

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL & EAST DURHAM)

AT A MEETING of the **AREA PLANNING COMMITTEE (CENTRAL & EAST DURHAM)**
held at County Hall, Durham on **Tuesday 1 June 2010**

PRESENT

COUNCILLOR C WALKER in the Chair

Members

Councillors J Bailey, A Bell, J Blakey, G Bleasdale, P Charlton, D Freeman, S Iveson, J Moran, M Plews and B Wilson.

Apologies for absence were received from Councillors J Brown and K Thompson.

Members and Officers stood in silence in memory of Councillor R Rodgers who sadly passed away at the weekend.

A1 Minutes

The Minutes of the meeting held on 11 May 2010 were confirmed as a correct record by the committee and signed by the Chair.

A2 Declarations of Interest

Councillors G Bleasdale and C Walker declared a prejudicial interest in Application PLAN/2008/0685 having previously considered the application as Members of the former Easington District Council and withdrew from the Meeting during consideration thereof.

A3 Applications to be determined by the Area Planning Committee (Central & East Durham)

- (a) 4/10/094/FPA – Peters Cathedral Bakers Ltd, 15 Cheveley Park Shopping Centre, Belmont, Durham, DH1 2AA
Erection of Extension to Side of Existing Retail Unit and Erection of Replacement Access Stairway at Rear**

Consideration was given to the report of the Development Control Manager (Durham City Area Office) which recommended the application for approval. The Development Control Manager explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

Mr A Croston on behalf of Janet Dixon Town Planners Ltd who were objecting to the application indicated that Government advice was relevant as advice in Safer Places indicated that new development should conform to secured by design principles. The proposed new access to the flats would be via the service yard which would not be safe. Section 17 of the Crime and Disorder Act 1998 required the local authority to consult with the Police Architectural Liaison Officers and Crime Prevention Officers and he did not think

that this consultation had taken place. He also indicated that there was no demand for an additional shop and that this application was different to the application that went to appeal.

Mrs Sundavadra an objector indicated that she had been operating the Spar store for the past 7 years. She indicated that the current units had been refurnished last year and there was still one unit vacant and that two units had been converted to residential properties. The current stairway already attracted anti-social issues in the rear area. The proposed extension would also obstruct the rear access to her store which already suffered access problems. She asked that the application be refused.

The Development Control Manager indicated that advice from the Police Architectural Liaison Officer and Crime Prevention Officer had been taken on board and there were insufficient grounds for refusal. The appeal was a different proposal but the approval was still active and could still be implemented.

Councillor Blakey asked if a condition could be added to improve the lighting. The Development Control Manager indicated that an extra condition could be included.

Councillor Bell sought clarification on where the new staircase would be located. The Development Control Manager indicated that access to the flats would be in the same position to the rear of the building but it would be a staircase arrangement instead of the ramp.

Councillor Bell also asked for additional lighting to enable the safe use of the staircase. The Development Control Manager indicated that this would be included in the conditions.

Resolved: That the application be **APPROVED** subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling, fascias, columns, stairs and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
3. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority. Plan Reference No. 80921/G2/GA-101A, 81021/G2/EL-02A, 81021/G2/GA-104, 81021/G2.
4. Notwithstanding the information shown on the submitted plans details of a scheme of external lighting, for all elevations of the shop unit, including in particular the stairwell access to the flats at the rear of the building and the main entrance to the front, must be submitted to, and approved in writing by the Local Planning Authority before development commences, said scheme being thereafter implemented in full accordance with that approval and brought into operation before the shop unit begins trading. The submitted scheme must include details of the type, position and level of illumination of the proposed lighting units.

**(b) 4/10/00170/FPA – Former Sports Ground South East of Durham City Football Ground, Belmont Industrial Estate, Belmont, Durham
Application Seeking New Planning Permission to Replace Extant Permission 4/07/00451 (Office Development to Include Electricity Substation, Associated Retail Unit, Car Parking and Landscaping) in Order to Extend Time Period for Implementation**

Consideration was given to the report of the Development Control Manager (Durham City Area Office) which recommended the application for approval. The Development Control Manager explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

Resolved: That the application be **APPROVED** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. The development hereby approved shall be carried out only in accordance with the followed approved plans, specifications and conditions hereby imposed:

