

DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of the Development Control Committee held in the Council Chamber, Civic Centre, Consett on Thursday 26th April, 2007 at 2.00 p.m.

Present

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

Councillors R. Alderson, H. Christer, C. Clarke, G. Coulson, J.H. Fothergill, G.C. Glass, A.E. Hodgson, D. Hume, O. Milburn, A. Watson, R. Young.

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors A. Atkinson, T. Clark, Mrs E.J. Coulson, J.T.S. Graham, H.S. Guildford.

In Attendance

Councillor B. Armstrong.

DECLARATIONS OF INTEREST

In accordance with the provisions of Section 94 of the Local Government Act 1972 and Standing Order No. 20, Councillor A. Watson declared an interest in application 07//0131, as he is a member of the Project Genesis Board which is a separate entity to Project Genesis Limited.

69. MINUTES

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

Development Control Committee – 29th March, 2007

Site Inspection – 16th April, 2007

It was agreed that the following application be taken in advance of the first item to allow the members of public present for this item to leave the meeting immediately after the application.

70. PLANNING APPLICATIONS

(1) Public Speaking Applications

07/0250 02 (UK) Ltd

Determination as to whether prior approval is required for the siting and appearance of a 12 metre high Cypress Tree Monopole, equipment cabinets and ancillary development. Land 180 m south east of Conifer House, Low Friarside, Burnopfield.

The Chair welcomed to the meeting Mr Hobbs who was in attendance to speak against the application and the members of the public who were also in attendance to support him.

The Senior Area Planning Officer presented the report which recommended prior approval of the application. He advised that since the report had been submitted to members a further 27 email and written objections had been received bringing the total number of objections in writing to 36. He also advised that 687 signatures had been received on a petition.

Mr Hobbs: Speaking against the application

Mr Hobbs introduced himself to the committee and advised that he would be speaking on behalf of the residents of Burnopfield.

He made the following points in justification for refusal of the application:

- The countryside in this area of the Derwent Valley is special, the Council knows this and so do the residents.
- The Government Inspector agreed and therefore dismissed O2's appeal.
- The scheme will not differ from the original application other than the mast would be disguised as a tree.
- Area publicised as an area for tourists and recreational activities being a place of regional and national importance.
- Policies state that these areas should be protected from development.
- The volume of objections received at the Council should indicate the strength of opposition from local people.
- The site is highly prominent and visible from all directions and from areas of public access.
- Only two trees nearby to this site and the proposal would not fit in well, being used more frequently in wooded areas.
- If approved further development on this site will become difficult to refuse.
- Site of archeological importance as suggested on local ordnance survey maps.
- The developer has not researched and looked for alternative sites comprehensively and see this site as easy to develop.
- The mast will destroy the natural landscape.

Councillor Alderson made the following comments in support of the residents of Burnopfields views;

- Inspector was adamant on appeal that this mast should not be placed in this area
- The area is of high landscape value
- Contrary to policies laid out in the District Local Plan
- The mast would be viewed from many angles not the favourable angle that the montage is taken from.
- Overall will have a detrimental impact on the landscape.

Councillor Clarke added that she was not impressed with 02's proposal for this beautiful area and therefore it was paramount that the Council look after Derwentside residents.

Councillor Glass added that he felt the imitation tree was more unsuitable than the previous application for a uncovered mast.

Councillor Watson then advised the committee that he was pleased to see the public here supporting the preservation of there locality. He suggested that he was of the opinion that the Council had got the decision right in the first place and was not satisfied that the applicant had widely searched for alternative sites.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0250 be refused on the grounds that:

In the opinion of the Local Planning Authority the positioning of the mast as proposed would have a detrimental impact upon the visual amenity and character of the locality as a designated area of High Landscape Value, and it is not considered that sufficient attempt has been made to assess the possibility of site sharing. The proposal is considered therefore to be contrary to Policies CF10 and EN6 of the Derwentside District Local Plan.

