

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL & EAST DURHAM)

AT A MEETING of the **AREA PLANNING COMMITTEE (CENTRAL & EAST DURHAM)**
held at Council Offices, Seaside Lane, Easington on **Tuesday 27 October 2009**

PRESENT

COUNCILLOR C. WALKER in the Chair

Members

Councillors A Bell, J. Blakey, M Dixon, D Freeman, A Laing (substitute for Councillor G Bleasdale), R Liddle, J Moran, M Plews, M Simmons, K Thompson,

Other Members

Councillor R Rodgers

Apologies for absence were received from Councillors J Brown, P Charlton, G Bleasdale and B Wilson

A1 Minutes

The Minutes of the meeting held on 6 October 2009 were confirmed as a correct record by the committee and signed by the Chair.

A2 Declarations of Interest

There were no declarations of interest submitted.

A3 Applications to be determined by the Area Planning Committee (Central & East Durham)

(a) PL/5/2009/0219 – 12 No Apartments at 3 – 6 Front Street, Wheatley Hill

Consideration was given to the report of the Principal Planning Services Officer (Easington Office) which recommended conditional approval. The Principal Planning Services Officer explained that Members had visited the site that day, were familiar with the location and setting and gave a detailed presentation on the main issues outlined in the report.

Councillor Mrs M Goyns, Wheatley Hill Parish Council, advised that the Parish Council welcomed the redevelopment of a dilapidated building but had concerns that in the current economic climate apartments would remain vacant due to the slump in the housing market.

The Parish Council had objected to a similar application for the conversion of a derelict building to flats which was approved in 2006. To date no development had taken place and it was considered this was due to the lack of demand for apartments in Wheatley Hill.

Parking around Moor View was a concern as it was a narrow road and did not have a footpath. Heavy goods vehicles currently parked to the rear of the site to access the abattoir and meat packaging plant situated next to Stephens Terrace. This would be further exacerbated by the introduction of more cars into Moor View especially if the off road parking spaces were not used and motorists parked on Moor View for convenience. There was also a worry that access for emergency vehicles would be impeded.

There was no provision for a play area apart from a small garden on the Front Street which was on a main road and bus route.

Stephens Terrace and the road past the abattoir was a busy narrow road. Further congestion was caused by the car repair garage on the right hand side as you entered from the Front Street and the number of cars parked to the left hand side. This was the only access for vehicles to Greenhills and the Community Centre.

Councillor Mrs M Goyns reported that Councillor M Nicholls had requested that it be recorded in the minutes that he was not happy with the comments of the officer who had inspected the highway.

The Principal Planning Services Officer responded by stating that highways had confirmed that parking provision and access was adequate and that all roads were adopted public highway. With regard to the current economic climate it was a matter for the developer to decide if it was a sound commercial proposition.

The highways representative present at the meeting stated there was adequate parking on the development as there were 12 apartments and 16 parking spaces. With regard to the lack of footpaths this had been investigated but there was a lack of public highway width which made it difficult. Occupants of the apartments would access the building via the front entrance and not the rear. The roads around the site were in reasonably good condition except for a few pot holes.

Members felt generally that the proposals would improve the area by removing a dilapidated building and compliment the Masterplan.

RESOLVED that the application be approved subject to the applicant entering into a Section 106 agreement to secure a financial contribution for off-site recreational facilities and subject to the conditions outlined in the report.

(b) PL/5/2009/0286 – Concrete Base, Increase in Height of 2 No. Flour Silos by 88cm and Associated Equipment, Access Road, Extension to Existing Substation and Erection of New Substation (Retrospective) - Unit 14, Partnership Court, Seaham

Consideration was given to the report of the Principal Planning Services Officer (Easington Office) which recommended conditional approval. The Principal Planning Services Officer explained that Members had visited the site that day, were familiar with the location and setting and gave a detailed presentation on the main issues outlined in the report.

