

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Special Meeting of **Area Planning Committee (Central and East)** held in Council Chamber, County Hall, Durham on **Tuesday 22 July 2014 at 1.00 pm**

Present:

Councillor A Laing (Chairman)

Members of the Committee:

Councillors A Bell, G Bleasdale, J Clark, P Conway, K Corrigan (substituting for B Moir), M Davinson, K Dearden, D Freeman and C Kay

Apologies:

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2 Substitute Members

Councillor K Corrigan substituted for Councillor B Moir.

3 Declarations of Interest, if any

There were no declarations of interest.

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

4a DM/14/00249/OUT - Land to the South East of Brackenhill Avenue, Shotton Colliery, Durham

The Committee considered the report of the Senior Planning Officer regarding an outline application with all matters reserved for the residential development of up to 44 dwellings at land to the south east of 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. Members had visited the site earlier that day and were familiar with the location. The Senior Planning Officer advised of a late representation which had been submitted by Shotton Parish Council, which highlighted that the development was not included in the emerging County Durham Plan and also that the development would lead to localised congestion.

Councillor E Huntington, local Member, addressed the Committee. Members were advised that the original plan had been for 5 dwellings for the applicant and his family yet, despite applying recently for that proposal, the applicant had been advised that 5 dwellings could not be supported, however 44 could.

Councillor Huntington highlighted that the site was not proposed for development in even the most recent version of the County Durham Plan. The site was situated on a long, narrow lane, most of which did not have a pathway, yet it was determined to be a safe route to school. Increased traffic in that area was a very real concern, not least because access was only possible at one end of the lane.

Councillor Huntington advised the Committee that Dene Terrace and Dene Crescent were already coping with the impact of the recently developed 42 dwellings at Bracken Ridge. Both streets were experiencing end to end parking on both sides and as such were suffering undue pressure.

Members were advised that residents had strongly objected to the Bracken Ridge development, yet were not consulted on the current proposal, despite the fact that it would have an impact on the area.

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

- Members were advised that the previous 2 applications which had been submitted for 5 dwellings had been withdrawn by the applicant, not refused;
- Consultation – a full consultation exercise for the application had been undertaken, which exceeded the minimum required;
- Access Road – The Highways Officer clarified that the access to the development had been assessed and was 6.25m wide, which met the standards required for a scheme of up to 100 dwellings. The condition of the area had been taken from the 2013 assessment which had shown no defects. The traffic which would be generated from 44 dwellings at peak times would be approximately 26 additional journeys per hour, which would not cause a significant congestion problem.

In response to a query from Councillor Bleasdale, the Senior Planning Officer clarified that the previous applications had been withdrawn. The reason may have been a change in planning policy, as the NPPF was now the most relevant policy document.

Councillor J Clark raised several queries as follows:-

- In relation to page 3 of the report and the reference to policy 36, although the application was outline, an indication of the scheme had been provided;
- Paragraph 37 – Councillor Clark queried why there had been no thoughts as to nursery or primary school provision;
- In relation to the access road Councillor Clark queried whether the highways calculations would be the same when there was only one direction traffic;
- Councillor Clark queried the statement made at paragraph 54 of report, as the site was located in an agricultural area of the village
- In relation to paragraph 63 of the report, Councillor Clark highlighted that the allocation for Shotton had already been met, therefore the current application would exceed the required 270 new dwellings

In relation to the query raised regarding education, the Senior Planning Officer advised that the Education Officer looked at all school places in the catchment area and had determined that there were sufficient places to support future nursery and primary school admissions.

The Highways Officer clarified that the highway was not a one way road and that the 6.25m access was adequate for two way traffic flows.

Councillor Kay supported the application in the absence of any relevant grounds to refuse it. This was echoed by Councillor A Bell who, despite acknowledging the concerns raised by the local Member, found the application difficult to refuse as the NPPF was in favour of sustainable development.

In response to a query from Councillor Conway the Senior Planning Officer advised that although the site had been classified as unsuitable within the SHLAA, officers felt there were other community benefits which outweighed that classification. Planning Policy did not object to the proposals and did not believe that delivery of the application would harm delivery of the County Durham Plan.

