

## **DURHAM COUNTY COUNCIL**

### **AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)**

At a Meeting of **Area Planning Committee (Central and East Durham)** held in Council Chamber - Easington Locality Office, Seaside Lane, Easington on **Tuesday 10 May 2011 at 1.00 pm**

#### **Present:**

**Councillor C Walker (Chair)**

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

Councillors J Bailey, A Bell, J Blakey, G Bleasdale, J Brown, P Charlton, D Freeman, S Iveson, R Liddle, J Moran and M Plews (Vice-Chair)

#### **Apologies:**

There were no apologies for absence submitted.

#### **Also Present:**

A Simpson (Development Control Manager - Durham City Area Office), A Dobie (Principal Planning Officer - Easington Area Office), S Eldridge (Development Control Manager), G Folley (Planning Officer - Easington Area Office), A Inch (Senior Planning Officer - Durham City Area Office), C Harding (Planning Officer - Durham City Area Office), N Carter (Solicitor - Planning and Development), B McVicker (Highways Officer) and P Nicholson (Committee Services Officer)

#### **1 Minutes of the Last Meeting held on 12 April 2011.**

The minutes of the meeting held on 12 April, 2011, were confirmed as a correct record by the committee and signed by the Chair.

#### **2 Declarations of Interest (if any).**

There were no declarations of interest submitted.

#### **3 Applications to be determined by the Area Planning Committee (Central & East Durham).**

##### **3a PL/5/2011/0118 - The Phoenix, Stockton Road, Seaham, SR7 0HJ. Installation of ATM Machine, Service Door and Bollards.**

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for approval. The Principal Planning Officer explained that members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

Councillor Bleasdale raised concerns with regard to Highways having no objections to the proposal.

The Highways Officer advised the Committee that Highways were unable to object to the application as it was only for an ATM machine and not for the change of use of the premises but alterations had been made to the car park access.

**Resolved:** That the application be **APPROVED** subject to the conditions contained in the report.

**3b PL/5/2011/0106 - Peterlee Parachute Centre, Shotton Colliery, DH6 2NH. 15M Telecommunications Pole, 6 No. Antennas and Associated Equipment.**

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for approval. The Principal Planning Officer explained that members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

Councillor Todd the Local Ward Member indicated that he had received representations from residents and Shotton School. Concerns were raised with regard to the effects of Health on hundreds of children who attended the School. He indicated that there were arguments on both sides and the situation with regard to the effects was not clear so he would ask that members err on the side of caution as the antenna could be placed further into the estate. He asked that members consider the possible adverse effects on school children and residents.

Ms Ramshaw speaking on behalf of Shotton Primary School indicated that 400 children attended the school and they needed to know that they were safe now and in the next 10 years. There was no real firm grounds to say 100% sure that there was no harm to children. The Health and Safety of pupils must come first and they had great concerns of a new mast so close to the school.

The Principal Planning Officer (Easington Area Office) indicated that he sympathised with the school but planning could only go on the advice provided by the Government and that all the necessary requirements had been met. He also indicated that there was a current mast in close proximity which was granted approval last year and refusal would be difficult to justify in view of the close proximity of the other mast.

Councillor Charlton indicated that she did not know how the application could be refused in view of the close proximity of a current mast at the site.

Councillor Blakey asked if there was an alternative site. The Principal Planning Officer indicated that this site was the preferred option.

Councillor Bell indicated that he was unable to support the application as he was not convinced that the option to share the current mast had been fully investigated and the parachute centre owned land which was further away from residents and the school which could be used.

**Resolved:** That the application be **APPROVED** subject to the conditions contained in the report.

**3c PL/5/2011/0073 - Land at Mill Hill, Peterlee.  
Extension of Time Limit for Implementation of Planning Permission Ref No. PLAN/2008/0102 for Industrial Units (B1, B2 and B8 Use) Including Small Retail Unit (Outline).**

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for approval. The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report and asked that a renewable energy clause be included in the conditions

**Resolved:** That the application be **APPROVED** subject to the conditions contained in the report and the inclusion of a further condition for renewable energy.

**3d PL/5/2010/0581 - Lake Lane Stables, Moore Terrace, Shotton Colliery.  
Variation of Condition No. 2 of Planning Permission Ref No: Plan/2007/0536 for Change of Use to Mixed Use as Stable Yard(Authorised) and Caravan Site for Stationing of Three Residential Caravans with Associated Works (Surfacing of Yard, Repairs to Boundary Wall/Fencing) for Occupation By Single Traveller Family.**

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended the application for approval. The Principal Planning Officer explained that members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

Councillor Charlton asked if a further condition could be included to ensure that the wall was repaired within a required timescale. The Principal Planning Officer indicated that this condition could be imposed.

