chester-le-Street Local Plan.

Extra 7.

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

Extra 8.

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

Monday to Friday - 08:00 to 1800

Saturdays - 0800 to 1300

Sundays - None

Bank Holidays – None

In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 9.

Prior to works commencing a construction methodology to include all potentially noisy operations and details of plant and heavy equipment shall be submitted to and agreed in writing with the Local Planning Authority and implemented on site in accordance with this agreement for the duration of the building works in order to protect the amenities of local residents and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 10.

No construction related traffic of any kind associated with the development hereby approved, including vehicles transporting materials to and from the site and carrying people involved with the development, shall at any time access the site via the secondary access route shown on the approved plans along Hopgarth Gardens; in order to protect the amenities of local residents and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 11.

The secondary access as indicated on drawing 08\_018 001 A, shall only be utilised in accordance with the letter from Wardhadaway dated 3rd July 2008 and email received 21st July 2008 unless otherwise agreed in writing with the Local Planning Authority in the interest of the residential amenity of surrounding occupiers to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

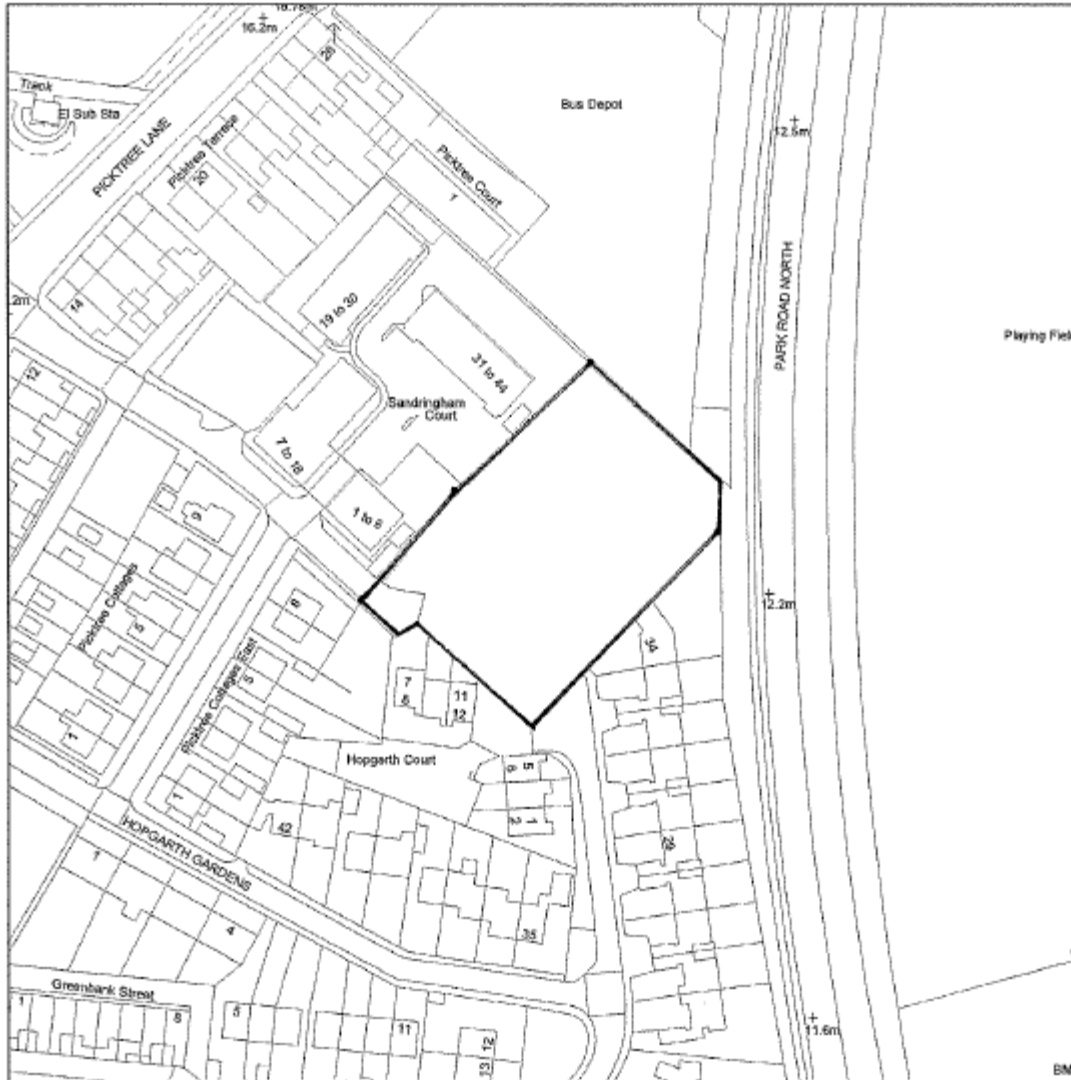
Extra 12.

Within six months of the occupation of the development hereby approved the developer shall submit a Travel Plan to demonstrate proposed measures to reduce the reliance on the use of the private motor car to access the development to the satisfaction of the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the agreed travel plan, unless otherwise first agreed in writing with the Local Planning Authority. To ensure the development meets the aims of sustainable transport and to accord with the aims of policies 2 and 54 of the Regional Spatial Strategy and policies T6 and T15 of the Chester-le-Street Local Plan.