The Solicitor clarified that although sites would be proposed to be allocated in the emerging plan, it did not mean that they were fixed and as such did not prevent alternative viable proposals coming forward.

Seconded by Councillor Bell, Councillor Kay moved approval of the application however upon a vote being taken, the motion fell.

Seconded by Councillor Bleasdale, Councillor Clark moved that the application be refused for the following reasons:-

- That the application did not meet the requirements of the NPPF as it was in an unsustainable location;

- That the application contravened the emerging County Durham Plan in that the site was an edge of settlement site which if developed, would erode the gap between Shotton and the industrial estates to the east;
- That the application also contravened the emerging County Durham Plan in that the development of the site would result in a significant adverse landscape and visual impact;
- That the application contravened policy 36 of the Saved Local Plan as it did not encourage alternative means of travel to the private car.

Upon a vote being taken it was:-

Resolved:- That the application be refused.

4b DM/14/00609/FPA - Land At Cain Terrace and Henderson Avenue, Wheatley Hill, Durham

The Committee considered the report of the Planning Officer regarding the erection of 65 no. dwellings with associated works at land at Cain Terrace and Henderson Avenue, Wheatley Hill, 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 were advised that local Member Councillor M Nicholls had submitted a representation on the application. As local councillor he fully supported the need for 65 houses on the Cain and Henderson site as it was housing which was badly needed and would enhance the village. The village had a new health centre being built which would support the development. Many people in the area were very supportive of the new development and had been wanting it for a considerable length of time. Traffic calming was also in place to deal with the speeding issues in the Quilstyle Road area.

In response to a query from Councillor A Bell, the Principal Planning Officer clarified that although the proposed dwellings were not specifically affordable by definition, they would be on the market at affordable prices and pricing would be set at a reasonable level for the area.

Councillor Bell was dissatisfied with the lack of S106 contribution or specific affordable housing allocation. The Principal Planning Officer advised that there was a formula for the classification of financial viability on applications and so appropriate advice had been provided.

Councillor Conway concurred with the concerns expressed by Councillor Bell, however was satisfied with the advice which had been provided. Furthermore he acknowledged that the area desperately needed the proposed housing and as such, seconded by Councillor Dearden, he moved approval of the application.

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

4c DM/14/00793/FPA - Former Dairy Site, Dairy Lane, Stonebridge, Durham, DH1 3RY

The Committee considered the report of the Senior Planning Officer regarding the development of 29 dwellings with associated parking and landscaping at the former Dairy Site, Dairy Lane, Stonebridge, Durham, DH1 3RY (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 J Turnbull, local Member, addressed the Committee. He expressed concerns regarding highway issues, in particular the pulling out of traffic from the development onto the main junction. He would have liked to have seen more thought put into the positioning of the junctions leaving the development site.

Councillor Turnbull advised that flooding was an issue in that area and also that Dairy Lane was regularly used as a race track by drivers, trying to jump the queues which would often build up on the main highway. He was concerned that should the development go ahead, a serious accident could occur. He felt that the application should be deferred to allow more time for consideration of highways issues.

The Highways Officer clarified that having assessed the application officers had determined that less traffic would be generated from the proposed development than from when the Dairy was in operation.

It was accepted that the A690 in that area did have a tendency to become congested, however there was an alternative western route which vehicles could take.

Mr Murphy, local resident, addressed the Committee to speak in objection to the application. Members were advised that as a driver at peak times on the main highway, it was impossible to turn right at the junction. Mr Murphy echoed the concerns raised by Councillor Turnbull regarding Dairy Lane being used as a race track, advising that his own vehicle had been hit by speeding cars on several occasions.

Mr Murphy advised that 10 years ago the A690 at that area would see in excess of 25,000 vehicles per day, it would therefore be much more than that now.

Members were advised that the only reason there had been just 7 letters of objection was because there were only 6 properties in that immediate area. Mr Murphy advised that he had lived opposite the Dairy Site for 17 years and his property was 75metres away from the old Dairy buildings. However the new properties would be just 13metres from his front garden and one property would be directly overlooking his property and 6 would have a direct impact on him. He

suggested that the proposed dwellings should be reversed so that it was their back gardens which would be adjacent to him and his neighbours, rather than the driveways which would pose more of a hazard.

