

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, 9 June 2008 at 6.00 pm

PRESENT:

Councillors:

J W Barrett	P B Nathan
P Ellis	K Potts
T H Harland	M Sekowski
R Harrison	J Shiell
D M Holding	T J Smith
A Humes	D Thompson
W Laverick	A Turner
M D May	F Wilkinson

Officers:

S Reed (Development and Building Control Manager), C Potter (Head of Legal and Democratic Services), D Chong (Planning Enforcement Officer), J Taylor (Senior Planning Officer), L Morina (Planning Assistant) and M Fell (Democratic Services Assistant)

Also in attendance: There were 18 members of the public in attendance.

It was noted that some Members who were present had not received planning training, and therefore would not take part in any decisions being made at the Meeting.

1. APPOINTMENT OF CHAIRMAN

Nominations were invited for the appointment of Chairman. It was proposed by Councillor Holding and seconded by Councillor Wilkinson that Councillor R Harrison be appointed as Chairman of Planning Committee.

Councillor Harrison thanked Members for this appointment and welcomed the new Members of the Committee to their first Meeting of the Planning Committee.

RESOLVED: "That Councillor R Harrison be appointed as Chairman for the ensuing year."

2. APPOINTMENT OF VICE-CHAIRMAN

Prior to a decision being made, Councillor Laverick queried whether the intended Vice-Chairman had undertaken any training on planning issues. The Head of Legal and Democratic Services spoke in relation to the issue raised and advised the committee that training would be provided for the new members before the next committee meeting. The Chairman therefore invited nominations for a member, who was planning to be trained, to be elected as Vice-Chairman for Item 3, for which he was to declare an interest.

Nominations were invited for the appointment of Vice-Chairman for the meeting. It was proposed by Councillor Humes and seconded by Councillor Wilkinson that Councillor A Turner be appointed as Vice-Chairman for the Planning Committee in progress.

Nominations were invited for the appointment of Vice-Chairman. It was proposed by Councillor Holding and seconded by Councillor Wilkinson that Councillor T J Smith be appointed as Vice-Chairman of Planning Committee.

RESOLVED: "That Councillor A Turner be appointed as Vice-Chairman for the Committee Meeting in progress and Councillor T J Smith be appointed as Vice-Chairman for the ensuing year."

3. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors L Armstrong, G Armstrong, L E W Brown, G K Davidson and D L Robson.

4. MINUTES OF PREVIOUS MEETING HELD 12TH MAY 2008

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 12 May 2008, copies of which had previously been circulated to each Member, be confirmed as being a correct record."

The Chairman proceeded to sign the minutes.

5. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

Declarations of interest were received from Members as follows:

Councillor M D May declared a personal and prejudicial interest in Item No. 10 of the planning matters report as the application was on her behalf and her husband; the applicant was speaking in support of the application. She proposed to leave the meeting and return once a decision had been made.

Councillor M Sekowski declared a prejudicial interest in Item No.1 of the Planning Matters report in his capacity as Parish Clerk for Pelton. He proposed to leave the meeting and return once a decision had been made.

Councillor R Harrison declared a personal and prejudicial interest in Item No. 3 of the Planning Matters report, as he would be speaking as an objector to this application. He proposed to leave the meeting and return once a decision had been made.

6. CONFIRMATION OF SPEAKERS

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

7. PLANNING MATTERS

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

The Chairman suggested that the order of the Agenda be changed to reflect the registered speakers present and it was agreed that it be considered in the following order – Item Nos. 3, 2, 4, 1, 10, 5, 6, 7, 8, and 9.

At this point the Chairman Councillor R Harrison declared his interest and Councillor A Turner took the Chair.

(A) District Matters Recommended Approval - Deferred

(3) Proposal: Erection of garden room at rear of dwelling (amended plans received 9.5.08).

