

## **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 July 2008 at 6.00 pm

### PRESENT:

Councillor Ralph Harrison (Chairman)

### Councillors:

J W Barrett	W Laverick
L E W Brown	M D May
G K Davidson	P H May
L Ebbatson	P B Nathan
M Gollan	D L Robson
S Greatwich	M Sekowski
D M Holding	D Thompson
A Humes	A Turner

### Officers:

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

Also in attendance: There were 10 members of the public in attendance.

Please note Councillor P H May was in attendance as an observer as he had not received planning training and therefore would not take part in any decisions being made at the meeting.

## **8. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors G Armstrong, L Armstrong, P Ellis, K Potts, M Potts, J Shiell, T J Smith and F Wilkinson.

## **9. MINUTES OF PREVIOUS MEETING HELD 9TH JUNE 2008**

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

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

Declarations of interest were received from Members as follows:

Councillor Turner advised that in relation to Item No. 1 of the Planning Matters report, he was a Member of Sacriston Parish Council and that he had not participated in the discussion of this item at a Parish level. He advised that he would be declaring a prejudicial interest in this item for this reason but would remain in the Meeting.

Councillor Robson declared a personal and prejudicial interest in Item No. 1 of the Planning Matters report, as the applicant was a family member. He proposed to leave the meeting while the item was being discussed and return once a decision had been made.

Councillor Harrison declared a personal and prejudicial interest in Item No. 1 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.

## **11. CONFIRMATION OF SPEAKERS**

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

## **12. PLANNING MATTERS**

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

**Prior to the discussion of Item 1 the Chairman requested that the Committee appoint a Vice-Chair in the absence of the appointed Vice-Chair Councillor T Smith. Nominations were invited for the appointment of Vice-Chairman for Item 1. It was proposed by Councillor Humes and seconded by Councillor Brown that Councillor A Turner be appointed as Vice-Chairman for the Planning Committee in relation to the first Item.**

**Therefore the Chairman Councillor Harrison declared his interest and Councillor Turner took the Chair. Councillor Robson also declared his interest and left the meeting.**

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

- (1) 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 Head of Legal and Democratic Services provided Members with an update in relation to the application, and advised Members that they should disregard any previous discussion of this item, as all parties had agreed to look at the application again without prejudice.

In relation to a query raised by Councillors Holding and Brown, the Head of Legal and Democratic Services advised that Members present could participate in the discussion of this item, regardless of whether they had attended the previous Planning Committee or site visit arranged for this application.

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

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

Councillor M May sought clarification from Officers, as to the distance between the proposed extension and a neighbour's existing conservatory.

The Development and Building Control Manager advised Members that he would be unable to give an exact measurement but estimated that there would be a metre between the boundary of the applicant's property and the conservatory at No. 33 Deneside and half a metre between the common boundary of the properties and the proposed garden room.

The Development and Building Control Manager spoke in relation to comments raised by the Leader and clarified that the amended plans issued by the applicant were in accordance with the District's Local Plan guidelines and also with National Planning guidelines.

**At this point Councillor Harrison left the Meeting.**

Councillor Laverick advised that he had attended the site visit and had viewed the proposed site from both the objector's gardens and the applicants' garden. As a result of this he felt that as the applicant would be required to install obscure glazing to the south facing elevation of the extension, this would therefore reduce the degree to which the neighbours would be overlooked.

Councillor Laverick also commented that the neighbouring property at No. 33 Deneside may lose a small degree of light in their Conservatory due to the proposed brick wall of the proposed extension, but again felt that this would not be reason enough to refuse the application.

Councillors Humes and M May also attended the site visit and were in agreement with Councillor Laverick, that the proposed extension would not have a detrimental effect on the surrounding properties.

Councillor Davidson advised that as he had been unable to attend the site visit, he had arranged to view the site prior to the Committee Meeting and felt that the neighbours of the applicant would lose a limited amount of light from the proposal, if approved by the Committee.

Councillor Humes therefore proposed to move the Officer's recommendation, which was seconded by Councillor Davidson. 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 9 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.

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.

Extra 4.

Notwithstanding the details shown on the submitted plans, the garden room glazing panels on the south facing elevation of the hereby approved extension

(marked red on the returned plan) shall be fitted with obscure glazing and shall be either non-opening or top hung, details of which shall be submitted to and approved in writing to the satisfaction of the Local Planning Authority, and such obscure glazing and design of window 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.

Extra 5.

Notwithstanding the details shown on the submitted plans, no additional doors or windows should be added to the west facing elevation of the hereby approved extension facing no. 33 Deneside for so long as the development remains in existence. In the interests of residential amenity, the avoidance of any potential overlooking and in accordance with the provisions of Policy HP11 of the Chester-le-Street District Local Plan.

