

THE DISTRICT COUNCIL OF CHESTER-LE-STREET

Report of the meeting of Planning Committee held in the Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Monday, 13 August 2007 at 6.00 pm

PRESENT:

Councillor Ralph Harrison, Councillor Lancelot Edward William Brown, Councillor Paul Ellis, Councillor Thomas Henry Harland, Councillor David Michael Holding, Councillor Allen Humes, Councillor William Laverick, Councillor Philip Bernard Nathan, Councillor Michael Sekowski, Councillor Allen Turner and Councillor Frank Wilkinson

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

Also in Attendance: There were 22 Members of the Public in Attendance.

21. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors G K Davidson, M May, K Potts and D L Robson

22. MINUTES OF PREVIOUS MEETING HELD 9 JULY 2007

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 9 July 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.

23. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

There were no declarations of interest received from Members. Councillor Turner spoke in relation to Item No. 3 on the Planning report and advised that although he was a member of the Parish Council he had not attended the Meeting when residents had discussed this item with the Parish Council. He also confirmed that he had not been involved in their decision making and that he was not bound by any written representation they had made. Councillor Humes spoke in relation to a letter that Members had received in relation to Item No. 3 on the Planning report.

24. 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.

25. PLANNING MATTERS REPORT

A report from the Head of Planning and Environmental Health was

considered, copies of which had previously been circulated to each Member.

(A) District Matters Withdrawn

The Acting Planning Services Manager advised that the applicant had withdrawn this item from being considered on the agenda.

(1) Proposal: Ground floor hot food takeaway unit with residential unit to first floor consisting of one bedroomed flat

Location: Land Adjacent to 1 Hilda Park, South Pelaw

Applicant: Mr T Ramshaw – Reference: 07/00294/FUL

(B) District Matters Recommended Approval

(2) Proposal: Erection of 11 no commercial units (Use Class B1) and 5 no self-contained units (Use Class B2/B8) together with associated landscaping, roads and infrastructure.

Location: Land West of Drum Road Drum Industrial Estate, Chester-le-Street

Applicant: Mr C Barnett – Reference: 07/00191/FUL

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

Members expressed comments on the following issues:

- That this development was good news for employment in the area
- Concerns on the lack of action by Durham County Council on improvements to the roundabout on the A693

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- That consideration should also be given to widening the access at the Barley Mow end of the Drum Estate and the signposting of traffic to the motorway.

The Acting Planning Services Manager spoke in response to the comments raised and advised that:

- Durham County Council as Highways Authority were satisfied that as long as the developer provided funding to improve upon the previously agreed scheme for the roundabout at the A693, that the capacity of the roundabout would be sufficient to serve both existing developments on Drum and those proposed by this application.
- Durham County Council have assured Officers that they are giving this matter prompt attention and are currently in discussions on these improvements.

Having regard to Members concerns h suggested that he write to Durham County Council and request details on how they were progressing on this scheme at the A693 and report back on this to a future Committee. Members were in agreement with this suggestion. Councillor Turner proposed to move the Officer's recommendation to approve the application, which was seconded by Councillor Harland. Members were in agreement with this decision.

RESOLVED: "That the recommendation of the Head of Planning and Environmental Health for 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).

01B The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the

Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

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.

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Extra 1 Prior to the commencement of development hereby approved a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for at least 10% embedded renewable energy. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to minimise energy consumption and to comply with the aims of the emerging Regional Spatial Strategy, Planning Policy Statement 1 and Local Plan Policy NE1

Extra 2 Prior to the commencement of the development hereby approved a scheme to demonstrate compliance with the aims of the Building Research Establishments Environmental Assessment Method shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to provide for a sustainable form of development and to comply with the aims of the emerging Regional Spatial Strategy, Planning Policy Statement 1 and Local Plan Policy NE1.

Extra 3 The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the implementation of measures to improve the access arrangements into Drum Industrial Estate from the A693, in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for safe vehicular access and to comply with the aims of Policy IN3 of the Chester-le-Street Local Plan.

Extra 4 The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the implementation of measures to improve the traffic flows at the roundabout referred to as the Junction 3 in the TA submitted in support of the application hereby approved (the 'Northlands Roundabout'), in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for safe vehicular access and to comply with the aims of Policy IN3 of the Chester-le-Street Local Plan

Extra 5 The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until

arrangements have been made to secure the implementation of measures to improve the access arrangements into Drum Industrial Estate from the existing nearby Public Rights of Way network, in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for sustainable forms of transport and to comply with the aims of Policies TM10 and NE1 of the Chester-le-Street Local Plan.

