

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 6 October 2009**

PRESENT

COUNCILLOR C. WALKER in the Chair

Members

Councillors A. Bell, J. Brown, P. Charlton, D. Freeman, A. Laing (substitute for G. Bleasdale), J. Moran, M. Plews, R. Rodgers (substitute for J. Blakey) and K. Thompson.

Other Members

Councillors M. Williams and C. Woods.

Apologies for absence were received from Councillors J. Blakey, G. Bleasdale, S. Iveson and B. Wilson.

A1 Minutes

The Minutes of the meeting held on 15 September 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) 4/08/00797/FPA - The Gardens, Sunderland Bridge, Durham, DH6 5HD Erection of 2 no. dwellings to front of existing dwelling (resubmission)

Consideration was given to the report of the Development Control Manager (Durham City Area Office) which recommended the application for refusal. 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 Thompson asked for clarification on the policy with regard to distances between properties in view of a previous application which was approved which did not comply with this policy. The Development Control Manager clarified the policy and indicated that sometimes this guideline could not always be achieved, but on this application this was not the only reason for refusal.

Councillor Bell asked for clarification on whether the application if refused would stand up at appeal in view that planning approval was approved three years ago. The Development

Control Manger advised the Committee that he strongly believed that there was a good case if challenged on appeal.

Councillor Plews commented that the site visit this morning was useful to see how the development would appear.

Councillor Williams spoke as Divisional Member and commented on concerns of highway safety in particular the width of the road. Cars would have to enter onto the main road to see traffic from the right. The Planning Inspector previously commented that access for seven vehicles from this road was excessive. He would urge that the application be refused.

Mr Turnbull (Applicant) stated that the property was built in 1994 and that it was approved by Committee in 2005 and not delegated powers as indicated in the report. Mr Turnbull gave a verbal statement in support of his written statement and indicated that approval which was received in 2005 was in accordance with relevant planning policies. He was not aware that any of these planning policies had changed. The application was for the erection of two properties which would screen the existing property and was a small infill development that would conform to Policy H3. The development would be set back from the road but would still allow a degree of openness. There would still be separation between properties and the design of the properties would not impact on the conservation area. It was a large plot of land, which was three quarters of an acre. There would be ample garden and parking opportunities. In 2005 the development was considered appropriate.

Councillor Moran indicated that he was born in Sunderland Bridge and was of the opinion that the development was inappropriate.

Councillor Charlton asked for clarification on when the village became a conservation area. The Development Control Manger indicated that he thought it was late 1960's or early 1970's.

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

1. The Local Planning Authority considers that the proposed development by reason of its situation would result in the loss of an area which makes an important visual contribution to Sunderland Bridge Conservation Area and would introduce an unacceptable density of development. As a result it would fail to preserve or enhance the character of the Conservation Area contrary to Policy E22 of the City of Durham Local Plan 2004.
2. The Local Planning Authority considers that the proposed development by reason of its situation would lead to a form of tandem development which would unreasonably impact upon the character of the existing development and wider area contrary to Policies H3, H10 and H13 of the City of Durham Local Plan 2004.
3. The Local Planning Authority considers that the proposed dwellings would provide unacceptable separation distances between nos. 21 and 22 Sunderland Bridge and The Gardens to the detriment of residential amenity contrary to Policies Q8 and H13 of the Local Plan 2004.

4. The Local Planning Authority considers that the proposed dwellings would incorporate insufficient amenity space for dwellings of this size contrary to Policy Q8 of the City of Durham Local Plan 2004.

(b) 4/09/00354/FPA, 4/09/00355/FPA, 4/09/00346/FPA and 4/09/00348/FPA – 18, 20, 22 and 40 Dene View, Cassop, Durham, DH6 4RW, Change of use to domestic garden and erection of 1800mm high close-boarded wooden fence

Consideration was given to the report of the Development Control Manager (Durham City Area Office) which recommended the application for refusal. 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 Moran asked if the boundary fence had not been moved then would it of been viable for 40 Dene View to build a garage.

Resolved: (i) That the application be **REFUSED** for the following reason;

The Local Planning Authority considers that the change of use of land to domestic garden and associated enclosure with timber fencing represents an unacceptable encroachment into the countryside beyond the defined settlement boundary, resulting in a harmful suburbanising visual impact upon the open character of the countryside contrary to the requirements of Policy E7 of the City of Durham Local Plan 2004.

(ii) That an enforcement notice be served requiring:

The discontinuance of use of the land for domestic garden purposes and the removal of the timber fencing enclosing the land within a period of 3 months from service of the notice.

**(c) 4/09/00556/FPA - Land To The South of Ladys Piece Lane, Pittington Bridge, Pittington, Durham, DH6 1AA
Proposed erection of agricultural building including retrospective consent for new gates, along with parking area and access track along eastern edge of field**

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 reported that whilst on site it was noted that the gates had been changed which were now acceptable. It was indicated on site that if the application was agreed then an extra condition be imposed for an appropriate signage scheme at the applicant's expense. The Development Control Manager then gave a detailed presentation on the main issues outlined in the report.

