

Public Document Pack

27 February 2009

Dear Councillor

A meeting of the Planning Committee will be held in the **Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Monday, 9th March, 2009 at 6.00 pm**

Yours sincerely

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

R TEMPLEMAN

Chief Executive

AGENDA:

1. Apologies for Absence
2. Minutes of Previous Meeting held 9 February 2009 (Pages 1 - 16)
3. To Receive Declarations of Interest from Members
4. Confirmation of Speakers
5. Planning Matters (Pages 17 - 82)
Report Of Development and Building Control Manager

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

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THE DISTRICT COUNCIL OF CHESTER-LE-STREET

Report of the meeting of Planning Committee held in the Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Monday, 9 February 2009 at 6.00 pm

PRESENT:

Councillor Ralph Harrison (Chairman)

Councillors:

T J Smith	P H May
L E W Brown	P B Nathan
L Ebbatson	D L Robson
M Gollan	J Shiell
D M Holding	S C L Westrip
W Laverick	F Wilkinson
M D May	

Officers:

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

Also in Attendance as Observers: T Galloway (Director of Development Services) and H Geertsema (Communication and Public Relations Officer).

There were also 16 members of the public in attendance.

47. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors S Barr, J W Barrett, G K Davidson, A Humes, K Potts, M Potts, M Sekowski, D Thompson and A Turner.

48. MINUTES OF PREVIOUS MEETING HELD 19 JANUARY 2009

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 19 January 2009, copies of which had previously been circulated to each Member, be confirmed as being a correct record."

The Chairman proceeded to sign the minutes.

49. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

Councillor Sheill declared a prejudicial interest in Item No. 2 of the Planning Matters report, as he would be speaking as an objector to the application. He proposed to leave the meeting whilst the item was being discussed and return once a decision had been made.

Councillor Smith declared a prejudicial interest in Item No. 2 of the Planning Matters report. She also proposed to leave the meeting whilst the item was being discussed and return once a decision had been made.

50. CONFIRMATION OF SPEAKERS

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

51. PLANNING MATTERS

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

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

(A) District Matter Recommended Approval – Refused

- (2) Proposal: The construction of a 104 bed residential care home including access details, car parking surfacing, landscaping and boundary treatment.**

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

Applicant: Mr J. Oates – Reference: 08/00456/FUL

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

Councillor Shiell, Mr Smith and Mr Howd (the objectors) and Mr Self (the applicant's agent) and Mr Oates (the applicant) spoke in relation to the application.

The Development and Building Control Manager spoke in relation to the issues raised by the objectors, the applicant and his agent and clarified the following points:

In relation to the comments made concerning the site access and parking provision around the site, he stated that although concerns had been raised in relation to the additional traffic on the estate roads surrounding the site, the County Council as Highways Authority were firmly of the opinion that transport congestion issues were not grounds enough to recommend refusal. He commented that temporary problems were often experienced during the construction stage of larger development especially in relation to traffic congestion and that the acceptability of the scheme would depend on how the development functioned at the operational stage, once the development is built. He further advised that as the previous applications for this site had not been refused on highway and parking issues, he felt it would be inconsistent and unreasonable for Members to refuse the current application on these grounds.

In relation to the comments made regarding the alleged lack of need for the development, the Development and Building Control Manager advised that the County Council's Adult Social Care team had raised doubt as to whether there would be a demand for this size of facility however he advised that this was a commercial decision for the applicant to take and was not a material planning consideration.

In relation to the comments made concerning the ground conditions of the site, the Development and Building Control Manager advised that the Council's Building Control team were satisfied that the ground conditions of the site were suitable to accommodate, in structural terms, the type and scale of the proposed development.

In relation to the comments made regarding the applicants' responsibility to comply with the public artwork policy as per Local Plan Policy BE2, the Development and Building Control Manager advised that a legal agreement had been submitted to discharge his responsibility to provide this and confirmed that the figure contained in the report was consistent with the figures requested for similar development on this site.

In relation to the comments made on the comparisons between the current application and other similar development within the Chester-le-Street area, the Development and Building Control Manager advised that Planning Law required each planning application to be assessed on its own merit. He also felt that there were clear differences between the schemes referred to by the applicant elsewhere in the District and the scheme for consideration.

In relation to the comments made by the applicant and his agent on the need for consistent decision-making by the authority, the Development and Building Control Manager advised that Local Authorities were guided by National Planning advice in relation to being consistent when making decisions. He further advised that an incorrect comment had been made regarding the scale and massing of the current proposal in relation to the previously approved application for 88 bedrooled residential care home and clarified that the scale and massing of the current proposal remained unchanged from the application for 104 bedrooled home, which had been refused by the

Committee in March 2008. He commented that the comparative differences between the various applications had been highlighted in the table on page 31 of the Planning Matters report, for information.

Councillor Westrip sought clarification from the applicant in relation to the landscaping of the site and the proposed external amenities available to residents.

At this point Councillors Shiell and Smith left the Meeting.

Councillor Brown thanked the speakers for their presentation and advised that their comments and observations had been both noted and appreciated. He expressed concerns in relation to the development and advised that he could not support the Officer's recommendation of conditional approval because of the following reasons:

- The scale and massing of the development remaining unchanged from the application for 104 bedroomed residential care home, which had been refused by the Planning Committee in March 2008.
- The overall increase in height of the proposal compared with the 88 bedroomed care home application approved in August 2008.
- The development would be incongruous within the street scene and as such would be detrimental to visuality of the wider locality.
- The development would have an overbearing and overlooking impact on the residents of Hopgarth Court and Hopgarth Gardens and in particular would be harmful to their amenities.
- Criteria in respect of the RSS Policy, Chester-le-Street Local Plan Policy HP9 and HP17, and National Planning Policy PPS1 and PPS3 not being met.

Councillor Holding was in agreement with the comments made by Councillor Brown and raised further concerns in relation to the overbearing impact of the proposal and the lack of open areas available to the residents. He also spoke in relation to proposed extra condition 11 of the recommendations and queried whether this could be amended to require that a travel plan be submitted by the developer as soon as the building becomes occupied rather than within 6 months of occupation as recommended.

The Development and Building Control Manager advised that the County Council as Highways Authority were of the opinion that a travel plan can only be formed once a developer has had the opportunity to observe how the development is operating, therefore the developer is allowed to submit the plan within 6 months of occupation.

Councillor P May was in agreement with Councillor Brown's comments in relation to the scale and massing of the development and felt the proposed

impact on the street scene remained unchanged from the previously refused application.

Councillor Gollan referred to the comments made in relation to the need for consistent decision-making by the Committee and felt that it would be consistent for Members to refuse the current proposal, as it seemed to be similar to the previously refused application for 104 bedrooled care home. He also expressed concern in relation to the travel plan and car parking provision included in the proposal.

Councillor Laverick was of the opinion that the scale and massing of the development was similar to the adjacent development of Sandringham Court and due to the orientation of the proposal, the residents of Sandringham Court would not be directly overlooked. In his opinion there was a demand for nursing care of this nature within the community.

Councillor Westrip sought clarification from the Development and Building Control Manager in relation to the elevation heights of the proposal, compared to that of Sandringham Court, the live application for 88 bedrooled care home and Hopgarth Court.

The Development and Building Control Manager confirmed that the elevation of the proposal would be one storey higher than the approved elevation of the live application for 88 bed roomed care home. He also clarified that the additional storey would face onto Hopgarth Court; although design amendments had been made to lower the eaves height, which had created a steeper pitched roof.

In relation to a query raised by Councillor Robson as to the reasons why Officers were minded to approve the current proposal, the Development and Building Control Manager stated that changes made by the applicant to significantly reduced the amount of glazing which faces on to Mr Howd's property. He commented that the quantity of clear glazing now facing Hopgarth Gardens would be similar to the quantity which had been agreed in the live application for an 88 bed roomed care home.

The Development and Building Control Manager also spoke in relation to the scale and massing of the proposal and commented that following lengthy discussions between Planning Officers and Mr Oates' Solicitor and Architect; the County Council's Design Officer was now prepared to support the scale, massing and design of the current proposal. He added that both these factors had been influential in the Officers decision to recommend approval of the scheme.

Councillor Wilkinson felt the applicant had altered the degree in which the local residents were overlooked; however he felt the massing and overbearing impact of the development on local residents and Chester-le-Street itself, still remained.

After much discussion and consideration of the points raised by the speakers, the Chairman requested that Members move towards a decision in relation to the proposal.

Following the outcome of the vote in relation to the proposal, the Development and Building Control Manager requested that Members clarify their decision to refuse the scheme and their reasoning. He stated that refusal on the grounds of the inappropriate scale and massing of the scheme and the overbearing impact on surrounding residents, as previously discussed by Members, would in principle be valid planning reasons to refuse the application.

Councillor Ebbatson proposed that the application be refused due to the inappropriate scale and massing of the scheme and the overbearing impact on surrounding residents. This was seconded by Councillor Brown.

The proposal to refuse this application for the reasons suggested was carried.

RESOLVED: "That notwithstanding the Officer's recommendation of conditional approval, the application be refused for the following reasons:

Extra 1.

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

Extra 2.

The proposal, by way of inappropriate scale and massing, would provide for a form of development that would be incongruous within the street scene and as such would be detrimental to the visual amenity of the wider locality, contrary to the aims of PPS 1 and PPS 3, Policy 8 of the Regional Spatial Strategy, and Policies HP 9 and HP 17 of the Chester-le-Street Local Plan."

Councillors Shiell and Smith returned to the Meeting.

Councillor Nathan left the Meeting at 6.56pm.

(B) District Matter Recommended Refusal

(1) Proposal: Erection of 62 bed residential care home with access and landscaping.

**Location: Former Pelaw Grange Cottage, North Road,
Chester-le-Street, Durham, DH3 2AD.**

Applicant: W. Todd Builders Ltd – Reference: 08/00422/FUL

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

Councillor P May spoke in relation to the proposal and felt the design and scale of the development was not in keeping with the surrounding area. He also raised concerns in relation to the site's close proximity to the BOC plant, as he considered that from a health and safety point of view, this would be hazardous to the occupants of the residential care home.

Councillor Laverick was in agreement with Councillor P May's comments in relation to the scale and design of the development, and also the site's close proximity to a neighbouring hazardous site. In addition he felt the proposal would have an overbearing impact on the surrounding residents of the site.

Councillor Brown agreed with the comments expressed by Councillors P May and Laverick, and proposed to move the Officer's recommendation of refusal, which was seconded by Councillor P May. This proposal was carried.

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

Extra 1.

The development hereby proposed is incongruous in appearance by virtue of its poor design, scale and massing harmful to the character of the surrounding area contrary to Policy 8 of the Regional Spatial Strategy, and Policies HP9 and HP17 of the Chester-le-Street District Local Plan.

Extra 2.

The development proposed would result in a level of risk and potential harm to those within the development from the neighbouring hazardous site such that the application should be refused on safety grounds in accordance with Policy 2 of the Regional Spatial Strategy and Planning Policy Statement 23.

Extra 3.

The access to the A167 (North Road) has an inadequate radii and the manoeuvrability space between parking bays is unsatisfactory and as such the proposal is not safe and accessible contrary to Policy T15 of the Chester-le-Street District Local Plan."

(C) District Matter Recommended Approval

- (3) Proposal: Variation of Condition 4 of consent 07/00165/FUL to allow the following construction hours; mon to fri 07:00 to 19:00, sat and sun 08:00 to 16:00, no working**

on Bank Holidays.

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

Applicant: Mr H. Slater – Clegg Food Projects Ltd

Reference: 08/00459/VAR

The Development and Building Control Manager referred to photographs and plans in relation to the proposal, which were displayed for Members' information. He advised that photographs and plans on display would relate to items 3, 4 and 5 of the Planning Matters report, as all of these items applied to the same application site.

The Development and Building Control Manager spoke in relation to the application and advised that the purpose of the application was to extend the construction hours of the site. He informed Members that the request had been made by the applicant to allow various internal works to be carried out on the site, as set out in the Extended Work Schedule received by the Planning Authority on the 10th December 2008. He also felt that Environmental Health team's decision not raise any objections to the proposal had been influenced by the clarification that the construction work would be internally based.

The Development and Building Control Manager referred to the view expressed by the applicant that the extension of construction hours would speed up the programme of works and result in a faster completion of the construction works.

Councillor Ebbatson raised concerns in relation to work being carried out on site in all daylight hours and sought clarification from the Development and Building Control Manager as to the reasons why the operating hours of the site had originally been restricted by the Planning Authority.

The Development and Building Control Manager advised that the restrictions had been put in place to prevent the developer from carrying out 'heavy-duty' works, such as those experienced at the external construction phase, during hours, which were deemed unacceptable by the Environmental Health team. He further advised that the Environmental Health team had examined the schedule of works and were satisfied that the proposed works would be low-level internal works, with the possibility of some minor external works also being carried out.

Councillor P May spoke in relation to the proceeding application for additional external works on the same site, which was item 4 on the agenda, and queried whether the applicant would be allowed to carry out these works during the proposed extended construction hours. In addition, he felt that it

would be unfair to local residents to allow external alterations to be carried out on Sundays.

The Development and Building Control Manager clarified that the proceeding item on the agenda did propose for external alterations to be carried out, however they were not included on the schedule of works for which the extended hours were being applied for. He also commented that the Environmental Health team had requested that extra condition 2 be included in the recommendation of approval, as this required any openings in the building including windows and doors to be kept closed for the duration of the construction period, in an effort to minimise any noise disturbance for local residents.

In relation to concerns raised by Councillor Westrip as to how any concerns in relation to the proposal would be monitored, the Development and Building Control Manager stated that any conditions imposed as part of this planning permission would be monitored and enforced by the Planning team. He also confirmed that the Council's Environmental Health team would investigate any complaints made relating to noise levels from the site, which exceeded the statutory nuisance threshold.

Councillor Laverick highlighted the fact that having gone through the full consultation procedure only one letter of concern had been received from the occupier of an adjacent industrial unit.

Councillor Holding was in agreement with the comments made by Councillor Laverick, and added that the reference to local residents was misleading as the nearest local residents were in fact separated by the east coast mainline railway and landscaping, which would minimise any noise disturbance.

Councillor M May was of the opinion that acceptance of the proposal would create further noise disruption for local residents.

Councillor Ebbatson raised concern in relation to work being carried out on Sundays, and questioned whether it would be possible to amend the recommendations to agree the extended hours with the exclusion of Sunday working, in the interests of local residents.

