

**REPORT OF THE DEVELOPMENT AND BUILDING CONTROL MANAGER**

- ITEM 1**      District Matters Recommended Approval
- ITEM 2**      District Matters Deferred Recommended Approval
- ITEM 3**      Appeals List

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

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

**ITEM 1**

District Matters Recommended Approval

1.

**Reference: 08/00423/FUL**

**Proposal** Erection of 26 external lighting columns and luminaires.

**Location** 2 Drum Park Drum Industrial Estate Chester-le-Street Durham DH2 1AE

**Applicant** Mr E. Harper - Gladman Homes

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**Application Summary**

**Ward:** North Lodge

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

**Contact Details:** 0191 387 2002

jamestaylor@chester-le-street.gov.uk

**Summary of recommendation:** The proposed lighting columns and associated luminaires are located around the periphery of the site and illuminate essential working areas only. The submitted lighting assessment as verified by the Council's Environmental Health Department has 0 Lux light spill more than 10m from the site. With the nearest residential property 94m away the proposed lighting will not impact on their residential amenity.

Accordingly it is recommended the application be approved.

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**The Proposal**

Planning consent is sought for the erection of 26 lighting columns equally spaced around the site perimeter at 8m in height with two of the 8m columns lighting the staff parking area. Each 8m column has two luminaires with angled at 20 degrees from the horizontal plane. Each luminaire is 150w totalling 60 individual light units.

The application site refers to warehouse unit B that is adjacent unit A and behind the smaller unit C located on the adjoining Drum Park development on Drum Industrial Estate. The east coast mainline railway and associated landscaping and bunding border the site to the west. Beyond the railway are the nearest residential properties of Kingsmere and Wear Lodge.

## Planning History

05/00162/FUL – Erection of 3 no. B8 warehouse units (with ancillary offices), parking, block levellers, yards, landscaping and new access arrangements from the A693 (amended 15/11/05 & 22/02/06 & 02/08/06) – Approved 14th February 2007.

07/00165/FUL – Construction of industrial / warehouse facility with ancillary offices, yards, car and trailer parking. Ancillary vehicle maintenance building, energy centre, dekit area, gatehouse, substation, fuel area, vehicle wash area. Site enclosed by perimeter fencing and landscaping scheme (as amended 8 May 2007, 31 May 2007, 11 July 2007, 22 August 2007, 12 October 2007, 28 October 2007) – Approved 13th December 2007.

## Consultation Responses

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

The Council's Environmental Health Department have commented on the need to ensure that the lighting remains at a level as specified in the accompanying documentation submitted as part of the application.

Durham Constabulary Architectural Liaison Officer has commented generally on the need for security lighting to deter crime and that any proposed lighting scheme should be designed to minimise light pollution.

The application has been advertised by way of a site and press notice and through direct mailing to adjacent occupiers. Three public objections have been received.

The points of objection are summarised as follows: -

- The height of the lighting columns.
- What steps have been taken to minimise noise levels during the hours 6pm to 6am.
- That the lighting columns and scheme will lead to a further reduction in quality of life to the area.
- That the number of lighting units is excessive and should be reduced.
- That the lighting of such a large area will be detrimental to the character of the area.

North Lodge parish Council have objected on the following grounds: -

- What justification is there for the level of proposed lighting?
- Will the amenity of residential dwellings be effected and the of the columns by day should be a consideration.
- That the impact on local ecology should be considered.
- That the lighting should remain as approved and not changed unless agreed in writing by the Local Planning Authority.
- That all properties backing on to the site should be consulted on the proposal.

## **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 Four: PPG4 encourages continued economic development in a way which is compatible with its stated environmental objectives. Economic growth and a high quality environment should be pursued together in a sustainable and integrated manner.

### **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 that should be sympathetic to the surrounding area.

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

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

Policy IN1 refers to the provision of new industrial land within the Drum industrial Estate to facilitate economic growth in the District.

Policy IN3 supports new development for B1, B2 and B8 uses on the Drum Industrial Estate. Development should be of a high standard of design and appearance to reflect the local prestige status of the industrial estate.

Appendix IV gives guidance as to the design standards expected on Drum Industrial Estate.

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

## Visual Amenity

From within the Industrial Estate the land surrounding the industrial unit is subject to a landscaping scheme previously approved as part of the application 07/00165/FUL. The proposed columns stand at 8m in height and are relatively low in comparison to the scale of the industrial units at 18m. Furthermore when viewed against the backdrop of the surrounding industrial buildings and loading areas their appearance is considered commensurate with the location. The columns and lighting units will be barely visible from the Kingsmere and Wear Lodge residential area as they are 90m away and screened by bunding and landscaping associated with the East Coast Mainline, therefore no resulting harm will occur to the outlook of residents from the columns themselves.

## Residential Amenity

There are three primary considerations when considering the design of lighting units and the impact on the environment. The first is the useful light area and to ensure the specification of the lighting units do not 'over' light in this case the service areas. The second consideration is the light spill outside the useful light area. Light spill outside the site should be kept to a minimum in order to not create problems for surrounding uses and to not waste light and energy by illuminating non-essential areas. Excessive light spill can lead to light trespass which is the ingress of light through windows of residential properties. This could for example lead to higher light levels in bedrooms disturbing sleep patterns and therefore the amenity of the occupier. The third consideration is the upward reflected light from the useful light area. This is commonly referred to as light glow. As well as illuminating the site area the light reflects off the ground into the sky. This is especially an issue where there is a lot of reflective hard surfacing such as the sides of buildings and access and loading areas. In regard to the amount of lighting proposed with this application the applicant's lighting engineers have confirmed that the scheme as proposed meets the minimum operational requirements of the user. The unit is to be used 24hrs a day and as such requires a higher level of illumination than say if required purely for security purposes.

In regard to the impact on neighbouring residents the light spill 10m outside the site as indicated on the submitted luxograph plan is 0 Lux. Therefore, the installation has been designed to minimise light spill. Combined with the existing landscaping bund and 94m distance to the nearest residential property it can be concluded that no harm to the residential amenity of the nearest occupiers will result.

The only other potential issue is the upward reflective light from the surfacing and structures subject to the illumination. The scheme has been designed to give a low 10 Lux average illumination but even so reflective light will contribute to light glow. It is important that an industrial lighting scheme such as this where an amount of illumination is expected is designed to minimise this impact. The applicant's lighting engineers have specified luminaries at just 20 degrees from the horizontal plane and combined with the relatively modest 150w lamps it can be concluded that as much as practicable sky glow has been minimised.

## Landscape Impact

The impact on the character of the landscape is clearly a material consideration under Policy 8 of the RSS which requires new development to protect and enhance the environment. The industrial unit to be illuminated can be viewed from some long distance views across the District notably on the approach to Chester-le-Street from Bournmoor and whilst travelling North on the A1(M). Whilst relatively low at an average of 10 Lux the site will be prominent in the night landscape. This will be especially the case when viewed against the main urban backdrop where there is no comparable light intensity on one particular area. It is considered that as a 24hr industrial location it is to be anticipated that there will be high levels of lighting provided. However the acute angle of the luminaries to the ground will remove the light source from direct view but the combination of reflected light and the size of the area to be lit will invariably input some light glow into the night landscape.

Having taken the above into account including the relatively low average light intensity levels across the site and the fact that the unit has consent for a 24hr operation already approved, it is considered the applicant has done as much as practicable to minimise light pollution. The landscape impact will clearly be far less than if this was a countryside location as opposed to being on the edge of the urban area with existing levels of light glow emitted from the main conurbation.

## Ecology

The lighting scheme has been designed to allow minimal light spill outside the site. As the site area is entirely hard-surfaced it is not considered any impact on the ecology of the local area will occur.

## Maintenance

As freestanding structures open to climatic conditions and designed to be fitted at specific angles to minimise amenity impact it is essential the luminaries are maintained in perpetuity. This is borne out by the comments made by the Council's Environmental Health Officer in requesting an assurance that the units adhere to the submitted details. With this in mind it is proposed to impose a condition requiring a scheme of maintenance prior to works commencing to be agreed. It is envisaged this will include inspections by a qualified engineer to ensure the lighting and light levels remain as specified.

## Noise

Objectors have raised noise as a cause for concern. This application is for the determination of the lighting scheme only and not to assess the noise impact resulting from the 24hr operation. The impact of noise on the nearest resident's was formerly considered under the approved applications 05/162 and 07/165 and found to be acceptable subject to the relevant conditions as approved.

## Conclusion

It is considered that where practicable taking account of the industrial location and neighbouring urban area the applicant has sought to minimise light spill and light glow

through a suitably designed scheme that accords with the aims of Local Plan Policy IN3 and Policy 8 of the Regional Spatial Strategy by minimising the impact on the environmental and safeguarding the amenities of surrounding occupiers.

**RECOMMENDATION**  
CONDITIONS:-

Approve

SUBJECT TO THE FOLLOWING

Extra 1.

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

Extra 2.

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

Extra 3.

Notwithstanding any description of the materials in the application, no development shall be commenced until precise details of the colour of the lighting columns has 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 IN3 of the Chester-le-Street District Local Plan and Policy 8 of the Regional Spatial Strategy.

Extra 4.

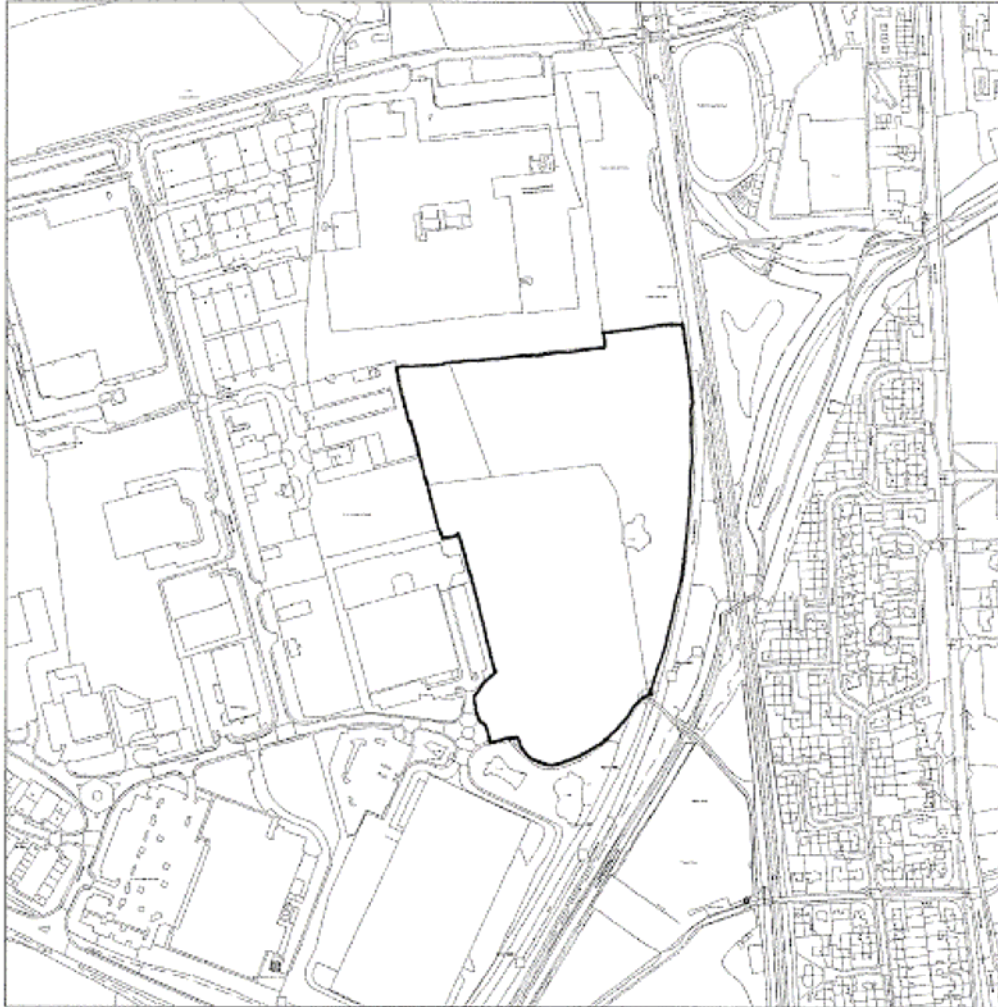
Notwithstanding the information submitted a scheme for the maintenance of the lighting units shall be submitted to, and approved in writing by the Local Planning Authority prior to the erection of the floodlighting and thereafter the lighting shall be maintained in accordance with the approved scheme. In the interest of residential and visual amenity in accordance with Policy IN3 of the Chester-le-Street Local Plan and Policy 8 of the Regional Spatial Strategy.

## 2 Drum Park

Drum Industrial Estate



GIS by ESRI (UK)



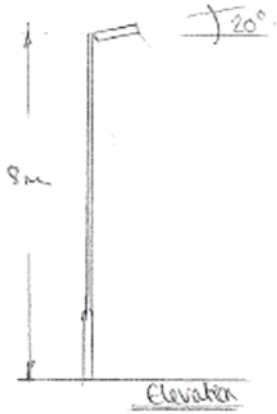
Scale : 1:5000



Drawn UNIT 15

25/11/08.

DIAGRAM TO EXPLAIN EXTERIOR LIGHTING  
- COLUMN MOUNTED



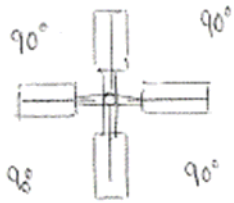
As per the design - column mounted  
fittings to be mounted 20°  
to the horizontal.

