

## **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 12 November 2007 at 6.00 pm

PRESENT:

Councillor R Harrison (Chairman)

Councillors:

L E W Brown	P B Nathan
D M Holding	D L Robson
A Humes	M Sekowski
W Laverick	A Turner
M D May	F Wilkinson

Officers:

A Hutchinson (Head of Planning and Environmental Health), S Reed (Development and Building Control Manager), D Chong (Planning Enforcement Officer), C Potter (Head of Legal and Democratic Services), J Bradley (Assistant Solicitor), L Willis (Senior Legal Assistant) and D Allinson (Democratic Services Assistant)

There were also 18 members of the public in attendance.

### **39. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors G K Davidson, T H Harland and K Potts.

### **40. MINUTES OF PLANNING COMMITTEE HELD 8 OCTOBER 2007**

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 8 October 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.

### **41. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS**

Councillor M May declared a personal and prejudicial interest in Item No. 7 of the Planning Matters report, as her husband Councillor May represented the Ward where the application was proposed. She confirmed that she would be leaving the meeting whilst this item was being considered.

Councillors D Robson and A Turner declared a personal and prejudicial interest in Item No. 5 of the Planning Matters report in their capacity as Cestria Housing Board Members. They confirmed that they would be leaving the meeting whilst this item was being considered.

#### **42. CONFIRMATION OF SPEAKERS**

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

#### **43. 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##### **(A) District Matters Withdrawn**

(1) **Proposal: Demolition of car showroom & workshop and erection of 12 no apartments & associated works**

**Location Johnson's Garage, 3 Newcastle Road, Chester-le-Street**

**Applicant Mr J. Johnson – Reference 07/00389/FUL**

The Development and Building Control Manager advised that the applicant had withdrawn this application.

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

(2) **Proposal: Conversion of existing buildings to office space and creation of 4 no apartments, formation of associated car parking, access and ancillary works.**

**Location: The Lambton Stables/ Byers Cottage, Lambton Park Chester-le-Street**

**Applicant: The Lambton Estate – Reference 05/00437/FUL**

**The Development and Building Control Manager referred to photographs in relation to this proposal, which were displayed for Members information.**

The Development and Building Control Manager advised that he felt it was necessary to add an extra condition to the recommendation as extra 7 to require the details of the foul sewerage drainage system within the site to be agreed and proposed that this be added to the recommendation. Members were in agreement with this suggestion.

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

Councillor Sekowski referred to the parking arrangements for the scheme as set out in the report, which had been reduced from 94 spaces to 55 spaces and sought clarification on why this had been changed. The applicant's agent confirmed that this had been an error on the original drawings and that the parking arrangements were now compatible with Durham County Council requirements.

Councillor Brown sought clarification on whether it could be guaranteed that the apartments were not sold on. The applicant's agent confirmed that because of the location of this building it would be highly unlikely that they would want to sell off the units.

The Development and Building Control Manager advised that Officers had not deemed it fit to impose a condition to require that the residential part of the scheme be tied to the office as they had taken the view that it would be difficult for the estate to successfully market the flats for separate sale.

He advised however, that if Members were minded to approve the proposal, an extra condition could be applied to make the occupation of the residential part of the development ancillary to people who are employed or managing the business operations within the site.

Councillor Laverick advised that he was pleased to see an effort being made to utilise these buildings in a commercial way and reflect the status of these buildings.

Councillor Humes advised that the application complied with national and local plan policies, therefore he proposed to move the Officer's recommendation of conditional approval with the suggested extra condition relating to foul sewerage and to tie the occupation of the residential units to people employed in the proposed commercial units. This proposal was seconded by Councillor Brown. Members were in agreement with this decision.

The Development and Building Control Manager confirmed that the additional condition would only tie the residential part to business proprietors within the live/work units within the application site.

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).

01C 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 1 August 2005; 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.

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 B.S.3998, 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.

44 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 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.

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 alteration and repair 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 Planning Policy Guidance Note 15.

