DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (NORTH)

At a Meeting of Area Planning Committee (North) held in the Council Chamber, Consett Civic Centre on Thursday 28 April 2011 at 2.00 pm

Present:

Councillor O Johnson (Chair)

Members of the Committee:
Councillors Allen Turner (Vice-Chairman), B Alderson, J Armstrong, B Bainbridge, J Blakey, P Brookes, J Cordon, N Martin, O Temple and C Walker (substitute for A Laing)

Apologies:
Apologies for absence were received from Councillors A Bell, P Gittins, A Laing, A Naylor and M Simmons

Also Present:

N Carter (Solicitor - Planning and Development), F Clarke (Principal Planning Officer - Consett Area Office), S Pilkington (Planning Officer) and D Walker (Committee Services Officer)

1 Minutes of the Meeting held on 24 March 2011

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

In response to a query from a Member, the Principal Planning Officer gave an update to the Committee on the St Ives Road application which had been deferred at the last meeting. Advice had been sought from Building Control and confirmation was being awaited from the applicant that he was prepared to accept conditions relating to timescales and a schedule of works. A report would be brought to the next meeting of the Committee.

2 Declarations of Interest (if any)

Councillor B Bainbridge declared a personal interest in application 2/10/00146/FUL as her husband was the Divisional Member and had requested that the application be determined by Committee.

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

Note: The order of applications on the agenda was varied to allow those applications where speakers had registered to address the Committee to be heard first.
3a 2/10/00146/FUL - St Barnabas Nursery Garden, Waldridge Lane, Waldridge, Chester-le-Street, Co. Durham

Erection of 1no. agricultural workers dwelling and detached garage in association with existing nursery enterprise

The Principal Planning Officer (North Area Office) presented her report on this application, Members having visited the site on 27 April 2011.

The application sought consent for the erection of a horticultural workers dwelling on the site of the nursery and was recommended for approval subject to conditions.

Mr Stabler, the applicant, addressed the Committee to thank the Planning Officers for their advice and assistance in relation to the application, and to thank the Committee for their time in determining the application. He indicated that he would be pleased to answer any questions Members may have on the application.

Resolved: That the application be APPROVED subject to the conditions as set out in the report.

3b 1/2011/0028 - Land to the south of Lime Street, South Moor, Stanley, Co. Durham

Substitution of 20 plots (plots 51-61 and 77-85) to be substituted with 13 plots (51-57 and 77-85)

The Principal Planning Officer (North Area Office) presented her report on this application.

This site was currently being developed and consent was sought for a variation of the number of houses on the development as part of the next phase of construction. The application was recommended for approval subject to conditions.

In response to a question about the requirement for affordable housing on the site, the Principal Planning Officer advised Members that the former Derwentside District Council had not had a Policy relating to affordable housing and therefore when the development had originally been approved there had been no requirement for affordable housing. The development site was located on the south west edge of South Moor, this area being characterised by terraced dwellings which were considered to be affordable in nature. Officers felt therefore that there was sufficient provision in the area to maintain a balanced community.

Members also noted that the Sustainability Officer had recommended that a condition should be included requiring 10% renewable energy if permission were to be granted and queried why such a condition was not included in the recommendations. In responding, the Principal Planning Officer explained that this application sought to vary the house types on the site and it was necessary to consider the whether it was reasonable in planning terms to
impose such a condition, particularly as none had been included in the original permission for the site. If this were a new application, such a condition would be included, but in this case the original permission had been granted without the condition and it was still open to the developer to implement that permission if they so wished. While noting the Principal Planning Officer’s advice, some Members expressed regret that it energy efficiency measures could not be required on the development.

An objector to the development had commented that the proposal would increase the flood risk to their property, and Members sought reassurance that this would not be the case. The Principal Planning Officer explained that the original permission required a flood risk assessment to be undertaken. This had been provided and made a number of recommendations, all of which the developer had complied with. The Environment Agency had also been consulted on the application had were satisfied with the measures in place.

**RESOLVED**

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

3c 1/2011/0072 - Land to the south of Rogerley Terrace, Catchgate, Stanley, Co. Durham
Substitution of 27 plots (8-11, 51-70 and 122-129) to be substituted with 21 plots (205-207 and 211-229)

The Principal Planning Officer (North Area Office) presented her report on this application which sought consent to vary the number of houses on the development as part of the next phase of construction and was recommended for approval subject to conditions.

The Principal Planning Officer advised that one late representation had been received which related to loss of privacy and antisocial behaviour as a result of the proposed footpath, but explained that the footpath had been included on the original plans and was not a new feature related to this application.

In response to a question from a Member, the Principal Planning Officer confirmed that the commuted sum payments would be required and a revised s106 agreement would be entered into.

**RESOLVED**

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

3d 2/11/00030/VAR - West Farm, Waldridge Lane, Waldridge, Chester-le-Street, Co. Durham
Section 73 variation of condition two of application 08/00227/FUL to allow for a 300mm reduction in ground levels to Plots 2 & 3 to 100,950,
and changes to the type and positioning of windows to the rear and side of plots 2 & 3. Reduction in ground levels to Plot 24 of 225mm to 99,675, change to a hipped main roof, reduction in eaves height of 300mm and reduction in ridge height of 200mm

The Principal Planning Officer (North Area Office) presented her report on this application.

