

# DURHAM COUNTY COUNCIL

## AREA PLANNING COMMITTEE (SOUTH AND WEST DURHAM)

AT A MEETING of the AREA PLANNING COMMITTEE (SOUTH AND WEST DURHAM) held in the COUNCIL CHAMBER, TEESDALE HOUSE, BARNARD CASTLE on THURSDAY 6 JANUARY 2011 at 2:00p.m.

### PRESENT:

**Chairman**                    **COUNCILLOR M DIXON**

### Members of the Committee:

Councillors D Burn, K Davidson, P Gittins, A Hopgood, G Richardson and J Wilkinson

Apologies for absence were received from Councillors M Campbell, E Paylor, J Shuttleworth, R Todd and E Tomlinson

### Officers:

David Walker (Principal Planning Officer), Chris Baxter (Senior Planning Officer), Matthew Gibson (Planning Officer), Charlie Colling (Planning Officer), Chris Simmonds (Legal Adviser), Alan Glenwright (Senior Professional Assistant - Highways) and Jill Errington (Democratic Services)

### A1    **Declarations of interest**

There were no declarations of interest received.

### A2    **Minutes**

The Minutes of the meeting held on 9 December 2010 were confirmed as a correct record and signed by the Chairman.

*Note: With the agreement of the Chairman, the order of applications on the agenda was varied following a request from a registered speaker for application numbered 7/2010/0308/DM*

### A3    **Applications to be determined by the Area Planning Committee (South and West Durham)**

**7/2010/0306/DM – Erection of 8 no. dwellings with associated landscaping (including allotment gardens) at the former garage site, Baliol Road, Newton Aycliffe**

The Principal Planning Officer (Spennymoor) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had taken place earlier that day.

The Committee was addressed by Mr J Lawson, on behalf of neighbours and friends. Mr Lawson referred to the quality of the consultation carried out by consultants on behalf of Sedgefield Borough Homes (SBH) stating that the deadline for response had passed before letters had been received by residents about the proposals, there were no contact details provided for SBH and he had not received a satisfactory response to an e-mail he had sent with regard to the development.

He continued that he objected to the loss of garages. His occupation required him to store medical equipment in his car overnight when he was on call, therefore a garage was required for security purposes and it needed to be close to his home. In addition those residents who lived in flats used their garages for storage and he was aware of 8 other residents who were affected by the proposals but had not been consulted.

A further concern related to road safety. The proposed dwellings would be located on a narrow bus route and a bend in the road. The plans for in-curtilage parking would result in vehicles manoeuvring onto an already congested road, adding to existing road safety problems. The loss of garages would increase on-street parking, causing more congestion.

Members were provided with 2 photographs showing the bus route during the spell of adverse weather conditions towards the end of 2010. The Principal Planning Officer considered that the situation shown on the images was not unusual bearing in mind the weather conditions.

Mr Lawson considered that the planning application had not been well-researched, he was aware of only one resident who was in agreement with the in-curtilage parking provision, and the local residents did not agree with the statement that the area was unsightly with evidence of anti-social behaviour in the location of the garages.

To conclude he stated that the proposals were similar to an application for a scheme at The Manse which had been withdrawn, and he considered that this development should be refused for the reasons he had given.

Ms N Quacquarelli, the applicant's agent stated that as a new organisation, SBH did not have its own Development Team and had therefore appointed Savilles Consultants to undertake consultation on their behalf. When the housing stock had been transferred from the former Sedgefield Borough Council, one of the provisions of the transfer was to develop new housing. This infill development sought to achieve this and would improve the environment in proximity to existing stock.

She continued that the scheme would enable SBH to provide affordable housing, for which demand was high, as demonstrated by the number of bids received.

SBH appreciated the concerns expressed in relation to the garages but assured residents that SBH would work closely with affected tenants to ensure that their needs were accommodated. They would also give tenants as much notice as possible to reach a solution that was suitable for all concerned. She added that

there would be one in-curtilage parking facility per property and therefore it was unlikely that the development would add to congestion.

To conclude, Ms N Quacquarelli stated that the garages were unsightly with problems of anti-social behaviour and this development would help to reduce the possibility of nuisance occurring as well as serving to improve the area aesthetically.

The Principal Planning Officer pointed out that the consultation procedure referred to by Mr Lawson was that commissioned by SBH. The consultation carried out as part of the planning application process had been extensive. With regard to Mr Lawson's comments about The Manse, he clarified that this had been an application for four properties which had been withdrawn because of concerns regarding over-development, however a further application had been submitted reducing the number of properties to two on the east of the site, and this had been approved.