Extra 2 Notwithstanding the details shown on the hereby approved plans and elevations, full details of all means of enclosure of the site 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 amenity and in accordance with the provisions of PPG15.

Extra 3 The offices illustrated on Drwg Nos 867 - 09B and 867-12A to which this permission relates shall be used for business purposes and for no the purpose in Use Class B1 as defined by the Town and Country Planning (Use Classes Amendment) Order 2005, nor for any other purpose without the prior permission of this Local Planning Authority, in order to enable the Local Planning Authority to retain control over the development in the interests of sustainable development and to accord with the aims of Policy T17 of the Chester-le-Street Local Plan.

Extra 4 No development shall take place otherwise that in accordance with the mitigation detailed within the protected species report ('Lambton Stables, Chester-le-Street. Bat Survey Report: Baker Shepard Gillespie; 22 January 2007' and the plans as shown in the report 'Lambton Stables and Byers Cottages Protected Species Assessment and Conservation Report, Paul Bancroft Architects (with drawing 867-30 as updated by email on 12/02/2007) including adherence to timing and spatial restrictions; provisions

of mitigation in advance; undertaking confirming surveys; adherence to precautionary working methods and provision of bat lofts. In accordance with the requirements of Planning Policy Statement 9.

Extra 5 Prior to the commencement of any development on site, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in order to outline, which measures are to be incorporated within the scheme in order to reduce the reliance upon the private car, in accordance with Policy T17 of the Chester-le-Street Local Plan.

Extra 6 Notwithstanding the detail of the doors illustrated on drwg No 867-09b the doors shall be constructed in solid timber with vertical boarding similar in character to those on the buildings of the courtyard. Details of the revised doorway are to be submitted to and approved in writing by the Local Planning Authority before development commences, in order to retain the integrity and appearance of the existing listed building and in accordance with the requirements of PPG15.

Extra 7 Details of the private foul drainage treatment works referred to in the application, including details of the siting of the treatment works and the design and appearance of any buildings required in connection thereto, shall be submitted to, and agreed in writing by, the Local Planning Authority (in collaboration with Northumbrian Water and the Environment Agency) in the interests of the provision of satisfactory means of sewerage treatment and disposal of sewerage, and such an approved scheme shall be fully implemented and brought into use prior to the occupation of the first of the development. In accordance with Government Circular advice 03/99.

Extra 8 The occupation of the dwellings within this development shall be limited to a person solely or mainly employed by a business occupying one of the commercial premises within the red edged line, as illustrated on the application. To avoid any potential nuisance to the occupiers of the dwellings, which may arise from the operation of the authorised business activity, in accordance with the requirements of Policy IN9 of the Chester-le-Street Local Plan.

**(3) Proposal: Listed Building Consent application to convert existing building to office space and creation of 4 no apartments, formation of associated car parking, access and ancillary works.**

**Location: The Lambton Stables/ Byers Cottage, Lambton Park  
Chester-le-Street**

**Applicant: The Lambton Estate - Reference 05/00439/LBC**

Councillor Brown proposed to move the Officer's recommendation to approve the application, 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

01C 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 1 August 2005; 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 contained within the application hereby approved, no works shall be commenced until such time as the exact details of all works of repair, including the extent of the work to be undertaken and sample materials have been submitted to and approved in writing by the Local Planning Authority. In the interests of the satisfactory appearance of the development upon completion and the integrity of the character and appearance of the listed building.

Extra 2 Notwithstanding the details contained within the application hereby approved, no works shall be commenced until such time as the exact details, including a cross section, of mezzanine have been submitted to and approved in writing by the Local Planning Authority. In the interests of the integrity of the character and appearance of the listed building."