Location: 31 Deneside Sacriston Durham DH7 6DE

Applicant: Mr J Wray – Reference: 08/00158/FUL

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

He advised Members that an error had been made on page 37 of the Planning Matters report and the amended plans for this application had actually been received on 9th May 2008.

Councillor Harrison the objector and Mr Wray the applicant spoke in relation to the application.

The Chairman felt disappointed with the comments raised by the speakers in relation to the application and requested that Members disregard all comments made in relation to a dispute between the neighbours. He advised that Members should restrict their deliberations to the planning issues raised by the actual application.

Councillor Nathan requested comments from the Development and Building Control Manager on an issue raised by the objector, in relation to the possibility that the proposed extension would overshadow the neighbours.

The Development and Building Control Manager advised Members that the proposed development was not dissimilar to most household extensions, and that this would have some affect on the neighbours. He stated that planning officers were of the opinion that the application did satisfy the planning criteria of HP11 and Appendix 1 of the Local Plan, and therefore should be recommended for approval. He advised Members that as the proposed extension would project out further than the recommended 3 metres on a common boundary, before being chaptered, that they would need to consider whether this would have a detrimental effect on the neighbouring properties. In addition, he stated that the inclusion of extra condition 4, which was to install obscure glazing to the south facing elevation of the extension, has been included in the conditions for approval to reduce the impact on the neighbouring properties to the south.

In relation to a query raised by Councillor Nathan, the Development and Building Control Manager advised that the proposed extension would be approximately six foot high and would exceed the height of the boundary fence to the rear of the property by up to a metre and a half. He also advised that the height of the extension was considered acceptable, being comparable to the height of similar extensions in the locality of the property.

Councillor Laverick was of the opinion that the applicant had placed the proposed extension an agreeable distance away from Mr Harrison's property and felt that as a result of this the degree of overlooking to his property would be kept to a minimum. He also commented that as the other neighbouring property has had permission to erect a conservatory prior to this application being submitted, then this should not prevent the applicant from extending their property in a similar way.

Councillor Laverick sought clarification from the objector as to whether he felt the proposed extension would result in his property being overlooked.

At this point Councillor R Harrison left the Meeting.

The Chairman raised concern that the extension may affect the privacy of the neighbouring properties and suggested that the application be deferred for a site visit for this reason.

Councillor May felt it was difficult to make a decision due to the close proximity of the properties and agreed with the Chairman that the application should be deferred for a site visit.

Councillor Humes proposed to reject the Officer's recommendation of conditional approval and defer the application pending a site visit.

In relation to a query raised by Councillor Laverick, the Chairman clarified that the nature of the site visit was to observe the site itself and advised that Members would not be able to make any decision at the time of the site visit regarding the application.

Councillor Nathan felt that site visits were not usual practice, and that Members should approve the application in line with the Officer's recommendation.

The Chairman advised that site visits had previously been used for Members to obtain a better understanding of a site.

The Chairman took Councillor Humes' proposal to reject the Officer's recommendation of conditional approval and defer the application for a site visit, which was seconded by Councillor Potts.

The proposal to defer the application, pending a site visit was carried by Members.

RESOLVED: "That this item be deferred pending a site visit".

At this point Councillor R Harrison returned to the Meeting and resumed his position as Chair.

(B) District Matters Recommended Approval

- (2) Proposal: Demolition of existing farmhouse and erection of replacement dwelling with detached garage, re-building and conversion of existing barns into stables & storage and construction of 40m x 40m outdoor ménage.**

**Location: Twizell Dyke Farm Grange Villa Chester-le-Street
Durham DH2 3JZ**

Applicant: D & D Ivers – Reference: 08/00135/FUL

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

The Development and Building Control Manager advised Members that an amendment had been made to the original application and as a result a new access road was no longer included in the proposal. He informed Members that a new access road would have been in conflict with the policies in the Local Plan and with national planning advice, and that following advice, the applicants had amended their proposal to include merely a slip road from the original access road instead.

