

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST DURHAM)

At a Meeting of **Area Planning Committee (Central and East Durham)** held in The Glebe Centre, Murton on **Tuesday 13 November 2012 at 1.00 pm**

Present:

Councillor C Walker (Chair)

Members of the Committee:

Councillors P Taylor (Vice-Chair), A Bell, J Blakey, G Bleasdale, J Brown, G Holland (substitute for D Freeman), S Iveson, R Liddle J Moran and A Naylor (substitute for A Laing)

Apologies:

Apologies for absence were received from Councillors D Freeman and A Laing

1 Declarations of Interest

There were no declarations of interest.

2 Minutes

The Minutes of the meeting held on 9 October 2012 were confirmed as a correct record and signed by the Chair.

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

3a 4/12/00595/FPA - Arriva Bus Depot Site off Waddington Street and Ainsley Street Durham City

The Committee considered a report of the Senior Planning Officer regarding the demolition of existing buildings and erection of 19 dwellings at the Arriva Bus Depot site off Waddington Street and Ainsley Street, Durham City (for copy see file of Minutes).

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting.

Councillor Holland informed the Committee that he wished to speak on the application as both a Committee Member and as local member for the area. He informed the Committee he would make his presentation and then take no part in the decision.

Councillor Holland informed the Committee that there was no resistance in principal to the development, but there was concern in the detail, and it was these concerns that needed to be addressed.

Flass Vale was a very important asset to the people of Durham City, and was important to people far beyond the City centre. The Vale had a rich history and was now protected by being a recognised Nature Reserve, with many people and organisations, including the County Council, now investing in its welfare.

Councillor Holland informed the Committee of his concerns around the detail of the application, as follows:

- Tree Preservation Orders should be placed on trees along the margin of the development to ensure that developers did not encroach into the Vale and damage the trees;
- A buffer zone between the houses or mews that faced the Vale needed to be devised. This might involve an adjustment to the plans to create communal space for the residents at the interface with the Vale;
- The impact of light pollution on the animal night life in the Vale needed to be addressed. One suggestion would be the erection of a substantial wall between the site and the foot of the Vale, or alternatively, mature hedging.
- Drainage was a problem in the Vale and from there into the City. The Vale once held a stream running down from a small lake at the head of the Vale into North Road. Drainage measures carried out in North Road lowered the water table in the Vale and the small lake and stream disappeared. The ground under the Vale was unstable and could cause problems, and this risk needed to be properly addressed.

Councillor Holland informed the Committee that there was currently a raft of protective Local Plan policies that addressed the four concerns raised. However, another major point of concern was that the proposed development was in the heart of student lets. Almost every house in the viaduct area was a student let, and a mechanism must be put in place to protect the integrity of this development and ensure it became a small community of families.

Finally, Councillor Holland informed the Committee that there was the potential for a series of developments in the immediate vicinity of this site, with opportunities opening up at the site of the former Fred Henderson garage, the Elliott site on Ainsley Street and the old County Hospital. This made a swathe of potential developments in a small area at the foot of Flass Vale. These should not be approached in a piecemeal fashion, but in a strategic manner to ensure a plan was in place that both harmonised and optimised the developments while also protecting the Vale.

The Senior Planning Officer responded to the issues raised by Councillor Holland as follows:

- Tree Preservation Order – there was already a condition proposed to agree precise works to be carried out to trees because the site was in a Conservation Area and subject to existing Tree Preservation Orders. Once the site was developed, the existing Tree Preservation Orders would remain.
- Buffer Zone – although a redesign of the site layout could not be agreed today, landscaping conditions were imposed for attachment to any approval to mitigate the impact of the development and provide a landscaping buffer.
- Light pollution – although there were currently no conditions around lighting, these could be included in the permission. However, a standard of lighting would be required for adoption of the roads on the development, and although discussions could be held with street lighting engineers, there was a limit on what could be done.
- Drainage – no objections to the development had been received from Northumbrian Water or The Environment Agency. Appropriate conditions would be imposed for works required to sewers and culverted watercourses.
- HMO's – the developer of the site was committed to imposing a covenant on the properties to ensure they did not become HMO's nor student occupied.

