

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 21 May 2007 at 6.00pm.

PRESENT:

Councillors:

L E W Brown	M May
G K Davidson	P B Nathan
T H Harland	D L Robson
R Harrison	M Sekowski
W Laverick	A Turner

Officers: C Potter (Head of Legal and Democratic Services), A Hutchinson (Head of Planning and Environmental Health), S Reed (Acting Planning Services Manager), J Bradley (Assistant Solicitor), D Chong (Enforcement Officer) and D Allinson (Democratic Services Assistant)

Also in Attendance: Councillor S C L Westrip (Portfolio Holder of Neighbourhood Services) and 5 members of the public.

1 APPOINTMENT OF CHAIRMAN

Nominations were invited for the appointment of Chairman. It was proposed by Councillor Harrison and seconded by Councillor Harland that Councillor G K Davidson be appointed as Chairman of Planning Committee.

Councillor Davidson thanked Members for this appointment and welcomed the new Members of the Committee to their first Meeting of the Planning Committee.

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. It was proposed by Councillor Harland and seconded by Councillor Robson that Councillor R Harrison be appointed as Vice-Chairman of Planning Committee.

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 and D M Holding.

4 MINUTES OF MEETING HELD 10 APRIL 2007

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 10 April 2007, copies of which had previously been circulated to each Member, be confirmed as being a correct record."

5 MINUTES OF RECONVENED MEETING HELD 13 APRIL 2007

RESOLVED: "That the Minutes of the proceedings of the reconvened Meeting of the Committee held 13 April 2007, copies of which had previously been circulated to each Member, be confirmed as being a correct record."

The Chairman proceeded to sign the minutes.

6 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

There were no declarations of interest received from Members.

7 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.

8 REPORT OF HEAD OF PLANNING AND ENVIRONMENTAL HEALTH – PLANNING MATTERS

A report from the Head of Planning and Environmental Health 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 item for consideration at the Meeting.

(1) Proposal: Proposed erection of 7 no dwelling houses

Location: Springfield Mains Park Road, Chester-le-Street

Applicant: McCarrick Construction – Reference 07/00135/FUL

(B) District Matters Recommended Approval

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

(2) Proposal: Erection of stable building and feed store plus associated fencing (Revised scheme)

Location: Land Adjacent to Redrose Stud, Chester-le-Street

Applicant: Mr J P Jones – Reference 07/00117/FUL

Mr Jones the applicant spoke in relation to the application.

Councillor Brown made reference to Planning Policies NE3, NE4, RL11 within the Local Plan, and outlined his concerns in relation to the proposal as follows:

- That the proposal would be on greenbelt within an area of high landscape value.
- That the proposal is not an essential facility for outdoor sport and recreation.
- The affects the proposal would have on the visual amenity of the open countryside appearance that it would still be unduly prominent within the landscape.
- That the facilities were not near existing buildings that would allow proper supervision at all times, even though the applicant would be living nearby to the proposal.

Taking these concerns into account, Councillor Brown advised that he could not support the Head of Planning and Environmental Services recommendation of conditional approval.

Councillor Nathan spoke in relation to the regulations quoted by Councillor Brown within the Local Plan and queried whether the Local Plan document for 2006 had been extended into 2007 and still applied.

The Acting Planning Services Manager confirmed that the Local Plan was still in force and was currently the development plan for the Chester-le-Street area. He advised that work was ongoing to produce a Local Development Framework Plan, which would supersede the Local Plan once it had been developed.

Councillor Nathan queried if this still applied for the 2007 housing build targets. The Acting Planning Services Manager confirmed that there was a procedure in the Planning Regulations to allow the policies contained in the Local Plan to be saved until the Local Development Framework was up and running.

Councillor Laverick referred to page 12 of the report, which stated that the development would only be permitted if it was of high quality design and raised concerns in relation to the quality of the drawings that had been submitted, which in his opinion gave no indication of the design.

The Acting Planning Services Manager was in agreement with the comments on the quality of the plans, however he advised that the view Officers had taken was that they were sufficient to show the scale and size of what was proposed, including the location of the development. In the application it states that the development would be built out of wood with a felt roof.

