

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 14 January 2008 at 6.00 pm

PRESENT:

Councillor G K Davidson (Chairman)

Councillors:

R Harrison	W Laverick
L E W Brown	P B Nathan
D M Holding	M Sekowski
A Humes	F Wilkinson

Officers:

S Reed (Development and Building Control Manager), D Chong (Planning Enforcement Officer), Smerdon (Development and Building Control Manager), J Bradley (Assistant Solicitor), L Willis (Senior Legal Assistant) and D Allinson (Democratic Services Assistant)

There were also 13 members of the public present.

51. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors D L Robson, P H May, A Turner and T H Harland.

52. MINUTES OF MEETING HELD 10 DECEMBER 2007

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 10 December 2007, be confirmed as being a correct record, subject to the following amendments:-

Page 88 – 1st paragraph

'Councillor Holding proposed that this item be deferred as letters from objectors that had been received within the required time period had not been included in the report which was circulated to Members before the closing date for these objections.'

Page 98 (E) 2nd of last paragraph
Replace 'workload' with 'numbers'

The Chairman proceeded to sign the minutes.

53. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

There were no declarations of interest received from Members.

54. CONFIRMATION OF SPEAKERS

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

55. PLANNING MATTERS

A report from the Development and Building Control Manager was considered, copies of which had previously been circulated to each Member.

(A) District Matters Recommended Refusal – Recommended Approval

(1) Proposal: Erection of two-storey extension at front of dwelling

Location: 6 Hazel Grove, Chester-le-Street

Applicant: Mr J Heeley – Reference 07/00492/FUL

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

Mr Heeley the applicant and Councillor T J Smith spoke in relation to the application.

The Development and Building Control Manager spoke in response to the comments raised by the speakers and confirmed that there had been six letters of support received from nearby residents and that there had been no letters of objection.

He advised that it was important to look at each case on its own merit and that he was satisfied that planning permission had not recently been granted for a similar two storey extension within the Hilda Park estate. He felt that if Mr Heeley had been able to make reference to other approvals of very similar development on that estate then this may have affected the recommendation made.

He advised that clearly Officers did have extreme sympathies with the medical condition referred to, however he questioned whether this was sufficient enough to overcome the planning policies in this instance. He advised that Officers had formed the view on balance that it was not and that there were other ways that the property could be extended and although this would be inconvenient Officers felt that this was the preferred approach.

Councillor Laverick raised a point of order and stated that in accordance with the Members code of conduct, Councillor Smith had spoken on this

application and should therefore leave the meeting whilst this item was being discussed.

The Assistant Solicitor explained that if it was thought that the general public would think there was any perceived bias with Councillor Smith remaining in the room during the decision process then she would need to leave the meeting, however this was up to Councillor Smith to determine.

The Chairman suggested that in order to protect the integrity of the Committee and this Meeting, Councillor Smith should leave the Meeting.

Councillor Smith left the meeting room whilst this item was considered.

Councillor Holding referred to the alternative ways of achieving the objective in accordance with the Local Plan, which had been outlined by Officers and sought clarification on the financial implications of this alternative proposal.

The Building and Control Manager confirmed that he had not looked into the financial implications, however the application had been looked at in terms of whether or not Officers felt in principal that Mr Heeley could achieve the same amount of floor space as is proposed with this extension.

Councillor Nathan referred to a section in the report, which referred to the fact that the need to install a lift could only be given limited weight in making a decision and requested an explanation on how this related under Planning Law.

The Development and Building Control Manager felt that the primary issue, which should be given the most weight in terms of consideration of this application, was the impact upon the design of the property in the street scene. He explained that Members could give weight to the applicant's personal circumstances only in exceptional circumstances when making their decision.

Members raised comments and discussed issues in relation to the proposal. Members sympathised with the applicant and felt that this application would not have an adverse affect on the character of the existing buildings. They were in agreement that this proposal was unobtrusive and of moderate size and taking into account all matters including the circumstances of the locality they felt the application should be approved.

The Chairman advised that conditions could be added to ensure that the materials of the application be agreed with Officers prior to commencement of the proposal to ensure that they blended in with the street scene.

Councillor Brown proposed that the Officer's recommendation of refusal be overruled and the application be granted conditional approval. Councillor Humes seconded this proposal. This proposal was carried and the application was approved subject to standard conditions relating to commencement of development and materials.

RESOLVED: "That notwithstanding the Development and Building Control Manager's recommendation of refusal, the application be agreed subject to the following conditions.

