

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 13 March 2018 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors L Boyd, D Brown, J Clark, I Cochrane, K Corrigan, D Freeman, I Jewell, P Jopling, R Manchester, L Pounder, A Surtees and O Temple

1 Apologies for Absence

Apologies for absence were received from Councillors Davinson, Grayson, Iveson, Laing and Robinson.

2 Substitute Members

Councillor A Surtees as substitute Member for Councillor Davinson, Councillor L Pounder as substitute Member for Councillor Laing, Councillor L Boyd as substitute Member for Councillor Robinson and Councillor I Jewell as substitute Member for Councillor Iveson.

3 Minutes

The minutes of the meeting held on 13 February 2018 were confirmed as a correct record by the Committee and signed by the Chairman, subject to Councillor I Jewell being shown as in attendance as a Member of the Committee.

4 Declarations of Interest

There were no declarations of interest.

The Chairman informed the meeting that Agenda Item 5(d) would be moved forward to be considered as the first Agenda item.

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

a DM/17/03214/FPA - Land To The North East Of Hycroft, Benridge Bank, West Rainton.

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 65 residential dwellings and associated access, landscaping and engineering works (revised description 20 December 2017) on land to the north east of Hycroft, Benridge Bank, West Rainton (for copy see file of Minutes).

L Eden, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph of the site, site photographs, proposed site plan, proposed site sections and CGI's of the site entrance and northern boundary.

The Senior Planning Officer informed the Committee of the following updates to Conditions since the publication of the Committee report:

- Condition 2 – a highways plan was to be added to the list of approved plans and documents, to be referenced at Condition 6;
- Condition 3 – a contaminated land condition was no longer required;
- Condition 4 – this Condition to be changed to secure implementation of the Construction Management Plan, with a separate Condition required for piling;
- Condition 6 – this Condition be amended to 'prior to the occupation of the 30th dwelling' and also to reference the additional highways plan at Condition 2;
- Condition 13 had erroneously been referenced twice and these conditions relating to materials and window and door details were no longer required.

The Senior Planning Officer informed the Committee of receipt of the following representations since the publication of the report:

- A further letter of objection had been received from the West Rainton Parish Council raising issues of GP capacity in the area, increased traffic through the village, the s106 educational contribution only being for Belmont Community School and not the local primary school and any s106 money should be for the area of West Rainton Parish rather than the Sherburn Electoral Division.
- A letter from West Rainton Primary School supported the views of the Parish Council.

Councillor B Kellett, local Member addressed the Committee. Councillor Kellett expressed disappointment at the quality of the photographs shown during the Senior Planning Officers presentation of the application which failed to show the nearby road junction with the A690. This was a dangerous junction and motorists would not use it to turn right to travel towards Durham but rather would travel through the village of West Rainton to the junction with the A690 at Rainton Gate. This was also a dangerous junction with a history of accidents and requests had been made to have this junction controlled by traffic lights.

Councillor Kellett expressed concern at the capacity of the GP surgery which needed enlarging. However the route to the current surgery building was already problematic with parking on Woodland View and highway verges. Any future plans to enlarge the GP surgery would require planning permission and this could be jeopardised by the current parking problems, should these not be able to be

addressed. These problems could have been shown to Members of the Committee on a site visit, but Councillor Kellett informed the Committee that his request for a site visit had been refused.

Councillor Taylor informed Councillor Kellett that he had been notified of his request for a site visit on Friday and had taken the decision that this was too short notice for such a visit to be arranged and for Members to be available to attend.

Councillor Kellett accepted the explanation about the site visit. He informed the Committee that there was disappointment that there was no proposal for the local primary school, West Rainton Primary to receive any money from the proposed Section 106 agreement and asked that the Committee recommend this happen should it approve the application.

Councillor A Wallage of West Rainton Parish Council addressed the Committee. The Parish Council had submitted an objection to the application on October 2017 and only last week was aware of the officer report on application which outlined how some of the Parish Council's concerns had been addressed and provided details of the proposed s106 agreement. Councillor Wallage expressed concern that this information had been brought to the attention of the Parish Council at such a late stage.

