

## **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 12 December 2017** at **1.00 pm**

#### **Present:**

**Councillor P Taylor (Chairman)**

#### **Members of the Committee:**

Councillors D Brown, J Clark, I Cochrane, D Freeman, P Jopling, R Manchester, J Robinson and O Temple

**Also Present:** Councillors J Blakey, S Dunn and M McKeon

#### **1 Apologies for Absence**

Apologies for absence were received from Councillors G Bleasdale, K Corrigan, M Davinson, N Grayson, K Hawley, S Iveson and A Laing.

#### **2 Substitute Members**

No notification of Substitute Members had been received.

#### **3 Minutes**

Members noted that the minutes of the meeting held 10 October 2017 that were included with the agenda papers for the meeting held 14 November 2017 had erroneously contained the minute for Item 5e twice, rather than a separate minute for Item 5f. Accordingly, the Chairman noted that a version containing separate draft minutes for Items 5e and 5f had been included within these agenda papers. The minutes of the meetings held on 10 October 2017 and 14 November 2017 confirmed as correct records by the Committee and signed by the Chairman.

#### **4 Declarations of Interest**

Councillor J Clark declared an interest in Item 5a as a member of the Durham City Housing Group (CDHG) Operations Board. It was noted that she would leave the Chamber and take no part in the discussion or voting thereon. Councillor R Manchester declared an interest in Item 5a as he had a close association with one of the objectors. It was noted that he would leave the Chamber and take no part in the discussion or voting thereon

*Councillors J Clark and R Manchester left the meeting at 1.06pm*

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

**a DM/17/03061/FPA - Land at Surtees Avenue, Bowburn**

The Team Leader - Central and East, Alan Dobie gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Team Leader - Central and East advised the application had been deferred at the last meeting of the Committee and that Members of the Committee had visited the site previously and were familiar with the location and setting. The application was for development of 10 no. 3 bedroom houses with associated car parking, landscaping and new adopted highway and was recommended for approval, subject to conditions and s106 agreements.

The Team Leader - Central and East explained that the main concerns raised at the last meeting had related to highways issues, including access to the nearby primary school. He added that the Highways Section had looked at the road network around the site and noted that there was more than a single access to the school, with the Highway Development Manager to elaborate on this further.

The Committee noted housing to two sides of the site, with a former depot to the south of the site. Members were asked to note the proposed layout and access to the site, with 2 semi-detached properties each side of the access and with 6 semi-detached properties along the south of the site for a total of 10 properties. Members were shown elevations of the 3 house types proposed, noting all were semi-detached and two storey.

The Team Leader - Central and East explained there had been no objections from statutory or internal consultees. It was noted that 37 letters of objection had been received, objections from Cassop-cum-Quarrington Parish Council and objections from the Bowburn and Parkhill Community Partnership.

The Team Leader - Central and East noted the site was in a sustainable location, that it would help contribute to the five year supply of housing land and that all the required separation distances were met. Members noted that since the last meeting, a further site visit with Officers from Planning and Highways had taken place with Local Members at peak school time, 3.00pm on a Friday. Councillors noted that further assessment had identified three main routes to the primary school, with one of them going past the application site along Surtees Avenue. It was noted that the Highways Officer's professional view was that the application would not be prejudicial to road safety and therefore the application was satisfactory in highway terms.

The Team Leader - Central and East noted that Councillor J Blakey had supplied some photographs showing flooding issues at a nearby site and that these would be shown on screen while the Local Member spoke on the application. It was explained that the recommendation from Officers was for approval on the basis that the site was sustainable, was not allocated as open space in the Local Plan, and Officers felt that there would not be an adverse impact in terms of visual amenity. The Team Leader - Central and East reiterated that the Highways Manager had made no objections, and was happy in terms of the arrangements for parking and access. It was added that the Drainage Officer had made no objections and there would be s106 agreements in terms of open space and recreational facilities in the locality; and a financial contribution towards public art in the locality.

The Team Leader - Central and East concluded by noting that the application had been considered in terms of the balance test contained in Paragraph 14 of the National Planning Policy Framework (NPPF) and Officers felt that the planning permission should be granted as the adverse impacts of the development did not significantly and demonstrably outweigh the benefits.

The Chairman thanked the Team Leader - Central and East and noted there were several speakers in relation to this item. He asked Local Member, Councillor S Dunn to speak in objection to the application.

