

**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 10 February 2015 at 1.00 pm**

**Present:**

**Councillor P Taylor (Chairman)**

**Members of the Committee:**

Councillors A Bell, G Bleasdale, J Clark, M Davinson, K Dearden, D Freeman, C Kay, A Laing (Vice-Chairman), J Lethbridge and K Shaw

**1 Apologies for Absence**

Apologies for absence were received from Councillors P Conway, S Iveson, R Lumsdon and B Moir.

**2 Substitute Members**

There were no substitute Members.

**3 Minutes of the Last Meeting held on 13 January 2015**

The Minutes of the meetings held on 13 January 2015 were confirmed as correct records and signed by the Chairman.

**4 Declarations of Interest, if any**

There were no declarations of interest submitted.

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

**a DM/14/02320/FPA - The Cooperage, Durham Road, Bowburn**

The Committee considered a report of the Senior Planning Officer regarding the demolition of existing public house and erection of retail and office building with associated parking and landscaping at The Cooperage, Durham Road, Bowburn (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 of the Committee had visited the site and were familiar with the location and setting.

The Senior Planning Officer advised of late amendments to be made to the application as follows:-

**Amended condition 7**

The bus box forming part of the bus stop to the south east of the site on Crow Trees Lane shall be reduced in size in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to development commencing. Neither the retail unit nor the offices shall be brought into use until the alteration of the bus box has been completed.

Reason: In the interests of Highway Safety and to comply with Policy T1 of the City of Durham Local Plan 2004.

**Additional Condition 8**

A one way system shall be introduced to the car park to exit onto Crow Trees Lane in accordance with details, including a signage scheme, to be submitted to and approved in writing by the Local Planning Authority prior to development commencing. Neither the retail unit nor the offices shall be brought into use until the one way system is in place, and it shall remain in place while the development exists.

Reason: In the interests of Highway Safety and to comply with Policy T1 of the City of Durham Local Plan 2004.

Mr J White, agent for the applicant, addressed the Committee. Members were advised that the applicant had worked closely with the Planning Authority for 12 months to fine tune the application, ensuring that traditional materials would be used and that the 21 car parking spaces would be provided.

Councillor J Blakey, local Member, addressed the Committee. She was very familiar with the site and advised that she had highway concerns, particularly in relation to the number of car parking spaces. She felt that 21 spaces would be somewhat congested and would result in highway issues. Members were advised that bollards had been installed in the vicinity of the site as a road safety measure to prevent cars from pulling up and parking on the roadside. Councillor Blakey also advised that since the new road layout had been implemented at the nearby roundabout onto the A1M, traffic regularly came to a standstill in the village and there was added confusion on the network. Councillor Blakey was therefore concerned that cars entering and exiting the application site would only add to those highway pressures.

Councillor Blakey raised further concerns relating to drainage, sewerage and overflowing manholes.

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

- The site was indeed surrounded by bollards to prevent parking on the main road as such the Highways Authority was not concerned about indiscriminate parking. The nearby bus stop also prohibited parking on the highway.
- In relation to the 21 car parking spaces, national comparisons had been made and the Highways Authority was satisfied that the 21 spaces could be comfortably accommodated. It was estimated that in peak times there would be approximately 39-51 trips to and from the car park, with vehicles parking there for a maximum of 20 minutes.

Councillor A Bell fully supported the application, believing the proposed development would complement the street. He did query whether visibility would be impaired for vehicles exiting the car park if there happened to be a bus parked at the bus stop. The Highways Officer clarified that was the reason behind the intention to shorten the bus stop, to extend visibility and to allow a suitable access to be developed. The Committee was advised that only one bus per hour used the stop and Members were further advised that a one way system would be implemented at the car park so vehicles would only exit next to the bus stop.

In response to a query from Councillor Laing, the Senior Planning Officer clarified that condition 6 would deal with the issue of surface water drainage and as such the developer would be required to produce a suitable scheme. It was further highlighted that Drainage Officers were satisfied with the proposals and Northumbrian Water had not raised any objections.

In response to a query from Councillor M Davinson, the Senior Planning Officer clarified that paragraph 37 related to the NPPF and that Design and Conservation could see no justification to remove the building. In terms of the replacement not being considered to be a suitable quality, Members were advised that while Design and Conservation may have preferred to see more outstanding design proposals, the Planning Authority was satisfied with them.

Councillor J Lethbridge accepted that there were highways issues however was satisfied with the explanations put forward by officers. He believed the proposals would be good improvement for Bowburn and he moved that the application be approved.

