

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL & EAST DURHAM)

AT A MEETING of the **AREA PLANNING COMMITTEE (CENTRAL & EAST DURHAM)**
held at Council Offices, Seaside Lane, Easington, on **Tuesday 11 May 2010**

PRESENT

COUNCILLOR C WALKER in the Chair

Members

Councillors J Blakey, G Bleasdale, J Brown, P Charlton, S Iveson, R Liddle, J Moran and M Plews.

Apologies for absence were received from Councillors A Bell, D Freeman and K Thompson.

A1 Minutes

The Minutes of the meeting held on 13 April 2010 were confirmed as a correct record by the committee and signed by the Chair.

A2 Declarations of Interest

Councillor K Holroyd declared a personal interest in application 4/10/00177/FPA.

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

- (a) **PL/5/2010/0070 – DR R Haq, 1/2 Dickmans Buildings, Fifth Street, Horden, SR8 4LA**
Change of Use from Retail to Hot Food Takeaway (A5 Use)

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.

Mr P Davison, Clerk to Horden Parish Council spoke in objection to the application and referred to policy 1 section 8, policy 5 section 4, policy 36 section 3 and policy 111. He indicated that there was a risk of additional litter which would be wide spread due to school children using the takeaway on a lunchtime. He also referred to highway safety due to the smoking area of the adjacent conservative club being located in the back lane. Concerns were also raised in relation to the safety of pedestrians due to deliveries to the takeaway and that the site was not located within the local shopping area so was not in accordance with policy 111. He accepted that odours would be eliminated so the Parish would withdraw their objection to this matter.

The Principal Planning Officer (Easington Area Office) indicated that it was not known what type of takeaway the site was going to be, although the application referred to pizza ovens. He indicated that it was considered unlikely that litter would be a significant problem as the applicant had suggested passing trade would be limited. Advice had been taken from the Highways Officer. The site was just outside the local shopping area but it was felt that this was a minor departure from the policy as the proposal was considered acceptable in terms of other material planning considerations.

The Highways Officer indicated that smoking on the highway was at own risk and that they did not anticipate a high volume of delivery traffic and that most deliveries would be to the front of the site.

Councillor Blakey indicated that on site it was noted that there were no gates to the back of the property which would increase the litter situation. The Principal Planning Officer (Easington Office) indicated that the plans showed gates to the rear of the property.

Councillor Bleasdale indicated that the site was located in a nice area which was not too close to residential properties so would move the officers recommendation.

Councillor Moran indicated that deliveries would also be made to the adjacent Conservative Club.

The Chairman indicated that the adjacent Conservative Club had not objected to the application.

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. 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. Design and Access Statement, existing and proposed plans all received on 22 February 2010, and means of extraction details received 13 April 2010.
3. The ventilation and extraction/filtration equipment approved as part of this application shall be used at all times when hot food is being prepared and served on the premises.
4. The premises shall not be open to customers outside the hours of 1000 hrs to 2300hrs on Monday to Friday, 1000hrs to 2330hrs on Saturdays and 1100hrs to 2330hrs on Sundays and Bank Holidays.

**(b) 4/09/965FPA and 4/10/078LB – Brett Brothers Developments, Memorial Hall, Brandon Road, Esh Winning, Durham, DH7 9PB
Change of use of existing vacant building, with external renovation and restoration consisting of repair to detailing and cupola, replacement of windows, and alterations to rear elevation, erection of replacement roof, internal demolition, introduction of third floor level and lift, and retention of internal features to form 20 no. residential units for older residents, with external works including provision of car parking spaces**

Consideration was given to the report of the Development Control Manager (Durham City 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 and asked for Members approval to add the statutory time limit conditions which had been omitted from the report.

Councillor Chaplow the ward Member for Deerness Valley indicated that she was not against the development. The Cricket Club had gone to a lot of expense to save cricket balls from going into properties adjacent to the site. The Cricket Club were concerned that cricket balls would damage the Memorial Hall and had concerns for the safety of residents. The Cricket Club was located in a small village and they had a lot of expenses and not much income. The Cricket Club had approached the developer to ask for assistance with the cost of installing additional netting. The Cricket Club were not against the development but wanted to seek help from the developer with the cost of the additional netting.

