

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 24 October 2019 at 2.00 pm**

Present:

Councillor J Clare (Chair)

Members of the Committee:

Councillors J Atkinson (Vice-Chair), D Bell, L Brown, J Chaplow, G Huntington, I Jewell, S Quinn, G Richardson, J Shuttleworth, F Tinsley, A Gardner and J Higgins

Apologies:

Apologies for absence were received from Councillor Jan Blakey and Councillor Joyce Maitland

1 Apologies

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2 Substitute Members

Councillor A Gardner was substitute for Councillor S Zair and J Higgins for E Huntington.

3 Declarations of Interest (if any)

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 19 September were agreed as a correct record and signed by the Chair.

5 Applications to be determined

6 DM/19/02500/FPA - The North Eastern Hotel, Clarence Street, Spennymoor

The Committee considered a report of the Senior Planning Officer regarding an application for a change of use and extension to form 18 no. 1 bed assisted living residential units with shared facilities at The North Eastern Hotel, Clarence Street, Spennymoor (for copy see file of minutes).

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

Councillor Geldard, Local Member and Member of Spennymoor Town Council, confirmed that the former public house was of the highest priority for the Town Council with regards to regeneration and there was no doubt that Changing Lives did a good job in assisting people who needed help the most, however this application had received such a high number of objections which could not be ignored.

The feeling from local residents and of those in the wider area was that this was not the right place for this type of use and it would be disruptive and detrimental to the area. The area already had a problem with drugs and antisocial behaviour which could be exacerbated as vulnerable service users could fall victim to suppliers who were known to be in the area. There were other more suitable areas which could do this type of facility more justice, this was not the right location.

Councillor Maddison, Local Member, confirmed that this application would bring back into use a Town Centre property which had been derelict for many years. The design of the building was iconic and had been featured in many photographs and paintings over the years. The building had historical links which would be lost if the building was not restored. The owner had explored other avenues in order to have the building restored however there had been no interest and this was the only avenue that was left.

There had been no objections raised by the police, but residents did need reassurance. There was a list of conditions to ensure statutory requirements were met and she hoped that residents would be assured by speakers on behalf of the applicant and Changing Lives.

Councillor Thompson, Local Member, confirmed that it was over a year since he was first made aware of the application and due to the number of concerns regarding the location, he and Councillor Maddison became involved on the basis that this could have been a delegated decision. It was imperative for residents to have their say. Councillor Thompson confirmed that himself and Councillor Maddison had visited two similar buildings and the way in which they were operated raised no concerns. Both Councillors insisted on a full public consultation which was attended by representatives from the Council and the Applicant. More took place, which were attended by the Police, and people seemed to be positive in relation to a revamp of the building and the help it would give people to get their lives on track.

Councillor Thompson confirmed that local residents' concerns remained as outlined in the report. He reassured them that should the application be approved, he would

continue to monitor the project and he and Councillor Maddison would ensure they were available, for anyone experiencing issues.

Ms K Heirons, Town Clerk for Spennymoor Town Council, confirmed that she had asked for the application to be called in as she felt the Committee was the rightful place for the application to be debated and allow public concerns to be addressed. The Town Council felt that it was important for Members to understand the effects this type of use would have on the local community. Residents had heard who would not be housed in the units but required full details of who would be housed in them. She wanted to ensure that if the application was approved that none of the conditions would be amended.

In response to a question from the Chair, the Senior Planning Officer confirmed that a condition was attached which required a management plan to be submitted before the commencement of any works, any changes would be a breach of that condition.

The Chair confirmed that due to the number of objectors he had increased the shared time from five minutes to six between them. He also confirmed that in response to a request from Ms C Bell, he had agreed that a presentation from Ms C Bell, be circulated to Members prior to the meeting as per her request and they had all been given the opportunity to read it.

Ms Bell spoke in objection to the application and made reference to the impact on the residential amenity with regards to noise and disturbance. She confirmed that this area was a community which already suffered from tenants suffering from substance misuse, there had been a recent cannabis farm uncovered and reported by Durham Constabulary and there were issues with antisocial behaviour and a recent reported stabbing in the town centre.