In response to a query from Councillor J Clark, Mr J White, agent, clarified that the applicant envisaged that the majority of employees would be from the local area and so would not need to park vehicles at the development. It was indeed in the developer's best interests to utilise all parking spaces for customers.

Councillor M Williams, local Member, addressed the Committee. He advised that there were drainage issues in the vicinity of the site, the manhole at the front of the premises was the first in the village to lift with foul water whenever there were drainage problems. He further advised that he and his colleague local Members had the bollards placed as well as a pedestrian crossing to try to mitigate against highway safety issues. He reiterated the issues raised by Councillor Blakey regarding traffic at a standstill through the village due to the new road layout at the roundabout.

The Senior Planning Officer advised that notwithstanding the current planning application, the public house could have been re-opened which would itself have generated traffic.

Councillor A Laing seconded the motion to approve the application and upon a vote being taken it was;

**RESOLVED:-** “That the application be approved subject to the conditions detailed within the report”.

**b DM/14/02852/FPA - Site Of Former Coxhoe Pottery, Front Street, Coxhoe**

The Committee considered a report of the Senior Planning Officer regarding the erection of 30 no. dwellings including demolition of exiting dwelling on site and pumping station at the site of the former Coxhoe Pottery, Front Street, Coxhoe (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 of the Committee had visited the site and were familiar with the location and setting. Further to 6 additional letters of objection being received by the Planning office since the publication of the Committee report, a number of new areas of concern were reported as follows:-

- Concern relating to the new homes being Prince Bishops Scheme homes and that such a housing model with a large number of people renting, would be inappropriate to the area. There was a suggestion that the properties would be social housing. The Senior Planning Officer clarified that the houses would not be classed as social housing but would be more affordable houses aimed initially at those to rent at the lower end of the housing market;
- Concern that hedgerow 7 near to Belgrave Court was not shown enclosed by a blue line indicating protective fencing on the submitted tree protection plan;
- Concern over land to be bought from the Council – Members were advised that the developer had gone through the appropriate channels to buy land from the Council and notice had been served on the Asset Management section;
- Concern over the rear path/track and access to the Potteries – Members were advised that land ownership had been correctly declared and officers had not noted access being restricted from the Potteries site. Though that matter had been raised at a late stage, it had been properly looked into;
- Officers unaware of the exact noise from the pumping station – Members were advised that it was considered acceptable by Environmental Health and would have the required 15 metre set off from residential properties.

Members were advised of a late letter which had been received from a local resident which raised issues relating to the temporary access to the development, the planting plan, the footpath link and the removal of trees, all issues which were dealt with within the officers report.

The Chairman took the opportunity to advise that he knew one of the speakers on the application, Mr K Tallentire. Both Mr Tallentire and the Chairman were board members on the Mid Durham Area Action Partnership and the Chairman advised that was the only capacity in which he knew the speaker. He therefore remained in the chair throughout the discussion and determination of the application.

Mrs K Fisher, local resident, addressed the Committee to speak in objection to the application. Members were advised that the development land was a largely greenfield site falling outside the settlement boundary of Coxhoe as defined in the County Plan and was contrary to the Coxhoe Parish Plan.

In relation to the revised plans which had been submitted, Mrs Fisher felt that the estate would be overly dense at 30 properties. The demographic of house type was not diverse being mainly semi-detached and terraced houses. The design and appearance was not interesting or of good quality and construction materials were not in character with the surrounding properties and Mrs Fisher advised that this deviated from the extant outline planning approval for 24 houses. It was highlighted that the Council's Design and Conservation Team and Coxhoe Parish Council had objected to the development.

Members were advised that all of the 30 properties in the ownership of Prince Bishops Homes would be rented to tenants for the first 4 years with an option, not an obligation, to buy under a "buy to rent" scheme. Mrs Fisher advised that even if 30% of the tenants chose to take up the option after 4 years there would still be 21 houses remaining tenanted. It was felt that this would not fit in with the surrounding demographic of properties which were all privately owned.

Mrs Fisher advised that the privacy amenity that the residents of Belgrave Court had been afforded by the hedgerow lying to the front of their properties for over 40 years, would be adversely affected by the removal of any part of this it. The Committee was advised that the hedgerow was owned by Durham County Council and was referred to in the Arboricultural Method Statement dated 15/1/15 and was shown numbered "7" on the plan thereto.

