

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 21 October 2014 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors J Clark, P Conway, M Davinson, K Dearden, C Kay, A Laing (Vice-Chairman), B Moir, J Robinson and D Stoker

Apologies:

Apologies for absence were received from Councillors G Bleasdale, S Iveson, J Lethbridge and R Lumsdon

1 Apologies for Absence

Apologies for absence were received from Councillors G Bleasdale, D Freeman, S Iveson, J Lehtbridge and R Lumsdon.

2 Substitute Members

Councillor D Stoker as substitute Member for Councillor D Freeman.

3 Minutes of the Meeting held on 9 September 2014

The Minutes of the meeting held on 9 September 2014 were confirmed as a correct record 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/14/02104/FPA - Land to the north of Local Avenue and Front Street Sherburn Hill, County Durham

The Committee considered a report of the Senior Planning Officer regarding the erection of 81 dwellings and associated access and landscaping works on land to the north of Local Avenue and Front Street, Sherburn Hill, County 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 of the Committee had visited the site and were familiar with the location and setting.

The Senior Planning Officer informed the Committee of the following updates since the circulation of the committee report:

- Councillor D Hall, local member, had expressed his support for the application;
- Condition 8 of the Planning Permission – the applicant had submitted a construction management statement which was to the satisfaction of Environmental Health and therefore the condition could be removed;
- Condition 9 referred to a bronze level Workplace Travel Plan, however, this related more to office-type developments and would need to be amended to be more reflective of a residential development;
- Condition 10 – final improvements to the sections of the rear lane to be delayed until completion of the 54th dwelling. The Highways Authority had confirmed that this was acceptable.
- A condition needed to be added to ensure the relocation of the play area.

Mr Andrew Lawson, local resident, addressed the Committee to object to the application because he lived on Local Avenue and would be directly affected by the proposed development. He informed the Committee that plans for the development were only available on line for members of the public to examine, and it was difficult for the community to either access or download these. He had made a number of comments and asked questions about access and egress through Local Avenue to which he had received no detailed replies. The access statement with the application made no reference regarding access from the main road and the main road and junctions through the development did not meet design regulations. Local Avenue was heavily used for parking and negotiating access to proposed development would be difficult, with an additional 27 houses and approximately 40 cars and the current proposed layout of the development was not suitable for the number of cars. During the winter the road was not gritted which resulted in cars being abandoned and refuse collection problems which would be exacerbated should this development be approved. There were no specific details regarding plant access to the site during the construction period, which could damage the road surface and be a health and safety hazard due to cars parked on Local Avenue. There were currently 52 houses for sale in the Sherburn Hill area and Mr Lawson queried the need for any more.

The Senior Planning Officer replied that while public access to consultation and plans for applications was encouraged on line, members of the public could raise queries with Planning Officers by telephone or could inspect plans in the office. John McGargill, Highway Development Manager, replied to the issues raised around highway design issues and street parking. The Highway Authority considered access to the development from Road A181 and Local Avenue to be acceptable. Highways designs within the development would need to be done to County Council specification before they were adopted and there was acceptable parking proposed on site which would result in no displaced parking. The condition

of the road surface on Local Avenue would be inspected prior to and during development to ensure any damage was repaired.

Moved by Councillor Laing, **Seconded** by Councillor Moir and;

Resolved:

That the application be approved subject to the conditions detailed within the report, as amended in the Senior Planning Officer's presentation and subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

b DM/14/02105/FPA - Land to the south of Oakfield Crescent, Bowburn

The Committee considered a report of the Senior Planning Officer regarding the erection of 40 dwellings, associated access and landscaping works on land to the south of Oakfield Crescent, Bowburn (for copy see file of Minutes).

Andrew Inch, Strategic Team Leader provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Councillor J Blakey, local Member, addressed the Committee. A previous application for the site had been refused planning permission in 2013, and this refusal was upheld on appeal. Although this application was now for fewer houses than the 2013 application, Councillor Blakey expressed serious concerns regarding drainage and flooding at the location, with a serious flooding issue taking place in Bowburn as recently as 6 August 2014. Until such drainage issues could be satisfactorily resolved, Councillor Blakey asked that the application be refused or deferred.