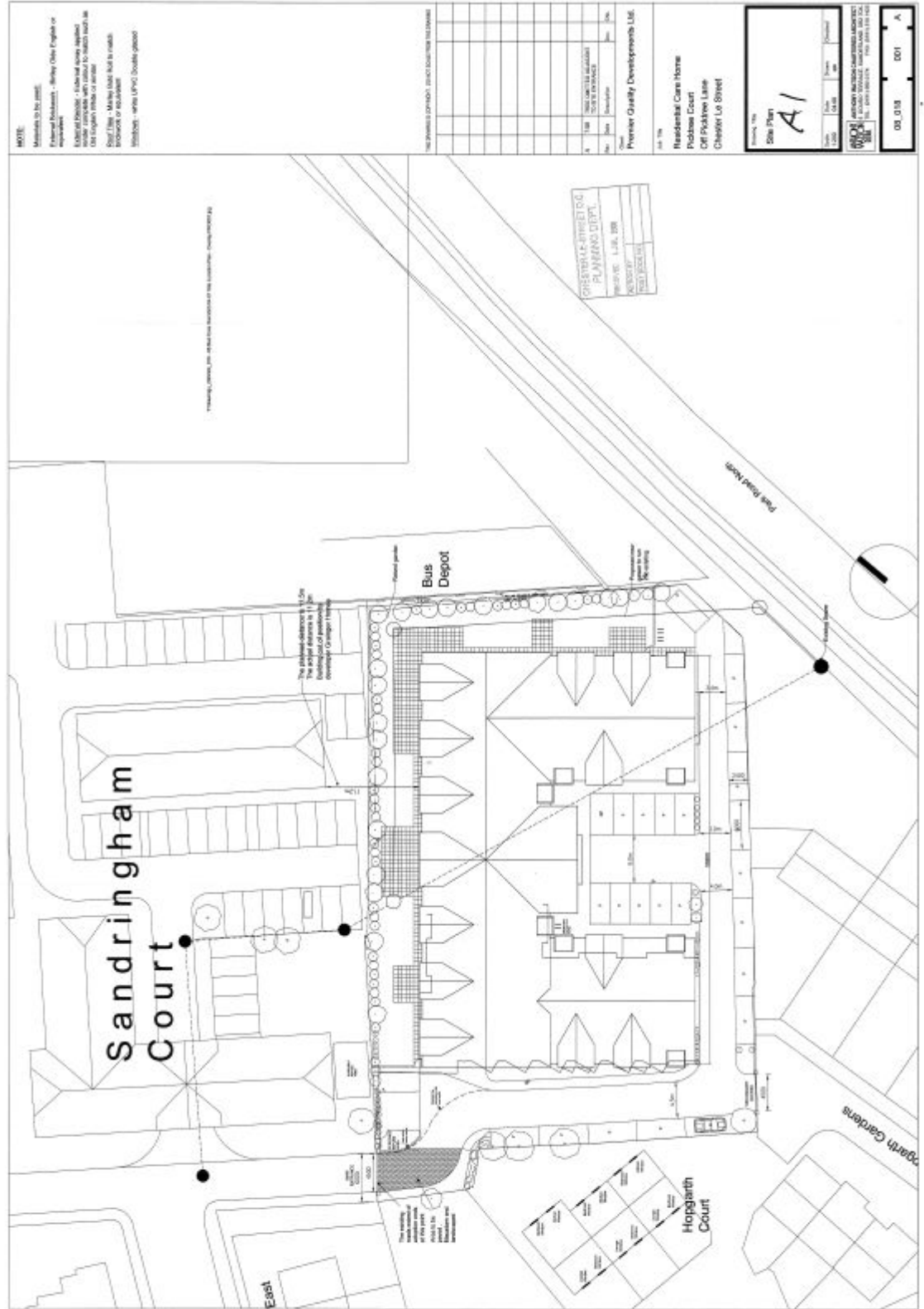
# Site of Former County Council Depot

Picktree Lane

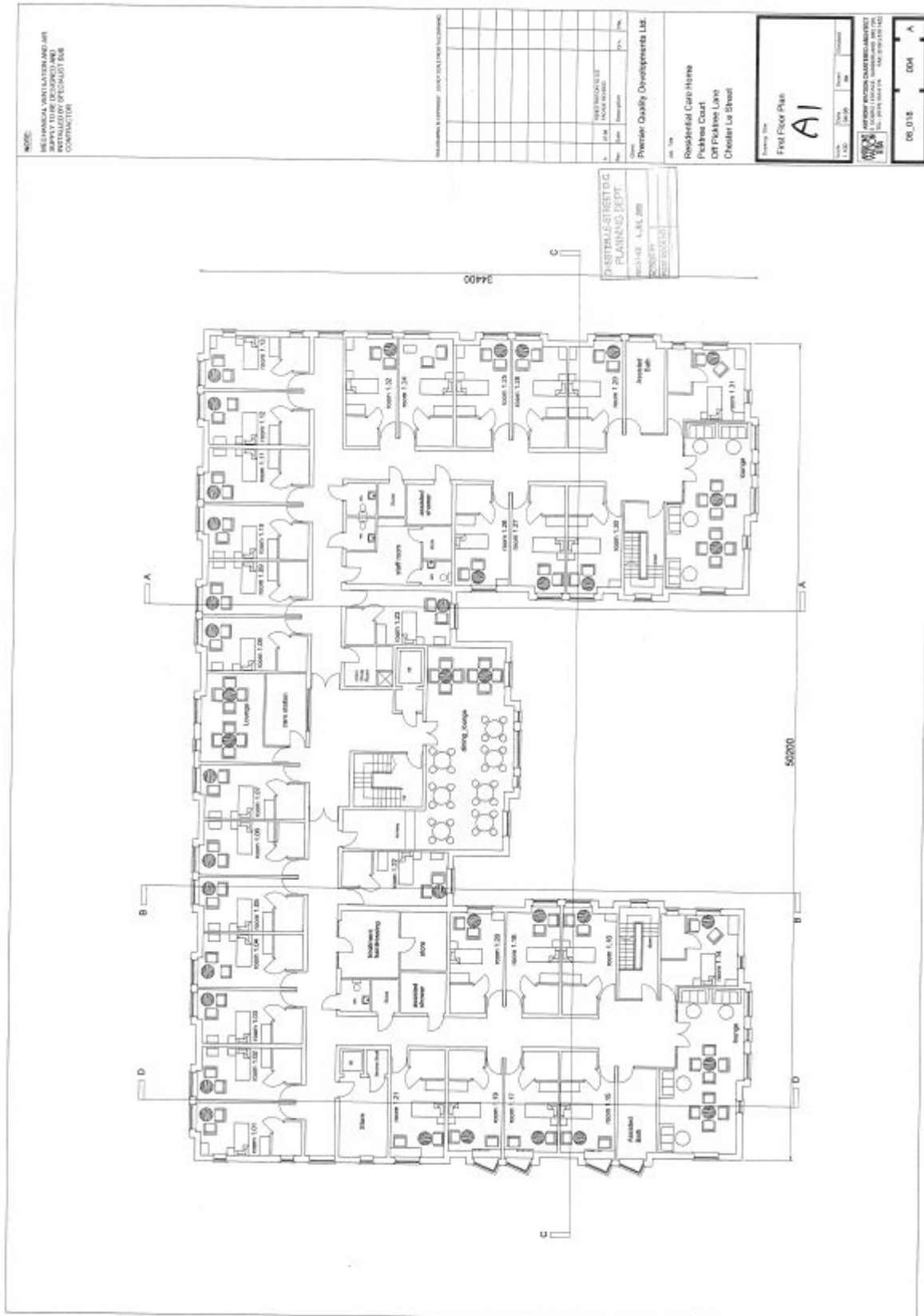


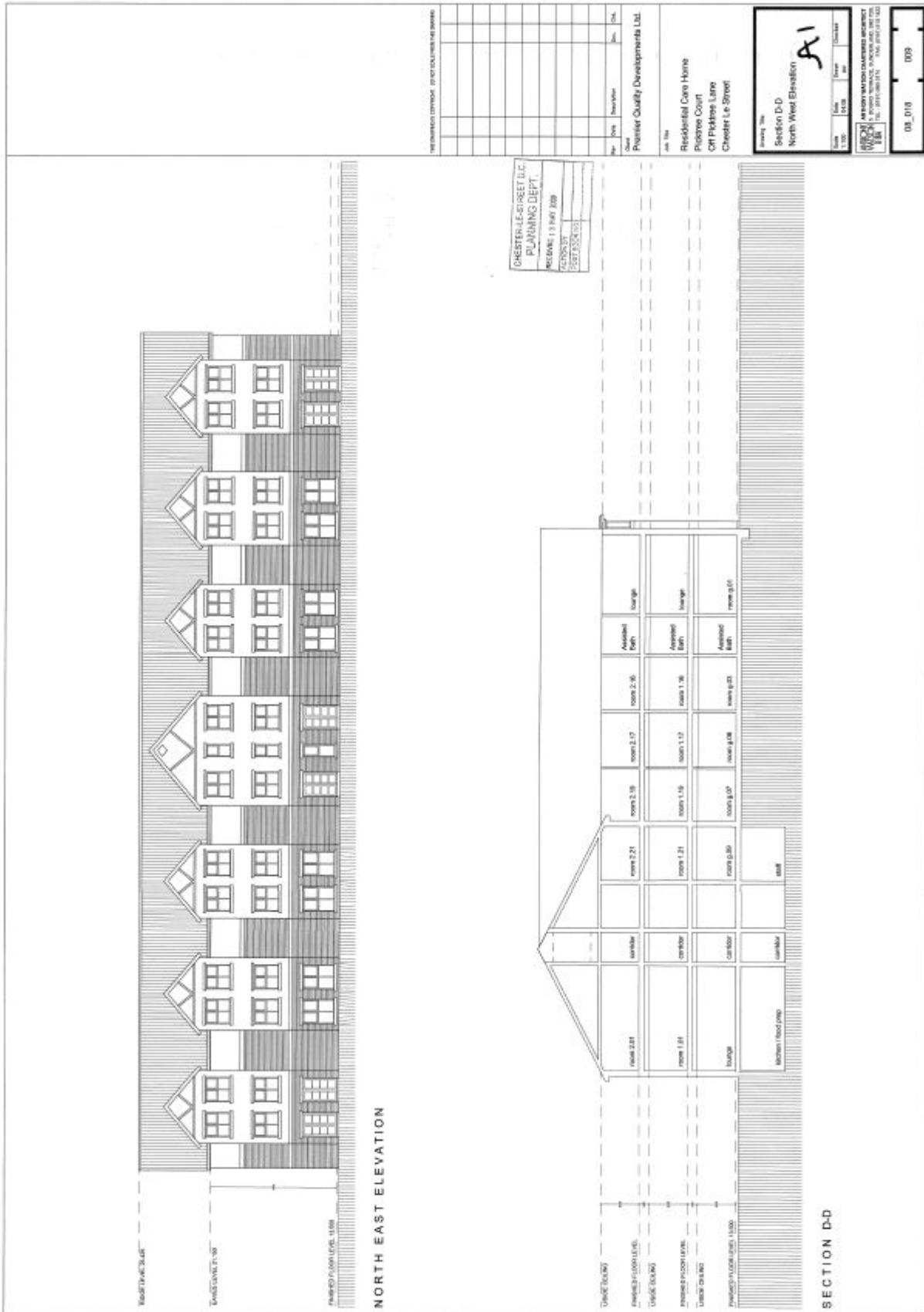
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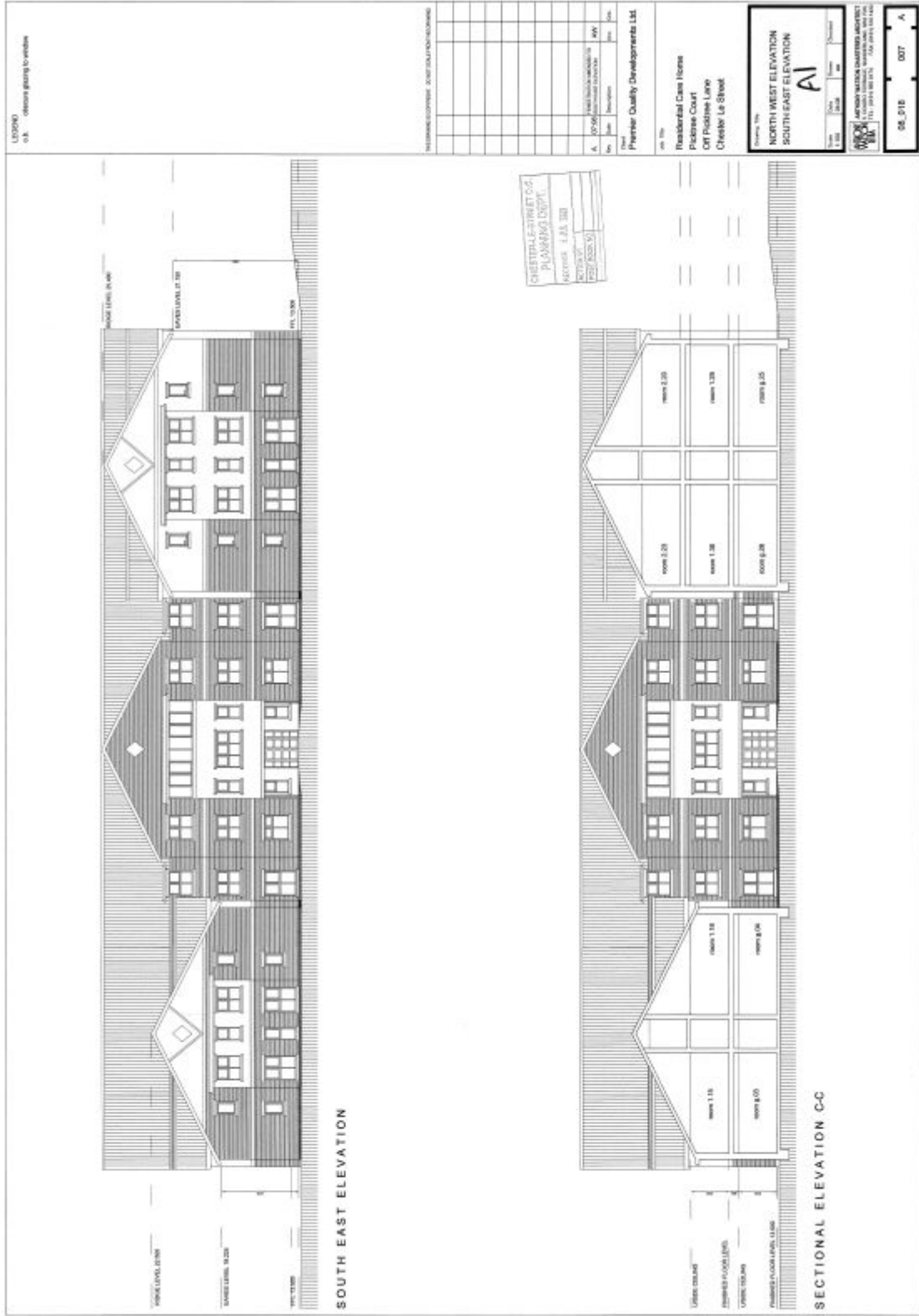
CHESTER-LE-STREET DISTRICT COUNCIL  
DIRECTORATE OF DEVELOPMENT SERVICES  
PLANNING COMMITTEE 11 August 2008













**CHESTER-LE-STREET DISTRICT COUNCIL**  
**DIRECTORATE OF DEVELOPMENT SERVICES**  
**PLANNING COMMITTEE**      **11 August 2008**

2.

**Reference: 08/00204/FUL**

**Proposal**      Erection of conservatory at rear of public house.

**Location**      The Dun Cow PH Primrose Hill Bournmoor Houghton-le-Spring Tyne and  
Wear DH4 6DY

**Applicant**      Mr R. Dale

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**Application Summary**

**Ward:**                      Bournmoor

**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 is not considered to have a negative impact on the visual amenity of the streetscene or openness of the Green Belt and will not have an adverse impact on the residential amenity of neighbouring properties.

Accordingly it is recommended that the application be approved.

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**The Proposal**

This report relates to an application for the erection of a conservatory at the rear of a public house. Currently in place is a small wall with a canopy over which is unauthorised and subject of an enforcement query. The conservatory is proposed to replace this structure.

The site is located on the main A1052 road running through Bournmoor with the nearest residential properties being to the east of the host property. The common boundary of the site is approximately 7m from the public house's east elevation. Residential properties are also situated across the road facing the front elevation of the public house with there being well over 25m to these nearest neighbour's elevations.



Site History

98/00095/FUL – Porch, pergola and chimney to rear plus infill of doors to side elevation. Approved 16/4/98.

97/00267/FUL – Lounge and restaurant extension. Approved 8/9/97.

90/00005/FUL – Patio bar and restaurant extension plus extension to car park. Approved 8/2/90.

89/00417/LBC – 2 Conservatories. Withdrawn 5/1/90.

89/00416/FUL – 2 Conservatories. Withdrawn 8/1/90

89/00388/FUL – Lounge and bedroom extension Approved 12/10/89.

88/00080/OUT – 2 bungalows. Refused 14/4/88.

88/00073/OUT – Detached dwelling. Refused 14/4/88.

88/00027/FUL – Kitchen and entrance extension. Approved 11/2/88.

87/00328/ADV – Illuminated name signs and wall boards and re-siting of pole sign. Approved 8/10/87

85/00473/FUL – Extension. Approved 29.01.1986

82/00324/ADV – Illuminating pole Sign. Approved 15.10.1982

**Consultation Responses**

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

- The application is incomplete in that the second part of Section 16 - trees and hedges has been left blank. There are trees 2-3m from the proposed development which overhang the proposed development.
- Loss of privacy - the development will look directly into a kitchen/utility room of neighbouring residential property with a separation distance of only 7m.
- Increased noise levels - doors being left open late at night allowing access to the beer garden after dark. (Attention should be drawn to European Convention of Human Rights and First Protocol Article 1).
- The proposal does not have any design calculations - the design could compromise the health and safety of people using it.
- Lighting from the proposal could cause light disturbance after 12.30am.
- There are bats in the area which can be seen at night which could roost in the main building as well as squirrels and other wildlife in this area. The development could affect the well being of the species.

- The proposal is not a suitable development within the Green Belt and the Great North Forest due to its size and the affect on the local environment as well as trees being in close proximity.
- Certain conditions should be added to the application if approved, including,
  1. Obscure Glazing to be fitted to side of the development facing Casamor
  2. The use of the external doors into the beer garden to be restricted and windows closed at 10.30pm (in alignment with licensing requirements).
  3. No music, amplified or loud allowed in the proposed development.
  4. Regulation to the felling, lopping or uprooting of trees.
  5. Investigation into bats and other wildlife in the area.
  6. As the original site continues to be used without regulated building constraint, we would ask that a short time limit be implemented on the development to ensure the structure is built in a reasonable time and the original structure is removed.

Regeneration Team - No comments

Environmental Health Team - The Environmental Health Team have offered a verbal no objections to the proposal on the basis of conditions which are proposed as part of this application. A full summary of their recommendation will be updated at the Planning Committee.

### **Relevant Planning Policies and Considerations**

#### **National Planning Policy**

Planning Policy Statement One: PPS1 Delivering Sustainable Developments 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. PPS1 significantly raises the importance of good design stating, good design is indivisible from good planning.

