

DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting of the Development Control Committee held in the Council Chamber, Civic Centre, Consett on Thursday 29th March, 2007 at 2.00 p.m.

Present

Councillor E. Turner (Chair)
Councillor J.I. Agnew (Vice-Chair)

Councillors A. Atkinson, H. Christer, C. Clarke, T. Clark, G. Coulson, J.H. Fothergill, G.C. Glass, A.E. Hodgson, D. Hume, M. Jopling, O. Milburn, E. Turner, A. Watson, R. Young.

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors R. Alderson, Mrs E.J. Coulson, J.T.S. Graham, H.S. Guildford.

DECLARATIONS OF INTEREST

Councillor Watson declared an interest in applications 07/0009 and 07/0131 as he sat on the Project Genesis Board, although did not have any input into to Project Genesis Limited.

CHAIRS ANNOUNCEMENT

The Chair asked members and the public present to take part in a one minutes silence in respect of Councillor T.E. Charlton who sadly passed away earlier that morning.

66. MINUTES

RESOLVED: that the minutes of this committees meeting held on 8th March, 2007 be approved as a correct record.

67. PLANNING APPLICATIONS

(1) Public Speaking Applications

07/0075 MR BARRON
Erection of two detached dwellings (outline) Land at the North East of Briahill, The Avenue, Burnhope.

The Chair welcomed to the meeting Mr. George Wood who was in attendance to speak in support of the application.

The Head of Planning & Building Control presented the report which recommended refusal of the application which sought permission for the erection of two dwellings. He advised that there was some significant background to the history of applications on this site and referred members attention to paragraph 2 of the report which detailed the previous applications.

He advised that there were two main factors to take into consideration for refusal of this application:-

- 1) Contrary to Policy BI1 which states that no new housing development at Burnhope will be approved outside the development limit.
- 2) Access issues and objections from the Highways authority.

Mr. George Wood: Speaking in Support of the Application

Mr. Wood introduced himself to the committee and advised that he would be speaking on behalf of the applicant Mr. Barron.

He advised that he would like to address the two issues that the basis for the officers' recommendation was made upon.

- 1) The District Local Plan
 - Original objection still has focus on illogical arbitrary line which does not purposefully define the limit of the village.
 - In the case of Burnhope Inset the development limit as shown on the inset is drawn to exclude the area in question, although there is a logical field boundary along the South East of the site which would follow the limit to development as drawn to the North and South of the site.
 - Including the area would clearly follow a more logical North South line and therefore consolidate the form of the village not creating a sporadic or ribbon development.
 - Burnhope Parish Council have requested that the matter be revisited with a view to including the area in question, giving a definitive clear line to the edge of the settlement.
 - Other sites included in the development limits do not follow physical boundaries or are extending into the open countryside without a logical reason. Adding to the argument that the site in question would be more suitable in terms of consolidating the physical framework of the site.
- 2) Access Road – The Avenue
 - Precedents have already been set in granting planning permission conditional upon improving the surface of the road.
 - Distance from the entrance of the proposed development to Co-operative Terrace is 100 metres. This is an almost constant width of 6.8 metres although this does drop to 6.5 metres at one spot. However two cars can comfortably pass even at the narrowest point.
 - No road traffic accidents on this road in the last ten years.
 - Transport has been greatly reduced due to the closure of The Wishing Well Pub and the reduction of the vehicle fleet of Parks transport from 8 to 2 articulated lorries.

- Appendix F (iv) of the Burnhope Local Plan sites an area of land south of the proposed development site as suitable for: Housing, Commercial (Class A1), Community Facilities (Class D1), Business (Class B1). And it states Access would be from Holmside Lane or alternatively via The Avenue if it was made up to adoptable standards.

The Head of Planning & Building Control added that he must reinforce the point that the area is not within the development limits of Burnhope Inset, he suggested that the application was premature if it was going to be requested that the site be considered again for development as part of the LDF process.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0075 be refused on the grounds that:

- The proposal would result in the development of an area of countryside outside the existing pattern and form of development in the Burnhope settlement, extending beyond the existing built up area and development limits of the settlement, and thereby being contrary to policies H05 and B11 of the Derwentside District Local Plan.
- The traffic generated from this proposal would use a private road which, by virtue of its inadequate width, alignment and junctions, is considered unsuitable to accommodate the increase in traffic from this development from which an undesirable precedent would be set.

