

Meeting of the **PLANNING COMMITTEE** of the Teesdale District Council
held at Teesdale House, Galgate, Barnard Castle on
WEDNESDAY 26 NOVEMBER 2008 at 5.30 pm

PRESENT:

Chairman: Councillor P Hughes

Councillors:

RA Bell	DH Reed
M Bolden	GM Richardson
MJ Clark	KP Ryman
AJ Cooke	GK Robinson
O Hedley	WHT Salvin
D Metcalfe	JR Watson

Apologies of Absence:

Apologies for absence were received from Councillors KJ Hodgson and PL Stubbs

Officers in attendance:

E Hall	Interim Development Control Manager
DM Roberts	Democratic Services Manager
S Gray	Planning Officer
C Colling	Planning Officer
M Gibson	Planning Officer
SJ Porter	Planning Enforcement Officer
R Staley	Planning Technician

34 ITEMS OF URGENT BUSINESS

There were no items of urgent business.

35 DECLARATIONS OF INTEREST

Councillor KP Ryman declared a prejudicial interest in application 6/08/361/DM (Etherley) as he was a near neighbour and was opposed to the proposed development; Councillor WHT Salvin declared a personal interest in application 6/08/359/DM (Gainford) as the applicant was known to him.

36 MINUTES

The minutes of the meeting held on 29 October 2008, as circulated to members, were confirmed as a correct record and signed by the Chairman.

37 PLANNING APPLICATIONS

(i) Gainford 6/08/359/DM

Extensions to provide porch and conservatory and conversion of garage to create additional bedroom (part retrospective) at 5 Waters End

Note: As part of the decision making process at the meeting and in accordance with the Council's scheme of public speaking at planning

committees, the Committee was addressed by Mrs Rutter on behalf of the applicant.

RESOLVED:

That Full Planning Permission be granted 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 permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.
3. The materials used in the construction of the external surfaces of the extension hereby approved shall closely match in colour, texture and appearance those of the existing building of which the extension will form part.
4. This permission relates to the application as amended by plans received 14/11/08 showing the extension in relation to the site levels, and the email received 30th October 2008 confirming that the walkway as shown on the plans submitted for this application shall be omitted from the scheme and therefore would not form part of this decision.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order) the glass to be used in the boundary elevation of the conservatory adjacent to 4 Waters End 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.

(ii) Etherley 6/08/361/DM

Proposed erection of buildings, use of existing stables and adjoining agricultural land in connection with the establishment of an animal rescue/re-homing centre at land and buildings at Stonehouse Chapel, Bildershaw

Note: As part of the decision making process at the meeting and in accordance with the Council's scheme of public speaking at planning committees, the Committee was addressed by Mr Leng and Councillor KP Ryman, objectors, and Mr Walton, on behalf of the applicant.

Councillor Ryman left the Council Chamber whilst the debate on the application took place.

RESOLVED:

That Full Planning Permission be granted subject to the following conditions:

AGENDA ITEM NO: 5(iv)

1. Within 56 days of the date of this decision notice a phasing plan will be submitted to the Local Planning Authority for approval. The phasing plan shall include full details of the proposed timescales for the removal of the unauthorised buildings and the erection of the new buildings and associated works. These details must ensure the completion of the scheme within 18 months of this notice. The phasing plan must be approved in writing prior to the commencement of any works on site.
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 by the Local Planning Authority.
3. No new buildings shall be erected on the site until a means of vehicular access (marked 'entrance 2' on the approved plans) has been constructed in accordance with the approved plans.
4. The animal rescue/re homing centre hereby approved shall not be open to members of the public between the hours of 1600 and 0900 Mondays to Sundays. In order to prevent members of the public entering or leaving the site, the gate at 'entrance 2' on the approved plans shall be locked during these hours.
5. Prior to the commencement of the development on site, full construction details of the kennel and cattery buildings and their associated pens must be submitted to and approved in writing by the Local Planning Authority. These details must specify all noise attenuation measures that will be incorporated into the construction of the buildings.
6. Before the development hereby approved is commenced a scheme of soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority, which shall include 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. Soft landscape works shall include planting plans; written specifications (including where appropriate topsoil depths, cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate; implementation and establishment programme).
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following occupation of the buildings or the completion of the development (whichever is sooner) and any trees or plants which within a period of 5 years from implementation of the scheme die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent for any variation.
8. Notwithstanding the information shown on the submitted application, full details of all materials to be used externally and the standard of their finish shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, and thereafter the development shall be carried out in accordance with the approved details.

