

## **DURHAM COUNTY COUNCIL**

### **AREA PLANNING COMMITTEE (NORTH)**

At a Meeting of the **Area Planning Committee (North)** held in the County Hall, Durham on **Thursday 20 December 2018 at 1.00 pm**

#### **Present:**

**Councillor I Jewell (Chairman)**

#### **Members of the Committee:**

Councillors A Bainbridge, L Boyd, G Darkes, A Hopgood, C Martin, O Milburn, J Robinson, A Shield, T Tucker, M Wilson and S Zair

#### **Apologies:**

Apologies for absence were received from Councillors D Bell, D Boyes, J Shuttleworth and S Wilson

#### **Also Present:**

Prior to the commencement of the meeting the Chairman with great sadness reported the death of Councillor Leo Taylor.

The Committee stood for a moments silence as a mark of respect.

#### **1 Apologies for Absence**

Apologies for absence were received from Councillors Bell, Boyes, Shuttleworth and Wilson.

#### **2 Substitute Members**

Councillor M Wilson as substitute Member for Councillor D Bell.

#### **3 Declarations of Interest (if any)**

Councillor A Bainbridge informed the Committee that the application at Agenda Item 5 (c) was within his electoral division. While he had been contacted by the applicant, he had held no discussions about the application.

Councillors I Jewell and A Shield informed the Committee that they had been contacted by the applicant for item at Agenda Item 5 (b) but had no personal

or prejudicial interest in the application and would await discussion of the application before making a determination of it.

#### **4 Minutes of the Meeting held on 25 October 2018**

The Minutes of the meeting held on 25 October 2018 were confirmed as a correct record and signed by the Chairman.

#### **5 Applications to be determined by the Area Planning Committee (North Durham)**

##### **a DM/18/03060/FPA - Site of former Ouston County Infants School (Plots 14 and 15) Cromarty, Ouston, Chester-le-Street**

The Committee considered a report of the Principal Planning Officer regarding an application for two bungalows to replace approved bungalows on plots 14, 15 and 16 within housing application DM/17/01683/FPA at the site of the former Ouston County Infants School (Plots 14 and 15), Cromarty, Ouston (for copy see file of Minutes).

Members of the Committee had visited the site the previous day to enable them to view the relationship between the site and the adjacent properties.

F Clarke, Principal Planning Officer gave a detailed presentation of the application and also provided a detailed history of the development site and the development to date. Concerns had been expressed by local residents about site levels and this application sought to address these concerns by replacing three bungalows with two. The Principal Planning Officer informed the Committee that, should the application be refused, the fallback position could be that the applicant implement the existing permission for the erection of three bungalows which would have a greater impact than the proposed scheme.

Councillor D McGill, Chair of Ouston Parish Council and Councillors Batey and Wood, local Members all raised objection to the application.

Councillor McGill informed the Committee that when the infant school closed local residents were concerned about what would happen to the site and whether any properties proposed for the site would be sympathetic to the surrounding houses and would address drainage issues. When residents were told that bungalows were proposed for the site they were still concerned about the height of the bungalows and drainage issues, but following consultation meetings, these concerns appeared to have been addressed. Therefore, when the planning application for development on the site was submitted no local residents felt it was necessary to object. However, local residents had not expected the bungalows on the site would be the

equivalent being of a two-storey house in relation to surrounding properties. Councillors Batey and Wood as local Members then took on the issue. Residents and the Parish Council did not support this application.

Councillors Batey and Wood as local Members addressed the Committee to object to the application.

Although the development of bungalows on the site of the former infants school was welcomed by both themselves and the local community when it was proposed, since construction on site had commenced it had become obvious that there were serious concerns regarding the level of the site and in turn the height of the bungalows. The site levels on the development site had changed since the demolition of the infant's school and this had resulted in the bungalows on the site overlooking surrounding properties. Additionally, because of the site levels and the slope of the site there were concerns about site drainage.

