

Public Document Pack

31 October 2008

Dear Councillor

A meeting of the Planning Committee will be held in the **Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Monday, 10th November, 2008 at 6.00 pm**

Yours sincerely

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

R TEMPLEMAN

Chief Executive

AGENDA:

1. Apologies for Absence
2. Minutes of Previous Meeting held 13th October 2008 (Pages 1 - 12)
3. To Receive Declarations of Interest from Members
4. Confirmation of Speakers
5. Planning Matters (Pages 13 - 90)
Report Of Development and Building Control Manager
6. Exclusion of Public and Press. To Resolve:-
RESOLVED: "That under Section 100(A) of the Local Government Act 1972, the Public and Press be excluded from the meeting for the following item of business on the grounds it involves the likely disclosure of exempt information

as defined in paragraphs 6(a), 6(b) and 7 of Part 1 of Schedule 12A of the Act.”

7. Planning Enforcement Performance Update (Pages 91 - 112)
Report Of Planning Enforcement Officer

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

THE DISTRICT COUNCIL OF CHESTER-LE-STREET

Report of the meeting of Planning Committee held in the Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Monday, 13 October 2008 at 6.00 pm

PRESENT:

Councillor Ralph Harrison (Chairman)

Councillors:

G K Davidson	M D May
L Ebbatson	P B Nathan
M Gollan	D L Robson
D M Holding	J Shiell
W Laverick	

Officers:

S Pilkington (Planning Officer), D Chong (Planning Enforcement Officer), S Marshall (Democratic Services Assistant), S Reed (Development and Building Control Manager), J Taylor (Senior Planning Officer), L Morina (Planning Assistant) and J Smerdon (Regeneration and Planning Strategy Manager)

Also in Attendance: There were 3 Members of the public in attendance.

25. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors L Armstrong, G Armstrong, A Turner, S Barr, A Humes, D Thompson, L Brown, M Sekowski, JW Barrett, P May, T Smith, M Potts, K Potts and P Ellis.

26. MINUTES OF PREVIOUS MEETING HELD 8TH SEPTEMBER 2008

RESOLVED: "That the minutes of the proceedings of the Meeting of the Committee held 8 September 2008, copies of which had previously been circulated to each Member, be confirmed as being a correct record, subject to the following amendment:

Page 62, final paragraph be replaced by: "Councillor Ebbatson asked for clarification on whether the fact that the two sites were owned by the same individual/developer in this planning application was a material consideration. The Development and Building Control Manager responded that ordinarily this was a material consideration but in this instance this had to be balanced

against the fact that outline planning permission had already been given for one of the sites.”

The Chairman proceeded to sign the minutes.

27. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

Councillor Davidson declared a personal interest in Item 3 in the report as the applicant was personally known to him. He advised that he would be leaving the meeting whilst this item was considered.

The Chairman referred to Item 2 in the report and advised that he was a parish councillor for that particular ward but that he had not had any contact with anyone relating to the application.

28. CONFIRMATION OF SPEAKERS

The Chairman referred to the list of speakers and confirmed that the only speaker listed had entered the Chamber prior to the commencement of the meeting but had since left and not returned.

29. PLANNING MATTERS

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

(1) District Matters Recommended Approval

(1) Proposal: Change of use of land to include demolition of existing saw mill and erection of storage and distribution depot, and associated landscaping and hard standing

Location: Development Site, Bowes Business Park, Lambton Park

Applicant: K Middleton, Cestria Community Housing – Ref 08/00310/FUL

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

He advised that the site was located within the Green Belt and that the proposal therefore constituted a departure from the Local Plan. He stated that in his opinion approval of the development was a justified departure to the policy aims of the development plan due to the previous commercial use of the site as a timber saw mill, the fact that the proposed building was of smaller scale and a design improvement, and the fact that dense mature tree planting surrounded the site.

He advised that the design of the proposed structure was considered sympathetic to the character of the surrounding area and as such would not have an adverse effect on the Green Belt.

Councillor Holding queried if the new depot would be a replacement for the existing Bullion Lane Depot and if so there would be two issues to be taken into account, firstly whether the vehicles currently based at Bullion Lane would incur extra mileage going about the work being based at Bowes Park rather than at Bullion Lane and secondly, staff transport to and from work as there seemed to be a lack of public transport to the proposed depot. He queried if these issues had been assessed.

The Development and Building Control Manager stated that this was a valid point and that having regard to advice in the Regional Spatial Strategy the planning system was meant to be a promotion sites which are sustainable. He accepted that this site was outside of the settlement limit for Bournmoor and was in a remote location in the Green Belt. However he understood there was a bus stop on the classified road reasonably close to the access road in to the site. He advised that in terms of sustainability the site did not score as highly as the Bullion Lane depot site and that Members could take this fact into account as part of their consideration of the applications. He stated though that balanced against that fact there was an established industrial use on the site and that there was nothing in planning law to prevent another developer using the existing building on the site for industrial/commercial use without the need to apply for planning permission, that he felt the application should still be recommended for approval.

Councillor Nathan referred to the design and appearance of the building and queried to what extent did it match the design of the other buildings in the area.

The Development and Building Control Manager advised that it would not fit comfortably with the design of the Cestria Community Housing Association offices, which are more of a traditional design, but regard had to be given to the fact that there is an existing building of little merit on the site at present. He advised that had the existing building been of aesthetic merit there would have been the need for a much stronger design solution. He advised that on balance, the proposal was considered acceptable and that it would not adversely impact on the character of the site any more than the present building already did.

He also advised of an Extra Condition to timber clad the elevation which would face out onto the estate road this being more appropriate than sheeting proposed.

Councillor Davidson made reference to the trees which provide the screening and queried if they benefited from Tree Preservation Orders. He also referred to the mitigation measures in the submitted bat survey and queried what those measure were.

The Development and Building Control Manager advised that he was not aware if there was a Tree Preservation Order on the trees adjacent to the site. The Senior Planning Officer dealing with the case confirmed there was not an Order in place.

The Senior Planning Officer advised that bat boxes were to be placed around the site to promote long-term sustainability of bats. He also advised that the building was heavily contaminated and not attracting any bats at present.

Councillor Nathan queried the extent of use of the proposed storage facility, the level of use during the day and the expected number of visits to the site.

The Development and Building Control Manager advised that the developers had submitted a transport assessment with the application which detailed what the operational parameters would actually be. He stated that Durham County Council, as Highways Authority, had taken the view that the level of impact would not necessarily be any greater than what could be achieved if the site were to be used with the existing building without the need for planning permission.

The Senior Planning Officer advised that consultation had taken place with Cestria Community Housing Association and it was understood that one heavy goods vehicle approximately once a week visiting the site and one light goods vehicles using the site during the week would be the typical number of vehicular visits.

Councillor Laverick stated his concerns that, if approved, this application would open the floodgates for other applications in Green Belt areas.

The Development and Building Control Manager advised that if it was not for the fact that this was a previously developed site with a substantial structure already on site, the current screening alone would not justify the recommendation of approval.

He advised that should Members be minded to approve the recommendation, an informative could be added to the approval certificate making the developer aware that although approval for development in the Green Belt would be given on this occasion, that is only very much under special circumstances in that there is an existing development in place which has led to that decision.

Councillor Ebbatson raised a concern with regard to the consultation response from the Highways Authority stating there were no objections to the development provided the access to the site was from the main access road which terminates to the east of the nearby garden centre. She stated that this response suggested that there was an alternative access route and that should approval be given the condition regarding access would need to be strengthened.

The Development and Building Control Manager advised the entrance to the east of the garden centre, which the Highways Authority were requiring to be used, was by far the most convenient access for the site but that there was another access route to the Lambton Estate but this was quite narrow in parts and would not be suitable for larger vehicles. He advised that he would propose to add an Extra Condition to say that vehicular movements associated with the development have to use the access onto the A183, being the road to the east of the garden centre.

He also advised that he had considered further the green travel plan issue and the sustainable transport comment made by Councillor Holding and stated that national advice and advice in the Regional Spatial Strategy tended to indicate that these types of conditions should only be attached to a major development proposal. However he stated that if Members did have a particular concern about the sustainable development credentials of the development proposed, he would not be adverse to adding an extra condition to the recommendation that Cestria Community Housing Association would have to submit a green travel plan for approval. He stated that in the case of larger developments the Regional Spatial Strategy also advises it is appropriate to attach planning conditions to require ten percent renewable energy provision on site and that this could be attached due to the Green Belt location of the site and the fact that in general sustainable development terms it probably does not score highly, Cestria could be asked to look at the construction methodology, look at how they are going to power the building once built to achieve a ten percent renewable energy target.

It was proposed by Councillor Davidson and seconded by Councillor Laverick that the application be approved subject to the extra conditions to require the applicant to submit a green travel plan, achieve a ten percent renewable energy target and subject to the condition to require the vehicular access to be from the access road being the A183.

This proposal was agreed by Members.

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

01A

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

01B

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

Extra 1.

Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls, roofs and hard standings/access roads of the development have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy NE6 of the Chester-le-Street District Local Plan & Policy 8 of the Regional Spatial Strategy.

Extra 2.

Notwithstanding the details shown on the hereby approved plans and elevations, full details of all means of enclosure of the site (including any internal means of enclosure to sub-divide individual plots and entrance gates) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual and residential amenity and in accordance with the provisions of Policy NE6 of the Chester-le-Street District Local Plan & Policy 8 of the Regional Spatial Strategy.

Extra 3.

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 Policy NE6 of the Chester-le-Street District Local Plan & Policy 8 of the Regional Spatial Strategy.

Extra 4.

No development approved by this permission shall be commenced until:

- a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the LPA;
- b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;

c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;

d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and

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

In accordance with Planning Policy Statement 23: 2004.

Extra 5.

The development hereby approved shall be carried out in accordance with the mitigation detailed within the protective species report "Cestria Lambton Estate, County Durham – Bat Survey Interim Report, dated 15th September 2008 unless otherwise agreed in writing with the Local Planning Authority in the interest of preserving protected species in accordance with Planning Policy Statement 9 and policy 33 of the Regional Spatial Strategy.

Extra 6.

Within three months of the commencement of the development hereby approved or as agreed in writing by the Local Planning Authority 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 Statement 1.

Extra 7.

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 policy 2 of the Regional Spatial Strategy and policies T15 and T17 of the Chester-le-Street Local Plan.

Extra 8.

Notwithstanding the details submitted the hereby approved development shall only use the access road from the junction with the A183 Chester Road alongside the Garden Centre and adjacent the Bournmoor Filling Station in

the interest of highway safety and in accordance with Policy T15 of the Chester-le-Street Local Plan.

(2) Proposal: Certificate of Lawfulness for an existing use of land as a private garden area

Location: Land adjacent to 35 Westhills Close, Sacriston

Applicant: Mrs K Embleton – Ref 08/00340/CLU

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

He advised that the applicant was seeking confirmation from the Council that the use of the land adjacent to her property as private garden area was lawful and immune from enforcement action, by virtue of the fact that it has been ongoing continuously for a period of 10 years from the date of the application.

He advised that the Council's Operations Manager had confirmed that the land had never been maintained by the Council and/or Cestria Housing for the period of at least 13 years 11 months.

He also advised that there had not been any objections from the surrounding residents but that 4 letters had been received in the form of a petition from neighbouring residents confirming that the applicant had maintained the land as an extension to her own garden for a minimum of 10 years.

Councillor Robson stated that he was in support of this application as he could see no reason as to why there would be any objections and proposed that the application be approved which was seconded by Councillor Davidson.

This proposal was agreed by Members.

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

Extra 1.

The applicant has succeeded to prove, on the balance of probabilities, that the existing use of the land as private garden area is lawful, within the meaning of Section 191 (C) of the Town and Country Planning Act 1990 (as amended).

Prior to consideration of the following item, Councillor Davidson left the meeting.

(3) Proposal: Erection of canopy in children's play area at rear of nursery (retrospective application)

Location: Eden Garden Nursery, St Benet's Way, Ouston

Applicant: Mr G Errington – Ref 08/00354/FUL

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

He advised that the report related to the erection of a detached canopy structure situated in the play area at the rear of the nursery which provided a covered play area for the children attending the nursery. He also advised that the proposal was being sought on a retrospective basis as a result of an enforcement complaint and subsequent investigations by officers.

The Development and Building Control Manager confirmed that 3 letters of objection had been received.

Councillor Holding referred to the photographs and commented that the canopy looked very attractive and he did not have any objections to the proposal.

Councillor Laverick commented that the properties of the objectors did not look directly on to the canopy and he therefore did not have any objections to the proposal. He stated that he was disappointed that once again a retrospective application was being made by this school and that they should be reminded of their responsibilities.

It was proposed by Councillor Holding and seconded by Councillor Laverick that the application be approved.

This proposal was agreed by Members.

RESOLVED: "That the recommendation of the Development and Building Control Manager for approval in respect of the application be agreed."

Councillor Davidson returned to the meeting.

(4) Proposal: Erection of timber decking and paved areas to existing rear garden (retrospective application)

Location: Garden Farm Public House, Carlingford Road, Chester-le-Street

Applicant: Enterprise Inns – Ref 08/00361/FUL

The Chairman advised that Mr Redpath, an objector, had registered to speak in relation to this matter but had left prior to the commencement of the meeting.

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

He went on to advise that 3 objections to the proposal had been received.

He advised that fencing had been erected to screen the decked areas and that Extra Recommended Condition 1. would secure an increase in the height of the boundary fence to 1.8 m.

The Development and Building Control Manager advised that since the report was published, amended plans have been submitted to show the increase in height of the fence and as such he proposed to add an Extra Condition to say notwithstanding the details contained in the application the development must be carried out in accordance with amended plans received on 7 October 2008.

He advised that he would be looking to impose further Extra Conditions as follows:

- The fencing to a height of 1.8m has to be installed within 28 days from the date of any approval
- Decking area can only be used between 11.00 and 21.00 hours
- That any external furniture to be sited on the decking area has to be agreed with the Local Planning Authority.

The Chairman raised concerns that since this was a retrospective application, a permanent structure to provide customers with cover from the elements may appear without planning approval and warned that this needed to be monitored.

Councillor Gollan asked for clarification of the Extra Condition for furniture to be placed on the decking.

The Development and Building Control Manager advised that any furniture, regardless of height must have approval prior to being placed on the decked area. He felt this would be necessary to ensure that any such furniture did not adversely affect neighbouring residents.

Councillor Ebbatson welcomed the proposed Extra Conditions and stated that it was important to respect the privacy of the neighbours of the property.

Councillor Robson queried if the fence could be made double-sided to help loss of privacy and also noise reduction.

The Development and Building Control Manager advised that Extra Condition 1 required the open boarded fence to be replaced with a closed boarded fence to avoid overlooking through the gaps in the fence.

Councillor Davidson made reference to the fact that the trees were not protected by Tree Preservation Orders and commented that his understanding was that the trees on that particular estate were covered by a "blanket" Tree Preservation Order.

The Development and Building Control Manager advised that he would investigate the matter further and if there was not an existing Order in place this could be looked at further.

Councillor Nathan queried how long the decking had been in place as there were only 3 objections received.

The Planning Officer advised that it had been erected approximately 12 months ago.

It was proposed by Councillor Holding and seconded by Councillor Davidson that the application be approved subject to the amendment to Extra Condition 1 to say notwithstanding the details contained in the application the development must be carried out in accordance with amended plans received on 7 October 2008, and further Extra Conditions to ensure the fencing to a height of 1.8m has to be installed within 28 days from the date of any approval, the decking area only to be used between 11.00 and 21.00 hours and any external furniture to be sited on the decking area has to be agreed with the Local Planning Authority.

This proposal was agreed by Members.