71. 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 an Enforcement Notice issued by Derwentside District Council in respect of the change of use of land west of Derwentside Lodge, Hamsterley, for the kenneling, training and exercising of dogs. Appeal dismissed.
- (ii) Planning Application – Appeal against the refusal to grant full planning permission for the demolition of a detached garage and the erection of one dwelling at 33 Manor Road, Medomsley. Appeal dismissed.

72. 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.

07/0131 PROJECT GENESIS

Extension to existing landscaping mound (retrospective) (resubmission)
Land to the south west of 48 – 52 Fenwick Way, Consett.

The Chair welcomed to the meeting Karen read 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 advised that as members had know undertaken a site visit they should be a position to determine the application.

He advised members that a letter had been circulated to members dated 23rd April advising that a future application for a further 345 dwellings would be submitted in the near future this incorporating a scheme for the reformation of the mound in the process of the reclamation of ground for building works.

He suggested that this compromise could complement both developments linking the two areas with open space. He went on to advise that if members were minded to refuse this application he would advise members not to pursue enforcement action at this stage.

Karen Read: Speaking in Support of the Application.

Karen Read introduced herself to the committee and advised that she was speaking on behalf of the applicant for Robert Muckle solicitors.

She advised that she would like to reiterate the comments of the Head of Planning & Building Control and advised that if approval was given in the future for a further 345 dwellings the mound would be remodelled creating a smaller undulating landscape formation that would link the two developments together. She also advised that if all of the spoil could not be used for the remodelling of the mound it would be utilised for the reclamation of the site for development.

She advised that she would urge the members to consider approving temporary consent until details of the application for the housing development could be submitted.

The Head of Planning & Building Control advised that temporary consent could be considered by members as a way forward.

Councillor Glass advised that in his opinion he could not see the point in issuing enforcement action when the problem may be resolved by itself.

Ward Councillor Agnew asked how long this would take, if it was not guaranteed that the development would be approved, he advised that he had received comments from residents who were unhappy about the number of properties proposed for this site. He asked if it would be possible to carry out this work in advance of further development.

The Head of Planning & Building Control advised that it could be possible to carry out landscaping works at this time, but would be advisable to wait until the future development was carried out to prevent further disturbance to the formation in the future.

Councillor Hodgson advised that he was of the opinion that the developers and the officers would have known about these proposals at the time that the site visit was carried out and felt that this proposal had been put forward as the general consensus of members was for refusal of this application.

The Chair then added that if the future application for a further housing development was refused the committee would need assurance that the remodeling of the mound would still be altered as discussed.

Councillor Watson then added that members should also consider that the area of land to be utilized for Consett Sports Village would have to be raised to accommodate the buildings and spoil from the mound could be used for this purpose. He also added that he was pleased to hear that the remodeling of the mound would extend the urban park area.

He concluded that he would recommend planning permission be granted for a time period of 9 months.

Following a vote being taken it was
RESOLVED: that Planning Application 07/0131 be approved subject to:

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

This permission is given for a period of 9 months only, expiring on 30th January 2008 and, unless further application for the renewal of the permission has been made and permission granted, the material shall be removed and the land reinstated in accordance with details to be approved in writing by the Local Planning Authority.

All members subsequently returned to the Chamber.

(2) RESOLVED: that following applications be approved.

05/0981 PHILADELPHIA ESTATES

Reserved matters application for extension of industrial estate. Land to West of Esh Winning Industrial Estate, Esh Winning.

The Head of Planning & Building Control presented the report which recommended approval of the application. He further advised that this application was linked with the application which would follow.

He advised that the applicant had no intention of using the land for building development but to use it for lease or sale for industrial development which would come as individual applications, he further advised that to make the area suitable for such development it would require access and suitable perimeter landscaping.

Councillor Coulson advised that in his opinion this land was important and the area should be kept open for the creation of jobs, adding his approval for this application.