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|------------------------|--|
| CHESTER-LE-STREET D.C. |  |
| PLANNING DEPT.         |  |
| RECEIVED 26 NOV 2008   |  |
| DESIGNED BY            |  |
| CHECKED BY             |  |
| POST BOOKING           |  |

with regard to the plan arrangement of the luminaires.

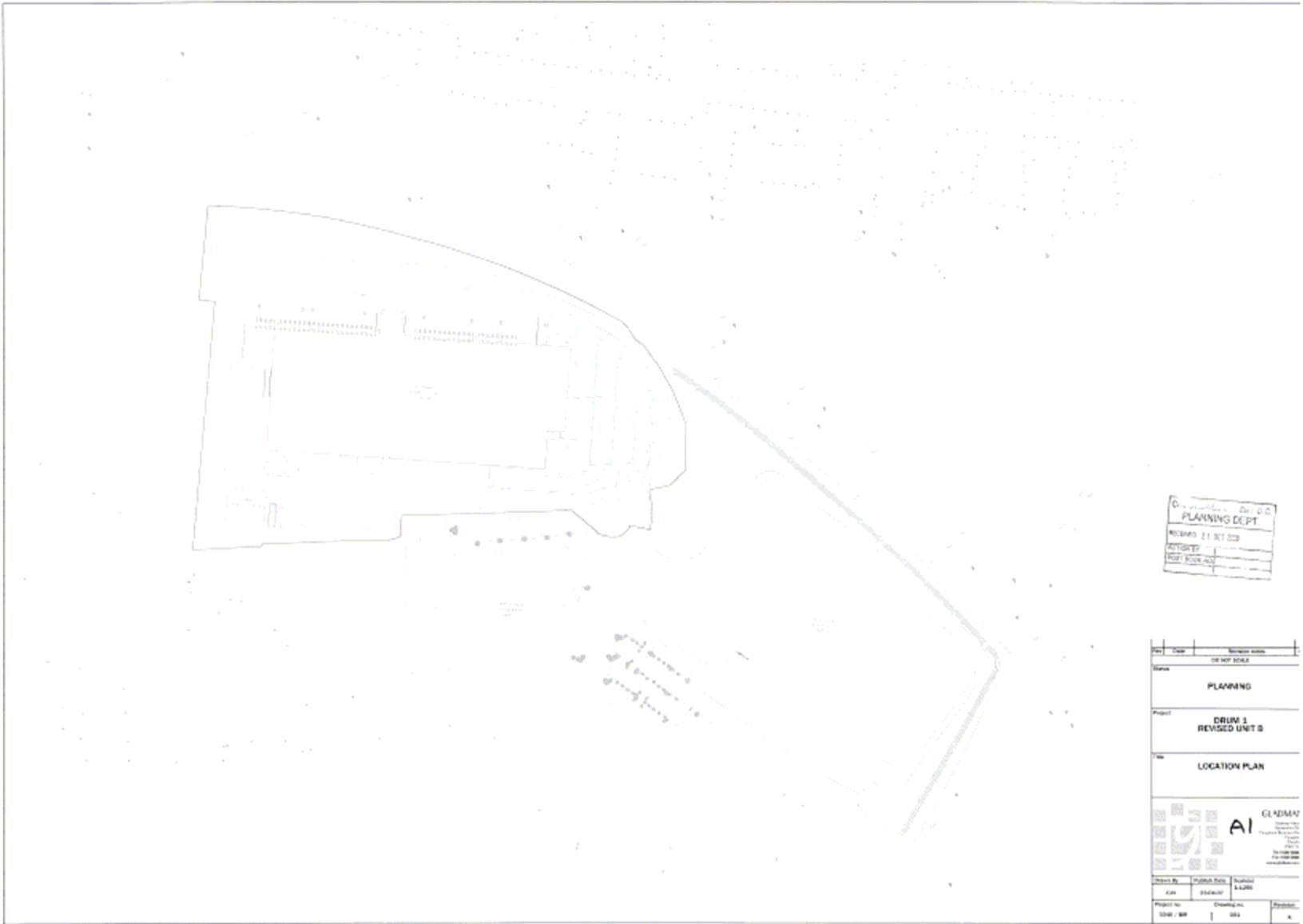


2 @ 35°  
Plan



4 @ 90°  
Plan

E HALL FOR  
25/11/08.



C-1000-000-000-000  
 PLANNING DEPT  
 RECEIVED 21 OCT 2023  
 ACTIVITY  
 PROJECT NO. 000-000

|   |             |   |         |
|---|-------------|---|---------|
| City  | County      | Division  | Section |
| OR MAP SCALE  |             |   |         |
| PLANNING  |             |   |         |
| DRUM 1<br>REVISED UNIT B  |             |   |         |
| LOCATION PLAN   |             |   |         |
|  |             |  |         |
| Drawn By  | Checked By  | Scale   | Sheet   |
| CAJ   | 05/04/23    | 1/4" = 1'   | 1 of 2  |
| Project No.   | Drawing No. | Revision  |         |
| 2023-001  | 001         | A   |         |

2.

**Reference: 08/00440/FUL**

**Proposal** Resubmission of previously approved application 05/00318/FUL for the erection of 1 no dwelling (amended plans received 24/11/08).

**Location** 1 Olive Street Waldrige Chester-le-Street Durham DH2 3SQ

**Applicant** Mr T. O. Graham

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### **Application Summary**

**Ward:** Waldrige

**Case Officer:** Steven Pilkington, Planning Officer

**Contact Details:** 0191 387 2145

stevenpilkington@chester-le-street.gov.uk

**Summary of recommendation:** The dwelling provides for an acceptable form of development, which does not impact negatively on the visual amenity of the street scene or the residential amenity of neighbouring properties and as such complies with the relevant policies of the Development Plan.

Accordingly the application is recommended for approval.

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### **The Proposal**

Retrospective planning permission is sought for the erection of 1no. dwellinghouse at one Olive Street, Waldrige.

The dwelling is a two storey terraced property dwelling with rooms in the loft space. The footprint of the property measures approximately 65m<sup>2</sup>, incorporating a forward projection. The ridge height of the dwelling measures 8.5m, windows are located in all three elevations of the property with a parking area to the rear and side.

Residential dwellings are located to the North and East of the site, with areas of open space to the South and West.

Since building the dwelling the applicant has discovered that part of the property has been build on land outside his ownership. Although the dwelling has been built in accordance with the earlier approved details, the wrong ownership certificate had been signed with

this application. As such the legality of the previously granted permission is in question. This application therefore seeks to rectify the situation; in particular the applicant has now signed the correct land ownership certificate, to confirm that he does not own all the land. .

The design of the property and its siting are largely identical to an application approved in 2005 by members of the Planning Committee, however the correct ownership certificate has been signed.

### **Relevant Planning History**

05/00318/FUL - Proposed construction of 1 no dwelling. – Approved August 2005

99/00536/REM - Reserved Matter application for construction of 1 No. dwelling house – Approved March 2000

99/00092/FUL - Outline application for 1no. dwelling house – Approved August 1999

### **Consultation Responses**

Neighbouring residents have been notified of the development by individual notification letters and by site notice. To date two letters of objection have been received (as summarised).

- The dwelling has encroached on common ground, and is substantially larger than the fenced area which enclosed the original plot
- The dwelling breaks separation distances as set out in Appendix 1 of the local plan, leading to overlooking.
- The dwelling blocks day light in the rear of the objectors property, exacerbating damp problems
- The whole property lies within the Green Belt
- The dwelling is not in keeping with other properties in the area
- The view from the rear of the objectors property has been lost
- The dwelling has reduced the value of adjacent property
- The erected dwelling alters from the previously approved plans

Durham County Council Highways – No Objections

Environmental Health - No Objections

Economic Development – No Response received

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

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

NE2 – Development Beyond Settlement Boundaries – Identifies that all new development will be strictly controlled and permission for new dwellings will only be granted where there is a need to support existing agricultural activities subject to acceptable appearance criteria.

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

NE5 – New Dwellings in the Green Belts – Identifies the presumption against the construction of new dwellings in the Green Belt.

HP8 – Limited infill development within settlement boundaries. This Policy permits small-scale residential development within the settlement boundaries of Waldrige, providing the land is previously developed, accessible, is appropriate in character and scale while also fulfilling the requirements of policies HP9 and appendix 1.

HP9 – Residential Design Criteria – Sets out the criteria that all residential development must accord to, including of particular relevance to this proposal, protecting 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 addition to the Local Plan policies the following National Planning Policy Documents are considered relevant:-

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

Planning Policy Statement 3 (PPS3) - Housing, is considered relevant. This sets out the Government's strategic policy objectives for housing, promoting development in existing settlements, on brownfield sites, close to public transport networks.

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

### Principle of Development

The planning history to this is relatively complicated, due to previous planning applications and the development of the Chester-le-Street Local Plan.

During the Modifications Stage of the Local Plan, the settlement boundary for Waldrige was agreed to be re-aligned to reflect an existing valid planning permission for the site. However when drafting the proposals map the site was shown outside of the settlement boundary, despite the above amendment.

In essence, the site is now within the settlement boundary and also within the Green Belt. However due to the errors on the proposals map the site is shown technically outside of the settlement Boundary and in the Green Belt.

Policy H8 advises that residential development is permitted in principle, providing the site is classed as previously developed (brownfield) land. Brownfield or previously developed land is defined within PPS 3 as 'land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure'.

Objections have been received claiming that the dwelling has been built upon "common ground". However in the previous 2005 application the applicant exposed foundations of a previous structure on the site. As such the site is considered previously developed land, as established in the previous application.

Policy HP8 and PPS 3 require that residential development sites are accessible by a range of transport methods to employment, educational and retail facilities. The application site is considered to perform well against these criteria due to regular bus links to surrounding settlements and due to the extensive cycle network within the vicinity. This site is located approximately 100m from the nearest bus stop

As addressed the site is technically located in the Green Belt, despite the formal realigning of the settlement boundary of Waldridge. PPG 2 and policy NE5 of the Chester-le-Street Local Plan identify that dwellings in the Green Belt will only be considered on the basis that they are needed to support an existing farming operation. However in this instance, given the history and the previously granted planning permission it is considered that the erection of a dwelling within the designated Green Belt is considered acceptable. Further to this, the lay out of other properties and infrastructure in Waldridge give the appearance that the Green Belt and open countryside lie to the south of the site.

Overall it is considered that in principle the location of the proposed residential development is acceptable following appraisal against relevant national and local policies. Further to this it is also considered that there has been no fundamental change in policy since the approval of the previous application at Planning Committee in 2005. Issues regarding the detailed impact of the development are set out as follows.

#### Character of the Area / Visual Amenity

The site is located on the edge of the village boundary and located within the Green Belt. Therefore the impact of the dwelling on the character of the surrounding area and openness Green Belt is of particular importance.

The application site is surrounded by residential dwellings; predominately two storey brick built terraced properties. The majority of dwellings in surrounding streets have been modified to both the front and rear elevations, altering the uniform character of the area. However, objections have been raised regarding the appearance of the dwelling in particular its relationship to other properties within the area.

After assessing the appearance of the dwelling, it is considered that the property does not significantly adversely affect the character of Waldridge Village. This is primarily because

the dwelling retains a terraced character due to the arrangement of the ridgeline and windows. In addition the property does not affect the openness of the Green Belt as the dwelling is set against the backdrop of existing residential properties and is located within the perceived village boundaries. As identified above, the dwelling is largely identical in terms of appearance to the 2005 scheme approved by members.

#### Privacy of Neighbouring Land Users

Objections have been raised regarding a potential loss of privacy as four windows in the property face the adjacent dwelling. However three of these windows serve non-habitable rooms. In addition to this the bathroom and kitchen window on a two storey off-shot are obscurely glazed to prevent any overlooking to neighbouring properties. The layout of the windows is also identical to the previously approved scheme.

#### Amenity of Neighbouring Land Users

An objection has been raised from a neighbouring resident regarding an over bearing impact and a loss of amenity due to an increased shading effect. Appendix 1 of the Local Plan identifies that a minimum separation distance of 21 m shall be maintained between habitable room windows of adjacent properties. The aim of this guidance is to prevent a loss of privacy arising for neighbouring residents. However as identified above, due to the arrangement of the windows and their treatments a loss of privacy does not arise.

It is considered that the 12.5m separation distance between the adjacent properties and the proposal is sufficient to prevent a significant overbearing effect due to existing arrangements within the street. Further to this the separation distances evident on site are identical to those approved by Members in 2005.

Objections have been raised from an adjacent neighbour regarding a loss of sunlight and the resultant increase in damp in the property. However given the pathway of sun, it is considered that the dwelling does not block an unreasonable amount of sunlight into adjacent properties. In addition to this issues regarding damp are not considered a material planning consideration in this instance and can be resolved through correct maintenance of the property.

#### Highway Safety

On advice of Durham County Council Highway Engineers, the site can achieve satisfactory parking and access arrangements and therefore a loss of highway safety would not arise.

#### Other Issues Raised

Objections have also been raised regarding the loss of a view. However as established in Case Law the loss of a view is not a material planning consideration.

## **Conclusion**

In summary this application essentially seeks merely to rectify the incorrectly signed ownership certificate in the previously approved application. Although there have been minor changes from the approved scheme it is considered that these are not significant to alter the recommendation of the application for the reasons as addressed above.

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

### Extra 1.

The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on 24th November 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.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 (i.e. development permitted under Schedule 2, Part 1(Class A-H inc.) shall require the benefit of planning permission in order to ensure the satisfactory appearance of the development upon completion and in the interests of visual and residential amenity and to comply with Policy HP9 of the Chester-le-Street District Local Plan.

