

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, 8 September 2008 at 6.00 pm.

PRESENT:

Councillor Ralph Harrison (Chairman)

Councillors:

T J Smith	M D May
L E W Brown	P B Nathan
G K Davidson	M Sekowski
L Ebbatson	J Shiell
M Gollan	D Thompson
D M Holding	S C L Westrip
A Humes	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), S Pilkington (Planning Officer), J Taylor (Senior Planning Officer), L Morina (Planning Assistant) and D Humble (Democratic Services Assistant)

(It was noted that Councillor L Armstrong was present in a non-voting capacity)

Also in Attendance: There were 46 members of the public in attendance.

20. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors J W Barrett, P Ellis, A Turner, G Armstrong, S Barr, M Potts, K Potts, D L Robson, T H Harland and P H May.

21. MINUTES OF MEETING HELD 11 AUGUST 2008

RESOLVED: "That the Minutes of the proceedings of the Meeting of the Committee held 11 August 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.

22. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

Councillor Humes declared a personal and prejudicial interest in Item 4 in the report as a family member was part of the residents committee opposing this Item. He advised that he would be leaving the meeting whilst this item was considered.

Councillor M May referred to Item 5 in the report and advised that she had attended the residents association meeting but had remained impartial. It was noted that she was therefore allowed to take part in considering this item.

Councillor M Gollan referred to Item 4 and advised that the applicant had approached residents where he lived including his wife in relation to this Item however no comments had been passed in relation to the proposal, he had also been approached by an objector but had remained impartial. It was noted that he would therefore be allowed to take part in considering this item.

Councillors P Nathan, D Holding and S Westrip advised that they had attended previous Meetings in relation to Item Nos. 2 and 3 in the report, however they had remained impartial. It was noted that they would therefore be allowed to take part in considering this item.

23. CONFIRMATION OF SPEAKERS

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

24. 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

Proposal: Erection of 1 no detached dwelling

Location: Land to rear of 9-12 Station Road / 4.-7 Woodside, Beamish

Applicant: G Mitchenson – reference: 08/00170/FUL

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

He advised that since the report had been published he had received a petition from 41 residents objecting to the application and requesting that the land be offered back to the residents at Beamish so that it could be converted back into a communal green as it was originally intended.

It was proposed by Councillor Westrip and seconded by Councillor Davidson that Standing Orders in relation to public speaking be suspended for this Item to allow the speakers four minutes each to speak on the application.

Mr Wilson, Mr Valentine and Mrs Whittaker the objectors spoke in relation to the application.

The Development and Building Control Manager responded to the comments made by the speakers as follows:

In relation to the legal dispute of land ownership he advised that this civil matter to be resolved through the courts. He advised that the land was not within the Green Belt and that he was fully satisfied that by virtue of the fact that there had been a number of garages on that site it did fall within the definition of Brownfield land.

In relation to traffic issues he drew Members attention to the fact that Durham County Council as Highways Authority had not objected to the application on the grounds that the site had historically been used for garaging and in his view the additional traffic would be likely to be insignificant and any existing problems with delivery access would not be likely to be worsened by the proposals.

In relation to the blocking out of light he felt that the setting down of the development and the existence of the stonewall seen earlier on photographs did make the development acceptable.

Councillor Smith expressed concern on the surface water discharge and queried whether there would be any provision for drainage. It was noted that Northumbrian Water had not raised any objections at the consultation stage however the Development and Building Control manger felt that this was a valid point and suggested that an extra condition be added to require the applicant to submit and agree a scheme for dealing with the surface run off from this site.

Members raised a number of queries and comments in relation to the following issues:

- Keeping the passing bay clear
- Access to the proposal
- Overlooking issues
- Parking problems / blocking of access roads
- Highway issues/ lane being too narrow
- The Midden
- Inconsistency with previous application

The Development and Building Control Manager advised that in relation to the concerns raised on keeping the passing bay clear he suggested that an extra condition be added to the recommendation that the parking bay be left free of

traffic unless the Highway Authority adopt it to ensure that this was kept free of obstruction.

The Planning Officer clarified that the velux windows would not be facing onto residential properties and in his opinion there would be no overlooking issues for residents.

In relation to the concerns expressed in relation to the midden and highway issues he advised that Extra Condition 7 in the recommendations would control the hours of construction on site to protect the amenities of existing residents and that the midden was a civil matter. If there were problems of the blocking of access roads then the police would have powers to move on vehicles obstructing access.

With regard to the issue raised by Councillor Nathan on the inconsistency with a previous application that had been refused he confirmed that this had been for two dwellings and that this proposal was for only one dwelling and including provision of a passing bay.