Councillor S Dunn thanked the Chairman and noted that the report stated the application had been considered under Paragraph 14 of the NPPF and that paragraph 53 of the original report stated that the adverse impacts of the development did not significantly and demonstrably outweigh the benefits. He added that he would assert that the application did not meet the test of Paragraph 14 of the NPPF, and that the significant concerns did outweigh the benefits, as demonstrated by the 37 letter of objection and many more who had not written in, however, they having made their feelings on the matter known to Local Members.

Councillor S Dunn noted that the report stated that there would be no adverse impact on amenity, however, he explained that the site was used by young children to play and was one of the few remaining green spaces within the village that had not been built on. He reiterated that he did not agree with the reports' assertion as regards Paragraph 14 of the NPPF.

He thanked Officers from the Planning and Highways Teams for coming out on site again to meet with Local Members. He added that he felt the traffic was particularly quiet on this day and added that Officers would likely have to agree that the road along Surtees Avenue was indeed narrow. Councillor S Dunn noted that there were really only two alternatives in terms of access to the primary school, being Lawson Road and Surtees Avenue. He explained that Surtees Avenue ran up from the main road, and would be the more likely choice for those trying to get to the 240 place school. He added that from approximately March 2018, there were plans to turn the school to a 540 place school and would be the third largest primary school in County Durham.

He noted there was the other route, via Lawson Avenue, however taking into account the Integra 61 development of 240 houses, and a 190 houses for a site at Parkhill, together with another potential 600 properties via permissions, then this could present a problem if accessing the school by car, the school perhaps requiring an alternative access. Councillor S Dunn noted the application for the school was not being considered yet, however, noted that it would likely be soon.

Councillor S Dunn noted he did not feel that paragraph 74 of the report addressed the issues of highway safety in respect of a lot of children coming down Surtees Avenue, adding that while it would be hoped that any new residents would walk their children to the school, some may choose to drive.

Councillor S Dunn noted the s106 contributions were welcomed, however, he hoped that the Developer would look at alternative sites, with some at Croxdale and some at Kelloe, adding that the Developer had stated the former being more expensive and the latter being a less desirable site.

He concluded by noting that it was felt that it was the wrong application for the wrong site and the objections raised were significant in terms of Paragraph 14 of the NPPF and the Committee should reject the application.

The Chairman thanked Councillor S Dunn and asked Councillor J Blakey to speak in relation to the application.

Councillor J Blakey noted she would add more details, further to her comments at the last meeting. She referred to a copy of the Village Masterplan, prepared by the former City of Durham Council, adding that it still had weight. It noted that there were grounds for objection in that the Masterplan stated that regeneration should be in terms of sustainable, vibrant communities. She added that this would include places for small children to play and would not involve having them to walk some distance to the park.

Councillor J Blakey added that, in terms of the economy and the number of new build schemes, there was one particular site where 26 of the 49 properties were empty and added she felt this spoke as regards the issues in terms of property sales. She added that having a lot of empty properties was not the way to help keep communities together.

In relation to the environment, Councillor J Blakey explained she had been working over the last 9 years in terms of Northumbrian Water and the Highways and Drainage Teams on the issue of flooding. She referred to photographs showing the extent of recent flooding, the week after the previous Planning Committee. She explained how water had entered the Youth Club and Community Centre damaging a sprung floor, with potentially thousands of pounds worth of damage. Councillor J Blakey explained how this was not the first time such flooding had occurred, rather it had occurred 5 times over the last 9 years. She added that until the issues with the drain were resolved that it would likely reoccur, and any additional water entering the drain would likely add to the problems.

Councillor J Blakey added that the “Daisy Field” site had required the developer to include a “slow down drain” prior to entering the main drain, however, this did not appear to be working. Councillor J Blakey referred to recent press articles relating to a failure to identify flooding risks.

Councillor J Blakey noted that just below this application site, the former Mabey Hire depot, had previously been granted permission for 39 houses, and this brownfield site should be brought forward as residents would be happy to see it developed rather than a greenfield site. Councillor J Blakey concluded by noting that she would ask the Committee to refuse the application on the basis of the impact upon the whole community.

The Chairman thanked Councillor J Blakey and asked Councillor M McKeon to speak in relation to the application.

