

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 20 June 2013 at 2.00 pm**

### **Present:**

**Councillor M Dixon (Chairman)**

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

Councillors J Buckham (Vice-Chairman), J Alvey (substitute for E Huntington), D Bell, J Clare, K Davidson, S Morrison, G Mowbray, H Nicholson, G Richardson, L Taylor, R Todd, C Wilson and S Zair

### **Also Present:**

A Caines – Principal Planning Officer

A Inch – Principal Planning Officer

C Cuskin – Legal Officer

D Stewart – Highways Officer

### **1 Apologies for Absence**

An apology for absence was received from Councillor Eunice Huntington.

### **2 Substitute Members**

Councillor J Alvey substituted for Councillor E Huntington.

### **3 Minutes**

The Minutes of the meeting held on 18 April 2013 were confirmed as a correct record and were signed by the Chairman.

### **4 Declarations of Interest**

Councillor H Nicholson declared a non-registerable interest in application numbered 6/2010/0188/DM – Land west of Victoria Cottages, Butterknowle as he knew the agent for the applicant. Councillor Nicholson left the meeting during consideration of the application.

## **5 Applications to be determined**

### **5a 6/2013/0026/DM/OP - Land South of HMYOI Deerbolt, Startforth Park, Barnard Castle**

The Committee considered a report of the Principal Planning Officer regarding an outline application for residential development with all matters reserved except for access (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

Members were advised of written representations received from Councillor R Bell, local Member.

Councillor Bell did not object to the application but wished to comment on paragraph 48 in the report regarding the adoption of the existing estate roads. His understanding was that this had been requested by Durham County Council and declined by the Ministry of Justice. Accepting that Durham County Council could not force the ultimate developer to contribute to adoption via Section 106 monies, he endorsed the residents' comments about loss of amenity, and noted the considerable disruption they would suffer during the building phase.

Accordingly he asked the Committee to support his request that Durham County Council should ask the ultimate developer at the Reserved Application stage to adopt the existing estate roads.

P Estall addressed the Sub-Committee as Chair of Startforth Park Residents Association.

In opening he referred to the Site Location Plan which displayed land outside the ownership of the applicant and stated that this situation should be rectified with the plans reviewed and amended accordingly. The land ownership issue was raised at a public meeting in 2010 but was never followed up.

If the application was approved and the land was sold to a developer he questioned responsibility for the provision and upkeep of the street lighting for Startforth Park.

There was no evidence to show that there was an improvement to employment prospects in Barnard Castle and the amount of houses proposed was disproportionate to the need in the area. There were a lot of brownfield sites nearer to employment centres which would make more sustainable sense.

If approved residents strongly requested that they be consulted and directly involved in all consequent development proposals to include all pre-consultation and pre-application discussions with the developer.

The proposed development provided an ideal opportunity for the developer to build an extension to the existing housing development which would enable the new

residents to enjoy the benefits of moving into a 'well-balanced development' and share and enjoy equal and mutual benefits for all residents, existing and new. If the new development was designed and built to be sympathetic to the existing Estate, it could become a beneficial development for the good of all the residents of Startforth.

C Lindley, the applicant's agent stated that all salient points had been addressed in the Planning Officer's report. The principle of the development accorded with the National Planning Policy Framework and emerging guidance in the County Durham Plan. The site was a short distance from services and facilities and presented an opportunity to re-use brownfield land.

The development would provide local employment opportunities in the construction industry, support public transport provision in the area, secure the long term retention of a recreation area for the local community and retain formal footpath linkages to the town centre.

The application was underpinned by a comprehensive range of technical reports and no substantive objections had been received relating to key considerations such as highways, ecology, flood risk, drainage capacity, landscape, archaeology and education.

Whilst objections had been raised about the accuracy of the location plan C Lindley advised that he was unaware of any inaccuracies but would be happy to review the situation should any material come to light.

It was therefore reasonable to conclude that there would be no adverse impact on the amenity of local residents.

The Ministry of Justice had been a key part of the community for many years and had listened and responded to concerns wherever possible. In the interests of maintaining good relationships with neighbours, the applicant had pledged to enter into early dialogue with the local residents group, and remained committed to ensuring a high quality scheme which reflected the local character of the area, whilst integrating with its surroundings in a harmonious manner.

The Principal Planning Officer responded to the comments made and confirmed that the land ownership issue did not prevent Members from reaching a decision on the outline application. If part of the site was in the ownership of another person then the boundary could be amended and the site plan revised.

