

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in Council Chamber, County Hall, Durham on **Tuesday 9 December 2014 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors A Bell, J Clark, P Conway, M Davinson, D Freeman, J Lethbridge, B Moir, J Robinson, C Kay and K Shaw

1 Apologies for Absence

Apologies for absence were received from Councillors G Bleasdale, K Dearden, S Iveson, A Laing and R Lumsdon.

2 Substitute Members

Councillor K Shaw substituted for Councillor G Bleasdale.

3 Minutes of the Meetings held on 21 October and 11 November 2014

The Minutes of the meetings held on 21 October and 11 November 2014 were confirmed as correct records and signed by the Chairman.

4 Declarations of Interest, if any

There were no declarations of interest.

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

- a DM/14/01858/OUT - Land to the east of Prospect Place, Commercial Road East, Coxhoe**

The item was withdrawn from the agenda.

6 DM/14/01821/FPA - Land at Kepier House, The Sands, Durham

The Committee considered a report of the Senior Planning Officer regarding the demolition of Kepier House and erection of 35 apartments with associated external works(for copy see file of Minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members were advised that the number of parking spaces referred to in the report should reflect 36 and not 47.

In response to a query from Councillor J Clark, the Senior Planning Officer clarified that 25 parking spaces would be underground and the remaining 11 would be situated at street level.

Councillor Freeman moved refusal of the application. He felt the proposed design was not in keeping with surrounding properties, with the proposed development to be up to 4 storey's high, whereas surrounding properties were only a maximum of 2 storey's. As such, he felt that the development would overshadow other properties and furthermore the proposed flat roof would be the only one in The Sands. He further felt that the design was not innovative.

Councillor Freeman contested the suggestion within the report that the design was not dissimilar to that which was proposed previously. He highlighted that the previous proposals had been for 16 apartments, town houses and the preservation of Kepier House. The current proposal was for a development twice the size with the demolition of Kepier House.

In relation to traffic, Councillor Freeman suggested that 35, 2 bed apartments would demand 70 parking spaces, he therefore stated that he did not wish to see residents with an entitlement to street park on Ferens Close.

The Highways Officer clarified that no parking permits would be given to residents of the new development and any visitors to the apartments would be required to use pay and display facilities.

In response to a query from Councillor A Bell, the Senior Planning Officer clarified for developments within the city, a S106 agreement would be set at £1000 per dwelling and so to request more than that would not comply with policy. Furthermore it had been agreed that to request a proportion of affordable housing would not be viable.

Councillors Lethbridge and Moir expressed disappointment that there would be no provision of affordable housing. Councillor Moir highlighted that far from anything being conserved in the area, what was being proposed was a greater critical mass in The Sands and the loss of a historic building within the Conservation Area. He disliked the design choice and he queried what recreational facilities could be proposed at The Sands from the S106 monies. He seconded the motion for refusal of the application.

Councillor Kay asked whether the level of £1000 per dwelling mentioned was on a county wide basis and the Solicitor replied that it varied at the present time due to the 7 former district Local Plans.

Councillor Conway also raised concerns regarding the lack of affordable housing. He felt it should be included as current relative market values would make affordable housing more viable than back in 2004.

A representative for the developer was in attendance at the meeting. In response to Members concerns, he clarified that the initial cost of the land coupled with poor ground conditions, meant that affordable housing was not viable. He further advised that there had not been any proposals for affordable housing in the 2004 application.

Councillor Freeman clarified that the reasons for refusal were that the application was contrary to paragraph 14 of NPPF Part 7, Local Plan Policies H13 and Q8, and Policies 15 and 18 of the emerging County Durham Plan.

The Senior Planning Officer showed the Committee the previous scheme as put forward in 2004, by way of comparison. Councillor Freeman stood by his reasons and he therefore moved refusal of the application which was seconded by Councillor Moir. Councillor Kay also moved the Officer's recommendation for approval and that was seconded by Councillor Shaw. Upon a vote being taken on the proposal to refuse, this was voted down on the Chairman's casting vote. The proposal to approve was then voted upon and carried on the Chairman's casting vote.

Resolved:

That the application be approved subject to the conditions in the report and a S106 Agreement to secure the payment of £1000 per dwelling for open space/recreational facilities and public art.

