

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, County Hall, Durham on **Tuesday 19 July 2011 at 1.00 pm**

Present:

Councillor C Walker (Chair)

Members of the Committee:

Councillors J Bailey, A Bell, J Blakey, G Bleasdale, P Charlton, D Freeman, S Iveson, R Liddle, J Moran, J Robinson, P Taylor and A Naylor

Apologies:

Apologies for absence were received from Councillor K Thompson

Also Present:

Councillor John Turnbull and Councillor Grenville Holland
A Dobie (Principal Planning Officer - Easington Area Office), C Simmonds (Legal Officer) and J Taylor (Principal Planning Officer - Durham City Area Office)

1 Minutes

The Minutes of the meeting held on 14 June 2011 were confirmed as a correct record by the committee and signed by the Chair subject to Councillors Freeman and Charlton being added to the Members present.

2 Declarations of Interest

Councillor J Blakey declared a prejudicial interest in Application No 4/11/00289/FPA as a Member of Cassop Cum Quarrington Parish Council and Trustee of the Partnership and withdrew from consideration of the item thereof.

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

Note: The order of applications on the agenda was varied to allow those where speakers had registered to address the Committee to be heard first.

3a 4/11/00235/FPA - Plot 4, Bishopgate Nursing Home, 48 North End, Durham DH1 4LW

Consideration was given to the report of the Principal Planning Officer (Durham City Area Office) which recommended 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 Holland, Ward Member explained that he objected to the application. Members would have seen on site, the deliberate building of the dwelling beyond the footprint that had been previously approved. There had been a systematic removal of healthy shrubs and trees. The MP for the area had submitted an objection and he fully endorsed her submission. He urged Members to take notice of the objection letter from the MP and the details within it. The objection drew attention to the significant number of conditions that had been deliberately ignored, no approval had been sought for changes to design or additional windows, the dimension of the dwelling had exceeded the approved drawings by between 5 and 25% and the removal of the trees and shrubs had made matters worse.

It was felt that the application should be refused as it breached many conditions of the original planning permission. If it was truly a new application then it contravened a number of planning policies such as E14, E16, H13, E32, Q5, Q6, Q8 and Q9. The key principles that had been breached could not be viable or acceptable and he urged the committee to refuse the application.

Mrs O'Boyle, an objector circulated photographs which showed the outlook prior to the development commencing and various stages of it. She commented that the local plan was in place to ensure that new housing developments did not have an adverse impact on residents and their amenities. Residents had not objected to the original application as they felt it was suitable and the screening had provided some protection of amenity. The extensive trees should have been protected with Tree Preservation Orders.

The Planning Officers report referred to the size and scale of the dwelling. She added that there was a 23% increase in the height and the installation of the hip roof would not mitigate the overbearing impact it would have on residents. The house was over dominant which was the view of over 40 residents.

There was not enough space to provide sufficient screening. The Planning Department had shocked many residents by their recommendations who felt it was unsympathetic to their amenity. The dwelling was obtrusive and visible from the A167. It was not in the Conservation Area but did not mean that it should be allowed. The gable and the height was for unapproved extra living space for the applicant.

Discussions had taken place with Northumbrian Water who had advised that they had not received any scheme for surface drainage. There had been incidences in heavy rainfall where the area had been full of springs and water. It was felt that the application should be refused and the Committee support residents amenity.

Mr Iley explained that he was the agent for the applicant. He had been requested to build on the previous design. Changes to the design had been negotiated with the Planning Officers and the roof pitch was to be replaced to match the adjacent properties and reduce the effect it would have on residents. One of the windows had been removed but all other aspects were identical to the original application. He felt that the roof height was insignificant. The dwelling conformed to policy in terms of scale and size and met the privacy and amenity distances.

The Principal Planning Officer commented that the height was not insignificant in its own right, but Officers had considered this in the context of what had been built. The roof height was an extra 1.8m which had been considered not materially harmful as there were generous distances to the neighbouring properties and would thus not appear overbearing. Some more recent housing estate layouts had a closer inter-relationship than existed here. The hedge removal was regrettable although there was a condition to be attached if approved, regarding boundary treatment and replacement landscaping which would be enforced.