The Principal Planning Services Officer explained that since the report had been prepared there had been a further letter of objection from Mr Graham, a nearby resident who was unable to attend the meeting due to other commitments. The letter and attachments had been circulated to all Members of the Committee and Mr Graham's objections related to;

- the proximity of the Silos to residential homes,
- the Silos were an eyesore and could be seen for miles,
- residents had not been properly consulted on the original application,
- the Silos could have been constructed to be more sympathetic to the local environment,
- nearby property prices would be affected by the towers,
- the Silos did not accord with Planning Policy 35,
- the image of Seaham had been damaged.

Councillor Plews asked if the neighbouring houses had been built after the factory and was advised that the main objector resided on an estate that had been built after the factory.

Councillor Simmons pointed out that the factory provided jobs for many local people living in the area.

Councillor Thompson queried if the obsolete Silos would be removed once the new ones were operational. The Principal Planning Services Officer advised that if consent was granted the removal of the obsolete Silos would be a condition of approval.

Councillor Freeman had sympathy with the objectors but felt there were insufficient grounds to refuse the application.

Councillor Moran stated that the Silos were located on an industrial estate and this type of construction was to be expected.

Councillor Bell pointed out that rebuilding and reducing the Silos by 88cm would not make a significant difference.

Councillor Dixon asked if there was anything that could be done to screen the Silos or help blend them into the skyline. The Principal Planning Services Officer advised that a landscape or painting scheme had been considered but would be difficult to achieve.

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

(c) PL/5/2009/0351 – Free Standing Sign at East Durham College, Willerby Grove, Peterlee

Consideration was given to the report of the Principal Planning Services Officer (Easington Office) which recommended conditional approval. The Principal Planning Services Officer explained that Members had visited the site that day, were familiar with the location and setting and gave a detailed presentation on the main issues outlined in the report.

Ms McDonnell, an objector, advised that she was speaking on behalf of the residents of Willerby Grove and Beverley Way.

Ms McDonnell queried the appropriateness and necessity for the sign. The applicant claimed that the sign was required to highlight the entrance to the college, via Willerby Grove and direct visitors from Burnhope Way. It would also be used as a welcome message and a branding tool for the college. Ms McDonnell pointed out that the college was an extremely large and distinctive building and could not be missed from the main road. There were already large advertising displays on the main college building and the

sports hall and it was felt that this was adequate and could be clearly seen from some distance away.

Ms McDonnell made reference to Mr and Mrs Jones who lived in a property elevated above the college, their property would look directly onto the sign. Residents welcomed the proposal that the hours of illumination would be limited to the same as the floodlighting but there had been incidences of these lights being left on during the night. To conclude residents felt there was no need for the sign but if they had to compromise then they would like it re-located away from residential properties.

Mr Arthur, Peterlee Town Council, agreed that further branding of the college was unnecessary as there was adequate signage already on the main building and sports hall. The college was a large building and could not be missed from any direction. He considered the proposed sign to be too tall and pointed out that if the sign was intended to be a welcome/directional sign then it was positioned in the wrong location.

The Principal Planning Services Officer advised that the necessity for the sign was not a planning consideration and Members should consider the issues of amenity and highway safety.

At the site meeting Members had suggested the possibility of additional landscaping to screen the sign. The Principal Planning Services Officer had discussed this informally with the college and they were willing to undertake additional screening.

Councillor Liddle felt the proposed sign was too tall and could not agree to the application unless it was reduced in height and a condition added that additional landscaping be undertaken to screen it from nearby residential properties. He also queried if planning officers were aware that the floodlighting was left on during the night. Councillor Liddle was advised that the college had been made aware of the problem.

Councillor Laing asked what time the sign would be switched off if the application was approved. The Principal Planning Services Officer advised that the hours of illumination would be covered by a condition if the application was approved.

RESOLVED that the application be refused on the grounds of adverse impact on residential amenity.

(d) PL/5/2009/0358 – Change of Use to General Auctioneers (Saturdays Only) - Unit 11, Hackworth Road, Blackhall

The Chair advised that this application had been withdrawn from the Agenda.

