

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)

AT A MEETING of the **AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)** held at Seaside Lane, Easington on **Tuesday 8 December 2009**

PRESENT

COUNCILLOR C WALKER in the Chair

Members

Councillors J Blakey, J Brown, A Bell, G Bleasdale, P Charlton, S Iveson, D Freeman, J Moran, R Liddle and M Plews

Other Members

Councillors D Boyes, L Thomson and C Woods

Apologies for absence were received from Councillors B Wilson and S Zair

The Chair welcomed Councillor Iveson back to the meeting after a period of illness and conveyed the Committee's thanks to Councillor Simmons who had substituted for Councillor Iveson during her absence.

A1 Minutes

The Minutes of the last meeting held on 17 November 2009 were confirmed as a correct record by the Committee and signed by the Chair.

A2 Declarations of Interest

Councillor P Charlton declared a personal and prejudicial interest in relation to the following item of business on the agenda and withdrew from the meeting for that item:-

4/09/00560/FPA and 4/00561/LB - Ms G Moore, The Tithe Barn, Bent House Lane, Durham.

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

- (a) **PL/5/2009/0383 – Mr T Dolan, Cherry Tree Lane, Salters Lane, Shotton Change of Use to Mixed Use for Caravan Site for 3 Caravans and Utility Building for Occupation by Gypsy Traveller Family and Stable Block with Associated Midden**

Consideration was given to the report of the Principal Planning Services Officer (Easington Office) which recommended conditional approval. The Principal Planning Services Officer explained that Members had visited the site that day, were familiar with the location and setting, and gave a detailed presentation on the main issues outlined in the report.

Councillor Charlton asked who would be responsible for ensuring that the conditions attached to the planning permission were met. The Principal Planning Services Officer advised that this would be the responsibility of Planning Officers in conjunction with the Travellers Liaison Officer.

In response to questions from Councillor Iveson, Mr Dolan, the applicant's father explained that the family currently lived close to where the horses were grazed at Leamside and confirmed that the family took the horses with them when they travelled. The application had been submitted as his son wished to settle down and put his children in a local school.

Councillor Bell made reference to the number of caravans permitted on the site. The Principal Planning Services Officer advised that a condition was included which limited the number of caravans to three, and a separate planning application would be required if the applicant wished to increase this limit.

Mr Robinson, objector stated that he endorsed the objections submitted by Shotton Parish Council and noted that two previous applications had been refused in the past which were for the development of stable blocks on the site. He considered that this application was in conflict with PPS3 and made reference to the National Planning Guidance and circular 1/2006 which dealt with Gypsy policy. The circular aimed to increase the number of designated sites in the period 2009 – 2011 and he noted that none had been identified in County Durham. He considered that Durham County Council should designate areas for gypsy travellers which would avoid the need to consider applications on an ad-hoc basis. He also felt that consultation with residents should have been carried out over a longer time period.

The Principal Planning Services Officer responded that the two previous applications referred to had been refused on valid grounds and that this application had to be considered on its own merits. He acknowledged that the Council needed to allocate gypsy sites within the County but as none had been specified to date, any planning applications had to be determined on an individual basis.

Councillor Bell referred to condition numbered three in the report and was concerned that it did not encourage sustainable development as it did not allow the applicant to work from home. The Principal Planning Services Officer advised that the purpose of this condition was to prevent uncontrolled commercial activities on the site and added that the applicant had not indicated that he wished to work from home or that this condition was unacceptable.

Following discussion it was suggested that condition number three be amended to allow the applicant to make application to the local planning authority if he wished to carry out commercial activities on the site.

Resolved:

That the application be **APPROVED** subject to the conditions outlined in the report and to condition number three being amended to read as follows:

"no commercial activities shall take place on the land including the storage of materials, unless otherwise agreed in writing with the local planning authority. "

Councillor Charlton withdrew from the meeting for the following item of business.