Councillor Mike Syer of Cassop cum Quarrington Parish Council addressed the Committee to object to the application. Mr Syer informed the Committee of local concern that the proposed development would adversely affect any future provision for a new primary school in Bowburn. The proposed development site, which was next to the current Bowburn Junior School, was the only site within Bowburn for a new school and as such should be reserved for future school provision. A new head teacher had recently been seconded to the current Junior School to bring about the amalgamation of the Infant and Junior Schools in Bowburn and officers in Children and Adult's Services had stated the intention to build a new school, when finances permitted, on the field of the current Junior School. Since the current Junior School was built in 1975 the size of Bowburn had increased considerably and any new school would need to have 600 places, and the current school playing field was not large enough to accommodate a school of this size. Access to the current school playing field would also need to be taken through this proposed development.

Colin Reed, local resident, addressed the Committee to object to the application. A document received from Mr Reed outlining his objection to the proposal had been circulated to Committee Members (for copy see file of Minutes). The previous application had been refused on appeal because of the overbearing nature of the

proposed dwellings on the residents of Oakfield Crescent. While this application had replaced some of the proposed dwellings with single storey properties, others were 3 storeys properties with windows in the upper storey, which would still be overbearing on properties in Oakfield Crescent. The bungalows proposed in this development did not offset the impact of these proposed 3 storey houses which would overlook Oakfield Crescent. The Planning Inspector had referred to Policy Q8 of the City of Durham Local Plan regarding impact on the occupants of existing nearby properties being minimised and Policy Q8 was consistent with the NPPF.

Mr Reed referred to the Infrastructure Delivery Plan (IDP) which he had been told was not applicable because Bowburn was not identified as a strategic development. However, the IDP was currently undergoing a review, and Mr Reed requested that this application be deferred until the new IDP was produced.

Simon Longstaff, Drainage and Coastal Protection Manager informed the Committee that the development site had been designed to accommodate a 1 in a 100 year event allowing for 30% climate change. The potential for the proposed development to flood the primary school had been addressed with increased storage provision now being proposed on site. Currently the site was greenfield which presented the risk of flooding from surface water run-off, and the proposed development mitigated this risk.

Gavin Scott, Area Planning Team Leader informed the Committee that the IDP was one document prepared in preparing the County Durham Plan. It was a plan for the future to ensure appropriate infrastructure was in place, for example, drainage and education. The IDP was not undergoing a review, but would be examined during the examination of the County Durham Plan, which was currently taking place. Planning practice and guidance stated that applications could only be resisted on grounds of prematurity if they were major developments. Discussions had taken place with Children and Adults Services when preparing the County Durham Plan and it was considered that no new land needed to be allocated in the County Durham Plan to meet future education needs.

Andrew Inch, Strategic Team Leader informed the Committee that discussions had taken place with the Local Education Authority regarding future education provision and the possibility of the existing junior school site accommodating a new school. The LEA was satisfied that a school with 593 places, including a 68 place nursery provision, could be built on a site of 20,000 m². The land currently available for any school redevelopment was 23,500 m² and there was therefore no need for any of this application site to form any part of a future merged school. This was outlined in paragraph 82 of the report. Referring to amenity, the Strategic Team Leader informed the Committee that this application was a direct response to the issues raised by the Planning Inspector at the previous planning appeal with the introduction of bungalows and different house types, an increase in separation distances and gaps to break up what the Inspector had described as a 'wall of development'. Although properties with three floors of accommodation rather than three storeys were still proposed, the difference in height to a normal two storey property was only 0.4 metres. The roof lights proposed for the properties would be above head height and were intended only as a source of light and would not therefore allow overlooking to occur.

Councillor Clark referred to the proposed site layout and asked how much integration here would be into the village of Bowburn for pedestrians. The Strategic Team Leader replied that while pedestrian access to the north of the development would not be possible because of existing gardens on Oakfield Crescent, or to the west due to the school playing fields, there would be a pedestrian link onto the public footpath on the eastern side of the site.

