

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 5 October 2010**

PRESENT

COUNCILLOR C WALKER in the Chair

Members

Councillors J Bailey, A Bell, J Blakey, G Bleasdale, J Brown, D Freeman, S Iveson, J Moran and M Plews.

Apologies for absence were received from Councillors P Charlton, R Liddle and K Thompson.

A1 Minutes

The Minutes of the meeting held on 14 September 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) 4/10/00582/FPA – Mr Rory Handy, 57 Claypath, Durham, DH1 1QS
Change of Use to Delicatessen/Café (Mixed Use A1/A3)**

Consideration was given to the report of the Principal Planning Officer (Durham City 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 asked that if the application was approved then two further conditions be included in relation to refuse collection arrangements and permission been granted in respect of the building only.

Mr Newton speaking on behalf of St. Nicholas Community Forum indicated that they wished to object to the application. He raised concerns that residents were on all sides and above the property and the proposal would impact on eight residential properties. He had asked members to view the premises from the rear but this had not been possible. He acknowledged that the Planning Officer had suggested amendments to the conditions but no reference to the extraction impact and that the storage of refuse would be next to residents living rooms. He also indicated that the timing of refuse collections was unpredictable which resulted in refuse been left on streets for long periods of time which was a health hazard and looked unsightly. He referred to parking problems in particular

that residents were unable to park as spaces were rarely available and that the nearest car park was some distance and that the previous occupant of the premises had few deliveries but this proposal would involve daily deliveries which could cause an accident. He referred to Policy S10 of the Local Plan which stated that A3 uses should only be permitted providing no adverse impact on residents and that there was adequate parking and he would ask that the application be refused.

Mr Handy the Applicant indicated that the planning report was adequate in answering planning issues. He indicated that the rear garden was a mess and they hoped to clean it up and possibly grow their own vegetables. The proposal would turn an eyesore shop into a quality deli. He also indicated that litter could be a problem but he guaranteed that bins would be taken straight back into the premises after being emptied.

The Principal Planning Officer advised members that they had tried to gain access to the rear of the property but were unable but this did not undermine the credibility of the application. He also indicated that the growing of vegetables would not require further planning approval and that this proposal was different from a restaurant and should not cause a problem to residents. He also advised members that a previous planning application for 57 Claypath which was for a hot food takeaway had been refused and a subsequent appeal dismissed.

Councillor Freeman raised concerns that the premises were in a residential street and that A3 use should not be encouraged. He would dispute point 24 of the report that indicated that Claypath was a busy street during the day as upper Claypath was residential. The proposal would create an increase in traffic and noise as well as an increase in deliveries. Rubbish was a concern as there was no external access to the rear of the property so rubbish would have to go through the shop and proposed seating for 23 people meant it was halfway to becoming a restaurant. He referred to Policy S10 of the Local Plan and in his opinion you could not say that there would be no adverse effects on residents and would ask that the application be refused.

Clarification was sought if the applicant wanted to provide hot food or extend the opening hours would further planning approval be required. The Planning Officer confirmed that hot food would be A5 use so would require planning approval and a change to the opening hours would require variation of the application. He also confirmed that taking rubbish through the shop was not unusual in Durham as many shops did not have rear access.

Members asked that any variation to the application be brought to Committee rather than be dealt with under plenary powers and that the refuse be monitored. The Solicitor advised members that any variation would be on the circulated list of applications to members and would require a member to ask for it to be considered by the committee.

Resolved: That the application be **APPROVED** subject to the conditions contained in the report and the further inclusion of conditions in relation to refuse arrangements and permission granted in respect of the building only.

- (b) **PL5/2010/0311 – Mr and Mrs J Smith, Land Rear of Waycot, Wingate Road, Trimdon Station, TS29 6AR
Change of Use to Caravan Site for Occupation by Gypsy-Traveller Family with Associated Development Including Hardstanding, Access Road, Septic Tank, Small Utility Building and Landscaping (Part Retrospective)**

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 that the local County Councillor had indicated his support for the Highways Officer's concerns about the safety of the access.

Councillor Grigg speaking on behalf of Trimdon Foundry Parish Council indicated that the parish objected to the application. The Parish had concerns with the access which was unacceptable on grounds of Health and Safety and the Parish Council themselves had had to find a new access. Alterations to the shop had meant that the shop was closer to the road and there was a ramp which could be dangerous to users if vehicles were using the access. The family also had poor relations with residents and the Parish Council had to close the play area until it could be made safe due to damage caused by horses and CCTV also had to be installed. He referred to the appeal and that the Planning Inspector found the access dangerous and as a Parish Council they felt that the access was still regarded as dangerous.

Mrs Carter speaking on behalf of Trimdon Station Residents Association raised concerns in relation to the access of the site. Residents issues of the access were that school children using the bus stop were at risk, residents particularly the elderly and children using the Top Shop were at risk and there had already been many near misses, all residents particularly children and their parents who used the play park and recreational field facilities were at risk, other motorists, pedestrians and the family themselves were all at risk owing to the reduced visibility due to the angle of the junction.

Other concerns were anti social behaviour, burning of waste, livestock and vermin and that the planning inspector's decision was for the family to vacate the site but the family continued to remain on the site. Residents were concerned that if they were to be evicted from their homes this type of behaviour would be impossible as they would have to obey the decision made by the Council and move on.

She referred to the conclusions and Human Rights paragraphs of the Planning Inspectorate's report dated 20 August 2009, which stated that the granting of planning permission say for three years would unacceptably perpetuate the dangers associated with the use of the access and the harm to highway safety caused by the development was considerable.

She indicated that residents had complained on numerous occasions about the family to the Police, Environmental Health Officers, Highways and the Planning Department.

The Principal Planning Officer indicated that anti-social behaviour, vermin and the burning of waste were not planning issues, he also indicated that if the application was refused then removal from the site may be delayed if the applicants decided to follow the appeal process.

Councillor Bell asked the Parish if the family could use the new access which they had created. The Parish indicated that the access was only for maintenance vehicles for the memorial garden so was unsuitable for the family to use.

Councillor Bell indicated that the site was a favourable location and that Highways had granted permission for the access to be used by another applicant and that the family had

used the access for two years with no accidents in this time. If the Council were unable to offer an alternative site then he was unable to make children homeless.

The Highways Officer indicated that the previous use of the land was pasture and the use of the access was minimal. Vehicle movement was now considerably more.

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

- (c) **PL/5/2010/0330 and PL/5/2010/0331 – Von Essen Hotels, Seaham Hall Hotel, Seaham, SR7 7AG**
Extension of Time Limit for Implementation of Planning Permission Ref No: PLAN/2007/0405 and Listed Building Consent Ref No: PLAN/2007/0406 for Bedroom Extension

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.

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

A4 Any Other Business

Members asked the Chairman if training on Grade 1 and Grade 2 Listed Building Consent had been arranged. The Chairman indicated that he would raise this with Officer's and get back to members.