06/1003 and 06/1006 SHOTLEY PARK RESIDENTIAL HOME LTD
Erection of residential care home (re-submission) and Listed Building Consent and Conservation Area Consent to demolish garden wall and potting shed.
Shotley Shotley Park Residential Home, Shotley Bridge.

The Chair welcomed to the meeting Mr. Brian Swinburne who was in attendance to speak in support of the application.

The Head of Planning & Building Control presented the report which recommended approval of the application.

He advised that as part of the scheme the existing garden wall and potting shed would have to be removed which was also covered by the Listed Building status. He suggested that to retain the wall, would bear a detrimental impact on the residents whose views would be interrupted by this wall. He advised that the wall was in quite a poor state at current although the Design & Conservation Officer had commented in her report that it should be maintained if not incorporated in any way.

He advised that there were some concerns regarding access as the current junction provided poor visibility towards both Shotley Bridge and East Law. He further advised that an application had previously been approved for widening of the current access and removal of some trees to increase visibility splays to an acceptable standard. He advised that it had been added to the conditions of

approval that works to the access be fully completed before any work within the site commences.

Mr. Swinburne: Speaking in Support of the Application

Mr Swinburne addressed the committee and advised members of the following points in support of the application.

- Employs a high ratio of staff who cater for 45 residents plus additional 5 daycare residents.
- Good reputation for the care of the elderly set in a beautiful local location.
- Current access arrangements off the A694 have been resolved with the Planning Authority to alleviate any highways concerns over safety.
- Registration requirements have now been upgraded which requires residential care homes to meet the guidelines for improved living. This meaning that a once highly graded residential care home is now rated at 3 star under Durham County Councils new star rating system, and does not fully meet the current modern day regulations.
- As the existing home is listed it is not permitted to carry out such structural works to adopt it to the new standards. Therefore the garden site is the only available location to accommodate the new home.
- Approval of the application will allow the future continuity of care of the Elderly at Shotley Park.

Councillor Turner (Chair) advised that as this was within his ward he knew of the length of time and consideration that had been given to this application, he added that he hoped the application would be resolved quickly.

Following a vote being taken it was

RESOLVED: that Planning Application 06/1003 and 06/1006 be approved subject to:

- Time Limit (ST)
- Approved Plans (ST01)
- Amended Plans (received 13th February 2007)
- Prior to the demolition of the wall a historic record of it shall be made in accordance with a scheme to be agreed in writing with the Local Planning Authority.
- Prior to the commencement of construction works on the care home building hereby approved the new A694 junction and re-aligned link road must be fully completed and available for use in accordance with Planning Permission 1/2005/0756/DM. At the time, or sooner, the existing sub-standard A694 junction shall be physically closed and plans detailing such closure, including kerbing, shall be submitted for prior approval.
- Visibility sightlines at the new junction access road with the A694 road shall be created (in accordance with approved drawing reference number 05072/04, planning approval 1/2005/0756/DM) and maintained in perpetuity thereafter, with no impediment to visibility greater than 0.6m above the adjacent A694 carriageway level.

- Tree Protection (L10)
- Foul water drainage (D03)
- Materials (A05)
- Stone and slate (A11)
- Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, full details of the proposed windows shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be installed in accordance with the approved details.
- Windows to be inset (A12)

07/0126 MRS GAMBLE

Conversion of Dairy to one residential dwelling (re-submission), Hole House Farm. Hole House Lane, Lanchester.

The Chair welcomed to the meeting Mr. Masterman who was in attendance to speak against the application and Mr. Richardson who was in attendance to speak in support of the application.

The Head of Planning & Building Control presented the report which recommended approval of the application for the conversion of a farm building to one residential dwelling.

He advised that there was an outstanding objection from the Environment Agency which was to be resolved and approval would only be given on the withdrawal of this objection.

He also added that although the application had questioned the policy of EN4 it was officers' opinion that it would have limited impact on the wider landscape being a broadly neutral building that would not detract from the look of the surrounding area.

Mr Richardson: Speaking in Support of the Application

Mr Richardson introduced himself to the committee and advised that he was speaking on behalf of the applicant as their agent.

