

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 22 June 2010**

PRESENT

COUNCILLOR C WALKER in the Chair

Members

Councillors J Bailey, A Bell, J Blakey, G Bleasdale, D Boyes (substitute for M Plews),
D Freeman, S Iveson and R Liddle.

Apologies for absence were received from Councillors J Brown, P Charlton, J Moran,
M Plews, K Thompson and B Wilson.

A1 Minutes

The Minutes of the meeting held on 1 June 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/5/2010/0092 – Dalton Construction Ltd, Whitehouse Way, Peterlee
Erection of Two Three-Storey Office Blocks**

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.

The Principal Planning Officer advised members that the wording of condition no. 7 was
still under consideration by the legal team and authorisation was sought to slightly amend
this condition if necessary.

Resolved: That the application be **APPROVED** subject to the following conditions and
confirmation of the wording of condition no.7.

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. Plan Reference Nos. C.09.28 (9-) 1/A, C.09.28 (9-) 2/A (received 11/05/2010) and C.09.28 (00), C.09.28 (00) 2 (received 09/03/2010).

3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external 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.
4. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. Trees, hedges and shrubs shall be planted and subsequently maintained in accordance with good practice to ensure rapid establishment, including watering in dry weather, protection from rabbits where required, and replacement of failed plants, damaged stakes and ties.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. No development shall take place unless in accordance with the mitigation detailed in the protected species report "Water Vole Survey Report, Land At Whitehouse Way, South West Industrial Estate, Peterlee, Dalton Construction Ltd., May 2010 Durham Wildlife Services" and noted on the Proposed Site Plan Drawing No. (9-) 2 Rev A 15/02/10 ADG Architects, including but not restricted to, adherence to spatial restrictions (no works shall be carried out within 5 metres of Wapping Burn as per Proposed Site Plan Drawing No. (9-) 2 Rev A 15/02/10 ADG Architects); provision of mitigation in advance (fence to be erected as per Proposed Site Plan Drawing No. (9-) 2 Rev A 15/02/10 ADG Architects); adherence to precautionary working methods (no storage of materials/machinery within the 5 metres exclusion zone).
7. No works (including site vegetation clearance) shall be carried out on the site during the bird breeding season (March - end of August) unless otherwise agreed in writing with the Local Planning Authority and subject to an appropriately qualified person having undertaken a checking survey immediately prior to any works and confirming to the said Authority that no breeding birds are present.
8. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and

retained as operational thereafter, unless otherwise agreed in writing by the said Authority.

**(b) PL/5/2010/0144 – Burns Architects, Castle Eden Studios, Stockton Road, Castle Eden, TS27 4SD
Refurbishment and Extension of Existing Stores to Form Garage, Additional Storage and Studio Space**

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.

The Principal Planning Officer advised Members that further letters of objection had been received raising issues not referred to in the report, including over-use of roof lights, lack of full bat survey, overlooking/privacy of neighbouring property and impact on Castle Eden Walkway. In addition Councillor Maslin the Divisional Ward Member had submitted a letter expressing the reasons for her support of refusal which the Principal Planning Officer read out to the committee.

Mr Crotty an objector gave a powerpoint presentation objecting to the application for the following reasons:-

Please Protect our Walk Way – There was no mention in the report with regard to the walkway. He asked that members consider the impact on the walkway and that the proposal would be visible from the walkway in particular when there were no leaves on the trees. The walkway was also a tourist attraction.

Protect Conservation Area – The proposal would involve the removal of two mature trees and the proposal would not be in keeping which would be visible from the walkway.

Protect Safety of Children – The proposed garage would have limited use and the site was already over developed. Cars currently had to park on the road side which caused problems and recently the police had to be called due to parking problems.

Security of Children – The proposed studio would overlook his pond area which was used by his neighbours children and the business premises were often occupied on an evening and a weekend.

Mr Crotty urged that the application be refused.

Councillor O'Donnell the Local Divisional Member indicated that he was aware of the application early May but was not aware of any objections until Mr Crotty contacted him two weeks ago. He asked Mr Crotty to contact the parish council, which he did and he attended the recent parish meeting. At the time the parish responded to the application they were not aware of any objections. He indicated that he had attended the site inspection this morning, which he found beneficial and would support the application.

Mr Burns the applicant indicated that he had occupied the studios for 30 years which had no neighbours until recently and that he had lived in Castle Eden for 40 years. He had consulted with Mr Crotty on the proposal and hoped to remain on good terms. He indicated that he had purchased the lean-to building 15 years ago. They wanted to improve the

building, provide storage and the garage was for the practice vehicle. He also indicated that he had objected to the planning application for his neighbours house as he thought it was too close to his property and the trees and he had offered to buy this land. The windows had been reduced which he believed would not overlook Mr Crotty's house and the ceilings were kept low to reduce impact.

