

THE DISTRICT COUNCIL OF CHESTER-LE-STREET

Report of the Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street on Monday 19 June 2006 at 6.00pm.

PRESENT

Councillors:

G K Davidson	A Turner
R Richardson	W Laverick
T H Harland	L E W Brown
R Harrison	R W Hall

Officers: S Reed (Acting Planning Services Manager), D Walker (Senior Planning Officer) and S Marshall (Democratic Services Assistant).

Also in Attendance: Councillor S C L Westrip (Waldridge Parish council) and 27 members of the public.

1. APPOINTMENT OF CHAIRMAN

Nominations were invited for the appointment of Chairman.

RESOLVED: "That Councillor G K Davidson be appointed as Chairman for the ensuing year."

2. APPOINTMENT OF VICE-CHAIRMAN

Nominations were invited for the appointment of Vice-Chairman.

RESOLVED: "That Councillor R Harrison be appointed as Vice-Chairman for the ensuing year."

3. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors P Ellis, A Humes, D M G Stoker, D L Robson, D Holding and K Potts.

4. MINUTES OF MEETING HELD 8 MAY 2006

RESOLVED: "That the minutes of the proceedings of the meeting of the Committee held 8 May 2006, copies of which had previously been circulated to each Member, be confirmed as being a correct record."

The Chairman proceeded to sign the minutes.

5. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

There were no declarations of interest from Members.

6. CONFIRMATION OF SPEAKERS

The Chairman referred to the list of speakers, copies of which had previously been circulated to each Member and confirmed their attendance.

**7. REPORT FROM ACTING PLANNING SERVICES MANAGER
PLANNING MATTERS**

A report from the Acting Planning Services Manager was considered, copies of which had previously been circulated to each Member.

(A) District Matters Withdrawn

The Acting Planning Services Manager advised that the applicant had withdrawn the following application.

- (1) Proposal: Outline application for residential development comprising
1 no timber residential chalet on site of former Lumley
Boys School/Heinz Cottage, Front Street**

Location: Land North of Fenton Well Lane, Great Lumley

Applicant: Mr and Mrs Bell – Reference 06/00208/OUT

(B) District Matters Refused

Prior to consideration of the following item, the Acting Planning Services Manager referred to photographs in relation to the proposal, which were displayed at the meeting for Members information.

The Chairman invited Mr Badger, the agent on behalf of the applicant, Mr Crawley, an objector and Councillor Westrip on behalf of Waldrige Parish Council, to speak with regard to the application.

- (4) Proposal: Installation of 10m high slim-line streetworks monopole
with ancillary equipment housing**

Location: Highway Verge, West of 11 Brandon Close, Chester-le-Street

Applicant: Hutchinson 3G – Reference 06/00210/TEL

The Acting Planning Services Manager advised that a total of 109 objections to the application had been received and that regrettably objectors stated concerns relating to perceived fear of health impacts and the description of

the development had not been adequately covered in the report. However the Acting Planning Services Manager advised Members that subject to a thorough verbal update on these issues he was confident that Members would have all the relevant information to hand on which to make their decision. The Acting Planning Services Manager reminded Members of their considerable experience of dealing with such issues, through the determination of a number of similar applications for telecommunication development in the recent past. He then went on to advise Members of current case law; PPG8 advice and a past Planning Inspector's comments regarding the perception of public harm issue.

Members raised concerns on the following issues:

- The proposal is situated in the Green Belt and appeared intrusive, being taller than existing street light columns
- Perception of public harm
- The possibility of an alternative suitable site which would reduce the harm to the Green Belt and the impact upon residents

After debating these issues Members were in agreement, due to the concerns raised by the Committee, to refuse the application.

RESOLVED: "That notwithstanding the recommendation of the Acting Planning Services Managers for conditional approval, this application be refused for the reasons indicated."

Extra 1. The proposed development would comprise a visually intrusive structure within the street-scene detrimental to the character of the surrounding area and the North Durham Green Belt contrary to advice in PPG2 and PPG8 and Policy PU6 of the Chester-le-Street Local Plan.

