

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 14 August 2006 at 6.00pm.

PRESENT

Councillor G K Davidson (Chairman)

Councillors:

R Harrison	L E W Brown
D L Robson	R Richardson
D M G Stoker	D A Rand
D M Holding	W Laverick

Officers:

S Reed (Acting Planning Services Manager), D Chong(Enforcement Officer) and D Allinson (Democratic Services Assistant)

Also in Attendance: There were 17 members of the public in attendance.

14 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors P Ellis, A Turner, A Humes, K Potts and T H Harland.

15 MINUTES OF MEETING HELD 17 JULY 2006

RESOLVED: "That the minutes of the proceedings of the meeting of the Committee held 17 July 2006, copies of which had previously been circulated to each Member, be confirmed as being a correct record, subject to Councillor R Harrison being added to the list of attendees."

16 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

There were no declarations of interest received from Members.

17 CONFIRMATION OF SPEAKERS

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

19 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 Recommended Refusal

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.

- (1) Proposal: Demolition of existing dwelling and agricultural outbuildings, and erection of replacement dwelling**
- Location: Twizell Dykes Farm Cottage, Grange Villa, Chester-le-Street**
- Applicant: Mr N Carris – Reference 06/00306/FUL**

The Acting Planning Services Manager advised that since the report had been produced, a letter had been received in support of the proposal from the applicant Mr Carris, addressing the points raised by the objectors.

In his letter, Mr Carris had pointed out that the area of land on the map had not historically been used as a piggery but was used for the storage of kitchen units and domestic items. DEFRA had also confirmed that no pigs had been registered to be kept on the holding for the past ten years. Mr Carris also pointed out that originally there was a farmhouse on the site, which dates back to 1854, which was lived in until 1929 when the new farmhouse was built.

The Acting Planning Services Manager advised that a further letter had also been received from the land agent who acted on behalf of the original farmer when the property was sold in 2004. The land agent confirmed in his letter that when he inspected the property the adjacent barn was being used for the storage of domestic items and was not in agricultural use. The Acting Planning Services Manager advised that the reason Mr Carris had submitted these points was to support his view that a replacement dwelling should be allowed on the site not only to the extent of the original dwelling house and extension, but also to take into account the adjacent barn area, which Mr Carris felt had an authorised use for residential purposes.

Photographs produced by Mr Carris on the application site were circulated to Members.

Mr Carris, the applicant and Mr Dodds, the applicant's agent spoke in relation to the application.

The Chairman invited Members comments.

The Acting Planning Services Manager clarified comments raised by Councillor Holding on the wording and titles on page 4 of the report.

Councillor Robson requested that Acting Planning Services Manager verify the points raised by Mr Dodds.

The Acting Planning Services Manager advised that he and other Officers had held a number of discussions and meetings with Mr Carris prior to the submission of this application. In those discussions, Officers advised that if the applicant could prove that the attached barn would have an affect on the established residential use, then this could form the basis to support the application. However he advised that since the application was submitted a number of objections had been received, which cast doubt on the claim that the attached barn had been used for residential use.

The Acting Planning Services Manager advised that in his opinion the applicant had failed to satisfy his obligation to bring forward the necessary proof. He noted that the information, which the applicant had submitted, was mainly from the land agent who was appointed by the last farmer to dispose of the land. The Acting Planning Services Manager further stated that the land agent in his letter made reference to only one visit in 2004. He clarified that for the established use of that land to be classed as residential, the barn would have had to have been in residential use for at least four years before the date of this application.

The Acting Planning Services Manager advised that whilst he appreciated the endeavours, which Mr Carris and Mr Dodds had made to provide that proof, unfortunately he did not feel that they had met the relevant test and provided the necessary proof.

The Acting Planning Services Manager explained that even if Members were minded to accept the recommendation there would be nothing to prevent the applicant re-applying for the same development at a future date if he came forward with the necessary proof. He advised however, that based on the information submitted to date his recommendation of refusal remained. It was also pointed out that another option would be that the applicant could resubmit a revised application at a reduced scale so that the size was no greater than the size of the existing residential property on site.