Planning Policy Guidance 2: PPG2 Green Belts sets out that there is a general presumption against inappropriate development in the Green Belt. New buildings in the Green Belt are by definition inappropriate. As an exception limited infilling to major developed sites within the Green Belt maybe allowed if designated in the Local Plan in the interest of economic development as long as not leading to a large increase in the developed portion of the site.

Planning Policy Statement 7: PPS7 Sustainable Developments in Rural Areas aims to raise the quality of life and the environment in rural areas, promote sustainable patterns of development, and support economic development and diversification of agriculture uses in rural areas.

#### **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 has now been formally adopted and accordingly Policies within the RSS should be considered. The following policies contained within the RSS are of relevance to the proposal:

Policy 8 – Protecting and Enhancing the Environment. This policy aims to encourage and facilitate the implementation of the Regional Forest Strategy, Great North Forest and Trees Forest Community Forest Strategies, related biodiversity initiatives and other woodland planting.

Policy 9 - Tyne and Wear City Region - Green Belt. This policy aims to safeguard the countryside and Green Belt from encroachment, in particular in this instance preventing the merging of Chester-le-Street and Washington.

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

#### Chester-le-Street Local Plan

Policy R19, NE4 and NE6 of the Chester-le-Street Local Plan are of relevance to this application.

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

Policy NE4 considers appropriate development in the Green Belt. It presumes against inappropriate development in the Green Belt unless special justification is demonstrated to outweigh the inappropriateness and harm caused.

As the site is located in the Green Belt policy NE6 is also relevant. This policy states that consideration must be given to the impact of proposals on the visual amenity of the Green Belt.

In determining this application, the main issues to be considered are the design of the proposal in relation to the streetscene and the host property as well as the impact the proposal will have on the openness of the Green Belt and the Great North Forest in addition to the impact on the residential amenity of neighbouring properties.

#### Streetscene

The proposal is situated on the rear of the site and is therefore, not visible to the main public domain. It is considered therefore, that the visual amenity of the streetscene would not be adversely affected.

Although the proposal is a relatively large conservatory, with a footprint of 12m x 6m, it is considered to be of an appropriate scale in relation to the host property. The conservatory is to be constructed from stone to be in keeping with the existing public house. Therefore, the scale and style is considered appropriate to the host.

### Impact on Openness of the Green Belt

Policy NE4 of the Local Plan considers new development or extensions to buildings as inappropriate unless for agricultural, forestry, or essential facilities for outdoor sport and recreation. In this instance therefore, the proposal is contrary to this policy as it does not fall into these categories.

However, PPG2 also provides national policy advice relating to Green Belts and this provides a more relaxed approach to developments advising extensions to existing developments could be considered appropriate providing they are limited in size. Taking into account, the size of the proposal in relation to the host property, it is considered that the proposal is considered appropriate in relation to the impact on the openness of the Green Belt and will not result in the loss of openness of the Green Belt.

Policy NE6 should also be considered. This requires proposals to protect the open character of the Green Belt. Due to the position of the conservatory, being to the rear of the site, before a car park area leading to open fields, it is considered that the proposal would not result in a loss of visual amenity across the countryside. It is also important to note that the conservatory will be sited in such a position that it will only be viewed against the back drop of the existing public house. As such it does not impact on any open views of the Green Belt. Therefore, the proposal is in accordance with policy NE6 of the Local Plan.

### Impact on Great North Forest

The proposed site is situated within land allocated as part of the Great North Forest. Objections have been raised due to the impact the proposal will have on this area. It is considered however that due to the location of the proposal, attached to an existing building within an established curtilage, the proposal will not have an adverse affect on the Great North Forest as it would not extend this boundary resulting in a loss of landscaped area within the Great North Forest.

### Residential Amenity

Due to the location of the proposal only one neighbour would be affected by the proposal, situated to the east of the site. The public house is set slightly forward of the neighbouring property and as a result; the proposal will only be visible from the neighbour's side window. Therefore, there would be no loss of light or overshadowing of the main elevations. This window is to a kitchen/utility room and separation distances of around 7m will remain. It is considered therefore, that an obscure glazing condition should be added to the windows in this side elevation of the proposed conservatory to reduce any overlooking issues which may occur to the neighbours as a result of this proposal.

Issues with regards to light disturbance have been raised due to the large glazed area of conservatory proposed. However, a large proportion of the development will be constructed in brick with a glass roof and due to comments received from the Environmental Health Team; it is not considered that light nuisance would be an issue in this instance.

Noise and disturbance issues have also been raised as objections to this proposal. It is considered however, that as the principle use of the public house is already established that the addition of a conservatory would not result in further noise/disturbance issues other than that already in place. As such the proposal could not be resisted on these grounds. It is however considered that conditions to restrict the opening of the doors and windows to 10.30pm (except in emergencies), to match the existing beer garden licensing hours, and that no regulated entertainment (which includes live, recorded or amplified music, plays, films etc) is to be played from the conservatory would be appropriate to mitigate against any potential additional impact.

Principle of extension

Policy R19 allows for Food and Drink Uses to be carried out subject to the proposal being assessed against the specified criteria. In this instance, there would be no adverse highway issues as there is a large car park area to the side and rear of the site and no parking spaces will be lost by the addition of this proposal. There is considered to be no undue impact on the character of the countryside/Green Belt or residential amenity as stated above. Therefore, it is considered that the proposal would be in accordance with policy R19 of the Local Plan.

Other Issues

Objectors have raised issues with regard to bats and wildlife within the area. It is not considered that the addition of a conservatory in the proposed location (where the pub roof would not be altered) would be likely to impact on the habitats of bats or wildlife sufficient to resist the application on these grounds. An informative will however be added to the application to state that the applicant should be aware that there is a potential for protected species to be present within the application site. It is recommended that development proceeds with due diligence having regard to the requirements of the relevant statute, including the provisions of the Wildlife and Countryside Act 1981.

Another issue raised by objectors is the health and safety of patrons due to no structural calculations being submitted with the application. However, this is not relevant in determining a planning application and the structural issues raised by the objector will be controlled through the Building Regulations system.

Issues were raised with regard to potential work to the trees which are on site. However, it has been confirmed by the agent that no works to the trees will be carried out. In addition, the trees are not protected by Tree Preservation Orders therefore, it is not considered appropriate to put a condition on the application restricting works to the trees.

Conclusion

Taking all issues into account, it is considered that the proposal forms an acceptable form of development both within the streetscene and the Green Belt and that it would not have an impact on residential amenity. Therefore, the proposal is recommended for approval subject to conditions.

**RECOMMENDATION**  
CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

Extra 1

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

Extra 2

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 3

Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls and / or roofs of the building(s) have been submitted to, 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 R19 of the Chester-le-Street District Local Plan.

Extra 4

The proposed conservatory doors and windows shall remain closed (except in emergencies) from 10.30pm until 11.00am, in order to protect the residential amenity of neighbouring properties in accordance with the aims of policy R19 of the Chester-le-Street Local Plan.

Extra 5

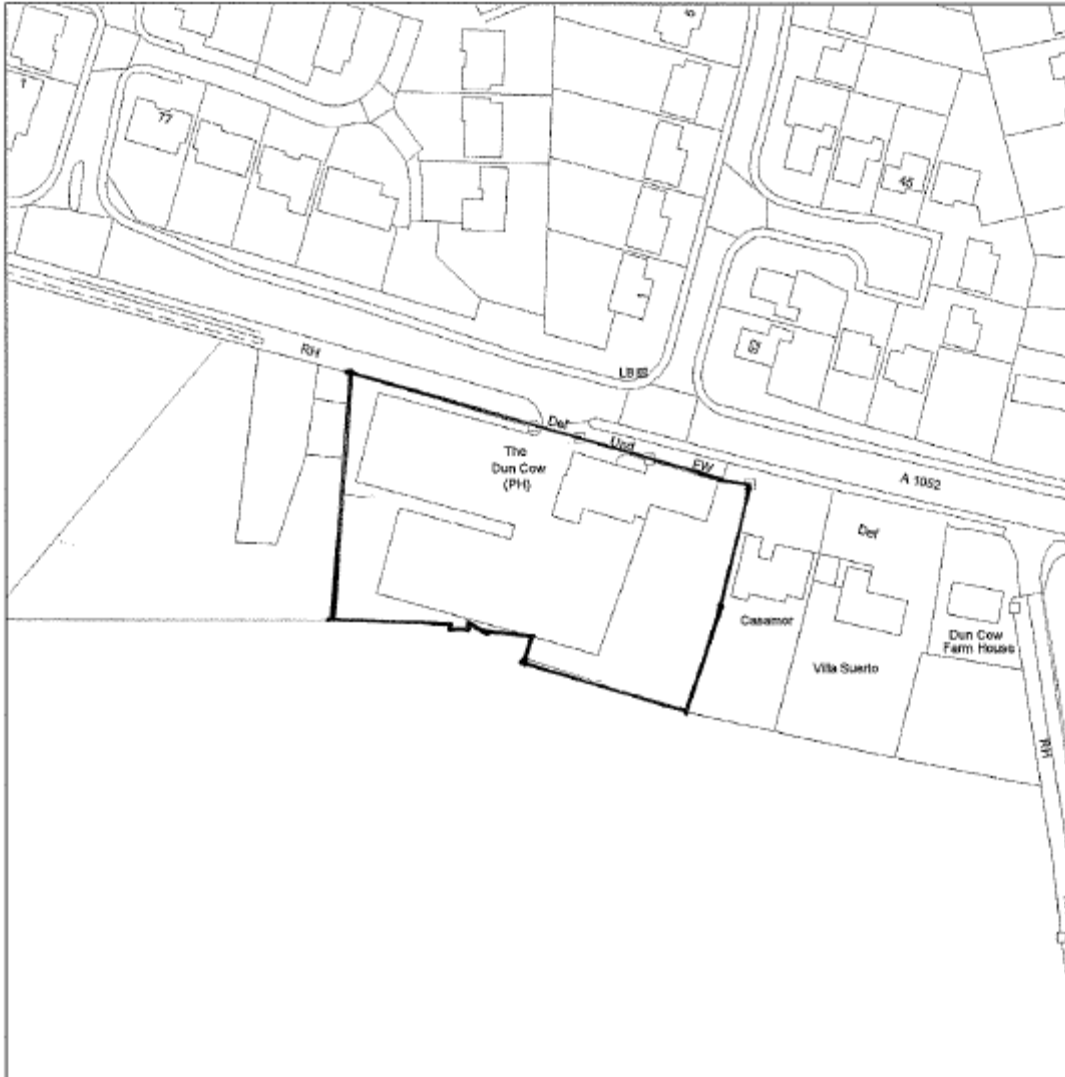
No regulated entertainment shall be carried out in the hereby approved conservatory at any time unless details of such regulated entertainment (including sound levels) are submitted to and approved in writing with the Local Planning Authority, in order to protect the residential amenity of neighbouring properties in accordance with the aims of policy R19 of the Chester-le-Street Local Plan.