Councillor Robinson referred to the comments made by the Coal Authority detailed in paragraph 51 of the report and asked whether an assessment could be enforced by way of condition. He also referred to paragraph 67 of the report and asked whether only half the site could be developed as a compromise to alleviate local concerns regarding land for any future new school.

Councillor Kay informed the Committee that he had moved to refuse the previous application because access to the site was on the bend of a 40 m.p.h. road. He asked what the Planning Inspector's view had been regarding this highways issue and also asked how the Committee could be sure that the compromise proposed by the developer would not be overbearing, as referred to by the Planning Inspector. Councillor Taylor replied that the recommendations contained within the report were based on sound planning policy.

The Strategic Team Leader informed the Committee that the comments of the Coal Authority were that the area contained mining features, but these were only relevant to the area of the south of the site, which was not to be developed. Referring to the development of only half the site, the Strategic Team Leader informed the Committee that it could only assess the merits of the planning application as it was submitted, and the Local Education Authority (LEA) was satisfied that the site could be developed in its entirety. During the planning appeal into the previous application, the Strategic Team Leader informed the Committee that the Inspector had examined highways issues and was satisfied that the proposed development was satisfactory in highway safety terms.

Councillor Stoker referred to the point raised by Councillor Syer regarding the site for a future primary school, which the LEA had said was appropriate to cope with current educational demand in the area, and expressed concern that there appeared to be no future-proofing for future demand. Councillor Conway also expressed concern at the apparent lack of future-proofing for educational demand.

The Strategic Team Lead informed the Committee that the provision of a combined primary school would currently require 20,000 m² of land, and there was an additional 3,000 m² available on the school field, and therefore any future demand could be accommodated within the site of the current junior school. Issues regarding field drainage and discharge rates were covered by planning conditions, with both the Environment Agency and Northumbrian Water raising no objections.

Councillor Laing informed the Committee that the issues raised by the Planning Inspector had now been resolved and **Moved** that the application be approved. Councillor Davinson agreed with Councillor Laing and **Seconded** approval of the application.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the conditions detailed within the report and subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

c DM/14/00941/FPA - Village Farm, The Village, Murton, SR7 9RP

The Committee considered a report of the Senior Planning Officer regarding the demolition of existing barns and development of 10 residential dwellings and retention of existing farmhouse at Village Farm, The Village, Murton (for copy see file of Minutes).

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

Councillor Moir informed the Committee that he did not consider the application to be a contentious development and **Moved** that the application be approved. **Seconded** by Councillor Laing and

Resolved:

That the application be approved subject to the conditions detailed within the report and subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

d DM/14/02108/FPA - Nevilles Cross Club, Nevilles Cross Bank, Durham, DH1 4PJ

The Committee considered a report of the Senior Planning Officer regarding the partial demolition of existing building, refurbishment and change of use to form 1 no. flats for use as a House in Multiple Occupation, associated landscaping and car park at Neville's Cross Club, Neville's Cross Bank, Durham (for copy see file of Minutes).

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

The Senior Planning Officer informed the Committee that a representation had been received from Councillor N Martin, local member, expressing his support for refusal of the application on the grounds stated in the report and also on the fact that there were more than enough student HMO premises in the Crossgate area to satisfy current and foreseeable demand. The design of the premises was such to encroach on the amenity of the neighbouring Cross View House which had living space only 5 metres from living space in the premises with no obscured glass installed, against the Council policy on directly facing lived-in rooms.

Mr Doig, local resident, addressed the Committee to object to the application. He referred to Policy 32 of the emerging County Durham Plan which stated that houses in multiple occupation and student accommodation would not be permitted where the site was located within 50 metres of a postcode area where more than 10% of the total number of properties were already used as licenced HMO's or student accommodation and informed the Committee that the area had already reached a 20% student ratio which was an over-provision of student accommodation. Currently, the first and second floors of the property were being used for student accommodation, although there was a legal challenge to this. Referring to Policies H9 and H16 of the City of Durham Local Plan, Mr Doig informed the Committee that the application would have a significant adverse impact on the amenity of local residents. The application estimated a 50% car ownership which was an underestimate and had no conditions attached regarding noise and smoking in the vicinity of the property. The application was also contrary to Policy Q8 of the City of Durham Local Plan due to its proximity to Cross View House.

