

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)

At a Meeting of **Area Planning Committee (Central and East Durham)** held in Committee Room 2, County Hall, Durham on **Wednesday 12 September 2012 at 1.00 pm**

Present:

Councillor P Taylor (Chair)

Members of the Committee:

Councillors J Bailey, J Blakey, G Bleasdale, J Brown, D Freeman, S Iveson, R Liddle and J Moran

Apologies:

Apologies for absence were received from Councillors A Bell, P Charlton and C Walker

Also Present:

J Taylor – Principal Planning Officer
C Cuskin – Legal Officer
D Stewart – Highways Officer

1 Declarations of Interest

There were no declarations of interest received.

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

With the agreement of the Committee the order of business on the Agenda was amended to allow Item 2(a) application 4/12/00639/FPA – Potterhouse Substation, Front Street, Pity Me to be considered following item 2(b) application 4/11/0805/OUT – The Pottery, Front Street, Coxhoe.

2a 4/11/00805/OUT - The Pottery, Front Street, Coxhoe, Durham DH5 4AX

The Committee considered a report of the Principal Planning Officer regarding an outline application for the erection of 24 no. dwellings with detailed approval sought for means of access only (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report which included photographs of the site. Members had visited the site the previous day and were familiar with the location and setting.

The Officer advised that since the report had been circulated 3 further representations had been received requesting confirmation that Highways had no objections to the retention of the hedge to the front of 1 -22 Belgrave Court (not 15-22 as stated in the report), and also that this hedge retention would occur if the development came to fruition. Further objections related to the lack of primary school places available in Coxhoe.

Members were advised that Coxhoe primary school was full at present but that School Admissions had confirmed that there were places available at Bowburn and Kelloe schools. The availability of school places changed on a yearly basis and the size of the development was such that it was unlikely that there would be a significant rise in population in any one year.

The Officer also pointed out that the report should refer to the Conservation (Natural Habitats etc) Regulations 2010 and not 1994 as stated.

Councillor M Plews, local Member spoke on behalf of local residents stating that their objections related to highway issues. She asked that a condition be attached to the planning permission that would ensure that the access lane was made up to an adoptable standard.

Councillor D Smith, Parish Councillor for Coxhoe addressed the Committee. He stated that the location of the bus stop would cause visibility problems for vehicles exiting the access road onto Front Street and there was likely to be a build up of traffic as vehicles turned right into the development. The Parish Council also asked that the access lane be made up to an adoptable standard along the whole length for the benefit of existing properties.

Mr Atkinson, local resident reiterated the concerns of the Parish Council in relation to the bus stop. He lived next to the access road and if the application was approved asked that it be improved before construction commenced. However as far as he was aware the access lane was in unknown ownership and therefore queried how it could be developed. He was also concerned for the safety of his family's children who played in the location.

Officers responded to the comments made and the Committee was reminded that this was an outline application for access only. Given the number of units proposed the road would be adopted by way of a Section 38 Agreement which would be dealt with at the reserved matters stage, however this would not require the developers to improve the whole length. It was envisaged that the developers would make the access lane durable for the construction traffic before bringing it up to an adoptable standard on completion of the development.

In response to the highway safety issues raised the Highways Officer stated that the proposals were deemed to be acceptable. The increase in vehicle movement as a result of the development would be modest and any build up of traffic on the Front Street would be minimal. With regard to the location of the bus stop there would be occasions when visibility was reduced but this was not uncommon and was replicated in many other locations. It would be difficult to justify the relocation of the bus stop.

In discussing the application Members were advised that ownership of the access lane was unknown but that this was a separate legal matter beyond the remit of the Local Planning Authority. The developers had undertaken the correct certification processes with regard to land in unknown ownership.

The Principal Planning Officer confirmed that a condition could be included to restrict demolition/construction hours, and with regard to the concerns expressed by the Landscape Section he advised that much of the hedgerow was to be retained with only a relatively small section removed to open up the access. The Highways Section did not consider that this would cause any demonstrable harm to safety.

Reference was made to the Section 106 contribution for recreational and play space, and the comments of the Parish Council as detailed in the report. The Principal Planning Officer explained that the detail of the S106 Agreement had not yet been agreed, however the views of the Parish Council would be taken on board.

A Member suggested that the application be deferred to look at the possibility of re-locating the bus stop in view of concerns expressed. The views of the local Member were sought who advised that the issues raised about the bus stop existed at other locations in the village and elsewhere, and therefore she did not feel that this would be a valid reason to justify refusal of the application.

Resolved:

That the application be approved subject to:-

- (i) the conditions outlined in the report and to the following additional condition:-

‘No demolition or construction works shall be undertaken outside the hours of 8am and 7pm Monday to Friday and 8.30am to 2pm on a Saturday with no demolition/construction works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regard to Policies H13 and Q8 of the City of Durham Local Plan 2004.’

- (ii) the entering into of a Section 106 Agreement to secure:

- (a) the provision of 20% affordable housing
- (b) a contribution of £24,000 for recreational and play space
- (c) a contribution of £12,913 for public art.

2b 4/12/00639/FPA - Potterhouse Substation, Front Street, Pity Me, Durham DH1 5BZ

The Committee considered a report of the Principal Planning Officer regarding an application for a telecommunications tower at Potterhouse Substation, Front Street, Pity Me (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. He also outlined to Members the technical reasons for the erection of the mast at this location.

Members had visited the site the previous day and were familiar with the location and setting.

Councillor M Wilkes, local Member asked that the application be deferred. He had met with Planning Officers and the applicant on site and at that time a commitment had been given that photographs taken of the temporary mast would be sent to local residents for further consultation. In addition he felt that the photographs should have been placed on the planning portal. A drop-in session had also been suggested but had not been arranged.

