

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, 11 August 2008 at 6.00 pm

PRESENT:

Councillor Ralph Harrison (Chairman)

Councillors:

L E W Brown	J Shiell
G K Davidson	D Thompson
L Ebbatson	A Turner
P Ellis	F Wilkinson
W Laverick	

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), S Pilkington (Planning Officer), L Morina (Planning Assistant) and M Fell (Democratic Services Assistant)

Also in attendance: There were 30 members of the public in attendance.

13. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors G Armstrong, L Armstrong, S Barr, S Greatwich, A Humes, M D May, P H May, K Potts, M Potts, D L Robson, M Sekowski and T J Smith.

14. MINUTES OF PREVIOUS MEETING HELD 14TH JULY 2008

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 14 July 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.

15. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

Councillor Sheill declared a personal and prejudicial interest in Item No. 1 of the Planning Matters report, as he was a Member of the North End Residents Association and would be speaking as an objector to this application. He proposed to leave the meeting and return once a decision had been made.

16. CONFIRMATION OF SPEAKERS

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

17. 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 Approval

- (1) Proposal: Proposed erection of an 88 bed residential care home including access details, car parking, surfacing, landscaping and boundary treatment**

**Location: Site of Former County Council Depot Picktree Lane
Chester-le-Street Co Durham DH3 3RW**

Applicant: Mr J Oates – Premier Developments Ltd

Reference: 08/00194/FUL

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 Control Manager updated Members in relation to the proposal as follows:

He advised that the applicant had submitted amended plans on the 31st July, as the original plans had omitted a number of small side windows, which were proposed on the projecting bay to the southeast elevation of the site. He stated that the amendments ensured that the plans complied with the original floor plans, which were submitted in support of the application. He therefore proposed that extra condition 2 be amended to recommend that the development be carried out in accordance with the plans received on the 4th July and 31st July.

He advised that further discussions had taken place with the Highways Department at Durham County Council who had expressed concerns in relation to extra condition 11 and HGV's not being able to use the secondary access along Hopgarth Gardens. The Development and Building Control Manager therefore proposed to amend condition 11 to allow HGV's delivery vehicles to use the secondary access along Hopgarth Gardens.

He stated that since the report had been produced, one objector had raised concern with a statement made by Officers in the report in relation to a single

crack appearing in the wall of the Northern Bus depot. The objector has requested that Officers advise Members that in his opinion there is more than one crack in the bus depot wall.

The Development and Building Control Manager advised that the applicant's agent had requested that Officers reconsider the phrasing of extra condition 3, which requires a scheme to be submitted to minimise energy consumption prior to the commencement of development. He confirmed that Officers had considered this request and agreed to amend extra condition 3 to require such a report to be submitted within 3 months of the commencement of development.

He also advised that the applicant's agent felt that the ground levels in the application site were approximately half a metre lower than some of the levels in the surrounding land and requested that this be brought to Members attention. The Development and Building Control Manger commented that he had since looked at the plans submitted in support of the application in detail and agreed that there is a slight drop in land levels on the application site in comparison to those adjacent.

Due to the number of speakers wishing to address the Committee in relation to this item, the Chairman requested that Standing Orders be suspended in relation to the 10 minute speaking rule for speakers and the speaking time be extended to allow the speakers who were objecting to the application three minutes each to speak in relation to the application. Members were in agreement with this proposal and also agreed that the applicant and his agent be allowed to speak for as long as the objectors had been given.

Councillor Shiell, Mr Smith, Mr Howd, Mr Knight, and Mr Morgan (the objectors) spoke in relation to the application.

Councillor Shiell left the Meeting, once he had spoke in relation to the application.

The Development and Building Control Manager spoke in relation to the issues raised by the objectors and clarified the following points:

In relation to the comments made concerning the stability of the land, the Development and Building Control Manager stated that Page 24 of the Planning Matters Report addressed the issues raised in relation to contamination, vibration and instability of land and advised Members that these issues were not material planning considerations applicable to this permission. He also advised Members that if permission were granted, the applicant would be required to apply for Building Control approval, which would examine any issues in relation to the stability and condition of the land and advised that these issues will be thoroughly assessed before development could proceed on site.