**(4) Proposal: Erection of two storey extension to kitchen and bedroom and loft conversion (revised application of 07/00099/FUL)**

**Location: 5 Ash Meadows, Chester-le-Street**

**Applicant: Mr S. Thompson – Reference 07/00403/FUL**

**The Development and Building Control Manager referred to photographs in relation to this proposal, which were displayed for Members information.**

The Development and Building Control Manager confirmed that planning permission had been granted in August for substantially the same development with the only material difference being an increase in the height of the roof to 9.2metres from 8.4metres. He advised that there was quite a range and variety of dwelling types within the estate and as a result of that Officers were confident that a slight increase in height proposed would still render the development acceptable.

Councillor Humes referred to the previous planning approval that had been granted for this application and advised that in his opinion there was not much change to this proposal and therefore he proposed to accept the Officer's recommendation of approval.

Councillor Robson sought clarification on the reason for increasing the height of the proposal which was explained by Mr Thompson, the applicant that there had been a data transfer error by the Architect when the original plans were made.

Councillor Robson accepted the explanation given by the applicant and therefore seconded Councillor Humes's proposal. 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.

02D That the facing materials to be used for the external walls and roofs 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, the 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."

**Prior to consideration of the following item, Councillors Robson and Turner declared their interest for the reasons outlined in minute number 41 and left the meeting.**

**(5) Proposal: Proposed change of use from A1 to A2 (Offices)**

**Location: 166B-166C Front Street, Chester-le-Street**

**Applicant: Cestria Community Housing Association – Reference 07/00432/COU**

**Mrs C Scott spoke in support of the application.**

Councillor Holding expressed his concerns in relation to the information in the report on the additional 6% of non-retail frontage being over and above what the policy stipulated as an acceptable level. He was concerned on the precedent this may set for other applicants who may wish to apply for non-retail use of premises.

The Development and Building Control Manager advised Officers had acknowledged this as being a departure to what policies R5 and R7 of the Local Plan would normally allow, however he stressed the importance of each case being assessed on individual merits and in this case there were sound planning reasons to allow this as a departure application. He advised that extra condition 1 had been recommended in recognition of the fact that it was only for the special operational characteristics of the way this business would operate that Officers were recommending approval.

Councillor Brown concurred with Councillor Holding comments and concerns about setting a precedent and the public's perception on granting this application.

Councillor Laverick felt that a loss of retail in this part of town was irrelevant as there was already quite a large floor area of retail space, which was currently not in use. He also felt that because this application was for the benefit of the general public and would be restricted for use by Cestria Housing Association, he agreed with the Officer's recommendation to approve the application.

Councillor Sekowski proposed to move the Officer's recommendation of approval, which was seconded by Councillor Wilkinson. This proposal was carried and the application was approved.

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).

Extra 1 The use hereby permitted shall be carried on only by Cestria Community Housing. When the premises cease to be occupied by Cestria Community Housing the use hereby permitted shall cease. On the grounds that were it not for the personal circumstances of the applicant, the proposed change of use would be considered harmful to the vitality and viability of



Chester-le-Street Town Centre contrary to Policy R5 and R7 of the Chester-Street Local Plan.”

**(1) Proposal: Proposed addition of velux window to rear roof plane, new window to East elevation, installation of French doors & alterations to window to rear elevation**

**Location: Willow House, Woodburn Close, Bournmoor**

**Applicant: Mr T. Thompson – Reference 07/00433/FUL**

The Development and Building Control Manager advised that Councillor Harland had contacted Officers to confirm that he had no objections to this development subject to assurances that obscure glazing would be installed on the roof lights. He confirmed that Extra condition 1 which was attached to the recommendation would secure the obscuring of the roof lights in question.

**The Development and Building Control Manager referred to photographs in relation to this proposal, which were displayed for Members information.**

Councillor Holding proposed to move the Officer’s recommendation of approval, which was seconded by Councillor Brown. 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.

Extra 1 Notwithstanding the details shown on the submitted plans, the glazing panels on the hereby approved roof light shall be fitted with obscure glazing to the satisfaction of the Local Planning Authority, and such 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.”

