

DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of the Development Control Committee held in the Council Chamber, Civic Centre, Consett on Thursday 8th March, 2007 at 2.00 p.m.

Present

Councillor E. Turner (Chair)
Councillor J.I. Agnew (Vice- Chair)

Councillors R. Alderson, A. Atkinson, H. Christer, T. Clark, C. Clarke, J.H. Fothergill, A.E. Hodgson, D. Hume, O. Milburn, A. Watson and R. Young.

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Mrs E.J. Coulson, G. Coulson, G.C. Glass, J.T.S. Graham, H.S. Guildford, M. Jopling.

In Attendance

Councillor R. Ord

DECLARATIONS OF INTEREST

Councillor R. Ord declared an interest in application 07/0096 as he was joint applicant with his son.

Councillor Christer declared an interest in application 06/Ann/00104.

61. MINUTES

RESOLVED: that the minutes of the following meetings be approved as a correct record.

Development Control Committee – 15th February, 2007

Site Inspections – 26th February, 2007

62. APPEAL DECISIONS

The Director of Environmental Services submitted a report (copies circulated) in respect of the following appeal decision issued by Inspectors appointed by the First Secretary of State:-

- (i) Planning Application – appeal against the refusal to grant full planning permission for the erection of one dwelling and detached garage at Land to the west of 20-22 Harelaw- Gardens, Harelaw.

RESOLVED that the report be received.

63. PLANNING APPLICATIONS

(1) Public Speaking Applications

All members who were not on the site visit left the Chamber and took no part in the discussion or voting thereon.

07/0012 MR S PEARSON

Erection of first floor extension, 36 Brackenridge, Burnopfield.

The Chair welcomed to the meeting Mr Pearson who was in attendance to speak in support of the application and advised that Mr Hobby was not in attendance who was to speak against the application.

The Head of Planning & Building Control presented the report and advised members that now they had undertaken a site visit they should be in a position to determine the application. He also advised that the previous recommendation for refusal still stood.

Mr Pearson: Speaking in Support of the Application

Mr Pearson started by thanking members for undertaking a site visit and added that he hoped it had proved useful.

He advised members that as previously stated at the last meeting an officer of this Council had previously suggested that this application seemed viable in principle when a house extension enquiry form had been submitted.

He stated that the photographs shown did not show the true difference in height between the properties and added that members would be aware of this as a result of the site visit undertaken.

He added that he was of the opinion that the extension would not affect light entering neighbouring properties and suggested that by creating this form of extension it would appear more fitting to the rest of the street, rather than inclusion of dormer windows.

Councillor Alderson added that he thought the site visit was useful and it proved to members that the extension would not increase the height of the property too much.

He went on to advise members that he had noticed that the property had opaque glass along the whole side of the property facing the objectors property, and he advised that the applicant, had previously suggested that he could delete two of the three velux windows on one side of the roof to further prevent overlooking.

Councillor Fothergill added that he agreed that the photos did not do the property justice, in showing its true positioning amongst the other dwellings on the street. He added that he was of the opinion that there was no problem with this extension.

Councillor Fothergill then moved approval of the application with the condition that two of the three velux windows be deleted from the plans.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0012 be approved subject to:

Councillor Hodgson left the Chamber at this point as he did not attend the following site visit.

07/0029 MRS P DODDS

Erection of indoor training arena, Oakwood Stables, Durham Road, Lanchester.

The Chair welcomed to the meeting Mr Masterman who was in attendance to speak against the application and Mr Barber and Mrs Wilson who were in attendance to speak in support of the application.

The Head of Planning & Building Control presented the report which recommended approval of the application. He advised that he hoped the site visit had proved useful to members along with a photo montage of the area which were also shown at the site visit.

He added that there were a few updates to the report which had been previously circulated as follows:

- 2 previous objections withdrawn from properties 41 & 42 resulting in 7 letters of objection in total.
- 3 further letters of support bringing the total to 13 letters of support for the application.

He went on to advise members of the positioning of the arena on the landscape and advised that in Officers opinion the site proposed would be the most suitable place for siting of such building.

