

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber - Council Offices, Spennymoor on **Thursday 3 February 2011 at 2.00 pm**

### **Present:**

**Councillor M Dixon (Chair)**

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

Councillors D Boyes, D Burn, M Campbell, K Davidson, P Gittins, A Hopgood, E Paylor, G Richardson, J Shuttleworth, R Todd, E Tomlinson, J Wilkinson and C Walker (substitute for A Laing)

### **Apologies:**

Apologies for absence were received from Councillor Audrey Laing and Councillor Paul Taylor

### **Also Present:**

Councillor Lucy Hovvels (for Item 3B), Councillor Stephen Hugill (for Item 3C) and Councillor Peter Brookes (for Item 3B)

S Eldridge (Development Control Manager), A Farnie (Development Control Manager), Simmonds (Legal Officer), D Walker (Principal Planning Officer), D Gibson (Planning Officer), C Colling (Planning Officer), M O'Sullivan (Planning Officer), A Glenwright (Highways Officer), B Harris (Senior Conservation Officer), D Roberts (Democratic Services) and K Gray (Democratic Services)

## **1 Declarations of Interest**

Councillor Tomlinson declared a prejudicial interest in application 6/2010/72/DM/AD (The Bowes Museum) as he was member of the museum's Board of Trustees; he left the meeting whilst the application was discussed and voted on.

Councillor Wilkinson declared a personal interest in application 3/2010/523 (Grey Towers, Wolsingham) as he was a member of the Corporate Parenting Panel.

## **2 Minutes of the Meeting held on 6 January 2011**

The Minutes of the meeting held on 6 January 2011 were confirmed as a correct record and signed by the Chairman.

### 3 Applications to be determined

***Note: the order of applications on the agenda was varied to allow those where speakers had registered to address the Committee to be heard first.***

#### **7/2010/348/DM – Change of use from agricultural land to Travellers' site for two caravans and associated vehicle parking on field at Salters Lane, Trimdon**

The Development Control Manager (Spennymoor) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had taken place earlier that day.

The Committee was addressed by Mr L Oliver, Clerk to Trimdon Parish Council, who objected to the application on a number of grounds, mainly environmental. The Parish Council was concerned about the appearance and tidiness of the site and how it would be monitored and controlled. The Council also had concerns about the safety of the access to the site and about the possibility of the proposed approval becoming permanent once the temporary period had expired.

Mr J McManners then addressed the Committee; he objected to the application for a number of reasons. He believed that the application would not comply with local planning policies designed to protect green spaces in the Skerne Valley area. He did not feel that this was the right location for this type of development and questioned whether it would be possible to return the land to agricultural use once the temporary planning permission expired. He also referred to other piecemeal developments that had taken place in the area in recent years and suggested that these undermined efforts made to preserve and enhance the landscape.

The Committee then heard from another objector – Mr D Chaytor, who referred to the agricultural building erected on land immediately adjacent to the site without the benefit of planning permission. He argued that it would be impossible to provide safe access to the application site as this building would be accessed along the same route; neither would it be possible to provide a safe play area for children. With regard to access, Mr Chaytor queried whether the applicant would be able to maintain good visibility as the land bordering the highway was not in their ownership. He considered that the application site and the site of the agricultural building were one and the same and that this application would not meet the criteria set out in Policy H23 of the Local Plan and, as the site was in effect to be in mixed use, neither would it accord with ODPM Circular 01/2006.

Local members, Councillors Brookes and Hovvels, then addressed the Committee on behalf of their community. Councillor Brookes explained that, whilst he sympathised with the plight of Travellers (many stopping place having been blocked off in recent years), who represented the largest ethnic minority in County Durham, he felt that this was not the right location for a Travellers' site, being in open countryside, contrary to policy H23 of the Local Plan. He believed that the Skerne Valley should be protected from development (in accordance with planning policy);

that the development would have a significant visual impact; that this was an isolated site that did not comply with ODPM Circular 01/2006 and that drainage issues had not been fully resolved. He thought it unlikely that more permanent sites would have been created in three years time, the main demand being for stop-over sites.

Councillor Hovvels referred to the environmental improvements that had been made in the Trimdon villages in recent years and felt that this development would undermine the progress made; it would intrude into the open countryside and adversely affect the visual amenity of the area – it was simply the wrong place for this type of proposal, being agricultural land and not suitable for residential development. She stated that there was much local opposition to the proposal and urged the Committee to listen to local opinion and refuse the application.