Extra 1 The development must be begun not later in 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 2 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 3 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.

At this point Councillor Smith returned to the Meeting.

(B) District Matters Recommended Refusal - Refused

(2) Proposal: Demolition of car showroom and workshop and erection of 10 no apartments and associated works (amended description)

Location: Johnsons Garage, 3 Newcastle Road, Chester-le-Street

Applicant: Mr J Johnson – Reference 07/00495/FUL

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

The Chairman sought confirmation that Members were in receipt of correspondence that had been circulated prior to commencement of the Meeting.

The Development and Building Control Manager advised that the agent of this scheme had recently written into Officers to confirm that his clients were prepared to pay monies which would be secured through a section 106 agreement to address the fact that there was no open space shown on the layout and also to confirm their agreement to pay the same monies to go towards public artwork within the locality.

He therefore proposed that recommended refusal reasons Extra 2 and Extra 3 be withdrawn as the applicant had now addressed these issues of refusal.

He also advised that the Design Officers at the County Council had raised no objections to the application and had pointed out that they consider the scale and the massing of the design of the property would not be harmful to the visual amenity of the area.

The agent also pointed out that in his view the design was acceptable and would not look out of place in comparison to some of the buildings opposite the application site on the other side of Newcastle Road including the McCarthy Stone development and the Civic Centre.

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

In response to a query from the Chairman, the Development and Building Control Manager clarified the height of the proposal in relation to the neighbouring buildings.

The Development and Building Control Manager spoke in relation to proposal in the context of the neighbouring buildings and those opposite the site.

Members raised comments in relation to the proposal. Councillor Sekowski expressed his disappointment that the applicant had consulted with Durham County Council's Conservation Team and not this Authority's qualified Development Control Team prior to submitting this application.

Members raised comments in relation to the proposal and were in agreement with the refusal reasons that the development would be detrimental to the streetscene and the visual amenity.

Councillor Laverick stated that he although he was not in agreement with this particular development he was happy to support a development within this location in principle.

Councillor Nathan proposed to move the Officer's recommendation of refusal. Councillor Humes seconded this. This proposal was carried and the application was refused.

RESOLVED: "That the recommendation of the Development and Building Control Manager to refuse the application be agreed for the following reasons.

Extra 1 The proposal, by way of inappropriate scale, massing and detailed design solution, would provide for a form of development that would be incongruous within the street scene and as such would be detrimental to the visual amenity of the wider locality, contrary to the aims of PPS1 and PPS3 and Policy HP9 of the Chester-le-Street Local Plan.

(C) List of Planning Appeals and Current Status

The Development and Building Control Manager referred to the list of Planning Appeals, which were included in the report. He advised that he had now received confirmation from the Planning Inspectorate that the appeal at Twizell Dykes Farm Cottage, application no. 06/00306/FUL had now been dismissed. He also referred to the appeal at 4 Station Lane, Pelton Fell, application no. 07/00115/FUL and advised that the applicant Mr Laverick had withdrawn this appeal.

RESOLVED: "That the list of planning appeals and the updated information be noted."

(D) Development Control Performance- Comparator Figures for 2006/07

Consideration was given to a report to provide Members with an update in relation to the Development Control Team's performance, in comparison to other Authorities, for the last financial year; 2006/07. The Chairman and Members of the Planning Committee acknowledged the good work of the team.

RESOLVED: "That Members note the contents of this report."

(E) Local Development Framework (LDF) Consultation Generic Development Control Policies – Issues and Options

Consideration was given to a report to seek the views of Planning Committee Members in relation to the proposed Generic Development Control Policies document that the Council proposes to adopt as part of the Local Development Framework (LDF).

The Regeneration and Planning Policy Manager gave a background on the report and then requested that Members give appropriate answers to the twenty questions, which were contained in the consultation document.

Members proceeded to go through each question and their responses were summarised in addendum to these minutes.

(Officers who were not involved in the consideration of this item left the Meeting at 7.55pm. Councillor Holding left the meeting at 7.25pm and Councillor Nathan left at 7.35pm.)

RESOLVED: “That Members responses to the questions in relation to the proposed Generic Development Control Policy document which are attached as an addendum to these minutes be noted.”

