

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 31 October 2019 at 1.00 pm**

Present:

Councillor I Jewell in the Chair

Members of the Committee:

Councillors S Wilson (Vice-Chair), A Bell, L Boyd, J Higgins, O Milburn, C Martin, J Shuttleworth, K Thompson and T Tucker

Apologies:

Apologies for absence were received from Councillors A Bainbridge, D Boyes, A Hopgood, C Kay, J Robinson and A Shield

1 Apologies for Absence

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2 Substitute Members

There were no substitute Members.

3 Minutes

The minutes of the meeting held on 26 September 2019 were confirmed as a correct record by the Committee and signed by the Chair with the following amendment:

Councillor A Bell stated Councillor D Bell was no longer a member of the Committee.

4 Declarations of Interest (if any)

There were no Declarations of Interest submitted.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/17/02333/OUT - Land to the North East of Castledene Road, Delves Lane

The Committee considered a report of the Strategic Development Manager regarding an application with all matters reserved (except access) for up to 105 dwellings including associated infrastructure and open space provision on land to the North East of Castledene Road, Delves Lane (for copy see file of Minutes).

The Strategic Development Manager provided a detailed presentation of the application, which included a site location plan, aerial photographs of the area and a Landscape and Visual Impact Assessment that demonstrated how the development would fit into the landscape. The presentation illustrated the need to relocate a bus stop to provide access to the site.

The Chair thanked the Strategic Development Manager for his detailed presentation.

Councillor M Clarke, local member addressed the Committee in objection to the application. He thanked the Planning Officers for their hard work on the proposal and noted that the revised plan was different from the original proposal. He informed the Committee that the land was sold by Durham County Council with no expectation that it would be used for housing as it was not identified as a potential site for development in the latest draft of the County Plan. He thought there was a caveat on the land with a condition added that ensured Durham County Council would be compensated should development ever occur.

Councillor Clarke noted that areas of Delves Lane to the rear of Redmire Drive to Knitsley were earmarked for future development that would lead to many new properties being built. He informed the Committee that the scale of the mitigation charges indicated that the development was not easily slotted into the local area and would leave the infrastructure for Delves Lane over stretched.

Councillor Clarke was apprehensive that the road in and out of Crookhall would not cope with the additional cars that the development would bring. He noted that the nearby B&M and Lidl supermarkets had already increased the traffic making the mini roundabout in the vicinity difficult to navigate. He added that the dip in the road at the mini roundabout affected visibility making it quite hazardous.

Councillor Clarke informed the Committee that the mini roundabout had previously been investigated for improvement, but it was found that traffic lights would have a negative impact on the traffic flow and the installation of a junction would render residents with difficulties to exit it. Councillor Clarke felt that the fundamental safety issues with the highway remained a concern and considered that the improvements set out in the revised proposal would not make the highway any less safe and therefore he could not support the application.

Mr Ridley, a local resident addressed the Committee in objection to the application. Mr Ridley thanked the Committee for the opportunity to speak and informed the Committee that he had concerns about the proposed development. His main issue was regarding the proposal to relocate the existing bus stop on Gloucester Road. He was worried that when buses parked at the bus stop it became a dangerous blind bend that made visibility difficult for pedestrians and motorists. He felt that the road markings for the bus stop overhung the junction rendering the area hazardous. Mr Ridley thought there was nowhere on the road that the bus stop could be relocated to without there being further safety implications.

Mr Ridley informed the Committee that in the previous planning application town houses were going to be made affordable. He told the committee that the developer proposed large discounts for buyers that would not be passed on if the full asking price was requested in the future making properties unaffordable. Mr Ridley was worried that any further changes made to the planning application would not be circulated for public consultation or presented at a future planning committee

Miss Manson, representative for Gleeson thanked the Committee for the opportunity to speak in support of the application. She informed the Committee that Gleeson specialised in building low cost homes across the North of England. Miss Manson told the Committee that Gleeson consulted the Government's statistics on earnings to determine the cost of their houses and offered help to buy schemes. She noted that ten percent of the development would be secured through the Section 106 agreement as affordable housing and stated that Gleeson refused to sell their properties to private land lords.

Miss Manson informed the committee that Gleeson provided sponsorship opportunities and funded kits for local junior sports clubs and teams in areas in which they built new homes through their Sports Foundation. She informed the committee that Gleeson provided local employment and provided training packages for unemployed people including apprenticeship schemes with the local college.