(e) 4/09/00568/FPA – Demolition of Existing Public House and Erection of 56 Bedroomed Nursing Home, with Associated Parking, Servicing and Amenity Space - The Newton Hall Public House, Carr House Drive, Newton Hall, Durham

Consideration was given to the report of the Development Control Manager (Durham Office) which recommended conditional approval. The Development Control Manager explained that Members had visited the site that day, were familiar with the location and setting and gave a detailed presentation on the main issues outlined in the report.

Mr Fairbairn, representing All Saints Church, the closest building to the development, explained that the Church was not against the development in principle but did have a number of concerns.

Mr Fairbairn stated that the formation of a “corridor” along the side of the Church would give rise to undesirable activities. This was also a fire escape and used for bin collections. Undesirable activities in this area would affect not only the Church but also residents of the nursing home. The Church would like further consultation with the applicant to address these issues.

The potential planning conditions to be imposed did not include anything regarding restriction of working hours, burning of waste on site or measures to keep the road clean of mud. The Church would also like a condition that stated that work would cease when a funeral was taking place. For any work to take place on a Sunday or during a funeral would cause concern to the Church.

Mr Fairbairn stated that there had been no communication from the developer or the Council regarding the development other than statutory notices. This would make future meetings all the more difficult to reach agreement on the issues of concern. Members were advised that the Vicar from the church contacted the developer in August regarding demolition of the pub and was advised that plans for the site had not been finalised, however the application for a nursing home was submitted in July.

As the nearest neighbour to the development the Church would like to be consulted at all times regarding the work, when it was to commence, how long it would take and that the areas of concern be addressed through future meetings with the developer.

Mr Bell, a resident, advised that he lived on the boundary of the proposed site and welcomed the development in principle.

Mr Bell expressed concern at the size of the proposed development and would like a condition that stated that no further amendments were allowed to the building once it was erected, such as additional storeys that would then encroach on the amenity of residents of Bamburgh Road.

He asked that there be careful management of the building work and that noise, dust and disturbance be kept to a minimum.

He also had concerns about the security of the site and the materials stored on site during the build process, as he had experienced problems with the compound during demolition of the former public house on the site.

The Development Control Manager advised that there was adequate space for the fire escape which was not affected by the development. The developer would fence off his land which did not encroach on the land belonging to the Church.

With regard to security of the site that was the responsibility of the developer. The issues around burning waste of waste on site and mud on the roads would be dealt with by the appropriate council departments if necessary, they were not issues which could form the basis of any condition placed on the development.

Sensitivity around funerals was accepted and it was hoped that the developer would make allowances when there was a funeral however the Council was unable to force the developer to stop work.

With regard to communication the Council could not speak for the developer but it had undertaken all the necessary consultation and it was not the role of the Council to act as an arbitrator between the applicant and the Church.

A condition regarding future development would be included if approval was granted. Whilst there were issues around the close proximity of the development to neighbouring properties the developer had supplied Land Registry documents which clearly showed the land in his ownership.

Councillor Simmons was pleased to see plans for the site but felt the development was too large for the area and expressed concern regarding the following issues;-

- building work during funerals and working on a Sunday,
- the “corridor” to the side of the Church could lead to undesirable activities,
- lighting in the church would be affected,
- further bedrooms could be added at a later stage and a condition of approval would be needed to prevent this,
- lack of a Section 106 attached to the development,
- lack of car parking in Alnwick Road,
- adequate bus service – there was a possibility that the bus service to this area would be cut.

The Development Control Manager advised that there was nothing to prevent the developer applying to extend the building in the future but that application would be considered as a new application and considered on its merits. There was however a condition in the approval, if granted, that would prevent any internal alterations which could lead to additional bedrooms.

With regard to a Section 106 agreement the Council would normally enter into an agreement with the developer to provide facilities that were not available on site. This was a nursing home and play facilities were not required therefore it would be unreasonable to ask for this on this development.

Councillor Freeman understood that funerals could not be predicted but felt working on a Sunday should be restricted. Councillor Dixon stated he would also like restrictions imposed to prevent working on a Sunday.

The Development Control Manager agreed that it would not be unreasonable to suggest that working be restricted on a Sunday.

