

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)

At a Meeting of **Area Planning Committee (Central and East Durham)** held in Council Chamber, County Hall, Durham on **Tuesday 13 December 2011 at 1.00 pm**

Present:

Councillor C Walker (Chair)

Members of the Committee:

Councillors P Taylor (Vice-Chair), J Bailey, A Bell, J Blakey, G Bleasdale, P Charlton, D Freeman and A Laing

Apologies:

Apologies for absence were received from Councillors J Brown and J Robinson

Also Present:

J Taylor – Principal Planning Officer (Durham Area)

N Carter – Solicitor

N Thompson – Highways Officer

1 Minutes of the Last Meeting held on 8 November 2011

The Minutes of the Meeting held on 8 November 2011 were agreed as a correct record and signed by the Chair.

2 Declarations of Interest, if any

There were no declarations of interest received.

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

**3a 4/11/00811 Tanners Hall Farm, Stockley Lane, Willington
Erection of 70 Metre High Wind Turbine and Associated Meter Housing
and Access Track**

Consideration was given to the report of the Principal Planning Officer (Durham Area) which recommended approval of the application.

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report, which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

He advised that since the report had been prepared six objections to the development had been received, together with six e-mails in support.

Councillor J Wilkinson, Member for Deerness Valley Division spoke against the application. His concerns related to the height of the turbine, its prominent location, impact on the landscape and the effect on the character and appearance of the countryside. He stated that whilst he was in agreement with the use of renewable energy the number of wind turbines in the area had reached capacity and any new application should have regard to cumulative effect. He considered that it would appear incongruous in the landscape as the other operational wind farms were a considerable distance away.

K Taylor, an objector addressed the Committee. He stated that there had been inadequate consultation on the application and that his concerns related to the height of the proposed wind turbine which would be visually dominant in open countryside, and the significant cumulative impact of an additional turbine in an area that was already saturated with wind farms. Due to the situation of residential properties to the east of the site, their amenity would be affected in terms of noise, vibration, shadow flicker and light reflection. He was also concerned about the potential impact on protected species, despite DCC's ecologist raising no objections, and he reiterated the views of Councillor Wilkinson that it would not 'blend in' with the operational wind farms at Tow Law and Broomhill. Access to the site would be from the B6299 which was a busy and dangerous road and he asked that this be taken into account in considering the application. Turbines had been known to catch fire which raised health and safety concerns.

C Picking, objector reiterated K Taylor's views in relation to consultation and stated that a public meeting should have been held with residents. He was against the proposed wind turbine due to its size and location. He considered it unfair to those who lived in the village of Stanley Crook and he felt that it would prevent people from moving into the area.

Mr Layfield, the applicant advised that the purpose of the application was to diversify his family business and he provided Members with details. Fuel costs had risen dramatically over recent years and moving from the use of fossil fuels to a wind turbine would not only increase the viability of his business but would contribute towards Government energy targets. The location of the turbine had been carefully considered to limit any impact on his neighbours.

Mr Neary, the applicant's agent stated that they had consulted the Council's landscape section on the proposed location of the wind turbine and Planning Officers considered that the scheme was acceptable in terms of national, regional and local planning policy. With regard to concerns raised about noise, it was considered that, given the distance to neighbouring properties, the likelihood of nuisance would be low. The Council's ecologist was of the view that it would not impact on protected species. Due to the orientation of dwellings in Stanley Crook which screened each other, there would not be a significant impact on views from public areas within the village or from individual properties.

In responding to the issues raised, the Principal Planning Officer stated that he was satisfied that the application had been widely consulted upon. Consultation letters were sent to 31 properties and site notices had been erected.

Ecologists had looked at the potential impact on protected species and had raised no concerns. Other species would be unaffected once construction was completed.

With regard to the concerns about the potential for wind turbines to catch fire, he advised that this was rare but was not a planning consideration.

He acknowledged that there were traffic issues in relation to the B6299 but the works involved in erecting the turbine would not be lengthy, and therefore he did not envisage that it would add to the traffic problems experienced on this road.

Whilst the wind turbine would be prominent it was not considered to be harmful to the visual appearance of the area because of its location. Open views were curtailed by adjacent woodland and the separation distance was such that residents would not be affected by noise or shadow flicker.

Page 12, paragraph 43 in the report which referred to a community contribution from the applicant was not a material planning consideration, was not requested by the Local Planning Authority and should be disregarded in any decision.

In considering the application Councillor Bailey referred to a letter submitted by Councillor B Myers in objection to the application on the grounds of protection of surrounding countryside, the scale and elevation of the wind turbine and health and safety of residents. His constituents who lived closest to the wind turbine had to contend with views of an opencast site for many years and were now enjoying the countryside as it recovered from these works. If approved the wind turbine would have a significant impact on residential amenity.

Councillor Bailey reiterated all the comments made stating that his concerns related to the location of the wind turbine which was adjacent to a large wooded area and the impact it would have on wildlife and the countryside. The nearest turbine was 1 and a half miles away, the scheme would not create local employment, and he concurred with the concerns expressed by residents in terms of shadow flicker, noise, consultation and the risk of fire, especially in view of its position near to woodland.

