

## 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 12 January 2010**

#### **PRESENT**

**COUNCILLOR C. WALKER** in the Chair

#### **Members**

Councillors A. Bell, J. Blakey, P. Charlton, S. Iveson, R. Liddle and M. Plews.

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

#### **A1 Minutes**

The Minutes of the meeting held on 8 December 2009 were confirmed as a correct record by the committee and signed by the Chair.

#### **A2 Declarations of Interest**

Councillor Blakey declared a personal interest in respect of Application Nos. 4/09/715/FPA and 4/09/724/FPA as she was a member of the Parish Council and the Village Partnership.

#### **A3 Applications to be determined by the Area Planning Committee (Central & East Durham)**

- (a) **4/09/715/FPA – Mr M Robinson, 43 Luke Avenue, Cassop, Durham, DH6 4RD. Erection of First Floor Pitched Roof Extension to Side and Erection of Single Storey Pitched Roof Extension to Front/Side of Existing 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 explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

**Resolved:** (i) 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.

3. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.

**(b) 4/09/724/FPA –Durham Villages Regeneration Company – Land at Robson Crescent, Bowburn, Durham  
Erection of 5 No. Dwellings with Associated 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 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.

Mr Ridley, an objector commented on the lateness in receiving the notification letter and a copy of the report. He advised the Committee that he had two main objections, which were that one of the proposed groups was for three mid-linked houses and there were no other mid-linked houses within the area. He also was concerned at the loss of open space. He was not against the houses but he was of the opinion that two sets of semi-detached properties would be more in keeping with the estate. He commented on the materials, which were proposed which he thought were out of keeping. He went on to say that the proposal would create two alleyways which could create problems with youths. He also commented on the fact that a large grass cutter would no longer be able to gain access to the bungalows so the grass would have to be cut by small machines, which would create an increase in costs. He asked if the houses could be two sets of semi-detached properties so as not to look like a terrace and that they be set back from the road.

The Development Control Manager (Durham City Area Office) advised the Committee that the report was sent to Mr Ridley eight days prior to the meeting, which was more than adequate. The proposal would contrast with other houses and he indicated that good design was not mimicking other houses in the area. Officer's view was that the development would sit well in a design context and by providing stone sills and other design features would improve the quality of the properties.

Mr Prescott, speaking on behalf of Durham Villages Regeneration indicated that this development was one of four sites that Durham Villages Regeneration and Durham County Council had put forward to secure grant funding for houses. The properties would be let to people on the waiting list and were designed to be in keeping with other properties on the estate. The properties were a code four on the environmental agenda so would have high insulation and solar roof panels. Mr Prescott indicated that there were groups of three houses located in Prince Charles Avenue and Durham Road and the Keepmoat properties currently being built on the estate had blocks of terraced properties. He advised the Committee that the plans shown today were accurate and that the type of materials to be used were not final and could be discussed and addressed in the coming weeks.

Councillor Charlton sought clarification on the creation of alleyways, and how the middle house would gain access to the rear of their property.

The Development Control Manager (Durham City Area Office) showed the Committee using the plan on display where access would be gained, which would be via a private access to the side of the western most block, which would have a gate. He also advised

the Committee that the area at each end of the development again would have a gate to provide a private access.

Councillor Blakey spoke on the application and indicated that Bowburn had already lost three play areas, which had resulted in children having to travel at least half a mile to get to a play area. The development would be located in the middle of a 50's development which currently suffered from sewerage system problems, in view of this, was this site going to have sewerage removed by a tanker. She indicated that the access arrangements to the rear of the properties were not acceptable. Herself and Councillor Williams were advised last night that the plans they were shown earlier in the year were different. She indicated that the site was chosen due to its close proximity to an existing building site for ease of the builder and that better sites were available. She asked that the application be refused or deferred to enable other sites to be considered.

**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. 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.
4. No development shall commence (nor shall any materials or machinery be brought on the site) until details showing the exact position of protective fencing around trees and hedges within, and adjacent to the site have been submitted on plan, and agreed in writing by 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 or in accordance with the details set out in 'All About Trees: Arboricultural Implication Assessment of Trees at Robson Crescent, Bowburn for Queensbury Design - 24th September 2009':
  - a) No construction work shall take place unless all of the protected trees and hedges within the site have been protected by the agreed fencing, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS 1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1) unless otherwise agreed by written consent of the Local Planning Authority.
  - b) No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the protective fenced areas, and no work is to be done as to affect any tree, without the prior written agreement of the Local Planning Authority.

- c) 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.
  - d) Notwithstanding the tree surgery works agreed by this permission in accordance with the arboricultural report, no removal of limbs or other tree surgery works shall be done to any of the protected trees within the site unless the prior written approval of the Local Planning Authority has been sought.
  - e) No underground services trenches or service runs shall be laid out without the prior written approval of the Local planning authority with the agreed works being undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees'), and BS 5837:2005 'Trees in Relation to Construction'
5. No tree shall be felled until a scheme of replacement planting has been submitted to and approved by the Local Planning Authority. Unless otherwise agreed by the Local Planning Authority, the replacement scheme shall be carried out within 12 months of the start of the tree felling hereby approved. These shall be planted and maintained in accordance with good practice to ensure rapid establishment- including watering in dry weather, and replaced if they fail within 5 years of initial planting, not later than the following planting season.
  6. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.
  7. Development shall not commence until a scheme for the treatment of foul flows from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. No element of the development shall be occupied until the agreed scheme for the treatment of foul flows has been fully completed and commissioned in accordance with the approved scheme.
- (c) PL/5/2009/0494 Abtech Properties Ltd – Land at Shotton Road/Whitehouse Way, Peterlee  
Extension of Time Limit for Implementation of Planning Permission Ref No. PLAN/2006/0506 for District Centre, Comprising Industry Offices, Warehouse and Retail Units**

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 Blakey sought clarification on whether the applicant could keep applying to have the time limit extended. The Principal Planning Services Officer (Easington Area Office) advised that unless the Government amended legislation then there was no reason why they could not re-apply.