Councillor Moran sought clarification on whether the approval for three caravans would be for three families and whether the sanitary facilities were satisfactory. The Principal Planning Officer advised that the previous approval was for one extended family. The Case Officer confirmed that the sanitary facilities had been used for the last 3 years.

**Resolved:** That the application be **APPROVED** subject to the conditions contained in the report and the inclusion of a further condition to require the wall to be repaired within a required timescale.

**3e 4/10/839/FPA - Unit 9 (Former Allied Carpets) Durham City Retail Park, McIntyre Way, Durham, DH1 2RP.  
Use of Unit 9 for A1 retail including sale of cosmetics, pharmaceutical products and ancillary chemists products including food products from 5% of net sales floorspace.**

Consideration was given to the report of the Development Control Manager (Durham City Area Office) which recommended the application for approval. The Development Control Manager explained that members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report and asked that the wording of the conditions be revised as suggested by the applicant.

Councillor Thomson the Local Ward Member indicated that he was disappointed at the public response to the application which he believed was due to most locals not been aware of the application. He referred to three chemists already in the area which had already been affected when the Tesco Pharmacy opened. If the local pharmacies closed people without transport could not access Boots. The application would have an adverse effect on local retailers and he suggested that the evidence could be seen in the number of local shops which had already disappeared. He indicated that a large Boots store was not required at the retail park and would urge the application to be refused.

Councillor Howarth speaking on behalf of Belmont Parish Council echoed what had been said by Councillor Thomson. She referred to page 46 paragraph 20 of the report which was the only paragraph which concentrated on the local impact of a further pharmacy. She indicated that she did not know how local chemists could not be affected, if Boots opened it would take trade away from current pharmacies and people who did not have transport could not access Boots. Local chemists were scattered about which were accessed by people on foot who were older people. She asked that members think about their own areas.

Mr Blatchford speaking in support of the application indicated that a comprehensive report had been submitted by officers and he would concur with the officer's recommendation. He went on to say that the unit had been vacant for nearly 2 years and had made no contribution to the local community. A licence had already been granted by the NHS and the Retail Park was included on the latest approved list of Site for Pharmaceutical Services. Boots had also agreed to contribute £20,000 to support the Council's Heart of the City Shop front initiatives. There would be no material impact on the City Centre or Pharmacies which was supported by evidence of other Boots chemists which were located on out of town sites.

The Development Control Manager indicated that the NHS encouraged accessibility to pharmacies in areas such as retail parks where people already visit in numbers and that a licence had already been granted. This application was an acceptable use and in his opinion did not feel the effects were sufficient to refuse the application.

Councillor Moran sympathised with the other pharmacies but indicated that we live in a world of competition and would move the recommendation of approval.

Councillor Freeman indicated that Durham City Council in 2004 applied conditions so that this type of business was unable to occupy a unit and would support refusal of the application.

The Development Control Manager indicated that the approval granted in 2004 was approved by the Secretary of State and that a condition had been put in place to reduce the impact on local shops. This condition had previously been amended to allow Argos and Sports World to occupy a unit on the retail park to reflect changing patterns of retail activity.

**Resolved:** That the application be **APPROVED** subject to a revision of condition no's 3 and 4 into one combined condition.

**3f 4/11/072/FPA - Gordon Mount, 19 Crossgate Peth, Durham, DH1 4PZ.  
Proposed erection of two storey garden workshop/storage building with tarmac driveway, 1.8m rear garden wall and double gates.**

Consideration was given to the report of the Development Control Manager (Durham City Area Office) which recommended the application for refusal. The Development Control Manager explained that members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

Councillor Holland the Local Ward Member spoke in support of the Officer's recommendation of refusal. He was concerned that the application was retrospective which began without planning permission which was unacceptable and even more so in a Conservation Area. He also indicated that the report of the conservation officer was damning and remedial work should be required.

Mr Cornwall an objector on behalf of residents supported the Officer's recommendation of refusal. He referred to the design objection which was shown as a bullet point on the presentation but was a three page document. He also referred to the building work that had taken place without planning approval which resulted in the loss of a tree and significantly compromised the area. He noted that the proposal was to build a garage and workshop which formed part of the rear garden which would be visible and overbearing for the street scene which would fail to preserve or enhance the area. He also indicated that the proposal was not acceptable and would have a detrimental impact on the area and the Conservation team had indicated that it would be possible to have an outbuilding but should be sensitive to the area. He referred to the proposals being contrary to policies and asked that the application be refused and that Mr Carter be asked to talk to the residents.