The Principal Planning Officer indicated that he had not referred to the walkway as it was not regarded as an issue as the impact would be minimal. Advice had been taken from the Highways section who indicated that the proposal was acceptable. With regard to the security of children, overlooking from the development would be minimal and there was already a building on the site that would limit views. The proposed windows were narrow, mainly to allow light into the building.

Councillor Boyes indicated that on reading the report he had concerns with regard to the closeness of the extension to the neighbours property. Whilst on site it was evident that the separation distance was greater and the development would be facing away from the neighbours property. He would have no hesitation in approving the application.

Councillor Blakey sought clarification on the materials to be used and whether a condition could be included to state the colour of the cladding. The Principal Planning Officer confirmed that this could be included in the conditions.

Resolved: That delegated authority be given to the Head of Planning to **APPROVE** the application following the expiry of the consultation period, provided that no further significant adverse comments are received in the intervening time, and subject to the following conditions and a further condition relating to external materials:

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 in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority. Location plan, Drawing. No. 0918 No. 1A, Drawing. No. 0918 No. 2, Rev C, Design and Access Statement all received 01/04/2010. Bat Risk Assessment, Arboricultural Report and additional information all received 17/05/2010.

**(c) 4/10/290/FPA – Mrs S Nimmins, Henley House, Whitesmocks, Durham, DH1 4LJ
Erection of 2 No. Dwellings to South of Existing Dwelling Including Formation of New Site Access (Revised and Resubmitted)**

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 and advised the committee that a further 4 objections had been received.

Councillor Holland the Local Divisional Member indicated that he supported the officer recommendation of refusal and that the application failed the test of the local plan, he made reference to Policies Q8, H13 and U9. He also spoke in relation to the problem of new springs in the area due to new developments. He was surprised that Policy T1 had been met as the A167 was a difficult road. He indicated that brown field sites were not the

thinking of the present government and would urge the committee to accept the recommendation.

Mr C Simmonds, Solicitor advised the committee that new Government Guidance had come into force 2 weeks ago with immediate effect which changed the definition of private gardens from brown field to green field land. The application under consideration was therefore now a green field site but it was felt that there was no requirement to alter the recommendation at this time, but members should bear this in mind.

Miss Hanson an objector indicated that she agreed with the contents of the report and endorsed that the site was now green field. Any development of a green field site now needed to be outstanding which this development was not and development of green field sites was not encouraged. She had lived in the area for 4 years and her neighbours in excess of 30 years. This development was to shoe horn two properties into a small area and policy Q8 had not been met. Plot 1 would face directly into the living area of 26 Springwell Road. She did not accept the report regarding water underground as she had had water in her foundations. Concerns were also raised with regard to the impact of the development on traffic. She also referred to the report of Henry Jones and that letters of objection had been received from residents who were not directly affected by the proposal.

Mr C Brummitt the agent indicated that the applicant had lived on site for 40 years and hoped to remain on site. This was the second submitted design as there were concerns about the siting and size of the properties so the application was withdrawn and discussions took place. He believed they had now reached a point where planning were happy with the design and siting of the proposed properties and the tree officer was happy with tree proximity. He indicated that the roof line of plot one was designed so that it would be in keeping with Henley House and that the proposal was sited so that no trees would need to be felled. He also indicated that advise had been taken from a civil engineer on springs and in his opinion there was a lack of information on springs because it was not a problem and that there was no indication that the development would impact on water levels. The garden of Henley House was raised to enable a tennis court to be installed.

Councillor Freeman indicated that planning legislation had now changed and there was nothing exceptional about this application and there was reasons for refusal and would recommend refusal.

Councillor Bailey indicated that highway safety was paramount.

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

1. The Local Planning Authority considers that the proposed development by reason of the proposed layout, form and density would be out of character with the local area. The site surroundings are in part characterised by the defined and uniform buildings lines and low density residential nature of the area with large dwellings being set within large, spacious curtilages including Henley House itself. This development would result in the creation of an irregular building line and the development of two large detached properties within close proximity to one another and Henley House, with the plot 1 dwelling sited uncomfortably behind and between Henley House and the plot 2 dwelling. As a result, the development is considered to create an adverse impact upon the character of the local area contrary to the requirements of Policies Q8 and H13 of the City of Durham Local Plan 2004.

