

## **DURHAM COUNTY COUNCIL**

### **AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)**

At a Meeting of **Area Planning Committee (Central and East Durham)** held in Council Chamber, County Hall, Durham on **Tuesday 14 June 2011 at 1.00 pm**

#### **Present:**

**Councillor P Taylor (Vice-Chair)**

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

Councillors A Bell, G Bleasdale, J Moran, J Robinson, K Thompson, J Chaplow, A Naylor and M Williams

#### **Apologies:**

Apologies for absence were received from Councillors C Walker, J Bailey, J Blakey, J Brown, P Charlton, D Freeman, S Iveson, A Laing and R Liddle

#### **Also Present:**

N Carter (Solicitor - Planning and Development), A Dobie (Principal Planning Officer - Easington Area Office), B McVicker (Highways Officer) and J Taylor (Principal Planning Officer - Durham City Area Office)

#### **1 Minutes**

The Minutes of the meeting held on 10 May 2011 were confirmed as a correct record and signed by the Chair.

#### **2 Declarations of Interest**

There were no declarations of interest.

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

##### **3a 4/11/256/FPA - Vacant Philips Components Ltd, Belmont Industrial Estate, Durham, DH1 1TG.**

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

Conditions 14, 16 & 17 on pages 15/16 related to the 2007 consent and would be replaced with conditions from the 2009 consent for exactly the same purposes.

**RESOLVED** that the application be approved, subject to the conditions contained within the report.

**3b 11/166/FPA - Land at Commercial Road East, Coxhoe, Durham, DH6 4JU.**

Consideration was given to the report of the Principal Planning Officer (Durham City Area Office) which recommended approval. The Principal Planning Services Officer explained that Members had visited the site that day, and gave a detailed presentation on the main issues outlined in the report.

A reason was omitted in the report for Condition 4 (landscaping) and was proposed to be added in the interests of visual amenity.

Since the report was prepared a letter had been received from Roberta Blackman-Woods raising the following points:

Parish Plan – that development should be in accordance with and wait until outcome of plan established.

Affordable Housing – concerns raised that in total 127 homes would be built without affordable provision as required by Policy H12 of the City of Durham Local Plan.

Road Access – that an additional 47 dwellings on the Haul Road would cause unacceptable impact on highway safety.

Local Infrastructure – concern that the developer was not contributing more to support local infrastructure in the village such as the primary and secondary schools.

Percent for Art – that the public artwork offering was ‘meagre’ compared to the size of development.

In response to the letter, the Principal Planning Services Officer explained that the Council were not requiring the affordable housing provision as it would not be financially viable to deliver it in the current market. The oversupply of employment land in Durham City was not material to the application.

Councillor Morgan, Local Ward Member explained that the Parish Council and elected Members expressed concerns in 2007 when the 80 dwellings had been approved. His concerns were regarding the removal of the affordable homes provision, loss of the last community development in the settlement, highway implications not been addressed adequately and the strategic importance of Haul Road.

The principle traffic using Haul Road were vehicles too and from the landfill and waste station and there was nothing outlined in the conditions to protect residential amenity. There was a fear that vehicles would be re-routed through the village and he would therefore like a supplementary condition to state that under no circumstances should the Haul Road be changed in the future.

Mr Hepplewhite, an objector explained that the Parish Plan 1 which identified the need for two bedroom bungalows and affordable houses was compiled in 2005. It had ran its course and there was little sign of the need being met.

The Parish Plan 2 was currently under consultation and had been circulated to residents. He referred to localism and the Big Society and commented that a decision would be taken which may not reflect the community's wishes. It was felt that a decision should not be made until Parish Plan 2 had been finalised.

Mr Hepplewhite explained that a newspaper report had stated that Hellens could not offer affordable housing because of the contamination of the land. He felt Hellens would have known about the contamination and purchased the land at a reduced cost.

There was an aging society and the village of Coxhoe was not accommodating their needs as the elderly were living in unsuitable accommodation. He requested a deferment of the application until the Parish Plan 2 had been agreed.

Councillor Pounder explained that he was representing Coxhoe Parish Council who were concerned that the phases of development would encroach further into the village and the environmental impact on the adjacent nature reserve. The layout should prevent any future development and access on the adjacent land.

The Chief Executive of Hellens had advised the Parish Council that there were no plans for further development beyond phase 2 but could not give any assurances that they wouldn't develop further in the future.

The Parish Council felt that percentage for art that would be donated from Hellens fell short for the disturbance the village had suffered. They were opposed to any significant housing developments and no social infrastructure improvements.

