

## **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 8 May 2012 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, J Brown, P Charlton, D Freeman, S Iveson, R Liddle, J Moran, K Thompson and A Naylor

#### **Apologies:**

Apologies for absence were received from Councillors A Laing, J Robinson and B Wilson

#### **Also Present:**

Councillor Robin Todd

#### **1 Minutes**

The Minutes of the meeting held on 10 April 2012 were confirmed by the Committee as a correct record and signed by the Chairman.

#### **2 Declarations of Interest**

There were no declarations of interest.

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

##### **3a 4/12/00154/VOC - Plots 5N and Plot 5S Bishopsgate, 48 North End, Durham, DH1 4LW**

The Committee considered a report of the Principal Planning Officer (Durham Area) regarding the variation of condition 2 of application 11/00748/FPA (demolition of existing bungalow and erection of 2 no. dwelling houses) revising the layout of site together with other alterations to the rear elevation of the northern plot dwelling and roof profile on the southern elevation of the southern plot dwelling (for copy see file of Minutes).

Mr James Taylor, Principal Planning Officer, provided the Committee with a detailed presentation, which included photographs of the site. Members of the Committee had visited the site earlier in the day and were familiar with the location and setting.

Councillor G Holland, local Member, spoke against the application and informed the Committee that his views were supported by Councillor Martin, local Member. He outlined to the Committee the planning history involved with this site, which had been over a period of two years. The current application still did not accord with Policies H7, H10, H13, Q8 and Q9 and it was his opinion that due procedure had not been followed in this application. The proposed development failed and the application should be refused because it represented overdevelopment and would result in an adverse impact on the character and appearance of a residential area.

Mr Anderson, local resident, spoke against the application, and informed the Committee he had similar issues as those considered earlier relating to Plot 4. He challenged the legality of the original planning permission granted for the site because local objections would have been stronger if correct drawings had been submitted. The gardens to the rear of Plots 5N and 5S were very narrow and there was no screening between these houses, which were 3 storeys high, and the properties they backed on to.

The Principal Planning Officer responded to the points made. The sizes of the buildings on the site were slightly smaller than approved, although their position on site was slightly different. Careful consideration had been given to issuing stop action, but the application was not considered to be contrary to the Local Plan. Although the garden areas of Plots 5N and 5S had reduced, the available garden of the two dwellings was still acceptable. A considerable amount of work had been carried out to ensure the plans reflected what had been surveyed on site.

Councillor K Thompson informed the Committee that he believed the application represented overdevelopment and recommended refusal. Councillor J Bailey seconded this recommendation.

Councillor P Taylor informed the Committee that, although problems had been experienced with this development, the application must be judged on planning policies. As it stood, the application accorded with planning policies and he asked upon what grounds it could be refused.

Councillor Freeman referred to the objection of Design and Conservation which was outlined in paragraph 66 to the report and added that this, together with the application failing to meet Policy Q8 could be reasons for refusal.

The Principal Planning Officer informed the Committee that while it was regretful how this application had progressed, the application had previously been found to be acceptable in terms of the design of the buildings. The developer had discharged all key conditions and the applicant was commencing the development lawfully. The concerns expressed by Design and Conservation were around the design and impact of the properties, but the design was consistent with others in the area. The distances outlined in Policy Q8 had been met.

In reply to a question from Councillor Bleasdale regarding refusing the application, Mr Neil Carter, Planning and Development Solicitor informed the Committee that the planning permission granted for the development could not be fully implemented on site because of discrepancies on the plans submitted. This was a section 73 application to vary condition 2 of the planning permission to remedy this defect.

**Resolved:**

That the application be approved, subject to the conditions detailed in the recommendations in the report.

**3b PL/5/2011/0060 - Melrose Arms, Office Row, Front Street, Shotton Colliery DH6 2NA**

The Committee considered a report of the Principal Planning Officer (Easington Area) regarding the change of use from public house to educational centre (Class D1:Non-Residential Use) at the Melrose Arms, Office Row, Front Street, Shotton Colliery (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

Councillor Robin Todd, local Member, addressed the Committee. He expressed concern at the application around highways issues and associated parking. The application site, which had no off-street parking, was on the main road into Shotton from the A19 which was particularly busy during shift changes at nearby factories. The application was for the building to be used as an educational centre, with a recommended restriction that it be used solely for this purpose, which would require monitoring by the Council. Shotton Partnership already provided a learning centre in Shotton and Councillor Todd expressed concern that the proposed facility may lead to community segregation. He suggested that a better use for the site would be for demolition of the building to be followed by residential development with off-street parking.

Mr Blakey, local resident, spoke against the application. He informed the Committee that the applicant had damaged the fixtures and fittings on the interior of the former public house. He did not see the application as being a viable proposition for a businessman to undertake and expressed concern that the education centre would become a prayer facility which would result in increasing numbers using the facility. He expressed similar concerns as Councillor Todd regarding highways and parking issues.

Mr Neki, agent for the applicant, addressed the Committee. The proposed education centre would serve a small local community of approximately 10 to 12 families and would be a local centre for them to congregate in on an evening and at weekends. It was not anticipated that people from outside of the Shotton area would use such a small centre, and it was intended that 6 to 12 people would use it as and when needed, which would not generate a lot of traffic. The pub had been

derelict and available on the open market for a number of years but had attracted no interest. When the building was previously operating as a pub many people would have visited which would have generated a lot more traffic than the current application. Given the investment that his client would be putting into the building to refurbish it, Mr Neki requested that the application be granted without the recommended 12-month conditional approval.