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Extra 6 The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the implementation of a bus service into Drum Industrial Estate, in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development does not generate unacceptable conditions on surrounding public highway network and also to make adequate provision for sustainable forms of transport and to comply with the aims of Policies T6 and NE1 of the Chester-le-Street Local Plan.

Extra 7 Notwithstanding the details contained in the application hereby approved no development shall commence until details of a scheme to reduce the number of car parking spaces designed to serve the development has been submitted to, approved in writing by, the Local Planning Authority in order to ensure the development does not lead to an over reliance in the use of the private motor car and to promote sustainable forms of transport and to accord with the aims of Policies NE1 and T17 of the Chester-le-Street District Local Plan.

Extra 8 Within 6 months of the completion of at least 50% of the units hereby approved a final travel plan shall be submitted for approval, in order to ensure the development encourages sustainable forms of travel and to accord with the aims of PPG13 and Policy T15 of the Chester-le-Street Local Plan 2003.

Extra 9 The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the implementation of a scheme for public artwork, in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development provides for adequate public artwork provision and to comply with the aims of Policy BE2 of the Chester-le-Street Local Plan.

Extra 10 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 IN1 of the Chester-le-Street District Local Plan.

Extra 11 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

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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 phased development) in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy IN1 of the Chester-le-Street District Local Plan.

Extra 12 There shall be no open storage on the site of any material, including cartons, packing cases, waste materials, or materials awaiting fabrication, except in areas to be shown on site plans, and which shall first submitted to, and approved in writing by, the Local Planning Authority, in the interests of visual amenity and the satisfactory appearance of the development and to accord with the aims of Policy IN1 of the Chester-le-Street Local Plan.”

Prior to consideration of the following item, the Chairman advised that correspondence from the objectors had been circulated to Members at the Meeting and allowed Members time to read through this.

(3) Proposal: Erection of 36 no dwellings, associated roads and other infrastructure

Location: Land at Lingey House Farm, St Cuthbert’s Drive, Sacriston

Applicant: Persimmon Homes NE – Reference 07/00222/FUL

Members raised concerns on the late distribution of the correspondence. Councillor Humes suggested that this item be deferred until the next meeting to allow Members more time to digest the information. However it was noted by other Members that the majority of this information was available within the Officer’s report.

Discussion ensued on whether the application should be deferred. It was agreed that the speakers be given the chance to speak and the item to be debated before a decision be taken on deferment.

The Acting Planning Services updated Members on the application and advised that one of the objectors, Mrs Edwards had asked that he impress on Members that the 100-named petition, that was received before this application was submitted, had been primarily aimed at the issue of footpaths and rights of way within the site.

Since the report had been produced Persimmons had submitted amended plans in relation to the site levels. The original application had proposed some level changes of around 2 metres in certain parts of the site, however the amended plans showed a reduction in the height proposed. As a result of that he advised that extra condition 7 in the recommendations would need to be changed to the date the amended plans were received.

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The Acting Planning Services Manager referred to photographs in relation to the proposal, which were displayed for Members information. Mrs Edwards and Mrs Blakey (the objectors) and Mr Johnson (the applicant) spoke in relation to the application.

The Acting Planning Services Manager spoke in relation to the points raised by the speakers as follows:

- That at the northern end of the site, the plans did show a gated access into the field beyond the site.
- That correspondence between the Church Commissioners and

Persimmon Homes was a civil matter.

- That in his opinion the Council could not refuse the application on the grounds that it shows a gated access on the plans at present.
- That Planning Officers had at no time inferred that the footpath running East to West was part of the public right of way network within Sacriston and were handling the application on the basis that the footpath was not a definitive right of way, and merely was a well used amenity within the area.
- That Durham County Council as Rights of Way Authority have expressed the view that it is likely that someone could submit a right of way claim in that it has been an established right of way.
- Central Government Planning Policy encourages sustainable development including to encourage walking to amenities without the use of the private car and in his opinion this application, with the footpath link proposed supported this aim.
- That the path appears a valued asset within the area and he feels it is appropriate for it to be facilitated for in the layout.
- Because of the concerns expressed by residents a number of meetings / discussions had been held with Durham County Council Highways and Rights of Way Officers who have assured Officers that the footpath link would be adopted, lit, with secure kissing gates and maintained by them thereafter.
- Durham County Council feels this footpath would reduce the likely misuse of the 'well trodden' pathway and anti-social behaviour issues.
- At Planning Officers request, Persimmons had compiled a transport assessment which had been scrutinised by Durham County Council as Highways Authority who notwithstanding the issues raised by the objectors, do not feel it is appropriate to reject the application on highway safety grounds.