In response to a question from a Member, the Highways Officer confirmed that in highway terms there were no objections to the proposal. The bus route was narrow but there were already other sections of on-street parking in the vicinity, and he did not consider that this development would add to the congestion further, particularly as the new properties would have parking facilities.

Responding to a further question, Mr I Brown from SBH stated that that SBH currently had 64 vacant garages of which only half were within a 15 minute walk. He assured Members that as much notice would be given to tenants in order to find suitable alternative provision.

A Member asked if parking would be provided for the proposed allotments. The Principal Planning Officer advised that there was no provision for parking within the scheme as the allotments were intended to be for the use of local residents.

In discussing the application, Members acknowledged that there was a need for affordable housing, that the Highways Officer had not objected to the proposed development and that there were provisions within the scheme to accommodate the loss of garages. A Member also stated that whilst there were some reservations about parking issues, he did not consider that this development would significantly add to the problems already experienced in the location.

On the basis that the benefits of the application outweighed the concerns about parking and congestion, Councillor Davidson proposed that the application be granted subject to conditions; this was seconded by Councillor J Wilkinson.

**RESOLVED:**

That the application be approved subject to the conditions detailed in the Officer's report to the Committee.

## **7/2010/0308/DM – Erection of 6 no. dwellings with associated landscaping on land at Clarence Chare/Palmer Road, Newton Aycliffe**

The Principal Planning Officer (Spennymoor) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had also taken place earlier that day.

The Committee was addressed by Mrs C Rollo who spoke firstly on behalf of the occupiers of 4 Hylton Road, stating that their objections related to the south side of the development.

Mrs Rollo advised that the couple's concerns related to the loss of their two garages, both of which currently stored a classic car. Neither of these vehicles were roadworthy and the couple were concerned at the potential cost of moving them. They were elderly and needed garage accommodation in close proximity to their home. They had forwarded their concerns to SBH without response.

With regard to her own concerns, Mrs Rollo explained that she had a severely disabled daughter and the garden was the only area she could use independently. If the development was approved the garden would be permanently in shade and she asked if SBH would provide her daughter with a playroom to replace this loss of amenity. She considered that this development should not affect her daughter's quality of life and that her needs were as important as those people waiting for housing. She added that there appeared to have been little assessment of other nearby sites which may be more suitable.

Members were provided with two photographs by Mrs Rollo, and the Principal Planning Officer explained to Members the location of Mrs Rollo's property in relation to the proposed development.

Ms N Quacquarelli stated that the comments she had made in respect of the previous application also applied to the proposed development at Clarence Chare/Palmer Road.

In response to a question in relation to assisting the elderly couple of 4 Hylton Road, Mr Brown advised that SBH did appreciate the concerns of tenants and would discuss their situations individually to assess needs. However, he could not guarantee the payment of compensation to garage tenants.

A Member stated that he sympathised with Mrs Rollo's position and asked that SBH take into account her situation if the application was approved. Mr Brown advised that, if approved he would arrange for an Officer from the Development Team to visit Mrs Rollo to discuss her needs, and would also ensure that all residents were kept informed as the development progressed. A Member acknowledged that SBH had acted responsibly to meet the needs of the residents affected by the proposals but stressed the importance of continuing to do so.

In discussing the application, Members acknowledged the need for affordable housing, that SBH proposed to discuss Mrs Rollo's situation with her, and that there was provision within the scheme to accommodate the loss of garages.

On the basis that the benefits of the scheme outweighed the concerns put forward, Councillor K Davidson proposed that the application be granted subject to conditions; this was seconded by Councillor A Hopgood.

**RESOLVED:**

That the application be approved subject to the conditions detailed in the Officer's report to the Committee.

**6/2010/0313/DM – Erection of single storey extension to the rear of 8 North Green, Staindrop**

The Senior Planning Officer (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had also taken place earlier that day.

Mr B Taylorson from the neighbouring property, stated that nos. 8 and 9 North Green were two homes which had evolved from one 18<sup>th</sup> Century building. Both properties shared a yard and maintenance costs associated with it. He considered that this was a unique situation. Privacy had not been an issue in the past as the position of the windows of both properties ensured that overlooking was kept to a minimum.

He continued that he objected to the structure because of the extent it protruded into the yard. His living room window was north facing and his kitchen window faced east. This extension would severely restrict light and outlook. He referred to Development Plan Policies relating to energy conservation and stated that these may apply to the applicant's property but he considered that he would need additional artificial lighting and heating in his home if the development was approved.