**At this point Councillors Harrison and Robson returned to the Meeting and Councillor Harrison resumed his position as chair.**

**(2) Proposal: Extension and re-development of existing community centre, including car park, pathways and landscaping and erection of multi-use games area and children's play area.**

**Location: Community Centre Craghead Road Chester-le-Street  
Durham DH2 2NH**

**Applicant: Chester-le-Street District Council**

**Reference: 08/00235/FUL**

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

Councillor Turner felt the application should be approved and expressed his best wishes to the community centre for the development.

Councillor Laverick was also of the opinion that the application should be approved as he felt the residents of Pelton Fell had been without these facilities for a considerable time and that the improvements would benefit the whole community, especially the young people.

Councillor Humes therefore proposed to move the Officer's recommendation, 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:

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.

The fencing to the bin store hereby approved shall be painted green RAL 6025 unless otherwise agreed in writing with the Local Planning Authority in the interests of the visual amenity of the area in accordance with Policy 5B of the Regional Spatial Strategy.

Extra 2.

Prior to the installation of the floodlighting for the Multi Use Games Area a floodlighting scheme and specification for said area shall be submitted to and agreed in writing with the Local Planning Authority, the scheme shall include details of luminaires, lighting spread, lighting levels and maintenance plan. The floodlighting shall then be installed and maintained in accordance with the agreed scheme in the interest of the visual and residential amenity of the area in accordance with Policy RL1 of the Local Plan.

Extra 3.

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 in accordance with Policy 5B of the Regional Spatial Strategy.

Extra 4.

Prior to works commencing a root protection plan and protective fencing detail shall be submitted to and agreed in writing with the Local Planning Authority for the four birch trees along the north boundary indicated on plan 010/P1 and implemented in accordance with this agreement on site thereafter in the interest of the long-term preservation of the trees and the visual amenity of the area in accordance with policy 5B of the Regional Spatial Strategy.

Extra 5.

Prior to the planting of the landscaping described on plan 010/P1 a planting specification shall have been submitted to and agreed in writing with the Local Planning Authority and thereafter the landscaping carried out on site in accordance with the agreed specification in the interest of the visual amenity of the area in accordance with policy 5B of the Regional Spatial Strategy

**(3) Proposal: Retrospective application for change of use of agricultural land for the keeping of horses for personal recreation use and erection of field shelter.**

**Location: Land on the North Side of Pear Tree Terrace  
Castle Dene Chester-le-Street Durham**

**Applicant: Mrs L. Walker – Reference: 08/00232/COU**

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

The Development and Building Services Manager provided Members with a brief update and advised that since the report had been produced one additional letter of objection and one additional letter of comments had been received, in relation to the application.

Objections had been received in relation to the following issues:

- That the stable will increase the risk of rats, which may cause damage to out buildings
- Concerns that the stable will cause an increased risk of smells
- That the site would be too close to garages and adjacent properties and was therefore inappropriate
- That the site will cause an increase in the amount of parking on the highway verge
- That the colour of the roof is not considered to be in keeping with the colour scheme applied to other buildings in the area.

The Development and Building Control Manager proposed to include an additional condition to the recommendation that within two months of the date of any approval, the roof of the structure had to be painted to match the

surrounding elevations. He advised that the reason for this condition would be to protect the Green Belt and the surrounding character of the area.

The Chairman advised that as Members had been provide with an additional handout at the beginning of the meeting, he would allow a short interlude in order for them to digest the information.

**Mrs Walker the applicant spoke in relation to the application.**

Councillor Holding sought clarification on whether the applicant had obtained permission to erect the field shelter and from whom she had received permission.

In relation to a query raised by Councillor Turner, the Development and Building Control Manager advised that at present there were two horses being accommodated on the site, however he would be reluctant to impose a condition to restrict the number of horses allowed on the site as the applicant does lease a substantial piece of land from the owner.

In relation to comments raised by the Leader, the Development and Building Control Manager advised that Officers had recommended to attached a condition to remove the Permitted Development rights of the application, as these rights could allow the applicant to add additional structures to the land such as show jumps etc. without a separate planning permission, if the approval was granted without this condition being attached.

He also felt it was important to add this condition as the proposed site of the field shelter is within the Green Belt and by removing these rights, the Council could retain control and protect the land from any inappropriate form of development.

In relation to a point raised by the Chairman, The Development and Building Control Manager advised that if the proposal was approved, the planning permission and the attached conditions, would bind not only the applicant but also any future owners / tenants of the land.

The Development and Building Control Manager spoke in relation to comments raised by Councillor Brown and advised that the closest residential property would be approximately 20 metres to the south of the field shelter site.

