

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 25 November 2021 at 9.30 am**

Present:

Councillor M McGaun (Chair)

Members of the Committee:

Councillors B Bainbridge, G Binney, L Brown, M Currah, C Marshall, E Peeke, J Purvis, J Quinn and A Watson (Vice-Chair)

Apologies:

Apologies for absence were received from Councillors J Blakey, J Chaplow, K Earley, J Griffiths, D Haney and S Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors K Earley, J Griffiths and S Wilson

2 Substitute Members

There were no substitutes.

3 Minutes of the Meeting held on 28 September 2021

The minutes of the meeting held on 28 September 2021 were confirmed as a correct record and signed by the Chair.

4 Declarations of Interest (if any)

There were no declarations of interest.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/21/02324/RM - 14 The Pastures, formerly plot 13) - 14 The Pastures, Lanchester DH7 0BT

The Committee considered a report of the Senior Planning Officer which sought approval of reserved matters consisting; appearance, landscaping, layout and scale from approval DM/19/00118/VOC (14 the Pastures, formerly Plot 13).

The Senior Planning Officer provided a detailed presentation of the application which included a site plan, site photographs and the existing and proposed layout. Members had visited the site the previous day.

The Chair welcomed Councillor D Oliver, local Member who was in attendance to speak on behalf of residents.

Councillor Oliver advised that ultimately, he agreed with the officer's recommendation and noted the strong community feeling regarding the scale and mass of this development and the impact on No 8 The Paddock. He went on to state that it was felt that the design did not fit in with the community and its needs and the height of the property was out of character with other dwellings in this cluster of residential properties.

He furthermore outlined that the concerns raised by Lanchester Parish Council were valid and he agreed that there was scope for the applicant to bring forward a more synthetic development.

The Chair then welcomed Mr D Friesner, representing Lanchester Parish Council who was in attendance to speak in objection to the application.

Mr Friesner stated that Lanchester Parish Council welcomed the Officer's recommendation to refuse this application and noted their conclusion that the application fails Policy 31 of the County Durham Plan. However, Lanchester Parish Council maintains that there were additional reasons for recommending refusal, which although referred to in your officer's Report and Conclusion, are not included within the overall recommendation.

The two additional reasons relate to: the significant importance and weight which should now be attributed to Policy LNP2 of the Lanchester Neighbourhood Plan, since it was made by the County Council earlier this year, and Policy 29 of the County Durham Plan 2020.

Our original letters of objection clearly laid down the many and several material grounds for refusal.

He went on to reference the decision made by the Committee on Tuesday 28 September 2021, to consider another development at this location. Agenda item 5d considered a proposed development at no. 15 The Pastures (Plot 14), Lanchester (DM/21/02516/RM).

After much discussion, the Committee voted to refuse the application on the grounds that it was contrary to Policies 29 (a. and e.) and 31 of the Durham County Plan 2020 and Policy LNP2 (a., b., c. and e.) of the Lanchester Neighbourhood Plan 2021. Mr Freisener explained that those reasons were equally relevant in this application.

Mr Friesner went on to highlight that the application was for a very large development. The size, mass and density were considered to be too big for this plot – its scale and footprint is also being too large.

The whole Pastures development was clearly visible as you approached the village and the appearance of the overall site and developments to date were considered intrusive. Together with this development, they were not in keeping with and nor reflected or respected the rural village setting and character of Lanchester.

Furthermore, he explained that the relationship of the development to existing properties within the Paddock was of critical importance, more so than other houses within the vicinity such as those which faced on to Ford Road. The Paddock comprises completely single storey bungalows with significant space between dwellings. This development will not integrate well with existing dwellings. Existing residents will face a brick wall barrier of development along the whole length of their garden boundaries. In this instance, the existing neighbour will be confronted by three properties overlooking theirs.

In addition, contrary to the Inspector's guidance outlined in their Decision statement (paragraph 18) about privacy and amenity of existing residents, which they anticipated would be satisfactorily addressed at the application stage, this application does not achieve this. Significant and considerable loss of privacy and other harm to the amenity of neighbouring residents would result from such a large imposing and invasive development.

Since each of the 14 plots were to be self-build, the Inspector could not reasonably comment further upon specific development types. Each development would always therefore be evaluated at the Reserved Matters stage of an application. Therefore, it is important that again consistency is shown.