The applicant had built the dwelling without fully discharging the conditions therefore a temporary stop notice had been served. The Council would be ensuring all relevant conditions were discharged correctly. With regard to drainage, the applicant would be required to submit a water drainage scheme in liaison with Northumbrian Water. The scheme had been assessed on its merits and relationship with existing properties. It was considered that there would not be an impact on residential amenity and felt that the design was a significant improvement.

Members commented that the increase in height was significant, it was unacceptable that developers did not adhere to the planning permission and conditions imposed. Although the hip roof was an improvement, the impact would have an adverse effect on the amenity of residents. More checks should also be carried out when planning conditions were being discharged.

Councillor Charlton queried if the height of the roof could be reduced to the original plans. The Principal Planning Officer explained that the increase in height was to accommodate the extra space required in the roof for living accommodation.

Councillor Taylor commented that planning authorities must be seen to be reasonable and queried if they could be deemed to be unreasonable if the application was refused. Mr C Simmonds, Solicitor explained that the planning system was not punitive, the development was required to be acceptable in terms of local plan policy. The original planning permission could be implemented as a fallback if the application was refused.

Councillor Moran commented that the land sloped away and the ridge roof was in line with existing properties. When the conditions relating to boundary treatment were discharged, the overlooking in the neighbouring gardens would be alleviated.

Councillor Bell commented that it was regrettable that the dwelling had been built, however, the Council needed to assess the application on its merits. The dwelling was in line with adjacent properties on the site and the only area that was

overlooked was residents' gardens. The hip of the roof would help alleviate the problems and overbearing impact that residents felt existed.

Councillor Moran queried if there was any evidence of flooding. The Principal Planning Services Officer advised that there was no evidence of flooding on the site visit. Local intelligence suggested that there was localised surface water issues which would be addressed in so far as the development by condition.

Members queried the procedure if the application was refused. The Principal Planning Officer explained that if refused, the applicant could appeal the decision and the Council could not force the developer to revert to the original application pending the outcome. If the appeal was unsuccessful the Council could then take enforcement action.

Councillor Blakey queried if the stop notice would continue. The Solicitor advised that a temporary stop notice was issued which ran for a maximum of 28 days. A full stop notice could only be issued when enforcement action was being pursued. Once an appeal was lodged, enforcement action could not be taken until the outcome was known.

Councillor Bleasdale recommended that the application be refused on the impact of the size and scale of the development to residents and residential amenity.

RESOLVED that the application be refused due to its size and scale and the impact of the development on residential amenity.

3b 4/10/00625/OUT - Lowfield Bungalow, Foundry Row, Coxhoe, Durham DH6 4LE

Consideration was given to the report of the Principal Planning Officer (Durham City Area Office) which recommended 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.

Mr Llewelyn, an objector explained that he was a resident of Basic Cottages and was making representations on behalf of the residents and himself. Concerns related to the access arrangements which were felt to be unsustainable for an additional 9 dwellings. The upgrading of the road was flawed as the property ran from the main road to the entrance of the bungalow only. The increase in the traffic was a major concern especially for residents with children.

He was aware that there had been a previous planning application nearby that had been deferred pending the publication of the Parish Plan and felt that the application should also be deferred.

Davis Planning Partnership had made comments in January 2011 stating "that the new proposed dwellings and associated access would mask the unsightly view of the gardens in Basic Cottages". Residents felt that the remark was insulting to them and all the inhabitants of Coxhoe.

Mrs Davis, the agent referred to the comments from the Parish Council that stated that the land was not within the SHLAA. The land had been identified as a 'green' site in the SHLAA. Officers had assessed the application and recommended it for approval.

The Principal Planning Services Officer advised that highway safety concerns had been assessed by Highway Officers and could withhold the increase in the volume of traffic. The SHLAA tended not to include smaller sites but this site had been included in the SHLAA as land suitable for development.

Councillor Blakey commented that businesses would use the road and queried if it would be suitable for them. The Principal Planning Officer explained that the upgrading of the road would make it safer for existing business and residents.

Members commented that it was a nice area and was unfortunate that Basic Cottages would lose their panoramic outlook but was not a material planning consideration. They sympathised with residents on the adverse comments made about the street.