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

Extra1

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 07 October 2008; unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 2.

The additional fencing shown on the amended plans (Proposed elevations and Proposed Plan) received 07 October 2008, shall be erected within a period of 28 days from the date of this decision, unless otherwise agreed in writing with the Local Planning Authority. The erected fencing shall be maintained in perpetuity to the satisfaction of the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority In order to

protect the amenity of neighbouring residents and to comply with policy R19 (Food and Drink) of the Chester-le-Street Local Plan.

Extra 3.

Notwithstanding the submitted information no furniture or structures (such as 'jumbrellas', heat lamps or seating) shall be erected on the decking hereby approved, unless otherwise agreed in writing by the Local Planning Authority. To protect the amenity of neighbouring residents and to comply with policy R19 (food and drink) of the Chester-le-Street Local Plan

Extra 4.

Notwithstanding the submitted information, the decking hereby approved shall not be used by patrons of the public house between the hours of 2100-1100, unless otherwise agreeing writing by the local planning Authority. To protect the amenity of neighbouring residents and to comply with policy R19 (food and drink) of the Chester-le-Street Local Plan.

(2) List of Planning Appeals and Current Status

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

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

(3) Notification of Outcome of Appeal Decision

3.1 Retrospective application to allow glass panels between bay windows instead of previously approved timber panels in application 06/00016/FUL

RESOLVED: "That the decision of the Planning Inspectorate to overturn the Council's decision and allow the appeal, be noted."

The meeting terminated at 7.00 pm

REPORT OF THE DEVELOPMENT & BUILDING CONTROL MANAGER

- ITEM 1** District Matters Recommended Approval
- ITEM 2** Appeals List
- ITEM 3** Notification of outcome of appeal decision
- ITEM 4** Development Control P I Report
- ITEM 5** Enforcement Performance Report

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

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

ITEM1

District Matters Recommended Approval

1.

Reference: 08/00323/FUL

Proposal Erection of ground floor hot food takeaway unit with residential unit to first floor consisting of one bedroom flat

Location Land Adjacent 1 Hilda Park South Pelaw Chester-le-Street Durham

Applicant Mr T. Ramshaw

Application Summary

Ward: Chester North

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, while not significantly impacting on the amenity of neighboring residents or highway safety due to the recommended conditions.

The application is therefore recommended for approval.

The Proposal

Planning permission is sought for the construction of a Hot Food Takeaway with a residential unit in the form of 1no. a bedroomed flat to the first floor. The land presently comprises a hard standing at the entrance to Hilda Park Estate. Surrounding uses are predominately commercial in the form of an existing parade of neighbourhood shops to the south, along with a public house to the north of the site. Existing residential properties are located to the East and West of the site.

Planning History

90/00001/DM - Proposed change of use from a furniture shop at no.1 Hilda Park to a Hot Food Takeaway. Application refused 14th February 1990 due to “the likely disruption caused by parking problems, litter, cooking smells and anti social behaviour”.

90/00007/DM – Change of use to a Hot Food Takeaway – 3 Hilda Park – Refused due to “the likely disruption caused by parking problems, litter, cooking smells and anti social behaviour”.

05/00575/FUL – Erection of an A1 retail unit with residential flat above – Approved December 2005

07/00294/FUL – Erection of ground floor hot food takeaway unit with residential unit to first floor consisting of a one bed flat. – Withdrawn

Consultation Responses

Neighbouring residents have been notified by individual notification letters and by site notice. To date 26 letters of objection have been received, along with a petition of 47 signatures objecting to the application. A further petition has also been submitted with 49 signatures supporting the application.

The reasons for objections can be summarised below:-

- There are existing facilities that serve the area, including a Chinese takeaway in vicinity.
- Increase in pollution, noise, smells, waste, potentially attracting vermin
- Increase in road traffic affecting highway and pedestrian safety
- Increase in Antisocial behaviour
- A precedent has been set following refusal of a similar application in 1990

Environmental Health (summarised) - The submitted Desk Top Study inadequately assesses the risks of land contamination. There is potential for the hot food take away to generate odour nuisance. However, no objections are raised to the proposal subject to a condition being attached to the application requiring that a suitable odour abatement system is installed

Durham County Council Highway - No objections subject to the proposed hard standing to the rear being brought into use before the use commences

Durham Constabulary - No Objections

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.

Chester-le-Street Local Plan

R19 – Food and Drink – Sets out that food and drink uses will be considered appropriate in principle within existing retailing centres and as part of neighbourhood shopping facilities 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.

H6 – Residential Development within Settlement Boundaries – outlines that residential development will be permitted within the defined settlement boundaries identified of the Local Plan proposals map and subject to sites being previously developed land.

HP9 – Residential Design Criteria – Sets out the criteria that all residential development must accord to, including of particular relevance to this proposal, protecting the privacy and amenity of neighbouring residents and protecting the character of the area

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 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

Policy R19 of the local Plan identifies that Food and Drink uses will be permitted in principle in a number of locations, including as part of local shopping provision in housing developments. This is providing that there are no adverse impacts on the amenity of the occupants of residential properties, proposals do not impact on highway safety and adequate provision is made for the disposal of waste and litter. Although the subject parade of shops is not defined in the Local Plan Proposal Map as a local retaining centre, the 3 shops do provide a local service function for surrounding residents. It is therefore considered that providing the amenity of neighbouring residents is protected, and the scheme makes adequate provision for the disposal of waste, while maintaining highway safety, the operation of a hot food takeaway is acceptable in principle.

As part of the scheme, the proposals also seek permission to erect a 1 bed flat above the hot food takeaway. Policy H6 of the Local Plan identifies that housing proposals for non-allocated residential developments within defined settlement boundaries are acceptable provided that the site is classed a previously developed land. As the site is within the curtilage of the adjacent retail unit and is hard surfaced it is considered that the site conforms to the definition within PPS3 – Housing, of being previously developed land. In addition to this the site has the benefit for of an extant planning permission for the erection of a retail unit and a residential dwelling, largely identical to the proposed.

Amenity of Neighbouring Land Users

As discussed above Policy R19 identifies that the impact of a proposed hot food takeaway on the amenity of nearby residents is a key consideration, in determining whether to grant planning permission.

The nearest residential dwelling is located approximately 16.5m away from the rear elevation of the proposal (no.7 Hilda Park). Although the rear elevation of the proposal will face a window in the first floor of no.7, it is considered that a loss of privacy will not arise. This is due to the location of other habitable room windows at adjoining flats, which face the property. Obscure views may also be achievable from the adjacent property of no.6 Hilda Park. However again this is not considered to lead to a loss of privacy and amenity due to the existing arrangement of dwellings.

Overall it is considered that due to the orientation of the proposed property and adjacent dwellings, a loss of privacy or amenity will not arise for neighbouring residents. In addition the proposed scheme (at first floor level) is largely identical to the 2005 extant planning permission, which was deemed acceptable by Members of the Planning Committee

Noise and Disturbance

As identified above the site is located in a mixed residential and commercial area. To the North of the application site the Public House 'The Falcon' is present, to the south a parade of shops including a blind shop, convenience store and a hairdressers.

A number of objections have been raised regarding the potential noise produced from the establishment. However it is considered that the noise generated from the comings and goings of people using the facility along with operational noise generated will be acceptable. This is based on the buildings location within a local centre with relatively high level of existing background noise, including that of traffic along Pelton Lane and the 'The Falcon' Public house. Further to this it is expected that any noise generated would be to the front of the property, away from residential properties.

However it is recommended to attach a condition restricting the operational hours of the premises.

Durham Constabulary have offered no objections to the development in terms of anti-social behaviour. It is also considered that, as the establishment will be open relatively late then natural surveillance of the surrounding area will be increased. The Council's Environmental Health Team have also raised no objections on noise grounds.

Odour

The applicant has not submitted full details and specifications of a flue extraction system. However based on the advice of the Environmental Health Team a satisfactory system could be installed to adequately remove the odour and fumes generated from the cooking of food to protect residential amenity. It is therefore recommended that a conditional approach is undertaken, requiring full details of the extraction system to be submitted and agreed prior to the takeaway being brought into use.

The proposed flue will be located to the rear elevation of the premises, approximately 22m away from the nearest residential window. It is considered that this distance will be sufficient to prevent any noise nuisance.

Impact on Character of the Area

Due to the replication of the design of the adjoining terraced units, it is considered that an incongruous feature will not be created in the street scene. In addition the design of the proposed scheme is largely identical to that of the previously approved extant permission on the site.

Highway Safety

A number of objections have been raised in relation to highway safety, particularly on the grounds of a potential increase in traffic and parking that the proposal may generate. However Durham County Council Highway Officers have offered no objection to the scheme on highway safety grounds (for both pedestrians and motorists), providing a proposed parking space to the rear of the property is brought in to use.

The view is also taken that the proposed Hot Food Takeaway would not significantly increase traffic levels, over and above that which could be generated by the previously approved shop use.

Accordingly it is considered that the proposal should not be resisted on highway safety grounds.

Other Issues Raised

Rubbish and litter

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 the correct disposal of rubbish are concerns for the Environmental Health Team to control and as such do not constitute material planning considerations in this instance.

Objections have been raised regarding the potential increase in litter in the local area, generated from the premises. It is therefore recommended that a condition be attached to the application requiring that a litterbin is provided on site when the takeaway is open.

Previous Refusal

A number of objections have been raised regarding the precedent set by a previous refusal on the site in 1990. This application was refused as "The proposed use would be likely to cause disruption in the area by virtue of parking problems, litter, cooking smells and noisy or anti-social behaviour from customers to the detriment of residential amenity in the immediate area". However as set out above the relevant consultees in these areas have offered no objection to this application. It is also noted that due to the emergence of the Local Plan adopted 2003, that this present application is being assessed against a materially different planning policy context. Having regard to this and the ability to attach conditions, it is considered the current application could not be resisted on the previous ground of refusal.

Need for the Proposal

Objections have been raised by neighbouring residents regarding the need for the hot food takeaway, given the presence of a takeaway approximately 300m to the south. However the applicant is under no obligation to justify a need for the development. This is largely a commercial decision for him to make. Further to this it should be noted that there has been a petition of support for a new takeaway.

Contaminated Land

The applicant has submitted a Desktop Study assessing the potential for land contamination on the site. Following consultation of the Councils Environmental Health Team, it is considered that the study does not sufficiently assess the impact of Land Contamination on the site. However the site has an extant planning permission for a residential use, and after studying historical maps it is considered most unlikely that there are any previous uses, which would significantly impact on land contamination. A conditional approach to deal with this issue is therefore recommended.

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 amenity of neighbouring residents, the character of the area 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 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 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 adjoining 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. 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.

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

Extra 5.

Prior to the development hereby permitted being brought into use an additional hard standing car parking space shall be provided within the curtilage of the property as identified on plan no. TR/2 Received 3rd July 2008. The car-parking layout shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority. To provide sufficient parking for the use and to comply with Policy T15 (Access and Safety Considerations in Design) of the Chester-Le-Street Local Plan.

Extra 6.

A litterbin shall be provided outside the premises during opening hours in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The bin shall be located in its approved position before the takeaway begin operating. To protect the character of the area and amenity of neighbouring residents, and to comply with policy R19 (Food and Drink) of the Chester-le-Street Local Plan.

Extra 7.

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 8.

Prior to the development hereby permitted being brought into use an additional hard standing car parking space shall be provided within the curtilage of the property as identified on plan no. TR/2 Received 3rd July 2008. The car-parking layout shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority. To provide sufficient parking for the use and to comply with Policy T15 (Access and Safety Considerations in Design) of the Chester-Le-Street Local Plan.

Extra 9

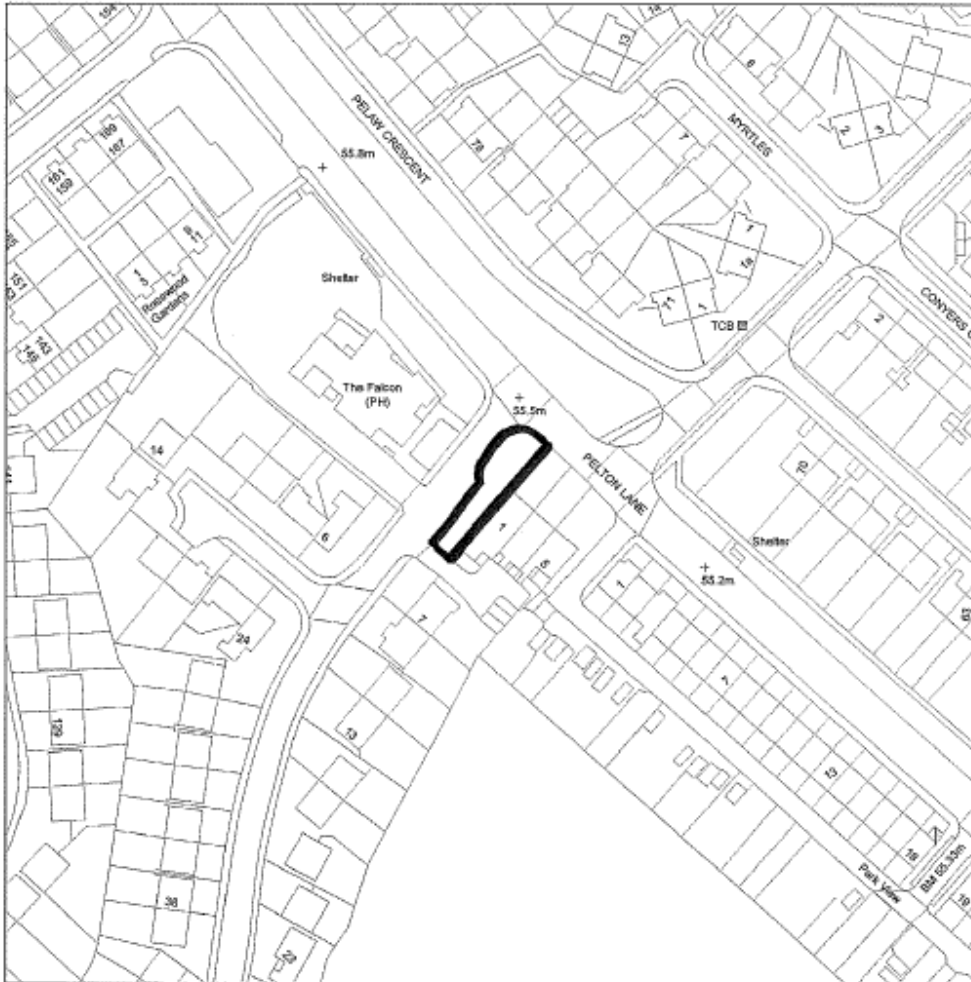
No development approved by this permission shall be commenced until:

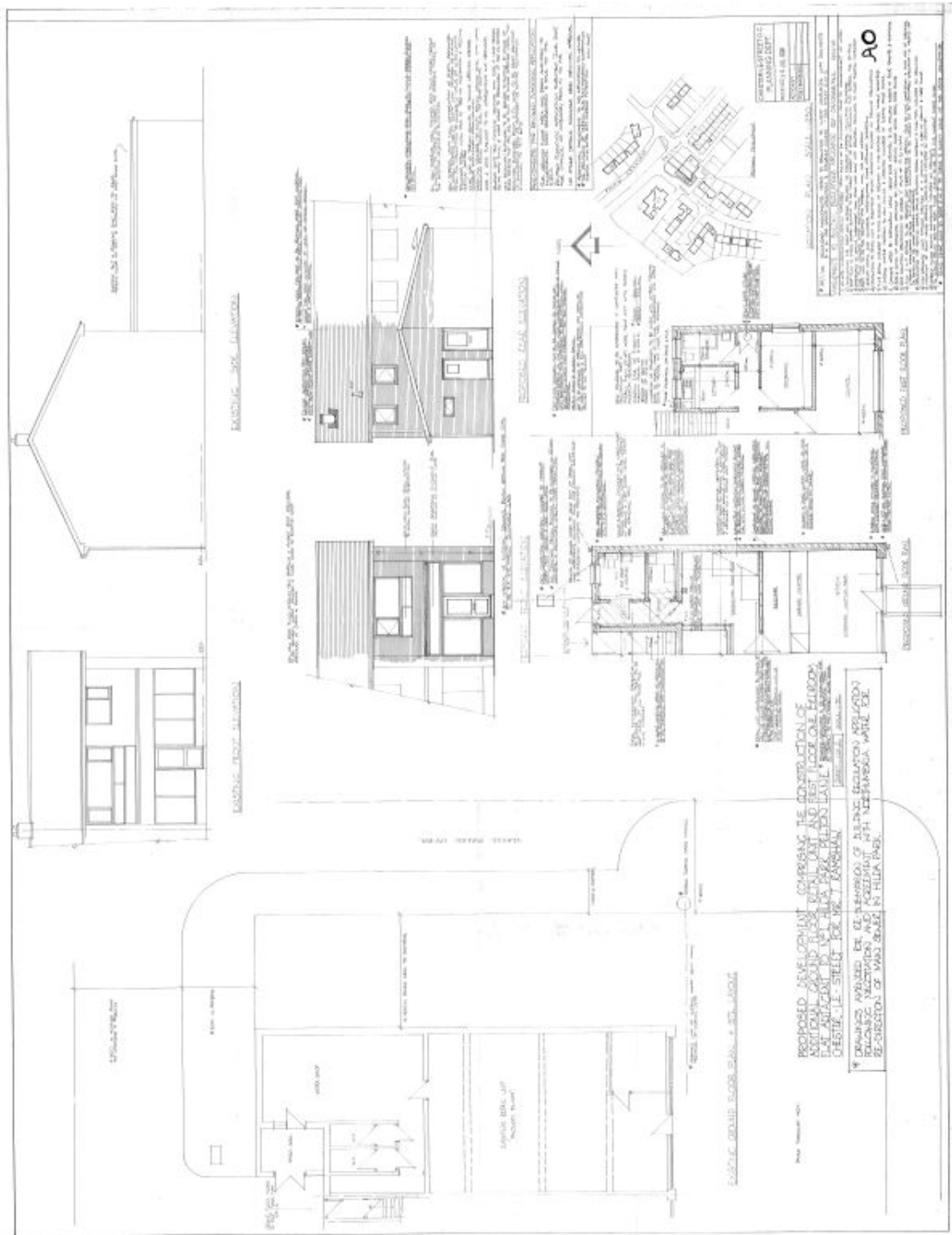
- a) the application site has been subjected to a detailed site investigation report for the recording and investigation of any possible contamination and has been submitted to and approved by the LPA;
- b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;
- c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;
- d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and
- e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

In accordance with the aims of Planning Policy Statement 23.

Land adjacent 1 Hilda Park

South Pelaw





CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **10 November 2008**

REVISIONS

NO.	DESCRIPTION
1	AS SHOWN

DATE: 10/11/08
 DRAWN BY: [Name]
 CHECKED BY: [Name]

CHESTER-LE-STREET DISTRICT COUNCIL
 PLANNING DEPARTMENT

PROPOSED DEVELOPMENT OF GROUND FLOOR RETAIL UNIT AND FIRST FLOOR ONE BEDROOM FLAT ADJACENT TO NET HILL PARK FOR MR. TRACER, BANSHAW

SHEET 1 OF 2 DATE: 10/11/08 REF: T/2/2

THE DEVELOPER AND ARCHITECT ACCEPT RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE COMPLIANCE OF THE DRAWINGS WITH THE RELEVANT REGULATIONS AND ACTS. THE ARCHITECT HAS ADVISED THAT THE DRAWINGS COMPLY WITH THE RELEVANT REGULATIONS AND ACTS.

ALL WORK TO BE IN ACCORD WITH THE CURRENT BUILDING REGULATIONS AND TO THE SATISFACTION OF THE LOCAL AUTHORITY. ALL WORK TO BE IN ACCORD WITH THE CURRENT BUILDING REGULATIONS AND TO THE SATISFACTION OF THE LOCAL AUTHORITY. ALL WORK TO BE IN ACCORD WITH THE CURRENT BUILDING REGULATIONS AND TO THE SATISFACTION OF THE LOCAL AUTHORITY.

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2.

Reference: 08/00379/FUL

Proposal Revised application of 07/00504/FUL - Erection of part two-storey / part single-storey extension at side and rear of dwelling including dormer windows and construction of balcony at rear (amended plans received 13.10.08 to provide two off-street parking spaces at the front of the site).

Location 7 The Oval Chester Moor Chester-le-Street Durham DH2 3RH

Applicant Mr & Mrs Kane

Application Summary

Ward: Chester Moor

Case Officer: Lisa Morina

Contact Details: 0191 387 2146

lisamorina@chester-le-street.gov.uk

Summary of recommendation: The proposal would provide for an acceptable form of development within the streetscene which is not considered to have a negative impact on the residential amenity of the neighbouring properties.

The Proposal

This report relates to the erection of part two-storey / part single-storey extension at side and rear of dwelling including dormer windows and construction of balcony at rear.

Amended plans have been requested and received to provide two off-street parking spaces at the front of the site to replace the originally proposed one space.

Site History

07/00504/FUL: Erection of part two storey / part single storey extension at side and rear of dwelling, including construction of balcony at rear. Withdrawn 8/1/08.

Consultation Responses

The application has been advertised by way of direct neighbour notification. To date four letters of representation has been received from neighbouring properties with the following concerns:

- The proposal will spoil the unique character and symmetry of The Oval which has been in place for over 90 years and will dramatically impact on the streetscene.
- The proposed dormer to the front and the two-storey extension would not be in keeping with the rest of the existing properties within The Oval and what is a character property would become burdened with a modern addition that is not in keeping.
- The balcony would provide for a loss of privacy to neighbouring properties particularly no. 6 and no. 8 The Oval.
- The balcony materials would not be in keeping with the original construction materials used in the area.
- The proposal will be a 'granny flat' not just another room – with a garden being lost to a car park area.
- The building contractor's heavy vehicles and equipment will cause damage to the roadway which is an unadopted road which all residents have the responsibility to look after.
- Access to properties may be restricted for emergency vehicles if required.
- The properties show strong arts and crafts design (symmetry) and also are part of the local mining history which has not been affected by redevelopment.
- The amount of cars the addition of the extension will create can not be accommodated on the site with cars therefore over spilling onto the main access road which will block ingress and egress to others within the street.
- The addition of the buildings and driveways will provide further run off of water which will further impact on the nearby neighbour being the lowest property.
- The local sewers are dating back from the 1920's and are shared drains therefore, the additional bedroom and bathroom will add to this.

Regeneration Team - No comments

Durham County Council Highways Team - This resubmission reduces the size of the dwelling as compared to application 07/00504/FUL however the proposed garage dimensions are incapable of accommodation a saloon car resulting in only one off-street parking space for a generous sized three bedroom dwelling.

This could conceivably be addressed by widening the hard standing area to 5.0m.

However in its current form and for the reasons given in my 20/11/07 reply to the earlier application (see comments below) I would recommend that this application be refused due to an inadequacy of off-street parking provision.

Previous Comments - The Oval is unadopted and the circulatory carriageway giving directness to each property is of substandard width meaning there is a greater than normal need to ensure parking associated with each dwelling is provided off-street. The proposal includes a single garage and drive. I consider a double width drive (as next door at no. 6) is more appropriate and recommend this is made a requirement of this application. However, if not then I strongly recommend permitted development rights are removed from the garage that might otherwise exist.

Having regard to the above, amended plans were therefore requested and subsequently received showing a widened driveway. The Highway Officer has now withdrawn his objections subject to a condition being attached to require the driveway to be available prior to the extension being brought into use.

Relevant Planning Policies and Considerations

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. The Regional Spatial Strategy was adopted in July 2008.

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.

Chester-le-Street District Local Plan

Policy HP11 - seeks to deliver acceptable additions to residential properties. In addition Appendix 1 in the Local Plan gives more specific guidance on residential design layout and facing distances.

Policy T15 - seek to deliver safe and accessible access arrangements to all highway users and reduce the reliance on the private vehicle. In addition Appendix X relates to parking standards.

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, any impact on

highway safety/parking and the impact the proposal may have on the residential amenity of neighbouring properties.

Streetscene

The proposal is set back from the front of the site by just over 1m and is 3.4m in width in comparison to a width of 9.8m of the host property. It is considered therefore, that the proposal would not impact negatively on the visual amenity of the streetscene. Whilst there are no other two storey extensions within the streetscene there are various other additions, including single and double width garages, as well as bay windows therefore, the existing streetscene is not completely uniform. The balcony area is situated to the rear and therefore, not visible to the public domain.

The extension does not appear over dominant to the existing host dwelling due to it being set back and being less than half the width of the existing house. It is considered therefore, that the scale is appropriate to the host. The windows match that of the existing property and although no other properties benefit from the addition of a dormer window, it is considered that the dormer window proposed due to its modest size would not seriously harm the visual amenity of the streetscene.

It is considered that the proposal is considered appropriate in terms of impact on the visual amenity of the streetscene and would not adversely affect this area.

Highway Safety/Parking

With the addition of the proposed extension originally one off-street parking space and a garage space was to remain. The garage though is of a substandard width to accommodate a car therefore; amended plans were requested and received to show two spaces to be accommodated at the front of the site. This is in accordance with the guidelines set out in appendix X and policy T15 of the Chester-le-Street Local Plan and is in accordance with comments received from the Durham County Council Highway Department. It is therefore considered that the proposal is considered acceptable with regards to highway safety/parking.

It has however, been recommended by the Highways Team as part of their consultation response, that a condition be added to the application to require the two parking spaces to be in place and available for use prior to the extension being accommodated to ensure on street parking would not occur in an area where the access to the properties within the Oval is currently substandard. This will also be conditioned, as per Durham County Councils request, to remain in place for so long as the development remains in existence. Objections have been raised with regards to the loss of a garden to a parking area. However, it is considered that as others in the street have enlarged driveways it is not

considered appropriate to recommend the refusal of the application on this ground.

It will however, be conditioned that the enlarged parking area should be constructed in a way so that the driveway will be permeable in accordance with the new Regulations brought in on 1 October 2008 to reduce the risk of flooding from occurring. This in turn would help reduce the impact on the neighbouring property with regard to flooding problems as it would reduce the amount of surface water run off.

Objections have also been raised with regards to construction traffic blocking and damaging the roadway. Unfortunately, these are not material planning considerations to be considered as part of this planning application. The roadway is unadopted therefore it is the responsibility of the people who have control over this roadway to oversee these issues.

Residential amenity

Due to the position of the dwelling, only the rear part of the proposal will be visible to the adjoining neighbour. However, the proposal accords with the advice given in appendix 1 of the Local Plan with regard to the 45 degree guidelines. Therefore, it is considered that there would be no loss of light or overshadowing issues sufficient to justify refusal of the scheme. The size of the balcony has been reduced from the previously withdrawn scheme to limit any overlooking issues into the neighbouring windows at first floor level of this property. There is one window and a set of patio doors in this elevation at ground floor level however, it is considered that due to the existing boundary treatment as well as a distance of approximately 4.5m between the proposal and the common boundary with this neighbour, there would be no overlooking issues.

With regard to the neighbour at no. 6, due to the position of this neighbour, being off-set from the applicant's property, the proposal would only be visible from the window to the side. This window is situated to the rear of this side elevation and it is considered that due to the position of the two properties as well as the distance between the window and the proposed extension (which is separated by an existing double width garage and then approximately 3m of open land), any loss of light or overshadowing that may occur, would be minimal and would not warrant a refusal. The proposed balcony would create a view over the existing fields to the rear of the estate and it is not considered to cause any overlooking issues into the windows of either neighbouring properties. The rear garden areas of neighbouring properties are already overlooked by the rear windows of the existing properties.

Other Issues

Objections have been raised with regard to the potential use of the extension as a 'granny flat'. From the plans received and the proposed layout of the proposal, it is not considered that the proposal will be used for this purpose. However if an area was created for a 'granny flat' then providing access to the main house from the 'granny flat' was still provided and a separate dwelling was not created, the proposal would not require a formal application for planning permission.

Issues have also been raised with regard to sewers and in particular if they are able to cope with the addition to the property. It is not considered in this instance that the addition of an extension to a residential property would create a significant difference to the sewer load. However, upon the submission of a Building Regulations application; the proposal would be considered by the Building Control Officer and Northumbrian Water, if considered appropriate, in this instance.

Conclusion

Taking all relevant issues into account, it is considered that planning permission be granted subject to conditions.

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 13 October 2008; unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 3.

That the facing materials to be used for the external walls and roofs of the development hereby approved shall match in colour and texture those materials used on the existing dwelling house to the satisfaction of this Local Planning Authority, and where such matching materials are not available samples of the materials which it is proposed to use on the development shall be submitted to, and approved in writing by, the Local Planning Authority prior to the

commencement of any development on site. Reason - In order to ensure that the proposal does not have an adverse impact upon the scale, form, character or appearance of the building upon completion, as required by Policy HP11 of the Chester-le-Street District Local Plan.

Extra 4.

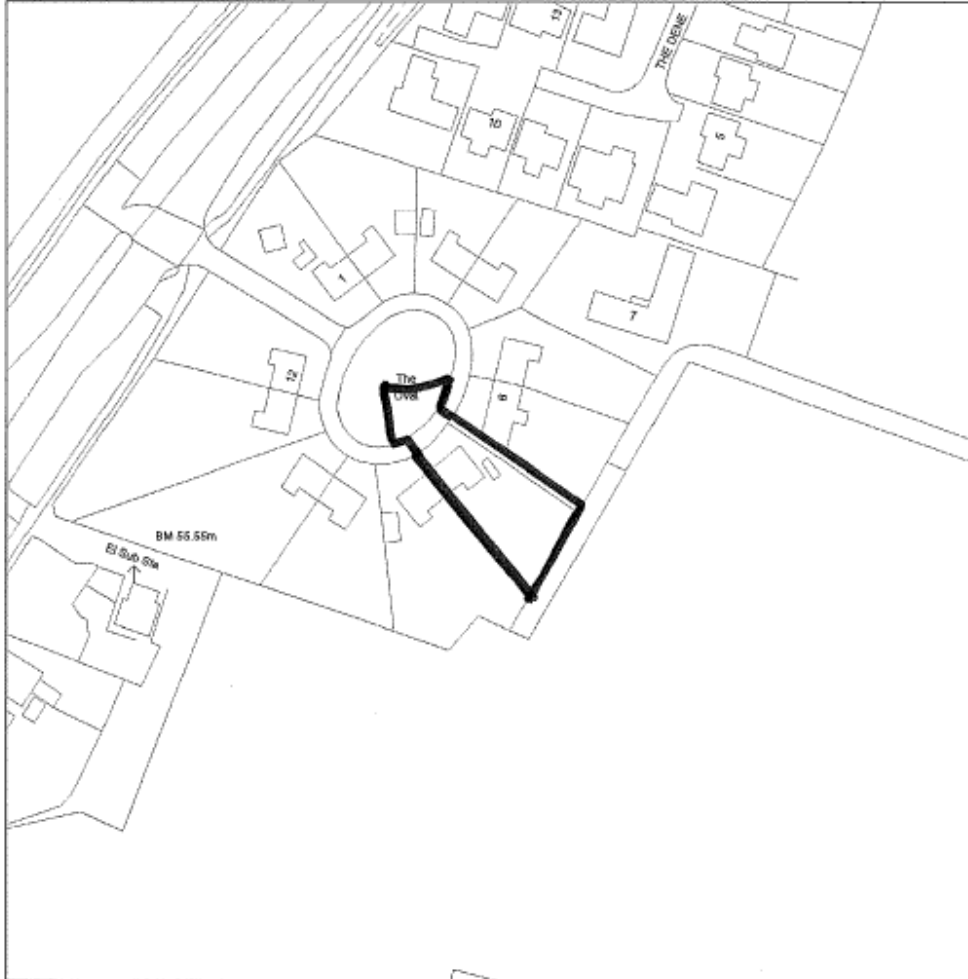
Notwithstanding the details shown on the hereby approved plans, the proposed double driveway at the front of the site shall be constructed using permeable materials and shall be brought into use prior to the occupation of the hereby approved extension and thereafter shall remain in existence with the ability to accommodate two cars for so long as the development hereby approved remains in existence unless details of an alternative scheme are submitted to and approved in writing by the Local Planning Authority in order to ensure adequate off-street parking is maintained in the interests of highway safety in accordance with policy T15 of the Chester-le-Street Local Plan and Policy 24 of the Regional Spatial Strategy.