The Principal Planning Officer (Easington Area) addressed the points raised. The County Council had an active enforcement team, and any reported transgressions to the planning permission would be investigated. The Committee needed to consider the application before it today which was in an existing building and would improve the range of facilities in the area.

**Resolved:**

That the application be approved, subject to the conditions outlined in the report.

**3c PL/5/2011/0082 & PL/5/2011/0083 - The Castle, The Village, Castle Eden TS27 4SL**

The Committee considered a report of the Principal Planning Officer (Easington Area) regarding the change of use from residential to hotel (C3 to C1) (resubmission including revised and additional information) and associated listed building consent at The Castle, The Village, Castle Eden (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

The Principal Planning Officer informed the Committee that since the report was circulated the following updates had been received:

- Information had just been received today that the applicant had sufficient control over the land required for the necessary highways visibility splay works to be carried out. However, there had not been time to verify this, and an initial inspection of the submitted details suggested there was still uncertainty over the situation. On this basis, Paragraph 32 of the report should indicate that the applicants had failed to provide evidence that they had a reasonable prospect of carrying out these works. Similarly, in the absence of further investigation, Reason for Refusal No. 1 in the Recommendation Section of the report remained relevant in its entirety, subject to a change of wording to refer to a reasonable prospect of carrying out the works, rather than sufficient control over the land.
- The proposed lift shaft had been removed from the application and therefore there was no requirement for a bat survey to be carried out as detailed in paragraph 35.
- The Environment Agency had withdrawn its objection to the proposals because the non-mains drainage issue had been resolved. Therefore, Reason for refusal No. 3 in the Recommendation Section in the report should be deleted.

Councillor Len O'Donnell, local Member, addressed the Committee. He informed the Committee that the application was part of an ongoing application which had been taking place with amendments for the last two years. Castle Eden village was an area of outstanding beauty with very narrow streets for vehicles to access the proposed hotel. He referred the Committee to paragraph 33 of the report which stated that the highway improvement scheme would be deemed to be unacceptable in terms of its impact on the Conservation Area which was contrary to saved Local Plan Policy 22. He supported local residents in their objections to the application and the recommendations of the planning officers.

Dawn Carter, local resident, addressed the Committee. She referred to the narrowness of the road in the village and showed photographs of traffic congestion that was occasionally caused by services held at the village church, which resulted in cars parking on the B road. The village lane narrowed towards the castle gates.

Mr Davies, the applicant, addressed the Committee. The Castle had approximately 30 rooms and was a landmark of the area, but needed a larger use than at present. Plans regarding access had been changed to meet the needs of the Council and any trees removed by the visibility splay works would be mitigated by replanting. For the last 4 years the Castle had been hired for events and parties during which time no complaints had been received regarding traffic or access through the village. Change of use of the Castle to a hotel would bring with it economic benefits of local producers being used for food supplies, local contractors being employed for building works and economic benefits of tourism to the region.

The Principal Planning Officer replied that although the trees in the vicinity of the visibility splay may be of varying quality, they were in a conservation area and were a significant grouping of mature trees. Any replanting works would not be of a similar impact. The frequency of the Castle being hired for private parties and events was not known, whereas the conversion to a hotel would result in regular usage with regular activities in the proposed restaurant and bar areas.

**Resolved:**

That the recommendations in the report be approved, subject to the changes to Reason for Refusal No. 1 and the deletion of Reason No. 3 as described by the Principal Planning Officer.

**3d PL/5/2012/0039 - 51 Ocean View, Blackhall TS27 4DA**

The Committee considered a report of the Principal Planning Officer (Easington Area) regarding the erection of a front and rear two storey extension at 51 Ocean View, Blackhall (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Councillor Crute, local Member, addressed the Committee. While he appreciated that planning officers were constrained by NPPF guidance, he expressed a hope

that common sense could prevail. There would be no overshadowing caused by the development because the property faced a westerly direction; there would be no adverse visual impact on the street scene because the proposed extension would be a long way from the street line; there were extensions of a similar design already in the area; there was no adverse public perception because all neighbouring properties had been consulted and no objections had been received. Indeed, at a recent residents association meeting there were no objections and some expressions of support for this type of development.

Mr G Fallow, applicant, addressed the Committee. The existing rear extension at the property extended by some 3 to 4 metres and the proposed extension would be 5.1 metres, which would be well within local guidelines. Although local guidelines stated that a front extension should only extend up to 1.5 metres, the property was well set back from the street and consideration should be given to waiving the 1.5 metre guideline on this occasion. There would be virtually no overshadowing because of the location of the property and the travel of the sun. The footprint of the proposed development would be less than 100% of the existing property, and would result in plot usage of less than 31%, due to the large size of the gardens.

The Principal Planning Officer replied to the points raised. Some degree of overshadowing would occur to the detached property to the north. While it was accepted that the extension would be set back from the edge of the street, it was too large in overall size terms. It was also accepted that there had been no objections from neighbouring properties, however, there was a need to protect the amenities of neighbours and the environment. The current rear extension was only single storey.

**Resolved:**

That the application be approved for the following reasons: the proposals were not considered to have such an adverse effect on the amenities of neighbours or the appearance of the street scene to justify refusal of planning permission

**4 Appeal Update**

**Appeal by Mr Dominic Charles Hunt - Site at 9 Hope Street, Sherburn, Durham - Planning Ref: 4/11/00704**

The Inspector had dismissed the appeal.

**Appeal by Mr Harding - Site at 13 Neville Street, Durham - Planning Ref: 4/11/00342**

The Inspector had dismissed the appeal.

**RESOLVED**

That the information be noted.