Councillor Charlton commented that as a precedent had been set for deferment until the Parish Plan was published, she felt that the application should be deferred.

RESOLVED that the application be approved subject to the conditions outlined in the report.

3c 4/11/00289/FPA - Land at Former Cape Asbestos Works, Durham Road, Bowburn, Durham DH6 5NG

Consideration was given to the report of the Principal Planning Officer (Durham City Area Office) which recommended 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 Blakey explained that she was objecting as a Ward Member. The previous application on the site was conditioned on providing a safe crossing point for residents of the estate upon 25 houses being occupied. There was now approximately 50 houses occupied and residents were finding it difficult to cross the road safely. The developers had not made any attempt to make arrangements for the crossing to be installed. A rat run could also be created through the estate to Henderson Doors site.

Mr A Glenwright, Highways Officer explained that the signalised crossing order had been placed with Durham County Council's construction operation, Service Direct and based on their works programme should be installed in September 2011.

At this point, Councillor Blakey withdrew from the meeting.

RESOLVED that the application be approved subject to the conditions outlined in the report.

3d 4/11/00328/FPA - The Masons Arms, Bells Hill Road, West Rainton, Durham DH4 6SQ

Consideration was given to the report of the Principal Planning Officer (Durham City Area Office) which recommended 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.

RESOLVED that the application be approved subject to the conditions outlined in the report.

3e 4/11/00352/FPA - Stoneacre Garage, Sawmills Lane, Brandon, Durham DH7 8AB

Consideration was given to the report of the Principal Planning Officer (Durham City Area Office) which recommended 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 Turnbull, Ward Member explained that Stoneacre had previously been owned by two other car retailers which had arrangements in place for customers and staff to park at the rear of the garage. Stoneacre had taken over the site and expanded its business which resulted in cars parking on the main road and side streets. The lay bys in front of Moorside had been built for the tenants of those houses but they couldn't park their cars because of the overspill from the garage.

The greenbelt land was owned by Durham Villages Regeneration Company and it was disappointing that it would be disappearing. It was felt that car parking for customers and staff at the front with hedging to screen it from the road could be a more suitable solution.

The business had outgrown the area and if extra parking was agreed, he felt that more cars would be for sale and the customer parking would move onto the main street causing even more havoc than at present. There were over 20/30 cars parking daily on the highway. Problems were experienced by parents trying to get their children to school safely, pushchairs and wheelchairs were having to egress onto the main road because they couldn't use the footpath because of parked cars. The school patrol had resigned after 22 years as she felt she couldn't keep the children safe any longer.

Stoneacre had been approached on numerous occasions and been requested to move the cars off the highway. The current situation was unacceptable and he requested details of conditions that would be imposed to ensure staff and customers adhered to allocated parking arrangements.

Councillor Turnbull commented that he had recently been travelling on public transport which had been held up for 15 minutes as it had been unable to turn the corner because a car transporter had blocked the highway whilst unloading at the garage.

Mr Longstaff explained that he was the agent for the applicant who recognised the need for a resolution to the car parking problems. The application sought to provide a suitable solution and would allow for much needed improvements. Car parking would be designated on site for staff and customers to the rear together with MOT and storage. There was also sufficient space for the transporter to unload. Highways Officers had raised no objections although he was aware that the Highways Committee had recently approved no waiting, no loading restrictions in front of the premises. It was felt that the planning application and the highways restrictions that were to be implemented would go a significant way to addressing the highway problems that currently existed.

Mr Glenwright, Highways Officer explained that the Highways Committee held in June 2011 had approved extensive no waiting, no loading restrictions in front of Stoneacre. There would be a no waiting limit in front of the garage although there would be some parking allowed on the main road. Parking on the main road acted as traffic calming, lowered vehicle speeds and restricted speeding. The highways measures would be implemented in September 2011 and be monitored and reviewed. Should further restrictions be required then further reports would be considered by the Highway Committee.

The Principal Planning Officer reported that since the report was written, five new letters of objection had been received although there were no new grounds other than the ones reported. There were 70 car parking spaces at present that were uncontrolled and the application was submitted to alleviate concerns of local residents and crucially control how the spaces were apportioned. This would ensure a set amount of spaces for customers and staff.

