

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 11 October 2011 at 1.00 pm**

Present:

Councillor C Walker (Chair)

Members of the Committee:

Councillors P Taylor (Vice-Chair), A Bell, J Blakey, J Brown, P Charlton, D Freeman, A Laing, R Liddle, J Moran and K Thompson

Apologies:

Apologies for absence were received from Councillors J Bailey, G Bleasdale, S Iveson and J Robinson

Also Present:

J Taylor – Principal Planning Officer (Durham Area)
A Dobie – Principal Planning Officer (Easington Area)
A Glenwright – Highways Officer
N Carter – Solicitor

1 Minutes of the Last Meeting held on 6 September 2011

The minutes of the meeting held on 6 September 2011 were confirmed as a correct record by the committee and signed by the Chair.

2 Declarations of Interest (if any).

Councillor C Walker declared a personal but not prejudicial interest in item numbered 3(g) PL/2011/0339 – 6-10 North Terrace, Seaham on the basis that he was the Deputy Mayor of the Town Council but did not attend any of the Town Council's Planning and Environmental Committee meetings. He also made it clear that he had not discussed any aspect of the application with the Town Council.

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

**3a 3/11/00352/FPA - Stoneacre Garage, Sawmills Lane, Brandon
Change of Use of Open Space to Form Land for the Display and Sale of Motor Vehicles Including the Provision of Tarmac Hardstanding (resubmission)**

Consideration was given to the report of the Principal Planning Officer (Durham Area) which recommended approval of the application.

This application had been deferred on 19 July 2011 and the Principal Planning Officer gave a detailed presentation on the main issues outlined in the report, which included photographs of the site. In presenting the report he referred Members to the following amendment to condition numbered 2:

'The development hereby approved shall be carried out in strict accordance with the following revised plans:

Plan Ref No.	Description	Date Received
	Site Location Plan	18/5/11
1078-11-002 REV F	Proposed Location Plan	21/9/11

He also advised that since the report had been circulated a further 4 objections to the application had been received. The objections were similar in nature to those previously received and were as follows:

- Insufficient staff parking
- Incongruous appearance
- The entire boundary should be hidden by shrubs, the 8 proposed would hide nothing
- The lighting columns should face inwards on the site
- The garage should not expand
- The land should be a car park only that was left empty at close of business
- More traffic
- Possible traffic accidents
- Noise
- Dirt

To conclude he stated that improvements had been made since the last application to address residents' concerns and waiting restrictions were still to be imposed along Sawmills Lane. The works should be completed in the next couple of weeks.

Mr Hutchinson, objector stated that residents had endured the chaos caused by indiscriminate parking on Sawmills Lane for the last 12 years. The proposed application did not go far enough to resolve the problems and would be detrimental to local residents.

He had hoped that an amicable solution could have been reached to remove all cars from Sawmills Lane but this had not been achieved.

Suggestions made in relation to screening had been ignored and the landscaping scheme proposed was inadequate.

In addition he believed that the proposals would result in vehicles from the bodyshop being parked at the front of the premises which would be unsightly.

The lighting columns created light pollution and he considered that the proposed conditions would not alleviate this.

He continued that the company had never tried to integrate with the community. Residents had tried to be accommodating in order to reach a solution which would benefit the business whilst also meeting the needs of local people.

Mr Longstaff, the applicants' agent stated that the incorporation of the open space would improve what the applicants currently had in terms of configuration of the site. They had met with the Planning Officers to discuss an appropriate solution to the issues raised by residents.

Dedicated customer parking would be located to the front and they had reduced the number of spaces for the display and sale of vehicles to accommodate this, with staff parking located to the rear. He appreciated the concerns of residents and believed that the proposals put forward would help to address their issues.

The Highways Officer stated that the revised layout was acceptable in highway terms. The inclusion of customer parking and a reduction in the area for sales/display, together with the waiting restriction to be imposed along Sawmills Lane was welcomed.