Councillor Woods spoke on behalf of a large number of people in Pittington and Sherburn, the Parish Council and her fellow Councillor. Councillor Woods indicated that it was an extremely large building which was of similar size to Sherburn Leisure Centre which was thought by some people to be too large for purpose. This agricultural building was too large for purpose that was located between two large conservation areas, where the quality of the countryside was trying to be maintained. She would urge the Committee to refuse the application and ask that the applicant revise the proposal. Overall the floor

space was larger than that of the farm next to her house. This building was for two fields and car parking for twelve cars which was overdevelopment. The gates last night looked the same and would ask that the gates be in keeping with other farm gates as the current gates were over the top. The gates should be revised back to ordinary gates which are currently seen on entrances to fields. The application should be refused as overdevelopment. The building could also become a barn conversion and she would not like to get to this point. She was supportive of agricultural businesses but hay bales could be stored outside.

Mr Walton an objector indicated that we needed to protect the countryside, He had concerns of the building in relation to road safety. Views were tremendous and this development would allow an industrial unit at the highest point which would dominate the area. The building was unnecessary for this venture, sheep could be kept outside in all weathers, a poly tunnel could be used for lambing and hay bales could be wrapped in black polythene. A similar building cost £70,000 to install. It would take some years to recoup this money back. He would ask that you support residents and relocate and reduce the size of the building.

Mr Tindle an objector indicated that it was a well used road and vehicles coming out of the property would be slow and cumbersome which would be met by traffic. The gates which had been installed were anything but agricultural. The building was required to store agricultural vehicles and to protect 20 or 30 sheep.

Dr Bell who spoke on behalf of the applicant indicated that hay bales could not be stored outside as it would be ruined. He did not believe that the building could be converted into seven houses. If you make a good access you are criticised. This was a straight forward agricultural building. The applicant could erect a building of this size without permission if it was not to be used for live stock. He did not know where the figure of £70,000 had come from. Highways have indicated in the report that the access had been improved to a high standard and had been improved and when asked by the Council to stop development the applicant did so. This is the best field in the area, which is sprayed and controlled well. The applicant must prevent overgrazing under the code of conduct and must have shelter for the sheep when ill.

Councillor Freeman asked if the applicant had any further fields. Dr Bell advised that the applicant's father had land at Hallgarth and the applicant had an agreement with nearby farmers to use their land.

Councillor Rodgers asked if it was now a completely set of new gates which the Development Control Manager confirmed was the case.

Councillor Charlton indicated that the Committee needed to make a decision on what was in front of them and not what could be in the future.

Councillor Plews indicated that the Committee could not comment on economics and that we were here to support businesses. Housing was a separate issue. The Committee could not comment on what size agricultural building was needed, if they had the money to provide this building then fine. On site it was evident that the gates had been changed and traffic issues had been addressed by the additional condition.

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 only in accordance with the approved plans, specifications and conditions hereby imposed.
3. The access gates erected at the site on 6 October 2009, shall be retained in their existing position at all times and shall not be replaced or modified in any way without the prior written consent of the Local Planning Authority.
4. Notwithstanding any details of materials submitted with the application, development shall not commence on the erection of the agricultural building hereby approved until full details of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
5. Within 3 months of the date of this permission the applicant shall submit details of a scheme for the provision of a road signage warning motorists of potential dangers of the access to and from the site. Such signage shall be provided to the agreed specification of the County Highway Authority and at the expense of the applicant and shall be erected within 6 months of the date of this permission.

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 in relation to the following appeals, which had been lodged by the Planning Inspectorate:

- (i) An appeal had been lodged by Miss A Mosley against the Council's refusal to grant planning permission for the erection of detached single, flat roofed garage at 5 Church Street, West Rainton, Durham, DH4 6NR.

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 against the Council's refusal to grant planning permission for the change of use from a bookmakers to a hot food takeaway at the former bookmakers, Mickle Hill Road, Blackhall.

The appeal would be dealt with by way of written representations and the committee would be informed of the outcome in due course.

- (iii) An appeal had been lodged against the Council's refusal to grant planning permission for the erection of a bungalow at land at Salters Lane, Haswell.

The appeal would be dealt with by way of written representations and the committee would be informed 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) An appeal was lodged by Mr McKay against the Council's refusal of planning permission for the erection of three storey pitched roof extension and 1 no. pitched roof dormer to rear and erection of 1 no. pitched roof dormer to front of existing dwelling at 18 Hawthorn Terrace, Durham DH1 4EL.

The appeal was dismissed and planning permission refused for the development.

- (ii) An appeal was previously lodged against the refusal of planning permission for calf rearing sheds and general purpose agricultural buildings which was dismissed by the inspectorate at land to the South West of Heath View, Station Town, Wingate. However, the applicant had already constructed three separate roadways and three separate areas of hardstanding on the site. As such, an enforcement notice was served which required the permanent removal of the three roadways and the three areas of hardstanding and to reinstate the land to grassland, and to permanently remove from the land any rubble, excavated material and debris resulting from the development. An appeal was lodged against the enforcement notice.

The inspector had dismissed the appeal and upheld the enforcement notice stating that the works must be carried out within 12 weeks of the date of the appeal decision.