In responding to the objections outlined above the Development Control Manager indicated that there was proven unmet need for permanent Traveller sites and the grant of a temporary permission might allow time for the development of permanent sites; he noted that the Council had powers to monitor the site and see that it was kept tidy. He anticipated that the Council would have additional resources available for enforcement in the future. With regard to the delineation of the site, he accepted that the agricultural building was in close proximity to the site of the proposed development but they had to be treated separately and the current proposal had to be considered on its own merits.

The Highways Officer confirmed that the access to the site was more than adequate and that the visibility splays were in accordance with the Council's standards (the hedge to the north had been cut back and would need to be maintained that way, which would be in the interest of all users of the access). He also confirmed that there was no speed survey data available for the part of the road passing the site and that there was no record of any personal injury accidents in the last three years either. There were no grounds for an objection in highway terms.

Members were then afforded an opportunity to comment and ask questions. It was suggested that it would be difficult to return the land to its original condition (agricultural/grassland) and members sought confirmation that the site was indeed considered to be in open countryside. Members queried whether the land was a registered agricultural holding and whether parcels of adjacent land had been sold off piecemeal.

The Development Control Manager confirmed that the site was in open countryside, although this did not preclude approval of the application; there would be an element of intrusion but officers believed that, on balance, the proposal was acceptable. He indicated that officers were not aware of the extent of the landholding, although this would be a consideration when the retrospective application for the agricultural building was discussed.

On the grounds that it was unlikely that there would be additional permanent traveller sites available in three years time (as required by ODPM Circular 01/2006) and that the proposed development would be contrary to Policy H23 of the

Sedgefield Borough Local Plan, Councillor Davidson moved that the application be refused; he was seconded by Councillor Todd.

**RESOLVED:**

That the application be refused on the following grounds:

1. While it is accepted that there is an unmet need for accommodation for Gypsy and Traveller families in County Durham, Circular 11/95 '*The Use of Conditions in Planning Permissions*' advises that temporary planning permission may be justified where it is expected that planning circumstances will change in a particular way at the end of the period of the temporary permission. As there is no reasonable prospect that new sites will become available in either the short or medium term, a time limited consent as suggested by Circular 01/2006 '*Planning for Gypsy and Traveller Caravan Sites*' can not be justified in this case.
2. The proposed development would intrude into the open countryside and have a significant detrimental impact upon its character and appearance, contrary to policy H23 of the adopted Sedgefield Borough Local Plan.

**7/2010/231/DM – Erection of two storey rear extension at 31 West End, Sedgefield**

The Development Control Manager (Spennymoor) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had also taken place earlier that day.

The Development Control Manager referred to further correspondence that had recently been received from one of the objectors to this application, in which he sought additional amendments which, if implemented, would mean that he would withdraw his objection. The legal adviser confirmed that members should consider the application before them.

Councillor J Wilkinson moved that the application be granted subject to conditions; he was seconded by Councillor A Hopgood.

**RESOLVED:**

That the application be approved subject to the conditions detailed in the officer's report to the Committee.

**3/2009/566 – Proposed construction of a light steel framed structure, part blockwork and cladding to secure small items of plant, machinery and tools on land to the north east of New Row, Oakenshaw**

The Development Control Manager (Barnard Castle & Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had also taken place earlier that day. The Development Control Manager indicated that the reason

for condition number 2 of the officer's recommendation should be amended to read as follows:

*The local planning authority would not be prepared to permit any activities on this site not connected with agriculture or horticulture as it lies outside the development limits and in the countryside. In accordance with policies ENV1, GD1 and H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

The Committee was addressed by Mr A Townsend, Greater Willington Town Council, who objected to the application as it was outside development limits, in open countryside. He noted that the building might have been acceptable if it was closely associated with the land it was built on but this was not the case; the building would just be a depot for a business that was carried on elsewhere. He believed that the proposal was not acceptable in planning terms and neither was it acceptable to local residents because of the adverse effect it would have on their visual amenity and on the nearby nature reserve.

The Committee then heard the objections of Mr J Reynolds, who considered that this would be an inappropriate development. The local community had raised funds to develop the countryside around the village in an acceptable manner – for leisure purposes and to enhance wildlife habitats. This commercial building would be entirely different to existing wooden (some temporary) structures close by, which provided shelter for domestic animals and feed storage. The proposed industrial style building was disproportionately large – painting it green would not disguise that fact! He claimed that there were alternative sites available just 5 minutes away and suggested that such business premises could be located anywhere – they did not need to be located on this site. Local people wanted development that would improve the village environment, which this would not do.