# The Dun Cow PH

Primrose Hill, Bournmoor



GIS by ESRI (UK)

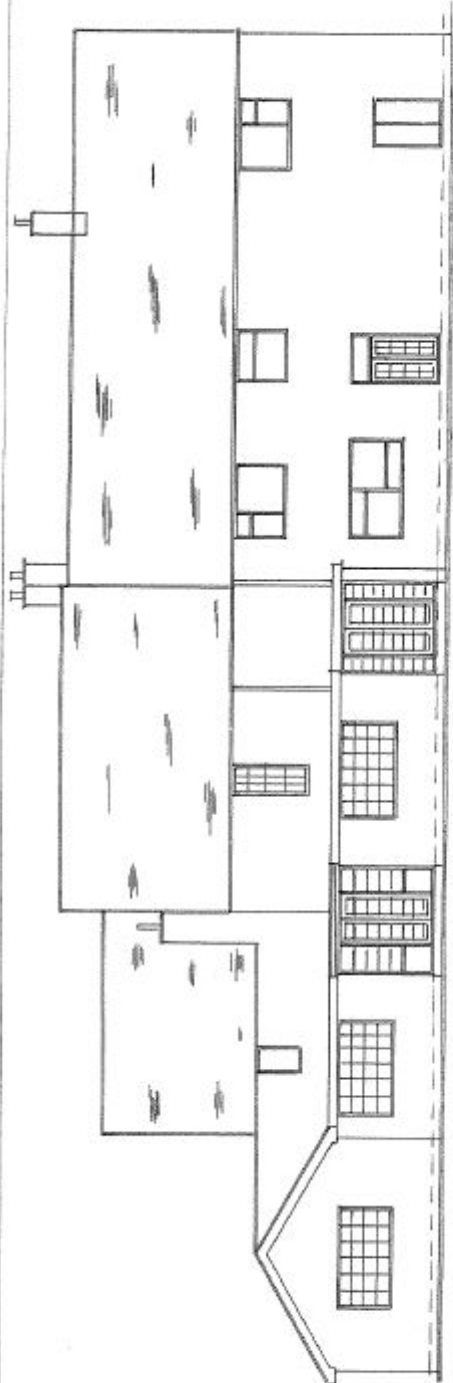


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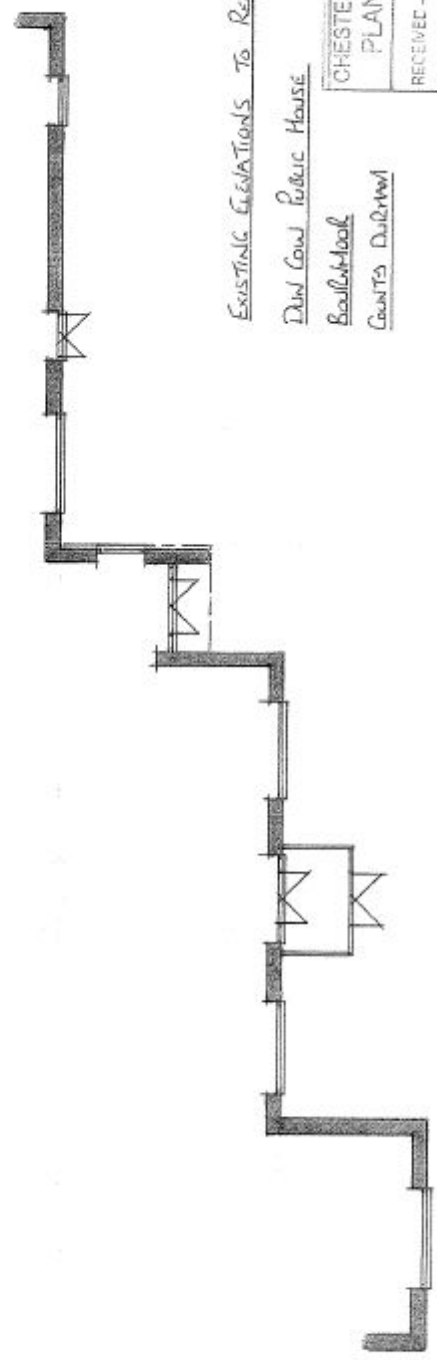




CHESTER-LE-STREET DISTRICT COUNCIL  
DIRECTORATE OF DEVELOPMENT SERVICES  
PLANNING COMMITTEE 11 August 2008



EXISTING REAR ELEVATION



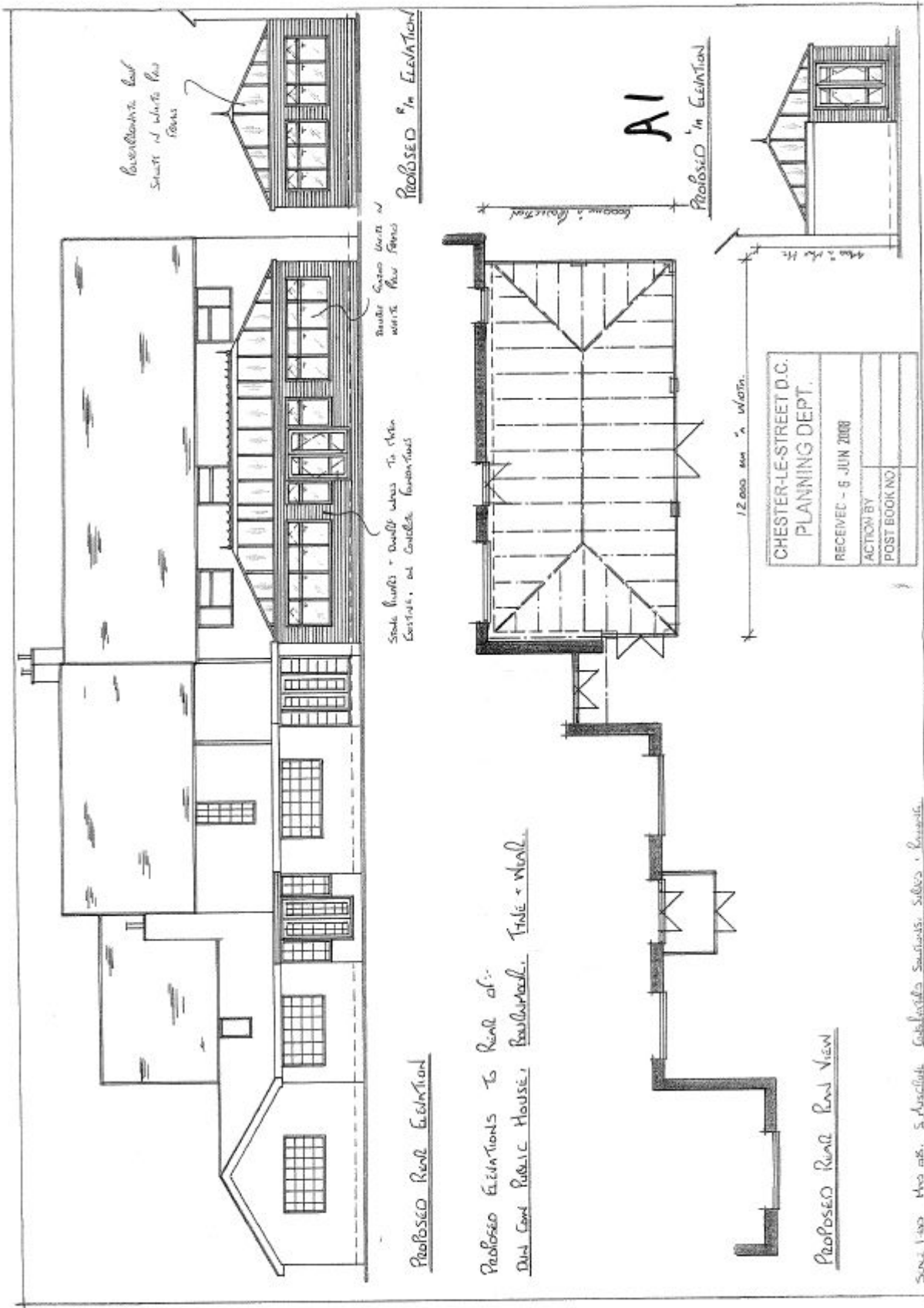
EXISTING REAR LOW VIEW

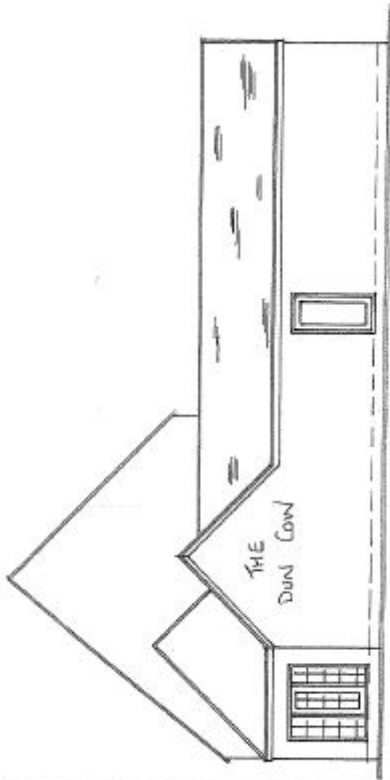
*EXISTING ELEVATIONS TO REAR OF:*  
Dun Cow Public House  
Baulkham  
Countess Durham

**AI**

CHESTER-LE-STREET D.C. PLANNING DEPT.	
RECEIVED - 6 JUN 2008	
ACTION BY	
POST BOOK NO.	

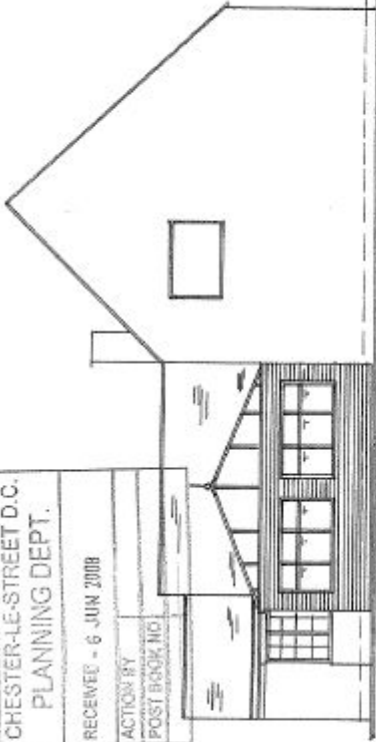
SCALE 1:100 2:5:08 S.MUSGRAVE C.S.P.L.M.D.



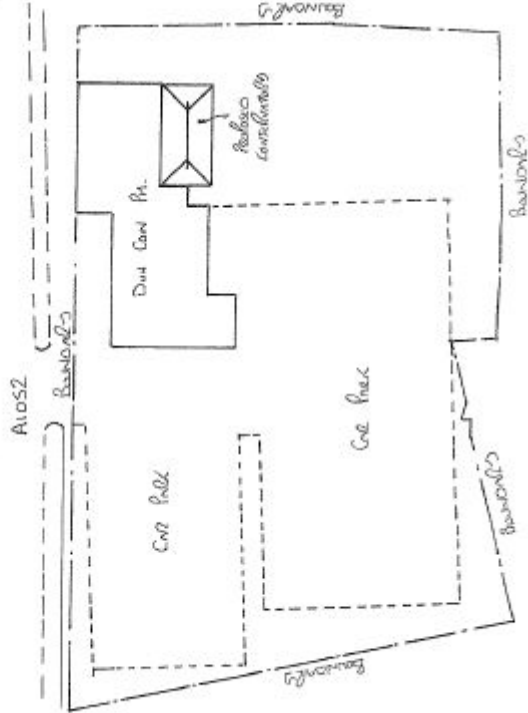


EXISTING + PROPOSED 1/4 ELEVATION 1:100

CHESTER-LE-STREET D.C.  
PLANNING DEPT.  
RECEIVED - 6 JUN 2008  
ACTION BY  
POST BOOK NO.



PROPOSED 3/4 ELEVATION 1:100



BLACK LINE SHOWING SITE BOUNDARIES - SCALE (1:500)

NOTE: SITE IS LEVEL TERRAIN

PLANS SHOWN REQUESTED ELEVATIONS  
AT  
DUN COW PUBLIC HOUSE  
PRINCIPAL HILL  
BOULBROOK  
HASTON - LE SLING  
TRALE + WENT  
DM4 607

Mr. A. Duff

AI

**CHESTER-LE-STREET DISTRICT COUNCIL**  
**DIRECTORATE OF DEVELOPMENT SERVICES**  
**PLANNING COMMITTEE**     **11 August 2008**

3.

**Reference: 08/00212/FUL**

**Proposal**     Erection of single storey extension at side and rear of shop to provide enlarged shop and storage area (amended plans received 14/7/08 and 30/7/08).

**Location**     14 Primrose Gardens Ouston Chester-le-Street Durham DH2 1RL

**Applicant**     Mr A. Ahmed

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**Application Summary**

**Ward:**             Ouston

**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 have a negative impact on the visual amenity of the streetscene and would not create a loss of amenity to nearby residents. It would also provide for a more sustainable business within a wide catchment area.

Accordingly it is recommended that the application be approved.

---

**The Proposal**

This report relates to proposals for the erection of a single storey extension at side and rear of an existing shop to provide an enlarged shop and storage area.

The proposal originally consisted of a larger extension which projected around to the front of the property. However, this was considered unacceptable therefore amendments have been requested and received which reduces the size and scale of the proposal. The size of the proposal now amounts to 5m x 8.9m

### Site History

79/00156 - Extension to shop - Approved 17/4/79.

80/00605 - Illuminated projecting sign - Approved 1980.

