

## **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 16 March 2010**

#### **PRESENT**

**COUNCILLOR C WALKER** in the Chair

#### **Members**

Councillors A Bell, J Blakey, G Bleasdale, J Brown, D Freeman, S Iveson, R Liddle, J Moran, M Plews and K Thompson.

#### **Other Members**

Councillors D Boyes and M Wilkes.

Apologies for absence were received from Councillors P Charlton, B Wilson and S Zair.

#### **A1 Minutes**

Councillor Thompson commented that at the last meeting he asked if site plans could be circulated with the papers and if members could be advised of which properties would be social housing or whether this was left to builders to decide.

The Chairman advised Councillor Thompson that plans had been placed on the table in the foyer and that members should be made aware of what properties would be social housing. He indicated that he would seek clarification on this and advise members at the next meeting.

The Minutes of the meeting held on 23 February 2010 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) **PL/5/2009/0357 – Sea & Land Power and Energy Ltd, Land South of Dalton Park, Murton, North of A19 Services, and West of A19, Cold Hesledon Two Wind Turbines and Associated Infrastructure**

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for Refusal. 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.

Councillor Boyes the local member indicated that an increase in energy was urgently needed and that wind turbines was the way to do this but did communities have to be adversely affected. These wind turbines would be dominant and were too close to residential properties. East Durham was at full capacity with wind turbines which were currently located without adversely impacting on residents.

Seaham Town Council indicated that they objected to the application for three reasons which was the possible impact on the approved film studio, the effect on residents and the visual impact on the area.

Hawthorn Parish Council indicated that they objected due to the visual impact on Hawthorn Village. The views in and out of the village in particular the northern views would be severely affected. There would be noise pollution on residents. The wind turbines should be no closer than 1 mile from residents. Noise monitoring was not undertaken on properties closest to the proposed wind turbines.

Easington Village Parish Council indicated that they had concerns of impact and the effects on the Conservation Areas of Hawthorn and Easington and that the targets for wind turbines had already been met.

Mr Dowson a local resident indicated that he would have a direct view of the turbines. The structures would be highly visible which would have an effect on residential amenity. Ecology had not been addressed and there was a small separation from properties which would have a detrimental impact.

Mr Wren who was a Murton resident indicated that this proposal had caused considerable stress and if approved would decrease the value of properties which would be rendered unsaleable

Mrs Maitland a resident of East Moor Estate indicated that the size of the structures and the location on a hill would make them two thirds the size of Blackpool Tower. She had looked at a map of wind turbines on the internet and there were none located in Yorkshire.

Mr Richardson a local resident indicated that he was one of the closest residents to the proposed turbines. The turbines would affect the health and wellbeing of him and his family due to the noise created and the light flicker from the blades. He was also the owner of the nearby garden centre and the turbines would have a negative impact on the business which could result in the loss of 20 local jobs.

The Principal Planning Officer indicated that the noise and landscaping impacts had been addressed in the report and notwithstanding the representations could not form part of the reason for refusal. The reason for refusal would remain the impact on amenity.

Councillor Bleasdale indicated that the proposal would be too big and too close to residential properties.

**Resolved:** That the application be **REFUSED** for the following reasons;

1. Due to the location and scale of the proposed wind turbines, it is considered that the proposed development would have a significant adverse visual impact on nearby residential occupants. Due to their proximity to residential properties at Hillcrest,

Plum Tree Lodge and at East Moor Estate, the proposed wind turbines will appear as obtrusive, overbearing and dominating features in the landscape to the detriment of residential amenity. As such the proposal is considered to be contrary to Policies 1 and 35 of the District of Easington Local Plan.

2. Insufficient information has been provided with the application to allow the Local Planning Authority to consider whether or not the proposed development would have a detrimental impact on bats, a species protected by law, contrary to saved policy 18 of the District of Easington Local Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation which seek to protect the interests of biodiversity and protected species.

**(b) PL/5/2009/0479 – Mrs H Clarke, Fairfields, The Dene, Dalton-le-Dale Extensions to Front, Side and Rear (Resubmission)**

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 and indicated that a planning application relating to this site had recently been dismissed on appeal.

The Chair of Dalton-le-Dale Parish Council indicated that the area was an attractive rural area with a 12<sup>th</sup> century church with properties which were built in the 1950's and bought by miners. The properties had large beautiful gardens which residents had pride in. The area was an attractive place to bring up children. Houses in the area had been improved without objection from the parish council, which maintained the character of the original house. The parish understood the need to update the dwelling but not from a 3BR property to a 7BR property which would intrude upon neighbouring properties. If agreed this would set a precedent in the area. Concerns were raised that a property in the area was sold as a residential home which the parish or home office knew nothing about. The Parish were not against an extension just not a large extension. They asked that the application be refused and consideration be given to a smaller extension.