Extra 2. In the opinion of the Local Planning Authority the proposal would generate a significant fear of perceived adverse health impacts within the adjacent residential community. These fears would be likely to demonstrably affect the quality of life of the adjacent residents, and as such provide for conditions detrimental to the levels of amenities they can reasonably expect to enjoy.

Extra 3. In the opinion of the Local Planning Authority the applicant has failed to consider sequentially preferable sites within the available search area, which would reduce the harm to the character of the Green Belt and the perceived fear of harm to adjacent residents.

(C) District Matters Recommended Approval

Prior to consideration of the following item, the Acting Planning Services Manager referred to photographs in relation to the proposal, which were displayed at the meeting for Members information.

(2) Proposal: Erection of 3 no. B8 warehouse units (with ancillary

offices), parking, block levellers, yards, landscaping and new access arrangements from the A693.

Location: Land at Drum Industrial Estate, Chester-le-Street

Applicant: Gladman Developments Ltd – Reference 05/00162/FUL

The Acting Planning Services Manager advised that extra verbal objections had been raised in relation to the proposal, principally centred around a perceived lack of landscaping and the provision of a roundabout.

He went on to advise that the recommendation for a Section 106 Agreement to be entered to secure funding in relation to the roundabout would need to be amended to say;

“The funding to be ring fenced by the Council for use only in the construction of a roundabout or in the event of the roundabout not proceeding any other highway improvement works at the junction of the A693 with Drum Industrial Estate; to be first agreed between the Council, the Developer and Durham County Council as Highways Authority”.

Councillor Brown queried if the rooflines of the units could be blended into the countryside by means of using green paint.

The Acting Planning Services Manager advised that the plans included a red and blue colour-banding scheme to the side elevation of the units but that a condition could be attached that this be changed to green, along the elevation facing East.

Concerns were raised regarding road safety, in particular the fact that the development would cause congestion in the area. In response the Acting Planning Services Manager advised that information submitted with the application demonstrated that the proposals would indeed lead to additional traffic congestion in the surrounding area. However the County Council as Highways Authority had assessed this information and were satisfied that this increased congestion would not lead to conditions, which would justify refusal.

Members were in agreement to support the Acting Planning Services Manager’s recommendation of conditional approval.

RESOLVED: “That the recommendation of the Acting Planning Services Manager for conditional approval in respect of the application be agreed, subject to the following conditions and the entering into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to provide for:

- The development paying the Council the sum of £1,000,000(one million pounds) upon commencement of development on site;
- In the event of the developer securing grant funding towards the cost of the roundabout, the developer contribution would be reduced pro-rata;

- The funding to be ring fenced by the Council for use only in the construction of the roundabout; or in the event of the roundabout not proceeding any other highway improvement works at the junction of the A693 with Drum Industrial Estate; to be first agreed between the Council, the Developer and Durham County Council as Highways Authority
- The County Council will be responsible for the construction of the roundabout, with the Council releasing money to the County Council as requested; and
- The County Council will be responsible for any land acquisition proceedings necessary to facilitate the roundabout and also for bearing any costs in excess of the £1,000,000 (one million pounds)

01A time limit (3 years)

Extra 1: 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 IN3 of the Chester-le-Street District Local Plan.

Extra 2: 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 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 development in the case of phased development) in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy IN3 of the Chester-le-Street District Local Plan.

Extra 3: 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 amenity and in accordance with the provisions of Policy IN3 of the Chester-le-Street District Local Plan.

Extra 4: There shall be no open storage on the site of any material, including cartons, packing cases, waste materials, or materials awaiting fabrication, except in areas to be shown on site plans, and first submitted to,

and approved in writing by, the Local Planning Authority, in the interests of visual amenity and the satisfactory appearance of the development and to accord with the aims of Policy IN3 of the Chester-le-Street Local Plan.

Extra 5: Notwithstanding any description of the materials in the application, no development shall be commenced until details of a Sustainable Urban Drainage Scheme have been submitted to, approved in writing by, the Local Planning Authority in order to ensure the development makes adequate provision for sustainable waste water management and to comply with the provisions of Policy NE1 of the Chester-le-Street District Local Plan.

