

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 12 July 2016** at **1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors A Bell, J Clark, P Conway, M Davinson, K Dearden, C Kay, J Lethbridge, K Shaw, J Alvey (substitute for A Laing), A Turner (substitute for S Iveson), K Corrigan (substitute for B Moir) and A Hopgood (substitute for D Freeman)

Also Present:

Councillors J Blakey, G Holland and N Martin

1 Apologies for Absence

Apologies for absence were received from Councillors G Bleasdale, R Lumsdon and J Robinson.

2 Substitute Members

Councillor J Alvey substituted for Councillor A Laing; Councillor A Hopgood substituted for Councillor D Freeman; and Councillor A Turner substituted for Councillor S Iveson.

3 Minutes

The Minutes of the meeting held 14 June 2016 were agreed as a correct record and were signed by the Chairman.

4 Declarations of Interest

There were no Declarations of Interest.

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

The Chairman noted that Item 5e, Land at Kepier House, The Sands, Durham had been withdrawn.

a DM/16/01356/FPA - Aldi Stores Ltd, Site Of Peterlee Building Supplies, Yoden Way, Peterlee, SR8 4RD

The Senior Planning Officer, Steven Pilkington gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for a retail store and associated works and was recommended for approval subject to conditions.

Members noted that the application as set out in the report had several changes from the original submission, including a protected right turn into the proposed development, a pedestrian refuge island and a nearby bus stop would be retained. Councillors noted images showing existing routes through the application site, with a “desire line” that ran past an adjacent property, which was proposed to be incorporated into the design and made into a link to existing residential properties. It was added that the design included additional tree planting to help mitigate the impact of the car park on the adjacent property, noting the height difference between the two.

The Committee noted that there had been no objections from the statutory or internal consultees on the application, subject to the conditions set out in the report. Members noted 3 letters of objection from the members of the public and 113 letters of support, a summary of the main points raised being set out in the report.

The Senior Planning Officer noted there were some minor changes to the conditions to incorporate an additional tree in the landscape plan and to reflect a relocated secure cycle store. It was also proposed that Condition 9 was amended such that the opening times would be between 8:00 and 22:00 Monday to Friday, including Bank Holidays, and between 10:00 and 16:00 Sundays, with Environmental Health having noted no objections to this change. It was added that approval would also be subject to the completion of a s106 agreement in terms of securing £10,000 to enhance biodiversity on land adjacent to the application site.

The Chairman asked the Committee Services Officer to read out a statement from a Local Member, Councillor A Laing, who was unable to attend the Committee meeting.

“I am one of the two Members for the Peterlee East Division, the application for the development of the Aldi Store on the former site of Peterlee building supplies is within my division. I know people find it strange being on the edge of Horden that this in the Peterlee East Ward but nevertheless Horden has been bereft of a Supermarket for a number of years and now has the opportunity to put this right. This application would also bring much needed employment to the area. I therefore wholeheartedly support this application”.

The Chairman thanked the Committee Services Officer and introduced Mr M Shillaw, a local resident, who was in attendance to speak in relation to the application, having 5 minutes to address the Committee.

Mr M Shillaw explained that he and his wife had purchased the property adjacent to the application site in October 2015, spending their lifesavings on their dream home. Mr M Shillaw noted that the proposed car park for the store would back directly on to his property, with his main bedroom window facing the car park. Mr M Shillaw added that it was known that car parks at various stores located in the Peterlee area had experienced problems in terms of anti-social behaviour with people gathering in their cars, creating noise and disturbance at unsociable hours. Mr M Shillaw added that in those instances, barriers had been fitted to car parks to prevent access when the stores were closed and suggested this may be a good preventative measure that could be incorporated into the design at this stage. Mr M Shillaw concluded by noting a small strip between his property and the development site and asked whether this was retained in the Council's ownership and if so, would it be possible to utilise this area in terms of providing additional screening.

The Chairman thanked Mr M Shillaw and introduced Mr S Plumb for the Applicant, Aldi Stores Ltd, for the applicant, to speak in support of the application, having 5 minutes to address the Committee.

Mr S Plumb explained he was Property Director for Aldi Stores and noted the issues raised by Mr M Shillaw. Mr S Plumb explained that a new store was a multi-million pound investment by an award winning company, would provide a boost for the area and create up to 30 full-time equivalent jobs for local people. It was added there would be additional employment in terms of the construction of the proposed store and that the location close to Horden would complement existing footfall. Members noted the proposed store would incorporate 103 free car-parking places and it was felt to be a sustainable development. Mr S Plumb noted the company had engaged with local people, holding an exhibition, and reacted to issues raised by making changes such as the inclusion of a pedestrian refuse island and retaining existing pedestrian links to Yoden Way. Mr S Plumb noted additional screening had also been included with proposals and there was a 32 camera CCTV system proposed. In terms of a community role, Mr S Plumb noted Aldi Stores would only add a gate to a car park as a last resort, and would look to manage any issues of anti-social behaviour. Mr S Plumb noted that the area in between the proposed car park and Mr M Shillaw's property formed part of the application site. Mr S Plumb concluded by explained that Aldi Stores had made changes in respect of comments raised by local residents and would deal with any issues such as anti-social behaviour accordingly, should they arise.

The Chairman thanked Mr S Plumb and asked Members of the Committee for their questions and comments on the application.

Councillor C Kay noted there was objection in terms of visual amenity, however asked how a development of a store would be of poorer amenity than a derelict site.

The Senior Planning Officer referred Members to the slide within his presentation showing a view to the rear of the adjacent property and the existing link path and noted while there was a loss of amenity in terms of the development of a new store at the site, there were benefits in terms of the derelict site being redeveloped and management of any issues such as anti-social behaviour.

Councillor A Bell noted that the development would be good for the area, good for jobs and proposed, subject to the amended drawings and conditions as described by the Senior Planning Officer, that the application be approved.