Mr Gill the adjoining neighbour and spokesperson for nearby residents indicated that they objected to the inaccuracy of the ordnance survey site plan, the impact of the proposal on the village environment and the impact on neighbouring properties. He circulated to members of the committee photographs illustrating the rear aspects of immediate and adjacent properties.

He indicated that the ordnance survey plan showed his property Bel Air to have a single storey extension extending across the full width of the rear of the property, as opposed to a kitchen extension which resulted in making the proposed development appear less intrusive.

He strongly disputed that the front extension was subservient to the main dwelling and that the rear extension reasonably reflected the proportion of the main dwelling. The overall footprint would be increased by approximately 130%, which could not be regarded as subservient or subordinate and would be an overdevelopment of the site.

If granted the proposal would be visible from a number of properties and the proposed design and scale would adversely impact upon the visual amenity within the setting. The

scale of the development could create the potential for future use of the property for non-residential purposes which would affect the village environment.

If agreed this proposal would set a damaging precedent for similar developments which over time would erode the rural character of the village. This argument had been rejected by the Planning Officer on the grounds that each application was considered on its own merits. The same document used the argument of precedent to support the application.

The application was a revision of a previous application, which was rejected by the Secretary of State due to its overbearing, over dominant and visually intrusive effect. The applicant had reduced the eaves height and 1.6m reduction in the depth of the rear projection, which does not alleviate the overshadowing effect on neighbouring properties and gardens and would fail to respect the scale and character of the existing building. The projection and height of the three storey rear extension would continue to have an overbearing effect particularly when viewed from Bel Air. He referred to the case officer's report in relation to projection. They believed that the sheer height and depth of the 3 storey rear projection needed to be addressed when considering the adverse impact.

They refuted the claim that at ground floor level the majority of the extension would be within the footprint of the existing garage/outbuildings. They also referred to the loss of sunlight to neighbouring properties and indicated that by virtue of its depth and height the extension would block out evening sunlight to the living areas and gardens of Bel Air, 9 Dene Road and Stathmore and morning light to properties to the west.

Mr Atmore the agent indicated that this had been a long process and that the previous application had been refused. The plans had now been substantially amended to address concerns of officers and neighbours. The extension was required for a growing family who wanted to continue to live in Dalton-le-Dale, which was a nice environment. In relation to the inaccurate ordnance survey map, he indicated that they could only use what was provided by the ordnance survey company. The scheme had substantially changed and the scale and height had been reduced as well as the eaves. Any change to the use would require planning permission and the family had no intentions to move and wished to keep the scale and character and to keep within the street scene. He would urge members to take the officer recommendation of approval.

The Principal Planning Officer assured Mr Gill that the application had been properly assessed and that members visited the site that morning and also viewed the site from the neighbouring property and measurements were taken on site. In addition, the photographs included in the presentation to the Committee showed the current situation at the site. Officers take account of any previous development but this is only one factor and does not override other planning considerations.

Councillor Bleasdale sought clarification of the number of bedrooms. The agent indicated that there would be a guest room, master bedroom and bedrooms for the children and an office to allow the applicant to work from home. Councillor Bleasdale indicated that the measurements taken on site showed that it would protrude the same as the extension to the neighbouring property. The Principal Planning Officer indicated that the higher part of the extension would protrude slightly further.

Councillor Moran sought clarification on whether the loss of light rule was applied. The Principal Planning Officer indicated that the rule did not apply as no properties were

overlooked but it did meet the Council's guidelines as it was the north side of the property and was not sufficient to refuse the application.

Councillor Thompson sought clarification on the footprint and if car parking was sufficient for multiple occupancy. The Principal Planning Officer confirmed that there would be parking for 3 cars, 1 in the garage and 2 on the drive and that there were no policies on the size of the footprint and that the site was adequate to take the extension.

The Highways authority confirmed that the parking provision exceeded the policy requirement.

Councillor Bleasdale asked the agent if the extension could be made smaller. The agent indicated that the majority was in the existing roof space. The applicants had 2 children at present but were looking to extend their family. He also indicated that there were other 5BR properties in the area.

Councillor Bell indicated that he was at the site inspection and that the garden was large enough to accommodate the extension and would complement the street scene.