It was proposed by Councillor M May and seconded by Councillor Laverick that the application be approved subject the extra conditions to require the applicant to submit a scheme for dealing with the surface discharge off the site and subject to the condition to require the passing bay to be kept free of obstruction by the applicant if it transpires that the County Council as Highways Authority are not going to adopt it.

This proposal was agreed by Members.

RESOLVED: "That the recommendation of the Development and Building Control Manager for approval in respect of the application be agreed subject 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 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 Policy HP9 of the Chester-le-Street District Local Plan.

Extra 4.

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 and to comply with Policy HP9 of the Chester-le-Street District Local Plan.

Extra 5.

No development, including demolition of buildings and structures, site clearance, engineering operations and construction shall commence until detailed drawings showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those (if any) neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed entirely in accordance with these approved details. To ensure the existing ground and landscape conditions are protected from undue disturbance and to safeguard the amenity of neighbouring occupiers and to comply with Policy HP9 of the Chester-le-Street District Local Plan.

Extra 6.

Notwithstanding the details shown on the submitted drawings no development shall commence until revised drawings showing an increased width and altered design of the passing area have been submitted to and agreed in writing by the Local Planning PLANNING COMMITTEE 8 September 2008 Authority, in order to maintain highway safety and to comply with Policy T15 of the Chester-le-Street District Local Plan.

Extra 7.

Notwithstanding the submitted information, site works (including deliveries and temporary site generators) shall only be carried out during the following hours:

- Monday - Friday (08:00 to 18:00 hours)
- Saturday (09:00 to 14:00 hours)

In order to safeguard the amenity of neighbouring occupiers and to comply with Policy HP9 of the Chester-le-Street District 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.

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) 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 10.

Notwithstanding the submitted information the proposed passing bay area shall not be used for the parking of vehicles associated with the proposed dwelling at any time. To ensure the safe passage and movement of vehicles of the public highway and to comply with the aims of policy T15 of the Chester-le-Street Local Plan.

Extra 11.

Prior to the commencement of development a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be installed on site prior to the occupation of the dwelling hereby approved. In the interests of ensuring the adequate disposal of surface water and prevention of flooding and to comply with Planning policy Statement 25 and Policy 24 of the Regional Spatial Strategy.

(B) District Matters Recommended Approval - Deferred

(2) Proposal: Proposed erection of 14 no. houses with associated access road, driveways and landscaping

Location: West Farm, Waldrige Lane, Chester-le-Street

Applicant: Mr T McGiven – Reference 08/00227/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 since the report had been produced a document had been received from one of leading objectors on the following issues:

- The development would increase vehicular traffic both at the construction and the operational phase that would detract from the appearance of Waldrige Lane.
- The vehicular movement along Waldrige Lane combined with a lack of footpaths would result in the creation of a traffic hazard to pedestrians using the lane.
- Concerns on the poor horizontal and vertical alignment of the carriageway on Waldrige Lane that it is unsuitable for residential access.
- Concerns that the development would intensify and increase the number of vehicular movements taking place at the junctions at Waldrige Lane with Whitehill Way and also Waldrige Lane with Waldrige Road.
- The objectors wish to reaffirm their view that because of the poor visibility and alignment of the carriageway that this will lead to an increased traffic hazard on local roads.
- The objectors wish to reaffirm that there is no Highway evidence to substantiate that Waldrige Lane is suitable for ten residential dwellings.
- They feel that the previous granted outline consent does not set a precedent for the use of the lane for use of construction traffic into this site as well as the Waldrige Lane site.
- The objectors raise the concern that the occupants of Dovecote Farm were not consulted at the time of the original outline consent in 2002 nor the renewal of that consent in 2005.

Mr Stanley an objector spoke in relation to the application.

Ms Turner one of the speakers expressed her concerns in relation to the planning protocol for distributing information to Members and formally requested that the proceedings to consider the application be adjourned to allow full consideration of the objections, which she felt was not accurately reflected or addressed within the report. She advised that she would be contacting the Ombudsman to take her complaint further.

The Development and Building Control Manager advised that these were not material planning considerations and if the objector wished to take the matter further this could be done by through the Council's complaints procedure and if satisfaction was not found it would then be referred to the Local Government Ombudsman.

He advised that procedures were changed at Planning Committee in July 2008 to prevent people being allowed to hand out material. He asked the Head of Legal and Democratic Services to clarify that there was no requirement in Local Government Law for people looking to make representations to have the right to hand out full disclosure of their case.

