

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Thursday 24 January 2019 at 2.00 pm**

### **Present:**

**Councillor J Clare**

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

Councillors J Atkinson, D Bell, L Brown, J Chaplow, J Clare (Vice-Chairman), E Huntington, J Maitland, M McGaun, G Richardson, S Zair, H Smith (substitute for H Nicholson) and T Tucker (substitute for F Tinsley)

Prior to the commencement of the meeting the Chairman with great sadness reported the death of Councillor Leo Taylor, a valued and respected Member of the Committee.

### **1 Apologies for Absence**

Apologies for absence were received from Councillors K Liddell, H Nicholson, J Shuttleworth and F Tinsley.

### **2 Substitute Members**

Councillors T Tucker and H Smith substituted for Councillors H Nicholson and F Tinsley respectively.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Minutes**

The minutes of the meeting held on 22 November 2018 were agreed as a correct record and signed by the Chairman.

### **5 DM/18/03707/FPA - 6 Durham Road, Sedgefield**

The Committee considered a report of the Senior Planning Officer with regards to an application for two storey and single side storey side extensions and alterations to the existing detached dwelling at 6 Durham Road, Sedgefield (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application with site location plan, aerial photographs, elevations, site layout and photographs of the site.

The Senior Planning Officer confirmed that a late representation had been received on the day prior to the meeting. A number of people objecting to the application had written to ask that the application be deferred in order for further analysis of the case officers report recommending approval whilst seeking professional and legal advice.

In response, the Senior Planning Officer confirmed that the application was subject to the usual consultation procedures and neighbours were given in excess of 21 days in which to make representation given the Christmas shut down period which resulted in a delay to the determination period. This was considered more than sufficient time in which to review the application and make comment, seeking further professional or legal assistance if necessary. Those submitting the latest letter recommending the application be deferred had already made representation on the application and their concerns were addressed within the officer report. Upon release of the Committee agenda, the objectors then had further time to seek advice on the report recommendation and had the option to attend the planning committee and speak if considered necessary.

Addressing the objectors points in turn the Senior Planning Officer advised the Committee that the existing level of overshadowing on the site would not be significantly increased by the proposed development. Furthermore, the proposed works would be of an acceptable scale and design which would not detract from their surrounds with the site remaining well screened from public view and outside of the Conservation Area.

The Applicants, Mr and Mrs Edmensen addressed the Committee to give clarity on the reasons behind the extension. Mrs Edmensen confirmed that they had three sons between them, one of which had a significant medical condition which resulted in Mr Edmenson having to split his time between two properties.

This house was purchased in July 2018 as it had enough land to extend, integrating the family home with a separate private living space to accommodate all of the children. Original plans to extend the existing property submitted in 2017 were withdrawn at the request of the Planning section who continued to work with the applicants and a newly appointed architect informally in arriving at a more acceptable scheme.

Mrs Edmenson confirmed that they had considered professional advice and concerns from neighbours throughout the process. And in response to neighbouring objections early in the application process, the height of the garage element further reduced to overcome any overshadowing concerns. The new proposal had been approved by the Planning Officer and Mrs Edmenson was surprised that neighbours were still objecting as she had visited them personally in an attempt to compromise, hence the reduction in the height of the garage. She had not expected the late representation requesting a deferment of the application and also suggested that those objecting had been given ample time to seek legal advice, having had a period of seven weeks from the application being submitted.

With regards to the suggestion that a deferment should be granted due to the 'complex and technical' content of the documents, Mrs Edmenson advised that this had never been suggested during the current or subsequent application process prior to the late representation. She considered there was enough evidence for Members to decide and the late submission contained no valid reasons to grant a deferment and asked the Committee to determine the application.

The Chairman confirmed that there were no other speakers registered and noted that none of the objectors had registered to speak, nor were they in attendance.

Councillor Tucker referred to the photographs included in the presentation and noted the shadow from the current property, which already overlooked the garden of the property to the North. She queried whether the level of shade in the photograph was permanent and the Senior Planning Officer confirmed that he had taken the photograph around lunchtime a few days prior to the meeting. Mrs Edmenson added that the extension would not exacerbate the existing shadow due to the reduced height of the garage element of the extension.