Councillor M McKeon noted that she did have much to add to that already said by Councillors S Dunn and J Blakey other than to note that in addition to the plans for the school to increase to 540 pupils, there were also plans for a nursery, for children starting at age 2 and therefore there would be an associated increase in numbers at the school site, and it was likely that those with very young children would find it easier to drive to the site than walk. She added that a small development could have the potential to have knock on effects and it would be a detriment if the school development was endangered.

Councillor M McKeon added that as a young person she was very keen on the rent-to-buy schemes and new properties aimed to enable people to get a foot on to the housing market. However, she noted that there was a place for such development and it was not at this site, the wrong site for the local community. She added that Members had worked with the County Durham Housing Group to look at other sites in Croxdale, Kelloe and Bowburn however were told that those sites were not financially viable. Councillor M McKeon noted her surprise of the inclusion of s106 agreements for financial contributions included within this application, adding that these contributions could have been put to use in making another scheme elsewhere more viable.

The Chairman thanked Councillor M McKeon and asked Mrs J Carpenter and Ms E Pallister, local residents, to speak in objection to the application, having 5 minutes between them.

Mrs J Carpenter noted she objected on highway safety grounds, with Surtees Avenue being very narrow and with cars parked both sides. She added that the site was close to the Bede Terrace junction and with vans parked the view is obstructed forcing drivers to pull out on the wrong side of the road, with the potential of driving into oncoming traffic, noting she had had a few near misses herself. Mrs J Carpenter noted a collision on 12 May between the cars of parents of children attending the school, adding she felt Surtees Avenue was the main route to the school, and once the new school was developed there would be a significant increase in the traffic along this road. She added that even if a new entrance was put in place, locals would still use Surtees Avenue to access the school.

Mrs J Carpenter noted that she and her husband were worried as regards privacy, with their property backing on to the application site. She explained that while Officers had stated that the application met the minimum separation distances, they felt that the proposed development would be a disruption to their lives.

Mrs J Carpenter noted parking was an issue, especially at weekends, and explained that there could be potential issues as cars currently parked in an area that would be directly opposite the driveways of the proposed properties. She added that she felt there would be increased noise levels affecting the neighbourhood with 30 or more additional vehicles.

Ms E Pallister noted that the loss of open space was contrary to City of Durham Saved Local Plan Policy E5a and would impact upon the character of the estate, with the site in question having been open space for the last 60 years, used by local people, including responsible dog walkers every day. It was added that if people were not able to use or cross over the area of open space they would need to use a secluded path to the local park, not safe for young children.

Ms E Pallister noted that it had been mentioned that on a visit to the site it had not appeared as if the site had been used, however, just 48 hours prior to the visit the site had been used and played on and that if developed then local events and activities for family would not be able to go ahead. She concluded by noting that Government had stated brownfield sites were preferable to greenfield sites and the former Mabey Hire depot, which had previously been granted permission for 39 houses, would be far more suitable, having a good access from the main road.

The Chairman thanked the Local Members and Residents and asked Mr J Brookes Agent for the Applicant to speak in support of the application.

Mr J Brookes explained he was a Director with Indigo Planning, speaking on behalf of the applicant, the County Durham Housing Group. He noted he had been tasked with reviewing the applicant's proposals and had visited the site and reviewed the documentation and had spoken with the case officer, the Senior Planning Officer, Chris Baxter.

Mr J Brookes noted that in conclusion he had to agree with case officer's recommendation for approval, noting the highways aspect had been assessed and the application had been considered in line with the development plan and the NPPF planning balance. He added that the land did not have a protected status and the application sought to provide much need affordable housing, in a sustainable location surrounded by existing housing.

Mr J Brookes noted the open nature of the site would mean that construction vehicles and equipment could utilise the site itself and therefore this would cause significantly less disruption in the construction phase. He added that s106 contributions of £20,570 would help with improvements to the local Bowburn Recreation ground, and a sum of £11,400 would be provided for public art in the area, with the County Durham Housing Group being happy to hear from residents with their ideas.

Mr J Brookes explained that within the scheme there were 23 parking spaces for 10 properties, with only a loss of around 3 to 4 parking spaces in the area where the bell mouth of the access road would be constructed.

