

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 15 December 2011 at 2.00 pm**

### **Present:**

**Councillor M Dixon (Chair)**

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

Councillors E Tomlinson (Vice-Chairman), D Boyes, M Campbell, K Davidson, P Gittins, A Hopgood, E Paylor, G Richardson, J Wilkinson and M Williams

### **Apologies:**

Apologies for absence were received from Councillors D Burn, J Shuttleworth and R Todd

### **Also Present:**

J Byers – Area Planning Team Leader (South and West)  
A Caines – Principal Planning Officer  
A Inch – Principal Planning Officer  
N Carter – Legal Officer  
D Stewart – Highways Officer

### **1 Declarations of Interest**

There were no declarations of interest received.

### **2 Minutes of the Meeting held on 17 November 2011**

The Minutes of the meeting held on 17 November 2011 were agreed as a correct record and were signed by the Chair.

### **3 Applications to be determined**

#### **3a 7/2011/0440/DM - Land Adjacent to 50 Station Road, Sedgefield Erection of 1 No. 2.5 Storey Dwelling**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

A Inch, Principal Planning Officer gave a detailed presentation which included photographs of the site.

Councillor J Robinson, local Member addressed the Committee on behalf of local residents, Sedgefield Town Council and Sedgefield Civic Trust.

He considered that the application contravened Local Plan Policy D5 and Policy H17 of the former Sedgefield Borough Local Plan. He was concerned that the proposed development was only 15 feet away from the properties on Queens Drive at the rear of the development, and the living room was to be located on the first floor with a balcony. This would result in overlooking into the properties on Queens Drive and would have an impact on the privacy of residents.

Residents were also concerned that the development was out of character, being a modern development in a Conservation Area and surrounded by mature properties built in the 1940s and 1950s.

In conclusion, he understood that the Localism Bill required that a local authority, in making decisions which would have an impact upon local residents, should take into account the views of the community.

Mr Wilkinson, local resident reiterated the comments put forward by Councillor Robinson. Whilst the property was of an attractive design it was not in keeping with the scale and form of adjacent dwellings. It was out of character with the other properties in Station Road which was located on one of the main access routes into the village. He was also concerned with the distance between the proposed dwelling and the boundaries of the properties on either side, together with the potential impact on biodiversity; a large area of hardstanding was proposed which raised concerns about surface water drainage.

The Government had amended national policy to prevent 'garden grabbing' but if this application was approved he believed it would set a precedent for further garden developments.

Members deliberated the application and asked a number of questions in relation to the issues raised.

In response the Principal Planning Officer advised that the separation distance between facing habitable rooms was more than double the minimum requirement of 21 metres, and the oblique angle of the new development would ensure that overlooking and privacy would not have a significant adverse impact on the residents of Queens Road. The side separation distances from immediately adjacent dwellings were acceptable, and a Member noted that the density in this part of Station Road was less than in the surrounding area.

Whilst of a modern design the scheme had been amended to reflect the properties on either side and to be in keeping with the other developments along Station Road, which was a mix of hipped and gable roofs. Whilst some hardstanding was proposed, the rear garden area would be retained, and therefore it was not envisaged that there would be any problems with surface water drainage. Northumbrian Water had offered no objections to the proposal and an abandoned water main ran directly through the proposed site.

With regard to 'garden grabbing', Members were advised that amended PPS3 explained how local authorities and communities should decide the best locations and types of developments in their own areas. It did not prevent housing

development in garden curtilage but placed the emphasis on the local planning authority and community to decide whether the scale and design was appropriate for the location. Each application had to be considered on its merits and therefore, if approved, this development would not set a precedent. The views of residents were important and were taken into account but this had to be balanced with the need to have regard to planning principles.

## **RESOLVED**

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

### **3b 6/2011/0178/DM - Oakwood, Redford, Hamsterley Part-retrospective Application for the Change of Use from Residential to a Mixed Use of Residential and Keeping of Animals with Associated Hardstanding, Fencing and Outbuildings. Erection of Lean-to Extension to Dwelling**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

A Caines, Principal Planning Officer gave a detailed presentation which included photographs of the site. A site visit had taken place that day and Members were familiar with the location and setting.

Mr Ridgeon, the applicant's Agent stated that the application sought to regularise the use that was currently taking place at the property and had done so for two years without any problems. This was not a commercial enterprise but a hobby. As a breed huskies did not bark much and a Site Management Plan had been drawn up in consultation with Environmental Health to control feeding times and supervision. It also ensured that the huskies followed a structured day to minimise noise disturbance.

Councillor G Richardson, as local Member advised that the concerns expressed by residents should be taken into account, and that neighbours had complained about howling from the dogs, rather than barking.

