

## DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (Central and East Durham)** held in Council Chamber, County Hall, Durham on **Tuesday 22 February 2011 at 1.00 pm**

### **Present:**

**Councillor C Walker (Chair)**

### **Members of the Committee:**

Councillors M Plews (Vice-Chairman), J Bailey, A Bell, J Blakey, G Bleasdale, J Brown, P Charlton, S Iveson, J Moran and K Thompson

### **Apologies:**

There were no apologies for absence.

### **Also Present:**

Councillor Dennis J Southwell and Councillor Les Thomson

A Dobie (Principal Planning Officer - Easington Area Office), P Holding (Principal Solicitor), A Simpson (Development Control Manager - Durham Area Office), D Walker (Committee Services Officer) and B McVicker (Highways Officer)

### **1 Minutes of the Last Meeting held on 1 February 2011.**

The Minutes of the meeting held on 1 February 2011 were confirmed as a correct record by the committee and signed by the Chair.

Councillor Bailey noted that he had spoken at length at the last meeting on the matter of retrospective applications and planning enforcement and requested that, where Members made particular points, their names should be recorded.

### **2 Declarations of Interest (if any).**

There were no declarations of interest.

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

**3a 4/10/893/FPA - Former Durham Gilesgate Primary School, Kepier Crescent, Gilesgate Moor, Durham, DH1 1PH.  
Erection of 20 dwellings comprising 11 no. affordable dwellings and 9 no. young parent apartments (including 1 no. wheelchair accessible unit) together with young parent communal facility, all with associated landscaping, parking and revised access arrangements.**

Consideration was given to the report of the Development Control Manager (Durham City Area Office) which recommended the application for approval subject to conditions.

Members had visited the site that day and also viewed a similar scheme in Bishop Auckland.

The Development Control Manager gave a detailed presentation on the main issues outlined in the report. He also requested that, should Members be minded to approve the application, delegated authority be given to allow alteration of a number of conditions in relation to timescales.

Councillor Thomson addressed the Committee as the Divisional Member. He explained that, while appreciating the need for such a development, the Committee should be aware of the great local opposition to this proposal. He advised that local feelings were running high, and were such that it was possible that residents of the proposed accommodation could be ostracised; this would be most regrettable.

He went on to note the location of the site in relation to the nearby bungalows and school, and requested the Committee give very careful consideration to the suitability of the site.

Belmont Parish Council was represented by Councillor Barbara Howarth. In addressing the Committee, she noted that their main objection was summarised in the Officer's report, but explained that she wished to draw the Committee's attention to a number of aspects.

The Parish Council felt that there had been inadequacies in the pre-application consultation. PPS1 stated that it was essential that community consultation took place in order to create sustainable communities. In this case, the Parish Council had only become aware of the proposal was when told about it by local residents.

Councillor Howarth also explained that the Parish Council had concerns about the density of the development. The site was half a hectare and it was proposed to build 20 dwellings; guidance recommended 30-40 dwellings per hectare so the proposed development was at the top end of the scale. In addition, the separation distances were very tight, particularly in relation to the bungalows in Whitwell Court.

The drainage was a further area of concern. Northumbrian Water had suggested the usual condition in relation to surface water, however no mention had been made of how foul water was to be dealt with.

The Parish Council had initially also been concerned about the number of trees to be removed, however the modifications to the plans which now retained a number of trees and was a welcome improvement.

Councillor Howarth noted that the Officer's report indicated that there was no requirement for an Environmental Impact Assessment, however a number of environmental issues and mitigation were the subject of conditions. The Parish Council considered that these issues had should have been investigated prior to the application being brought to Committee, rather than dealt with by condition afterwards.

The lack of play areas on the site was also an issue. It was suggested in the report that this could be compensated for by way of a s106 agreement, however other play areas in the locality were some distance away from the site, and would be of limited benefit to residents of the proposed accommodation.

The Committee's attention was also drawn to the shared access to the site. The report referred to modest traffic being generated by the adjacent school, but what had to be remembered was that two schools had amalgamated into one building and there was still a substantial amount of traffic. The Highways Department had stated that the access was adequate, however it had to serve cars, bikes and service vehicles and in close proximity to a school.