Mrs Standen, Chairperson of the Friends of Flass Vale FOFV), addressed the Committee. The Friends of Flass Vale was a community group which had over 240 members, and the concerns of FOFV about the proposed housing development centred on its impact on Flass Vale which adjoined it. The Vale was a Local Wildlife site and the part owned by the County Council was a Local Nature Reserve. However, this site and the two adjacent sites of Heron's/Henderson's former garage, Ainsley Steet, which had plans submitted for a student accommodation block, and the former County Hospital were within sight of the city centre it was felt that this should be an opportunity for an integrated approach to development which would enhance the existing character of this part of the city, which was a Conservation Area, and help redress the degradation caused by excessive multiple occupancy and resulting neglect.

Local people mounted a successful campaign in 1973 to save Flass Vale from a housing development and since the friends group was formed in 2002 it had been actively managed to enhance biodiversity and engage local people in activities such as identification of plants, moths, butterflies, bees, fungi, birds and bats, and other events such as a communal picnic, restoration of an old orchard and hedges, spring clean-up and tree planting. A task force worked 2 or 3 mornings a week, resulting in over 1,400 person hours in the last 12 months, to reduce the extent of invasive plants such as bracken, willowherb and Himalayan balsam, repair footpaths, diversify woodland and maintain open areas as meadow grassland. Money had been raised from coffee mornings and sale of calendars and grants received from the County Council, BBC Breathing Spaces, TransPennine, Woodland Trust, Environment Agency and Northern Gas, totalling £18,000 over 6 years.

Members had attended a public consultation mounted by the applicants, a meeting with a member of the Planning Department and a site meeting with a representative of the applicant where concerns were explained about the impact of the proposed development. These meetings, which were felt to be positive and constructive, resulted in a revised plan being submitted which addressed some of those concerns.

The main concerns about the development remained as follows:

- The threat to mature beech trees on the western boundary – there should be greater protection for these trees, with no disturbance to the embankment or pruning.
- There was a lack of a buffer zone between the houses and the Local Nature Reserve (LNR) – there should be a gap between the last house and the northern boundary as a communal space for residents
- Light and noise pollution from houses would disturb animals such as owls and badgers, which could be mitigated by reduced lighting and a substantial wall between the site and the LNR
- The house design with 4 bathrooms and en-suite bedrooms invited multiple occupancy. The existing mains sewer ran through the LNR adjacent to Flass Burn and had burst 4 times in the last 4 years, and assurance was sought that an adequate sewerage system was installed.
- the piecemeal approach to development within the Conservation Area did not maximise the potential for planning gain. There was a unique opportunity for planning the development of this site as a holistic approach which would recognise and enhance the significance of the area for Durham as a whole, and which included substantial planning gain.

The Senior Planning Officer informed the Committee that he had met previously with the Friends of Flass Vale, who were not looking to obstruct the development but had concerns regarding its detail. The matters raised by Mrs Standen had been considered during the preparation of the report.

Emma Bond addressed the Committee on behalf of the applicant, Gentoo. She informed the Committee that Gentoo had been granted preferred bidder status for this site by Arriva, despite them not being the highest bidder for the site. Gentoo currently managed 29,000 affordable homes. Work between Gentoo, Arriva and the County Council had taken place to agree the provision of 3 affordable homes on the site, as well as a contribution to recreational and play space and for public art. The applicant was now working on the basis of a reduced house profit basis for this site. Community consultation on the proposed development had resulted in a 100% response in favour of the site being for family residential development. Gentoo was committed to the development not being available as student accommodation.

The development, which would provide a £2.5m boost to the construction industry, could commence in March 2013. It would provide 2 new construction apprenticeships and 2 construction posts would be recruited from the local jobs market.

The application was a high quality development which delivered affordable housing and had the support of the local community.

Councillor Taylor informed the Committee that he was in broad support of the application but suggested that further negotiation take place with the applicant around increasing their contribution towards affordable housing.

Councillor Blakey informed the Committee that she supported the application. While appreciating that the trees in the Flass Vale area were subject of Tree Preservation Orders, she stressed the need to ensure that these were enforced. Councillor Blakey proposed that an additional condition be added to the permission to prevent any change from C3 to C4 development on the site.

Councillor Bell agreed with the importance of protecting Flass Vale and associated woodland and praised the ethics of the applicant regarding the use of local employment and local materials. He moved that the application should be approved, subject to an additional condition to prevent any change from C3 to C4 development, the implementation of a buffer zone at the development and conditions to be placed on lighting on the development. He added that the development should have 3.8 affordable homes rather than 3, and suggested that negotiation take place with the developer to provide an additional contribution equivalent to the 0.8 home.