Councillor Tucker queried whether there were currently any overlooking windows at the property and Mrs Edmenson confirmed that there were two existing windows overlooking property to the north. However, the height of the hedge which neighbours had asked to be retained was 5ft and therefore windows did not result in any loss of privacy. The proposed extension however would not include windows in the north facing elevation and, in any case, the hedge was to be retained as requested by neighbours.

The Chairman asked for a response to the late representation for deferment and the Senior Planning Officer reiterated that the response time period was sufficient, and he considered the Committee had been provided with sufficient information to determine the application at the meeting.

Councillor Atkinson referred to the issues raised by objectors regarding the stability of the retaining wall and the Senior Planning Officer referred Members to the technical drawing included in the presentation which showed that the foundations of the garage should not affect the dividing wall. However, he added that the applicant had offered to repair the wall if issues did arise. Councillor Clare reminded Members that information contained within the report confirmed that the stability of the wall was not a planning consideration, it was a matter for building control to address any issues with regards to the wall.

Councillor Atkinson moved the recommendation to approve.

In response to a question from Councillor Richardson the Senior Planning Officer confirmed that the garage would be accessed by a straight driveway from the entrance road and Councillor Richardson seconded the motion to approve.

Finally Councillor Brown asked the Senior Planning Officer to confirm the separation distances between the nearest property from extension and he confirmed that 17m between the nearest property at Conifer Avenue and 14m from the rear elevation to Pine Ridge Avenue.

The Chairman referred to the late submission as he wanted to ensure members had given full consideration of the option to defer before a vote was taken.

**Resolved:**

That the application be APPROVED subject to the conditions outlined in the report.

**6 DM/18/01980/FPA - Site of The Former St Peters School, Main Road, Gainford**

The Committee considered a report of the Senior Planning Officer with regards to an application for 48 no. dwellings, conversion of a school building to 9 no. flats, associated demolition and landscaping, and provision of open space (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application with site location plan, aerial photographs, elevations, site layout and photographs of the site. He confirmed that Members would recall a previous visit to the site as part of a smaller application and confirmed that the application was an extension of that permission.

The Agent, Mr Lyle, addressed Members on behalf the Applicant and advised that Members would already be familiar with the site and its history. The scheme met all of the relevant technical criteria and would bring a range of 2, 3 and 4 bedroom housing as well as bungalows and flats in the former school building, meeting a wide range of housing needs for young and older generations.

Mr Lyle confirmed that a consultation had been carried out, which had included the delivery of 600 leaflets, followed by a meeting at the local village hall. This had been mostly positive and had confirmed that almost all of the local residents who attended were in support of the scheme. Its only criticism was that a few local people considered that the school building should be demolished, rather than retained.

Mr Lyle confirmed that Planning Officers had supported the proposal throughout the application process and the parish council supported the scheme as it coincided with their desire to promote viability.

Finally Mr Lyle advised that this was a brownfield site, it was sited in a sustainable location and accessible to a good range of services and facilities, and the proposal would significantly improve the conservation area. He referred to the significant Section 106 contributions outlined in the report and confirmed that he fully endorsed the conclusion of the Planning Officer.

The Chairman commented that the retention of the school building was paramount as it was a significant feature to the entrance to the village and it was only blighted by its current condition and was otherwise a beautiful building.

The Senior Planning Officer referred to the frontage building as a familiar feature which was well embedded, but an undesignated heritage asset of approximately

120 years. Officers felt it was important to maintain as it was a mature and well-established entrance to the site.

Councillor Richardson confirmed that the site was in his electoral division and had been discussed for more than 30 years. He commented that he would have been in favour of demolition of the building, however he was grateful to see it being developed and he moved the recommendation to approve as per the report, seconded by Councillor Atkinson.

**Resolved:**

That the application be APPROVED subject to the completion of a Section 106 agreement to secure 11 affordable dwellings; the provision and future maintenance of associated open space and £37,791 contribution towards offsite open space provision or maintenance; and the conditions outlined in the report.