### Consultation Responses

The application has been advertised by way of direct mailing to adjacent occupiers. As a result of this exercise, four letters of public objection have been received (prior to the notification of amended plans) on the following grounds:

- The design of the proposal is poor
- The proposal is out of proportion to the existing building.
- The proposal is overwhelming in size and is a vast overdevelopment as the property was originally a semi-detached bungalow.
- The east elevation proposal, coming within 1m of the present boundary wall, breaks the building line and creates gap which would collect rubbish.
- Taking the extension up to the perimeter of the North Elevation would create a feeling of insecurity especially after dark for the elderly.
- No plans or arrangements have been shown for extra parking or delivery areas which can reasonably be expected.
- The proposed extension would completely destroy the symmetry and detract from the pleasant appearance of the village.
- As a small village shop the present shop is a great amenity but the proposed extension, particularly with its mass of plain brick walls and lack of windows, is architecturally out of character within the residential area.
- No plans have been shown for collection of waste
- The Design and Access Statement does not meet the requirements of the DCLG Circular 01/2003
- There are no plans which shows the proposal in the context of Primrose Gardens

Regeneration Team - No comments

Environmental Health Team – There appears to be no provision for ventilation to the toilet and the toilet appears to open directly into the store - Lavatories are not to open directly into rooms where food is handled.

Durham County Council Highways Department - For the reasons given in my 15th April e-mail, at the pre-application stage (see below), I shall make no objection to the proposal.

"The shop appears to be a converted former dwelling (though having been extended at the rear slightly, at some time). I'm not aware of any previous consultations regarding the site. While an enlarged shop will tend to mean a greater likelihood of stopping on the C5 road to 'pop in', I am not aware of the existing premises posing problems. I am mindful also that the principle of shops adjoining classified roads is naturally not peculiar to this shop and that it has a high number of properties within walking distance. Therefore I feel it would be difficult to oppose an extension".

## **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.

### **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 has now been formally adopted and accordingly Policies within the RSS should be considered. The following policies contained within the RSS are of relevance to the proposal:

Policy 2 - Sustainable Development: Planning proposals should seek to ensure good accessibility for all to jobs, facilities, goods and services in the Region particularly by public transport, walking and cycling.

Policy 8 - Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development that should be sympathetic to the surrounding area.

Policy 24 - Delivering Sustainable Communities. Planning proposals should seek to locate development in order to reduce the need to travel.

For reasons as discussed below it is considered the proposals are compliant with the aims of the relevant RSS advice. In particular, it is considered that the development of enhanced neighbourhood shopping facilities will improve the local retail offer in Ouston and in doing so help lead to a reduction in residents needing to travel outside the village for shopping trips.

### **Chester-le-Street Local Plan**

Policies R16 and T17 of the Chester-le-Street Local Plan are of relevance to this application.

Policy R16 allows for new development and limited extensions for small scale retail use providing that the proposal is:-

- within reasonable walking distance of residential areas
- will have no adverse affect on the amenity of nearby dwellings
- meets the requirements of other relevant policies of the local plan
- are not more than 100 square metres in floor area
- will not adversely undermine the vitality and viability of existing retailing areas defined in policies R1 and R15.

Policy T17 states that proposals should allow for the provision of safe and accessible transport network in particular, by:-

- reducing reliance on the private car

- encouraging the use of public transport
- encouraging walking and cycling as an effective means of transport

In determining this application, the main issues to be considered are the design of the proposal in relation to the streetscene and host property, the impact the proposal will have on the residential amenity of neighbouring properties as well as any sustainable development/highway issues.

### Streetscene

The street consists of two-storey terraced properties with two sets of semi-detached bungalows situated within the middle. The host property is a shop which has been converted many years ago from one of the four semi-detached bungalows. The shop has also been previously extended. It is considered that the proposal will not have an adverse effect on the visual amenity of the streetscene as it is not considered to significantly reduce the amount of landscaped area or open space surrounding the host property. The proposal with a width of 5m would create a terraced style block from the existing semi-detached properties. It is considered however, that this would be acceptable in this instance as the streetscene consists of a majority of terraced blocks of properties therefore, it is not considered to have an adverse impact on the existing streetscene.

### Residential Amenity

The property is a semi-detached property. Due to the location of the proposal, it would not be visible to the adjoining neighbouring property to the South no. 13 Primrose Gardens.

Sufficient separation distances occur between neighbouring properties to the front and rear of the site, therefore, it is considered that the residential amenity of the neighbouring properties would not be adversely affected with the addition of the proposal.

There are no windows contained in the side elevation of the neighbouring property to the north of the site (no. 15 Primrose Gardens). The proposal will therefore not be visible to the habitable room windows of this neighbour given the position and orientation of this neighbour therefore.

### Highway Safety/Sustainable Development

Given the comments received from the County Council Highways Department, it is considered that although no parking is provided off-street for this proposal, sufficient on-street parking exists to the rear of the site to serve the development. The site is also located in close proximity to bus stops. The property also serves a large number of residential properties in close existence.

By allowing the extension to the shop, it is considered this will help encourage the use of walking and/or cycling and reduce the reliance on the car as it will provide for a premises within a residential area which can provide a wider range of stock therefore, reducing the need for travel to larger supermarkets for day to day items. It does however still accord with policy R16 by providing a development of less than 100 square metres and therefore, does not compromise other shops or business within the area and surrounding retail areas.

Other Issues Raised

Objectors have raised issues with regards to the closeness of the proposal to the east elevation thus creating a gap for rubbish and additionally the width of the extension being constructed close to the footpath. Concern is raised this will create a feeling of insecurity for older people especially after dark. The proposal has however, been amended to provide a smaller development which does not project as far as what was originally proposed. It is considered therefore, that these issues would not occur due to the amendments that have been submitted. These show the elevations 3.8m from the rear boundary line and 0.5m rising to 3.5m from the side boundary.

Objectors state that the Design and Access Statement does not meet the national requirements. However, throughout the process of the determination of this application, consideration has been given to the layout, scale, amount, landscaping and appearance of the building resulting in amendments being received. It is not considered that an amended Design and Access Statement would result in the change in recommendation of this proposal due to the amendments that have been submitted.

Concerns have also been raised that there are no plans showing the proposal in relation to Primrose Gardens. However, there are no requirements for a proposal to be shown in the context of the full estate/street. The submitted plans have been shown in relation to the host property and also the neighbouring adjoining property which is considered appropriate in this instance.

Comments made by the Councils Environmental Health Team are not issues which can affect the outcome of a planning decision. However, they are issues which the applicant should be made aware of. Therefore, these will be added as an informative to the decision.

**Conclusion**

Taking all relevant issues into account, it is recommended that planning permission be granted subject to conditions as it is considered to be an acceptable form of development which would not have a negative impact on the visual amenity of the streetscene and would not create a loss of amenity to nearby residents. It would also provide for a more sustainable business within a wide catchment area.

**RECOMMENDATION**  
CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

Extra 1.

The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on 14 July unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.



Extra 2.

The development 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 3.

Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls and / or roofs of the building(s) have been submitted to, 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 R16 of the Chester-le-Street District Local Plan.

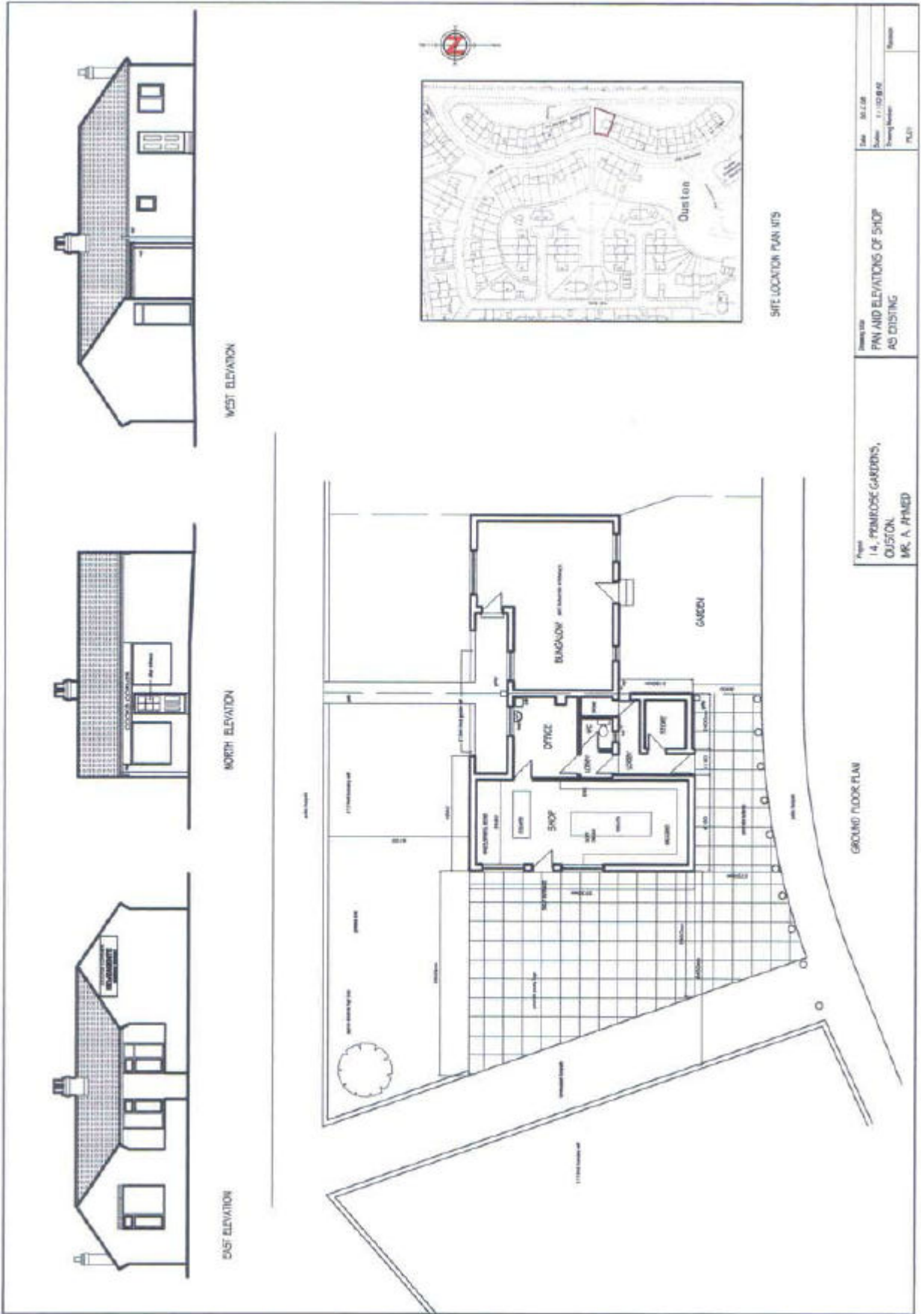
# 14 Primrose Gardens

Ouston



Scale : 1:1250

**CHESTER-LE-STREET DISTRICT COUNCIL**  
**DIRECTORATE OF DEVELOPMENT SERVICES**  
**PLANNING COMMITTEE 11 August 2008**







**CHESTER-LE-STREET DISTRICT COUNCIL**  
**DIRECTORATE OF DEVELOPMENT SERVICES**  
**PLANNING COMMITTEE**      **11 August 2008**

4.

**Reference: 08/00243/FUL**

**Proposal**      Resubmission of previously withdrawn app 07/00358/FUL, for the proposed erection of first-floor extension above existing ground floor extension at rear

**Location**      Gainford Care Homes 25 Front Street Perkinsville Chester-le-Street Durham DH2 1QW

**Applicant**      Gainford Care Homes

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**Application Summary**

**Ward:**                      Pelton

**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 acceptable in terms of its impact on the character of the surrounding area, amenity of neighbouring residents, while not significantly impacting on highway safety.

The application is therefore recommended for approval.

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**The Proposal**

Planning permission is sought for the erection of a first floor extension above an existing rear extension to the rear of commercial premises at no.25 Front Street, Perkinsville.

The proposed extension will measure 6.7m in width, at a projection of 3.8m, the hipped roof will have a maximum height of 7.2m from ground level. Windows will be located in the rear elevation and side elevation of the extension. The proposal will create additional office space with a kitchen and toilet on the first floor. In addition to this it is proposed to create an additional window in the first floor side elevation of the existing property.