Extra 5.

Notwithstanding the details shown on the submitted plans, no additional doors or windows should be added to the side facing elevation of the hereby approved extension facing no.6 The Oval for so long as the development remains in existence. In the interests of residential amenity, the avoidance of any potential overlooking and in accordance with the provisions of Policy HP11 of the Chester-le-Street District Local Plan.

7 The Oval

Chester Moor



Scale : 1:1250

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **10 November 2008**

EXISTING GROUND FLOOR PLAN, FIRST FLOOR PLAN & SITE

EXISTING BUILDING
 Revised below ground level - 1007.700 msl - with JMG, 100mm & 200mm Floor and ridge levels.

EXISTING FIRST FLOOR PLAN

EXISTING rear elevation

EXISTING front elevation

EXISTING side elevation

CHESTER-LE-STREET DC	
PLANNING DEPT	
PROJECT NO:	11 SEP 2008
DATE:	11 SEP 2008
DESIGNED BY:	
CHECKED BY:	

client - Mr & Mrs Kane
PROJECT - Side Extension & Bedroom above

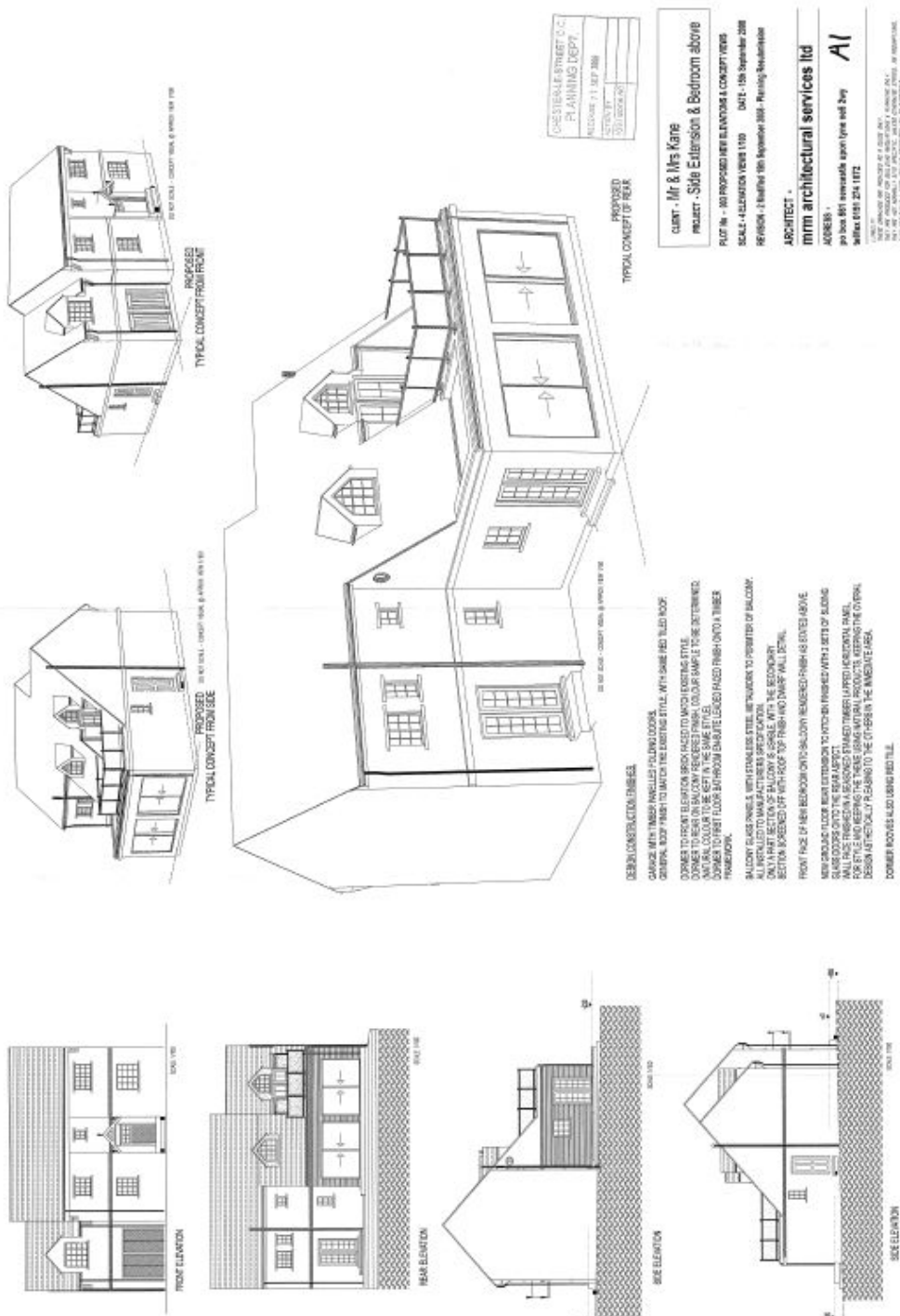
PLANNING - WE EXISTING PLANS & ELEVATIONS
SCALE - main plans & elevations 1/50 **DATE - 18th September 2008**
REVISIONS - 1 Initial 20th September 2008 - Planning Department

ARCHITECT -
mrm architectural services ltd
 ADDRESS -
 300 West Street, Manchester, Greater Manchester, M1 2JY
 TEL: 0161 274 1073

AI

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CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 10 November 2008



CHESTER-LE-STREET DISTRICT COUNCIL
 PLANNING DEPARTMENT
 ADDRESS: 71, WEST BRIDGE
 TEL: 01244 373433
 FAX: 01244 373434

client - Mr & Mrs Kane
request - Side Extension & Bedroom above
 SCALE - 1:40 PROPOSED NEW EXTENSION & CONCEPTS
 DATE - 15th September 2008
 REVISION - 2 Building 15th September 2008 - Planning Specification
ARCHITECT -
mmm architectural services ltd
 ADDRESS -
 200 SOOT HILL, NEWCASTLE UPON TYNE NE4 7JY
 0191 254 1172
AI

DESIGN CONSTRUCTION FINISHES
 GARAGE WITH TIMBER PANELS FOLLOWING EXISTING
 GENERAL TOP FINISH TO MATCH THE EXISTING STYLE WITH SHINE RED TILED ROOF.
 CORNERS TO FRONT ELEVATION BRICK FACED TO MATCH EXISTING STYLE.
 ALL NEW WORK TO BE FINISHED TO MATCH EXISTING COLOUR SAMPLE FOR IDENTIFIED
 MATERIALS TO BE USED IN THE SAME FINISH.
 CORNERS TO FRONT FLOORS WITH HIGH QUALITY LEADED GLASS FINISH ON TO A TIMBER
 FRAMEWORK.
 BALCONY GLASS PANELS WITH STAINLESS STEEL RETICULATORS TO PERMITTER OF BALCONY.
 ALL INSTALLED TO MANUFACTURERS SPECIFICATION.
 ONLY PART SECTION OF BALCONY IS ASKABLE WITH THE SECONDARY
 SECTION SPURRED UP WITH ROOF OF FINISH AND SHARP FALL DOWN.
 FRONT FACE OF NEW BEDROOM ON TO BALCONY FINISHED WITH SHINE RED TILED ROOF.
 NEW GARAGE FLOOR WITH EXTENSION TO MATCH EXISTING FINISH WITH 1 SETS OF SLIDING
 GLASS DOORS ON TO THE REAR ASPECT.
 ALL FLOOR FINISHES TO BE FINISHED TO MATCH EXISTING FINISHES TO THE TOP OF
 DESIGN AND TO BE FINISHED TO THE DESIGNER'S DISCRETION.
 DORMER ROOFES ALSO WITH RED TILED.

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3.

Reference: 08/00380/FUL

Proposal Erection of 1.5m - 2m high fencing and wall pillars along East elevation of property to provide extended fence (Partly retrospective application).

Location 19 Castlefields Bournmoor Houghton-le-Spring Tyne and Wear DH4 6HH

Applicant Mr J. Boyd

Application Summary

Ward: Bournmoor

Case Officer: Lisa Morina

Contact Details: 0191 387 2146

lisamorina@chester-le-street.gov.uk

Summary of recommendation: The proposal would provide for an acceptable form of development within the streetscene and would not impact negatively upon the residential amenity of the neighbouring properties. The proposal is also considered to be acceptable in terms of highway safety issues and is not considered to cause a hazard to pedestrians and motorists.

The Proposal

This report relates to the erection of 1.5m - 2m high fencing and wall pillars along the east elevation of the host property to provide an extended fence line.

This application is being sought on a partially retrospective basis and has been received as the result of an enforcement complaint.

Site History

77/00204/CM - Residential Development. Refused 24.06.1977.
88/00063/FUL - Residential Development. Approved 14/4/88.

Consultation Responses

The application has been advertised by way of direct neighbour notification. To date four letters of representation has been received from neighbouring properties, three objecting to the application and one as a supporter. The following comments are raised:

Support

- The fence is in keeping with the property and so far has been constructed to a very high standard in line with the existing fence. No objections are raised and its completion is awaited.

Objections

Various Highway Safety Concerns

- The property is on a bend and partially blocks sight lines to oncoming traffic.
- The actual fence line obstructs the line of sight of vehicles taking the corner which surrounds the host property.
- The speed at which vehicles take the bend is inviting an accident to happen. The resulting impact of an accident could cause damage to surrounding properties.
- There is no traffic calming system in place and the speed restriction is 30mph. When the bend is negotiated at 30mph both road camber and speed conspire to cause vehicles to steer off course. The bend is especially treacherous during the winter months when icy and to date there have been a number of small bumps to vehicles and a considerable number of near misses.
- There are 40 families who use this bend to access their properties, many with more than one car and many of these have not been consulted on this issue.
- Visitors, trades people and delivery vans add to the volume of traffic.
- Pedestrians are regularly forced to use the road on this bend to avoid parked cars. Pedestrians have difficulty seeing oncoming vehicles.

Design and Layout

- Castlefields was designed and designated as an open plan development.
- The previous occupants did not find the need to change the layout of the estate by the erection of a fence.
- There are restrictive covenants in the deeds regarding enclosing unfenced areas. Each and every purchaser will have been explained this when purchasing the property and will have signed acceptance of the covenants and clauses.

- The intended use of the enclosed land has not been stated.
- The original fencing between 19 and 20 exhibited a pleasing symmetry enhancing the innovative and attractive design of the estate. This will be destroyed.

Creating/Setting Precedent

- There are a number of residents with properties with gable ends who could similarly enclose open plan gardens, with the potential to create more hazards on bends.
- There have been a number of alterations, additions and personalisation to the properties and garden. However none of these have impacted on road safety and in most cases have served to enhance the environment.

Regeneration Team - No Comments

Durham County Council Highways Department - No highway objection is raised. The position of the fence extension is at the house gable and not directly abutting the bend radius. The fence position has been plotted onto an OS copy of the bend and the resultant forward visibility around the bend, tangential to the back of the footway, is 25m approximately, over a relatively short section. The fence line is set back approximately 1m from the rear of public footway, meaning that forward visibility exceeds that as stated above. Such figures are not of a level that would sustain a highways refusal, particularly in light of DCLG/DTP's 'Manual for Streets' guidance issued last year, regarding street layouts and lesser stopping sight distances in urban areas. Research indicates greater forward visibility correlates to greater vehicle speeds, and vice versa.

Relevant Planning Policies and Considerations

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. The Regional Spatial Strategy was adopted in July 2008.

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.

Chester-le-Street District Local Plan

Policy HP11 - seeks to deliver acceptable additions to residential properties. In addition Appendix 1 in the Local Plan gives more specific guidance on residential design layout and facing distances.

Policy T15 - seeks to deliver safe and accessible access arrangements to all highway users and reduce the reliance on the private vehicle.

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, any impact on highway safety/parking and the impact the proposal may have on the residential amenity of neighbouring properties.

Streetscene

The proposal will provide for an enlarged rear garden area and the style of the proposed fence follows the existing fence line of the side boundary and the rear garden area of the host property. The proposal involves two additional panels of fencing along the eastern boundary with one fence panel enclosing the garden area set back from the front of the house by approximately 1.5m. The proposed fence matches in style, colour and height the existing fence therefore it is not considered that the proposal would have a negative impact on the visual amenity of the streetscene.

Objections have been raised with regard to the area being open plan. Although part of the side garden area which is currently open plan is to be enclosed, this is a small area, which will still provide a strip of land between the proposed fence and the footpath area as well as an area of land to the front/side. Therefore, it is not considered in this instance that the reduction of this land would have a detrimental impact on the existing open plan aspect of the estate.

Highway Safety

Objections have been raised with regard to Highway Safety. However given the comments received from the Durham County Council Highways Department, it is not considered that the proposal would have a negative impact on highway safety and therefore, it is not considered that a refusal reason based on highway safety could be supported.

Many of the objections raised with regard to Highway Safety are in relation to the speed of the traffic currently accessing this area and parking within the area. As stated above, it is not considered that the addition of this fence would impact on highway safety. However the comments raised in the objections relating to vehicular speeds have been forwarded to Durham County Council as the Highway Authority for them to investigate and potentially implement any measures which they consider may be appropriate to try and overcome residents concerns.

Residential Amenity

The proposal is sited well over 10m from the nearest residential neighbour. Therefore, it is not considered to have a negative impact on the amenity of the neighbouring properties as it is not considered to cause any loss of light or overshadowing issues.

Other Issues

Objector's state that the previous occupants did not feel the need to carry out this work and that the original approval for the overall estate did not include this proposal. However, personal opinion is not a material planning consideration and therefore, can not be considered as a material planning consideration.

The existence of restrictive covenants is also not a material planning consideration and cannot be considered as part of this application. Although the Council as Local Planning Authority may approve a particular development, if covenants exist on a site which restricts development, this may override any consent which this Council as Local Planning Authority may give.

Objections have also been raised with regard to other people carrying out similar developments. However any development of this nature would require a formal application for planning permission and each case is dealt with on its own merits. Therefore although one development has been granted planning permission it does not necessarily mean that others would also be granted approval.

Concern has been raised to the fact that many more residents use this road than have been consulted on this planning application. However, planning Legislation states that neighbouring properties which have a common boundary with the host property as well as those facing the host property shall be consulted. Any further consultations are at a Council's discretion and it was not felt in this instance due to the nature of the proposal that any additional neighbour consultations were justified.

Conclusion

Taking all relevant issues into account, it is considered that the application be approved. As the proposal is sought on a partially retrospective basis no conditions are required in this instance.