Environmental Health had significant concerns about the application and had objected to the proposals. The application was also contrary to paragraph 123 of the NPPF which stated that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

The Senior Planning Officer replied that the application site did have a 25% proportion of HMO's within 50 metres and the policy referred to by Mr Doig was a policy within the emerging County Durham Plan. Referring to the proximity to Cross View House, the Senior Planning Officer informed the Committee that the windows in the application property were existing windows but were not in habitable rooms. The usage of the upper floors at the property were not part of this application. Councillor Moir informed the Committee that the report contained a well-crafted reason for refusal of the application and he **Moved** the recommendation contained in the report, adding that while the property was previously a drinking establishment, insufficient information had been provided by the applicant regarding noise and disturbance.

Councillor Conway **Seconded** approval of the recommendation.

Mr D Ridley, Planning Consultant, informed the Committee he had identified a possible problem for the Committee to deliberate the application. Paragraph 62 of the Planning Officer's report stated that no applicant's statement had received, however, a statement had been submitted and was currently available on line. Mr Ridley expressed concern that Members of the Committee had not seen this statement.

Claire Cuskin, Planning and Development Solicitor informed the Committee that as part of a planning application, the applicant had submitted a statement. The reference within the report to the applicant's statement was to a separate statement which had been requested from the applicant specifically for inclusion within the report and which had not been received. This was not a matter to prevent the Committee making a determination on the application, unless the Committee considered differently.

Upon a vote being taken it was

Resolved:

That the application be refused for the reason detailed in the report.

e DM/14/02769/FPA - Unit 1, Durham City Retail Park, McIntyre Way, Durham

The Committee considered a report of the Senior Planning Officer regarding external alterations to the existing retail unit and site, including removal of builders yard roof, ground works to builders yard, erection of lighting columns, trolley shelters, bollards, service yard gates and fire exit doors at Unit 1, Durham City Retail Park, McIntyre Way, Durham (for copy see file of Minutes).

Barry Gavillet, Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site.

Chris Creighton, Agents for the joint applicants of B&Q and Morrison Supermarkets informed the Committee that the current B&Q store was too large for current needs and the proposal was to divide the current store between B&Q and Morrison Supermarkets. The proposal would safeguard the current 115 B&Q jobs and also create some 300 jobs in the Morrison supermarket. B&Q would continue to operate throughout any works being carried out.

Councillor Conway, local member, informed the Committee that this site had a Certificate of Lawfulness and therefore did not require planning permission for change of use to a supermarket. Local residents, while in support of the application which would bring greater competition and introduce a new brand name to the area, were concerned about levels of traffic which may be generated in an area which already suffers high levels of traffic. Concerns were particularly expressed about the impact on High Street, Carrville and Willowtree Avenue, Gilesgate and Councillor Conway requested that the County Council took seriously the issues around traffic in this area. Councillor Conway **Moved** approval of the report.

Councillor Davinson asked how the same number of staff as currently employed would continue to be employed at B&Q when the store became half of its current size and **Seconded** approval of the report. Councillor Clark then asked whether any alterations were proposed to the external design of the current building.

The Senior Planning Officer replied that no alterations to the external design of the building were proposed, other than signage and requested Mr Creighton to comment on future levels of employment in B&Q. Mr Creighton informed the Committee that B&Q had already carried out similar alterations in other parts of the country and staffing levels had remained the same. The shop would sell the same number of goods but would carry less stock.

Upon a vote being taken it was

Resolved:

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

f DM/14/02309/FPA - Land to South of Crow Trees Lane, Bowburn

The Committee considered a report of the Senior Planning Officer regarding residential development of 46 no. affordable homes including access on land to the south of Crow Trees Lane, Bowburn (for copy see file of Minutes).

Chris Baxter, 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 informed the Committee that the Plan Reference Number in Condition 2 of the recommendation regarding External Finishes should read Revision E rather than D. Additionally, because the surface water from the site would run off to a wetland area in an adjacent field, there was no longer a requirement for a biodiversity contribution. The Senior Planning Officer confirmed that Ecology Officers were satisfied with this.