He noted that the Highways Section had noted 2 or 3 routes to access the local school, and that all the relevant planning legislation had been met in terms of the application, with neither the NPPF nor Development Plan resisting the application. Mr J Brookes noted that he felt there were no policies to go against the presumption in favour of development and that the loss of a few parking spaces and a non-protected area of open space was not sufficient for the application to be refused. He concluded by noting that therefore he felt the application should be approved and that if the application was refused and considered at an appeal he felt that it would be approved by the Planning Inspectorate.

The Chairman thanked Mr J Brookes, however noted that the application was not at an appeal yet and was for consideration by the Committee today on the basis of the report and statements from the speakers. The Chairman asked the Team Leader - Central and East if he could address the points made by the speakers.

The Team Leader - Central and East noted that while there may have been discussions in terms of other potential site for development, the application received was for this site and set out within the report. He reiterated that the site did not have any protected status nor was it allocated as open space and accordingly the application had to be assessed on its own merits. In respect of reference to other developments with empty properties and that in terms of developers submitting planning applications, the developers themselves must feel as if they can market those properties successfully. In relation to the issue raised in terms of privacy, the Team Leader - Central and East agreed there would be a noticeable difference when comparing the proposed development to an open space, however, it was reiterated that all the requisite separation distances had been met and therefore he did not feel there would have been grounds for Officers to recommend refusal on privacy grounds. In terms of the flooding referred to by Councillor J Blakey, paragraph 79 of the report set out the views of the Drainage Officer, being satisfied with the proposed drainage measures.

The Highways Development Manager, J McGargill noted that Officers from the Highways Section had visited the site on a number of occasions and looking at the village of Bowburn in four quadrants, then the largest percentage would access the school via Tunstall Avenue and Edward Avenue and that there would not be a significant volume of traffic along Surtees Avenue as it was the more torturous route. He added that a route via Prince Charles Avenue and Edward Avenue would be less torturous.

The Highways Development Manager noted that if had been a refusal recommendation on highways grounds, there would need to be evidence to support this. He noted there had not been traffic accidents at this part of the road, and while referred to as being narrow, the road was approximately 4.2 metres wide, wide enough for emergency vehicles to pass the parked cars.

The Highways Development Manager noted the proposed development of 10 properties would generate 6 trips at peak times, however, the general migration would be towards the A177 and not towards the school. He added that the number of trips equated to 1 every 10 minutes, imperceptible in terms of impact.

The Highways Development Manager explained that the proposed access to the site would not increase road safety issues and that the type of access was of a standard type that pedestrians would need to cross. He noted the issues as described by local residents in terms of visibility, however, at slow speeds the standards required were achievable and therefore Highways had no objections to the application. The Highways Development Manager concluded by noting that the parking to be provided on site was 2 per unit, with an additional 3 visitor spaces, which the residents opposite the site would have the opportunity to use, if the application was to be approved.

The Chairman thanked the Officers and asked Members of the Committee for their comments and questions.

Councillor P Jopling asked where the photographs of the flooding were taken. Councillor J Blakey noted that were at a location below the application site.

Councillor O Temple noted the original reason for the deferral of the application had been to look at the highways issues that had been raised, in the absence of a representative from the Highways Section at the last Committee. He noted that 4.2m had been quoted as the width of the road at Surtees Avenue and that as many representations had been made that this was narrow, he asked whether this was the case. The Highways Development Manager noted it was a standard width for this type of residential street and was not unusually narrow.

Councillor O Temple noted that the two main concerns had been highways issues and the loss of open space and asked if the slide with maps of the area could be displayed and the local park pointed out relative to the application site. The relevant maps were displayed and the locations explained by Councillor J Blakey.

Councillor O Temple noted he felt conflicted as the road was narrow, however the development was small at only 10 houses and with a small amount of associated traffic as explained by the Highways Officer. Accordingly, he felt that while the road was narrow, it was not sufficient to refuse the application and therefore he was moving towards the application being approved. Councillor D Brown noted he would second the recommendation for approval, as the report had clearly set out answers to the queries raised by the Committee previously and he felt that there had been no material change since the last Committee.

Councillor O Temple proposed that the application be approved; he was seconded by Councillor D Brown.

## **RESOLVED**

That the application be **APPROVED** subject to the completion of Section 106 Legal Agreements and the conditions detailed in the Officer's report to the Committee.

*Councillors J Clark and R Manchester entered the meeting at 1.45pm*

**b DM/17/01376/FPA - Land To The South East Of Southridge, Seaton**

The Team Leader - Central and East gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Team Leader - Central and East advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for change of use from agricultural use to the storage of equipment and materials in association with an arboricultural business (amended description and plans received confirming revised access) and was recommended for approval, subject to conditions.