2. The Local Planning Authority considers that the size, proximity and siting of the plot 1 dwelling some 6.3m to the rear of the plot 2 dwelling will create an unacceptable overbearing feature close to a shared boundary and cause a significant loss of outlook for the prospective occupiers of the plot 2 property to the detriment of their amenity. As a result the proposed development is considered contrary to the requirements of Policy Q8 of the City of Durham Local Plan 2004.
3. The Local Planning Authority considers that the application, in the absence of any cross section drawings or plans clearly identifying the proposed dwellings with regard to the topography of the land, fails to accurately demonstrate the impact of the development on the site.
4. The Local Planning Authority considers that the proposed plot 1 dwelling by reason of its proximity and location of windows within the eastern elevation will result in a loss of privacy to the ground and first floor living room and bedroom and rear garden space of No. 26 Springwell Road to the detriment of the residential amenity of the occupiers of that property. As a result the proposal is considered contrary to the requirements of Policies Q8 and H13 of the City of Durham Local Plan 2004.
5. The Local Planning Authority considers that the submitted tree report fails to demonstrate the impact of the proposed development upon the trees within and adjacent to the application site. The application site and areas adjacent to the site include mature trees and areas of important groups of trees which add to the character of the area. In the absence of an adequately detailed tree report and tree plan, the application fails to demonstrate the impact of the development upon these trees which must be treated as a site constraint. The application is therefore considered to be contrary to the requirements of Policies E14 and Q8 of the City of Durham Local Plan 2004.
6. The Local Planning Authority considers that in the absence of any investigation into the underground springs beneath the application site, the application has failed to demonstrate that the development will have no affect upon a nearby watercourse and therefore in turn fails to demonstrate that the application will not result in an increase in the risk of flooding. As a result the proposal is considered contrary to Policy U9 of the City of Durham Local Plan 2004.

**(d) 4/10/00308/TPO – Mr R Tennant, Haslewood, Vicarage Terrace, Coxhoe, Durham, DH6 4AN
Felling of 1 No. Horse Chestnut Including Planting of Replacement Horse Chestnut**

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.

The Arboriculture Officer advised the committee that the tree needed to be felled due to the disease Phytophthora Cactorum Phytophthora which could be passed onto healthy trees and the tree could become a danger.

Councillor Freeman sought clarification if there was evidence that this disease could be passed onto healthy trees and the time scale in which the infected tree would die. The Arboriculture Officer confirmed that there was evidence that the disease could be passed onto healthy trees and that the leaf colour had already started to change and it was likely that the tree would lose its leaves in the next few months.

Councillor Blakey indicated that the tree appeared different on site and would recommend that the tree be felled and replaced.

Councillor Boyes sought clarification on whether someone would be in danger if they climbed the tree. The Arboriculture Officer confirmed that they would be in danger.

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 tree surgery hereby approved shall be carried out in accordance with the appropriate British Standard (BS 3998: Recommendations for Tree Work).
3. Notwithstanding details shown on the submitted application, the tree shall not be felled until a scheme showing a replacement planting has been submitted to and approved in writing by the Local planning authority. The stump shall be treated to prevent re-growth. Unless otherwise agreed in writing by the Local planning authority, the replacement tree shall be *Aesculus Hippocastanum* Baumannii of 12-14cm girth. This planting shall be carried out within 12 months of the felling of the tree hereby approved. The tree shall be planted and maintained in accordance with good practice to ensure rapid establishment- including watering in dry weather, and replacement in the event of failing within 5 years of initial planting, not later than the following planting season.

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 by the agent acting on behalf of the occupier and owner of 24, Sandwick Terrace against the Council's refusal to grant full planning permission for the erection of a first floor side extension (PL/5/2009/0489).

The extension comprised of a flat roof. In the opinion of the Local planning Authority, the design of the extension if approved, would have resulted in the introduction of an incongruous architectural feature out of keeping with the appearance of the semi-detached property and character of the area to the detriment of visual amenity.

It was also considered the approval of such a development would set an undesirable and unwanted precedent for the consideration of further

applications of a similar nature to which the Local Planning Authority would also look to object to but may ultimately find particularly difficult to resist.

Accordingly, it was considered the proposed development would have an adverse and detrimental impact upon the appearance of the host dwelling, street scene and wider setting therefore contrary to the intentions of the Local Plan.

The appellant had appealed to have this decision overturned.

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 erection of a pitched roof extension to side of existing bungalow and erection of detached double garage to rear at Pine Lodge, Hartside, Durham, DH1 5RJ.

The appeal was to be dealt with by way of written representations and the Committee would be advised of the outcome in due course.