In relation to the comments made regarding the alleged cracks in the Northern Bus Depot wall, the Development and Building Control Manager advised that the Building Control team were actively investigating the issue and stated that there is no definitive proof that the crack has arisen as a result of any work being carried on this site. He therefore advised that the Building Control team had reported that currently there was no known reason to prohibit the development of this site at the present time and informed Members that this issue should be disregarded, as it would not be a material planning consideration for this application.

In relation to the comments made with regards to the site access and the highway safety concerns, the Development and Building Control Manager advised that a high percentage of objections received had been concerned about the access to the site. He informed Members that Durham County Council as a highways authority were satisfied that the widths and alignments of the roads were perfectly acceptable to handle the increased level of traffic. He also advised that as the previous application for a residential home, with a greater number of bedrooms, had not been refused on highway safety grounds then it would be difficult to refuse the current application on these grounds, especially if the application should go to appeal.

In relation to the comments made with regard to the design of the proposal, the Development and Building Control Manager advised that Officers felt the design had improved significantly since the previous applications referenced in the planning history section of the Planning Matters report. He also clarified that the Design Officer at Durham County Council had considered the plans and felt that the proposal would fit comfortably within the context of the surrounding area.

In relation to the comments made regarding the possible increased risk of flooding within the site, the Development and Building Control Manager advised that the site is not a recognised flood plain, as identified in the Environment Agency's flood maps. He informed Members that national planning advice on flood risk (PPS25) advised that a Local Authority should primarily consider flooding issues, if the development is within a known flood zone. This was not the case with this site. He also felt that it was relevant to point out to Members that as this was a previously developed site, there was no reason to believe that the proposed development would significantly increase the risk of flooding within the area.

In relation to the comments made with regards to the impact the development would have on surrounding residents, the Development and Building Control Manager advised of the comments made in relation to the 21-metre rule and how the layout of the proposal fits with the separation standards as laid out in the Local Plan. He advised that these issues were all valid planning considerations and could be taken into account by Members. He informed Members that the application had changed significantly since the outline consent was approved several years ago, as at that time there were no habitable windows in that side elevation. He felt that the residents of Sandringham Court would not experience any degree of overlooking, as there

were no habitable windows in the gable ends facing those properties. However he did agree that Mr Howd's garden would be overlooked to a certain degree, and felt that it would be difficult to establish whether the windows of his property would be overlooked in any material way.

Mr Self (the applicant's agent) and Mr Oates (the applicant) spoke in relation to the application.

In relation to a query raised by Councillor Turner, the Development and Building Control Manager clarified that a mix of two, three and four storey residential and commercial properties surrounded the proposed site.

In relation to comments raised by the Leader, the Development and Building Control Manager advised that the over-looking of a garden area is a material planning consideration and that there have been cases where the Planning Inspectorate have accepted the refusal of applications on these grounds.

He advised that since the proposal for a 104 bedroomed residential care home had been refused earlier in the year, Officers had been able to secure an adequate reduction in the amount of glazing featured in the side elevation that overlooks Mr Howd's property. This has reduced the overbearing impact the proposal will have, making it more difficult to justify the refusal of the application on overlooking grounds.

Councillor Ellis expressed concern in relation to the current road system being unable to cope with the increase in traffic the proposal may bring and felt that the surrounding residents' quality of life would suffer as a result of this. He therefore suggested that an additional access be included in the proposal, which would remove the increase traffic away from the surrounding residents.

The Chairman confirmed that Durham County Council as Highways Authority were happy with the infrastructure proposed for vehicles and felt the roads were adequate for this development.

Councillor Turner sought clarification from the Development and Building Control Manager as to the separation distance between the proposed care home and the surrounding residents' properties.

Councillor Brown commented that he was satisfied with the increased number of parking spaces for the development and that the use of the access at Hopgarth Gardens had been agreed with Durham County Council and the gates on this access would be controlled electronically from the office, within the residential home. He expressed concerns in relation to the height of eaves and ridges in the proposed application and sought clarification from the Development and Building Control Manager as to the difference between the previous design of this development, which the Council had approved in April 2001 and the current application.

Councillor Davidson felt that the main issue Members needed to address would be the overlooking aspect of the development, as this was a material planning consideration, and whether the application should be refused on these grounds.

Councillor Laverick was of the opinion that there was a demand for nursing care of this nature within the community and he felt that the development would of benefit to the area.