The Development and Building Control Manager was in agreement and suggested re-wording extra condition 1 of the recommendations to state that any operation in relation to the construction phase of the development should not be carried out on Sundays. Whilst he reminded Members of the Environmental Health team's decision not to raise any objections to the proposal, he concluded that final approval of the application was a Member decision.

It was therefore proposed by Councillor Ebbatson and seconded by Councillor M May that the proposal be approved subject to extra condition 1 being amended to prohibit any construction works being carried out on Sundays & Bank Holidays. This proposal was carried.

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

Extra 1.

Operations in relation to the construction phase of the development approved by planning approval 07/00165/FUL shall not be carried outside the following hours: -

Monday to Friday – 0700 to 1900,
Saturday – 0800 to 1600
No working on Sundays and Bank Holidays.

In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen through working outside these hours and to accord with the aims of Policy IN3 of the Local Plan.

Extra 2.

Notwithstanding the submitted information, any openings in the building including windows and doors shall be kept closed for the duration of the construction period, unless for essential access to the building. In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents and to accord with the aims of Policy IN3 of the Local Plan.

Extra 3.

No works or operations shall be carried out on site within the extended operating times permitted by this permission, other than those set out in the document titled Proposed Extended Work Schedule, received 10th December 2008, unless otherwise agreed in writing with the Local Planning Authority. In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents and to accord with the aims of Policy IN3 of the Local Plan."

(4) Proposal: Revision of application 07/00165/FUL to provide a chassis wash area, on site fuel tank, x2 sprinkler tanks, motorbike shelter and other external minor works.

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

Applicant: Mr Haydn Slater – Clegg Food Projects Ltd

Reference: 08/00474/FUL

The Senior Planning Officer spoke in relation to the application for minor external works to be carried out on the site, with particular emphasis being based on the location of each item. He advised Members that at the request of the County Council's Highway Authority, an additional motorcycle shelter had been included in the proposal.

The Development and Building Control Manager further commented that the majority of the external work would be located to the rear and side of the industrial unit, which would lessen the impact on residential properties, in terms of noise disturbance.

Councillor Wilkinson therefore proposed to move the Officer's recommendation, which was seconded by Councillor Brown. This proposal was carried.

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

Extra 1.

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

Extra 2.

The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on plan 15299//A0/0100 Rev C received 24th December 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 details submitted with the application the screen for the chassis wash shall be profiled steel sheeting and be no higher than the eaves height of the adjoining Vehicle Maintenance Unit and exactly match the colour of same unit in order to ensure the design quality and integrity of the scheme in accordance with Policy 8 of the Regional Spatial Strategy and Policy IN3 of the Chester-le-Street District Local Plan."

(5) Proposal: Revision of application 07/00165/FUL to provide minor changes to the elevation of the previously approved warehouse and vehicle maintenance unit.

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

Applicant: Mr Haydn Slater – Clegg Food Projects Ltd

Reference: 08/00475/FUL

The Senior Planning Officer outlined the case before Members and clarified that the purpose of the application had been to provide ventilation louvers for the various plant and equipment on site. He advised that the application had been discussed with the Council's Environmental Health team and as a result the applicant's agent had submitted a revised noise assessment, which confirmed that noise levels created by the proposal would remain the same as previously approved.

In relation to a query raised by Councillor Westrip on the nature of the fumes being vented from the unit, the Senior Planning Officer confirmed that essentially the purpose of the louvers would be to ventilate the main development to prevent any overheating of the equipment.

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

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

01C 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 plan 15299//A0/0100 Rev C received 24th December 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 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)."

(6) Proposal: Erection of workshop and offices with ancillary access and parking (partly retrospective).

Location: Land West of Stella Gill Industrial Estate, Pelton Fell, Chester-le-Street, Durham

Applicant: Mr D. Potter – Ambic Ltd – Reference: 08/00484/FUL

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

Councillor Laverick felt that there was no reason to object as in his opinion the building had been erected on more suitable site.

Councillor Robson therefore proposed to move the Officer's recommendation, which was seconded by Councillor Laverick. This proposal was carried.

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

Extra 1.

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

Extra 2.

Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls and / or roofs of the building(s) have been submitted to, approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy IN4; of the Chester-le-Street District Local Plan.

Extra 3.

The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of screen fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 yrs following planting; in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy IN4 of the Chester-le-Street District Local Plan.

Extra 4.

The development hereby approved shall not be open for business outside of the hours of 07:00 to 23:00 Monday to Saturday, with the exception of

operations related to essential plant and equipment maintenance, in order to ensure the development does not adversely affect the amenities of nearby occupiers

Extra 5.

The door openings in the west facing elevation of the building hereby approved shall remain closed at all times the development is operational, except for instances of emergency, in order to ensure the development does not adversely affect the amenities of nearby occupiers

Extra 6.

Vehicular deliveries shall not be carried out outside of the hours of 08:00 to 16:30 with a maximum of 2 such visits per hour, in order to ensure the development does not adversely affect the amenities of nearby occupiers

Extra 7.

Notwithstanding the details contained in the application hereby approved precise details of the construction specification of the proposed building (to include appropriate sound attenuation measures) shall be submitted to and approved in writing prior to the commencement of development on site. Thereafter the development shall be constructed wholly in accordance with the approved details, in order to ensure the development does not adversely affect the amenities of nearby residential occupiers.

Extra 8.

No more than 1 number loading bay door shall be open at any one time when the development hereby approved is in use in order to ensure the development does not adversely affect the amenities of nearby residential occupiers.

Extra 9.

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

(C) Planning General

(1) List of Planning Appeals and Current Status

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

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

(2) Development Control Performance Update for Quarter One and Three 2008/09

Consideration was given to a detailed update on the Development Control Team's performance during the first three quarters of 2008/09.

RESOLVED: "That the contents of the report be noted."

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

RESOLVED: "That under Section 100(A) of the Local Government Act 1972, the Public and Press be excluded from the meeting for the following item of business on the grounds it involves the likely disclosure of exempt information as defined in paragraphs 6(a), 6(b) and 7 of Part 1 of Schedule 12A of the Act."

53. PLANNING ENFORCEMENT PERFORMANCE UPDATE

Consideration was given to a report, which provided Members with a comprehensive and detailed update on the planning enforcement discipline within the Authority.

The Planning Enforcement Officer spoke in relation to the report and advised Members that performance had continued to improve due to the Authority being able to provide additional Officer resources to the team. He advised that if Members did have any queries in relation to the individual cases outlined in the report they should contact the Enforcement Officer outside the Meeting. Discussion ensued in relation to the report.

RESOLVED: "That the contents of the report be noted."

At the close of the Meeting, Members gave their thanks and appreciation to the Planning team for their consistent hard work.

The meeting terminated at 7.55 pm

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CHESTER-LE-STREET DISTRICT COUNCIL

DIRECTORATE OF DEVELOPMENT SERVICES

PLANNING COMMITTEE 9 March 2009

REPORT OF THE DEVELOPMENT AND BUILDING CONTROL MANAGER

- ITEM1** District Matters Recommended Refusal
- ITEM2** District Matters Recommended Approval
- ITEM3** 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**

ITEM1 District Matters Recommended Refusal

1.

Reference: 08/00482/FUL

Proposal Revision of application 05/00152/FUL to substitute plots 71-79 and 107-123 (26 dwellings) with 40 new dwellings

Location Land at Holly Crescent Sacriston Durham

Applicant Mr K. Richardson - Barratt Homes

Application Summary

Ward: Sacriston

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, to revise application 05/00152/FUL and replace 26 dwellings with 40, has resulted in a reduced mix of house types and an increase in density resulting in a tightly spaced layout deemed detrimental to the visual amenity of the area and residential amenity of potential occupiers. The development also does not make adequate provision for public art, affordable housing and open/play space.

Accordingly it is recommended that the application be refused.

Planning consent is sought for the erection of 40 dwellings on plots 71-70 and 107-123 as a revision to the previous application 05/00152/FUL for 169 dwellings. The applicant has substituted the originally proposed larger 3 and 4 bedroom properties for smaller 2 and 3 bedroom terraced dwellings as a response to commercial pressures.

The application site is located off Plawsworth Road in Sacriston to the east of the town centre heading towards Kimblesworth.

Planning History

The history relevant to this application is as follows:-

05/00152/FUL – Residential development comprising 169 dwellings and associated highways and open space (proposal amended 22/07/05) – Approved.

Consultation Responses

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

Northumbrian Water have raised no objection to the proposed development.

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

The Council's Leisure Services have advised of the need to update the Section 106 contributions for public art and open space in light of the increase in proposed units from 26 to 40.

Durham Constabulary Architectural Liaison have offered general crime prevention advice to use secure by design principles in the layout of the development.

Northumbrian Water have raised no objection to the proposed development.

The application has been advertised by way of site a notice, press notice and through direct mailing to surrounding occupiers. No public representations have been received.

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. PPS3 also refers to the need to provide affordable housing, particularly in terms of tenure and price, which responds to the needs of the local community.

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 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 30 also refers to the need to provide affordable housing to serve the needs of local communities.

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 Sacriston provided it is on previously developed land and complies with policy HP9.

Policy HP9 outlines the residential design criteria applicable to new development. 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 per hectare of open sporting space should also be provided. Offsite agreements for the children's and sporting space may 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 was previously a municipal housing site prior to clearance. As the site is previously developed and within the settlement boundary of Sacriston it accords with the principle of development outlined in Policy HP6 of the Local Plan.

Furthermore, the principle for development was established previously for the approved application 05/00152/FUL for 169 dwellings.

Design and Layout

The original proposal on application 05/00152/FUL consisted of 26 dwellings in the same area as the 40 now proposed. The original housing mix comprised a variety of larger 3 and 4 bedroom dwellings that were well spaced and orientated to the main access road to create a sense of place and setting. As the density has risen from 43 dwellings per hectare to 66 the open space between dwellings has been significantly reduced. Plots 22 to 27 are most affected situated very close together giving an overcrowded dominant appearance with no relief to break up their combined massing.

Plots 23 to 25 previously fronted a garage drive and forecourt, which led to the main access road. By the imposition of plots 26 and 27 across this access, plots 23 to 25 are now severed from the development. As such they are now in isolation with no principle frontage addressing a main street but rather functioning from a rear turning and parking area. By not having a principle frontage that addresses the development these plots are without identity and appear overcrowded and intrusive harmful to the visual amenity of the area.

In regard to the substitution of house types the mix now proposed does not reflect those dwellings already constructed. Currently the visual approach from Plawsworth Road is well designed with modern Victorian style dwellings on the left that graduate in scale up the street, these properties are further enhanced by the graduated steel railings.

The original house types have been replaced with two and three bedroom Washington and Palmerston terraced dwellings. The Washington on the corner with Holly Crescent and the site access road now presents a blank gable to Holly Crescent, which is contrary to the Alderney dwelling originally proposed and built opposite. The blank gable will appear overbearing and present a dead frontage to the street harmful to the visual amenity of the area. At the far southern end of the development along Holly Crescent the Alderney type has again been substituted for a Washington terrace.

Previously the large Alderney dwellings created the setting and place for the development as they are at key focal points along Holly crescent, but with their removal the street scene loses its character harmful to the visual detriment of the area.

Residential Amenity

In regard to residential amenity and overlooking, the distances between main frontages along the development access road remain as approved in 2005 at 20 metres.

The spacing distance from the first floor habitable rear windows of plots 20 and 21 and the two-storey gable of plot 23 is less than the required 12.5m ranging from 9m to 12m. It is considered that this relationship will appear overbearing and intrusive to the occupiers of plots 20 and 21 harmful to their residential amenity.

Affordable Housing

Policy HP13 of the local plan requires 30% affordable housing for residential developments larger than 0.5 of a hectare or comprising 15 or more units.

The proposed development of 40 units would require 12 affordable homes under Policy HP13. Alternatively combining the increased number of dwellings with the 2005 consent would give a total of 183 dwellings which equates to 55 affordable dwellings, an increase in four over the 2005 scheme.

This part of the application site under the 2005 consent did not have any affordable homes and therefore four additional units could be provided within this site to accord with Policy HP13.

However, the development appears to make no provision for affordable housing it is considered contrary to Policy HP13 of the Local Plan.

Open Space and Public Art

The applicant has not offered any new Section 106 Agreement for the provision of public art or open/play space for the proposed development. As the number of proposed dwellings has increased by 14 units over the 2005 consent, the commuted sums for public art and for open play/space under Policies RL5 and BE2 would require additional contributions.

As no Agreement or contribution has been offered it is considered the development does not adequately provide for open/play space or public art contrary to Policy BE2 and Policy RL5 of the Local Plan.

Conclusion

The layout and design of the proposed development at 66 units per hectare has resulted in an overcrowded layout with minimal distance between dwellings creating an overbearing and intrusive appearance harmful to the visual amenity of the area contrary to Policy HP9 of the Local Plan and Policy 8 of the Regional Spatial Strategy.

The substituted house types have removed the sense of place and identity from the design harmful to the appearance and visual amenity of the surrounding area contrary to Policy HP9 and Policy 8 of the Regional Spatial Strategy.

The facing distances of first floor habitable windows to blank two storey gables does not accord with the 12.5m separation distance outlined in Appendix 1 of Policy HP9 of the Local Plan and is therefore considered harmful to the amenity of potential occupiers.

The development does not provide for affordable housing, public art or play and open space contrary to Policies BE2, HP13 and RL5 of the Local Plan.

Accordingly it is recommended that the application be refused.

RECOMMENDATION Refuse FOR THE FOLLOWING REASONS:-

Extra 1.

The design of the development through incongruous house types and an overly dense layout does not create a sense of place or identity resulting in an intrusive overbearing development harmful to the appearance and visual amenity of the area contrary to Policy HP9 of the Chester-le-Street District Local Plan and Policy 8 of the Regional Spatial Strategy.

Extra 2.

The development does not provide adequate facing distances between first floor habitable windows and blank two storey gables harmful to the residential amenity of future occupiers contrary to Policy HP9 of the Chester-le-Street District Local Plan.

Extra 3.

The development does not make adequate provision for affordable housing, contrary to Policy HP13 of the Chester-le-Street District Local Plan.

Extra 4.