Mr Donnelly, resident of a neighbouring property, addressed the Committee to object to the application. When the original application was proposed local residents believed that due to the properties being built being bungalows there would be no encroachment on existing properties and would not lead to privacy issues.

Since the original application was approved it had been brought to his attention that any plans to extend at the rear of his property in the future may be declined for planning due to the erection of this development, which was unacceptable due to the age of the existing properties in relation to the new development.

The original application which was approved was done so on an aerial view of the site with no side elevations taken into account in relation to the existing properties. The proposed bungalows would be higher than a two storey existing property resulting in an invasion of privacy not only to bedrooms to the rear of the property but also to main garden areas. The decision to approve the original application demonstrated complete disregard for all existing residents and incompetence on behalf of the Council's planning department for not looking at the elevations in height in relation to the existing properties.

Land had been built up without sufficient compaction, adequate foundations or retaining walls. Subsidence was a major concern for local residents where the development was built up so high and Mr Donnelly questioned whether the foundations had been inspected by building regulations where the land had been built up specifically for bungalow 14.

The proposed application did not fit in with the surrounding properties that were stepped down in relation to the land heights and was overbearing due to the heights.

There was already existing drainage issues with the original site when it was formally an infant school with surface water draining into lower properties and gardens and this had worsened in gardens where the ground was saturated from the smallest of downfall. Despite putting further drainage into our garden this had not overcome these issues which had deteriorated since building work had started on the site.

Mr S Riding of Karbon Homes addressed the Committee. The development was a former Derwentside Homes scheme which had received fully approved planning permission. Due to concerns which had been raised by local residents work was stopped on plots 14, 15 and 16 and a revised planning application submitted. Resident's meetings had been attended and there had been a number of meetings between Karbon Homes, Councillor Batey and Councillor Wood. Fourteen concerns had been lodged through the Council's planning portal when this application was submitted and each had been responded to, and nine had then made further responses. Each plot was visited at its foundation stage for the purposes of insurance.

This application was as a result of residents' concerns which had been raised and Karbon Homes would continue to work with both the County Council and Homes England on this site. There was an existing valid planning permission for the whole site and, although not a preferred route, this could be a fallback position should this application not be approved.

Councillor Hopgood considered that residents, local Members and the Committee had been misled. The original planning application did not mention site levels and stated that the site would be levelled. There had been no objections to that application because this was taken in good faith and because bungalows were to be built. She considered that it was a disgrace that local residents had been put in this position.

Councillor Shield informed the Committee that he had seen the full extent of the problem with this development and sympathised with local residents, adding that further mitigation did not right a wrong. The original application had been approved on the information before the Committee and if this had changed then the Committee should have been made aware.

Councillor Tucker sought clarity on whether, if the application was refused, the applicant had the right to build 3 bungalows as in the original application and whether these would be built within the levels originally submitted or changed levels.

The Principal Planning Officer replied that the original application for 16 bungalows showed a change of levels. If this application was refused the bungalows would be built to the same level as previously approved with re-arranged windows.

N Carter, Planning and Development Solicitor reminded the Committee that the application before it was for determination and that this was not a forum to dissect circumstances. The application proposed two bungalows on existing levels rather than the three which had planning permission and the Committee should consider what was proposed and not what was desirable. The existing planning permission was a valid permission which could still be built out and the Committee needed to have regard to this. The foundation and stability issue was one for building control not for planning control and it had been confirmed that foundations had been inspected.

Councillor Robinson asked why, if levels had changed from the original application, there had been no planning enforcement. This application was mitigation by building only two rather than three bungalows, and if refused, three bungalows could be built based on the original application.

The Principal Planning Officer informed the Committee that the levels in this application were as in the 2017 application for 16 bungalows.

Councillor Jewell considered that the bungalows were not large but the land was higher.

Councillor Tucker sought assurance that drainage from the site was adequate. Councillor Jewell reminded Councillor Tucker that residents had stated there had been an existing drainage problem.