Members were in agreement with the Acting Planning Services Manager's recommendation to refuse the application.

RESOLVED: "That the recommendation of the Acting Planning Services Manager for refusal of this application, be agreed for the reasons indicated."

Extra 1: The proposed replacement dwelling is considered, in the absence of the submission of any agricultural or forestry worker justification and the significant increase in the scale of the dwelling over that of the existing dwelling, to be contrary to the provisions of Policy AG9 of the

Chester-le-Street District Local Plan and Planning Policy Statement 7 – Sustainable Development in Rural Areas and would have a materially greater impact upon the landscape quality and openness of the area.

(B) District Matters Recommended Approval - Deferred

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 advised that this application, was to be considered separately to Item No. 3 – Plot 15, Whitehill Hall Gardens.

(2) Proposal: Erection of dwelling house (Revised scheme)

Location: Plot 14 Whitehill Hall Gardens, Chester-le-Street

Applicant: Mrs A Marcantonio – Reference 06/00320/FUL

Mrs Ford then Mr Parker the objectors, spoke in relation to the application.

The Acting Planning Services Manager advised that there had been a number of issues raised by Mrs Ford and Mr Parker, which he wished to address as follows:

Procedural aspects –

He explained that the reason why Officers had requested submission of a new application for this Plot, as well as that for Plot 15 was due to a mix up with the elevation plans, that were submitted with the application which turned out to be for the alternative plot.

It was also noted that some of the conditions of the earlier approval for outline and reserved matters had not been complied with prior to the commencement of development on site.

The Acting Planning Services Manager made it clear that this oversight was not down the current plot owners but due to the actions of the previous owner of the land.

106 Agreement –

He clarified that the requirement to enter into a 106 agreement was not imposed by the County Court, but was a decision arrived at by Members when they were minded to approve the outline application in November last year. One of the conditions of the planning permission was that the then developer should sign a 106 agreement.

Car Parking Spaces

He confirmed that the plans had been sent to Durham County Council Highways Authority who stated that they were happy with the amount of parking provision proposed, including the drive length from the access road. He therefore stated that it would unreasonable to resist the proposals on those grounds.

Trees

In relation to the amount of trees to be planted on site and issues in relation to the root barriers, canopies and the crowns, he advised that this scheme had been drawn up in conjunction with the Tree Officer at Durham County Council. The Tree Officer is satisfied that the type of species proposed for this particular plot and indeed for No.15 will be acceptable in the contents of the confined space on the plots.

Separation Distances

The Acting Planning Services Manager confirmed that the separation distances proposed for this plot met the separation standards as laid down in the Local Plan.

The Chairman invited comments from Members.

Councillor Laverick advised of the pressures to achieve a certain density of housing on various sites and stated that in his opinion there was sufficient car parking spaces therefore he agreed with the recommendation.

Councillor Laverick moved the Acting Planning Services Manager's recommendation to approve the application, which was seconded by Councillor Stoker. The Chairman asked for a show of hands on this movement, which resulted in the majority of the Members opposing this motion to approve the application.

RESOLVED: "That the motion to approve the application as set out in the Acting Planning Services Manager's recommendation in the Report be rejected"

The Acting Planning Services Manager advised that if Members wished to depart from the recommendation they would have to give sound planning reasons for overturning the recommendation.

Members raised concerns that new information had come to light, which required further clarification and time for Members to digest.

The Chairman suggested deferring this application so that a re-drafted report could be presented to include additional information. Councillor Robson requested that a site visit also be arranged.

Concerns were expressed that after outline planning permission had been granted, time was not given to consider the conditions of the application. The Acting Planning Services Manager explained that developers had submitted a detailed application for reserved matters which following less than two objections, was approved under delegated powers.