In concluding, Councillor Howarth explained that the Parish Council agreed that provision should be made for young parents, but felt that this site was unsuitable for the reasons given. It was therefore requested that the application be refused.

Alan Milligan then addressed the Committee, indicating that he was speaking on behalf of 484 people living in the area around this site who objected to this application.

It was felt that the density of development was too high. The proposal was for 44 dwellings per hectare against a national average of 25. In addition the distance between the proposed houses and the existing properties in Aspen Close was less than the required limit, which Mr Milligan contended was illegal and would prevent permission being granted for properties in Aspen Close to be extended. The shortfall was half a metre, but this was a very important half a metre for these reasons.

Residents also felt that the traffic density was too high and this would affect pedestrian safety, particularly at school times. This issue was compounded by the five point junction outside the school.

Turning to the risk of increased crime and anti-social behaviour, Mr Milligan stated the Officer's report dismissed residents' fears as unfounded; this, he felt, was an insult to residents.

Twelve households near a similar facility in Coney Avenue, Bishop Auckland had been contacted and 11 had stated that there were regular problems. These statements were borne out by Police statistics which showed the number of incidents attended in Coney Avenue was almost twice that of Gilesgate. This, in conjunction with the proposed security measures gave rise to residents' serious concerns about crime and antisocial behaviour.

Mr Milligan went on to explain to the Committee that there had been no communication with the local community, including the Parish Council, until some 6 weeks before the application had been submitted. He felt that the Applicants had a duty to consult with local residents, however their efforts had been a four hour period on one day when residents were invited to talk to the Applicant's representatives. Several residents had claimed never to have received invitations to this event, which raised concern over the Applicant's approach to consultation.

In addition, it was claimed that the application had been advertised by way of site notices; several people who lived in the area stated that they had never seen any such notices.

Residents were also aware that the Committee had visited the Coney Avenue development and contended that, in order to ensure a fair and balanced view was obtained, should have consulted with neighbouring residents. This would ensure the impartiality of the Planning Committee.

In concluding, Mr Milligan submitted that these issues constituted a serious failure in the planning process and asked that the application be refused.

Having heard from the Parish Council and objectors' spokesperson, the Chair asked the Development Control Manager to respond to the issues raised.

The Development Control Manager explained that in relation to the comments made about pre-application consultation, it was important to note that there was no actual statutory requirement for the Applicants to undertake any pre-application consultation. The County Council consulted with relevant parties as part of the application process and the Parish Council was informed of this application through that method. He also confirmed that site notices had been posted.

The lack of an Environmental Impact Assessment had also been raised. Specific regulations governed the situations where an EIA was required, and this application did not meet those criteria. A number of reports relating to environmental matters had been submitted and considered, and were reflected in the Officer's recommendations.

In terms of density, while at the upper end of those stated in PPS3, they were within guidelines and consistent with policy.

The Development Control Manager also acknowledged that the Committee had visited the development at Coney Avenue, however considered that consulting with residents at that location could, in effect, be seen as canvassing for objections. This was not appropriate.

Martin Hawthorne, the Director of Regeneration for Tees Valley Housing Ltd, then addressed the Committee in support of the application.

He explained that the proposed scheme was to provide 20 dwellings; 11 affordable homes for families and 9 flats for young parents.

The affordable homes would either be offered for sale or for rent, however, he acknowledged that it was the provision of the flats for young parents that appeared to be the main cause of residents' concerns.

The purpose of the proposed accommodation for young parents was to build life skills and allow the young people to become confident citizens. Assistance would be provided with, for example, budgeting, shopping and cooking, and support would continue to be provided when the young parents had moved on.

He advised the Committee that TVHL had three existing schemes which were similar to this proposal and all worked very well.

