

DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of the Development Control Committee held in the Council Chamber, Civic Centre, Consett on Thursday 12th July, 2007 at 2.00 p.m.

Present

Councillor J.I. Agnew (Chair)
Counillor T. Clark (Vice- Chair)

Councillors R. Alderson, A. Atkinson, M. Campbell, H. Christer, G. Coulson, R. Ellis, G.C. Glass, P. D. Hughes, D. Hume, D. Lavin, O. Milburn, S. Rothwell, A. Shield, E. Turner, A. Watson, T. Westgarth, J. Williams and R. Young

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors T. Pattinson.

10. DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

11. MINUTES

RESOLVED: that the minutes of the following meeting be approved as a correct record, Development Control Committee – 21st June, 2007 with the inclusion of T. Westgarth as being present.

12. DCLG PLANNING PERFORMANCE FIGURES

The Head of Planning & Building Control presented the report which provided Members with details of Planning Performance figures for October – December 2006 and January – March 2007.

He advised that paragraph 3 of the report showed the Council's performance in terms of percentage of applications determined within the prescribed periods over the past year.

He went on to add that the overall the number of applications was on the increase in the area and more applications were being dealt with through delegated powers.

Councillor Watson asked that the achievements of the Development Control team in meeting the targets be noted.

RESOLVED: that the content of the report be noted.

13. PLANNING APPLICATIONS

(1) Public Speaking Applications

07/0286 MR T BURNSIDE

Change of use of land to gypsy site for one family (retrospective). Land to the South West of Peartree Terrace, Burnhope.

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

The Senior Area Planning Officer presented the report which recommended refusal of the application. He advised that the site was approximately 400 square metres, and was within part of a smallholding of about 9 hectares. He further advised that the smallholding was currently grazing land for horses and the surrounding area was open countryside.

MR. DAVID STOVELL: Speaking in Support of the Application

Mr Stovell introduced himself to the committee and advised that he was the applicant's agent. He made the following points in support of the application;

- Mr & Mrs Burnside did not previously reside with Mr Burnside's parents at 7 Ash Terrace, Homeside. He advised that this was an error in the Officers report (paragraph 3)
- In relation to other sites; Circular 1/2006 states that the Government encourages Council's to recognise that many gypsies want to find their own site to develop and manage. He advised that it goes on to say that there is a need to increase the number of approved private sites and these may release pitches in Local Authority sites for those gypsies most in need of public provision.
- He advised that many gypsies aspire to purchase and develop their own land, with the vast majority preferring relatively small private sites to public ones. Most gypsies feel that the maximum number of pitches on a site should be around 10 to 12 not 20; as many are in County Durham.
- There is no requirement in policy or law for Mr & Mrs Burnside to justify not using an existing gypsy site.
- Each application should be treated on its own merits and a precedent would not be set on these grounds.

The Senior Planning Officer in response made reference to page 20 of the report; a letter from the Gypsy Council that states that Mr & Mrs Burnside resided with Mr Burnside's parents when not travelling, which therefore contradicts Mr Stovell's statement.

He added that the site was not considered to be a sustainable location due to its isolation and would be of detriment to the character of the area.

Councillor Milburn asked who was in ownership of the land. In response the Senior Area Planning Officer advised that Mr Burnside owned the land.

Discussion then ensued relating to the use of the site if the applicant was to relocate, the Head of Planning & Building Control advised that if someone was to reside there for 10 years or more then it could be classed as lawful use and be exempt from planning consent.

Councillor Watson advised that in his opinion although he did have sympathy for the applicant the Committee must take into consideration their own policies. He also advised that Ward Councillor D. Bennett was totally opposed to the development.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0286 be refused and authorise enforcement proceedings to ensure that the residential use of the site is ceased and the land reinstated to its former agricultural use only, on the grounds that:-

- In the opinion of the Local Planning Authority, it has not effectively been demonstrated that the family have investigated the possibility of acquiring an established Gypsy plot, elsewhere within the County.
- In the opinion of the Local Planning Authority, the position of the Gypsy Site is considered to be encroachment within the countryside without benefit to the rural economy contrary to policy EN1 of the Local Plan.
- In the opinion of the Local Planning Authority, the gypsy site is considered to be an alien feature which is harmful to the character of this locality which is designated Area of High Landscape Value, and which is peripheral to nearby designations in Whiteside Burn, of Site of Nature Conservation Importance and Ancient Woodland. The development is therefore considered to be at odds with policies EN6, EN10, EN22 and H013 of the Local Plan.
- In the opinion of the Local Planning Authority, the granting of planning permission would set a significant precedent within the district for similar proposals, to the detriment of the character of the open countryside.