The Team Leader - Central and East explained that Members had seen while on site the application included two parts, one part being an agricultural building, part of a complex of buildings that had once been a farmstead, with conversion to residential during the 1990s and 2000s. He added that a number of small businesses had developed at the site, including liveries and a prestige car business. It was explained the second part was a field that the applicant would use to store and process materials brought to site.

Members noted that the types of vehicles to be stored were not heavy goods vehicles, rather small trucks, Land Rovers, tractors, mobile wood chippers and a workforce welfare van. It was noted that vehicles would be leaving site in the morning to attend jobs and return at the end of the work day to the site, with some employees of the business having work vehicles at home and would travel directly to jobs from their homes.

The Team Leader - Central and East noted the majority of the concerns from residents were in terms of the vehicle movements and the chipping of wood on-site. Members noted plans showing the areas and it was added that as the building had been vacant for a while the application would help to bring a building back into use. Members noted that the application also included cabins to the rear of the building for office and welfare facilities. It was explained that the access would be along the road running between the agricultural building and the livery opposite. It was noted that there was a dispute in terms of rights of access along this road, however, this fell outside of the remit in terms of determining the planning application. It was noted that the application was adequate in terms of access and parking provision, the proposed access having accommodated the minibus used for the site visit by Members and also agricultural vehicles in the past.

The Team Leader - Central and East referred to a plan and photos in terms of the storage of materials and where chipping would take place, the furthest part of the field from other properties.

It was noted there was a condition within the recommendation for approval that sought to restrict the height of any stored materials to 2 metres, and it was added the site levels meant that this area was below that of the nearby properties.

It was noted that representations had been received from residents as well as Seaton with Slingley and Dalton-le-Dale Parish Councils in terms of the access and highway safety and potential noise.

Members noted that there had been no objections from the Highways Section and the Noise Team subject to conditions restricting the chipping, and including a limit of no chipping activities on more than 3 days within a calendar month, and that such chipping be carried out at a reasonable hour.

The Team Leader - Central and East noted the application was not technically in accordance with development in the countryside, however, the type of business was associated with the countryside and the issues would primarily be in terms of the vehicles coming and going from the site. It was reiterated that vehicles would primarily be travelling out from the site to jobs, and returning later in the day and that this would have little impact on other road or bridleway users.

It was explained that the two cabins proposed to be placed at the rear of the agricultural building would be well screened and painted an appropriate colour as to blend in. Members were reminded that the application would allow a business to retain employment for a number of employees and that the business needed to vacate its current premises.

The Team Leader - Central and East noted that the bringing back into use of the agricultural building, together with the securing of jobs was positive and that the impacts upon highway safety and noise could be dealt with by way of conditions. He added that in terms of the NPPF Paragraph 14 balance test the benefits would outweigh the dis-benefits and therefore the application was recommended for approval.

The Chairman noted that Applicant, Mr J Wheeler was in attendance should there be a need for him to answer any questions and asked Members of the Committee for their comments and questions.

Councillor O Temple noted whilst out on site that the position chosen for wood chipping was as far away from the main site and residential buildings as possible, however, asked that under paragraph 8 of the report where there was reference to processing, he asked what cutting by hand meant and whether this excluded the use of chainsaws.

Mr J Wheeler noted that by hand-sawing he understood this to mean by use of a chainsaw, and that chainsaws were around 90dB and the chipper around 95dB in terms of noise levels. The Chairman noted restricted working times in terms of activities. Councillor J Clark asked if the limit of processing to 3 days in one calendar month applied to the use of chainsaws in addition to chippers. The Solicitor – Planning and Development, Neil Carter noted that Condition 5 appeared to cover the use of chainsaws in the sense of processing of the materials.

Councillor J Robinson proposed that the application be approved; he was seconded by Councillor P Jopling.

## **RESOLVED**

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

### **c DM/17/03649/FPA - 6 Noble Street, Easington Colliery**

The Planning Officer, Susan Hyde gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for conversion of two storey 3 bedroom dwelling house into two one bedroom flats and was recommended for approval, subject to conditions.