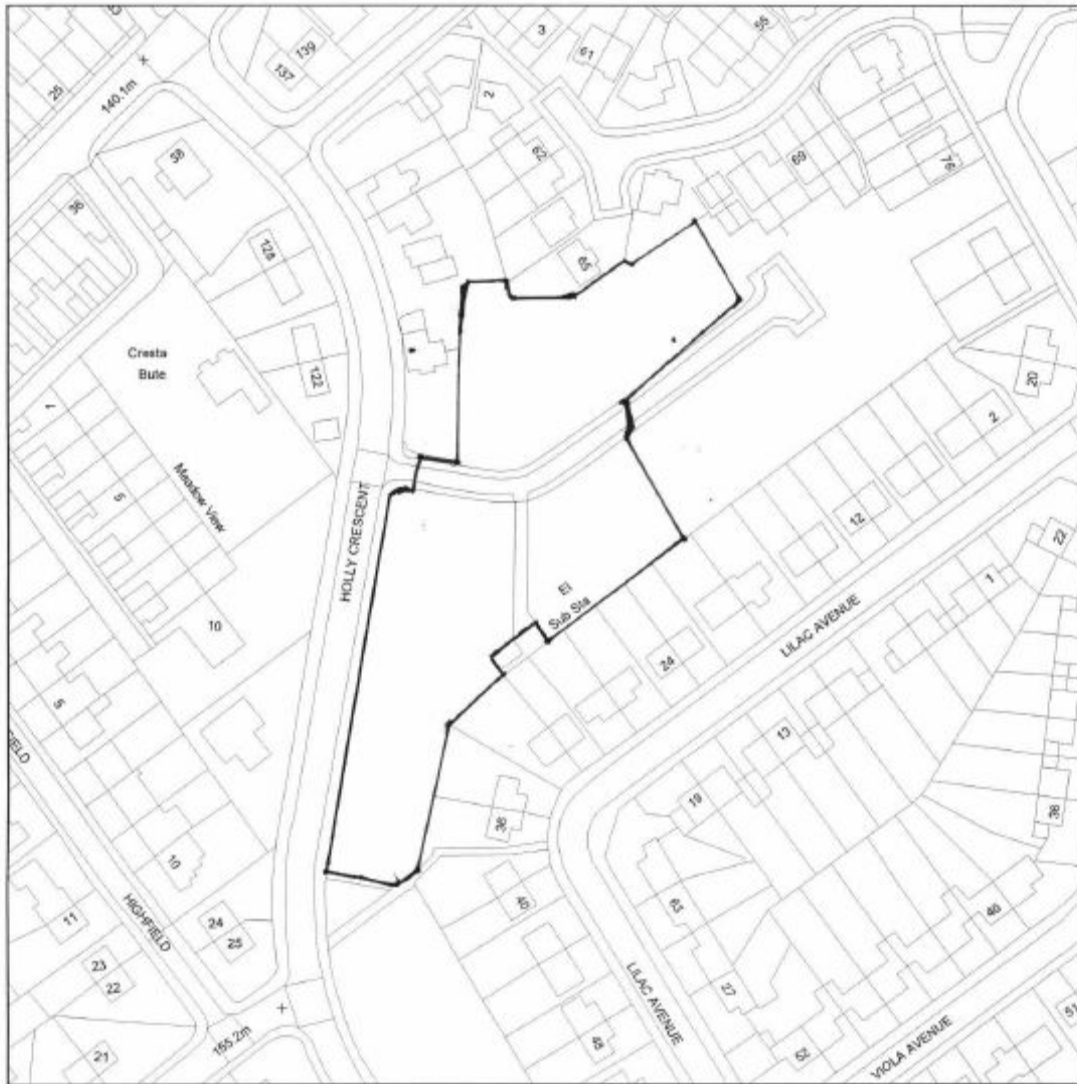
The development does not make adequate provision for public art contrary to Policy BE2 of the Chester-le-Street District Local Plan.

Extra 5.

The development does not make adequate provision for play and open space contrary to Policy RL5 of the Chester-le-Street District Local Plan.

Land at Holly Crescent

Sacriston



Scale : 1:1250

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 9 March 2009

ITEM 2 District Matters Recommended Approval

2.

Reference: 08/00471/FUL

Proposal Demolition of two agricultural barns and domestic extensions within Plawsworth Conservation Area and the erection of 13 residential units consisting of part barn conversion, sub-division of existing dwelling and part new build including access and hard surfacing details

Reference: 2/09/0055/CON

Proposal Conservation Area Consent for demolition of two agricultural and domestic extensions within Plawsworth Conservation Area.

Location Plawsworth Farm Wheatley Well Lane Plawsworth Chester-le-Street Durham
DH2 3LD

Applicant Mr R. Kirton-Darling

Application Summary

Ward: Kimblesworth and Plawsworth

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk

Summary of recommendation: The development hereby proposed comprises a form of development which complies with the aims of sustainable development and moreover proposes a form of development which will enhance the setting of the Plawsworth Conservation Area. Accordingly it is considered the proposals are compliant with the aims of relevant development plan policies for the area.

Accordingly it is recommended the applications be approved.

The Proposal

This report relates to two applications the first for Conservation Area Consent (09/00055/CON) for the demolition of two agricultural barns and domestic extensions within Plawsworth Conservation Area.

The second is a full planning application (08/000471/FUL) proposing the conversion of three agricultural barns associated with Plawsworth Farm and the erection of seven new-build dwellings. The existing farmhouse is to be sub-divided into a further three residential units resulting in a total of 13 residential dwellings. The design is rural in character with a traditional palette of materials and a layout centred on a large square courtyard. Units 7, 8, 9 and 13 are further accessed off a private driveway to the west of the courtyard.

Plawsworth Farm is located within the Plawsworth Village and Conservation Area. The application site is also located within the settlement limit for Plawsworth as detailed in the Local Plan. Plawsworth Village is accessed off the A167 and Plawsworth Farm is approximately 200m from the A167 on the north side of the main village through road at the crest of the hill.

Planning History

91/00108/FUL – Change of Use from Cattle Court to Commercial Stable – Approved.

Consultation Responses

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

The Council's Environmental Health Department have raised no objection subject to controlling the hours of operation for the construction phase and to require a methodology of any potentially noisy construction operations.

The Council's Planning Policy Section have commented in support of the proposal in principle and that the development will raise the architectural quality of building in the District.

The County Council Design and Conservation Team were consulted on the proposal but have not formally commented on the development. Verbally they have raised no objections.

Durham Bat Group recommended that a full bat survey be undertaken in relation to the development.

Natural England have not objected to the development subject to a condition requiring development is in accordance with the mitigation in the submitted bat report.

Northumbrian Water have not objected to the proposal subject to a condition requiring a detailed scheme of foul and surface water disposal to be agreed as the existing sewer is at capacity and an increase in surface water could increase the flood risk in the area.

The Council's Arboricultural Officer has raised some concerns. The trees marked for removal are acceptable as they are not good specimens, however in some locations they do screen the development site and contribute to the setting.

The applications have been advertised by way of a site and press notice and through direct mailing to adjacent occupiers. Four letters of objection have been received on the following grounds:

- That the barn fronting Wheatley Well Lane should be repaired and retained as a heritage building.
- That adequate parking should be provided within the site and not lead to parking on Wheatley Well Lane.
- That all new buildings should be constructed from stone.
- That the construction of unit 13 constitutes infill.
- That the drainage system for Plawsworth is inadequate and that the proposed number of residential units will result in flooding to properties further down the hill within the village.
- That the existing village drainage system should be upgraded as part of the development proposed.

Relevant Planning Policies and Considerations

National Planning Policy

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

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

Planning Policy Statement Nine: 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.

National Planning Policy Guidance 15: Planning and the Historic Environment; sets out the national planning context for preserving the historic environment. In regard to new buildings next to historic buildings these should be well designed and reflect the style, scale and massing of the neighbouring property to preserve the setting of the local environment. In regard to demolition of buildings within Conservation Areas, PPG15 advises of a presumption in favour of retaining buildings that make a positive contribution to the Conservation Area. The impact on the character and appearance of the Conservation Area is the prime consideration on considering demolitions within Conservation Areas.

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.

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 Regional Spatial Strategy (RSS) sets out the long-term planning strategy for the spatial development of the North East Region of England. The RSS is part of the statutory Development Plan and was formally adopted in July 2008.

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

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

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

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

Policy 32 – Seeks to conserve and enhance the historic environment by understanding the contribution historic buildings make to the local environment.

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

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

Chester-le-Street Local Plan

Policy HP7 permits limited infill within Plawsworth provided that the site is previously developed land, accessible by public transport, in close proximity to amenities, appropriate in scale and character to the area and reflect Plawsworth's conservation area status.

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

Policy BE4 seeks to allow residential development within conservation areas providing that the visual appearance, design and materials are commensurate with the area.

Policy BE5 seeks to ensure any demolition within conservation areas is not detrimental to the character and appearance of the area and any replacement structure also respects the character and appearance of the conservation area.

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

Policy NE11 requires new development to take account of existing trees and hedgerows and requires trees and hedgerows to be retained if possible and if removed replanting sought.

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 private vehicles.

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 principal material planning considerations raised;

Principle of Development

The entire application site is within the Plawsworth Village settlement boundary and as such new development is referred to specifically by Policy HP7 of the Local Plan. Policy HP7 does allow infill development on previously developed sites. There are seven new build dwellings as part of the proposed development. Under Planning Policy Statement Three agricultural buildings and land are considered Greenfield and as such this would not accord with Policy HP7, as Greenfield land is not previously developed.

However, cumulatively the development is not entirely Greenfield with units 10-13 being within the curtilage of the main farmhouse. Units 1, 8 and 9 are barn conversions, which although not referred to specifically as being acceptable in the Local Plan would be supported by PPS7 as conversions in the open countryside. It is therefore considered that if a barn conversion is acceptable in the open countryside it should also be considered acceptable within a defined settlement boundary, in a more sustainable location.

Of the remaining seven new-build dwellings, units 3-6 occupy the site of a former large pole barn leaving only units 2 and 7 not on the footprint of a former building. Whilst acknowledging the Greenfield status of this part of the site the land is not free from development at present, therefore the visual harm is significantly less than if development was proposed on a field or open space. Planning Policy Statement Three promotes a more flexible approach to land supply recognising that new development should where possible be on previously developed land but also that there will be instances where sustainable Greenfield sites are suitable for development.

As the development site is close to the A167 and within 400m of a major bus route and a short journey time to Chester-le-Street and Durham it is considered that development in this location even on part of a Greenfield site, is sustainable and combined with the enhancement of the appearance of the Plawsworth Conservation Area outweighs the presumption against the development of Greenfield land as advised in HP7 in this instance.

Design

Policy BE4 of the Local Plan seeks to ensure new development protects and enhances the character and appearance of the Conservation Area which is a view echoed by Policies 8 and 32 of the Regional Spatial Strategy.

Policy HP9 of the Local Plan seeks to ensure a high standard of design in residential developments and to preserve the amenities of surrounding occupiers.

The design has been subject to lengthy pre-application discussions with Officers to ensure a high standard of development that respects the character and appearance of the Conservation Area. The design has evolved into a traditional farmstead layout arranged around a central courtyard surfaced in buff coloured Chinese Bauxite.

Unit 1 is the oldest and historically most important of the farm buildings. It was identified in the Councils Conservation Area appraisal as a building of significant local interest and one that should be maintained and not left to deteriorate further. The conversion of this building has been sympathetically designed to utilise the existing openings and make good the existing structure. The building is largely unaltered other than the removal of the lean to on the farm side of the barn and steps leading to the hayloft. Both these features were not original to the building, but later functional additions. It is therefore considered their loss will not harm the historic character and integrity of the original barn.

Units 8 and 9 are the two other barn conversions, which again remain largely unaltered with the exception of two new door openings. As these openings are proportionate to the existing opening to void ratio it is not considered that these minor additions harm the character of the development. The single storey storage building to the side of the barn to make up unit 9 is to be demolished and rebuilt. The building is of no architectural merit and as such rebuilding is considered acceptable.

Unit 13 is a new build dwelling to the side of the existing dwelling. It replaces a smaller modern addition, which is to be removed. Unit 13 is largely hidden from public view, as it is located at the extreme west of the application site behind Priory Heights house. Despite being not easily noticeable it does have a direct relationship with Plawsworth Farm House and Priory Heights, as such it reflects some of the traditional design details with stone walling and Northumberland arches as well as more contemporary finishes on the elevations that do not face the existing dwelling. It is proposed that all elevations facing the existing dwelling and Priory Heights are finished in stone to preserve the character and appearance of the area.

Unit 7 is again similar to unit 13 comprising a mix of stone and brick detailing with slate roofs and vertically emphasised fenestration. It is therefore considered the design is

commensurate with the Conservation Area and serves to protect and enhance its visual appearance.

Units 3-6 occupy land of the former pole storage barn. The design has been revised several times to its current proposed form. The concept is four dwellings designed to look like a central farmhouse with subservient side workers accommodation. The design comprises traditional scale and massing with a 40-degree roof pitch, stone and brick construction and slate roofing. It is considered the traditional farmhouse design and workers accommodation approach applied is commensurate with the rural farmstead design concept and as such is commensurate with the character and appearance of the Conservation Area.

Unit 2 is similar to unit 6 and they complement each other in appearance across the central courtyard. The design follows the overall concept with traditional scale and massing to the main elevations, vertically proportioned openings and a traditional materials palette. As such unit 2 is commensurate with the rest of the scheme.

Units 10-13 comprise the subdivision of the existing farmhouse. The sub division significantly improves the appearance of the 18th Century farmhouse as it removes all of the existing unsympathetic rear extensions to the original property. The principle elevation facing Wheatley Well Lane is largely unaltered except for the introduction of a doorway in an existing ground floor window opening. It is considered the alterations to the farmhouse preserve and enhance the property's character to the benefit of the Conservation Area.

In order to preserve the integrity of the design and appearance of the Conservation Area it is proposed to ensure all windows are timber in keeping with the existing dwelling and setting of the development.

Residential Amenity

The internal facing distances between the proposed dwellings meet the 21m-separation distance to first floor primary windows and where the distance is less; there are no main primary windows in the elevation as is the case to the rear of unit 8.

In regard to impact on neighbouring properties outside the development site, these are the dwellings at Plawsworth Hall Farm and Priory Heights house. The properties at Plawsworth Hall Farm all present blank stone elevations where they abut the development site and as such it is not considered any detrimental amenity impact will occur.

Just beyond the proposed development site is the gable of units 25-28 Plawsworth Hall Farm. On this gable end is a projecting bay window feature. The bay window is at a tight acute angle to the rear windows of units 3-6 of the proposed development and is therefore not considered detrimental to the amenity of the neighbouring or future occupiers.