Members discussed the application and a comment was made that in view of the scale and size of the wind turbine it was considered that the application had been made for commercial gain, and that its location at the entrance to the village was not appropriate.

Members acknowledged that the cumulative impact of wind turbines in an area that had reached capacity should be considered but that this had to be balanced with the need to support the use of renewable energy.

Following discussion it was **RESOLVED**

That the application be approved subject to the conditions outlined in the report, together with an extra condition for traffic routing and an amendment to condition 2 for adherence with traffic report.

**3b 4/11/00776 Land North of 67 Front Street, Pity Me, Durham
Erection of 1 No. Dwelling House**

Consideration was given to the report of the Principal Planning Officer (Durham Area) which recommended approval of the application.

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report, which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

He advised that since the report had been prepared, two further objections had been received.

Councillor Wilkes, local Member stated that this development was not an extension to the Smithfield development as implied in the Planning Officer's report. The site was situated on the other side of the farm track and had a different access. Until 2010 a number of mature trees, including an old oak tree had been felled, and since their removal the site had been poorly managed by the developers.

In terms of planning policy he believed that the application contravened National Policy 8 and Local Plan Policy H13, and should therefore be refused on these grounds. The dwelling would be in a prominent location at the entrance to Pity Me and the design was unsuitable. Neighbouring residents did not have any objections to a property being developed on this site but to the contemporary design. He was also concerned about surface water drainage and land stability. If the application was approved he asked that a condition be included to restrict hours of working.

S Grant, the applicant's agent stated that in-depth discussions had taken place with Planning Officers which had resulted in the submission of a revised scheme. The contemporary design of the dwelling was considered to be acceptable by Planning Officers. There would be no problems with land stability as the dwelling would be a retaining structure on site. The trees that had been removed were not the subject of a TPO but had been felled following discussion with DCC. A Management Plan was put in place but he accepted that this had failed. There was a defined need for executive dwellings in Durham and this building had been designed to showcase this. Notwithstanding the contemporary nature of the building, the developers had ensured that the design was sympathetic to the adjacent terraced properties in terms of materials used.

The Principal Planning Officer, in responding to the issues raised acknowledged that the proposed scheme was very different to the Smithfield development. He also accepted that the replanting scheme had failed, although the trees that were removed were not protected, nor were they in a Conservation Area. Landscaping was integral to the application and would be maintained for 5 years following

planting. With regard to permitted development rights, he considered that it was reasonable to remove classes B, C and D, from condition 7, still leaving A and E (pt 2), as requested by the applicant. Councillor Wilkes considered that some control should be retained.

In determining the application Members considered that the proposed development would tidy an unsightly plot of land and 'finish off' the area. However they considered that the concerns of Councillor Wilkes in relation to surface water drainage and a restriction on working hours should be conditioned.

RESOLVED

That the application be approved as outlined in the report, subject to the following additional conditions:-

- (i) Scheme for the dispersal of surface water shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
- (ii) Hours of construction be conditioned.

3c 4/11/00789/FPA Former PPA Building, Green Lane, Durham Erection of Student Accommodation Building Comprising of 112 Studio Flats

Consideration was given to the report of the Principal Planning Officer (Durham Area) which recommended approval of the application.

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report, which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

He advised that since the report had been prepared, one further objection had been received which reiterated concerns received. In addition Local Plans Officers had responded that the development was considered to be acceptable in principle, and that it had the potential to alleviate pressure on existing housing areas with strong student rent market.

Mr Hayton of Whinney Hill Community Group addressed the Committee and expanded on the issues which were outlined in their letter of objection and were summarised in the report. He was concerned that if approved the proposed development would exacerbate parking problems and traffic congestion in the area of Whinney Hill. He was also concerned that the design of the building was not sympathetic to surrounding properties which were historical, and that the site was close to the World Heritage Site. He disagreed with Planning Officers that Whinney Hill residents would not be affected by the scheme because of their proximity to Green Lane. He was also of the opinion that it would exacerbate the housing problems in the City, that the development would increase the number of temporary residents and contribute to the exodus of permanent residents from the City.

Mr Parkinson, the applicant stated that they had worked closely with Planning Officers to create a development which would meet their requirements in terms of scale, design and massing. The scheme would make a positive contribution to the City by re-developing a site that had stood unused for some time.

The proposed scheme would not harm the existing local community or highway safety, and was in accordance with local, regional and national planning policy.

The Highways Officer stated that as the scheme was to provide student accommodation, high level parking was not required and there was cycle provision on site. The surrounding streets were either pay and display or had parking restrictions imposed, and no resident parking permits were issued. This was a former commercial building and if brought back into commercial use would be more likely to generate parking problems and traffic congestion than the scheme proposed.