Councillor Bell stated that as the “corridor” had been created by the developer could a condition be placed on the developer to gate off the area. The Development Control Manager pointed out that the land in question belonged to the church, not the developer, and was a fire escape. A request could be put forward to the developer but it was not a reasonable matter that could be imposed.

The Chair once again raised the issue of a Section 106 agreement and the Development Control Manager advised that this was a nursing home and did not require play facilities.

Councillor Simmons asked if a Section 106 agreement was not possible could a financial contribution be sought from the developer towards a planting scheme on the estate. Councillor Thompson suggested that a financial contribution from the developer could be used to improve highways on the estate.

RESOLVED that the application be approved subject to the conditions outlined in the report and an additional condition be added to limit the hours of building work on the site and to specifically exclude working on a Sunday.

(f) 4/09/00628/FPA – Erection of 61 No. Dwellings with associated parking and Highways - Land at Commercial Street, Brandon, Durham

Consideration was given to the report of the Development Control Manager (Durham Office) which recommended conditional approval. The Development Control Manager explained that Members had visited the site that day, were familiar with the location and setting and gave a detailed presentation on the main issues outlined in the report.

Councillor Rodgers, the local Member stated that he fully supported the proposed development. There was however a need to reinstate the public footpaths that bordered the site. He also expressed concern that there was no Section 106 agreement attached to the development.

Councillor Thompson agreed that the site was an eyesore and the proposed development would improve the area. He did however have concerns regarding the high density of houses proposed for the site, he also commented on the lack of an indicative plan with the agenda.

The Development Control Manager advised that the density of houses on the site was acceptable. The development was a mix of social rented and market housing and met all the requirements set out in planning policy guidance and all the required spacing had been achieved. Car parking, greenspace and amenity space was also acceptable.

Councillor Thompson pointed out that the plan he downloaded from the web site was different to the plan now being shown to Members. The Development Control Manager advised that there had been some minor alterations to the application and the plan had been amended to reflect these changes.

Councillor Thompson queried why a Section 106 agreement could not be requested and the money used for highway improvement works.

The Development Control Manager explained that the viability of this scheme was very vulnerable. The scheme brought about regeneration, low cost affordable housing and social rentable homes. The margins were very tight and forcing a Section 106 agreement on the applicant could mean that the scheme would not proceed.

RESOLVED that the application be approved subject to the applicants entering into a Planning Agreement under Section 106 of the Town and Country Planning Act 1990 to ensure that the affordable homes were provided in accordance with the approved scheme and were retained as such for initial and subsequent occupiers and subject to the conditions outlined in the report.

A4 Appeal Update

(a) Appeals Received

The Principal Planning Services Officer (Easington Office) gave details of the following appeal which had been lodged with the Planning Inspectorate:

- (i) Appeal against the Council's refusal to grant planning permission for a two storey rear extension and private garage at 96 Dunelm Road, Thornley.

(b) Appeal Decisions

The Development Control Manager (Durham Office) gave details in relation to the following appeals which had been considered by the Planning Inspectorate:

- (i) Appeal against the Council's refusal to grant planning permission for the demolition of a conservatory and the erection of a two storey pitched roof extension to the rear with replacement conservatory beyond and erection of pitched roof porch to the front elevation at 22 North Crescent, Durham.

Appeal dismissed for the erection of a two storey pitched roof extension to the rear with replacement conservatory beyond and the appeal allowed insofar as it related to the front porch only.

- (ii) Appeal against the Council's refusal to grant advertisement consent for illuminated and non illuminated signage to the front exterior of The City Hotel, New Elvet, Durham.

Appeal allowed and dismissed in part, dismissing the appeals for the trough lit individually lettered fascia sign, externally illuminated projecting sign and 1 no. hanging lantern. The non illuminated amenity board and fascia sign at first floor was allowed.

- (iii) Appeal against the Council's decision to issue an Enforcement Notice for a breach of control at 85 Gilesgate, Durham.

Appeal allowed and the Enforcement Notice was quashed. The Planning Inspector considered a number of issues in relation to the validity of the Notice as raised by the appellant, concluding that the Notice was invalid and could not be corrected because a different breach of planning control to that alleged had taken place.