The Development and Building Control Manager advised that what was important through cases that had been heard through Local Government Ombudsman and judicial review into local authorities planning decisions was

that the written report that Members consider does contain an appraisal of all the relevant facts and that he was entirely satisfied that all the issues raised by the objectors to this application were thoroughly assessed in the Committee report. As such he saw no grounds for deferral of the item.

The Head of Legal and Democratic Services clarified that the key was to ensure that there was fairness in hearing applications and that was one reason why the Council reviewed its procedure in July. He advised that it was essential that Members were giving information and representations made by the appropriate deadline and thereafter that one party or the other is not seen to give additional information which the other party has not had time to review and look at. He stated that there had to be a cut off time and the Council by adopting its protocol had decided what that cut off time should be.

Ms Turner then spoke in relation to the application.

Councillor Humes referred to the point raised by the speakers that there were two applications to be considered and queried why these applications had not been considered as one with a total of 24 houses.

The Development and Building Control Manager explained that the landowner, consultant and architect was the same for both developments however the applicant on the advice of his planning consultant, had submitted two separate applications. He advised that as outline consent had been previously granted and renewed in 2005 to allow 10 dwellings to be served at West Farm the two applications had been allowed and he was satisfied that the process to split the application site was legally acceptable.

Councillor Ebbatson advised that it important for Members to note that it was a material consideration when two applications were put in for adjacent sites by the same developer and the same architect. She sought clarifications on the access to the site for residents, which was confirmed as being at Heathfields, and for construction traffic, which would be at Waldridge Lane.

Members raised concern that the applicant had split the applications so to avoid affordable housing requirements. The Development and Building Control Manager explained that the outline application that had been granted for ten dwellings in 2002 and renewed in 2005 and had no affordable housing requirement attached to this outline permission. As a result of that he advised that there was no legal standing to insist on affordable housing requirements for this overall site because the only element of the overall site which is a full application which allows to look at all the material considerations again is the application for 14 dwellings and the relevant policy on provision of affordable housing in local plan only applies to developments of 15 or more.

Councillor Ebbatson asked for clarification on whether the fact that the sites were owned by the same individual/developer in this planning application was a material consideration. The Development and Building Control Manager responded that it was a material consideration but that had to be balanced

against the fact that outline planning permission had already been given for one of the sites.

Members raised comments and expressed their concerns in relation to the following issues:

- The lack of lighting and footpath provision
- Poor pedestrian access
- Suitability of the road for traffic and pedestrians
- Encouraging the sustainability of the developing relating to access other than by car.
- Inconsistency of Highway advice
- Risk of anti-social behaviour to the area

The Development and Building Control Manager advised of the need to take into account the fact that outline planning permission had been granted for the 10 dwellings twice without objections from Durham County Council Highways Authority.

Councillor Westrip referred to a previous public access point from Waldrige Lane into the Poppyfields estate, which was subsequently closed up under Section 17 of the Crime and Disorder Act because of difficulties around anti-social behaviour and expressed concerns on opening up a secure housing estate.

In relation to the points raised by Councillor Westrip on the footpath issue the Development and Building Control Manager clarified that the potential for Crime and Disorder or anti-social behaviour in any locality was a key material planning consideration and that Extra conditions 13 was designed to mitigate against that. He felt it was relevant to note that although the police had commented on this application they had not lodged a formal objection on the footpath issue. He also reminded Members that one of the reasons for refusal of the earlier application in April this year was on the grounds on no footpath being provided.

A number of Members felt that the Waldrige Lane area should be protected as a natural environment and that the biodiversity and conservation in the area needed to be taken into account.

Members discussed reasons for rejecting the scheme including the affordable housing provision, no footpath or lighting provision/ lack of pedestrian provision, inconsistency with other areas and potential crime and disorder.

The Development and Building Control Manager advised that if the application was refused on the grounds suggested that he would find it extremely difficult to defend this at public enquiry and that there may be significant cost implications which was reaffirmed by the Head of Legal and Democratic Services.

The Head of Legal and Democratic Services advised that he had listened to the debate and to the various matters of concern in relation to inconsistency on Highways Authority treats access to footways. He felt that there was confusion due to lack of information regarding Highways and maybe a possibility that they may decide it appropriate to defer to get further clarification on the highways issue.

Councillor Davidson proposed this application be deferred so that further information could be sought from Highways to enable a decision to be taken on this proposal, which was seconded by Councillor Ebbatson.

