

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 8 March 2016 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson, D Freeman, S Iveson, A Laing (Vice-Chairman), J Lethbridge, B Moir, H Nicholson and K Shaw

1 Apologies for Absence

Apologies for absence were received from Councillors K Dearden, C Kay and R Lumsdon.

2 Substitute Members

Councillor H Nicholson substituted for Councillor C Kay.

3 Minutes

The minutes of the meeting held on 9 February 2016 were confirmed as a correct record by the committee and signed by the Chair.

4 Declarations of Interest

Councillor P Conway declared an interest in planning application DM/15/02276/FPA – Angerstein Court, Broomside Lane, Carrvill as he had objected to the application. The Member advised that he wished to address the Committee as local Member in objection to the proposals and would then withdraw from the meeting during consideration of the application.

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

5a DM/15/02276/FPA - Angerstein Court, Broomside Lane, Carrville, DH1 2QD

Consideration was given to the report of the Planning Officer regarding an application for the conversion of an existing cycle and management store into studio apartment and associated works at Angerstein Court, Broomside Lane, Carrville (for copy see file of Minutes).

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

Councillor Conway addressed the Committee as local Member. He informed Members that at the time the first application had been submitted residents had expressed concern to him about the proposed development but was out of time to call it in to Committee. The Member submitted a letter of objection to the proposals, however it transpired that as some residents had not been consulted a further consultation exercise was carried out, at which time he requested that it be reported for consideration by the Committee. Paragraphs 37- 41 in the report addressed his concerns relating to the proposals which related to the inadequate size of the dwelling, the loss of an integrated cycle store and the loss of green space. He noted that Planning Officers considered that the development would be contrary to Policies Q8 and H13 of the City of Durham Local Plan 2014 and had recommended refusal of the application, and he hoped that the Committee would share his severe reservations about the proposals.

Councillor Conway left the meeting.

Mr M Burnside, local resident addressed the Committee against the proposals and stated that he endorsed the views expressed by Councillor Conway. This was the third application submitted in relation to this site. The cycle store had been relocated to an area that was tucked in the corner of the car park and would not benefit from the casual observance of passers-by. Highways Officers had objected to the proposed site. The current facility was in a secure weatherproof location with room for cycle maintenance. The proposed site was external and next to motor vehicles which would be difficult to access, risking damage to both vehicles and cycles. He believed that this would discourage use. He also advised that there had been incidents of theft from motor vehicles in the car park.

The proposals also involved the loss of the management store and therefore access to individual properties would be required to undertake any utilities works. M Burnside also expressed concern about the loss of a landscaped area. Green space was already limited and was fully utilised by residents. The proposals were not in keeping with the existing development and at 15sqm the floor area would be considerably smaller than the existing apartments which had a floor space of at least 45sqm. The side window would only be 1.5m from the boundary fence which stood 1.8m high.

The living space would only be served by one window as the larger window adjacent to the bed would not be easily accessed. Because of the layout furniture in the property would be limited and there would be a lack of privacy because of the position of the entrance into the apartment. He also considered that there was a potential fire risk because of the proximity of bedding to kitchen appliances.

In conclusion M Burnside asked that the application be refused because of the lack of residential amenity and space, and because the apartment was of a wholly unsatisfactory standard which was out of character in scale and density.

Councillor Moir thanked the Planning Officer and objectors for their well-presented argument for refusal of the application. The proposals were clearly contrary to Planning Policy Q8 and H13 of the Local Plan and paragraphs 34 and 35 of the NPPF.

Councillor Moir moved and Councillor Davinson seconded that the application be refused.

Upon a vote being taken it was **Resolved:**

That the application be refused for the reasons set out in the report.

Councillor Conway returned to the meeting.

5b DM/15/03141/FPA - Brancepeth Manor Farm, Brandon Lane, West Brandon

Consideration was given to the report of the Planning Officer regarding an application for the construction of 22no. holiday lodges with associated infrastructure and landscaping at Brancepeth Manor Farm, Brandon Lane, West Brandon (for copy see file of Minutes).

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

The local Members Councillors D Bell, A Bonner and J Chaplow each addressed the Committee against the application.

Councillor Bell appreciated that this was a difficult decision for the Committee. Referring to Policy V8 of the Local Plan which related to tourism (camping, caravans and chalets), he considered that in certain areas the proposed development would be appropriate but not at Brancepeth Manor Farm.

He noted that access to the development would be via Brandon Lane with passing places but the increase in traffic generated would have an impact on the highways network of nearby villages which already experienced traffic problems. If visitors used a satnav they would be directed along Wolsingham Road, past residents' properties and would reach a locked gate.