In deliberating the application Members noted that on the site visit there had been little noise from the huskies, however they welcomed the implementation of a Site Management Plan which would be enforceable on receipt of any complaint. They were satisfied that it was not a business venture and that there were measures in place to ensure that the dogs would not increase in numbers through breeding. Members were advised of the arrangements for disposal of waste and how surface water drainage was managed.

Reference was made to condition 3 in the report which specified that within 3 years the number of dogs kept at the property should be no more than 14 in total. Members appreciated that the condition had been included to ensure that the number of dogs kept at the premises would not increase, and that an application could be made to vary the condition if necessary. However, they were concerned

that the length of time specified was not adequate, and following discussion agreed to extend the time period to 5 years.

## **RESOLVED**

That the application be approved subject to the conditions outlined in the report and to condition 3 being amended to read as follows:-

3. Within 5 years of the date of this permission and subject to the provisions of condition 2, the number of dogs kept at the property known as Oakwood shall be no more than 14 in total.

### **3c 6/2011/0301/DM - The Countryman Public House, Bolam Provision of 30 No. Pitches for Touring Caravans and Camping with Associated Toilet and Shower Block**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

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

Mr Lewis addressed the Committee on behalf of 7 objectors to the application. The proposal would significantly detract from the amenities of local residents and contravened National and Local Planning Policy. The proposed development could result in up to 120 people in the village, swamping local facilities. There was also the potential for increased noise from the site, and a risk of odours and spillage from the water treatment plant and toilet block. There had been problems with the sewage system in Bolam in the past and he was concerned that this would be exacerbated by the proposed development.

The application would be harmful to the setting which was an area of high landscape value within a Conservation Area and he believed that the screening proposed would be inadequate. There would be a constant movement of vehicles on and off the site during the day, resulting in an increase in traffic in the village.

Mr Leeming, the applicant's Agent stated that the application had been designed to provide a sustainable development with minimum impact on the village. There were already 5 seasonal pitches on the land and there were other similar sites throughout the region.

He provided details of the landscaping scheme submitted which he believed would mitigate the visual impact of the site. As the Landscape Section and Planning Officers did not agree with the mix of planting the applicant would be prepared to amend the submitted scheme. With regard to the historic landscape setting and the Scheduled Ancient Monument Leggs Cross he considered that visually these would be unaffected by the site. The footprint of the toilet/shower block was only 15 sq metres and there would be no other alterations to land levels.

Mr Stabler, the applicant reiterated the comments made in his statement included in the report. He stated that he employed many local people but as the pub trade had declined in general, he wished to diversify his business. The 5 seasonal pitches had been successful and he had held rallies on the site in the past without problem. If the application was approved the site would continue to be seasonal, and the caravans and tents would be adequately screened by existing topography and the proposed landscaping scheme. An increase in the number of pitches would not only help his business but would encourage more tourism in an area of historical interest.

Councillor J Rowlandson referred to the issues raised in the Planning Officer's report with regard to potential harm to a protected species, the great crested newts. He pointed out that of the three ponds referred to, one had only been in existence since 2010 and another was separated from the caravan site by a road. The applicant was sensitive to the importance of the setting of Bolam and asked Members to look favourably on the application.

In deliberating the application Members discussed the potential impact on great crested newts, noting that the local planning authority was unable to discharge its duty under the Conservation of Habitats and Species Regulations 2010. By way of clarification, N Carter, Legal Officer stated that great crested newts were a protected species and as such the local planning authority had to have regard to the requirements of the Habitats Directive. Therefore, where there was likely to be a disturbance to newts the local planning authority must consider whether a relevant licence should be obtained from Natural England. It was the responsibility of the applicant to demonstrate that there would be no adverse effect on great crested newts, and the County Ecologist considered that insufficient information had been provided by Mr Stabler to allow the local planning authority to properly consider the potential impact.

The Committee also considered the visual impact of the proposed development and whilst some Members considered that screening would mitigate this, others felt that landscaping had not been adequately addressed by the applicant.

Having taken these factors into account the Committee **RESOLVED**

That the application be refused for the reasons outlined in the report.

#### **4 Appeal Update**

**PLANNING REF: 3/2011/0252**

**Site at 26 Louvain Terrace, Crook**

**Single storey rear extension and single detached garage**

The Inspector had dismissed the appeal.

**PLANNING REF: 3/2011/0252**

**Site at Whorlton Grange, Whorlton, Barnard Castle  
Erection of a two storey detached dwellinghouse**

The Inspector had dismissed the appeal.

**PLANNING REF: 3/2010/0554**

**Site at Melon Isle, Burtree Ford, Cowshill, Bishop Auckland  
Alterations and change of use to form live/work unit**

The Inspector had dismissed the appeal.

**PLANNING REF: 7/2011/0019/DM**

**Site at footpath link between the Ferryhill Carrs Nature Reserve and  
Duncombe Cemetery, Ferryhill  
Appeal against imposition of condition requiring the erection of a fence  
alongside footpath**

The Inspector had allowed the appeal.