Councillor J Clark echoed the comments in terms of the application being positive with the redevelopment of a derelict site, however, noted the comments of Mr M Shillaw in respect of amenity and asked whether the tree screening would be saplings or mature specimens. Councillor J Clark concluded by noting the consideration of the pedestrian refuge was welcomed, especially with the close proximity of a school. The Senior Planning Officer noted that it was proposed that 4 of the trees would be mature specimens, providing a degree of screening initially with this improving as all planting matured.

Councillor A Hopgood noted the proposal represented a good scheme, however asked whether the request for opening between 8am until 10pm on Bank Holidays was appropriate in terms of impact upon local residents.

Councillor J Lethbridge noted the advantages to the development at the site were clear and while he had sympathy in terms of the concerns raised by Mr M Shillaw, he noted that a similar development by another retailer in the Bishop Auckland area had been completed and when issues in connection with the car park at this store had been highlighted, the company had installed a barrier to mitigate the problems.

Councillor P Conway noted he was supportive of the application, which he felt was clearly of benefit to the residents of Horden and Peterlee, and asked as regards Condition 12, details of the Construction Management Plan (CMP) and whether there were any conditions in terms of hours of works on site. The Senior Planning Officer noted that details of the CMP would be submitted to the Local Planning Authority should the application be approved. The Senior Planning Officer added that in terms of the issue of Bank Holiday opening times, the applicant had stated that in terms of retail regulations, Bank Holidays were considered no different to any other weekday in terms of trading.

Councillor A Bell moved that the application be approved, subject to the amended drawings and condition relating to bank holiday opening hours; he was seconded by Councillor J Alvey.

RESOLVED

That the application be **APPROVED** subject to the Section 106 Agreement and conditions detailed in the Officer's report to the Committee, together with amended drawings and an amended Condition 9, as mentioned by the Senior Planning Officer.

b DM/16/00129/FPA - East Durham and Houghall Community College, Houghall, Durham, DH1 3SG

The Senior Planning Officer, Henry Jones gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Officer advised that Members of the Committee had visited the site that day and were familiar with the location and setting. The application was for refurbishment of Weardale House to provide 24 student beds, demolition of 2 existing accommodation blocks and erection of purpose built student accommodation block (198 beds) and was recommended for approval subject to referral to the Secretary of State via the National Planning Casework Unit, and in the event of the application not being called in, for the Head of Planning to determine the application subject to a Section 106 Agreement and conditions.

Members noted that as the application was within the Durham City Greenbelt, the special circumstance being cited was that of enabling development. The Senior Planning Officer explained that not all of the previously agreed "Phase 1 Masterplan works" had not been taken forward and the applicant had noted that if this application was to be approved, a Section 106 Agreement would secure the completion of those Phase 1 works.

The Committee noted that there had been no objections from the statutory or internal consultees on the application, subject to the conditions set out in the report. Members noted 2 letters of support and 4 letters of objection from the members of the public had been received. It was noted that reasons for objection to the application included: inappropriate scale and appearance; inappropriate development within the Greenbelt; damage to heritage assets; accessibility and safety issues in terms of cyclists; and concerns in terms of flood risk. The Senior Planning Officer noted a statement had been received from Councillor Dr D Boyes after the production of the committee report, in his capacity as Vice-Chair of East Durham and Houghall College:

"The proposed development at Houghall is essential for the future of the site as an ongoing provider of land-based educational services.

Unfortunately, due to a number of reasons, most notably a lack of resources at the site, the buildings have become dilapidated, some beyond repair. As a result many students at the site are studying in a learning environment that is not fit for purpose.

In order to compete with other land-based colleges such as at York and Northumberland, investment, which this proposed development will be able to provide, would enable students in County Durham to access the kind of quality educational provision that they deserve".

The Senior Planning Officer concluded by noting that it was felt that the special circumstances outweighed the objections and therefore the application was recommended for approval, subject to the Section 106 Agreement and conditions as set out within the report.

The Chairman thanked the Senior Planning Officer and introduced Mrs S Duncan, Principal and Chief Executive Officer of East Durham College who was in

attendance to speak in relation to the application, having 5 minutes to address the Committee.

Mrs S Duncan noted that a number of the Phase 1 works would be completed in time for the September 2016 intake of students, however, there were a number of works beyond Phase 1 that would enable high quality facilities to be in place locally. It was noted that the current accommodation was created in 1937 and fell well below the modern standards expected by students. Members were informed that the College would wish to prepare for the future and, as the Higher Education offer increased, there would be a need for more facilities. It was noted that in terms of being able to provide capital to enhance teaching facilities while an amount had been made available to enhance some of the site, including new equine facilities, there were not sufficient funds to complete all of the works to modernise all the teaching spaces. Mrs S Duncan noted that the application would allow for those works to be carried out, though being sensitive to the issues of the site, being within the greenbelt and potential flood risk. It was noted that the design of the accommodation block had taken into account comments from the Planning Department, for example a reduction of one storey to allow a void to be incorporated into the design acting to mitigate flood risk. Mrs S Duncan concluded by adding that there was great value in having a high quality land-based teaching facility, the benefits to the local area would be significant and therefore asked Members to approve the application.

The Chairman thanked Mrs S Duncan and asked Members of the Committee for their questions and comments on the application.

Councillor A Bell noted that on the site visit the buildings proposed for demolition did look very tired and therefore supported the Officer's recommendation for approval.

Councillor A Hopgood noted she had no objections to the application in principle, however asked what additional land would be taken up in terms of the proposed development. Councillor A Hopgood also questioned the accessibility of the city centre from the site, noting the route would be dangerous for cyclists.

The Highways Development Manager, John McGargill agreed that the route along the main road into the city centre would not be comfortable for cyclists, however the road cut through a gully and there was no more space available. It was added that the relevant calculations showed that there was capacity in terms of access by pedestrians into the city centre and also the site was on a bus route. The Highways Development Manager noted that accordingly the application was acceptable in highways terms.

The Senior Planning Officer added that while the floor space of the application was different and greater than the existing buildings, they were located in an area where existing buildings sat and referred Members to plans on the projector screen.

