

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 12 February 2007 at 6.00pm.

PRESENT:

Councillor G K Davidson (Chairman)

Councillors:

L E W Brown	W Laverick
P Ellis	R Richardson
R W Hall	D L Robson
D M Holding	D M G Stoker
R Harrison	

Officers:

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: There were also 7 Members of Public in attendance.

The Chairman introduced Jennifer Bradley the newly appointed Assistant Solicitor.

59 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors T H Harland, A Humes and D A Rand

60 MINUTES OF MEETING HELD 8 JANUARY 2007

RESOLVED: "That the Minutes of the proceedings of the meeting of the Committee held 8 January 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.

61 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

There were no declarations of interest 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.

63 REPORT OF THE 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.

The Chairman proposed that Item No.2 in the report be considered before Item No.1. Members were in agreement with this proposal.

(A) District Matters Approved

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: Variation of Condition 3 of application 99/00088/FUL to allow opening hours to be extended so that premises are vacated by 3:00am.

Location: Glo Bar Rear of 24 to 26 Front Street, Chester-le-Street

Applicant: William Walton – Reference 06/00581/VAR

Councillor Brown referred to the proposed extension of the opening hours of the premises for the limited period of two years from the date of approval and requested that Condition Extra 1 be amended so that this period is reduced to eighteen months following concerns on potential noise eliminating from the premises.

Councillor Brown advised that an extension had previously been granted in 1999 for an eighteen-month period. The Acting Planning Services Manager advised that as far as he was aware there had been no official complaints lodged in respect of the previous trial run period. He explained that the reason he was now recommending a two year extension period was due their being no objections from the Environmental Health Team and to allow time for the developer to submit a scheme to make various forms of improvements to the existing premises as recommended as part of condition Extra 1. However he advised that there was nothing to prevent Members changing the timescale for this extension if they considered this more appropriate.

Councillor Turner was in agreement with this suggestion, however he had concern that before the extension could be granted, monitoring should be carried out.

The Head of Planning and Environmental Health clarified that opening hours were controlled through the Licensing regime through Environmental Health who undertake regular monitoring on Licensed premises on a monthly basis. She advised that if there were any problems that occurred as a result of the

monitoring or via complaints under the Licensing Act action could be taken almost immediately.

The Acting Planning Services Manager spoke in response to the comment made by Councillor Turner and advised that this was a valid point, however the Environmental Health Team were not aware of any complaints of noise coming from this site. He advised that it was also relevant to note that the police had not objected to it.

Councillor Turner advised that he was now reassured that the situation would be monitored and that he was happy to go along with the recommendation of conditional approval with the amendment to Condition Extra 2.

Councillor Harrison sought clarification on the how the noise would be monitored. The Head of Planning and Environmental Health referred to Condition Extra 2, which covered details of noise measures, that the Environmental Health Team had suggested to provide adequate insulation and prevent any noise problems.

Councillor Brown formally proposed to accept the Officer's recommendation of conditional approval subject to Condition Extra 2 being amended so that the limited period is for eighteen months from the date of this approval. Councillor Richardson seconded this proposal. Members were in agreement with this decision.

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 and an amendment to condition Extra 2 so that permission is granted for a limited period of eighteen months from the date of this approval.

Extra 1: Prior to the extension of opening hours hereby approved commences a scheme shall be agreed with the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site, in order to ensure that this proposal complies with Local Plan Policy R19, so as to ensure that neighbouring householders are not adversely affected by the development.

Extra 2: This permission is granted for a limited period of eighteen months from the date of this approval, when the hours of opening revert to those initially approved under planning approval 99/00088/FUL where the premises shall be cleared of all patrons no later than 11:30pm every night, in order to allow detailed assessment to be carried out to ensure that noise emanating from the building does not detrimentally affect residential amenity."

(1) **Proposal: Variation of Condition 1 of application 02/00369/VAR to allow entrance to Glo Bar to be utilised until 2.30am**

Location: Glo Bar Rear of 24 to 26 Front Street, Chester-le-Street

Applicant: William Walton – Reference 06/00580/VAR

The Acting Planning Services Manager explained that the way in which the premises currently operated meant that people leaving the premises after midnight had to exit out of the linked nightclub and onto the Front Street. Effectively what this application would allow would be for people to leave the premises from the side entrance of Glo Bar as located on the photographs until 2.30am.

