

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 11 October 2016 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

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

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, S Iveson and B Moir.

2 Substitute Members

There were no substitute Members in attendance.

3 Minutes

The minutes of the meeting held on 13 September 2016 were confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest

There were no declarations of interest.

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

a DM/16/01957/FPA - Lloyds Bank Plc, 28 New Elvet, Durham, DH1 3AL

Prior to the commencement of consideration of the report the Chairman informed the Committee that paragraph 3 of the report should read 'David Freeman on behalf of Elvet Residents Association' rather than David Freeman who wishes to support Elvet Residents Association'.

The Committee considered a report of the Planning Officer regarding an application for the change of use of the ground floor only from A2 to A5 hot food takeaway and delivery unit, installation of extraction and odour control system and ground floor

extension to house external chiller and freezer rooms and new shop front at the former Lloyds Bank plc, 28 New Elvet, Durham (for copy see file of Minutes).

Susan Hyde, Planning Officer gave a detailed presentation on the application which included photographs of the site, location plan, elevations and floor plans of the proposed development. The Planning Officer informed the Committee that the second reason for refusal in the report should read 'to preserve or enhance the character' rather than 'to protect or enhance the character'.

Jonathan Lovell, Secretary of Elvet Residents' Association, addressed the Committee to object to the application. He informed the Committee that he endorsed the recommendation of the Planning Officer and views of the Environmental Health Officer on behalf of the Residents' Association that the application should be refused. Additionally, a takeaway pizza shop would not be appropriate at this location because the levels of traffic and parking in the area were already problematic.

Rob Booth, agent for the applicant, addressed the Committee. The application proposed to install a franchise business on a 20 year lease which would provide a long-term use for a retail unit which was currently empty and had been for some period of time. The applicant was willing to work with Planning Officers on the design of the shop front and the extraction system; the franchise had installed 30 units across the country where extraction systems and shop fronts had been approved by Council's. Although the business plan was for the unit to open until 11 p.m. daily, much of the business would be home delivery and collections, with very few customers eating within the proximity of the unit and there was no seating proposed at the unit, therefore the noise and litter problem would be minimal.

While the applicant was aware of local concerns regarding noise and parking issues Mr Booth reminded the Committee that there was already car parking in the area and no new parking provision was proposed. The applicant had proposed to conduct a noise survey to assess the background noise at the location but had been informed that this would not be suitable. The applicant was willing to work with both the Council and local residents to address issues of concern.

Councillor Conway informed the Committee that he supported refusal of the application for the reasons outlined in the report as well as parking in the area being challenging, with vehicles needing to reverse onto the main carriageway. He **moved** refusal of the application.

Councillor Freeman informed the Committee he supported the recommendation that the application be refused. The proposal was for a hot food takeaway which would operate for 7 days a week until 11 p.m. and which was near to Orchard House, a block of residential flats. Additionally, there was a flat above the proposed takeaway which was occupied. The proposed shop front would detract from the area and the police considered the hot food takeaway would result in more anti-social behaviour and be detrimental to residential amenity. Councillor Freeman **seconded** refusal of the application.

Councillor Lethbridge expressed concern at the level of traffic density already in this area and understood the expressions of concern regarding the possible deterioration of the living environment. He supported all that had been said by Members of the Committee.

Upon a vote being taken it was:

RESOLVED:

That the application be refused for the reasons, as amended, contained in the report.

b DM/16/02285/FPA - Land at Kepier House, The Sands, Durham

The Committee considered a report of the Senior Planning Office regarding an application for the erection of 35 apartments and associated external works on land at Kepier Heights, The Sands, Durham (for copy see file of minutes).

The Senior Planning Officer informed the Committee that planning permission was granted in 2015 for a scheme for 35 apartments on this site. The difference between this application and the previous approval was that the car parking had been reduced to 34 spaces and was now located around the building rather than being located in an undercroft car park and there were minor elevational changes.

Mr P Smith addressed the Committee to object to the application. Mr Smith informed the Committee that a recent application to vary the approved plans had been made invalid due to discrepancies relating to the site boundary. The elevation plans submitted by the developer and the plan of the site did not match, with there being a difference of some 600 mm. Mr Smith had been advised by an architect that because of this discrepancy no element of the proposed building could actually be built.