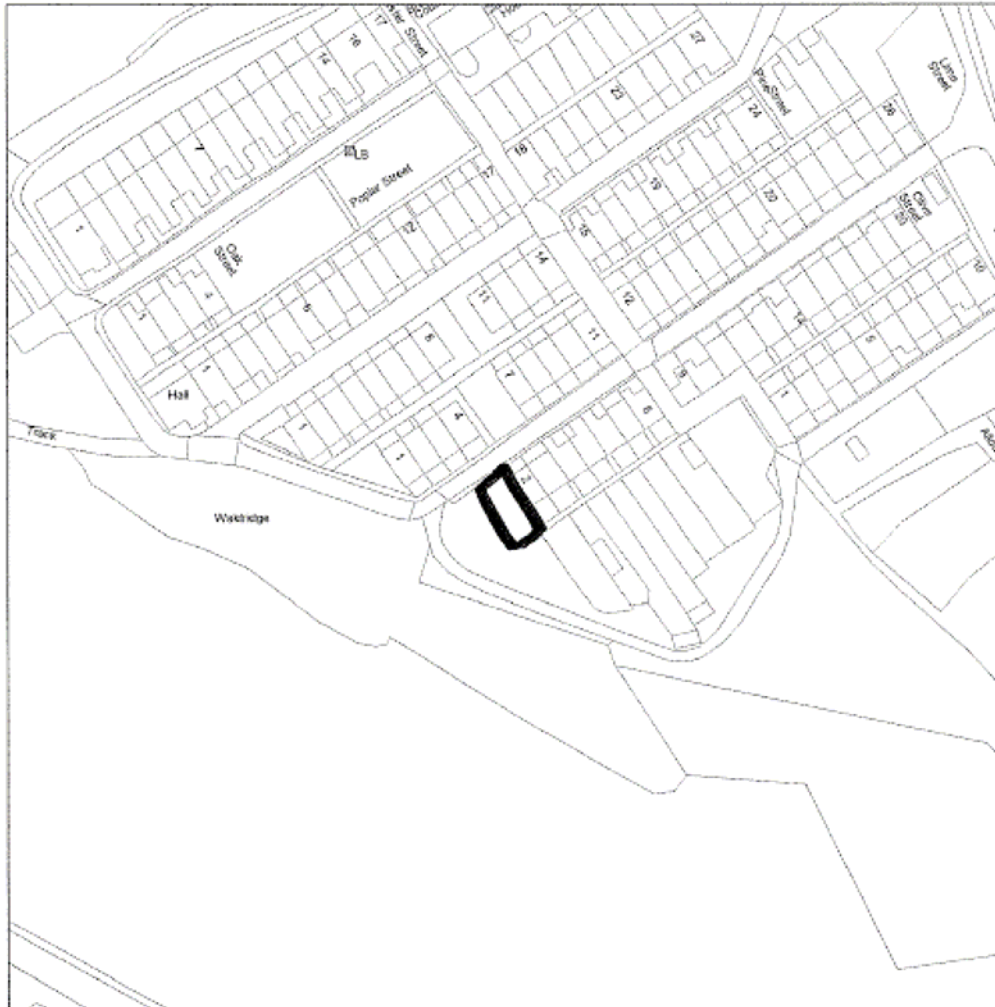
### Extra 3.

Notwithstanding the submitted information, the two rear facing windows of the 2-storey of-shot shall be fitted with obscure glazing, and such glazing shall be retained in perpetuity. In the interests of residential amenity and for the avoidance of any potential overlooking in accordance with policy HP9 of the Chester-le-Street Local Plan.



# 1 Olive Street

Waldridge



Scale : 1:1250



3.

**Reference: 08/00442/FUL**

**Proposal** Erection of first-floor extension above existing garage at side of property and construction of single-storey extension at front of site including construction of pitched roof over remaining flat roof at front and rear.

**Location** 126 Hilda Park Chester-le-Street Durham DH2 2JY

**Applicant** Mr J. Shiel

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### **Application Summary**

**Ward:** Chester North

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

**Contact Details:** 0191 387 2146

[lisamorina@chester-le-street.gov.uk](mailto: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.

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### **The Proposal**

This report relates to the erection of a first-floor extension above an existing garage at the side of the property and the construction of a single-storey extension at the front of the site including the construction of a pitched roof over remaining flat roof at front and rear.

This application is being presented to the committee as the applicant is a Member of the Council.

### **Site History**

There is no relevant planning history on this site.

### **Consultation Responses**

The application has been advertised by way of direct neighbour notification. To date no letters of representation has been received from neighbouring properties.

Regeneration Team - No comments

## **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 of the Local Plan gives more specific guidance on residential design layout and facing distances.

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

### Streetscene

The host property is a detached dwelling situated on a residential estate. There are varying styles and sizes of dwellings within this area. It is considered that the addition of a first-floor extension above the existing garage with the addition of a single-storey front extension, both of which are visible within the streetscene would not create a negative impact on the visual amenity of the existing streetscene given there are other first floor extensions of this nature within the streetscene as well as there being an existing single-storey projection on the host property and surrounding neighbouring properties.

The proposed pitched roof over the existing flat roofed projection at the rear of the site which will remain as a result of the first-floor extension would not be visible to the main public domain and therefore is not considered to have a negative impact on the visual amenity of the streetscene.

The scale and style of the proposal is therefore considered appropriate to the host and is not considered to be over dominant. The first floor extension is not set back or down from the host property however, this is not considered to be necessary in this instance as the proposal would not create a terracing effect as there is an existing alley way between the host property and the neighbouring property to the north-west.

### Residential Amenity

The neighbouring property to the south east (no. 128 Hilda Park) is sited slightly further forward of the existing front building line of the host property. Due to this and given the location of the proposal as well as there being no windows being contained within the side

elevation of this neighbouring property the development would not be visible to any habitable room windows of the neighbouring property. The proposal is therefore, not considered to cause any loss of light or overshadowing issues to this neighbour.

With regard to the neighbour to the north west (no. 124 Hilda Park) the proposed first floor element of the proposal does not project forward of the existing front or rear two-storey building lines of the host property. In this instance therefore, and as this neighbouring property also contains no windows in the elevation facing the host property, there is considered to be no loss of light, overlooking or overshadowing issues to this neighbour. There is an existing single-storey projection at the front of the host property which is to be extended. However, due to its position, the proposed extension would not be visible to this neighbouring property due to the position of the current single-storey projection.

The application also proposes the construction of a pitched roof to this extended front projection as well as the provision of a pitched roof to the remaining single-storey rear projection which will result with the addition of the first-floor extension. It is considered due to their locations as well as the position of the neighbouring properties this will not cause any serious loss of residential amenity to both neighbouring properties.

At least 21m remains as a result of the proposal between the first floor extension and the neighbour to the rear. This distance complies with the separation distances as stated in appendix 1 of the Local Plan and it is considered therefore, that the residential amenity of this neighbour would not be adversely affected. The proposed pitched roof at the rear of the site is sited a suitable distance away and is not considered to cause a negative impact. The front extension would not be visible to the neighbours to the rear of the site.

There are no neighbours to the front of the site.

## **Conclusion**

Taking all relevant issues into account it is considered that 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. Accordingly it is considered that the proposal should be granted planning approval subject to conditions.

## **RECOMMENDATION** CONDITIONS:-

Approve SUBJECT TO THE FOLLOWING

### Extra 1.

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

### Extra 2.

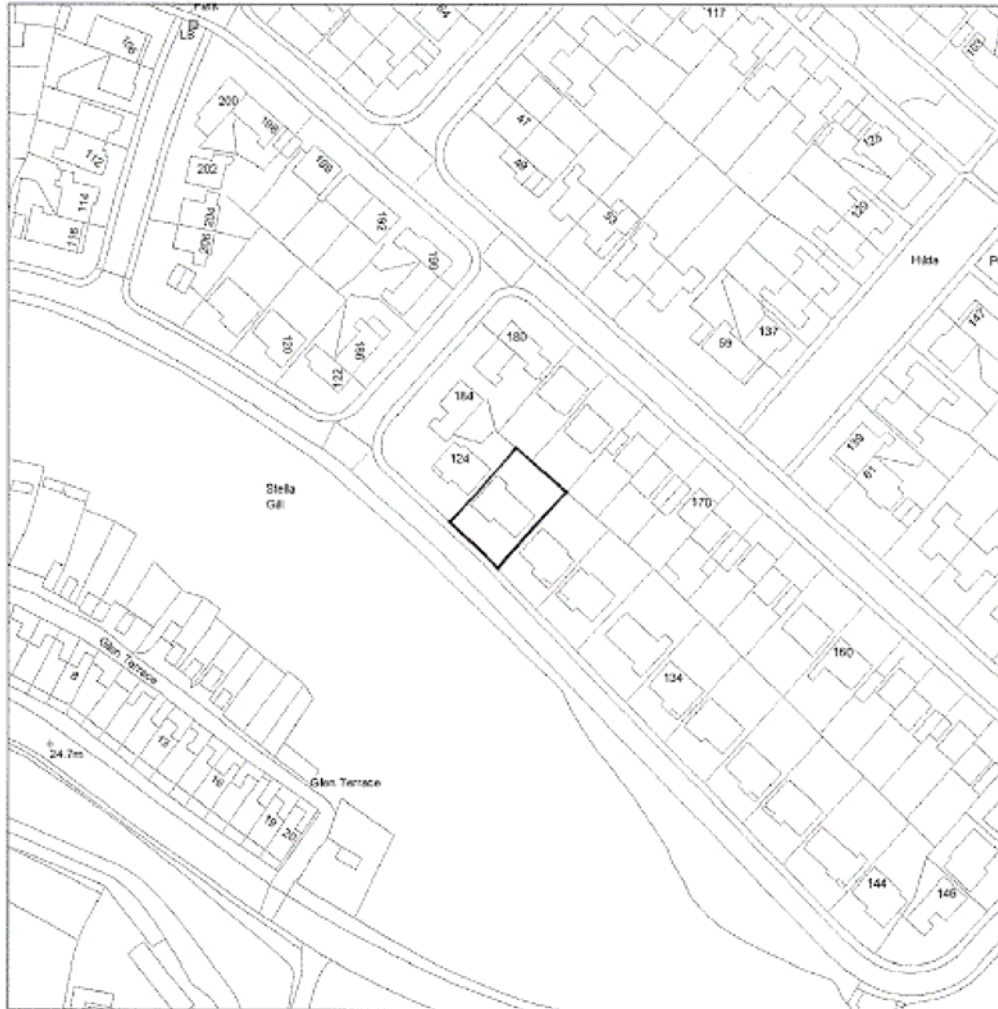
The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure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

Extra 3.

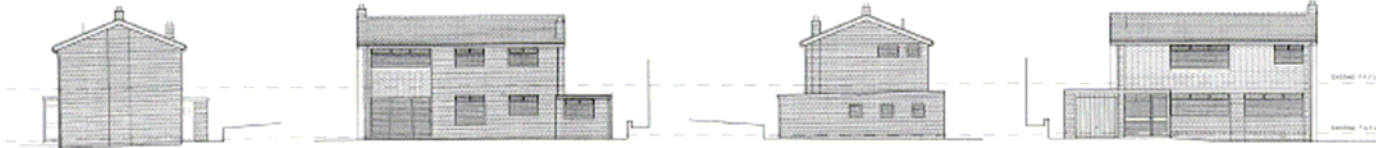
That the facing materials to be used for the external walls and roofs of the development hereby approved shall match in colour and texture those materials used on the existing dwelling house to the satisfaction of this Local Planning Authority, and where such matching materials are not available samples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

# 126 Hilda Park

Chester-le-Street



Scale : 1:1250

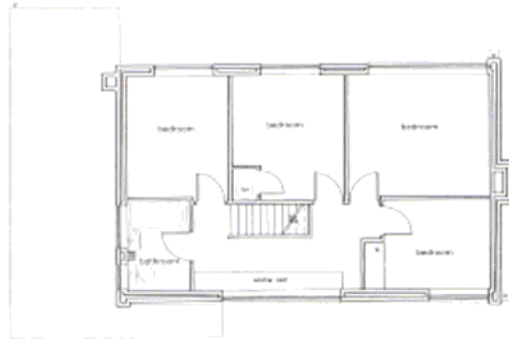


EXISTING SOUTH EAST ELEVATION  
scale 1:100

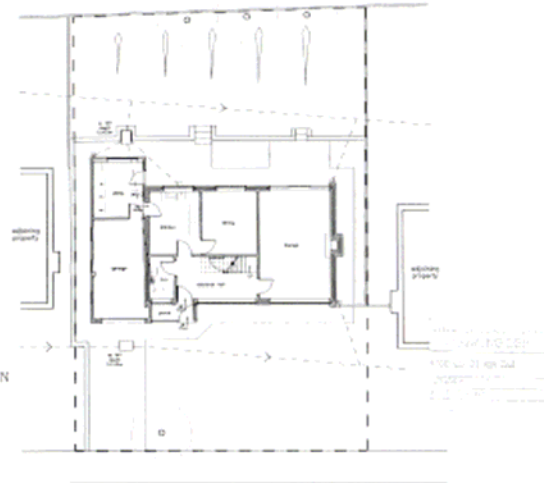
EXISTING NORTH EAST ELEVATION

EXISTING NORTH WEST ELEVATION

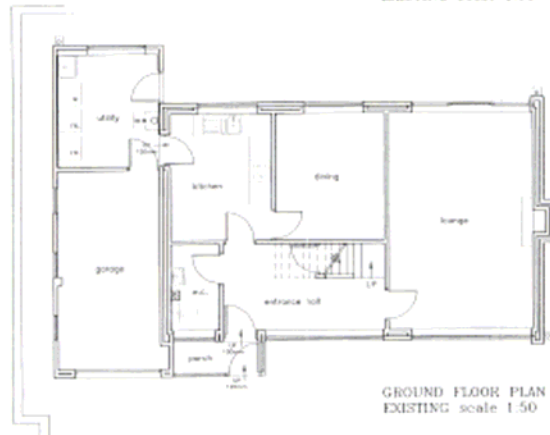
EXISTING SOUTH WEST ELEVATION



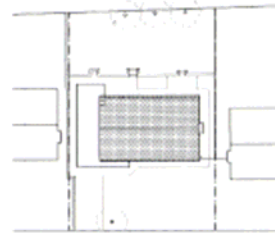
FIRST FLOOR PLAN  
EXISTING scale 1:50



EXISTING SITE PLAN  
scale 1:100



GROUND FLOOR PLAN  
EXISTING scale 1:50



EXISTING SITE PLAN scale 1:200

Do not scale. All working and dimensions to be given unrounded unless to metric conversions and then rounded up to nearest mm. All drawings to be in metric to conform with all other architectural and structural drawings available.