This application is being reported to Planning Committee at the request of Ward Councillor Laverick

### Planning History

This application is a resubmission of a previously withdrawn scheme for a similar extension (07/00358/FUL). The application was withdrawn at the request of Officers as it was apparent that no formal planning permission had been granted for the use of offices at the site. The applicant subsequently submitted an application for a Certificate of Lawful Development for the use of the premises as offices (08/00020/CLU), which was approved March 2008.

### Consultation Responses

Neighbouring residents have been notified of the development by individual notification letters. To date one letter of objection has been received.

The objections can be summarised to the issues below:-

- Concerns that additional rubbish created from the premises will not be disposed of properly, attracting vermin.
- There is not adequate parking for the premises, therefore clients and employees park on double yellow lines and pavements
- The proposed extension would be out of keeping with the surrounding area as it extends the full height and width of the property.
- Concerns that the existing foundations cannot accommodate the extension.
- Issues regarding drainage
- Structural integrity of party wall and requirement of access to adjoining property.

Durham County Council Highways – No Objections as the increase in floor area is relatively modest, the location is central to the settlement, peak demand for office related parking is likely to differ from times or peak residential parking demand.

Regeneration Team – No Response received

### 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 and the Regional Spatial Strategy for the North East (RSS). The following policies are considered relevant:-

#### Regional Spatial Strategy

Policy 8 of the RSS - Protecting and Enhancing the Environment –sets out that planning proposals should seek to promote a high quality of design and promote development that is sympathetic to its surroundings.

### Local Plan

Policy T15 – Access and Safety Considerations in Design – Sets out criteria to which development proposals will be required to conform to in relation to highway safety, including appropriate levels of traffic generated, acceptable access to the site and adequate links to public transport facilities.

Policy IN8 of the Local Plan – Industrial Development Beyond Industrial Sites – sets out the criteria to which development proposals for business premises are required to conform to in relation to the design of the proposal, impact on the amenity of neighbouring residents and the visual impact of the development.

In addition National Planning Policy Statement 6 –Town Centres – sets out the Governments objectives for town centres by promoting vitality and viability through focusing developments in such centres.

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

National Planning Policy Statement 6 –Town Centres, identifies that offices should normally be located within existing retail centres, to ensure that they are accessible to employees and visitors by a wide range of transport methods, including by foot and public transport.

In this case the office use has already been established on the site through a Certificate of Lawful Development. Although located outside of an existing centre it is considered that due to the scale of the resultant building, the office space created comprising a modest extension, this is considered acceptable in principle. The site is also in a relatively sustainable location, on a public transport route.

### Impact on character of the area

The application site is located to the rear of the Front Street in Perkinsville. The surrounding area is characterised by a mix of residential dwellings and business premises of varying size and scale. A letter of objection has been raised by the adjoining property regarding the design of the extension. However due to the varying size and scale of existing buildings, along with the number of existing extensions located to the rear of properties lining the Front Street, which have erected two storey extensions, the design of the extension is considered acceptable in the context of the area.

### Highway Safety

The neighbouring property has raised objections regarding the lack of car parking at the site and the possibility that future employees could park on the public footpath or on double yellow lines. However the relevant Highways Authority, Durham County Council have offered no objections to the scheme. This is based on the fact that the increase in the gross floor area of the office is relatively modest and the site is well served by public



transport links, within an existing settlement. In addition to this the peak demand for office related parking is likely to differ from times of peak residential parking demand.

In view of the comments raised by Durham County Council Highways Officers and after assessing the proposal against the provisions of policy T15 of the Local Plan, it is considered due to the accessibility of the site from a range of transport methods, and the modest increase in the size of the floor area of the offices, that the proposed development would not significantly impact on highway safety sufficient to justify refusal.

The parking on the highway verge is a matter for the Highway Authority to control and resolve.

#### Privacy of neighbouring land users

Windows will be created to the rear of the extension facing the blank side elevation of the residential property at 58 Conway place. A distance of 16m will be maintained between the windows in the extension and the neighbouring property, conforming to minimum separation distances in Appendix 1 of the Local Plan. In addition due to the orientation of the dwelling direct views will not be achievable into the properties to the rear.

To the side elevation additional window is proposed, facing the development of Avondale House. As no windows are present in the side elevation of Avondale House again no loss of privacy will arise.

#### Amenity of neighbouring land users

Appendix 1 of the local plan identifies that two storey extensions to residential properties are subject to the 45-degree rule, (where a line of 45 degrees is taken from the centre of a neighbouring habitable room window). If a proposed extension breaks this line, it is deemed that a loss of amenity could arise sufficient to justify refusal. Although the application property is not a residential dwelling, it is considered that the principles of the 45-degree rule should apply.

However after assessing the proposal against the provisions of Appendix 1 of the Local Plan it is considered that a loss of amenity will not arise to the adjoining property as the extension will not break the 45 degree rule. In addition given the separation distance of 16m to the rear and 21 m to Avondale House, no loss of amenity is expected to arise.

#### Other Issues Raised

Objections have been raised regarding potential problems for rubbish disposal and the attraction of vermin. However it is considered that issues regarding pest control and correct disposal of rubbish are concerns for the Environmental Health Team to control and as such do not constitute a material planning consideration in this instance.

Further objections have also been raised regarding the ability of the foundations to accommodate the extension, along with issues regarding the location of drainpipes and access across neighbouring land during the construction phase. However these issues are controlled by the Party Wall Act and Building Regulations and as such are not material planning considerations.

**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 highway safety, the character of the surrounding area or the amenity of neighbouring land users. There are no material planning considerations, which indicate a decision, should be made otherwise and therefore the application is recommended for approval.

**RECOMMENDATION**  
CONDITIONS:-

Approve

SUBJECT TO THE FOLLOWING

Extra 1

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

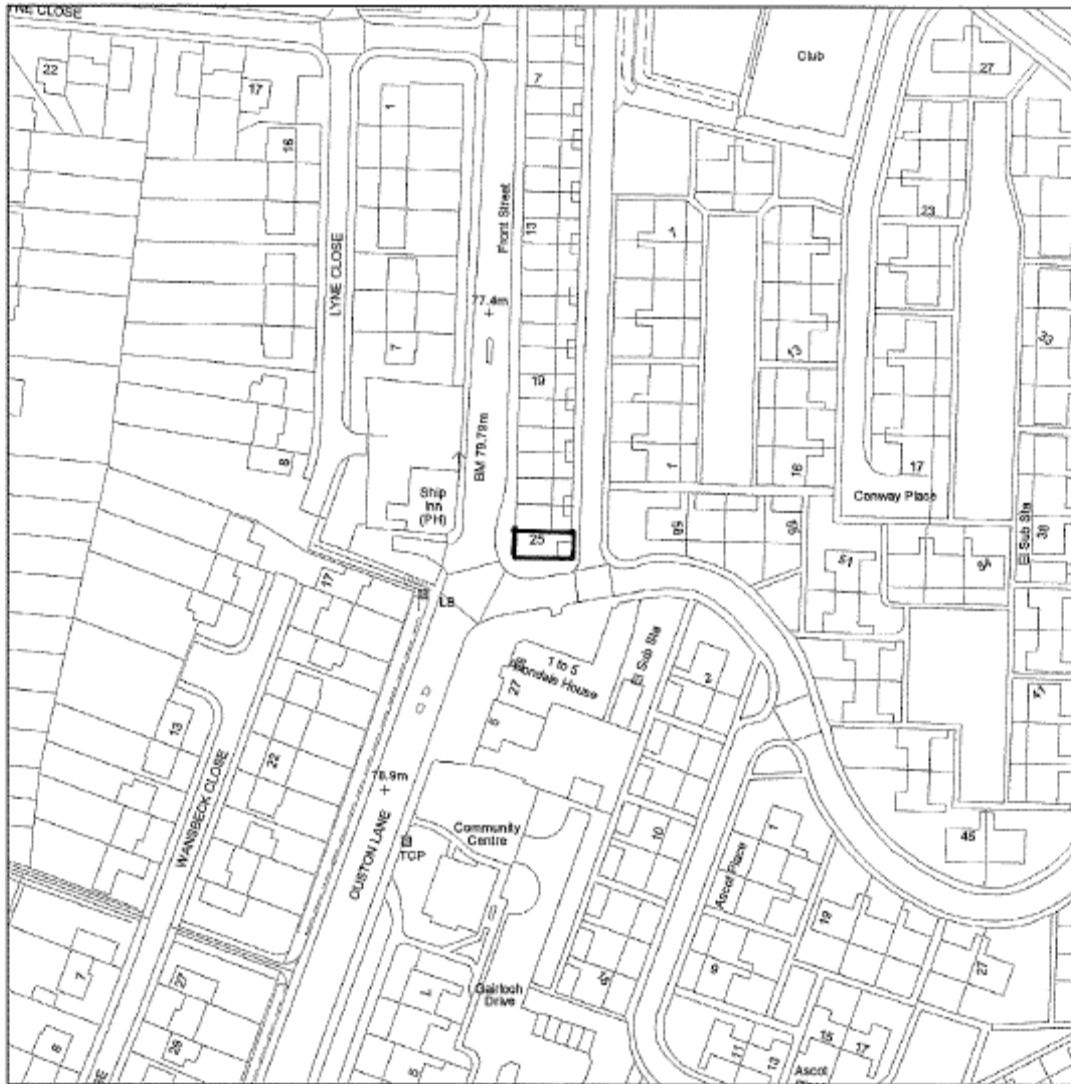
Extra 2

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

Extra 3

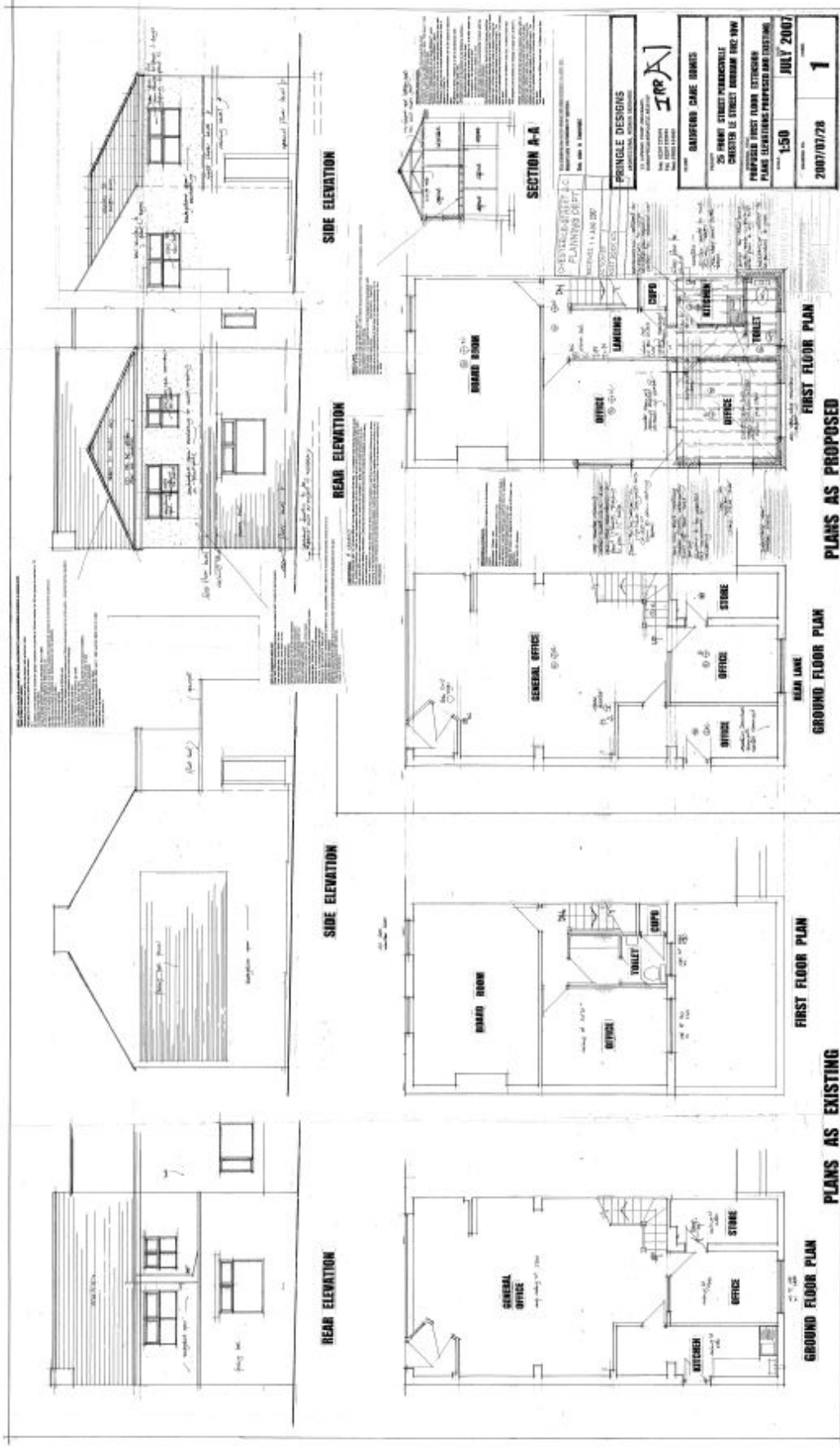
That the facing materials to be used for the external walls and roofs of the development hereby approved shall match in colour and texture those materials used on the existing property to the satisfaction of this Local Planning Authority, and where such matching materials are not available samples of 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 IN8 of the Chester-le-Street District Local Plan.

