

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber - County Hall, Durham on **Thursday 26 April 2018 at 1.00 pm**

Present:

Councillor I Jewell (Chairman)

Members of the Committee:

Councillors A Bainbridge, D Bell, M McKeon, O Milburn, A Shield, J Shuttleworth, A Simpson, L Taylor, K Thompson, S Wilson (Vice-Chairman) and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillors A Hopgood, M McGaun and J Robinson.

2 Substitute Members

Councillor A Simpson substituted for Councillor A Hopgood.

3 Minutes

The Minutes of the meeting held on 29 March 2018 were agreed as a correct record and were signed by the Chairman.

4 Declarations of Interest

There were no declarations of interest.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/17/03945/FPA - The Wicket Gate, 193 Front Street, Chester-le-Street

The Committee considered a report of the Planning Officer regarding an application for the provision of a beer garden at The Wicket Gate, 193 Front Street, Chester-le-Street (for copy see file of Minutes).

The Planning Officer gave a detailed presentation on the application which included photographs of the site and plans of the proposed layout.

Members were informed that the application had been amended to remove the proposal for replacement windows in the front façade and therefore condition 5 was no longer required.

Mr D Briggs addressed the Committee on behalf of Chester-le-Street Central Residents Association and noted that most of the concerns by residents had been addressed by the Applicant. However residents sought an assurance that the beer garden would be cleared by 21.00, and requested a written agreement that management would arrange for staff to ensure that this happened. He was concerned that a verbal agreement may be ignored.

Residents were also concerned about anti-social behaviour problems in the area, and people urinating in the streets outside their properties in particular. Six months ago the Police had issued 7 Fixed Penalty Notices to customers of the premises who at the time had advised that there were not enough facilities provided in the pub. This problem would be exacerbated by an increase in the number of customers.

Mr Grundy the Applicant's Agent addressed the Committee and stated that the beer garden would be screened from Adelaide Street by the garage and to the front by the building itself. As had been said the application had been amended to remove the proposal for replacement windows to the front which should address residents' concerns about the potential for noise on Front Street, obstruction on the highway and distraction to passing motorists. The hours of opening of the beer garden had been limited to between 09.00 and 21.00, CCTV was installed in all internal and external areas and staff would carry out regular checks of the beer garden. Signs asking residents to respect neighbours would be erected, and the Manager would address any complaints quickly and effectively, reporting to the Regional Manager if necessary.

With regard to toilet facilities, ladies toilets would be increased from 7 to 11 cubicles but the gents toilet already complied with Building Regulations for the proposed occupancy. He was concerned that there were incidents of customers urinating outside and he would raise this with the management with a view to this being policed by the premises.

The Planning Officer responded to the comments made and advised that the provision of toilet facilities was subject to Buildings Regulations approval. With regard to the concerns about the beer garden being cleared by 21.00, this was addressed in Condition 3 which stated that it should not be used between the hours of 21.00 and 09.00. The Solicitor explained that the request for a written agreement was a site management issue and not a consideration for the Planning Committee.

Councillor Wilson made the point that any complaint of a breach of the condition relating to the opening hours of the beer garden would be considered by Planning Enforcement.

In response to a question from Councillor Bainbridge about noise, Planning Officers considered that the closure of the beer garden at 21.00 would limit any potential for noise nuisance in the area. Adelaide Street was located in a busy area in the town

and would already experience a reasonable amount of noise at this time of night, however any complaints would be dealt with by both Planning Enforcement and Environmental Health.

Following a further question from Councillor Bainbridge about fire exits, the Member was informed that the Fire Authority was satisfied with the number provided, subject to Building Regulations approval. Mr Grundy explained the location of the fire exits in relation to the beer garden.

Councillor McKeon referred to the problems of urinating in the streets and was advised that this constituted anti-social behaviour. This was not an issue for Environmental Health but the Council and the Police had Teams who dealt with such matters.

Councillor Shield referred to condition 6 regarding the glass balustrade and noted that a minimum height of 2 metres was required but that a maximum height was not specified. The Member asked if the balustrade would be reinforced safety glass and if opaque glass could be included in the condition to improve and enhance residential amenity. He considered that stains would not be visible on opaque glass, which would enhance the appearance of the beer garden.

The Planning Officer advised that a minimum height of 2m was required to prevent customers leaning on the balustrade to speak to other customers below in the smoking area and potentially creating a disturbance. She confirmed that the balustrade would be safety glass but the area was already very well-screened from residential properties. Councillor Jewell added that as the beer garden was located above the smoking area opaque glass may also help to protect the modesty of customers.

The views of the Agent were sought on this. Mr Grundy advised that clear glass was preferred as the beer garden would be very well-screened and should not impact upon residents, however he confirmed that opaque glass could be used if required by condition.

Councillor Shields **MOVED** that the application be approved subject to condition 6 being amended to include the requirement for the balustrade to be of opaque glazing. The motion was **SECONDED** by Councillor Wilson.

Following a vote being taken it was **RESOLVED**:

That the application be **APPROVED** subject to the conditions outlined in the report and to the following:-

- (i) condition 5 being removed;
- (ii) condition 6 being amended to read as follows:-

‘The glass balustrade to the rear shall be no lower than 2m in height and shall be of opaque glazing’.

6 Appeal Update

The Committee considered a report of the Principal Planning Officer which provided details of an appeal considered by the Planning Inspectorate regarding the refusal of permission for the felling of one oak tree covered by Tree Preservation Order 66 at 27 Lintzford Road, Hamsterley Mill (DM/17/02328/TPO) (for copy see file of Minutes).

Members were informed that the Inspector had allowed the appeal.

In response to a question from Councillor Shield regarding the reasons for the Inspector's decision which was on the grounds of child safety, the Principal Planning Officer advised that the weight the Inspector had given to this would be useful in the determination of other similar cases in future.

Resolved:

That the content of the report be noted.

7 Planning Development Management Performance Summary 2017/18 - Report of the Planning Development Manager

The Committee considered the Planning Development Management Performance Summary for 2017/2018 (for copy see file of Minutes).

In discussing the report, Councillor McKeon asked for clarification of the categories of priority given to planning enforcement cases. Councillor Shield was pleased to note the performance results against other Authorities, and asked that the number of applications be presented alongside percentages in future reports. Councillor Wilson referred to the number of appeals and asked what percentage this represented of the total of all applications determined. The Principal Planning Officer agreed to e-mail the information requested to Members, together with a link to the Planning Enforcement page on the Council's website.

Members were informed that the report would be submitted to each of the Council's Area Planning Committees and the County Planning Committee.

Resolved:

That the content of the report be noted.