The Development and Building Control Manager advised that since the report had been produced an additional letter of objection had been received on the grounds that the development was not in keeping with the rural design of the surrounding area. He also proposed to include an additional condition to the recommendation that all window openings, which face Mr. Carris's property to the west, were to be obscurely glazed in accordance with the Local Plan requirements.

Mr Carris and Mr Shears the objectors, and Mrs Ivers the applicant, spoke in relation to the application.

Councillor Holding stated that farm buildings in this particular area were more commonly made of brick rather than stone and that a large amount of these buildings were increasingly being converted for use as homes. He was therefore of the opinion that the application should be approved as he felt it would be an improvement to the appearance of the area.

Councillor Potts was in agreement with Councillor Holding and felt that as the applicants were replacing the building 'like for like'; he could see no reason to refuse the proposal. He proposed to move the application for approval.

Councillor Laverick was also in support of the application but felt there should be restrictions put in place to prevent the site being used for commercial use.

The Development and Building Control Manager advised Members that extra condition 8 would restricts the use of the barn to private use only and assured Members that the Enforcement Officer would ensure the conditions attached to the proposal would be adhered to.

In relation to a point raised by Councillor Nathan, the Development and Building Control Manager confirmed that the current policies in the Local Plan did not recommend approval for a new dwelling in the countryside. However, as the applicants were seeking to replace an existing dwelling and that this was a significant design improvement, which also followed advice from a recent planning inspectorate appeal decision then these were all material considerations, which merited the recommendation for approval.

In relation to Councillor Sekowski's comment, the Development and Building Control Manager advised that the Environmental Agency had raised an objection to the proposal and had requested further details in respect of the disposal of foul sewage for the site, which the applicant would be required to submit in accordance with extra approval condition 12.

Councillor Holding proposed to move the Officer's recommendation, which was seconded by Councillor Potts. This proposal was carried.

RESOLVED: "That the recommendation of the Development and Building Control Manager for approval in respect of the application be agreed, subject to the following conditions:

Extra 1.

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 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 and as amended on drawing received 23rd May 2008; 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.

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 hard standings, walls and / or roofs of the buildings 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.

Extra 4.

Notwithstanding any information submitted on the application all windows and doors shall be of timber construction in accordance with designs to be agreed with the Local Planning Authority prior to the commencement of development and implemented thereafter in accordance with the agreed details in the interest of the design of the development and visual amenity of the area in accordance with policy HP9 of the Chester-le-Street District Local Plan.

Extra 5.

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.

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 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 HP9; of the Chester-le-Street District Local Plan.

Extra 7.

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

Extra 8.

The proposed barns shall be used for private, personal, non-commercial equestrian use or for agricultural purposes only in the interests of the visual and residential amenity of the area in accordance with Policies NE2 and AG3 of the Chester-le-Street Local Plan.

Extra 9.

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 (i.e. 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 in accordance with Policy HP9 of the Chester-le-Street District Local Plan.

Extra 10.

No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Consultancy Survey at Twizell Dykes Farmhouse, Grange Villa, August 2006, G White for Durham Bat Group,' including, but not restricted to:

- Adherence to timing and spatial restrictions;
- Provision of mitigation in advance. N.B. We understand the barn that the bat boxes were to be supported on has suffered some damage and is now to be demolished. As such we advise that the boxes should be attached to another appropriate location on the day of demolition.
- Adherence to precautionary working methods

In the interest of conserving protected species and their habitat in accordance with Planning Policy Statement 9.

Extra 11.

No structural work shall be undertaken during the autumn months as recommended by the ecologist to be agreed in writing with the Local Planning Authority. In addition, immediately prior to the demolition of the farm cottage, the project ecologist should conduct a thorough inspection of the building to ensure that the status in relation to the presence/absence of bats has not changed. If bats are found the ecologist should reassess the situation and determine an appropriate mitigation strategy, in the interests of conserving protected species and their habitat in regard to Planning Policy Statement 9.