**25 Front Street**  
Perkinsville



Scale : 1:1250

CHESTER-LE-STREET DISTRICT COUNCIL  
DIRECTORATE OF DEVELOPMENT SERVICES  
PLANNING COMMITTEE 11 August 2008



**CHESTER-LE-STREET DISTRICT COUNCIL**  
**DIRECTORATE OF DEVELOPMENT SERVICES**  
**PLANNING COMMITTEE**      **11 August 2008**

5.

**Reference: 08/00282/COU**

**Proposal**      Change of use from newsagent to takeaway  
**Location**      37 Front Street Sacriston Durham DH7 6JS  
**Applicant**      Mrs K. Anand - D.P. News

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**Application Summary**

**Ward:**                      Sacriston  
**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 acceptable in terms of its impact on the vitality and viability of the retail function of Sacriston, while not significantly impacting on the amenity of neighbouring residents or highway safety due to the attached conditions.

The application is therefore recommended for approval.

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**The Proposal**

Planning permission is sought for the change of use of a Newsagents at no.37 Front Street Sacriston to a mixed use as a takeaway/café.

In addition to the change of use, it is proposed to erect a rear extension, comprising of a lean to brick built structure 3.5m in height by 5.2m in width at a projection of 2.7m. An external flue with a diameter of 0.6m at a maximum height of 4.3m is also proposed on the rear elevation of the premises.

**Planning History**

There is no relevant planning history to this site.

### **Consultation Responses**

Neighbouring occupiers have been notified of the development by individual notification letters and by site notice. In response two letters of objection have been received.

The objections can be summarised to the issues below:-

- Smell created including Cumulative smell with other takeaways
- Need to preserve retail function of village
- Visual impact of shutters being closed all day
- The change of use is only submitted so that the premises can be sold
- Established business would be affected through competition
- Over supply of takeaways in village

Durham County Council Highways – No Objections.

Environmental Health - No objections subject to full details of extraction system being agreed by condition.

Regeneration Team – No Response received.

### **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:-

R11 – Shop Front Design – sets out the criteria to which new shop fronts need to conform to, including appropriate design and appearance within the locality.

R15 – Retailing in Local Centres – Identifies that development for non retail uses will only be permitted provided that:-

- The proportion of non retail uses does not exceed 60% of the respective street frontage, and
- The proposal has no effect on nearby dwellings
- The proposal complies with other relevant policies

R19 – Food and Drink – Sets out that food and drink uses will be considered appropriate in principle within existing retailing centres where the development would not impact on the amenity of the occupants of residential properties from noise, fumes, smell, lighting and activity levels at the site, including highway issues and waste management issues.

T15 – Access and Safety Considerations in Design – Sets out criteria to which development proposals will be required to conform to in relation to highway safety,

including ensuring appropriate levels of traffic generated, acceptable access to the site and adequate links to public transport facilities.

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

#### Vitality and Viability of Sacriston Local Retail Centre

The application site is located within the existing retail centre of the village of Sacriston. As set out in policy R15 new developments for non-retail uses will only be permitted where the cumulative non-retail use does not exceed 60% of the street frontage. After undertaking a survey of the Front Street it is calculated that at present non-retail uses account for approximately 56.1% of the street frontage. The loss of the retail function of 37 Front Street would increase the non-retail uses to approximately 58.9%, under the 60% threshold. It is therefore considered that the proposal conforms to policy R15 of the Local Plan by retaining the vitality and viability of the local centre, and therefore is acceptable in principle. Issues regarding the amenity of neighbouring land users are dealt with below.

#### Amenity of neighbouring land users

To the rear of the site a number of residential dwellings are present, the closest located approximately 8m away. Due to the distance from residential properties and the presence of other takeaways in the area nuisance odours could be created. Although indicative details of the flue extraction system have been submitted, no specific details of the filters, grease traps, or power of the motors to be used in the extraction system have been submitted as the applicant wishes this information to be agreed by a condition of approval.

On advice of the Councils Environmental Health Team, it is considered that the applicant could install an extraction system that would sufficiently reduce odours to an acceptable level. A condition is therefore recommended to be placed on the application requiring that this information is submitted and agreed before development commences.

The expected noise generated from the comings and goings of people using the facility along with operational noise generated is considered acceptable given the buildings location in the Local Centre and the relatively high level of existing background noise.

#### Impact on character of the area

Objections have been raised from neighbouring residents regarding impact on the character of the surrounding area, particularly relating to the presence of shutters on the front elevation, which may be closed the majority of the day.

However it is considered that the proposed frontage is a significant improvement to the existing frontage of the building, due to the increase in the level of glazing on the front elevation and the removal of a blank wall. The design of the shop front largely replicates other shop fronts in the Front Street. However it is recommended to attach a condition to ensure no external roller shutter doors are erected without the prior approval of the Local Planning Authority.

To the rear elevation a single storey extension and external flue is proposed. However given the presence of other extensions and extraction systems, to the rear of premises lining Front Street an incongruous feature will not be created. In order to help mitigate the visual impact of the extraction flue, it is recommended that a condition is attached to ensure that the flue is painted in a colour, to be agreed by the Local Planning Authority.

### Highway Safety

The site is located within the existing local centre and therefore is served by good transport links and is accessible by a range of transport methods. In addition to this Durham County Council Highway Officers have offered no objection to the scheme on highway safety grounds. Accordingly the proposal should not be resisted on highway safety grounds.

### Other Issues Raised

Objections have been raised regarding a loss of business and increased competition between existing takeaway facilities within the area, however as set out in chapter 1 of Planning Policy Statement 6- Planning for Town Centres, it is not the role of the planning system to restrict competition or preserve existing commercial interests. Therefore competition issues and loss of business are not material planning considerations, and should not be taken into account in the determination of this planning application.

Other issues regarding the sale of the shop should planning permission is secured, is again not a material planning consideration.

### 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 vitality and viability of the retail function of Sacriston, 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

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

#### Extra 2

The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local



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

Extra 3

That the facing materials to be used for the external walls and roofs of the development hereby approved shall match in colour and texture those materials used on the existing dwelling house to the satisfaction of this Local Planning Authority, and where such matching materials are not available samples of the materials which it is proposed to use on the development shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site. 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 to comply with policy R11 (Shop front design) of the Chester-le-Street Local Plan.

Extra 4

Prior to the commencement of the development a detailed report for a scheme of odour suppression and ventilation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed scheme shall be installed prior to the development/use being implemented. The apparatus shall thereafter be operational at all times while the building is in use and shall be maintained in working order to the satisfaction of the Local Planning Authority. To achieve a satisfactory form of development to ensure that occupants of nearby properties are not adversely affected by the development and to comply with policy R19 (Food and Drink) of the Chester-le-Street Local Plan.

Extra 5

Notwithstanding the submitted information, no external roller shutters shall be installed at the premises without prior approval of the Local Planning Authority. To control the external appearance of the building, in the interests of the visual amenity of the Front Street

Extra 6

Notwithstanding the submitted information, no development shall commence until details of external screening to the proposed extraction flue to the rear of the premises has been submitted to and thereafter approved by the Local Planning Authority. To protect the visual amenity of the surrounding area and to comply with policy R11 (Shop front design) of the Chester-le-Street Local Plan.

Extra 7

That premises shall not be open for business outside the hours of 09:00 to 23:30 on any given day. In order to ensure that adjoining properties are not adversely affected by the development and to accord with the aims of Policy R19 of the Chester-le-Street Local Plan

# 37 Front Street

Sacriston



Scale : 1:1250

**CHESTER-LE-STREET DISTRICT COUNCIL**  
**DIRECTORATE OF DEVELOPMENT SERVICES**  
**PLANNING COMMITTEE 11 August 2008**

SPYGLASS, 23 PRYATT STREET, SAUNDWICH  
 CHESTER-LE-STREET  
 PROPOSED CONVERSION INTO PART  
 FOOD OUTLET

SCALE: 1:50 DATE: 28/06/08

**FRONT ELEVATION**

**SIDE ELEVATION**

**REAR ELEVATION**

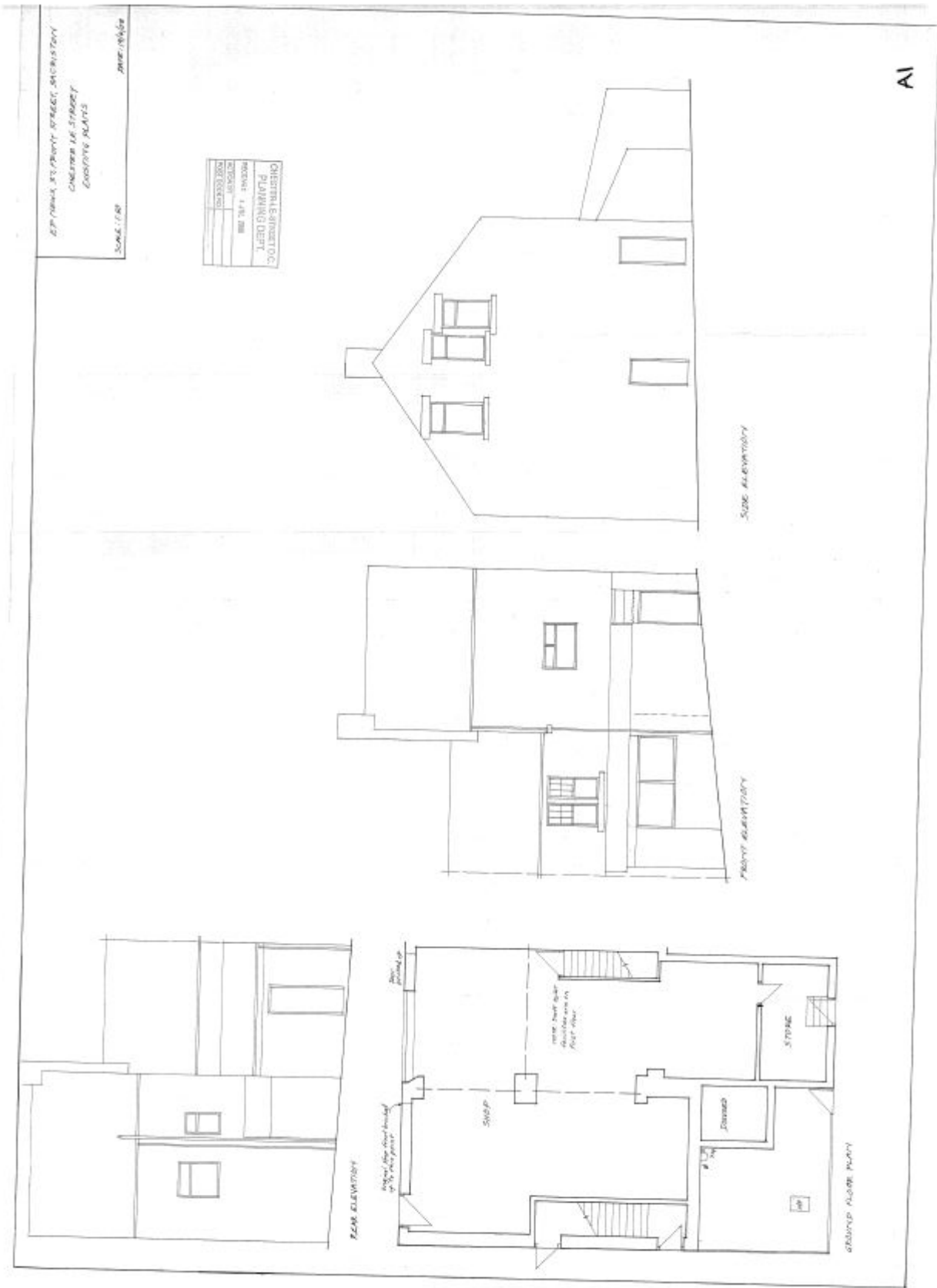
**GROUND FLOOR PLAN**

GIBBERD-STREET, 30  
 PLANNING DEPT.