The Senior Planning Officer stated that as the property was north facing he did not consider that there would be a loss of direct sunlight to Mr Taylorson's property.

Councillor Richardson stated that he had asked for this application to be considered by the Committee as he was concerned about Mr Taylorson's loss of visual amenity.

Members considered the effect of the proposed extension on Mr Taylorson's home and felt that the extent it would protrude into the yard would have an impact on Mr Taylorson's residential amenity.

**RESOLVED:**

That the application be refused on the grounds that the impact on the residential amenity of the neighbouring property outweighed the benefits of the proposed development.

## **6/2010/0310/DM Erection of a double garage to serve The Granary at Ramshaw, Bishop Auckland**

The Senior Planning Officer (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

In presenting his report the Senior Planning Officer pointed out an amendment to condition no. 5 which should read as follows:-

'Prior to the commencement of the development full details of the garage doors shall be submitted to and agreed in writing with the Local Planning Authority.'

Charlotte Tudor spoke against the application stating that she was a professional ecologist and was concerned about the bat roosts installed in the building of The Granary, and the potential effect of the garage on the drop out zone for any roosting bats. She considered that the bat survey was out of date and stated that the report made reference to an update of the initial survey which had not been made available. She also stated that the application had been made outside the bat season and there were potentially three species which could roost there. She was also concerned about the impact of any lighting erected on the garage, and in conclusion reminded Members of the Council's duty to protect bats and their roosts.

Maria Ferguson, the applicant's agent, stated that a previous application had been approved for the erection of a garage the same size and design as that proposed to the west of The Granary. This new application moved it several metres further east. The location had changed for security purposes to allow the applicants to view the access road from their property. This had not been possible with the original location to the west. The garage was relatively small and was not overbearing. The occupiers of the neighbouring dwelling had purchased their property from the applicant and it had been made clear at that time that there were plans for a garage to be erected. DCC had raised no objections regarding the issue of bats and was satisfied with the additional information submitted regarding protected species. She concluded that there were no proposals for the erection of any lighting on the garage.

Councillor Hugill spoke on behalf of the objectors and explained that he had visited the site that morning. He advised that the photographs presented by the Planning Officer did not give an accurate perspective of the neighbouring property which stood at a lower level than it appeared on the images. The neighbours had no objection to the original location to the west of the site but the current proposals would restrict their views of the open countryside. They also considered that the garage would be too close to their property and as a result would reduce in value as it would not have the open aspect it currently enjoyed.

Members discussed the application and in response to a question concerning the drop out zone for bats, C Tudor explained that in her opinion as an ecologist, the amount proposed was inadequate. With regard to lighting, the Senior Planning Officer advised that the application would be subject to a condition that details of any lighting on the garage would need to be submitted and agreed in writing by the Local Planning Authority.

Following discussion Members considered that the residential amenity of the neighbouring properties was a factor which could not be assessed without viewing the proposals on site.

**RESOLVED** that the application be deferred for a site visit.

**6/2010/0343/DM Conversion of existing stone barn/byre into two bedroom holiday cottage and creation of parking provision at Bendholme Farm, Eggleston**

The Senior Planning Officer (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

Mr Sayers spoke as a homeowner adjacent to the proposed holiday cottage. He explained that the barn overlooked his property and he believed that his privacy would be compromised. The application stated that access would be via the existing private track but at present this was used by agricultural vehicles. He had permission to use the track and paid towards maintenance costs, however he was not aware that this arrangement had been extended to the owners of the proposed holiday cottage. One of the parking bays would block the public footpath, the proposals for the turning of vehicles were not acceptable, and he considered that if approved, the development would cause access and parking problems. His wife had been very ill and he was concerned that this development and the problems it would bring may affect her health.

Mr Kenny, the applicant's agent stated that the building had been derelict for twenty years and was positioned on the edge of a caravan site which was consistent with the development of the area as a tourist amenity. The development would contribute to the local economy and would promote tourism.

With regard to access, he explained that access along the private track had been agreed with the owner in return for a maintenance fee. This had been registered with the Land Registry in 2008 and gave unrestricted access over the adjacent farmyard for all times and for all purposes with or without vehicles.

In response to a question, the Highways Officer advised that the legality of the right of access was a civil matter and was therefore not a material planning consideration. The arrangements for parking and access were considered to be acceptable in highway terms and he added that the provision of one additional property adjacent to the caravan site would have a minimal impact on the existing generation of traffic.