Ms L Watson then addressed the Committee in support of the application; she pointed out that not everyone in the village objected to the application – there was considerable support for it as well. Supporters did not believe that the building would be visually intrusive; the building would be 'a small agricultural barn' and there would be no more traffic, noise or light than there was now; there would be no loss of wildlife habitat; villages like Oakenshaw needed enterprise and entrepreneurs to achieve long term sustainability and local businesses should be supported; they believed that, given the applicant's reputation for doing things properly, the building would be well-maintained and tidy.

The applicant (Mr G Proctor) was present and responded to questions from members; he explained that this site was opposite his home and that utilising an industrial unit, or similar, elsewhere in the area would cost many thousands of pounds per year in rent and rates etc, which would render his business unviable, whereas the 'payback' on the proposed building would be a manageable £2,000 per year.

Whilst some members considered that this was an entirely acceptable application, others had concerns about the size of the proposed building, the possible impact of

any external lighting and hours of operation. It was suggested that additional conditions could be imposed in respect of both these matters.

Councillor Richardson moved that the application be approved subject to conditions; he was seconded by Councillor Shuttleworth.

**RESOLVED:**

That the application be approved subject to the conditions detailed in the officer's report to the Committee and to additional conditions relating to external lighting and hours of operation (to be negotiated by officers in consultation with the Chair and Vice-chair of the Committee and Councillor Hopgood).

**6/2010/0310/DM - Erection of a double garage to serve The Granary, Ramshaw, Evenwood**

The Development Control Manager (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had also taken place earlier that day (as requested by the Committee at the last meeting).

Ms V Barnett addressed the Committee; she lived next door to The Granary and objected to the proposed garage as it would lead to a loss of sun to the garden of her property and would obscure the view. The garage would be very close to her property and would be clearly visible from many of the windows; she believed that some of the measurements contained in the report were inaccurate and that the reason given for altering the position of the garage (to facilitate a view of the access road from within the dwelling) was spurious.

The applicant confirmed that, although a bat survey had not revealed the presence of bats, she would be prepared to provide additional bat boxes if necessary. The occupiers of the neighbouring dwelling had purchased their property from the applicant in 2009 and it had been made clear at that time that there were plans for a garage to be erected. She noted that the demolished building had been very unsightly and twice the size of the proposed garage, which would be built of reclaimed stone. She did not believe that the garage would affect the outlook from the neighbouring property.

Local member, Councillor Hugill, suggested that the garage would indeed restrict the view from the neighbouring property and felt that the application should be refused.

Councillor Davidson moved that the application be approved, subject to conditions; he was seconded by Councillor Hopgood.

**RESOLVED :**

That the application be approved subject to the conditions detailed in the officer's report to the Committee.

**3/2010/477 – Replacement of existing wooden sash windows with UPVC sash at Clannoch, 12 The Closes, Edmundbyers**

The Development Control Manager (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had also taken place earlier that day.

The Senior Conservation Officer elaborated on his objections to the application; the Local Planning Authority had a duty to preserve the character and appearance of the Conservation Area and, whilst the applicant had carefully considered the appearance of the replacement windows, they could not be said to preserve the character in any way. He argued that local manufacturers would give lengthy guarantees on windows made from seasoned timber. If there were a lot of properties with UPVC windows in the area it was all the more important to preserve timber windows where they currently existed. Permitted development rights had been removed when The Closes was first developed. The disposal of UPVC had serious implications for the environment.

The applicant referred to the many houses in the village which had UPVC windows, some of which had only recently been installed. He argued that people should be allowed to use energy efficient materials and that there had been improvements in the quality of UPVC windows in recent years. He believed that the particular ones that he proposed to use would be in keeping with the Conservation Area.

A number of members expressed the view that it was very difficult to tell the difference between the proposed UPVC windows and the existing timber ones in this case, although others were concerned that approving this application would set an unfortunate precedent and it could not be guaranteed that all UPVC windows would be of such high quality; it was also possible that similar approvals could lead to a general degradation of materials in Conservation Areas.

For the reasons set out below, Councillor Shuttleworth moved that the application be granted subject to conditions; he was seconded by Councillor Richardson.