Councillor Holding made reference to the correspondence that had been submitted at the Meeting and advised that he felt this should be disregarded and the decision be based on the report and points raised at this Meeting. He also spoke in relation to the controversy surrounding the right of way and expressed his disappointment on the police's comments in relation to dealing with the anti-social behaviour issues.

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Councillor Nathan proceeded to outline his concerns and made comments in relation to the application on the following issues:

- That the concerns from the residents that the pathway link would lead to anti-social behaviour needed to be taken into account.
- It was noted that the pathway facility had been introduced in the plans at the request of Officers and not by the applicant.
- He supported the development of houses but not the pathway.
- The possibility of a compromise between the Developer and the residents.

Councillor Brown sought clarification on what amenities the pathway link would serve and the possibility of an alternative access. He was in agreement with other Members in that he supported the development but with the deletion of the pathway.

Councillor Turner raised his concerns and comments on the application as follows:

- With regard to previous planning history of the site he had concerns on the increase on the proposed amount of houses which had risen from 30 to 36 and that there had been an 11% increase in housing being built with this Ward over the last two years.

(The applicant clarified that Persimmons had no involvement in the site in 2005)

- Concerns on the access to the pathway. In his opinion the current gated access had not worked.
- Concerns that if approval was granted for this application and then the Government go ahead with Unitary Authority then Chester-le-Street District Council would have no say on this development of the land to north in the future.
- He objects to the access route but supports the development of the houses.
- Concerns that the proposed footpath would lead to anti-social behaviour.
- Reference to the closure of a footpath on another part of the estate caused by anti-social behaviour.
- Lack of clarity on the right of way status.
- The fact that the police, parish council and residents were against the proposed right of way.
- Disappointed on the layout and even though he supports the development of the houses he could not support the application including the pathway link.

Councillor Laverick also expressed his comments and advised that he was also of the opinion that the pathway link would not be a good idea even though he was in favour of the development of housing in this area.

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Discussion ensued on making a decision on the application. The majority of Members felt that they could only support the proposal without the footpath being included in the plans.

The Acting Planning Services Manager advised that if Members were minded to approve the application without the footpath being included then they needed to be made aware of the risks involved. He advised of the risk that Durham County Council could be approached after the development was completed from someone to request that the footpath be dedicated as a public right of way.

The Head of Legal and Democratic Services explained the legality on the possibility of the footpath becoming a right of way.

Following this advice, Councillor Turner advised that he would feel uneasy about making a decision on this application without the footpath being deleted and suggested that the application be considered in its entirety.

Further clarification was sought on the location of the proposed pathway and discussion ensued on the decision to be taken.

The Head of Legal and Democratic Services gave some clarity to assist Members on reaching their decision and advised that this application needed to be considered like any other application in that it was in accordance with the Local Plan and that all aspects of the development as a whole had been considered.

The Acting Planning Services Manager advised that after listening to the debate and the representations received he felt satisfied that it would be possible to recommend approval of the application subject to an extra

condition that the pathway is removed from the scheme. He also advised that if Members resolved to refuse the application then he would find it hard to defend this decision on appeal and there was a danger that it would be likely that the Council would be at risk of an award of costs. His preferred option would therefore be to recommend approval subject to an extra condition that the footpath is deleted from the scheme.

It was proposed by Councillor Nathan and seconded by Councillor Brown to approve the Officer's recommendation of conditional approval subject to an extra condition being added to delete the footpath from the scheme.

The Chairman requested a show of hands from Members on this proposal, which was carried.

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

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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).

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.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or reenacting that Order with or without modification), no walls, fences, palisades or other means of enclosure shall be erected forward of the main front (or side in the case of corner sites) walls of dwellings, in order to ensure the satisfactory appearance of the development upon completion in the interests of visual amenity and the preservation of the open-plan character and appearance of the development.

Extra 1 Prior to the commencement of the development hereby approved the developer shall submit an expert bat survey to the Local Planning Authority. Thereafter the development shall be carried out in a phased manner designed to mitigate harm to any protected species found to be present, including if necessary, the implementation of habitat replacement measures in order to ensure the development takes due account of the potential presence of protected species within the site to accord with policy NE13 of the Chester-le-Street District Local Plan.