Councillor Robson advised of his concerns that the proposal was to be located in the greenbelt. The Acting Planning Services Manager advised that there was nothing in either the national advice or the policies contained in the Local Plan which stated that it was not acceptable to have a stable block within the greenbelt area and the key consideration for Members to decide was whether or not the siting and design would preserve the openness of such an area. He advised that the view that Officers had formed on this application was that because the development would be situated in quite a hidden part of the site and set against the backdrop of the trees that the impact upon the greenbelt would be acceptable.

Clarification was sought from Councillor Turner on the following issues:

- Height of the proposed building.
- Reassurance that the trees would screen the proposal.
- Assurance that safeguards were in place to ensure that the proposal remains as recreational use.

The Acting Planning Services Manager confirmed that the land was level which would help the development sit down and the trees that screened the proposal at the back of the site were not under the control of the applicant therefore could not be felled by the applicant.

The Acting Planning Services Manager referred to Condition Extra 1 in the recommendations, which would prevent the operation of a business from the site and restrict it for the private use of the applicant and his family. He also clarified that these conditions would run with the land if sold on.

In response to a query from Councillor Harrison whether increased traffic was envisaged on the site, the Acting Planning Services Manager confirmed that the County Council Highways Authority were satisfied that the increase in vehicular trips would not be sufficient enough to cause a safety issue in the area.

The Chairman referred to the concerns expressed by Councillor Brown who spoke against the application. Councillor Brown proposed to move that the application be refused which was seconded by Councillor Robson. Members then proceeded to give a show of hands on this motion with the majority of Members against the proposal to refuse the application. The Head of Planning

and Environmental Health's recommendation of conditional approval was therefore agreed.

RESOLVED: "That the recommendation of the Head of Planning and Environmental Health for conditional approval in respect of the application be agreed, subject to the following conditions.

01A The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

Extra 1: The stables hereby approved shall be for private stable use only and these shall not be used for any trade or business use in order to safeguard the integrity and openness of the Green Belt, so that this proposal complies with Local Plan Policies NE4 and RL11.

Extra 2: 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 have been submitted to, and 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 NE15 of the Chester-le-Street District Local Plan.

Extra 3: Notwithstanding any description of the materials in the application, form details of any proposed jumps or any other equipment relating to the equestrian use of the land shall be submitted to and approved in writing prior to the commencement of the development hereby approved, in the interests of visual amenity and in accordance with the provisions of Policy NE15, RL11 and NE4 of the Chester-le-Street Local Plan."

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

(3) Proposal: Sub-division of existing rear garden to facilitate the construction of a 5 bedroom detached house including new vehicular access and associated works. Amended plans received 30 April showing reduced footprint of dwelling house and bedroom window in gable deleted.

Location: 18 Plawsworth Road, Sacriston

Applicant: Mr and Mrs Cain – Reference 07/00113/FUL

Councillor Turner advised of concerns in relation to the proposal as follows:

- Height of the proposal being higher than the existing properties at Highfield.
- Availability of dimensions, sizes and drawings.
- Separation Distances.

The Acting Planning Services Manager addressed the concerns raised by Councillor Turner and confirmed that the height would be in keeping with existing street scene.

In response to his comments on the separation standards he clarified that because the existing properties were already below the separation standard for this proposal Officers felt that it would not lead to a discernable change to the existing layout and therefore would not be of concern.

Councillor Robson advised that even though the Highways Authority had raised no objections to the proposal he still had concerns in relation to potential traffic problems. He also referred to the issues raised by the objectors, which the Acting Planning Services Manager confirmed had been addressed.

The Acting Planning Services Manager clarified that the Highways Authority had not lodged an objection to the proposal as presumably they were satisfied that the amount of additional vehicles using the estate road could be accommodated.

Councillor Harrison raised concerns in relation to the access to the proposal. He also made reference to the storing of building material and equipment on site. He suggested that an extra condition be added to ensure that this was carried out. The Acting Planning Services Manager advised that he would not recommend applying a condition in this instance because other controls were in place through Durham County Council Highways to enforce the removal of building material and equipment obstructing the roadside.

Councillor Sekowski queried whether sufficient off road parking facilities would be available. The Acting Planning Services Manager confirmed that the proposal included a garage and a double driveway to the front of the property enough to provide space for 2-3 vehicles to be parked clear of the roadside.

Further clarification was sought on the height of the proposal therefore the Acting Planning Services Manager showed Members a sectional drawing which was submitted with the proposals. He confirmed that this showed that the proposed house would be set down below the ridgeline of the existing house.