Councillor Blakey, local member, addressed the Committee to object to the application. She referred the Committee to photographs which had been circulated showing the problem with parking encountered on Crow Trees Lane particularly around school starting and finishing times each day. Traffic on the road travelled at fast speeds despite attempts to have it slowed. There was concern that surface water from the site flowing into the wetland area situated on the adjacent field to the south east of the application site could result in homes being flooded and this site was not appropriate for development.

Mr Richard Cowan, Chairman of the Bowburn and Parkhill Community Partnership addressed the Committee to comment on the application. He informed the Committee that he travelled Crow Trees Lane on a regular basis and had great concern at parking issues on the road and the proposed installation of double kerbing could lead to vehicles parking further on the bend on the road or towards the junction with Old Quarrington Road, which would have an impact on visibility. Currently, vehicles parked on both sides of the road during school drop off and pick up times, which caused traffic to travel in the middle of the road. There had been complaints about parking in this area for some time and Mr Cowan requested the Committee to consider this when determining the application.

The Senior Planning Officer informed the Committee that the County Ecologist had expressed concern that the wetland area may dry up and be lost as a result of this development. However, following the submission of drainage details from the applicant, the County ecologist was now satisfied that this area would be retained.

John McGargill, Highway Development Manager, informed the Committee that it was proposed to displace parking from the access to the development to enable

safe visibility splays. Yellow line restrictions would still allow for dropping off and picking up of passengers, and it was therefore proposed to introduce double kerbing on a stretch of Crow Trees Lane. Standard kerb heights were approximately 6", whereas double kerbs were 12" in height which made it virtually impossible to pull onto the highway verge and open vehicle doors. The installation of double kerbs was a condition attached to the planning permission. Although it was acknowledged that the introduction of double kerbs would not reduce the number of vehicles in the location, drivers would look to park elsewhere, possibly within the proposed development itself.

Alastair Willis, agent for the applicant, addressed the Committee. The proposed development would be of high quality and would deliver new homes with a significant emphasis on delivering affordable housing for local needs. The developer had already secured HCA grant allocation, supported by the Council's housing officers, for the first 20 properties to be delivered as affordable rent homes, and rents would be capped at 80% of market rents. The development included a mixture of housing types and would contribute towards reducing the significant affordable housing requirements in the County. It had been demonstrated through the planning submission that with all emerging site allocations and existing permissions, there was still a demonstrable shortage of affordable housing supply in all areas of the County.

In addition to the variety of property sizes, the scheme also included a number of bungalows which were in short supply and would ensure the development was accessible to a wide cross-section of society.

A number of betterments had been included in the proposed scheme following consultation with County Council officers, including the introduction of double kerbing and the provision of additional visitor parking on the access to the site.

Councillor Conway informed the Committee that he was impressed by the application and the affordability aspect attached to it. While double kerbing may alleviate the problem of parking on Crow Trees Road, Councillor Conway asked what the construction period would be for the development and where workers would park during construction, as this could exacerbate parking problems on Crow Trees Road. The Senior Planning Officer replied that a construction management plan could include details of on-site parking during construction of the development. Mr Willis added that an 18 month construction period was proposed.

Councillor Robinson referred to paragraph 88 of the report and the developer's contribution of £46,000 towards green infrastructure and public art and suggested that this also include traffic calming and highways measures. Councillor Robinson also asked that while the proposal was for 100% affordable housing, whether the level of 20% affordable housing referred to in paragraph 87 had been secured by agreement. The Senior Planning Officer replied that although the scheme proposed 100% affordable housing, the Council could only seek a 20% level of affordable housing by legal agreement. Measures for double kerbing on Crow Trees Lane would be secured through a planning condition. Councillor Robinson requested that the scope for spending the £46,000 be widened to areas other than

public art. Councillor Taylor, upon taking advice from the Planning and Development Solicitor, replied that this could be possible.

The Senior Planning Officer informed the Committee that the developer contribution was linked to Policies R1 and R2 of the City of Durham Local Plan which did not refer to highway improvements. Any additional highway improvements to those already proposed would therefore be an additional sum to the £46,000. Mr Willis added that while the developers were keen to work with the Local Authority he was concerned that if additional highway improvement works were included in the s106 agreement, this may not meet the Community Infrastructure Levy test.