The head teacher of West Rainton Primary School had not been consulted on the impact of the proposed development on the school, and this was unacceptable when engagement with local communities was being encouraged, together with transparency and consultation. The GP surgery at West Rainton currently had parking problems and there were parking problems around the chemist and shops, which were next to the junction with the A690. The Parish Council had an action to develop a car parking plan but needed finance to achieve this, and this application which would generate additional traffic had nothing to address this existing concern.

There were two main routes through West Rainton and these were used as rat runs to avoid congestion. This had led to concerns about traffic speeding through the village and road safety issues and there should be an opportunity through financial contributions from the development to address these issues.

There was concern that the proposed s106 contribution to improve open space and recreation provision may be spent on communities outside of West Rainton because it was restricted to the Sherburn Electoral Division. The A690 caused a physical barrier between West Rainton and other areas within the Electoral Division and it was incomprehensible that this money would be spent outside the Parish of West Rainton.

There had been no consultation with the local primary school about the impact of the development, with the main impact being on nursery provision. No consultation had taken place because nursery provision was not within the remit of the school placement officer. West Rainton Primary was the school which would be primarily affected by the development.

It was proposed that the management of the site once developed would be carried out by a management company funded by the residents rather than the County Council and there was concern of what might happen should the management company fail.

Councillor Wallage requested that the Committee consider the issues raised when determining the application.

Councillor Taylor, referring to s106 money, informed Councillor Wallage that this would be allocated to the Sherburn Electoral Division which included West Rainton. Local County Councillors would then provide suggestions for spend of this money.

Mrs Leak, local resident, addressed the Committee to object to the development. Mrs Leak informed the Committee that she had lived on Benridge Bank for some 46 years and lived opposite the proposed development. There was no footpath on her side of the road and there was a need to cross the road to access a footpath. Traffic on the road had increased by some 50% since the Arnison Centre had opened and this development would result in a greater amount of traffic on the road. Vehicles also used the road as a rat run and stepping onto it was dangerous. Mrs Leak provided the Committee with details of health problems she had and informed the Committee that if she needed to walk any distance she needed to use a walking aid, which made walking near the road both difficult and dangerous. The proposed development would bring with it extra cars using this road and Mrs Leak could not believe that the Council's highways officers considered the development to be acceptable.

The applicant had already cleared a way where the proposed entrance to the development was to be and had done some work on site, which led local people to believe planning permission had already been granted.

Councillor Taylor assured Mrs Leak that no decision on the application had been made and that decision would be made by the Committee.

The Senior Planning Officer responded to the issues raised. Regarding consultation on the application, it had been advertised twice in the press and by site notices and letters to nearby properties. Both the primary school and Parish Council had the opportunity to comment on the application. The GP surgery had been unable to extend because of finance and therefore Avant would be contributing £175,000 through a s106 agreement with the possibility of NHS grant funding. Any proposed extension would be subject to planning permission, at which stage the issue of parking would be addressed.

The School Places Manager had advised that there was only insufficient capacity at Belmont Community School and that nursery education was not a statutory provision and therefore extra funding could not be sought. West Rainton Primary School had a projected roll of 118 and a capacity of 168. There was a bus stop at the entrance to the proposed local services development which gave access to local services and a s106 payment of £6,000 was proposed to improve public transport infrastructure in the vicinity of the site. It was normal practice to ring fence

s106 contributions relating to offsite open space to the appropriate Electoral Division.

D Stewart, Principal DM Engineer informed the Committee that the additional traffic to be generated from the development of 65 houses was not significant and at peak times would generate 1 extra vehicle movement every two minutes. In highways terms this was below the level that junction analysis and modelling was required. The development was within walking distance of amenities and also benefited from local bus services. It would not be sustainable at appeal to refuse the application on highways grounds.

Tom Baker of GVA addressed the Committee on behalf of the applicant. West Rainton was identified by Durham County Council as a local service centre and was well served by public transport to Durham, Houghton le Spring and Sunderland.

There had been an extensive public consultation on the proposed development and consultation had taken place at the Jubilee Village Hall in August 2017 to which residents, County Councillors and the Parish Council had been invited and as result of the consultation the number of dwellings proposed had been reduced from 70 to 65.

The applicant had worked with the local authority and NHS to increase capacity at Belmont School and the GP surgery. The development was proposing 13 affordable homes, a s106 agreement to the value of almost £1½m and up to 200 new residents for the village to support local businesses and services.

