

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 2 February 2010**

PRESENT

COUNCILLOR C WALKER in the Chair

Members

Councillors A Bell, J Blakey, G Bleasdale, J Brown, P Charlton, R Liddle, M Plews and K Thompson.

Other Members

Councillor M Wilkes.

Apologies for absence were received from Councillors D Freeman, S Iveson, J Moran and B Wilson.

A1 Minutes

Councillor Blakey indicated that in relation to Application No. 4/09/724/FPA 10 objections had been received from local residents and not 5 as indicated in the report. The Principal Planning Officer (Durham City Area Office) indicated that an apology had been given in this respect and that the additional representations did not raise any further planning issues.

The Minutes of the meeting held on 12 January 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) **4/09/126/COL and 4/09/127/COL – Mrs A G H M Watson, Finchale Abbey Caravan Park, Finchale Abbey, Brasside, Durham, DH1 5SH. Applications for Certificates of Lawfulness in respect of use of land for the siting of 67 permanent residential purposes, and use of land for the siting of 41 touring caravans**

Consideration was given to the report of the Principal Planning Officer (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 the City of Durham

Trust and the Member of Parliament had withdrawn their objections and would support the application.

Mr Lavender, the Agent indicated that the site had been in use since the early 1950's. The site was a location for visitors, second and permanent homes. The site did not have planning permission but had a licence which was issued by the Environmental Health Department. The applicant wished to bring matters into planning control. Documents had been produced to provide evidence that the land had been in use for at least 10 years, which were satisfactory with Officer's. He asked that the application be approved.

Resolved: That the application be **APPROVED**.

**(b) PL/5/2009/0457 – Mr R Ayre, Pony World, Crimdon Park, Blackhall
Demolition and Replacement of Holiday Accommodation, Children's Club and
Equine Stables, Including Erection of Holiday Chalets**

Consideration was given to the report of the Principal Planning Services Officer (Easington Area Office) which recommended the application for Approval. The Principal Planning Services 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 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 roof of the portal shed shall have a non-reflective finish The development shall be constructed in accordance with the approved details.
3. The development hereby permitted shall not be commenced until a contaminated land methodology statement has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include a summary of the intended uses of the land, details of intended ground works and landscaping, details of previous land use (assessment), potential contamination and extent of groundworks in relation to that contamination (risk), public safety management and the intentions as to how to manage the problem in relation to contractors and managers (method of management).
4. No development shall commence until a detailed landscaping scheme has been 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. 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.

6. (a) No development shall take place until the applicant, or his agents or successors in title, has secured an archaeological mitigation strategy, as defined in a brief prepared by the County Durham Archaeology Team, or a written scheme of investigation provided by the developer's archaeological consultant, which has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the following:
 - i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
 - ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
 - iii) Post-fieldwork methodologies for assessment and analysis;
 - iv) Report content and arrangements for dissemination and publication proposals;
 - v) Archive preparation and deposition with recognised repositories;
 - vi) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
 - vii) Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works;
 - viii) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
 - (b) The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the Local Planning Authority.
 - (c) A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the Local Planning Authority.
7. No development shall take place unless in accordance with the mitigation detailed within section E of the protected species report "Bat Reasoned Risk Assessment - Pony World, Crimdon" by Barrett Environmental Ltd., October 2009, including, but not restricted to adherence to timing and spatial restrictions; adherence to precautionary working methods.
 8. Before the development is commenced, a scheme of measures for the protection of the ancient semi-natural woodland adjacent to the south side of the site from potential litter and garden waste generated by occupiers of the chalets hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. These measures should include signage along the perimeter fence and regular monitoring by the development operator's staff. Such measures as may be

agreed shall be put in place before the chalets are first occupied and shall remain in force during the lifetime of the chalets.

9. Before the development is commenced, full details of the facilities to be provided for the storage of refuse generated by occupiers of the chalets hereby permitted and arrangements for its subsequent collection, which shall not involve the use of the track leading to the western entrance to the site, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme as agreed shall be incorporated in the development and, thereafter, shall be maintained as long as the chalets remain on the site.
10. Before the development is commenced, a fully detailed scheme for the construction of the proposed passing-place on the secondary access to the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme of works as may be agreed shall be carried out and the passing-place made available for use before the chalets are first brought into use and the passing-place shall, thereafter, be maintained as such for the lifetime of the chalet development.
11. No construction traffic visiting the site in connection with the implementation of the development hereby permitted shall use the track leading to the western side of the site. A sign, full details of the location and content of which shall first be submitted to and agreed in writing by the Local Planning Authority, shall be erected before the development is commenced to prohibit such traffic from the use of that track.
12. Once the development hereby permitted has been brought into use, no vehicles visiting the site, including service and delivery vehicles, other than those used by occupiers of the chalets, shall use the track leading to the western part of the site. A sign, full details of the location and content of which shall first be submitted to and agreed in writing by the Local Planning Authority, shall be erected before the development is first occupied to direct such traffic to use the main vehicular access route to the site entrance at the north-east corner of the premises. Thereafter, the signage shall be maintained in good condition for the lifetime of the development.
13. The chalets hereby permitted shall be occupied for holiday purposes only and shall not be occupied as any person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of all occupiers of individual chalets and of their main home addresses, and shall make such information available at all reasonable times to the Local Planning Authority, upon request.
14. Before the development hereby permitted is brought into use, a code of conduct for horse-riders shall be submitted to and agreed in writing by the Local Planning Authority. The code shall include making riders aware of the sensitivity of the designated Site of Special Scientific Interest and Special Protection Area that apply to the sand dunes and sea shore adjacent to the site and the importance of not disturbing the little tern breeding colony located on the shore below the site. Thereafter, the code of conduct shall be made known to all horse-riders and other participating visitors to the premises on their arrival.