Councillor J Lethbridge noted that he had always felt that Houghall College had always sat at ease within its setting and agreed that the tired buildings were in need of replacement. Councillor J Lethbridge added that while there was always concern

in terms of any development in the greenbelt, there was a need to balance the impact of development against the gains. Councillor J Lethbridge noted that it was recognised that the site was “visually well self-contained” and while there were some concerns in terms of traffic, he also supported the Officer’s recommendation for approval.

Councillor J Clark noted she had concerns in terms of highway safety, with a limited number of car parking passes and while walking and cycling would be encouraged, a number of students would come and go by car, or taxi, creating an additional volume of traffic. Councillor J Clark suggested that this could be an issue to “keep an eye on”.

Councillor A Bell moved that the application be approved; he was seconded by Councillor J Lethbridge.

RESOLVED

That the Committee were **MINDED TO APPROVE** the application subject to referral of the application to the Secretary of State through the National Planning Casework Unit; and, in the event that the application is not called in by the Secretary of State that it be **APPROVED** subject to a Section 106 Agreement to secure the agreement and completion of works so as to complete the Phase 1 redevelopment of Houghall College and the conditions as set out in the report.

c DM/15/00793/OUT - Land to the East of Prospect Place, Commercial Road East, Coxhoe

The Senior Planning Officer, Henry Jones gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site.

The application was for construction of 55 residential dwellings with associated infrastructure, landscaping and engineering works (outline, all matters reserved except access) and was recommended for approval subject to a Section 106 Agreement and conditions.

Members noted that an application for this site had been approved by Committee in September 2015, however, as there were number of changes made in terms of the application it was felt that the application should be brought back before Members for determination. Councillors were informed that the application site was adjacent to another development that was almost completed, “The Limes” and that the indicative layout for this application site had not changed from the one presented to Members and approved in September 2015.

Members were referred to photographs highlighting the adjacent development and the proposed point of access to the proposed development.

The Committee noted that there had been no objections from the majority of the statutory or internal consultees on the application, subject to the conditions set out in the report. It was noted there had been representation from the Landscape and Sustainability Sections, noting potential adverse landscape and visual effects, potential impacts upon ecology and the distance from services, facilities and public transport. Members noted there had been concerns raised by Coxhoe Parish Council, as summarised in the report and in addition, the Chairman of the Parish Council was in attendance to address the Committee. Members noted 9 letters of objection from the members of the public, a summary of the main points raised being set out in the report.

The Senior Planning Officer noted that the approval in September 2015 had been subject to a Section 106 Agreement to secure 40% affordable housing on the site, however, the applicant now proposed that this 40% be offered via the "Prince Bishops Model" as an alternative to National Planning Policy Framework (NPPF) compliant affordable housing. Members were asked to note that NPPF Paragraph 14 referred to a balance between the adverse impact of development and the benefits of a development and that in this case Officers felt that the benefits in assisting towards a 5 year housing supply and provision of a wider choice of homes were such that the application should be approved.

The Chairman asked the Local Member for Coxhoe, Councillor J Blakey to speak in relation to the Application.

Councillor J Blakey noted that she had no objection to the development, however, she noted the site was adjacent to the local community's well loved nature reserve and added that there was an amount of £4,000 cited for contribution towards public art. Councillor J Blakey added that there were no businesses in the area, and asked that Developer work with Coxhoe Parish Council in terms of provision in terms of education. Councillor J Blakey added that in addition to the affordable housing provision as set out, was there any scope in terms of provision of much needed bungalows within the development.

The Chairman thanked the Local Member and introduced Councillor S Dunn, Chairman of Coxhoe Parish Council to speak in relation application. Parish Councillor S Dunn noted the Officer's report referred to the education provision and a Section 106 Agreement. It was noted that Coxhoe Primary School was full and the construction of an additional 3 classrooms by Durham County Council had been welcomed.

However, Parish Councillor S Dunn noted that these additional classes were to accommodate the additional pupils in terms of developments that had already gained planning permission and did not take into account developments that had come about since that time, including the application being considered today.

Parish Councillor S Dunn noted that the £70,000 in terms of school places be retained, however, if taken in the context of around 1,064 new properties approved for development in the Bowburn and Coxhoe area, this would equate to a shortfall of primary school places of between 180 to 360. Parish Councillor S Dunn

suggested that the situation was at a critical mass such that there was a need for a new primary school in order to deal with the additional number of primary places required.

It was added that from previous applications for this site, the proposed number of houses had reduced in number from 100 to the 55 as set out in this application, and questioned as regards the provision of bungalows and affordable housing. Parish Councillor S Dunn noted the context of the Parish Plans 1 and 2 that were in place.

The Chairman thanked Parish Councillor S Dunn and asked Mr S Jackson from Prince Bishops Homes to speak in support of the application, having 5 minutes to address the Committee.

Mr S Jackson noted he was a Development Consultant for Prince Bishops Homes, part of Derwentside Homes. Mr S Jackson added that the purpose of the Prince Bishops Model was to be able to provide low-cost home ownership, with a rent moving to buy model aimed at “generation rent”, those aged 20-mid 30s, with jobs however with little or no deposit or credit. It was added that the model was for 4 years at market rent, not as per the 20% gap of “affordable rent”, and following this period occupants would be offered the opportunity to purchase the property, retaining 50% of any increase in the value of the property to use towards costs, such as fees and a deposit. Mr S Jackson noted that financial advisors would help to ensure potential purchasers were “mortgage ready” and there were initiatives such as saving towards a deposit via the Prince Bishops Community Bank. Mr S Jackson added that lettings would be in line with the Council’s Strategic Housing Land Availability Assessment (SHLAA) in terms of those within Central Durham initially, then for the wider Durham market. It was added that any profits from sales would be put back into social housing via Derwentside Homes and that discussions were ongoing with the Planning Department in terms of the model being NPPF compliant. Mr S Jackson added that an opinion was sought by Prince Bishops Homes in terms of its model and Mr R Sagar, Solicitor had the opinion that the model was NPPF compliant. Mr S Jackson noted that the Prince Bishops Model was preferable to Government schemes as it allowed people to get housing immediately and then work towards being able to purchase their home. It was added that likely changes from Government in terms of the budget would mean that affordable rent would no longer be sustainable. Mr S Jackson concluded by noting that there were a number of bungalows within the scheme and there were no proposal to change this.

