

## **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 11 June 2007 at 6.00pm.

### PRESENT:

Councillor G K Davidson (Chairman)

### Councillors:

P Ellis	W Laverick
R Harrison	P H May
D M Holding	M Sekowski
A Humes	A Turner
	F Wilkinson

Officers: S Reed (Acting Planning Services Manager), C Potter (Head of Legal and Democratic Services), J Bradley (Assistant Solicitor), Matthew Gibson (Planning Assistant) and D Allinson (Democratic Services Assistant)

Also in Attendance: Six Members of the Public

### **9 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors K Potts, D L Robson, L E W Brown, P B Nathan and T H Harland.

### **10 MINUTES OF MEETING HELD 21 MAY 2007**

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 21 May 2007, copies of which had previously been circulated to each Member, be confirmed as being a correct record, subject to the wording in the last paragraph being amended to advise that Councillor Brown proposed to move that the application be refused."

The Chairman proceeded to sign the minutes.

### **11 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS**

Councillor Humes declared his personal interest in Item No. 3 of the report, as he knew the applicant. Councillor Harrison declared his personal and prejudicial interest in Item No. 2 of the report, as his wife is a trustee of Sacriston Community Centre. Councillor Turner also declared his personal and prejudicial interest in Item No. 2 of the report as a representative of the Committee and Trustee of Sacriston Community Centre.

**12 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.

**13 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 Deferred**

The Chairman advised that because there had been no response received from Durham County Council Highways Authority this Item should be deferred for consideration until this had been received.

The Acting Planning Services Manager advised that it was a statutory requirement to consult with Durham County Council Highway’s Authority and confirmed that the Case Officer had tried to contact the Highways Officers, however no response had been received.

**(1) Proposal: Proposed change of use of games room to private Members club**

**Location: White House, Greenford Lane, Ouston**

**Applicant: Sylvia Pallas – Reference 07/00201/COU**

RESOLVED: “That this item be deferred until comments had been received from Durham County Council Highways Authority on the proposal.”

**(B) District Matters Recommended Conditional Approval**

**Prior to consideration of the following item, Councillors R Harrison and A Turner declared their personal and prejudicial interest in this item for the reasons outlined in Minute No. 11. They both left the meeting and returned once a decision had been made.**

**The Acting Planning Services Manager referred to photographs in relation to the proposal, which were displayed for Members information.**

**(2) Proposal: Erection of new Community Resource Centre, multi-use-games-area, bowling green and associated car parking**

**Location: Sacriston Community Association, Front Street, Sacriston**

**Applicant: Ms L Surtees – Reference 07/00155/FUL**

Councillor Laverick advised that this was a much awaited facility within Sacriston which would contribute to the works that had already been done on Sacriston Front Street that he felt should be commended.

Councillor Holding who was in support of this proposal, spoke in relation to the comments received from the Design and Conservation Officer at Durham County Council recommending a landscape strip, which he was pleased to note had been taken on board.

Councillor Laverick proposed to move the Officer's recommendation of conditional approval, which was seconded by Councillor Holding. 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).

10B 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 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 RL1 of the Chester-le-Street District Local Plan.

10A Unless otherwise agreed in writing, the submitted planting scheme shall be implemented within the first planting season following completion of the development (or of that phase of the development in the case of phased developments) and any trees, shrubs or planting which becomes dead, dying, diseased or is removed, shall be replanted to the satisfaction of the Local Planning Authority, within the first 5 years of the planting being planted, in the interests of the satisfactory appearance of the development upon completion and to ensure a successful and robust landscaping scheme.

Extra 1: 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 RL1 and RL2 of the Chester-le-Street District Local Plan.

Extra 2: 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.

Extra 3: Notwithstanding the details shown on the submitted plans, full and final site layout plans showing the proposed car parking layout, to be restricted to no more than 35 car parking spaces and to provide for the provision of cycle stands, and proposed surface materials, incorporating the use of "grasscrete" blocks or similar, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and any such agreed scheme shall be fully implemented in accordance with those details within three months of the substantial completion of the building works (where substantial completion is taken to mean the completion of the demolition and making good of the existing community centre and any ground works required to enable the implementation of works specified under conditions of the planning permission), in order to respect the character of the area and in the interests of sustainable development and to accord with the aims of Policies RL1 and RL2 and T17 of the Local Plan.

Extra 4: Any existing trees identified within the development site boundary which it is proposed/ required to be retained, shall be protected by a protective fence or barrier, to the satisfaction of the Local Planning Authority and in accordance with the provisions of BS3998, 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.

Extra 5: Notwithstanding the details shown on the submitted plans, full details of the proposed bowls area and MUGA shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and thereafter the development shall proceed wholly in accordance with the agreed details unless otherwise agreed in writing with the Local Planning Authority, in order to ensure the development respects the character of the area and meets relevant Sport England criteria.

Extra 6: The hereby approved development shall be carried out in accordance with a Green Travel Plan 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 management of transport users within the development in the interests of sustainable

development and in accordance with the provisions of Policies NE1 and T17 of the Chester-le-Street District Local Plan.