Subject to:-

- Upon implementation of this approval the outline Planning Permission granted on 3rd April 2000 is spent and no other reserved matters submissions i.e. the siting, design and external appearance, shall be submitted under this planning permission.
- This permission gives express consent to reserved matters details relating to the extension of the Esh Winning Industrial Estate only, and in no way grants planning permission for a garden centre shown indicatively in road detail plan ESHIND02 received 12 December 2006.
- Prior to submission of any full application for buildings upon the site, a revised layout plan detailing a 10 metre wide tree and planting landscaped strip around the site, including details of mix, type and species shall be submitted to the Local Planning Authority. The landscaping as agreed shall be implemented prior to the occupation of any subsequent building on the site.
- No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works which shall include measures for the attenuation of surface water run-off, (as recommended by the JBA Consulting Flood Risk Assessment dated 13th

- December 2004) have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
- The development hereby approved shall be undertaken in full accordance with the obligations of the agreement entered into under section 106 of the Town and Country Planning Act 1990 dated 23rd March 2000.
 - In the interest of securing improved access arrangements to the development in accordance with Policy TR2 of the Local Plan).

06/1031 MR I SHRIGLEY

Creation of access road, Esh Winning Building Supplies, Esh Winning.

The Head of Planning & Building Control presented the report which recommended approval of the application. He advised that the access road would take up the upper part of the site as outlined in the plan on page 35 of the report. He further advised that the proposed garden centre as marked on the plan on page 36 of the report should be disregarded as this would be subject to a further planning application.

Councillor Coulson advised that the Parish Council added their support for the application.

Subject to:-

- Time Limit (ST)
- Approved Plans (ST01)
- This permission gives express consent for the access road only, and in no way grants planning permission for a garden centre shown indicatively in plans submitted with the application.

07/0194 MR A MCNEILL

Erection of two dwellings, Land to the south of 2 Brockwell Lane, Blackhill.

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

Subject to:-

- Time Limit (ST)
- Approved Plans (ST01)
- Natural sandstone wall and slate roofs (A10)
- Laying of the stone (A08)
- Window frames (A12)
- The parking spaces shown on the approved plan shall be constructed and available for use before the dwellings they serve are occupied.

07/0190 MRS G WALES

Erection of first floor extension above existing garage. 9 Mount Park Drive, Lanchester.

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

He advised that no objections had been received other than a query regarding the land ownership of the alley way which had been resolved.

Discussion then ensued regarding the alley way and whether these were considered as party paths, and the Head of Planning & Building Control advised that both properties are likely to have a right of access through this alley way, but the gateway would still be maintained leaving it accessible for the neighbours.

Following a vote being taken it was

Subject to:-

- Three year time limit (ST)
- Approved plans (ST01)
- External materials (DH05)

07/0226 KAREN MONAGHAN

Creation of Vehicular Access and Hardstanding. 8 Pont View, Leadgate.

Subject to:-

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

(3) RESOLVED: that the following application be refused.

07/0236 HOLMSIDE CONSTRUCTION

Variation of house types of previously approved application 1/2005/0595 to raise roof height of four dwellings to create living space within the attic with the installation of dormer windows and rooflights. Punch Bowl Inn, Satley.

The Principal Planning Officer presented the report which recommended approval for a variation in planning conditions as to prior approved. She advised that there was a very marginal change in the scheme to the previously approved plans submitted in October 2005. She went on to advise that the Design & Conservation Officer had been consulted regarding the amendment to the application and had made no objections to the proposal.

Councillor B. Armstrong: Speaking Against the Application

Councillor Armstrong advised the committee that this application had been brought back to committee on her request as it would otherwise have been dealt with under delegated powers.

She advised that she was of the opinion that Holmside Construction had a history of changing planning applications and on this site alone over 18 years worth of applications had been submitted and altered.

She added that residents of Satley were had given up submitting objections to applications as they seemed to bear no real impact.

In conclusion she made reference to the recently approved development at Glebeside, Satley which comprised of a mix of two and three storey houses, she advised that she was of the opinion that approving this scheme would set a further precedent for three storey houses in this area in the future.