In regard to Priory Heights house, unit 13 lies in close proximity to the north. However, the proposed development does not come across any of the rear elevation so it will not be overbearing in their principal outlook from their rear windows.

Conservation Area Consent (09/00055/CON) and Demolition

Members will note from above that this report refers to two applications. This section considers the Conservation Area Consent application for the demolition of the barns within Plawsworth Conservation Area and the planning merits of their demolition in light of the proposed development scheme.

Planning Policy Guidance 15 (PPG15) refers to demolitions in Conservation Areas and advises that there should be a presumption against demolition of buildings, which make a positive contribution to the character, and appearance of the Conservation Area.

This approach is further outlined in Policy BE5 of the Local Plan, which advises demolition in Conservation Areas will not be supported if it harms the character and appearance of the Conservation Area. There are two principle demolitions, the pole barn to the north and the central stables, with minor demolitions for the single storey extension to the barn-forming unit nine and the extensions to the original farmhouse.

The demolition of the existing extensions to the 18th Century farmhouse are a significant visual improvement as the extensions are piecemeal modern additions that do not respect the character of the host property. The demolition of the single storey brick element to unit nine and its replacement is considered acceptable, as the original building was of little historical or architectural merit and its replacement is more commensurate with the proposed rural design and character of Conservation Area.

The pole barn is typical of many across the country and serves a valuable functional need but is of little aesthetic value. The replacement design for units 3-6 is a positive enhancement to the appearance of the Conservation Area and commensurate with a rural farmstead and as such is considered acceptable.

The stable building in the centre of the site has some traditional architectural merit but the integrity of the building has largely been eroded by the unsympathetic conversion from agricultural building to stabling and imposition of a modern roof structure. Due to these more recent changes and taking into account that the barn is set back from the road and not easily visible, it is considered the central barn does not make a positive visual contribution to the Plawsworth Conservation Area.

In summary as the proposed demolitions are not of significant architectural interest, or make a positive contribution to the Conservation Area, their demolition to allow the central courtyard and enable the scheme, which will significantly enhance the Conservation Area outweighs the retention of the barns themselves.

Affordable Housing

Under Policy HP13 of the Local Plan 30% affordable housing is required on all major housing developments over 15 units or in excess of half a hectare in area.

As the development only proposes 13 units (and is not in excess of half a hectare) the proposed development does not trigger the criteria for Policy HP13 and the provision of affordable housing is not required.

Public Art and Open Play/Sporting Space

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.

Policy RL5 of the Local Plan seeks a developer contribution for children's play space if it is not to be provided on site and for the provision of open sporting land. It is proposed to facilitate this contribution under a planning condition and subsequent Section 106 Agreement.

The applicant has submitted drafts heads and terms of a Section 106 Agreement with the planning application.

Ecology

Durham Bat Group commented on the need for a bat report; subsequently the applicant has provided such a report with the application. Natural England, the statutory consultee on ecology issues have considered there to be no detrimental impact on protected species resulting from the development. The submitted bat report has recommended a construction methodology and mitigation and in accordance with advice offered by Natural England, adherence with the methodology will be ensured under a planning condition.

In recognition of the concerns raised by Durham Bat Group and the aims of PPS9 in enhancing biodiversity and introducing new habitats a scheme to require crevice roosts to encourage bats will be required under condition.

Landscaping

It is proposed to reserve the precise landscaping details under planning condition. The Council's Arboricultural Officer has raised concern regarding the loss of boundary screening along the western boundary and tree 2 to the front of the existing dwelling adjacent Wheatley Well Lane. Group 2 as indicated on the submitted arboricultural plan are of low aesthetic value but do screen the west elevation of the site. It is proposed to require further details of retained trees to address the arboricultural concerns and then also require a detailed scheme of landscaping that will make adequate provision for screening from the west.

Access and Parking

The County Highway Authority have been involved during pre-application discussions from the outset. The scheme has been amended to satisfy their requirements and they raise no objection to the access or the parking concerns as raised by local residents. It is therefore considered that the amount of parking at 1.5 spaces per unit is acceptable.

Drainage

Local residents and specifically the residents of 'The Grove' who has suffered localised foul flooding in their garden in the past, have raised the disposal of foul and surface water

as a significant concern. As a result of the localised flooding in 2006 Northumbrian Water undertook a report into why the incident occurred. It concluded that the existing foul sewerage system is at its hydraulic capacity and cannot accommodate additional foul sewerage. Northumbrian Water have commented that this still remains the case and that the applicant will have to find alternative methods to dispose of foul and surface water. They propose a planning condition that will require full details of a drainage system for foul and surface water prior to works commencing.

Conclusion

The applications are considered acceptable in principle as the development site despite being partly on Greenfield land, is in a sustainable location within the settlement boundary of Plawsworth and within 400m of a major bus route offering easy connectivity to Durham and Chester-le-Street as supported by the aims of Planning Policy Statement Three to encourage development in sustainable locations.

The principle of development is further enhanced by the resulting improvements to the character and appearance of the Plawsworth Village Conservation Area. The removal of unsympathetic buildings and additions and replacement with a high standard of design based around a courtyard and rural farmstead will directly enhance Plawsworth Conservation Area and contribute to the wider architectural quality of development in the District in accordance with Policies 8 and 32 of the RSS and Policy BE4, 5 and HP9 of the Local Plan.

The proposed development has preserved the significant trees on the edge of the development site and those to be removed are supported by the Council's Arboricultural Officer with the exception of further details required regarding the western boundary screening and Tree 2. It is therefore considered that the proposal accords with Policy NE11 of the Local Plan.

The access and parking has been found to be acceptable by the County Highway Authority and reflects their pre-application requirements and as such accords with Policies T15 and 17 of the Local Plan.

The ecology impacts have been considered by Natural England and found to be acceptable subject to adherence with the mitigation in accordance with the aims of Planning Policy Statement 9.

In regard to demolition of the barns proposed, it is considered they do not make a positive contribution to the character and appearance of Plawsworth Conservation Area. By enabling their demolition the proposed scheme under the full planning application will make more of a significant contribution to the Character of the Conservation Area than the retention of the barns themselves in accordance with the aims of PPG15.

Accordingly the applications are recommended for approval.

RECOMMENDATION

THE FOLLOWING CONDITIONS:-

Approve Full Planning Permission

SUBJECT TO

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 in accordance with the amended plan received 12th January 2009; unless otherwise firstly approved in writing by the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 3.

Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of the external walls, hard standings, access roads, roofs of the development have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of the visual and residential amenity, character and appearance of Plawsworth Conservation Area and in accordance with the provisions of Policy HP9 and Policy BE4 of the Chester-le-Street District Local Plan.

Extra 4.

Notwithstanding any information submitted the window and door frames in the hereby approved development shall be of timber construction unless otherwise agreed in writing with the Local Planning Authority; in the interests of the visual and residential amenity, character and appearance of Plawsworth Conservation Area and in accordance with the provisions of Policy HP9 and Policy BE4 of the Chester-le-Street District Local Plan.

Extra 5.

Notwithstanding the details shown on the hereby approved plans and elevations, full details of all means of enclosure of the site (including any internal means of enclosure to sub-divide individual plots) shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of any development on site in order to ensure the satisfactory appearance of the development upon completion, in the interests of the visual and residential amenity, character and appearance of Plawsworth Conservation Area and in accordance with the provisions of Policy HP9 and Policy BE4 of the Chester-le-Street District Local Plan.

Extra 6.

The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including identifying retained trees and shrubs, new 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 the visual and residential amenity, character and appearance of Plawsworth Conservation Area and in accordance with the provisions of Policy HP9 and Policy BE4 of the Chester-le-Street District Local Plan.

Extra 7.

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) any external alterations to the dwelling (except painting and repairs) and any development within the curtilage of the dwelling (ie development permitted under Schedule 2, Part 1 (Class A-H inc.) and also Part 2 (Class A) of the Town and Country Planning (General Permitted Development) Order 1995 shall require the benefit of planning permission in order to ensure the satisfactory appearance of the development upon completion and in the interests of the visual and residential amenity, character and appearance of Plawsworth Conservation Area and in accordance with the provisions of Policy HP9 and Policy BE4 of the Chester-le-Street District Local Plan.

Extra 8.

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

Extra 9.

No development shall commence unless in accordance with the mitigation detailed within the protected species report 'Bat Survey Report, Plawsworth Farm, Mervyn Anthony 21st June 2008, Revision 2' including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the report, to ensure the preservation and enhancement of species protected by law in accordance with Policy 33 of the Regional Spatial Strategy and Planning Policy Statement 9.

Extra 10.

No development approved by this permission shall be commenced until:

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

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

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

In accordance with the aims of Planning Policy Statement 23.

Extra 11.

Notwithstanding the information submitted and prior to works commencing a detailed scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and implemented in accordance with the approved scheme thereafter in the interest of pollution control, adequate disposal of foul and surface water in accordance with Planning Policy Statement 25 and Planning Policy Statement 23.

Extra 12.

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

Monday to Friday - 08:00 to 1800

Saturdays - 0800 to 1300

Sundays - None

Bank Holidays – None

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

Extra 13.

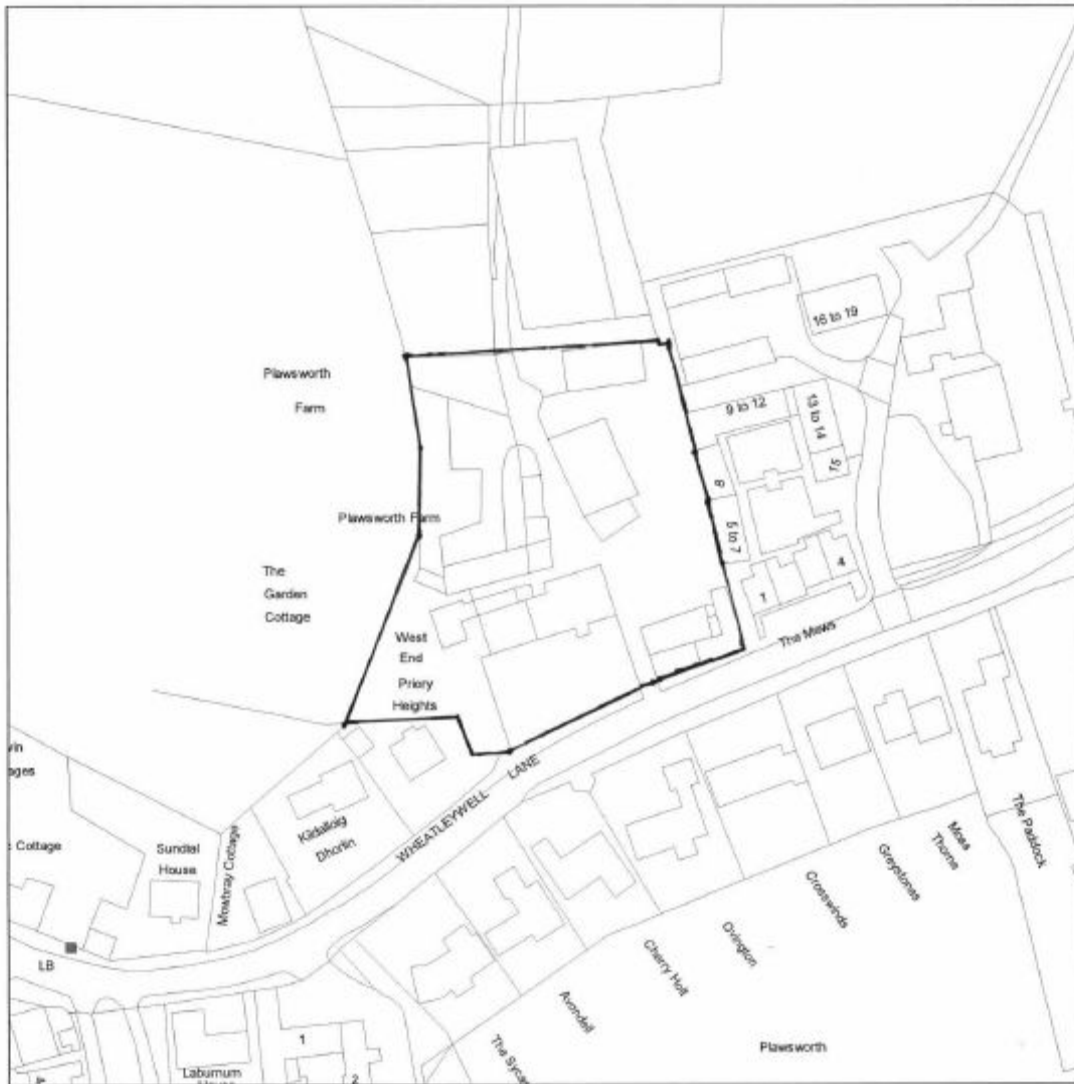
Prior to works commencing a construction methodology to include all potentially noisy operations and details of plant and heavy equipment shall be submitted to and agreed in writing with the Local Planning Authority and implemented on site in accordance with this agreement for the duration of the building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

RECOMMENDATION 2) Approve Conservation Area Consent SUBJECT TO THE FOLLOWING CONDITIONS:-

The demolition of the buildings hereby approved shall not take place until a contract for the carrying out of works for the redevelopment of the site has been made and planning permission for those works has been granted, in order to protect the character of the Plawsworth Conservation Area and to accord with the aims of Policy BE 5 of the Chester-le-Street District Local Plan.

Plawsworth Farm

Plawsworth



Scale : 1:1250

Ground Floor Plan

First Floor Plan

East Elevation

North Elevation

West Elevation

South Elevation

PLANNING DEPT.
REVISED: 01 DEC 08
APPROVED: [Signature]

A1

NOTE:

1. All work shall be in accordance with the Building Regulations.
2. All work shall be in accordance with the Building Regulations.
3. All work shall be in accordance with the Building Regulations.
4. All work shall be in accordance with the Building Regulations.

PLANNING DEPT.
REVISED: 01 DEC 08
APPROVED: [Signature]

PLANNING

DATE:	18/01/08	PREPARED BY:	AT
DATE:	18/01/08	CHECKED BY:	OK
DATE:	18/01/08	APPROVED BY:	OK
DATE:	18/01/08	APPROVED BY:	OK

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 9 March 2009

3.