Councillor Brown proposed that the limited time period of two years as set out in Condition Extra 2 is amended to correspond to the previous application of eighteen months from the date of this approval. Councillor Harrison seconded this proposal. Members were in agreement with this decision.

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 and an amendment to condition Extra 2 so that permission is granted for a limited period of eighteen months from the date of this approval.

Extra 1: Prior to the extended use of the entrance to Glo Bar till 2.30am, a scheme shall be agreed with the Local Planning Authority, including measures for an internal lobby which specifies the provisions to be made for the control of noise emanating from the site, in order to ensure that this proposal complies with Local Plan Policy R19, so as to ensure that neighbouring householders are not adversely affected by the development.

Extra 2: This permission is granted for a limited period of eighteen months from the date of this approval when the entrance to Glo Bar shall then revert back to those hours approved under planning approval 02/00369/VAR) which requires the entrance to Glo Bar to close at 11.30pm every night, in order to allow a detailed assessment to be carried out to ensure that the extended hours do not have detrimental impact upon residential amenity of neighbouring householders caused by noise and activity levels as patrons enter and leave the premises in the early hours of the morning.”

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

(3) **Proposal: Erection of 2 no detached dwellings together with upgraded access.**

Location: Land adjacent to 16 Pelaw Bank, Chester-le-Street

**Applicant: Riverside Developments Ltd – Reference
06/00583/FUL**

Members were happy with the improved access into the proposed location and could see no reason why this application could be refused.

Councillor Holding proposed to move the Head of the Planning and Environmental Health's recommendation of conditional approval, which was seconded by Councillor Ellis. Members were in agreement with this decision.

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.

20A 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 and residential amenity and in accordance with the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Extra 1 The proposed vehicular access details shall be laid out as shown on the approved plan, reference 397-P-10 prior to the commencement of the development hereby approved in the interests of highway safety and to ensure the development accords with the aims of Policies HP9 and T15 of the Chester-le-Street Local Plan 2003.

Extra 2 The development shall be carried out wholly in accordance with the details contained in the application hereby approved, including for the avoidance of doubt the detail contained in the Proposed Site Section drawing,

reference 397 – P – 12, to ensure the development does not have an adverse impact on the street scene nor the amenities of the adjacent residential occupiers and to accord with the provision of Policy HP9 of the Chester-le-Street Local Plan 2003.

Extra 3 Any existing trees identified within the development site boundary which it is proposed/required to be retained, shall be protected by a chestnut paling, or similar protective fence or barrier, to the satisfaction of the Local Planning Authority and in accordance with the provisions of BS 3998, in order to ensure that building materials, plant and machinery are not stored around the base of the tree, in the interests of the long term health and well-being of the tree and in the interests of visual amenity and to accord with the aims of Policy HP9 of the Chester-le-Street Local Plan 2003.”

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.

(B) District Matters Refused – Recommended Approval

(4) Proposal: Two-storey rear extension to existing dwelling to form larger kitchen and additional bedroom

Location: 20 Dunstanburgh Court, Woodstone Village

Applicant: Mr and Mrs Sutherland – Reference 07/00006/FUL

The Acting Planning Services Manager advised that this application was a resubmission following a reduction in a previously submitted scheme by one metre at ground floor and one and half metres at first floor.

He advised that since this report had been produced there had been four additional objections received from residents in the surrounding area including the neighbouring properties, which had been shown on the photographs. Objections had been raised on the following grounds:

- The development would impact on the privacy of the garden areas.
- The proposal would be out of character with the existing area and surrounding estate.
- Approval would prevent a similar extension being put on the neighbouring property, as this would lead it to be below the 21 metres separation standard.
- Concern on the issues of precedent in that if this was approved it would difficult to object to a similar application.
- Concerns on loss of light into the window of the neighbouring property.
- Concerns on the sheer scale of the development that it would appear out of place.
- Concerns on the maintenance of the objector’s conservatory.
- Potential damage to the objector’s property during the construction phase.