In conclusion he commented that Lanchester Parish Council agreed that the development is contrary to the Council's own Supplementary Planning Document. Existing residents will be seriously affected, a view shared by local objectors and supported by our own County Councillors. This view is consistent with the Appeal Inspector's statements.

He therefore requested that in voting to refuse the application, Lanchester Parish Council urged the Committee to amend the Officer's original recommendation and reason for refusal, by adding 2 further reasons. The first additional reason relating to the Lanchester Neighbourhood Plan Policy LNP2 (a,b,c and e) and the second, Policy 29 (a and e) of the County Durham Plan 2020, both of which you have previously referenced in decisions of your Committee about the Pastures as outlined above.

The Chair then welcomed Mr M Lee, Applicant's Agent who was in attendance to speak in support of the application.

Mr Lee explained that the application being considered was a far reduced and paired back design following consultation with Planning Officers.

Regarding the single issue of concern regarding privacy, he noted that the neighbouring property and window of concern was part of an extended part of the property now being used as a living space rather than a garage, the purpose of the extension when built.

He further noted that the two properties would have an angled relationship rather than a direct one, with a bathroom window always having been shown in the location to ensure makes the 24 metres distance point to closest habitable window. He went on to refer to the way in which the SDP provides guidance on how distances should be measured.

Mr Lee also noted that his client also wanted to ensure their own privacy and added that they had amended plans significantly to achieve the best outcome for both properties.

The Senior Planning Officer in response to comments made noted that the development site was landlocked and whilst the presence of these plots was already identified they had not all yet been built at full scale. With regard to suggestions made by Lanchester Parish Council regarding the addition of policies for refusal he advised that they were not considered relevant in this application.

Councillor Quinn noted that he had found the site visit undertaken the previous day to be invaluable and highlighted the privacy distances between the proposed property and existing properties at The Paddock, of which the separation distances did not meet the required 21 metres.

Councillor Watson noted that policy framework had significantly altered in recent years and recognised that the proposed application did not meet legal requirements in terms of scale and massing and was contrary to requirements of the SPD and Policy 31 of the County Durham Plan. He further acknowledged Lanchester Parish Council's additional reasons but he was guided by officers and supported the recommendation for refusal.

Councillor Marshall asked whether the extension at No 8 had been completed before or after the outline planning application for this site. The Senior Planning Officer advised that many of the bungalows on The Paddock development had been extended prior to any permission granted at The Pastures.

With reference to the particular extension at No 8 The Paddock, he explained that this had been converted from a garage to living space, with a patio window and there was no route to challenge the internal use of that extension and nor was the extension relevant to this application. He further explained that a direct relationship was established between the two properties and it was important to ensure that the privacy of both dwellings was protected.

The Officers recommendation for refusal was moved by Councillor A Watson and seconded by Councillor L Brown and following a vote being taken it was:

Resolved:

That the application be refused on the grounds that the proposed dwelling does not meet the required separation distances set out in the County Durham plan Residential Amenity Standards Supplementary Planning Document 2020 in so far as they required to ensure reasonable expectations of privacy as required by Policy 31 of the County Durham Plan 2020.

b DM/21/03477/RM - 3 The Pastures, Lanchester DH7 0BT

The Committee considered a report of the Senior Planning Officer which sought approval of reserved matters for plot 3, appearance, landscaping, layout, materials, and scale of development (for copy see file of Minutes).

The Senior Planning Officer provided a detailed presentation of the application which included a site plan, site photographs and the existing and proposed layout. Members had visited the site the previous day. He further advised that one additional letter of objection had been received since the report had been published, taking the total number of objections to seven.

The Chair welcomed Councillor D Oliver, Local Member who was in attendance to speak on behalf of the residents.

Councillor Oliver explained that whilst he appreciated that each application should be considered on its own merits there were some residual concerns regarding the scale of the proposed dwelling and that its appearance was out of keeping with the rest of the area and would be a dominant feature in what was a rural area. In a similar vein to the previous application, he also noted the potential intrusion on neighbouring properties and reflected upon

the Inspector's report of 2017, noting his concerns and that the tests raised within, had still not yet been met.

Once again, he added that there were more positive options available for this site.

The Chair then welcomed Mr D Friesner, Lanchester Parish Council who was in attendance to speak in objection to the application.