The proposed development had received no objections from statutory consultees and would not have an adverse impact on highway safety, indeed it brought with it an improved road marking scheme. Concerns regarding GP provision, schools and roads had been addressed and many residents supported the development which would attract families to the village and contribute to the infrastructure. Mr Baker asked the Committee to support approval of the application.

Councillor Jewell informed the Committee that applications such as this were very difficult where there were local objections which could not be considered under planning legislation. Highways issues had been addressed as had school issues and the concerns of the police that there was a risk of increased crime because the development was near a main road had also been addressed.

Councillor Temple sought comment on the landscape officer views at paragraph 107 that the development would have a transformative and significant adverse impact on the immediate local landscape. Councillor Temple also asked whether the development site was identified for housing in the County Durham Plan and what its position was in the SHLAA.

The Senior Planning Officer replied that the site was not assessed in the SHLAA and was not identified for housing. The development of any greenfield site would have a transformative impact and although the development would result in some visual harm landscape mitigation was being proposed. The impact of the

development on the landscape was not considered sufficient to recommend refusal of the application.

Councillor Temple informed the Committee he had concerns about the increased number of applications on the edge of settlements. The Committee was advised for some applications that local Plan policies were out of date and figures were quoted for a housing land supply but if new calculations were used the Council did have a suitable housing land supply.

Councillor Jopling agreed with Councillor Temple that the Committee needed clarification on the housing land supply figure. Councillor Jopling added that more detail of mitigation plans should be included in the Committee report.

Councillor Jewell informed the Committee that he had considered the objections and support for the application and had found no grounds to reject the application which would be defensible at appeal. Councillor Jewell **moved** approval of the application.

Seconded by Councillor Clerk, and upon a vote being taken it was

Resolved:

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the following:

- Provision of 20% affordable housing on site equating to 13 units;
- £130,752 towards education provision and providing additional teaching accommodation at Belmont Community School;
- £122,460 for improving offsite open space and recreational provision in Sherburn Electoral Division;
- £50,000 for community schemes and initiatives in West Rainton Parish;
- £175,000 for improving access to healthcare provision in West Rainton Parish;
- £6,000 for improving public transport infrastructure in the vicinity of the site;

and subject to the conditions contained in the report, as amended.

b DM/17/02244/FPA - Bowburn Hall Hotel, Bowburn

The Committee considered a report of the Senior Planning Officer regarding an application for extension of existing ballroom, erection of a new extension for new toilet facilities, creation of a new timber framed deck and pergola to rear elevation at Bowburn Hall Hotel, Bowburn (for copy see file of Minutes).

A Dobie, Team Leader – Central and East gave a detailed presentation of the application which included a site location plan, aerial photograph, site photographs, existing and proposed layout, elevations and floor plans. The Team Leader informed the Committee that the application had been deferred from the last meeting of the Committee because Members had expressed concerns about noise from the proposed application, and a Senior Environmental Health Officer was in attendance to address any queries from Members. He also requested that if

Members were minded to accept the recommendation of approval, authorisation be given to officers to amend Condition 4 to refer to adjacent residential properties on Leyland Close.

Councillor J Blakey, local Member, addressed the Committee. While she was pleased that there was a Senior Environmental Health Officer in attendance to answer queries about this application, there were still concerns from local residents about levels of noise from the proposed development. Councillor Blakey acknowledged that Bowburn Hall was a benefit for the village of Bowburn, but asked that consideration be given to those residents who lived on the boundary with the Hotel. Local residents needed a guarantee that the noise generated from the proposed development would not cause a nuisance and not only a condition attached to the consent. The way the proposed conditions were managed was paramount. The conditions should guarantee that if and when local residents experienced a noise problem this would be dealt with immediately by management of the Hotel, rather than them having to fill in diary sheets to log the noise problem. Local residents wanted some consideration given to how they lived their lives.