The Chairman thanked Mr S Jackson and asked the Senior Planning Officer to provide further information on the issues raised.

The Senior Planning Officer noted that developments already agreed in the Bowburn and Coxhoe area had already secured financial contributions in respect of education provision and the comments within the report by the School Organisation Manager were in the context of the other schemes in the area.

The Chairman asked Members of the Committee for their questions and comments on the application.

Councillor A Hopgood noted that the proposal seemed to be a good scheme, however, felt the number of additional primary school places being financial compensated for, 6 was too few. Councillor A Hopgood added that there was the additional pressure in terms of any older children and secondary school places, and of those children that would attend primary and then eventually require secondary school places.

The Senior Planning Officer noted that the financial contribution sought, equating to 6 primary school places, was based upon the comments received from the School Organisation Manager on what they thought would be needed.

Councillor P Conway noted permission had been granted previously for development at this site and asked whether that approval had an agreement in terms of a financial contribution towards school places. The Senior Planning Officer noted the same condition in terms of the approximate £70,000 for 6 places had also been in the previous application. The Solicitor - Planning and Development, N Carter clarified that the previous application had been approved, however the Section 106 Agreement had not been issued, however, the application was back at Committee for Members' consideration. Councillor P Conway asked if the Committee could be assured that the £70,000 for education provision would be secured. The Senior Planning Officer noted that it would only be to stipulate that the issue be reviewed at the Reserved Matters stage taking into account the number of properties.

Councillor P Conway noted he had some concern in terms of paragraphs 141 and 142 of the report with reference to affordable housing provision. Councillor P Conway noted that while the 40% offered within the application would allow a "foot on the ladder" for some people, once these properties were sold, they would be lost from the affordable housing provision in the future. The Senior Planning Officer noted that there was a debate in terms of whether the 40% offered equated to NPPF compliant housing, with the applicant of the opinion it was, and the Council of the opinion it was not. Councillor P Conway noted that if the Local Member and Parish Council were happy and the contribution towards education provision would be in place then he would be happy to support the recommendation. The Senior Planning Officer noted that as the application had been required to come back to Committee, a further consultation period had been in effect and no further comments had been received since the September 2015 approval.

Councillor J Lethbridge noted he had reflected upon the comments made by Councillor J Blakey and Parish Councillor S Dunn and understood the sense of encroachment.

Councillor J Lethbridge noted he was a supporter of this area, having spent a lot of time in his childhood in the area and valued the unique landscape of the limestone running from Cassop Vale through to the coast.

Councillor J Lethbridge added that he recalled the beauty and ecology of the landscape and the murmuring of innumerable bees and noted this was under threat by the march of house-building, noting house-building had replaced industries such as coal mining and quarrying.

Councillor A Bell noted he was not convinced that the 40% offered via the Prince Bishops Model was better than NPPF compliant homes adding that in the current turbulent economic times it was unlikely house prices would rise and therefore the 50% of any increase in value would be 50% of zero and if the rent remained at 20% above “affordable rent” then this could have an impact upon those renting the properties in the longer term. Councillor A Bell noted that he felt he could not support the recommendation.

Councillor M Davinson moved that the application be approved; he was seconded by Councillor J Lethbridge.

RESOLVED

That the application be **APPROVED** subject to the Section 106 Agreement and conditions detailed in the Officer’s report to the Committee.

d DM/16/01506/FPA - B&Q Warehouse, Unit 1, McIntyre Way, Durham City Retail Park, Gilesgate Moor, Durham

The Senior Planning Officer, Colin Harding gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the erection of a 1,114 sq.m mezzanine floor and recommended for approval subject to conditions.

The Senior Planning Officer noted that the mezzanine did not extend across the whole B&Q site, rather would be to enable the future occupiers of the unit, Go Outdoors, to be able to display camping and outdoor equipment. Members were reminded that the original proposals for this part of the unit to become a foodstore were no longer being taken forward and the subdivision of the unit, to allow occupation by Go Outdoors and The Range, and external alterations and signage would be matters to be determined under delegated powers.

Councillor Kay stated that he had a loyalty card for Go Outdoors and sought advice on declarations of interest. The Solicitor - Planning and Development, N Carter N Carter advised that Cllr Kay’s interest ought to be noted in the minutes but it was not sufficient to require him to take no part in the decision making. The Committee noted that there had been no objections from the statutory or internal consultees on the application, including no objections from Belmont Parish Council. The Senior Planning Officer noted that the sequential test had been applied as regards suitable site closer to the city centre, and units were either not available or suitable. The Senior Planning Officer concluded by noting that while the may be increased demand upon parking, this was not felt to be severe and therefore the recommendation was for approval.

The Chairman noted there were no registered Speakers and asked Members of the Committee for their questions and comments on the application

Councillor P Conway noted that in turbulent times for retail businesses it was not surprising that Morrisons were not taking a foodstore forward, however, the worry of Belmont residents was that the unit would not be occupied.

Councillor P Conway noted that there was considerable parking available at the retail park, with the permission for Morrisons having been approved on the basis of the existing parking provision. Councillor P Conway noted that there could be an issue in terms of the increase in traffic in this part of the City, however these issues would be taken up within the ongoing County Durham Plan consultation.

Councillor P Conway moved that the application be approved; he was seconded by Councillor J Alvey.

RESOLVED

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

e DM/15/03735/VOC - Land at Kepier House, The Sands, Durham

The Chairman reiterated that this item had been withdrawn.

f DM/ 15/0352/FPA - Dene Hall Care Home, Horden Dene, Easington Colliery

The Senior Planning Officer, Barry Gavillet gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for demolition of care home and erection of 19 dwellings and was recommended for approval subject to a Section 106 Agreement and conditions.

The Senior Planning Officer noted that the care home had not been occupied for a number of years and the site had become derelict and overgrown. Members noted the location, close to Grants Houses, and the existing access to the site from the main road which the Highways Section had deemed acceptable for a development of 19 houses.