**preliminary issues**

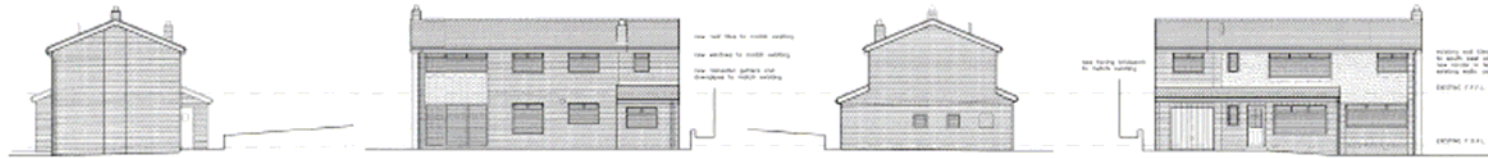


Peter Dutton Design Architects  
 100 The Arcade  
 100 The Arcade  
 100 The Arcade  
 100 The Arcade  
 100 The Arcade  
 100 The Arcade

PROPOSED EXTENSION / ALTERATION,  
 125 HIGH PARK, CHESTER LE STREET,  
 FOR MR & MRS SHEILA

|                      |             |
|----------------------|-------------|
| EXISTING SITE PLAN   | 1:100       |
| EXISTING FLOOR PLANS | 1:50        |
| EXISTING ELEVATIONS  | 1:100       |
| <b>AI</b>            |             |
| Date: 17/09/08       | Drawn: A.S. |
| Checked: A.S.        | 7956/01     |



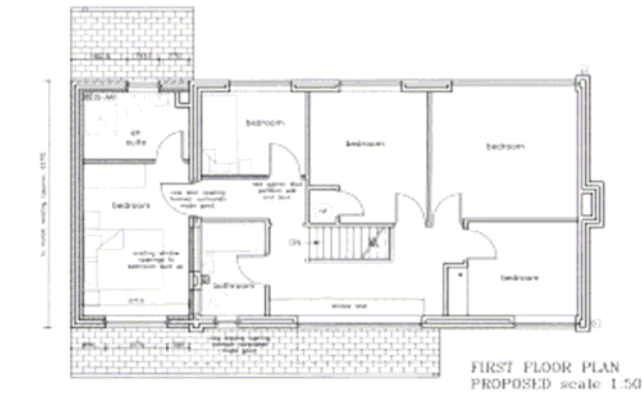


PROPOSED SOUTH EAST ELEVATION  
scale 1:100

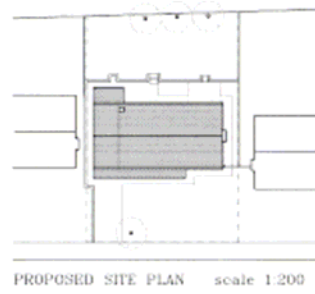
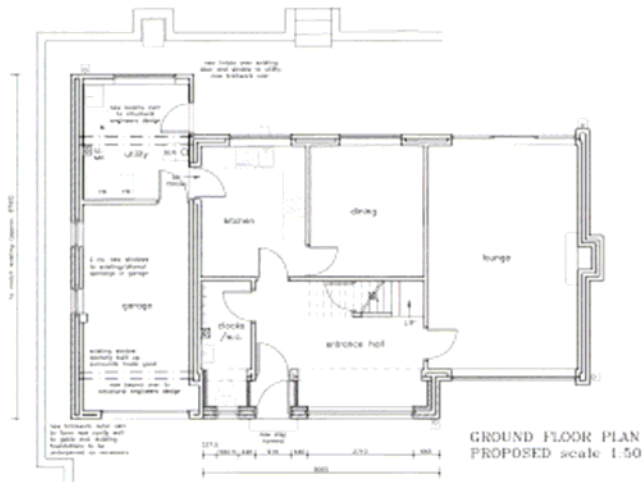
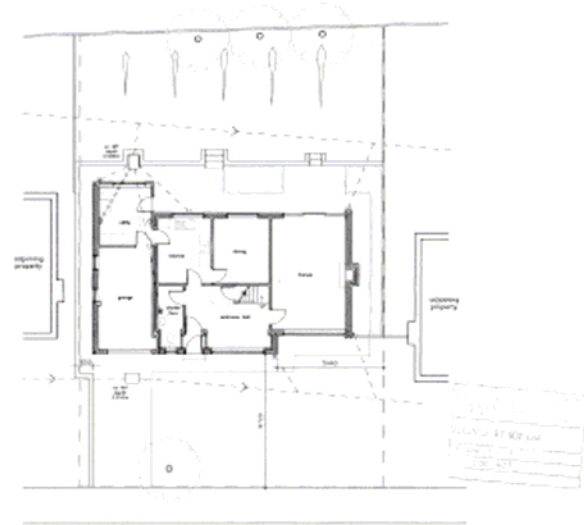
PROPOSED NORTH EAST ELEVATION

PROPOSED NORTH WEST ELEVATION

PROPOSED SOUTH WEST ELEVATION



PROPOSED SITE PLAN  
scale 1:100



**preliminary issue**

125 Hilda Park, Chester Le Street  
for Mr & Mrs. Shill

|                                  |       |
|----------------------------------|-------|
| PROPOSED EXTENSION / ALTERATIONS | 1:100 |
| PROPOSED SITE PLAN               | 1:100 |
| PROPOSED FLOOR PLANS             | 1:50  |
| PROPOSED ELEVATIONS              | 1:100 |

|          |        |          |                |
|----------|--------|----------|----------------|
| Date:    | Drawn: | Checked: | <b>7956/02</b> |
| 17/09/08 | A.S.   | J.D.O.   |                |

**ITEM 2** District Matters Deferred Recommended Approval

4.

**Reference: 08/00227/FUL**

**Proposal** Proposed erection of 14 no houses with associated access road, driveways and landscaping

**Location** West Farm Waldrige Lane Waldrige Chester-le-Street Durham DH2 2NQ

**Applicant** Mr T. McGiven - Holmside Construction

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**Application Summary**

**Ward:** Edmondsley & Waldrige

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

**Contact Details:** 0191 387 2002

jamestaylor@chester-le-street.gov.uk

**Summary of recommendation:** The development hereby proposed is considered to be of a high design standard that preserves the visual amenity of the area and does not cause harm to the amenities of surrounding occupiers. The proposal has had regard to biodiversity and arboricultural constraints in the interest of preserving protected species and enhancing habitats. It is considered on balance that the development is acceptable on issues of scale, design, massing, access and landscaping.

Accordingly it is recommended that the application be approved.

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**The Proposal**

Planning consent is sought for the erection of 14no. dwelling houses. The proposal is for four different house types to include five at 2.5 storeys and two at three storeys. No affordable housing is proposed as the site is not above the 15-unit threshold that would trigger this requirement in the Local Plan under policy HP13.

The dwellings are arranged around a proposed access road from the neighbouring Heathfield estate. Interspersed around the properties is open space provision along with landscaping and a children's play area.

The application site is sandwiched between Waldrige Lane to the Northwest and the rear properties of Heathfield and Cornmoor as part of the Meadow Drive estate. The existing land use on site is that of private garden in connection with the dwelling of West Farm. Beyond and associated with the dwelling to the west are some low storey farm buildings and a concrete yard, formerly used in connection with the storage and distribution of fencing products by Charleton Fencing.

Following September's Planning Committee the application was deferred as Members requested further information on the following key issues now contained within this report:-

- Further clarification from the County Highway Authority on the suitability of Waldrige Lane for an increase in residential traffic.
- Clarification from the County Highway Authority on the suitability of Waldrige Lane to carry construction traffic and how the traffic impact will be managed.
- Further advice from the Police Architectural Liaison officer on whether there is likely to be crime related issues resulting from the pedestrian link from the Poppyfields estate through the development site linking to Waldrige Lane.

### Planning History

The history relevant to this application is as follows:-

94/00446/OUT – Outline consent for 16no. houses Refused on highway safety implications to Waldrige Lane from the potential volume of users. The Planning Inspectorate upheld the refusal on appeal citing that Waldrige Lane was inadequate as a means of access for the proposed number of dwellings and that there was an increased likelihood of pedestrian and vehicle conflict.

02/00430/OUT – Erection of 10no. residential dwellings, Approved.

05/00440/REN – Renewal of outline application 02/00430/OUT for 10 no. residential dwellings, Approved.

07/00545/FUL – Application for 29 no. houses Refused at Planning Committee in April 2008. Refused on three grounds of no desk top contaminated land survey provided, incomplete ecology assessment, no provision of pedestrian link to Waldrige Lane and under provision of affordable housing.

08/00227/FUL – Application for the reserved matters pursuant to outline application 05/00440/REN. This is running concurrently with this application and is referenced elsewhere on this agenda.

### Consultation Responses

Durham County Council Highway Authority have commented that the proposed access through Heathfield is acceptable for the anticipated rise in traffic resulting from the development. They have required improvements to the internal road layout to provide: -

- Adoptable standard footway required on both sides of adoptable carriageway, not just southern.

- Extend turning head stub south west (substandard at present)

The Council's Arboricultural officer has commented on the need for management and protection of trees during construction. He also raises concerns regarding the substantial conifer hedges, which in view of the proposed layout will lead to future maintenance problems and advises these should be removed.

Advice is also given regarding the Silver Birch specimen on site and that this should be considered for retention.

Leisure Services have verbally advised that the provision of children's play space and open space is satisfactory for the proposed density of the development.

The Council's Environmental Health, Contaminated Land Officer has assessed the desktop site contamination study and found this to be acceptable for the purpose of the planning application and make recommendations for a further site investigation, which will be set out under condition. The Council's Environmental Health have made no further comments regarding the proposal.

Durham Constabulary Architectural Liaison advise that secure and safe by design principles be employed on the site. They also raise objection to the proposed pedestrian link from the Poppyfields estate through the application site to Waldridge Lane. This issue is discussed in full later in the report.

Northumbrian Water have raised no objection to the proposed development.

Natural England raise no objection and have commented that in regard to the bat survey, the proposal is unlikely to have an adverse effect in respect of species especially protected by law. In regard to the ecological walkover study Natural England also raise no objection, as the proposal is unlikely to have an adverse effect in respect of species especially protected by law.

The application has been advertised by way of site notices/press notice and through extensive direct mailing to surrounding occupiers.

In response 97 objections have been received from members of the public, their main points are summarised below: -

- The negative impact the proposal will have on property values of existing properties. Residents perceive the increase in traffic will reduce the desirability of their properties and thus the value.
- That the development will result in a significant increase in the number of car journey's into Heathfield and the estate beyond to the detriment of residential amenity. Residents consider that the number of vehicles could be approximately 50 trips.
- That the construction phases will cause significant disruption to surrounding residents by virtue of noise, dirt, hours of operation and traffic through the estate.
- Existing cars park along the estate roads and cause traffic congestion that will be further exacerbated by an additional 14 units.
- That local schools and services will not be able to support the additional residents.

- That the existing mature trees on the site should be retained on visual amenity grounds.
- That the existing access of Waldrige Lane should be utilised for this development and not encroach upon the existing residential estate to the detriment of the amenity of its residents.
- That there should be a legal agreement to secure off site highway improvements to Waldrige Lane to bring it up to an acceptable standard negating the need for the Heathfield access.
- That three storey properties would be incongruous with the scale of surrounding properties.
- That insufficient consultation has been undertaken on the planning application.
- That not all the application site is within control of the applicant.
- That the proposal does not provide any affordable housing.
- That the amount and therefore density of dwellings is not in character with the area.
- That the proposal does not incorporate enough open amenity space.

In addition to the responses above received through direct mailing a public meeting was held on 15th July 2008 at Waldrige Parish Rooms. The meeting took the format of an informal presentation of the application, with comment sheets for any resulting representations.

Twenty-eight comment sheets were received and the main issues are summarised below:

- Absence of street lighting on Waldrige Lane
- Localised surface water flooding will result from the development.
- Additional traffic through Heathfield and Poppyfields will impact on the safety and amenity of existing residents.
- That the footpath link through to Waldrige Lane will lead to an increase in crime endangering existing residents.
- Construction Traffic through Poppyfields Estate will spread dirt and cause general disruption to existing residents.
- That trees and wildlife in the area will suffer as a result of the development.
- That the whole development should use Waldrige Lane.
- That the development should not be for dwellings higher than two storeys.
- Children's Play Area will attract anti social behaviour to the detriment of the area.
- Reduced desirability and value of existing surrounding properties as a result of the development.
- Objection to removal of Leyland Cypress trees on site boundary.

## **Relevant Planning Policies and Considerations**

### **National Planning Policy**

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

Planning Policy Statement 3: 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 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 Guidance 17: PPG17 sets out the government objectives to provide for recreation and sporting open space. Within new development proposals should seek to provide for open space and where necessary planning obligations should seek to address local deficiencies in the quantity and quality of open space, sporting and recreational land.