The Chairman recommended that a decision on this application be deferred, pending a site visit and a redrafted report to be considered at a Special Planning Committee Meeting. He also requested that the information provided at the Meeting by Mrs Ford, the objector should be submitted to the Planning Officers to assist them in their report. Members were in agreement with this decision.

RESOLVED: "That this application be deferred pending a site visit and a redrafted report to be considered at a Special Meeting of the Planning Committee."

(3) Proposal: Erection of dwelling (Revised scheme)

Location: Plot 15, Whitehill Hall Gardens, Chester-le-Street

Applicant: Mr G Clark – Reference 06/00321/FUL

Mr and Mrs Clark the applicants, spoke in relation to the application.

Councillor Laverick reiterated the comments he had made on the previous application for Plot 14.

Members sympathised with the situation and requested that the site visit be arranged as quickly as possible. It was agreed that a site visit be held on Wednesday 16 August 2006 at 5pm. The Chairman suggested a Special Planning Committee Meeting be arranged to make a decision on these applications. It was agreed that the Acting Planning Services Manager liaise with the Legal & Democratic Services Team on a suitable meeting date for the Special Planning Committee.

The Chairman advised that only those Members who were in attendance at this Meeting and who had also attended the site visit would be allowed to make a decision with regards to the applications for Plots 14 and 15 Whitehill Hall Gardens at the Special Planning Committee Meeting.

RESOLVED: "That this application be deferred pending a site visit and a redrafted report to be considered at a Special Meeting of the Planning Committee."

(C) District Matters Recommended Approval

(4) Proposal: Erection of 17.5m high street furniture column including 3 no 3G antennas and ancillary ground level equipment.

Location: Land at Pelton Lane, South Pelaw, Chester-le-Street

Applicant: O2 (UK) Ltd – Reference 06/00335/FUL

The Acting Planning Services Manager advised that Durham County Council as Highway Authority for the area had raised no objections to the scheme on highway safety grounds, however since the report was produced there had been an additional two letters of objection received totalling four altogether. The extra objections related to the same issues as listed in the report but also including concerns that the objectors and the residents had not been kept informed of discussions with the applicants prior to the submission of this application.

The residents had asked to point out that the mast site was within 300 metres of residential property and concerns were expressed regarding perceived health affects. Objection was also raised on the grounds that the proposal is considered unnecessary on the grounds that the operator is only required to provide coverage to 80% of the area under their licence.

Concern was also raised by the objectors that the emissions from the mast might affect the safety of model aircraft, which operate within the vicinity of the site at High Flatts Farm.

The Acting Planning Services Manager noted comments expressed by Councillor Holding in relation to the wording on page 27 of the report.

Mr Barker the applicant's agent and Mr McCree the applicant, spoke in relation to the application.

Councillor Brown sought clarification on the location of the mast. Councillor Holding expressed concerns that if this application was approved, this could set a precedent for other proposals within the green belt, therefore he opposed this application.

Councillor Richardson sought clarification in relation to the height of the mast, which was confirmed by the Acting Planning Services Manager. He also expressed concerns in relation to the cabin being unenclosed and the application site being within the greenbelt. It was confirmed by the agent that the unit would be totally enclosed and vandal proof.

In response to the concerns expressed in relation to the greenbelt, the Acting Planning Services Manager referred Members to PPG8 and the relevant Local Plan policy, which advises that within the greenbelt an operator must be

in a position to advance very special circumstances for a new stand-alone mast.

He advised Members of the time and effort spent by the agent to find a suitable site outside the greenbelt and away from residential area. In his opinion the developers had met the special test to support a new stand-alone mast within the greenbelt, which he felt would blend in with the existing street scene. His recommendation of conditional approval therefore remained.

Councillor Brown advised that in his opinion this area of greenbelt land was not of high landscape value and therefore he agreed with the Acting Planning Services Manager's recommendation of approval.

Councillor Laverick acknowledged the efforts of the applicant to find a site away from residential area and was in agreement with Councillor Brown that this was an acceptable proposal.

The Chairman in response to Councillor Holding's comments advised that he understood his reservation of setting a precedent, however he emphasised the fact that each Planning Application was decided individually upon its own merits.