D Stewart, Highways Officer stated that the adoption of the existing highways at Startforth Park, as requested by residents, was not pertinent to the planning application being determined but that Durham County Council Highways would consider any approach from the Ministry of Justice for the Council to adopt these roads. He advised that the Ministry of Justice had agreed to Durham County Council Public Transport's request for £55,500 for bus service improvements.

In response to a question from the Chairman the Agent assured Members that residents would be fully consulted as early as possible, and during the reserved matters stage.

In deliberating the application Members acknowledged that land ownership was not a consideration for the Planning Committee in their determination of the outline planning application, but that it should not impact on the delivery of the scheme. The proposals were deemed to be acceptable in highway terms and the concerns of the residents had been addressed in the report.

**Resolved:**

That the application be approved subject to the conditions outlined in the report and to the completion of a Section 106 Legal Agreement to secure the provision of 25% affordable housing; the payment of commuted sums of £55,500 towards local public transport service improvements; and £4,000 towards maintenance costs of the open space on site.

**5b 3/2012/0134 - Former Fire Station, Watling Road, Bishop Auckland**

The Committee considered a report of the Principal Planning Officer regarding an application for the erection of a health centre with pharmacy and associated parking and landscaping (for copy see file of Minutes).

A Inch, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

In presenting the report the Officer advised that concerns expressed by a local resident about landscaping had now been satisfactorily addressed by the developers.

D Stewart, Highways Officer stated that site visibility at the junction with Watling Road was acceptable and proposed conditions would ensure highway safety on the surrounding network. In response to a question from Councillor Buckham he advised that, in determining the level of parking for the health centre, priority was given to the number of disabled spaces in the public parking areas. Disabled parking provision in the staff area was an issue for the applicant to determine.

Councillor Richardson referred to the yellow box junction at the access to the Police and Ambulance Services and the Highways Officer confirmed that this would not be removed as part of the proposed highway works. This was welcomed by Councillor Mowbray who noted that the access was also used by visitors to the Chiropody Centre.

J Baird, the agent informed the Committee that highway consultants had been employed to assess the most appropriate location for the site entrance which had been located at the furthest point possible from the access used by the Police and Ambulance Service. The highway works proposed by condition were acceptable to

the applicant and would be carried out prior to the development being brought into use.

In determining the application Members welcomed the proposals which would enhance local facilities for local residents and would bring back into use a site that had stood derelict for 2 years.

**Resolved:**

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

**5c 7/2012/0397 - Land East of Bradbury Services, Bradbury**

The Committee considered a report of the Principal Planning Officer regarding an application for a veterinary hospital and associated works including access and landscaping (for copy see file of Minutes).

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

In presenting the report the Officer referred to a proposed amendment to condition 3 regarding details of the walling and roofing materials.

**Resolved:**

That the application be approved subject to the conditions outlined in the report and to condition 3 being amended to read as follows:-

- '3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details thereafter.'

**5d 3/2013/0074 - Units 5 and 8 Teescraft Engineering, Longfield Road, South Church Enterprise Park, Bishop Auckland**

The Committee considered a report of the Principal Planning Officer regarding an application for two single storey extensions to the northern elevation (for copy see file of Minutes).

**Resolved:**

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

At this point Councillor H Nicholson left the meeting.

**5e 6/2010/0188/DM - Land West of Victoria Cottages, Butterknowle, Bishop Auckland**

The Committee considered a report of the Principal Planning Officer regarding an outline application with some matters reserved for the erection of 12no. dwellings (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had viewed the location during the site visits that day.

In presenting the report the Officer referred to a proposed amendment to condition 4 requiring the scheme to contain no less than 2 bungalows which were to be constructed prior to the occupation of the 4<sup>th</sup> dwelling on the site. Following a request from the applicant for more flexibility it was considered reasonable to require the construction of the bungalows prior to the occupation of the 8<sup>th</sup> dwelling.

J Lavender, the applicant's agent informed Members of developments which had resulted in the removal of the affordable housing element from the scheme. Following unsuccessful negotiations with Registered Social Landlords and Housing Associations, discussions with Planning Officers had resulted in a viability assessment being carried out. This assessment had established that the scheme would not be viable with the inclusion of affordable housing.

Notwithstanding these developments J Lavender considered that the scheme was in accordance with NPPF Policy, and was subject to material planning considerations, one of which was a contribution towards the provision of open space in the area. A draft S106 Agreement had been presented to the Local Planning Authority.

Councillor Clare referred to the original report considered in November 2010 which stated that any decision on the scheme was 'finely balanced' and that the provision of the affordable housing units was in response to a recognised need. It was therefore clear at the time that key to the approval of this application was the provision of affordable housing.

