

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 14 September 2010**

PRESENT

COUNCILLOR C WALKER in the Chair

Members

Councillors A Bell, J Blakey, J Brown, P Charlton, D Freeman, R Liddle, J Moran, A Naylor (substitute for G Bleasdale) and K Thompson.

Apologies for absence were received from Councillors G Bleasdale, S Iveson and M Plews.

A1 Minutes

The Minutes of the meeting held on 20 July 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) **PL/5/2010/0220 – Punch Taverns Ltd, Royal George, The Village, Old Shotton, Peterlee**
Change of Use from Public House to 2 No. Dwellings and Associated Alterations and Extensions

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.

Mr Stokoe an objector indicated that he had submitted a 14 page document to the planning department detailing reasons why the Royal George should remain a public house. He considered that the owners had engineered the downturn in trade. He referred to Policy 96 and indicated that this policy should be relevant to Shotton. He also indicated that the closure of the public house would result in the loss of business rates and employment and that the tenants had plans to develop the pub. He asked that the application be adjourned so that a financial argument could be submitted as some time ago Punch Taverns had entered into negotiations with the tenants for a 5 year lease and the public house had recently improved business. The tenants were willing to negotiate a 20 year lease.

Mr Swain speaking on behalf of the agent indicated that the trade performance of the Royal George had been on the down for some time. He indicated that Local Plan Policy 96 and paragraphs 14, 16 and 27 of PPS1 were fully complied with but policy 96 did not apply to the Royal George as the policy only related to rural areas. There was a competing public house opposite which provided quality services and the Royal George was not the last remaining public house in the vicinity. He also indicated that there was no reason why this property could not be purchased and run as a public house rather than being converted to residential properties.

The Principal Planning Officer indicated that Policy 96 sought to protect community facilities but excluded Peterlee and Seaham. Grant of planning permission did not rule out the possibility that the premises could remain as a public house if the consent was not implemented, but he was not in a position to dispute the financial viability of the business.

Councillor Liddle indicated that he would support retention of the public house and that the Brewery had run the business down on purpose as there was no heating in the public house as the brewery had refused to repair it.

Councillor Thompson sought clarification on whether the brewery owned any other public houses in the locality. The agent indicated that the ownership was not relevant but there were other public houses in the vicinity.

Councillor Moran indicated that the committee needed to look at the facts and figures and that pubs were closing all over the country and the pub could end up an empty building.

Mr Stokoe indicated that the pub had been up for sale for 12 months and that no heating during the winter was included in his 14 page document and that sometimes there was no lager and beer. He indicated that there was a case to be made that Punch Taverns did not want the pub to stay open and in his opinion trade had improved.

Councillor Liddle moved that the application be refused, in the absence of a seconder members voted on a deferral which was lost.

Resolved: That the application be **APPROVED** subject to the conditions detailed in the report.

**(b) PL/5/2010/0317 – Dunelm Homes, Woods Terrace and Church Street, Murton
Substitution of House Types**

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.

Resolved: That the application be **APPROVED** subject to the conditions detailed in the report.

**(c) PL/5/2010/0318 – Dunelm Homes, Plots 27-30, 33-38 & 45-48 Foundry Road,
Seaham
Substitution of House Types**

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for approval. The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report.

Councillor Thompson sought clarification on piecemeal developments in particular whether they needed to provide affordable housing.

The Principal Planning Officer advised that if an application was for 15 or more properties then an affordable housing requirement would apply. If a site was being developed on a piecemeal basis then officers would need to consider whether cumulatively the proposals would require an affordable housing scheme to be implemented.

Resolved: That the application be **APPROVED** subject to the conditions detailed in the report.

(d) PL/5/2010/0359 – Mr J Crammen, Weems Farm, Mickle Hill Road, Hesleden Increase in Height of Extension (Retrospective) (Resubmission)

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for refusal. 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 Crute the local ward Member for the Blackhall Division had circulated to Members of the Committee a statement in support of the retrospective planning permission.

Mr Convery on behalf of the applicant indicated that the applicant did not agree with the recommendation of refusal. He referred to policies in particular that they were subjective. He indicated that the increase in height was 1.3 metres which was a little over 4 feet. Five letters of support had been submitted from neighbours. It was felt that the appearance of the building enhanced the area which was not in a conservation area it was open agricultural land without any special designation and which had little visual impact on the area. Planning officers had considered the white painted finish appropriate. The applicant was willing to change the external appearance. The extension was required for an elderly relative and the applicants had recently returned to employment after being made redundant and the alterations would be costly. He asked that the committee support the applicant and approve the application in its current form.