Extra 2 Prior to the commencement of development hereby approved a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for at least 10% embedded renewable energy. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to minimise energy consumption and to comply with the aims of the emerging Regional Spatial Strategy, Planning Policy Statements 1 and 3 and Local Plan Policy NE1.

Extra 3 Prior to the commencement of development hereby approved, a scheme to demonstrate compliance with the aims of the Code for Sustainable Homes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to provide for a sustainable form of development and to comply with the aims of the emerging Regional Spatial Strategy, Planning Policy Statements 1 and 3 and Local Plan Policy NE1.

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Extra 4 Operations in relation to the construction phase of the development hereby approved shall not be carried out outside of the following hours: -

Monday to Friday 0730 to 1800

Saturdays – 0900 to 1300

Sundays – No working

Bank Holidays – No working

In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours and to accord with the aims of Policy NE1 of the Local Plan.

Extra 5 Any existing hedgerows within the development site shall be protected by a chestnut paling, or similar protective fence or barrier, in accordance with a scheme to be agreed in writing prior to the commencement of the development hereby approved, in order to ensure that building materials, plant and machinery are not stored around the existing hedgerows, in the interests of the long term health and well-being of the hedgerows and in the interests of visual amenity and to accord with the aims of Policy HP9 of the Chester-le-Street Local Plan.

Extra 6 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 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 HP9 of the Chester-le-Street District Local Plan.

Extra 7 The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice and as amended on 12 July 2007 and 3 August 2007; unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 8 The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the provision of the 11 units as referred to in the development hereby approved as affordable dwellings, provided for through a shared ownership scheme, in accordance with a

detailed scheme, which has first been submitted to and approved in writing by
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the Local Planning Authority. In order to ensure the development makes adequate provision for affordable housing and to comply with the aims of Policy HP13 of the Chester-le-Street Local Plan.

Extra 9 The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the provision of adequate open space and recreational facilities within the locality in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for recreational and open space facilities and to comply with the aims of Policies HP9 and RL5 of the Local Plan.

Extra 10 The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have made to secure the provision of adequate public artwork provision within the locality in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority. In order to ensure the development makes adequate provision for recreational and open space facilities and to comply with the aims of Policy BE2 of the Local Plan.

Extra 11 Notwithstanding the details contained in the application hereby approved no development shall be commenced until details of a scheme showing the deletion of the proposed footpath link running east – west through the application site have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the development mitigates against potential anti-social behaviour issues, in the interests of reducing crime and disorder and residential amenity and in accordance with the provisions of Policy BE21 of the Chester-le-Street District Local Plan.

(B) District Matters Refused – Recommended Approval

(4) Proposal: Erection of conservatory to rear, creation of new window opening to side elevation and installation of additional roof light to rear

Location: New Dwelling Adjacent to Willowbrook, Woodburn Close, Bournmoor

Applicant: Mr Thomas – Reference 07/00276/FUL

The Acting Planning Services Manager advised that since this report had been published, a further letter of representation had been received from Kevin Jones MP who had written to advise of his support to Mr Parker the objector of this application. His reasons for supporting his objections were as follows:

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- That there has been a series of modifications made to this property since the original planning permission was issued, none of which had been approved.
- None of the original roof lights were obscurely glazed which was a condition of the original approval.
- That the foundations for the conservatory had been dug before the application was lodged.
- The MP requests that this application be deferred and no

further approvals be given until an extensive review is undertaken as to what the developer has carried out on site and how that fits with the existing approval.

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

Mr Parker, the objector spoke in relation to the application.

The Acting Planning Services Manager referred to the request for no further approvals to be issued until a through review had been undertaken of the site. The Acting Planning Services Manager felt that this was unnecessary as there was a need to judge each individual application on its own merits. He confirmed that this application was part in retrospect because the roof light had been installed and the foundations dug for the conservatory before the application was submitted. He pointed out however that planning legislation allowed for people to apply for development in retrospect.

In relation to the separation distances, the Acting Planning Services Manager fully accepted what Mr Parker was saying with respect to the earlier decisions reached for a full new dwelling which was different to proposed separation distances for a conservatory.

He advised that notwithstanding this application for a conservatory and elevation facing Mr Parker's property being below 15 metres there were circumstances on site, namely the tall leylandi hedge which in Officer's opinion did suggest that this would be acceptable.