7877/02B Proposed Site Layout
7877/03C Units 1 and 2 Proposed Floor Plans and Elevations
7877/04C Units 3 – 7 Proposed Floor Plans and Elevations
7877/05C Units 8 – 9 Proposed Floor Plans and Elevations
7877/06C Units 10 – 12 Proposed Floor Plans and Elevations
7877/07C Unit 13 Proposed Ground and First Floor Plan
7877/08D Unit 13 Proposed Elevations and Second Floor Plan
7877/09D Unit 13 Proposed Elevations
7877/10D Unit 14 Proposed Floor Plans and Elevations
7877/11C Unit 15 Proposed Ground and First Floor Plan
7877/12D Unit 15 Proposed Second Floor Plan and Elevations
7877/13D Unit 15 Proposed Elevations
7877/14C Unit 16 Proposed Ground Floor and First Floor Plan
7877/15C Unit 16 Proposed Elevations and Second Floor Plan
7877/16C Unit 16 Proposed Elevations
7877/17D Unit 17D Proposed Floor Plans and Elevations
7877/18D Unit 18D Proposed Landscaping Layout
7877/19 Proposed Substation, Floor Plan and Elevations
7877/20 Proposed Refuse Bay, Floor Plan and Elevations

Submitted 26 April 2007

3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
4. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.

5. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
6. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied.
7. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.
8. There shall be no storage in the open of goods, materials, equipment or waste materials, except in areas to be approved in writing by the Local Planning Authority.
9. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.
10. Refuse storage details, including elevations and materials, shall be agreed in writing with the Local Planning Authority then implemented in full accordance with that agreement prior to the occupation of any building.
11. Prior to their construction, full details of all fire escapes, including design, materials, and colours shall be agreed in writing with the Local Planning Authority. Subsequently they shall be built in full accordance with that agreement.
12. Prior to commencement of development works on the site, details of improvements to the A1(M) / A690 junction, as illustrated in principle on RPS drawing TR03 (Proposed interim layout of grade separated junction 07/07), shall be submitted to and approved in writing by the local planning authority. The improvements shall include the provision of MOVA control on all traffic signals (both existing and proposed). The proposed works shall be subject to a Stage 1 (preliminary design) and a Stage 2 (detailed design) Road Safety Audit. The Audits shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency.

13. Prior to first use or occupation of any part of the development, the required improvements to the A1(M) / A690 junction (as set out in Condition 1) shall be completed to the satisfaction of the local planning authority. This would need to be procured via a Section 278 Agreement with the Highways Agency and would require a Stage 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency.
14. Stage 4 (monitoring) Road Safety Audits shall be carried out using 12 months and 36 months of accident data from the time the improvements works (As set out in Conditions 1 and 2) become operational. The Audits shall be carried out in accordance with DMRB HD 19/03 and shall be submitted to and approved in writing by the Local Planning Authority and Highways Agency.
15. Prior to first use or occupation of any part of the development, the required infrastructure improvements (as set out in the Travel Plan document Addendum 2, Issue 2, 13/07/07 prepared by RPS) shall be completed to the satisfaction of the Local Planning Authority.
16. Prior to first use or occupation of any part of the development, a Travel Plan Co-ordinator shall be appointed and contact details for this individual shall be provided to the Local Planning Authority and Highways Agency.
17. As set out in the Travel Plan document Addendum 2, Issue 2, 13/07/07 prepared by RPS, a detailed travel survey shall be undertaken no later than six months after first occupation of the development. The results of this survey shall be provided to the Local Planning Authority and Highways Agency, and used to agree appropriate mode share targets, outcomes, and corresponding timescales.
18. As set out in the Travel Plan document Addendum 2, Issue 2, 13/07/07 prepared by RPS, a detailed travel survey shall be undertaken on an annual basis (at the same time as the baseline survey identified in Condition 5) for as long as the development remains occupied. The results of these surveys shall be provided to the Local Planning Authority and Highways Agency, and used to identify appropriate corrective measures should the Travel Plan fail to comply with the agreed mode share targets and outcomes within the specified timescales.
19. Prior to development commencing, a scheme for the provision of at least 10% of the site's energy requirements from embedded renewable energy shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that agreement shall be fully complied with, and documentary evidence made available upon request.
20. No development shall commence until a scheme for the delivery of a "percent for art", in accordance with the objectives and provisions of Policy Q15 of the City of Durham Local Plan 2004, has been agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented within a timescale that will form part of the aforementioned agreement.