07/0257 MR A JONES

Change of use of land from woodland to garden and retention of domestic dog kennel (retrospective) Land to the west of 55 Lintzford Road, Hamsterley Mill.

The Chair welcomed to the meeting Mr Graham who was in attendance to speak against the application.

The Principal Planning Officer presented the report which recommended approval of the application. She advised that there were two issues to consider

when determining this application (1) Change of use of the land (2) Domestic use of kennels.

She advised that there had been a number of allegations made regarding noise disturbance from the dogs, however Environmental Health Officers had found little evidence to support the claims.

She further advised that the applicant currently had 5 dogs on the premises and a litter of 6, 10 week old puppies.

MR GRAHAM: Speaking Against the Application.

Mr Graham advised that he would like to make the following comments in support of refusal of the application:

- Visible, large and unsightly building used for commercial purposes of puppy breeding and sale from the property.
- Inappropriate structure and use in an area defined under Policy EN6 as an Area of High Landscape Value.
- Noise disturbance to residents, environmental damage from the dumping and burning of waste products in the neighbouring woodland and road traffic dangers from puppy purchasers parking on a dangerous section of the A694.
- Encroachment on woodland area which has already been damaged by the applicant.
- Applicant demolished the western fence between his property and the adjoining woodland, laid a large concrete foundation extending into the woodland and erected the kennels without planning permission.
- Recent application for enclosure of woodland based on claim of previous use, this was rejected by the Council and no appeal was made.
- Recommendation for retrospective planning permission can only encourage others to disregard the planning process.

In response the Principal Planning Officer advised members that it would be very difficult to refuse the application on appearance, if the applicant was to have built the kennels in his own garden he would not have required any planning consent under permitted development rights.

She advised that the applicant had brought the fence in line with the neighbouring property 22 Tollgate Road which had been extended into the woodland some 40 years ago.

In conclusion she advised that there was no material planning reason for refusal of the application.

Ward Councillor E. Turner advised that the structure was very visible from the main road and was of the opinion that the kennels were for industrial purposes of dog breeding.

Ward Councillor A. Shield added that he agreed with the comments of Councillor Shield and added that he did not agree with re-active applications.

Discussion then ensued regarding the ownership of the land and the reasons for regularising the boundaries.

The Principal Planning Officer advised that the applicant owned all of the woodland and in planning terms there was no harm in regularising the boundary as it did not encroach too far into the woodland. She further advised that the applicant would not require a licence for breeding dogs if there were no more than 4 litters a year.

Councillor Christer asked how this would be monitored in the future to ensure that he was not breeding more than 4 litters per year.

The Head of Planning & Building Control advised that planners would have to build up an evidence base to take action, and permission could be re-enforced with conditions.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0257 be refused on the grounds that: The dog kennels are excessive in scale and are of an inappropriate design which is not in keeping with other buildings in this Area of High Landscape Value. The change of use of the strip of land to garden use is detrimental to the character of this Area of High Landscape Value as it would encroach into the surrounding rural area contrary to Local Plan Policy EN6.

07/0416 ST MARYS RC PRIMARY SCHOOL

Erection of security fencing, St Marys RC Primary School, Pemberton Road, Blackhill.

The Chair welcomed to the meeting John Chirnside who was in attendance to speak against the application.

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

JOHN CHIRNSIDE: Speaking Against the Application.

John Chirnside introduced himself to the committee and advised that he was opposed to the erection of the fence and felt that alternative measures could be taken to alleviate problems with Anti-Social Behaviour in the area.

He made the following points in support of his view:

- Fencing around the school field but leaving the wooded area next to Pemberton Road open would push youths congregating in the woods closer to the neighbours passing the problems on to them.

- Does not disagree with security being introduced and residents would be happy to help them improve the security although the fencing does not seem fit for purpose.

Councillor Clark added that in his opinion the fence was the only solution, however he would like to see some landscaping incorporated into the scheme to help screen the fencing.

The Senior Area Planning Officer advised that this could be suggested to the school although Members should be reminded that Schools have very limited resources.

Councillor Milburn advised that in her opinion similar problems were found in schools across the District and safety must override appearance in such circumstances.

