

**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 11 February 2014 at 1.00 pm**

**Present:**

**Councillor P Taylor in the Chair**

**Members of the Committee:**

Councillors G Bleasdale, J Clark, P Conway, D Freeman, C Kay, A Laing (Vice-Chairman), J Lethbridge, B Moir, J Robinson, R Lumsdon and I Jewell (substitute for M Davinson)

**1 Apologies for Absence**

Apologies for absence were received from Councillors G Bleasdale, D Freeman and S Iveson.

**2 Substitute Members**

Councillor G Holland substituted for Councillor D Freeman and Councillor A Turner substituted for Councillor S Iveson.

**3 Minutes**

The Minutes of the meeting held on 14 January 2014 were confirmed as a correct record and signed by the Chairman.

**4 Declarations of Interest**

There were no declarations of interest.

The Solicitor advised that in respect of item 5d, Councillor Conway was detailed in the report as having called the application up to committee due to matters relating to the amenity of occupiers of the residential area opposite the site.

Councillor Conway would be permitted to take full part in consideration of that application if he had only been representing local residents but was open minded to the application. Alternatively, should Councillor Conway have formed an express view on the application in advance of the Committee meeting, then he would not be permitted to be involved in consideration of the application.

Councillor Conway clarified that he had only represented local residents and confirmed that he was open minded to the application. As such he would take full part in consideration of the application.

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

### **5a CE/13/01085/OUT – Land North of Windsor Drive, South Hetton, Durham**

The Committee considered a report of the Senior Planning Officer regarding an application for an outline residential development (80 houses) at land north of Windsor Drive, South Hetton, Durham (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. Members were reminded that the application before them related only to access proposals.

Councillor R Todd, local Member, addressed the Committee. He advised that his only concern regarding the application related to highway issues. The access to the development site would be from the A182 which already had issues relating to speeding and traffic control. Although measures had already been taken to address those issues, Councillor Todd advised a report was awaited which would establish any potential further measures which could be taken.

The Committee were advised that there was a cluster of retail properties where the access road met the A182 and those premises had extended opening hours which meant they did not close until late in the evening. Vehicles visiting those premises tended to park right on a bend on the highway, thus narrowing the area for moving vehicles to pass. As such highway safety was already compromised in that area and those issues would be exacerbated by the proposed access as detailed in the application. Councillor Todd advised that the Parish Council shared the same concerns as he had

The Highways Officer clarified that although the concerns regarding the highway issues were acknowledged, the Highways Authority was mindful that at the existing junction there were no records of any collisions during the last three years.

In relation to the parking issues, the Highways Officer advised that there were no records of any accidents in the Windsor Drive area and the Highways Authority considered there to be good traffic calming in that area.

As such the amended proposals as detailed within the application were considered acceptable. The Committee were advised that there had been a suggestion from the applicant of an alternative access point, however the proposed width of just 4m had not been considered acceptable by the Highways Authority. The current access proposals allowed for a 5.5m road which, by County Council standards, was deemed sufficient to accommodate a site of up to 300 dwellings.

Councillor Moir referred to the plans for the access and the proposed parking bays which would line the access road. He felt the positioning of those bays and the access and egress to the proposed estate, would be reliant on good driving skills from anyone using them. There was a potential that any bad parking in those bays could impinge on the access road.

In response, the Highways Officer clarified that the bays would be of standard measurements and so were considered acceptable.

Councillor Bell believed the application would be an opportunity to tidy up the appearance of land at the site which those on the site visit earlier that day, had witnessed was currently in an unpleasant condition. Therefore seconded by Councillor Laing, Councillor Bell moved approval of the application.

**Resolved:**

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

**5b CE/13/01554/FPA – Land North of Dunelm Road and A181, Thornley, Co Durham**

The Committee considered a report of the Senior Planning Officer regarding an application for 28 no. affordable dwellings and 6 no. dwellings including landscaping and access at land north of Dunelm Road and A181, Thornley, Co Durham (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. The Committee were advised of the following alterations to the recommended conditions:

- Landscape Plan (ref: R/1508/1A), Layout Plan (Ref: 120-001 Rev M) and Junction Plan (ref: 3983-C-D9-01 Rev A) to be included in condition 2.
- Condition relating to archaeology work to be included
- Condition 7 to be amended and should now read: *The submitted junction plan (ref: 3983-C-D9-01 Rev A) which details the highway verge improvements to the A181 shall be fully completed prior to the occupation of the first dwelling.*

Further to a query which had arisen on the site visit earlier that day, Members were also advised that the mast which was located at the application site, was an Orange Telecoms mast.