- (c) **4/10/00223/FPA – Sheraton House, Sheraton Park, Darlington Road, Nevilles Cross, Durham**
Application Seeking New Planning Permission to Replace Extant Permission 07/00053 (Conversion of Sheraton House to form 25 Apartments, and Construction of Apartment Building to Rear of Sheraton House to form 22 Apartments and Associated Infrastructure Work, Car Parking, and Landscaping) in Order to Extend Time Period for Implementation.

Consideration was given to the report of the Development Control Manager (Durham City Area Office) which recommended the application for approval. The Development Control Manager explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

Councillor Freeman sought clarification on the time period of the planning extension. The Development Control Manager indicated that the extension would be for a 3 year period and explained that this was due to changes in legislation.

Resolved: That the application be **APPROVED** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.
4. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding areas shall be submitted to and approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.
5. That notwithstanding the information shown on the submitted plans precise details of all new fenestration, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
6. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made

good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

7. No development shall commence until a scheme for the enhancement of the appearance of the electricity substation to the south east of Sheraton House, and of the bat structure to the east, has been agreed in writing with the Local Planning Authority. The agreed scheme, subject to the approval of NEDL and the granting of a DEFRA license, shall be implemented in full prior to any occupation of the approved apartments.
8. Construction operating hours shall be confined to between 8 00 am and 6 00 pm Monday to Friday, and 9 00 am to 2 00pm Saturdays, with no working on Sundays or Bank Holidays, without the written agreement of the Local Planning Authority for a variation.
9. Prior to development commencing, a scheme for the provision of at least 10% of the site's energy requirements from embedded renewable energy shall be agreed in writing with the Local Planning Authority. Thereafter, the terms of that agreement shall be fully complied with, and documentary evidence made available upon request.
10. All construction traffic shall service the application site only via the central compound entrance located at the Dalton Crescent Clay Lane junction, and by no other route, without the express written consent of the Local Planning Authority.
11. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed:

HJB/552/PA 51b Site Plan
HJB/552/PA 52b Ground Floor Plan
HJB/552/PA 53b First Floor Plan
HJB/552/PA 54b Second Floor Plan
HJB/552/PA 55b North Elevation
HJB/552/PA 56b South Elevation
HJB/552/PA 57b East Elevation
HLB/552/PA 58b West Elevation
HJB/552/PA 59b Cross Sections
As marked amended and received 2 March 2007

HJB/552/PA 62A Landscape Proposals
HJB/552/PA 50 Application Boundary
As received 10 January 2007

COUNCILLOR M PLEWS in the Chair

**(d) PLAN/2008/0685 – Former Crossways Hotel, Dunelm Road, Thornley,
26 No. Dwellings and Associated Landscaping**

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for approval. The Principal Planning Officer explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report. He also indicated that a letter of representation had

been submitted today from Mr Bell a near-by land owner regarding the consultation exercise and that he had not received a letter and had only learnt of the application on 22 May 2010.

The letter also expressed concerns that he had livestock on his land and that manure was spread on the land which could create a smell, dust was created by the dolomite training track and that animals and machinery would be in close proximity to the houses. He also raised concern that the application was referred to as Crossways but the land in question was adjacent to Crossways so was misleading.

Mr Bell asked that the application be deferred to enable consultations with the developer and planners.

The Principal Planning Officer indicated that the statutory procedures for consultation had been met. He had contacted Environmental Health who had indicated that they had no objections to the application or concerns that the Equestrian Centre would impact on the proposed houses due to the location of the stables. The Planning Officer also indicated that the application was clear that development was on all the land.

Alexandra Ross of Yuill Homes indicated that the proposal supported good work already done which would provide a wider tenure mix of houses for the village which was an important development. The 106 monies would help boost regeneration of the village centre. Consultation taken place with residents and businesses indicated that they fully supported the proposal.

Councillor Wilson raised concerns that himself and Mr Bell who owned Dunelm Stables Equestrian Centre which was immediately adjacent to the site in question had not been consulted on the application. Councillor Wilson also indicated that there was no land available in Thornley to build affordable housing and that Yuill did not want the affordable housing on their site.

The Principal Planning Officer indicated that the Council use the Gazetteer computer system to identify properties for consultation and that land owners are not always identified. A site and press notice were issued and it was not a statutory requirement to write to people individually. He also indicated that the description of the site should have included the adjoining land but Mr Bell was aware of the application and had submitted his views for consideration by the Committee. He also indicated that Housing had indicated that there was land available in Thornley for development.