The Principal Planning Officer indicated that policies were subjective and open to interpretation, but the officer's view was that the development did not comply. He acknowledged that it was not a designated area but was pleasant open countryside. He indicated that members deciding the application had the benefit of having been on site to assess the situation and that the difference in height was considered significant as it emphasised the variation between buildings. He advised that personal circumstances should not normally be taken into account when considering planning applications.

Councillor Brown sought clarification on who had asked for the rendering and what was the difference in height as a proportion of the height of the original application. The Principal Planning Officer advised that he believed planning officers had agreed the rendering and that the approved height was about 10 metres.

Councillor Bell indicated that he was disappointed that it was not built in accordance with planning permission. All the surrounding buildings were different heights, there were no objections from surrounding properties and that the costs to alter would be considerable, he was unable to support the officer's recommendation of refusal.

Councillor Thompson indicated that the building did look out of character but required a lot of work to put right and asked if the applicant could give financial compensation and plant some trees to screen the building.

The Principal Planning Officer advised that this would not be appropriate.

Members raised concerns that the Building Inspectors did not pick up on the height difference. The Principal Planning Officer confirmed that a different set of plans had been submitted to the Building Inspectors.

Resolved: That the application be **REFUSED** for the reasons detailed in the report.

Councillor Brown left the Meeting.

- (e) **4/10/00229/OUT – Keepmoat Homes, Land at Ridding Road, Esh Winning, Durham
Outline Application Including Details of Access (all Other Matters Reserved)
for the Residential Development of the site to Provide 25 Dwellings (Indicative Only)**

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 Wilkinson the ward Member for Deerness Valley was unable to attend the meeting and asked for a statement to be read out which indicated his support for the application to enable residents to have the housing they deserved.

Councillor Chaplow the ward Member for Deerness Valley asked that the application be approved to enable residents to move and give Esh Winning the boost it needed.

Councillor Thompson raised concerns that the 10% energy savings were not requested and asked for confirmation on whether affordable housing would be provided. The Development Control Manager indicated that the site was part of a larger development where affordable housing would be provided. He also indicated that the developer had already provided a higher proportion of affordable housing than was required by the council's policy.

Resolved: That the application be **APPROVED** subject to the conditions detailed in the report.

- (f) **4/10/00411/FPA – Hope Estates Ltd, 27 and 28 Mistletoe Street, Durham
Change of Use and Conversion of 2 No. Existing Apartments to Form 2 No.
Houses in Multiple Occupation (Class C4) Together with the Erection of Two
and Single Storey Pitched Roof Extensions to Rear of Existing Building,
Removal of Chimney, Insertion, Removal and Replacement Windows to Front,**

Side and Rear Elevations, and Insertion of 2 No. Roof Lights to Rear Elevation in Association with Loft Conversion

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 Holland the local ward Member for Nevilles Cross was unable to attend the meeting and asked Councillor Freeman to read out a statement on his behalf in relation to Application Nos., 4/10/411/FPA, 4/10/458/FPA and 4/10/467/FPA. Councillor Holland asked that the applications be refused as Durham was a Conservation Area which was not being protected and already had a substantial number of houses in multiple occupation.

The Development Control Manager indicated that the area was already dominated by students and that four extra rooms would not in his opinion justify refusal of the application. He also advised the Committee that the Council were currently looking at a policy linked to rental housing in Durham but this was only at the early stages. The policy when adopted would give members comfort and would provide guidance for officers.

Councillor Freeman welcomed the policy and indicated that he had similar problems with houses in multiple occupation in his ward but could not support the application as it was felt that it had to stop somewhere.

Resolved: That the application be **APPROVED** subject to the conditions detailed in the report.