- (b) 4/09/00560/FPA and 4/09/00561/LB**
FPA - Proposed Barn Conversion/Change of Use from Agricultural Building to Domestic Dwelling with Erection of Detached Pitched Roof Garage and Hardstanding Area and Provision of Parking Area for Existing Dwelling.
- LB - Partial Demolition and Rebuild of Listed Building to Facilitate Proposed Barn Conversion to Domestic Dwelling with Erection of New Detached Pitched Roof Garage and Car Parking Area**

Consideration was given to the report of the Development Control Manager (Durham City Office) which recommended conditional approval. The Development Control Manager explained that Members had visited the site that day, were familiar with the location and setting, and gave a detailed presentation on the main issues outlined in the report.

Mr D Parker, an objector stated that the objections to the proposed conversion of the Tithe Barn related to heritage and conservation, design, and amenities.

The Tithe Barn was a listed barn of unique heritage value, in a precious cluster of old buildings and historic garden known as Old Durham. In 1985 Durham City became the new owners of Old Durham Gardens. Four years later, in recognition of its historic significance, with support from various external bodies, the City invested significant public sums in restoring the gardens. Any alteration of the Tithe barn – an integral feature of Old Durham and the only listed building not in the ownership of the Council – should be treated in the same considered way as that carried out on the gardens, so that the historic character of the building, with its small narrow openings, period elements and agricultural appearance was preserved.

The proposed changes were an incongruous mixture of square, modern windows at the front of the barn, while at the rear, double-storey glazed panels and doors (with balconies) were totally unrepresentative of the barn's original agricultural appearance. From the public road 13 new windows plus four extractor fan outlets would be visible. It would no longer look like a barn but a modern house with an oeil-de-boeuf as the sole vestige. The proposed changes did not belong to the farm building idiom. They were out of keeping with the previous low key residential conversions agreed by the local planning authority for Old Durham.

No body or individual was against the restoration and change in use of this building. The proposed treatment, however, was contrary to Local Plan Policy. The

conservation area and listed building status required the planning authority to oversee sensitive solutions, even with modest listed buildings. Thus, PPG 15 stated that 'many Grade II listed buildings were of humble and once common building types and had been listed precisely because they were relatively unaltered examples of a particular building type; they could readily have their special interest ruined by unsuitable alteration or extension'. The Conservation Area test, whereby the appearance and character should be preserved or enhanced, was clearly not passed. Local Plan policies E22 and E23 were not complied with.

Mr Parker continued that the aesthetic problems stemmed largely from the overdevelopment of the interior space of the building, in an attempt to maximize the returns by lowering the floor of the barn up to eight feet to create a basement. This amounted to major excavation of a fragile structure with no proper foundations, which, if it faltered, could severely damage the fabric of the barn, resulting in it falling down, and structurally damaging the property it was joined to, Farm Cottage. In addition, the balconies and their double doors were unnecessary and seriously intruded on the privacy of Farm Cottage. An 80cm move away from the party wall hardly reduced an infringement that the Council itself informed the applicant would not have their support.

He considered that the owner had not in any meaningful way addressed the objections of the four relevant preservation bodies and neighbouring residents. It was unprecedented for English Heritage, North of England Civic Trust, Society for the Preservation of Historic Buildings (SPAB), and the City of Durham Trust to object to such an application, and then for the case officer to overturn their unanimous opinion and advice. It was also unusual for proposals to be accepted on what the case officer called 'pragmatic grounds'. Experts from the Civic Trust, English Heritage, and City of Durham Trust preservation bodies acknowledged the urgency to secure the barn, but did not agree that its collapse was imminent. The Council also had enforcement powers under the Planning Act of 1990 to ensure that the Barn was protected, so it was wrong that all important conservation principles would be compromised because of a questionable threat being used by the applicant to force acceptance of plans.

