

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Thursday 9 May 2019 at 2.00 pm**

### **Present:**

**Councillor J Clare (Chairman)**

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

Councillors J Atkinson, D Bell, L Brown, J Chaplow, J Maitland, G Richardson, F Tinsley and S Zair

### **Also Present:**

Councillor Tanya Tucker

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

Apologies for absence were received from Councillors E Huntington and J Shuttleworth.

#### **2 Substitute Members**

There were no substitute Members in attendance.

#### **3 Declarations of Interest (if any)**

There were no declarations of interest.

#### **4 Minutes**

The Minutes of the Meeting held on 18 April 2019 were agreed as a correct record and signed by the Chairman.

The Chairman changed the order of business so that item no. 5b) was considered first.

#### **5 DM/19/00930/PNC - 1 Kensington Bishop Auckland**

The Committee considered a report of the Senior Planning Officer regarding an application for prior notification with regards to a change of use from offices (Use of Class B1 (a)) to 8 residential units comprising of 7 one bedroom apartments and 1 two bedroom apartment (Class C3). Members were required to determine whether prior approval was required for the proposed change of use (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included site location plan, aerial photographs, site photographs and a description of a Class O application, highlighting the matters for consideration;

- a) Transport and highways impact of the development
- b) Contamination risks on the site
- c) Flooding risks on the site
- d) Impacts of noise from commercial premises on the intended occupiers of the development

Councillor Tucker, local Member, addressed Members and confirmed that she had reported the application to Committee due to highways concerns. She referred to the site photograph on McIntyre Terrace and suggested it had been taken during off peak hours as it was not a true representation of area, for the majority of the day. In principle, Councillor Tucker believed the proposal was a good use of an old building, however the fact that this proposal had the potential to add an additional 16 vehicles onto the congested streets of Bishop Auckland meant that she could not support it.

One of the biggest issues for residents was that they were unable to get parked outside of their own homes and often had to park in a different street. She referred to daytime being particularly difficult as there were a number of local businesses with many staff using the nearby streets for on street parking. There was the additional burden of the road adjacent to the building being a bus route and there was a local school which at peak times left the area at a standstill. The route was dangerous for drivers but especially pedestrians, as parents parked on double yellow lines and traffic was bumper to bumper.

Councillor Tucker referred to the number of businesses in the area, one of which she had found had 27 members of staff who all travelled to work by car and all parked in the streets around Cockton Hill Road, having to arrive early to get a space. There were highway safety features outside of the school which were not adhered to, the pedestrian crossing was dangerous because it was not visible on approach due to parked vehicles. Finally Councillor Tucker explained that unless parking issues were addressed in Bishop Auckland, it would be irresponsible to allow additional vehicles from a residential development.

Councillor Lethbridge, Local Member, had submitted a statement to be considered by the Committee which was read out in full. Councillor Lethbridge supported residents and summarised volume of traffic and parking issues as being the main issue. He also considered the potential use of the flats which could result in anti-social behaviour and noted past experience in nearby Boucher Court. He referred to the lack of planning responsibility with regards to the issue of occupancy, however this seemed like an abnegation of duty - people did not want to live in fear of traffic or social problems. Finally, as part of his civic duties Councillor Lethbridge had recently visited Cockton Hill Infant and Junior Schools and was in dialogue with traffic officers and local police with regards to the parking difficulties around the school sites.

Mrs Appleton, local resident, addressed the Committee in objection to the proposal. In addition to the parking issues, she asked Members to consider the difficulty in receiving home deliveries as drivers were often left to deliver to the rear where large vehicles were restricted. She referred to the comments from the Applicant which claimed that the former use of the building did not have 15 staff at one time, but she was aware that the building was used for supervised family contact and not on a daily basis. She also suggested that it was not an office base for staff as they did not report to the office daily, which suggested much less traffic was generated. As one of the residents who lived opposite the building, many were concerned with regards to loss of privacy as there were 6 windows to the front of the building which directly overlooked the properties opposite. There was also a number of windows to the side and rear of the building which would cause the same issues. With reference to the comments regarding antisocial behaviour not being a planning matter and that the property would be well maintained, she questioned whether the landlord would manage the property or whether it would be privately managed, also questioning whether management would live in the vicinity. Mrs Appleton considered there to be sufficient accommodation of this type in the area which were not fully occupied.

The Chairman summed up the comments from objectors and reminded the Committee that they could only consider the issues in respect of only four issues.

