

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 Tuesday 10 April 2007 at 6.00pm.

PRESENT:

Councillor G K Davidson (Chairman)

Councillors:

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| R Richardson | LEW Brown |
| W Laverick | D M G Stoker |
| A Turner | R Harrison |

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

Also in Attendance: 36 members of the public

70 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors A Humes, D A Rand and D L Robson.

71 MINUTES OF MEETING HELD 12 MARCH 2007

Councillor Laverick referred to page 98 of the Minutes. He clarified that he was a school governor, but not at the school in question, which was St Benets RC Primary School.

Councillor Turner spoke in relation to page 101 of the Minutes in relation to the decision that was recorded and suggested that this should be shown in the minutes as a split vote. It was explained that a decision on a vote would only be minuted as a recorded vote if this was requested at the time of making this decision.

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.

72 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

There were no declarations of interest from Members.

73 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.

74 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 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.

(1) Proposal: Proposed erection of 2 metre high wall with 2.5 metre high gate posts and new gates, plus erection of 1.5 metre (5ft) high fence (retrospective) to southeast of dwelling (as amended 15.03.07)

Location: Morton House, Morton Grange Terrace, Woodstone Village

Applicant: Graham Burnard – Reference 07/00073/FUL

The Acting Planning Services Manager advised that since the report had been produced four letters of objection to the scheme had been received. The objections had been raised on a number of issues as follows:

- Concern that the fence was dangerous.
- The fence would be more in keeping with the housing estate as opposed to in the country position, which it is in.
- The gates would be out of character with the particular property and the surrounding area.
- If the applicant has decided to erect the fence to prevent fly-tipping the objectors think that this is not necessary as there has only been a couple of occasions of fly-tipping in the surrounding area in the last 22 years.
- the safety of people using the bridle path.
- Vehicles coming out of the gate exiting onto the bridle path route. (concerns that because of the position of the fence this would restrict the visibility of any vehicles).
- The objectors consider that the previous style of fencing is more in keeping with the surrounding area.

The objectors Mr Carr and Mr Hall spoke in relation to the application followed by Mr Burnard the applicant.

Councillor Brown spoke in relation to the comments made by Mr Carr and raised the following concerns:-

- The existing picket fence being 2 foot behind the new fence.
- The ownership of the bridle path should be established
- Encroachment of the land on a Right of Way
- Visibility for farm machinery.

In response to Councillor Brown's comments, the Acting Planning Services Manager reassured him that Durham County Council would have powers to secure the removal of the fence if it had been erected on land, which constituted the right of way. He advised that the applicant had signed the relevant certificate on the planning application form to confirm that he owned the land and that the application should be considered on that basis.

Councillor Harrison also advised of concerns on the encroachment of land and sought clarification on the proposal.

Councillor Turner spoke in relation to the proposal and outlined concerns on the lack of visibility at the exit of the proposal. He queried whether permission for the retrospective application would have been granted for this proposal before it was actually built.

The Acting Planning Services Manager addressed the concerns raised by Councillor Turner and assured him that his recommendation would have remained the same.

Following a query from Councillor Brown on the position of the gates, the objector circulated photographs to Members and gave clarification on the positioning of the fence.

Councillor Richardson referred to the height of the fence and positioning of the gate and advised of concerns on the safety of this proposal. The Acting Planning Services Manager advised that if Members were minded to grant approval to the scheme a condition could be attached to ensure that a section of the fence was re-aligned to the satisfaction of the Planning Authority, in consultation with the Rights of Way Officer.

Councillor Turner felt that further clarification on this proposal was needed and suggested holding a site visit to view this site.

Taking into account the concerns expressed by Members, the Acting Planning Services Manager suggested that if Members were minded to approve the application, a suitably worded condition could be added to re-align the fence to improve visibility subject to the agreement of this Planning Authority, and County Council Rights of Way Authority.

Councillor Harrison proposed to move the Officer's recommendation of conditional approval with the suggested extra condition to improve visibility of the site, which was seconded. Members were in agreement with 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 Time Limit

Extra 1: Notwithstanding any description of the materials in the application, no development shall commence on site until samples of the materials to be used in the construction of the wall 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 BE17 of the Chester-le-Street District Local Plan."

Extra 2: The southern section of the fence hereby approved shall be set back from the bridle path, the precise details of which are to be agreed in writing by the Local Planning Authority in conjunction with Durham County Council (Rights of Way Officer) and shall thereafter be carried out within 3 months of the date of this approval. In the interests of the safety of pedestrian and vehicle safety on the bridle path and in accordance with Policy T15 of the Chester-le-Street Local Plan.

The Chairman proposed that due to a technical error obtaining information for Item No. 3 this item be considered at the end of the Meeting. Members were in agreement with this proposal.