Addendum to Minutes held 14 January 2008 – Minute No. 55 (E)

**Generic Development Control Issues and Options – Questionnaire
Planning Committee collective response – 14th January 2008 Meeting**

1	<i>Refer to the policy in paragraph 4.3 in the Consultation Document.</i> Are there any types of development which could not be adequately assessed by the above policy, which require a specific policy?
	Response <i>Generally in favour of having the suggested ‘catch all’ policy which could be used to assess all planning applications. Provided it covers all material planning considerations, including issues such as the quiet enjoyment of residential areas.</i>
2	What are the main development pressures and issues affecting the District? Response <i>1. Housing and continuing market demand to be a commuting area. 2. Employment development such as the Drum expansion</i>
3	Are there any development types and development pressures which are largely unique to the District, County Durham or the North East?
	Response <i>Generally no, other than the fact that the District has the highest levels of commuting in the north-east</i>
4	What are the particular, positive characteristics of Chester-le-Street District which it is important to safeguard? Response <i>The green belt</i>
5	Should there be joint working between the existing County Durham Councils to produce one set of generic development control policies for the whole of the County? Response <i>Yes, provided that the Council tries to set the agenda by establishing best practice which could then be used by the new unitary authority.</i>
6	<i>Refer to examples in paragraphs 6.2 and 6.3 in the Consultation Document</i> Should the policies be worded in general, flexible terms which are open to interpretation (6.2). <i>Or</i> should we seek to impose precise and rigid local standards whenever possible (6.3)? Response <i>The majority preferred a more precise approach, which minimised ‘wriggle room’. However, it was thought that sometimes there were advantages in having a more flexible approach.</i>
7	Should there be a limit to the proportion of non-retail uses allowed in Front Street of Chester-le-Street?

	<p>Response <i>Yes, and this should include village centres such as Pelton</i></p>
8	<p>Should major residential development be required to contribute towards the provision health facility/services improvement to serve the new residents?</p> <p>Response <i>Yes, the shortage of GPs and dentists is a particular concern.</i></p>
9	<p>Should the Council insist that redundant farm buildings, such as historic stone barns, are only allowed to be converted to uses that benefit the rural economy, including holiday accommodation?</p> <p>Or should conversion to residential use also be allowed?</p> <p>Response <i>Generally, happy to continue the existing local plan policy of trying to encourage uses to benefit the rural economy and discourage residential use.</i></p>
10	<p>Are there any neighbourhoods where housing densities of less than 30 dwellings per hectare (the Government's suggested minimum density) would be appropriate;</p>
	<ul style="list-style-type: none"> • Either on the rural edge of settlements in order to retain their existing semi-rural character and appearance)
	<ul style="list-style-type: none"> • Or where low density detached dwellings are required to rebalance the local housing market? • <p>Response <i>It was thought that there could be areas were lower densities were more appropriate. However, it was considered that a training event was needed for Councillors to gain a better understanding of how different densities looked in recently completed development.</i></p>
11	<p>Should the Council have a policy that will permit small-scale, rural, affordable housing schemes outside, but adjoining village development boundaries? Provided that there is proven need for affordable housing in that particular village, and that dwellings will remain affordable in perpetuity?</p> <p>Response <i>Concerned about allowing such development in the green belt. There needs to be clear evidence of local need to justify such an approach.</i></p>
12	<p>Should the parking guidelines in the existing local plan* be used in the LDF or should they be revised?</p> <p>Response <i>Continue to use the local plan guidelines</i></p>
13	<p>Should any new large plastic illuminated fascia signs be prevented from shop fronts in Chester-le-Street town centre conservation area?</p> <p>Response <i>Continue the local plan policy of preventing such signs.</i></p>
14	<p>Should the standards for formal play space provision in appendix V of the existing local plan* be used in the LDF or</p>

	<p>should they be revised?</p> <p>Response <i>It was agreed that there should be more emphasis on provision for teenagers to address anti-social behaviour problems</i></p>
15	<p>Should the design guidance in appendix 1,2, 8 of the existing local plan* be used in the LDF.</p> <p><i>or</i></p> <p>should a more comprehensive District design guidance to cover a wider range of developments be produced? Either</p> <p>Response <i>It was agreed that more comprehensive design guidance would be beneficial, but still include the guidance on residential design in the local plan</i></p>
16	<p><i>Refer to the topics in paragraph 7.2 in the Consultation Document.</i></p> <p>Should the District Council rely solely on PPG and PPS guidance for any of the above topics? If so, what topics?</p> <p>Response <i>Generally the Council should rely on the PPG/PPS guidance when it give clear guidance that could be used to assess planning applications</i></p>

The meeting terminated at 8.10 pm