In terms of the objections to the scheme, it was important to note that reports of crime had fallen in the area around the Bishop Auckland scheme; TVHL had agreed to provide 24hour staff cover for an initial period to reassure residents and avoid problems; the proposed layout of the site had been amended to reflect comments made during the consultation and to allow more trees to be retained. Discussion had also taken place with the headteacher of the adjacent school regarding the application, and TVHL had agreed that a school governor should sit on the panel which determined which young parents would be allocated accommodation in the flats.

This scheme was a significant investment, costing around £2.7m. It was supported by the planning officers and Social Services and he asked that the application be approved.

Councillor Southwell addressed the Committee as Divisional Member. He noted that the Committee had been able to see the level of concern local residents had surrounding this proposal.

He explained that he was a Governor at the school and that the school's primary concern was for the safety of the pupils. The Applicants had done everything the school had asked and the headteacher and governors were comfortable with the proposal. In terms of consultation, 178 letters had been sent by the school to parents and carers of children to invite them to a meeting to discuss the proposal and only 9 had attended. It had also been the suggestion of a governor that a representative sat on the allocation panel, and again, the Applicants had agreed to this.

The overall cost of the development was £2.7m and although a grant covered £1.2m of this, the Applicants were investing £1.5m into the scheme and the area.

In concluding, Councillor Southwell asked that the Committee take a balanced view of the application.

In considering the application, Councillor Plews noted that a full and comprehensive report had been provided by the objectors to the proposal, which made reference to crime and anti-social behaviour, however, no evidence had been included to support this aspect. The Development Control Manager responded that although statistics had been provided by the objectors, it was not considered that these specific figures were directly relevant to the consideration of the application. Councillor Bailey suggested that it was important that Members should be aware of this evidence prior to making a decision. In responding, the Development Control Manager advised that for the year 2007/2008 there had been 1777 reported incidents in the Woodhouse Close area of Bishop Auckland, whereas in the year 2009/2010 this had fallen to 1457. Members were asked to note that these figures were in respect of the whole of the Woodhouse Close beat area, and not restricted to the Coney Avenue scheme. Councillor Bell commented that it must be

remembered that this information related to Bishop Auckland and that Gilesgate was a different area, while Councillor Charlton indicated that she had spoken to the Councillor for the Woodhouse Close area and been advised that she had received no complaints of issues as a result of the Coney Avenue scheme.

The matter of drainage and flooding had been mentioned by the Parish Council representative, and Councillor Thompson sought clarification this aspect. The Development Control Manager advised that Northumbrian Water had been consulted as part of the process and had recommended a condition requiring a scheme for the disposal of surface water. Northumbrian Water felt there was sufficient capacity in the area for disposal of foul water and had not made any recommendation in this regard.

Discussion took place on the issue of the separation distances and in particular where this was 0.5m short of the recommended 21m in respect of a property in Aspen Close, with Councillor Blakey suggesting that in this case a high level window be used in the proposed property to reduce the impact. The Development Control Manager commented that it was correct that the distance between one existing property and one of the affordable homes was slightly less than the recommended 21m, however officers did not consider that this would result in a significant loss of amenity or overlooking. In terms of using a high level window, he considered that this could unbalance the elevation and would result in a very odd appearance to the dwelling.

Councillor Bell commented that he was pleased to see the school were comfortable with the application, but queried whether traffic calming measures were to be installed in the adjacent roadway. In reply the Highways Officer confirmed that this road was to be improved to adoptable standards. It would be widened to 4.8m, rumble strips installed, the footpath widened and enhanced street lighting provided.

**Resolved:** That the application be **APPROVED** subject to the conditions contained in the report except that delegated powers be granted to the Development Control Manager to amend conditions 3, 4 and 5 in respect of timescales.

**3b PL/5/2010/0584 - Moor View, Station Road, Murton, SR7 9RN.  
Demolition and Reconstruction of Dwelling.**

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

**Resolved:** That the application be **APPROVED** subject to the conditions contained in the report.

## **4 Appeal Update.**

### **(a) Appeals Received**

The Development Control Manager (Durham City Area Office) and the Principal Planning Officer (Easington Area Office) gave details in relation to the following appeals which had been lodged with the Planning Inspectorate.