Mr Murphy believed the development would add more pressure onto the A690 and called for more consideration in relation to highways issues. He also believed that the developer was trying to fit too many properties onto the site.

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

Separation Distances – the actual separation distance between the existing and proposed properties would be 28 metres and as such was well in excess of the standard expected;

Density – the proposals were for 29 properties per hectare, the standard was 30 per hectare, as such the proposed density was standard.

The Highways Officer reiterated that while it was acknowledged that the A690 was saturated in that area, the Dairy had operated there and so the traffic from before was merely being replaced. A significant increase in traffic volume would not occur. The Highways Officer questioned the argument that the junction from the Dairy Site could not be exited, having heard that drivers were prone to using it as a rat run – he suggested that it would not be used in such a way if drivers could not then exit onto the A690.

Councillor Bell welcomed the scheme, but acknowledged that there were transport network problems, he therefore queried whether now could be an opportunity to address those issues. He also queried whether the driveways of some of the new dwellings would mean that vehicles would need to reverse onto the A690.

The Highways Officer clarified that those driveways would see vehicles reversing onto Dairy Lane, not the A690. In terms of addressing the traffic issues on the A690 the Highways Officer advised that the planned Western Relief Road would alleviate issues in that area.

In response to a query from Councillor M Davinson, the Senior Planning Officer indicated where the existing properties were and where the proposed visitor parking would be situated.

Councillor D Freeman felt the proposed development was appropriate for the currently derelict site but noted that any benefit to the transport network would come after the site had been developed. He further noted that traffic generated by the office development which was currently under construction adjacent to the site, should be factored in.

Seconded by Councillor Bleasdale, Councillor Bell moved approval of the application.

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

4d DM/14/01196/FPA - The Durham Light Infantryman Public House, 110 Gilesgate, Durham

The Committee considered the report of the Senior Planning Officer regarding the development of 109 bed student accommodation at The Durham Light Infantryman Public House, 110 Gilesgate, 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. Members had visited the site earlier that day and were familiar with the location.

Mr J Taylor, agent for the applicant, addressed the Committee. Members were advised that the applicant had undertaken an extensive period of pre application consultation to achieve the best possible scheme. While minor concerns regarding design and appearance had been raised during the public consultation, it was felt that the current building was not of any architectural merit and the new development would be an attractive addition to the end of the terrace.

Mr Taylor advised that the scheme would incorporate an acceptable level of parking, in addition there would be a travel plan co-ordinator.

The applicant acknowledged that Durham had a very mixed community and was confident that the scale of the proposed scheme would not alter the community balance.

Mr Taylor advised that the market suggested that there was a need for such schemes and that the developer would deliver the scheme very quickly. The site was situated in a sustainable location with easy access to the city centre and within a strong open market housing area.

Councillor Freeman expressed concerns regarding the number of student accommodation applications which had recently been brought forward for consideration. He felt that it would have been preferable had they been presented to the Committee at the same time. He noted that the University predicted an increase in student beds of 1800 by the year 2020, however the Committee had already approved an extra 2300 rooms, despite there being vacant beds throughout the city. Councillor Freeman felt that a strategic approach to future student accommodation development was lacking. Yet the Committee had to be mindful that when considering such applications, student bed numbers could not be taken into consideration.

Notwithstanding those concerns, Councillor Freeman acknowledged that the development would improve the site and the surrounding area, without detracting attention away from the main street.

In relation to parking, although there would be 18 parking spaces provided at the site, Councillor Freeman highlighted that cars could park in the surrounding streets as it was not within the control zone, he therefore queried how the developer would deter that from happening. Councillor Freeman further queried details of the S106 contribution. The Senior Planning Officer advised that unfortunately details of the S106 were not to hand.

In response to a query from Councillor J Clark, the Senior Planning Officer and the agent for the applicant clarified that the gate arrangement at the side of the development would be solid metal and there were no plans to licence the multiuse hub referred to in paragraph 76 of the report.