The Committee noted that the site was brownfield in nature and within the settlement boundary and satisfied sustainable development due to the close proximity to both Easington and Grants Houses.

It was explained that the majority of the trees on the site would be retained, with the 8 that are to be removed described by the Tree Officer as dead, dying or diseased. It was added that 2 of the 19 properties would be affordable housing and there would be a financial contribution in terms of play space.

The Committee noted that there had been no objections from the statutory or internal consultees on the application, subject to conditions. It was added there had been a suggestion from the applicant, based upon comments from the Ecology Section, that a contribution be made towards the provision and upgrading of footpaths at the former Easington Colliery pit site, to take pressure away from coastal designation of significant importance.

The Senior Planning Officer noted there had been 1 letter of objection received from a nearby resident, with a summary set out within the report. The Senior Planning Officer concluded by noting the application was acceptable in planning terms and was therefore recommended for approval.

The Chairman noted there were no registered Speakers and asked Members of the Committee for their questions and comments on the application.

Councillor A Hopgood noted that the development seemed to be very good and supported the Officer's recommendation. Councillor A Bell noted that greater affordable housing provision would have been better.

Councillor A Hopgood moved that the application be approved; she was seconded by Councillor J Alvey.

RESOLVED

That the application be **APPROVED** subject to the Section 106 Agreement and conditions detailed in the Officer's report to the Committee.

g DM/16/01202/FPA - McDonalds Restaurants, Unit L, Arnison Retail Centre, Pity Me, Durham, DH1 5GB

The Planning Officer, Jennifer Jennings gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for refurbishment and reconfiguration of the restaurant drive thru lane and patio area to include extensions totalling 24.8sqm, incorporating associated works to the site and was recommended for approval subject to conditions.

The Planning Officer noted that the application included a 24.8sqm extension, an additional booth on the drive thru, replacement booths and reconfiguration of the patio area and parking for drive thru order waiting. It was added that advert consent as regards relocation of adverts on fascia had been agreed under delegated powers.

Members noted aerial photographs showing the site in the context of the Arnison Centre with Rotary Way forming a boundary between the Arnison Centre and the greenbelt.

The Planning Officer noted that if Members were minded to approve the application, an additional plan would be requested to be added within Condition 2, as well as removal of Condition 3 as the applicant had already submitted details regarding proposed installation of new target bins on the site. The Planning Officer made reference to regular “trash walks” undertaken by the applicant around the immediate vicinity and beyond the site along Rotary Way.

The Committee noted that there had been no objections from the statutory or internal consultees on the application, subject to conditions.

It was added the application was at Committee at the request of a Local Member, Councillor M Wilkes with his comments set out within the report, which included noting that litter from the restaurant was along many of the highways in the area and that if the Council was required to pick this litter then the applicant should pay for the litter collection and contribute towards educating people as regards litter.

The Planning Officer noted no objections to the application in principle, and noted that any proposed condition in terms of a regular litter pick would not meet the 6 tests for planning conditions as set out in the NPPF.

The Chairman noted Councillor A Hopgood, a Local Member was in attendance and asked if she wished to speak.

Councillor A Hopgood noted that she appreciated what the Council could and could not do, however, added that many Members experienced issues in terms of litter and perhaps it would be better to target locations where people would finish eating their takeaway meals, rather than litter pick at the point of purchase and cited several areas where litter had been noted. Councillor A Hopgood accepted that it would be difficult to condition in terms of litter picking, however, suggested that educational road signs, resourced by the applicant, could help educate people on the issues of litter.

The Chairman thanked Councillor A Hopgood and asked Mr G Pyle from McDonalds to comment on the points raised.

Mr G Pyle noted that McDonalds operated a “Love where you live” campaign and the Business Manager had been in touch with local schools as regards providing education.

The Solicitor - Planning and Development advised that any proposed condition requiring the applicant to provide educational road signs would have similar difficulties in terms of meeting the legal tests as the suggestion to require money to be paid for litter collection. It was added that the applicant may wish to volunteer to provide signage, however, this would be for the applicant to decide upon. Mr G Pyle offered for the applicant to undertake litter pick up well beyond the McDonalds site along Potters Lane for example.

Councillor A Bell noted that the application site bordered with his Electoral Division and noted issues of litter along the route to Lumley and along to Finchale also.

Councillor A Hopgood noted that she felt that targeting young people in schools was an easy option, and rather than speaking to young people, signage targeting drivers who littered might be more effective.

Councillor C Kay moved that the application be approved; he was seconded by Councillor J Lethbridge.

RESOLVED

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

h DM/16/01389/FPA - 4 St. Leonards, North Road, Durham, DH1 4NH

The Planning Team Leader (Central and East), Sarah Eldridge gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Officer advised that Members of the Committee had visited the site that day and were familiar with the location and setting. The application was for the demolition of existing semi-detached dwelling and erection of 2 new dwellings and was recommended for approval subject to conditions.

Members noted that the application represented the effective demolition of half of the existing dwelling and an extension to create 2 separate dwellings, resulting in a 3 property terrace. Members noted photographs showing a single storey extension to the rear of the neighbouring dwelling, and recalled this from the site visit earlier, with the proposed plans and elevations for the 2 new dwellings showing a 2 storey extension to the rear of the proposed properties. The Planning Team Leader added that the churchyard wall would be retained and that parking access would be gained via the rear of the property. The Planning Team Leader noted the report referred to any issues of obstruction as being a Police matter, however, it had been pointed out that as the access was private, such issues would be a civil matter.

The Committee noted that there had been no objections from the statutory or internal consultees on the application, subject to the conditions set out in the report. Members noted 3 letters of objection from residents and that both Local Councillors were in attendance to speak on the application. Members noted a summary of the objectors' comments was contained within the report.

The Planning Team Leader noted that the application was acceptable in principle and also acceptable in terms of residential and visual amenity and highway safety. The Committee noted that the parking and access issues were considered acceptable by the Highways Team and that it was felt the proposals were suitable and had a neutral impact in terms of the conservation area and ecology. The Planning Team Leader concluded by noting Officers felt the application was in line with saved City of Durham Local Plan (CDLP) policies and the NPPF and therefore the application was recommended for approval subject to conditions.