Extra 12.

Notwithstanding the information submitted with the application prior to development commencing a scheme for the disposal of foul sewerage shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with this agreed scheme prior to the occupation of the development, in the interest of pollution prevention and advice set out in circular 03/99.

Extra 13.

Notwithstanding the details shown on the submitted plans, the fenestration to the west elevation of the hereby approved development 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 HP9 of the Chester-le-Street District Local Plan."

- (4) **Proposal: Proposal Demolition of existing dwelling & stables and erection of replacement dwelling and storage barn.**

Location: Twizell Dykes Farm Cottage Grange Villa Chester-le-Street Durham DH2 3JZ

Applicant: Mr N. Carris – Reference: 08/00160/FUL

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

Mr and Mrs Ivers the objectors, and Mr Carris the applicant, spoke in relation to the application.

The Development and Building Control Manager requested that Members disregard any comments raised by Mr and Mrs Ivers in relation to the integrity of the applicant including the allegation of a business being run from the site and advised that they should not be taken into account when considering the application. He also referred to comments raised by the objectors, in relation to the advice given by Planning Officers and informed Members that he remained satisfied with the guidance they had given.

In relation to a query raised by Councillor Humes, the Development and Building Control Manager clarified the intended size of the proposed building, including roof heights and advised Members of the guidance in relation to this matter.

Councillor Potts was of the opinion that the application should be approved as he felt it was similar to the previous application and could see no reason to refuse the proposal.

In relation to a point raised by Councillor Nathan, the Development and Building Control Manager advised that the choice of building material would be the applicant's decisions as either red brick or stone would have been acceptable choices. However as part of the original property has been built with natural stone, Officers felt the choice of building material proposed for the application should be approved.

Councillor Holding sought clarification from the applicant on the proposed use of the barn and whether he intended to use the barn for agricultural storage.

The Chairman advised Members that extra condition 11 would restrict the use of the barns for agricultural purpose only.

Further discussion ensued by Members on the application. The Development and Building Control Manager proposed to include an extra condition to the recommendation that all window openings, on the eastern gable end of the property, should be obscurely glazed in accordance with the Local Plan requirements.

Councillor Potts proposed to move the Officer's recommendation, which was seconded by Councillor Harland. This proposal was carried.

RESOLVED: "That the recommendation of the Development and Building Control Manager for approval in respect of the application be agreed, subject to the following conditions:

Extra 1.

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 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 and as amended on drawing received 19th May 2008; 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.

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 hard standings, walls and / or roofs of the buildings 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.

Extra 4.

Notwithstanding any information submitted on the application all windows and doors shall be of timber construction in accordance with designs to be agreed with the Local Planning Authority prior to the commencement of development and implemented thereafter in accordance with the agreed details in the interest of the design of the development and visual amenity of the area in accordance with policy HP9 of the Chester -le-Street District Local Plan.

Extra 5.

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

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 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 HP9; of the Chester-le-Street District Local Plan.

Extra 7.

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

Extra 8.

No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Bat and Barn Owl Survey at Twizell Dykes Farm Cottage, Grange Villa. Andrew Gardner, Feb 2008', including, but not restricted to

- Adherence to timing and spatial restrictions;
- Provision of mitigation in advance;
- Adherence to precautionary working methods`

In the interest of conserving protected species and their habitat in accordance with Planning Policy Statement 9.

Extra 9.

No structural work shall be undertaken during the autumn months as recommended by the ecologist to be agreed in writing with the Local Planning Authority. In addition, immediately prior to the demolition of the farm cottage,

the project ecologist should conduct a thorough inspection of the building to ensure that the status in relation to the presence/absence of bats has not changed. If bats are found the ecologist should reassess the situation and determine an appropriate mitigation strategy, in the interests of conserving protected species and their habitat in regard to Planning Policy Statement 9.