Reference: 08/00487/FUL

Proposal Erection of four live/work units and two holiday lets

Location Jingling Gate Inn Twizell Lane West Pelton Chester-le-Street Durham DH9
6SL

Applicant Mr D. Smith - A1 Upholstery

Application Summary

Ward: Grange Villa and West Pelton

Case Officer: James Taylor, Senior Planning Officer

Contact Details: 0191 387 2002

jamestaylor@chester-le-street.gov.uk

Summary of recommendation: The development hereby proposed for four live/work units and two holiday cottages is a departure from the Chester-le-Street District Local Plan. However, it is considered that the site is suitable for commercial development as the site has previously been in such a use as a nightclub. The live/work units are considered to support the rural economy and diversify the District's commercial development offer as recommended by the 2008 Employment Land Review.

The uses are restricted to use class B1 (offices and light industrial), therefore ensuring that the scale of activities are suitable for the location and amenities of residents. The overall design is based around that of a rural farmstead and as such is commensurate with the appearance of the area.

The above positive material considerations are considered to outweigh the strict presumption against the development, as detailed in the Local Plan and therefore it is considered that justification exists to grant planning permission as a justified departure.

Accordingly it is recommended the application be approved.

The Proposal

The application proposes four live/work units with two holiday cottages between live/work units one and two. The live/work units have been designed so that the living and working elements are interlinked and cannot easily be used as separate units of accommodation. Typically each unit offers three bedroom accommodation and approximately 380sqm of commercial floor space.

The site is accessed off Twizell Lane and is located approximately 185 metres southwest of West Pelton village, outside the settlement boundary as defined in the Chester-le-Street Local Plan.

Planning History

The history relevant to this application is as follows: -

07/00055/FUL – Outline application for the demolition of the existing public house and the erection of 5 no dwellings - Application Refused.

Consultation Responses

Durham County Council Highway Authority have raised no objection to the proposed development subject to widening of the carriageway adjacent the poultry farm access. They also comment that a S278 agreement under the Highways Act will be required for upgrading of the existing highway and additional street lighting. In regard to traffic levels the Highway Authority considers that the likely traffic generated from the proposed development will be less than the former public house and nightclub use.

The Council's Planning Policy Team refers to the June 2008 Employment Land Review undertaken by NLP and Storeys:ssp. This highlighted that a significant number of businesses (up to 60% within Chester-le-Street) are home based and that future provision of live/work units is recommended to stimulate further economic growth.

As the site is detached from West Pelton settlement the Planning Policy Team commented on the need to reduce the dependence on vehicular traffic. In regard to the proposed holiday accommodation they refer to an increasing trend in demand for self-catering accommodation and a fall in demand for serviced accommodation. Therefore they are supportive of the proposed holiday cottages. In regard to the need for future control they recommend strict planning conditions and the possibility of a Section 106 Agreement ensuring the development is not abused, for example for solely residential use.

Northumbrian Water have no objection to the proposed development.

The Council's Arboricultural Officer has commented that subject to additional landscaping and maintenance works to the vegetation along the site boundaries no objection is raised.

Durham Constabulary have no specific concerns for policing as a result of the proposed development and refer generally to secure by design principles in light of the rural location.

The Council's Contaminated Land Officer has commented that the Desk Top Study has been found to be acceptable. Further site investigation is required should the application be approved.

The Council's Environmental Health Team have not formally commented on the application. They have verbally outlined that as the site is adjacent the poultry farm, there is likely to be the potential of odour nuisance, however they recognise that the site was previously in use as a public house and in part for residential accommodation, and no nuisance complaints were received from the then occupiers.

The County Council Design and Conservation Officer is in support of the development subject to further material details and timber recessed windows.

The Environment Agency have not objected to the development but draw attention to potential emissions of dust and ammonia from the adjacent poultry farm, especially when the poultry houses are cleaned.

Durham Bat Group endorses the submitted bat survey but are concerned there is no mechanism to ensure the implementation of the recommendations.

The application has been advertised by way of a press and site notice as well as direct consultation with surrounding occupiers. In response 2 letters of objection have been received on the following grounds:

- The site is untidy and used for fly tipping following the fire, which demolished the former public house/nightclub.
- The development will give rise to complaints about the operation of the poultry farm.
- The prevailing winds will carry odour across to the proposed development site.
- The Environment Agency should be consulted.
- Due to necessary night time vehicle movements at the poultry farm disturbance to future occupiers may occur.
- Despite the widening of the access point to the Poultry Farm, the access could still be obstructed by parked vehicles causing problems for the farm's operations.
- The development is contrary to the Local Development Plan.
- The scale of development is an inappropriate intrusion into the countryside.
- The development may set a future precedent for ribbon development in the area.

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, in this instance the benefit of mixed-use developments reducing the need to travel. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997.

Planning Policy Statement Three: PPS3 sets out the sustainable delivery of the Government's national housing objectives. Housing should be of a high quality, offer

variety and choice, be affordable and preferably make use of previously developed land in sustainable locations whilst being well related to existing facilities and infrastructure.

Planning Policy Guidance Four: PPG4 aims to promote economic growth through sustainable development. It acknowledges that small firms and businesses can be carried out in rural areas without causing unacceptable amenity impacts.

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

Planning Policy Statement Nine: 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 13: PPG13 seeks to promote the benefit of reducing the need to commute and encourages the use of ICT to provide flexible working opportunities.

Regional Spatial Strategy

The Regional Spatial Strategy (RSS) sets out the long-term planning strategy for the spatial development of the North East Region of England. The RSS is part of the statutory Development Plan. The RSS for the North East of England 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 – Protecting and Enhancing the Environment: Seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development that should be sympathetic to the surrounding area.

Policy 11 – Rural Areas: Promotes the development of a vibrant rural economy that makes a positive contribution to regional prosperity and protects the region's environmental assets.

Policy 16 – Culture and Tourism: Promoting sport, leisure, recreation and tourism development in a sustainable manner to enhance the region as a visitor destination.

Policy 24 – Delivering Sustainable Communities: Planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives including the impact of design on the region's landscapes and biodiversity.

Chester-le-Street Local Plan

Policy NE1 states that new development should seek to demonstrate sustainable development objectives.

Policy NE2 has regard to development beyond settlement boundaries, outlining that development should be strictly controlled and new dwellings granted only where there is a need to support existing agricultural or forestry activities. In regard to commercial development it should be consistent with maintaining the rural economy.

Policy IN9 refers to industrial development in rural areas. Development should be on previously developed land, for farm diversification or the re-use of an existing building and not harm the character, amenity or appearance of the surrounding area.

Policy HP9 & Appendix I consider the design and layout of residential development, although it refers only to development within settlement boundaries. However, the design principles still outline the approach taken with all residential development.

Policy TM3 refers to tourist accommodation and states that new build holiday accommodation is not permitted outside settlement boundaries.

Policy T15 seeks to ensure a safe access is created in all new development for all users and does not generate a hazard to road users.

Policy T17 seeks to encourage non-reliance on private vehicular transport through encouraging cycling, public transport and walking.

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 principal material planning considerations raised;

Principle of Development

The development is a departure from the Local Plan with no policy provision that specifically permits new build Live/Work development or holiday accommodation outside of settlement boundaries. Therefore the development is a departure from Policies IN9, NE2, and TM3 of the Local Plan.

In regard to Policy IN9 this considers the provision of rural industry and business to support the rural economy. However, it only supports such rural commercial development within existing settlement boundaries. The proposed development site lies outside the settlement boundary of West Pelton within the open countryside and for this reason is contrary to Policy IN9. However, it still remains that the land is previously developed and was in a longstanding commercial use as a public house and nightclub, with a large car parking area.

Live/work units are a form of mixed-use development that in this instance combines use class C3 (residential) and B1 (light industrial). They have not been widely taken up by

Local Planning Authorities largely because from a policy aspect they are often feared to be a back door to permanent residential development in inappropriate locations.

However, the draft PPS4: Planning for sustainable development does recognise their use and contribution to economic growth. This has been further recognised in the Council's Employment Land Review undertaken in June 2008. The study indicates that there is an undersupply of employment land within Chester-le-Street and at current take up rates there will be a six-year shortfall in sites over the next 25 years. Should the anticipated take up of Drum Industrial Estate continue then this could increase to a 14-year shortfall. Whilst not a major strategic employment site the four live/work units will provide approximately 1536sqm of employment floor space to increase the employment land supply whilst also boosting the rural economy. As there is currently no comparable units in the surrounding area it is anticipated that by implementing these units they will provide a suitable and viable small-scale business unit for those that are looking to combine living and working activities.

In regard to residential development no policy support is given in national or local planning Policy for pure residential development in the open countryside. However, the residential development hereby proposed cannot be considered purely residential as it is inextricably linked with the commercial function and maintained thus through planning conditions. Care with the layout and design of the units during pre-application discussions has meant that the residential elements are interlinked with the commercial areas. This ensures that the units would be difficult to operate as separate units in themselves or be sold off as such.

The amount of amenity land for recreational purposes is also reduced to that expected of a development for a dwelling within a settlement boundary in recognition of the fact that these units are for commercial occupation.

In order to control development and avoid potential abuse, planning conditions are proposed to restrict the occupancy of the work unit to those persons living in the attached residential dwelling.

Planning Policy Statement Seven recognises the need to support the rural economy and seeks to reinforce the vitality of rural villages and service centres by development that is preferably within or near to existing villages. It is considered this proposal offers the most sustainable means of supporting West Pelton and its facilities as the development site is on the edge of the settlement within short distance to local facilities and enhances the appearance of the area by making use of previously developed land.

On balance it is considered the development of a previously developed employment site on the edge of West Pelton for a use which encourages home based working, represents the most efficient and sustainable use for the site and supports the local rural economy in accordance with the aims of Planning Policy Statement Seven.

Sustainability

One of the key benefits of Live/work units is that they are operated by the homeowner on the same site and are effectively an increased scale of home working. This in turn reduces

the need to travel by not having to commute to a place of work, (the average UK worker commutes approximately 54 minutes a day).

The neighbouring settlement of West Pelton has a local shop and school within 600m of the development site, further reducing the need to travel more than local distances. The introduction of more residents to the local area will also further support the school and local shop to the benefit of the existing community.

The previous nightclub was popular as a venue, being one of the few facilities of its type in the area. During its period before decline it is understood coaches of people used to attend the Jingling Gate. The County Highway Authority envisage that the four proposed live/work units and holiday accommodation will not generate traffic levels comparable to that generated by the nightclub, and as such the current use is considered more sustainable with fewer vehicular trips than previously.

Feasibility

The applicant was advised during pre-application discussions that as the development was not in accordance with the Local Plan Policies they should provide supporting evidence that the proposal is commercially feasible.

Feasibility reports have been compiled by Gawin I Holmes (Chartered Surveyor) and Bradley Hall (Chartered Surveyors). Bradley Hall considered there to be a shortfall in this type of live/work unit within the region and they believe that there is a trend towards reducing overheads by living and working from the same location and therefore these units will be rapidly taken up. They further comment that there are no comparable units, which would cater for small craft based industries within a 6-mile radius.

Gawin I Holmes refers to other live/work developments within the Yorkshire Dales National Park and East Yorkshire, which have been taken up as successful live/work developments. They further acknowledge that there are no comparable live/work developments in the immediate area either in Chester-le-Street or Derwentside Districts. They do refer to a scheme at The Middles, Craghead that was not supported by the Local Planning Authority on grounds that they had adequate commercial and residential land supply. This is markedly different to Chester-le-Street, where additional employment land is required, and a specific recommendation given in the Employment Land Review for the need for live/work units.

In regard to holiday accommodation both surveyors consider the District to be devoid of good quality holiday lets with the exception of Plawsworth Hall farm and Low Urpeth Farm. As the demand for self-catering accommodation is increasing, and limited self-catering accommodation is currently available, it is considered there will be demand for the two proposed holiday cottages. The Jingling Gate site being in close proximity to a good network of footpaths for leisure purposes, close to the nearest shop and within easy distance of the A693 and Beamish Museum, further supports the location for holiday accommodation.

Visual Impact

The site although on the edge of West Pelton retains a rural character, this following the greening of the surrounding land since the closure of the neighbouring Twizell colliery.

Prior to the poultry farm the area was well developed with mining related activity with the public house being the social focal point. Presently the area is predominantly laid to agricultural grazing land. This is with the exception of the development site that retains its car park, but all the buildings associated with the Jingling Gate have since been demolished following a fire in late 2008.

The design concept is that of a rural farmstead with traditionally rural scale and massing to the buildings, which are all to be constructed from stone with slate roofs. This approach is considered in keeping with the character and appearance of the location and accords with Policy IN9 in this respect.

The current condition of the land and the improvement through development is not justification on its own for the proposal but is a contributing factor. Since the closure of the nightclub the site has been frequently vandalised and cause for complaint from the local community. The proposal is therefore consistent in improving the appearance of the site.

Holiday Accommodation

Policy TM3 does not support new tourist accommodation outside settlement boundaries unless it is an extension to an existing facility or a conversion of an existing building. However, Policy TM4 permits holiday chalets as long as they are not harmful to the amenities of the area.

Purpose built holiday cottages, as proposed, are a departure from the development plan, as they would not easily be classed as "chalets" to accord with Policy TM4. However, holiday chalets in this location would be more harmful to the character of the area than the traditional appearance of a stone holiday cottage.

Policy 16 of the Regional Spatial Strategy promotes tourist development in the interest of promoting the region as a tourist destination. With two of the region's major tourist attractions, the Durham County Cricket ground and Beamish museum both within Chester-le-Street District these will support demand for tourist accommodation. This is a view supported by the Council's Planning Policy and Regeneration Team and the applicants' own feasibility reports. Therefore, as commercial development on a site in previous commercial use, self-catering holiday cottages in this location are considered feasible and as such are supported as a justified departure from the Local Plan Policies.

Proximity to Poultry Farm

Adjacent the development site is a poultry farm for up to 110,000 chickens in five poultry houses. As is the nature of poultry houses they can emit fugitive emissions such as ammonia and dust. The site is licensed by the Environment Agency who monitors and regulates the operations of the farm. They state that odours maybe evident around the site at certain times such as when the units are cleared of birds and the poultry manure removed off site.

Officers have visited the site on more than one occasion and some odour emissions have been evident but not during every visit. It is Officers' understanding that the poultry farm is working towards best practicable means for pollution odour control under their Environment Agency licence agreement. It is therefore likely that any odours will be

reduced. However, it is also recognised that even with best practicable means equipment the nature of poultry houses and their construction is likely to mean that odour may still escape.

The Council's Environmental Health Department have verbally commented that fugitive emissions may occur sufficient to possibly raise odour nuisance complaints. However, they have also had regard to the fact that no complaints have previously been received from the occupiers of the public house.