He also commented that Officers have used temporary approval conditions for similar proposals when they have been unsure whether a piece of land could be significantly affected by a change of use approval, however he remained satisfied that the recommended conditions put in place for this current proposal would be sufficient.



Discussion ensued in relation to the period of time horse manure should be left on the site, before the applicant should dispose of it. The Development and Building Control Manager advised Members that an additional condition could be attached to the proposal, which would require the applicant to agree to a management plan for the disposal of the manure, however he would be required to discuss the details of this with the Council's Environmental Health team, at a later date. As such he recommended any condition be phrased to this effect.

Councillor Barrett sought clarification whether the applicant had taken any precautions to repel rats.

Councillor Laverick was of the opinion that the applicant had placed the field shelter an agreeable distance away from residential properties and that the best possible location for the shelter had been chosen.

Councillor Laverick therefore proposed to move the Officer's recommendation, which was seconded by Councillor Brown. 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.

Notwithstanding the provisions of Class A1 of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no fences, walls or gates shall be erected within the application site to create additional enclosures or to sub-divide the land into smaller plots, other than those described on the plans and specifications hereby approved. In order to prevent fragmentation of the land and to maintain the essential rural character of the Green Belt in accordance with policy NE6 and policy of the Chester-le-Street District Local Plan.

Extra 2.

Notwithstanding the provisions of Class B of Part 4 of schedule 2 to the Town and Country Planning general Permitted Development Order 1995, (or any Order revoking or reenacting that Order), there shall be no organised competitive spectator events or activities held on the land. In Order To ensure that there are no adverse environmental effects on the living conditions of nearby residents or highway safety concerns in terms of other road users in accordance with Policy T15 of the Chester-le-Street District Local Plan.

Extra 3.

No materials or articles of any kind shall be stored on the site other than within the building hereby approved. In order to maintain the character of the Green Belt in accordance with policy NE6 and policy RL9 of the Chester-le-Street District Local Plan.

Extra 4.

The land which this planning permission relates to shall not be used for business or commercial purposes, or any use other than for the stabling and exercising of horses and associated equestrian storage, in pursuit of a personal hobby or interest. In order to control the use of the land in the interests of maintaining the character of the Green Belt in accordance with policy NE6 and policy RL9 of the Chester-le-Street District Local Plan.

Extra 5

Notwithstanding the submitted information, within a period of two months of the date of the permission hereby granted the roof of the structure shall be painted in a colour to match the existing external sides side elevations of the structure hereby permitted. In order to retain the character of the Green Belt in accordance with policy NE6 and policy RL9 of the Chester-le-Street Local Plan.

Extra 6

Notwithstanding the submitted information, within a period of two months of the date of the permission hereby granted a waste management plan should be submitted to and agreed in writing with the local planning authority. Such a plan shall identify the frequency and method of the removal of excess manure from the site. The agreed plan shall thereafter be implemented to the satisfaction of the Local Planning Authority. In order to protect the amenity of neighbouring residents, and to comply with policy RL9 - Recreation in the open countryside.

**(B) 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**

**INSTALLATION OF A RADIO BASE STATION COMPRISING A 12.5M STREET WORKS COLUMN, GROUND BASED EQUIPMENT**

**CABINETS AND DEVELOPMENT ANCILLARY ON THE VERGE OF THE SOUTH SIDE OF WALDRIDGE ROAD, CHESTER-LE-STREET**

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

**Councillor Humes left the Meeting at 7.04pm.**

**(3) Proposed amendments to the Council’s adopted ‘Code of Good Practice for Development Control’ and ‘Having your say in Planning Decisions’ Guide**

The Chairman spoke in relation to the proposed amendments to the ‘Code of Good Practice for Development Control’ and the ‘Having your say in Planning Decisions’ guide and requested that Members provide Officers with their feedback and comments in relation to the proposed changes.

The Chairman also referred to a full day training event, which had been arranged for the Planning Committee through Trevor Roberts Associates on 25<sup>th</sup> July and asked Members to make a note of the date and attend if possible.

In relation to a comment raised by Councillor Davidson, the Development and Building Control Manager advised that he would enquire with the Council’s IT department as to whether the Committee would be able to accept the submission of photographs in any other electronic formats, in addition to those listed in the report.

Discussion ensued in relation to the proposed changes to the ‘Code of Good Practice for Development Control’ and the ‘Having your say in Planning Decisions’ guide. During the discussion the Leader requested that all future planning reports include the postcodes of the proposed site, for information.

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

RESOLVED: “That the revised ‘Code of Good Practice for Development Control’ and the ‘Having your say in Planning Decisions’ guide be noted and approved, subject to the proposed amendments being included in the final documents.”

The meeting terminated at 7.20 pm