He advised that if the application was refused, one of the objectors had offered to discuss with the applicant, a further reduced smaller extension possibly of single storey height.

Mrs Brunskill, the objector and Mr Sutherland, the applicant spoke in relation to the proposal.

In response to queries from Members on the projection of the proposed first floor extension, the Acting Planning Services Manager outlined the proposed design for Members information and the applicant detailed the proposed measurements.

Councillor Turner expressed concern on the closeness of the existing conservatories indicated on the photographs as well as concern that approval of this proposal could set a precedent for similar extensions on this estate.

The Acting Planning Services Manager advised that he was not aware of any similar extensions on this estate and advised that the amendments the applicant had made to the scheme complied with the guidelines as stated in the Local Plan.

Councillor Robson spoke in relation to new concerns that had been raised at the Meeting and queried whether the Planning Officers still supported their recommendation of conditional approval in light of this. In his opinion he could foresee difficulties during the construction period.

The Acting Planning Services Manager confirmed that his recommendation of conditional approval remained and that any dispute during the construction phase would be a civil matter.

Councillor Turner queried the possibility of further negotiations to reduce the proposal further. The Acting Planning Services Manager advised that negotiation on a smaller extension would not be appropriate as this proposal had been discussed at length with Officers and because it met the guidelines in the Local Plan, it would be difficult to seek to reduce the scheme further.

Members expressed mixed opinions and concerns in relation to the proposal. Whilst some Members felt that the proposal could not be refused as it was in keeping with the policies in the Local Plan, others expressed concerns in relation to the following:

- Loss of light
- Closeness to neighbouring property
- Potential danger to the neighbouring conservatory during construction
- Overbearing impact on the adjoining property
- Out of character with the surrounding estate

The Acting Planning Services Manager advised that if Members were minded to go against the recommendation and refuse this proposal they would need

to give sound material planning reasons. He stressed the fact that it would be difficult to defend on appeal as the proposal complied with all Local Plan Policies.

Taking these comments into account, Councillor Harrison proposed to move the Head of Planning and Environmental Health's recommendation of conditional approval.

The Chairman asked Members for a show of hands on the proposed movement of the Head of Planning and Environmental Health's recommendation of conditional approval. This resulted in the majority of Members being opposed to this recommendation and the application being refused.

RESOLVED: "That notwithstanding the Head of Planning and Environmental Health's recommendation of conditional approval, Members agreed that this application be refused for the following reasons."

Extra 1: The proposed two-storey extension is, by virtue of its scale, design and proximity to the boundary of the property, considered to cause an overbearing impact to the adjoining property and as such is considered to be detrimental to residential amenity and thereby contrary to Policy HP11 (ii) of the Chester-le-Street District Local Plan.

Extra 2: The proposed two-storey extension to the rear of the property is, by virtue of its size in relation to the plot and the layout of the neighbouring properties, considered to constitute an over-development of the site, contrary to the provisions of Policy HP11 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.

(5) Proposal: Re-submission of previously approved stable block (06/00650/FUL)

Location: Torvaig Front Street, Pelton Fell, Chester-le-Street

Applicant: Mr G Walker – Reference 07/00009/FUL

The Acting Planning Services Manager advised that since the report had been produced there had been one additional letter of objection and one petition submitted from the Friends of the Pelton Fell Memorial Park containing 53 names.

The objectors raised a number of issues as follows:

- How the development had been allowed to develop when it was not in accordance with previously approved plans.
- Whether the Council has made any inspection visits to check the accuracy of the development as it had occurred on site.

- They point out that the Council has the right in Law to demolish property not built in accordance with approved plans.
- They feel the situation has arisen due to Officers unorthodox handling of the Planning application.
- They feel as Local Authority we have indulged the applicant by allowing him to erect it in breach of the previous approval.

They also reiterated the objections they had put forward to the development at the original stage, that it restricts views from the users of the park and detracts from the quality of the park. They point out that the park had suffered a lot of problems in the past from people abusing it through graffiti and vandalism. The objectors claim that this is another example of someone affecting their park by abusing (in their words) 'the laws of the land'.