Emma Bond informed the Committee that Gentoo's initial bid for the site was on the basis of no affordable housing being provided. Since then, negotiations had taken place with the County Council and Arriva to allow for 3 affordable homes to be provided, however, this now meant that the developers were operating to minimum margins, and any further affordable housing may result in the development not being viable. Although Gentoo would consider further financial contribution, the likelihood was that none would be forthcoming.

Resolved:

That the application be approved, subject to a renegotiated s.106 agreement to include an affordable housing combination, and to the conditions outlined in the report and the following:

- an additional condition to prevent any change from C3 to C4 development
- negotiations on a landscaping scheme to provide a buffer to Flass Vale
- an additional condition to agree lighting used within the development
- further negotiations on the level of financial contribution to be made by the developers.

3b 4/12/00637/FPA - 3 The Paddock, Gilesgate Moor

The Committee considered a report of the Planning Officer regarding the conversion of a garage to living accommodation, side and rear extensions and the erection of a detached garage at 3 The Paddock, Gilesgate Moor (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members of the Committee had visited the site on 9 October 2012 and were familiar with the location and setting.

The Principal Planning Officer informed the Committee that this application had been deferred from its meeting on 9 October 2012 to allow further investigations to be carried out regarding access to the site and to allow further clarity to be sought from Northumbrian Water Ltd around drainage and sewerage issues. These

investigations had now been completed and the report incorporated an additional section which provided the updated details.

Mrs J Peeck, local resident, addressed the Committee. She informed the Committee that sewer and flooding problems in the area had not been addressed and that Northumbrian Water Ltd was not undertaking survey work in the area. Also, the report did not mention the flood alleviation works which were carried out in the Rowantree Avenue area some three years ago. She therefore felt that the report and Planning Officers comments to Committee were misleading. Photographic evidence of foul sewage spills had been provided and until this issue was resolved there would be no improvement, and the application being considered would add 50% to the area of the building. The application would lift part of the property by some 8 centimetres and provide a ramp into the new garage, and this could cause problems with the discharge of the additional surface water.

Mrs Peeck then referred to access to the site while works were being carried out. The project was anticipated to last some 5 to 7 months, during which time the neighbouring properties would suffer a loss of amenity. The tonnage for deliveries to the site would be in excess of what the access was constructed to take. Any works to be carried out to properties at The Paddock required the written permission of the developer of the properties, and it was unknown whether this had been obtained.

The Principal Planning Officer replied that drainage issues had been investigated and that the County Council was reliant on information provided by Northumbrian Water Ltd, who had advised that drainage and sewage issues could be dealt with through the implementation of approved planning conditions. Access issues were a private matter between the developer and residents and the permission of the developer was a private legal issue.

Councillor Thomson, local Member, addressed the Committee. He referred to the comments made by Councillor Southwell at the meeting on 9 October, which resulted in the matter being deferred until Northumbrian Water could confirm that drainage issues could be addressed in an appropriate manner. This now appeared to have been done and he asked that Planning Officers, contractors and Northumbrian Water Ltd worked closely together on drainage issues and ensure local Members were made aware of any problems that arose. Alternative access to the site did not appear to be possible, and Councillor Thomson asked that all possible consideration be given to the residents of The Paddock during construction works and that access land was reinstated once works had been completed.

The Committee expressed concern at drainage issues in the area and whether this proposed development would exacerbate the possibility of flooding in the area. Councillors Moran and Holland also expressed concern about access to the site by construction traffic and asked whether an alternative access could be taken off Broomside Lane.

The Principal Planning Officer informed the Committee that a detailed report on drainage issues had been received from Northumbrian Water Ltd, and this had been summarised in the report to Committee. The Highway Development Manager

informed the Committee that Broomside Lane was not considered as an appropriate access to the site. The road had traffic flows of 8,000 vehicles a day. Works to the traffic signals in this location were scheduled to take place in April 2013 to increase their capacity in line with the development of Belmont Industrial Estate. Once these works had taken place, queues would extend up to 90 metres, which would be up to where the proposed alternative access would be. Also, there was a 315mm high pressure water pipe under the grass verge which access would need to be taken over, which would need protecting or diverting, as well as the need to remove and then reinstate the grass verge once the works were completed.