Councillor Wilkinson was in agreement with Councillor Davidson's comments in relation to the residents being overlooked and in addition felt that the proposal would also have an overbearing impact on the surrounding residents.

The Development and Building Control Manager clarified the points raised by Councillor Brown in relation to the height of eaves and ridges in the proposed application and advised Members that all measurements in relation to the current planning application and previous applications, as detailed in the table on Page 21 of the Planning Matters Report, were accurate.

Prior to a vote being taken on this proposal the Development and Building Control Manager advised that if Members were minded to refuse the application on the grounds that it would have an overbearing impact on the surrounding residents, then this would be a valid material planning consideration for the refusal of this application, however he stated that refusal on any other grounds would difficult to defend at appeal.

Therefore the proposal to approve the application in line with the Officer's recommendations was carried by Members.

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 plans received 4th and 31st July 2008 including the heads and terms of the submitted undertaking pursuant to Section 106 of the Town And Country Planning Act 1990 unless otherwise agreed 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.

Within three months of the commencement of the development hereby approved or as agreed in writing by the Local Planning Authority a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme. In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.

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 and / or roofs of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policies HP9 and HP17 of the Chester-le-Street District Local Plan.

Extra 5.

The boundary enclosures shall be carried out in accordance with plan 08_018 017 A received 4th July 2008 with the exception of the 2 metre architectural boundary fence of which the length and design shall be agreed in writing with the Local Planning Authority prior to occupation of the development and implemented in accordance with this agreement thereafter, in accordance with policy HP9 of the Chester-le-Street Local Plan.

Extra 6.

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 provision of public art to comply with the aims of Policy BE 2 of the Chester-le-Street Local Plan.

Extra 7.

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) and shall thereafter be maintained for a period of 5 yrs following planting; in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy HP 9 and HP 17; of the Chester-le-Street District Local Plan.

Extra 8.

No operations associated with the construction phase of the development hereby approved shall be carried out outside the hours of;

Monday to Friday - 08:00 to 1800

Saturdays - 0800 to 1300

Sundays - None

Bank Holidays – None

In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen through working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 9.

Prior to works commencing a construction methodology to include all potentially noisy operations and details of plant and heavy equipment shall be submitted to and agreed in writing with the Local Planning Authority and implemented on site in accordance with this agreement for the duration of the building works in order to protect the amenities of local residents and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 10.

No construction related traffic of any kind associated with the development hereby approved, including vehicles transporting materials to and from the site and carrying people involved with the development, shall at any time access the site via the secondary access route shown on the approved plans along Hopgarth Gardens; in order to protect the amenities of local residents and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 11.

No vehicular traffic of any kind associated with the development hereby approved, shall at any time access the site via the secondary access route shown on the approved plans along Hopgarth Gardens, unless associated with heavy goods vehicle deliveries to the premises or the event of an emergency incident in accordance with the letter from Wardhadaway dated 3rd July 2008 and email received 21st July 2008; in order to protect the amenities of local residents and to accord with the aims of Policy HP 9 of the Chester-le-Street Local Plan.

Extra 12.

Within six months of the occupation of the development hereby approved the developer shall submit a Travel Plan to demonstrate proposed measures to reduce the reliance on the use of the private motor car to access the development to the satisfaction of the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the agreed travel plan, unless otherwise first agreed in writing with the Local Planning Authority. To ensure the development meets the aims of sustainable transport and to accord with the aims of policies 2 and 54 of the Regional Spatial Strategy and policies T6 and T15 of the Chester-le-Street Local Plan.”

Councillor J Shiell returned to the Meeting.

(2) Proposal: Erection of conservatory at rear of public house.

**Location: The Dun Cow PH Primrose Hill Bournmoor
Houghton-le-Spring Tyne and Wear DH4 6DY**

Applicant: Mr R. Dale – Reference: 08/00204/FUL

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 Control Manager advised the since the report had been produced the Environmental Health Team had requested the following additional conditions be included in the approval to:

- Prevent live music from being played in the conservatory.
- Ensure that the windows and doors be kept closed, if regulated entertainment is taking place which involves live or recorded music being played.
- Ensure that the doors and windows be kept closed at all times except for access or emergency use.

He proposed to amend extra conditions 4 and 6 of the Officer’s recommendation to include the comments made by the Environmental Health Team. The Development and Building Control Manager also advised that an additional condition had been omitted from the Planning Matters report, which would require that the side elevation of the conservatory, which faces the neighbouring properties be fitted with obscure glazing.