#### **(i) Appeal by Mr S A Baz Site at Queens Head Public House, 3 North View, Ludworth, Durham, DH6 1NF**

An appeal had been lodged by Mr S A Baz against the Council's refusal to grant planning permission for subdivision of vacant public house to form 1 no. A1 retail unit and 1 no. A5 hot-food takeaway, with elevational changes to front of building, and erection of extraction flue to rear at Queens Head Public House, 3 North View, Ludworth, Durham, DH6 1NF. This was originally reported to Committee on 11 January 2011.

The appeal was now to be dealt with by way of an informal hearing as decided by the Planning Inspectorate and the Committee would be advised of the outcome in due course.

#### **(ii) Appeal by Mr Rathbone Site at Barnsett Grange, Sunderland Bridge, Durham, DH6 5BX**

An appeal had been lodged by Mr Rathbone against the Council's refusal to grant planning permission for the erection of a conservatory to rear at 4 Barnsett Grange, Sunderland Bridge, Durham, DH6 5BX.

The appeal was to be dealt with using the Householder Appeals Service and by way of written representations and the Committee would be advised of the outcome in due course.

#### **(iii) Appeal by Mrs P Emanuel Site at Poultry Farm, Off Dene Road, Dalton-le-Dale, Seaham, SR7 8QW Planning Reference – PL/5/2010/0408**

An appeal had been lodged against the Council's refusal of the variation of a previous approval for the retention and use of a static caravan at the above site for security purposes.

Planning permission was refused due to the size and appearance of the caravan, and its location outside of the settlement boundary; and the proposal constituted an inappropriate form of development in the countryside for which no satisfactory justification had been provided with the application.

The appeal was to be dealt with by means of written representations, and members would be informed of the outcome in due course.

**(iv) Appeal by Mr J Oliver**  
**Site at Hastings House Farm, Littletown, Durham, DH6 1QB**  
**Planning Reference – PL/5/2010/0442**

An appeal had been lodged against the Council for the non-determination of an application for the change of use from office accommodation and canteen building to include agricultural worker's accommodation and associated alterations to elevations at the above site.

The appeal was previously reported to members on 1 February 2011 as being dealt with via written representations. It had been changed and was now to be dealt with by means of a Hearing; members would be informed of the outcome in due course.

**(b) Appeal Decisions**

The Development Control Manager (Durham City Area Office) gave details in relation to the following appeal, which had been considered by the Planning Inspectorate.

**(i) Appeal by Mr P Johnson**  
**Site at 15 Brockwell Court, Brandon, Durham DH7 8QX**

An appeal was lodged by Mr Johnson against the Council's decision to refuse planning permission for the erection of decking to the rear of the dwelling.

The Inspector dismissed the appeal, and in reaching his decision considered the main issue to be the effect of the development on the living conditions of occupiers of adjoining dwellings in terms of any overlooking.

The timber decking had been erected in the rear garden of 15 Brockwell Court, a mid terraced property, part of high density housing built on sloping ground. The decking had been built into the slope, on the boundary with no. 14 and stood well above the ground floor level of the houses.

The Inspector considered the scale and elevated position of the decking affords views of the gardens and main habitable rooms on the back of the adjoining houses. In the case of no. 16 the intervening path reduced the degree of direct overlooking. However, with regard to no. 14 the Inspector considered the intensity of the overlooking to be oppressive, leaving little by way of private space. This, he did not consider, was ameliorated by the low screening that was incorporated into the decking.

As a result, the Inspector considered the enjoyment the occupiers might reasonably expect from these parts of their dwelling had been diminished. Accordingly, the development had brought about a harmful change in the living conditions of the occupiers of this dwelling, contrary to Policy Q9 of the City of Durham Local Plan 2004.



He also took into account the views of interested parties in reaching his decision, including the appellant's arguments, the fact the neighbour who complained had since moved and a similar development nearby, but these considerations did not persuade him to allow a development that he considered harmful to the living conditions of the occupiers of an adjoining dwelling.

**Resolved:** That the report be noted.