Vehicular movements and visitors would create noise particularly in the summer months which could cause problems for the local residents, especially if there was no permanent on-site supervision. A further concern was that there had been no details submitted in relation to foul waste disposal. The development would have visual and landscape impact; the Landscape Officer had concluded that the proposals would have some significant adverse landscape and visual effects.

Councillor A Bonner concurred with the views of Councillor Bell, particularly in relation to highway issues. The proposed development would exacerbate the problems currently experienced on the surrounding highway network. The Member also expressed concern about site security and the safety of children around the lake. She noted the condition which required details of site management to be submitted and asked if 24 hour on-site supervision was proposed. The Member questioned the reported figures that the development would bring £1.58m to the local economy given that this was a very isolated location. She was unable to envisage how the local economy would benefit. The Planning Officer in his report had advised that a scheme had been submitted showing additional planting along the north and west boundaries of the site, however it would take around 10-12 years for newly planted trees to mature.

Councillor J Chaplow agreed with the views of the other local Members and expressed concern about safety around the lake. She believed that children would want to cross the lake to reach the island in the middle. The site was surrounded by farmland with sheep, and visitors to the site may bring dogs. The Member also considered that large emergency vehicles and service vehicles would have difficulty accessing the site via the narrow Brandon Lane. The site was in a beautiful part of the countryside but was too far from local shops and a car would be essential. There was no entertainment on site and she felt that holiday makers would want more than what was offered. Councillor Chaplow appreciated what the scheme proposed but felt that it was in the wrong location.

J Hadland of Savilles addressed the Committee on behalf of local residents. Their concerns included the adverse impact on neighbouring properties, increase in traffic, the impact of noise and the impact on the public highway. The application site was in a remote setting in open countryside. The Landscape Section had concluded that the proposals would have some significant adverse landscape and visual effects, which residents fully supported. The proposals were contrary to Policies V8 and Q5 of the Local Plan. The NPPF supported sustainable development which supported economic growth. This was an isolated location which relied on car ownership. The Highways Authority considered that the site was in an unsustainable location.

Several properties had planning consent for conversion to residential dwellings less than 50 m away from the nearest lodges. This would have an adverse visual impact on their living arrangements and private amenity, also contrary to Policy V8. She continued that each of the 22 lodges would have 2 designated car parking spaces with visitor bays incorporated into the site. This would have an effect on the amenity of neighbouring properties, contrary to Policy T1. Access would be via unlit roads with a complete reliance on cars to travel to the site and for visits to other tourist areas.

The proposals would have an adverse impact on Public Byway 17. The increase in traffic would be incompatible, particularly as the byway was a single carriageway width surface track with grass verges. The proposals did not comply with Policy V8 which stated that the development should provide a satisfactory means of access and be adequately served by public transport.

J Hadland noted that there were proposals for a stile on the track between the lodge site and the neighbouring properties, and she asked if the gate would be permanently locked. She also asked if the applicant owned the Byway, which if this was the case should have been included in the boundary plan submitted.

The development would have significant noise implications. There was the potential for raised voices, music etc from the lodges which had been confirmed by the Noise Officer who had indicated that the main control to mitigate the risk of noise disturbance was through site management. Whilst noise could be managed there had been no guarantee given that the site would be supervised at all times. The proposed condition was not detailed enough to address this.

In conclusion, J Hadland stated that such a development should be in a sustainable location and any tourism benefits did not outweigh the adverse impact on local residents.

Mr J Wyatt, on behalf of the applicant thanked Officers for the detailed presentation and endorsed the Officer's recommendation for approval. The applicant had worked closely with Officers to address all concerns. The proposal was for the development of holiday lodges at the higher end of the holiday accommodation market. The development would meet demand identified by Tourism UK and the Durham Tourism Management Plan Committee, and would contribute to the local economy. On behalf of the applicants he asked the Committee to approve the application.

Members discussed the application and Councillor Clark expressed disappointment that the applicant had not consulted with residents prior to submitting the application but acknowledged that this was not a pre-requisite. The report referred to the potential for the creation of 29 jobs aside from construction work, and the Member asked what these were. Councillor Clark also asked if the damaged dry stone walls observed on the site visit would be repaired.

J Wyatt advised that jobs would be created directly through the employment of a manager, and for site maintenance and cleaning, and indirectly in the local area. He confirmed that the applicant intended to repair all walls as part of the development work.

Councillor Nicholson stated that he had been struck by the beauty of the site and by the aims of DCC to improve the wealth of the County through tourism. This presented an opportunity to allow people to come and stay in County Durham. He acknowledged the concerns made about the access but there were passing places proposed which was not an unusual arrangement and was common in other rural parts of the country. He also emphasised the importance of employing local people. The Member moved approval of the application.