The Principal Planning Officer (Durham Area) responded to the comments made by Mr Hutchinson and stated that the landscaping scheme was more extensive than the trees displayed on the plan as part of his presentation. Shrub belt and fencing were also proposed, to be agreed on condition.

With regard to the issues raised in relation to parking, it was considered that the proposals would alleviate concerns. Introduction of a waiting restriction would mean that enforcement action could be taken against vehicles indiscriminately parked. The garage had agreed to reduce the number of bays for sales vehicles to accommodate customer cars. A lot of stock was parked to the rear which could not be displayed on the existing small forecourt. Customers would only be parked for short periods at a time and at different times throughout the day. With regard to residents concerns about light pollution, he advised that this would be controlled by a condition which required details of lighting to be submitted and approved in writing by the planning authority prior to the development being brought into use.

Councillor Taylor stated that he was the local Member and thanked the Chair and his colleagues for deferring the application on 19 July 2011 to progress dialogue

with the applicants. He also thanked Councillor Turnbull and the Planning Officers for their work on this.

At the meeting held on 12 September 2011 with the applicants they were invited to look around the premises and at the time he noted that at the rear where staff parking and storage/service/MOT vehicles were proposed, the area was full of new stock. He questioned where these would be parked, especially as the area for sales/display was to be reduced. He had also noted that there were 25 vehicles parked on the highway along Sawmills Lane.

He had a lengthy discussion with the Company Director about the problems experienced by residents, young mothers with pushchairs, wheelchair users and the school crossing patrol.

Currently transporters visited the garage 2 – 3 times per week which exacerbated the problems further.

He continued that residents were on occasions unable to access their own properties and in addition to these problems there were also issues around light, noise and air pollution. He welcomed the business in the area but considered that the company had a responsibility to the community.

Councillor Taylor referred to specific points raised in the Officer's report and took Members through each. He believed that the purpose of the application was to increase sales, and with this came an increase in the deliveries and number of transporters, thereby adding to the problems on the highway.

He also believed that the application was in contravention of Policies T1 and H13 of the City of Durham Local Plan, and considered that the proposals would not alleviate the potential for any car parking conflicts on Sawmills Lane. With regard to parking layout it would be difficult to enforce any signage imposed by means of a condition, and in terms of landscaping he considered that Mr Hutchinson's suggestion for screening to the front could have alleviated the situation. The proposals put forward by the applicants did not mitigate the impact on the visual amenity of the area.

To conclude he had hoped that a more positive outcome could have been achieved with the matter resolved to the benefit of all concerned.

In discussing the application two Members stated that as users of the road they considered it to be dangerous and 'an accident waiting to happen'.

In response to a question concerning the waiting restriction, A Glenwright advised that the scheme was for no waiting and no loading at any time for a significant length of Sawmills Lane with the exception of a stretch of road in front of the garage. This area would not be restricted as the Traffic Officer felt that if all parking was removed this would increase the speed of traffic along Sawmills Lane.

A Member asked if sustainable drainage had been a consideration in view of the loss of green area. The Principal Planning Officer responded that there was

sufficient capacity within existing drainage in the location but confirmed that this was a consideration for developments that did not have access to existing urban drainage.

Prior to determining the application Members considered whether there was any merit in allowing further negotiations to take place between all parties prior to reaching a decision, and it was suggested that the application be deferred again to allow this.

Following discussion it was **RESOLVED**

That the application be deferred for further discussion/negotiation with the applicant to resolve the residential amenity concerns.

**3b 4/11/00166/FPA - Land at Commercial Road East, Coxhoe
Erection of 47 two storey dwellings with associated access, open space and parking**

Consideration was given to the report of the Principal Planning Officer (Durham Area) which recommended approval of the application.

This application had been deferred on 14 June 2011 and the Principal Planning Officer gave a detailed presentation on the main issues outlined in the report, which included photographs of the site.

Mr Caudwell-Smith, on behalf of the applicants stated that since the deferral in June 2011 the applicants had taken on board the comments submitted and had made a number of amendments to the application.