The Principal DM Engineer confirmed that there were indeed various highways and parking issues and no doubt that residents suffered difficulty with regards to congestion, however there was no basis for an objection as the building had existing office use. Referring to Councillor Tucker's submission, he confirmed that in principle 27 members of staff could occupy the building without the requirement of planning permission. The overriding issue was therefore whether the change of use would have a negative impact over and above that which could arise under the existing permission.

Acting on behalf of the Applicant, L Sadler confirmed that the applicant was seeking to determine whether prior approval of the Local Authority was required and reiterated that only four issues could be considered. It had been accepted that there were no issue on three of the points and the key consideration under Class O was whether the change of use would have a negative highways impact, when considering the representations from local residents. Ms Sadler reminded Members of the use as an office development. The building had been formerly occupied by Durham County Council and with 15 individual office rooms could accommodate at least 15 or more staff as there was no restriction on the number of staff or visitors. When judged against what could happen if the building was reopened for office accommodation, the change of use would not result in an increase in the number of vehicles. In Ms Sadler's experience, it was likely to reduce the amount of vehicles as people with cars did not tend to live in accommodation with no on-site parking provision. The proposal encouraged alternative transport with the inclusion of cycle provision. Ms Sadler confirmed that there would be no wheelie bins commercial bins would be provided and only be placed on the street for collection, after which they would be returned to storage. Although anti-social behaviour was unable to be considered by the Committee, Ms Sadler confirmed that the proposal was for a high-quality development and it was

therefore not in the interests of the developer to house inappropriate tenants. She referred to the external alterations which were to the benefit of the area, which was subject to a separate application, however she reiterated that there was no basis in which to refuse the application.

Councillor Atkinson confirmed that he had visited the area, which was saturated with cars, however there would be no increase from the current situation. He also suggested that the rental value would ensure that the accommodation would not result in antisocial behaviour.

Councillor Tinsley summed up the application as everything that was wrong with the planning process. The Government had taken away powers from local planning authorities and communities in 2010 and he sympathised with the local members and residents for the position they found themselves in. This development *would* impact on privacy and it *would* impact on traffic, however the application of Class O, which had been introduced to assist in problematic buildings in the South of the Country, left residents powerless. He referred to the concerns with regards to antisocial behaviour and the fear of the building being turned into slums, but confirmed that the Committee was limited to what they could consider. Essentially, Members could only consider whether the traffic would worsen and they had heard that there was no material difference between the proposal and the existing permitted use. The apartments could generate 16 vehicles, but the current office use was not sufficiently different. Also taking into account the times of day, people were likely to park during off peak hours as most would be at work during the day. The change of use was not going to generate a significant increase in traffic and that was why, although unfortunate, there was no option but to go along with the recommendation. Councillor Tinsley finally commented on the positive aspect of the application which was that an old building would be redeveloped, but he apologised that Members' hands were tied.

Councillor Zair confirmed that although this was not his ward, it was parallel to his ward and affected people on both sides. He sympathised strongly with residents, but acknowledged that Members were in a powerless situation. He considered 8 flats was too many and queried why the developer had not condensed the number to make it more appropriate for residents. He was surprised that the recent fatalities on Cockton Hill Road had not been mentioned as there had been 3 in the same number of weeks, which highlighted significant highway issues in the local area. He confirmed that he would not be voting on the application on the grounds of there being too many flats and due to the recent deaths associated with the nearby road network.

Councillor Tinsley confirmed that he did not intend to abstain from voting as should this application be refused, there would be no basis for the Council to defend an appeal which would incur costs and be a waste of Officer time.

The Planning and Development Solicitor confirmed that Members had all of the relevant information required to make a decision, however the application had to be determined within 56 days, which would expire on 15 May. If the application was not determined by the deadline, the Applicant would benefit from deemed approval.

In response to a question from Councillor Tinsley, the Principal DM Manager confirmed that there would be no material difference between the proposed use and the established use and therefore Councillor Tinsley moved the recommendation for approval, seconded by Councillor Atkinson.

**Resolved:**

That prior notification was NOT required for the reasons outlined in the report.

**6 DM/19/00119/FPA - Teesdale Comprehensive School, Prospect Place, Barnard Castle**

The Committee considered a report of the Planning Officer regarding an application for proposed MUGA (Multi Use Games Area) Building at Teesdale Comprehensive School (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included site location plan, aerial photographs and photographs of the site.

Councillor Richardson confirmed that as Local Member, he had not received any representations with regards to the application and therefore moved the recommendation for approval which was seconded by Councillor Atkinson.

**Resolved:**

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

**7 Planning Development Management Performance Summary 2018/19**

The Committee received a detailed Performance Summary of the Planning Development Management Service, for 2018/19 (for copy see file of minutes).

**Resolved:**

That the report be noted.