Councillor Blakey asked whether consideration had been given to imposing a one-way system for access to the site, with vehicles entering the site through the gates to The Paddock, then leaving by an alternative access onto Broomside Lane, with no right turn. The Highway Development Manager replied that this had not been discussed but could be considered.

Councillor Brown informed the Committee that a full report from Northumbrian Water on flooding and sewerage problems in the area should be provided. The Planning and Development Solicitor advised the Committee that it could be an express wish from the Committee that officers approached Northumbrian Water Ltd for such a report, but this could not be part of a planning condition. Councillor Thomson requested that such a report be shared with the local Members and Parish Council.

Resolved:

That the application be approved, subject to the conditions outlined in the report and a further condition requiring a one-way system for construction traffic, exiting onto Broomside Lane.

3c PL/5/2012/0305 & PL/5/2012/312 CAC - Westfields, Hawthorn Village, SR7 8SG

The Committee considered a report of the Planning Officer regarding the demolition of an existing bungalow and erection of two dwellings at Westfields, Hawthorn Village (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting.

The Principal Development Management Engineer informed the Committee that the access road to the proposed development was a Type 4 Access Way, which could accommodate up to 20 dwellings. There were currently 7 dwellings on this road. There had been a delay in this road being adopted due to negotiations with Northumbrian Water Ltd., but these negotiations had now been completed and the developer was being pursued to finalise adoption.

Mr Robinson, a resident of Hawthorn Village, addressed the Committee. The Village, which became a Conservation Area some 40 years ago, had undergone

dramatic changes in recent years, particularly to the north. The buildings in this area were large and out of character with the village and detracted from the appearance of the Conservation Area. This application was not conservation, it was the demolition of a bungalow to be replaced with two detached houses. This conflicted with Policies 22,35 and 67 of the saved district of Easington Local Plan, and consideration should be given to enlarging the bungalow currently on the site to create two semi-detached bungalows. Residents of the village felt badly let down by the properties already built in the area of this application, and a more favourable design concept should be sought.

Mrs Stephenson, applicant, addressed the Committee. She informed the Committee that the proposed development would enhance the entrance to Hawthorn Village and level out and balance the development to the east, especially through the choice of materials to be used. The proposed development would be an improvement to the bungalow currently on the site and the landscaping would remain the same, with only a couple of shrubs to be removed. The current properties on St Michael's Rise, which were all two storey, overlooked the bungalow currently on the development site. No objections had been received from residents to the east of the village, on whom the development would have the greatest impact.

The Principal Planning Officer responded to the issues raised. He informed the Committee that conservation was not preservation. Conservation Areas were changing entities and there was a need to ensure that developments respected the Conservation Area.

Councillor Taylor informed the Committee that the earlier site visit had been very beneficial to observe the proximity and height of the dwellings on St Michael's Rise. The proposed development was appropriate for the area and would enhance the entrance to the village.

Councillor Bleasdale agreed that the application site was appropriate for the proposed development.

Resolved:

That the application be approved, subject to the conditions outlined in the report.

3d PL/5/2012/0292 - Land at former Dormand Villa, Ferndale Close, Station Town, TS28 5HL

The Committee considered a report of the Senior Planning Officer regarding the erection of 22 dwellings on land at the former Dormand Villa, Ferndale Close, Station Town (for copy see file of Minutes).

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting.

Mr Alder addressed the Committee on behalf of the applicant, Gleeson Developments Ltd. He informed the Committee that the company had worked with the County Council to achieve an acceptable scheme, which would bring positive regeneration benefits to Station Town. The proposed development would create local construction jobs and apprenticeships, and it was the ethos of the company to build low cost homes in areas of need of regeneration. The company imposed covenants on each property to ensure they were not bought to be re-let, and these covenants were rigorously upheld and enforced.

Resolved:

That the application be approved, subject to the conditions outlined in the report.

3e 4/12/00112/FPA & 4/12/00113/LB - HM Prison Durham, 19B Old Elvet, Durham, DH1 3HU

The Committee considered a report of the Senior Planning Officer regarding the demolition of an existing building and the erection of a new healthcare building and the relocation of an existing modular building and greenhouse (planning and listed building consent) at HMP Prison Durham, 19B Old Elvet, Durham City (for copy see file of Minutes).

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

Resolved:

That the application be approved, subject to the conditions outlined in the report