

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 17 July 2014 at 2.00 pm**

### **Present:**

**Councillor M Dixon (Chairman)**

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

Councillors H Nicholson (Vice-Chairman), J Alvey, D Bell, J Clare, K Davidson, E Huntington, S Morrison, A Patterson, L Taylor, R Todd and C Wilson

### **Also Present:**

A Caines – Principal Planning Officer  
J Orr – Senior Planning Officer  
S Pilkington – Senior Planning Officer  
D Stewart – Highways Officer  
C Cuskin – Solicitor (Planning and Development)

### **1 Apologies for Absence**

Apologies for absence were received from Councillors D Boyes, J Buckham, G Richardson and S Zair.

### **2 Substitute Members**

Councillor J Alvey substituted for Councillor D Boyes.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Minutes**

The Minutes of the meeting held on 19 June 2014 were agreed as a correct record and were signed by the Chairman.

## **5 Applications to be determined**

### **5a DM/14/01112/FPA - 25 Cumberland Terrace, Willington, Crook**

Consideration was given to the report of the Senior Planning Officer regarding an application for the change of use from Residential (Class C3) to Residential Children's Home (Class C2) (for copy see file of Minutes).

J Orr, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting.

Councillor Gunn, local Member addressed the Committee on behalf of residents of Cumberland Terrace. She understood that the Police were asking for a condition to restrict the use of the premises to children with physical disabilities.

Highways issues were a major concern for local residents. Colleagues who visited the site would have noted significant problems with traffic and access.

The road along Cumberland Terrace was narrow and service and emergency vehicles had difficulty accessing the properties. Councillor Gunn referred to one family whose children had potentially life threatening medical conditions which meant that access by ambulance was crucial.

Access and parking along the street was not just difficult for residents, there was a school and church which were well-attended and which generated a lot of traffic at peak times. Delivery vehicles also had difficulty gaining access to properties in the street because of the limited turning area. It was not unusual for the road to be blocked with vehicles.

The Highways Authority had not offered any objections but had expressed concern with regard to a planning application for the bungalow which was refused by the former Wear Valley District Council on highway grounds, although later allowed on appeal. It was accepted by the Highways Authority that the property would increase the level of vehicular activity but the issue for residents was by how much and the resulting impact. Taking into account the needs of the children, their care requirements, school taxis and family visits it was estimated that there would be around 46 vehicle movements per day. Any increase in traffic, particularly at peak times would bring Cumberland Terrace to a halt and would also have an impact on the main road through Willington.

Residents and Cllr Gunn believed that Cumberland Terrace was unable to accommodate an increase in traffic. Her considered view was that this would have the potential to put the church congregation, school children and residents at risk.

Councillor Fraser Tinsley addressed the Committee on behalf of Greater Willington Town Council. The earlier application for the bungalow was granted on appeal but the concerns of the Highways Authority at the time had been based on a residential dwelling. The current application was for a residential care home which would generate significantly more traffic.

The Police had advised that their objection would be withdrawn if the use of the premises was restricted to children with physical disabilities, and Children and Adults Services had commented that there was a need for short stay services. To address their concerns he suggested an amendment to condition 6 to restrict the use of the home to children with physical disabilities and to a maximum stay of 28 consecutive days.

B Forster, on behalf of the applicant, stated that although there were local concerns about the proposals they had received a lot of support from the community. She provided Members with a background to the company and its aims.

The company wanted to provide a choice of services for families and to provide stability for the children, working closely with other Agencies. The care provision would include overnight stays.

All children should be able to access education, develop emotional resilience and engage with the local community. They aimed to provide a service which was meaningful and appropriate to ensure that children in their care enjoyed life. A staffing ratio of 1:1 was high but this was because of the needs of the children.

Councillor Clare referred to the comments made by the Town Council regarding a restriction on the length of stay and asked if this would be acceptable to the applicant. B Forster responded that short term stays would be too restrictive for the service they wanted to provide for children and their families.

In response to questions from Councillor Patterson, B Forster advised that specialist services may be provided at the home or the child may have to travel to receive treatment. The number of vehicle movements per day had been calculated to take this into account.

The Member also asked whether the building would be able to accommodate staff and children at a 1:1 ratio and was advised that Ofsted would carry out an assessment in accordance with Regulations and advise on placement size.

D Stewart, Highways Officer was asked to comment on the concerns raised regarding highway safety. He acknowledged that the existing constraints would increase in relation to the proposed use. There would be variables to the suggested vehicular movements on a daily basis depending upon the needs of each child, however the existing street already served a school, a church and residential properties. Having looked at the proposed usage of the property against the current use as a six bedroomed dwelling, the net increase in traffic would be around 4-6% of the whole of Cumberland Terrace. Over a 24 hour period this would equate to additional vehicle movements of just one an hour. This level of increase would not result in severe residual cumulative impact.

Councillor Huntington noted that traffic levels were a problem for pedestrians as well as vehicles.

Councillor Davidson, having listened to the views put forward, concurred with the Highways Authority that whilst there would be an increase in vehicle movements there were existing traffic problems in the street. In the main, vehicles using Cumberland Terrace would be cars not wagons.

Councillor Nicholson concurred with the comments of Councillor Davidson and added that the proposal could create employment opportunities in an area of high unemployment.

The comment was made by Councillor Clare that the use of the accommodation within the property was a matter for Ofsted and not a material planning consideration for the Committee. He agreed with the views of the Highways Officer and other Members in relation to traffic, and considered that it would be difficult to reject the application on highway grounds when the Highways Authority deemed the situation to be acceptable.