Mr Friesner commented that in addition to his representations made on the previous application he would like to make the following observations to support our strong objection to this application.

Our objection focuses upon 3 main areas: Firstly, the Lanchester Neighbourhood Plan (2019-2034) and its Policy LNP2; secondly, the County Durham Plan 2020, Policies 29 (a and e) and 31 and finally; the Council's Residential Amenity Standards, Supplementary Planning Document 2020.

He further referenced explicit guidance (paragraph 18) about privacy and amenity made by the Appeal Inspector in their decision (APP/X1335/W/16/3160472) dated 15th June 2017 which they anticipated would be satisfactorily addressed at the application stage. This application has not done that. Significant and considerable loss of privacy and harm to amenity will result.

Lanchester Parish Council also attributed significant weight to Policy LNP2 of The Lanchester Neighbourhood Plan. The development fails the criteria set (a, b, c and e)

He also thanked the committee for visiting the site this week. He added that those who attended will have noticed the very high canopies of the existing trees which do not provide privacy to existing residents. Although some way off, the adverse impact of the current Pastures developments which are either completed or are ongoing, is clearly seen and already an imposition to existing residents.

The development will be even more intrusive to the existing residents of no's 5 and 6 The Paddock when the domineering 10m property height, site levels and the slope and fall of the plot as well are considered as well as its much closer proximity. Again, existing residents will face a brick wall barrier of development along the whole length of their garden boundaries, with 4 dwellings to be built.

Furthermore the development failed Policies 29 (a and e) and 31 of the County Durham Plan and it is contrary to the County Durham Residential Amenity Standards, Supplementary Planning Document 2020 Section 2.1

which states, “It is important that the amenity of adjacent properties are protected in relation to the over-dominance, loss of privacy and loss of daylight...” and Section 3.7, “It is therefore important to ensure that the amenity that existing residents can reasonably expect to enjoy is not significantly compromised”.

Your reasons for refusal with no. 15 The Pastures are equally relevant and valid for the application to be considered by you today.

In summary, he urged the Committee on behalf of Lanchester Parish Council to vote to refuse the application on the grounds that it was contrary to Policies 29 (a. and e.) and 31 of the Durham County Plan 2020 and Policy LNP2 (a,b,c and e.) of the Lanchester Neighbourhood Plan 2021.

The Chair then welcomed Mr B Endean, Applicants Agent, who was in attendance to speak in support of the application.

Mr Endean reminded the committee that Plot 3 had outline permission and therefore this application sought only deal with the reserved matters. He explained that his client was a successful business, retiring in 2022 who sought a location to build a comfortable family home. The proposed dwelling was of traditional design, with integral garage built using typical materials for this area. In addition, its location was planned to be located well over the 21 metres stipulated separation distance at 30 metres and any impact on amenity was protected by this distance and sensitive landscaping.

In conclusion he advised that the application adhered to all local plan policies and respectfully asked the committee to approve the application.

Councillor Quinn commented that he would be happy to accept the application on the grounds that a condition was included which would prevent the garage with dormer from being utilised for separate living space in the future.

Councillor Marshall noted that he was conscious of the points made by officers and acknowledged that he application already had outline permission. He further noted that self-build properties tended to offer a different mix of houses and this encouraged investment in the area. It was therefore important to bear in mind that investors weren't drawn to the area on false promises.

He therefore added that he would be happy to accept the officer's recommendation with the addition of a condition as requested by Councillor Quinn.

The Officer's recommendation for approval was moved by Councillor Marshall and seconded by Councillor Brown and following a vote being taken it was:

Resolved:

That the application be approved subject to the conditions as listed in the report.

c DM/21/03035/FPA - Horsleyhope Mill, Healeyfield Lane, Horsleyhope, Consett, DH8 9DA

The Committee considered a report of the Principal Planning Officer which sought approval for the demolition of a timber frame to be replaced with steel frame under corrugated iron and timber boarding side cladding for the storage of agricultural machinery used in conjunction with the existing livestock farm (for copy see file of Minutes).

The Chair welcomed Mr A Barrass, Applicant, who was in attendance to speak in support of the application.