The Principal Planning Officer informed the Committee that the drainage system introduced to the development site would result in a net improvement in the drainage of the site.

Councillor Hopgood asked, when the top part of the site was cleared, the soil had been placed on the lower part of the site.

The Principal Planning Officer informed the Committee that levels had been checked on site by the enforcement team and these were in line with the 2017 application.

Following further discussion regarding levels on site it was **moved** by Councillor Robinson, **seconded** by Councillor Shield and

**Resolved:**

That the application be deferred to allow further discussions to take place between the applicant, planning officers, local Members and local residents.

**b DM/18/02807/FPA - Station House, Lintz Green Lane,  
Lintzford, Rowlands Gill NE39 1NN**

The Committee considered a report of the Planning Officer regarding an application for the erection of a single storey café at Station House, Lintz Green Lane, Lintzford, Rowlands Gill (for copy see file of Minutes).

Members of the Committee had visited the site the previous day to understand the highways implications of the development and its location on the Derwent Walk.

N Graham, Planning Officer gave a detailed presentation of the application which included a location plan, proposed layout, proposed elevations and site photographs.

The Planning Officer informed the Committee that a further eight letters of objection had been received since the publication of the Committee report.

Ms K Redfern, Safety Officer for the British Horse Society addressed the Committee to object to the application. The application would have a negative impact on horse riders and there were approximately 100 riders locally.

Access to the Derwent Walk from the B6310 was along a single track drive. While this coped well for local residents vehicles and equine access to the off road riding that the Derwent Walk provided, the addition of café traffic which was unfamiliar with the restrictive road would lead to this access for riders to be extremely dangerous. A horse was capable of travelling at 40 m.p.h. as a result of fear and flight and this could lead to injury or fatality.

Approaching the Derwent Walk from Arch Bridge, horses would become immediately startled by light reflecting on the glass of the proposed structure. Travelling northeast below the Arch involves moving from dark to light and horses would be confronted by light, the movement of large numbers of people and unusual aromas from food. The platform access track would be fenced and narrow, again creating hazardous access for horses and visitors.

Ms Redfern asked the Committee to refuse the application.

Mr P Tomlinson, local resident, addressed the Committee to object to the application. The residents of Lintz Green were overwhelmingly opposed to this application on the grounds of architecture, noise pollution and vehicular access.

The proposed café building was too big for the site and was not in keeping with existing buildings.

Although the original application was for a café it was also to be used as a music venue and if this was so then adequate soundproofing would be needed to prevent noise pollution. There were traffic concerns about the application. The Highways Engineer considered that the site was unsuitable for additional motorised vehicle generation and Mr Tomlinson questioned how deliveries would be made and musicians would access the venue, and the Public Rights of Way Officer was not in favour of any attempt to attract passing motorised customers from the B6310. Mr Tomlinson asked the Committee to refuse the application.

Dr R Sinclair, applicant, addressed the Committee. He had lived in the area for 26 years and had moved because of the peace and quiet of the area. There was no community centre or base in the area.

There had been an increased usage of the Derwent Walk/Red Kite Walk and the proposed site was in a prime location for a café facility. 400,000 people used the Derwent Walk in its entirety every year and the site was at a point where it was easy for people to cycle to. Any customers who tried to access the café by car would be refused service. The café would be a unique facility for walkers, cyclists and horse riders.

When he moved to the area 26 years ago Dr Sinclair informed the Committee that Derwent Valley was going through a period of decline. However, the area was now thriving with businesses being run from houses.

Dr Sinclair informed the Committee that he would not wish to create an atmosphere in his garden which was detrimental to him. Four out of seven houses in the area had not objected to the proposal and he had invited neighbours to discuss the application, as he was very community minded. He asked the Committee to approve the application.

Councillor Shield informed the Committee that he had visited the application site at the request of the applicant. He was familiar with the Derwent Walk which was a very attractive walk. While there had been objections to the proposed late opening of the facility when events were held there, this was conditioned to be only until 10 p.m. twelve times a year, and only on a Friday or Saturday. Councillor Shield referred to the drainage issue and the joint septic tank which was not on the applicants land and sought clarity on this.