The fugitive emissions and their regulation is controlled separately by the Environment Agency who are working with the farm owner towards best practicable means for the control of odour. The Council's own Environmental Health Team have not received any previous complaints and as such it is considered the planning merits of developing a previously developed commercial site, which enhances the appearance of the area, outweigh the negatives of potential odour emissions and the possible negative amenity impact on future occupiers.

Residential Amenity

The principles for preserving residential amenity are outlined by Policy HP9 of the Local Plan and Appendix 1. However, Policy HP9 only applies to development within settlement boundaries but the broad principles still apply.

The development has been orientated so that the distances between the units remain near to 21 metres with unit two 20 metres from units 3 and 4. It is not considered that one metre less than the prescribed 21 metres facing distance will materially harm the amenities of future occupiers.

Units three and four are currently orientated 6.5m from each other although the windows are offset from each other to not facilitate direct overlooking. However, it is still considered that a planning condition be imposed requiring further details of the window placements to ensure harmful overlooking does not occur.

In regard to the holiday accommodation this is at single storey level and screened by boundary treatments from the live/work units. The principle habitable windows for the holiday cottages face across open countryside or towards Twizell Lane, and therefore are not directly overlooked.

Site Access & Highway Safety

The site is accessed off Twizell Lane at three points that feed into separate service courtyards. Provision has been made for an enlarged turning area adjacent the existing Poultry Farm in order that heavy goods vehicles can turn into the farm gateway without conflicting with the pavement and proposed development.

The County Highway Authority have raised no objection to the proposal, subject to agreeing the widening of the footpath near the enlarged turning area. An objection has been raised by the poultry farm owner regarding the possibility of parked vehicles obstructing his access. However, the on site parking provision is consistent with the

Highway Authority guidelines and as they are considered adequate, sufficient space is provided for off street parking.

Biodiversity & Ecology

In the interests of habitat creation and biodiversity it is proposed to introduce a commensurate rural landscaping scheme. This will include new hedgerows and indigenous tree species that should improve the habitat and thus the future biodiversity offer in the immediate area.

In recognition of the rural location and the aims of PPS9 in enhancing biodiversity and introducing new habitats a scheme to require crevice roosts to encourage bats is proposed as a planning condition.

Conclusion

The proposal constitutes a departure from the Chester-le-Street Local Plan Policies. However, it is considered the development is consistent with national Planning Policy Statement Seven (PPS7). PPS7 states that authorities should be supportive of small-scale business development that contributes to the vitality of rural communities. PPS7 also acknowledges that small-scale business accommodation may provide the most sustainable option in villages that are remote from and have poor public transport links with service centres. By encouraging new small-scale business to the area in a purpose built commercial live/work development this will support the settlement of West Pelton and its facilities. Through reducing the need to commute the proposal represents the most sustainable option for contributing to the vitality of the settlement in light of its relatively deprived public transport connections.

In regard to tourist accommodation PPS7 recognises the need to provide tourist accommodation in or close to existing villages or service centres and address identified needs not met by existing facilities. As tourist accommodation is commercial development and the site was previously in commercial use within close proximity to West Pelton and the proposal addresses an identified shortfall in self-catering accommodation, it is considered the proposal is consistent with PPS7.

In order to ensure the development remains in commercial use as a live/work unit, conditions are proposed to restrict occupancy and use. This is to ensure the development is not abused, and developed for solely residential purposes.

In summary the development will provide a mix of uses for small-scale business, representing the most sustainable option for the sites development. The tourist accommodation will contribute to an identified deficiency in self-catering accommodation and serve a rising demand for such accommodation and is therefore consistent with the aims of PPS7. Visually the development is commensurate with the rural area and to a high design standard, significantly improving the appearance of the existing site to the benefit of the character and appearance of the area.

In light of all the above positive material planning considerations, it is considered that the planning merits of developing a previously developed site with live/work and holiday accommodation that addresses an identified shortfall in such development, as well as

enhancing the appearance of the surrounding area; outweighs the strict presumption against the development as detailed in the Local Plan. Therefore it is considered that justification exists to grant planning permission as a justified departure.

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 samples or precise details of the materials to be used in the construction of the external hard surfacing, 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 8 of the Regional Spatial Strategy and Planning Policy Statement 7.

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 8 of the Regional Spatial Strategy and Planning Policy Statement 7.

Extra 5.

Notwithstanding any of the detail on the hereby approved plans the 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 8 of the Regional Spatial Strategy and Planning Policy Statement 7.

Extra 6.

Notwithstanding the details shown on the hereby approved submitted plans and prior to the commencement of any development or building operation on either of the four live/work units or holiday accommodation, the widened carriageway to the west of the development site next to live/work unit 4 shall first be constructed to adoptable standards and provide alongside it a 1.2m wide footway also to adoptable standard to ensure a safe and satisfactory vehicular access to the neighbouring poultry farm and pedestrian footway in accordance with Policy T15 of the Chester-le-Street District Local Plan.

Extra 7.

Notwithstanding the details shown on the hereby approved submitted plans and prior to the occupation of any of the live/work units the brick boundary wall alongside Twizell Lane and indicated on the approved site plan shall be removed in its entirety and replaced with a random coursed stone wall to 900mm high; unless otherwise agreed in writing with the Local Planning Authority; in the interests of visual amenity, the satisfactory appearance of the development upon completion and to accord with the provisions of Policy 8 of the Regional Spatial Strategy and Planning Policy Statement 7.

Extra 8.

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

Extra 9.

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) any external alterations to the live/work units and holiday accommodation (except painting and repairs) and any development within the curtilage of the live/work units and holiday accommodation (i.e. development permitted under Schedule 2, Part 1 (Class A-G inc.) and also Part 2 (Class A) of the Town and Country Planning (General Permitted Development) Order 1995 shall require the benefit of planning permission in order to ensure the satisfactory appearance of the development upon completion and in the interests of visual amenity in accordance with the provisions of Policy 8 of the Regional Spatial Strategy and Planning Policy Statement 7.

Extra 10.

The business/commercial/workshop floor space of the live/work units shall not be used for any purpose other than for purposes within Class (B1) in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Extra 11.

The residential floor space of the live/work units shall not be occupied other than by a person solely or mainly employed in the business occupying the business/commercial/workshop floor space of that unit, a widow or widower of such a person, or any resident dependants; to ensure the live/work unit is not occupied solely for residential purposes as a new dwelling in open countryside outside settlement boundaries contrary to Planning Policy Statement Seven and Policy NE2 of the Chester-le-Street District Local Plan.

Extra 12.

The business/commercial/workshop floor space of the live/work unit shall be finished ready for occupation before the residential floor space is occupied and the residential use shall not precede commencement of the business use; to ensure the live/work unit is not occupied prematurely solely for residential purposes as a new dwelling in open countryside outside settlement boundaries contrary to Planning Policy Statement Seven and Policy NE2 of the Chester-le-Street District Local Plan.

Extra 13.

Notwithstanding the details shown on the hereby approved submitted plans all window and door frames shall be timber construction set in a 100mm reveal unless otherwise agreed in writing with the Local Planning Authority; in the interests of visual amenity in accordance with the provisions of Policy 8 of the Regional Spatial Strategy and Planning Policy Statement 7.

Extra 14.

Notwithstanding any information submitted in the hereby approved application, a scheme of first-floor fenestration (consisting of window locations) in live/work units three and four shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing, and implemented on site in accordance with the approved scheme thereafter; in the interests of preserving the residential amenity of future occupiers in accordance with the provisions of Policy 8 of the Regional Spatial Strategy.

Extra 15.

No development approved by this permission shall be commenced until:

- a) the application site has been subjected to a detailed site investigation report for the 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 16.

Notwithstanding any information submitted the proposed application shall be in accordance with the following:

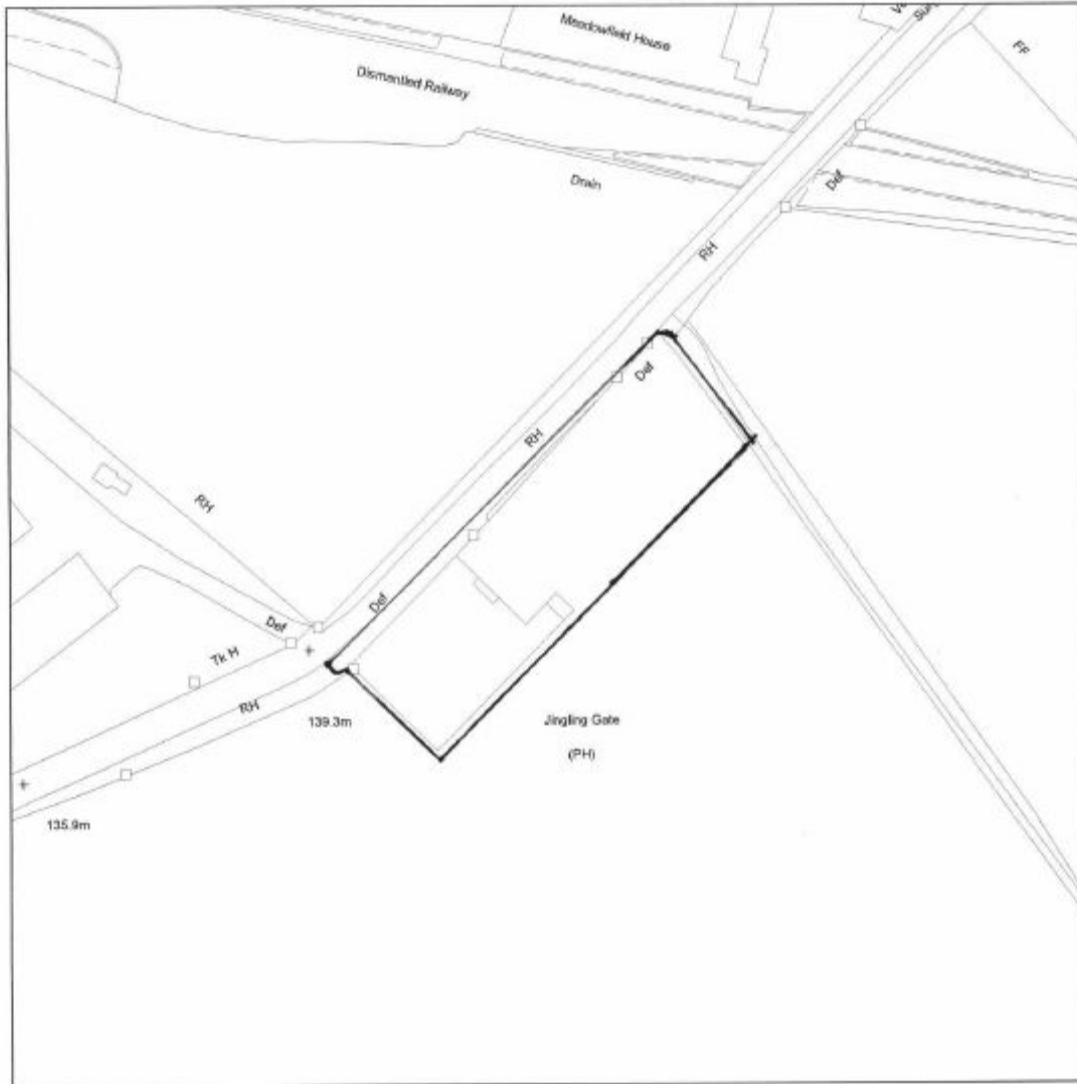
(i) the two holiday dwellings hereby approved shall be occupied for holiday purposes only;

(ii) the two holiday dwellings hereby approved shall not be occupied as a person's sole, or main place of residence and for not more than 60 days in one stay by that person in a 12-month period;

(iii) the owners/operators shall maintain an up-to-date register of the names of all guests using the hereby approved holiday cottages, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

