

## **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 17 November 2009**

#### **PRESENT**

**COUNCILLOR C. WALKER** in the Chair

#### **Members**

Councillors A. Bell, J. Blakey, G. Bleasdale, J. Brown, P. Charlton, S. Iveson, R. Rodgers (substitute for M. Plews), D. Stoker (substitute for D. Freeman) and M. Williams (substitute for J. Moran)

Apologies for absence were received from Councillors M. Dixon, D. Freeman, J. Moran, M. Plews and B. Wilson.

#### **A1 Minutes**

Councillor Rodgers sought clarification on application no 4/09/00628/FPA as to why the two additional conditions he proposed at the meeting were not included in the conditions.

The Development Control Manager and Mr D Taylor indicated that a Section 106 agreement relating to a commuted sum in lieu of play space and additional planning conditions requiring improvement of an adjoining footpath were unable to be imposed. The Officers believed that this had been appreciated when the vote was taking at the meeting.

The Minutes of the meeting held on 27 October 2009 were confirmed as a correct record by the committee and signed by the Chair subject to Councillor Iveson's apologies being included in the minutes.

#### **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) **4/09/00697/FPA - The Greyhound Public House, South Street, West Rainton, Durham, DH4 6PA**  
**Erection of Conservatory to Side of Existing Public House and use of Land to Side and Rear to Form Car Parking Areas with 11 No. Spaces**

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 Williams indicated that he had concerns with regard to access onto a private road, he was concerned that it could be blocked. He also raised concerns with regard to an extractor unit, which was located above ground level, which had potential to cause an accident.

The Development Control Manager indicated that the Applicant had stated that he owned the land in question and that he had a right of access over it.

Councillor Rodgers asked if an extra condition could be included with regard to resurfacing. The Development Control Manager indicated that this was included in the suggested conditions.

Councillor Stoker supported Councillor Williams and asked if the Council could add an extra condition that the extractor fan be changed. The Development Control Manager indicated that he would need to investigate the issue further to ascertain if planning permission was required. If not then an informative could be included to make the applicant aware of the danger and that it be addressed.

Councillor Stoker agreed that an informative be included if planning permission was not required.

Mr Hird the applicant urged the Committee to support his application and advised the Committee that the extractor fan was in place when he purchased the property. He totally agreed with members and he indicated that it would be moved within a matter of weeks as he was well aware of the hazard. He indicated that the 13 letters of objection which had been received were mainly in relation to the extra parking bays. He advised the Committee that the application had now been amended to remove these parking bays. The Public House was an amenity and facility for the public and needed to change for a food facility.

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

1. The conservatory extension and 3 no. parking spaces to side hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20, cross sections and method of opening, of the proposed windows shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be installed in accordance with the approved details.
3. Within two months of the date of this decision a detailed landscaping scheme shall be submitted to 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 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.

5. Notwithstanding the information shown on the submitted plans the car parking spaces to side and rear hereby approved shall not be brought into use until such time as the unadopted street forming the access to the site has been improved in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.
  6. Notwithstanding the information shown on the submitted plans, the car parking spaces to side and rear hereby approved shall not be brought into use until such time as the spaces have been clearly demarcated in accordance with a scheme which has first been submitted to and then approved in writing by the Local Planning Authority.
- (ii) That an informative note of advice be issued to make the applicant aware of the dangerous extractor fan and ask that it be addressed.

**(b) 4/09/00760/FPA -19 Alnwick Road, Newton Hall, Durham, DH1 5NL  
Erection of Pitched Roof Over Existing Garage and Porch and Erection of  
Single Storey Pitched Roof Extension to the Rear of the Dwelling**

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 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 the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.

**(c) PLAN/2008/0591 – Beech Lodge, Mill Hill, Castle Eden  
Rear Extension (Retrospective)**

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.

Councillor Stoker asked for clarification with regard to the applicant's statement in relation to not being able to obtain a copy of plans.