At the time Officers had looked at whether the community could sustain additional houses. Councillor Clare advised that there were currently 15 houses for sale in Butterknowle which demonstrated that the village could not support 12 new properties but needed affordable homes.

He therefore asked if, through no fault of the applicant, the absence of affordable housing would prejudice development of the whole site.

By way of clarification C Cuskin, Legal Officer stated that the key issue for Members was whether the development should be approved without a S106 Agreement to secure 4 affordable dwellings. The decision taken by Members in

2010 to approve the application remained, as the scheme was physically unchanged.

The Principal Planning Officer responded to comments and questions from Members. He confirmed that the need for affordable housing remained but the assessment undertaken by the Local Planning Authority had concluded that it was not viable on this site. The proposals had been assessed under the revised policy framework of the NPPF which recognised the need for flexibility to take account of changing market conditions. The greenfield/brownfield consideration given to the application in 2010 was much less important now, with sustainability being the key criteria of the NPPF.

In view of the responses provided by the Legal Officer and Principal Planning Officer, and as there was no economic viability for the development of affordable housing on the site, Councillor Clare supported the proposals.

In expressing his support to the application Councillor Buckham appreciated how difficult it was to bring schemes forward in the current economic climate and agreed with the proposed amendment to condition 4.

Councillor Mowbray concurred with the comments made by Members and Officers noting that no Registered Social Landlords or Housing Associations had come forward, and that policies in the NPPF were now relevant to the consideration of the scheme. He also welcomed the S106 contribution to open space provision and maintenance in the area.

Councillor Richardson stated that he could not support the proposals without the inclusion of affordable housing.

Following a question from Councillor Zair Members were advised that the S106 contribution had been calculated using criteria set out in the Local Plan. The Parish Council would decide how the contribution was allocated.

Councillor Davidson expressed disappointment that the scheme could only go ahead if the affordable housing element was removed, however following the comments made by Officers and the agent, and the extensive work carried out as part of viability assessments, he was satisfied that it would not be viable on this site.

Following much discussion it was **Resolved:**

That the application be approved subject to

(i) the conditions outlined in the report with condition 4 being amended to read as follows:

‘4. The Scheme hereby approved shall contain no less than 2 bungalows which shall be constructed prior to the occupation of the 8<sup>th</sup> dwelling on the site.’

- (ii) the completion of a new Section 106 Agreement for a contribution of £12,000 towards the provision and maintenance of recreational open space in the local area.

Councillor H Nicholson returned to the meeting.

#### **5f 3/2013/0060 - Land at East End, Stanhope**

The Committee considered a report of the Principal Planning Officer regarding an application for 23no. affordable dwellings including landscaping and access (for copy see file of Minutes).

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

The Chairman welcomed the proposals which would provide housing in an area that was in need of affordable homes.

This was reiterated by Councillors Clare and Mowbray who stated that there was an identified need for this development which would help young people to continue to live in the Dale.

Councillor Richardson expressed concern that this was a fast stretch of road and asked if the 30mph speed limit sign could be re-located to include the development. The Highways Officer responded that reference would be made to the Council's Speed Management Strategy which would take into account 'nature of place', but it would not be appropriate to include a planning condition to extend the speed limit as this was dealt with by separate legislation.

With regard to concerns expressed regarding the safety of the site access the Highways Officer advised that the access was deemed to be in a safe location with visibility in excess of guidelines.

#### **Resolved:**

That the application be approved subject to the conditions outlined in the report and to the completion of a Section 106 Legal Agreement to ensure the dwellings remain affordable in perpetuity, and to secure the cessation of use of the generator and installation of a mains electricity supply at the adjacent garage site.

## **6 Appeal Updates**

The Committee considered a report of the Principal Planning Officer which gave an update regarding the following appeals which were upheld:-

**Appeal Ref: APP/X1355/C/12/2187968-9**  
**LPA Ref: ENF/7/2011/017**

Appeal against the issue of an Enforcement Notice relating to the unauthorised change of use of land at 1 Glebe Houses, Ferryhill.



**Appeal Ref: APP/X1355/C/12/2185950**

**LAP Ref: ENF6/2007/082**

Appeal against the issue of an Enforcement Notice relating to the unauthorised erection of a bungalow and garage/storage building, Newmoor Yard Cottage, Evenwood Gate.

**Resolved:**

That the appeal decisions be noted.

The Chairman agreed that in order to keep Members informed the following item of business could be considered.

**7 Introduction of New Permitted Development Rights**

Consideration was given to the briefing note of the Planning Development Manager which informed Members of recent changes to Permitted Development Rights as enacted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 (for copy see file of Minutes).

**Resolved:**

That the information given be noted.