

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber - Barnard Castle on **Thursday 17 March 2011 at 2.00 pm**

### **Present:**

**Councillor M Dixon (Chair)**

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

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

### **Apologies:**

Apologies for absence were received from Councillors K Davidson, A Hopgood and A Laing

### **Also Present:**

S Eldridge (Development Control Manager), N Carter (Solicitor - Planning and Development), A Farnie (Development Control Manager), D Walker (Principal Planning Officer), B Harris (Senior Conservation Officer), C Colling (Planning Officer), A Glenwright (Highways Officer) and D Roberts (Democratic Services)

## **1 Declarations of Interest**

Councillor Tomlinson declared a prejudicial interest in application 6/2010/428/DM (Broumley Court, Staindrop) as he was a member of the board of Teesdale Housing Association (partner association of the applicant); he left the Chamber whilst the application was considered and voted on.

Councillor Richardson declared a prejudicial interest in application 6/2010/337/DM (Lands Methodist Chapel, High Lands, Cockfield) as he was a member of the Bishop Auckland Methodist Circuit Committee, which took the disposal decision.

Councillor Gittins declared a prejudicial interest in application 7/2010/260/DM (Land east of A167 and south west of Millwood, Chilton) as one of the objectors was personally known to him; he left the Chamber whilst the application was considered and voted on.

## **2 Minutes of the Meeting held on 24 February 2011**

The Minutes of the meeting held on 24 February 2011 were confirmed as a correct record and signed by the Chair.

### 3 Applications to be determined

#### 3a Application 6/2010/428/DM - Broumley Court, Staindrop Erection of 10 dwellinghouses and 4 bungalows with parking facilities at Broumley Court, Staindrop

The Development Control Manager (Crook & Barnard Castle) 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 D McInnes, who objected to the application; whilst not opposed to redevelopment of the site he believed that the current proposal would result in too many houses on a relatively small site. He felt that members were being asked to make a decision about public safety as the proposed development would have an adverse impact on existing parking and traffic problems in and around Swan Wynd. He noted that parents of children attending the nearby primary school had been asked not to use Swan Wynd as a drop-off/pick-up point. He referred to an occasion when a child was killed outside the gates of a school that he taught at in London and suggested that something similar could happen here unless the application was rejected or amended.

The Highways Officer confirmed that any road safety issues at this location were associated with the school – there was a school travel plan and parents were encouraged not to use Swan Wynd or to park outside the school. The previous use of the Broumley Court site (31 sheltered accommodation flats) would have generated a certain level of traffic and, although it was anticipated that the proposed use would nearly double that, the peak flow could be expected between 5 and 6pm rather than at school drop-off/pick-up times. In the circumstances it was not possible to recommend a refusal on highway grounds.

Councillor Richardson indicated that he shared the views of objectors in this case and, whilst he would like to see affordable housing built, he was unable to support this proposal; he moved that the application be refused but this motion was not seconded.

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

#### **RESOLVED:**

That the application be approved subject to the conditions detailed in the officer's report to the Committee and subject also to the prior completion of a satisfactory Agreement under Section 106 of the Town & Country Planning Act 1990 to ensure that the housing remains affordable.

**3b Application 6/2010/429/DM & 6/2010/430/DM/LB - West Barn, Mickleton  
Conversion of barn and byre to dwelling, including extension and  
demolition works, formation of access and erection of garage (part  
retrospective) at West Barn, Mickleton**

The Development Control Manager (Crook & Barnard Castle) 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. She noted that 22 letters of support had been received in respect of the Listed Building application.

The Committee was addressed by Mr K Walton (applicant); he explained the background to the current situation and emphasised that he had been under the impression that the applications made in 2008, and subsequently approved, had been properly implemented and conditions complied with. He felt that the current situation had arisen because he had dealt with three different conservation officers since submitting the original applications and it seemed that no written record had been kept of meetings held with the first two. As a consequence he had firmly believed that permission had been granted to use Bradstone tiles on the roof of the new extension but the current conservation officer was of the opinion that the use of such artificial materials was completely inappropriate. Mr Walton outlined the rationale behind using the Bradstone tiles and referred to another listed building in Mickleton where an extension had been roofed in the same materials, apparently without challenge from the local authority. He referred to the support he had received from the parish council and concluded by emphasising that he had acted in good faith and asked the Committee to approve the roofing materials for the extension, which was not listed.