The Planning Officer informed the Committee that there were two septic tanks, one for seven houses and one for the Station House, not on the applicants land. A foul drainage assessment form had been completed which showed sufficient capacity in the existing septic tank and the proposed

conditions of the planning permission would ensure it was for the applicant to demonstrate such capacity.

Councillor Shield sought more information on the proposed lighting of the café and asked about the monitoring of food hygiene standards. The Planning Officer replied that condition 5 of the permission required the maintenance of a dark corridor and the café would use downlights rather than outward spreading lights. Environmental Health would carry out licensing checks to ensure the maintenance of food hygiene standards.

Councillor Shield referred to Lintz Green Road which was single track and possible restrictions on using the road, for example a sign to state it was for private use only. The Planning Officer replied that while not a planning matter the landowner could restrict access subject to permitted rights.

Councillor Shield informed the Committee that the application had no objections from statutory or other consultees, breached no policies and complied with Policy EN1 of the Derwentside District Local Plan. He **moved** the recommendation to approve the application.

Councillor Hopgood, in **seconding** approval of the application, referred to Condition 7 and the need to ensure topsoil levels were the same as currently on site.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the conditions contained in the report.

**c DM/18/02961/FPA - 41 Carrowmore Road, Chester-le-Street, DH2 3DY**

The Committee considered a report of the Planning Officer regarding an application for the change of use of public open space to a domestic garden (for copy see file of Minutes).

N Graham, Planning Officer provided a detailed presentation on the application which included a location plan, site plan and site photographs.

The applicant, addressed the Committee in support of the application. The application had been driven because of issues of anti-social behaviour the applicant was experiencing, with both eggs and conkers being thrown at his house because of its location adjacent to this parcel of land. Young people congregated in the area and climbed into the grounds of The Hermitage. This was not new but was an ongoing issue. A leaflet circulated by

Councillor Paul Sexton had referred to the anti-social behaviour issue in the Garden Farm area.

If the area of land, which measured some 0.3 hectares, was enclosed this would reduce the opportunity for anti-social behaviour. The land would be enclosed using a post and wire fence and mixed hedge, which in time would obscure the fencing. The applicant asked the Committee to approve the application.

Councillor J Robinson referred to the planning history of the site which showed two previous applications for this site which had been refused and dismissed on appeal. The Planning Officer referred the Committee to paragraphs 63 to 65 in the report which provided details of the two refused application and also details of an application made in 2012 for the enclosure of land immediately to the south of 41 Carrowmore Road, which although approved under delegated powers, noted that any future encroachment into this space would be deemed to seriously erode the amenity value provided by the overall stretch of land and would need to be resisted.

In reply to a question from Councillor Shield, the Planning Officer informed the Committee that the owner of the land was unknown.

Councillor Bainbridge informed the Committee that the area of land was identified by the County Council as designated open space and was used by residents on the estate. To enclose the land would remove the available open space for local residents.

In response to a question from Councillor Darkes the Planning Officer informed the Committee that the applicant was different to that who made the 1991 application.

Councillor Boyd, while being sympathetic to the case put forward by the applicant, moved to uphold the recommendation to refuse the application because to enclose the land would remove a local amenity. **Seconded** by Councillor Milburn and

**Resolved:**

That the application be refused for the reason set out on the report.

**6 Appeal Update**

The Committee considered a report of the Principal Planning Officer which provided details of recent decisions in relation to the following:

- application DM/17/03957/FPA for the erection of a general purposes agricultural building at land to the rear of 5 Front Street, Burnhope. The Principal Planning Officer advised that the appeal had been allowed by the Planning Inspector.

- application DM/18/00036/FPA for the material change of use of a residential annex to a dwelling at Woodlea Manor, Browney Bank, Lanchester. The Principal Planning Officer advised that the appeal had been dismissed by the Planning Inspector.

**7 Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.**