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: Outline planning application for 2 no detached dormer bungalows in part of rear garden. Application includes access from Pelaw Grange Court (Re-submission of 06/00353/PUT)

Location: Casa Carla Drum Road, Chester-le-Street

Applicant: I & J McGillivray – Reference 07/00076/OUT

The Acting Planning Services Manager referred to page 7 of the report and advised that Councillor Proud had raised further comments with respect to this application. Councillor Proud had met with 26 people who had signed a petition against the scheme and had recently met with the applicant. As a result of that Councillor Proud had asked Officers to update Members in respect to bullet point c) on page 7 in relation to a potential further access being available.

Following her Meeting with the applicant, Councillor Proud accepted that it would be difficult for the applicant to take access from the west of the site as

the applicant did not own the land to the immediate west of the existing bungalow. In summary, whilst Councillor Proud remains in sympathy with the concerns of the residents she does wish to revise her comments in respect to bullet point c) in the report.

Mr Williams the objector spoke in relation to the application.

The Acting Planning Services Manager spoke in relation to the comments made by the objector and advised that whilst he understood the comments he had raised, in relation to potential alternative access points, Members were required to make a decision on the application as it currently stood. He advised of discussions between the applicant and the case officers on potential access points to get into this site, which resulted in this application being submitted with the access coming out at Pelaw Grange Court.

Durham County Council, as Highways Authority had formed the view that subject to the extra-recommended conditions of approval, which were set out as Extra 1 and Extra 2 in the report, the proposed arrangements for access would be safe in terms of the highway safety aspect. The Acting Planning Services Manager advised that taking these views into account he would advise against refusing the application on the basis of other potential access points.

Mrs McGillvary the applicant spoke in relation to the application.

Councillor Richardson suggested that the times of works should be restricted to avoid disturbance for the residents. The Acting Planning Services Manager advised that if Members were mindful to accept the recommendation of conditional approval an extra condition could be attached in relation to the restricted hours of working.

Members expressed comments in relation to the proposal particularly on the access of the site, which were clarified by the Acting Planning Services Manager.

Following discussion on this proposal, it was proposed and seconded that that the recommendation of the Head of Planning and Environmental Health be approved.

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 Time Limit
- 02A Materials
- 20A Enclosures

Extra 1: The garage doors shall be designed in such a manner that these do not protrude forward when in the open swing position or during the opening swing and retained thereafter in perpetuity, in the interests of highway safety

and to ensure that this proposal complies with Policy HP9 of the Chester-le-Street Local Plan.

Extra 2: Notwithstanding the submitted layout at illustrated on Drwg. No. LPA1 of the footprint of southerly most unit shall be 'handed' in order to ensure that an adequate level of visibility is retained to the south, in the interests of highway safety and to ensure that this proposal complies with Policy HP9 of the Chester-le-Street Local Plan."

Extra 3: That no work be carried out on any Sunday or Bank Holiday nor outside the hours of 0800 -1800; on any other day, in order to ensure that adjoining properties are not adversely affected by the development.

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.

(4) Proposal: Erection of workshop and offices with ancillary access and parking

Location: Land West of Stella Gill Industrial Estate, Pelton Fell

Applicant: Mr David Potter – Reference 07/00088/FUL

The Acting Planning Services Manager advised that the report was prepared before the Environmental Health Team had a chance to finalise their comments on the application. He advised that further queries had been raised following discussions with the acoustic consultant who the applicant had appointed to carry out the noise survey in respect of this site.

He advised that Environmental Health Officers had now fully considered the noise aspects of the scheme and had not raised any objections subject to one extra condition being added to ensure that before the development commences the applicant would have to submit a management plan to control the loading and unloading of the delivery vehicles at his own expense to incorporate the recommendations which were contained in his own assessment report. Subject to the extra condition, Environmental Health Officers were fully satisfied that the development would not be likely to lead to undue noise concerns for people who adjoin the site.

The Council's Regeneration Team outlined the following points in relation to the proposed development:

- The development if approved would bring together with it a lot of long term regeneration benefits for the area and there would be an increase in the number of jobs and investment within the area.
- The types of jobs that the applicant's envisage are likely to be highly skilled jobs and it is advised that the employer has proved himself to be a real success storey within this area.
- That the development would free up existing space on the Stella Gill Industrial Estate.

- That if the application is refused this could lead to a loss of jobs within the District if the applicant decided to move outside of the area.
- The development is fully consistent with the Regeneration Strategy, which was approved by Council in March, and as a result support is provided to the application.

Mr Storey and Mr Martin, the objectors spoke in relation to the application.

The Acting Planning Services Manager spoke in response to some of the issues that had been raised. Whilst the County Council as Highways Authority had not provided any comments in respect of this scheme, they did comment fully in respect of the earlier application, which had been withdrawn last year and stated that this development would not cause any problems in generated traffic.