7 CE/13/00862/OUT - Land At Brackenhill House, Brackenhill Avenue, Shotton Colliery, Durham

The Committee considered a report of the Senior Planning Officer regarding an outline application with all matters reserved except access and layout for residential development of 6 executive dwellings at land at Brackenhill House, Brackenhill Avenue, Shotton Colliery, Durham (for copy see file of Minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Mr G Hoban, local resident, addressed the Committee to speak in objection to the application. Mr Hoban raised concerns regarding the additional traffic which would be generated on the access to Brackenhill House, an access which was only 11ft wide. The route was regularly used by pedestrians, despite there being no pathways. The route was also frequently used by horses and cyclists, furthermore there was a care home and a school nearby. There had already been minor incidents in that area. Mr Hoban advised that the area would regularly freeze and so could become very dangerous.

It was feared that the development would double or triple the population of the lane and so considerable investment would be required to bring the lane up to a suitable standard.

Mrs J Hoban, local resident, addressed the Committee to speak in objection to the application. Mrs Hoban raised concerns regarding the impact of development on the biodiversity of the area, advising that hundreds of birds were ringed in the area and four species were on the red list. The loss of habitat which would be caused by the development would inevitably have a significant impact on local wildlife. Members were advised of a report which had been prepared by a senior Ecologist which warned of the negative impact on biodiversity should the development go ahead.

Ms S Tullin, local resident, addressed the Committee to speak in objection to the application. She felt that it was wrong to assume that there would be no significant impact on nearby residents, as she personally would feel the full impact of the development from its commencement and subsequently beyond its completion. She advised that the development would be less than 10metres from her living area and she feared for how her quality of life would be affected should the application be approved.

The Senior Planning Officer responded to the points raised as follows:-

- The application was originally going to be for 9 dwellings, however further to negotiations to reduce the impact on the environment, the number of dwellings had been reduced. Mitigation was proposed and there would be Woodland Management Plan, as such the habitat would be improved;
- Residential Amenity – The minimum separation distance was 21metres and the proposals were well in excess of that;
- Highways Issues – The Highways Officer advised that the development would generate 48 additional traffic movements per day, which equated to 3 per hour, as such while there would be additional movements, there would not be a severe impact. Furthermore, it was reported that, having checked road traffic data, there were no recorded accidents in that area within the last 5 years.

Further to concerns raised by the Committee, the Senior Planning Officer clarified that the boundary separation distances were 50 metres apart and the separation distance between elevations of nearby properties and the new development would be 63 metres.

Councillor Clark raised concerns regarding the proposals. She highlighted that the development site was not on the outskirts of the village, it was on the outskirts of an industrial estate, the road to which had previously been blocked off to stop traffic. However now the proposal was to open that area back up again. The loss of trees was also a concern and Councillor Clark argued that the area was not a sustainable location.

In citing the reasons set out in paragraph 51 of the officer's report, Councillor Clark moved refusal of the application.

Councillor Moir moved that the application be deferred to allow the Committee the opportunity to visit the development site and assess the impact it would have on nearby properties. Furthermore, visiting the site would allow Members to see first hand the access issues, the narrowness of the lane, layout of the site, assess the tree issue and traffic issues. This motion was seconded by Councillor Kay and as such, Councillor Clark withdrew her original motion to refuse the application.

Upon a vote being taken it was **RESOLVED:-**

“That the application be deferred to allow Members the opportunity to visit the application site”.

8 DM/14/02388/FPA - Land At The Airfield, Shotton Colliery, Durham

The Committee considered a report of the Senior Planning Officer regarding the construction of a helicopter centre comprising helicopter museum, workshops, learning centre. Exhibition space, café and gift shop at land at The Airfield, Shotton Colliery, Durham (for copy see file of Minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Councillor Conway commended the application, particularly in relation to the employment opportunities it would generate and he hoped the business plan would come to fruition. Seconded by Councillor Lethbridge, Councillor Conway moved approval of the application.

Resolved:

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

9 DM/14/03360/FPA - 4 Foxton Way, High Shincliffe, Durham, DH1 2PJ

The Committee considered a report of the Planning Officer regarding the retention of single storey extensions at side and rear of dwelling and excavation/boundary works to rear at 4 Foxton Way, High Shincliffe, Durham, DH1 2PJ (for copy see file of Minutes).

The Team Leader, Central & East, provided the Committee with a detailed presentation which included photographs of the site. Members of the Committee had visited the site and were familiar with the location and setting. The officer read out a letter from the local Member, Councillor Stoker who wished to object to the application.

