

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 20 July 2010**

PRESENT

COUNCILLOR C WALKER in the Chair

Members

Councillors A Bell, J Blakey, G Bleasdale, J Brown, P Charlton, R Liddle and J Moran.

Other Members

Councillor B Arthur.

Apologies for absence were received from Councillors J Bailey, S Iveson, M Plews and K Thompson.

A1 Minutes

The Minutes of the meeting held on 22 June 2010 were confirmed as a correct record by the committee and signed by the Chair.

A2 Declarations of Interest

Councillors Bleasdale and Walker declared a prejudicial interest in Application PL/5/2010/0194 and withdrew from the Meeting during consideration thereof.

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

COUNCILLOR J BLAKEY in the Chair

(a) PL/5/2010/0194 – Mr S Tully, 14 Fenwick Row, Seaham Change of Use of Domestic Residential Premises to Allow Use of Existing Garage for Car Repair Business (Resubmission)

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 at the request of Seaham Town Council read out their objection letter as they were unable to attend the meeting.

Mr Tully the applicant indicated that he was looking to repair a maximum of 4 cars per day with no weekend work. The proposed works to be carried out would not require the use of

chemicals so there would be no chemicals on the premises. With regard to congestion he was of the opinion that the nearby nursery created more congestion in 1 day than what he would create in a month.

Councillor Moran sought clarification on whether the applicant had right of way over the land to the side of the property and if not why were gates installed. The applicant indicated that he thought he owned the land so installed the gates but he had been advised that this was not the case so had tried to purchase the land but was unable to. The land was currently used by neighbours for parking.

Councillor Brown asked if the hours would be monitored. The Principal Planning Officer indicated that the hours would not be monitored but if a complaint was received it would be investigated and any necessary action taken.

Councillor Bell asked if the applicant would have to make a new application after the temporary period had expired. The Principal Planning Officer indicated that the applicant would have to make application to renew the approval giving the Council the opportunity to review how the business had operated.

Councillor Bell moved that condition No. 2 be amended to allow the applicant to work Saturday mornings. The Principal Planning Officer suggested that the condition be amended to include 8.30 to 1.00 on Saturdays.

Resolved: That the application be **APPROVED** subject to the following conditions and the amendment of condition No. 2 as indicated above;

1. This consent is granted for a temporary period of one year from the date of this decision. Unless the renewal of consent has been sought and granted previously, the use hereby approved shall be discontinued and the building shall revert to its former use as a private garage.
2. The use of the site for car repairs shall be restricted to the hours of 0830 to 1700 hours Mondays to Fridays only, and is not permitted on Saturdays, Sundays or Bank Holidays.
3. The car repair use hereby permitted shall be operated only by the occupant(s) of the adjacent residential dwelling currently known as 14 Fenwick Row. The approved car repair use shall not be operated separately from the existing dwelling.
4. Before the use hereby approved commences, a revised site plan shall be submitted to and approved by the Local Planning Authority. The submitted plan shall show the creation of 2 no. parking spaces for use in relation to the car repair business, and 1 no. car parking space associated with the residential dwelling. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of vehicles associated with each use.
5. No bodywork repairs or paint spraying shall take place on the site.
6. The site shall not be used for the breaking, dismantling or burning of vehicles or any scrap materials.

7. There shall be no outside storage of goods, materials, equipment, or waste except in areas to be agreed in writing with the Local planning authority.

COUNCILLOR C WALKER in the Chair

- (b) PL/5/2010/0220 Punch Taverns Ltd – Royal George, The Village, Old Shotton, Peterlee, SR8 2ND
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 read out part of a statement asking for the application to be deferred. A copy of the statement would be circulated to members of the committee.

Resolved: That the application be **DEFERRED**.

- (c) PL/5/2010/0241 – Kindstream Ltd, Cornwall Court, Murton
Two Storey Extension to Provide 9 No. Flats, Staff Bedsit and Offices**

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 following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. 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.
3. No development shall commence until a detailed landscaping scheme shall be submitted to, and approved in writing by, the Local planning authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

4. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species, unless the planning authority gives written consent to any variation. Replacements will be subject to the same conditions.
 5. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing by the Local planning authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.
- (d) PL/5/2010/0262 – Mr B Ferguson, Land Adjacent 10 Windsor Street, Trimdon Station
2 No. Semi-Detached and 1 No. Detached Dwellings (Resubmission)**

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 indicated that the Parish had raised concerns with regard to the access and parking arrangements.