***RESOLVED:***

That the application be approved subject to the following conditions:

1. The development shall not be begun later than the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
	Site Location Plan	12.11.2010
	Proposed Elevations	12.11.2010

***REASONS***

In light of the exceptionally high quality of the proposed window design, the windows will be indistinguishable from traditional timber framed sash windows other than on close scrutiny, thereby preserving the character of the Conservation Area.

It is also noted that there are already UPVC windows within the immediate locality in the Conservation Area, on properties whose permitted development rights have not been removed. Approval of such high quality samples thereby encourages a similar improvement in the wider Conservation Area with the potential of enhancing the character of the Conservation Area as a whole.

The proposal therefore complies with policies GD1, ENV2, BE5 and BE6 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, and with the objectives of PPS5.

**3/2010/523 – Change of use from residential dwelling to residential children’s home at Grey Towers, Wolsingham**

The Development Control Manager (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

In response to a question, the applicant confirmed that the home would comply with national standards for such a facility and would be registered with Ofsted; the County Council would be able to commission services from the facility if it so wished.

Councillor Shuttleworth moved that the application be granted subject to conditions; he was seconded by Councillor Richardson.

***RESOLVED:***

That the application be approved subject to the conditions detailed in the officer’s report to the Committee.

**6/201072/DM/AD – Application for advertisement consent for the erection of 6 banners on existing lampposts at The Bowes Museum, Newgate, Barnard Castle**

The Development Control Manager (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

Councillor Shuttleworth moved that the application be approved, subject to conditions; he was seconded by Councillor Campbell.

***RESOLVED :***

That the application be approved subject to the conditions detailed in the officer’s report to the Committee.



**3/2010/567 – Application to vary condition 14 – Provision of affordable housing (Ref: 3/2010/144) on land at Middlewood Avenue, St Helen Auckland, Bishop Auckland**

The Development Control Manager (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

Councillor Shuttleworth moved that the application be approved, subject to conditions; he was seconded by Councillor Burn.

***RESOLVED :***

That the application be approved subject to the conditions detailed in the officer's report to the Committee.

**3/2010/559 – Extension of time of planning permission 3/2004/733 for eleven houses on former Milford garage site, Rosemount Road, South Church, Bishop Auckland**

The Development Control Manager (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. In response to a question she confirmed that the current untidy condition of the site could be dealt with separately.

Councillor Shuttleworth moved that the application be approved, subject to conditions; he was seconded by Councillor Burn.

***RESOLVED :***

That the application be approved subject to the conditions detailed in the officer's report to the Committee and subject also to the completion of a Section 106 Agreement undertaking to pay a contribution for the provision and maintenance of related social, community and/or recreational facilities in the locality.

**3/2010/252/LB and 3/2010/253 – Listed Building Consent for deconstruction (relocation of Tow Law auction mart building off-site) and application for residential development of 15 houses on site of Tow Law auction ring, Castle Bank, Tow Law**

The Development Control Manager (Barnard Castle and Crook) presented a report on the above applications; the written report was supplemented by a visual presentation which included photographs of the site.

Councillor Shuttleworth moved that the application be approved, subject to conditions; he was seconded by Councillor Richardson.

***RESOLVED :***

- a. That Listed Building Consent be granted subject to the conditions detailed in the officer's report to the Committee and subject also to the completion of a

Section 106 Agreement covering the details of the deconstruction, transportation and reconstruction of the Listed Building on a site to be detailed therein.

- b. That the application be approved subject to the conditions detailed in the officer's report to the Committee and subject also to the completion of a Section 106 Agreement.

#### **4 Appeals Update**

The Committee considered a report regarding the following appeals:

**APPEAL REF. NO. APP/X1355/A/10/2136368/NWF**

**LPA REF. NO. DC/3/2009/63**

**Appeals against the refusal of discharge of conditions application in relation to condition 2 (means of enclosure details) of planning permission 3/2009/178**

*The Inspector had dismissed the appeal.*

**APPEAL REF: APP/X1355/D/10/214050903**

**LPA REF: 3/2010/341**

**Appeal against the refusal of planning permission for conservatory to front of property at 5 High Road, Middlestone Village, Bishop Auckland**

*The Inspector had allowed the appeal for the reasons detailed in the report.*

**RESOLVED:**

That the report be noted.

The meeting closed at 4.45pm