To enable dual access and egress from the development to Front Street, Mrs Fisher advised that the owner/developer entered into an Agreement to purchase part of "hedge 7" from the Council's Assets Department for an undisclosed sum, only upon the circumstance of the approval of the Planning Application. Members were advised that the owner/developer did not own the current access track to the development nor did they have a legal right of access to the development at the point shown on the revised layout plan. The widened access and development would cause a substantial increase in vehicular traffic and noise particularly for the residents of 1 The Pottery and Belgrave Court.

Mrs Fisher advised that the access track to the development was only currently used by Ivy Cottage and Fairview. The development was likely to increase that usage by approximately 60 vehicles. Members were advised that the resident of Ivy Cottage frequently drove in and out of his property many times a day due to his taxi business located in Coxhoe. To do that manoeuvre, the Committee was advised that he was required to either reverse in or out of the access track, as there was no turning point within his property. Although such a manoeuvre was currently carried out safely as there was a lay by off the main road that allowed a turn to be done safely, Mrs Fisher advised that should the development proceed then the gentleman and his family would be reversing directly onto an estate road used by a possible 60 vehicles. It was feared that would be unsafe for both vehicular and pedestrian users of that road.

The Committee was advised that the Council's own Landscape Team had expressed concern at the lack of an upfront landscaping scheme which could severely affect the visual amenity of all the surrounding properties. Mrs Fisher also advised that part of the land was contaminated with asbestos, other hazardous materials and invasive vegetation. Local residents were concerned that contaminants might become airborne or infect the water table adversely affecting adjoining properties.

Mr I Walker, local resident, addressed the Committee to speak in objection to the application. Mr Walker believed that deals in relation to land ownership had been done incorrectly and should have been subject to a tendering process.

He felt that the proposals were for an undesirable design of properties which would not be in keeping with properties in the surrounding area. Mr Walker queried who would want to buy any of the properties if they would be surrounded by neighbours who were renting social housing.

In relation to the pumping station, Mr Walker advised that such stations were prone to breakdown and so he queried who would be responsible for any related maintenance and repairs.

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

- It was accepted that the removal of the hedge would cause some disturbance and so a landscaping scheme could be preserved by way of a condition;
- In relation to land ownership, it was reiterated that the developer had served the correct notice on the current owner and the Council;
- Pumping Station – It would be in no-ones interest for the pumping station to breakdown and the agent for the applicant would clarify the plans for maintenance.

The Solicitor responded to points raised as follows:-

- In relation to the land issues which had been raised, the Committee was advised that the developer was permitted to apply for planning permission on land not within their ownership;
- Issues regarding legal rights of access over a track were private legal issues and not for consideration by the Committee;
- Land – issues relating to the purchasing of land were private legal issues and not for consideration by the Committee.

Mr K Tallentire, Prince Bishops Homes, addressed the Committee. Members were advised that Prince Bishops Homes was a subsidiary of Derwentside Homes and its main objective was to help residents onto the property ladder through rent to buy housing schemes. After a period of rental, occupiers could apply to purchase their property and any increase in the value of the property would be split 50/50 with Prince Bishops Homes, the occupier could then use their share as a deposit. Residents had to be in full time employment and properties were priced in accordance with market rent. Any profits accrued by Prince Bishops Homes were recirculated to the registered social housing provider, there were no stakeholders.

The application site was a brownfield site and was contaminated with Japanese Knotweed and asbestos, which would be professionally cleared in order to provide much needed start up homes.

Members were advised that the pumping station would be adopted by Northumbrian Water and the access road would improve the access to the site.

In response to a query from Councillor J Blakey, local Member, the Senior Planning Officer clarified that there was no regular s106 arrangement on the application as there were a series of high associated costs which would be incurred by the developer, relating to the clearance of the contaminated land and the siting of the pumping station.

Councillor J Blakey addressed the Committee. Members were advised that in late 2014 a serious road traffic accident had occurred just 100 yards from the access to the development site, at peak time. As such, there were concerns locally regarding highway safety.

Councillor Blakey advised that the local school was full and would not be able to accommodate children from a 30 dwelling development, especially as another 200 homes were being developed nearby.

It was hoped that specialists would be contracted to remove the Japanese Knotweed and the asbestos and Councillor Blakey also raised objections to the application in relation to the land sale issue.

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

- Japanese Knotweed/Asbestos – issues relating to the contaminated land would be conditioned through an ecology report, requiring professional removal of the contamination;

- Education – The Education Department had confirmed there were sufficient local school spaces.