The Planning Officer noted the property was a mid-terrace Victorian property, within an area of made up predominantly of such terraced streets. It was added there were a number of services nearby, including a primary school. Members noted the frontages of the terraces had pedestrian access and a small front garden, with the rear having a yard and vehicular access. The Committee noted photographs showing how vehicles parked along one side, allowing access and it was noted the small rear yards were unable to accommodate parking, except for those on the ends of the terraces which had larger yards.

The Planning Officer referred to current and proposed floor plans, highlighting the change from a single 3 bedroom dwelling with kitchen facilities on the ground floor to two self-contained single bedroom units, with each having their own kitchen and bathroom facilities. It was noted the front elevation had no modifications, with the rear having a proposed alteration such to create two doors.

It was explained that there had been no objections from statutory consultees, and that while there was no off-street parking provision the Highways Section were satisfied as the area was recorded as having lower than average car ownership and the conversion to two units would not generate a significantly higher demand for car parking provision.

The Planning Officer noted that Easington Colliery Parish Council had asked for the Committee to consider the application as they had felt that if this application was approved it could lead to further issues in the future. It was added that in terms of each application of this type that could potentially be received, each would be looked at by the Highways Section in terms of parking and other issues. It was reiterated that in this case, there were no objections.

Members noted that in terms of residential amenity the separation distances were less than usually sought, however, this was due to the Victorian nature of the properties.

The Planning Officer noted that it was felt the changes to the rear elevation was in keeping with the area and that it was recommended the application be approved subject to the conditions as set out in the report.

The Chairman thanked the Planning Officer and noted the only registered speaker was Councillor D Boyes to speak on behalf of the Parish Council, however he was not in attendance at the meeting and therefore he asked the Committee for their comments and questions on the application.

Councillor D Brown proposed that the application be approved; he was seconded by Councillor O Temple.

## **RESOLVED**

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

*Councillor J Robinson left the meeting at 2.20pm*

### **d DM/17/03382/AD - Bannatynes Health Club and Hotel, Eden Terrace, Dragonville**

The Planning Officer, Lisa Morina gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for display of freestanding sign to North West corner of site and was recommended for approval, subject to conditions.

The Planning Officer noted site of Bannatyne's Health Club and Hotel at Eden Terrace, Dragonville, being bounded by residential properties and woodland. Members were referred to aerial photos and it was noted Members had attended the site, where an existing canvass banner style advertisement was in place. It was noted that the proposed sign was of dimensions 4 metres by 3 metres, mounted on posts 1.8 metres to give a total height of 4.8 metres from the ground. The Committee noted an image showing the proposed sign, a mixture of colours and imagery.

It was explained there had been representations from Belmont Parish Council in terms of the sign being too big and representing a distraction to drivers and therefore impacting upon highway safety and being contrary to saved City of Durham Local Plan Policies Q16 and Q17.

The Planning Officer noted that the sign was large, however it would set back away from the road and the Highways Section had offered no objections, and it was noted there were numerous examples of large signs at nearby car dealerships approximately 450 metres away. The Planning Officer noted that saved Local Plan Policy Q17 was not being considered as that policy related to hoardings, and the application was for signage, covered by Policy Q16.

It was reiterated that the sign would be set back from the road and therefore it was felt it was in accord with Policy Q16. It was noted that there was a proposed additional condition to ensure that the existing banner sign be removed.

The Chairman thanked the Planning Officer and asked Parish Councillor B Howarth to speak in objection to the application on behalf of Belmont Parish Council.

Parish Councillor B Howarth noted that Members of the Parish Council were extremely concerned as regards the proposed sign and added that if the proposal had been for a smaller and less complex image, comprising of simply the Bannatyne's logo and the relevant contact details, then the Parish Council may not have objected to the application.

Parish Councillor B Howarth added that the sign would be larger than the projector screens being used in the Council Chamber and noted that the width of the proposed sign would be greater than the road width in the first application considered by the Committee, 4.8 metres and 4.2 metres respectively. She added that the proposed sign was next to a complex roundabout, with 3 junctions that split into 2 lanes and therefore drivers needed to be vigilant and not be distracted by large complicated signs. It was noted there was not a history of accidents at the location, however, this was without such a large distracting sign in place.

Parish Councillor B Howarth reiterated that it was the size and nature of the sign that was being objected to, and that it was felt that the sign was inappropriate in terms of its location near to open fields that served the local community. She added that it may be disputed as to whether the existing banner sign ever had the requisite permission and asked if the sign had been placed upon a Durham County Council owned fence without permission.