This application would impact on the amenity of local residents as well as vulnerable elderly people who lived in sheltered accommodation adjacent to the building. There was also a risk to vulnerable service users by housing them in a neighbourhood which had issues relating to drugs and located near to various outlets selling discounted alcohol. They could be targeted which would be detrimental to their rehabilitation.

The application only included parking provision for three vehicles which was inadequate for a unit with 24-hour staffing and they had poor visibility on a route which was used by primary school children.

Ms Bell confirmed that over 400 people expressed views against the proposal on a social media post for residents of Spennymoor. Most felt it was the wrong location and many of them had commented on the fact that the public consultation had been held during work hours. People who did attend were not given any information on who would be housed in the units and people were concerned following information relayed about the site in Plawsworth, which was not situated in a town centre.

In conclusion this was not the right location for this type of proposal. Spennymoor had significant existing problems with many crimes unreported for fear of reprisals and the local police station closed at 6pm on an evening.

In response to a question from the Chair with regards to the effect not only on local residents, but on vulnerable people who may occupy the units, the Senior Planning Officer confirmed that there was no evidence to suggest anyone would be at risk of harm and noted that there had been no objection from the police. He also advised that this was not a material planning consideration.

Ms L Blaney, local resident, confirmed that as a local Estate Agent Branch Manager, she was approached by Housing Solutions to house ten people. These people caused significant problems such as not complying with their rental agreement, not keeping the houses in order and one house in the immediate vicinity of the proposed site was operating as a den for drug dealing and drug taking.

The proposal was too close to a residential area, in the heart of a town which needed positive investment. She referred to the houses which had already depleted in value which would continue with this type of provision nearby. It was becoming more difficult to rent out properties in the area, and more so since this application had been publicised. It was her view that it needed to be converted to a pub again, not housing units.

Ms Hall confirmed that the Homes Reduction Act gave local authorities more responsibility to house people in appropriate accommodation and rehome people where possible and prevent homelessness. There was an assessment centre to ensure the suitability of residents and this would result in appropriate housing being allocated. Residents had to meet criteria which was strictly applied and if they did not, they would be housed in alternative accommodation. This accommodation was suitable for low to medium support needs and if they became higher at any point, they would be reassessed.

Mr Bird, Changing Lives, confirmed that it was important to note that the project was therapeutic support for people who were at risk of becoming homeless. It was a facility which was minded 24 hours by staff who had received specialist training. Residents were risk assessed and safeguarding of individuals was of the utmost importance. The project focused on enabling a pathway to employment, with sessions for life skills, budget and ultimately the ability to maintain a property.

The security of the building included CCTV and a locked door and entry system. Mr Bird confirmed that he did not want the proposal to cause any problems within the local community and offered for himself to be included in any local residents' meetings. He would also provide contact numbers for any Manager to be contacted at any time if there were any concerns.

Finally Mr Bird confirmed that there were various meetings which would be held to the management of the facility was working and address any issues, including a community steering group.

Mr Bird responded to some of the objector concerns and confirmed that before anyone was accepted on to the programme they were assessed and placed an appropriate location and if something went wrong, they would not remain in the building. There was alternative provision for individuals who would otherwise be made homeless. In response to concerns regarding the impact on service users by local crime, he said that there was support offered with regards to building resilience during the programme and not making negative life choices. Drugs were available in any locality, he did not believe it was any less difficult to find drugs in any other location.

Councillor Shuttleworth commented on those who were reassessed and found to be unsuitable, and asked where they were placed. He felt that approving the application would create more problems for the people of Spennymoor. In response Mr Bird confirmed that they would be referred back to the beginning of the pathway.

Councillor Quinn confirmed that she had worked in sheltered accommodation in Spennymoor and had good knowledge of the work which was accomplished with people who were vulnerable. There were nearby flats which housed vulnerable people and it was obvious that people did not want to reside near this type of residence, but at the same time this was a valuable service assisting people to get their lives on track. She confirmed that there were other assisted living facilities in the area and they had a lot of staff support, excellent security and they did not result in cause for complaint as they were well-managed premises. Finally, she confirmed that the refurbishment of the premises would only assist to improve the area.

Councillor Brown queried the length of stay for individuals and Mr Bird confirmed that the average stay was estimated at 6-9 months.