Mr S Bell, agent for the applicant, addressed the Committee. He clarified that in relation to asbestos, there were fibres both in and on the ground which were friable. The developer had a remedial specialist who would provide both suppression and monitoring of the site. Removal would be undertaken by a specialist removal contractor.

The same would happen in relation to the Japanese Knotweed, which was located on the boundary of the site and so in seeing to its removal, the developer was safeguarding against potential spread into neighbouring properties.

Councillor Bleasdale was pleased that the Japanese Knotweed would be removed from the site, however expressed concerns that some of the properties could suffer from overshadowing.

Councillor M Williams, local Member, addressed the Committee. He was surprised that the Environment Agency had not raised any objections to the scheme and he also advised that as local Member, he had repeatedly requested that a traffic survey be undertaken in the area. His requests had been refused despite him raising highway related issues.

The Highways Officer clarified that the 30 dwellings would generate 17 two way vehicle movements per peak hour and not all of those vehicles would be on the network at the same time. Members were further advised that the Highways Authority had no concerns relating to the A177 and Station Road junction.

In response to a query from Councillor A Laing, the Senior Planning Officer clarified that the pumping station was not a large piece of machinery, rather it was a cabinet underneath the ground which would be 2 sunken chambers which pumped to the main sewer. The standard requirement was met in that the station would be located 15 metres away from residential properties. The option of altering the location of the pumping station had been explored, however it had to be located where planned because that would be on the lowest point of the application site.

In response to a query from Councillor M Williams, the Senior Planning Officer clarified that the developer would be responsible for the monitoring of the contaminated land and as such would be required to undertake a series of land surveys. Environmental Health legislation would likely regulate decontamination works. Furthermore, attention was drawn to a condition which would be applied should permission be granted which would require a further phase 2 study to be undertaken.

In response to a query from Councillor A Bell, the Senior Planning Officer clarified that the Planning Policy Team had been consulted and had not raised any objections to the application. The site was considered a sustainable location and already had a live permission on it for 24 dwellings.



Councillor A Bell raised concerns regarding the lack of s106 contributions, though he acknowledged the reasons that had been cited by officers and he agreed that the site was an eyesore, in urgent need of attention.

Councillor M Davinson raised concerns regarding the modest design proposals of the dwellings and he also queried whether visitor parking was to be provided.

The Senior Planning Officer acknowledged that the design proposals were modest, however highlighted that the site was off the main highway and so relatively out of sight. The proposed dwellings would not necessarily be out of keeping with the character of the area as there were neighbouring properties which were brick and rendered. It was believed that cost was the main reason for the modest design.

The Highways Officer clarified that there were plans for some laybys at the entrance to the development site which could be used for visitor parking, and this was satisfactory. There was also visitor parking at the lower end of the site near the pumping station which might not be as well used and might result in some off street parking, though the Highways Authority did not believe this would be serious enough to raise any objections.

Mr K Tallentire clarified that Prince Bishops Homes would be happy to negotiate s106 arrangements with the Planning Authority should properties end up being sold in the future prior to being within prince bishops scheme for 4 years.

Councillor Lethbridge acknowledged that the development site was an eyesore and in desperate need of development, however he would have preferred to have seen proposals of better design.

Councillor Kay found that the only material issues which had been raised had been those relating to off street parking and highway issues, all of which had been fully explained by officers.

He was in support of the initiative which would assist people to get onto the housing ladder and he noted that the proposals complied with the NPPF.

Councillor Freeman concurred with Councillor Kay, noting that the site already had permission for 24 dwellings, as such the issue of whether the site was suitable for development could not actually be revisited. He felt that the model being used by Prince Bishops Homes would probably be more widely used in the future.

In response to a concern raised by Councillor A Bell, the Solicitor highlighted that the recommendation was to approve the application subject to a S106 legal agreement to secure the Prince Bishops housing model which was proposed. The Committee was advised that the purpose of such an agreement would be to secure the delivery of the types of homes which were being proposed, as the viability appraisal took account of the number of abnormalities associated with the development. Additional obligations were unlikely to pass the legal tests for imposition although further negotiations could be had with the developer on a voluntary basis.

Seconded by Councillor A Laing, Councillor C Kay moved approval of the application.

**RESOLVED:-** “That the application be approved subject to a Section 106 legal agreement to secure the Prince Bishops housing model proposed and subject to the conditions detailed within the report”.