The Senior Planning Officer replied that this was de minimis and not a significant planning issue. N Carter, Planning and Development Solicitor sought a recess in the meeting to allow time for consultation with the Senior Planning Officer around the issue of the allegation that the elevation drawings submitted did not match the site plan, following which he would provide the Committee with advice. Mr Smith provided the Planning and Development Solicitor with his drawings and plans prior to vacating the Chamber.

All those present except the Chairman vacated the Chamber to allow discussions between officers to take place.

Upon resuming the meeting Councillor Taylor thanks Mr Smith for bringing the issue to the attention of the Committee. The Planning and Development Solicitor advised the Committee that the issue raised by Mr Smith was that the elevational drawing did not marry up 100% with the footprint drawings. While it appeared to the lay person that there was indeed a discrepancy the Planning and Development Solicitor invited the applicants architect to comment.

The applicants architect advised the Committee that the elevational drawings and footprint drawings were produced on a 1:1 scale on an autocad file, then transferred to pdf. While he was unsure where Mr Smith had sourced his plans, slight distortions did occur when plans were transferred to pdf and were re-sized. He concluded by informing the Committee that all floorplans had dimensions written on them.

The Planning and Development Solicitor advised the Committee that because the possible discrepancy in plans had been drawn to its attention he recommended that Committee debate the application and decide the application in principle only, should they be minded to approve it, with the final decision being delegated to the Planning Team Leader. That would allow time for Officers to resolve the apparent plans discrepancy with the Applicant.

Councillor Laing **moved** and the Committee agreed that this would be the way it would consider the application.

Kathryn Banks, resident of Ferens Close, addressed the Committee to object to the application. She did not consider this application to be similar to that previously approved because it proposed a reduced number of parking spaces for the development to one per flat and also proposed access to a car park off Ferens Close. This proposed access would lead to parking chaos and tension between residents in the area. Although the streets around the development were currently subject to a parking permit scheme, restrictions did not apply on evenings, Sundays or Bank Holidays, and Ms Banks considered that the owners of the proposed properties would own 1 or 2 cars. The fallback position would be the previously agreed application, which had been subject to a full flood risk assessment. This included the development having an underground car park which would flood in the event of a flooding incident and therefore prevent flooding to properties at the development. However, the applicant now wished to provide only surface car parks which were a cheaper option.

The Senior Planning Officer informed the Committee that the level of the proposed parking provision had been agreed by the Council's highways officers. Although undercroft parking provision would be preferred, the proposed landscaping works would ensure residential amenity was not unduly harmed.

J McGargill, Highway Development Manager informed the Committee that the previous application provided 46 parking spaces whereby this amended application provided 34 spaces for 35 units. When considering the application officers had considered parking standards and had taken a pragmatic view for a development that was considered to be in a reasonably accessible location. The parking standards allowed for parking provision to be reduced to 1 space per unit if a development was within 400m of Durham Market Place in an attempt to promote sustainable travel. He advised that there were parking controls in the area which allowed for two permits per house. However, no permits would be issued to residents in the new development. If parking took place without a permit outside of the evening, Bank Holidays or Sundays then fixed penalty notices would be issued. There was a pay and display parking at The Sands which was considered to be an acceptable provision between the hours of 8 a.m. and 6 p.m. Monday to Saturday.

He advised that the 2011 Census showed that 72% of households within County Durham had car ownership and the Highway Development Manager would be surprised if every unit at the development would have one car, let alone two cars given the accessible and sustainable location. From a highways point of view the proposed scheme would work and therefore should not be refused on highways grounds.

Paul Hunt of Persimmon Homes addressed the Committee in support of the application. The application was an amendment to a previously approved scheme and therefore the principle of the scheme on this site had been approved. The scheme met all the requirements of the NPPF and was sustainable and this slight amendment to the previously agreed permission should be supported. Any disputes regarding boundaries on site were civil matters and were not a material planning consideration.