Councillor Westrip requested that a detailed response should be sought from the police as to why they had no objections to this proposal and to comment on why an opening in the estate had been closed in previous years. He also requested a full report from the Highways Authority as to issues associated with the use of Waldridge Lane including the lack of street lights and footpaths.

The Development and Building Control Manager advised that all things considered and following the advice from the Head of Legal and Democratic Services that a deferral would be an appropriate course of action and confirmed that he would write to the relevant authorities to request information on behalf of Members. He also proposed that the Highways Officer and Police Liaison Officer be invited along to any future Committee at which this matter is debated to answer any questions arising.

The proposal to defer this application pending further information was agreed.

RESOLVED: "That this item be deferred pending further information from Durham County Council Highways and the police."

At this point Councillor A Humes declared a personal and prejudicial interest in the following Item and left the meeting at 8.10pm.

- (3) **Proposal:** **Reserved matters application for the access, appearance, landscaping and scale for the erection of 10 no residential dwellings, pursuant to application 05/00440/REN**
- Location:** **West Farm, Waldridge Lane, Waldridge**
- Applicant:** **Mr T McGiven – Holmside Construction – reference 08/00228/REM**

RESOLVED: "That this item be deferred pending further information from Durham County Council Highways Authority and the Police."

(C) District Matters Recommended Approval

(4) Proposal: Proposed change of use from dwelling to restaurant incorporating a two-storey side extension and a single storey rear extension

Location: Mayville, Picktree Lane, Chester-le-Street

Applicant: Mr N U Khan – Reference: 08/00314/COU

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 a consultation response had been recently received from the Police offering no objections to the Development in terms of impact on Crime and Anti-Social behaviour within the area, however the Police have raised concerns that as there were parking restrictions in the form of double yellow lines at the front that this might lead to Highway Safety issues.

Since the report had been published the applicant had submitted 316 letters of support to the scheme, however a lot of those letters were from people who did not live within the catchment area. He stated however that when acknowledgement letters had been sent out to the 316 addresses he had received 14 telephone calls from people claiming that they did not sign such a letter and requested that those letters of support to be removed from the file.

Additional letters had also been received which included one from the Greenbank Social Club expressing concerns on their rights of access to their existing property, however he pointed out that these were civil matters.

He advised that there was now a total of 19 objections and 274 letters of support.

County Councillor Mrs Bainbridge the objector spoke in relation to the application.

The Development and Building Control Manager responded to the issues raised by Councillor Bainbridge and clarified that quite a number of letters of support were indeed from people outside of the local area, however there was clearly no control to prevent people deciding to submit those representations.

He advised that each objection had to be taken on its merits. In relation to the Town Centre issue he advised that although the relevant policy in the Local Plan does encourage the location of A3 uses in the secondary shopping frontage it does not preclude development outside of it if it is acceptable on its individual merits.

He felt that because the proposal was within a commercial background and that the environmental health team were satisfied that a combination of the commercial surroundings and that an odour extraction scheme could be installed he was satisfied that the application should be recommended for approval.

Mr Cook the applicant's architect spoke in relation to the application.

The Development and Building Control Manager spoke in response to the comments made by Mr Cook and advised that the issue of the contract for the condition to require the maintenance of the extract machinery would be covered by extra condition 4 on page 73 of the report.

Councillor Smith the Local Member of this area advised of existing parking problems for the residents in this area and expressed concerns that this development would only exacerbate parking problems for these residents.

Councillor Brown also expressed concerns in relation to the parking problems experienced by the residents and advised that because of this he did not support this application.

In response to these issues the Development and Building Control Manager acknowledged that there was no on site parking proposed, however as the site was located immediately adjacent to the town centre, in a highly sustainable location, that it would be difficult to resist the proposals on these grounds.

Councillor Nathan advised that he was in support of this application as he felt that this could be an asset to the Town and proposed that the application be approved which was seconded by Councillor Laverick.

It was agreed to approve the Officer's recommendation of conditional approval.

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 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 19 of the Chester-le-Street District 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.

The external doors and windows of the restaurant hereby approved shall remain closed (except in and for emergencies and access) as the times the development is in use unless otherwise agreed in writing, 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.

That premises shall not be open for business outside the hours of 10:00 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.

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) in the interests of visual amenity, the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy R19 of the Chester-le-Street District Local Plan.

Extra 8.

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.

(5) Proposal: Erection of various illuminated and non-illuminated signs

Location: GMD Car Sales, Osborne Road, Chester-le-Street

Applicant: GMD Car Sales – Reference 08/00328/ADV

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

He advised that this was a resubmission of application 08/00247, which was withdrawn in July 2008, and that the principal difference between this application and the withdrawn one was the height of these totem signs, where there had been a significant reduction on this proposal compared to the earlier application.