9. Notwithstanding the information shown on the submitted application, no development shall commence until full details of the height, siting, appearance and construction of all means of enclosure to be erected on site have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the agreed details.

(iii) Middleton in Teesdale 6/08/373/DM

Residential development consisting of 4x3 bedroom and 6x4 bedroom dwellings at Meadow Close

Note: As part of the decision making process at the meeting and in accordance with the Council's scheme of public speaking at planning committees, the Committee was addressed by Mrs Jackson, objector, and Mr Lyle, on behalf of the applicant.

RESOLVED:

That consideration be deferred pending a site visit.

Note: As part of the decision making process at the meeting and in accordance with the Council's scheme of public speaking at planning committees, the Committee was addressed by Mr Tindale, objector, and Mrs Ferguson, on behalf of the applicant in respect of both the following applications (Hamsterley 6/08/384 and 6/08/385)

(iv) Hamsterley 6/08/384/DM

Demolition of existing bungalow, erection of new dwelling and creation of new vehicular access to highway at Tees Stone

Note: Prior to the following resolution being agreed it was moved and seconded that planning permission be refused; this motion was lost.

RESOLVED:

That subject to no negative response being received from Northumbrian Water Ltd Outline Planning Consent be granted subject to the following conditions:

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of appearance, landscaping scale, heights and levels (hereinafter called 'the reserved matters') shall be obtained in writing from the Local Planning Authority before any development is commenced.
3. Prior to the commencement of the development on site a bat and barn owl survey must be submitted to and approved in writing by the Local Planning Authority. The survey must include any mitigation measures required to safeguard these protected species.

Informative

Teesdale District Councils' Development Control Committee on 26 November 2008 requested that any subsequent reserved matters application be determined by the relevant Committee rather than under delegated powers.

(v) Hamsterley 6/08/385/DM

New dwelling and creation of access to existing dwelling on land to south of Tees Stone

RESOLVED:

That, subject to no negative response being received from Northumbrian Water Ltd., Outline Planning Consent be granted subject to the following conditions:

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of appearance, landscaping scale, heights and levels (hereinafter called 'the reserved matters') shall be obtained in writing from the Local Planning Authority before any development is commenced.
3. Prior to the commencement of the development on site a bat and barn owl survey must be submitted to and approved in writing by the local planning authority. The survey must include any mitigation measures required to safeguard these protected species.
4. All trees and shrubs to be retained on site [as shown on the approved block plan] shall be protected for the duration of the development by appropriate protective fencing minimum 1 metre in height. Protection to trees will be positioned around the crown spread to prevent access to, disturbance or contamination/compaction within the rooting zone.

Informative

Teesdale District Councils' Development Control Committee on 26 November 2008 requested that any subsequent reserved matters application be determined by the relevant Committee rather than under delegated powers.

(vi) Hilton 6/08/398/DM

Change of use of land from agricultural and waste recovery/plant hire to equestrian use; development of equestrian facilities (including indoor and outdoor arenas, stables, walker); conversion of farm outbuildings to associated holiday accommodation (13 units) including for disabled people; erection of farm machinery store and implement/feed store; floodlighting to proposed outdoor arena; retention of existing outdoor arena; domestic extension and improvements to existing farmhouse at Hilton Moor Farm, Evenwood Gate

Note: As part of the decision making process at the meeting and in accordance with the Council's scheme of public speaking at planning committees, the Committee was addressed by Ms J Bird with regard to Public Footpath No 13.