The Senior Conservation Officer explained his position with regard to the roofing materials – he did not consider that this matter was just about aesthetics but a fundamental matter of good practice and core principles. With regard to the other listed building in Mickleton referred to by the applicant, the approved plans stated that Teesdale stone should be used and, as the wrong materials had been used, this matter would now be pursued by planning officers; any other buildings which had utilised artificial materials were not listed buildings and/or were outside the conservation area.

Councillor R Bell (local member) spoke in support of the applicant; he referred to the detrimental effect of applicants having to deal with a succession of different conservation officers and emphasised that the applicant was not to blame for this situation. He did not believe that the use of slates would be appropriate in this case – the Bradstone tiles were far superior. He mentioned the support offered to the applicant by the parish council and referred to other properties in the village which were similarly roofed. He noted that the extension was not listed and urged members to approve this application as it would not be detrimental to the listed building or to the conservation area generally.

Whilst members agreed that the Council had a duty of care towards listed buildings and conservation areas and appreciated the arguments put forward by officers, they also felt that the applicant was not to blame for the situation that he found himself in

and that the materials that had been used would not be detrimental to either the listed building or the conservation area in this case.

Councillor Wilkinson moved that the application be granted; he was seconded by Councillor Burn.

**RESOLVED:**

That planning permission and listed building consent be granted on the following grounds:

In this instance the use of an artificial stone for the roof covering of the extension would not have a detrimental impact upon the historic character of the grade II listed building contrary to policies BENV1 and BENV3 of the Local Plan, Planning Policy Statement 5, Policy HE9 and Policy 32 of the Regional Spatial Strategy for the North East 2021.

**3c Application 6/2010/278/DM - 13 Gordon Lane, Ramshaw  
Erection of two storey extension to rear and alterations to roof at front  
(retrospective) at 13 Gordon Lane, Ramshaw**

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

Members expressed disappointment that the parish council, which had objected to the application, was not represented at the meeting.

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

**RESOLVED :**

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

**3d Application 6/2010/337/DM - Lands Methodist Chapel, High Lands, Cockfield  
Change of use of redundant chapel to 3 bedroom dwelling at Lands Methodist Chapel, High Lands, Cockfield**

The Legal Adviser noted that the objector's Solicitor, registered to speak on this application, was personally known to him.

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

In beginning his address to the Committee, Mr Wills (Solicitor for objector) queried whether members had been made aware of the contents of a letter he had recently

submitted; the Development Control Manager confirmed that the letter had been received after the publication of the agenda for today's meeting. In the circumstances it was agreed to defer consideration of the application to the next meeting of the Committee.

**3e Application 7/2011/0034/DM - Field at Salter's Lane, Trimdon Grange  
Erection of general purpose building for storage (retrospective) in field  
at Salter's Lane, Trimdon Grange**

The Development Control Manager (Spennymoor) reported that this application had been withdrawn from the agenda.

**3f Application 7/2011/0019/DM - Duncombe Cemetery, Land to the rear of  
Cleves Avenue, Ferryhill  
Construction of footpath link to Ferryhill Carrs Nature Reserve  
(retrospective) at Duncombe Cemetery/land to rear of Cleves Avenue,  
Ferryhill**

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 Councillor D Farry (local member) and Councillor B Avery (member for Chilton division); both members objected to the application on health and safety grounds. The new path was sited at the top of a steep embankment and was not currently fenced on that side. It was suggested that, if the application was to be approved, the existing cemetery fence should be extended along the length of the new footpath to protect walkers. The adequacy of the wooden post and rail fence on the other side of the new path was also questioned. It was noted that the nature reserve already had two access points and there had been complaints about youths congregating in the area, giving rise to anti social behaviour.

The Clerk to Ferryhill Town Council (applicant) was unable to attend the meeting but had submitted a statement, which was duly read out. He referred to the Town Council's own risk assessment of the footpath, which had categorised the risk as 'very low'. In the circumstances the Town Council did not believe that installing additional fencing would be a prudent use of public funds, although it intended creating some natural mounds along the edge of the path when soil became available.