It was agreed that the Acting Planning Services Manager's recommendation of conditional approval should remain.

RESOLVED: "That the recommendation of the Planning Services Manager for conditional approval in respect of the application be agreed, subject to no new substantive objections being received during the remainder of the on-going consultation period, and thereafter authorise the Acting Planning Services Manager to approve the application subject to the following conditions."

Extra 1: The associated equipment cabin and meter cabinet shall be finished in a colour to be submitted to, and agreed in writing by, the Local Planning Authority, prior to commencement of any development on site in order to ensure this satisfactorily blends into the area, in accordance with the provisions of Policy PU6 of the Chester-le-Street District Local Plan.

(D) Planning General

1.0 Update of Planning Appeal Decisions

1.1 Appeal Against Refusal of Planning Permission – Site at Plawsworth Reservoir, A167 Plawsworth

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

1.2 Appeals Update

Councillor Laverick referred to the planning appeal in relation to a site at Chalmer's Orchard, Newcastle Road.

The Acting Planning Services Manager clarified that a decision on this appeal had only just been received and that he would report on this at the next Committee. He confirmed that this appeal was lost against the condition, which meant that the developers would not have to pay the money for the artwork scheme. In allowing the appeal, the Planning Inspectorate did impose a new condition on the site that the developers had to agree a scheme of on-site art work in lieu of the commuted sum and a scheme had now been agreed with the Arts Officer to compensate.

RESOLVED: "That the contents of the updated list of planning appeal decisions in respect of planning appeals lodged during 2005 and 2006, be noted.

2.0 Development Control Performance Update

The Acting Planning Services Manager referred to paragraph 1 in the report on the speed of decision-making, which showed that 100% had been achieved on the major and minor applications and 97% of the other applications.

He praised the work of the team, in particular the Senior Planning Officers who had taken on extra work since the departure of the previous Planning Services Manager and yet had still managed to achieve excellent performance statistics.

The Chairman asked that thanks be conveyed on behalf of the Planning Committee to planning staff, in particular Graeme Robbie and David Walker on such an outstanding achievement and the appreciation for their efforts be recorded.

RESOLVED: "That the Development Control Performance Information be noted, and thanks and appreciation be recorded to the planning staff on behalf of the Planning Committee."

20 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."

21 PLANNING ENFORCEMENT PERFORMANCE UPDATE

Consideration was given to a report from the Acting Planning Services Manager to update Members on planning enforcement within the Authority, including activity during the first quarter of 2006/07.

The Enforcement Officer proceeded to give a power point presentation to the Members to update them on the current processes and procedures that have been implemented. Information was given on the following issues:

- Planning Enforcement
- Perception of Planning Enforcement
- Reality of Planning Enforcement
- Current Practices
- CAPS UNIFORM System
- Details of complaint screen
- Details of actions/inspections screen
- Details of complainant's screen

At the close of the presentation the Enforcement Officer requested comments/questions from Members and invited them to view the system.

Members raised questions in relation to the presentation and discussed breaches of Planning Control and how this was dealt with. The Acting Planning Services Manager advised that he was currently working on a draft Enforcement Policy that he hoped to bring to Members shortly.

In response to a request to provide information to Members on Enforcement action he suggested that due to the sensitivity of this information he would need to check with the Head of Legal Services prior to its release and then hopefully reports could then be produced to the Planning Committee on a quarterly basis.

Councillor Brown congratulated the Enforcement Officer on behalf of the Committee for producing an excellent report and thanked him for his dedication.

The Enforcement Officer in response to a query from the Chairman advised that if Members were aware of any alleged breaches of planning control they should contact him. Discussion ensued on different examples of alleged breaches of planning control and the action that was being taken to deal with them.

The Chairman thanked the Enforcement Officer for the presentation.

RESOLVED: "That the contents of the report and presentation on Planning Enforcement matters be noted."

The Meeting terminated at 8.10pm.