Extra 6: Notwithstanding the details contained in the application, no development shall be commenced until details of a scheme for the provision of cycle stands have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the development makes satisfactory provision for sustainable transport facilities in the interests of sustainable development and to accord with the provisions of Policy NE1 of the Chester-le-Street District Local Plan.

Extra 7: The hereby approved development shall be carried out in accordance with a Green Travel Plan 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 management of transport users within the development in the interests of sustainable development and in accordance with the provisions of Policies NE1 and T17 of the Chester-le-Street District Local Plan.

Extra 8: The development to which this permission relates shall be used for warehousing/storage and distribution purposes and for no other purpose in Use Class B8; nor any other Use Class specified in the Schedules to the Town and Country Planning (Use Classes Amendment) Order 2005, nor for any other purpose without the prior permission of this Local Planning Authority, in order to enable this Local Planning Authority to retain control over the development and to assess specific implications arising from any alternative uses of the site, including potential additional traffic congestion in the surrounding area, and to accord with the aims of Policy T15 of the Chester-le-Street Local Plan.

Extra 9: Notwithstanding any description of the materials in the application, the Eastern elevation of Unit A shall be painted dark green in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and the protection of residential amenity and in accordance with the provisions of Policy IN3 of the Chester-le-Street District Local Plan.

Prior to consideration of the following item, the Acting Planning Services Manager referred to photographs in relation to the proposal, which were displayed at the meeting for Members information.

(3) **Proposal: Change of use to hot food takeaway (Use Class 5)**

Location: 8 Front Street, Sacriston

Applicant: Danny Lau – Reference 06/00170/COU

Councillor Turner raised a concern over the storage of containers and commented that as long as the yard to the rear of the property was used for this purpose then he would have no objections to the proposal.

Councillor Harrison advised of his concerns regarding traffic and parking in the area.

Councillor Laverick agreed with Councillor Harrison's concerns regarding parking and also the problem of litter but advised that it was an enforcement issue and therefore the application could not be refused for that reason.

Members were in agreement to support the Acting Planning Services Manager's recommendation of conditional approval.

RESOLVED: "That the recommendation of the Acting Planning Services Manager for conditional approval in respect of the application be agreed, subject to the following conditions."

01A time limit (3 years)

Extra 1: That premises shall not be open for business outside the hours of 09:00 to 23.30 in order to ensure that adjoining properties are not adversely affected by the development and to accord with the aims of Policy R19 of the Chester-le-Street Local Plan.

Extra 2: Prior to the commencement of the development hereby approved full details of an extract ventilation system shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved system shall be operational at all times the development is in use and shall be maintained in accordance with the manufacturers recommended specification, in order to ensure the development does not cause odour problems to surrounding residents and to accord with the aims of Policy R19 of the Chester-le-Street Local Plan.

(D) **PLANNING GENERAL**

1.0 NOTIFICATION OF APPEAL DECISIONS

1.1 APPEAL AGAINST THE REFUSAL OF ADVERTISEMENT CONSENT FOR THE DISPLAY OF 2no. ILLUMINATED DISPLAY UNITS AT PARK ROAD SERVICE STATION, CHESTER-LE-STREET

RESOLVED: "That the decision of the Planning Inspectorate to dismiss the appeal, be noted."

2.0 REQUEST TO WAIVE PRE-CONDITION 3 OF AN AGREEMENT MADE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN RESPECT OF 187 FRONT STREET (CHICAGO ROCK/STUDIO), CHESTER-LE-STREET

RESOLVED: "That it be agreed to waiver the requirements of the condition precedent, as set out at section 3, of the Section 106 agreement."

3.0 APPEALS UPDATE

RESOLVED: "That the updated list of planning appeals lodged during 2005 and 2006 be noted."

8. FUTURE MEETING DATES

Discussion ensued with regard to dates for future meetings of the Committee. Members present preferred to continue to meet on the second Monday of each month. The Chairman suggested that the remaining Committee Members be consulted also.

Councillor Harrison commented on the need for the Legal and Democratic Services Manager, or a senior member of the Legal Team to be present at future meetings.

RESOLVED: "That the absent Members of the Committee be consulted on preferred meeting dates for the Committee."

The Meeting terminated at 7.22pm.