Councillor Stoker had written that permitted development rights had been used as the basis for the application for two large extensions on a relatively small plot, however he believed there had been a breach of those rights on both extensions. He therefore felt that planning permission should not be granted for the following reasons:

1. It breached the principles of Permitted Development.
2. The breaches in Permitted Development (circa 3 inches in height in one extension, and circa 6 inches wider in the second extension) may appear minor, however they now required planning permission. Permission should not be given because of any de minimis argument as the de minimis argument had already been utilised for the Permitted Development elements and to use it twice was a contradiction in terms.
3. There should be limited tolerance on the grounds of a series of 'honest mistakes' by the applicant. The applicant has rejected, over 3 months, numerous opportunities to submit plans to building control and planning permissions as suggested and requested by Planning, Enforcement and Building Control Officers.

Mr Mowle, local resident, addressed the Committee to speak in objection to the application and presented to Members a powerpoint presentation (for copy see file of Minutes). The slides showed pictures detailing congestion in the street and at the nearby primary school, construction vehicles on site, the 2 metres gap between his property and the application property, and the impact that the development had in terms of blocking light.

The Team Leader responded to points raised as follows:-

- Building Control issues was a separate issue, not relevant when determining the planning application;
- Issues relating to the Party Wall Act would be civil issues.

Mr S Edwards, agent for the applicant, addressed the Committee. He advised that the professional planning officer had concluded that the proposals were considered to be of an appropriate design and scale which would not result in a negative impact on the visual amenity of the street scene. Furthermore, there was no suggestion that there would be any detrimental impact on the adjoining properties and as such the recommendation was that the application be approved.

Mr Edwards advised that throughout the process the applicant had been conscious of the impact of the development on neighbours and as such had engaged in informal consultation with them. Where possible, the applicant had attempted to comply with reasonable requests from neighbours.

Members were advised that the applicant had complied with all relevant statutory authorities throughout the process and the letters of objection actually generated a number of concerns, none of which appeared to be relevant in the context of planning.

Mr Edwards advised that the design and layout of the development met the current planning requirements of national, regional and local policy and there was insufficient negative impact on the residential amenity of nearby properties that would warrant refusal of the application. It was highlighted that on the east side of the street there was actually a very large extension that was twice the height of the applicant's extension. Mr Edwards highlighted many other properties in the street which had much more imposing extensions.

Members were advised that the property had been tastefully extended using the best materials and design and while the applicant sympathised with Mr Mowle, Mr Edwards highlighted that the concerns raised were not planning related.

In relation to concerns raised regarding the Party Wall Act, Members were advised that the extension had been constructed on the applicant's side.

Councillor Moir concluded that the Committee Meeting was not a vehicle for resolving neighbour disputes and as such he was happy to follow the officer recommendations and moved approval of the application.

In response to a query from Councillor Kay, the Team Leader clarified that the applicant had commenced the works believing that he could do them under permitted development rights. However following neighbour complaints, it became apparent that the works required planning permission, hence the retrospective application.

Councillor Bell seconded the motion for approval, stating that having viewed the property on the site visit, it was clear that it was in keeping with the surrounding area.

In response to a query from Councillor Conway, the Solicitor clarified that legislation allowed for retrospective planning applications

Upon a vote being taken it was

Resolved:

That the application be approved subject to the conditions detailed within the report.

10 DM/14/02423/FPA - Land To The West Of 4 South Terrace, Framwellgate Moor, DH1 5EN

The item was withdrawn from the agenda.

11 DM/14/03093/FPA - Bristol Street Motors, Abbey Road, Pity Me, Durham, DH1 5DQ

The Committee considered a report of the Planning Officer regarding alterations to front elevation to create extra floor space to existing showroom area at Bristol Street Motors, Abbey Road, Framwellgate Moor, Durham, DH1 5DQ (for copy see file of Minutes).

The Principal Planning provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Councillor M Wilkes, local Member, addressed the Committee. He declared that he lived in close proximity to the application site though was attending the Committee to speak on local concerns.

Members were advised that Abbey Road was an extremely busy highway. On the area of the highway directly adjacent to the garage, there would regularly be 4-6 vehicles parked to which the police had been called on a number of occasions. Furthermore transporters would unload on the main highway and Councillor Wilkes warned that as less workroom was proposed, then backed up vehicles could potentially be parked on Abbey Road awaiting work. In addition, additional sales space would inevitably increase visitors to the showroom, which in turn would need to park on Abbey Road.

Councillor Wilkes advised that the cars parked on the highway resulted in there being no pull in points and so no overtaking space which made for an unsafe environment on Abbey Road.

Members were advised that Councillor Wilkes was not seeking refusal of the application, rather that a condition be imposed to regularise parking on the highway. He acknowledged this would be a task for the Highways Department to introduce parking regularisation such as double yellow lines on the highway to create pull in points.