Councillor Wilkinson the ward Member for Deerness Valley indicated that the Memorial Hall was built in the 1920's as a memorial which was a grade 2 listed building which had been derelict for 30 years. The developers had bought the building without planning permission and without approval the building would be demolished. He indicated that the developer had courage to undertake the project which would have an appropriate modern use which would return the building to its former glory. The Cricket Club which was a few metres away from the Memorial Hall wished the developer to pay for the cost of additional netting which the developer had declined as it may result in the reduction of the quality of the building. He suggested that himself and Councillor Chaplow work with parties concerned to find a solution and asked that the Committee approve the application.

Mr K Carmedy who was the representative of the Cricket Club reiterated what Councillor Chaplow had said. He indicated that he was in favour of the application but would like to see additional netting installed. The Club could be in financial jeopardy due to claims arising from the cricket balls damaging properties or hurting people. He indicated that other cricket grounds had had netting erected at the cost of the developer.

The Development Control Manager (Durham City Office) indicated that from a planning point it was not possible to impose a condition to require the developer to erect fencing.

The Chairman indicated that Area Action Partnership monies could be used to support the Cricket Club. He agreed with what had been said and appreciated the concerns raised.

Councillor Plews indicated that both were equally important to the village and that monies could be available from Councillors to help the Cricket Club.

Councillor Bleasdale indicated that the building was fantastic and that it was great that it was going to be modernised. The safety netting needed was not a large quantity so surely the money could be found.

Councillor Blakey said that it was a good opportunity to save the Memorial Hall and she would move the recommendation. Councillor Bleasdale seconded.

Councillor Moran was concerned at the type of flats and if not occupied would younger people be allowed to occupy which would upset the older residents.

The Development Control Manager (Durham City Office) indicated that the flats were a mix of 1 and 2 bedroomed which were for the over 55's. The type of occupants was not a matter for planning.

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

Application: 4/10/0078/ LB

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.
2. Full details of the repairs and restoration of both the cupola and mosaic floor must be submitted and agreed in writing before these elements of the scheme are implemented. Details of the cupola restoration must include joinery details drawn to a scale of 1:20, with both elements provided with existing and proposed plans. Subsequent works must be in full accordance with the written agreement of the Local Authority
3. Before implementation, full joinery details of all proposed windows, external doors and internal staircases, with elevations drawn to a scale of 1:20, and sections at 1:10 must be submitted to, and agreed in writing by the Local Planning Authority, being subsequently implemented in full accordance with said approval.
4. All windows and doors are to be of painted timber unless otherwise agreed with the Local Planning Authority
5. No vents, flues or grilles may be placed directly through or onto the front elevation of the building or its roofslopes unless otherwise agreed in writing by the Local Planning Authority.
6. Samples of any replacement brickwork, terracotta and roof covering must be provided before implementation, and agreed in writing by the Local Planning Authority.
7. Before implementation of this part of the scheme, full plan, elevational and sectional detail of the lift, stairwell and front entrance arrangement, including the relationship to the mosaic floor must be submitted to, and approved in writing by the Local Planning Authority, being subsequently implemented in full accordance with this approval.
8. Details of all new or replacement signage and the arrangement of the clock area must be provided in elevation and section before implementation, to be agreed in writing by the Local Planning Authority.

Application: 4/09/965/FPA

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission'
2. The details of the make, colour and texture of all walling and roofing materials must be 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 relates to details of development as shown on the approved plans C - Elevations, Roof plan _ Floorplans, External Layout and Floorplans except insofar as such details may be inconsistent with any conditions attached hereto when such condition shall prevail.
4. Before implementation of the respective elements commences, further drawn details of all external doors, windows and rooflights, cupola, clock and signage, balcony railings must be submitted to, and approved in writing by the Local Planning Authority, subsequently built in full accordance with said agreement.
5. Before implementation of the respective elements commences, further drawn details of all internal doors, lift, stairways and entrance lobby arrangements must be submitted to, and approved in writing by the Local Planning Authority, subsequently built in full accordance with said agreement.
6. Before implementation of the respective elements commences, further drawn details of the design, layout and materials proposed for all external spaces and parking areas within the scheme must be submitted to, and approved in writing by the Local Planning Authority, subsequently built in full accordance with said agreement.
7. Notwithstanding the provisions of Class H of the Town and Country Planning (General Permitted Development Order) (Amendment) (No.2) (England) 2008 (or any Order revoking or re-enacting that Order) no satellite dishes, ariels or antennae shall be erected on the building unless agreed in writing by or without the grant of further formal consent by the Local Planning Authority.