Members felt that it was unfortunate that the Town Council had not applied for planning permission before creating this footpath; members agreed that this was a potentially dangerous location and suggested that a suitable condition be applied requiring the provision of fencing.

Councillor Boyes moved that the application be approved, subject to a condition regarding a means of enclosure; he was seconded by Councillor Campbell.

**RESOLVED :**

That the application be approved subject to a suitable condition being agreed (by the Development Control Manager in consultation with the Chair and Vice-chair of the Committee) with regard to a means of enclosure for the path.

**3g Application 7/2011/0027/DM - Unit 19, TA Plastic Supplies, Tudhoe Industrial Estate, Spennymoor  
Erection of 20m joint telecommunications tower with 2x3g antennas and associated head frame, 2x300mm transmission dishes, 3 equipment cabinets, 1 meter cabinet, associated ancillary development and erection of compound fence at Unit 19, Tudhoe Industrial Estate, Spennymoor**

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.

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

**RESOLVED :**

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

**3h Application 7/2010/0260/DM - Land East of A167 and South West of Millwood, Chilton  
Erection of 149 dwellings, associated landscaping and access on land east of A167 and south west of Millwood, Chilton**

The Principal Planning Officer 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. He noted that 3 further representations had been received since the agenda had been circulated.

The Committee was addressed by Mrs Wright, who objected to the application on the grounds that her neighbouring property would be overlooked and dominated by the development. Whilst accepting that the land would be developed, she wanted to ensure that any development was appropriate and complied with planning regulations. She felt that the separation distance between her property and part of the proposed development was already inadequate and could worsen if extensions/conservatories were then added to some of the dwellings. She was also concerned about the access to the development and the possibility of traffic congestion. She referred to the construction period, which could last up to 10 years, and the possible adverse impact of noise etc.

Ms J Hunter (applicant's agent) spoke in support of the proposal; she emphasised that this was a suitable and deliverable site for the proposed development and would assist in meeting the County's housing needs. She noted that the applicant had worked with Council officers to deliver an acceptable application; there had been a number of amendments to the layout and design of the proposal and all separation distance requirements had been met in the current application.

The Highways Officer confirmed that there were no objections on highway grounds; traffic calming features would be included on the estate roads and parking standards would be exceeded.

Members sought assurances from the Principal Planning Officer about separation distances but considered that the application was generally acceptable.

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

**RESOLVED :**

That the application be approved subject to the prior completion of an acceptable Agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the payment of a commuted sum for off site enhancements to existing play equipment and environmental enhancements to existing amenity open space and subject also to the conditions detailed in the officer's report to the Committee (revised drawing numbers as shown below)

*CD/PSL/01 Proposed Layout Rev. H*

*CD/BTEH/01 Boundary Treatment & External Hard Landscape Rev. F*

*CD/PSL/01 Proposed Site Layout Page 1 of 2 Rev. H*

*CD/PSL/02 Proposed Site Layout Page 2 of 2 Rev. H*

and to the following additional condition:

23. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the glass to be used in the gable wall of the kitchen in the Glamis house type on Plot No. 99 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.*

**3i Application 3/2011/0025 - 1 Durham Road, Wolsingham  
Single storey extension to rear and double garage to adjoining land at 1  
Durham Road, Wolsingham**

The Development Control Manager (Crook & Barnard Castle) 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.

Members again expressed disappointment that the parish council, which had objected to the application, was not represented at the meeting.

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

**RESOLVED :**

That the application be approved subject to the conditions detailed in the officer's report to the Committee and subject also to the following additional condition:

*The development hereby permitted shall be begun before the expiration of three years from the date of this permission.*

**3j Application 3/2010/0560 - Oakley Manor Development Site, Darlington Road, West Auckland  
Two V-shaped advertising boards located at either side of the entrance to Oakley Manor development site on Darlington Road, West Auckland**

The Development Control Manager (Crook & Barnard Castle) 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.

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

**RESOLVED :**

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

The meeting closed at 4.20 p.m.