Councillor M McKeon, local Member, addressed the Committee. While she was proud to have a business like Bowburn Hall in the village, there were serious concerns about this application, in particular the enforceability of the proposed noise management plan. Part of the proposed noise management plan was to ensure that doors and windows were closed while music was being played but heat would be generated during events which involved live music, alcohol and dancing and this could lead to windows and doors being opened. Councillor McKeon asked how many supervisors would be patrolling the grounds of the hotel to enforce the noise management plan when events took place and how stewards would be trained. If residents were being disturbed by noise from the Hotel because conditions were not being enforced, would they be able to call council officers at the time? These concerns were borne out of existing issues with the Hotel and Councillor McKeon urged the Committee to think about the enforceability of the proposed noise management plan.

Councillor S Dunn, local Member, addressed the Committee. There were current and a history of noise issues from the Hotel for local residents. The veranda and windows to the existing ballroom were part of the current problem and doors would only block noise if they were closed. Assurances were sought that the measures in the noise management plan were enforceable and that signs would be placed next to the doors stating they must be closed and to include this in any hire agreement the Hotel has with customers.

Mrs Scarr, local resident, addressed the Committee. She informed the Committee that she was aware of the position of the Hotel when she moved in to her property, but at the time it was a small, country house type of hotel. The Hotel then extended its restaurant and functions room and hosted discos and live bands which led to noise issues. Residents received no co-operation from the Hotel manager when they rang to complain about the noise. Mrs Scarr suggested that noise testing should be carried out when events were in full flow at the Hotel.

Mr Scarr, local resident, suggested that local people should be provided with a contact telephone number to report noise problems or a method to monitor noise issues should be proposed if there were problems. Noise was created both inside the venue and by people outside of it. A method of recording complaints was needed, Mr Scarr did not believe the Hotel would address noise issues because it had not in the past.

Mrs Harker, local resident, addressed the Committee. She asked that when local residents complained and nothing happened, where they would go from there. There was no communication with the Hotel. Mrs Harker suggested that noise monitoring should be carried out in local resident's houses.

Mr White, agent for the applicant, addressed the Committee. The proposed development would be an improvement on the current situation at the Hotel and the proposed noise management plan was a substantial undertaking. The proposed ballroom would be fully air conditioned which was an improvement on the current situation, and this would avoid the need to open windows and doors. The increased size of the ballroom would allow for sound equipment to be directed appropriately to avoid noise nuisance and the proposed new windows would have increased sound deadening properties.

Mr C Eedie, Hotel Manager addressed the Committee. Concerns had been expressed regarding noise. When music was on the doors would be closed the doors would be closed after 7 p.m. and people would be discouraged from using outdoor areas near to Leyland Close. The new materials to be used in the extension would reduce noise. Any complaints procedure was the complaints procedure of the County Council. Outdoor space was already used during the daytime and the Hotel was already licensed for outdoor ceremonies. The Hotel took residents' concerns seriously and had worked closely with the County Council's Environmental Health Officers. The proposed development would benefit Bowburn by creating 7 jobs and increasing prosperity.

The Team Leader informed the Committee that the noise management plan had been agreed between the Hotel and the Councils Environmental Health Officers and the condition to require compliance with the plan was enforceable. If evidence was provided, legal enforcement action could be taken. Such evidence could be from officer inspections or from residents. The application was an opportunity to address concerns which had arisen from the previous lack of management controls.

Councillor Jewell informed the Committee that the application was deferred from the previous meeting because the Committee was not confident noise issues had been addressed and asked whether any negotiation had taken place between the Hotel and local residents. Councillor Jewell also asked whether the introduction of a noise management plan meant that noise issues were expected to be a problem.

Councillor Taylor replied that the introduction of a noise management plan was a proactive step to prevent problems arising.

Councillor Jopling informed the Committee that improved glazing and the introduction of air conditioning would reduce the levels of noise emission. The

Hotel provided a valuable service within the community and provided employment and Councillor Jopling **moved** approval of the application.

Councillor Temple asked the Environmental Health Officer whether, in his professional opinion, the noise impact would be reduced, unchanged or made worse by the proposed development. M Anslow, Senior Environmental Health Officer replied that the noise impact would be reduced. There was a requirement for a noise limiting device to 85db for the music level within the Hotel and also improvements to the structure of the Hotel which would reduce the emission of noise. There was also to be a noise management plan introduced which did not currently exist.