In response to the comments made by one of the objectors, he advised that Members should make a decision in accordance with the adopted Local Plan as it stood and confirmed that this type of development fully accorded with the provisions of the Local Plan. In relation to the comment made by the objector on noise concerns he confirmed that the applicant had submitted a technical report with his application and that subject to the recommended conditions of approval the Environmental Health Officers were fully satisfied that there would not be any significant noise issues.

With reference to the comments made in relation to the skips on site he advised that these were for the personal disposal of waste generated by the development. The applicant had been in quite lengthy discussions with the County Council as Rights of Way Authority who raised no objections at all in terms of impact this development would have on Right of Way. In relation to the issue of the distance between the western edge of the development site and the footpath route, he confirmed that he was satisfied that this was quite a significant distance, so as to avoid any potential obstruction issues.

Mr Potter the applicant spoke in relation to the application.

Members raised concerns and comments in relation to the proposal as follows:

- Noise issues
- Access road
- Ground levels of the site
- Vegetation of the site
- Historic past of the land

Discussion ensued in relation to these issues, which were clarified by the Acting Planning Services Manager.

It was proposed and seconded that the recommendation of the Head of Planning and Environmental Health be approved.

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 Time Limit

10A Landscaping to be maintained

Extra: 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 IN4; 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 the 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 of 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 IN4; of the Chester-le-Street District Local Plan.

Extra 3: The development hereby approved shall not be open for business outside of the hours of 07:00 to 23:00 Monday to Saturday, with the exception of operations related to essential plant and equipment maintenance, in order to ensure the development does not adversely affect the amenities of nearby occupiers.

Extra 4: The door openings in the west facing elevation of the building hereby approved shall remain closed at all times the development is operational, except for instances of emergency, in order to ensure the development does not adversely affect the amenities of nearby occupiers.

Extra 5: Vehicular deliveries shall not be carried out outside of the hours of 08:00 to 16:30 with a maximum of 2 such visits per hour, in order to ensure the development does not adversely affect the amenities of nearby occupiers.

Extra 6: Notwithstanding the details contained in the application hereby approved precise details of the construction specification of the proposed building (to include appropriate sound attenuation measures) shall be

submitted to and approved in writing prior to the commencement of development on site. Thereafter the development shall be constructed wholly in accordance with the approved details, in order to ensure the development does not adversely affect the amenities of nearby occupiers.

Extra 7: No more than 1 number loading bay door shall be open at any one time the development hereby approved is in use in order to ensure the development does not adversely affect the amenities of nearby occupiers.”

Extra 8: Notwithstanding the details contained in the application hereby approved, no development shall be commenced until a management plan for the loading / unloading of delivery vehicles has been submitted to, approved in writing by, the Local Planning Authority. The said plan shall be devised to incorporate the recommendations made in the Noise Assessment report (version 3) submitted in support of the application, in order to ensure the development does not adversely affect the amenities of nearby occupiers.

The Chairman explained that in relation to Item No.3 the objector had produced photographs, which unfortunately due to technical problems were unable to be shown at the Meeting. The Head of Legal and Democratic Services outlined the options available for the Committee. The Chairman suggested that the Meeting be adjourned so that this item is considered at a further meeting.

It was proposed and seconded that the Meeting be adjourned and reconvened on Friday 13 April 2007 at 4.00pm to consider Item No.3 in the report.

(B) The Planning Services 2006 Customer Survey – Update for Members

Following a request at the Meeting of the Planning Committee held on February 2007 (Minute No.63 (B) refers) a report was considered outlining full details of the results of the Planning Services Best Value Performance Indicator (BVPI) 111 customer survey.

The report provided details requested, including a breakdown and analysis of the responses received to each question and a sample of the responses received to the ‘open questions’ which customers were invited to answer at the end of the survey.

RESOLVED: “That the update on the Planning Services 2006 Customer Survey, be noted.

The Chairman advised that Mr David Walker, Senior Planning Officer who had been employed with the Council since he left school was leaving the Authority. The Chairman gave thanks on behalf of the Committee for all his hard work and support over the years and wished him well for the future.

Thanks were also conveyed to Councillors Stoker and Richardson for their attendance and support at Planning Committee over the years. Councillors

Stoker and Richardson both thanked the Chairman and Planning Staff for the work they had undertaken.

The Acting Planning Services Manager spoke in relation to the Planning Department's Performance Indicators statistics and outlined the considerable improvements in the performance figures for Planning Applications. On behalf of the Officers he thanked the Members of the Planning Committee for their support in helping to achieve quite exceptional figures across the last year.

The Chairman conveyed on behalf of the Committee congratulations and thanks to all the staff in the Planning Department for their efforts in achieving such excellent performance figures.

75 DATE OF NEXT PLANNING COMMITTEE

The Chairman suggested that following the appointment of Members onto Committees at the Council Meeting on 17 May 2007, the next ordinary Meeting of the Planning Committee be held on Monday 21 May 2007. Members were in agreement with this suggestion.

The Meeting terminated at 8.06pm.