Brian Masterman: Speaking Against the Application

Mr Masterman advised the committee that he was in attendance to speak on behalf of the Lanchester Partnership. He advised that they had great concerns for the character and quality of the open countryside around Lanchester.

He raised the following points in support of refusal of this application:-

- Community has sought to defend the “Limit of Development” for the village as defined in the District Local Plan.
- Reference to the Village Design Statement and how these areas are defined.
- The Village Design Statement also explains that open land beyond the limits are very important on two counts-

1. As a setting for the village and;
 2. It provides views out from the village to the open countryside thereby reinforcing its “village” character.
- The proposal is therefore regarded to be contrary to Policies EN1, EN2, EN6 & RE3.
 - He suggested that this building among with the other buildings at the site will be obtrusive, seen for much of the year along the roadside and from roads and footpaths across the valley they form an unattractive intrusion in the attractive landscape.
 - The development would seriously compromise the intention of retaining open land, on the fringe of the settlement, free from development at present.

The Chair advised that Mr Barber would be entitled to 4 minutes and Mrs Wilson the remaining 1 minute.

Mr Philip Barber: Speaking in Support of the Application

Mr Barber advised that he was speaking in support of the application as the Applicant’s Agent.

He raised the following points in support of the application.

- The business has been running since May 2002, and since opening had provided much enjoyment to children and never received any complaints of nuisance.
- He suggested that there will be minimal impact on traffic and likewise on visual impact, as the building will be integrated into the landscape in the style of a typical farm style building.
- The site lies within a considerable distance away from the nearest housing.
- The land should be adapted for new uses other than farming, and the nature of this business would not lend itself to a village location.

Mrs Wilson: Speaking in Support of the Application

Mrs Wilson added that she would like to add a few further points in support of the application.

- Problems arising in Lanchester of anti-social behaviour are suppressed by the facilities that are made available at the training centre.
- The centre brings economic benefits to the village as workers and customers use the nearby shopping facilities in Lanchester village.
- She also suggested that as the rural economy was so depressed in Derwentside, members should support alternative uses and benefits for the area and the land.

The Head of Planning & Building Control in response to some of the comments made advised that in respect of visual impact, it was Officers opinion that it would be minimal impact as the land works in favour of the application, as it falls away

towards the Lanchester walkway. He suggested that a condition could be attached to require the applicant to plant a line of trees to act a visual filter, but advised members that it was felt that this was not essential.

Councillor Clarke then asked if the centre was for use of handicapped children only or for mixed use.

The Head of Planning & Building Control advised that it was intended for mixed use.

Councillor Young as ward member advised that he was in support of the application.

Councillor Agnew advised that he would agreed with the Officers recommendation for approval, and added that he thought it was an excellent scheme to tackle anti-social behaviour and is inclusive, involving everyone.

Councillor Fothergill added that he found the site visit very enlightening and moved that members approve the application.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0029 be approved subject to:

- Time Limit (ST)
- Approved Plans (ST)
- Material (A04)
- Surface Water Drainage (D04)
- No further Caravans, Portable Buildings or other Moveable Structures shall be brought onto the site without the further written permission of the Local Planning Authority.
- No development shall commence until detailed plans showing the layout, construction, and surfacing materials for any hard standing areas or paths have been submitted to, and agreed in writing by the Local Planning Authority. The agreed details shall be undertaken as approved prior commencement of the approved development.
- No development shall commence until details of any ground raising, cutting or other excavation works along with the finished floor slab level and associated land re-shaping works for the approved indoor arena in relation to a fixed datum point have been submitted to, and agreed in writing by the Local Planning Authority. The agreed details shall be undertaken as approved.

(All members subsequently returned to the Chamber)

(Councillor T. Clark joined the meeting at this point)

07/0094 MR N ANDERSON

Renewal of temporary permission for retention of mobile home and conservatory until 5th April 2008. Langley Meadow Farm, Burnhope Road, Maiden law, Lanchester.