A4 Appeal Update

(a) Appeals Received

The Principal Planning Officer (Easington Area Office) gave details of the following appeal which had been lodged with the Planning Inspectorate:

An appeal had been lodged against a condition attached to a recently approved planning application re. PLAN/2008/0591 at Beech Lodge, Mill Hill, Stockton Road, Castle Eden Hartlepool. Planning permission was granted for the erection of a rear extension (retrospective) at the above residential property.

The condition subject of this appeal required the roof tiles on the approved extension to be removed and replaced with reclaimed slates to match those on the original house. This work was required to take place within three months of the grant of planning permission. The appellant has appealed to have this condition removed from the planning permission.

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

(b) Appeal Decisions

The Principal Planning Officer (Easington Area Office) gave details in relation to the

following appeals, which had been considered by the Planning Inspectorate:

- (i) An appeal was lodged by East Durham College against the Council's refusal to grant advertisement consent for the erection of a free standing sign at the entrance to East Durham College, Willerby Grove, Peterlee. The application was originally recommended by Officers for approval but was refused by Members at the Planning Committee Meeting on 27th October 2009 due to concerns raised about the scale and visual impact of the sign by nearby residents and Peterlee Town Council.

The Inspectorate acknowledged that the sign would be a significant feature however it would be positioned at a lower level than the road and residential area and when viewed from here it would be seen against the backcloth of the main college building and the sports hall. It would be in scale with these buildings and the extensive area of car parking in the foreground. It was noted that whilst the existing buildings incorporate substantial identification displays the proposed sign would be assimilated into this setting without the area becoming overly cluttered or commercialised. Given that the car park was already well lit and the additional illumination from the proposed sign would not be intrusive it was considered the sign would add interest to what was at present a relatively bland approach to the college.

In conclusion it was felt that the sign would not harm the character and appearance of the surrounding area and that its display would not be detrimental to the interests of amenity.

The appeal was therefore allowed and permission granted for the sign.

- (ii) An appeal was lodged by Mrs Simpson against an enforcement notice issued by the Council in respect of the change of use, without planning permission, of an area of unadopted access roadway adjacent to Lake Bank Bungalow, Lake Bank Terrace, Station Town, Wingate to use as domestic curtilage by the construction of a hardstanding area and partial wall enclosure.

The requirements of the notice were to cease the use of the land as domestic curtilage and to reinstate the land to the original use as unadopted roadway, by removing the unauthorised area of hardstanding, the unauthorised partial wall enclosure and any resultant debris.

The Inspectorate accepted that the unauthorised development had resulted in the blocking up of the unadopted roadway that lead to the south-western side of Lake View Terrace and to agricultural and other land to the west and south-west.

It was concluded that the unauthorised development had materially harmed the living and working conditions of occupiers in Lake View Terrace and the other affected land, by the restriction of a means of vehicular and pedestrian access, contrary to the relevant provisions of the Development Plan.

The appeal was dismissed and the enforcement notice was, therefore, upheld and the deemed application for planning permission refused.

The Meeting adjourned at 3.00 pm and re-convened at 3.05 pm in the Members Room.

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

**(a) 4/10/00177/FPA – J A Properties Ltd, Land Adjacent to 81 High Street, Carrville, Durham
Erection of Two Storey Building Comprising Two A1 Retail Units at Ground Floor with Two Residential Units Above (revised and resubmitted)**

Consideration was given to the report of the Development Control Manager (Durham City 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 Holroyd the ward Member for Belmont circulated to members of the committee photographs and a breakdown of neighbourhood consultation. His main objection was inadequate parking and he referred to the consultation document, in particular the duplication and claimed that some businesses were no longer in existence. In his opinion full consultation had not taken place. He referred to the document produced by Ashley Smith on the retail viability of the premises in particular their comment that there was adequate parking facilities and that there was currently off street parking in the High Street. He commented that two shops on the High Street had recently been converted to residential accommodation and that there was a flat and business premise currently for sale on the High Street. He stated that he had been trying for approximately 6 years to have a crossing installed. He also indicated that the local shopping area was not Cheveley Park but Blue House Shops which had adequate parking and all the premises were surviving.