RECOMMENDATION

Approve

Extra 1.

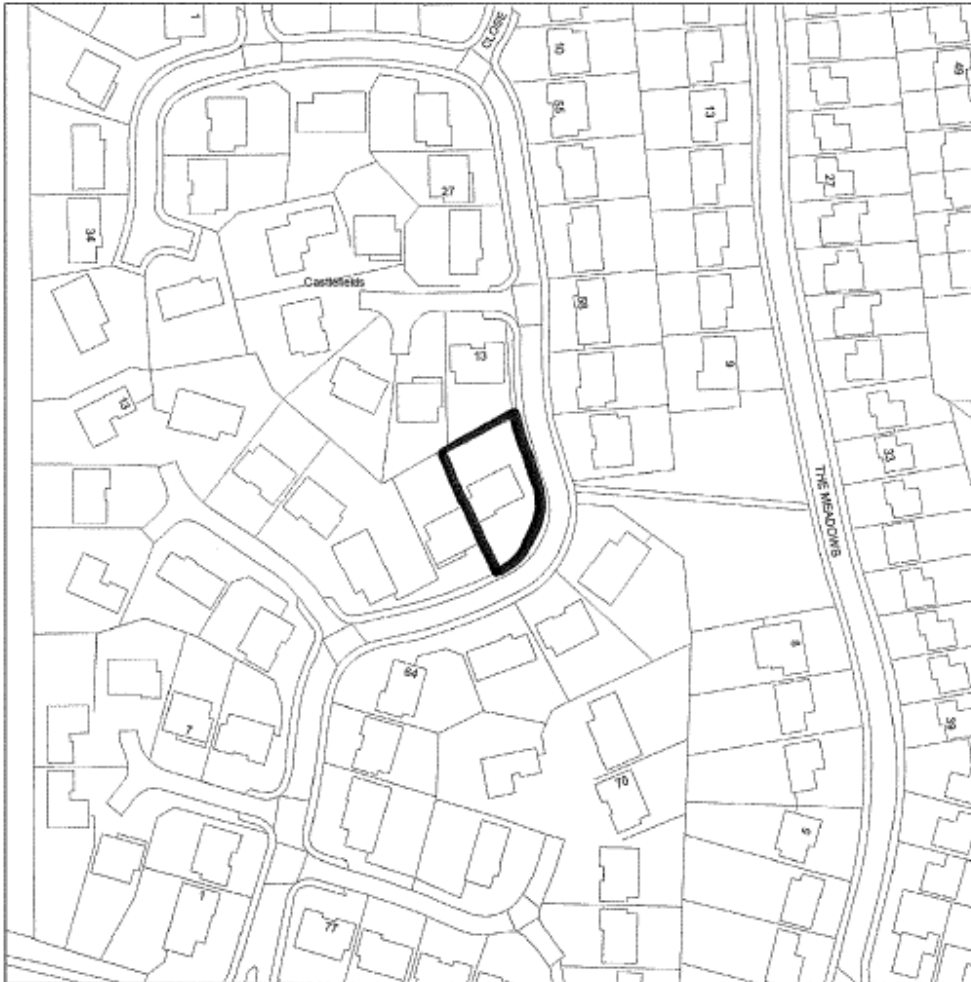
As the proposal is based on a retrospective nature, no conditions are required in this instance.

19 Castlefields

Bournmoor

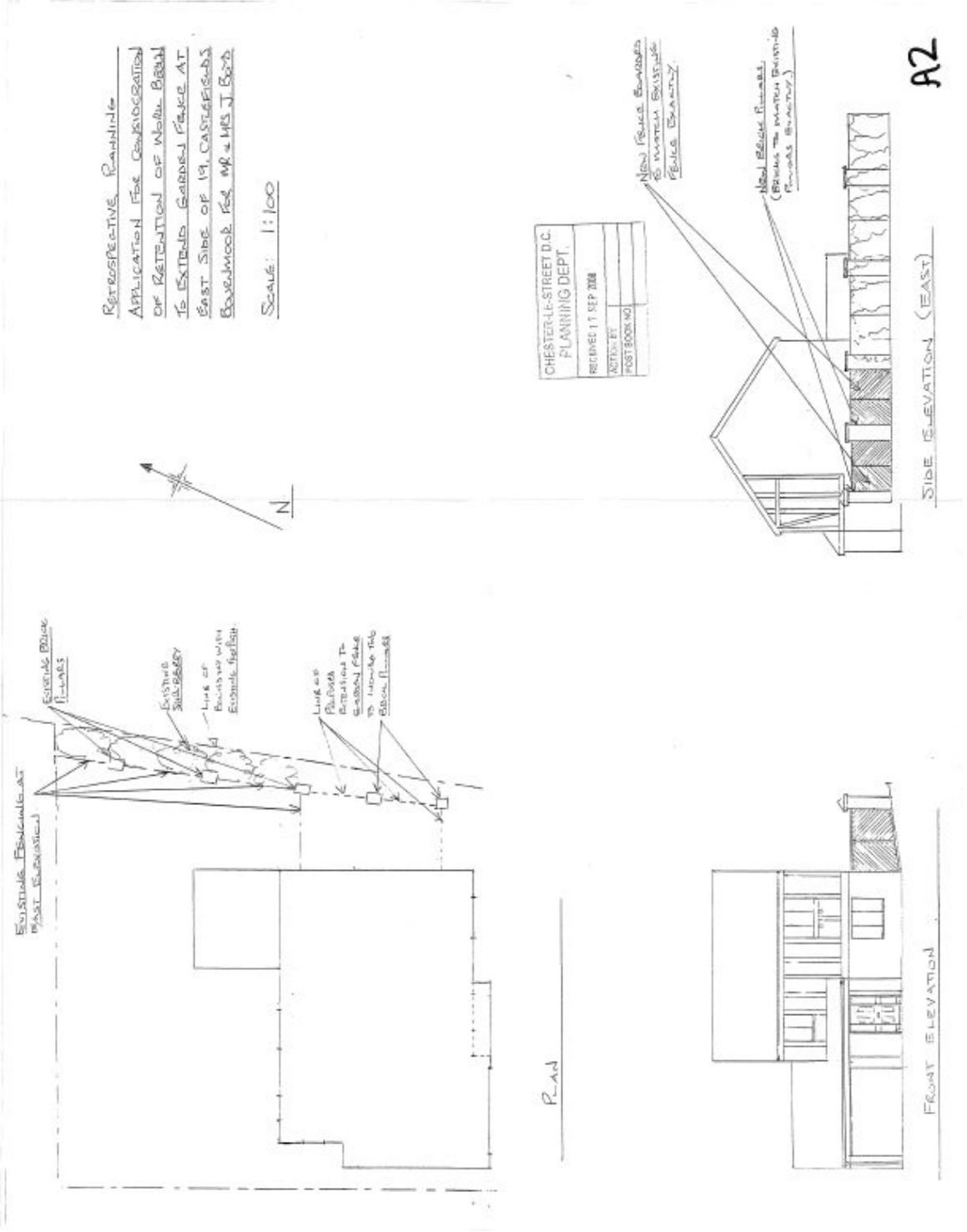


GIS by ESRI (UK)



Scale : 1:1250

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 10 November 2008



4.

Reference: 08/00393/FUL

Proposal Conversion of existing agricultural barns to form 6 no. residential units

Location Urpeth South Farm High Urpeth Chester-le-Street Durham DH9 0SH

Applicant Mr J. Boon

Application Summary

Ward: Urpeth

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk

Summary of recommendation: The development hereby proposed for the conversion of agricultural barns to six residential units is considered acceptable as no alternative use has been found for the buildings and the design and appearance of the conversion preserves and enhances the visual amenity of the area. The access to the development has been achieved to the satisfaction of the Highway Authority and raises no other concerns.

In regard to ecology issues the proposal protects and enhances species protected by law through the agreed mitigation.

Accordingly it is recommended the application be approved.

The Proposal

The application proposes the conversion of a group of agricultural barns associated with Urpeth South Farm to residential use. The development would be served by the existing access, which it is proposed to adapt to increase the visibility splays where it joins the public highway. The existing yard areas are to be converted to private circulation space with provision also being made for parking and landscaping.

The applicant has part commenced the development, in doing so enacting an earlier 2005 consent referenced below. Bearing in mind this earlier decision this application is to consider the design changes incorporating the conversion of a former glasshouse as an addition to unit 1.

Urpeth South Farm is located in High Urpeth a small settlement in the north west corner of the District, north of High Handenhold. Urpeth South Farm abuts land belonging to Urpeth Hall and surrounded by open countryside. Urpeth South Farm and High Urpeth are designated as being within the Green Belt.

Planning History

05/00404/COU – Conversion of agricultural barns and the existing farmhouse to form 7 no. dwellings. Approved 18/10/05.

Consultation Responses

The County Highway Authority have commented that the proposed access on to the main highway is acceptable and in accordance with their recommendations on the previous scheme.

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

The Council's Planning Policy Section has made no comment in respect of the proposal.

Durham Bat Group have objected to the methodology of the bat report and thoroughness of the investigation. Particularly they are concerned about the evidence of crevices within Unit 1 as a potential for bat roosts.

Natural England object to the development on the grounds that there is insufficient information to reliably assess the likelihood of harm to protected species.

Northumbrian Water have raised no objection to the proposal.

The application has been advertised by way of a site notice and direct neighbour consultation letters to which no representations have been received.

Relevant Planning Policies and Considerations

National Planning Policy

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

Planning Policy Guidance Two: PPG2 sets out the national policy objectives of Green Belts to maintain their openness and restrict urban sprawl. Inappropriate development is strictly controlled without special justification. In regard to the re-use of existing buildings these should not prejudice the openness of the Green Belt as they are already in situ. Any renovation or conversion should respect the setting and not create a materially greater impact on openness than existing.

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

Planning Policy Statement Seven: PPS7 aims to raise the quality of life and the environment in rural areas, promote sustainable patterns of development, and support economic development and diversification of agriculture in rural areas. In regard to housing it should be located within close proximity to existing settlements and the re-use of existing buildings is encouraged for economic and housing purposes where it can support local facilities. Conversions of agricultural buildings to residential use should only be considered as a last resort following attempted economic re-use.

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

Planning Policy Statement 25: PPS25 sets out the planning approach to reducing and managing flood risk. The disposal of surface water is a material consideration in the determination of planning proposals and as such should be taken account of in the development process.

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 and was formally adopted in July 2008.

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

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

Policy 9 – Tyne and Wear City Region: Seeks to ensure that the Green Belt continues to safeguard the countryside from encroachment and check the unrestricted urban sprawl throughout Tyne & Wear.

Policy 11 – Promotes the regeneration, economic prosperity, sustainable communities and connectivity in rural areas in support of a vibrant rural economy.

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

Policy 33 – Promotes the protection and enhancement of protected species and the creation of habitats in the interests of biodiversity and geodiversity.

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

There is no saved Local Plan Policy relevant to the conversion of agricultural buildings to residential use with guidance being taken from Planning Policy Statement 7.

Policy NE2 seeks to only allow new residential development in the countryside for agriculture or forestry enterprises. It does however recognise the conversion of rural buildings in the supporting text.

Policy NE4 seeks to control appropriate development in the Green Belt to that for agriculture and forestry purposes, essential facilities for sport and recreation, limited extensions to dwellings, conversion of existing buildings and mineral extraction.

Policy NE6 seeks to protect the visual amenity of the Green Belt by not granting consent to development that is detrimental to its visual amenity.

Policy HP9 specifies general design criteria against which new residential development should be assessed, for visual and residential amenity purposes.

Policies T15 and T17 seek to promote safe and accessible access to the transport network for all users including promoting pedestrian links and reducing the reliance on the use of the private vehicle.

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

Principle of Residential Conversion

In regard to the principle of conversion to residential use this was established by the previous approved application 05/00404/COU. This decision is a material consideration when determining this application as this consent is still live and little has changed regarding the principle of the development or the policy context in this regard. As part of the 2005 application a marketing exercise was accepted as having failed to have found any viable economic use for the barns and hence their conversion to residential units was deemed acceptable. The 2005 application was for seven dwellings the eighth being the existing unit in the farmhouse. The subdivision of the farmhouse to create another unit has been completed and this application refers only to the six units as part of the barn conversion element.

Planning Policy Statement 7 outlines the assessment criteria regarding the suitability of buildings for re-use and this is further expanded upon in the guidance of Appendix IX of the Local Plan. The Appendix outlines that should rebuilding works be excessive then consent will be withheld.

Application 05/00404/COU was accompanied by a structural engineer's report which had identified limited rebuilding but also concluded that the buildings were capable of conversion. The currently submitted structural engineer's report is significantly more detailed and has identified other deficiencies in the structure not expanded upon by the original report. Experience has shown that the nature of barn conversion schemes is that they often require more rebuilding than first thought such is their methods of construction. Agricultural barns especially of the 19th century were functional buildings often constructed out of whatever material was readily available in that area. They were also not constructed to the standard of dwellings with rubble walls often not sufficiently tied in and often patched later with brick as repairs necessitated. The result is that for the proposed conversion to habitable dwellings the structural engineers report provided gives a more accurate picture of the work required now than given in 2005. The rebuilding work now proposed is proportionally in relation to the remaining structure and not considered excessive. Where rebuilding is proposed this is done in such a way to maintain the integrity of the design. The largest area for rebuilding is the south elevation of unit 1 which can be clearly seen as having a significant lean

southward. The re-building of this elevation is to be sympathetic to the original, being a like for like replacement.

During the implementation of the 2005 consent part of the wall of unit 6 collapsed. In order to save the majority of the building a methodology was devised by the applicant's structural engineers, which involved grouting and pinning the existing walls to bind them together. The resulting conversion remains sympathetic to the original building and is not deemed so excessive to withhold consent.

The newly proposed conversion of the glasshouse will provide a kitchen, dining and utility room to unit 1. The existing narrow gap between unit 1 and the glasshouse is to be linked through a minor glazed extension. The glasshouse has been in ancillary residential use for many years, currently being used for storage and from the dividing partitions inside likely to have been a kennel at one time. Due to this ancillary residential use and close proximity to unit 1, with the sharing of the same curtilage, it is considered that the change of use to residential is acceptable in principle. The building would not lend itself to economic conversion such is its overall condition and limited size.

Design

The 2005 consent was conditioned to agree the exact details of the door and window openings. The submitted drawings are representative as to the openings agreed on site in connection with the 2005 consent. An important factor when considering agricultural building conversions is to where possible utilise the existing openings and when introducing new openings to ensure they respect the character of the building. Assessing the character of the solid to void ratio is essential to this process. The fenestration and openings have where possible replicated the existing and as such give the appearance of original windows.

In regard to the glasshouse this is to adjoin unit 1 and comprises the retention of the original walls with a new roof structure. The fenestration on the north elevation is in the style of the existing openings whilst the south is a more contemporary approach incorporating more glass in recognition of the original use. It is considered that the treatment to this conversion is representative of the former uses and complementary to the conversion of the main arched barn of which it adjoins.

On the southern roof slope the application proposes five solar panels of which further details will be requested on condition to ensure the integrity of the design.

Ecology

The 2005 application contained a bat report prepared by Durham Bat Group, which subject to agreed mitigation, was deemed acceptable. The mitigation

involved the construction of a purpose built bat loft within the newly proposed garage. The proposed bat loft and garaging has been proposed with this application. As the proposal has been part implemented the majority of the works pursuant to the previous application have been undertaken with the exception of the bat loft within the garaging which is still to be erected. The previous application, including mitigation, was found to be sound following discussions with Natural England.