The Chair welcomed to the meeting Mr Anderson who was in attendance to speak in support of the application.

The Senior Planning Officer presented the report which recommended refusal of the application.

Mr Anderson: Speaking in Support of the Application

Mr Anderson advised the committee of the following important issues that he regarded as just cause for approval of the application.

- If permission is refused, he would face homelessness, unemployment and the ability to care and support his family.
- The business has developed over the last 4 years although the Officers report states that it has not.
- Working on the site for 25 months and have achieved much albeit accepts that there is much more to do.
- Have not yet had three years to prove the worthiness of the business and would ask for a further 13 months to prove the business is viable and to collect a further years worth of accounts.
- Agricultural appraisal commissioned which suggest that the business has developed and has a clear prospect for success. Under those findings he would wish to commit further time and money to the business to make the most of its potential.

The Senior Planning Officer in response to Mr Anderson's comments advised that financial tests had to be carried out by the Council thus proving that the business was not financially viable and that no mushrooms were currently in cultivation at the site.

Councillor Milburn asked if the accommodation was used for the mushroom business only or as part of the larger holding area.

The Senior Planning Officer advised that this was the case.

Councillor Armstrong suggested that Mr Anderson had been concentrating on other businesses rather than the mushroom one, and therefore that would suggest that he knew himself it was not financially viable.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0094 be refused on the grounds that the applicant has not demonstrated the financial viability of the Mushroom

business. There is no functional requirement for residence on the site at this time either on a temporary or permanent basis. Retention of the mobile home with conservatory attached is therefore in conflict with Policy H015 of the District Local Plan and relevant national planning policies.

And that member's re-affirm the issuing of a planning enforcement notice requiring the residential occupation of the land to cease, the removal from the land of the moveable building and conservatory and the reinstatement of the ground on which it stands. Time for compliance 6 months after notice takes effect.

06/1000 MR & MRS GEORGE
Erection of one bungalow, Westacres, Satley.

The Chair welcomed to the meeting Mr George who was in attendance to speak in support of the application.

The Head of Planning & Building Control presented the report which recommended approval of the application. He also advised that there were a few further updates in addition to the report previously circulated. He circulated to member's photo's highlighting the access arrangements to the site and also a letter which had been received by the occupiers of, stating that they were not opposed to the development and have agreed to park their car in an alternative place to help vision at the junction.

Mr George: Speaking in Support of the Application.

Mr George addressed the committee and advised members that the proposal was for a small building that would be in keeping with Satley of which he had lived for many years and would not wish to spoil.

He advised that he was willing to carry out further road improvements and suggested that from the photo's circulated it was clear to see that two cars could pass the junction at any one time.

He further advised that when looking at the Deeds for Random Lodge it showed that originally there had plans for two dwellings but only one was ever built, therefore it had been felt that the access would have been suitable for the additional traffic of an extra dwelling.

Councillor Alderson advised that he was of the opinion that the road was suitable as it is and saw no problem in approving this application.

Following a vote being taken it was

RESOLVED: that Planning Application 06/1000 be approved subject to:

- Three Year Time Limit for submission of reserved matters (RMTL)
- Approval of the details of siting, design and external appearance landscaping and means of access (RM)

- Samples of materials (A05)
- Surface water drainage scheme (D04)
- Foul water drainage scheme (D05)
- Construction of parking spaces (H03)
- Means of enclosure (H14)
- Landscaping scheme (L03)
- Ground levels (GL01)
- Withdrawal of permitted development rights (PD01)
- No development shall commence until the proposed means of vehicular access to the site from the main Satley road (B6296) has been upgraded and improved in accordance with details to be submitted to and agreed with the Local Planning Authority.
- The height of the dwelling proposed at reserved matters stage pursuant to condition 2 shall not exceed one storey in height with no habitable rooms

07/0044 MR D & MRS C O'KEEFE

Erection of one dwelling (outline). 15 Front Street, Castleside.

The Chair welcomed to the meeting Mr Honeybell who was in attendance to speak in support of the application.