The Principal Planning Officer in response advised that this site had seen a lengthy planning history although all the applications had not been made through Holmside Construction.

Councillor Coulson added that he agreed with the comments of Councillor Armstrong and added that he was of the opinion that increasing the roof height by 600mm could be out of character with the village areas

Councillor Hilary Christer stated that she considered the application to be out of character and had a similar experience to Councillor Armstrong with a development in her ward.

Councillor Agnew stated that he went along with the comments of other Councillors, however he had noted that the Design and Conservation Officer had not raised objection.

Councillor Glass considered that the Council had to take into account the development it had approved at Glebeside which included three storey housing, in view of which it was a difficult decision.

Councillor Fothergill stated that since the Committee had already passed an application for two storey houses on the site, this application to include some three storey town houses should be rejected

Councillor Watson stated that he noted Councillor Armstrong's view that the lack of objections being due to a lack of confidence locally in the planning process. He noted that if the application were refused the applicant would have the right to submit an appeal. He moved refusal because he considered that the development would be contrary to policy EN13.

On the grounds that:

The proposal by virtue of its scale would be out of keeping with the character and appearance of Satley Conservation Area and as such would not preserve or enhance the Conservation Area contrary to Policy EN13 of the Local Plan.

Councillor O. Milburn and D. Hume left the meeting at this point.

(4) RESOLVED: that the following application be withdrawn.

07/0131 G & C Taylor

Erection of two storey rear extension, detached garage to rear at Holyoak House, High Westwood.

(5) OPEN & GENERAL REPORTS

06/0088 & 06/0604 BROSELEY HOMES LTD

Applications to vary condition 16 of permission 1/2003/1033/DMFP and condition 6 of planning permission 1/2005/0094/DMFP to enable driveways to be finished and crushed with aggregate. Land to the North West of 5-28 St. Ives Road, Leadgate.

The Head of Planning & Building Control presented the report which advised members of the current situation with the development and the application to vary conditions as above.

He went on to advise that the Highways Officer had been consulted and was happy with the compromise proposed as set out in the report.

Councillor Watson left the Chamber at this point.

Councillor Christer asked if all Gladedale (formerly Broseley Homes) would have these kind of driveways in future developments.

The Head of Planning & Building Control advised that all future applications would be considered on their own merits and it would have to be considered by the Local Planning Authority to say whether this type of driveway would be suitable for that particular development. It was however to be hoped that they would not continue to use gravel for the whole length of drives on other developments.

Councillor Hodgson asked if all the properties in this development were now occupied. In response the Head of Planning & Building Control advised that they were and if work had to be carried out on their driveways they should seek compensation from Broseley Homes on this basis.

Members also felt that it would be just to attach a condition to say that if any accidents were to occur due to the loose gravel Derwentside Council would hold no liability for this.

Councillor Glass added that in his opinion it would be appropriate to outline to the developer that the Council were reluctantly taking this view on the comments of the Highways Officer.

RESOLVED: that members agree not to progress with the appeal hearing, and allow Gladedale to install the 1.5 metre block paved apron and edge restraint within six months.

And:

for non compliance with the conditions which prevent the drives from being finished in an unbound material, once the aggregate restraint system is in place.

At this point the Chair added that as this was the last meeting of the Municipal year he wished to thank all members and officers for their support over the last 12 months.

72. 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)

73. ENFORCEMENT

05/Ben/00047 MR ROBBINS

First Floor Extension above garage, 6 Ashdale, Shotley Bridge.

Following a vote being taken it was

RESOLVED: that it would not be expedient at this time to issue a planning enforcement notice in respect of the works which have already been carried out and as the works have not been progressed since 2005 it is unclear whether the construction details of the proposed first floor extension will be acceptable or not.

And:

the report be placed on the Land Charges Register in order that any future prospective purchaser of the property is made aware of the planning situation and that any planning enforcement issues be deferred until full details of the development is known in order that its acceptability can be assessed.

Conclusion of meeting

The meeting closed at 4.15 p.m.

Chair.