Councillor Robinson speaking on behalf of Belmont Parish Council indicated that most of the points had been covered by Councillor Holroyd. She commented that parking was an issue on the High Street and that there was no provision for deliveries and that at least 6 parking spaces were required. She also mentioned that there was a local shopping centre at the top of the High Street and that there was a vast variety of shops currently operating in the High Street. The creation of two further shops could result in current business suffering loss of income and if shops were left empty then they could be vandalised. She also commented that the development would not be in keeping with the High Street.

Mr John White the Architect on behalf of the applicant indicated that the development was at the end of the High Street with good public connections and four parking spaces would be allocated to the premises. In terms of safety the Highway Authority had agreed to the application and that improvements to the Highway was not part of the application. The retail use of the shops would be class A1 so any concerns of hot food use was misguided. His client had looked at the site for the last 2 or 3 years and was confident it was viable despite the economic climate. The development was the extension of the terrace which would be of the same height and the shop front would extend around the end of the terrace to produce a feature which would match design as far as possible.

The Development Control Manager (Durham City Office) advised members of the consultation process and that consultation on this application was in excess of that statutorily required and that a site notice had also been displayed. He also advised members that Cheveley Park Shopping Centre was the local shopping area designated in

the local plan. Car parking for the development was also deemed to be acceptable and many residents and businesses currently did not have allocated parking.

The Highways Officer indicated that the Blue House Shopping Centre was 500 – 600 metres away. The proposed parking was adequate and that the road was not wide enough to provide a crossing. This was a local shopping area and people were encouraged to walk to the shops rather than by car and delivery vehicles would be permitted to park for a short period.

Councillor Brown sought clarification on how many letter of objection had been received and she asked if Councillors could receive copies of the letters in future. The Chairman advised Councillor Brown that he would take up this matter.

The Development Control Manager (Durham City Office) advised Members that 6 objections had been received from residents and 2 from local members. He also advised members that the committee report gave a link to access the electronic file which contained copies of the objection letters.

Councillor Moran sought clarification as to why the Parish Council thought that the building would be out of character. The Parish indicated that it would be new brick so would it match. The Development Control Manger (Durham City Office) indicated that there would be a condition attached that the materials to be used would require approval of the local planning authority.

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. 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: Drawing Nos. 02 rev G received 17 March 2010 and 01 rev G received 29 April 2010.
3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling 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. Reason: In the interests of visual amenity in accordance with Policy E8 of the City of Durham Local Plan 2004.
4. 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.
5. No development shall commence until details showing the exact position of protective fencing around trees and hedges within, and adjacent to the site have

been submitted on plan, and agreed in writing by the Local Planning Authority. This fencing shall be erected not less than a distance 12 times the diameter of single stem trees or 10 times the diameter at 1.3m high of multi-stem trees and 3 metres from hedges or in accordance with the details agreed:

- a) No construction work shall take place unless all of the protected trees and hedges within the site have been protected by the agreed fencing, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS 1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1) unless otherwise agreed by written consent of the Local Planning Authority.
 - b) No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the protective fenced areas, and no work is to be done as to affect any tree, without the prior written agreement of the Local Planning Authority.
 - c) Ground levels within the fenced areas shall not be altered and any trenches which are approved to be excavated within the root zone or branch spread shall be done so by hand digging or tunnelling only, no root over 50mm being cut and as many smaller roots as possible retained. If trenches are to remain open for more than 24 hours all exposed roots must be protected with earth cover. Trenches shall be completely backfilled in consolidated layers within seven days or temporarily backfilled in lengths under the trees.
 - d) No underground services trenches or service runs shall be laid out without the prior written approval of the Local Planning Authority with the agreed works being undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees'), and BS 5837:2005 'Trees in Relation to Construction'.
6. Notwithstanding the information shown on the submitted plans the buildings hereby approved shall be constructed with dry pointed verges to the main walls and shall avoid the use of bargeboards.
 7. Notwithstanding the information shown on the submitted plans, a detailed joinery section of the proposed shopfront, to include all window joinery, pilasters, fascias, corbels, stallrisers, leadwork and weathering drawn at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.
 8. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the ground floor level of the premises hereby approved shall be used for Class A1 uses only and for no other purpose.
 9. The retail premises hereby approved shall not be open to customers outside the hours of 9pm and 8am on any day of the week.