**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 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.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no further windows, including dormer windows, or other openings shall be formed in the eastern and/or the western elevation of the extensions hereby approved without the prior written approval of the Local planning authority upon an application submitted to it.

**(c) PL/5/2010/0001 – Hugh Massey Architects - Land Adjacent Eastlea Community Centre, Stockton Road, Seaham Community Based Garden Centre with Retail Space, Office Space, Horticultural Units and Vocational Workshops**

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for Approval. The Principal Planning Officer, 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 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 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 car park shown on the plan hereby approved shall be constructed and marked out and made available for use prior to the development hereby approved being brought into operation, in accordance with details to be agreed with the Local planning authority. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private vehicles.

**(d) PL/5/2010/0023 – Ben Bailey Homes, Land at Fairbairn Road, Peterlee  
21 No. Dwellings (Substitution of House Type)**

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for Approval. The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report.

The Managing Director of Ben Bailey Homes indicated that this development was supported by the Kickstart government scheme run by the Homes and Communities Agency, which would be affordable homes and assistance for first time buyers. He would urge members to support the recommendation so that they could continue building.

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 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.
3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials, and details of all proposed windows and doors, have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
4. Notwithstanding the information shown on the submitted plans the precise design of the roof details including eaves, verges, chimneys, ventilation, parapets, rooflights and guttering shall be submitted at a scale of 1:20 and approved in writing by the Local planning authority before the development commences, and thereafter implemented in accordance with the approved scheme.
5. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills 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.
6. 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.

7. 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.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the occupation of buildings or commencement of use 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.
9. 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 Council's Chief Environmental Services Officer. 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.
10. 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.

**(e) 4/09/00876/FPA – Mr J Gatenby, Foxtons Coffee Shop, 17A Church Street, Coxhoe, Durham, DH6 4DD  
Alterations to Fenestration to Front Elevation of Existing Coffee Shop**

Consideration was given to the report of the Development Control Manager (Durham City 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.

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

1. 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 NoA4 drawing proposed frontage of Foxtons 17a Church Street, Coxhoe; Date Received 16 November 2009.
2. Within three months of the date of this permission the works as agreed shall be fully implemented.
3. Within three months of the completion of the works the whole of the shopfront shall be painted in a colour to be submitted to, and agreed in writing by the Local Planning Authority, and such works as agreed shall be fully implemented within 3 months of the date of written agreement.

**(f) 4/10/00035/FPA – Durham Villages Regeneration – Land at Colliery Road, Bearpark, Durham, DH7 7AT  
Erection of 21 no. Affordable Dwellings with Associated Access, Parking and Landscaping**

Consideration was given to the report of the Development Control Manager (Durham City 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 and advised the Committee that discussions had taken place to provide recreational facilities close to the site. He also asked if condition numbers 3 and 8 contained within the report be removed as drainage and landscaping issues had now been resolved and that the under mentioned condition be included.

“Before the first dwelling hereby approved is occupied a scheme shall be submitted to and approved in writing by the Local Planning Authority showing the provision of an informal recreation area on land within 500 metres of the application site. The said area shall be completed and made available for public use prior to the occupation of the final dwelling within the first phase of development and retained for such as use thereafter.”

Councillor Wilkes the local member thanked officers for all their work on this application. The site was originally for 7 or 8 dwellings which had managed to increase to 21. He was delighted that the dwellings would be affordable housing which officers were trying to ensure would be for the residents of Bearpark. He was concerned at the loss of recreational facilities but officers had looked to identify new recreational facilities. He and Councillor Crooks would be happy to provide some monies for traffic calming measures to be implemented for the new recreation facilities. The vast majority of concerns by local



residents had been met and he would fully support the application and commend the council.

Mr Willis the agent endorsed the committee report. He advised members that they did not intend to fence off the site during construction but would make good any damage. He raised concerns with regard to the extra condition in view of timescales.

The Development Control Manager Indicated that there needed to be an end date included within the condition but the council would be flexible and would look at the timescales at the appropriate time but hoped to see an alternative recreation facility within 12 months.

Members agreed to the removal of conditions 3 and 8 and the new condition as detailed above.

Councillor Blakey asked if the completion could be increased to three years. The Development Control Manger indicated that this would not be a reasonable time scale for residents to be without recreation facilities and that 12 months was the best way forward.