Mr Barrass explained that he had grown up on the farm, which had been in his family for 3 generations. The current store was redundant and partially collapsed and the proposed design was subservient to the existing building range following advice received from Planning Officers. The design furthermore retained the agricultural character of the landscape and no alternative sites were available for its siting which would not further impact on the AONB. This design was sympathetic to the AONB and minimised the impact on such.

He further noted that neighbouring farms had recent new farm buildings in the AONB area all of which had been approved.

In addition, he was pleased to note that there had been no objections from the public and Muggleswick Parish Council were in support of the application. He therefore respectfully asked the committee to consider approving the family farm building, noting that as applicants they had listened to and addressed concerns raised by the Planning Officer.

Councillor Brown asked whether there was any risk of erosion from Horsleyhope Burn. In response the applicant advised that as a family they had always worked to protect the Byre (a non-protected-asset) and was not aware that the Burn had come anywhere near close to flooding in 38 years.

Councillor Watson added that in his opinion the new build store would improve the visual appearance of the area and noted that Muggleswick also supported the application.

Councillor Bainbridge asked how close the neighbouring buildings were that the applicant had referred to. It was noted that Spring Well Farm was within proximity to the application site.

Councillor Marshall asked whether there had been any feedback from the AONB since the publication of the report. The Principal Planning Officer advised that no comments had been received but landscape colleagues did have a close relationship with them, and their comments were included within the report.

The Principal Planning Officer went on to explain that the location of the site was very important with the current collection of buildings in situ being pleasing and something which should be protected, however appreciated that this was a very finely balanced decision and hence why so many discussions with the applicant had been undertaken.

Councillor Quinn asked whether the applicant could advise what would happen if the application could not be approved. Mr Barrass explained that it would likely result in the need for a shipping container to be placed on site.

Councillor Brown accepted that this was a difficult decision to make when bearing in mind the farmers livelihood and other factors, however felt that on balance approval outweighed any reasons for refusal.

Councillor Marshall commented that whilst he felt uncomfortable taking the opposing view to officers, he felt that there must be a way that the application could be approved under material considerations relating to rural business and economy and that in this instance common sense must prevail.

As a point of order C Cuskin, Solicitor advised that the council and its planning committees had a statutory duty when considering applications with the AONB to ensure that any application approved preserved and enhanced the area and Members would need to feel comfortable that the application met this test.

Councillor Watson noted that this was a matter of opinion and judgement and therefore moved that the application be approved. Councillor Currah seconded the proposal and following a vote being taken it was:

Resolved:

That the application be approved subject to conditions being agreed in consultation with the Principal Planning Officer and Chair of the Planning Committee.

d DM/21/03374/FPA - 21 Rickleton Avenue, Chester-Le-Street DH3 4AE

The Committee considered a report of the Planning Officer which sought approval of a two-storey side extension with loft conversion to include a dormer window (Resubmission of DM/21/01379/FPA) (for copy see file of Minutes).

The Planning Officer provided a detailed presentation of the application which included a site plan, site photographs and the existing and proposed layout. Members had visited the site the previous day.

The Committee Services Officer then read a statement provided by local Member, Councillor Craig Martin as follows:

“Thank you as a committee and planning officers for taking the time to consider this application. I'm sorry I am unable to attend due to work commitments and provide representations in person after calling this in. To allow for further debate and discussion on the design of this extension, in particular the shape of the roof.

Throughout the whole process and previous applications, I've been in communication with residents that have objections, the applicant, and planning officers. To ensure everyone is informed and their voices are heard. It has been requested that I take this opportunity to raise two points.

There have been wild rumours circulating around the community around the potential of this becoming 'housing of multiple occupancy' (HMO). Despite the applicant confirming they have no intention of using the property for such a thing. If the committee is minded to accept this application, I request that you amend this application, if possible. To put a condition on the application so that its use in the future explicitly cannot be used as a HMO. So that residents are given absolute certainty on this matter.

Secondly, throughout this process I've been having numerous conversations with senior planning officers on the potential options. Using the loft space for another room was noted to be an acceptable amendment to the plans in principle. This information was passed onto the applicant. Along with words of caution about working outside the planning system.

I ask all members of the committee to listen carefully to all arguments put forward by residents and the applicant. Come to a decision so that this matter can come to a conclusion”.

The Chair then asked the Principal planning officer to read a statement which had been provided by Mrs Johnson, local resident who wished to put forward his objections, but was unable to attend the meeting for health reasons.

