

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 16 November 2010**

PRESENT

COUNCILLOR C WALKER in the Chair

Members

Councillors J Bailey, J Blakey, G Bleasdale, J Brown, P Charlton, R Liddle, M Plews, E Tomlinson (substitute for S Iveson) and K Thompson.

Apologies for absence were received from Councillors A Bell and S Iveson.

A1 Minutes

The Minutes of the meeting held on 26 October 2010 were confirmed as a correct record by the committee and signed by the Chair.

A2 Declarations of Interest

There were no declaration of interest submitted.

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

- (a) **4/10/00562/FPA – Mr J A Garnham, 20 Deans Walk, Gilesgate, Durham, DH1 1HA**
Retention of Existing 8.6m High Wall Mounted Support Pole and New Horizontal Antenna to Rear Elevation of Existing Dwelling and Erection of Two 5m Aluminium Support Poles Beyond south west Facing Elevation 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.

Councillor Southwell the Local Ward Member spoke against the application and indicated that the pole and antenna would be clearly visible in particular from the back of the property which was Pilgrims Way. The property was a bungalow as was the surrounding properties. Concerns were raised with regard to Health and Safety as the area suffered from high winds. He indicated that the Parish Council and Councillor Thomson also objected to the application. Councillor Southwell circulated two photographs to members of the Committee which showed the antenna when it was in place earlier in the year. He referred to planning policies Q9, V1 and H13 and asked that the Committee look at this

mast as a requirement for a hobby and that there were concerns of the appearance and the Health and Safety of immediate residents.

The Development Control Manager clarified the definition of Policy H13 of the City of Durham Local Plan 2004.

Mr Garnham the Applicant indicated that this had been his hobby for 20 years and he had received planning permission at previous properties for larger equipment. He indicated that only one third of residents consulted had objected to the application. With regard to Health and Safety he indicated that a Structural Engineer would erect the equipment. He indicated that the equipment would only be visible from his and his neighbours drive. He referred to Planning Policy PPG8 and commented that if removed would leave no visible signs.

Councillor Bailey indicated that he was concerned with regard to Health and Safety and asked who would be held responsible if any damage was caused and if they had insurance.

The Development Control Manager indicated that responsibility would lie with the applicant.

Councillor Bleasdale asked if the equipment could be lowered to ground level if conditions were not suitable.

The Applicant indicated that it could be lowered in minutes.

Councillor Brown asked for clarification if the Parish Council had objected to the application. The Development Control Manager indicated that nothing was on file.

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

- (b) **PL/5/2010/0223 – Mr D Graham, Land at Blackhills Road, Horden Extension of Time Limit for Implementation of Planning Permission Ref No: 04/715 for Residential Development (Outline)**

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 W Scorer speaking on behalf of the applicant indicated that they supported the views of the officers and thanked Mr Folly and Mr Bennett for all their help and support with the application and asked that the committee support the recommendation of approval.

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

- (c) **PL/5/2010/0301 – Mr G Hancock, Brackenhill Stables, Shotton Lane, Shotton Colliery, DH6 2RA**

Erection of Stable Block and Office/Security Building, Creation of Outdoor Training Area, Formation of New Parking Area, Dog pound and Relocation of Existing Security Containers

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.

Councillor Todd speaking on behalf of Shotton Parish Council indicated that the Parish had not formally objected to the application. The Parish had concerns that an application would be submitted at a later date to build a house on the land. He indicated that Councillor Huntington had asked that the conditions be enforced in particular conditions 5, 6 and 9.

The Principal Planning Officer indicated that the Committee could only consider the application in front of them today and that the conditions would be enforced and any necessary action taken.

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

(d) PL/5/2010/0363 – Mr J Carr, Land East of Ashley House, Thronley Road, Trimdon Mobile Home and Attached General Purpose Building (Retrospective)

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.

Councillor Nicholls the Local Ward Member asked that in his absence a statement be read out that asked for the application to be refused on the grounds that the application was inappropriate and would set a precedent for other applications of a similar nature. He asked that if the application be approved then an amendment to the conditions be made to grant the application for a period of 6 months and not 5 years as stated.

Councillor Hovvells the Local Ward Members for Trimdon indicated that she would disagree that the application would have a minimal impact as it was next to a school and a nursing home and that the applicant lived over the road. She was concerned that approval would be for a five year period and asked if approved then the condition be amended to a 6 month period.