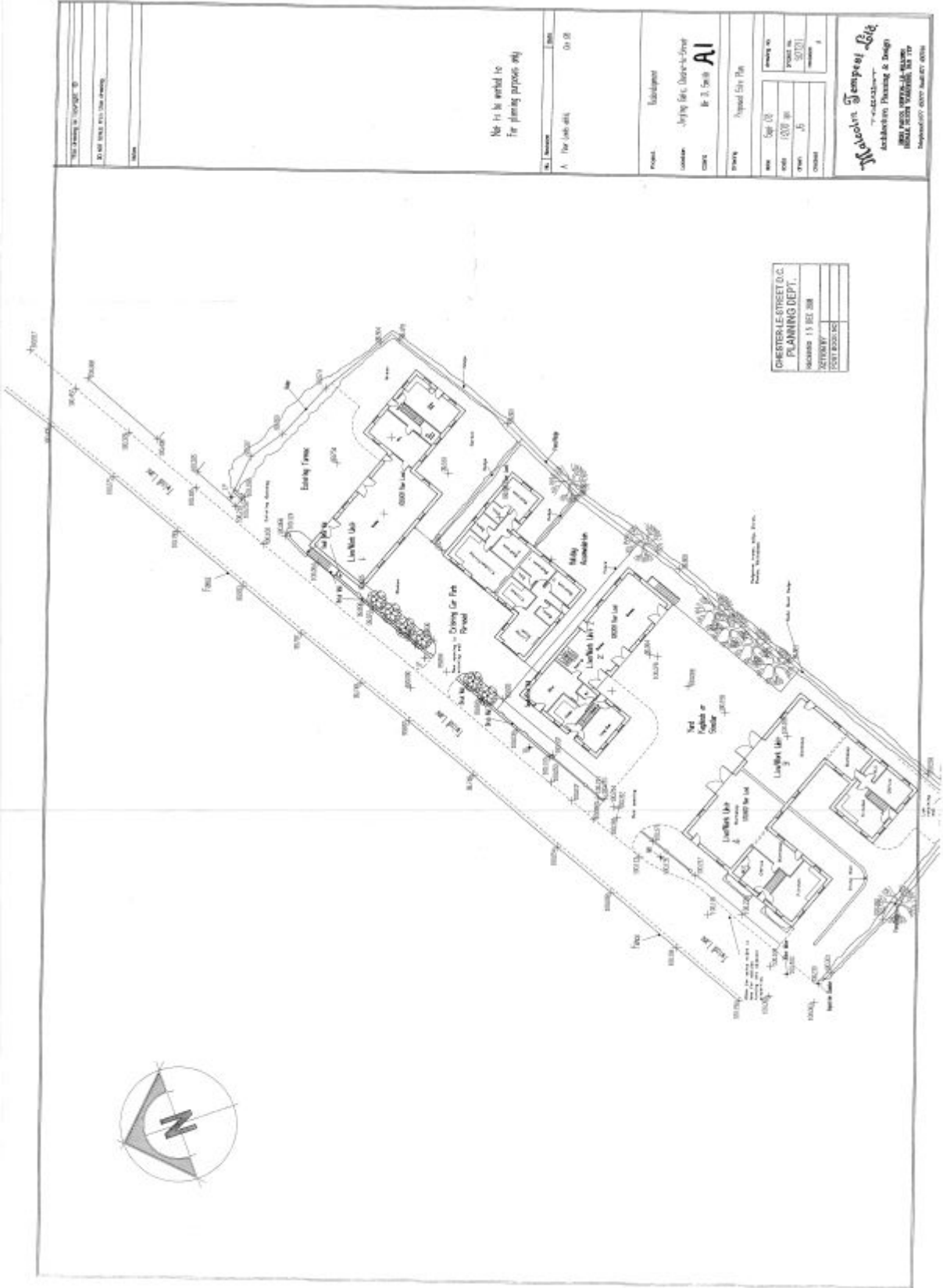
Land at Former Jingling Gate

Twizell Lane

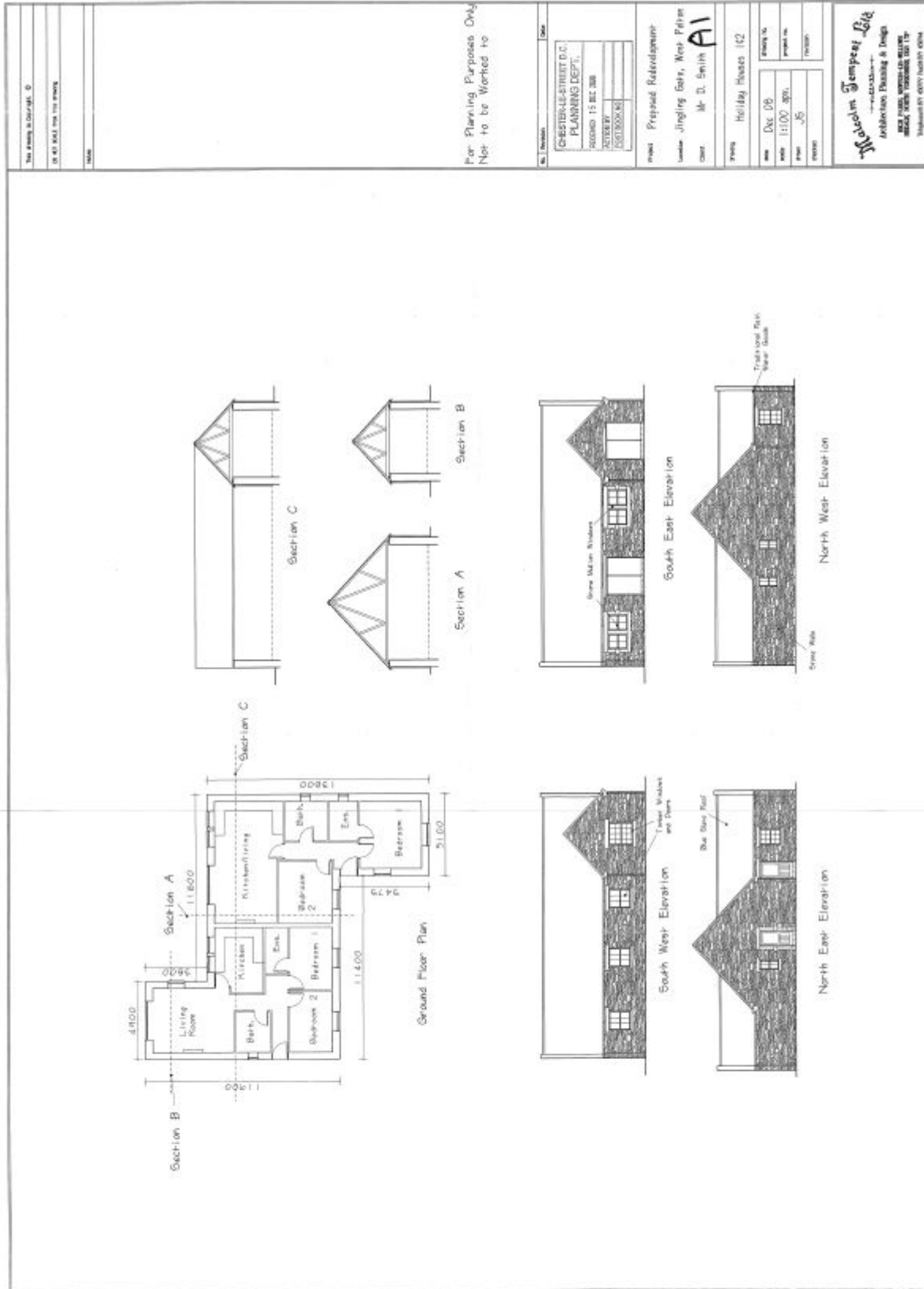


Scale : 1:1250

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 9 March 2009



<p>File number in log book: 0</p> <p>30 DAY PUBLIC REVIEW PERIOD</p> <p>Date:</p>	<p>First Floor Plan</p>	<p>Section A</p> <p>Section B</p> <p>Section C</p> <p>Section D</p>	<p>Ground Floor Plan</p>	<p>For Planning Purposes Only Not to be Worked on</p>	<p>North West Elevation</p>	<p>South East Elevation</p>	<p>North East Elevation</p>	<p>No. 1. REVISED</p> <p>DATE: 13 DEC 2008</p> <p>PROJECT: CHESTER/CASTLEFIELD PLANNING DEPT.</p> <p>DESIGNER: [Name]</p> <p>PROJECT NO: [Number]</p>	<p>North West Elevation</p>	<p>South East Elevation</p>	<p>North East Elevation</p>	<p>Project: Redevelopment - AI</p> <p>Location: Jollying Gate, Moor Fallow</p> <p>Client: Mr D. Smith</p> <p>Project: Live/Work Units - 3/4-4</p> <p>Date: Dec. 08</p> <p>Scale: 1/100</p> <p>Drawn: [Name]</p> <p>Checked: [Name]</p>	<p>North West Elevation</p>	<p>South East Elevation</p>	<p>North East Elevation</p>	<p>Walsingham Temporal Ltd</p> <p>Architectural Planning & Design</p> <p>100A, 100B, 100C, 100D, 100E, 100F, 100G, 100H, 100I, 100J, 100K, 100L, 100M, 100N, 100O, 100P, 100Q, 100R, 100S, 100T, 100U, 100V, 100W, 100X, 100Y, 100Z</p>
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 1/08

For Planning Purposes Only
 Not to be Worked to

No.	Revision	Date
1	01	15/03/08

GREYBUSH & PARTNERS
 PLANNERS DEPT.
 15 BIC 208
 ACTON
 W3 7HS

Project: Proposed Redevelopment
 Location: Jingling Golf, West Palm
 Client: Mr. D. Smith
 Project No: 01/08/08
 Date: Dec 06
 Scale: 1:1000
 Project No: 01/08/08

Wesleyan Temporal Ltd
 Architecture Planning & Design
 15/08/08 15/03/08
 15/08/08 15/03/08
 15/08/08 15/03/08

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE **9 March 2009**

4.

Reference: 2/09/00033/COU

Proposal Change of use of open land to private garden area in association with the conversion of existing garage to habitable room and erection of single storey extension at side to provide new garage. (Revision of previously withdrawn application 08/00478/FUL)

Location 95 Elmway Chester-le-Street Durham DH2 2LG

Applicant Mrs J. Watson

The Proposal

Application Summary

Ward: Chester North

Case Officer: Lisa Morina, Planning Assistant

Contact Details: 0191 387 2146

lisamorina@chester-le-street.gov.uk

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

This report relates to the change of use of open land to private garden area in association with the conversion of an existing garage to a habitable room, and the erection of a single storey extension at side to provide new garage.

This application is a revised application of a previously withdrawn application reference 08/00478/FUL for the conversion of existing garage to habitable room and erection of single-storey extension at side of dwelling to provide new garage.

The previous application was withdrawn as it was found that although the area of land in question was within the ownership of the applicant it was actually amenity open land and therefore, also constituted a change of use application.

Site History

91/00281/FUL - Bedrooms with pitched roof over garage and utility. Approved 9/8/91.

08/00478/FUL - Conversion of existing garage to habitable room and erection of single-storey extension at side of dwelling to provide new garage. Withdrawn 23/12/08.

Consultation Responses

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

- The proposed garage extension would detrimentally affect the form and character of both the host dwelling and the wider streetscene particularly with the property being a corner plot.
- The property has previously been extended above the original garage; a further garage to the side of the house, which is effectively now a visually symmetrical block, would look tacked on and unbalances the pair of semi's.
- The neighbouring property could not extend in this way and no other property within Elmway has this arrangement.
- Due to the property being a corner plot the proposed extension will project significantly beyond the return street frontage and building line of no. 2 Sycamores, This would have a detrimental effect on the natural "horse shoe" building line of Sycamores which was clearly a planned and attractive feature of the original cul-de-sac design, contrary to policy HP11 of the Chester-le-Street District Council Local Plan.
- The proposal would visually enclose Sycamores (reducing the open space at the entrance by about 14%) an open plan cul-de-sac and set a precedent for other areas of open space throughout the estate contrary to Policy HP11 and HP16 of the Chester-le-Street District Council Local Plan.
- The proposal would potentially eliminate an area of land used by Local Children as a play area. Children do not use the large park/play area across the road for whatever reason therefore; the removal/reduction of this amenity land would inevitably lead to children playing more on the estate roads.
- The applicant does not use the current garage for storage of a vehicle therefore; there is nothing to indicate this proposal will be used for that purpose. It would result in cars being parked on the remaining open plan space, further reducing the amount of open space.
- The access to the garage appears inadequate and again fuels suspicion that it would not be used for motor vehicles. Access would severely be restricted by an existing car on the drive or one parked on the road.
- An alternative suggestion would be to provide a hard standing in the area proposed and obtain consent from Durham County Highways for the kerb to be lowered.
- There are fast growing trees/shrubs planted along the edge of the curtilage of the side of this property which will prevent the side/rear gate of this property being overlooked by properties in Sycamores. As a result of the proposal, cover from the view of the dwellings of Elmway for potential criminal/nuisance behaviour would

occur, particular in relation to the rear of the applicants property and no. 2 Sycamores contrary to police secured by design guidance.

- If the proposal was to be recommended for approval a condition should be added requiring that the remaining amenity remain as such and not be used for any other purpose and that the permitted development rights be removed from the garage so that adequate parking arrangements remain.

Durham County Council Highways Department - The necessary manoeuvring required to get a car into the relocated garage is relatively onerous given that the driveway is proposed to be widened at an angle only. I remain of the view that the proposals lend themselves to widening the driveway across the full width of the relocated garage door and widening the dropped kerb also. However, despite my concerns, ultimately, there are insufficient grounds to sustain a refusal therefore, no objection is made. If the grassed area is further extended to allow for a larger driveway, the applicant should be made aware that they need to apply for a S.184 (3) compliant crossing and this should be brought to the applicants attention.

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.

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

Policy HP16 states that proposals for the change of use or enclosure of public open spaces, landscaping and amenity strips of land for private residential purposes should have regard to the following: -

- 'The effect upon the residential amenity and character of the area and the use and location of the land in question'
- 'The effect upon highway safety'
- 'The design and style of the means of enclosure'

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

Streetscene

The host property is a semi-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 single-storey extension at the side of the property to facilitate a new garage would not create a negative impact on the visual amenity of the existing streetscene, given the varying styles and sizes of dwellings which currently existing within the street and the surrounding estate area.

Although no other property has carried out a similar development within the street, it is considered that the proposal is of an appropriate design and scale which is not considered to have a negative impact on the streetscene. The garage has been set back from the front building line which is considered to reduce the impact on the host property and the neighbouring property and is not considered to cause an imbalance upon the two properties. Although the neighbouring property, due to the limited space remaining at the side, could not construct this proposal, this is not considered a suitable reason for refusal.

The proposal is a corner plot and although the proposal projects forward of the return building line of no. 2 Sycamores, it is not considered that the proposal has a negative impact on the visual amenity of the streetscene. This is due to the small scale nature of the proposal as well as the amount of open space that will remain some just over 8m to the highway. It is considered that the hedge/trees already in existence along the western boundary of this site already break up the existing frontage/building line therefore; the addition of the garage would not have a serious detriment to the visual amenity of the streetscene.

Approximately 8m (width) of open space will remain as a result of the proposal between the entrance to Sycamore and the proposed garage. It is considered therefore, that the proposal would not result in a significant loss of open plan aspect to the streetscene and in turn the Sycamore cul-de-sac. This is due to the limited amount of space being used for the proposal in relation to the remaining open space. It is not considered that this would set a precedent for others as each individual application is dealt with on its own merits and the approval of this application would not automatically result in the approval of a similar scheme. Also, there are various other areas of open land which are not attached to properties thereby retaining natural open space elsewhere in the locality.

Residential Amenity

The proposed garage does not project forward of the front building line of the existing host property. Given that a distance of over 21m exists to the neighbouring property, it is not considered that the erection of a detached garage would cause any loss of light, overlooking or overshadowing issues to these neighbours.

The front elevation of the neighbour to the west of the site no. 1 Sycamore will still be sited more than 21m away as a result of the proposal, therefore, it is considered that there

would be no impact on the residential amenity of this neighbour as it is not considered to cause any loss of light or overshadowing to this neighbour. No windows are contained in this elevation therefore, no overlooking issues will occur.

There are two neighbours to the rear at no. 2 and 4 Sycamores. The neighbour at no 4 Sycamores is sited more than 21m away from the proposal and it is considered therefore, that the residential amenity of this neighbour would not be adversely affected. With regards to the neighbour at no. 2 Sycamores. The proposal would not be visible to the ground floor habitable windows of this neighbour given the location of an existing porch.

The proposed garage extension is therefore not considered to have a negative impact on the residential amenity of the surrounding residents as there are sufficient separation distances remaining as a result of the proposal in accordance with Appendix 1 of the Chester-le-Street District Council Local Plan.