He continued that that there were longstanding issues about noise and appearance of the proposed mast, and its visual impact from various viewpoints would be detrimental to the amenity of local residents.

In response the Principal Planning Officer advised that consultation had been carried out in accordance with statutory requirements and that whilst it was unfortunate, no undertaking had been given by the Local Planning Authority to circulate photographs or to hold a drop-in session. Additional information was usually placed on the planning portal when it constituted an amendment to the application. He added that the applicants had been fully co-operative with Planning Officers and that he considered that the application could be determined with the information provided in the report and as part of his presentation which included images of the temporary mast.

Mr Smales, from Northern Powergrid confirmed that he had agreed to provide additional photographs and had offered to meet residents but had received no further feedback to carry this out.

A Member agreed with the Principal Planning Officer that the application could be determined based on the information already provided, however other Members felt that residents should be given the opportunity to examine the additional information prior to the Committee determining the application.

Members were advised that all statutory consultation requirements had been undertaken. The Legal Officer advised that should Members resolve to defer the application there was a risk that costs could be awarded against the Local Planning Authority should the applicant submit an appeal against non-determination.

Following discussion it was **Resolved:**

That the application be deferred to allow the photographs to be circulated to consultees.

2c 4/12/00727/VOC - Land at former Cape Site, Durham Road, Bowburn DH6 5AT

The Committee considered a report of the Principal Planning Officer regarding an application to remove condition 12 on the original 2007 outline approval that 30% of all housing on the site was affordable (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation which included photographs of the site. He advised that since the report had been circulated Shincliffe and Cassop cum Quarrington Parish Councils had objected to the reduction in affordable housing proposed. They considered that the developer acquired the application site at a cheap price and reclamation costs were lower than anticipated. Bowburn and Parkhill Community Partnership considered that the County Durham Local Plan should be given little weight at this stage. If granted other developers subjected to 30% affordable housing on their sites would look to amend schemes and this may cause undersupply. The reasoning behind the conditions attached to the original application approved by the Secretary of State should still apply.

Members were also advised by the Legal Officer of a proposed amendment to the recommendation in the report which required the applicant to enter into a Section 106 Agreement to secure the provision of 59 no. affordable dwellings on site and to the contribution towards off site provision of 4 no. affordable homes. It was understood that the 59 no. on site dwellings had now been provided but conclusive evidence of this had not been received from the developer. It was therefore proposed that the recommendation be amended to state that delegated authority be granted to the Area Team Leader (Central and East) to revise the Section 106 Agreement if necessary to ensure that the 59 no. affordable dwellings on site were secured.

Mr G Brooks, the applicant's agent outlined the developers' reasons for reducing affordable housing provision. He advised that the site was purchased and remediated at costs based on the selling prices of homes prior to the collapse of the housing market. Dunelm Homes had successfully applied to receive Government Kickstart Funding which allowed them to complete 59 affordable properties.

The ProVal system had shown that Dunelm Homes had suffered a loss and that the site was now valued considerably less than when it was purchased. The system had also demonstrated their inability to provide further affordable housing. Although he was unable to provide a figure their projected profit was shown as 8% which was below the current market.

In discussing the application a Member referred to the decision to refuse the application in July 2012 because the reduced delivery of affordable housing was contrary to the aims of sustainable development and mixed communities. The County Durham Plan proposed 20% affordable housing but this had not yet been adopted and therefore 30% provision should still apply.

The Officer responded that the County Durham Plan, although only at the preferred options stage, was informed by the latest evidence base on affordable housing in

the form of the most recent SHMA. This established that there was a 20% affordable housing need in the area as opposed to 30% when the original planning permission was granted. He had reservations about relying on the evidence base in the 2004 Plan.

At a Member's request the Legal Officer outlined the principles of affordable housing to the Committee.

Resolved:

That Members were minded to approve the application with the authority to issue the decision delegated to the Area Team Leader (Central and East) subject to:-

- (i) the conditions outlined in the report;
- (ii) the completion of a Section 106 Agreement to secure a contribution of £147,472 towards the off site provision of 4 no. affordable homes;
- (iii) the completion of a Section 106 Agreement (should the Area Team Leader (Central and East) feel it necessary) to ensure that the provision of 59 no. affordable dwellings is secured on site.

At this point Councillor J Blakey left the meeting.

2d 4/12/00556/FPA - Brandon House, Grove Road, Brandon, Durham DH7 8BW

The Committee considered the report of the Principal Planning Officer regarding an application for 20 no. apartments and 2 no. bungalows at Grove Road, Brandon (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Councillor Taylor, local Member commented that he welcomed the scheme which was much needed. The proposals would demolish a building that had fallen into disrepair and provide affordable accommodation for the over 55s in his community.

Resolved:

That the application be approved subject to the conditions outlined in the report and to the entering into of a Section 106 Agreement to secure the provision of affordable housing in perpetuity.

2e 4/12/00557/FPA - Oversteads House, Skippers Meadow, Ushaw Moor, Durham DH7 7NJ

The Committee considered a report of the Principal Planning Officer regarding an application for 16 no. apartments at Skippers Meadow, Ushaw Moor (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Councillor J Wilkinson, local Member welcomed the proposals. This was a sustainable development providing high quality affordable accommodation by a social landlord that would be adapted for wheelchair users. It was also pleasing that the scheme was to be funded by the Homes and Communities Agency.

Resolved:

That the application be approved subject to the conditions outlined in the report and to the entering into of a Section 106 Agreement to secure the provision of affordable housing in perpetuity.