**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. 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.
3. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.
4. Before development commences a scheme to manage pedestrian access across the front of the development site and its access, at those times of the day when parent/child access to the nearby primary school is at its peak, shall be submitted to, and approved in writing by the Local Planning Authority. Access across the front of the site must be managed in accordance with said agreement, within the hours specified therein.
5. The developer must make good any damage to or failure of the slope around the site attributable to site works, building operations or the building process.
6. In addition to the methodologies, working methods remediation strategy and recommendations of the Dunelm Geotechnical & Environmental report dated January 2010, pipe materials such as UPVC should not be used in below ground as outlined in section 8.3 of the report as they can be reactive with the made ground which has shown some organic hydrocarbon contamination. In addition, Back-fill materials to service corridor should be so designed that there will not be migration of contaminated water through the passage beyond the limits of the site boundary. Compliant with section 8.4 of the report, the validation report must be submitted to the Local Planning Authority for record, when the site remediation is complete.

7. Before the first dwelling hereby approved is occupied a scheme shall be submitted to and approved in writing by the Local Planning Authority showing the provision of an informal recreation area on land within 500 metres of the application site. The said area shall be completed and made available for public use prior to the occupation of the final dwelling within the first phase of development and retained for such as use thereafter.

## **A4 Appeal Update**

### **Appeal Decisions**

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

- (i) Appeals had been lodged by Mr J Wallace against the Council's decision to refuse planning permission and conservation area consent for the demolition of a section of boundary wall to accommodate an extension and a proposed detached dwelling at 1 Mavin Street, Durham, DH1 3AU.

The Inspector considered that the Council had refused permission for the proposals for a number of reasons; because of the limited separation between the proposed dwelling and surrounding buildings would impair the prospect of existing and intended residents; because the loss of space and design of the structure would not preserve the character or appearance of the Conservation Area; loss of informal parking and turning area and inaccuracy of plans.

The Inspector concluded to dismiss the appeals and in reaching his decision considered that the appeal turned on the three main issues above (the accuracy of the plans not needing to be addressed).

The first issue related to the proximity of the blank flank wall of the proposed dwelling and its relationship with neighbouring residential properties. Such a structure was considered to present a dismal outlook, obliterate a significant portion of the sky and much morning sun and confine outlook. These harmful effects would be accentuated by the close proximity and the rise of level.

With regard to the second issue, there was a statutory duty to preserve or enhance the Conservation Area. The space was typical of gaps left at the end of terraces and thus formed an integral part of the pattern of nineteenth century development. The proposal would obliterate it. The design of the dwelling would also include discordant features. Such features together with a narrow façade would combine to create an incongruous scheme apparently squeezed into an awkward space. The proposals would fail to preserve or enhance the character and appearance of the Conservation Area.

The Inspector accepted that it may not be necessary to provide off street parking spaces for a dwelling in the City centre, such as this, but considered the proposal would actually reduce effective parking provision and make it more difficult to turn vehicles within Mavin Street. Hence the proposal would exacerbate road hazards.

Given that the proposal would not represent an acceptable form of development, there would be no need to counterbalance the demolition of the rear wall and consent for demolition would also be contrary to policy.

- (ii) An appeal was lodged by Mr Roebuck against the Council's decision to refuse planning permission for the erection of a two storey pitched roof extension to the rear of the existing dwelling, insertion of bay windows to the front elevation and the insertion of replacement windows to the front and rear elevations of the property at Dunholme, High Street South, Shincliffe, Durham.

The Inspector concluded to allow the appeal, subject to conditions, and in reaching her decision considered the main issues to be whether the proposal would preserve and enhance the character and appearance of the Shincliffe Conservation Area and the effect of the proposal on the living conditions of adjacent residential occupants in terms of daylight and outlook.

The appeal property was a mid terraced double fronted house overlooking the village green. The proposed bay windows and insertion of timber sliding sash windows was considered to improve the appearance of the front of the property and enhance the Conservation Area. The proposed rear extension was considered to be modest in size, carefully designed, and in visual terms preserve the character and appearance of the Conservation Area.

The proposed rear extension would be positioned within 3 to 4 metres of the side of a single storey extension at the neighbouring property, Nut Cottage. The proposed rear extension was considered to only minimally project in front of the kitchen window of this neighbouring house, overlapping by 0.2 metre. The Inspector considered the view along the rear of the terrace would be substantially retained. In the Inspector's assessment the two storey rear extension was not considered to dominant outlook from this room. Existing daylight to the kitchen was considered to be restricted by the existing sloping rear gardens and a large conifer in the neighbouring garden. As it would leave the window largely unobstructed, the Inspector was not convinced that the proposed extension would have a significantly adverse effect on daylight levels in the kitchen.