

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 19 October 2017 at 2.00 pm.**

Present:

Councillor J Clare in the Chair.

Members of the Committee:

Councillors J Atkinson, D Bell, L Brown, J Clare (Vice-Chairman), E Huntington, K Liddell, C Martin, S Quinn, G Richardson, L Taylor, F Tinsley, C Wilson and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillors H Nicholson and A Patterson.

2 Substitute Members

Councillor S Quinn was substituting from Councillor H Nicholson and Councillor C Wilson was substituting for Councillor A Patterson.

3 Declarations of Interest

There were no declarations of interest in relation to any items of business on the agenda.

4 Minutes

The minutes of the meeting held on 21 September 2017 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/17/02840/FPA - The Forresters Arms, 35 Collingwood Street, Coundon, DL14 8LG

The Committee considered a report of the Planning Officer regarding an application to convert a redundant public house (The Forresters Arms) situated within Coundon village, to 4 no self-contained flats (for copy see file of Minutes).

The Committee received a presentation from the Planning Officer which included an aerial photograph of the site, together with a site location plan. Photographs of open space to the south-east of the site, the frontage of the site, east elevations, vehicle access, views from the east and west of the junction along Collingwood Street were also shown. The proposed site plan detailed four car parking spaces,

bin store and a large amenity space which measured 73 square meters. This space was twice as large as the amenity space submitted by way of the initial application. The rear outbuildings would be demolished as part of the development. The Committee were then provided details of the internal layout.

The Committee were informed that planning permission had previously been refused by the Planning Committee in March 2017. The application considered at that time was for the conversion of the building to 6 no. flats. The applicant subsequently appealed the decision which was later dismissed due to the lack of natural light and ventilation to 2 no. central flats and the proposed outdoor amenity space was considered too small for the number of flats. A copy of the appeal decision was included as an appendix to the report. The new application included a larger area for outdoor amenity space as previously mentioned and all flats would have a window, natural light and ventilation.

Letters of objection centred on parking issues, the nature of potential occupants and noise. Councillor C Kay the local member had passed an additional petition, comprising details of people opposing the development, to the Planning Officer, prior to the meeting. The Planning Officer informed the Committee that the Police Architectural Liaison Officer had reported that the building in its present state had been subject to break-ins, vandalism and arson over a period of several months.

The Committee then heard from Councillor C Kay, the local member for the area. Councillor Kay informed the Committee that the former public house was a prominent building within the community and reflected on the appeal decision. Despite the revised application, Councillor Kay believed that the harm to the residential amenity of the area would be significantly affected by the proposal in a negative manner, particularly in relation to the nearby one bedroomed elderly person's bungalows. Councillor Kay felt that paragraph 14 of the NPPF had not been met in this regard.

Councillor Kay made reference to the noise sampling information provided within the report and felt that double glazing and other such works to reduce noise should be carried out prior to the flats being occupied. Vehicular parking in the immediate area was also an issue for concern where many vehicles parked halfway on the footpath. Councillor Kay explained that should one car park incorrectly, others would not be able to access their dedicated parking. This issue, together with a nearby pedestrian island nearby would potentially create a very difficult and hazardous situation. Councillor Kay also informed the Committee that there were currently large numbers of unoccupied, one bedroomed flats in Coundon and felt that there was already adequate provision. A further cause for concern was also raised that should the application proceed there would be a risk that the flats may not be built, highlighting that other development, along similar lines had been previously approved but had never come to fruition. Councillor Kay took on board the issues and concerns raised in relation to the state of the building.

In response, the Planning Officer informed the Committee that the condition relating to noise reduction would have to be carried out as part of the development and prior to the flats being occupied. In terms of harm to nearby residents, specifically relating to the nearby one bedroomed bungalows, the Planning Officer explained

that residential use of the building had already been established previously. No objections had been raised by Highways Officers and the appeal outcome did not refer to any highways issues. In terms of the occupation of flats and whether the development would proceed, the Planning Officer informed the Committee that this would not be a material planning consideration.