Mr Stokoe, local resident, addressed the Committee. He lived next door to the application site and though one of the main qualities of the proposed site was the views of the surrounding area, Mr Stokoe advised that he would lose the views he currently enjoyed should the application be approved.

Members were advised that the local Parish Council were opposed to the application and Mr Stokoe queried why the strength of their objections were not fully detailed within the officers report. Furthermore he questioned the number of letters which had been received by the Planning Authority, believing there to have been more than the 4 detailed in the report.

Mr Stokoe advised that the owner of the site did not live in the village and so was not concerned with the fragmented appearance of the location. Although the officers report suggested that the development would give a balanced entrance to the village, Mr Stokoe disagreed that this appearance was necessary.

Members were advised that there were numerous vacant properties within the village as there was not a demand for further social housing in that area. Furthermore, there were already 2 other sites identified in the village for future development and Mr Stokoe feared that should the current application be approved, there would be no need for the other sites to be progressed in the future. One of those sites had been ripe for development for years and had used to hold 120 dwellings which had been subsequently demolished.

In relation to the other site (H75: Dunelm Stables), Mr Stokoe highlighted that the officers report suggested it would be delivered within 6-10 years. He disagreed, advising that the covenant which currently restricted development of that site, was due to be removed in the coming months and so the site would be ready for development in the short term.

The Senior Planning Officer responded to the points raised as follows:-

- Parish Council Objections – The Committee was advised that the objections from the Parish Council mirrored the objections from residents and so were adequately covered within the report
- Balance Of Site – The Senior Planning Officer referred to the plans for the development which he believed demonstrated a balanced appearance to the entrance to the village
- Vacant properties – Members were advised that the development would be partially funded with a subsidy from the Homes and Communities Agency, as such development had to commence by the end of March 2014
- Other Development Sites – The two other development sites within the village were still to be allocated in the emerging County Durham Plan. Planning Policy had confirmed that development of the current site would not compromise development of the other 2 sites.

Mr A Willis, agent for the applicant, addressed the Committee. He endorsed the contents of the officers report and took the opportunity to emphasise several key points.

Members were advised that 28 affordable dwellings would be provided on the site which he considered to be a substantial proportion of the recommended number which should be provided in accordance with the Strategic Housing Market

Assessment. Mr Willis stressed that the delivery of this site would not jeopardise delivery of any other earmarked sites within the village.

In respect of the landscaping and visual effect of the site, Mr Willis advised that in designing the site the applicant was keen to create an acceptable landscape impact. As such the hedge surrounding the site at present was considered a significant attribute and so would be retained as part of the development.

In response to queries from Councillor Conway, the Senior Planning Officer clarified the level of importance which should be levied on the various planning documents – the NPPF, the emerging County Durham Plan and the saved Local Plan Policies. The Senior Planning Officer also reiterated that the 2 other sites within the village would in no way be jeopardised should Members decide to approve the application.

Councillor Holland expressed concern regarding the visible gaps in housing and the lack of regeneration within the village which he had witnessed on the site visit earlier that day. He believed that both affordable and infill development was required in that area. The Senior Planning Officer clarified that the 2 sites which would be allocated in the County Durham Plan would see a lot more affordable housing introduced into the area.

Councillor Bell acknowledged that the site was within a sustainable location and would include 28 affordable housing plots. He did express concerns in relation to the junction at the rear of the site which accessed the A181. It had been noted that the speed of traffic on that highway made turning out of the junction somewhat difficult, Councillor Bell therefore queried whether any traffic calming or reduction in the speed limit could be introduced.

The Highways Officer clarified that the Area Traffic Manager had met with the local County Councillor on several occasions to try to resolve issues on the A181. Members were advised however that it would be beyond the scope of the proposed development to deal with any traffic arrangements on the adjoining highway.

It was agreed that the Area Traffic Manager should be made aware of the Committee's concerns in respect of the A181.

Seconded by Councillor Kay, Councillor Bell moved approval of the application.

**Resolved:**

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

**5c 4/13/01578/FPA – Communal Hall, 63 Marlene Avenue, Bowburn, Durham, DH6 5ER**

The Committee considered a report of the Planning Officer regarding an application to convert a communal hall into a residential bungalow at 63 Marlene Avenue, Bowburn, Durham, DH6 5ER (for copy see file of Minutes).