Mr Carter the applicant gave a power point presentation to members which showed pictures of the condition of the building and wall when he moved into the property. He indicated that the building and wall had to be removed for Health and Safety reasons and approval was obtained for this. He also indicated that he had an assessment completed on the silver birch tree and was advised that it had to be removed. He also showed pictures of properties either side which showed a two storey garage to the left and pictures of other buildings in the vicinity to demonstrate the typical character of surrounding buildings.

The Development Control Manager indicated that planning had a role to bring a fair and balanced judgement and Conservation were not always right and that the report was to give a balanced view.

Councillor Brown asked if the applicant submitted quality detailed drawings would the application be acceptable.

The Development Control Manager indicated that the plans should show quality of design, he believed in principle that something could be achieved.

Councillor Bailey indicated that he agreed with Councillor Brown and asked if the applicant could come back with further plans.

The Development Control Manager indicated that they could work with the applicant and he could re-submit an application within 12 months without incurring a planning fee.

Councillor Belasdale indicated that there was a double garage and studio on the other side so why was this application recommend for refusal.

The Development Control Manager indicated that the council had a statutory requirement to preserve or enhance a conservation area. The submitted plans did not show that quality would be achieved and that standards had to be maintained and improved and that an application of a lesser standard could not be accepted.

Councillor Bell indicated that after seeing the pictures on the power point presentation of the site before the demolition he was of the opinion that it was improved and suggested that the application be deferred so that the plans could be improved.

Councillor Freeman indicated that the precedent in surrounding properties was not good and that any development must be of a higher quality than those currently in the area.

**Resolved:** That the application be **REFUSED** for the reasons contained in the report.

Councillor Bailey left the meeting at 2.45 pm.

**3g 4/11/127/FPA - Land off Wylam Terrace, Coxhoe, Durham.  
Replacement planning permission to extend time limit of approval  
4/07/999/FPA – erection of 12 no. dwellinghouses with associated  
access and landscaping.**

Consideration was given to the report of the Development Control Manager (Durham City Area Office) which recommended the application for approval. The Development Control Manager gave a detailed presentation on the main issues outlined in the report and asked if a further condition could be included in relation to sustainability.

**Resolved:** That the application be **APPROVED** subject to the conditions contained in the report and a further condition in relation to sustainability.

#### **4 Appeal Update.**

##### **Appeal Decisions**

The Principal Planning Officer (Easington Area Office) gave details in relation to the following appeals, which had been considered by the Planning Inspectorate.

**(i) Appeal by Mrs P Emmanuel  
Site at Poultry Farm, off Dene Road, Dalton-le-Dale, Seaham, SR7 8QW  
Planning Reference PL/5/2010/0408**

An appeal was lodged against the Council's refusal of the variation of a previous approval for the retention and use of a static caravan at the above site for security purposes.

The appeal was dismissed and the Council's decision upheld.

The Inspectorate noted that the security situation was not sufficiently severe that the retention of a large caravan was essential to ensure a reasonable level of protection. It was concluded that the retention of the caravan would have a materially harmful effect on the open character and appearance of the countryside and would be contrary to both Local and National Planning Policy.

The matter was currently being discussed with the applicant in relation to enforcement action.

**(ii) Appeal by Mr D Middlemiss  
Site at Seaton Nurseries, Seaton Lane, Seaham, Co. Durham, SR7 0LT  
Planning Reference- PL/5/2010/0306**

An appeal was lodged against the Council's refusal of Outline planning permission for residential dwellings with all matters reserved at the above site.

The appeal was dismissed and the Council's decision was upheld.

The Inspectorate upheld the decision as it was considered that the proposal would result in residential development outside the established settlement boundaries as identified in the District of Easington Local Plan and would have limited access to community facilities, shops and public transport. It was concluded that the harm that would be caused to the principles of sustainable development and to the character and appearance of the countryside were of over-riding concern and led to the conclusion that the development was unacceptable.

**(iii) Appeal by Cornwall Light and Power  
Site at South Sharpley Farm, Seaton, Seaham, SR7 0NJ  
Planning Reference- PLAN/2008/0355**

An appeal was lodged against the Council's refusal of planning permission for the erection of three wind turbines and associated infrastructure.

The appeal was allowed and conditional approval was granted for the works.

The Inspectorate noted that there was strong support from National policy for renewable energy development where environmental, economic and social impacts can be addressed satisfactorily. In this instance the Inspector concluded that the proposed development would not be unacceptably harmful to the landscape or be likely to be unacceptably harmful to the living conditions of nearby residents. No other considerations were raised which were sufficient to indicate that the proposal should be refused planning permission.

**Resolved:** That the report be noted.