(c) **PL/5/2009/0505 – North Blunts Ltd – Eden Lane, Peterlee
New Football Pitch, Kickabout Pitch and Extension to Changing Rooms**

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

Councillor Bell asked if the new changing facilities would be disability compliant. The Officer indicated that they were fully compliant with the Disability Discrimination Act.

Councillor Blakey asked if sporting facilities could be avoided when a funeral was taking place. The Chairman indicated that the Town Council was responsible for the Church Yard and the Sport and Recreation Ground but they would be contacted in this regard.

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 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. 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.
4. Prior to commencement of the development hereby permitted: i) A detailed assessment of ground conditions of the land proposed for the playing fields shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.
The approved scheme shall be complied with in full prior to works commencing on site, unless otherwise agreed in writing with the Local Planning Authority.
5. 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 Principal Planning Officer (Durham City Area Office) gave details in relation to the following appeals, which had been lodged with the Planning Inspectorate:

- (i) An appeal had been lodged by S G Petch Ltd against the Council's refusal to grant advertisement consent for the erection and display of 12 no. 4.5m high flagpoles within car display area to front of existing car showroom at S G Petch Ltd, Broomside Park, Belmont, Durham, DH1 1HP.

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 P Lowdon against the Council's refusal to grant consent to carry out works to protected trees which involved the felling of one Silver Birch at Castle Lodge, The Village, Brancepeth, Durham, DH7 8DE.

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

- (iii) An appeal had been lodged by Mr P Roebuck against the Council's refusal to grant planning permission for the erection of two storey pitched roof extension to rear of existing dwelling, insertion of bay windows to ground floor front elevation and insertion of replacement windows to front and rear elevations at site at Dunholme, High Street South, Shincliffe, Durham, DH1 2NN.

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

- (i) The appeal was lodged on the basis of the Council's refusal to grant planning permission for a detached garage on a small vacant plot on the apex of a bend on the street at 5 Church Row, West Rainton, Durham. The planning application was refused as officers considered that by virtue of its positioning on the apex of a sharp bend, the garage would introduce a built feature which would be harmful to highway safety, contrary to Policy T1 of the City of Durham Local Plan 2004.

The inspector recognised that there was already poor visibility for users travelling around the bend, which was further reduced when a car was parked on this parcel of land or the adjacent street.

While noting that vehicle flows along the street were low, the Inspector considered that the introduction of a built feature to the site would result in

unacceptably increased dangers for highways users, contrary to Policy T1 of the Local Plan. The appeal was dismissed.

- (ii) The appeal was made against the former Durham City Council's refusal to grant planning permission for the change of use of land to equestrian riding school including erection of log cabin for residential occupation by facility manager, erection of 8 bay stable block with tack room, managers office and hay store together with associated parking provision and landscaping on land adjacent to Tursdale Road between A688 and A1(M), Tursdale Road, Bowburn, Durham. The application was refused on the grounds that the proposed development was not located sufficiently close to *existing* residential accommodation to allow proper supervision, while the proposed log cabin to provide accommodation for the equestrian facility manager would represent new residential accommodation in open countryside and without adequate justification in terms of sound financial planning, the lack of a functional need and where suitable accommodation was available both on the existing planning unit and within 1km of the site. Additionally, the facility would not be located close to bridleways or other permissive paths.

The Inspector considered that the proximity of available housing in nearby settlements was sufficiently close to allow proper supervision given the availability of modern security and monitoring systems to justify the use of the land as a riding school, however, he was not convinced that there was a functional need or that the business had been planned on a sound financial basis so as to justify the proposed accommodation. The lack of permissive paths for exercising horses off the site was noted and the Inspector considered this could be dealt with by condition.

Therefore, the appeal was dismissed insofar as it related to the provision of residential accommodation, but allowed insofar as it related to the remainder of the proposals.

- (iii) The appeal was made against the former Durham City Council's imposition of a planning condition precluding the transportation of horses to and from the site by any means other than by horse box, when granting planning permission for the use of the land for the grazing of horses, together with field shelters and fencing for a temporary period of three years on land to west of A688, Cornforth Moor, Tursdale, Bowburn, Durham.

The Inspector agreed with the Council insofar as there was a need to control the movement of horses to and from the site, given the obvious danger the A688 posed, however, he considered that the condition was overly restrictive and therefore replaced it with a condition precluding the movement of horses on foot and thus allowed the appeal.

- (iv) The appeal was made against the former Durham City Council's imposition of a planning condition requiring the applicant to enter into a planning obligation to control the occupancy of the existing farmhouse in order to provide proper supervision of a proposed equestrian stud farm and race horse training facility including stable blocks, exercise ring, parking provision and landscaping on land surrounding Cornforth Moor Farm, and between A1 and A688, Tursdale, Bowburn, Durham

The appellants disputed the need for the existing farmhouse to be related to the proposed facility and that control over its occupancy was unnecessary. The Council had sought to ensure that the dwelling was tied to the business in perpetuity and sought to do this by way of a planning obligation.

The Inspector considered that although there was sufficient accommodation nearby which could provide appropriate supervision, the proposed enterprise involved highly valuable race and stud horses that may well require essential care at short notice, such as incidents of illness or foaling. Having accommodation at such proximity had clear security and animal welfare benefits. As such the Inspector agreed with the Council that there should be someone living on the site. However, he considered that a planning obligation would deprive the occupier of the dwelling the opportunity of varying or removing the restriction should the business cease in the future. The Inspector therefore considered that a condition based on the model set out in Circular 11/95 would be appropriate to control the occupancy of the dwelling, and thus replaced the condition, and allowed the appeal.