

## **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 8 May 2006 at 6.00pm.

### PRESENT

Councillor G K Davidson (Chairman)

### Councillors:

A Turner	A Humes
D L Robson	T H Harland
W Laverick	L E W Brown
D M Holding	

Officers: T Watson (Planning Services Manager), T Galloway (Director of Development Services), D Walker (Senior Planning Officer) and D Allinson (Democratic Services Assistant)

### **59 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors R Richardson, P Ellis and R Harrison.

### **60 MINUTES OF MEETING HELD 10 APRIL 2006**

RESOLVED: "That the minutes of the proceedings of the meeting of the Committee held 10 April 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.

### **61 TO RECEIVE DECLARATIONS OF INTEREST**

There were no declarations of interest received from Members.

### **62 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. It was noted that the speakers scheduled to speak in relation to Item number 1 in the report were not present at the Meeting.

### **63 REPORT FROM PLANNING SERVICES MANAGER PLANNING MATTERS**

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

**(A) District Matters Refused**

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

**It was noted that the applicant Mr Cresswell and his Legal Advisor were scheduled to speak at the meeting, however neither were present, therefore the application was considered in their absence.**

**(1) Proposal: Part retrospective application for erection of retaining wall and 2.4m high perimeter fencing plus construction of free standing hay barn/cart shed and stables.**

**Location: Land to the West of Beamish Transport, Burnthouse Bank, Pelton Fell**

**Applicant: Martin Cresswell – Reference 05/00520/FUL**

The Planning Services Manager advised that additional drawings had been received regarding the proposed stables. He advised that the Case Officer had been concerned with the original height and although the stable block was now acceptable, no details had been provided regarding the available grazing for the horses. In his opinion, his recommendation of refusal remained and if Members were minded to refuse this application he suggested the wording in Extra 2 be amended.

Councillor Brown spoke in relation to the perimeter fencing and queried why this was not included in the recommendations. It was noted that the fence was not being considered as part of this refusal.

Members were in agreement to refuse this application and support the suggested amendment to the wording of the refusal reason in Extra 2.

**RESOLVED:** “That the recommendation of the Planning Services Manager for refusal of this application, be agreed for the reasons indicated.”

**Extra 1:** The proposed cart shed/hay store would be contrary to Policy RL11 i) of the Chester-le Street Local Plan in that its scale and massing would be unduly large when compared with the existing buildings and other structures located within the adjacent allotment gardens and the adjacent stable site.

**Extra 2:** Because of the lack of detail provided the Local Planning Authority are unable to adequately assess whether the number of stables proposed is proportionate to the grazing land available. The proposal is, therefore, considered to be contrary to Policy RL11 ii.

**(B) District Matters Recommended Approval**

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

**(2) Proposal: Outline application for erection residential development (with details of means of access)**

**Location: 12-14 Front Street, Pelton, Chester-le-Street**

**Applicant: Mr Dawson – Reference 06/00082/OUT**

The Planning Services Manager advised that the applicant had revised his submission and had removed the reference to siting which would be processed by a reserved matter application if Members approved this application. He advised that his recommendation had not changed and he strongly recommended that approval be granted for this scheme.

Councillor Turner sought clarification on the direction of the proposed application site as shown on the photograph. The Chairman requested that the direction of the photograph of the proposals be indicated on the bottom of the slides in future, which was noted by the planning staff.

Councillor Laverick, the Local Member advised that both he and the local residents were pleased to see this application to develop the land for residential use and he advised of his support for the Planning Services Manager's recommendation of conditional approval.

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

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

**Extra 1:** Applications for approval of reserved matters must be made not later than the expiration of 18 months beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason**

In accordance with Section 92 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004)

**Extra 2:** The siting, design and external appearance of the buildings, and the landscaping of the site are reserved matters in relation to this permission. The development hereby given outline planning permission shall not be

commenced until all of the aforementioned reserved matters have been approved.

**(C) District Matters Deferred – Recommended Approval**

**Prior to consideration of the following item, the Planning Services Manager referred to a photograph in relation to the proposal, which was displayed at the meeting for Members information.**

**(3) Proposal: Outline application for construction of two detached dwellings**

**Location: Land adjacent to 3 Whitehill Hall Gardens,  
Chester-le-Street**

**Applicant: B S Developments – Reference 06/00166/OUT**

The Planning Services Manager updated Members on the information he had received to date. He advised that several letters of objection had been received and although there were two speakers available to speak on this application he felt it was necessary to outline the points raised in the correspondence as follows:

- That the proposed area of open space would lead to a loss of residential amenity.
- That local children have used the site as a play area.
- That the residents were previously informed that the site in question could not be developed any further and would be retained in its current state via a restrictive covenant on the land.
- That the construction of two additional dwellings would lead to additional traffic generation, which would cause problems in the area.
- Concern was also expressed about the matter of consultation.