The Parish Plan 2 was out to consultation with residents. Questions to residents were put in at the request of the planning department. The application should be deferred until an overall housing scheme and strategy were agreed which took into consideration residents' views.

The Durham Times had reported that Hellens could not provide affordable housing because of the contamination of the site. The Parish Council felt this was misleading and urged the committee to defer the application until the Parish Plan 2 had been agreed.

The Principal Planning Officer commented that the Parish Plan had been implemented in 2005 and would have a significant role in the localism and neighbourhood planning agenda. The Council was in a period of transition and the Statutory Development Plan was the Durham City Local Plan. The Parish Plan would inform and be dovetailed with the future County Durham Plan, localism and neighbourhood planning. Until the new Development Plan was in place, all planning applications had to be assessed using the current Durham City Local Plan.

He was aware that bungalows were required across the county which would be looked at as part of the Strategic Housing Assessment.

It was his opinion that the current housing mix catered for the needs of the community. With regard to expansion beyond the settlement boundary, this did not mean that all housing sites would come forward or be approved. 1% of the build cost would be dedicated to art and phase 2 completed the obligation. It was a community idea to link the art as part of the old railway.

The Section Manager explained that Haul Road had been built by Durham County Council to access Joint Stocks Quarry. There was no intention to re-route the traffic and he would object to any representations to do so. The road was adopted up to the end of the tarmac. LTP3 included a scheme for the extension of the adopted road up to the B road near Joint Stocks Quarry and was the Council's intention to use the road as a bypass route in the future. The level of traffic from the housing estate would be relatively similar to other housing estates. He was confident that the road had the capacity to take the additional traffic.

Mr Cordwell-Smith spoke on behalf of the applicant and explained that Hellens had been responsible for the original planning consent in 2008 for 80 dwellings. Extensive negotiations had taken place with the community including the Parish Council. The ideas for the replica railway gate had been presented to the Parish Council and the Planning Officer had been in attendance and had made some amendments. The hammerhead had been redesigned which removed the potential for expanding the site.

With regard to the concerns of the loss of employment land, Hellens had owned the site since 2003 and had been fully marketed for employment uses with no interest. Bowburn was the first choice for businesses and along with the high remediation cost meant the site was unviable as employment land.

The developers had no intention of re-routing vehicles from the Haul Road and he would have no objection to Councillor Morgan's suggestion of adding a supplementary condition to this effect.

Mr Cordwell-Smith explained that there was a mix of housing of 2 & 3 bedroom starter homes and 3 & 4 bedroom family homes on the site. It was not viable to meet the affordable homes policy although a condition was included to allow a review if market conditions changed. The shared equity scheme and matched value scheme that Barratts operated made the houses more affordable.

The village would benefit from a brownfield site being cleaned up and new homes which would strengthen the community. A number of economic benefits were also referred to. There had been no objections from members of the public to the scheme.

The Solicitor advised that despite the applicant agreeing to Councillor Morgan's suggestion of a supplementary condition relating to re-routing of the traffic, it could not be lawfully imposed. It was also not possible for the committee to constrain future decision making.

Councillor Robinson commented that his assumption was that Phase 1 would have accounted for the costs of decontamination of the land and therefore should not be taken into consideration. The Principal Planning Officer explained that remediation had taken place on phase 1. Phase 2 remediation had been assessed and costed separately.

Councillor Williams explained that he had concerns of the accessibility of traffic, pedestrians and refuse vehicles. Refuse vehicles had difficulties using the road in inclement weather. He queried if there was capacity in the local schools for additional children and suggested that the application be deferred pending further consultations with the Parish Council.

The Principal Planning Officer explained that adverse weather conditions could be an issue but was not a material planning consideration. The LEA had confirmed previously that there was capacity in the local schools. The Parish Plan and neighbourhood planning would be dovetailed into the County Durham Plan.

The Chair queried when the Parish Plan would be completed and implemented. Councillor Pounder explained that the consultation would be assessed in early July and it would be possible to have discussions once it was known how residents would like to see Coxhoe developed in the future.

Councillor Thompson referred to the viability of the affordable housing assessment and queried if the Council used Proval. The Principal Planning Officer explained that the Council did use Proval which was only as good as the information that was inputted. Work was ongoing with partners to make sure it was robust for County Durham. He added that he would be concerned if the application was deferred to await the implementation of the Parish Plan as it was not part of the statutory framework at present and was unlikely to be in the foreseeable future.

The Solicitor explained that it would be approximately 6 months before the Parish Plan was formalised and it was unlikely that it would have any impact on the Development Plan. He urged Members to determine the application and to have regard to the fact that the applicant would have the right to appeal for non determination if the application was deferred.