The Strategic Development Manager informed the Committee that a condition in the report set out a scheme that would improve the mini roundabout to optimise safety and deal with traffic. He also stated that under the terms of the Section 106 agreement the discount on the properties would remain in perpetuity safeguarding affordable housing in the future. He noted that any further amendments to the planning application would be subject to public consultation in the local area and would be brought to Committee.

Councillor C Martin was concerned that the development would end the boundaries between the villages of Crook Hall and Delves. He informed the Committee that the development would alter the substantial character of the villages and they would lose their identity. He was opposed to the planning application.

Councillor J Shuttleworth was worried that the development would strangulate the local area and services would not be able to cope with the extra houses. He felt the application should be refused.

Councillor T Tucker requested clarity on why the report deemed the land unsuitable for development, but a planning application had been submitted. She wanted to know if there was more suitable land in the vicinity that could be developed instead.

The Strategic Development Manager informed the Committee that a Strategic Housing Land Availability Assessment (SHLAA) was a high-level assessment carried out to identify sites within County Durham which had potential for housing development. He noted that the land had been identified as unsuitable. However, following detailed analysis of all of the supporting information necessary to accompany a planning application, and with the presumption in favour of development engaged, he noted that the planning balance was now in favour of the planning application. He was unsure whether there were other plots of land that would be a more suitable alternative.

Councillor I Jewell informed the committee that the Council had no control over locations where people submitted planning applications which all had to be considered on their own merit.

Councillor Milburn requested information on who owned the piece of land next to the development site. The Strategic Development Manager informed the Committee that he did not know who owned the land but could only inform the Committee that it was not owned by Durham County Council.

Councillor O Milburn also wished to know how mitigation worked if primary schools in the local area were at saturation point and the schools had no space to expand.

The Strategic Development Manager explained that the School Places Team liaised with schools regarding capacity and feasible work undertaken to see how schools could be extended.

Councillor L Boyd was worried with mine works in the area. She was aware of a house in the area that had subsided. She wanted to know if there were any covenants on the land. She was also concerned about the difficulties with the relocation of the bus stop and the dangers it imposed.

The Planning and Development Solicitor was not aware of any covenants on the land, but this was not relevant for Members of the Planning Committee as this would need to be looked at as a separate legal issue.

The Strategic Development Manager informed the committee that the application site was in a high risk coal mining area but following consultation with the Coal Authority they offered no objections on the basis of the site investigation work undertaken, which had demonstrated that the application site was safe and stable for the proposed development. He noted that highways had been consulted and they expressed no safety concerns with the relocation of the bus stop.

Councillor Tucker requested clarification on whether the changes to the bus stop and mini roundabout would take place before or after work started on the development. She was conscious that residents should not be made to suffer any inconvenience with the development. Councillor Tucker wanted to know if a condition could be put in place to have all road works completed before works commenced on the development.

The Strategic Development Manager noted that the bus stop relocation would need to be completed before works on the development started as this was required to gain access to the site. He stated that within the application, work would be carried out on the roundabout after the 50th occupation of the site.

Miss Manson explained to the Committee that she had no instruction to comment on this but stressed that Gleeson worked very closely with the Local Authority to secure safe delivery of any development.

Councillor A Bell reiterated his concerns over the safety of the relocation of the bus stop. He could not see on the plans where there would be a safe place to relocate the bus stop to. He was disappointed there was no one from highways to provide advice.

The Strategic Development Manager informed the committee that highways had been consulted and they were satisfied there were no safety issues regarding the relocation of the bus stop.

He explained that some of the properties on Gloucester Road had no vehicular access as there was a deep grassed verge that was part of the adopted highway. The relocation of the bus stop in front of these properties would not therefore create any difficulties for residents of those properties.

Councillor A Bell wanted to know if changes to the application would be subject to further consultation and if the changes would also be presented to the Planning Committee. He was apprehensive that the local schools would not accept Durham County Councils financial contributions to help address the capacity issues.

He requested clarification on whether the schools had agreed to accept the financial contribution to take extra students as if not it would not be beneficial to build new houses to then find the schools could not take additional children.

Councillor I Jewell informed the Committee that the rules around applying for a school places had changed in recent years and had become more complex. Local school places were not just for local children like in years gone by but open to all subject to availability and criteria.

Councillor L Boyd requested clarification on what was discussed with a school to help with accommodation.