**(g) 4/10/00458/FPA – 3R Property Developments, 18 Mitchell Street, Durham
Erection of Single Storey Pitched Roof Extensions to Rear and Internal Works to Facilitate Additional 1 No. Bedroom, in Existing House in Multiple Occupation**

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

**(h) 4/10/00467/FPA – 3R Property Developments, 21 Mitchell Street, Durham
Erection of 2 No. Single Storey Extensions to Rear Elevation of Existing House in Multiple Occupation to Provide 1 No. Additional Bedroom, and Insertion of 1 No. Roof Light to Front Elevation and 1 No. to Rear Elevation Including Infilling of Steps within Yard and Relocation of Yard Door (Revised and Resubmitted)**

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

(i) **4/10/00551/FPA – Mr C Jackson, 19 Briar Road, Carrville, Durham
Erection of Ramped Access and Walls to the front 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 gave a detailed presentation on the main issues outlined in the report.

Resolved: That the application be **APPROVED** subject to the conditions detailed in the report.

A4 Appeal Update

(a) **Appeals Received**

The Principal Planning Officer (Easington Area Office) and the Development Control Manager (Durham City Area Office) gave details of the following appeals which had been lodged with the Planning Inspectorate:

- (i) An appeal had been lodged against the Council's refusal of planning permission for conversion from a single dwelling to seven separate dwelling units, with communal bathroom facilities at Hardwick House, Hardwick Street, Horden. The application was refused on the grounds that the units proposed were likely to lead to increase in traffic generation and parking demand in the area and was also considered to be contrary to Local Plan Policy.

The appeal was to be dealt with by means of written representations, and members would be informed of the outcome in due course.

- (ii) An appeal had been lodged against the Council's refusal to grant planning permission for the erection of first floor pitched roof extension to side of existing dwelling and erection of porch to front elevation at Greencroft, Lowes Barn Bank, Durham, DH1 3QJ.

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) **Appeals Decisions**

The Principal Planning Officer (Easington Area Office) and the Development Control Manager gave details in relation to the following appeals, which had been considered by the Planning Inspectorate:

- (i) Site at Beech Lodge, Mill Hill, Stockton, Castle Eden, Hartlepool, TS27 4SH
Planning Reference- PLAN/2008/0591.

An appeal was lodged against the Authority under Section 78 of the Town and Country Planning Act in respect of a grant of planning permission subject to conditions.

The planning application was retrospective, and the condition subject to the appeal required replacement of the roof slates on site within 3 months of the date of the decision imposed. The appeal was dismissed on the grounds that the manufactured tiles had an adverse effect on the character and appearance of the host building and the Castle Eden Conservation Area and would conflict with saved policies of the Local Plan. The revised period for compliance resulting from the appeal expired on 8 October 2010.

Officers had recently agreed a suitable slate, and the works were expected to commence in the near future to rectify the situation.

- (ii) Appeal against the refusal to grant planning permission for the erection of an agricultural building and 2 no. 6m high storage tanks with associated access, hardstanding and landscaping works at Low Raisby Farm Cottages, Kelloe.

The planning application for the erection of an agricultural building to house pigs and associated development was refused 26 February 2010. The application was refused at Committee on the grounds that the proposed agricultural building, by reason of its scale and function and an anticipated associated increase in the spreading of manure on surrounding land without acceptable mitigation measures, would be likely to result in levels of odour emission detrimental to the residential amenity of those living in the vicinity.

The Inspector, in his decision, considered the separation distances between the proposed agricultural building and residential properties were such that no significant impact should occur on the amenity of residents through the emission of odours. With reference to the concern the Local Planning Authority had with regards to the smells from spreading manure, the Inspector stated such an activity did not require planning permission. Nevertheless muck spreading would occur only occasionally, and problems of smell were unlikely to persist once the muck had been ploughed in. This was a well-established part of the agricultural economy and people living in rural areas were likely to experience the smell of animal waste from time to time. The Inspector also made reference to guidance with regards to manure spreading being provided by DEFRA and that he was not aware of any evidence that Low Raisby Farm was being operated in a manner that was contrary to this guidance or in a manner that would constitute a statutory nuisance. On balance, the Inspector did not accept the Local Planning Authority's view that the proposed development would have so serious an effect on residential amenity as to justify the refusal of planning permission. As a result the appeal was allowed and planning permission granted.

In addition, an application for the award of costs was also made by the appellant, however, this was refused by the Inspector. The Inspector considered that in refusing planning permission, the Council gave undue weight to the unsubstantiated concerns of local residents. However, the Inspector concluded that as the refusal reason related to residential amenity, a material planning consideration, and the appellant had not submitted any means of mitigating the impact of muck spreading the Council had not behaved unreasonably in refusing planning permission.