

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 14 July 2009**

PRESENT

COUNCILLOR C. WALKER in the Chair

Members

Councillors J Armstrong (substitute for J Moran), A Bell, J. Blakey, G. Bleasdale, J. Brown, P Charlton, D Freeman, R Liddle, M. Plews and M. Simmons.

Apologies for absence were received from Councillors J. Moran, C. Potts and B. Wilson.

A1 Minutes

The Minutes of the meeting held on 23 June 2009 were confirmed as a correct record by the committee and signed by the Chair.

A2 Declarations of Interest

There were no declarations of interest submitted.

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

- (a) **4/09/00373/LB – Market Place, Durham, DH1 3NJ**
Partial dismantling and removal of bronze statue for temporary period of six months to enable off site repairs involving replacement of internal iron armature and framework, repairs to splitting damage, application of traditional patination and reinstatement on existing plinth at the Statue of Third Marquis of Londonderry

Consideration was given to the report of the Development Control Manager (Durham City Area Office) which recommended the application for minded 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 explained that since the report had been prepared there had been a further objection received concerning the change in colour of the Statue from green to brown.

Councillor Armstrong moved the recommendation on the understanding that the Statue be replaced on the plinth in the current location.

Councillor Freeman asked if there was any proposed works on the plinth or just the Statue. The Development Control Manager confirmed that the application was only for the statue and not the plinth.

Councillor Freeman also asked for clarification on the recommendation that stated that the Statue be reinstated within 9 months as opposed to six months as stated by the Development Control Manager.

The Development Control Manager explained that the condition allowed a short additional period as the full extent of the works was not known at this point.

Councillor Bell asked if there was any local contractors that could have been used instead of a company based in London. The Development Control Manager advised Councillor Bell that a local contractor would have been used if available, but it was a unique service.

Resolved: That in accordance with Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990, Members be **MINDED TO APPROVE** the application subject to the following conditions:

1. The Statue of the Third Marquis of Londonderry shall be reinstated on its existing plinth within 9 months of the date of this consent. Such longer period as may be required following detailed examination of the statue shall be the subject of written agreement with the Local Planning Authority.
2. Prior to the removal of the statue from the Market Place, details of the cradle used to lift and transport the statue and its method of transportation from and to the site shall be submitted to and agreed in writing by the Local Planning Authority, and works shall proceed in accordance thereafter with the agreed details.
3. Notwithstanding the submitted details, and within 28 days of the date of the removal of the statue, a full written schedule and methodology for the repair and re-instatement of the statue, together with points in the process for which the Local Planning Authority can be informed of the progress of work and discuss or inspect such work, shall be submitted to and agreed in writing with the Local Planning Authority. Works shall be undertaken thereafter in full accordance with the agreed details.
4. Prior to the removal of the statue from the Market Place, details of a recording programme for the repair shall be submitted to and agreed in writing with the Local Planning Authority. Such recordings shall be carried out in accordance with the agreed details and submitted to the Local Planning Authority following reinstatement of the statue.
5. Prior to the removal of the statue from the Market Place, a contingency plan outlining possible risks involved in the full programme of work and solutions to those risks shall be submitted to and agreed in writing with the Local Planning Authority. Such identified risk-minimising solutions shall be adhered to at all times.

**(b) PL/5/2009/0133 King Street, Shotton Colliery
Residential Development Comprising 29 No. Units**

Consideration was given to the report of the Senior Planning Services Officer (Easington Area Office) which recommended the application for approval. The Senior Planning Officer explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report and explained that since the report had been prepared the requested amended plans regarding parking arrangements had

now been received, but still required formal approval by the Highways Authority. In view of this he recommended that the application be minded for approval subject to Highways Authority agreement and completion of a Section 106 Agreement.

Resolved: That Members be **MINDED TO APPROVE** the application subject to Highways Authority approval of the amended plans and the completion of a Section 106 Agreement relating to off site play space provision 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. 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.
3. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.
4. Prior to the commencement of the development details of bin stores shall be submitted to and approved in writing by the Local planning authority. The bin stores shall be constructed and available for use prior to the occupation of the dwelling to which they relate.
5. No development shall commence until 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.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation.
7. No construction work shall take place nor shall any materials or machinery be brought on the site unless all the trees and hedges indicated on the approved plans as being retained are protected by the erection of fencing comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1) unless otherwise agreed by written consent of 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 all as indicated on, and in accordance

with, the approved landscape plan and retained throughout construction works. No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree, without the prior written agreement of the Local Planning Authority. 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. Any removal of limbs of trees or other tree work shall not be done except when the appropriate approval has been sought and granted by the local planning authority.

8. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing by the Local planning authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwelling house(s) without the grant of further specific permission from the Local planning authority.
10. Development shall not commence until a detailed scheme for the diversion or abandonment of Northumbrian Water's apparatus to avoid building over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall be carried out in accordance with the approved details.
11. Development shall not commence until a detailed scheme for disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall be carried out in accordance with the approved details.

A4 Appeal Update

(a) Appeals Received

The Development Control Manager (Durham City Area Office) and the Senior Planning Services 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 Ms H Hooper against the Council's refusal to grant planning permission for demolition of existing conservatory and erection of two storey pitched roof extension to rear with replacement conservatory beyond and erection of pitched roof porch to front elevation at 22 North Crescent, Durham, DH1 4NE.

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 by Mr James Smith against the Council's Refusal to grant planning permission for the change of use of land to caravan site and associated works (access track, hardstanding, landscaping, utility block, septic tank etc) and stables with yard area and portable building for use as temporary stables on land off Wingate Road, Trimdon Station, TS29 6AR.

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

(b) Appeal Decisions

The Development Control Manager (Durham City Area Office) and the Senior Planning Services Officer (Easington Area Office) gave details in relation to the following appeals which had been considered by the Planning Inspectorate:

- (i) Appeal against refusal to grant planning permission for the erection of two storey side extension and a single storey rear extension to provide additional living accommodation at 4 Pelham Court, Coxhoe.

The Inspector found that the distances between the rear elevation windows of the proposed extension to existing properties would be significantly less than the standard recommended by the Local Planning Authority and would result in an unacceptable degree of overlooking and loss of privacy.

As a result the Inspector dismissed the appeal.

- (ii) An appeal was lodged by Telefonica O2 UK Ltd against the Council's Refusal to grant planning permission for the erection of a telecommunications base station, comprising a 20 metre monopole mast (22.5 metre including antennas) associated antennas, equipment cabin and ancillary development at Enfield Road Garage, Enfield Road, Seaham. The application was recommended for approval by planning officers but refused by members on the basis that the proposal would have an adverse visual impact on the street scene and would prejudice the future development of an adjacent allocated site.

The appeal had been allowed and planning permission granted for the development.