Councillor Wilkes recognised that in suggesting the restriction of parking on Abbey Road, that there was an increased likelihood of parking occurring in the nearby residential area where he lived, however he felt that on balance, this was acceptable compared to the potential significant safety issues on the main highway.

The Principal Planning Officer and the Highways Officer responded to the points raised as follows:-

- Transporters – this was to be treated as a separate issue and could be referred for enforcement action if there was evidence that the problem of unloading transporters was problematic;
- Workrooms – The reduction in workroom space would actually result in a reduction of business at the garage, though concurrently the increased showroom would increase visitors. As such it was anticipated that the footfall at the garage would balance itself out and any potential level of increase would not warrant a condition. Only a minor change in the internal floorspace arrangements was being proposed rather than an increase in floorspace.
- Highways had looked at the alterations proposed to the existing building and considered that traffic movements would be offset – increased visitors would be balanced with less workroom business.
- Abbey Road – While it was acknowledged that vehicles had a tendency to be parked on the highway, there was no evidence that the proposed changes at the garage would result in additional danger. There may be a need to reconsider the situation when changes occurred on the highway network, but not at the present time on the basis of the current application.

Councillor Bell suggested that notwithstanding the points raised by the officers, there might now be an ideal opportunity to introduce parking restrictions on Abbey Road.

Councillor Conway was persuaded by the concerns raised not only by the local Member, but also by the local Parish Council. It was clear that there was an issue at Abbey Road he therefore supported the suggested condition.

Councillor Kay agreed that applying mitigation now would prevent future problems arising and he moved that the application be approved with the addition of a condition to restrict parking on Abbey Road. He further stated that the exact manner in which parking restrictions should be applied, should be discussed between officers and local Members.

The Solicitor advised that the imposition of lines on the highway was a matter which was not within the control of the applicant, as such the imposition of a condition on the application was problematic.

The Highways Officer clarified that a legal process had to be followed before the implementation of a Traffic Regulation Order. There was therefore no guarantee that a TRO could be implemented even with a condition being imposed on the application and he warned that if lines were introduced on the highway, vehicles would park up to those lines.

The Highways Officer further advised that there was no evidence of existing danger on Abbey Road in the first place and the issue being raised should be addressed as a highways issue.

In response to a query from Councillor J Clark, the Highways Officer agreed that as there was no intention to make any changes to the outside layout of the garage, then all current carparking spaces could be utilised.

In response to a suggestion from Councillor Kay, the Solicitor advised that if minded, the Committee could express a wish for a traffic survey to be undertaken in the area and to then be considered in due course by the Highways Committee.

Councillor Freeman supported the course of action suggested by Councillor Kay. He felt that increased traffic on Abbey Road would be inevitable should the application be approved and therefore undertaking a traffic survey.

Councillor Lethbridge moved approval of the application which was seconded by Councillor Davinson.

Resolved:-

“That the application be approved subject to the conditions detailed within the report and that, in line with the Committee’s wishes, officers and local Members worked together, share and address concerns, following which a report be prepared to be explored further by the Highways Committee”.

12 DM/14/02796/FPA - Land to the South of Bradyll Street, Kelloe, Durham

The Committee considered a report of the Planning Officer regarding earthworks including infilling and levelling (part retrospective) to facilitate use of land for agriculture, erection of a general purpose agricultural building, timber screen

fencing, temporary siting of 2 no. storage containers and retention of 1 no. caravan to provide site facilities (non-residential) at land to the south of Bradyll Street, Kelloe, Durham (for copy see file of Minutes).

The Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members of the Committee had visited the site and were familiar with the location and setting.

Members were advised of a late representation from local Members Councillors J Blakey and M Plews who had contacted the Planning Officer by email on 8 December 2014 having only just become aware of the application. The Councillors objected to the application in previously submitting an objection and had requested that the matter be brought before the Committee for determination.

A letter of objection had also been received from local Member Councillor M Williams. Further to an issue which had been raised by Councillor Williams, the Committee were advised that a Compulsory Purchase Order was not a planning matter. It would be a matter for Asset Management.

Councillor Lethbridge commented that having viewed the site earlier that day, the proposals seemed straightforward, though he did warn that rocks in that area would be subject to fissuring. Due to the number of activities proposed for the site, he did not feel in possession of sufficient knowledge with which to vote on the matter.

Councillor A Bell felt it was obvious from the site visit that the area of land had stood in its current condition for in excess of 60 years, he therefore welcomed the proposals to improve the area.

Councillor Kay seconded the motion for approval. While he acknowledged that the application had caused some contention within the local community, he could not see any reason to refuse the application when taking into account material planning considerations.

Resolved:

That the application be approved subject to the conditions detailed within the report.