Councillor Bell suggested that the application be deferred to enable full consultation to take place. Councillor Wilson seconded.

The Principal Planning Officer indicated that local members at that time had been consulted, the parish council were consulted and that all statutory consultees had been consulted. The Solicitor advised members that it was up to the committee to decide if adequate consultation had taken place.

Councillor Charlton indicated that the letter from Mr Bell did not indicate that he was objecting to the application he just wanted reassurances and asked if it would be possible to do this. The Solicitor advised members that they could not give reassurances, their obligation was to consider the land use.

The motion to defer the application was put to the committee which was lost.

Councillor Blakey sought clarification from the Highways on the entrance near to the development which she believed was a black spot. The Highways Officer indicated that the junction was traffic calmed and visibility was good and that records did not show that it was an accident cluster.

Councillor Bell referred to page 32, paragraph 12 of the report and sought clarification if Planning Policy were against the application.

The Principal Planning Officer indicated that planning policy had stated that approval of the application could not be supported.

Resolved: That the application be **APPROVED** as a justified departure to the aims of the development plan subject to the applicant entering into a Section 106 legal agreement to secure a financial contribution for the provision of affordable homes (£300,500), and for the enhancement or provision of play space (£13,000) and subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority. Plan References: Location Plan, Arboricultural Implication Assessment (All About Trees - prepared by Andrew Watson) - date received 20/11/2008. Amended Plans: Estate Layout & Ext. Material Schedule (LX204:02:02.C), Hampshire Planning Drawing (HAM.20.01), Hampshire Planning Drawing (HAM.20.02), Marlborough Planning Drawing (MBR.20.01), Marlborough Planning Drawing (MBR.20.02), Hylton Planning Drawing (HYL.20.01), Hylton Planning Drawing (HYL.20.02), Homewood Planning Drawing (HOM.20.01), Homewood Planning Drawing (HOM.20.02), Buckleigh Planning Drawing (BUC:20:02), Buckleigh Planning Drawing (BUC:20:01), Single Garage Detail (DET.08.01 A), Double Garage Detail D1 (DET.08.09 A), Double Garage Detail D2 (DET.08.10 A), Double Garage Detail D2 (DET.08.12 A), Double Garage Detail D3 (DET.08.15 A), External Enclosure Details (DET.09.01), External Enclosure Details (DET.09.02), External Enclosure Details (DET.09.06), External Enclosure Details (DET.09.07) - date received 01/03/2010.
3. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local planning authority, a detailed landscaping scheme shall be submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
4. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the occupation of dwellings. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing

trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species, unless the planning authority gives written consent to any variation. Replacements will be subject to the same conditions.

5. Within one month of works commencing on site, a plan showing details of the treatment of the 'old road' construction adjacent to the B1279, situated between the A181 road and the access to the application site, shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details. None of dwellings hereby approved shall be occupied until the agreed works have been completed.
6. Before any of the dwellings hereby approved is first occupied, improvements shall be made to the bus lay-by and bus shelter situated to the north of the application site. Details of the required works to the bus stop, together with any associated highway works that may be necessary, shall be submitted to the local planning authority within one month of works commencing on site and agreed in writing. Thereafter the development shall be carried out in accordance with the agreed details.
7. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

A4 Appeal Update

(a) Appeals Received

The Development Control Manager (Durham City Area Office) and the Principal Planning Officer (Easington Area Office) gave details of the following appeals which had been lodged with the Planning Inspectorate:

- (i) An appeal had been lodged by Mr J Taylor against the Council's refusal to grant planning permission for the erection of an agricultural building and 2 no. 6m high storage tanks with associated access, hardstanding and landscaping works at Low Raisby Farm Cottages, Kelloe, Durham, DH6 4PW.

The appeal was to be dealt with by way of written representations and the Committee would be advised of the outcome in due course.

- (ii) An appeal had been lodged against the Council's refusal of planning permission for the erection of 3 No. Wind Turbines with associated structures at South Sharpley Farm, Seaton. Permission was refused due to the location and scale of the proposed wind turbines, and it was considered that the proposed development would have a significant adverse visual impact on nearby residential occupants. It was further considered that the visual impact would be greater due to the cumulative effect of the existing wind turbines at Sharpley and the recently erected turbines at Great Eppleton.

The appeal was to be dealt with by way of written representations, and the Committee would be informed of the outcome in due course.