Councillor Davidson commented that he was happy with the additional conditions put forward by Officers and proposed to move the Officer’s recommendation.

In relation to a query raised by Councillor Thompson, the Planning Enforcement Officer advised that the proposed conservatory would replace the marquee, currently used to protect customers whilst dining outside.

The Development and Building Control Manager advised that complaints in relation to the increase in noise from the marquee have been received. Officers hoped that by imposing the additional conditions, as proposed by Environmental Health Team, the complaints would cease.

The Head of Legal and Democratic Services advised Members that they should disregard any comments made in relation to the possible enforcement action-taking place in connection with the marquee, as they were to consider the application without prejudice.

Councillor Davidson therefore proposed to move the Officer's recommendation, which was seconded by Councillor Wilkinson. 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 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 2

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 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 and / or roofs of the building(s) have been submitted to, approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy R19 of the Chester-le-Street District Local Plan.

Extra 4

The proposed conservatory doors and windows shall remain closed at all time except for ingress and egress and in emergencies, in order to protect the residential amenity of neighbouring properties in accordance with the aims of policy R19 of the Chester-le-Street Local Plan.

Extra 5

No regulated entertainment shall be carried out in the hereby approved conservatory at any time unless details of such regulated entertainment (including sound levels) are submitted to and approved in writing with the Local Planning Authority, in order to protect the residential amenity of neighbouring properties in accordance with the aims of policy R19 of the Chester-le-Street Local Plan.

Extra 6

All windows and doors of the hereby approved conservatory shall be kept closed (except in emergencies) when regulated entertainment is being carried out in the main area of the pub, in order to protect the residential amenity of neighbouring properties in accordance with the aims of policy R19 of the Chester-le-Street Local Plan.

Extra 7

Notwithstanding the details shown on the submitted plans, the conservatory glazing panels on the east facing elevation of the hereby approved extension facing Casamor 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 R19 of the Chester-le-Street District Local Plan.”

- (3) Proposal: Erection of single storey extension at side and rear of shop to provide enlarged shop and storage area (amended plans received 14/07/08 and 30/07/08).**

**Location: 14 Primrose Gardens Ouston Chester-le-Street
Durham DH2 1RL**

Applicant: Mr A. Ahmed – Reference: 08/00212/FUL

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

In relation to comments raised by the Leader, the Development and Building Control Manager advised that the applicant may be required to alter their proposal in order to comply with the comments made by the Environmental Health Team and stated that any decisions made by Members, in relation to the application, would not be affected by these changes. He informed Members that the existing proposal could be amended to include a lobby door between the proposed toilets and shop area, as any such internal alterations would not require further planning permission.

Councillor Brown 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 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 14 July 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 2.

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 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 and / or roofs of the building(s) have been submitted to, approved in writing by, the Local Planning Authority in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity and in accordance with the provisions of Policy R16 of the Chester-le-Street District Local Plan."

(4) Proposal: Resubmission of previously withdrawn application 07/00358/FUL, for the proposed erection of first-floor extension above existing ground floor extension at rear.

**Location: Gainford Care Homes 25 Front Street Perkinsville
Chester-le-Street Durham DH2 1QW**

Applicant: Gainford Care Homes – Reference: 08/00243/FUL

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

Councillor Laverick spoke in relation to the application and felt disappointed that no objections had been received from the Highways Department at Durham County Council. He informed Members that he had received several complaints from local residents in relation to vehicles being parked on the footpath outside No. 25 Front Street and he felt that approval of the

application would create further parking problems, as well as safety concerns for both elderly residents and children, living in the area.

Councillor Turner 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

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

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 property 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 IN8 of the Chester-le-Street District Local Plan."

(5) Proposal: Change of use from newsagent to takeaway

Location: 37 Front Street Sacriston Durham DH7 6JS

Applicant: Mrs K. Anand – D.P. News – Reference: 08/00282/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 Control Manager advised the since the report had been produced two additional letters of objection had been received in

relation to the impact the development would have on existing hot food business within the area and also concern that an additional takeaway facility is not required in this area.

In relation to a query raised by the Leader, the Planning Case Officer advised that the structure to the rear of the premises had previously been used for storage, however plans submitted in support of the application proposed that the customer toilets would be located in this area.