Parish Councillor B Howarth concluded by noting that the Parish Council would asked that the Committee refuse the application on the basis of it being contrary to saved City of Durham Local Plan Policy Q16 being a detriment to highway safety. It was reiterated that the Parish Council were happy for Bannatyne's to have advertising, however not at this scale, posing a distraction to drivers.

The Chairman thanked Parish Councillor B Howarth and asked Mr A Moss, Agent for the Applicant to speak in support of the application.

Mr A Moss noted he only had a few words to add to the good report and presentation made by the Planning Officer. He noted the issues raised related to public safety and amenity. In terms of public safety, Mr A Moss referred to the satisfaction of the Council's Highways Section and also of Planning Officers.

Mr A Moss noted that in terms of amenity, he agreed with the Officer's report and added that he could confirm the Land Registry Title Reference Numbers in terms of the ownership of the land on which the proposed sign would be placed.

Mr A Moss concluded by asking the Committee to agree with the recommendation of Officers and approve the application, and noted that the applicant would be happy to accept an additional condition that required that the old banner sign be removed.

The Team Leader - Central and East noted that it was accepted it was a large sign and that if you were to stand up close it would appear to be of significant size, however, it was set back from the road and intended to be viewed from a distance, primarily by road users. In terms of impact upon amenity, it was reiterated that nearby there were a number of large signs and the application could not be considered as being an application in the countryside.

The Team Leader - Central and East noted that compared to the existing banner sign the proposed sign was acceptable and reiterated that the Highways Section had offered no objections. He added that he was not aware of any planning history in terms of the existing banner sign, however if the application was approved then the additional condition would ensure its removal.

The Highways Development Manager noted the issue of distraction to drivers was an interesting one. He referred to Department for Transport studies that had concluded that signs were not distracting, looking at a number of different types including flashing and illuminated signs. Members noted that recently Newcastle City Council had installed video advertising and the County Council had advertising displayed on roundabouts, which included contact telephone numbers.

The Chairman thanked the speakers and Officers for their comments and asked Members for their questions on the application.

Councillor D Brown noted he could only make out four words on the image of the proposed sign and added that drivers at the junction would be looking right and not at the sign and therefore he would support the Officer's recommendation for approval.

Councillor D Freeman noted he did feel the sign was very large and ugly and actually unnecessary with the large Bannatyne buildings just behind and added he would not be supporting the application as he felt it was contrary to saved City of Durham Local Plan Policy Q16.

Councillor D Brown proposed that the application be approved; he was seconded by Councillor P Jopling.

## **RESOLVED**

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee and an additional condition for the removal of the existing banner sign.

**e DM/17/01555/FPA and DM/17/01556/LB - Albert House, 33 Silver Street, Durham**

The Team Leader - Central and East gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. It was noted there was an application for the conversion of the existing building into 17 self-contained student apartments and a reduced commercial/retail floor space, together with an associated Listed Building consent, and they were recommended for approval, subject to conditions.

The Team Leader - Central and East explained that the building was the former Post Office within the City Centre, a large deep building that extended at the rear towards Fowlers Yard. It was explained that works had been carried out to the rear elevation in the past and the application included some aspects that would seek to address some of the issues with the rear elevation.

The Committee noted no objections from the Highways Section in terms of the application, having no parking provision. It was noted the City Centre site was a sustainable location with good access to transport links and facilities. It was added that cycle parking provision had been included following negotiations. Members noted that the Design and Conservation Team had no objections, and an element of retail being retained at ground level was of benefit.

The Team Leader - Central and East noted Durham University had been approached in terms of the need for additional student accommodation, however, no response had been received. It was explained there had been representations from the City of Durham Trust and the Neighbourhood Planning Forum in respect of cycle parking provision and loss of retail provision. It was reiterated that cycle parking had been negotiated and that some retail had been retained.

It was noted that the proposal was for self-contained apartments, not the usual bedrooms with shared facilities and while normally there would be considerations as to whether additional student properties would affect the balance of communities in terms of student and family properties, as this site was within the City Centre, there were not very many C3 use family homes in the area.

The Team Leader - Central and East noted in respect of the Listed Building consent the application was designed to enhance the Listed Building and the Conservation Area and that the alterations proposed were entirely in keeping with the quality and design in the area. It was noted that the planning application and Listed Building Consent were therefore recommended for approval.

