

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 26 October 2010**

PRESENT

COUNCILLOR M PLEWS in the Chair

Members

Councillors A Bell, J Blakey, G Bleasdale, P Charlton, D Freeman, J Moran, A Naylor (Substitute for C Walker) and K Thompson.

Apologies for absence were received from Councillors J Bailey, J Brown, S Iveson and C Walker.

A1 Minutes

The Minutes of the meeting held on 5 October 2010 were confirmed as a correct record by the committee and signed by the Chair.

A2 Declarations of Interest

Councillor Charlton declared a personal interest in Application PL/5/2010/0306

Councillor Blakey declared a personal interest in Application 4/10/00647/FPA as a member of the Cassup cum Quarrington Parish Council and Bowburn and Parkhill Partnership.

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

Prior to considering the applications set out on the agenda, the Solicitor advised the Committee that recent caselaw had had an effect on the wording of planning conditions.

It had been determined that conditions with the rider 'unless otherwise agreed in writing with the Local Planning Authority' were not certain enough to be considered valid conditions. Members were requested that where the Committee resolved to grant planning permission subject to the suggested conditions it was done on the basis that these words were omitted. This would remove any ambiguity.

(a) PL/5/2009/0130 – Mr S Forbes, Land at Littlethorpe, Easington Demolition of 2 Semi-Detached Houses and Commercial Building and Erection of 14 No. Houses and Associated Parking and Access

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the report and advised the Committee that Planning Policy Guidance 16 referred to in Page 3 of the report had now been superseded by Planning Policy Statement 5.

Resolved: That the application be **APPROVED** subject to the conditions detailed in the report and the completion of the requisite Section 106 Agreement.

**(b) PL/5/2010/0306 – Mr D Middlemiss, Seaton Nurseries, Seaton Lane, Seaton, SR7 0LT
Residential Development (Outline)**

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. He advised the Committee that the 'Reasons for the Recommendation' Section on page 24 of the report had been included in error and should be omitted.

Councillor D Myers the Local Ward Member spoke in support of the Officer's recommendation of refusal. He indicated that he had been contacted by several residents who were against the development. Only one person had contacted him expressing support. In his opinion the development was outside the village boundary which would lead to urban sprawl and would ask that the application be refused.

Mrs J Stoker speaking against the application advised the Committee that a meeting had been held in the village at a days notice which was attended by 80 residents. All residents were against the development and no one was in favour. At the public meeting residents raised concerns with regards to traffic, wildlife and utilities. She also indicated that in the last 5 or 6 years the village had increased and another 33 houses would double the size of the village. There was a big concern over boundaries moving out into the countryside and the character of the village been lost.

Mr M Booker the Agent on behalf of the Applicant indicated that the settlement study of villages and towns across the County was in draft format and he did not know why Seaton was a lower order settlement. He referred to nearby amenities which were accessible. He also referred to the site not being part of the countryside and that approval of the application would not set a precedent. Brownfield sites in the area were not suitable and it was proposed to provide on site play space as part of this scheme.

Councillor Bleasdale indicated that 33 houses was a small estate which was outside the boundary and that Seaton only had one shop, she also raised concerns with regard to the Highway.

The Highways Officer advised the Committee that visibility was poor to the west and that the applicant would have to achieve sight visibility to the west of the junction which would require land from a third party and that the speed limit from the west was 60 mph.

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

**(c) 4/10/00451/FPA – Mr P Smith, 85 Gilesgate, Durham, DH1 1HY
Sub-Division of Existing Dwelling to Form One 4 Bedroom Dwelling and One 6
Bedroom Dwelling**

Consideration was given to the report of the Development Control Manger (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.

Denise Hardy an objector spoke against the application and indicated that she lived in one of the adjacent apartments which was not in multiple occupancy. She raised concerns with regard to parking and privacy and asked that the application be refused and enforcement action taken.

Amber Dagnal spoke against the application and indicated that she also lived in an apartment adjacent to the site and raised concerns with regard to parking and noise in particular from the gate shutting at all hours and the security light illuminating the bedrooms which were now having to be used as storage. She indicated that if the property was one unit then these problems would improve. She asked that the application be refused and enforcement action taken.