Councillor Watson added that he would also like to see screening incorporated and would ask that this be added as an additional condition.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0416 be approved subject to:-

- Approved Plans (ST01)
- Standard Time Limit (ST)
- Within 3 months of the erection of the fence hereby approved a landscaping scheme shall be submitted and approved by the Local Planning Authority and this scheme shall be implemented no later than 6 months from the date the fence is erected on site.

07/0098 MR AND MRS PARKINSON

Erection of one dwelling (Re-submission) West Grange, Cadger Bank, Lanchester.

The Chair welcomed to the meeting Mr Andrew Moss 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 which sought permission to erect one 2 storey dwelling within the rear garden of the residential property of West Grange.

He advised that one further letter had been received regarding access to the property and this suggested that use should be made of the existing access to West Grange.

He went on to advise that one tree would have to be removed as part of the creation of the access to ensure acceptable visibility.

He referred to the comments made by Lanchester Partnership as paragraph 17 of the report and further advised that some interesting archaeology may be contained within the site therefore a full survey would have to be carried out before commencement of works.

ANDREW MOSS: Speaking in Support of the Application.

Mr Moss made the following comments in support of the application:

- Applicant happy to accept all of the 27 conditions attached to the permission which would retain control to the Local Planning Authority over the development.
- In response to the 3 issues raised by Lanchester Partnership:
 1. Design – dwelling is acceptable and would preserve the character and appearance of this part of the Conservation Area. This opinion is shared by Planning Officers and the Design and Conservation Officer
 2. Tree Impact – although one tree will have to be removed as part of the scheme a tree survey has found that the tree in question is nearing the end of its life, in addition a condition attached states that planting of a semi-mature oak tree of 4 ½ metres in height must be carried out
 3. Highway Safety – This is an issue which has been investigated over several years and after a site visit some time ago the plans now concur with the preferred and acceptable highway safety solution. This is also a view confirmed by the Highway Authority.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0098 be approved subject to:-

- Three year time limit (ST)
- Approved plans (ST01)
- Amended Plans – 25th May 2007 (9260-05 Revision H). This is to include the method statement set out on the submitted amended plan.
- The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted to and approved in writing by the Local Planning Authority before the development of the site commences. The scheme shall include provision for a semi-mature oak tree of minimum height 4.5m in accordance with Amended Plan dated 25th May 2007 (9260-05 Revision H)
- All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
- The construction work and tree protection methods and recommendations must be carried out in accordance with the Batson Environment and

- Leisure Ltd letter dated 21st May 2007 and the recommendations of the Batson Environment and Leisure Ltd Trees Survey and Implication Study, West Grange Cadger Bank dated 23rd January, 2007.
- The construction work must be carried out in accordance with BS 5837:2005 'Trees in Relation To Construction'
 - Samples of materials (A05)
 - Method of stone laying (A08)
 - Stone walls and slate roof (A10)
 - Rainwater goods (A13)
 - Surface water drainage scheme (D04)
 - Ground levels (GL01)
 - Landscaping and tree protection measures (L01)
 - No removal or works to trees (L08)
 - Withdrawal of permitted development rights (PD01)
 - Details of the appearance of the access and alterations on the roadside verge shall be submitted to and agreed in writing with the Local Planning Authority before development commences.
 - Details of the appearance of the windows shall be submitted to and agreed in writing with the Local Planning Authority before development commences.
 - No development shall take place until the applicant has secured the implementation of an agreed programme of archaeological works (to include evaluation and mitigation) in accordance with a written scheme of investigation which shall be submitted to and agreed in writing by the Local Planning Authority.

Councillor D. Hume left the meeting at this point.

Councillor S. Rothwell declared an interest in the following item left the Chamber and took no part in the discussion or voting thereon.

07/0337 MRS YUN TSE CHUI

Proposed installation of extraction system to rear, 21 Quebec Street, Langley Park.

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

The Principal Planning Officer presented the report which recommended approval of the application. She advised members that the application had been deferred from the meeting of the 4th June, 2007 pending further information on noise, vibration and smells.

MR YUN TSE CHUI: Speaking in Support of the Application.

He advised that the following measures would be taken to ensure the minimum disruption to residents:

- Sound Proofing Insulation fitted throughout;
- Fireproof Plaster Board would be used to minimise risk;
- Extractor would only be in use for 2 hours of the working day (4.30 p.m. – 11 p.m.) when preparing food for opening;
- Shop was previously use as a Fish & Chip shop for 35 years, which can smell far worse than Chinese food.

Ward Councillor G. Coulson advised that Mrs Catton the proprietor of the neighbouring property unfortunately could not be in attendance but wished to make the committee aware that she was strongly opposed to having the extractor fitted with brackets to her wall. She also had great concerns over noise and vibration.