The Chairman noted both Local Members for Neville's Cross were in attendance and asked Councillor G Holland to speak first in relation to the Application.

Councillor G Holland noted that he and Councillor N Martin had asked that the application be brought to Committee because they were concerned about the adverse and potentially serious impact that this proposed development would have on the immediate neighbours. Their home, at the moment, was firmly anchored in the form of a semi-detached relationship to the other half owned by the proposed developer.

Councillor G Holland noted he would not go into the motives of this intended development but observed that, in his long experience he had never encountered a proposal like this before.

Councillor Holland noted that the NPPF was an overarching and general document that cannot be site specific in the way that was needed in this case. It was added that the rather peremptory reference to the NPPF in the Officer's report only pays casual attention to the NPPF merely looking at parts 4, 7 and 12 in a general sense and Councillor G Holland noted he felt they could not be used to justify this proposed development.

In the absence of the County Plan, Councillor G Holland noted that Planning Committees must rest any decision on the City of Durham Local Plan whose policies have been saved. It was noted that within the report, the Officer cited a handful of local plan policies to help sustain the recommendation for approval. Councillor G Holland explained that he wished to look at these and other policies in greater depth as he felt they would guide Members to an opposite conclusion.

Councillor G Holland noted that Policy E22 required development to preserve and enhance the appearance of the conservation area. Councillor G Holland felt the proposed development would not do that and added that by breaking in half and restructuring a long established building it could be said to detract from this well established and harmonious setting adjacent to an important Grade II listed Church. Accordingly, Councillor G Holland suggested that E22 surely guided Members against the proposed development.

Councillor G Holland reminded Members that Policy H2 considers windfall development, although on this occasion it was windfall achieved by demolition of part of a perfectly sound building. Councillor G Holland noted that Policy H2 did not condone or support this activity and should not be used for this purpose.

Councillor G Holland referred Members to the Officers report and noted the omission of reference to Policies H10 and H13. Members were reminded that Policy H10 addressed backland and tandem development, which Councillor G Holland felt this application was, in an opportunist way. Councillor G Holland explained that constraints were introduced in this policy, namely that:

- A safe and satisfactory access and adequate parking can be provided in accord with policy T10.

- The amenities of both the new and the existing dwellings are not adversely affected. The adverse impact to be described by the residents.
- It is in keeping with the character, density and scale of the surrounding or adjacent development.

Councillor G Holland noted he did not think the application was in keeping with the character, density and scale of the surrounding or adjacent development because he felt the application was a perverse piece of opportunism in a closely knit and balanced environment.

Councillor G Holland explained that Policy H13 followed a similar line stating that planning permission would not be granted for new development if it has a significant adverse impact on the amenities of residents within the immediate area. Councillor G Holland noted he would allow the resident who was in attendance to explain why the impact was adverse. Councillor G Holland added that Policy T10 addressed vehicle parking off the public highway and noted that parking had to be sustainable and accessible. It was noted this was another issue that the local resident would be best placed to explain.

Councillor G Holland noted Policies Q8 and Q9 were concerned with the quality of buildings and their surrounds. Councillor G Holland noted Policy Q8, which was omitted from the Officer's report, requires new development to provide adequate amenity and privacy and minimise the impact of the proposal upon the occupants of existing nearby and adjacent properties. Councillor G Holland noted he believed that the proposed development failed to achieve that target, with the local resident being better placed to explain this. Councillor G Holland explained Policy Q9 considered the impact of proposed alterations and extensions to residential property and placed constraints on such developments. It was noted that this requires that any alteration or extension respects the privacy of adjoining property owners. Councillor G Holland felt the proposed development certainly had no respect for its immediate residents.

Councillor G Holland noted Policy U13 related to development on unstable land and added he had been told this site was on unstable land. Councillor G Holland noted the site's proximity to the former Aykley Heads coal workings which were immediately below this area. Councillor G Holland noted that he did not think you could take a risk in this regard without a very detailed engineering examination. It was added that Paragraph 121 of the NPPF was very specific in this regards and Councillor G Holland felt it must be weighed in the balance.

Councillor G Holland felt that there was a very important principle here that should be sustained. Councillor G Holland questioned whether a developer could come along, buy half of a house, knock it down, build 2 speculative houses in its place and ignore the wellbeing and future security of the residents in the other half of the building and those in the adjacent properties? Councillor G Holland noted he

hoped Members of the Committee believed, like him, that this should not be allowed to happen.

Councillor G Holland noted that should Members of the Committee need appropriate planning policies to sustain such a decision to reject the application then he would suggest that Members rely on the saved policies of the City of Durham Local Plan: E22; H2; H10; H13; T10; Q8; Q9; and U13 together with Paragraph 121 of the NPPF.

Councillor G Holland concluded by stressing that above all, he asked that Members of the Committee to protect the welfare and future of the residents whose house forms half of the property in question.

The Chairman thanked Councillor G Holland and asked Councillor N Martin to speak in relation to the Application.

Councillor N Martin asked if the Officer could bring up the relevant slide from the presentation which showed the proposed parking arrangements. Councillor N Martin referred to the slide and explained that, as Members saw on the visit to the site earlier, the access to the rear of the properties was via a very narrow lane and that as another property had already created a fenced off parking area, the access into the proposed parking area would be very narrow, would be in conflict with the neighbours' hedge and would not leave a gap to allow more than one car to access at a time. Councillor N Martin added that on the basis that he could not see how it would be possible to manoeuvre into the proposed spaces, an approval of this application would undermine the residential amenity of all existing residents and present problems for future residents. Councillor N Martin reminded the Committee that as the properties would effectively be new buildings, they would not be eligible for permits for the controlled parking area to the front of the properties.