The development would clean up a brownfield site, provide open space, support local shops and businesses and strengthen the community of Coxhoe. They had also agreed to make a financial contribution towards art/environmental improvements in the village. The construction of the development would create local employment and would attract £480k in retail expenditure per annum.

He continued that this was also an opportunity to provide further work for Hellens employees in the current economic climate, the majority of whom lived in the County, in the former Easington District.

In response to a question concerning affordable housing the Principal Planning Officer confirmed that viability was now a material planning consideration in respect of the formulation of affordable housing provision, particularly in the current economic market. The difficulty with this site was the cost of decontamination and remediation which would make the provision of affordable housing financially unviable.

A Member referred to the 'haul road' which was used by vehicles to access the recycling plant and asked if it was possible to impose a planning condition to ensure that it remained open. The Member was advised that this was not something which

could be controlled by planning condition but that Highways had no proposals to close the road.

Councillor Taylor thanked the Officer and local Members for their work on this.

RESOLVED

That the application be approved subject to the conditions outlined in the Officer's report.

3c 4/11/00517/FPA - Durham Business School, Mill Lane, Durham Proposed Extensions and Refurbishment to Business school with Associated Landscaping and External Lighting

Consideration was given to the report of the Principal Planning Officer (Durham Area) which recommended approval of the application.

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report, which included photographs of the site.

RESOLVED

That the application be approved subject to the conditions outlined in the Officer's report.

3d 4/11/00599 - Land at Langley Hall Farm, Brandon Lane, Durham Outline Application Proposing Residential Development of 70 Dwelling Houses Seeking Detailed Approval of Means of Access Only

It was reported that this application had been withdrawn from the Agenda.

3e PL/5/2011/0315 - Land Adjacent West View, Murton Demolition of Existing Buildings and Erection of 2 no. Dwellings and the Creation of a Dog Walker Amenity Area

Consideration was given to the report of the Principal Planning Officer (Easington Area) which recommended approval of the application.

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report, which included photographs of the site.

He advised that since the report had been circulated the Parish Council had submitted a letter and a copy of a conveyance to prove access rights over the land which was sent to DCC's Rights of Way Section. Their Solicitor had advised that the Parish Council had a prescriptive right for both vehicles and pedestrians through the route, it having been used for over 20 years.

They claimed to have used it for over 90 years, and to have maintained the road to some extent.

The Principal Planning Officer had sought legal advice from the Council's Legal Officer and the conveyance did not provide for any rights of way to be granted for the benefit of the land being transferred. Therefore there was nothing in the conveyance to support their view that the Parish Council had a right of way over the land subject of the planning application.

Also the letter from the Parish Council appeared to be contradictory in claiming both a documentary right of way through the conveyance, and also a prescriptive right of way through usage. If there was a documentary right of way in the conveyance, there would be no need to rely on any prescriptive rights.

The report noted that no response had been received from the Asset Management Team which was responsible for Council-owned land. The Parish Council had provided a copy of a file note from a valuer at the former District of Easington which indicated that the land was sold to the owner by the Council and was subject to restrictive covenants. These were to use the buildings for storage only, and not to construct any new building without the separate consent of the Council as landowner. On this basis, no works could be carried out on the land without the Council's consent as landowner and an agreement to alter the covenant. This was a separate legal issue that did not have a direct bearing on the consideration of the planning application. It was however a further aspect of Council control over future development.

In planning terms, the Council's position remained the same in that officers recommended approval. However, having considered the latest information and taking account of the concerns of the Parish Council and Councillor Napier it was suggested that if Members were minded to support the recommendation, an additional planning condition not identified in the report be imposed. This would relate to the highway works, and would require details of the road construction to be agreed in advance of the commencement of the works, and the new road to be completed and available for use before first occupation of either of the two houses. To clarify, this would not establish rights of way on the road but at least would ensure its development within a reasonable period of time as part of the development taking place.