Councillor Richardson advised that he had requested that the application be considered by the Committee and asked that Members visit the site before making a decision. The distance between the wall and building along the public footpath was only three feet and he was also concerned that cars would park on that right of way. The Senior Planning Officer responded that the Rights of Way Officer had no objections to the proposals and was satisfied that parking would not affect the public right of way.

A Member pointed out that an existing outbuilding would be demolished to create car parking for two cars and therefore the right of way should not be affected.

On the basis that the benefits of the application outweighed the level of impact on the amenity of the neighbouring property, it was proposed by Councillor K Davidson that the application be granted subject to conditions; this was seconded by Councillor A Hopgood.

Councillor Richardson asked that it be recorded that, having viewed the proposals on site, he was against the application.

**RESOLVED** that the application be approved subject to the conditions detailed in the Officer's report to the Committee, and to the following additional condition:-

11. Notwithstanding the provisions of Article 3 and Classes A, B, C, D, E, F, G, H of Part 1 and Classes A and C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 none of the categories of development described therein shall be carried out on site without an application for planning permission having first been made to and approved in writing by the local planning authority.

To preserve the agricultural character of the building in the interests of visual amenity and in accordance with Policies GD1 and BENV13 of the Teesdale District Local Plan 2002

**7/2010/0344/DM Erection of 80 bed hotel with associated parking and landscaping and relocation of previously approved park and share facility on land at Bradbury Services, Bradbury**

The Principal Planning Officer (Spennymoor) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

In response to questions, Rod Hepplewhite, the applicant's agent stated that the timetable for commencement of the works was expected to be within the next 12-18 months. With regard to potential noise from the nearby east coast mainline this had been assessed and levels were found to be acceptable.

It was noted that this site had been identified as a suitable location for a hotel some time ago. It had been considered as part of a sequential appraisal and would essentially be for commuters on the A1(M). One Northeast had undertaken a survey and had found that there was an under-provision of hotels in the region, particularly outside the Newcastle area.

**RESOLVED** that the application be approved subject to the conditions detailed in the Officer's report to the Committee, and to condition numbered 6 being amended to read as follows:-

6. No development shall commence nor shall any materials or machinery be brought on the site until details showing the exact position of protective fencing around the retained hedgerows and the Ash tree (E) on the southern boundary of the site shown on landscape plan drawing number 662/PP/LA2 have been



submitted on plan, and agreed in writing by the Local Planning Authority. No development shall commence until details showing the exact position of protective fencing around tree and hedges within, and adjacent to the site have been submitted on plan, and agreed in writing by the Local Planning Authority. This fencing shall be erected not less than a distance 12 times the diameter of single stem trees or 10 times the diameter at 1.3m high of multi-stem trees and 3 metres from hedges or in accordance with the details agreed:

a) No construction work shall take place unless all of the protected trees and hedges within the site have been protected by the agreed fencing, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS 1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1).

b) No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the protective fenced areas, and no work is to be done as to adversely affect any tree.

c) Ground levels within the fenced areas shall not be altered and any trenches which are approved to be excavated within the root zone or branch spread shall be done so by hand digging or tunnelling only, no root over 50mm being cut and as many smaller roots as possible retained. If trenches are to remain open for more than 24 hours all exposed roots must be protected with earth cover. Trenches shall be completely backfilled in consolidated layers within seven days or temporarily backfilled in lengths under the trees.

d) Notwithstanding the tree surgery works agreed by this permission in accordance with the arboricultural report, no removal of limbs or other tree surgery works shall be done to any of the protected trees within the site.

e) No underground services trenches or service runs shall be laid out without the prior written approval of the Local planning authority with the agreed works being undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees), and BS 5837:2005 'Trees in Relation to Construction'.

**3/2010/0511 Extension of time for planning permission 3/2007/0668 for demolition of factory units and erection of mix of two and a half storey and three and a half storey apartments and conversion of Bedford Lodge to create 119 dwellings at former BBH Windings Ltd, South Church Road, Bishop Auckland**

The Senior Planning Officer (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

**RESOLVED** that the application be approved subject to the conditions detailed in the Officer's report to the Committee and to the completion of a Section 106 Agreement undertaking to pay a contribution of £54,000 for the provision and maintenance of related social, community and/or recreational facilities in the locality.

**3/2010/454 Retention of timber decking to the side and rear of garage on land opposite 13 Silver Street, Wolsingham (retrospective)**

The Senior Planning Officer (Barnard Castle and Crook) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

**RESOLVED** that the application be approved subject to the conditions detailed in the Officer's report to the Committee.