RESOLVED:

That Full Planning Permission be granted 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 the information shown on the submitted application, the materials used in the construction of the external surfaces of the extensions to the farm house and holiday accommodation hereby approved shall closely match in colour, texture and appearance those of the existing building of which the extensions will form part.
3. Notwithstanding the information shown on the submitted application, the following design requirements shall be incorporated into the approved scheme relating to the holiday accommodation:
 - a) All windows shall be timber with painted finish;
 - b) Exposed stone cills and lintels shall be used below and above all window openings;
 - c) All external doors shall be natural timber doors;
 - d) Exposed stone lintels shall be used above all external door openings;
 - e) The roof covering shall be natural slate;
 - f) All rainwater goods shall be black;
 - g) All rooflights shall be conservation rooflights, flush fitting with central glazing bar and finished in black.
4. Notwithstanding the provisions of Article 3 and Classes A, B,C D, E, F, G & H of Part 1 and Classes A, B & C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended or any re-enactment thereof) none of the categories of development described therein shall be carried out on site to the holiday accommodation without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.
5. The development hereby permitted shall only be used for holiday accommodation and shall not be occupied by any person or group of persons for a period in excess of six weeks in total during one calendar year. The permission shall not authorise the use of the accommodation for human habitation during February in any one year, or such consistent time period of four weeks as may be approved in writing by the Local Planning Authority. In order to facilitate the policing/enforcement of the foregoing, the owner shall maintain a register of persons occupying the premises and shall make it available for inspection upon request by the Local Planning Authority, having been given 24 hours notice of such inspection.

AGENDA ITEM NO: 5(iv)

6. No external illumination shall be erected at the equestrian activity sites until specifications have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with these agreed details. No such lighting shall be operated after 20:00 hrs.
7. Before the development hereby approved is commenced a scheme of soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority, which shall include 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. Soft landscape works shall include planting plans; written specifications (including where appropriate topsoil depths, cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate; implementation and establishment programme).
8. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following occupation of the buildings or the completion of the development (whichever is sooner) and any trees or plants which die within a period of 5 years from implementation of the scheme, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent for any variation.
9. Before the development hereby approved is commenced a plan showing the proposed improvements to the equestrian access onto the C30 road shall be submitted and approved in writing by the Local Planning Authority and then carried out in accordance with these plans. This includes construction of a 10 metre entry radii. Any proposed entry gates must be set back at least 10 metres to allow a vehicle to wait off the highway when opening the gate.
10. The occupation of the dwelling known as Hilton Moor Farm shall be limited to a person or persons solely or mainly associated with the equestrian and holiday cottage businesses hereby approved.
11. Before the development hereby approved is commenced, details of the surface treatment and construction of all hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the agreed details.

Informatives / Information to be provided in covering letter

Natural England have advised that should protected species be found, these are protected by law in association with ODPM Circular 06/2005 Part IV B and C. Natural England should be contacted on 0191 229 5500 to discuss this matter should it be required.

The access improvements must be improved in accordance with the requirements of Section 184(3) of the Highways Act 1980. The developer

must contact the Area Engineer, Southern Area, Etherley Lane, Bishop Auckland, DL14 6UQ, telephone 01388 602028.

Footpath 13 which runs directly through the site should remain unaffected by the development which includes:

- No building materials should be stored on the right of way
- Vehicle movements must be arranged so as to not interfere with the public's use of the way.
- The safety of members of the public using the right of way must be ensured at all times.
- No additional barriers are to be placed across the right of way.
- There must be no reduction in the width of the right of way
- No damage or alteration must be caused to the surface of the right of way
- Guard dogs must not be chained in close proximity to the right of way to prevent users from being intimidated.

**38 TREE PRESERVATION ORDER
Hall Cottage, Hamsterley**

Note: As part of the decision making process at the meeting, the Committee was addressed by Mrs Graham, an objector.

A provisional Tree Preservation Order had been made, under delegated authority, on 9 July 2008 in respect of an over mature sycamore located to the side/front of the above property. If the Order was to remain in force beyond 9 January 2008 then it needed to be confirmed by the Committee. The Council had commissioned a report which indicated that the tree was of high aesthetic environmental and amenity value and made a number of recommendations with regard to the tree, concluding that it should be retained and placed under the protection of a TPO.

RESOLVED:

That the Tree Preservation Order be confirmed.

CHAIRMAN

The meeting closed at 7.50pm