He advised that concerns raised by Lanchester Partnership over the structural soundness of the property were irrelevant. He advised that a full structural survey had been carried out on the building and findings had shown that the building was in a reasonable state of repair, and suggested that the conversion would be sympathetically undertaken to ensure the integrity of the building was maintained.

As to comments raised that the building was unattractive and unworthy of conversion he advised that in his opinion the pre - war building once used as a milking parlour was of intrinsic interest to the area and should be given the privilege of conversion showing how the building has evolved over the years. He went on to advise that the applicants had sought opportunities for a business use of the building but without success they thought it suiting to convert it to a dwelling rather than leave it derelict and facing a state of disrepair.

He advised that in his opinion the rural setting would be enhanced and made reference to the comments of the Conservation Officer, he advised that soft landscaping would be incorporated into the scheme improving the area and providing habitats for wildlife.

He concluded that a building of a similar nature had been approved at Red Row, Beamish.

Mr. Masterman: Speaking Against the Application

Mr. Masterman advised that he was speaking on behalf of Lanchester Partnership.

He suggested that in the case of this application the Partnership agreed with Design & Conservation Officer in that the application should be refused.

He made the following points in support of refusal of the application:-

- Application contrary to policy EN4 of the District Local Plan.
- Reference to paragraph 17 of PPS7 government guidelines stating that Buildings converted must be regarded as a rebuild, example the roof is missing, in this case the roof is beyond repair and is to be entirely replaced and raised. This property has a roof fully intact. Any new windows & doors must be like for like, yet in this application full length glazed windows and doors can be found. The key objective of any conversion should be to facilitate the new use whilst retaining the original character and identity of the building. Attempting to change the appearance to something distinctly different will normally be unacceptable. An entirely new first floor and new roof structure with 7 new rooflights and 8 changes to the window pattern would completely change the appearance and character of the building. If a chimney is required it should be sited unobtrusively and constructed of matching materials. A fireplace is proposed below the eaves on the south side where any flue would be most conspicuous.
- Lanchester Partnership stand by the view that the building is by any standard most unattractive in a conspicuous location, but equally important that the quality and appearance of building will have on the open countryside and the detrimental impact on the area defined as being a place of High Landscape value in conflict with EN1 of the Local Plan.

The Head of Planning & Building Control in response the comments made by both speakers advised that he agreed with the comments of Mr. Richardson that the building of which is not a traditional brick built farm building could carry off such alterations such as the full length windows and glazed doors.

Councillor Milburn asked if there were any slides available for members to view showing the application site within the larger area.

Members were then subsequently shown further slides of the site.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0126 be approved subject to:-

- Conditional permission subject to the Environment Agency withdrawing their objection and amended plans being submitted showing bat mitigation measures.
- Time Limit (ST)
- Approved Plans (ST01)
- Materials (A03)
- Rainwater Goods (A13)
- Notwithstanding the description of the materials submitted with the application the roof shall be constructed of natural slate or other such material as may be agreed in writing with the Local Planning Authority.
- All windows, doors and roof light windows shall be of timber construction.
- Drainage (D04)
- NO development shall take place unless in accordance with the mitigation detailed within the protected species report (A Bat and Barn Owl Survey of Hole House Farm, Lanchester R02 Final 18/10/06, E3 Ecology Ltd) including but not restricted to adherence to timing and spatial restrictions; provision of mitigation as described within the report; adherence to precautionary working methods.

(2) RESOLVED: that the following application be deferred.

07/0098 MR AND MRS PARKINSON
Erection of one dwelling (resubmission), West Grange, Cadger Bank, Lanchester.

The Senior Planning Officer asked that members defer this application to allow time for discussions to take place to resolve issues of tree removal and access arrangements.

(3) RESOLVED: that the following applications be approved.

07/0009 PROJECT GENESIS LIMITED AND BARRATT HOMES
Erection of ninety one dwellings, associated highway and landscape works, land to the north and east of Fell View, the Grove, Consett.

The Senior Planning Officer presented the report which recommended approval of the application.

She advised that the application sought permission for a further 31 dwellings to the previously approved 60.

She advised that there had been no objections from the Highways Officer, although some small young self seeded trees would have to be removed along Taylor's Terrace to create the access point.