Councillor Dixon referred to the amendment to condition 6 suggested by Willington Town Council. C Cuskin, Legal Officer advised that the suggestion to restrict the use of the property to children with physical disabilities, and impose a maximum stay of 28 days would be difficult to justify on planning grounds.

**Resolved:**

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

**5b 6/2014/0014/DM/OP - Land Adjacent to 43 Ullswater Avenue, West Auckland, Bishop Auckland**

Consideration was given to the report of the Principal Planning Officer regarding an outline application for the erection of 3 dwelling houses with access and layout considered (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 and were familiar with the location and setting.

In presenting the report the Officer advised of a late representation which stated that there was no demand for additional dwellings, residents had enjoyed amenity use of the site for over 40 years and the loss of the land would be detrimental to the character and appearance of the area.

Councillor Clare stated that he was against the proposal. The application had been rejected on two previous occasions and he was of the view that there were no significant changes to the substantive issues which would justify approval.

The development involved the loss of open space, although it had not been formally designated as such. There was a No Ball Games sign on the site and it was not a space that needed to be used by the community. Therefore the comments in the report that the land was in private ownership and that public access could be denied at any time by the erection of fencing was immaterial.

However, housing estates had small patches of open space which formed an essential part of the character of an area. This site was more than a piece of open space, it was a gap which opened onto the open countryside beyond. He considered that it was designed to give an open aspect to the estate and as a consequence it was essential to its character. Three houses would destroy the visual and residential amenity of residents, and would block off the open countryside. He was also of the view that the statement in the report that there was open space half a mile away was irrelevant.

The proposals were contrary to Local Plan Policy GD1 and Part 7 of the NPPF. There was no stated need for housing on this site and no planning gain to counterbalance the loss of visual and residential amenity. The site was too small to require a Section 106 Agreement.

Councillor Dixon referred to the previous refusals and advised that the difference between this application and the earlier submissions was that consideration now had to be given to the principles of the NPPF published in 2012. Accordingly Planning Officers considered that the proposals were in line with Planning Policy. This was a very small development and he disagreed with the comments about the potential impact of the proposals. There was open space around the estate, and close to the site. The developers would create employment which would provide economic benefit, and this was an outline application with design to be controlled at the reserved matters stage.

A Caines, Principal Planning Officer responded to the comments made. This development was in a modern environment which was not a Conservation Area. The open space did contribute to the character and appearance of the estate which was a material planning consideration, but this had to be balanced against the Government objectives for development in urban areas that were sustainable, close to services, were in appropriate locations and that protected the open countryside.

Councillor Huntington expressed concern about the loss of mature cherry trees on the site and asked if a condition could be included to ensure that they were protected.

The Officer responded that the Tree Officer had noted that the trees did have amenity value but the species, age and condition did not justify protection by a Tree Preservation Order. Whilst some would be retained the scheme would not be viable if the developer was required to remove all the trees.

Councillor Davidson stated that on looking at the map accompanying the report the proposal appeared to be logical infill development. However having visited the site he could appreciate it as an area of open space which complimented the estate in terms of amenity value. The land was privately owned and the fact that access to the site could be restricted at any time was irrelevant, although he noted that to date the owner had chosen not to do so.

Following deliberation by the Committee it was **Resolved:**

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

**5c 3/2013/0432 - Land Adjacent to Weaver's Croft, Crook**

Consideration was given to the report of the Senior Planning Officer regarding an application for the erection of 34 dwellings with associated parking and landscaping (for copy see file of Minutes).

J Orr, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members were advised of a proposed amendment to the recommendation in the report to secure the type of housing in the Section 106 Agreement.

Councillor Patterson welcomed the application. The development was much needed in Crook and was located to the rear of an existing residential area next to fields and play space.

Members were advised that Councillor Tomlinson, local Member fully supported the application.

**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:-

- (i) the dwellings as Build to Rent housing;
- (ii) a contribution of £34,000 towards the maintenance/enhancement or provision of open space and recreational space in the local area.

**5d 7/2013/0289/DM - West Chilton Farm, Land to the North West of Chilton Terrace, Chilton**

Consideration was given to the report of the Senior Planning Officer regarding an application for the demolition of existing buildings and erection of 136 dwellings and associated works (resubmission) (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

Councillor Dixon referred to the comments made by Northumbrian Water Ltd that the sewage treatment which would serve the development could not accommodate the additional flows that would be generated. The Officer advised that the applicants were in discussion with Northumbrian Water and improvement works should be made within the life of the planning permission. Alternatively there was the option for an on-site treatment solution by the developer. A condition was proposed which would ensure that no development would commence until drainage details had been agreed by the Local Planning Authority in consultation with Northumbrian Water Ltd.

**Resolved:**

That the application be approved subject to the conditions in the report and to the entering into of a Section 106 Obligation to secure:-

- (i) a financial contribution of £20,000 for off-site highway improvement works;
- (ii) £97,000 for off-site outdoor sporting and recreation provision.

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

Consideration was given to the report of the Principal Planning Officer regarding an outline application for residential development (all matters reserved except for access) (for copy see file of Minutes).

The purpose of the report was to consider the applicant's request to reduce the affordable housing requirement from 25% to 15%, meaning a potential reduction in affordable housing units of 7, from 18 to 11. The proposed reduction was calculated on the most up to date evidence base of affordable housing need for the West Durham Delivery Area and was therefore in accordance with National and Local Plan Policy.

**Resolved:**

That the application be approved subject to the conditions outlined in the original report to the Committee, and to the completion of a Section 106 Legal Agreement to secure:-

- (i) the provision of 15% affordable housing;
- (ii) the payment of £55,000 towards local public transport service improvements;
- (iii) the payment of £4,000 towards maintenance costs of the open space on site.