

## 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 8 October 2007 at 6.00pm.

### PRESENT:

Councillor G K Davidson (Chairman)

### Councillors:

L E W Brown	M D May
R Harrison	D L Robson
D M Holding	M Sekowski
A Humes	A Turner
W Laverick	F Wilkinson

Officers: A Hutchinson (Head of Planning and Environmental Health), S Reed (Acting Planning Services Manager), M Gibson (Planning Assistant), J Bradley (Assistant Solicitor), L Willis (Senior Legal Assistant) and D Allinson (Democratic Services Assistant)

Also in Attendance: There were also 3 members of the public in attendance.

### **33 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors P B Nathan and T H Harland.

### **34 MINUTES OF MEETING HELD 10 SEPTEMBER 2007**

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 10 September 2007, copies of which had previously been circulated to each Member, be confirmed as being a correct record, subject to Councillor F Wilkinson being added to the list of attendees."

The Chairman proceeded to sign the minutes.

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

Councillor M D May declared a personal and prejudicial interest in Item No.2 of the planning report because the applicant is a neighbour and had discussed the application with her. She confirmed that she would therefore be leaving the Meeting when this application was considered and returning once a decision had been made.

Councillors R Harrison, D Robson and A Turner all declared a personal and prejudicial interest in item No. 3 of the planning report, as they were a friend

of the applicant. They confirmed that they would therefore be leaving the Meeting when this application was considered and returning once a decision had been made.

### **36 CONFIRMATION OF SPEAKERS**

The Chairman referred to the list of speakers and confirmed their attendance.

### **37 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 Refusal**

**(1) Proposal: Proposed erection of 1 no dwelling on land to West of property**

**Location: 2 Carrowmore Road, Chester-le-Street**

**Applicant: Ms R Miller – Reference: 07/00396/FUL**

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

He advised that since the report had been produced there had been ten letters of objection received from neighbours on the following grounds:-

- That the application will be less than the required 21metres separation standards between the front of the property and the bungalows opposite.
- Inadequate separation distances between the proposed dwelling and No.2 Carrowmore Road.
- The Local Plan advice in Appendix 1 advises that there should be a metre side path between both dwellings and the complainants have pointed out that there is only 1metre shown on the plans.
- Alleged overshadowing and right to light at No.1 Sheelin Avenue.
- That any building on the plot would be an intrusion of privacy.
- That the surrounding area was designed to be very open plan in nature with most of the corner houses having significantly large pieces of land to the side of the properties and concerns are raised that if the proposal was approved it would reduce the open space aspect to the side of the plots on the estate.
- That the house is so close to the corner of the road that this could create a traffic hazard for vehicles trying to manoeuvre around the corner.
- Construction traffic concerns at the construction phase.
- That the design of the dwelling is not in keeping with Sheelin Avenue.

- That the proposal is an inappropriate form of development in terms of the scale, character in comparison to the rest of the dwellings.
- Concern raised that the property is significantly larger than any other house on the odd side of Sheelin Avenue.
- The complaints have calculated that this proposed dwelling would be 87 square metres and it is contended that the average size of other plots on this side is only 75 square metres.
- That the dwelling would not be in keeping with Carrowmore Road as it will be set back from the front in comparison to all other properties, which are in a single straight alignment.

The Acting Planning Services Manager also advised that Durham County Council as Highways Authority had confirmed that they had no objections to the application.

**Mr Richardson the applicant's representative, spoke in relation to the application.**

Councillor Holding expressed concern on the following issues:

- The loss of the open aspect on the estate.
- Whether the refusal reason was sufficient enough grounds to refuse the application.
- That the application in its current form was too big and suggested the applicant should be advised to re-submit a revised application on a reduced scale.

The applicant's representative advised that the footprint of the proposal was identical to the existing property but with a larger garage.

Councillor Sekowski sought clarification on the suggested amendment to the application. The Chairman advised that the decision made at this meeting needed to be on the application as it stood in its present form.

The applicant advised that he would look at reducing the property to a three bed roomed however he felt that this would not have much bearing on the floor area.

Councillor Turner reiterated the fact that the Committee should be looking at the application in its current form and that the applicant's suggestion should have no bearing on the decision taken at the meeting he therefore proposed to move the Officer's recommendation of refusal.

Councillor Laverick spoke in relation to the open aspect of the estate, which he felt should remain for that purpose. He was therefore in agreement that the proposal should be refused.

Councillor Holding seconded Councillor Turner's proposal to move the Officer's recommendation to refuse the application. Members were in agreement with this decision.

RESOLVED: “That the recommendation of the Head of Planning and Environmental Health to refuse this application be agreed for the following reasons.

Extra 1 The proposed development would lead to an unacceptable level of overlooking and resultant loss of privacy for the occupiers of the adjacent property, No1 Carrowmore Road, contrary to the provisions of Policy HP9 of the Chester-le-Street Local Plan.”

**(B) District Matters Recommended Approval**

**Prior to consideration of the following item Councillor M D May declared a personal and prejudicial interest and left the Meeting.**

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

**(2) Proposal: Erection of 12 no town houses with associated works**

**Location: Pelaw Grange Cottage North Road, Chester-le-Street**

**Applicant: Mr E Healer – Reference 07/00333/FUL**

Councillor Brown spoke in relation to the history of the site and advised that he had no objections to the proposal; therefore he proposed to move the Officer’s recommendation to approve the application.