Extra 10.

Notwithstanding the information submitted with the application prior to development commencing a scheme for the disposal of foul sewerage shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with this agreed scheme prior to the occupation of the development, in the interest of pollution prevention and advice set out in circular 03/99.

Extra 11.

The proposed barns shall be used for agricultural purposes only in the interests of the visual and residential amenity of the area in accordance with Policies NE2 and AG3 of the Chester-le-Street Local Plan.

Extra 12.

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 (i.e. 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 in accordance with Policy HP9 of the Chester-le-Street District Local Plan.

Extra 13

Notwithstanding the details shown on the submitted plans, the fenestration to the west elevation of the hereby approved development 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 HP9 of the Chester-le-Street District Local Plan.”

Councillor Harland left the Meeting at 7.35pm.

Prior to consideration of the following item, Councillor Sekowski declared his interest and left the meeting.

- (1) Proposal: Erection of 13 residential flats, two ground floor retail units & associated car park to rear.**

**Location: The Fleece 41 Front Street Pelton Chester-le-Street
Durham DH2 1DE**

Applicant: Mr S. Hudson – Reference: 08/00101/FUL

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

The Development and Building Control Manager advised that there had been an error on page 7, in the last paragraph of the recommendation section of the committee report. He informed Members that extra condition 2 should have made reference to the amended drawings being numbered from 1 to 9, instead of 1 to 5.

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

Councillor Humes left the Meeting at 7.45pm.

In relation to comments raised by the objector, the Development and Building Control Manager advised that the possible occupation of the flats was not a material planning consideration and should not be considered by Members when making their decision. He also advised that the application would have been difficult to reject on the grounds of the trees at the rear being removed as they were not mature specimens, they did not have a significant impact on the visual aspect of the street scene and were not protected by a Tree Preservation Order.

Discussion ensued in relation to the design of the proposal as Councillor Potts felt the style was not in keeping with the look of other premises in that street.

Councillor Holding felt concerned that the proposal was to include two retail units when there are currently several retail units vacant in this area of Pelton. He queried whether the area would benefit more from additional housing instead of the proposed retail units.

In relation to a query raised by Councillor Ellis, the Chairman advised Members that extra condition 5 would require the applicant to carry out a landscaping scheme in accordance with the development.

Councillor Laverick spoke in relation to the proposal and advised that although he was a member of Pelton Parish Council, he had taken no part in the decision to send a letter of objection to this committee. He informed Members that residents were pleased with intended development but were

concerned about the proposed retail units and the fact they may become fast food outlets in the future.

Councillor Turner also raised concern about the proposed two retail units but felt the application could not be refused on these grounds.

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

RESOLVED: "That the recommendation of the Development and Building Control Manager for approval in respect of the application be agreed, subject to the following conditions:

Extra 1.

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 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 and as amended on drawing No's 1 to 9 amended 23rd May 2008; 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.

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, roofs and hard standings/access roads of the development 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.

Extra 4.

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.

Extra 5.

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 HP9; of the Chester-le-Street District Local Plan.

Extra 6.

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

Extra 7.

No development approved by this permission shall be commenced until:

- a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the LPA;
- b) Should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;
- c) For each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;

- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and

- e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

In accordance with the aims of Planning Policy Statement 23.

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 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 BE 2 of the 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 provision of adequate children's play and open sporting space 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 children's play and recreational sporting facilities and to comply with the aims of Policies HP 9 and RL 5 of the Local Plan 2003.

Extra 10.

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.

Extra 11.

Notwithstanding any information submitted on the application the parking to the rear of the development shall be unallocated unless otherwise agreed in writing with the Local Planning Authority to ensure the efficient use of parking spaces in accordance with policy T15 of the Chester-le-Street Local Plan.

Councillor Sekowski returned to the Meeting.

Prior to consideration of the following item Councillor M D May declared her interest and left the meeting.