Members spoke in detail in relation to the time period and whether something in between 6 months and five years could be granted and if this would take the time period over 10 years to enable the applicant to make an application for a certificate of lawfulness.

The Solicitor advised the Committee that if planning permission was granted then the applicant would no longer be eligible to apply for a certificate of lawfulness.

Members asked if a condition could be imposed so that the mobile home could only be occupied for part of the year. The Principal Planning Officer indicated that it would be difficult to impose and monitor a condition of this nature.

Resolved: That the application be APPROVED subject to the conditions detailed in the report with the exception of condition number one being amended to a one year period.

- (e) **PL/5/2010/0440 – Mr J Hoggarth, Beaconsyde, Station Road South, Murton, SR7 9SF**

Change of Use from Residential to Residential and for the Parking of Taxis and Installation of Diesel Tank (Retrospective)

The Principal Planning Officer advised the Committee that this application had been withdrawn from the agenda for the meeting.

A4 Appeal Update

Appeal Decisions

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

- (i) Site at Greencroft, Lowes Barn Bank, Durham

An appeal was lodged against the Council's decision to refuse to grant planning permission for the erection of a first floor pitched roof extension above the existing single storey part of the dwelling and the erection of a front porch. The Inspector concluded to dismiss the appeal.

In dealing with the porch the Inspector considered the design to be out of keeping with the style of the house. It was considered that the design of the roof, and failure to align the porch and its door symmetrically, would result in an inappropriate addition to the house contrary to criteria 1 and 2 of policy Q9 of the City of Durham Local Plan.

The first floor extension, although logically designed in the sense that it rises from the existing, was considered by the Inspector to result in a design in which the extension was not subordinate to the original dwelling or appearance of the pair of semi-detached houses. This was again considered contrary to the requirements of criteria 1 of policy Q9. The logic of building off the existing was understood but not considered to provide justification for a design that would be inappropriate in this context.

The Inspector considered the proposal would have no effect on the level of privacy enjoyed by occupiers of the adjoining property. The flank wall would however, be very much higher and very much closer than the existing, to Ainsgarth which had a kitchen window in its flank wall. Whilst the difference in levels meant that they would not suffer loss of daylight, the outlook from the room would be of a blank wall around 3.2 metres from the window. The existing flank wall and the hipped roof were approximately twice that difference away and at least offer some sense of space. The Inspector

considered that would be lost by the extension, in what he considered would have a rather overbearing and oppressive impact. (Whilst the policy reference was considered to be incorrect, this was still considered a material consideration).

- (ii) Site at Hardwick House, Hardwick Street, Horden, SR8 4JH
Planning Reference- PL/5/2010/0043

An appeal was lodged against the Council's refusal of planning permission for conversion from a single dwelling to seven separate dwelling units, with communal bathroom facilities. The application was refused, against officer recommendation, on the grounds that the units proposed were likely to lead to an increase in traffic generation and parking demand in the area and was also considered to be contrary to Local Plan Policy.

The inspectorate allowed the appeal stating that the on-street parking arrangement would not differ significantly from that of the current property or adversely impact upon road safety to such an extent to warrant refusal of the application. It was considered that due to the nature of the occupants who would reside in the property, they would be of limited means and therefore car ownership would be minimal.

Conditions ensuring that the car parking space as shown on the plans was provided before the change of use was brought into operation, and preventing further conversion of the building in to a lesser number of units, were attached to the approval.

- (iii) Site at Former G L Barber Hardware, Claxton House, 73 Seaside Lane, Easington, Peterlee, SR8 3DH

Planning Reference - PL/5/2009/0514

An appeal was lodged against the Council's refusal of planning permission for the change of use from A1 Retail to A5 Hot food takeaway. The application was refused due to the stores location outside of the defined local shopping area, and potentially unacceptable levels of noise and disturbance for nearby residents.

The appeal was dismissed and the inspectorate concluded that the proposed change of use was contrary to Local Plan policy and would adversely impact upon the current residential amenity enjoyed within the area.

A5 Any Other Business

Councillor Blakey moved and Councillor Bleasdale seconded that during the winter months meetings of the Area Planning Committee (Central and East Durham) be brought forward to 1.00 pm and the Site Inspections be held at 9.30 am which was agreed by Members of the Committee.

Councillor Brown asked that the Chairman raise this at the next meeting of Chairs and Vice Chairs of Planning Committees to ask that all Area Planning Committees follow the same procedure so that there was standardisation.

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