The Development and Building Control Manager advised that since the report had been produced there had been an additional three letters of objection received in relation to the following issues:

- Signs A and B are considered excessive in a commercial and residential area.
- The objectors feel that GMD already have an enormous area of high level fascia signs and they consider that the location of the garage is well known in the area and therefore query the need for additional adverts.
- Concerns on the impact the signage will have on adjacent residents noting the Terrace housing to the South of the site.
- The signage will be a distraction to motorists, which will affect safety issues including for pedestrians.

Mr Briggs the objector spoke in relation to the application.

The Development and Building Control Manager spoke in response to the comments raised by Mr Briggs and confirmed that the application site for the signs was not in the boundary of the conservation area although it was adjacent to it.

He referred to the comment made on unauthorized advertisements and breach of the time limit conditions in the recent past and confirmed that the Enforcement Officer had investigated allegations of breaches of planning control and letters and meetings had been held with the owners of the garage

to address these issues, however this could not be taken into account in the consideration of this application which needs to be assessed in its own merits.

Mr Coxon the applicant spoke in relation to the application.

In response to a query from Councillor May on whether the totem signs were illuminated the applicant advised that these signs were not to be illuminated.

The Development and Building Control Manager advised that notwithstanding what the applicant was saying the plans did show them to be illuminated. However he felt the level of illumination proposed was appropriate for the locality.

Councillor May expressed concern that although it was not within a conservation area there were houses nearby and whether two signs were necessary.

The Development and Building Control Manager advised that the totem signs were set well back and in his view because of the amount of cars parked outside there would be very little visibility. He referred to Extra Condition 8 which relates to the times that the signs the illumination is allowed to be displayed which would restrict them being on at night.

Councillor Westrip referred to the photographs of the proposal, which showed that the Ford signs as being already erected and whether this meant this was a retrospective application. He felt that if the applicant was offering for these not to be illuminated then we should accept this.

The Development and Building Control Manager confirmed that the fascia signs had recently appeared to be erected, however he responded that these were just replacement fascias for the previous ones.

With respect to the illumination he advised that the applicant had made the offer to accept the condition not to illuminate the signs however his advice was not to put on this condition as he felt the proposal was acceptable even if there was a level of illumination on the signs. He advised that Central Government Planning advice was that Local Planning Authority should not accept a condition that is not necessary just because an applicant might have offered it up.

Councillor Davidson proposed to accept the Officer's recommendation of conditional approval, which was seconded by Councillor Holding.

This proposal 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 consent to display the advertisements hereby permitted is limited for a period of five years from the date of this permission. To meet the requirements of the Town and Country Planning Act 1990 and to comply with PPG19 (Outdoor Planning Control) and Schedule 2 of circular 03/2007.

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 the 14th August 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.

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Extra 4.

No advertisement shall be sited or displayed so as to—

- (a) endanger persons using any highway,
- (b) obscure, or hinder the ready interpretation of, any traffic sign, or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Extra 5.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Extra 6.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Extra 7.

Notwithstanding the submitted information the luminance of the signage hereby permitted shall not exceed 600 cd/m unless otherwise agreeing in writing with the Local Planning Authority. In the interest of residential amenity and to satisfy the requirements of national Planning Policy Guidance Note 19.

Extra 8.

Notwithstanding the submitted information the signage hereby approved shall not be illuminated outside the hours 7am-10pm unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interest of residential amenity and to satisfy the requirements of national Planning Policy Guidance Note 19.

Extra 9.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(6) Proposal: Erection of first floor extension at side of dwelling

above existing garage, conversion of garage to habitable room and construction of pitched roof over existing flat roof at front of dwelling (amended description 14.8.08)

Location: 41 Elmway, Chester-le-Street

Applicant: Mr M Briscoe – reference 08/00342/FUL

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

Councillor Thompson proposed to accept the Officer's recommendation of conditional approval, which was seconded by Councillor Holding.

This proposal was agreed 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 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, no additional doors or windows should be added to the south facing elevation of the hereby approved extension facing no. 43 Elmway 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.

Extra 5.

The existing hard standing at the front of the property shall remain in existence with the ability to accommodate two car parking spaces for so long as the development hereby approved remains in existence unless details of an alternative scheme are submitted to and approved in writing by the Local Planning Authority in order to ensure adequate off-street parking is maintained in the interests of highway safety in accordance with policy T15 of the Chester-le-Street Local Plan.

The meeting terminated at 9.06 pm