(10) Proposal: Outline application for the erection of 1 no detached dwelling with garage (all matters reserved except access and landscaping)

**Location: Hollydene North Lodge Chester-le-Street Durham
DH3 4AZ**

Applicant: Mr. & Mrs. May – Reference: 08/00207/OUT

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

Mr. May the applicant, spoke in relation to the application.

Councillor Turner was of the opinion that the application should be approved; as he felt the reason the proposal had been brought to the committee was due to the fact the applicants were District Councillors.

Councillor Laverick sought clarification from the applicant, as to whether the properties were to share the existing access or whether an alternative access would be provided for the proposed building.

Councillor Turner proposed to move the Officer's recommendation of conditional approval, which was seconded by Councillor Potts. This proposal was carried.

RESOLVED: "That the recommendation of the Development and Building Control Manager for approval in respect of the application be agreed, subject to the following conditions:

Extra 1

Applications for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the

development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. In accordance with Section 92 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004).

Extra 2

The appearance, layout and scale of development are reserved matters in relation to this permission. The development hereby given outline planning permission shall not be commenced until all of the aforementioned reserved matters have been approved.

Extra 3

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 4

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, roofs and hard standings/access roads of the development 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.

Extra 5

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 and in the interests of visual and residential amenity in accordance with policy HP9 of the Chester-le-Street Local Plan 2003.

Extra 6

All building operations to be carried out in the vicinity of the protected trees located within the site shall be carried out in accordance with the requirements of BS 5837:2005 – Trees in Relation to Construction, in order to ensure the development does not harm any protected trees located within the

site according with the aims of Policies NE 11 and NE 12 of the Chester-le-Street Local Plan.

Extra 7

Notwithstanding the information submitted with the application prior to works commencing agreement on site with the Local Planning Authority shall be reached as to the tree protection area and tree protective fencing which shall be erected in accordance with BS5837:2005 and policies NE11 and NE12 of the Chester-le-Street Local Plan.

Extra 8

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 HP9; of the Chester-le-Street District Local Plan.

Extra 9

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 landscaping being planted, in the interests of the satisfactory appearance of the development upon completion and to ensure a successful and robust landscaping scheme and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 10

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 in accordance with Policy HP9 of the Chester-le-Street District Local Plan.”

Councillor M D May returned to the Meeting.

Councillor Potts left the Meeting at 8.00pm.

- (5) Proposal: Installation of a fully modular ball court (suitable for a variety of multi sports)**

**Location: Playground Moorfoot Avenue Chester-le-Street Durham
DH2 1DE**

Applicant: Mr B. Alderson – Reference: 08/00156/FUL

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

Councillor Holding proposed to move the Officer's recommendation of conditional approval, which was seconded by Councillor Turner. This proposal was carried.

RESOLVED: "That the recommendation of the Development and Building Control Manager for approval in respect of the application be agreed, subject to the following conditions:

Extra 1

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 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.

- (6) Proposal: Installation of a multi use games area with associated footpath (amended plans received 16/05/08)**

**Location: Recreation Ground Appledore Gardens Edmondsley
Durham DH7 6DW**

Applicant: Mr B. Alderson – Reference: 08/00171/FUL

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

Councillor Holding stated that he had attended the most recent Edmondsley Parish Council Meeting and advised that no comments had been made in relation to this application.

Therefore Councillor Holding proposed to move the Officer's recommendation of conditional approval, which was seconded by Councillor Turner. This proposal was carried.

RESOLVED: "That the recommendation of the Development and Building Control Manager for approval in respect of the application be agreed, subject to the following conditions:

Extra 1.

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 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 and as amended on 16 May 2008 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.

(7) Proposal: Installation of multi use games facility

**Location: Land to the rear Community Centre Front Street
Great Lumley Durham**

Applicant: Mr B. Alderson – Reference: 08/00174/FUL

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

The Development and Building Control Manager advised that in one of the letters of objection received, concern had been raised in relation to the football pitch being moved closer to residential properties. He commented that the Leisure Services Team had confirmed that the pitch would be moved slightly to the north of the site in order to accommodate the proposed facility. However he considered there was ample screening from nearby residential properties to prevent any adverse impact on occupiers.