**RESOLVED** that the application be deferred until the Parish Plan for Coxhoe was finalised.

**3c 4/11/24/FPA & 4/11/25/CAC - 76 Claypath, Durham, DH1 1QT.**

Consideration was given to the report of the Principal Planning Officer (Durham City) which recommended the application for approval. The Principal Planning Officer explained the Members had visited the site that day and gave a detailed presentation on the main issues outlined in the report.

The Principal Planning Officer advised that some of the objections were potentially libellous and would not be made available for public inspection. He also advised

that on Page 46 all references to a listed bridge should be omitted from Condition 9, and the following:

New Condition 15 proposed to require the erection of and retention of the timber screen as per the amended plans in the interests of residential amenity.

Condition 12 amended so that the boundary wall should be retained in perpetuity and implemented in accordance with the agreed scheme in the interests of preserving archaeology and visual amenity.

Condition 8 – remove reference to Brancepeth Manor as this was a clerical error.

Mrs Squires explained that she lived in Blue Coat Court and the development would have a devastating effect on her privacy and amenity. The development had an outside staircase and would overlook the houses. The screen that was proposed would not stop the adjacent residents being overlooked. The amended plans would still have an effect on her amenity, be intrusive and make a difference to the 27 years privacy she had enjoyed.

Concern was also expressed about the quaker burial site. The report from the County Archaeologist had not been made available which gave her concerns about the Planning Officers accuracy. The site was of archaeological significance and she requested that the application be rejected or deferred until such matters were fully investigated.

Mr Golightly explained that he was the director of St Anthony's priory and if the proposal reflected a building of the current orientation and shape on site he wouldn't be objecting. The proposal would be 10ft above the existing hedge and 20ft along the length and would have a huge impact on local amenity. He suggested that a modest family home would be acceptable but this was not a modest family home and 5 bedrooms would be beyond the dreams of most families. Barriers would be created, light denied and requested that the application be deferred.

Mr Kendall, Jane Darbyshire and David Kendall Architects explained that he represented the applicants. He gave a presentation showing how the proposal would look once it was built. The site had a heavily difference in ground levels. From the rear it was one and a half storeys in height. The burial ground and the boundary would remain undisturbed. The overlooking issues had been addressed in the redesign and modification of the building. The amount of glazing had been reduced and a fixed lattice screen added. The real distance was 26m to Blue Coat Court and the Priory was set very high. The materials to be used were brick, timber and tile.

The Principal Planning Officer explained that the burial site would not be disturbed or full excavation carried out. Various discussions had taken place with the Archaeology Officer and the full report was available on the website. There would always be an impact of any development because of the difference in levels. The proposal was 26m away and it was felt that residential amenity impact had been mitigated in the development.

Councillor Freeman suggested that an additional condition be added which removed the permitted development rights from the graveyard area. He felt that the proposed plan of how the building would look did not show how residents would be affected and felt that the dwelling could not be described as modest.

Councillor Bleasdale commented that it was a large building and would be intrusive to adjacent residents. She felt that another site visit could be beneficial.

Councillor Charlton commented that Blue Coat Court would have been considered modern at the time it was built and the proposed house would be a tasteful modern construction which would be 26m away and there would also be a tree and a barrier. Consequently, she did not think that the proposal would have a large impact on residential amenity.

Councillor Moran commented that the graveyard had been there a long time, that the design was very sympathetic and that the Quakers had no objection to the proposals.

Councillor Taylor commented that a desire to talk further was not a good reason for deferment and also pointed out that Members had already had a site visit.

Councillor Williams asked about the Archaeological report and the Principal Planning Officer confirmed that it had been circulated to Members and that the County Archaeologist was happy with the proposals.

**RESOLVED** that the application be approved subject to the conditions outlined in the report, changes proposed by the Principal Planning Officer and the inclusion of a further condition to remove permitted development rights on the Quaker burial site.

**3d PL/5/2011/0121 - 10 Welfare Crescent, South Hetton, DH6 2RN.**

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 detailed in the report.

**3e PL/5/2011/0110 - Land at Seaham Hall Farm, Seaham.**

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.

Councillor Bleasdale commented that the car boot sale was very well organised.

Councillor Bell commented that it was very good for the economy of Seaham but raised concerns regarding the barbed wire fencing and queried if the organisers could replace it as it was dangerous. The Principal Planning Officer explained that he was not aware of any problems arising from the barbed wire fencing but a condition could be included.

**RESOLVED** that the application be approved subject to a Section 106 agreement and the conditions detailed in the report with the inclusion of a condition relating to the replacement of the barbed wire fence.