The Planning Services Manager also advised that he had received a fax from Kevin Jones MP enclosing a letter from a local resident, which the MP neither supported nor opposed. The contents of letter questioned the integrity of the Planning Services Manager, states that there is a restrictive covenant on the land, and comments that under a Labour Government residents of that estate do not have a say on planning matters but are expected to pay for the privilege with large Council Tax bills.

The Planning Services Manager also updated Members with regards to formal consultation responses and advised that Durham County Council Highways Authority had raised no objection and the Economic Development Team had no comments to make in relation to the proposal.

**The Chairman invited the objectors Mrs Miller and Mrs Ford to speak in relation the application.**

The objectors raised a number of procedural issues, which they were concerned about. The Planning Services Manager spoke in relation to these concerns and explained how the consultation process was undertaken and

how timescales needed to be met to produce the planning report in line with Government targets. In the Planning Services Manager's opinion, the procedures within the Planning Department had been carried out correctly.

The Chairman raised particular reference to the objector's concerns that the consultation deadline was the day after this Committee. The Planning Services Manager clarified that if Members were to approve this application, this would be subject to no further different objections being received.

In response to the concerns raised by the objectors on the felling of the trees, the Chairman confirmed that this was not part of this application therefore could not be considered. The Planning Services Manager gave an update in relation to this matter.

Councillor Holding drew attention to the fact that the objections, which had been read out at the Meeting, had not been contained in the report. The Chairman clarified the process of verbally reporting representations made after the report had been sent out. The Director of Development Services explained the requirements of the Access to Information Act, which states that Members must receive Agendas within five, clear working days before the date of the Meeting. It was therefore common practice for any objections/representations received after the report had been sent out, to be read out verbally at the Meeting for the Planning Committee to consider.

Due to the concerns raised on the procedural issues, in particular the concern in relation to the consultation deadline it was suggested that this item be deferred for further clarification on procedural grounds.

The Chairman explained that the deferment of this application was on procedural grounds only and because the planning merits of the application had not been discussed at this Meeting, he felt that no one would be debarred from being involved in consideration of this application when it was presented at the next Meeting. It was suggested however, that this be clarified with the Legal and Democratic Services Manager.

RESOLVED: "That this item be deferred on procedural grounds and clarification be sought from the Legal and Democratic Services Manager".

**(D) Planning General**

**1.0 APPLICATION FOR SPOT-LISTING OF CHESTER-LE-STREET CO-OPERATIVE BUILDINGS, FRONT STREET, CHESTER-LE-STREET**

RESOLVED: "That the outcome of the request to English Heritage not to grant the Co-operative building Listed Building status be noted."

## **2.0 NOTIFICATION OF PLANNING APPEAL DECISIONS**

### **2.1 APPEAL AGAINST REFUSAL OF PLANNING PERMISSION, LAND WEST OF BRUCE STREET, DAISY HILL, CHESTER-LE-STREET**

Councillor Turner advised that he was pleased to see the outcome of the appeal, however he referred to an outstanding issues of holes being left on the land. The Planning Services Manager clarified that this was a private civil matter which could not be resolved by Planning.

Councillor Laverick was surprised to see that the traffic problems still did not seem to have been taken into account as part of the reasons for dismissing the appeal.

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

### **2.2 APPLICATION TO VARY AN AGREEMENT MADE UNDER SECTION 52 OF THE TOWN AND COUNTRY PLANNING ACT 1971 IN RESPECT OF MEADOWFIELD HOUSE, EDEN HILL FARM, WEST PELTON**

Councillor Brown advised that he had no objection to the proposal, however he wished to clarify the details on the wording on page 18 of the report, which he reported for Members information.

RESOLVED:

- (i) That approval be granted to alter the terms of the s52 agreement by entering into a new, s106 agreement;
- (ii) That approval be granted that the content of the draft s106 agreement submitted by the applicant which discharges the s52 agreement's obligations and removes them from the Land Charges Register; and
- (iii) That authorisation be granted for the Legal and Democratic Services Manager to consider the provisions and content of the draft s106 agreement submitted by the applicant with a view to completing the s106 agreement on behalf of Chester-le-Street District Council.

## **3.0 PLANNING APPEALS UPDATE**

RESOLVED: "That the contents of the appended Appeals Update List for planning appeals received during 2005 and 2006 be noted."

Councillor Turner raised concern on the size of the print on the Planning report, which he felt was too small. This was noted by the planning staff.

**Before the close of the Meeting, the Chairman thanked Tom Watson the Planning Services Manager, for all his help, friendship and support over the years and praised the efficiency of the Planning Team. The Chairman also conveyed good luck wishes on behalf of the Planning Committee.**

The Meeting terminated at 6.40pm.