The Environmental Health Officer added that the noise created from the system was made in the motor area and the noise was made mostly at the point of extraction in the building rather than outside. Therefore little noise would be heard by residents.

In response to comments made regarding vibration and damage he advised that metal could be attached to the structure to alleviate this problem, however if disturbance was still to occur this could not be enforced until such an event had occurred.

Councillor Coulson then made comment relating to the temperature inversions in Langley Park and asked what the Environmental Health Officers opinion was on the subject.

The Environmental Health Officer advised that the Met Office had been consulted regarding this and they had advised that inversions tended to occur during cold nights and in the early morning, therefore by the time the shop was wishing to start using the extractor around lunchtime through to evening the air would be dispersed as normal.

Councillor Clark asked if re-conditioned units made more noise than new ones. In response the Environmental Health Officer advised that this was the case.

The Principal Planning Officer advised that technically a condition could be attached stating that a new extractor system must be installed.

Councillor Coulson added that he wished his vote against the application be recorded.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0337 be approved subject to:

- Time Limit (ST)
- Approved Plans (ST01)

- Notwithstanding the approved plans, the flue shall discharge 1m above the ridge level in line with the recommendations contained in the DEFRA Report Netcen/ED48285/Issue1 of 21st May 2004.
- Notwithstanding the approved plans, vibration isolation between fittings of the ducting and the structure of the building shall be incorporated into the proposed design with GDP1 of the Local Plan.
- The flue to be installed shall be a new model and not contain any reconditioned parts.

07/0266 PEPPERCORNS

Demolition of existing house and shop and erection of five apartments (Outline), Springfield, Skye Road, Burnopfield.

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

The Senior Area Planning Officer presented the report which recommended approval of the application which sought in outline for the demolition of an existing house and shop and erection of five apartments at 'Springfield', however although this is an outline application, the applicant had requested that all matters apart from landscaping of the site, be considered at this stage.

MR FORSYTH: Speaking in Support of the Application.

He advised the committee that he was speaking as the Applicant's Agent and would like to make the following comments in support of the application.

- Agreeable to all conditions as laid out in the Officers recommendations.
- Will make an improvement to current parking situation and there should be no issue of congestion as the site is currently a shop.
- No overlooking or overshadowing to neighbouring properties with the exception of the Church.
- Fits in with the Street scene.

Ward Councillor B. Alderson advised that in his opinion he had some concerns over parking and residents having to reverse out on to the T Junction, especially when funerals etc where taking place at the Churchyard next door.

In response the Senior Area Planning Officer advised that the Highways Officer was happy with the scheme and in addition the footpath between the development and the Churchyard would be maintained.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0266 be approved subject to:-

- Approval of the reserved matter details of landscaping of the site shall be obtained from the Local Planning Authority before the expiration of three years from the date of permission.

- ST01 – (In accordance with approved plans)
- The materials to be used in conjunction of the building hereby approved shall be those as indicated in the submitted plans hereby approved unless otherwise agreed in writing by the Local Planning Authority.
- D01, RD01 (Drainage)
- GL01, RGL01 (Ground Levels)
- The footway between the front of the existing garden boundary wall and the shop frontage shall be formally stopped up, prior to development commencing. Similarly should the proposal result in a narrowing of the path to the north of the site, then this shall also be stopped up prior to the commencement of development of the site.

(2) RESOLVED: That the following applications be approved.

07/0399 MR & MRS DOBSON

Raised decking area to rear (retrospective), 9 Ponthead Mews, Leadgate.

Subject to:-

- ST02
- Within one month of the date of this permission, or other such time period as may be agreed in writing with the Local Planning Authority, details of screening on the common boundaries with 8 and 10 Ponthead Mews and the screening of the void space beneath the decking shall be submitted to and approved in writing by the Local Planning Authority. The fencing and means of screening shall then be undertaken and retained thereafter in accordance with the approved details.

Councillor D. Lavin left the meeting at this point.

Councillor R. Young declared an interest in the following application left the Chamber and took no part in the discussion or voting thereon.

07/0470 LANCHESTER SOCIAL CLUB

Erection of Lobby and smoking shelter to rear and provision of unisex toilets.

Lanchester Social Club, Newbiggen Lane, Lanchester.

Subject to:-

- Approved Plans (ST01)
- Standard Time Limit (ST)

Conclusion of meeting

The meeting closed at 4.15 p.m.

Chair.