The Principal Planning Officer advised the committee that the Council were unable to provide a copy of the plans without the consent of the original applicant or the architect due to copyright issues.

Councillor Stoker also asked for clarification that UPVC windows were agreed by Design and Conservation. The Conservation Officer indicated that she was advised that the

windows to the front of the property were UPVC so they could not ask for timber windows for the extension.

Councillor Stoker asked for clarification when the applicant was asked to cease works and how far was the construction at this stage.

The Principal Planning Officer indicated that the applicant was advised in writing on 10 July 2008 to cease works, which were at eaves level.

Councillor Williams expressed his concern that the applicant could not obtain a set of plans.

Councillor Bell asked if the new tiles would weather, the Principal Planning Officer indicated that they would retain their current appearance.

Councillor Fanthorpe speaking on behalf of Castle Eden Parish Council indicated that the Parish were very concerned and wanted to maintain Conservation Area standards. He indicated that the development was built against planning approval with unsympathetic materials and was now a four bedroom property. The applicant ignored advice on at least two occasions to cease works. Mr Fanthorpe referred in detail to the report of the Conservation Officer who raised objections to the scheme. He indicated that if this development were allowed then it would send out the wrong message and there would be no point in conservation. He indicated that if the development were allowed then the Parish would take professional advice.

Mr Crozier an objector indicated that the idea was to save the conservation area and a great deal of time had been spent between the applicants at the time, council officers and the parish council to make the extension viable. The applicant did not know the difference from planning and building control. He indicated that the case officer had been called to the site at an early stage and at this time the walls on the extension were only 2ft high. The construction did not cease which resulted in a written letter, why was an enforcement order not issued when costs would be minimal. The extension does not represent the plans.

Mr Bunton the applicant advised the Committee that he purchased the property in May 2007 with planning permission for an extension. When the windows were replaced to UPVC no representations were made. The only document he had was the planning permission approval, he had no plans. He requested a copy of the plans from the planning department but was advised that it was against council policy. The Architect could not supply him with a copy of the plans so he asked the same architects to draw up new plans. He advised the Committee that he contacted Elaine Hogg by telephone to ask if he could fit UPVC windows and he was advised that this would not be a problem as long as they were not white. Mr Bunton took samples of UPVC windows to the planning department. He advised the Committee that the extension was built in accordance with advice from planning and building control and he was only told to cease construction on 10 July 2008 by letter, at this point the construction was at roof level. He would urge that the application be supported.

Councillor Stoker indicated that the applicant had been working from the planning permission document as he could not have sight of the plans from the planning office or architect.

The applicant indicated that he chose to use the original architect and that he thought the plans he was working from were the same.

Councillor Bell asked the applicant how he felt about replacing the roof. The applicant indicated that he was aggrieved but he would be willing to do this.

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

1. Within 3 months of the date of this decision notice, the tiles on the extension hereby approved shall be replaced with reclaimed slates to match the original building, a sample of which shall be first submitted to and approved in writing by the Local Planning Authority.

#### **A4 Appeal Update**

##### **(a) Appeals Received**

None

##### **(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 the refusal to grant planning permission for the change of use of No. 48 Canterbury Road, Newton Hall to form an A5 Hot-Food Takeaway.

The Inspector considered that although there was a car park located to the rear of the premises many customers would likely park to the front. The levels of noise from the cars and from customers congregating would be readily audible for local residents. The Inspector concluded that the additional noise would be harmful to the amenities of nearby residents and considered the proposal contrary to Local Plan Policies S10 and H13 and as a result the appeal was dismissed.

- (ii) An appeal was lodged and an application for costs was made by Mrs Frances Tait against the Council's Refusal to grant planning permission for the erection of a two-storey five bedroom house at Rosemary Lane, Easington Village, Peterlee

The appeal had been allowed and planning permission granted for the development. The application for the award of costs had also been allowed.