Councillor Lethbridge, in concurring with Councillor Nicholson noted the beauty, solitude and tranquillity of the site. He had heard the Planning Officer's comments with regard to the Landscape Section's reservations about the disruption of the landscape views, and did not consider that the site would have any impact and would be adequately screened. He would not wish to see the tranquillity and solitude spoilt by lots of holiday makers but if the site was developed with sufficient taste and care then it would contribute to tourism in County Durham.

Councillor Moir referred to Policy V8 and the reference in that Policy to development being served by adequate infrastructure. The development was not served by public transport or a public footpath, and there were no shops nearby. The Member also asked about proposals for the disposal of foul waste.

The Senior Planning Officer accepted that the site was in an unsustainable location and there would be a reliance on cars for travel but the purpose of this holiday development was to provide isolation away from built up areas. Although further details were to be submitted with regard to foul drainage it was likely that disposal would be via a septic tank or treatment plant.

Councillor Freeman knew the landscape very well and found it difficult to believe that it would not be damaged. He agreed with the Landscape Section that the proposed development would have a detrimental visual impact on the surrounding area and down to Esh Winning, Ushaw Moor and Brancepeth. There were already bushes and trees on the site and it could be a decade before the additional planting started to obscure the impact of the lodges. He was also concerned that the lodges may cease to be holiday homes and become permanent residences in the longer term. With regard to the highways matters raised Councillor Freeman was of the view that Wolsingham Road should be the preferred access as Brandon Lane was very poor.

Councillor Alan Bell's initial feeling was that this was a good scheme and he agreed with Councillor Lethbridge that taste and care should be applied. Whilst he felt that such a scheme should be encouraged he had a number of queries/concerns. The Member considered that there should be screening between the residential properties and the lodges, and that the site management plan needed to be addressed. He asked if a warden would live on site to deal with any incidents of noise or rowdy behaviour and also if the lodges would be available to hire out. He was concerned for the safety of children on site and felt that there needed to be safety measures put in place near the lake. With regard to the siting of the lodges he hoped that the required separation distances had been met.

In response the Senior Planning Officer explained that the nearest lodges were well-screened by existing trees. A barn and listed building to the rear would have views of the lodges but loss of view was not a material planning consideration. Condition 7 required a site management plan to be submitted before any of the lodges were occupied. J Wyatt confirmed that a full time manager would be on site during office hours. Outside these times a contact number would be provided for both the occupiers of the lodges and the residents. The Manager who lived locally could be contacted at all times.

With regard to safety around the lake, the Senior Planning Officer advised that although this did not fall within planning legislation, details of safety measures could be requested as part of the site management plan.

J Wyatt advised that the aim of the scheme was for the lodges to be purchased by individuals but the owners could make them available for hire. Matters such as arrival and departure times, and change over days would be controlled in the Management Plan.

Having heard the responses to his questions, Councillor A Bell stated that whilst he was in favour of a scheme of this type there were issues that had not been fully addressed which meant that he was unable to support approval of the application. The Member referred to a similar application to allow cabins for hire which had been refused because it had been considered that owner-occupied cabins should not be expected to live alongside those which were hired out. He felt that the residents would find themselves living in a chalet park and the screening proposed by the applicant was not sufficient.

Councillor Lethbridge, having heard the proposals to improve Brandon Lane with passing places considered that access was not an issue. County Durham needed a variety of accommodation and he considered that the isolated location would not be a problem for those seeking solitude.

In response to a question from Councillor Davinson about staff parking on site, the Member was advised that the finished scheme would have sufficient parking provision integrated in the layout, with 2 spaces per lodge and separate visitor bays. Parking arrangements would be informal and the Highways Authority had offered no objections to the proposed provision.

Councillor J Clark seconded Councillor Nicholson's motion to approve the application.

Upon a vote being taken it was **Resolved:**

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

5c DM/15/03694/FPA - 26 Church Street Head, Durham, DH1 3DN

Consideration was given to the report of the Senior Planning Officer regarding an application to increase the width of the first floor extension to the rear and internal alterations to create an additional bedroom at 26 Church Street Head, Durham (for copy see file of Minutes).

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

Councillor Freeman advised that he had requested that the application be reported to Committee as he had been approached by the occupiers of the neighbouring property who had concerns about the initial proposals. The application had since been amended and the neighbours had withdrawn their objections. However he believed that the proposed extension would have a detrimental impact on the neighbouring property and would constitute over-development of the site.

Councillor A Laing moved and Councillor J Lethbridge seconded that the application be approved.

Upon a vote being taken it was **Resolved:**

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

5d DM/16/00026/FPA - 107A High Street, Carville, Durham, DH1 1BQ

Consideration was given to the report of the Senior Planning Officer regarding an application for change of use from B2 catering business to a restaurant/café A3 at 107A High Street, Carrville (for copy see file of Minutes).