The Principal Planning Officer responded to the issues raised and concurred with the objector that there were historic buildings around the site, however Green Lane did not contain a uniformity of architectural styles, and could therefore accommodate a contemporary design. Whilst the site was close to Whinney Hill it was sufficiently detached from it that the amenities of residents would not be adversely affected.

Councillor Freeman stated that he accepted that limited parking was designed to discourage students to use cars but he was concerned that this would not be a deterrent and as a consequence vehicles would park in the residential streets. He also had concerns regarding the size of the development, the visual impact it would have and the amount of student accommodation in the City, of which more was proposed.

Members determined the application and reference was made to design of the prison building which was not in keeping with the historical buildings and was located in the Whinney Hill area. It was considered that this type of student accommodation may help to alleviate the housing problems in the City that had been referred to. The building was in keeping with the new development next door and had been designed to mitigate the effects of massing. However Members expressed concern at the use of white rendering to the front and were advised that condition 3 required details of materials, including colour to be submitted to and approved in writing by the Local Planning Authority. It was suggested that local Members be consulted on the colour of the proposed rendering.

RESOLVED

That the application be approved subject to the conditions outlined in the report and to the following additional condition:-

- (i) Notwithstanding the details shown on submitted plans no development shall commence until precise details of the design and extent of the proposed section of parapet wall atop of second floor have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be implemented in accordance with approved details.

Reason: In the interests of visual amenity having regard to Policies E6, E22 AND H16 of the City of Durham Local Plan 2004.

3d 4/11/00748/FPA Plot 5N and Plot 5S Bishopgate, 48 North End, Durham Demolition of Existing Bungalow and Erection of 2 No. Dwelling Houses

Consideration was given to the report of the Principal Planning Officer (Durham Area) which recommended approval of the above application.

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report, which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

He advised that since the report had been prepared, two further objections had been received, together with comments from the Tree Officer who considered that the trees within the site were of little merit and not worthy of TPO, and that protective fencing must be erected to protect trees to be retained. The Officer also raised concerns over the impact upon the cherry tree numbered TO2.

He also advised of a slight change to condition 9 to remove the reference to sewer diversion as it was not relevant.

Councillor G Holland, local Member spoke on behalf of local residents. He referred to the considerable planning history in relation to this site which he believed had affected public confidence.

Whilst residents accepted that this was a brownfield site they were concerned that unless there was mature screening they would face onto large areas of brickwork. The proposed scheme did not fit with the styles of other properties in the area and at 6 and 7 bedrooms the buildings would dwarf the modest houses nearby. They were also conflicting in style and size, and he made specific reference to the flat dormer roofs and the aluminium cladding. The distances between the boundaries of existing properties and the development had been queried previously because inaccurate plans had been provided, making it difficult to determine exact measurements.

The Principal Planning Officer responded to the issues raised stating that he appreciated the concerns expressed relating to the accuracy of plans provided previously but assured the Member that this had been resolved and residents concerns taken on board. With regard to the protection of privacy a condition had been included requiring the submission of a detailed landscaping scheme and residents could be consulted on this. The proposed properties were in keeping with the surrounding area and the flat dormer roofs were sympathetic to the traditional style. He confirmed that the proposed aluminium cladding was to be changed by the developers. Northumbrian Water had advised that surface water drainage on site was adequate but a scheme would be agreed with the developer.

RESOLVED

That the application be approved subject to the conditions outlined in the report and to the removal of the reference to the sewer diversion scheme from condition 9.

4 Appeals Update

PLANNING REF: PL/2/2011/0249

Site at 118 Wordsworth Avenue, Wheatley Hill, Durham

An appeal was lodged against the Council's refusal for the retrospective erection of a 1.53m high boundary fence at the above site.

The appeal was allowed subject to conditions relating to staining the fencing and tree planting at the site.

RESOLVED

That the report, be noted.

PLANNING ref: 4/11/00551/FPA

Site at 4 Wanless Terrace, Durham

An appeal was lodged against the Council's refusal of the erection of a single storey pitched roof extension to rear, erection of dormer roof extension to rear, insertion of a window to front elevation and the insertion of 1 no. rooflight to front of existing dwelling.

The appeal was dealt with via written representations and was allowed.

RESOLVED

That the report be noted.

5 Decision Update

PLANNING ref: PL/5/2011/0215

Land Rear of 1 Grange Terrace, Shotton Colliery

Consideration was given to the decision update in relation to the above application which was considered at the meeting on 6th September 2011. The submitted plans indicated that the full length of the rear lane which led to the application site would be tarmaced by the applicant. At the meeting, the applicant's agent also indicated that this would be the case. It was resolved that the application be approved subject to conditions, two of which required the rear lane to be resurfaced and for appropriate drainage to be installed.

Since this meeting the applicant had indicated that the rear back lane would not be tarmaced as indicated on the approved plans. It was now the applicants intention to

fill potholes with dolomite and cover part of the rear lane with a 50mm covering of chippings.

The resurfacing of the road, as now proposed, although not to the standard indicated previously, was considered acceptable to Highways Officers, and is satisfactory to discharge the planning condition.

RESOLVED

That the information given, be noted.