Mr P Smith the applicant circulated to members of the Committee a copy of his speech that indicated that in the event of the application been refused he was entitled to continue to use the property as a single dwelling in accordance with the 2005 permission. He also indicated that he would not require planning permission to continue to use the property as 10 bedrooms. He also made reference to various planning issues which were contained in the report.

Councillor Charlton sought clarification if parking facilities to the front of the property was private. The Highways officer indicated that the area to the front of the dwelling was private land which was in various ownerships which was not controlled by Highways. He indicated that parking was restricted on the A181.

Councillor Freeman indicated that he heard nothing that suggested that 10 bedrooms would be altered and sought clarification if the Council would succeed in enforcement action. The Development Control Manager indicated that in his opinion enforcement was unreasonable as the previous planning permission was not restricted.

Councillor Thompson asked what the advantages were of dividing the building into two. The Development Control Manager indicated that there were no specific planning advantages.

Councillor Bell indicated that if the application was refused and enforcement was unlikely he would suggest that the application be approved with conditions to alleviate the problems.

Resolved: That the application be **APPROVED** subject to the following conditions.

1. The development hereby approved shall be carried out in strict accordance with the following approved plans ref B15 L (2-) 02 received on 25th June 2010 and not more than 10 bedrooms shall be provided within the building.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with policy H9 of the City of Durham Local Plan 2004.

2. The owner and or landlord of the building shall provide a membership of a legitimate car sharing company operating in the area to every tenant of the building before their occupation of the building and provide written documentary evidence of this to the Local Planning Authority at the commencement of each tenancy.

Reason: To ensure that there are options available to occupants of the building to use a car and to limit the demand and impact of car parking in the area in accordance with policy T10 of the City of Durham Local Plan 2004.

3. Within 3 months of the date of the permission hereby granted the applicant shall submit details of a scheme to be agreed in writing by the Local Planning Authority to mitigate the impact of noise from the opening and closure of the existing metal gate to the vennenel at the side of the property, and to mitigate the impact of external light from the existing security lighting on the building. The scheme shall thereafter be implemented within one month of the agreement with the Local Planning Authority and retained in the agreed form at all times.

Reason: In the interests of residential amenity and to mitigate the impacts of noise and visual intrusion in accordance with policy H13 of the City of Durham Local Plan

- (d) 4/10/00470/FPA – Mr S Williams, Land west of 4 South Terrace, Framwellgate Moor, Durham
Erection of 2 No. Dwellings with Associated Parking Together with Upgrading of Access from Front Street**

Consideration was given to the report of the Development Control Manger (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.

Mr D Ridley the Agent spoke on the application and referred to Planning Policy Statement No. 3 and Policy Q8 of the City of Durham Local Plan and indicated that a precedent had already been set when the adjacent development was approved. He indicated that there was a compelling argument to overturn the recommendation and approve the application.

Mr G Hodgson the Architect indicated that this was a re-application and that they had met with planning officers to review details of the refusal. It was agreed that the proposal did not meet the ideal standards but was acceptable and the application was submitted on this basis. In view of this they were disappointed that the refusal reason related to separation distances as they were increased in the re-application. He also indicated that windows could be removed at the rear and obscure glazing used to alleviate concerns from objectors from Tindale Avenue.

The Development Control Manager indicated that the main issue was facing distances and the separation was below that detailed in the local plan.

Mrs M Norris spoke against the application and referred to the separation distances and that conditions had been imposed on the previous application which required the road to be upgraded which had not been met and concerns were raised that they would be left with the same situation if the application was approved.

Members raised concerns that the road had not been upgraded and that the separation distances were much lower than the guidelines.

The Development Control Manager indicated that a notice had been served but they were waiting for the outcome of this application. He also indicated that a condition could be included to require the road to be upgraded before work commenced.

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

**(e) 4/10/00559/FPA – Mr T Macallan, 7 Warwickshire Drive, Belmont, Durham
Insertion of 5 No. Additional Rooflights to South Elevation**

Consideration was given to the report of the Development Control Manger (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 the applicant had lodged an appeal against non determination of the application and as a result the Committee could only be minded to determine the application as the Planning Inspectorate would make the decision.

Councillor Holroyd the Local Ward Member spoke on the application and indicated that there had been 18 planning applications for this site. He referred to the most recent six applications which had been submitted since the bungalow had been built. He also referred to the applicant's observation that numerous properties had roof lights. He had visited Warwickshire Drive and could not see any other roof lights.