In relation to Mr Parker's comments on what would happen if the current occupier left he confirmed that any planning conditions would run with the land and not be personal to the applicant.

Councillor Harland voiced his concerns in relation to the application and referred to the applicant's planning history at this property. In his opinion the application should be refused on the grounds of the 12 metre separation distance and the fact that the leylandi was not a permanent border and may be removed in the future.

Councillor Brown also had concerns that the applicant had retrospectively gone ahead with the roof light, and foundations of the conservatory. He also had concerns on the leylandi that, in it could be taken out or reduced on

45 height. Regarding the other rooflight he felt that this could be approved as long as the windows were obscure however he was against the proposed conservatory.

The Head of Legal and Democratic Services advised that retrospective planning permission could be applied for and that a decision should be based on the quality and suitability of this particular application and not previous applications.

Councillor Nathan agreed that there was a need to be wary of basing a decision on past history, which was not relevant and should not affect the decision on this application. He had particular concerns on the wording within the report in relation to the applicant, which he felt should not have been included in the report. In his opinion the reduction of the separation distance was a significant breach of the guidelines.

Councillor Harland reiterated his comments in relation to application and proposed to move that the application be refused.

Councillor Humes advised that he was in agreement with the comments made on the separation distances and agreed that this proposal should be refused on the grounds of the distance between the buildings. Councillor Humes

therefore seconded Councillor Harland's proposal.

Members were in agreement with this decision.

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

The proposed conservatory is, by virtue of its size, scale and separation distance, considered to have a detrimental impact upon neighbours at Woodburn Close; and as such is considered to be contrary to the provisions of Policy HP11 (i) of the Chester-le-Street District Local Plan.

At this point Councillors A Humes and T H Harland left the meeting at 7.35pm

(5) Proposal: Conversion of garage to office, single storey extension to rear to provide sun lounge and extension above garage to provide additional bedroom and extended kitchen area plus widening of driveway.

Location: 53 Longdean Park, Chester-le-Street

Applicant: Mr D Kumar – Reference 07/00285/FUL

The Acting Planning Services Manager advised that since the report had been produced the applicant had changed the description of the development from 46

the conversion of an office to a sitting room. He also advised that the County Council as Highways Authority had reconsidered their position in relation to the proposed driveway and had requested that an extra condition to be added if Members were to approve the application to secure the precise details of the driveway to be agreed between the applicant and this Authority.

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

Mr Chown, Mr Drabble and Ms Walton the objectors spoke in relation to the application.

The Acting Planning Services Manager spoke in relation to the points made by the speakers. He advised that there had been an enforcement complaint investigated in relation to allegations that the owner of the property was running a business from home which he advised was an issue that would have to be assessed separate to the consideration of these proposals.

He referred to the fact that the applicant had elected to change the description of the application from office to sitting room. However he advised that within National Planning Policy advice contained in PPG note 4, and from cases that had gone through the courts throughout the years, this had established that it was acceptable to be self-employed and run a business from home up to the extent that it does not materially change the character of the premises. In general if there were no visitors or members of staff employed on the premises this would not require planning permission as a change in the use of the land.

He advised that in design terms the proposal was considered acceptable and in keeping with the scale and character of the property. He also advised of other similar extensions on the Longdean Park estate. In his opinion the concerns expressed in relation to the loss of light and overshadowing would not be so significant as to warrant refusal.

Discussion ensued on the proposed application, and Members made comments and expressed concerns in relation to the following issues:

- Concerns on the significant loss of light and amenity to the neighbouring property.
- Harmful affect of the extension on the neighbouring property.
- Clarification was sought on the 45 degree rule in the Local Plan which only applies to rear extensions.
- The concerns of the residents on business use from the premises.

Councillor Nathan queried whether the Authority would be able to defend against an appeal if this application were to be refused. The Acting Planning Services Manager advised that in his opinion the Council were likely to loose on appeal but did not feel that there would be a risk of award of costs due to

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the fact that Members had carefully considered the merits of the case before they had arrived at their decision.

Councillor Brown proposed to refuse the application, which was seconded by Councillor Sekowski for the reasons of the harmful affect this extension would have on the neighbouring property. Members were in agreement with this decision.

RESOLVED: "That notwithstanding the Head of Planning and Environmental Service's recommendation for approval, the application be refused for the following reasons.