Councillor Tinsley had concerns with regards to the negative impact which could be created as a result of the application, however if the building was left to decay, this would equally have a negative impact. He confirmed that most areas had issues with regards to antisocial behaviour and drugs but some were managed better than others and there was no doubt that this facility had procedures in place to ensure it was very well managed.

Councillor Atkinson noted that the impact on service users could not be anticipated and it was not a material consideration for the Planning Committee. He noted that people in the area were desperate for the building to be brought back into use and this was a reason enough to approve.

Councillor Gardner confirmed that it was not uncommon in high density areas with a number of rented properties and absent landlords to have problems with antisocial behaviour. This was an iconic building and like many others, had ended in a state of decay. It needed some investment to bring it back into serviceable use and if it was not, it would likely be demolished. The Planning Committee could not allow emotions to conclude this application, and although Councillor Geldard had made some good points, the Committee could only apply reasoning under planning policy.

Councillor G Huntington confirmed that it was natural for residents to have concerns bought the case to bring this building into use was too strong to deny. There could be no assumption that service users or residents would be impacted and on the occasions they may have issues, there was a management plan to be adhered to and there were agencies to deal with any issues from the use of the building and the police would deal with any crime in the area.

Councillor G Huntington moved approval of the application as outlined in the report, seconded by Councillor Jewell.

Resolved:

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

7 DM/19/02010/FPA - Land at Winston Bridge Caravan Park, Ovington Lane, Ovington, Barnard Castle

The Committee considered a report of the Senior Planning Officer regarding an application for the demolition of existing structures, Proposed 36 no. static caravan and/or lodge pitches, site office and parking with associated infrastructure, amendments to the site access, engineering works and landscaping Land at Winston Bridge Caravan Park, Ovington Lane, Ovington, Barnard Castle (for copy see file of minutes).

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

Councillor Shuttleworth noted the application was positive for the economy and moved the recommendation to approve.

Councillor Richardson confirmed that this area was in his ward. He was disappointed to see objections as this could only benefit the area.

In response to a question from Councillor Jewell, the Senior Planning Officer confirmed that there was a condition to agree precise drainage details. Councillor Jewell therefore seconded the recommendation.

Resolved:

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

8 DM/19/02002/OUT - Site of Former Kensington Hall Hotel, Kensington Terrace, Willington

The Committee considered a report of the Senior Planning Officer regarding an application for a housing development of 16 dwellings (outline – all matters reserved other than access) (amended 5.9.19) on the site of former Kensington Hall Hotel, Kensington Terrace, Willington (for copy see file of minutes).

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

Mr Lavender, Agent, confirmed that over the past 12 years a number of applications had been approved for development, but nothing had been implemented. Venturing into the reasons behind this, it could only be concluded that they were the wrong type of housing and the schemes were not deemed to be viable to investors.

This application was wholly compatible and consisted of a mixed development, making it more viable. It had been scrutinised over the past four months and subject to revisions, reducing it from a 17 to 16 dwelling application. There had been no objection from internal consultees and this was a derelict piece of land which would finally result in the construction of dwellings.

Councillor Tinsley confirmed that this was a site within his ward and he questioned the Highways Officer on the adequacy of the junction to the A690 and explain the appropriate level of parking which would be on site. The Principal DM Engineer confirmed that the parking would comply with the Council's Car Parking and Accessibility Standards which was based on the size of each house. With regards to the junction, the number of houses equated one extra vehicle every five minutes during the peak period. The junction itself had partial visibility to the West and visibility to the East was unrestricted. It was a former hotel and had been granted permission for 44 and 38 no. apartments respectively, therefore when considering the application in that context, the amount of housing proposed could not sustain a refusal.

Councillor Tinsley confirmed that there was a lot to gain from development of the site, however he was concerned that this was another application which may not come to fruition. He did comment on the scale of the houses as he felt the floor space was insufficient and there were terraced houses in the area which were bigger and cheaper, which could impact on viability. This however was a brownfield site and would bring a derelict site back into use.

Councillor Shuttleworth moved the recommendation to approve as this would bring back into use an area of derelict land.

Councillor Richardson agreed the houses were small but balanced against a high need for development.