Mr Walker, the applicant spoke in relation to the application.

Councillor Brown queried what difference the overall height of the building would be under the new proposal. The Acting Planning Services Manager clarified that this would now be 700/800mm higher than the original scheme.

Councillor Brown queried whether Condition 17 of the recommendations in the report could be amended to include a restriction on the conversion of residential use. The Acting Planning Services Manager confirmed that a change of use would require a separate planning application altogether and the conditions listed in the report had already been agreed and carried over from the original proposal.

The applicant clarified that he had no intention of changing the use of this premises for residential use as this facility was purely for his hobby of keeping horses and that he held a separate premises at Gateshead where he operated from.

Councillor Robson spoke in relation to a comment expressed by the applicant that building regulations were not required. The Acting Planning Services Manager clarified that building regulation approval was only normally necessary for a domestic building in the curtilage of an existing house if it was an attached structure. He advised that this had been checked with the Building Control team when the applicant obtained his original grant of planning permission and advised that they were happy that it did not require building regulation approval in addition to planning approval.

Councillor Brown advised that he could foresee no problems with this proposal and therefore proposed to move the Head of Planning and Environmental Health's recommendation of conditional approval.

Councillor Laverick was also of the opinion that because this proposal did not alter the overall footprint of the site and affect other residents, there was no reason to refuse this application.

Councillor Turner advised of his concerns in relation to the application and referred in particular to a claim made by one of the objectors that heavy machinery continued to be stored on site in breach of the Council's previous decision and sought clarification on this.

The applicant confirmed that heavy machinery was necessary on site during the groundwork phase. Councillor Turner suggested that a condition should be added to give a time restraint for the storage of this machinery on site.

The Acting Planning Services Manager informed Members that there was an existing enforcement notice in force on the premises and if the applicant was to continue to store commercial vehicles after the construction of this development, this would be in breach of the enforcement notice and action would be taken.

Councillor Holding referred to the difference in height and queried that if the applicant had put forward this application in the first instance whether the Officer's would have still recommended approval. The Acting Planning Services Manager clarified that he recommendation of conditional approval would have remained.

Members were in agreement with the proposal put forward by Councillor Brown and seconded by Councillor Laverick to move the Head of Planning and Environmental Service's recommendation of conditional approval.

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).

17 That the premises shall not be used for any industrial, trade or business use, in the interests of residential amenity in the locality."

At this point Councillor Laverick left the Meeting at 7.10pm

(B) Planning Services Customer Survey

The Head of Planning and Environmental Health spoke in relation to the Planning Services Customer survey that had to completed every three years based on every one who had submitted a planning application between April and September 2006.

She advised that the results were that 85% of service users were fairly satisfied or very satisfied. From discussions with other Planning Authorities she advised that it looked possible that this Authority could be the highest or equal highest with every other Authority in the North East which was a good

achievement. There was an 8% increase in satisfaction compared to 2003 against a difficult time in terms of the increased emphasis on speed and also the quality of decision.

She felt it had a lot to do with improvements at Committee, speed of decision-making and also the use of Information Technology. She referred in particular to page 28 which stated that 78% of people felt that they were treated fairly and their view point was listened to against a background of 9% of people who were refused planning permission, which she felt was a commendable result.

The Chairman referred to the comments that had been put forward in the survey and suggested that they be brought back to the Planning Committee. He referred to the improvements at Committee and advised that prior to the start of the Planning Committee he had been making time to greet the public speakers and members of the public and suggested that other Members of the Committee do the same.

Councillor Turner referred to page 25 of the report and sought clarification on the return of the responses. The Acting Planning Services Manager estimated that this figure was approximately 275 customers, which was enough to comply with the Audit Commission survey confidence levels, however he would report back with the true figure at a future Committee.

The Chairman expressed his thanks and gratitude to all the staff involved in the Planning process including those working behind the scenes in Legal and Democratic Services.

RESOLVED: "That the contents of the Planning Services Customer Survey be noted and thanks be conveyed to all the staff involved in the Planning process."