Councillor Turner advised that he also had no objection to this proposal, however he sought clarification on the acoustic report that was expected to be prepared for this application. The Acting Planning Services Manager advised that when the decision was made at a previous planning committee in May 2006 to approve the application, the Environmental Health Team had confirmed that there would not be any objection to the proposal in principle, although they had requested that extra condition 3 be applied to any approval which would control the type of glazing to be installed.

Councillor Sekowski sought clarification on page 7 of the report in relation to the Section 106 Agreement and Condition Extra 1 in the report. The Acting Planning Services Manager explained that the money would have to be spent on any dedicated off site leisure/recreation provision within the North Lodge Ward.

Councillor Humes seconded Councillor Brown’s proposal to move the Officer’s recommendation of conditional 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 (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.

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.

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 development) 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.

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 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 6IN; of the Chester-le-Street District Local Plan.

61 No trees shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any trees removed without such consent or dying, or being severely damaged, or becoming severely diseased shall be replaced with trees of such size and species as may be agreed with

this Local Planning Authority, in order to safeguard the life of the trees in the interests of visual amenity.

61A Any existing trees identified within the development site boundary which it is proposed/ required to be retained, shall be protected by a chestnut paling, or similar protective fence or barrier, to the satisfaction of the Local Planning Authority and in accordance with the provisions of 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.

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: 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 RL 5 of the Local Plan.

Extra 2: The stone boundary wall along the western boundary of the application site shall be retained and thereafter safeguarded in perpetuity, in the interests of visual amenity and the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Extra 3: Prior to the commencement of the development hereby approved an independent acoustic report shall be submitted to provide a full assessment of ambient noise levels within this site. This report shall also include a scheme for protecting the proposed dwellings from noise from both the adjacent road and the BOC plant, which shall be submitted to, and approved by the Local Planning Authority prior to the commencement of any development on site. Thereafter, all works required by the report shall be fully completed prior to the occupation of any of the proposed dwelling units in the interests of residential amenity and the provisions of Policy HP9 of the Chester-le-Street District Local Plan.

Extra 4: No development shall take place until an agreed programme of archaeological works has been submitted to and agreed in writing by the Local Planning Authority in order to ensure the development pays due regard to the archaeological potential of the site and to accord with the aims of Policy BE12 of the Chester-le-Street Local Plan.”

**At this point Councillor May returned to the Meeting.**

**Prior to consideration of the following item, clarification was sought from Members on whether they should be declaring an interest in this item, which was confirmed by the Assistant Solicitor.**

**Councillors Harrison, Robson and Turner declared their personal and prejudicial interest and left the meeting.**

**(3) Proposal: Proposed erection of conservatory to rear elevation**

**Location: 33 Deneside, Sacriston**

**Applicant: Mr and Mrs Turnbull – Reference: 07/00367/FUL**

Councillor Humes proposed to move the Officer’s recommendation of conditional approval, which was seconded by Councillor Wilkinson. 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.

02E That the facing materials to be used for the external walls of the development hereby approved shall match in colour and texture those materials used on the existing dwelling house to the satisfaction of this Local Planning Authority, and where such matching materials are not available samples of the materials which it is proposed to use on the development shall be submitted to, and approved in writing by, this Local Planning Authority prior to the commencement of any development on site. Reason – In order to ensure that the proposal does not have an adverse impact upon the scale,

form, character or appearance of the building upon completion, as required by Policy HP11 of the Chester-le-Street District Local Plan.

Extra 1 Notwithstanding the details shown on the submitted plans, the glazing panels in the side elevation of the conservatory, facing onto the common boundary with No 31 Deneside, shall be fitted with obscure glazing shall be retained in perpetuity in the interests of residential amenity, the avoidance of any potential overlooking and in accordance with the provisions of Policy HP11 of the Chester-le-Street District Local Plan.

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

### **38 CODE OF GOOD PRACTICE FOR DEVELOPMENT CONTROL**

The Head of Planning and Environmental Health briefed Members on the report, which was to seek Members agreement to the Code of Good Practice for Development Control and to request endorsement for it to be sent to Standards Committee and then Council for approval.

The Chairman welcomed this report and gave Members an introduction to the document. The Head of Planning and Environmental Health advised that this document had been produced to complement the Members Code of Conduct and to set out a guide to Members in dealing with planning. It applied to all Members of the Council who may be involved in planning and development with special advice for Members of Planning Committee.

The Chairman spoke in particular on Appendix 3 of the report and asked for further clarification to be added in relation to the code of conduct for site visits.

Councillor Humes proposed to move the Officer's recommendation in the report, which was seconded by Councillor Brown.

The Chairman gave thanks to the Head of Planning and Environmental Health for producing this report.

RESOLVED: "That the Code of Good Practice for Development Control be endorsed and recommended to be reported to Standards Committee and then Council with a view to approving and adopting the Code as appended to the report, subject to the amendments to Appendix 3 as discussed."

The Meeting terminated at 6.40pm.