The proposed extension is, by virtue of its size, scale and bulk, considered to have a detrimental impact on the amenities of the adjacent occupiers at at 52 Longdean Park and as such is considered to be contrary to the provisions of Policy HP11 (i) of the Chester-le-Street District Local Plan.

(B) District Council Development

Prior to consideration of the following item, the Acting Planning Services Manager referred to photographs in relation to the proposal for Members information.

(6) Proposal: Proposed installation of children's play area

Location: Land North of Hylton Terrace, Pelton

Applicant: Barrie Alderson – Leisure Services – Reference 07/00243/NID

Councillor Laverick, the local Member for this Ward advised that this was a long awaited development for the community. He advised that Pelton had very poor provision for the younger element of the community. Some concerns had been expressed by residents that the area around the proposed site was prone to vandalism and youth nuisance and had questioned its sustainability. In Councillor Laverick's opinion, he felt that this proposal should be approved and be given a chance.

Councillor Holding referred to policies within the Leisure Department and suggested that the existing provision and demand should be looked into within this area.

Councillor Laverick confirmed that there were a quite a number of young children however no provisions were currently available for this generation only for the teenagers within the area. He advised that even though a few residents doubted the sustainability of the play area other residents felt that the play equipment was long awaited.

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Councillor Turner advised that play provision had been made available within his Ward and he welcomed this facility for the Pelton community. He proposed to move the Officer's recommendation to approve the application. Councillor Nathan referred to the poor quality fencing currently surrounding

this area, which was near to the main road and queried if this would be maintained. It was noted that enclosed fencing with gate access had been made available at other play areas and would be at this facility. Councillor Sekowski seconded Councillor Turner's proposal to move the Officer's recommendation of approval. Members were in agreement with this decision.

RESOLVED: "That the recommendation of the Head of Planning and Environmental Health for 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 in complete accordance with the approved plans.

01B The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local Planning Authority; in order to ensure the development is carried out in complete accordance with the approved plans.

Extra 1 Notwithstanding the details shown on the submitted plans, the hereby approved bow top fencing around the perimeter of the children's play area shall be painted in a colour to be first agreed in writing by the Local Planning Authority prior to the commencement of any development on site, and thereafter implemented in full accordance with the agreed details, in the interests of the satisfactory appearance of the development upon completion and the provisions of Policy RL1 of the Chester-le-Street District Local Plan.

(D) DEVELOPMENT CONTROL PERFORMANCE UPDATE FIRST QUARTER 2007/2008

Consideration was given to a report detailing the Development Control Team's performance during the first quarter of 2007/08. The following areas of development control activity, having regard to Service Plan priorities: -

1. BVPI 109 (speed of decision making)
2. BVPI 204 (percentage of appeals dismissed)
3. PLLP 33 (% of pre-application enquiries responded to within target)
4. PLLP 02 (% of householder planning applications determined in 8 weeks

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The Acting Planning Services Manager advised that this was now a standard report, which was produced every quarter to inform Members of the Development Control Team's performance. He advised that it had been difficult period for the team across the first quarter of this year and the performance of dealing with planning applications and pre-application enquiries had markedly dropped in comparison with previous years. He was confident however that this was due to staff shortages with the team and that this would be resolved soon with the imminent appointment of new staff.

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

(E) Planning General

1.0 Naming and Numbering of Development

1.1 Proposed Industrial, and Warehouse plus Office units on land at Drum Industrial Estate. A development by Gladman.

RESOLVED: "That the proposed scheme of 17 no. workshop units on one

part of Drum Industrial Estate and 3 no. warehouse and office units on another part be named and numbered as suggested by the developer as follows:

Nos. 1 – 18 (omitting no. 13) 'Lumley Court', for the workshop units

Nos. 1-3 'Drum Park' for the Warehouse with office units"

1.2 Proposed Dwelling on former garden area adjacent Willow Brook, Woodburn Close, Bournmoor

RESOLVED: "That the proposed dwelling in the garden area of Willow Brook be named as suggested by the owner as 'Willow House'."

1.3 Proposed Conversion of retail unit (formerly Global Video) to two retail units at Front Street, Chester-le-Street

RESOLVED: "That the proposed conversion of two retail units at Front Street, Chester-le-Street be numbered nos. 5 and 7."

1.4 Eden Garden Nursery in the grounds of St Benet's School, St Benet's Way, Ouston

RESOLVED: "That the postal address for the nursery building in the grounds of St Benet's School be agreed as follows:

Eden Garden Nursery, St Benet's Way, Ouston."

The meeting terminated at 8.15 pm