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

Councillor Kay declared a non pecuniary interest in the application in his capacity as a director on the Board of Dale and Valley Homes and in light of the current consultation which was being undertaken with residents from all 3 ALMO's with regard to the possible transfer of all County Council housing stock to a registered social landlord.

Councillor J Blakey, local Member, addressed the Committee. Members were advised that the building had never been a bungalow in the past and its sole purpose had always been as a communal hall. Although there were other facilities nearby, there were concerns for the distance which elderly people would have to go to access them.

However, Councillor Blakey acknowledged that the building was not being used to its full potential and so it made sense to provide a suitable home in nice surroundings.

Councillor M Williams, local Member, addressed the Committee. He concurred with the comments from Councillor Blakey, however disputed the perceived use of the building. He understood that the building was used more than what was recorded in the booking information. He was also concerned that the conversion of the hall would mean the loss of a local polling station for residents in that area, as such he advised that he would support the application if a suitable alternative polling station could be established nearby.

Seconded by Councillor Davinson, Councillor Laing moved approval of the application.

**Resolved:**

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

**5d 4/13/01590/AD – Bells Fish Shop, The Garth, Sunderland Road, Gilesgate, Durham, DH1 2LG**

The Committee considered a report of the Planning Officer regarding an application for the retention of illuminated signage to the building including a free standing sign at Bells Fish Shop, The Garth, Sunderland Road, Gilesgate, Durham, DH1 2LG (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

Mr G Kennedy, applicant, addressed the Committee. Members were advised that the current permission on the business premises included provision for 3 signs on the premises. Once the signs were erected it became clear that they were not sufficiently visible and one of the signs would be completely obstructed from public view by a neighbouring property. As such the applicant had taken the decision to remove the original sign from the west gable of the premises and instead erect the free standing sign which would be more clearly visible.

Members were advised that the same design had been used on all the signs, which had been used to enhance the appearance of the building. Mr Kennedy clarified that the signs were only illuminated during opening hours, though there had been an issue with the timers previously which had meant for a short time, the signs were illuminated around the clock.

Mr Kennedy advised the Committee that he currently employed 30 staff and had recruited a further 5 during the previous week. He further advised that his suppliers were all local and the business had a 5 star standard.

Councillor Moir had no objections to the application though would have preferred it not to have been a retrospective application. He commended Mr Kennedy on the overall appearance of the premises and found the size and shape of the signs to complement the design of the building.

Councillor Conway clarified that as a local Member he had been approached by local residents who were not supportive of the application, however he felt that the officers report dealt adequately with those representations. He also commended the applicant on the employment opportunities provided by the business and he was satisfied with the condition relating to trading hours.

In response to Councillor Conway, the Principal Planning Officer advised that any future applications from other businesses for free standing signs, would need to be considered on their own merits.

Councillor Corrigan, local Member, addressed the Committee. She had also received representations from local residents regarding the signs being illuminated out of hours, however she was satisfied that this issue had now been addressed.

Councillor Moir moved approval of the application and upon a vote being taken it was:-

**Resolved:**

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

## **6 Proposed Changes to the Constitution – Code of Practice for Members and Officers Dealing with Planning Matters**

The Committee considered a report of the Head of Legal and Democratic Services, which proposed changes to Paragraphs 1.6, 3.2, 10 and 11 of the current Code of Practice to reflect updated guidance published by the Local Government Association relating to probity in planning (for copy see file of Minutes).

The Solicitor provided the Committee with an overview of the new guidance from the Local Government Association and the proposed changes to the Council's Code of Practice.

### **Resolved:**

That the proposed changes to the Code of Practice for Members and Officers Dealing with Planning Matters, be noted.

## **7 Appeal Summary**

The Principal Planning Officer provided an appeal update to the Committee in respect of planning application reference 4/12/00925/FPA which had been an application for the redevelopment of the existing body shop to create a new car showroom and the formation of a new parking area at Stoneacre Garage, Sawmills Lane, Brandon, Durham, DH7 8AB (for copy see file of Minutes).

The Committee had previously refused the application in 2013, however following an appeal by the applicant, the Planning Inspectorate determined that the appeal should be allowed, thus overturning the decision of the Committee. The Principal Planning Officer gave an overview of the Planning Inspectorate's reasons for the decision and advised that costs had been awarded to the applicant.