Councillor Pattinson speaking on behalf of Belmont Parish Council also referred to no other roof lights in the vicinity. The installation of several rooflights would result in a change from a loft to habitable rooms which would result in a second storey which would have an adverse effect on the character and appearance of the residential area.

Mr D Smith an objector spoke on the application and indicated that the granting of planning permission in August 2009 was a touch and go decision. He referred to previous applications in particular the previous refusal due to the development being considered inappropriate due to the 2 storey proposal and that approval had already been granted for 2 rooflights and a staircase. The installation of additional rooflights would allow further bedrooms as the bungalow only had two. The rooflights currently installed were higher than granted. The installation of the staircase allowed the rooms to be habitable which would achieve the applicant's goal of a 2 storey building. He urged the Committee to refuse the application and take action on the existing rooflights.

Mr Macallan the applicant spoke on the application and indicated and that there were other rooflights in Warwickshire Drive and that they did not have to obtain planning permission. The rooflights would not affect any privacy as there would be a 32 metre gap. He indicated that the rooflights installed were 40% smaller than approved and had been singed off. He indicated that he was advised that his application would not be heard in the time period so he went to the planning inspectorate. He had the largest plot and had received compliments on his property and how it complemented the cul-de-sac. He indicated that other properties did not have to make a planning application for a shed or windows as they had not had their permitted development rights removed, he questioned why and indicated that the proposal would only affect him and his family.

Clarification was sought on the existing rooflights inaccuracies. The Development Control Manger advised the Committee that the rooflights had been installed higher than approved but were smaller which in his opinion had a no greater or lesser impact.

Members asked if the condition removing permitted development rights in the original planning permission could be removed. The Development Control Manager indicated that the Applicant could have appealed against the decision within 6 months and asked that the permitted development rights be removed but the applicant had not done this. The applicant would now have to make a planning application to remove that condition.

Resolved: That Members be **MINDED TO REFUSE** the application for the reasons contained in the report.

(f) 4/10/00647/FPA – Keepmoat Homes Ltd, Land From Junction Robert Terrace to Bowburn Hall Junction, Tail-upon-End Lane, Bowburn, Durham

Consideration was given to the report of the Development Control Manger (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 and advised Members that condition No. 2 needed be amended to remove the tail-end.

Members sought clarification on whether there was any affordable housing. The Development Control Manager advised Members that the site was part of larger development and affordable housing was in excess of 30%.

Councillor Blakey sought clarification that there was a condition included with regard to Northumbrian Water and thanked Planning Officers for all their work on this application.

Resolved: That the application be **APPROVED** subject to the conditions detailed in the report and the amendment of condition No. 2 to remove the tail-end.

A4 Appeal Update

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) Site at Land to the North West of Hawthorn Village and South of Murton and Cold Hesledon, Hawthorn.

An appeal had been lodged against the Council's decision to refuse planning permission for the erection of two wind turbines and associated infrastructure and would be dealt with by means of written representations.

- (ii) Site at Pity Me Nursery, Stank Lane, Pity me, Durham, DH1 5GZ

An appeal had been lodged against the Council's refusal to grant planning permission for the erection of 2 no. polytunnels, coffee shop and associated

highway improvements (revised and resubmitted) at Pity Me Nursery, Stank Lane, Pity Me, Durham, DH1 5GZ.

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

- (iii) Site at 7 Warwickshire Drive, Belmont, Durham, DH1 2LU

An appeal had been lodged against the Council's non-determination of a planning application for the insertion of 5 no. additional rooflights to south elevation at 7 Warwickshire Drive, Belmont, Durham, DH1 2LU.

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

- (iv) Site at 2 Nursery Cottage, Crossgate Peth, Durham, DH1 4QA

An appeal had been lodged against the Council's refusal of permission to replace extant permission 4/05/407 (outline application for residential development comprising one dwelling) in order to extend time period for implementation at 2 Nursery Cottage, Crossgate Peth, Durham, DH1 4QA.

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

- (v) Site at Land North of Priors Grange, High Pittington, Durham

An appeal had been lodged against the Council's refusal to grant planning permission for the erection of 2 no. detached dormer bungalows (revised and resubmitted) at land north of Priors Grange, High Pittington, Durham.

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