(C) Proposed Planning Enforcement Protocol

The Enforcement Officer briefed Members on the report to seek Members agreement to endorse a Planning Enforcement Protocol to be used to help Officers deliver the Planning Enforcement Service in a more consistent and priority driven manner.

The Acting Planning Services Manager advised that he felt this Protocol would help the Enforcement Service to develop further. He advised that a lot of organisations including Central Government and the Royal Town Planning Institute recognise having a firm protocol and policy in place to guide the Planning Enforcement service as best practice and can only help a speedy and higher quality service in the future.

RESOLVED: "That the adoption of the Planning Enforcement Protocol as appended to the report be approved."

(D) Development Control Performance Report

The Acting Planning Services Manager gave Members a detailed update on the Development Control discipline's performance during the first three quarters of 2006/07. He advised that this showed that the Team were still performing well ahead of the target in terms of the speed of decision making and that performance in respect to Best Value Performance Indicator 109 was considerably ahead of the Central Government targets.

He also advised of the successful year to date in the percentage of Planning Appeals allowed. The only indicator where the team were slightly below the response rate was the pre-application advice service to achieve the high target figures to respond to 90% of all pre-application enquiry requests in either 14 or 21 days. This was due to staff shortages, however he was confident this would improve once the team were fully staffed.

The Chairman congratulated the Planning Team again on behalf of the Planning Committee for the all the hard work they had undertaken.

The Acting Planning Services Manager advised that he intended to include the performance statistics on the Council's web site in future.

RESOLVED: "That the contents of the Development Control Performance Report be noted."

Prior to the following item on the Agenda, the Chairman advised that he had a number of issues that he wished to raised as a point of information for the Planning Committee Members.

The Acting Planning Services Manager referred to a request from Elaine Hogg, the Design and Conservation Officer from Durham County Council to attend the next Planning Committee to give a presentation in respect of the type of work she does and how she considers the planning applications which we consult her on in the conservation areas. She also wishes to give an update on the Heritage Economic Renewal Scheme for shop fronts in the Front Street. Members were in agreement that she attend the next Meeting.

The Chairman referred to a proposed planning application for a large housing development at Newfield which was due to come before the Planning Committee at a future Meeting. He advised that he had received a request to allow the speakers on this application to be given longer than the permitted five minutes to speak due to the fact that this was for a major planning application. Members were in agreement that this be granted.

He suggested that the Assistant Solicitor check the process in the Constitution for waiving standing orders so that the time allowance could be increased to fifteen minutes. He advised that this would need to be done in advance of consideration of the application so that the speakers could be given time to prepare. He also suggested that this item be listed first on the Agenda.

The Assistant Solicitor advised that she had checked the Constitution and under Rule 23, the rule could be suspended by motion on notice or without notice if at least one half of the whole Members of the Council were present. It was suggested that the Assistant Solicitor ensure that the appropriate procedures were followed for this Meeting.

The Chairman also referred to a proposed training event for the Planning Committee through Trevor Roberts Associates and asked the Committee's approval to pursue this training session for when Members had been appointed onto the Committee following the Council Meeting in May 2007. Members were in agreement with this suggestion.

64 EXCLUSION OF PUBLIC AND PRESS

RESOLVED: "That under Section 100(A) of the Local Government Act 1972, the Public and Press 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 paragraphs 6(a), 6(b), and 7 of Part 1 of Schedule 12A of the Act."

65 PLANNING ENFORCEMENT PERFORMANCE UPDATE

The Enforcement Officer briefed Members on an update on the planning enforcement discipline within the Authority for the first three quarters of 2006/07.

He advised that since the previous report for the second quarter, the time taken to respond to enquiries and complaints had increased slightly due to the extra workloads of dealing with planning applications. He referred to the list of outstanding cases attached to the report and invited questions from Members on these.

Councillor Holding congratulated the Enforcement Officer for the excellent turnaround times he was achieving. He advised of the improvements of the service since the Enforcement Officer's arrival.

The Chairman gave his personal congratulations to the Enforcement Officer for the individual award he had received at the Council's Achievement Awards Ceremony.

RESOLVED: "That the information provided on the Planning Enforcement Performance Update, be noted."

The Meeting terminated at 7.35pm.