English Heritage, the guardian of listed buildings, had stated that the detailed proposals were 'unacceptable'. It described the scheme as 'disappointing', stating that 'there was no compelling reason to support this significant and invasive alteration' to the threshing doors, and that 'other proposed external alterations would have an adverse effect on the character of the listed building', in being 'excessive' and 'entirely out of place and unsympathetic'. The case officer had recommended that 'a less intense conversion would be more suitable'. The application involved cramming 3 stories and 5 bedrooms into a barn of limited proportions. In the past a more modest proposal which was acceptable to all was given planning approval, but not implemented; a detail missing in the case report. However, he felt that approval had been recommended because this was the only way to save the building. The Planning Authority should not be forced this way and should accept only a design which met the criticisms of English Heritage and other conservation bodies.

Ms Moore, the applicant stated that she had approached the Council ten years ago to discuss planning permission, and over this time she had worked with four architects and five planning officers.

She was passionate about the building and wanted to save it from falling down and to live in it. It would be an 'upside down' house with semi basement bedrooms with many limitations but it would have character and would be a lovely home.

She had worked closely with the Council for the last four and a half years, changing and compromising to try to achieve something that was true to the building but that could also be lived in practically. She had employed top professionals to carry out the work on her behalf.

She continued that the design of the building was ruled by the roof beams for which the barn had been listed and the design of the internal layout was dictated by these. She had been advised that the beams must be visible throughout therefore there would be no accommodation in the roof void, as was the norm in barn conversions.

The beams were so low that two stories under them was not possible, therefore the only way to achieve this was to dig down an extra three or four feet. The barn had no foundations so underpinning was required regardless of its use to stop it falling down. There was a need to dig one and a half metres down anyway, therefore to dig an extra three to four feet to make a semi basement seemed reasonable.

The sandstone doorways were now situated under load bearing beams which was dangerous and structurally unsound, and probably weren't like this originally. There were hinge marks to show that they had probably been moved in the past and rotated around. They would have been opposite each other because a threshing barn needed this to allow the wind to blow through. They would be kept opposite each other, and would be brought back to their original beauty by craftsmen.

She reiterated that she had worked closely with the Council over the design and had compromised as requested. The design of the windows had been as dictated by the Council. There were three new windows on the public side, the property was two stories, in a mezzanine design to maintain the visibility of the beams.

She understood the concerns of the neighbours that they did not wish to be overlooked. The next door neighbours had a window in a comparative position in their house. Their window was higher than the proposed barn window and closer to the party wall.

The area of glazing to the west elevation had been vastly reduced and moved away from the boundary in response to the objections/concerns received. The window was needed to allow light into the living area as the Council had asked that extra openings be kept away from the east elevation.

In addition the width of the balcony had been greatly reduced to become steps for access purposes only. The area was isolated and the purpose of the steps was for her to be able to watch her children playing in the garden and to be able to reach them from the kitchen.

To conclude Ms Moore stated that she considered that she represented the last opportunity to salvage the building at a cost of hundreds of thousands of pounds. Three years ago her structural engineer had given the barn a lifespan of five years. He had examined it again recently and had commented on how much it had deteriorated and that it was now close to collapse.

Councillor Blakey referred to the historic features in the existing building and asked how these were incorporated into the proposals. The Development Control Manager advised that this scheme did not involve radical alteration to the features of the building. There were two historic features; the roof which was to be left intact and around which the whole conversion was centred, and secondly the thresher doors on the east and west elevations which would be moved slightly as they were currently positioned under a structural load point. There were other alterations such as underpinning, windows and roof lights but these were kept to a minimum to make the transition from agricultural building to modern dwellinghouse in a sympathetic manner.

Councillor Moran made reference to the objector's concerns about being overlooked by the window on the west elevation and commented that their neighbour's property on the other side also had a window in the same position.

Councillors Plews asked for clarification of the structural condition of the building as there appeared to be conflicting information about its safety. The Development Control Manager stated that extensive structural reports by Structural Engineers from Durham County Council, the applicant and English Heritage sought to address the safety of the building which had been reflected in the planning application. He referred Members to condition numbered 3 in the report which asked the applicant to provide a detailed method statement for the execution of the works within a defined project plan.