Councillor Freeman, local Member, addressed the Committee. Last year he had not supported approval of the application but when it had been approved he had accepted that the applicant could build the development. However, this application was for a different level of parking provision to that previously agreed and this was a worse scheme. The previous application provided 46 parking space and County Council guidelines were for the provision of 1 parking space per unit plus 1 visitor space for every 3 units. The Committee was now being asked to ignore these guidelines and approve a scheme which would only provide 34 parking spaces for 35 units. Councillor Freeman reminded the Committee that the proposed development was for residential rather than student accommodation and therefore it was more likely that each unit would have at least one car. The reduced car parking provision would lead to parking in surrounding streets after 6 p.m. when parking restrictions were not in force, and on Sundays and Bank Holidays. While he acknowledged that the development was near to the City centre, and there was a need to promote sustainable travel, not all residents at the development would work in Durham nor would there necessarily be buses available to take them to their place of work. The revised parking provision proposed at the development would now have three access points, one of which would be off Ferens Close which currently a quiet cul-de-sac road. Councillor Freeman **moved** that the application be refused on the grounds that it did not accord with Policies H13 and T1 of the City of Durham Local Plan. Councillor Freeman added that he considered it was a disgrace that the developers had left the site in such a dilapidated condition for 10 years.

Councillor Kay informed the Committee that the principle of the development had been established and that this application was to vary parking at the development to remove one undercroft car park and replace it with surface car parks, with a reduced parking capacity from 46 spaces to 34 spaces. He did not accept that the loss of 12 parking spaces was not significant and asked why the developers were happy to provide an undercroft car park one year ago yet were not happy to do so now. He concurred with the points raised by Councillor Freeman and saw this application as a chipping away at the original consent. Councillor Kay **seconded** refusal of the application.

Councillor Conway informed the Committee that he shared the views of Councillors Freeman and Kay. When the development was first granted planning permission a key selling point of it was the provision of an undercroft car park, with restricted access. This application was now proposing 3 access points to access the car parking.

Councillor Davinson informed the Committee that he agreed with the issues raised by Members of the Committee. He referenced the Highway Development Manager referring to parking standards being reduced to 1 space per unit if a development was within 400m of Durham Market Place and asked how far this development was from the Market Place. The Highway Development Manager replied that the development was 500m from Claypath and it was reasonable to expect pedestrians to walk to Claypath and then onto the Market Place, which was within a reasonable distance. He advised that the Institute of Highways and Transportation recommended a preferred maximum walking distance to Town Centres of 800m and the development was within this distance.

Councillor Freeman reiterated that the proposal did not accord with Policies H13 and T1 of the City of Durham Local Plan.

Policy H13 stated that permission would not be granted for new development or changes of use which had significant adverse effect on the character or appearance of residential areas, or the amenity of residents within them. The new access from Ferens Close would have an adverse effect on the area and on the character of the area by the conversion of an area of green land into a car park.

Policy T1 stated that planning permission would not be granted for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property. The amended access points for this development would have an adverse effect on the amenity of local residents and of residents in Ferens Close, particularly after 6 p.m.

Upon a vote being taken it was

Resolved:

That the application be refused on the grounds that it did not accord with Policies H13 and T1 of the City of Durham Local Plan for the reasons set out above.

c DM/16/00152/OUT - Easington Village Workingmens Club, Seaside Lane, Easington Village

The Committee considered a report of the Senior Planning Officer regarding an outline application for approximately 43 dwellings with all matters reserved at the former Easington Workingmen's Club, Seaside Lane, Easington Village (for copy see file of minutes).

Barry Gavillet, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site, location plan and indicative layout. The Senior Planning Officer informed the Committee that an additional condition was proposed that a scheme showing the mini roundabout at the access

point to the development be submitted and agreed prior any dwelling being occupied.

Councillor Laing **moved** approval of the application. She informed the Committee she was delighted that the scheme was going forward on what was currently a derelict site.

Councillor Clark agreed with the comments of Councillor Laing and **seconded** approval of the application.

Councillor Bleasdale agreed with the comments made. Councillor Lethbridge also agreed but asked whether any density details for the development were known.

The Senior Planning Officer replied that because all matters were reserved for future determination, the layout density was to be resolved at a future date.

Upon a vote being taken it was

Resolved:

That the application be approved, subject to the conditions contained in the report with an additional condition that a scheme showing the mini roundabout at the access point to the development be submitted and agreed prior any dwelling being occupied, and entering into of a Section 106 legal agreement to secure the provision of:

- 10% affordable housing on site
- A contribution of £24,225 towards the provision and upgrading of footpaths at the former Easington Colliery site
- A contribution of £500 per dwelling toward enhancement or provision of play facilities in the Easington Electoral Division.