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

Councillor D Southwell of Belmont Parish Council addressed the Committee. He advised that at a meeting on 4 February 2016 the Parish Council had considered the implications of the proposals, reviewed a number of letters of objection from local residents, had taken into account the statement of the Highways Officer and listened to the concerns of an occupant of a nearby property who had attended the meeting to make representation. The resident expressed concern that she was unable to park outside her own property as it was blocked by other vehicles.

Most of the residents' objections were based on their personal experiences of parking on the street and the Parish Council unanimously agreed with their objections, the main reason being the adverse impact of the increase in traffic if the business classification changed from B2 to A3.

The Highways Officer had submitted photographs showing unoccupied parking but this was subject to change all the time. The demand on spaces to serve the business and parking on the street could affect existing businesses. Residents were aware of the increase in the use of vehicles using the High Street to link with the A690 and A1 junction and despite Keep Clear markings at many entry/exits, access onto the main road could be difficult. Any highway measures to improve visibility and safety at the junction next to 107a High Street would be welcomed. The proposals were contrary to Policies T1 and S7 of the Local Plan and the Parish Council asked that the application be refused.

Councillor Conway advised that he had asked for the application to be reported to Committee because of the highway issues. The use of the street had increased significantly over the last 10-13 years and the photographs shown as part of the Officer presentation had been taken at a time when traffic was light. The café could provide 28 covers and the additional number of vehicles would therefore be significant. The premises were outside the main commercial centre of that street in a residential area. The Officers acknowledged that many of the complaints lodged were about odours which residents felt had not been adequately addressed and were concerned for the future. He asked the Committee to consider residential amenity and the concerns expressed in relation to highway safety.

Councillor Moir advised that he could relate to the points made by Councillor Conway and the Parish Council. Highways Officers had argued that this was a busy thoroughfare and therefore could sustain an increase in traffic, however he considered this to be a counter argument. Members had seen on the site visit that Wantage Road, a nearby residential street was used as a through way and that this was an area of Belmont which was near to local schools which exacerbated the problem.

In response the Senior Planning Officer advised that the business was in a sustainable location, being surrounded by a residential area which was accessible both on foot and by bus. The business was not solely reliant on cars visiting the cafe. The street already had a number of commercial properties and the existing business was an unrestricted B2 use. Concerns about odours could be addressed through condition and the hours of operation would be controlled. A number of visits had been made by Officers at different times of the day and parking had never been at full capacity.

Councillor Davinson advised that on the site visit he had observed that disabled access would be difficult, access being by a small ramp and large steps.

The Senior Planning Officer had spoken to colleagues in Building Control who had advised that subject to inspection of the site plans it may be possible to work with the applicant to install a ramp, and this could be included as a condition.

In response to comments from Councillor Clark the Member was informed that the timescale for commencement of the new business was unknown but it was understood that the applicant wished to reduce the hours and intensity of work.

Councillor Freeman considered that the change of use would be of some benefit to local residents in terms of odours, and to some extent would benefit the local community, however Carrville High Street was extremely busy and the proposed change of use would encourage more cars into the location. The benefits were therefore outweighed by the highway issues and he supported the views of the Parish Council and local Members.

In terms of the highway safety issues Councillor Lethbridge considered that traffic problems were historic and were inflicted upon streets not designed for this level of use, and this situation would not change. The concerns of his colleagues mainly related to highway issues but the mixed character of the street should be taken into account. There was a diversity of usage on the High Street. According to Officers the change of use would bring about a reduction in the level of operations and if this was the case there would be less traffic. Although he had not yet made a decision he was erring towards support of the Officer's recommendation.

The Highway Development Manager stated that as a B2 use there was an existing demand for parking and he was of the view that a local café use A3 would generate less demand.

Councillor Conway however was of the view that the primary use of the building was as a wholesale business and therefore the café would arguably generate more traffic and moved refusal of the application.

The motion was seconded by Councillor Moir.

The Members discussed the grounds on which the application should be refused and considered that the proposed change of use was contrary to policies T1 and S7 of the Local Plan.

By way of clarification the Solicitor – Planning and Development advised that currently there were amenity impacts associated with the established use B2 which could potentially be intensified as planning permission would not be required for any changes to operations. Therefore in determining the application consideration should be given to the amenity impacts the proposed change of use to A3 may have over and above the impacts of the existing use B2.

The Senior Planning Officer confirmed that the existing B2 use was unrestricted and the business could be converted to another B2 use (general industry) without the need for planning permission which could give rise to the potential for further highway issues. The proposed change of use to A3 would be restricted.

Upon voting on the application it was

Resolved:

That, by the Chairman's casting vote, the application be approved subject to the conditions outlined in the report.