Mr Scorer speaking on behalf of the applicant indicated that this application was a revision of a previous application. The Officers recommendation of approval accepted that Highways were happy with the development. The development had been downsized to allow approval and was in line with all planning policies. He would ask that the application be approved.

Councillor Moran asked if as a gesture of good will the applicant could make the adjacent road up to a good standard. The applicant indicated that the road was in split ownership but the developer would endeavour to do what they could.

Councillor Blakey asked if the developer could liaise with residents to get the road up to a standard which would benefit all.

Resolved: 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 proposed footway to the front of the dwellings hereby approved shall be widened, properly consolidated and surfaced in accordance with details to be first submitted to and approved by the Local Planning Authority. The approved footway shall be completed prior to the first occupation of the dwellings, or such longer period as may be agreed in writing by the local planning authority.

3. The car parking shown on the plan hereby approved shall be constructed and marked out and made available for use prior to the occupation of the dwellings, in accordance with details to be agreed with the Local planning authority. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private vehicles.
 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwelling house(s) without the grant of further specific permission from the Local planning authority.
 5. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.
 6. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all 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.
- (e) PL/5/2010/0300 – Mr B Armstrong, 5 Wilkinson Road, Horden, SR8 4AG
Rear Extension (Resubmission)**

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 following conditions;

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. Plan Reference No. Design and access statement, location plan, proposed south elevation, existing plans and elevations, proposed plans and elevations all received on 23/06/2010.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the side elevation of the extension adjacent to 6 Wilkinson Road shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent as may be previously agreed in writing by the Local planning authority. The obscure glass shall remain in place unless the further written permission of the Local planning authority has been received for its removal or replacement.

A4 Appeal Update

(a) Appeals Received

The Principal Planning Officer (Easington Area Office) gave details of the following appeal which had been lodged with the Planning Inspectorate:

An appeal had been lodged against the Council's refusal of planning permission for a change of use from A1 Use Class (Retail) to A5 Use Class (Hot Food Takeaway) at 6 West Grove, Seaham, SR7 8EL. The application was refused on the grounds of adverse impact upon residential amenity to neighbouring properties 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.

(b) Appeals 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) An appeal was lodged against the Authority in respect of non-determination of the application at Little Thorpe Farm, Littlethorpe, Peterlee. It was considered that there was insufficient information in respect of archaeology, and that there were also issues of scale/design and Planning Policy.

The appeal had been allowed and permission granted for the erection of 13 number dwellings. The inspectorate considered that due to additional information received regarding archaeology, coupled with lack of evidence in relation to objections on National and Local policy grounds, the proposal would not harm the character and appearance of the surrounding area and would accord with sustainable development objectives and local and national policy.

- (ii) An appeal was lodged against the council's refusal of permission for the erection of a first floor side extension at the site 24 Sandwich Terrace, Wheatley Hill.

The inspectorate has dismissed the appeal and agreed with the council's decision that the proposed extension would harmfully affect the character and appearance of the area and privacy of the residents at No. 25 Sandwich Terrace. It was considered that the works would be contrary to Local and National Planning Policy.

- (iii) An appeal against the refusal to grant planning permission for the erection of a bedroom extension and detached garage at Pine Lodge, Hartside, Durham.

The planning application for the erection of a pitched roof extension to side of the existing bungalow and detached double garage was refused on 26 February 2010. The application was refused as Officers considered that the proposed extension and garage would represent disproportionate additions over and above the size of the original building, which would constitute inappropriate development and be harmful to the openness of the Green Belt.

The inspector acknowledged that the proposed extension and garage represented disproportionate additions to the original dwelling which as a consequence would be inappropriate within the Green Belt.

However, the inspector suggested that due to the wooded nature of the site, the proposals would not have a significant negative impact upon the openness of the Green Belt and attributed little weight to Officers arguments in this respect.

There was scope under permitted development rights to carry out significant works at the site including a flat roofed extension and detached garage without the need for planning consent. The inspector noted this and attributed significant weight to this strong fall back position.

Due to this strong fall back position and the conclusion that harm to the openness of the Green Belt would be limited, the inspector suggested that these factors represented very special circumstances and allowed the appeal.

Councillor Bell sought clarification if the application was dealt with under delegated powers. The Principal Planning Officer indicated that it appeared to be dealt with under delegated powers but would seek clarification.