Councillor C Martin agreed with some of the comments made by Councillor Kay and appreciated the concerns expressed by residents and Councillors. Councillor Martin expressed concern at the current state of the building. He felt that the associated noise and footfall of people, had the pub still been in operation, would have created same effect, if not worse, in terms of noise. Councillor Martin felt that there was adequate parking on site and **moved** the recommendation detailed in the report.

Councillor Tinsley referred to the floor plans and sought clarification that each of the flats had living and kitchen areas. Councillor Tinsley concurred with the comments made by Councillor Martin regarding the blight caused by the derelict building and felt that it was in a dangerous condition, with the further potential for it to be set on fire, as had happened elsewhere in the County. Councillor Tinsley explained that he had viewed the previous application and the appeal decision, and felt that the revised proposals were acceptable, with the significantly larger amenity space and given each flat would have natural light and ventilation. Councillor Tinsley acknowledged the point made in relation to the nearby old person's bungalows and felt that the Council owed a duty of care to this property owner.

Councillor J Atkinson commented that the building looked tired and felt that planning permission would be a way forward and **seconded** the recommendation.

Councillor G Richardson felt that the applicant had addressed the issues raised previously and felt there were no justifiable reasons not to support the recommendation.

In response to a question from Councillor C Wilson regarding noise from the pub nearby, Councillor Clare referred to the information provided by the Planning Officer that the sound survey would require the developer to provide sufficient glazing to ensure that noise would not be an issue.

In response to a query from Councillor L Brown regarding the distance of the proposed development to the one bedroomed bungalows, the Planning Officer confirmed that the distance was 16 metres from the closest point.

Resolved

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

b DM/17/02407/FPA - Land Between 10-19 And 28-35 Howard Close, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding the proposed erection of 12 bungalows and associated communal parking at land

between 10-19 and 28-35 Howard Close, Bishop Auckland (for copy see file of Minutes).

The Senior Planning Officer gave a detailed presentation to the Committee, which included an aerial photograph of the application site, photographs of one of the parcels of land and car parking around a central green space. The Committee were informed that the surrounding area was made up of predominately semi-detached terraced properties. Photographs depicting a central area of open space and footpath links were shown to the Committee. The communal areas of car parking shown would be for anyone residing in the surrounding area. A site plan was then shown to the Committee detailing four sets of three blocks of bungalows. The plan was very similar to the former development that existed on the site. The Committee were then shown the typical internal layout of a bungalow, together with elevations.

The Senior Planning Officer updated the Committee regarding the queries raised by the Council's Contaminated Land Officer during the consultation and confirmed that the agent had supplied additional information which the Officer had revisited and deemed satisfactory. As a result, condition number 7 would now apply from phase 3 onwards. Approved plans to include additional information had also been submitted in relation to condition number two.

Councillor G Richardson queried if the land was designated green space. In response, the Senior Planning Officer informed the Committee that given a similar development had existed previously, the actual building plots would have been considered as brownfield in nature. Once the original development had been demolished, the area had been grassed over. Councillor Richardson felt that development of bungalows was rare. He welcomed the application and **moved** the recommendation contained in the report.

The application was **seconded** by Councillor J Atkinson.

Resolved

That the application be approved, subject to the conditions detailed in the report and subject to the completion of a Section 106 agreement to secure financial contributions towards offsite open space and recreational provision at pro-rata rate of £1000 per residential unit.

c DM/17/02465/FPA - 5 Front Street South, Trimdon Village, Trimdon Station

The Committee considered a report of the Planning Officer regarding a proposal to build a detached residential property in the rear garden of 5 Front Street South, Trimdon. The proposal also comprised a new patio area and ramped access (for copy see file of Minutes).

The Committee received a presentation from the Planning Officer which comprised the application site, aerial location plan, photographs of northerly and southerly views from 5 Front Street and photos looking easterly towards 6 Front Street, taken from the garden of the adjoining property from no. 6. Photographs taken southwards towards the area of the proposed site and a site location plan with revised proposals and a floor plan were also shown. The proposed development

was 16m from the existing dwelling and two trees would be felled as part of the proposals.

Two letters of objection had been received which were detailed in the report. Amended plans had been received and consulted upon, however, the revisions did not overcome the objections made.