Councillor N Martin added that when looking at the proposed design and layout within the detailed plans, the rooms sizes were "very cosy indeed", with the main bedroom only being large enough to fit a double bed, with no room for a wardrobe. Councillor N Martin wondered if there was a subtext in terms of this application and questioned who these properties were aimed at, families or students. Councillor N Martin suggested that should Members be minded to approve the application then it may be appropriate to include a condition restricting use to Class C3, and excluding Class C4 for use as a house of multiple occupation.

The Chairman thanked Councillor N Martin and introduced Mr P Donald, the neighbouring resident, to speak in relation application, having 5 minutes to address the Committee.

Mr P Donald explained that he moved into 3 St. Leonards in May 2012 and the residents of 1 and 2 St. Leonards and resided in those properties for over 50 years. Mr P Donald explained that the unknowns in terms of the proposed demolition filled him with dread and the works would represent a huge disruption to his life, with the proposed extension leading to a loss of light and likely devaluation of his property. Mr P Donald noted he and his partner worked from home and the disruption would negatively impact upon their business. Mr P Donald explained he thought it was staggering that such an application within a Conservation Area was recommended

for approval and that the proposal sought to replace a house with a “sardine tin” and represented a cramped spectacle next to a Grade 2 heritage church. Mr P Donald reiterated the comments of the Local Member in terms of the parking issues, explaining that the residents of 1 and 2 St Leonards had maintained the access to the rear of the properties for the last 30 years. Mr P Donald added that he did not see the need for parking at the rear in addition to parking already available at the front.

Mr P Donald noted his concerns as 3 and 4 St. Leonards shared a chimney that there was potential for damage to occur during works. Mr P Donald explained that when he sought planning permission for the extension to the side of his property there had been no objections and suggested that this type of extension was appropriate, rather than redevelopment of the property. Mr P Donald noted that he would feel betrayed in the application was approved.

The Chairman thanked Mr P Donald and asked Mr J White, agent for the applicant, to speak in support of the application, having 5 minutes to address the Committee.

Mr J White noted the application was for 2, 3 bed dwellings on the site, modest properties, starter homes most likely, and that in terms of design, details had been retained, such as the fenestration to keep the design in line with the existing properties. Mr J White explained that he noted the concerns of the neighbour in terms of structural integrity, however, the acts quoted within the objectors’ comments in the report, such as the Party Wall Act, together with Building Control Regulations would protect his interests.

Mr J White noted that Officers had agreed that the application was in line with saved policies and the NPPF, with a sympathetic design incorporating its own private amenity space. It was added that the proposals had been considered of neutral impact to the conservation Area and acceptable in terms of scale and massing. It was added that there was other legislation in place to protect against ex-mining issues and that there were conditions as set out in the report in relation to surveys.

The Chairman thanked Mr J White and asked the Planning Team Leader to provide further information on the issues raised.

The Planning Team Leader noted that in terms of the Conservation Area, there was a duty to “preserve or enhance” and it was felt the proposal preserved the Conservation Area. In relation to the coal mining issues, the Coal Authority identified the area as being “low risk” and therefore there would be an informative on the consent, should it be granted, to remind the applicant of their obligations in this regard.

In terms of the issue of the properties being used as houses in multiple occupation, then Members could include a condition to limit the properties to C3 use only, noting that the Article 4 Direction would come into effect from September 2016. It was added that issues in terms of the party wall would be a civil matter.

The Chairman asked Members of the Committee for their questions and comments on the application.

Councillor M Davinson noted he did not see any mention of a CMP within the conditions and added that he felt that in most circumstances it would be appropriate to have such a condition.

Councillor M Davinson added he was interested that the agent for the applicant had not mentioned how people would get in and out of the car parking spaces to the rear of the property and asked if the Highways Officer had any comments on the issue. Councillor M Davinson asked if the access to the rear of the properties was un-adopted, who owned the access, and therefore would permission need to be sought to gain access along this route.

The Chairman noted the point as regards a CMP. The Solicitor - Planning and Development asked if it was clear whether the access road was adopted highway or in private ownership. The Planning Team Leader noted that the access was not adopted highway and was a private way used by the properties. Mr P Donald explained that he had been led to believe the access was over Council owned land and that while the Authority owned the land it would not maintain it, with the longstanding residents of St. Leonards having maintained the access. The Solicitor - Planning and Development noted that issues in connection with those access arrangements would be for private law to address.

Councillor P Conway noted that he had listened very carefully to the speakers and having looked at the site a week ago he could only describe the proposed properties as being "bijou". Councillor P Conway added that he had been convinced by Councillor G Holland's forensic analysis and accordingly felt that he could not support this application and moved that the application be refused in respect of NPPF Paragraph 121 and saved CDLP policies E22, H 2, H10, H13, Q8, Q9 and possibly T10. Councillor P Conway noted that he did not feel, given the Coal Authority stating a low risk, that he could support using saved policy U13 as a reason for refusal.

The Solicitor - Planning and Development noted that Members would need to state why the application was contrary to policies and/or would present an adverse effect.

Councillor A Hopgood noted she felt this was overdevelopment in the extreme and questioned what the cost of "starter homes" would be in this particular location within Durham City. Councillor A Hopgood added that there was also the issue in respect of parking and that the controlled parking zone to the front of the properties.

Councillor K Dearden added that she would add to the comments of Councillor N Martin in respect of potential student use, stating that she felt the proposed properties would in fact be far too small for student use.

The Highways Development Manager noted for clarification that it was correct that as the proposals constituted new properties, then permits would not be issued for use in the controlled parking zone. It was added that the development is in a sustainable transport location with bus and rail links close to hand and therefore no need to provide parking off street.

Councillor C Kay asked if it was known when the properties were built, with Councillor G Holland noting he believed they were built around 1924-25. Councillor C Kay added that having sat on Planning Committees for many years he had not seen an application like this. Councillor C Kay noted he could not see how the proposal would sit right with the other properties and could not see how the proposal would not have a significant effect on 3 St. Leonards.

Councillor C Kay added that he was concerned that the development did not have a neutral effect on the Conservation Area and believed that there would be significant loss of amenity for the immediate neighbour. Councillor C Kay noted that accordingly he could not support the recommendation for approval.