The Senior Planning Officer added that this was outline permission for up to 16 houses and reserved matters would need to agree the size and scale of the dwellings. The application did comply with affordable housing and section 106 contributions.

Councillor Atkinson seconded the recommendation to approve.

Resolved

That the application be APPROVED subject to the following conditions and the completion of a s106 agreement to secure:-

- 3 no. affordable dwellings,
- £27,667.50 towards off site open space provision,
- £7,728 towards the provision and improvement of healthcare facilities and,
- £6,000 towards biodiversity mitigation;

And the conditions outlined in the report.

a DM/19/02221/FPA and DM/19/02222/LB - 80 Newgate Street, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding an application for Change of use of former department store to 3no. ground floor units with flexible A1/A3 use and 27 apartments, associated internal and external alterations and partial demolition at 80 Newgate Street, Bishop Auckland (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site. She informed Members of the need for a S106 agreement to secure a payment of £34,782 towards the provision and/or enhancement of offsite open space.

Councillor J Allen, Local Member, addressed the Committee on both applications and welcomed the proposal to provide more quality retail units, but she had concerns about the residential conversion. She urged the developers not to look to make a short term profit, which would have a negative impact on the long term sustainability and viability of the high street, but to capitalise on the expected growth in visitor numbers and prioritise the alternative plans to convert the existing building into a hotel.

She was concerned about the saturation and conversion of high street accommodation into single bed units emphasised that care should be taken now to ensure that problems were not created which would be regrettable later. Councillor Allen understood that permission may be granted for both but this proposal did not provide the same economic social and environmental opportunities as the hotel. Although permission may be granted she urged the developer to consult with local members as a matter of urgency to ensure they focused on an application which would benefit not only Bishop Auckland but County Durham as a whole.

She was also a Town Councillor and Cabinet Portfolio Holder for Transformation, Culture and Tourism and this hotel would be of great benefit the South of the Region. It had been report in the visit County Durham Accommodation Strategy that the Council needed to support and accelerate applications such as this, to capitalise the opportunities for growth and provide quality accommodation. Overnight stays were worth £184 per day compared to £21 per day visitors, hence the determination to encourage more applications like this to provide more accommodation for tourists.

Bishop Auckland was on the gateway to the Dales, which had a growing market for tourism and culture. Bishop Auckland were anticipating a number of world class attractions within a ten minute walk of the market place, including Kynren, Auckland Castle, Spanish Gallery, Walled Garden, Faith Garden, Medieval Park, Binchester Roman Fort, Mining Art Gallery, the Locomotion National Railway Museum, Bowes Museum, Raby Castle, making it a destination of choice.

There was not enough hotel accommodation to meet the anticipated growth in tourists, hotels were currently of 71% occupancy which would not meet the demands of the market. The town had a railway station, with excellent railway links to Darlington and the East Coast main line. Finally Councillor Allen urged developers to speak to local members and focus on the hotel which would benefit the County as a whole.

H Chapman, Agent, confirmed that she would be encourage the developers to consult with local members.

Councillor Tinsley could see why the developer had submitted two separate applications and Ms Chapman confirmed that the Applicant had submitted two applications due to marketing and to see which application would gain more interest. He was concerned that it appeared the Applicant was considering the market for a hotel, and would go out to hoteliers to see if there was any interest but if it didn't take off, the residential units would be the fall back.

Councillor Gardner had spoken to another local member, Councillor Zair, prior to the meeting and he agreed with Councillor Allen's views on suitability and that the hotel was a more appropriate use. Notwithstanding he queried the suitability of bin storage, cycle parking and car parking in both applications. There was not a space for every apartment and transport links in Bishop Auckland were unreliable – there were two services from Bishop Auckland to Spennymoor and therefore occupants would likely need a vehicle.

The Senior Planning Officer responded that the site was within the town centre, with public transport links, a train station and off-site parking. In addition, there had been no objection from the Highways Authority.

Councillor Shuttleworth noted that there had been no mention of antisocial behaviour in Bishop Auckland and supported bringing such an attractive building back into use.

Councillor Chaplow confirmed that she agreed it would be best suited as a hotel as it would bring jobs and tourists to the town centre. One bedroom apartments were not adequate.