In response to a question from Councillor Bell, C Simmonds, the Council's legal officer clarified that any incidents that occurred relating to the structural safety of the building during the works would be a private issue, and was not a matter for consideration by the Area Planning Committee.

Resolved:

That the application be **APPROVED** subject to the conditions outlined in the report.

**(c) 4/09/00756/FPA - Land between 24 and 25 The Avenue, Durham
Erection of 3 No. Two Storey Terraced Dwellings with Basement and
Attic Accommodation**

Consideration was given to the report of the Development Control Manager (Durham City Office) which recommended conditional approval. The Development Control Manager explained that Members had visited the site that day, were familiar with the location and setting, and gave a detailed presentation on the main issues outlined in the report.

Mr Fish, the applicant's agent explained that the application sought to fill longstanding gaps on The Avenue, a street of terraced Victorian houses. The site was open land and did not contribute to the street scene as it was lower than the road. The site was within a conservation area, was in an important historic street and the proposed development would be of a high standard that was sympathetic to the area. The materials to be used were traditional and the landscaping would also be of a high standard, with three trees to be retained to the rear of the site.

Mr Copeland, the applicant advised that he recognised the importance of maintaining the character and style of the setting, and that it needed to be of a similar style to the other dwellings in The Avenue. Commercially the development would be dictated by markets, and therefore could be sold to a family or may become a student let.

Councillor Mrs Bleasdale asked why the site had never been developed. The Development Control Manager advised that as The Avenue had been built in the Victorian era, the properties had been developed in a piecemeal way by a number of different developers.

In response to a question from Councillor Freeman, Mr Copeland advised that he currently owned the property adjacent to the site and it was currently used as a student let.

Resolved:

That the application be **APPROVED** subject to the conditions outlined in the report.

**(d) 4/09/00769/FPA – Change of Use of Land for the Keeping of Horses
Land Rear of Willowtree Avenue, Durham**

Consideration was given to the report of the Development Control Manager (Durham City Office) which recommended conditional approval. The Development Control Manager explained that Members had visited the site that day, were familiar with the location and setting, and gave a detailed presentation on the main issues outlined in the report.

The Development Control Manager advised that since the preparation of the report the Highways Section had asked for an additional condition that the existing access gate be set back to provide a greater area of hardstanding to allow vehicles to park without crossing over onto the highway.

Councillor Charlton asked about the provision of water and shelter for the horses. The Development Control Manager advised that these were not planning matters but the applicant had indicated that a daily visit would be made to the site, and with regard to shelter he understood that this was not necessary in every field where horses were grazed, nor was it necessary for certain breeds of horses.

In response to a question from Councillor Bleasdale with regard to fencing, the Development Control Manager advised that condition numbered three in the report required the applicant to submit details of a scheme of fencing to secure the

perimeter of the site, incorporating suitable stiles or gates wherever the fencing crossed a public footpath or Right of Way.

Councillor Thomson, spoke on behalf of residents whose properties bordered the field. He advised that repeated applications for residential development of the site had been refused and residents main concerns were about highway safety, vermin, smells and noise levels. The gardens bordering the field were well looked after and well used in the summer months. Residents had asked that if the application was approved additional conditions be included to impose a strict limit on the maximum number of horses permitted and to ensure that there was adequate drainage to prevent effluent flooding into neighbouring gardens. In addition he stated that there should be a nominated person in the vicinity who could be contacted in case of emergencies.

To conclude he advised that he understood that there may be an existing covenant restricting the use of land to agricultural purposes and if this was the case asked that it be borne in mind when determining the application.

The Development Control Manager responded that that any legal covenant was not a matter for the Planning Committee and had no bearing on the decision to be made today. With regard to the additional conditions requested he explained that it would not be reasonable to impose a condition to limit the number of horses on the site. In relation to drainage, it was not considered that the keeping of horses on the land would affect the current situation. However, he added that advice received had stated that bio-diversity would be improved by grazing horses on the land.