The Strategic Development Manager informed the Committee that the School Places Team liaised with Head Teachers to determine the capacity of the school and if there was any scope to extend schools beyond their current maximum capacity to accommodate for additional children. He informed the committee that the School Places Team calculated the financial implications using the school places policy on the ratio of children and the cost of a place at the school. He stated that financial contributions could be secured from the Developer through the section 106 agreement.

Councillor C Martin **proposed** to reject the planning application as the development did not outweigh the loss of character to the villages as it removed the boundary at Crook Hall and Delves and was **seconded** by Councillor T Tucker

The Local Planning Authority considered that the proposed development would significantly adversely affect the character of the local area as a result of the coalescence of Delves Lane and Crookhall, and that such harm would significantly and demonstrably outweigh the benefits of the proposed development. Consequently, the development would be contrary to Policies EN1, EN2 and GDP1 of the Derwentside District Local Plan and Paragraphs 127 and 170 of the National Planning Policy Framework.

Upon a vote it was

Resolved

That the application be **REFUSED**

b DM/19/02431/FPA - The Wicket Gate, 193 Front Street, Chester-le-Street

The Committee considered a report of the Planning Officer regarding an application for the removal of ground floor windows to be replaced with sliding folding glassed doors at the Wicket Gate, Chester le Street.

The Planning Officer provided a detailed presentation of the application, which included a site location plan, aerial photographs of the area and a visual of the proposed doors.

The Chair thanked the Planning Officer for her detailed presentation.

Mr Briggs, a local resident addressed the Committee in objection to the application. He thanked the Committee for the opportunity to speak to express his concerns about the proposed development. Mr Briggs informed the Committee that his main issue was regarding the safety of the footpath outside the Wicket Gate. He told the committee that the footpath was not very wide and would be obstructed by people while they smoked outside. He felt that the installation of the folding doors would increase the number of people congregating on the path making it dangerous for pedestrians trying to get past especially those pushing prams who would have to walk in the road to continue their journey.

Mr Briggs notified the committee that the congestion on the path would be dangerous for motorists as it would cause a distraction as they navigated the small mini round outside the pub. He felt there would be more litter and rubbish in the area including broken glass that would also make the path unsafe. He told the committee that the open windows would increase noise pollution for residents along with an escalation in anti-social behaviour.

Mr Hibb, representative of JD Wetherspoon thanked the Committee for the opportunity to speak in support of the application. Mr Hibb informed the Committee that the Wicket Gate was undergoing renovation not only on the outside but also on the inside. He informed the committee that the bar area would be re-located from the centre of the pub to the side and both the DJ box and dance floor would be removed. JD Wetherspoon had been granted planning permission to create a roof garden. Mr Hibb notified the committee that people who smoked would be encouraged to use the roof garden once it was opened to alleviate the obstruction on the pavement outside.

Mr Hibb told the committee that the proposed folding glassed doors would only remain open between the hours of 9am and 9pm. He informed the committee that the pub would not play live music which would reduce the amplified noise causing less nuisance to residents. He told the committee there was a management plan in place to alleviate the negative impact of the pub on residents. Mr Hibb notified the committee that members of staff frequently checked the outside area of the pub and CCTV cameras to ensure there was no anti-social behaviour or litter.

He stated that people who ordered taxi's were encouraged to wait on the premises to avoid creating queues on the path outside. Mr Hibb informed to the committee that a contact number for management had been circulated to nearby neighbours to make it easy for them to report any trouble and for management to resolve trouble quickly.

The Planning Officer informed the Committee that she had consulted with highways officers who had raised no concerns with the planning application. Highways stated that there was no academic research to show that pedestrians on pavements caused distractions to drivers.

The Chair thanked the Planning Officer and asked the Committee for their comments and questions.

Councillor S Wilson noted that the planning application for the installation of a roof garden for the Wicket Gate had been approved with similar conditions to this planning application. Councillor Wilson considered that the Wicket Gate was changing its appearance into a different type of pub with no live music. He wanted to know if the noise could be controlled to cause no nuisance to residents. He felt the pub could restrict drinks from being taken out of the pub on to the street to prevent any broken glass being left on the path. He stated he would be happy to move the Officer's recommendations if the issues were addressed.

Councillor T Tucker raised concerns about the barrier that was proposed to be installed. She felt that a glass barrier would be deemed unsafe. There was potential that this could be broken. She wanted to know if the barrier would be a fixed permanent structure and whether other building material could be used instead of glass. The Planning Officer confirmed that the glass barrier would be a permanent structure set just outside the frame of the original windows.