In reference to Natural England's objection to the present application this was initially made without reference to the previous consent. Following this further correspondence has been received from Natural England stating that the Local Planning Authority should satisfy themselves that the amended scheme will not impact on the bat mitigation secured by the previous planning consent. The previous consent imposed a mitigation strategy, which was approved by Natural England (then English Nature) with a recommendation to three suitable planning conditions. The current scheme in no way impacts upon the previously agreed mitigation as it is essentially the same and therefore it is proposed to impose the same planning conditions requiring the same level of mitigation.

Officers are therefore satisfied that the current proposal does not prejudice the previous mitigation and with correct methodology takes into account the preservation of bats as a species protected by law.

Landscaping

Drawing 1545/001 Rev C has revised the landscaping provision since the 2005 application with the addition of dry stone walling, native tree species and hawthorn hedges. These additions will aide the development in assimilating into the landscape but require further details as to the exact species and planting specification. As such these are recommended to be required under a planning condition. The increased landscaping will also help to enhance the habitat creation and biodiversity offer of the development.

Access and Parking

The access arrangements were agreed on the 2005 application and involved the widening of the access where it meets the unnamed High Handenhold to Urpeth road. The junction has a proposed 51m visibility splay north and a 45m splay south with 6m kerb radii at the entrance turning point. The County Highway Authority have not objected to the proposed access.

The parking provision has been reduced to 13 spaces but the garage has grown form 6 to 7 bays. This equates to 17.5 spaces, which is a 1.5 space overprovision in line with the County Council's present recommendations. In addition some of the drop off parking areas could effectively double up as parking spaces further encouraging parking to the detriment of the appearance of the area.

In light of the over provision it is proposed to agree under condition, the exact amount and layout of parking.

Drainage

Drawing 1545/002 Rev C outlines the drainage scheme to include two bio discs and relevant soak-away areas. The drainage concept is similar to that proposed in 2005 but requires further information as to the precise details of the proposed equipment and routing of drainage system. It is proposed to require a scheme of foul and surface water disposal under condition.

Conclusion

The application is considered consistent with Policies NE4 and NE2 of the Local Plan in that it involves principally the conversion of agricultural buildings in the Green Belt and outside settlement boundaries. The conversion accords with PPS7 in that an economic re-use was initially sought and found unviable under application 05/00404/COU.

The design and visual appearance of the development is sympathetic to the rural surroundings and is an improvement on the former 2005 scheme. It is considered the proposal preserves the environment and enhances the development in accordance with Policy 8 of the Regional Spatial Strategy. In regard to the Green Belt the development does not harm the openness or visual appearance of the area and is consistent with Policy NE6. The development also complies with Policy HP9 as it preserves the amenities of the area and existing and future occupiers.

The mitigation of the bat loft as previously set out on the 2005 application ensures the development has taken into account protected species and accords with Policy 33 of the Regional Spatial Strategy.

Accordingly the application is recommended for approval.

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 22nd October 2008; unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 3

Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls, hard standings, access roads, roofs of the development have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Extra 4

The highway access improvements as indicated on plan 1545/003 Rev C. shall be implemented prior to the occupation of the first of the dwellings hereby approved in the interest of highway safety and the amenities of the occupiers in accordance with Policy HP9 & T15 of the Chester-le-Street District Local Plan.

Extra 5

Prior to works commencing notwithstanding the details shown on the hereby approved site plan a scheme of parking layout and provision shall be submitted to, and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme thereafter, in the interest of sustainable development and visual amenity in accordance with Policies T15, T17 and HP9 of the Chester-le-Street District Local Plan.

Extra 6

Notwithstanding the details shown on the hereby approved plans and elevations, full details of all means of enclosure of the site (including any internal means of enclosure to sub-divide individual plots) shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of any development on site in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual and residential amenity and in accordance with the provisions of Policy HP9 and of the Chester-le-Street District 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 of the Chester-le-Street District Local Plan.

Extra 8

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) any external alterations to the dwelling (except painting and repairs) and any development within the curtilage of the dwelling (ie development permitted under Schedule 2, Part 1 (Class A-H inc.) and also Part 2 (Class A) of the Town and Country Planning (General Permitted Development) Order 1995 shall require the benefit of planning permission in order to ensure the satisfactory appearance of the development upon completion and in the interests of visual amenity and the protection of the North Durham Green Belt and to accord with the aims of Policies HP 9, NE 6 of the Chester-le-Street District Local Plan.

Extra 9

Prior to occupation of the first dwelling hereby approved the garaging incorporating the bat loft as indicated on drawings 1545/004 rev A and 1545/005 rev A shall be constructed on site in the position as indicated on drawing 1545/001 rev C, thereafter the bat loft shall be maintained in perpetuity in order to ensure the preservation and enhancement of species protected by law in the interests of Policy 33 of the Regional Spatial Strategy and Planning Policy Statement 9.

Extra 10

Development shall not commence between the months of November and March (inclusive) in order to ensure the development makes adequate provision for the presence of protected species within the development site and to accord with the aims of Policy 33 of the Regional Spatial Strategy and Planning Policy Statement 9.

Extra 11

Development involving works to the existing roof of the buildings shall be carried out by hand and the pointing of any walls and re-roofing of the development shall only be undertaken between mid-November and mid-April in order to ensure the development makes adequate provision for the presence of protected species within the development site and to accord with the aims of Policy 33 of the Regional Spatial Strategy and Planning Policy Statement 9.

Extra 12

Notwithstanding the information submitted six hibernacula will be created prior to occupation of the dwellings in the north facing external walls of the development hereby approved with the entrances at head height. These shall consist of gaps in the masonry which give access to the rubble infill of the walls measuring 100mm in width and no narrower than 15mm and should slope upwards to allow water to escape to ensure the preservation and enhancement of species protected by law in the interests of Policy 33 of the Regional Spatial Strategy and Planning Policy Statement 9.

Extra 13

Notwithstanding the information submitted six crevice roosts will be created prior to the occupation of the dwellings on south and south east facing walls of the development hereby approved and should be 100mm in width and not narrower than 15mm these should be located as high as possible in the respective walls and not over windows or doorways to ensure the preservation and enhancement of species protected by law in the interests of Policy 33 of the Regional Spatial Strategy and Planning Policy Statement 9.

Extra 14

The re-aligned dry stone boundary wall either side of the improved access road shall be erected using existing stone unless otherwise agreed in writing, in order to ensure the development respects the visual amenity of the area and the character of the North Durham Green Belt and to accord with the aims of Policy HP 9 and NE 6 of the Chester-le-Street District Local Plan

Extra 15

No development approved by this permission shall be commenced until:

- a) the application site has been subjected to a detailed site investigation report for the recording and investigation of any possible contamination and has been submitted to and approved by the LPA;
- b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;
- c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;
- d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and

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

In accordance with the aims of Planning Policy Statement 23.

Extra 16

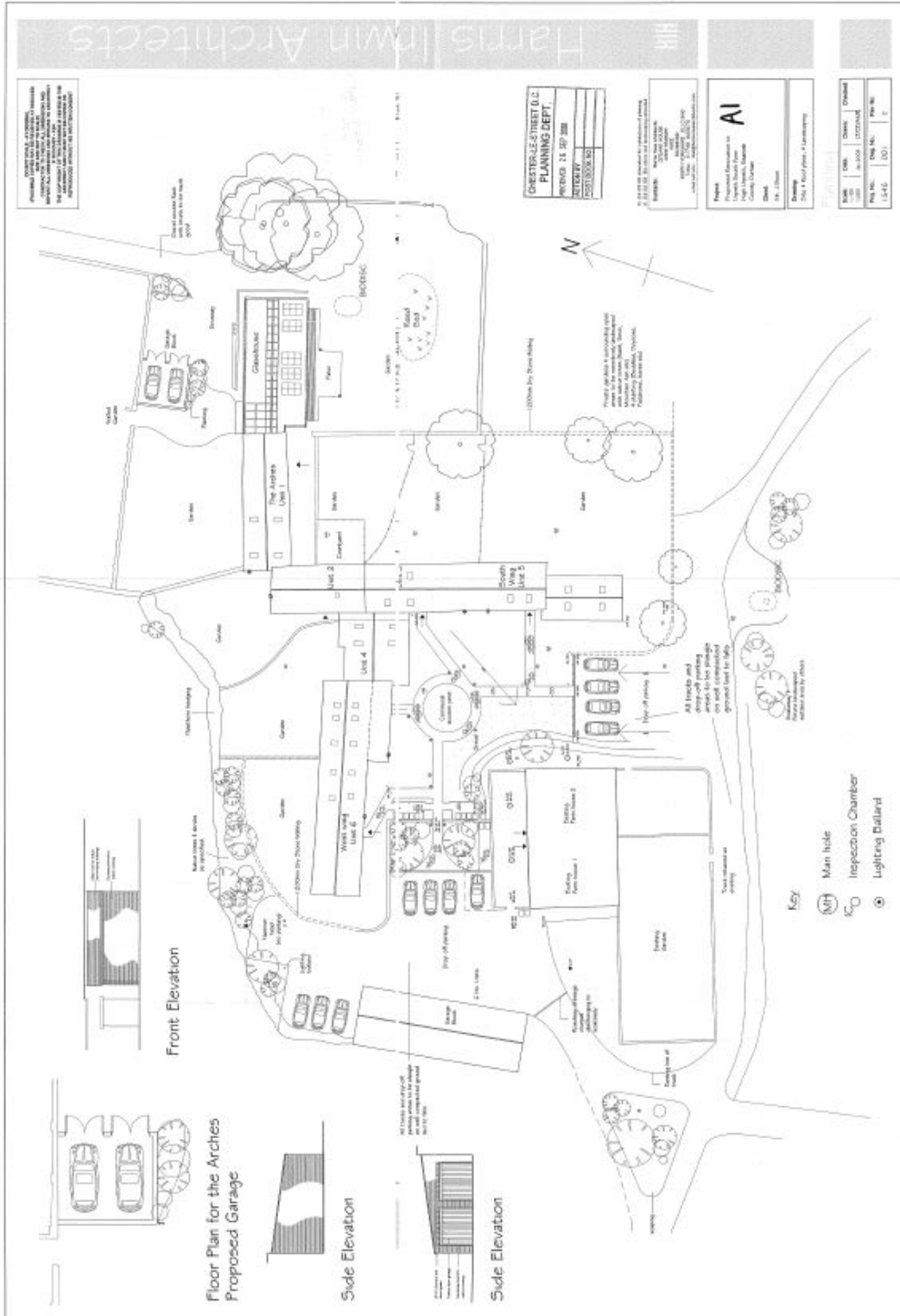
Notwithstanding the information submitted a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme thereafter in the interest of the adequate disposal of foul and surface water in accordance with Planning Policy Statement 25 and Policy 24 of the Regional Spatial Strategy.

Urpeth South Farm

High Urpeth



Scale : 1:2500



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TARRIS IRWIN Architects

GREYBRIER STREET 0.1 -
PLANNING DEPT.
REVISED 25 SEP 2008
REVISED 25 SEP 2008
REVISED 25 SEP 2008

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AI
Project:
Proposed Development on
Greybrier Street,
Glasgow, G1 1 1AA
Client:
The City of Glasgow
Drawing:
Site Plan - Planning

NO.	DATE	CHANGED BY	REASON
1	25/09/08	AI	ISSUED FOR PERMIT
2	25/09/08	AI	ISSUED FOR PERMIT

Elevation Reference

Elevation 1 West

Elevation 2 South

Elevation 3 West

Elevation 4 South

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 Website: www.harrisirwin.com

PROJECT
 Planning
 1100 West 10th Street
 Anchorage, AK 99501
 Project No. 08-001

DATE
 10/10/08

SCALE
 As Shown

PLANNING

Scale	Drawn	Revised	Checked
1/8" = 1'-0"	JLH	AKM	AKM
Print No.	Proj. No.	Rev. No.	Sheet No.
10408	08-001	01	1 of 1

The architectural drawings include:

- Elevation 5 East:** A long, low building elevation with a gabled roof on the right side.
- Elevation 6 East:** A long building elevation with a prominent gabled section on the right.
- Elevation 6 South:** A long building elevation with a gabled roof on the left side.
- Elevation 7 North:** A long building elevation with a gabled roof on the left side.
- Elevation 7 East:** A long building elevation with a gabled roof on the right side.
- Site Plan:** A plan view of the building footprint with blue dots indicating specific elevation points.
- Elevation Reference:** A drawing of a tree and a building section used as a reference.

Harris Irwin Architects

PLANNING

Project	Client	Drawn	Checked
10000	10000	10000	10000
10000	10000	10000	10000
10000	10000	10000	10000

PLANNING

Project	Client	Drawn	Checked
10000	10000	10000	10000
10000	10000	10000	10000
10000	10000	10000	10000

Harris Irwin Architects

Deck Loft Plan & Roof Plan

Section A

Ground Floor Plan

PLANNING

Item	Area	Notes
1	Deck Loft	...
2	Storage	...

Notes:

1. Deck Loft to be constructed in accordance with the approved plans.
2. Storage areas to be constructed in accordance with the approved plans.

5.

Reference: 08/00400/FUL

Proposal Substitution of house types on plots 165, 166, 167 & 180.
Repositioning of plots 168, 169, 181 and redesign of cul-de-sac
head to the rear of plots 170 & 171

Location Pelton Fell Regeneration Site Whitehill Crescent Pelton Fell
Chester-le-Street Durham

Applicant Bellway Homes (NE) Ltd

Application Summary

Ward: Pelton Fell

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk

Summary of recommendation: The development hereby proposed, for the substitution of four dwellings and associated realignment of neighbouring plots, is considered acceptable and will not adversely impact on the amenities of the area of surrounding occupiers.

Accordingly it is recommended that the application be approved.

The Proposal

Planning consent is sought to substitute four dwellings on Phase 2 of the Pelton Fell Regeneration Scheme. The substitutions are relatively minor changes in house types with the incorporation of separate side garages as opposed to integral designs. In addition to the substitutions the surrounding plots have undergone minor repositioning. None of the substitutions impact upon the affordable housing provision.

The site is located south of Pelton Fell Road and is accessed from phases one and two linking to the existing streets of Ruskin Avenue, Wordsworth Avenue and Tennyson Road.

Planning History

The history relevant to this application is as follows: -

04/00633/FUL – Demolition of existing houses and erection of 244 residential dwellings, community centre, roads and landscaping. This was the original consented application for the regeneration site also by Bellway North East.

Following the principle application there has been six further substitutions of house types across the other phases of development.

Consultation Responses

Durham County Council Highway Authority have raised no objection.

The Council's Regeneration department have made no representations.

The application has been advertised by way of site notices and through direct mailing to adjacent occupiers. As a result no responses have been received.

Relevant Planning Policies and Considerations

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 and was adopted formally in July 2008. The following policies are considered of relevance:

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

Policy 7 – Connectivity and Accessibility: Seeks to promote internal and external connectivity within the region. It specifically promotes travel by alternative means other than by private vehicles.

Policy 8 - 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 through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.

Policy 30 – Improving Inclusivity: Seeks to ensure new development allows and promotes alternatives to private vehicle use. This may include improving accessibility within a site to public services and facilities.

Chester-le-Street Local Plan

Policy HP8 allows residential development within the settlement of Pelton Fell provided it is on previously developed land; accessible to public transport and other amenities and that the scale and character of proposals are commensurate with the area in accordance with policy HP9 and Appendix I.

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

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

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

Design and Impact on Amenity

This current proposal is to substitute four dwellings three of which are four bed and one two bed. The two-bed dwelling is to remain the same level of accommodation but slightly altered in design from a 'Salisbury' to a 'Sandhurst 2' house type. The vertical differentiation will adequately serve to break up the terrace in a similar manner to the original scheme. The remaining three dwellings are all to go from four-bed to three bed dwellings and in the case of plots 165 and 166 to two storeys from three. Having regard to the location and the surrounding two-storey dwellings it is not considered this reduction in size of dwellings will be out of character and hence not to the detriment of the overall scheme.