Planning Policy Statement 23: PPS23 sets out the planning approach to pollution control, the location of polluting development and where possible ensuring new development is not affected by pollution. The statement also sets out the planning approach to contaminated land.

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. The Regional Spatial Strategy was adopted in July 2008.

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

Policy 24 – Delivering Sustainable Communities: Planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives. In addition the policy requires planning proposals to fully consider physical constraints on land including contamination.

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.

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

Policy 38 – Promotes the use of sustainable construction techniques and renewable energy in new development proposals.

### Chester-le-Street Local Plan

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

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

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

Policy BE2 requires where development costs exceed £500,000 1% should be used to provide public art projects in the ward area.

Policy RL5 requires for every hectare of land developed 125sqm of open space should be provided (or part thereof) and 250sqm of children's play space. In addition 1000sqm of open sporting space should also be provided. Offsite agreements for the children's and sporting space may also be appropriate through a commuted payment.

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 Development

The application site is classed as previously developed land as it is the garden and residential curtilage of West Farm house, which is also associated with the former Charleton Fencing business. As previously developed land and within the settlement boundary of Chester-le-Street it is considered that the application site complies with policy HP6 of the Local Plan.

In regard to sustainability the site is located in close proximity to local services with bus stops and a health centre within 400m of the site.

There were some objections made by local residents that existing schools and healthcare facilities do not have the capacity to take on new residents in the area. However no

evidence has been received to substantiate this claim. Considering the modest scale of the development it is considered this eventuality will not arise.

The proposal does provide for a pedestrian footpath link to Waldrige Lane (in conjunction with application 08/00228/FUL) to allow easier access to local bus services and the countryside for recreational use.

In conclusion for the reasons mentioned above the development is consistent with Policy HP6 of the Local Plan and having regard to their being an extant outline permission on the site for residential development the proposal is acceptable in principle.

### Parking and Access

The proposed access road from Heathfield is of a simple curved design running into shared access driveways. The widths and pavement provisions are in accordance with the County Highway Authority requirements.

The overwhelming objections to the proposal are on the access to the development rather than the development itself. The Meadow Drive estate is approximately twenty years old and has been constructed to modern highway standards to allow acceptable visibility splays and provision for pedestrians. The County Highway Authority are fully supportive of the proposed 14 dwellings using the Heathfield access to serve the development. As aforementioned they consider the existing road layout entirely capable of accommodating the additional traffic by virtue of it being constructed to modern highway standards. This stance mirrors that given on application 07/00545/FUL for 29 no. dwellings.

The Highway Authority draws reference to its comments on the previous application 07/00545/FUL that were as follows: -

'Heathfield has been constructed with footways and carriageway of a standard suitable for accommodating traffic likely to arise from an additional 14 dwellings. Similarly, the traffic calmed link roads between Heathfield and the roundabout exit from the estate, and the roundabout itself, are capable of accommodating anticipated traffic. In this respect the principle is no different to the situation that existed at St Cuthberts Drive in Sacriston for a similar number of additional dwellings leading from an existing road within an estate, which was also resisted by some existing residents. It should be borne in mind that had the current application site been in the then control of developers of the existing housing estate layout which surrounds it, it is very likely that it would simply have been served by a continuation of Heathfield, as is proposed now, or another nearby cul de sac'.

Examining Chester West and South there are very similar numbers of houses of equally similar estate layouts and numbers namely the following roads:-

Chillingham Drive  
Denwick Close  
Powburn Close  
Warkworth Drive  
Lilburn Close and Ingram Close.



These have operated for a considerable number of years on planned highway layouts and therefore the case in question is not unique in the district.

Residents are objecting to the safety of their children who play around their homes and road network. They feel the increase in through traffic will pose an unnecessary risk to their children. However the road layout does provide 1.8m pavements throughout the estate along with appropriate visibility splays. Clearly it is inevitable that children play in existing streets across the District and this is an inherent risk on its own and cannot be reasonably controlled solely through highway design.

Members should note that in comparison with application 07/00545/FUL for 29 units this application represents a 15 dwelling reduction using the Heathfield access. The traffic assessment for 07/545 estimated vehicular usage on average at two cars per minute emerging from the estate, which is now likely to be reduced further.

### Construction Traffic

Many local residents have objected to the disruption caused by construction traffic moving through the Meadow/Longburn Drive estate. Equally there are residents of Waldridge Lane concerned about construction traffic near to their properties.

It is clear that such is the way vehicles are parked and the domestic scale to the Meadow/Longburn Drive roads that construction traffic through the estate could cause a nuisance to existing residents.

In light of this and Waldridge Lane being available, it would be reasonable in the event of approval, to condition construction traffic to use Waldridge Lane as their only access a view supported by the County Highway Authority. Due to the poorer visibility and likelihood of the need for some form of traffic management a suitable scheme would need to be agreed prior to works commencing.

The County Council Highways Area Team will be responsible for the traffic management of Waldridge Lane during the construction phase.

In deciding to defer consideration of the application at September's Planning Committee Members requested further information regarding the control of construction traffic. The County Highway Area Team have examined the road and have made provisional recommendations subject to discussions with the developer. It is likely that an improvement to the kerb radii joining Whitehill Way will be required as well as a one way in and out traffic control and lights along the lane where the width is so narrow and could pose a risk to users, they are however confident any impacts can be mitigated within reason.

### Closure of Waldridge Lane

The County Highway Authority following a request from the Parish Council have further considered the closure of Waldridge Lane. The County Area Team have now taken the view that in principle there would be no area Office objection to gating Waldridge Lane just south of the existing entrance to West Farm and also at the Waldridge village end. The

gating would still allow the passage of pedestrians and approved service vehicles supplied with a key. The cost of such a closure would be in the region of £5000.

Following there being no objection at Officer level the County Council approached local Members to gauge their support. In response Members have been supportive of the closure and the County Council are now looking to source appropriate funding. Due to the relatively low cost, on the balance of probability, it is likely that the closure of Waldridge Lane will take place as there is significant local support once the funding is confirmed.

The closure whilst beneficial to the area is not a direct requirement of this planning application. In particular Members should be aware that as this issue is essentially associated with the in principle development of the land, if it had been considered essential to secure the closure as part of proposals to develop the land, then it should have been made a condition of the outline planning permission. However no such condition was appended to this approval.

### Pedestrian Link to Waldridge Lane

The 14 dwellings are served by a pedestrian footpath which links into the adjoining site for 10 dwellings and forms a continuous link into the pavements and paths of the Poppyfields estate. The Poppyfields estate historically has been relatively closed off with no easy pedestrian routes to the wider area. This proposal will form part of a significant link to Waldridge Lane allowing shorter journey times on foot to the health centre/pharmacy as well as local shops and transport connections.

Members requested further clarification from the Police Architectural Liaison Officer as to whether they support this through link. They have come back to say that under further scrutiny they do not support the link on the following grounds: -

- The increased permeability increases the vulnerability of adjacent houses to crime related activity.
- That the pedestrian route will be used as a means of access and escape for criminals targeting the estate.
- Vehicles used in the commission of crime could be abandoned and unobserved in Waldridge Lane for a considerable period of time.

The Police are also of the opinion that as the Poppyfields estate is based around a cul-de-sac design it offers currently low occurrences of crime related activity.

Whilst the occurrence of crime is an important consideration a matter of degree and at what cost to other advantages the pedestrian link provides is also a consideration. The Police were asked to comment on whether their objection would change should the lane be gated (as now proposed). In response they consider the gating of the lane would dramatically increase the likely surveillance of any waiting vehicles and users of the path. This would be of a great help, forcing criminals to park near to Dovecote Farm or in the open where there is a much greater chance of being observed.

Whilst the gating of Waldridge Lane is not guaranteed it has been subject to an enduring campaign by local residents and the Parish Council. With both Member and County Highways Area Officer support, on the balance of probability it is considered the gating will

occur. With this in mind it is recommended the pedestrian link remains as the gating will increase safety and security as well as providing a much needed amenity link for access to local services as well as important local recreational assets such as the Cong Burn Wood reserve.

### Scale, Design and Massing

National and local planning policy promotes mixed housing of a high quality design that should look to create a sense of place. Planning Policy Statement One states good design is indivisible from good planning. The layout and house sizes have been amended during the application in order to better assimilate the proposal with surrounding properties.

The overall layout comprises six two storey (7.5m & 7.7m high) four bedroom dwellings comparable to the wider estate to the north and south. Five 2.5 storey properties (9.5m high) and two three-storey dwellings at a ridge height of 10.1m.

Some objection has been raised to the scale of these dwellings in the wider context. However, a diverse range of housing and tenure is a contributing factor of a vibrant community and larger scale dwellings can integrate well. Modern urban design does not wish to create a homogenous range of dwellings with marginal differentiation leading to uninspiring environments.

The properties in the existing Meadow/Longburn Drive estate are generally 7.5 to 8m to the ridge and are comparable in scale being three and four bedroom dwellings. On the periphery of the scheme five of the dwellings are 7.5m in height and therefore compliment the existing stock. Five of the dwellings are 9.5m in height and these serve to break up the massing of the neighbouring dwellings and create a natural step up to plots 6 and 7 at 10.1m in the centre of the site.

The other minor changes to layout were alterations to the fencing and fence lines as well as the repositioning of plots 2 & 3. In light of the differing ground levels between the properties on Foxglove and that plots 2 & 3 have a ridge height of 9.5m it has been necessary to set plots 2 & 3 1m further into the site. This will result in a reduction in perception of scale when viewed from outside the development site.

### Residential Amenity

In regard to facing distances and the impact on privacy, the distances to the existing properties and those proposed observes the 21m Local Plan requirement, between opposing first floor windows. Consideration has been given to the change in ground levels between the application site and the properties of Foxglove. It is considered that as the development complies with the facing distance requirements of Policy HP9 that no harmful overlooking will occur.

Internal facing distances are acceptable with 12 to 12.5m between main windows and gable ends. The half a metre short fall of the 12.5m as stated in the Local Plan between plots 8 and 10 is considered so marginal that it would not cause substantive harm to the outlook of the potential occupier to warrant refusal on this ground. Moving plot 10 east any further would intrude into the open space provision to the detriment of its amenity value.

The development has been designed with openness in mind with the majority of houses facing green amenity areas. This accords with safe by design principles employing natural surveillance while also creating a sense of place.

### Affordable Housing

Members will recall application 07/00545/FUL proposed 8 of the 29 proposed units to be affordable. One of the refusal reasons for this application was on under provision of affordable housing as the 30% threshold had not been met.

However, under policy HP13 the affordable housing requirement at 30% of net units refers to developments over 15 units as this proposal is for 14 units it does not trigger the need for affordable housing provision.

### Ecology

The applicant has provided an ecology report that has not highlighted any ecology/biodiversity issues on site. Recommendations have been made to providing nesting boxes and to introduce native species of planting which will be incorporated in the landscaping proposals.

Natural England was consulted on the Bat/Ecology report and have subsequently raised no objections as they do not consider the proposal will result in harm to species protected by law.

### Landscaping

While the details of landscaping are reserved for subsequent approval, the arborist's report has made maintenance and felling recommendations. Some of the deciduous trees on the northwest boundary are to be removed in order to give the remaining trees better chance of survival. In addition some pruning and thinning works are proposed in the interests of long-term maintenance.

The conifers on the southern boundary are all to be removed as they are of excessive height and will cause future maintenance difficulties. These will be replaced by a native species of hedge under the landscaping scheme.

One Silver Birch has been indicated of some amenity value and as such this has been retained as part of the landscaping within the main amenity space in the south of the site. Consideration was given to placing a Tree Preservation Order on the specimen; however following further visual assessment with the Council's arborist it was considered that the tree was not of high enough amenity value, to warrant such action.

### Public Artwork

Policy BE2 of the Local Plan seeks a developer contribution of 1% of their construction costs for development over £500,000 to provide for public artwork. It is proposed to facilitate this contribution under a planning condition and subsequent Section 106 agreement.

### Sporting/Recreational Land

Policy RL5 of the Local Plan requires where on site sporting land cannot be provided on site that the developer seeks an agreement to provide off site provision. Leisure services have verbally supported off site provision to contribute towards sporting provision in the ward. This will be achieved by a Section 106 agreement, to be secured by planning condition. The children's play space and open amenity land provision is in accordance with Policy RL5 of the Local Plan. Due to the relatively small size of the development it is not possible to require a larger children's play area, in accordance with the criteria outlined in Policy RL5.

### Flooding

Some local residents have raised concerns regarding localised flooding issues. The area is not in a statutory flood zone but in order to prevent localised surface water flooding a suitable planning condition to require further details of a surface water drainage scheme has been imposed. This is necessary as the majority of the site is not developed at present and therefore necessary steps will need to be taken to ensure adequate provision of surface water in light of the proposal.

### Land ownership

The application site is not in the ownership of the applicant but the applicant has served notice on the owner of the land and signed the relevant declarations on the application form.

The red line site boundary has been amended in order to reflect the pedestrian footpath so should the adjoining development for 10 dwellings not proceed a pedestrian footpath to Walldridge Lane will still be provided.

### Fear of Crime

As previously discussed the development has been designed so that the properties overlook each other and offer natural surveillance to the paths and open spaces. In addition an anti-motorcycle gate along the pedestrian path between the two application sites is proposed to prevent any such anti social behaviour. It is considered that all reasonable steps have been taken to design the layout to reduce the fear of crime to the surrounding and proposed occupiers.

As aforementioned it is recommended the pedestrian link remains despite the concerns of the Police Authority as on the balance of probability Walldridge Lane will close allaying the crime concerns to within reasonableness and provide a valuable link to local amenities.