The Development and Building Control Manager spoke in relation to comment raised by Councillor Brown and clarified that the proposed extension would not extend as far as the existing extension. He also stated that the applicant would be required to obtain building regulation approval, should the application be approved.

In relation to comments made by Councillor Turner, the Development and Building Control Manager advised that Policy R15 of the Local Plan specifies that new developments for non-retail use would only be permitted, if the current total of non-retail properties in the existing retail centre did not exceed a total of 60 percent. He therefore informed Members that if any future applications for this type of development were submitted and the current circumstances remain unchanged, the application would be eligible for refusal.

The Leader was of the opinion that the application should be approved, as it would be a welcome investment for the area.

The Leader 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 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. 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 to comply with policy R11 (Shop front design) of the Chester-le-Street Local Plan.

Extra 4

Prior to the commencement of the development a detailed report for a scheme of odour suppression and ventilation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed scheme shall be installed prior to the development/use being implemented. The apparatus shall thereafter be operational at all times while the building is in use and shall be maintained in working order to the satisfaction of the Local Planning Authority. To achieve a satisfactory form of development to ensure that occupants of nearby properties are not adversely affected by the development and to comply with policy R19 (Food and Drink) of the Chester-le-Street Local Plan.

Extra 5

Notwithstanding the submitted information, no external roller shutters shall be installed at the premises without prior approval of the Local Planning Authority. To control the external appearance of the building, in the interests of the visual amenity of the Front Street

Extra 6

Notwithstanding the submitted information, no development shall commence until details of external screening to the proposed extraction flue to the rear of the premises has been submitted to and thereafter approved by the Local Planning Authority. To protect the visual amenity of the surrounding area and to comply with policy R11 (Shop front design) of the Chester-le-Street Local Plan.

Extra 7

That premises shall not be open for business outside the hours of 09:00 to 23:30 on any given day, in order to ensure that adjoining properties are not adversely affected by the development and to accord with the aims of Policy R19 of the Chester-le-Street Local Plan.”

(B) Planning General

(1) List of Planning Appeals and Current Status

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 DEMOLITION OF CAR SHOWROOM AND WORKSHOP AND ERECTION OF 10 NO. APARTMENTS AND ASSOCIATED WORK FOR LAND AT JOHNSON'S GARAGE, NEWCASTLE ROAD, CHESTER-LE-STREET, DH3 3TT.

RESOLVED: "That the decision of the Planning Inspectorate to overturn the Council's decision and allow the appeal, be noted."

2.2 SINGLE STOREY EXTENSION TO REAR TO PROVIDE SUN LOUNGE AND ENLARGED DINING AND SITTING ROOM. EXTENSION ABOVE EXISTING GARAGE TO PROVIDE 2 NO. BEDROOMS AT 53 LONGDEAN PARK, CHESTER-LE-STREET, DURHAM, DH3 4DG.

RESOLVED: "That the decision of the Planning Inspectorate to overturn the Council's decision and allow the appeal, be noted."

(3) Development Control Performance Update for Quarter One 2008/09

Consideration was given to a detailed update on the Development Control Team's performance during the first quarter of 2008/09.

The Development and Building Control Manager spoke in relation to the report and advised Members of the improvement in the performance, as a result of the team being fully staffed for most of the first quarter.

Both the Chairman and the Leader congratulated the Planning team on their performance.

RESOLVED: "That the contents of the report be noted."

18. EXCLUSION OF PUBLIC AND PRESS. TO RESOLVE:-

RESOLVED: "That under Section 100(A) of the Local Government Act 1972, the Public and Press be excluded from the meeting for the following item of business on the grounds it involves the likely disclosure of exempt information

as defined in paragraphs 6(a), 6(b) and 7 of Part 1 of Schedule 12A of the Act.”

19. Planning Enforcement Performance Update

Consideration was given to a report to provide Members with a comprehensive and detailed update on the planning enforcement discipline within the Authority.

The Development and Building Control Manager spoke in relation to the report and advised Members that performance had improved since the team became fully staffed last year. He advised that if Members did have queries in relation to planning enforcement or any other issues in the report they should contact David Chong, the Enforcement Officer.

RESOLVED: “That the contents of the report be noted.”

The meeting terminated at 8.12 pm