In response to the queries raised regarding parking, Mr J Taylor clarified that there would be a full management plan for the scheme and that the developer had maintained the parking provision at 15% of the residents which was more than the recommended minimum.

In response to a parking related query from Councillor P Conway, the Senior Planning Officer drew attention to condition 12 which required precise measures regarding parking, access and operation of the gate, prior to development. That condition would serve to ensure that no more than 18 cars would be allowed to park for the development and the agent reassured that the parking provision would be detailed thoroughly in the management plan.

Councillor A Bell found the current site to be in poor condition and felt the scheme would greatly improve the appearance of the area, as such seconded by Councillor Conway, he moved approval of the application.

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

4e DM/14/01261/OUT - Land between 3 Church Villas and 7 Rectory View, Shadforth, Durham

The Committee considered the report of the Senior Planning Officer regarding the development of 10no. residential units (outline) at land between 3 Church Villas and 7 Rectory View, Shadforth, 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. Members had visited the site earlier that day and were familiar with the location.

Councillor D Bell, Shadforth Parish Council, addressed the Committee and reiterated discussions on the item which had been recently held at a meeting of the

local Parish Council. A number of Parish Councillors had attended a Residents Association meeting and had reported that the vast majority of those in attendance were against the proposed development.

It was felt that green spaces gave villages a certain appeal, the area was a greenfield site and previous planning applications had been refused.

Councillor Bell suggested that the development would result in the loss of the ancient hedgerow and as no garages were planned, road blocking issues were inevitable. The site was also situated opposite a church which had no parking facilities, therefore the proposed development would only exacerbate the current parking issues on the main road.

Members were advised that there was a field to the rear of the development site and so residents were also concerned that further development could occur. Councillor Bell also highlighted that there were no development allocations for Shadforth within the emerging County Durham Plan, it was therefore felt that there was no need for an unallocated site to be developed. Members were also advised that the development would have an impact on the historic beck to the rear of the site.

Councillor S Guy, local Member, addressed the Committee. He advised that he had attended 2 local meetings which had been attended by over 130 residents and there was a very real local objection to the development. He pointed out that despite him objecting to the application, that had not been reflected in the report.

In referring to the relevance of the Local Plan, Councillor Guy advised that the 1990 Act stated that Planning Authorities should have regard to a Local Plan unless material considerations said otherwise. As such, he highlighted that the Saved Local Plan stated the need to maximise development of brownfield sites and to minimise the loss of greenfield areas. He argued that the application did not meet the expectations of saved policy E7 and stated that the area was farming land and so was clearly outside the settlement

Councillor Guy made reference to paragraph 58 of the NPPF and argued that the NPPF did not automatically accrue greater weight during the consideration of applications. In referring to paragraph 59 of the report, he suggested that because people from Shadforth tended to commute, the site could not be considered as sustainable. He argued that there was sufficient housing within Shadforth

In referring to paragraphs 60 and 61 of the report, Councillor Guy argued that whether or not an area was open countryside, it was countryside either way and so should not be developed.

Councillor Guy spoke of the implications the development would have on wildlife and the historic beck and stated that it was conceded that the site was within a conservation area. He also stated that the application contravened parts 11 and 12 of the NPPF.

In relation to traffic, Councillor Guy stated that the proposed entrance to the development posed risks and traffic flows would be affected and would attract high volumes of traffic.

In summary, Councillor Guy called for the application to be refused on the grounds that it contravened policies H3, H4 and H5, section 54a of the Town And Country Planning Act and parts 11 and 12 of the NPPF.

Mr I Heginbottom, Shadforth Community Association, addressed the Committee to speak in objection to the application. Members were advised that at a recent public meeting, 85 residents had voted against the proposals. He stated that the Community Association were appalled at the poor standard which had been outlined.

Mr Heginbottom stated that the NPPF was very clear that sustainable development was restricted within a conservation area and would require a full heritage impact assessment. The Community Association believed that the application therefore failed to fulfil paragraph 128 of the NPPF.

There was no overriding public benefit to the application, as such Mr Heginbottom stated that an exception could not be cited as reason to approve. The benefits of the development would be very limited.

In relation to highway safety, Mr Heginbottom argued that the development would be dangerous and detrimental,. A significant number of vehicles travelled at over 30mph, as such a wider splay was necessary.