**(C) District Matters Recommended Approval – Refused**

**Prior to consideration of the following item, Councillor P May declared a personal and prejudicial interest for the reasons given in minute number 41 and left the meeting.**

- (7) Proposal: Resubmission of 07/00285/FUL - Single storey extension to rear to provide sun lounge and enlarged dining & sitting room. Extension above existing garage to provide 2 no bedrooms.**

**Location: 53 Longdean Park, Chester-le-Street**

**Applicant: Mr D. Kumar – Reference 07/00436/FUL**

The Development and Building Control Manager advised that since the report had been produced there had been one additional objection received from Councillor P May and summarised the points he had made as follows:

- Concern that there is now an additional business, which is being advertised from this property in addition to the previous concerns that had been raised on a business under the name of 'North Lodge Property' being allegedly operated from the land.
- He points out that the property is situated on a road junction amongst a busy housing development.
- Concerns that if the allegations were true and there were two businesses being operated from this property this would cause unnecessary congestion within the estate and have potential impacts on road safety.
- Road safety concerns arising in particular from parking of commercial vehicles, which may be in the process of delivering to number 53 Longdean Park.
- That this has been a contentious issue before in the past and has allegedly resulted in a higher police presence being applied to monitor and control the parking in the area.
- He also considers that the proposed extension would have a detrimental impact on the occupiers of number 52 Longdean Park.
- That Members be made aware that he opposes the application on road safety grounds and by virtue of size, scale and bulk is considered to have a detrimental impact on the amenities of the adjacent occupiers of number 52 Longdean Park and would therefore be contrary to the provisions of HP11 of the Local Plan.

**The Development and Building Control Manager referred to photographs in relation to this proposal, which were displayed for Members information**

The Development and Building Control Manager advised that an application for this site had been refused in August and that the main difference with this

application was that the proposed extension was now to be inset from the front by approximately one metre.

Copies of plans, which had been received from Mrs Dunn to support her application, were circulated to Members for their information.

**Mrs Dunn and Mr Beverley the objectors spoke in relation to the application.**

Councillor Holding referred to the objections raised by Councillor Proud in relation to the garage conversion and queried Officers views on whether having french doors fitted to the front of the property would be out of keeping with the general appearance of the area.

The Development and Building Control Manager advised that this was an issue that had been addressed in the report and that the conversion of the garage into living accommodation did not require planning permission. He confirmed that the elements of the application for Members consideration were the impact of the extensions.

Councillor Nathan raised a number of queries and comments in relation to the application as follows:

- To what extent the inaccuracies in the report referred to by Mrs Dunn the objector should influence Member's decision on this application?
- That it would be difficult to go against the application on Highways grounds as Durham County Council Highways Authority had no objections to the report and the applicant had proposed to widen the driveway.
- He felt the main consideration on this application should be the impact of the extension and queried whether this information alone would be enough to make a decision on this proposal?
- That if there was substantial evidence that a business was being run from the property to what extent should this influence Member's decision?

In relation to the query regarding allegedly running a business, The Head of Legal and Democratic Services directed that Members should totally ignore the issue of business, as this was irrelevant. He explained that the application before Members was for a residential application and was not concerned for an application for business use of this site. He advised that the Council had a duty to investigate allegations of breaches of planning legislation, however this was not a matter for consideration at this meeting and would be considered separately to this application.

In response to the comments made by Councillor Nathan, the Development and Building Control Manager advised that he fully concurred with the comments expressed by the Head of Legal and Democratic Services. He confirmed that the main material planning consideration was whether Members accepted that the recessing of the first floor extension by a metre

sufficiently overcomes the concerns that were raised by Members in the Meeting in August. He confirmed that the consultation response received from Durham County Council as Highways Authority was that they had not raised any objections to it and therefore it would be very difficult for Members to refuse the application on any perceived Highway Safety grounds including the amount of parking space available within the premises.