Councillor Taylor explained that he was the local Member and was disappointed with the Planning Officers report as he thought the application would address the highway problems that were being experienced. He believed that the reason for the application was to increase sales and not to address highway safety. The highway restrictions that had been agreed by the Highways Committee had been as a result of consultation with local Members, the Parish Council and residents groups.

He had received numerous complaints and reports from residents since he became a Councillor in 2003 regarding the garage. Stoneacre was welcomed into the community and he wished it to thrive and provide jobs for the area. The garage had never initiated any ideas to resolve the highway problem and he had suggested at one stage car sharing for employees. It was felt that the garage had no community responsibility.

Councillor Taylor explained that he had seen wheelchair users forced to use the carriageway as there were cars parked on the dropped kerbs and mothers unable to pass safely with pushchairs. He had counted 25 cars in relation to the garage on the site visit that morning. On numerous occasions he had asked the garage to move cars but they just paid lip service and took no action.

The school patrol crossing had resigned her post as she felt she was unable to keep the children safe. He felt that the proposals would exacerbate the problems,

he had never known any business to extend the sales area if they didn't want to extend sales. The car park at the rear was insufficient at present and the increased sales and traffic would make matters worse.

Local residents had to live with the disturbance caused by the number of cars parked. It took approximately 6 weeks to get the garage to turn the lights off in the showroom during the night and felt that there needed to be a much improved relationship with the garage.

Councillor Robinson queried if the customers could park at the front and staff at the rear be placed into a planning condition. The Principal Planning Officer explained that condition 3 reserved agreement of layout at a later date and there was a potential for a compromise in placement of the spaces should Members approve the application.

Councillor Taylor commented that the Parish Council's suggestion of a customer car park to the front with suitable screening would be acceptable but must be strictly adhered to with a planning condition.

The Chair queried if the suggestion would be acceptable to the company. Mr Longstaff explained that he would be happy to negotiate or defer to have discussions with local Members and the applicant.

Councillor Blakey suggested that the application be deferred pending further negotiations with the applicant, local Members and Planning Officers on a mutually acceptable scheme.

RESOLVED that the application be deferred.

3f PL/5/2010/0497 - Village Farm, The Village, Murton SR7 9RP

Consideration was given to the report of the Principal Planning Officer (Easington Area Office) which recommended approval. The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report.

Mr Murray, the agent explained that the site was in a sustainable location and provided a high quality development adjacent to the village green. The developers were looking to remove the grasscrete track currently used for farm access which would improve the village green.

He referred to the s106 agreement and commented that although he was aware it was a private issue he requested that it be waived in order to deliver a high quality development in the current economic climate. The financial contribution required for the development to go ahead was ten times more than the s106 agreement amount. The developer felt that they were already contributing a substantial amount to the community.

Councillor Bell commented that the Council was frequently asked to waive S106 agreements to make a development viable and queried if it was possible. The Solicitor advised that it was Council policy for developments to provide either onsite

play facilities or a contribution towards play facilities in the locality. If the land had been owned by a private landowner then there would have been no question of waiving the s106 agreement. It was a private commercial matter and a precedent could be set if the Council wavered the agreement.

RESOLVED that the application be approved subject to the s106 agreement and the conditions outlined in the report.

4 Appeal Update

Appeals Received

The Principal Planning Officer (Durham and Easington Area Office) gave details of the following appeals which had been lodged with the Planning Inspectorate:

- (i) Appeal against the Council's refusal to grant retrospective erection of a raised platform with handrail at Eagle Hall, Sunderland Road, Hawthorn
- (ii) Appeal against the Council's refusal to grant planning permission for the demolition of existing yard wall and detached garage in association with erection of two storey extension to existing dwelling with first floor link and erection of new two storey dwelling to side of 66 Claypath, Durham

Decisions Received

- (i) Appeal against the Council for non determination of an application for the change of use from office, administration and canteen building to be used in addition for agricultural worker's accommodation at Site of Hastings House Farm, Littleton.

Appeal allowed and conditional approval granted.