The Senior Planning Officer presented the report which recommended approval of the application.

Mr Honeybell: Speaking in Support of the Application

Mr Honeybell advised that as the applicant's agent he would be speaking in support of this application on his behalf.

He made reference to the following points in support of the application:

- Application for the conversion of a double garage to dwelling, plus in the near future a further application will be submitted to replace the garage.
- Legal confirmation obtained regarding the right of access
- Application should be determined on its own merits.
- Application complies with policies laid down in the District Local Plan.

Councillor Watson advised that ward Councillor G. Glass who could not be in attendance today had passed on his comments on this application as follows;

- Site is brownfield
- Within the village limits
- Would go along with officers recommendations
- Include a condition to incorporate screening as suggested in paragraph 9 of the report.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0044 be approved subject to:

- Approved Plans (ST)
- Outline Permissions (OTL)

- Reserved Matters (RMTL)
- Standards for housing layout (RM03)
- Drainage (D01)
- Screening (C14)

Councillor R. Ord left the Chamber at this point and took no part in the discussion or voting thereon.

07/0096 MR T ORD & MR R ORD

Erection of Two Garages

Garage site to the south of 14 Palmer Road, Flint Hill, Dipton.

The Chair welcomed to the meeting Mr Moseley who was in attendance to speak against the application and Mr T. Ord who was in attendance to speak in support of the application.

The Senior Planning Officer presented the report which recommended approval of the application and advised of the updates to the report which included an additional letter of objection bringing the total number of written objections to four.

He advised that there had been further information submitted by both the applicant and the objector and circulated the photos and letter for members consideration.

He advised that some complaints had been received regarding the use of the existing garages and the photos showed the site two days before the inspection took place. He advised that when the inspection had occurred the site had been cleared.

Mr Moseley: Speaking Against the Application

Mr Moseley addressed the committee and made the following points in support of refusal of this application.

- The garages already in place are being used for the commercial base of Beechway landscapes.
- No guarantee the further two garges will not be used in the same way.
- Vehicles coming to and from the garages throughout the day and parking directly outside his property.
- Further two garages positioned directly opposite his front window, resulting in the need to have the blinds closed all day to ensure some privacy in his own home.
- Noise disturbance due to the nature of equipment being stored here and the constant flow of traffic using the garages.
- Access concerns for moving vehicles as residents have their cars parked on the street.

- Public safety will be reduced if residents need to park on the public footpath because of the risk of damage to vehicles by turning vehicles leaving the garages.

Mr T Ord: Speaking in Support of the Application

Mr Ord advised the committee that the garage was intended for family use only as between himself, brother and parents they owned 7 motor vehicles. He suggested that up until the application had been put forward there had never been any objections or complaints raised over the use of the garages. He advised that he had been storing machinery for the maintenance of the large strip of land to the side of the garages which had been in a derelict state and used for fly tipping prior to his ownership. He advised that the machinery had now been removed from the garages as requested and would only be used for the storage of vehicles in the future if approved.

Councillor Milburn asked if the garages were used for the storage of Beechway's vehicles, and in response the Senior Planning Officer advised that it was irrelevant as anyone can park there works vehicle on their own drive if they wished to do so, and the same would apply for a garage.

Councillor Alderson advised that he had visited the site and found that the road width was more than adequate and could see no real justification in that objection.

Councillor Clark advised that he had great concerns over how the Council will enforce the issue of what is stored in the garages. In response the Head of Planning & Building Control suggested that enforcement tends to be reactive to complaints and as there had been no complaints prior to this application being submitted, Officers had not picked up on the situation at the garages.

Councillor Agnew added that if this application were to be approved the owners would have 8 garages in total and as they have not been used correctly in the past it should be made clear that close monitoring will occur in the future.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0096 be approved subject to:

- Approved Plans (ST01)
- Time Limit (ST)
- Materials (A05)
- Private Use (H05)
- The garage door used in this development shall be of a type which does not project forward when either opening or closing.