In response to the query in relation to the inaccuracies of the plans, he confirmed that Officers were satisfied that the documentation submitted by the applicant was sufficient to make an assessment of the plans and a recommendation to Members. In addition to the site visit which the case officer had made he confirmed that he had visited the site in person and looked at the plans and whilst he had no reason to doubt the figures raised by Mrs Dunn, if there were any inaccuracies contained within the application forms his view was that they would not prejudice Members ability to make a decision on the application tonight. He felt the photographs gave a clear representation on what the proposals involved and Members had also been given the opportunity to listen to the reports that the objectors had raised.

Councillor Brown raised a number of queries and comments in relation to the report as follows:

- The overbearing effect of the extension on number 52, which in his opinion was no different to the previous application that had been submitted in August.
- That even though the applicant had proposed additional car parking space there would be no control over the amount of cars parked in the surrounding area.
- In relation to the conversion of the garage into a residential room he advised that the Council had no control over its use and he was concerned that this could be used as an office.

The Development and Building Control Manager spoke in relation to the concerns expressed by Councillor Brown in relation to the conversion of the garage room to facilitate alleged business activity and outlined planning legislation and advice under PPG4 which does allow for part of domestic dwelling house to be utilised for business use, provided that the business use remains wholly ancillary to that of the residential use, and did not lead to a material change in the character of the dwelling house.

He stressed the fact that the alleged business use was entirely separate to the consideration of the current planning application and assured Members that Officers were monitoring the site on a regular basis and if enforcement action was to be taken then this would be reported back to Members separately.

Councillor Sekowski expressed his concerns in relation to the proposal which were summarised as follows:

- Concerns that if the application was refused then it could be lost on appeal.
- Concerns on loss of light and overshadowing to the adjacent dwellings.
- Concerns on the overbearing impact on the neighbouring properties.

The Chairman was in agreement with the comments made on the loss of light and the overbearing effects on the neighbouring properties. Councillor Turner also shared concerns in relation to the overbearing nature on the adjacent properties, highway safety issues and advised that because of this he could not support the application on those grounds. Councillor Laverick advised that he felt uneasy about the application and was wary of supporting this application.

Councillor Humes proposed to overturn the Officer's recommendation of conditional approval and refuse the application on the grounds of the overbearing impact and loss of light on the neighbouring properties. Councillor Turner seconded this proposal. This proposal was carried and therefore the application was refused.

RESOLVED: "That notwithstanding the recommendation of the Head of Planning and Environmental Health to approve the application, the application be refused for the reasons given as follows."

Extra 1 The proposed extension would, by virtue of its size, scale and bulk, have a detrimental impact on the amenities of the adjacent occupiers 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.

**(D) Planning General**

**1.0 APPEAL AGAINST REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF A TWO STOREY REAR EXTENSION OF THE DWELLING TO PROVIDE FOR A LARGER KITCHEN AND ADDITIONAL BEDROOM AT NO.19 DUNSTANBURGH COURT, WOODSTONE VILLAGE.**

RESOLVED: "That the decision of the Planning Inspectorate to allow the appeal be noted."

**2.0 NAMING AND NUMBERING OF NEW DEVELOPMENT**

**2.1 Residential Development off St Cuthbert's Drive, Sacriston for Persimmon Homes North East.**

RESOLVED: "That the residential development off St Cuthbert's Drive, Sacriston consisting of 36 dwellings be agreed to be named and numbered as 1-37 (omitting no. 13) St Cuthbert's Meadow."

At the close of the Meeting the Chairman reminded Members that Telecom training would be held on Tuesday 13 November 2007 and encouraged Members to attend.

Members and Officers of the Planning Committee acknowledged the news that Councillor Davidson's wife was ill and conveyed their get-well wishes.

The Head of Legal and Democratic Services extended his best wishes to Annelise Hutchinson the Head of Planning and Environmental Health who was leaving the Authority to take up a new position at Gateshead Council. The Chairman also conveyed best wishes on behalf of the Members of the Planning Committee.

The meeting terminated at 7.25 pm