Councillor K Thompson felt that although there appeared to be no academic research that showed the loitering of people on pavements would cause a distraction to motorists, he was concerned that the police had voiced their objections to the application.

He noted that due to budget cuts there were fewer police therefore people on the pavement would not be controlled. He thought the application should be refused.

Councillor A Bell confirmed that the barrier would be permanent fixture but was happy that people could not physically walk through it and the only access to the pavement was through the existing door.

Councillor O Milburn was disappointed the roof garden had not already been installed. She felt the roof garden could have acted as a bench mark to see if it had been successful in reducing the amount of people from the pub using the front street causing an obstruction.

Councillor T Tucker reiterated her grave concern over the glass barrier to the front of the property. She was not in favour to approve the application as it was a busy pavement with young mums, young people and the elderly walking past. She felt if the barrier was broken, glass would go everywhere making the pavement dangerous to those trying to use it.

The Planning Officer stated that the developer could consider alternative materials. Mr Hibbs agreed that JD Wetherspoon would consider alternative materials and noted the concerns if the glass shattered. Mr Hibbs noted that safety glass would be used and potentially a metal railing installed to decrease the impact of damage.

The Planning and Development Solicitor reminded the committee that highway officers had not raised any concerns with the application and therefore the materials used for the barrier did not warrant discussion. However, if a metal railing was added and it protruded onto the adopted highway then different consent would be required from highways. A condition could be put in place in relation to what materials are used for the barrier.

Councillor C Martin shared the concerns over the barrier but was not confident that the Committee could reject the application on these grounds as these were more licensing issues than planning issues. He was concerned that if the application was refused it could be overturned on appeal and costs could be incurred.

Councillor I Jewell stated that the proposed folding doors were no different to those used by other businesses on shop fronts on busy high streets and the original glass windows could be broken. He was a little uneasy at upholding the issue of material used in the barrier as a planning consideration.

Councillor T Tucker declared that she did not object to the folding doors only the width of the barrier that could be classed as a hazard should it be broken as it overlooked a public footpath. She gave an example of bus shelters that shattered when they were broken that caused hazardous areas for pedestrians. Councillor Tucker was also concerned that the glass barrier would be clear that may not be visible to people who were under the influence of alcohol.

Councillor I Jewell stated that similar glass would be used in the roof garden that planning permission was approved for. He suggested that frosted opaque safety glass could be used for the barrier in this instance.

Councillor K Thompson wanted to know whether the objections raised by the police in the report were a material consideration to refuse the application.

The Planning and Development Solicitor noted that the concerns from the police were material regarding the obstruction to the pavement, but they were not reinforced by highways who had no objections to the planning application. He told the committee that highways gave no evidence that the obstruction would create a distraction to motorists. The concerns of the police could not be a sustained reason to refuse the application.

Councillor A Bell thought that the glass used in shops or bank fronts would be laminated for strength so it would not shatter or break. He assumed the proposed glass barrier would be made of a similar strong material. If the applicant was asked to use different material it would change the application requiring them to submit a new one to accommodate the changes.

The Planning and Development Solicitor informed the Committee that a condition could be included in the planning application for the use of suitable safer materials in the manufacture of the barrier subject approval from the Planning Officers.

Councillor S Wilson **proposed** the approval of the application and **seconded** by Councillor C Martin.

Upon a vote it was unanimously

Resolved

That the application be **APPROVED** subject to the conditions contained in the report and an additional condition included with regards to the materials used in the manufacture of the barrier.

6 Planning Development Management Performance Summary Q1/Q2 - 2019/20

The Committee considered a report of the Principal Planning Officer which provided statistical information on the performance of core elements of the Planning Development Service. The information provided was part of the Council's Corporate performance management framework (for copy see file of Minutes).

The report was the second in the bi-annual performance report that was to be presented to the Committee that showed the comparison on how the planning department performed on both a local and national level. All figures for Durham County Council's performance on both a local and national level were good and favourable.

Councillor L Boyd congratulated and thanked all concerned for all the hard work in producing a good report.

Resolved

That the report be noted.

7 Appeal Update

The Committee considered a report of the Principal Planning Officer which provided details of a recent appeal (for copy see file of Minutes).

An appeal was submitted against the refusal of planning permission by the Northern Area Planning Committee for the change of use of public open space to domestic curtilage at 41 Carrowmore Road, Parkfields, Chester le Street. The Inspector agreed with the Council's decision and dismissed the appeal.

Resolved

That the report be noted.