She went on to address the issue of contamination on the site and advised that Genesis would have to commission a full site investigation and subsequently carry out any remediation works if required.

She advised that there was some concern that water running off the land may lead to contamination of the three small ponds, but that a petrol interceptor could be installed to remedy this. Alternative methods could be used however and this was covered in a condition.

She went on to advise that there had been no comments from Northumbrian Water, but she suggested that they may require a condition to be attached advising that temporary methods of sewage storage and disposal would be required. This had been the case in other recently approved developments within the District.

She also advised that members should disregard the condition requiring an added contribution for play provision, as this had been added in error.

Councillor Agnew in response added that if members were minded to approve this application they should ensure that the following is adhered to by the developer.

- Guarantee that sewage works and contamination will not damage the three ponds which are used frequently for educational sessions with neighboring schools.
- Interceptor must be in place before the site is occupied.
- Roadways completed before any occupation.

The Head of Planning & Building Control in response added that Northumbrian Water would not adopt on the basis that a petrol interceptor be installed.

Councillor Agnew added that he would like to know how long the temporary methods for sewage disposal would be required.

The Head of Planning & Building Control in response advised that it was not possible to put a date on the issue at the moment but Northumbrian Water were working on providing a long term solution to the problem.

Councillor Christer asked why there was no affordable housing drafted into the scheme and in response the Head of Planning & Building Control advised that only recently an Affordable Housing Policy had been agreed by the Executive but was not yet in place, he advised that the current Local Plan Policy on affordable housing was too weak and would not stand for a justified reason for refusal.

Councillor Milburn added that she welcomed the idea of incorporating smaller houses into the scheme which were much more suitable for the area. She also advised that she was of the opinion that as there was a current issue of parking on Taylor's Terrace, the development proposed would further those problems, suggesting that more parking provision should be catered for in the development.

Councillor Clarke asked when the Affordable Housing Policy would be adopted by the Council.

In response the Head of Planning & Building Control advised that it should be in place by this summer, subject of course to Executive approval.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0009 be approved subject to:

- Time Limit (ST)
- Approved Plans (ST01)
- Amended Plans (G04)
- Means of enclosure (H014)
- Landscaping (L01)
- Materials (A03)
- Contamination (CL04)
- Contamination (CL05)
- Surface Water Drainage (D04)
- Foul Water Drainage (D05)
- The developer shall retain responsibility for rectifying any adverse impact on the triple ponds located to the north of the application site, if this is proved beyond reasonable doubt to be as a result of the development hereby approved, within 5 years of the commencement of the development and in accordance with the letter as submitted by Robert Muckle Solicitors dated 20th January 2006.
- Ground levels (GL01)
- The development shall not begin until details of the adoptable estate road which provides access to it from the existing highway has been laid out and constructed in accordance with the approved details.
- An adoptable footway link shall be provided from the site to connect with the existing footways on Taylor's Terrace of which details shall be submitted to and approved in writing by the Local planning Authority before the commencement of development and no dwelling shall be occupied until this has been laid out and constructed in accordance with the approved details.

07/0190 MRS G WALES

Erection of first floor extension above existing garage, 9 Mount Park Drive, Lanchester.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0190 be approved subject to:

- Three year time limit (ST)
- Approved Plans (ST01)
- External materials (DH05)

(4) **RESOLVED:** that the following application be refused.

07/0005 GLADED DALE (FORMERLY BROSELEY HOMES)

Erection of twenty nine dwellings with associated roads, Land south west of Community Centre, Fairview Terrace, Greencroft.

The Head of Planning & Building Control presented the report which recommended approval of the application.

He advised that although this site was technically classed as a Greenfield site and was not allocated for development in H04 of the Local Plan it was seen to be acceptable to approve the development as the land sat between two developments; the Community Centre and a Broseley Homes development it would sit comfortably alongside a development of the same developer.

He went on to advise that Highways had no objections to the scheme and only one objection had been received from a local resident.

He also advised that as part of the scheme £8,700 contribution must be made towards play provision.

Councillor Atkinson in response added that he was of the opinion that this site should be retained as Greenfield, agricultural land as it had always been, he added that the density of the development was too high and should be reduced by 2/3 dwellings.

He concluded that approval of the site would set a precedent for building for building on Greenfield sites and outside of the village limits.