Councillor Conway **Moved** approval of the application, subject to the production of a construction management plan to address the parking issue of construction works on site.

Following the discussion by Members regarding highways issues, the Senior Planning Officer proposed that condition 3 of the planning permission be amended to read 'a detailed scheme for highway safety improvements' rather than 'a detailed scheme for the kerb improvements'. The Highway Development Manager added that any additional traffic calming measures would need to be considered in detail.

Councillor Robinson **Seconded** approval of the application. Upon a vote being taken it was

Resolved:

That the application be approved subject to the conditions detailed within the report with the following amendments and subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990:

- a) that the Plan Reference Number in Condition 2 of the recommendation regarding External Finishes read Revision E rather than D.
- b) that the requirement for a biodiversity contribution be removed
- c) that a construction management plan include details of parking for on-site workers during the period of construction
- d) that condition 3 of the planning permission be amended to read 'a detailed scheme for highway safety improvements' rather than 'a detailed scheme for the kerb improvements'

g DM/14/02294/FPA - Land to rear of Wylam Terrace, Coxhoe

The Committee considered a report of the Planning Officer regarding the erection of 12 no. bungalows with associated access road and landscaping on land to the rear of Wylam Terrace, Coxhoe (for copy see file of Minutes).

Tim Burnham, 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.

Councillor J Blakey, local member, addressed the Committee in support of the application. However, she referred to various environmental projects taking place

across the Bowburn and Parkhill areas and informed the Committee that this application would result in a small length of road being unadopted and added that she would have liked for all this road to have been brought up to adoptable standards.

William Dennis; local resident, addressed the Committee to object to the proposal. He informed the Committee that his property on Wylam Terrace had a conservatory which would overlook two of the proposed bungalows on the development and was only 10.4 metres from the bedroom windows of these bungalows, whereas normally a separation distance of 21 to 23 metres was required. The current planning permission for bungalows on the site had a separation distance of some 20 metres. A further problem was that the houses on Wylam Terrace had steps up to their back doors, which would result in the proposed 1.8 metre screening fence being inadequate in height. Mr Dennis requested that the Committee defer determining the application or add a condition that the issue of privacy be resolved to the satisfaction of himself, the applicant and Planning Officers.

The Planning Officer replied that all representations had been considered adding that while Policy Q8 of the City of Durham Local Plan stated a 21 metre window to window separation distance this was a guideline and did not relate to every circumstance of development. The proposed properties were bungalows which would have a 1.8 metre close boarded fence on the higher of the two land levels.

Mr Paul Elliot, agent for the applicant, addressed the Committee. The site currently had planning permission for the erection of 12 residential units, both bungalows and houses, which expired in 2015. This application was a revised proposal which proposed 100% bungalow provision and was a lower density, higher quality development. The proposed layout of the development would make provision for 2 car parking spaces per property as well as additional parking spaces, and existing roads would be brought up to adoptable standards. The development would be built in a sustainable manner both in construction and in usage. Referring to the issue of privacy, Mr Elliot informed the Committee that this would be addressed by the protection afforded by the proposed fencing on the site. It was the intention of the developer to source as much material and labour locally and the scheme would bring a s106 contribution of £12,000.

Councillor Kay asked whether separation distances were similar for the current planning permission which was in place for the site. While sympathising with the objector, Councillor Kay accepted the point made by Planning Officer that guidance on separation distances was taken as a balanced view of any application. The proposed development was of a lower density than the current planning permission and only bungalows were being built, rather than a mixture of bungalows and houses. The Planning Officer replied that this application proposed similar relationships to the current planning permission which was in place.

Moved by Councillor Davinson, **Seconded** by Councillor Kay and

Resolved:

That the application be approved subject to the conditions detailed within the report and subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

h 4/13/00635/FPA - Magdalene Heights, Gilesgate, Durham

The Committee considered a report of the Planning Officer regarding the demolition of existing building in association with the erection of two and three storey pitched roof building providing 10 no. apartments with associated access, parking and landscaping at Magdalene Heights, Gilesgate, Durham (for copy see file of Minutes).