In regard to the housing mix the type and differentiation of house types is still sporadically mixed around the development site and the changes to house type proposed will not significantly alter the previously approved mix.

Parking and Road Layout

The principal changes to parking are from integral garages to adjoined single-storey attached units. The overall provision of spaces per dwelling is not altered from the original scheme and taking account the reduction in bedrooms there is likely to be less parking pressure as a result.

The revised cul-de-sac is a minor change, allowing access to the garage at 170 and reduction in garaging adjacent plot 176.

Conclusion

The proposed substitutions are considered in character with the area and surrounding house types and as such accord with Policy HP9 of the Chester-le-Street Local Plan & Policy 8 of the RSS. The principle of development was established under application 04/00633/FUL and therefore is not a material consideration under this application for revisions to that scheme. The mix of house types is considered to be commensurate with the aims of Planning Policy Statement Three and the Regional Spatial Strategy Policies 24 and 32 in creating mixed, inclusive communities to facilitate social cohesion.

Accordingly it is recommended that the application be approved.

RECOMMENDATION Approve SUBJECT TO THE
FOLLOWING CONDITIONS:-

01B

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

Extra 1

The 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).

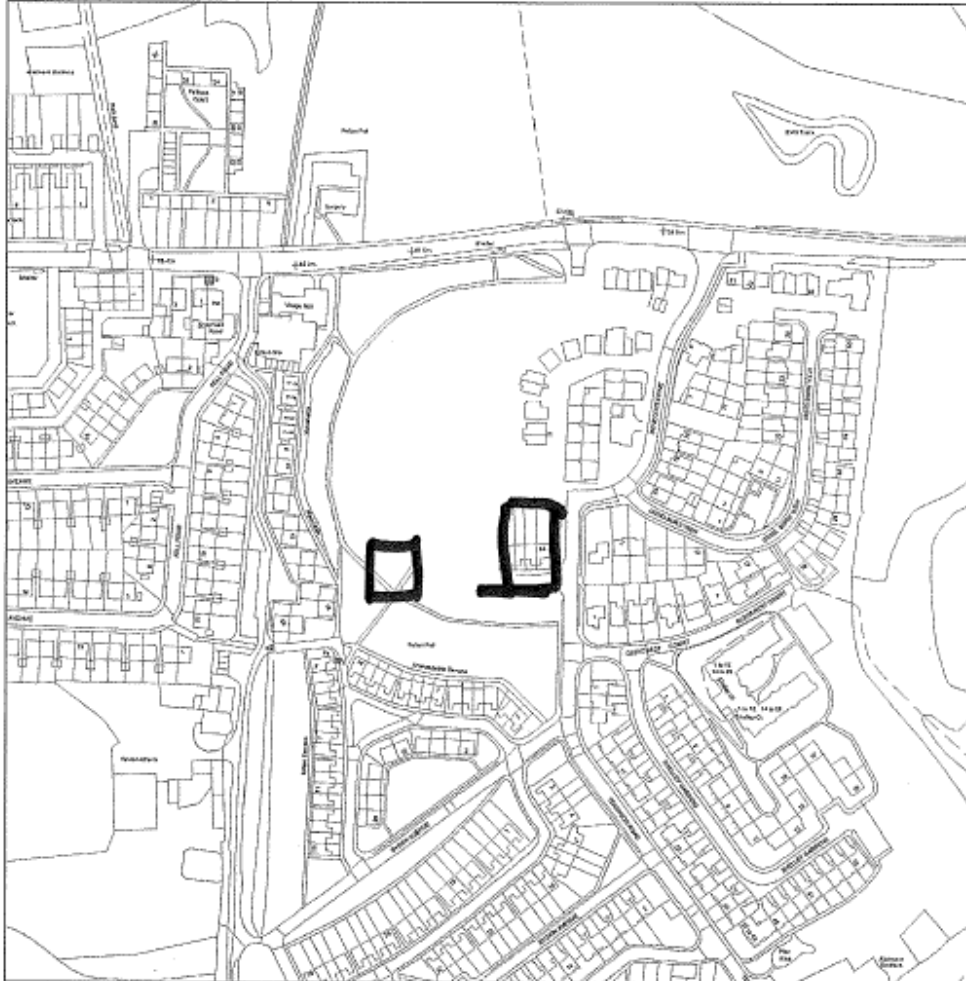
Extra 2.

Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), any walls or fences forward of the elevation of a dwelling house fronting onto a highway shall require the benefit of planning permission, in order to ensure the satisfactory appearance of the development upon completion

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

Pelton Fell Regeneration Site

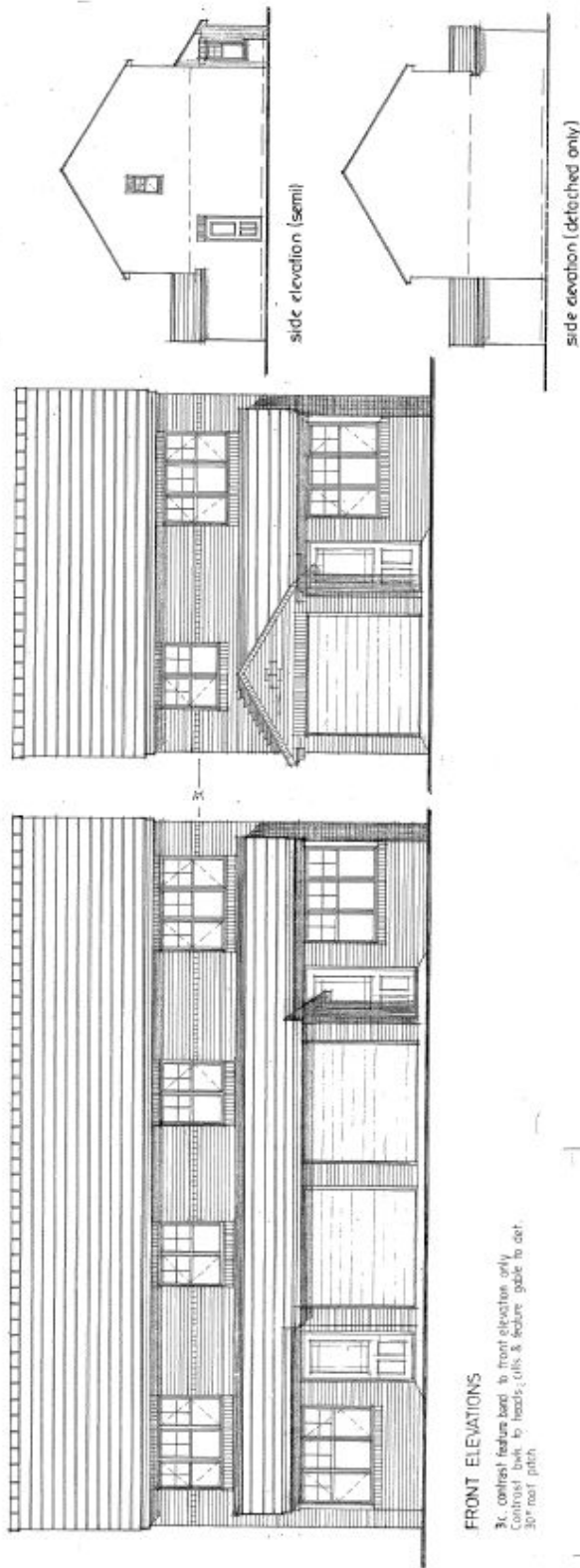
Whitehill Crescent



Scale : 1:2500

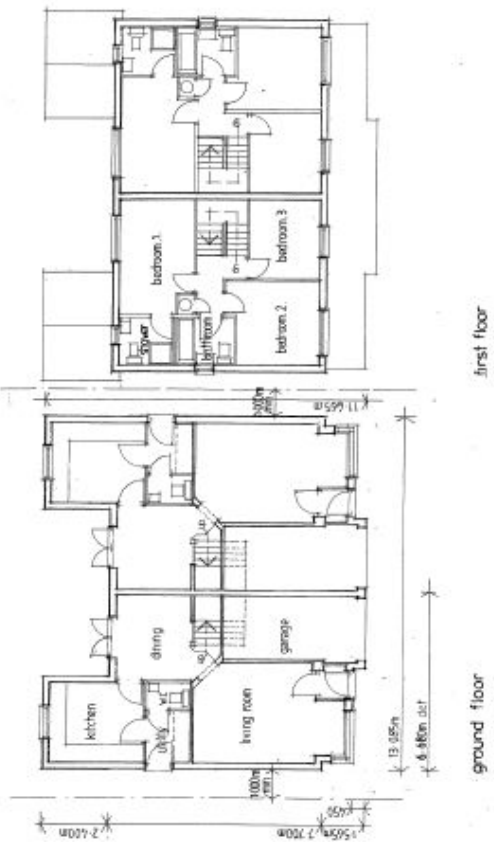


CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **10 November 2008**



FRONT ELEVATIONS

3/4 c. contrast feature band; 1/4 front elevation only
 Contrast band to head; 1/4 c. & above gable to det.
 3/4 roof pitch



The Brampton 2 01/2008
 01/2011

Planning number
S 33 29

Notes 1/2/08, 3/11
 Date: Sept 02

Architects
 Bellway Homes Ltd
 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

CHESTER-LE-STREET D.C.
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Bellway Homes Ltd
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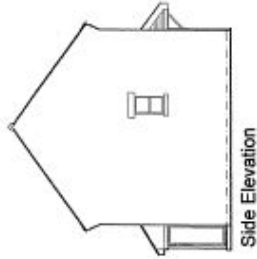
CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **10 November 2008**



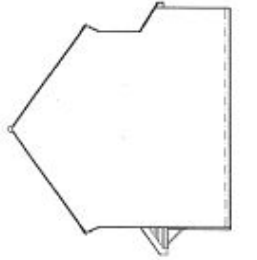
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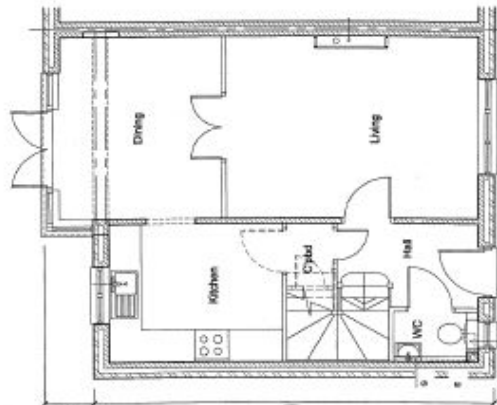
Rear Elevation



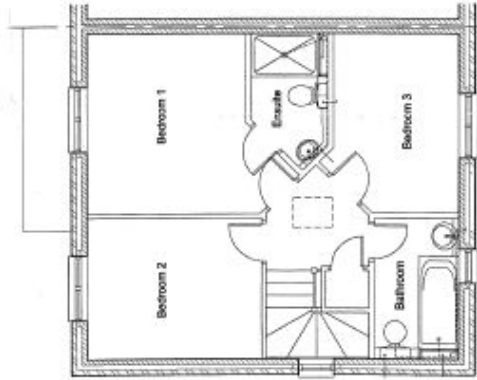
Side Elevation



Side Elevation



Ground Floor Plan



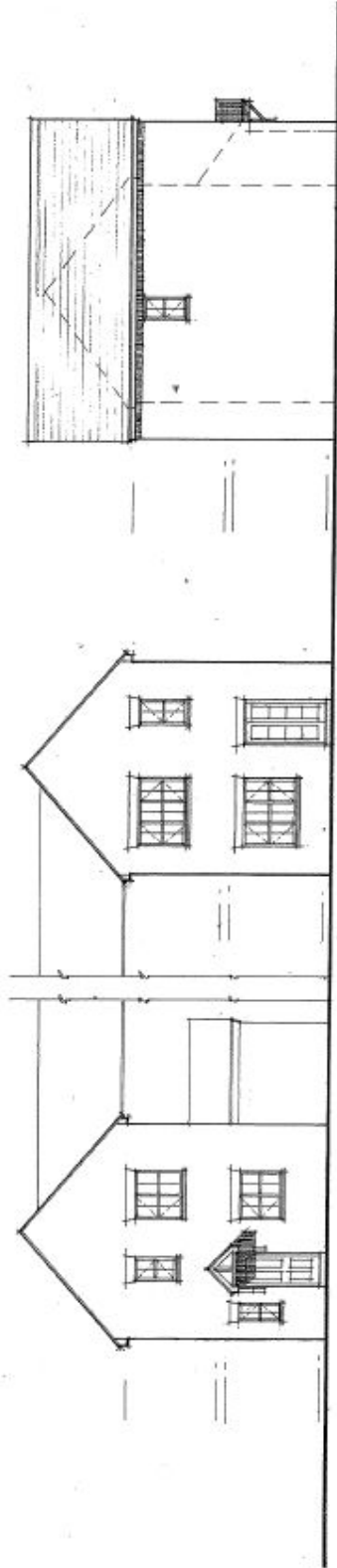
First Floor Plan

CHESTER-LE-STREET D.C.
 PLANNING DEPT.
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 ACTION BY
 POST ROOM AND

A2

Planning No:	S3656	Project:	The Sandhurst 2
Drawn:	10/11/07	Client:	John May Ltd
Scale:	1:50	Architect:	Bellway
Approved:		Address:	A. Bellway (UK) Ltd, 100 Victoria Road, Leeds LS10 5JF
Drawn:		Site:	100 Victoria Road, Leeds LS10 5JF
Checked:		Plot No:	100 Victoria Road, Leeds LS10 5JF
Approved:		Plot No:	100 Victoria Road, Leeds LS10 5JF
Drawn:		Plot No:	100 Victoria Road, Leeds LS10 5JF
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Approved:		Plot No:	100 Victoria Road, Leeds LS10 5JF

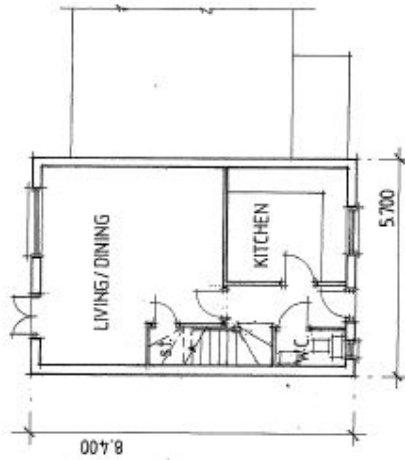
CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **10 November 2008**



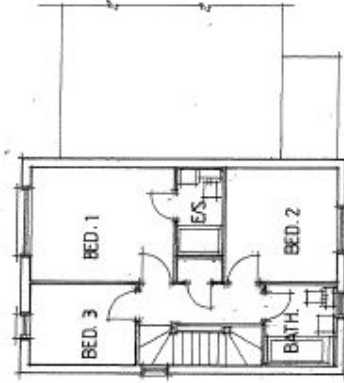
FRONT ELEVATION

REAR ELEVATION

SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

CHESTER-LE-STREET D.C.
PLANNING DEPT.
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S3273