### Contaminated Land

The desktop contaminated land study has been assessed by the Council's Contaminated Land Officer and has found to be sound in regard to the determination of this application. A planning condition is imposed to require an additional site investigation and mitigation should unplanned contamination arise.

## **Conclusion**

The proposal is considered consistent with policy HP6 of the Local Plan as it is development on previously developed land within the settlement boundary of Chester-le-Street.

In regard to policy HP9 the development proposed is considered to be of a good design standard creating a sense of place and introducing a diverse housing mix. The scale and massing is consistent with the existing, surrounding dwellings and as such the character and appearance of the area is preserved in accordance with policy HP9.

In regard to residential amenity the development proposed safeguards the amenities of surrounding and future occupiers through adequate separation distances in accordance with policy HP9.

In regard to access the County Highway Authority consider the access off Heathfield as a safe and acceptable means for the development hereby proposed.

Natural England considers the development will not result in harm to protected species subject to the mitigation contained within the ecological reports.

## **RECOMMENDATION** CONDITIONS:-

Approve      SUBJECT TO THE FOLLOWING

### Extra 1.

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

### Extra 2.

The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on 19th August 2008; unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

### Extra 3.

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

### Extra 4.

Notwithstanding the details shown on the hereby approved plans and elevations, full details of all means of enclosure of the site (including any internal means of enclosure to sub-divide individual plots) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site in order to

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

Extra 5.

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

Extra 6.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and / or re-enacting that Order with or without modification), no walls, fences, palisades or other means of enclosure shall be erected forward of the main front (or side in the case of corner sites) walls of dwellings, in order to ensure the satisfactory appearance of the development upon completion in the interests of visual amenity and the preservation of the open-plan character and appearance of the development in accordance with Policy HP9 of the Chester-le-Street District Local Plan and Policy 8 of the Regional Spatial Strategy (NE).

Extra 7.

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 8.

The works to trees indicated on site plan (p)09 received 2nd June 2008 for retention and pruning shall be undertaken prior to works commencing in accordance with the recommendations of the Arboricultural Report dated March 2008 pages 10 and 11 section 5.0, Appendix 2A, 4 and 5 unless otherwise agreed in writing with the Local Planning Authority, in the interests of avoiding compaction of the roots for the long term health and well-being of the trees and in the interests of visual amenity to accord with the aims of Policy HP9 of the Chester-le-Street Local Plan.

Extra 9.

Prior to occupation of the dwellings hereby approved, Schwegler woodcrete bat boxes shall be installed around the site in accordance with the recommendations in section 4.4 of the White Young Green Bat Survey unless otherwise agreed in writing with the Local Planning Authority in the interests of enhancing biodiversity and conservation interests in accordance with Planning Policy Statement 9 and policy 33 of the Regional Spatial Strategy.

Extra 10.

The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the provision of adequate open space for sporting use within the locality in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for recreational and open space facilities and to comply with the aims of Policies HP 9 and RL 5 of the Local Plan 2003.

Extra 11.

The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the provision of adequate public artwork provision within the locality in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for public artwork provision to comply with the aims of Policy BE 2 of the Local Plan 2003.

Extra 12.

Prior to development commencing a scheme to provide an anti motorcycle access facility and associated fencing/railings along the central footpath linking to Waldridge Lane shall be submitted to and approved in writing by The Local Planning Authority and thereafter implemented in accordance with the approved scheme prior to the occupation of the dwellings unless otherwise agreed in writing. In the interest of residential amenity and crime prevention in accordance with Policy HP9 of the Local Plan, Policy 2 of the RSS and the Crime and Disorder Act 1998 (as amended).

Extra 13.



Prior to the commencement of the development hereby approved a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.

Extra 14.

Prior to the commencement of development a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority in the interest of the adequate disposal of surface water and thereafter implemented in accordance with this approved scheme in accordance with Planning Policy Statement 25 and Policy 24 of the RSS.

Extra 15.

Notwithstanding the information submitted with the application for the duration of all construction works, access shall be taken from Waldrige Lane only unless otherwise agreed in writing with the Local Planning Authority in the interests of highway safety and residential amenity in accordance with policies HP9 and T15 of the Chester-le-Street District Local Plan.

Extra 16.

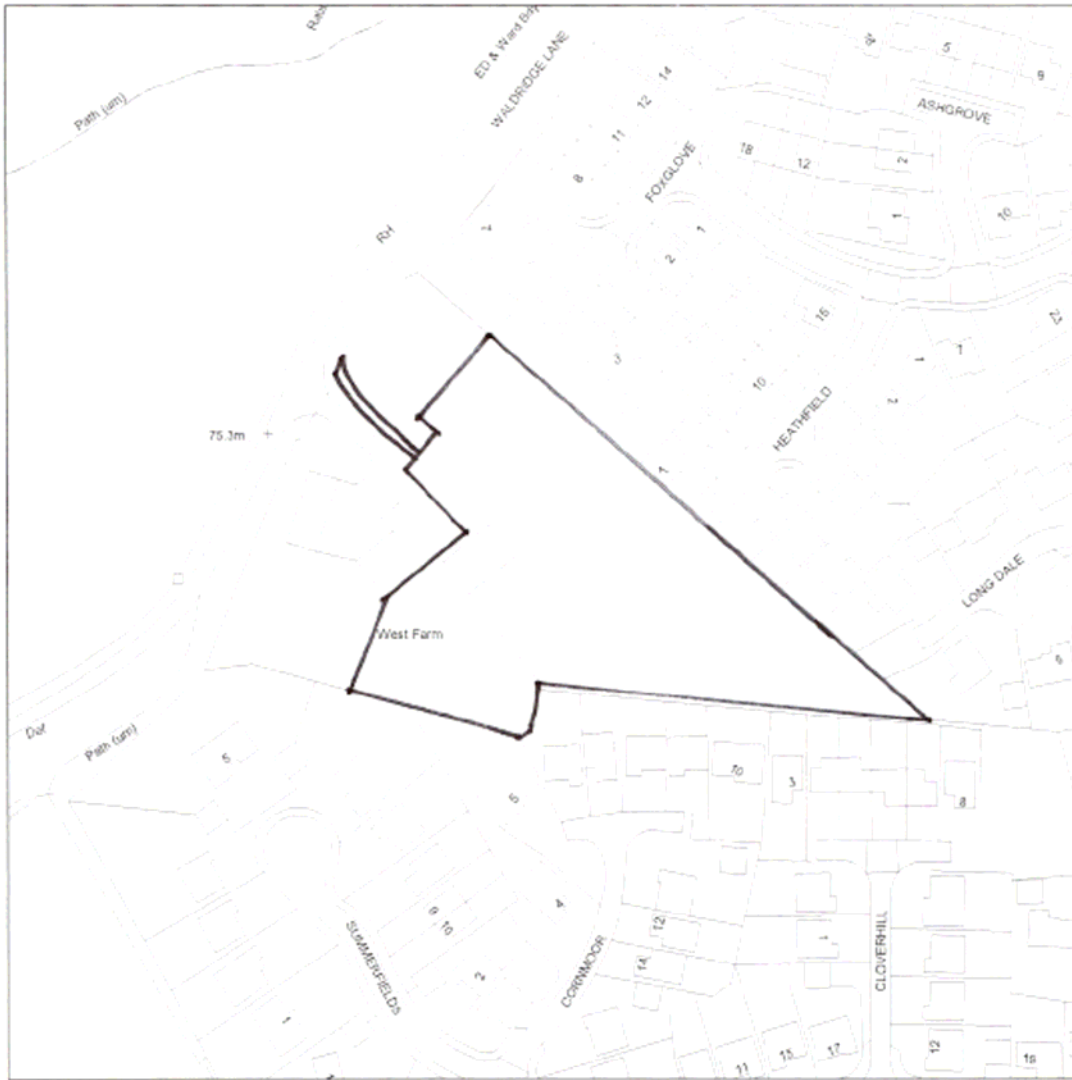
Prior to development commencing a scheme for the management of construction traffic (to include an existing highway condition survey) on Waldrige Lane shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the approved scheme unless otherwise agreed in writing, in the interests of highway safety and residential amenity in accordance with policies HP9 and T15 of the Chester-le-Street District Local Plan.

# West Farm

Waldridge Lane, Waldridge



GIS by Esri (UK)



Scale : 1:1250



DRAWING FOR PLANNING PURPOSES ONLY.

A1

NOT APPLICABLE  
TO 08/00227/Full



PART FRONT ELEVATION ONTO WALDRIDGE LANE



Type F  
 4 BED  
 2.5 STOREY  
 TOTAL FLOOR AREA  
 135.8sq.m. 1480 sq.ft.

HOUSE TYPE F 1:100  
 HOUSING DEVELOPMENT AT WALDRIDGE LANE

Approved Plans  
 CHATELAIN STREET U.C.  
 PLANNING DEPT.  
 REFERENCE: 13 JUN 2023  
 DATE: 17  
 PORT BLOOR

|  |   |
|--|---|
| M.A.D. Engineering & Design Ltd  |   |
| 100, High Street, Port Bloor, Co. Wick, Ireland  |   |
| Tel: 00353 87 933 3333   |   |
| Fax: 00353 87 933 3334   |   |
| Email: info@mad.ie   |   |
| Web: www.mad.ie  |   |
| HOUSING CONSULTATION<br>Name: [blank]<br>Address: [blank]<br>Project: [blank]<br>Date: [blank] |   |
| Scale:   | B |





## 5.

**Reference: 08/00228/REM**

**Proposal** Reserved matters application for the access, appearance, landscaping and scale for the erection of 10 no residential dwellings, pursuant to application 05/00440/REN

**Location** West Farm Waldrige Lane Waldrige Chester-le-Street Durham DH2 2NQ

**Applicant** Mr T. McGiven - Holmside Construction

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### **Application Summary**

**Ward:** Edmondsley & Waldrige

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

**Contact Details:** 0191 387 2002

jamestaylor@chester-le-street.gov.uk

**Summary of recommendation:** The development hereby proposed is considered to be of acceptable design, scale, massing and landscaping in regard to the context of the surrounding area and will not harm the amenities of surrounding occupiers.

Accordingly it is recommended that the application be approved.

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### **The Proposal**

Planning consent is sought for the reserved matters of 10no. dwelling houses following outline application 02/00430/OUT that was renewed under application 05/00440/REN. The reserved matters for consideration are the access, appearance, landscaping and scale as a follow up to the extant outline permission. The expiry date for the submission of reserved matters is the 16th January 2009.

The proposal includes three different house types to include two at a ridge height of 7.7m, six at 10m and two at 7.5m, arranged around a proposed access road off Waldrige Lane.

The application site is sandwiched between Waldrige Lane to the west and the rear properties of Heathfield and Cornmoor as part of the Meadow Drive estate to the north and south. The existing land use on the site is that of private garden in connection with the dwelling of west farm. Beyond the west of the house in the same site are some single-

storey farm buildings and a concrete yard formerly used by Charlton Fencing for storage and distribution.

Following September's Planning Committee the application was deferred as Members requested further information on the following key issues now contained within this report:-

- Further clarification from the County Highway Authority on the suitability of Waldrige Lane for an increase in residential traffic.
- Clarification from the County Highway Authority on the suitability of Waldrige Lane to carry construction traffic and how the traffic impact will be managed.
- Further advice from the Police Architectural Liaison officer on whether there is likely to be crime related issues resulting from the pedestrian link from the Poppyfields estate through the development site linking to Waldrige Lane.

### Planning History

The history relevant to this application is as follows :-

94/00446/OUT – Outline consent for 16no. houses refused on highway safety implications to Waldrige Lane from the potential volume of users. The Planning Inspectorate upheld the refusal on appeal citing that Waldrige Lane was inadequate as a means of access for the proposed number of dwellings and that there was an increased likelihood of pedestrian and vehicle conflict.

02/00430/OUT – Erection of 10no. residential dwellings, approved.

05/00440/REN – Renewal of outline application 02/00430/OUT for 10 no. residential dwellings, approved.

07/00545/FUL – Application for 29 no. houses Refused at planning committee in April 2008. Refused on three grounds of no desk top contaminated land survey provided, incomplete ecology assessment, no provision of pedestrian link to Waldrige Lane and under provision of affordable housing.

08/00227/FUL – This Application for 14 houses is running concurrently with this application and is referenced elsewhere on this agenda.

### Consultation Responses

Durham County Council Highway Authority have commented that the proposed access on to Waldrige Lane is acceptable following the extant outline consent for 10 no. dwellings. The Highway Authority have referenced a previous appeal decision for 16 dwellings on this site where the Planning Inspector commented that in his opinion 70 trips per day for the wood yard use appeared reasonable and that a typical residential house would develop 7 trips per day. In summary 7 trips per day for 10 houses equates to 70 in total comparable to the existing (recently ceased) use and on this basis no objection is raised.

They have requested provision of footways and alterations to drive depth within the site. The applicant has introduced these changes during the application.



The Council's Arboricultural Officer has commented on the need for management and protection of trees during construction.

Leisure Services have verbally advised that a planning agreement should be reached for offsite provision of open sporting land.

Durham Constabulary Architectural Liaison advise that secure and safe by design principles be employed on the site. They also raise objection to the proposed pedestrian link from the Poppyfields estate through the application site to Waldridge Lane. This issue is discussed in full later in the report.

The application has been advertised by way of site notices a press notice and through extensive direct mailing to surrounding occupiers.