Alan Dobie, Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Mr Stott, local resident, addressed the Committee to object to the proposal. Mr Stott informed the Committee that he lived in Magdalene Heights and he had concerns about land stability issues and parking issues which may arise from the proposed development. A recent application to develop the former scrapyard site near to Magdalene Heights required an invasive land stability survey to be carried out, and the site for this proposed development was next to the former scrapyard site. Mr Stott expressed concern that any drastic earthworks which may be needed could cause land stability problems.

Mr Stott informed the Committee that a boundary fence ran along his property and the proposed development site of the Magdalene Heights property and it was his responsibility to keep this boundary fence retained. However the current fence was not suitable for the development plans for Magdalene Heights and Mr Stott asked who would be responsible for the maintenance of existing hedging. Referring to car parking, Mr Stott informed the Committee that the proposed development only allowed for one car parking space per property and queried where any overspill car parking would occur. The recent approval of development plans for the former scrapyard site did not include any provision for car parking, and Mr Stott queried where cars from this development might park. The only vehicular egress from both the former scrapyard site and the proposed Magdalene Heights development would be downhill and up along Ashwood, and although this was a two lane road, it had a very sharp bend on it. The same road was used by users of other nearby facilities such as Sea Cadets and Jehova's Witnesses. Mr Stott referred to drainage issues and informed the Committee that the proposed development would have a larger paved area and therefore greater run-off of surface water.

The Principal Planning Officer informed the Committee that some of the issues raised by Mr Stott were covered in the Committee report. The current application had been considered within the context of the nearby student accommodation on the site of the former scrapyard being approved. Referring to land stability, the Principal Planning Officer informed the Committee that a comment on this was

contained in the report at paragraph 93 with the site currently holding a dwelling without subsidence issues. Stabilising the new proposal on the land would be a technical issue which would be dealt with under building regulations. The Principal Planning Officer informed the Committee that issues of landscaping and fencing were dealt with under condition 5 of the planning permission.

John McGargill, Highway Development Manager informed the Committee that there was provision of one parking space per property at the proposed development. The site was within the Durham City Controlled Parking Zone and therefore any parking over and above the one per property provision would need to take place outside of this Zone. The proposed development would generate relatively low volumes of traffic, and the nearby student accommodation on the site of the former scrapyards had no parking provision and would therefore not generate any significant traffic.

Councillor Moir informed the Committee that Mr Stott had well-articulated the problem of this proposed development. While the proposed development was within the Controlled Parking Zone this did not necessarily mean that the residents of the proposed development would not have more than one car, and together with the nearby approved student accommodation which had no parking provision, this would result in vehicles being parked as close as possible to the two developments. This would result in current parking problems being exacerbated. Traffic movement around this area was convoluted because while the proposed student accommodation could be accessed from the A690, access onto the A690 was not permitted. This would result in traffic wishing to exit the student accommodation or this proposed development using Magdalene Heights and Ashwood, which were both small and narrow roads. Councillor Moir referred to the topography of the area, which led steeply down to the River Wear, and referred to a landslip which had occurred elsewhere on the banks of the River Wear. He informed the Committee that he was uncomfortable to make any decision on this application because of the recent approval for the nearby student development and potential problems of land stability on the area.

Councillor Robinson referred to condition 5 of the planning permission and sought clarification on responsibilities for boundary fences. The Principal Planning Officer replied that any damage caused to the existing boundary fences by the developer would need to be reinstated at the expense of the developer. However, the legal responsibility for boundary fences was a private issue between property owners and not a planning issue. Land stability matters were to be dealt with under building regulation control and not under planning matters.

Councillor Kay informed the Committee that the application had suitable parking provision and should be considered on its own merits.

Mrs Franks, applicant, informed the Committee that her mum currently lived in the property in Magdalene heights and intended to live in one of the new apartments once the development was completed. The proposed apartments were being designed to be desirable for retired people and the provision of one parking space per unit would be more than adequate.

Moved by Councillor Clark, **Seconded** by Councillor Kay, and upon a vote being taken it was

Resolved:

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