(2) RESOLVED: that the following applications be approved

06/1056 BETT HOMES

Erection of 27 dwellings, land at Four Winds, Wesley Terrace, Castleside, Consett.

The Principal Planning Officer presented the report which recommended approval of the application.

She advised that permission currently stood for 24 dwellings on the site and this application was to increase the number of dwellings to 27.

She went on to advise that some concerns had been raised by the Parish Council over the density of the scheme but assured members that 36 dwellings per hectare was well within the limits set by Government.

She went on to address the issues and concerns of Northumbrian Water due to the sewage works being up to its full capacity, but had suggested that a system could be put in place that would store the waste on site until hours of the day when the treatment works was not receiving so much waste, and be pumped through at these times. She advised that this would be a temporary measure and Northumbrian Water were looking to address the issues and upgrade their works to take more waste in the future.

She went on to advise members that when ground investigation works had been carried out it had identified that the site was previously a quarry and the applicant therefore would be required to submit full details of the investigation works and any remediation measures that would be necessary to prepare the land for development.

Councillor Watson advised that he had comments to relay to members on behalf of Councillor Glass, in his absence as follows:

- 24 dwellings previously approved on brownfield site
- Condition that road widths be extended so that two cars could pass at any one time.
- Condition that any trees or planting removed be replaced once buildings works have been completed.

The Principal Planning Officer advised that those comments regarding the highway could be passed on to the Highways Officer for comment.

Subject to:-

- Standard Three Year Time Limit (ST)
- Development in Accordance with Approved Plans (ST01)
- Amended Plans (G04)
- Means of Enclosure (DH1)
- Construction of roads and footpaths and phasing of the development (H07)
- Landscaping (L01)
- Materials (A03)

- Car Parking (H03)
- Removal of Permitted Development (PD01)
- Foul drainage works (D05)
- Surface Water Drainage (D07)
- Construction work shall not begin until a scheme for protecting the development from noise from the Castleside Industrial Estate; has been submitted to and approved in writing by the Local Planning Authority; all works which form part of the scheme shall be completed before the development is occupied.
- The development shall not begin until details of the footpath linking the approved development with the existing footway on the north eastern side of Wesley Terrace have been submitted and approved in writing by the Local Planning Authority and no dwelling shall be occupied until this has been laid out and constructed in accordance with the approved details.
- The development permitted by this permission shall not commence until the applicant, or subsequent developer has paid a financial contribution of £8100 to the Local Planning Authority in lieu of open space or play provision within the site, and no development shall commence until the applicant, or developer has received written confirmation from the Local Planning Authority of the above payment.

07/0051 MR RAYMOND EMMERTON

Permanent permission for existing log cabin for the sale of agricultural produce. Brockwell Farm, Durham Road Lanchester.

The Principal Planning Officer presented the report which recommended approval of the application

Subject to:-

- Retrospective Permission (ST02)
- The goods to be sold from the premises shall be limited to the retail of agricultural produce grown on land at Brockwell Farm. Any other sales must be ancillary to the sale of the agricultural produce.

64. EXCLUSION OF PRESS AND PUBLIC

RESOLVED on the motion of Councillor Watson seconded by Councillor Clarke that under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12(A) of the Act (as amended).

65. ENFORCEMENT

06/Ann/00104 MR C SMITH

Enclosure of land between 6 and 7 Wesley Terrace, Annfield Plain.

Following a vote being taken it was

RESOLVED: that a Planning Enforcement Notice be issued in respect of the land identified as red at Appendix 'D'. the unauthorized change of use of the land to domestic curtilage is contrary to the General Permitted Development Principles and Policy H019 of the District Plan. The Notice to require the re instatement of the land to its former use with the removal of the fencing on the eastern boundary, the removal of any vehicle, vehicle parts or any item obstructing free passage over the land. Time for compliance 1 month from the date notice takes effect.

Councillor Atkinson raised a few points of concern regarding the procedures carried out by the Development Control Committee and asked that this be scheduled as an agenda item for a future meeting of the committee to discuss further.

Conclusion of meeting

The meeting closed at 4.30 p.m.

Chair