Mr Bates, the applicant stated that he was an experienced equestrian and was concerned by the objections put forward. He assured Members that the fencing would be secure as he did not wish to risk losing expensive horses, adding that the biggest security problem was thieves. Arrangements had been made for daily visits to the site and his business partner lived less than a mile away in case of emergencies. With regard to the complaints about odours he advised that the only smell emitted would be from manure which was often used on gardens anyway, and not usually the subject of complaints.

Resolved:

That the application be **APPROVED** subject to the conditions outlined in the report, and an additional condition be included that the existing access gate be set back further to allow vehicles to park without crossing over onto the highway.

- (e) **4/09/00770/FPA – Coalford Lane, High Pittington, Durham
Erection of Six No. Dwellings with Associated Parking and
Landscaping, and Erection of Six No. Replacement Pitched Roof
Garages**

Consideration was given to the report of the Development Control Manager (Durham City Office) which recommended conditional approval. The Development Control Manager explained that Members had visited the site that day, were familiar with the location and setting, and gave a detailed presentation on the main issues outlined in

the report. He added that the consultation period for the application had been extended and would end on 9 December 2009. Therefore if Members were minded to approve the application the date of implementation would be 9 December 2009.

Councillor Blakey referred to the existing garages and stated that access to the first garage seemed tight. The Development Control Manager responded that access to this garage would be improved as a result of the scheme, allowing greater manoeuvrability. The Highways Section were satisfied with the access arrangements.

Councillor C Woods stated that she was pleased that the village would benefit from six much-needed council houses and commended the former Durham City Council staff who had been in a position to take advantage of the scheme. However she expressed her concern with regard to the consultation carried out by the Housing Section with local residents. In particular she was concerned that the garage occupiers had not been consulted prior to the application being submitted to discuss the possibility of alternative sites.

In addition she considered that the proposals could cause parking problems in the cul de sac and anti-social behaviour problems. She also referred to flooding problems experienced there in the past and asked that this be taken into account if the development was approved.

To conclude, she asked that alternative sites be found for the two garages at the south end of the development as the proposals would have an adverse impact on the amenity of the two adjacent bungalows.

Councillor Bleasdale asked if there were any alternative garage sites within the village. The Development Control Manager advised that he was not aware of the availability of other locations and added that the scheme was to replace the six garages on the existing site in a manner that would be advantageous to the occupiers.

In response to a further question from Councillor Bell with regard to the extended consultation period the Development Control Manager advised that no further objections had been received to date.

Councillor Moran welcomed the proposed development of Council houses and commented that he hoped that the developers would consider employing local labour to build the properties.

Resolved:

That the application be **APPROVED** subject to the conditions outlined in the report and the outcome of the extended consultation period.

A4 Appeal Update

(a) Appeal Decisions

Details were given of the following appeal which had been considered by the Planning Inspectorate:

- (i) Appeal against the Council's refusal to grant permission for the erection of a two storey rear extension and detached garage at 96 Dunelm Road, Thornley, Durham.

The Inspector had dismissed the appeal in relation to the two storey extension but had allowed the appeal in respect of the detached garage, subject to works being carried out within three years.

(b) Appeals Received

Details were given of the following appeals which had been lodged with the Planning Inspectorate:

- (i) Appeal against the Council's refusal to grant conservation area consent and planning permission for the partial demolition of existing wall and the erection of a two storey dwelling on land west of 1 Mavin Street, Durham.
- (ii) Appeal against the Council's refusal to grant planning permission for the extension to existing residential unit to form one additional bedsit on land at the rear of 54 Hallgarth Street, Durham.

A5 Outcome of Planning Services Summer 2009 Advertisement Campaign

Consideration was given to the report of the Planning Development Manager which advised of the key outcomes achieved as a result of concerted efforts made by planning services staff across summer 2009 with regard to investigative actions carried out against unauthorised signage.

Councillor Brown referred to the table in the report which showed the results of the work carried out by officers on an area office basis in sensitive areas. She asked that in order to give a clearer picture, a further table be provided to include all the results.

Resolved:

That the contents of the report be noted.