In response 17 objections have been received from members of the public, their main points are summarised below:-

- The negative impact the proposal will have on property values of existing properties. Residents perceive the increase in traffic will reduce the desirability of their properties and thus the value and be prejudicial to their families' safety.
- That the construction phases will cause significant disruption to surrounding residents by virtue of noise, dirt, hours of operation and traffic through the estate.
- As existing cars are parking on Waldridge Lane and this will be further exacerbated by the proposal.
- That the existing mature trees on the site should be retained on visual amenity grounds.
- The use of a legal agreement to secure off site highway improvements to Waldridge Lane to bring it up to an acceptable standard for the volume of traffic.
- That three storey properties would be incongruous with the scale of surrounding properties.
- That the proposal does not incorporate sufficient open amenity space.

In addition to the responses above a public meeting was held on 15th July 2008 at Waldridge Parish Rooms. The meeting took the format of an informal presentation of the application with comment sheets for any resulting representations.

Twenty-two comment sheets were received as a result of the meeting and their main issues are summarised below: -

- Additional traffic on Waldridge Lane will pose a safety hazard to walkers.
- Absence of lighting on Waldridge Lane will be potentially hazardous for increased users resulting from the development.
- Dwelling's higher than two storeys are not in character with the area.
- The proposal will erode the rural character of Waldridge Lane.
- The footpath link will increase crime and anti social behaviour in the surrounding area.
- That Waldridge Lane is not fit for purpose to carry additional vehicles and construction traffic.

- That consideration should be given to how construction traffic along Waldrige Lane will be managed.

## **Relevant Planning Policies and Considerations**

### **National Planning Policy**

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

Planning Policy Statement 3: 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 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 23: PPS23 sets out the planning approach to pollution control, the location of polluting development and where possible ensuring new development is not affected by pollution. The statement also sets out the planning approach to contaminated land.

### **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 RSS has now been formally adopted as a development plan for the North East and was published on the 15th July 2008.

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

Policy 24 – Delivering Sustainable Communities: Planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives. In addition the policy requires planning proposals to fully consider physical constraints on land including contamination.

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

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

Policy 38 – Promotes the use of sustainable construction techniques and the use of renewable energy in major new development.

### Chester-le-Street Local Plan

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

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

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

Policy BE2 requires where development costs exceed £500,000 1% should be used to provide public art projects in the ward area.

Policy RL5 requires for every hectare of land developed 125sqm of open space should be provided (or part thereof) and 250sqm of children's play space. In addition 1000sqm of open sporting space should also be provided. Offsite agreements for the children's and sporting space may also be appropriate through a commuted payment.

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 Development

The application is to consider the reserved matters following the renewed outline application 05/00440/REN.

The principle of residential development has already been established in the extant outline application 05/00440/REN and as such the site is considered suitable for residential development. As a result of this existing position the only matters for consideration with this application pertain to the details covered by the reserved matters.

## Sustainability

The site is sustainably located in close proximity to local bus stops and a health centre within 400m and easy walking distance.

The proposal does provide for a pedestrian footpath link to Waldrige Lane where residents will be able to access the local services and facilities. In conjunction with application 08/227 it is proposed that the path will link through to the Meadow Drive estate.

## Parking and Access

The proposed access from Waldrige Road is of a simple two-pronged layout running into shared access drives.

The overwhelming objection to the development is on the grounds of the intensification of traffic along Waldrige Lane. The primary concern is that the Lane has an essentially rural character with attractive open countryside to the north and as such is not considered suitable for an increase in traffic volume. In 1994, on appeal, a Planning Inspector noted that for 16 houses Waldrige Lane was not suitable for development generating significant quantities of traffic. The reasoning was the poor alignment and substandard junctions. The Inspector also considered that pressure would result from the development to widen and provide footways along the Lane and this would be to the detriment of its rural character.

The current proposal is for 10 not 16 dwellings and therefore represents a six dwelling reduction in traffic over the 1994 proposal. Having regard to the extant outline, which was renewed and approved in 2005, the Highway Authority considered that for 10 residential dwellings vehicle movement would be more enduring as opposed to the existing movements associated with the commercial use of the premises as a timber yard.

As the application is for reserved matters and although access is reserved in regard to the point of entry to the site the principle for access off Waldrige Lane was considered in both the outline and renewal. On neither the outline nor its renewal were conditions imposed to improve Waldrige Lane or its junction's as a result of the development and therefore it is accepted that for 10 dwellings the principle to use Waldrige Lane as is now proposed, has been established. Durham County Council Highway Authority supports this view.

## Access through Heathfield

Some objectors have expressed a view that access should be taken from Heathfield. However the outline approved application site covered the entire West Farm property and whilst an assumption was made in regard to access off Waldrige Lane, equally it was possible to revise the access at a later date from Heathfield.

The applicant has, however chosen to divide the site and submit the reserved matters for 10 dwellings at the north of the site and utilise access off Waldrige Lane. As aforementioned the principle of utilising access off Waldrige Lane was established under the outline consent. Therefore there is no requirement to use the access from Heathfield.

## Closure of Waldrige Lane

The County Highway Authority following a request from the Parish Council have further considered the closure of Waldrige Lane. The County Area Team have now taken the view that in principle there would be no area Officer objection to gating Waldrige Lane just south of the existing entrance to West Farm and also at the Waldrige village end. The gating would still allow the passage of pedestrians and approved service vehicles supplied with a key. The cost of such a closure would be in the region of £5000.

Following there being no objection at Officer level the County Council have approached local surrounding Members to gauge their support. In response Members have been supportive of the closure and the County Council are now looking to source appropriate funding. Due to the relatively low cost on the balance of probability it is likely that the closure of Waldrige Lane will take place as there is significant local support once the funding is confirmed.

The closure whilst beneficial to the area is not a direct requirement of this planning application.

## Construction Traffic

Many local residents have objected to the disruption caused by construction traffic moving through the Meadow/Longburn Drive estate. Equally there are residents of Waldrige Lane concerned about construction traffic near to their properties.

It is clear that such is the way vehicles are parked and the domestic scale to the Meadow/Longburn Drive roads that construction traffic through the estate could cause a nuisance to existing residents.

In light of this and Waldrige Lane being available, it would be reasonable in the event of approval, to condition construction traffic to use Waldrige Lane as their only access a view supported by the County Highway Authority. Due to the poorer visibility and likelihood of the need for some form of traffic management a suitable scheme would need to be agreed prior to works commencing.

The County Council Highways Area Team will be responsible for the traffic management of Waldrige Lane during the construction phase.

In deciding to defer consideration of the application at September's Planning Committee Members requested further information regarding the control of construction traffic. The County Highway Area Team have examined the road and have made provisional recommendations subject to discussions with the developer. It is likely that an improvement to the kerb radii joining Whitehill Way will be required as well as a one way in and out traffic control and lights along the lane where the width is so narrow and could pose a risk to users, they are however confident any impacts can be mitigated within reason. As the application is for the consideration of the reserved matters only there is limited scope to control construction traffic as it was not controlled as a condition of the preceding outline consent.

## Pedestrian Link to Waldridge Lane

The 10 dwellings are served by a pedestrian footpath which links into the adjoining site for 14 dwellings and forms a continuous link into the pavements and paths of the Poppyfields estate. The Poppyfields estate historically has been relatively closed off with no easy pedestrian routes to the wider area. This proposal will form part of a significant link to Waldridge Lane allowing shorter journey times on foot to the health centre/pharmacy as well as local shops and transport connections.

Members requested further clarification from the Police Architectural Liaison Officer as to whether they support this through link. They have come back to say that under further scrutiny they do not support the link on the following grounds: -

- The increased permeability increases the vulnerability of adjacent houses to crime related activity.
- That the pedestrian route will be used as a means of access and escape for criminals targeting the estate.
- Vehicles used in the commission of crime could be abandoned and unobserved in Waldridge Lane for a considerable period of time.

The Police are also of the opinion that as the Poppyfields estate is based around a cul-de-sac design it currently suffers low occurrences of crime related activity.

Whilst the occurrence of crime is an important consideration a matter of degree and at what cost to other advantages the pedestrian link provides is also a consideration. The Police were asked to comment on whether their objection would change should the lane be gated (as is now proposed). In response they consider the gating of the lane would dramatically increase the likely surveillance of any waiting vehicles and users of the path. This would be of a great help, forcing criminals to park near to Dovecote Farm or in the open where there is a much greater chance of being observed.

Whilst the gating of Waldridge Lane is not guaranteed it has been subject to an enduring campaign by local residents and the Parish Council. With both Member and County Highways Area Officer support on the balance of probability it is considered the gating will occur. With this in mind it is recommended the pedestrian link remains as the gating will increase safety and security as well as providing a much needed amenity link for access to local services as well as important local recreational assets such as the Cong Burn Wood reserve.

## Scale, Design and Massing

National and local planning policy promotes mixed housing of a high quality and design that should look to create a sense of place. Planning Policy Statement One states good design is indivisible from good planning.

The overall layout comprises four two-storey (7.7m & 7.5m) four-bedroom dwellings comparable to the wider estate to the north and south. Six three-storey dwellings at 10.1m high accompany these in the centre of the site.

Some objection has been raised to the scale of these dwellings in the wider context. However, a diverse range of housing and tenure is a contributing factor of a vibrant community and larger scale dwellings can integrate well in lower schemes.

The contemporary approach to urban design of housing estates does not wish to create a homogenous range of dwellings with marginal differentiation leading to uninspiring environments. The design layout in regard to massing has taken a logical approach with the 7.5m properties on the periphery stepping up higher in the centre at plots 4-9. To mitigate the step up from plots 3 and 10 to 4 and 9, units 4 and 9 have been lowered at Officer request. There is now a gradual step up which further assimilates the scale of dwellings into the wider context of the development.

The other minor changes to layout were alterations to the fencing and landscaped area to further enhance the visual amenity and prevent vehicle parking on amenity land which may detract from the sense of place.

The site adjacent being determined concurrently for 14 dwellings is physically separated from this application other than for pedestrians to ensure no additional vehicles use Waldrige Lane.

### Residential Amenity

In regard to privacy plots 1 & 2 are separated from 'Foxglove' to the north by 21m and 12.5m is met to the gable end of the nearest property on 'Summerfields' to the south. Internally facing distances have been designed in accordance with the Local Plan guidelines to protect future occupiers.

The development has been designed with openness in mind with the majority of houses facing landscaped areas and formally addressing Waldrige Lane to give distinctiveness to the development and a sense of place.

### Affordable Housing

Members will recall application 07/00545/FUL proposed 8 of the 29 proposed units to be affordable. One of the refusal reasons was on under provision of affordable housing as only eight dwellings equated to 27% meaning the 30% threshold had not been met.

Under policy HP13 30% affordable housing is required on all major housing developments over 15 units. As one site, as proposed with the earlier application, the previous application for 29 units triggered this threshold.

However, on this reserved matters application the preceding outline had no requirement for affordable housing. As such there is no requirement to provide affordable housing within this application.

### Ecology

The applicant has provided an ecology report that has not highlighted any ecology/biodiversity issues. The possibility of Great Crested Newts was raised on

application 07/00545/FUL but no such evidence has been found with the nearest watercourse 200m north, in the base of the steep sided Cong Burn Wood.

In regard to bats no evidence from the surveys within the bat report have found evidence of bats roosting on the site and therefore it is considered the site does not pose a threat to these protected species.

Natural England were consulted on the Bat and Ecology report and have made no comments, as they do not have any record of commenting on the outline application. The same reports were passed to Natural England for the adjacent site for 14 dwellings and a recommendation was made to an informative for contractor's. As such it is recommended this be placed on this decision also. The installation of Schwegler bat boxes was recommended by Durham Bat Group.

Recommendations have been made to introduce native species of planting which will be incorporated in the landscaping proposals reserved for later submission.

The recommended bat mitigation by the ecologist was to site 9 bat boxes around the site in the interests of promoting biodiversity and enhancing conservation interests. This will be conditioned accordingly.

### Landscaping

While the majority of landscaping detail in terms of types of trees and shrubs is reserved for later consideration the arborist's assessment has made maintenance and felling recommendations. Some of the deciduous trees on the northwest boundary are to be removed in order to give the remaining trees better chance of survival. In addition some pruning and thinning works are proposed in the interests of long-term maintenance.

### Leisure Space

In regard to the provision of amenity space some objector's have expressed a view that not enough has been provided. However, there was no requirement for a specific amount of open space on the outline application and it is considered that the proposed dwellings have adequate garden areas while the structural landscaped areas contribute to the setting of the development.

### Public Artwork

There was no requirement under the outline consent to provide for public artwork and as such it is unreasonable to require public artwork at this stage during the determination of the reserved matters.



## Contaminated Land

The previous application for 29 units was refused on lack of a contaminated land desktop study. This has been provided as part of this application and considered by the Council's Contaminated Land Officer. The study was found to be acceptable subject to a condition being imposed for a further more detailed follow up ground investigation.

Lastly, in regard to the remaining issue of property devaluation, this is not a material planning issue and cannot be considered in the determination of this application.

## Conclusion

The development hereby proposed is considered to be of a good design standard creating a sense of place and introducing a diverse housing mix. The scale and massing is consistent with existing dwellings, the logical increase in ridge height will help create local distinctiveness within the area, and not be to the detriment of its visual amenity in accordance with policy HP9 of the Local Plan and policy 8 of the Regional Spatial Strategy.

In regard to residential amenity the direct separation distances to properties within and outside the site are in accordance with Appendix 1 of the Local Plan at 21m first floor primary window to primary window and 12.5m from primary window to gable end.

In regard to access, acceptance was given in the Officer's report for the outline that Waldrige Lane would be used and therefore it is considered this principle has been established for 10 dwellings. In light of this the County Highway Authority have not raised any objection to Waldrige Lane being used as the access for this proposal.

Natural England have raised no objection to the bat or ecology report and no threat from the development to protected species has been established. The mitigation as recommended by the applicant's ecologist will be conditioned accordingly.

It is therefore considered that the details as part of this reserved matters submission are acceptable having regard to all material planning considerations, including the outline consent.