The Planning Officer informed the Committee, that since the report had been circulated for consideration, condition number 5, was seen as being duly restrictive and required amendment as follows:

“the annex hereby approved shall not be used as a separate dwelling and shall only be occupied in association with the main dwelling. It shall not be sold, let or otherwise disposed of separately to the main dwelling”

Reason: In accordance with the specified planning application and to prevent the establishment of a separate dwelling house and separate planning unit, contrary to policy D1 of the Sedgfield Borough Local Plan”

The Committee then heard from an objector to the application. The objector expressed disappointment in the manner in which the application had been submitted. He felt that the planned development had been poorly thought out and would destroy the reason why people purchased houses in the area, which was primarily for their large, secluded rear gardens. The objector felt that approval of the application would create a dangerous precedent and create a street of annexed houses. The objector considered that it would be more aesthetically beneficial for the area if the applicant were to build a granny flat on the western side of the property and leave the garden free to enjoy. Whilst the objector appreciated the sentiment of the application and the proposed reasoning for the residential annex he considered that the application had been made with blatant disregard of health and wellbeing of his partner whose health had suffered as a result of the application. The provision of an opening WC/shower room window near to his fence, overlooking his property, together with the ventilation would be difficult to endure. The objector also added that the residential annex would be building 11.8m from his nearest habitable room window.

The Committee then heard from the applicant who explained that his in-laws were very elderly and whilst still quite active, were becoming very frail. He explained that his mother-in-law required much help and support for vascular dementia and her condition would deteriorate. The family wished to share care with other family members who lived outside of the County. It was the family's desire for their relatives to stay independent for as long as possible. The development had been designed in sympathy with their own house and existing properties. The plans had been amended in an attempt to reduce impact and the applicant pointed out that their garden was much larger than others in street as it consisted of a double plot.

The development was not of commercial appearance and would be in keeping with other annexes in the street which have previously been approved. A similar annex was under construction at no. 10. The removal of two conifers would increase light to his neighbour's property. There would unlikely to be any additional noise or

disturbance as a result. It was a modest application which did not infringe on anyone's human rights. The applicant informed the Committee that he was happy to agree to a condition of working hours and reassured the objector and the Committee that the annex was in keeping with his house and garden and it was simply a house to support and care for his aging parents in the future.

Councillor J Clare thanked both speakers for their representations to the Committee in a difficult set of circumstances. Councillor Clare also informed the objector that some matters he had raised were not planning matters which meant that the Committee would not be able to debate them. The objector acknowledged and understood the situation.

In response to the planning issues raised by the objector, the Planning Officer informed the Committee that the property was detached and confirmed that the property did have a larger garden than others in the same street. It was felt that the proposed development was commensurate with the size of the site. In terms of the setting of precedents, the Planning Officer commented that each application was considered on its own merits. The Planning Officer accepted that the development was closer to the objector's property as had been highlighted (11.8 metres), however, it was considered that the proposals were in an acceptable location. Issues regarding the proposed WC/shower room on the rear elevation was dealt with by way of condition number 4 detailed in the report. In terms of a condition for working hours, the Planning Officer informed the Committee that this was common practice for major housing schemes, however, in the case of the size and nature of the application under consideration, any condition would be informative in nature and the applicant had made this commitment.

Councillor G Richardson was sympathetic to the application and felt that the development did not set a precedent as other developments already existed in the area. Councillor Richardson accepted that the applicant had elderly parents that needed to be cared for and **moved** the recommendation.

Councillor F Tinsley informed the Committee that he had listened intently to both speakers and referred to three specific issues. Firstly, Councillor Tinsley felt that the loss of trees would be beneficial for the garden and property. Secondly, the location of the WC/shower room window was the only issue that could potentially affect privacy but considered that the condition detailed in the recommendation would resolve this. In terms of the potential setting of precedents, each application was judged on its own merits and this type of development was common on the street. Councillor Tinsley also noted the concerns relating to the health of the objectors partner and explained that neighbouring development to properties can sometimes be difficult to accept.

Councillor J Atkinson **seconded** the recommendation.

Resolved

That the application be approved, subject to the conditions detailed in report, together with the amendment to condition no. 5.

Signed
Chairman of the meeting held on 23 November 2017