Councillor Quinn also agreed that it was unlikely the scheme for residential units would work however the Chairman reminded Members that this was not an application for them to choose which out of the two usage they preferred.

Councillor Atkinson confirmed that he was in favour of both applications and noted that the choice was the prerogative of the Applicant.

Councillor Richardson confirmed that just a few hundred yards away from this site there was a pub which had been converted to flats and in his opinion, not up to a high standard. He referred to parking issues in the town centre and wardens issuing tickets, which deterred shoppers and tourists.

Councillor Shuttleworth moved the recommendation to approve, seconded by Councillor Atkinson.

Resolved:

That the application be APPROVED subject to the completion of a Section 106 agreement to secure a payment of £34,782 towards the provision and/or enhancement of offsite open space and the conditions outlined in the report.

9 DM/19/02223/FPA and DM/19/02224/LB - 80 Newgate Street, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding an application for Change of use of former department store to 3no. ground floor units with flexible A1/A3 use and 62 no. bedroom hotel, associated internal and external alterations and partial demolition at 80 Newgate Street, Bishop Auckland (for copy see file of minutes).

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

Councillor Clare reiterated some of the comments with regards to the insufficiency of one bedroom apartments, the inadequate parking, bin storage, off street parking, cycle facilities and transport issues, and asked the Council's Solicitor to give advice on whether there were any material grounds to refuse the application.

The Solicitor confirmed that the issues highlighted, in his opinion, were insufficient to sustain a refusal and he did not think the Council could defend a decision on those grounds on appeal.

Councillor Jewell confirmed that many of the issues which had been highlighted were subjective rather than material planning considerations. His concerns were with regards to parking, refuse storage and cycle storage, however in the absence of parking, people were expected to consider walking and cycling and he wondered what provision was in place.

Councillor Tinsley referred to the struggling high street with vacant units, and he confirmed that in future Councils were going to have to consider residential units. He asked if the Highways Officer could comment on the adequacy of the car parking on site.

The Principal DM Engineer confirmed there was a ratio of 0.7 spaces per flat which was adequate given the town centre location, which was close to shopping, employment, public transport and public car parking facilities. There had been reference made to the efficiency of parking wardens relating to on street and off street parking, which was in abundance nearby. The existing building had already a planning use for retail and in terms of making a sustainable objection, it would be extremely weak. Ultimately, future occupiers would have to make a decision on whether they wished to reside in a town centre location with no parking and should they choose to use the public car parks nearby, they were regularly monitored. The provision was not far from meeting the Councils parking standards.

The Chair agreed that he found it difficult to reject the application that there was a lack of parking and cycle storage.

Councillor Shuttleworth moved the recommendation to approve which was seconded by Councillor Atkinson.

Resolved:

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

10 DM/19/02547/FPA - Clarence Green and Travellers Green, Newton Aycliffe

The Committee considered a report of the Planning Officer regarding an application for 47no. dwellings and associated infrastructure at Clarence Green and Travellers Green, Newton Aycliffe (for copy see file of minutes).

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

Councillor Atkinson confirmed that the development was in his ward and he had visited residents in Phase 1 of the development and was very impressed with the standard of build. He moved approval as per the recommendation.

Councillor Tinsley confirmed that he had no hesitation in seconding the application and these were high quality properties which he was familiar with as the developer had built similar dwellings in his ward.

Resolved:

That the application be APPROVED subject to the completion of a Section 106 Obligation to secure the retention of 5no. affordable units in perpetuity (representing 10% of the total number of dwellings proposed), an off-site open space contribution

of £26,085.50 and a healthcare contribution of £7,245.00, both payable in a single instalment prior to the occupation of the first dwelling, and the conditions outlined in the report.

11 Planning Development Management Performance Summary Q1/Q2 - 2019/20

Members received a report which summarised Planning Development Performance Indicators for the period Q1/Q2 2019/20.

Resolved:

That the report be noted.

12 Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

The Chair confirmed that an item of business to consider bringing forward the start time of the meeting, to be in line with other Area Planning Committees.

Resolved:

That the time of future meetings be scheduled to start at 1.00 pm beginning on 21 November 2019.