In relation to a query raised by Councillor Turner, the Development and Building Control Manager advised that CCTV cameras would not cover the site of the proposal, however with the addition of extra condition 3, which required the removal of earth to the side of the development, would ensure the site became more visible to the surrounding residential properties.

Councillor Turner proposed to move the Officer's recommendation of conditional approval, which was seconded by Councillor Sekowski. This proposal was carried.

RESOLVED: "That the recommendation of the Development and Building Control Manager for approval in respect of the application be agreed, subject to the following conditions:

Extra 1.

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 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.

Notwithstanding the details contained in the application hereby approved, a scheme shall be submitted to and approved in writing with the Local Planning Authority to improve the natural surveillance of the development. Thereafter the agreed scheme shall be implemented in full prior to the bringing into use of the development hereby approved. In order to ensure the development accords with interests of crime prevention and to accord with policy RL1 of the Chester-le-Street Local Plan.

(8) Proposal: Installation of a multi use games area and associated footpath

**Location: Recreation Ground to rear of Arisaig / The Brooms
Ouston Chester-le-Street Durham**

Applicant: Mr B. Alderson – Reference: 08/00177/FUL

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

Councillor Sekowski proposed to move the Officer's recommendation of conditional approval, which was seconded by Councillor Holding. This proposal was carried.

RESOLVED: "That the recommendation of the Development and Building Control Manager for approval in respect of the application be agreed, subject to the following conditions:

Extra 1.

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 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.

Prior to development commencing a scheme shall be submitted to and approved in writing by the Local Planning Authority as to tree and shrub planting in the vicinity of the multi use games area hereby approved. The tree and shrub planting shall be implemented in the first available planting season following completion of the multi use games area. The agreed planting shall be maintained and replaced where necessary for a minimum period of five years in the interests of the visual amenity of the area in accordance with policy RL1 of the Chester-le-Street Local Plan.

(9) Proposal: Multi use games area and associated pathways

**Location: Land to the rear of Elm Crescent Kimblesworth
Chester-le-Street Durham**

Applicant: Mr B. Alderson – Reference: 08/00180/FUL

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

Councillor Turner was of the opinion that the application should be approved and congratulated the Leisure Services team on achieving these improvements across the District.

Councillor Turner proposed to move the Officer's recommendation of conditional approval, which was seconded by Councillor Holding. This proposal was carried.

RESOLVED: "That the recommendation of the Development and Building Control Manager for approval in respect of the application be agreed, subject to the following conditions:

Extra 1.

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 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 and as amended on 19th May 2008; 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.

(C) Planning General

(1) Planning Appeal Update

The Chairman referred to the list of Planning Appeals, which were included in the report for information.

RESOLVED: "That the list of Planning Appeals and the current status be noted."

(2) Notification of Planning Appeal Decisions

2.1 DISPLAY OF EXTERNALLY ILLUMINATED FREE-STANDING 48 SHEET HOARDING, SIZE 3.048 METRES X 6.096 METRES, ALONG EAST ELEVATION OF FRONT OF SITE (RETROSPECTIVE APPLICATION) AT 28-29 FRONT STREET, PELTON

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

2.2 ERECTION OF CONSERVATORY TO REAR, CREATION OF NEW WINDOW OPENING TO SIDE ELEVATION AND INSTALLATION OF ADDITIONAL ROOF LIGHT TO REAR AT WILLOW HOUSE, (LAND ADJACENT TO WILLOWBROOK), BOURNMOOR

RESOLVED: “That the decision of the Planning Inspectorate to overturn the decision and allow the appeal, be noted.”

The meeting terminated at 8.09 pm