Councillor Laverick referred to the concerns that had been raised in relation to the separation distance and advised that because the gable end of the Nursing home had no windows he felt this concern was not relevant and therefore the proposal could not be refused on these grounds.

Councillor Nathan spoke in relation to the general presentation of the plans and queried whether there was a possibility of improving the images. It was noted that due to current resources this was not possible at present and may be considered in the future if funds became available.

The Chairman advised that the Planning Advice leaflet was currently in the draft stage of revision with the possibility of applicants being invited to bring their own documentation either electronic or printed to assist Members on their decision in the future.

It was proposed by Councillor Laverick and seconded by Councillor Harland to move the Head of Planning and Environmental Health's recommendation of conditional approval. Following a show of hands by the Committee this proposal was carried.

RESOLVED: "That the recommendation of the Head of Planning and Environmental Health for conditional approval in respect of the application be agreed, subject to the following conditions.

01A The development must be begun not later than the expiration of three years from the date of this permission, in order to prevent the accumulation of unused planning permissions as required by Section 91 of the Town and Country Planning Act 1990 (as amended).

02A 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, and 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 HP9 of the Chester-le-Street District Local Plan.

65 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) any external alterations to the dwelling (except painting and repairs) and any development within the curtilage of the dwelling (ie development permitted under Schedule 2, Part 1 (Class A-H inc.) and Part 2 (Class A) of the Town and Country Planning (General Permitted Development) Order 1995 shall require the benefit of planning permission in order to ensure the satisfactory appearance of the development upon completion and in the interests of visual and residential amenity.

Extra 1: Notwithstanding the details shown on the hereby approved plans and elevations, full details of all other means of enclosure of the site 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 interest

of visual and residential amenity and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Before the hereby approved development is occupied, a 1.8m high close-boarded fence shall be erected along the common boundary of this plot and No. 18 Plawsworth Road to the satisfaction of this Local Planning Authority and shall thereafter be retained to the like satisfaction, in the interests of visual amenity and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.”

(C) Planning General

1.0 NOTIFICATION OF PLANNING APPEAL DECISIONS

1.1 APPEAL AGAINST REFUSAL TO GRANT OUTLINE PLANNING APPROVAL TO CONSTRUCT NO. 18 DWELLINGS ON LAND SOUTH OF NOS. 11-16 EDGEWOOD COURT, SACRISTON

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

1.2 APPEAL AGAINST REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF PRIOR APPROVAL FOR THE ERECTION OF 10M HIGH SLIMLINE STREETWORKS MONOPOLE WITH ANCILLARY HOUSING

RESOLVED: “That the decision of the Planning Inspectorate to overturn the decision and allow the appeal, be noted.”

1.3 APPEAL AGAINST REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF A SINGLE DWELLING WITHIN THE REAR GARDEN OF 2 BLIND LANE, CHESTER-LE-STREET

RESOLVED: “That the decision of the Planning Inspectorate to overturn the decision and allow the appeal, be noted.”

Councillor Harrison queried whether training would be provided for Members on monopoles. The Head of Planning and Environmental Health confirmed that specific training could be arranged to give Members guidance on the process of telecommunication mast applications. It was noted that the Head of Planning and Environmental Services was currently drafting a protocol for monopoles, which would be considered by Executive.

Councillor Nathan referred in particular to the outcome of the Planning Appeal in respect of the erection of the telecommunications mast and queried whether the inspector’s decision was final. The Chairman confirmed that that this was the case and the only way this may change would be if the inspector was found in breach of malpractice on reaching this decision.

Councillor Nathan referred to the amount of objections raised within his Ward from the residents on this proposal and advised of concerns he had in relation to some of the points in the Inspector's report which he felt were arguable.

The Head of Planning and Environmental Health advised that because there had been so much public interest in the proposal she had looked at whether there was an opportunity for a High Court Challenge, however she had been advised against this because this was a well-argued decision.

2.0 STREET NAMING AND NUMBERING

2.1 PROPOSED RESIDENTIAL DEVELOPMENT ON LAND PREVIOUSLY OCCUPIED BY PELAW GRANGE COTTAGE, NORTH ROAD, CHESTER-LE-STREET

RESOLVED: "That the proposed residential development on land previously occupied by Pelaw Grange Cottage, North Road for 12 town houses comprising of three blocks of link dwellings Nos. 1-12 be named 'The Grange'."

The Meeting terminated at 7.00pm.