Councillor Temple informed the Committee that he considered this to be a local issue as much as a planning issue. The Committee had received an assurance from the Senior Environmental Health Officer that the proposed development would do no harm and would improve the current situation and **seconded** approval of the application.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the conditions contained in the report, including amendment to Condition 4 as requested by the planning officer.

c DM/17/04108/FPA - East Durham Garden Centre, South Hetton, Peterlee

The Committee considered a report of the Senior Planning Officer regarding an application for a new glasshouse and warehouse at East Durham Garden Centre, South Hetton Road, Easington Village (for copy see file of Minutes).

A Dobie, Team Leader – Central and East gave a detailed presentation of the application which included a site location plan, aerial photograph, site photographs, proposed site layout and elevations.

Ms P Stubbs, owner of the garden centre, addressed the Committee. The garden centre was operated by a family owned and run independent company and had been acquired in 2006. It was a flagship destination garden centre but required warehouses and glasshouses to support goods inwards and improve safety on the site. Ms Stubbs informed the Committee that she was excited for the project which would ensure the garden centre was a sustainable success.

Councillor J Clark informed the Committee that the application had been brought to Committee because it was classed as a major application and **moved** approval of the application.

Councillor Jewell informed the Committee that he could find no problem with the application, which had conditions attached to it to provide safeguards. Councillor Jewell **seconded** approval of the application.

Councillor Jopling informed the Committee that it was a joy that people were willing to invest in the future of County Durham.

Upon a vote being taken it was

Resolved:

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

d DM/18/00058/FPA - Land adjacent to The Lodge, Laburnum Avenue, Durham

The Committee considered a report of the Planning Officer regarding an application for the demolition of a garage and erection of 1 no. house in multiple occupation (Use Class C4) on land adjacent to The Lodge, Laburnum Avenue, Durham (for copy see file of Minutes).

S Hyde, Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site photographs, existing elevations, proposed site layout, proposed elevations and floorplans and proposed street scene.

The Planning Officer informed the Committee that since the publication of the Committee report access had been obtained to 21 Laburnum Avenue which showed that the ancillary residential windows referred to in Paragraph 56 of the report were in fact main aspect windows, and this led to a second reason for refusal as follows:

The proposed dwelling, due to its siting and scale, would detrimentally affect the residential amenity of the habitable room windows on the ground floor side elevation of 21 Laburnum Avenue. This is contrary to Policy Q8 of the City of Durham Local Plan 2004'

The Planning Officer also drew Members' attention to a late representation from Roberta Blackman-Woods MP who urged refusal of the application.

Councillor L Brown, local Member addressed the Committee. Councillor Brown thanked officers who had, quite rightly, recommended refusal of the application. Officers had cited the interim policy on student accommodation and saved Policy H13 which referred to the adverse effects on resident's amenity and also NPPF paragraphs 50, 58 and 69.

There were other policies which made the case for refusal much stronger. Saved Policies E6 and E22 sought to protect the Durham City Conservation Area from what could be perceived as inappropriate development, H10 stated tandem development must not affect the amenities of existing dwellings and H14 required developers to enhance a residential area.

Councillor Brown drew the Committee's attention to NPPF paragraph 56 which laid down the edict that good planning and good design should make places better for people, that is, local residents.

Objectors to the application had described the difficulties of living in a community with HMO's and absent landlords, including parking, noise, rubbish and general seediness. Councillor Brown reminded the Committee that the Byland Lodge development was originally seen as a diverse attractive residential environment which would impact positively on the community.

Councillor Brown gave two approaches to development in this area. The first was a quote from the original applicant 10 years ago which stated this development was designed to create an attractive residential development which respected the amenity of existing residents and contributed to the character of the Conservation Area. The second was from this application which was promoted as not having an adverse effect on the area.

Councillor Brown asked that the application be refused.

Councillor Freeman informed the Committee that the proposed development was contrary to the Interim Policy relating to student accommodation with 64% properties within a 100m radius being student properties. The area had seen 19 Police Community Protection Orders being issued since the start of the year as well as 19 fines being issued by Neighbourhood Wardens. Byland Lodge was supposed to create a balanced community and provide a mix of housing, and Councillor Freeman **moved** that the application be refused.

Councillor Jopling **seconded** refusal of the application adding that a lot of purpose built student accommodation was currently being built in Durham.

Upon a vote being taken it was

Resolved:

That the application be refused for the reason outlined in the report and the additional reason reported to Committee.