## RECOMMENDATION

Approve SUBJECT TO THE FOLLOWING

### CONDITIONS:-

#### Extra 1.

The development must be begun not later than the expiration of two years from the final approval of the reserved matters. In accordance with Section 92 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004).

#### Extra 2.

The 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 drawings received 19th August 2008; unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 3.

Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external hard standings, walls and / or roofs of the buildings have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with Policy HP9 of the Chester-le-Street District Local Plan and Policy 8 of the Regional Spatial Strategy.

Extra 4.

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

Extra 5.

Notwithstanding the information submitted with the application for the duration of all construction works access shall be taken from Waldrige Lane only unless otherwise agreed in writing with the Local Planning Authority in the interests of highway safety and residential amenity in accordance with policies HP9 and T15 of the Chester-le-Street District Local Plan.

Extra 6.

Prior to development commencing a scheme for the management of construction traffic (to include an existing highway condition survey) on Waldrige Lane shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the approved scheme unless otherwise agreed in writing, in the interests of highway safety and residential amenity in accordance with policies HP9 and T15 of the Chester-le-Street District Local Plan.

Extra 7.

No development approved by this permission shall be commenced until:

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

part (or any part that would be affected by the development) shall be carried out either before or during such development;

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

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

In accordance with Planning Policy Statement 23: 2004.

Extra 8.

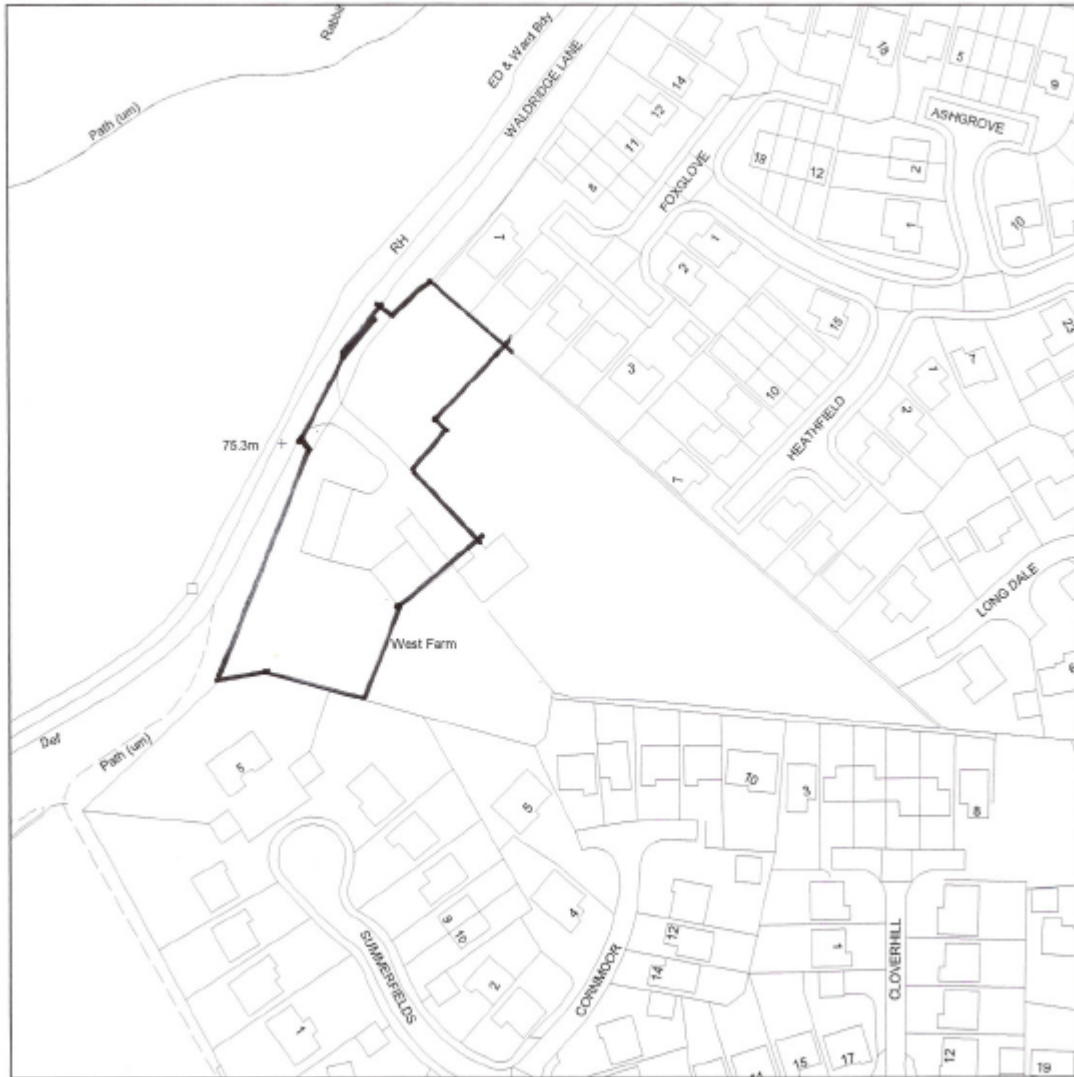
The works to trees indicated on site plan (p)14 received 2nd June 2008 for retention and pruning shall be undertaken prior to works commencing in accordance with the recommendations of the Arboricultural Report dated March 2008 pages 10 and 11 section 5.0, Appendix 2A, 4 and 5 unless otherwise agreed in writing with the Local Planning Authority, in the interests of avoiding compaction of the roots for the long term health and well-being of the tree and in the interests of visual amenity to accord with the aims of Policy HP9 of the Chester-le-Street Local Plan.

Extra 9.

Post development but prior to occupation Schwegler woodcrete bat boxes shall be installed around the site in accordance with the recommendations in section 4.4 of the White Young Green Bat Survey unless otherwise agreed in writing with the Local Planning Authority in the interests of enhancing biodiversity and conservation interests in accordance with Planning Policy Statement 9 and policy 33 of the Regional Spatial Strategy.

# West Farm

Waldridge Lane, Waldridge



Scale : 1:1250





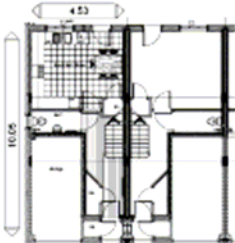
FRONT ELEVATION

SIDE ELEVATION

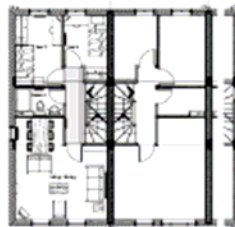
REAR ELEVATION

SIDE ELEVATION

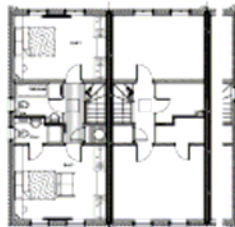
FRONT ELEVATION



GROUND FLOOR PLAN



SIDE FLOOR PLAN

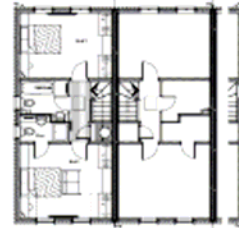


SECOND FLOOR PLAN

Type C  
4 BED  
3 STOREY  
TOTAL FLOOR AREA  
120.4 sq.m. 1297 sq.ft.



REAR ELEVATION



SECOND FLOOR PLAN

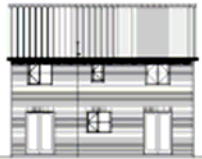
Type C1  
4 BED  
2.5 STOREY  
TOTAL FLOOR AREA  
120.4 sq.m. 1297 sq.ft.



FRONT ELEVATION



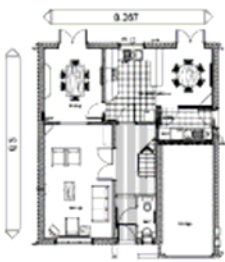
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



SIDE FLOOR PLAN

Type D  
4 BED  
2 STOREY  
TOTAL FLOOR AREA  
137.2 sq.m. 1477 sq.ft.

1. Author  
 2. Checker  
 3. Approver  
 4. Date

**MVE**  
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NO. 1542: CONSTRUCTION  
 Project: HOUSING DEVELOPMENT AT WALDRIDGE LANE  
 Drawing No: A1  
 Date: 2023/08/01  
 Scale: 1:100  
 Author: [Signature]  
 Checker: [Signature]  
 Approver: [Signature]







**CHESTER-LE-STREET DISTRICT COUNCIL**  
**DIRECTORATE OF DEVELOPMENT SERVICES**  
**PLANNING COMMITTEE**      **8 December 2008**

**ITEM 3**      Appeals List



## **Chester-le-Street District Council**

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

Tel: 0191 387 1919 Fax: 0191 387 1583

Directorate of Development Services

***27 November 2008***

### ***List of Planning Appeals and Current Status***

The Planning Applications listed below have been, or are currently, the subject of appeals against the decision reached by the Planning Committee. Planning Appeals are considered by a Planning Inspector from the Planning Inspectorate, a body which is independent of Chester-le-Street District Council.

#### Key to Appeal Type Code

W    -    Written Representations  
I    -    Hearing  
P    -    Public Inquiry

If you wish to view a copy of an Inspector's decision letter regarding any one of the appeals listed below please contact the Planning Division on 0191 387 2172 or 0191 387 2173 in order to arrange this.

PLANNING COMMITTEE 8 December 2008

| <b>Application Number / ODPM reference number</b> | <b>Applicant</b>  | <b>Appeal Site</b>   | <b>Proposal</b>   | <b>Appeal Type / Appeal Start Date</b> | <b>OS Grid Reference</b> | <b>Status / Date of Appeal Decision</b> |
|---|-------------------|--|---|--|--------------------------|---|
| 06/00563/TPO<br>/                                 | Building Insurers | 27 Tudor Road<br>Chester-le-Street<br>Durham<br>DH3 3RY  | Proposed felling of birch tree protected by Wearvale Terrace Tree Preservation Order.   | W<br>/<br>/                            | E:427520<br>N:552162     | Appeal Withdrawn<br>/<br>17.10.2008     |
| 07/00276/FUL<br>/                                 | 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<br>/<br>24.01.2008                   | E:431238<br>N:550971     | Appeal Allowed<br>/<br>01.05.2008       |
| 07/00285/FUL<br>/                                 | 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<br>/<br>14.02.2008                   | E:427588<br>N:552791     | Appeal Allowed<br>/<br>15.07.2008       |

PLANNING COMMITTEE 8 December 2008

| <b>Application Number / ODPM reference number</b> | <b>Applicant</b>          | <b>Appeal Site</b>  | <b>Proposal</b>   | <b>Appeal Type / Appeal Start Date</b> | <b>OS Grid Reference</b> | <b>Status / Date of Appeal Decision</b> |
|---|---------------------------|---|---|--|--------------------------|---|
| 07/00438/FUL<br>/                                 | McCarrick<br>Construction | 1 - 4 Chalmers View<br>Newcastle Road<br>Chester-le-Street<br>Durham<br>DH3 3TE     | Retrospective application to allow glass panels between bay windows instead of previously approved timber panels in application<br>06/00016/FUL | W<br>/<br>30.05.2008                   | E:427422<br>N:551915     | Appeal Allowed<br>/<br>02.09.2008       |
| 07/00495/FUL<br>/                                 | Mr J. Johnson             | Johnsons Garage<br>3 Newcastle Road<br>Chester-le-Street<br>Durham<br>DH3 3TJ       | Demolition of car showroom & workshop and erection of 10 no apartments & associated works (Amended description)                                 | W<br>/<br>05.03.2008                   | E:427405<br>N:551809     | Appeal Allowed<br>/<br>20.06.2008       |
| 07/00497/FUL<br>/                                 | Mr & Mrs<br>Fletcher      | Land to The West of<br>The Poplars<br>Arcadia Avenue<br>Chester-le-Street<br>Durham | Proposed erection of 1 no dormer bungalow and detached garage   | W<br>/<br>25.01.2008                   | E:427290<br>N:552194     | Appeal Withdrawn<br>/                   |

PLANNING COMMITTEE 8 December 2008

| <b>Application Number / ODPM reference number</b> | <b>Applicant</b> | <b>Appeal Site</b>  | <b>Proposal</b>   | <b>Appeal Type / Appeal Start Date</b> | <b>OS Grid Reference</b> | <b>Status / Date of Appeal Decision</b> |
|---|------------------|---|---|--|--------------------------|---|
| 07/00502/ADV /                                    | JC Decaux        | AP Developments<br>28 - 29 Front Street<br>Pelton<br>Chester-le-Street<br>Durham<br>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 /<br>01.02.2008                      | E:424956<br>N:553078     | Appeal Dismissed /<br>06.05.2008        |
| 07/00544/FUL /                                    | Mr & Mrs Cree    | 3 Kingsmere<br>Chester-le-Street<br>Durham<br>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 /<br>11.06.2008                      | E:427309<br>N:553411     | Appeal Dismissed /<br>26.09.2008        |
| 08/00089/FUL /                                    | Mr P. Blaydon    | Land at Entrance to<br>Valley View<br>Sacriston<br>Durham                                   | Erection of one detached bungalow and means of access   | W /<br>09.07.2008                      | E:423797<br>N:546791     | Appeal Dismissed /<br>26.11.2008        |
| 08/00245/FUL /                                    | Mr D. Keith      | Grooms Cottage<br>Morton House<br>Fencehouses<br>Houghton-le-Spring<br>DH4 6QA              | Proposed increase in height of existing fence to 1.9 metres in height   | W /<br>29.10.2008                      | E:431511<br>N:549908     | Appeal In Progress /                    |

PLANNING COMMITTEE 8 December 2008

**Stephen Reed**  
**Development and Building Control Manager**  
**27 November 2008**