The Chairman noted no registered speakers and therefore asked Members of the Committee for their comments and questions on the application.

Councillor D Freeman noted the Council's Interim Policy on Student Accommodation and its position in terms of Purpose Built Student Accommodation (PBSA). He added that the Committee were aware that the current existing, agreed and proposed provision of PBSA already met the demand for student accommodation and therefore he could not see how the need for this application had been demonstrated. Councillor D Freeman noted that he felt that there was negative impact upon the retail aspect and while some retention was welcome, it was still less than the previous Post Office use. He noted that Silver Street did not have many empty properties and he felt that, whilst the applicant had this application in mind, good marketing could secure a better use. He therefore proposed that the application be refused and that people worked to get a better application back in the future.

Councillor J Clark noted that PBSAs usually included an on-site presence and a management plan and asked if there was no need given the self-contained nature of the proposed units. The Team Leader - Central and East confirmed this was the case. Councillor J Clark noted this and applauded the applicant in terms of the honest approach setting out that the application was clearly for student use upfront. She added that the retention of some retail was good, adding she felt given the depth of the building that it would likely prove difficult to try and find a larger retail use. Councillor J Clark noted she proposed that the applications be approved.

Councillor D Brown noted he seconded the recommendations for approval, however, asked whether there could be restrictions in terms of, for example, a fireworks shop being the retail element with the associated risks of this type of business. The Team Leader - Central and East noted that the A1 Class Use covered a multitude of different uses and it would be difficult to condition against a specific use as mentioned. The Chairman noted he felt that would be dealt with in terms of a business being able to secure a fire safety certificate. The Solicitor – Planning and Development noted he tended to agree with the Chairman that there would be regulations governing such activities, outside of planning considerations although he did not have a detailed knowledge of such regulations.

Councillor J Clark proposed that the applications be approved; she was seconded by Councillor D Brown.

## **RESOLVED**

That the applications be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

### **f DM/17/01701/FPA - Essington House, Essington Way, Peterlee**

The Team Leader - Central and East gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. It was noted the application was for 14 dwellings and was recommended for approval, subject to conditions and s106 Legal Agreements.

The Team Leader - Central and East explained that the site was a former Durham County Council Adult Services building and was within the settlement boundary, with a number of residential developments in the area and more planned for the future.

The Committee were referred to elevations for the proposed house types and noted the single point of access to the site was approved as being to the required standards. It was noted that as the access was steep there was a condition for a handrail to aid access on foot. It was added that the site was considered sustainable, with access to the Town Centre, shops, schools and other facilities. It was reiterated that there were no objections from the Highways Section and that the Tree Officer was happy with trees to be retained and protected by condition. Members noted no objections from the Ecology Officers given the mitigation in terms of EU protected sites on the coast, as set out in a s106 agreement.

The Team Leader - Central and East noted it had been noted that the scheme had been determined as being unviable should contributions towards play equipment have been greater than the old Easington District tariff of £500 per dwelling. It was added there had been no objections from neighbouring properties or the Parish and Town Councils.

The Chairman noted no registered speakers and therefore asked Members of the Committee for their comments and questions on the application.

Councillor J Clark asked whether the other building was still in use by the Council/Pathways and sharing the access. The Team Leader - Central and East noted he thought it was still in use. Councillor J Clark noted that there was a footpath access to the site and asked if that was to be retained. The Team Leader - Central and East noted he could check as regards this matter. Councillor J Clark noted that if this was the case then it would be an additional pedestrian access and she noted, having previously worked at the site, that the number of cars associated with the proposed development would be less than when the building was in operation.

Councillor J Clark proposed that the application be approved; she was seconded by Councillor O Temple.

## **RESOLVED**

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement and the conditions as detailed in the Officer's report to the Committee.

## **6 Appeal Update**

The Team Leader - Central and East noted that an Appeal against the refusal to grant planning permission for the erection and display of non-illuminated fascia sign (DM/17/00724/AD) at 14 West Terrace, Coxhoe had been dismissed by the Planning Inspectorate.

It was added the appeal had been dealt with by way of written representations and an unaccompanied site visit, and the Inspector had dismissed the appeal as it was considered to cause harm to the visual amenity of the area.

**RESOLVED**

That the appeal decision update be noted.