Discussion then ensued over the concerns raised by the Development Plans Team regarding house number 36, the Head of Planning & Building controlled advised that he could see no real just cause for concern here.

Councillor Christer made the following points as her main areas of concern over the development.

- 1.5 parking spaces per dwelling was not adequate, should provide parking for 2 cars.
- Development next to two bus stops, although many bus service cut through this area.
- Extending the village limits takes away the village areas.

Councillor Glass added that he was of the opinion that a condition should be attached to advise that there be no precedent set for further development of Greenfield areas.

The Head of Planning & Building Control advised that this could be attached to the permission as a footer to the end of the application rather than a condition.

Councillor Atkinson added that the Greenfield sites should be protected, in his opinion he would have accepted the application if it was an infill site.

The Head of Planning & Building Control advised that it was officers' opinion that as the site was relatively small in scale it was thought acceptable.

Councillor Christer in response added that Greencroft was a tiny village and this development could increase the traffic passing through it by potentially 60 cars.

Councillor Clarke added that in her opinion that the site would be better fitting if it was in line with 'The Croft' development, rather than protruding out on the West of the site.

The Head of Planning & Building Control advised that if members were minded to they could consider the possibility of reducing the size of the site to come in line with the neighboring development.

Councillor Watson then added that many valid points had been made by the members and it should be realized that the site is Greenfield and not within the Local Plan for allocated development.

Following a vote being taken it was

RESOLVED: that Planning Application 07/0005 be refused on the grounds that: In the opinion of the Local Planning Authority, the site is green field, and the proposal is therefore considered to be encroachment into the countryside surrounding the settlement without specific provision made in the Local Plan, contrary to policies EN1 and EN2 of the Local Plan. The development would conflict with the aims of PPS 3 (housing) which states that development should take place on previously developed land prior to green field sites.

Councillors M. Jopling and G. Coulson left the meeting at this point.

(5) RESOLVED: that the following application be deferred for a site visit.

07/0131 PROJECT GENESIS

Extension to existing landscaping mound (retrospective) (resubmission), Land to the south west of 48-52 Fenwick Way, Consett.

The Senior Planning Officer presented the report which recommended approval of the application. She advised that the application sought retrospective approval for the extension of the existing landscaping mound to the South West of 48-52 Fenwick Way.

She advised that site investigation works had been carried out and had found a higher level of lead in the spoil but not enough to pose any risk.

She went on to advise that further objections had been received from the residents of 36 and 38 Fenwick Way, but advised that the previous mound had already received permission and was approximately 60 metres away from the two properties mentioned. She added that the mound would be required to be grassed over.

Councillor Agnew asked why the spoil had not been leveled out in the first instance.

The Head of Planning & Building Control advised that the costs of landfill would have been extortionate for the amount of spoil that would have been required to move, therefore Barratt Homes had simply added to the existing mound.

Councillor Milburn asked why it had not been possible to spread the spoil to level it. The Head of Planning & Building Control added that as the mound was already in existence they would have found it easier to add to it rather than level it.

Councillor Clarke added that in her opinion she did not agree with it being leveled but should be completely removed.

Councillor Hodgson asked where the existing mound had come from. In response the Head of Planning & Building Control advised that he believed it had come from Dysart developers from around the Ponds Court area. Councillor Hodgson added that he felt there had been no foresight by the developers, he was of the opinion that it should have originally been spread. He pointed out that if a housing development had been there before the mound it would not have been permitted.

The Head of Planning & Building Control advised that some occupiers of Fenwick Way claim they had been told by the developer the mound would be removed once building work had been completed.

Councillor Christer added that she thought the mound was very high and would there be any possibility it could subside and fall in. The Head of Planning & Building Control advised that Engineers had confirmed that it was safe.

Councillor Christer asked if any of the occupiers had anything binding in their contracts to say that the mound would be removed. The Head of Planning & Building Control advised that he could not answer that as it was information that had been relayed by the Enforcement Officer. He did suggest that the buyers' solicitor should have set something out in the contract.

Councillor Clark pointed out that he could see no reason other than financial gain for the method of disposal used.

It was further agreed that the Enforcement Officer, Tony Shepherd also be in attendance at the site inspection.

Conclusion of meeting

The meeting closed at 4.15 p.m.

Chair