County Councillor Napier addressed the Committee, stating that he had served as a local Member for over 20 years and was accompanied by County Councillor Naylor and Parish Councillor Pinkney.

He did not object to the application in principle but had concerns about access and egress to the Welfare Ground which, along with residents of Murton had used all his life for recreational activities. This road had been used by local people for at least 90 years. He had been contacted by a number of residents about this and unless an assurance was given that the access and egress to the Welfare Ground was maintained in perpetuity he was unable to support the application.

If Members were minded to approve the application on this basis, he advised that Murton Parish Council were prepared to draw up the necessary documentation with the applicant.

Councillor Pinkney concurred with the comments made by Councillor Napier and stated that Murton Parish Council had grave concerns about the access road.

At present vehicles used this road to maintain the grassed areas, some of which were DCC owned vehicles. In addition parents dropping children off by car at St Joseph's school used the road as a turning point and large vehicles used the access for the annual carnival. This event would not go ahead in future if the road was closed.

Mr Campbell, the applicant addressed the Committee stating that he had no intention of closing the access road. His current home backed onto the road and he often had problems with youths, but still did not have any proposals to close it. Notwithstanding this, he pointed out that there were 3 alternative entrances to the Welfare Ground which could be used by vehicles.

The Principal Planning Officer reiterated that he sympathised with the position of the Parish Council but the road was not a designated right of way, and in planning terms access was a private legal issue.

N Carter, Legal Officer reiterated this stating that the issue over right of access was separate to the planning process and not a consideration for Members. The additional condition proposed by the Planning Officer would ensure development of the road but would not secure any rights of way over it.

In response to a question concerning the access road, A Glenwright explained that whilst Mr Campbell had offered to bring the road up to an adoptable standard it did not meet the criteria for adoption as despite its other uses, essentially it was to serve 2 dwellings. However he considered that the applicant had shown a commitment to constructing the road to a high standard.

Members discussed the application and it was suggested that a visit be made to the site to view the access road prior to making a decision.

RESOLVED

That the application be deferred for a site visit.

**3f PL/5/2011/0325 - Hawthorn Industrial Estate, Murton
Variation of Tmescale to Carry Out Highway Works to the A182 as Required
by Condition No. 14 of Planning Permission Ref No. PLAN/2005/0955**

It was reported that the application had been withdrawn.

At this point Councillor K Thompson left the meeting.

**3g PL/5/2011/0339 - 6 - 10 North Terrace, Seaham
Change of Use from Residential Home to 5 No. Commercial Units on Ground
Floor and 11 No. Residential Units and Car Parking to Rear**

Consideration was given to the report of the Principal Planning Officer (Easington Area) which recommended approval of the application.

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report, which included photographs of the site.

Mr Welsh, Clerk to Seaham Town Council spoke against the application, stating that their objection related predominantly to parking. The Parish Council considered that 12 car parking spaces was inadequate as the development could have in excess of 40 residents. Coupled with the proposed 5 commercial units it was considered that there would be an overflow of vehicles into adjacent areas.

Mr McDonnell, the applicant's agent advised that prior to submitting the application they had taken on board comments made and consulted with the Planning Officers to ensure that their application represented an acceptable form of development. The design of the shop frontages was supported by the Conservation Officer and Regeneration Officer and the floor space had been reduced to create car parking for 12 in a secure off-street parking area. Highways had also supported the proposals as they were consistent with neighbouring developments.

He considered that the development would contribute to the regeneration of Seaham, would attract jobs and enhance the appearance of the street, bringing a redundant building back into use.

A Glenwright advised that from a Highways point of view the level of parking proposed was acceptable. It was consistent with the parking required for other apartments in or on the edge of Seaham and in the town centre residential apartments had been accepted with no designated parking at all.

He added that visitors to the commercial element of the development would have access to town centre and on-street parking.

RESOLVED

That the application be approved subject to the conditions outlined in the Officer's report and to the applicant entering into a S106 legal agreement.