Highway Safety

Although the access to the proposed garage is at an angle, it is not considered that the proposal could be refused based on highway safety reasons. It is considered that in order to prevent any off street parking being lost, that the permitted development rights be removed from the garage so that it must be used for the parking of motor vehicles only and for no other purposes. The proposal is therefore considered to be in accordance with Policy T15 of the Chester-le-Street District Council Local Plan.

Other Issues

Issues were raised as part of the objections received with regards to the existing use of the garage and the parking of vehicles on the remaining open land to the side of the site. As full permitted development rights are in place on the existing host property Officers are unable to control the use of the existing garage, therefore, this can not be considered a material planning consideration for this application.

With regard to the use of the remainder of the land to the west of the proposed garage, this area of land is not included within the red line boundary of the application and therefore, will remain as open space land. A condition cannot be added to this application with regard to the parking of vehicles on the land as it is not part of this application. An informative however, will be added to any approval to state that the authorised planning use of this land remains as open space and that any future use of this land incidental to the use of the dwelling is prohibited and should it take place, the Council would be able to consider any enforcement action that may be required.

An alternative suggestion as to how the applicant could develop the property was also raised as part of objections received. However, any planning application received must be determined by the Council on its merits and alternative suggestions would only be given if it was considered that the proposal as submitted was considered unacceptable. In this instance it is not considered the case.

Objections have also been raised with regards to increased criminal/nuisance behaviour being created as a result of the proposed garage as this, in conjunction with the existing trees/hedges, would block out the view of the neighbours property in Sycamores. However; it is not considered that this is the case as due to the position of the garage it is

not considered to block out any further aspect, thus creating an area which would not be overlooked by anyone. It is not considered that the erection of the garage would reduce the view of the rear of the host property from properties within Sycamores.

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

Approve SUBJECT TO THE FOLLOWING

CONDITIONS:-

Extra 1.

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

Extra 2.

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

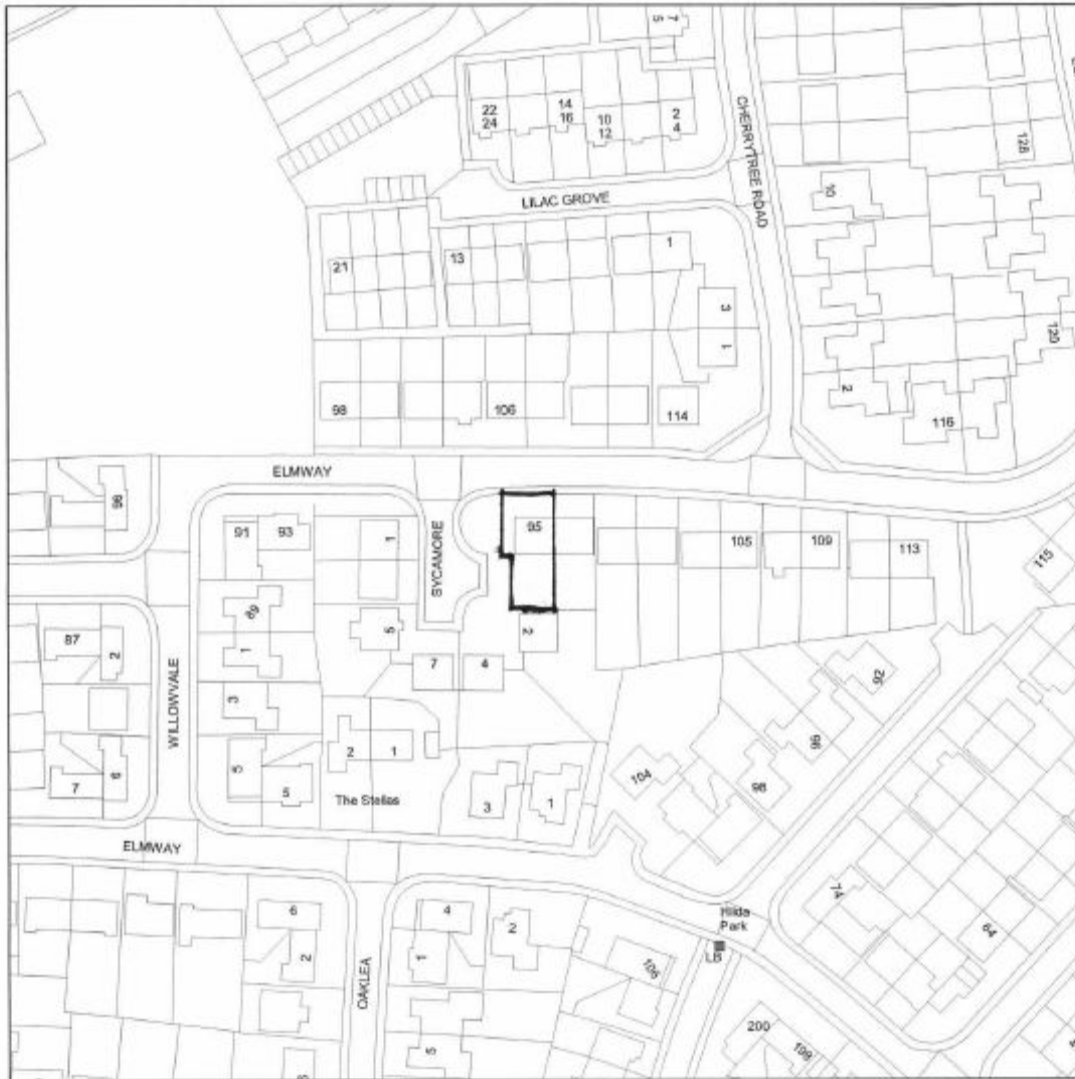
Extra 3.

That the facing materials to be used for the external walls and roofs of the development hereby approved shall match in colour and texture those materials used on the existing dwelling house to the satisfaction of this Local Planning Authority, and where such matching materials are not available samples of the materials which it is proposed to use on the development shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site. Reason - In order to ensure that the proposal does not have an adverse impact upon the scale, form, character or appearance of the building upon completion, as required by Policy HP11 of the Chester-le-Street District Local Plan.

Extra 4.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the proposed garages shown on the approved drawings shall be implemented in accordance with the agreed details, and retained thereafter for the purposes of the parking of private vehicles, and shall not be used as or converted into habitable accommodation; in the interests of ensuring the development hereby approved is served by adequate off street car parking provision and to accord with the aims of Policies HP 9 and T 15 of the Chester-le-Street Local Plan.

95 Elmway
Chester-le-Street



Scale : 1:1250

CHESTER-LE-STREET DISTRICT COUNCIL
DIRECTORATE OF DEVELOPMENT SERVICES
PLANNING COMMITTEE 9 March 2009

<p>EXISTING FRONT ELEVATION</p>	<p>EXISTING REAR ELEVATION</p>	<p>EXISTING SIDE ELEVATION</p>	<p>EXISTING SIDE ELEVATION</p>
<p>PROPOSED FRONT ELEVATION</p>	<p>PROPOSED REAR ELEVATION</p>	<p>PROPOSED SIDE ELEVATION</p>	<p>EXISTING SIDE ELEVATION</p>
<p>EXISTING GROUND FLOOR PLAN</p>	<p>PROPOSED GROUND FLOOR PLAN</p>	<p>EXISTING/PROPOSED FIRST FLOOR PLAN</p>	<p>SCOPE OF WORKS AND DETAILS OF FINISHES</p> <p>No proposed alterations</p> <ol style="list-style-type: none"> 1. Colour in areas subject to change 2. Fix fixtures and basic electrical services 3. Cold new windows/doors

CHESTER-LE-STREET DISTRICT COUNCIL
 PLANNING DEPT.
 REPORT 14 OF 2009
 2009/03/09

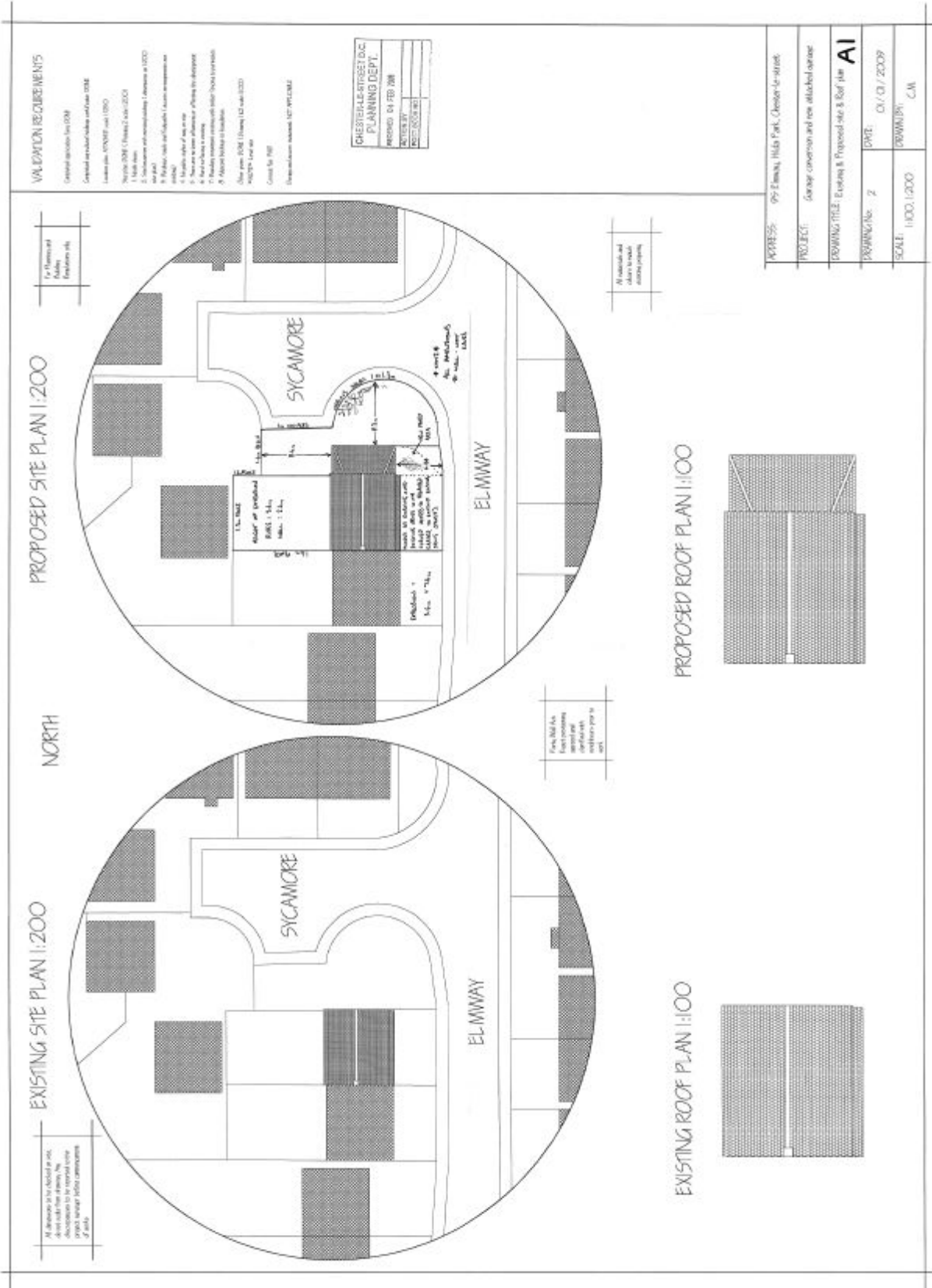
If alterations to be made to this drawing, the alterations should be made by the architect or a suitably qualified person before construction of work.

ADDRESS: 99 Erwin, High Park, Chester-le-Street	
PROJECT: Garage conversion and new attached garage	
DRAWING TITLE: Proposed alterations	
DRAWING No: 1	DATE: 03/01/2009
SCALE: 1:100	DOWN/UP: C.M.

For Plans and Details: [Signature]

For Plans and Details: [Signature]

At intervals of 100mm to 150mm (unless otherwise stated)



CHESTER-LE-STREET DISTRICT COUNCIL

DIRECTORATE OF DEVELOPMENT SERVICES

PLANNING COMMITTEE 9 March 2009

ITEM 3 Appeals List

26 February 2009

List of Planning Appeals and Current Status

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

Key to Appeal Type Code

- W - Written Representations
- I - Hearing
- P - Public Inquiry

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

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
06/00563/TPO /	Building Insurers	27 Tudor Road Chester-le-Street Durham DH3 3RY	Proposed felling of birch tree protected by Wearvale Terrace Tree Preservation Order.	W /	E:427520 N:552162	Appeal Withdrawn / 17.10.2008

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
07/00438/FUL /	McCarrick Construction	1 - 4 Chalmers View Newcastle Road Chester-le-Street Durham DH3 3TE	Retrospective application to allow glass panels between bay windows instead of previously approved timber panels in application 06/00016/FUL	W / 30.05.2008	E:427422 N:551915	Appeal Allowed / 02.09.2008
07/00495/FUL /	Mr J. Johnson	Johnsons Garage 3 Newcastle Road Chester-le-Street Durham DH3 3TJ	Demolition of car showroom & workshop and erection of 10 no apartments & associated works (Amended description)	W / 05.03.2008	E:427405 N:551809	Appeal Allowed / 20.06.2008
07/00544/FUL /	Mr & Mrs Cree	3 Kingsmere Chester-le-Street Durham DH3 4DB	Erection of single storey extension at side of dwelling and erection of detached garage in garden area at side/front (amended plans received 18 February 2008).	W / 11.06.2008	E:427309 N:553411	Appeal Dismissed / 26.09.2008
08/00089/FUL /	Mr P. Blaydon	Land at Entrance to Valley View Sacriston Durham	Erection of one detached bungalow and means of access	W / 09.07.2008	E:423797 N:546791	Appeal Dismissed / 26.11.2008

Application Number / ODPM reference number	Applicant	Appeal Site	Proposal	Appeal Type / Appeal Start Date	OS Grid Reference	Status / Date of Appeal Decision
08/00245/FUL /	Mr D. Keith	Grooms Cottage Morton House Fencehouses Houghton-le-Spring DH4 6QA	Proposed increase in height of existing fence to 1.9 metres in height	W / 29.10.2008	E:431511 N:549908	Appeal In Progress /
08/00370/ADV /	J. C Decaux	Chester Le Street Cricket Club Ropery Lane Chester-le-Street Durham DH3 3PF	Erection of advertisement hoarding.	W / 15.12.2008	E:427567 N:550929	Appeal In Progress /

Stephen Reed
Development and Building Control Manager
26 February 2009

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