REVISED:	1 JUL 2008
DESIGNED BY:	28/06/08 (JG)

**FRONT ELEVATION**

Basement: 1.5m above ground level  
 Ground: 1.2m above ground level  
 First: 1.2m above ground level  
 Second: 1.2m above ground level  
 Third: 1.2m above ground level  
 Fourth: 1.2m above ground level  
 Fifth: 1.2m above ground level  
 Sixth: 1.2m above ground level  
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 Eighteenth: 1.2m above ground level  
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 Twenty-eighth: 1.2m above ground level  
 Twenty-ninth: 1.2m above ground level  
 Thirtieth: 1.2m above ground level  
 Thirty-first: 1.2m above ground level  
 Thirty-second: 1.2m above ground level  
 Thirty-third: 1.2m above ground level  
 Thirty-fourth: 1.2m above ground level  
 Thirty-fifth: 1.2m above ground level  
 Thirty-sixth: 1.2m above ground level  
 Thirty-seventh: 1.2m above ground level  
 Thirty-eighth: 1.2m above ground level  
 Thirty-ninth: 1.2m above ground level  
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 Forty-fourth: 1.2m above ground level  
 Forty-fifth: 1.2m above ground level  
 Forty-sixth: 1.2m above ground level  
 Forty-seventh: 1.2m above ground level  
 Forty-eighth: 1.2m above ground level  
 Forty-ninth: 1.2m above ground level  
 Fiftieth: 1.2m above ground level





**CHESTER-LE-STREET DISTRICT COUNCIL**  
**DIRECTORATE OF DEVELOPMENT SERVICES**  
**PLANNING COMMITTEE**     **11 August 2008**

**CHESTER-LE-STREET DISTRICT COUNCIL**  
**DIRECTORATE OF DEVELOPMENT SERVICES**  
**PLANNING COMMITTEE 11 August 2008**

**ITEM 2** Appeals List



**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

**31 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.

<b>Application Number / ODPM reference number</b>	<b>Applicant</b>	<b>Appeal Site</b>	<b>Proposal</b>	<b>Appeal Type / Appeal Start Date</b>	<b>OS Grid Reference</b>	<b>Status / Date of Appeal Decision</b>
07/00115/FUL /	Mr A.J. Laverick	4 Station Lane Pelton Fell Chester-le-Street Durham DH2 2RL	Single storey ground floor extension to kitchen and replacement sun lounge for conservatory	W / 29.10.2007	E:425239 N:552103	Appeal Withdrawn /
07/00276/FUL /	Mr Thomas	New Dwelling Adjacent to Willowbrook Woodburn Close Bournmoor Chester-le-Street Durham DH4 6DH	Erection of conservatory to rear, creation of new window opening to side elevation and installation of additional roof light to rear	W / 24.01.2008	E:431238 N:550971	Appeal Allowed / 01.05.2008
07/00285/FUL /	Mr D. Kumar	53 Longdean Park Chester-le-Street Durham DH3 4DG	Conversion of garage to office, single storey extension to rear to provide sun lounge and extension above garage to provide additional bedroom and extended kitchen area plus widening of driveway.	W / 14.02.2008	E:427588 N:552791	Appeal Allowed / 15.07.2008



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

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
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
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 /
08/00089/FUL /	Mr P. Blaydon	Land at Entrance to Valley View Sacriston Durham	Erection of one detached bungalow and means of access	W / 09.07.2008	E:423797 N:546791	Appeal In Progress /

**CHESTER-LE-STREET DISTRICT COUNCIL**  
**DIRECTORATE OF DEVELOPMENT SERVICES**  
**PLANNING COMMITTEE**     **11 August 2008**

**ITEM 3**                      Notification of Appeals Decision

**Demolition of car showroom and workshop and erection of 10 No. apartments and associated work. Land at Johnson's Garage, Newcastle Road, Chester-le-Street DH3 3TT**

**Decision: The Appeal was allowed**

Notification has recently been received from the Planning Inspectorate of a decision reached in an appeal lodged by Mr J Johnson against the planning refusal for the above development.

Members may recall that this application was presented to the Planning Committee in January 2008 with a recommendation for refusal which was accepted by members. The refusal reason was based on the impact on the visual amenity of the area as a result of the design being considered to be somewhat uninspiring and non descript.

The key considerations for the Inspector were the impact on the visual amenity of the street scene and how the proposal would impact on the appearance of the area. In addition the Inspector considered the unilateral undertaking submitted in regard to the provision for recreational space and public art.

The inspector in summary of the design issues states the following:-

'I therefore consider that the height, scale and design of the proposed apartment block would be in keeping with its surroundings. The proposed development would not harm the character and appearance of the area. It would make effective and efficient use of previously developed land in a sustainable location close to the town centre'.

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

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**Application Summary**

**Ward:**                      Chester North

**Case Officer:**        James Taylor, Senior Planning Officer

**Contact Details:**    0191 387 2002

jamestaylor@chester-le-street.gov.uk

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**Description: Single storey extension to rear to provide sun lounge and enlarged dining and sitting room. Extension above existing garage to provide 2no. bedrooms**

**Location: 53 Longdean Park, Chester-le-Street, Durham, DH3 4DG**

**Decision: The Appeal was allowed**

Notification has recently been received from the Planning Inspectorate of a decision reached in an appeal lodged by Mr Dav Kumar against the Council's decision to refuse planning permission for the "Resubmission of 07/00285/FUL - Single storey extension to rear to provide sun lounge and enlarged dining & sitting room. Extension above existing garage to provide 2 no bedrooms."

Members may recall that this application was presented to the Planning Committee in November 2007 with a recommendation of approval. After due considerations Members resolved to overturn this decision and refuse the application for the following reason:

*"The proposed extension would, by virtue of its size, scale and bulk, have a detrimental impact on the amenities of the adjacent occupiers at 52 Longdean Park and as such is considered to be contrary to the provisions of Policy HP11 (i) of the Chester-le-Street District Local Plan."*

In considering the merits of the appeal the Inspector considered that the main issue raised by the application was the effect of the proposed development on the living conditions of the occupiers of 52 Longdean Park, with respect to issues of outlook, daylight, sunlight and privacy.

The Inspector stated that the amount of day light to the living room window of no. 52 was already limited to some extent by the garage at no. 53. In addition the properties would be separated by around 2m. Also, it was observed that the two-storey side extension would be set back from the existing main front elevation of the host property. The Inspector considered therefore, that it would not be unduly prominent from either the living room or first floor bedroom of the neighbouring property. In addition, the Inspector states that it would not significantly reduce the amount of daylight or, due to the orientation of the properties would have a significant effect on the amount of sunlight to the front of no. 52.

The Inspector considered that although the proposal would have an impact upon a first-floor side window of the neighbouring property, this was already limited by the proximity of the host property and was a dressing room rather than a main habitable room.

With regard to the rear of the site, the Inspector stated the extension would project to be more or less in line with the rear elevation of no. 52. Whilst a window would be introduced closer to the neighbour it was noted that this would be at an angle to the property therefore, reducing any potential for loss of privacy to this neighbour. It was also noted that this situation is common where the rear elevations of dwellings are broadly in line, as they are in the rest of this section of Longdean Park.

On balance the Inspector went on to state that whilst there would be some effects on outlook, daylight, sunlight and privacy, these would be limited and would not result in a significant harm to the living conditions of the occupiers of no. 52.

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

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**Application Summary**

**Ward:** North Lodge

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

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**ITEM 4** Development Control Performance Update For Quarter One 2008/09.

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**Report Summary**

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

**Ward:** All

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**Introduction**

The purpose of this report is to provide Members with a detailed update on the Development Control Team's performance during the first quarter of 2008/09.

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

1. NI 157 (speed of decision making)
2. PLLP 33 (% of Pre-application enquiries responded to within target)
3. PLLP 02 (% of householder planning applications determined in 8 weeks)

1. **NI 157 – Speed of Decision Making**

This National Indicator (NI) assesses the time taken to determine planning applications, based on 3 separate categories as identified by Central Government. These are defined as 'major applications' (e.g. housing developments over 10 dwellings); 'minor applications' (e.g. applications for single dwellings) and 'other applications' (e.g. householder extensions).

The NI has been carried forward by the Audit Commission for this year, from the old BVPI set (Members may recall performance in this area was previously assessed as part of the old BVPI 109).

The indicator enjoys the highest profile nationally of all the development control performance indicators and is widely regarded as providing a good means of assessing the efficiency of the service.

It also plays a role in defining the level of Planning Delivery Grant which Authorities receive each year, with poor performance in the indicator putting the Authority at risk of an abatement to their PDG award.

As Members will be aware the Council has historically displayed considerable improvements in this indicator in recent times with the service being ranked number 1 in the Government Office North East region for 'minor' and 'other' applications for years 2005/06 and 2006/07. However, for the last financial year, 2008/09, performance levels slipped markedly, due to prolonged staffing vacancies which arose within the Planning Services Team. As such the local stretch targets established in the Council's Corporate Plan were not achieved (although performance was still above minimum Central Government targets for all three categories).

The results for the first quarter of 2008/09, in comparison to targets as set out in the Council's Corporate Plan are shown below. The figures show a marked improvement on the aforementioned 2007/08 figures. This improvement has been realised by the Planning Team being fully staffed for most of the quarter.

<b>Application type</b>	<b>Quarter 1 result</b>	<b>CLS target</b>	<b>Variance</b>
Major applications	100% within 13 weeks	88%	+12%
Minor applications	89.66% within 8 weeks	92%	- 2.34%
Other applications	100% within 8 weeks	96%	+4%

As the above table shows performance in relation to two of the three categories is exemplary and is above the targets set out in the Corporate Plan.

The performance in relation to 'minor' applications is however slightly below the Corporate Plan targets. This can be attributed to the fact that a number of decisions on old, long standing minor applications were finally made in the quarter. Many of these older applications had been pending consideration in the system for some time, as a result of the staffing vacancies the Team experienced for most of last year.

However as these vacancies have now been filled, this has enabled this backlog of older applications to be determined. There is no reason to believe that all the incoming minor applications will not be determined in a timely manner, thus allowing performance to improve as the year progresses.

## **2 PLLP 33 % of Pre-application Enquiries Responded to Within Target**

This is a Local Performance Indicator, designed to measure the speed of response to customer requests for free pre-application Officer advice. The indicator was introduced into the 06/07 service plan in recognition of the importance of this area of the service in meeting customer's needs (the Team receive around 700 such requests annually).

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

The figures for the first quarter of 2008/09 show returns of 74.19% within target for major inquiries and 95.36% within target for minor inquiries.

Clearly the performance for minor enquiries is above target and as such represents a healthy position.

Whilst the figures for major enquiries are below the local target of 90% performance in this area is starting to improve markedly (the equivalent figures for quarter one of the year 2007/08 was 67.92%). The recent improvement in performance can again be attributed to the Team being fully staffed. Indeed similar to the comment made above in relation to performance for minor planning applications, the performance figure for major pre-application enquires has been harmed somewhat by the fact that a number of long standing enquires, which had been in the system for some time, were finally responded to in the last quarter. There is every reason to believe performance in this area will also improve as the year progresses.

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

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

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

The figures for the first quarter of 08/09 show an exemplary return of 100 % of householder applications determined within 8 weeks. Clearly this is above the locally set target and again there is no reason to believe this healthy situation will not be retained throughout the year.

### **Conclusion**

In conclusion it is noted that Development Control performance has generally improved markedly for the 1<sup>st</sup> quarter of 2008/09, in comparison to the returns produced for the year 2007/08.



Officers are confident this situation can be maintained for the year, and indeed that improvements can be made to the two indicators which are presently falling behind local targets.

**Recommendation**

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

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