**At this point, Councillors R Harrison and A Turner returned to the Meeting.**

**Prior to consideration of the following item, Councillor Humes declared a personal interest in this item, as he knew the applicant. He remained in the Meeting but took no part in the discussion or decision on this application.**

**The Acting Planning Services Manager referred to photographs in relation to this proposal, which were displayed for Members information.**

**(3) Proposal: Resubmission of 06/00457/FUL – Proposed erection of 1 no dwelling to West of existing dwelling including new vehicular access**

**Location: Land at 1 Ash Meadows, Washington, Tyne & Wear**

**Applicant: Mr M Adamson – Reference 07/00182/FUL**

**Mr Endean the applicant's agent spoke in relation to the application.**

The Chairman spoke in response to the objections that had been raised on the drain and the covenant and advised the Committee were well aware that these were not planning considerations.

In response to a query from Councillor Turner, the Acting Planning Services Manager referred to the photographs and outlined the location of the entrance and access point on the proposed application.

He also clarified for Councillor Turner that out of the 15 letters of objection all but one was from the residents of Ash Meadows. The other was from a resident on the other side of the boundary fence to the rear of the proposal.

The Acting Planning Services Manager outlined the comparable percentages of footprint coverage and plot size of the dwellings within the estate for Councillor Turner's information.

Councillor Laverick spoke in relation to the character of the estate and the unique design of the dwellings and advised that although the proposal was on a prominent position on the estate it would be well screened, he therefore felt there was no reason to refuse the application.

Councillor Turner proposed to accept the Officer's recommendation of conditional approval, which was seconded by Councillor Laverick. 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.

10B 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 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 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.

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: Any existing trees identified within the development site boundary which it is proposed/required to be retained, shall be protected by a protective fence or barrier, to be agreed in writing by the Local Planning Authority, in accordance with the provisions of BS5837 2005, 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.

Extra 2: Notwithstanding details contained within the application, provision shall be made for a suitable means of enclosure/privacy screening along the common boundary with No 1 Ash Meadows. Details of such screening shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development on site. The agreed privacy screening shall thereafter be erected prior to the first occupation of the proposed dwelling. In the interests of securing the privacy for occupiers of both No 1 Ash Meadows and the occupiers of the new dwelling, in accordance with the provisions of Policy HP9 of the Chester-le-Street Local Plan.

**At this point Councillor Humes left the Meeting at 6.55pm.**

**(C) Development Control Performance Update**

Consideration was given to a detailed update on the Development Control discipline's performance during the financial year 2006/07. The Acting Planning Services Manager briefed Members on the report, which focused on the following areas of development control activity:

- BVPI 109 (speed of decision making)
- BVPI 204 (percentage of appeals dismissed)
- BVPI 205 (Quality of service checklist)
- PLLP 33 (% of pre-application enquiries responded to within target)
- PLLP 02 (% of householder planning applications determined in 8 weeks)

The Chairman spoke in relation to the staffing situation within the Planning Department where vacant posts were still awaiting to be filled and advised of the knock on effect this was having on the team's performance indicators.

The Acting Planning Services Manager gave a brief synopsis on how the team had performed last year on the national performance indicators and spoke in relation to quick responses achieved by the team on dealing with planning applications. He also acknowledged the poor performance achieved in relation to response times for dealing with pre-application enquiries. He advised that he expected this performance to improve once the vacant posts were filled.

RESOLVED: "That the contents of the report be noted."

**(D) Public Speaking at Planning Committee**

The Chairman spoke in relation to the draft planning leaflet on public speaking, which he hoped Members had taken the opportunity to look through to feedback their comments. Following consultation with the Acting Planning Services Manager and the Head of Legal and Democratic Services he informed Members that comment No. 2 in relation to allowing Parish Council's the right to speak would be removed. This was because Parish Councils were already fully consulted on planning applications at present and any correspondence they submitted was attached as an appendice to the planning report. It was proposed that Parish Council's would be given the same opportunity to speak alongside any other members of the public.

Discussion ensued on public speaking and the conflicts of interest for dual-hatted Members who were on both the Parish Council and the Planning Committee which were clarified by the Head of Legal and Democratic Services. He outlined the changes in the Members Code of Conduct on prejudicial interests.

Councillor Turner advised of his concerns on speakers handing out supporting photographs and documentation on the night of the Meeting. The Chairman advised that the amendment set out in number 3 of the report should help to rectify this problem.

The Chairman felt that we should include within the planning guidance leaflet the fact that direct lobbying of Members of the Planning Committee was not accepted which was noted by the Acting Planning Services Manager. Discussion ensued on the procedures for allowing public speaking at the Chairman's discretion.

RESOLVED: "That approval of the revised leaflet in relation to speaking at planning committee be noted."

**14 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."

**15 PLANNING ENFORCEMENT PERFORMANCE UPDATE**

Consideration was given to a report to provide Members with a comprehensive and detailed update on the planning enforcement discipline within the Authority, for the financial year Apr06 – Mar07.



Following a query by Councillor Turner, the Acting Planning Services Manager gave an update on the progress of the outstanding enforcement cases within the report. It was noted that the Enforcement Officers workload was being heavily affected by the current staffing situation, however arrangements were in place to fill the vacant posts.

RESOLVED: "That the contents of the report be noted."

The Meeting terminated at 7.05pm.