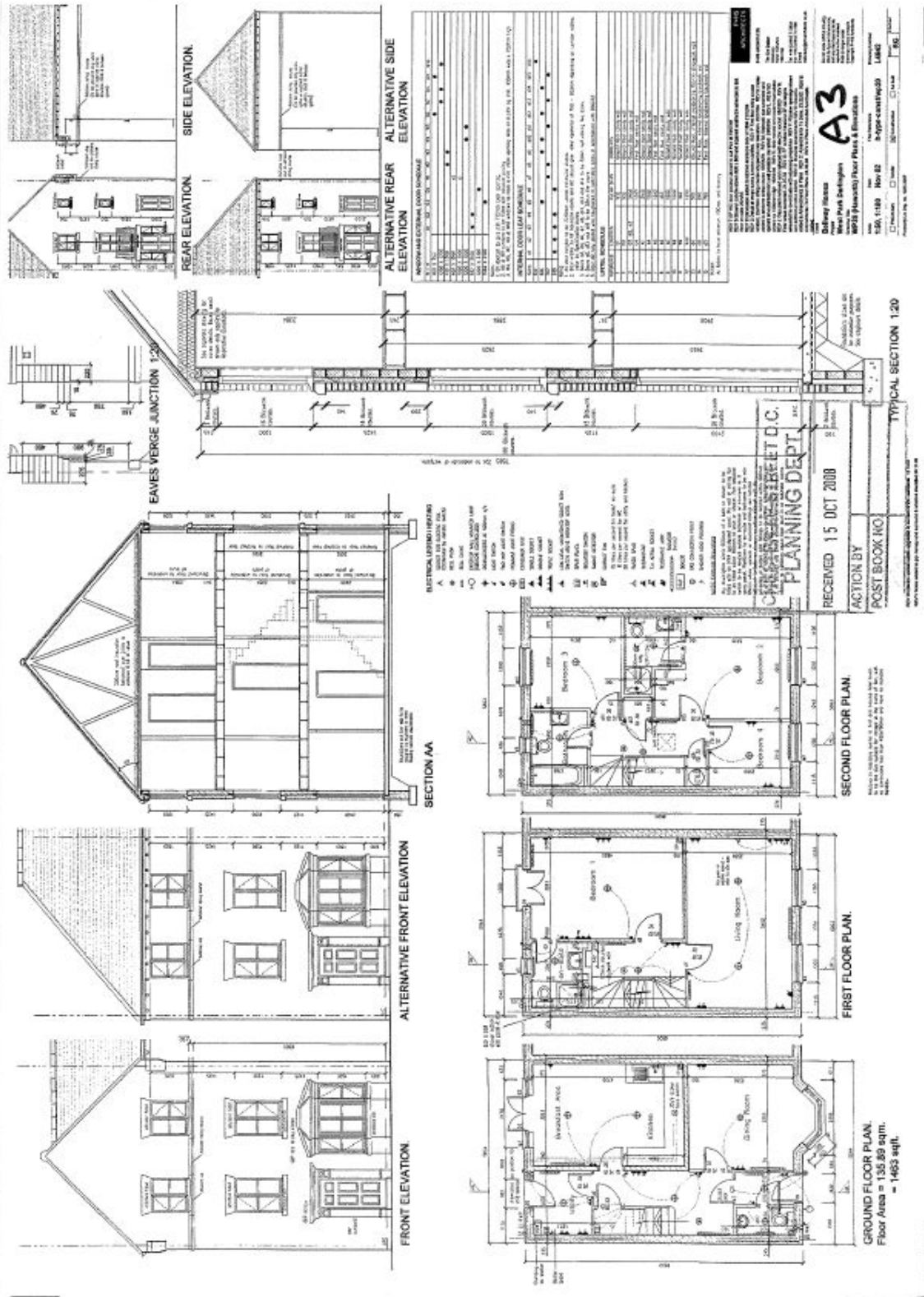


Bellway Homes Ltd.

Bellway North East Division
 Bellway Homes
 Mill Lane, Pottoblood
 Newcastle-upon-Tyne, NE 29 0HL
 Tel: 061 892066 Fax: 061 821013

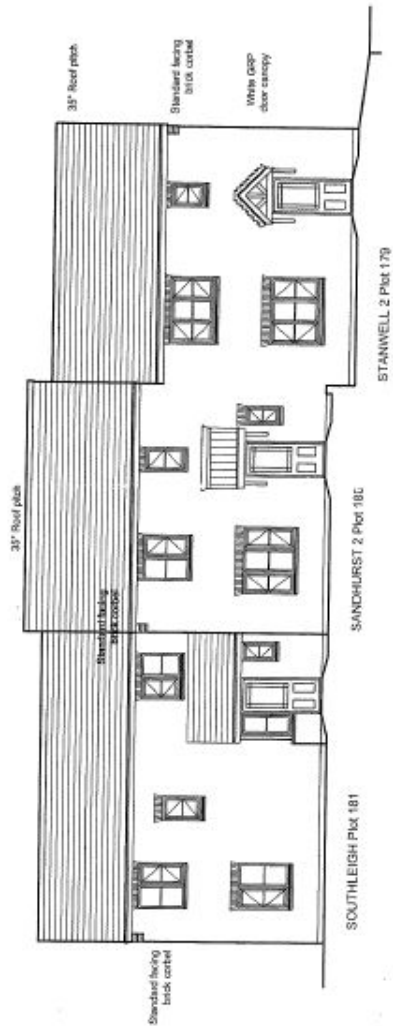
The Salisbury
 Castlefields Stages 3 & 4, (Central Area)
 Floor area: 80/86sqm, 870sqft
 Scale 1:700. March 2001.

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **10 November 2008**



CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **10 November 2008**

Dimensions must be checked on site and any discrepancies reported immediately. Where dimensions to be taken in accordance to existing. This plan is intended as a guide only and is not to be taken as a representation made on neighbouring land, either side or as part of contract documents.

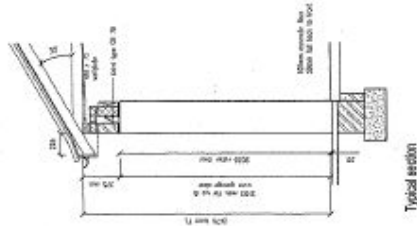
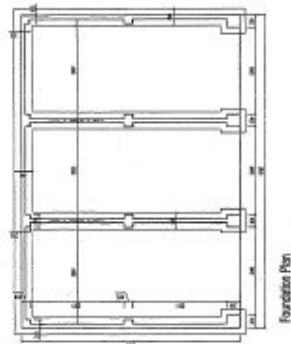
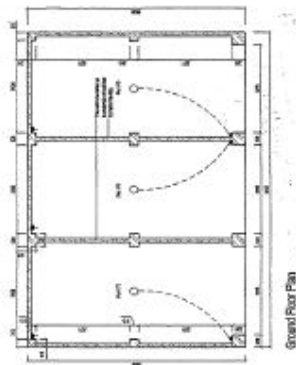
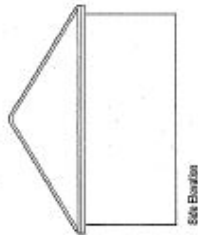
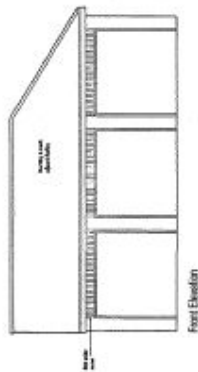
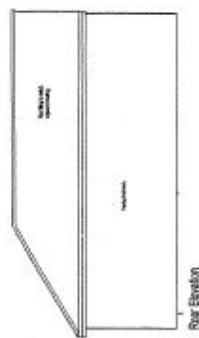


**CHESTER-LE-STREET D.C.
 PLANNING DEPT.**
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 POST BOOK NO

A3

Drawing No: S3751	Project: Pelton Fell, Front Elevations Plots 179 - 181	Scale: 1:100 Drawn by: BM Chk: Sept 08	Bellway	Bellway North East Division Pel House, Main Street, Pocklington, Newcastle upon Tyne, NE20 9NN Tel: 0181 820000 Fax: 0181 821010
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CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **10 November 2008**

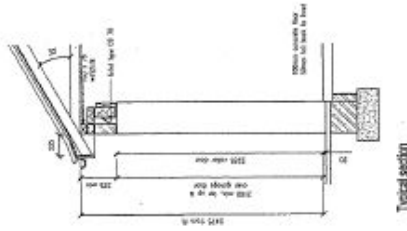
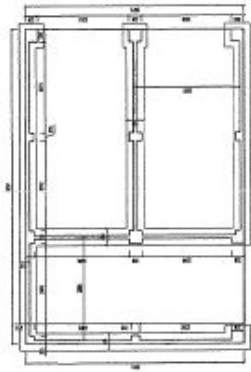
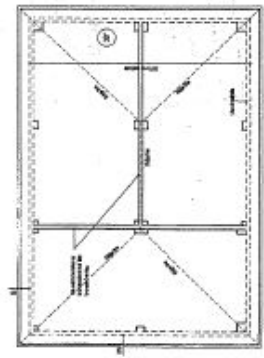
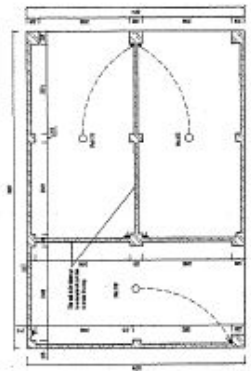
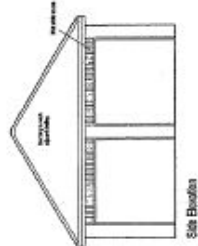
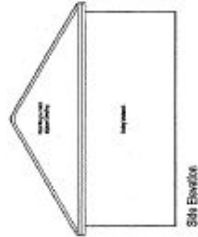


CHESTER-LE-STREET D.C.
PLANNING DEPT.
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A3

Project No	PA101141
Client	PA101141
Site No	PA101141
Scale	1:100
Author	PA101141
Check	PA101141
Date	PA101141
Drawn	PA101141
Checked	PA101141
Approved	PA101141
Project Name	PA101141
Project Address	PA101141
Project Location	PA101141
Project Status	PA101141
Project Date	PA101141
Project No	PA101141

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 10 November 2008



CHESTER-LE-STREET D.C.
PLANNING DEPT.
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 ACTION BY
 YOST BOOK NC

A3

PROJECT	Field Fall (see below)
DATE ON FILED	14/11/08
PROJECT	Field Fall
APPLICANT	Field Fall
APPROVED BY	
DATE	
REVISIONS	
NO.	DESCRIPTION
1	Issue for comment
2	Issue for comment
3	Issue for comment
4	Issue for comment
5	Issue for comment
6	Issue for comment
7	Issue for comment
8	Issue for comment
9	Issue for comment
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16	Issue for comment
17	Issue for comment
18	Issue for comment
19	Issue for comment
20	Issue for comment

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
06/00563/TPO /	Building Insurers	27 Tudor Road Chester-le-Street Durham DH3 3RY	Proposed felling of birch tree protected by Wearvale Terrace Tree Preservation Order.	W /	E:427520 N:552162	Appeal Withdrawn / 17.10.2008
07/00115/FUL /	Mr A.J. Laverick	4 Station Lane Pelton Fell Chester-le-Street Durham DH2 2RL	Single storey ground floor extension to kitchen and replacement sun lounge for conservatory	W / 29.10.2007	E:425239 N:552103	Appeal Withdrawn / 11.01.2008
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

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
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
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 Allowed / 02.09.2008
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

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
07/00497/FUL /	Mr & Mrs Fletcher	Land to The West of The Poplars Arcadia Avenue Chester-le-Street Durham	Proposed erection of 1 no dormer bungalow and detached garage	W / 25.01.2008	E:427290 N:552194	Appeal Withdrawn /
07/00502/ADV /	JC Decaux	AP Developments 28 - 29 Front Street Pelton Chester-le-Street Durham DH2 1LU	Display of externally illuminated free-standing 48 sheet advertisement hoarding, size 3.048 metres x 6.096 metres, along east elevation of front of site (retrospective application).	W / 01.02.2008	E:424956 N:553078	Appeal 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 Dismissed / 26.09.2008

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
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 10 November 2008

ITEM 3 Notification of outcome of appeal decision

Proposal: **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).**

Site Location: **3 Kingsmere, Chester-le-Street, Durham, DH3 4DB**

Decision: **The appeal was dismissed**

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

Members may recall that this application was presented to the Planning Committee in March 2008 with a recommendation for refusal which was accepted by Members. The refusal reason was based on the position of the proposed garage which was considered to have a negative impact upon the character and openness of the existing streetscene. This was considered to have a detrimental impact on the visual amenity of the locality.

The key consideration for the Inspector was the effect of the proposed garage on the character and appearance of the street scene.

The Inspector in summarising this issue stated the following:

“Although the flat roofed form of the garage would be in keeping with the area, its siting would not. I consider that the siting proposed at no.3 would be an incongruous addition to the planned layout of the estate. The whole of the garage would be forward of the front face of the bungalow it would serve. It would present its blank side wall to the road.

To some extent, the openness of the garden has already been reduced by a fence perpendicular to the footway. In addition there are Leylandii which would provide some screening to the rear (west) end of the garage. However, these plants are in the neighbouring garden and their height and retention are not in the appellants’ control. Despite these other features, the garage would be very visible in the street scene especially from the east and the main road.

The estate of which the appeal site is part is not particularly distinguished in layout or design. Nonetheless, it has a pleasing appearance of spaciousness arising from the open and uncluttered front gardens that characterise most properties. The building line is stepped in places but without compromising the openness of the streetscene. Garages do not protrude forward of the dwellings.

To conclude, the proposed detached garage would have a harmful effect on the pleasant, open character and appearance of the streetscene. This would be contrary to the purposes of saved policy HP11 in the Chester-le-Street District Local Plan to 2006 (2003).”

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

Appeal Summary

Ward: North Lodge

Case Officer: Lisa Morina, Planning Assistant

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ITEM 4 Development Control Performance Update for Quarter 1 and 2 2008/09

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 two quarters 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)
4. PLLP 34 (number of decisions where added value secured)

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 two quarters 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 first two quarters of the year.

Application type	Quarter 1&2 result	CLS target	Variance
Major applications	100% within 13 weeks	88%	+12%
Minor applications	93.02% within 8 weeks	92%	+1.02%
Other applications	98.22% within 8 weeks	96%	+2.22%

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

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 83% within target for major inquiries and 97% within target for minor inquiries.

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

Whilst the figures for major enquiries is below the local target of 90% performance in this area is starting to improve markedly (the equivalent figures for quarter one of this year 2007/08 was 74%). The recent improvement in performance can again be attributed to the Team being fully staffed. There is every reason to believe performance in this area will also improve as the year progresses with year end targets being met.

3. PLL P 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. This is a challenging stretch target, well above the performance of many other Authorities within the region.

The figures for the first two quarters of 08/09 show a healthy return of 98.6% of householder applications determined within 8 weeks. This is above the locally set target and again there is no reason to believe this situation will not be retained throughout the year.

4 PLL P34 Number of Planning Decisions Where Value Added

This is a new Performance Indicator, which has been introduced into the Service Plan for 2008/09. The indicator is designed to monitor the number and nature of ‘added values’ to developments which have been achieved through Officer negotiations on planning applications. As a result, the indicator is a qualitative measure of the decision making process, as opposed to one which focuses largely on speed of process. No targets have been set for the number of ‘added values’ secured through negotiation; however a list is shown below;

Category	Number of Cases
• No Added Value required (application approved as submitted)	80
• Amendment secured to address a public concern	7
• Amendment secured to improve design	14
• Amendment secured to safeguard an ecology interest	4
• Amendment secured to safeguard highway safety	6
• Amendment secured to safeguard residential amenity	19
• Amendment secured to meet aims of sustainable development	1

Conclusion

In conclusion it is considered that the Development Control Team's performance has generally improved markedly for the first two quarters of 2008/09, in comparison to the returns produced for the year 2007/08.

Officers are confident this situation can be maintained across the whole of the year, and indeed that improvements can be made to the one indicator (major pre-application enquiries) which are presently falling behind local targets.

Recommendation

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

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