Mr Heginbottom stated that Shadforth was one of the few historic farming and agricultural villages remaining in the county and as such strongly objected to poor quality housing being developed there.

Mr R Newlove, agent for the applicant, addressed the Committee. While acknowledging that the site was within the conservation area, Members were advised that the village was not totally against the development and he pointed out that preservation and conservation were two different things. It was paramount to ensure that the conservation should not be harmed, but Mr Newlove stated that a terrace of houses did not warrant such harm that the application should be refused.

Members were advised that the development would reinforce the traditional linear form of the village, complimenting the area with a robust rather than sporadic scheme.

It was highlighted that there had been no objections from statutory consultees and the Highways Authority found the proposals to be acceptable. Mr Newlove stated that whether the site was developed or not, parking at the church would remain an issue. On balance he argued that the application was acceptable.

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

- Conservation Area – the site was within the conservation area, however the Design and Conservation Officer had fully assessed the application and the impacts were considered acceptable;
- Policy – it was accepted that the development was not in accordance with local plan policies, but the local plan was soon to be replaced and the County Durham Plan would completely remove the concept of settlement boundaries. Furthermore the site was not within the open countryside as it was surrounded by properties both to the north and the south, as such the application accorded with policy 15 of the emerging plan
- NPPF – In relation to sustainability, the Officer referred to paragraph 59 of the report and reiterated that it was believed the application was in accordance with the NPPF.
- Hedgerow – while part of the hedgerow would be removed to meet visibility requirements for access, a reserve matters application would require landscaping proposals to be submitted;
- Development at Rear – should further applications come forward in the future, they would have to be considered on their own merits. Members should only consider the application before them which was acceptable due to the linear form of the scheme;
- Historic Beck – It was highlighted that the County Ecologist was satisfied that the development would have no impact on the beck. Should surface water run off, it was acknowledged that it could impact on voles, therefore a vole assessment would be undertaken to mitigate against possible affects.

The Highways Officer responded to points raised as follows:-

- The additional traffic flow from 10 units would be approximately 8 trips per day per unit, which was a negligible amount;
- There had been 2 road traffic accidents in the area in the past 5 years, both had occurred in darkness and had involved vehicles which were speeding
- Parking – the parking proposed far exceeded the minimum standard
- Stopping distance – The Officer clarified how the stopping distance was calculated and confirmed that the Highways Authority was more than happy with the 70m stopping distance proposed

Councillor Conway concurred with the assertion in the applicants statement that settlements did indeed change and develop over time. However he proposed that the application be rejected for the following reasons:-

- The application contravened policies H3, H4 and H5 of the local plan
- The application contravened parts 11 and 12 of the NPPF
- There were issues with the layout of the development

Councillor Conway stated that as the application was outline only, then Members were unable to make a clear judgement as full details of the scheme were not available. Furthermore in relation to the County Durham Plan, there was no provision for allocations within Shadforth.

Councillor A Bell echoed the points raised by Councillor Conway. If the application would prove to compliment the conservation area, then that would be acceptable, however Councillor Bell stated that in the absence of clear proposals it was impossible to make a judgement either way. Councillor Bell also stated that the application site was graded agricultural land.

The Senior Planning Officer advised that although outline, both access and layout were being dealt with as part of the application, as such the actual layout of the development would be rigid and only design and landscaping would be dealt with by way of a reserved matters application.

Councillor Kay felt that the report provided insufficient detail for a judgement to be made either way and so seconded by Councillor Bleasdale, Councillor Kay moved that the application be deferred to allow more details to come forward, however the motion was immediately withdrawn.

Seconded by Councillor Clark, Councillor Conway moved refusal of the application for the following reasons:-

- The development was contrary to policies H3, H4 and H5 of the City of Durham Local Plan, as the site was located outside the defined settlement boundaries and the development did not constitute the definition of infill development.
- The proposed development would not preserve or enhance the character, setting or appearance of the Shadforth Conservation Area and would be in conflict with criteria detailed in Parts 11 and 12 of the National Planning Policy Framework.

Resolved:-That the application be refused.