Councillor J Lethbridge noted with incredulity as regards the list of concerns over this application, with so many worries that existed. Councillor J Lethbridge noted the comments from Officers in terms of unstable land, however, a look over at the nearby church where you could see many lines of cement on the walls was an indication that there may be an issue. As regard the parking situation, Councillor J Lethbridge explained that it was "the theatre of the absurd" in trying to imagine being able to get cars in and out of the rear garden via the access available. Councillor J Lethbridge noted he could not support the recommendation for approval.

The Chairman noted the issues raised and asked if Members who felt that the application should be refused could flesh out the reasons for such a refusal.

Councillor P Conway noted that as a layperson it was difficult, however he felt that in terms of E22 the proposal did not enhance or preserve the Conservation Area. The Planning Team Leader asked why he felt the proposal did not preserve or enhance, was it an issue of scale or design. Councillor P Conway noted it was everything, the scale, design, context and visual impact. Councillor P Conway added that in terms of policy H2, windfall development, he felt it was an opportunistic development and not practical or sustainable. Councillor P Conway added that in terms of policy H10 it was perhaps not appropriate as a reason for refusal.

Councillor P Conway noted policy H13 and added there would be considerable adverse affect to amenity, especially during demolition and construction and the completed properties would also be out of scale with the existing properties. Councillor P Conway added that in terms of policy T10 he felt that there were issues in terms of the practicality of parking off the highway and in maintenance of access. Councillor P Conway noted he felt it was self-evident in terms of the application being contrary to policies Q8 and Q9 in terms of the quality of design and impact upon the streetscene.

The Planning Team Leader noted for clarification that policy H2 was in the positive and that new development was acceptable subject to the application not contravening policies E3, E5 and E6.

Councillor C Kay left the meeting at 3.37pm

Councillor P Conway noted that policy E6 stated preserving or enhancing the Conservation Area by ensuring high quality design and in terms of this application he questioned that fundamentally.

The Planning Team Leader noted that in terms of policy T10, as there was good provision of sustainable transport links, as explained by the Highways Development Manager it would be difficult to use this as reason for refusal. Councillor P Conway accepted the Officers comments in respect of Policy T10.

The Planning Team Leader asked whether that in reference to citing policy H13, Members were referring to the wider enclave of the 4 houses at St. Leonards, disturbance and loss of privacy. Councillor P Conway noted this was the case and added that there was also the pressure on parking, congestion issues and issues associated with increased use.

Councillor P Conway moved that the application be approved; he was seconded by Councillor J Lethbridge.

RESOLVED

That the application be **REFUSED** as:

The development by virtue of its design, scale and massing would fail to preserve or enhance the character or appearance of the conservation area. The development would therefore be contrary to the provisions of Saved Policies E22 of the CDLP and Part 12 of the NPPF.

The proposed development would fail to respect the scale, density and character of surrounding development, contrary to Saved Policies H10, H13 and Q8 of the CDLP and Part 7 of the NPPF.

The development by virtue of its proximity to adjoining properties and use of vehicular access to the rear would have a detrimental impact on the amenities of occupiers of the adjoining properties contrary to Saved Policies H10, H13 and Q8 of the CDLP and Part 7 of the NPPF.

Councillors P Conway and K Corrigan left the meeting at 3.43pm

i DM/16/01494/FPA - 16 Whinney Hill, Durham. DH1 3BE

The Planning Officer, Susan Hyde gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes).

Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Officer advised that Members of the Committee had visited the site that day and were familiar with the location and setting. The application was a two storey extension for a house in multiple occupation and was recommended for approval subject to conditions.

The Planning Officer noted that the existing dwelling was a 4 bedroom property and that the proposal amounted to a modest extension that would not seek to increase the number of bedrooms.

The Committee noted that there had been no objections from the statutory or internal consultees on the application, subject to conditions.

The Planning Officer noted there had been 1 letter of objection received from the Whinney Hill Residents Group, with a summary set out within the report. It was added that the main points were in terms of the potential for the property to have the number of bedrooms increased to 6, that the increase in the number of student beds would be detrimental to the local environment and social cohesion, that there were restrictive covenants on the properties restricting them to family dwellings, and the proposal was contrary to Local Plan Policy, the interim policy on Student Accommodation and the NPPF.

The Planning Officer concluded by noting the application was acceptable in principle and that there was a condition to limit the number of bedrooms to 4 and the application was recommended for approval.

The Chairman noted there were no registered Speakers and asked Members of the Committee for their questions and comments on the application.

Councillor A Hopgood noted that when such applications for extensions in student areas were received could it not be possible to condition that the property was not used as house in multiple occupation or that bedrooms were restricted to a single occupant, as some landlords advertised large bedrooms as double rooms.

The Solicitor - Planning and Development noted that there would be difficulties in terms of being able to enforce the number of occupants in each bedroom, however, it would be possible to enforce the condition as set out in the report limiting the number of bedrooms to 4. It was added that if information was received that the number of occupants of the property was greater than 6, enforcement could be taken in terms of a "large house" in multiple occupation, as this would require a change of use application.

Councillor J Clark noted she was surprised that an application for an extension to an existing student house would not incorporate an increase in the number of bedrooms and asked if there was a way to reiterate to the applicant that should there be more than six occupants then this would require a change of use. The Planning Officer noted that an informative could be included on the notice to remind the applicant of the requirement of a change of use application should there be more than 6 occupants.

Councillor A Hopgood proposed that the application be refused as the application represented overdevelopment and that even up to 6 occupants would have a detrimental effect on the permanent residents living the area. The Chairman asked for the relevant policies and reasons why the application should be refused. Councillor A Hopgood noted she was not a planning expert and would ask for some assistance from Officers. The Chairman noted that it was for Committee Members to come forward with reasons to support any proposal contrary to the Officer's

recommendation, quoting the relevant policies and reasons why the application was contrary to those policies. The Chairman added that Officers could then advise whether those reasons were robust in terms of potential challenge at a later date. The Chairman asked if any other Member wished to support the proposal that the application be refused.

Councillor J Alvey moved that the application be approved; he was seconded by Councillor M Davinson.

RESOLVED

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