Consent was sought for the reduction in ground levels of plots 2 and 3, a change in window type and position to the same properties and a reduction in the ground level of plot 24 and a change in roof design of the same property.

The application was recommended for approval subject to no material planning objections being received and the applicant entering into a s106 agreement. The applicants had indicated that they wished to make the required payment prior to permission being granted, and accordingly Members were requested to approve the application subject to the entering into of a s106 agreement or payment being made upfront.

The Principal Planning Officer was asked why the issue with the privacy distances had not been dealt with when the original permission had been granted, and in responding, advised the Committee that these matters had only been raised when on-site works had commenced and the impact had become apparent.

**RESOLVED**

That the application be APPROVED subject to no new material planning objections being received and the entering into of a s106 agreement to secure the following:

(a) The payment of £10,500 for the provision of open sporting land in the locality;
(b) The payment of £14,000 for the provision of public art in the locality;

and the conditions as set out in the report.

4 Appeal Update

4a Appeals Received

The Principal Planning Officer (North Area Office) gave details of an appeal which had been made to the Planning Inspectorate in respect of the North Durham area since the last meeting.

An appeal had been lodged against the Council’s refusal to grant planning permission for the demolition of a barn and erection of an agricultural workers dwelling at Steeley Farm, Satley, Co. Durham.
The appeal was to be determined under the hearing procedure and Members would be informed of the outcome in due course.

4b Appeal Decisions

The Principal Planning Officer gave details of the following appeals which had been considered by the Planning Inspectorate.

(i) An appeal had been lodged against the Council’s refusal to grant planning permission and a subsequent enforcement notice for the erection of a detached ancillary building containing a pool, gym, library, storage, kitchen and bar area to the rear of 3 Front Street, Burnhope.

The application had been refused as it was considered to be unreasonable in terms of scale in relation to the intended use and therefore not incidental to the enjoyment of the dwellinghouse. In addition, the ancillary building was not located with the residential envelope of the settlement and was therefore contrary to policies GDP1, EN1, HO19 and BI1 of the Local Plan. It was also considered that the appearance of the building was not in keeping with that of an outbuilding associated with a residential dwelling and was contrary therefore to Policies GDP1 and EN1, and that the building was an unacceptable encroachment into the countryside and therefore contrary to Policies GDP1 and EN1.

A planning enforcement notice had been served on 16 August 2010 requiring the building to be reduced to one storey, the building to be reduced in height so as not to exceed 4m and the footprint to be reduced to not more that 117.1sqm.

The enforcement notice took effect on 1 October 2010 with a compliance time of 6 months.

The Inspector found that the development was contrary to Policies GDP1, EN1 and BI1 of the local plan and the building was deemed to be harmful in appearance and character owing to its large size and distance from the host dwelling.

The appeal was therefore dismissed and the enforcement notice upheld and planning permission refused.

The timeframe for compliance with the notice was six months from the date of the Inspector’s decision with all works being required to be completed by 1 October 2011.

(ii) An appeal had been lodged against the issue of an enforcement notice requiring the removal of four containers from agricultural land to the north of the Aged Miners Homes, Quebec, Co. Durham.
Complaints had been received in November 2007 in relation to the location of the containers adversely affecting the residential amenity of the area. The landowner had given an undertaking that the containers would be on the site for a maximum period of 12 months while an application could be determined for an agricultural building on the site.

An application had been lodged in November 2008 for the erection of an agricultural store and shelter but was refused by Derwentside District Council on 25 March 2009 as being contrary to Policies GDP1, AG3 and EN1.

An appeal against the refusal was submitted and was dismissed by a Planning Inspector. The appeal decision was reported to Committee in January 2010 when Members authorised the taking of enforcement action.

An enforcement notice had been issued and took effect on 18 October requiring the removal of the containers within 28 days. An appeal had been lodged on 12 October 2010 and was determined by an Inspector on 24 March 2011. The Inspector dismissed the appeal as he felt that the containers had an adverse impact on the surroundings and amenity of nearby residents and should not be allowed to become a permanent fixture of the landscape. The Inspector did however conclude that there was a need for agricultural storage and varied the time for compliance from 28 days to 12 months to allow the appellant to seek approval for alternative proposals and to implement them.

(iii) An appeal had been lodged against the Council’s refusal of planning permission for the change of use from agricultural to isolation paddock at land north west of Sukura, Croft Terrace, New Kyo, Stanley.

The application was refused on the grounds it was contrary to Policies AG3(a), EN1, EN2 and TR2 of the Local Plan.

The appeal had been determined by written representations and been dismissed. An enforcement notice had also been served on the site and subsequently appealed, the appeal being dismissed.

The Inspector found that the development was contrary to Policies EN1, EN2 and AG3 of the Local Plan as the works were deemed to encroach into the surrounding countryside and be harmful to the appearance and character of the area. The Inspector also felt that the development would be detrimental to highway safety, contrary to Policy TR2 of the Local Plan.

**RESOLVED**

That the report be noted.