Councillor Bell asked if a section 106 agreement could be attached to the new permission. The Principal Planning Officer (Easington Area Office) with the agreement of the Solicitor advised that this was not considered necessary, as there was nothing appropriate that could be attached, with all relevant matters being dealt with by planning conditions.

**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, a scheme to minimise energy consumption to be incorporated in the development 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 said Authority. Thereafter, the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.
3. The landscaping scheme approved pursuant to condition 4 of planning permission PLAN/2006/0506 shall be carried out during the first planting season following the practical completion of the development works hereby permitted to the satisfaction of the Local Planning Authority. If within a period of five years from the date of planting of any tree/shrub that tree/shrub, or any tree/shrub planted as a replacement for it, is removed, uprooted, destroyed, dies or becomes in the opinion of the said Authority seriously damaged or defective, another tree/shrub of the same species and size as that originally planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
4. The retail premises hereby permitted shall comprise a minimum of two separate units and shall not be combined into a single unit at any time in the future without the prior written consent of the Local Planning Authority.
5. The retail premises hereby permitted shall not be used for the sale of any goods or items other than food and convenience goods nor for any other activities included in use class 1 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) without the prior written consent of the Local Planning Authority.
6. No deliveries or waste contractors' activities shall take place outside the hours of 0800-2300 hours on any day.
7. No construction works including deliveries of materials shall be carried out on the development hereby permitted outside the hours of 0800-1800hrs on Mondays to Fridays and 0800-1300hrs on Saturdays.
8. The development hereby permitted shall not be implemented except in complete accordance with the details approved under planning permission reference PLAN/2006/0506 and the subsequently agreed details submitted pursuant to conditions 2 (finishing materials), 3 (means of enclosure), 4 (landscaping scheme), 6 (main perimeter fence), 7 (road junction details), and 8 (footpath links), unless amendments to those details have first been submitted to and approved by the Local Planning Authority.

**(d) PL/5/2009/0500 T Mobile (UK) Ltd – The Airfield, Shotton Colliery  
17.5 Metre Slimline Pole Supporting Telecommunication Apparatus and  
Installation of Equipment Cabinets**

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 and advised the Committee that the Parish Council had now withdrawn their objection.

Susan McMorrow, who was representing 3 and T Mobile indicated that her client was trying to incorporate 2 operators into one design which would result in excess masts being removed. They looked into using the Vodafone mast currently located on the industrial estate but this would have resulted in a bulkier mast having to be installed. It was felt that a smaller additional mast would be more appropriate. They had been in talks with the Parish Council and all matters had been resolved and all consultations had been carried out.

**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.

#### **A4 Appeal Update**

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

The Principal Planning Services Officer (Easington Area Office) gave details in relation to the following appeals, which had been lodged with the Planning Inspectorate:

- (i) An appeal had been lodged against the Council's refusal to grant planning permission for erection of a 3.5m high free standing sign at East Durham College in Peterlee. The appeal would be dealt with by way of written representations and the committee would be informed of the outcome in due course.
- (ii) An appeal had been lodged against the Council's refusal to grant outline planning permission for the erection of a dwelling at Thornley Moor Farm, Cassop. 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 a hot food takeaway at 6 West Grove, Seaham. The appeal would be dealt with by way of written representations and the committee

would be informed of the outcome in due course.

- (iv) An appeal had been lodged against the non-determination of an outline planning application for the erection of 13 dwellings at Littlethorpe Farm, Littlethorpe, Peterlee. 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 Principal 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 against the refusal of planning permission for a hot food takeaway at the former betting office, Mickle Hill Road, Blackhall.

The inspector noted that the main issue was the effect of the proposal on the living conditions of the occupiers or nearby residential properties.

The inspector found that odours from the proposed takeaway could be addressed by a planning condition, but that noise and disturbance arising from customers could not. It was considered that in a residential area, the amenity of people living close by should be given significant weight. On balance it was concluded that the proposal would have a harmful impact on the living conditions of the occupiers and would be contrary to Local Plan policies.

- (ii) An appeal was lodged against the refusal of planning permission for a bungalow at land adjacent to Durham Road, Salters Lane, Haswell.

The inspector noted that the main issue was the effect of the proposal on its rural surroundings, having regard to current policies which sought the protection of the countryside.

The inspector found there would be a fundamental conflict with policy which would be compounded by the adverse effect of the proposal on the countryside. It was considered that these disadvantages clearly outweighed the arguments made in favour of the proposals, and that they could not be overcome by the use of planning conditions. It was concluded that the proposal would significantly detract from its rural surroundings, materially conflicting with current policies in force which sought the protection of the countryside. These included national and local plan policies.