“I wish to draw the attention of the Committee to the comment made by the Highways Authority on the proposed development at 21 Rickleton Avenue, Chester le Street :-

“If the development increases the number of bedrooms to 5 then the number of parking provisions would need to be addressed “

I understand that the loft conversion has resulted in the number of bedrooms now being 5.

I have commented that the site has now been developed to an extent that there is only parking space for one car within the site. There is only a single garage and no parking space for visitors' cars.

The property occupies a corner site where there is already a problem with car parking on the road and footpaths beside the junction of Rickleton Avenue and Camperdown Avenue which leads to the Blind Lane Junction. I have requested double yellow lines be considered.

I wish to enquire whether the Highways Authority's comment has been addressed and what is the outcome? and does it solve this problem situation being created by this proposed development?

In my opinion there is one very important reason why this development has proved to be so problematic as to be rejected by both planners and the Community and yet has been given little mention in the Report.

The owner of the property does not intend to live in it himself with his family and therefore has shown little interest in the appearance of the building and little regard for the plan he submitted for approval. He has built for the purpose of furthering his business interests and he is in the business of lettings and room rental, his speciality being HMOs for the euphemistically called 'vulnerable adults'.

This business does not belong in Rickleton Avenue. There is strong opposition to it in principle but the Report dismissively refers to “a HMO would require planning permission in its own right”. To me that sounds like storing it for the future.

The aesthetic appearance of the building work at No 21 has been given priority in the Report on this development proposal and I agree the Gable wall is hideous with its almost comical plumbing feature and the roof colour and construction is a real 'sore thumb' of a feature and overall is unacceptable.

But the real and present danger is that one individual would be allowed to further their business interests against the wider public interest and protest of the Community. This is a residential area where the Community Charges are high and the opposition to this development proposal is strong and adamant. Such a business development belongs in the business centre of Chester le Street. Please factor this into the discussion at the Committee Meeting today”.

The Chair then welcomed Mr Kumar, Applicant who was in attendance to speak in support of the application.

Mr Kumar explained that he was unsure how he found himself in this situation following advice sought from his local Councillor over the lockdown period. He advised that at that time it was suggested that he would be able to proceed with the extension and apply for permission retrospectively. He added that he truly apologised that he had got this wrong and that he did not set out to do any work without the requisite permissions.

He went on to explain that he had owned the property for 17 years and only ever rented to families. Regarding comments made relating to HMOs he advised that this is something he would not want or seek to do at this property, noting that there was no place for a HMO in this area. He went on to explain that he too lived in this area and wanted only to enhance it.

Regarding comparison drawn against number 19, he explained that even if the roof was removed and hip roof replaced, there would still be significant differences to that property.

The Principal Planning Officer added at this point for clarification that should the applicant wish to use this property as an HMO in the future, a material change in use from C4 dwelling would occur and would require permission. Therefore, on that basis prohibiting use as an HMO would not meet the test for a planning condition.

Councillor Watson commented that retrospective planning permission would never be recommended nor the course of action taken by the applicant. He therefore felt the officers had the recommendation right and the reasons for refusal were quite clear.

Councillor Bainbridge asked whether the roof had been hipped when the property was bought. In response the applicant advised that it had been hipped, however the extension had allowed him to incorporate another smaller room.

Councillor Quinn added that he had additional concerns regarding this application given that a lot of the work undertaken did not match plans, including the addition of a gable end window and soil pipe to name a few. On that basis he too felt the recommendation of refusal was correct.

Councillor Marshall added that he was inclined to agree with comments made, noting that it was alarming that a local member had passed on this advice to a resident and added his sympathy if this is indeed what had happened. Therefore, he agreed that given the anomalies with the application and work carried out he felt the committee had no choice on this one.

The Officer recommendation for refusal was moved by Councillor Watson and seconded by Councillor Quinn and following a vote being taken it was:

Resolved:

That the application be refused on the grounds that the proposal, including the gable roof, results in an overly dominant, unbalanced and visually intrusive addition to the existing dwelling in a prominent residential area. The proposal causes harm to the character and appearance of the area and is not sympathetic to the existing building. The proposal is contrary to Policy 29 and 31 of the County Durham Plan; the Council's Residential Amenity Standards Supplementary Document and Part 12 of the National Planning Policy Framework.