

**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 March 2014 at 1.00 pm**

**Present:**

**Councillor P Taylor in the Chair**

**Members of the Committee:**

Councillors G Bleasdale, J Clark, P Conway, K Corrigan (substitute for B Moir), M Davinson, K Dearden, M Dixon (substitute for R Lumsdon) G Holland (substitute for D Freeman), J Lethbridge, J Robinson and K Shaw (substitute for A Laing)

**1 Apologies for Absence**

Apologies for absence were received from Councillors A Bell, D Freeman, A Laing, B Moir, C Kay and R Lumsdon.

**2 Substitute Members**

Councillor K Corrigan substituted for Councillor B Moir; Councillor M Dixon substituted for Councillor R Lumsdon; Councillor G Holland substituted for Councillor D Freeman; Councillor K Shaw substituted for Councillor A Laing.

**3 Minutes**

The Minutes of the meeting held on 11 February 2014 were confirmed as a correct record and signed by the Chairman.

**4 Declarations of Interest**

Councillors Conway and Corrigan declared that in respect of item 5f, they were both Members of Belmont Parish Council, however were not Members of the Parish Council Planning Committee nor had they been involved in any debate of the application at Parish Council meetings.

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

**5a 4/13/01449/OUT - Land at 10 Redhills Lane, Durham, DH1 4AJ**

The Committee considered a report of the Planning Officer regarding an application for the erection of a dwelling with integral garage (outline)(description amended

25/02/14) at land at 10 Redhills Lane, Durham, DH1 4AJ (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. Members were advised that since the report had been published an objection had been received from the City of Durham Trust on the grounds of over development and in terms of potential height and size of development on limited site and loss of garage at no. 10 Redhills Lane.

The issue of ground levels had arisen on the site visit earlier that day, Members had expressed concerns regarding the striking differences between levels on the site. As such, the Principal Planning Officer suggested that should the Committee be minded to approve the application, that a condition could be imposed to control site and floor levels.

Councillor N Martin, local Member, addressed the Committee. He advised that he had originally wished for the application to be considered by the Committee because of several concerns he had about the original plans for the development. He was therefore pleased that those plans had now been amended.

Councillor Martin advised that imposing a condition relating to the exact location of the dwelling, was essential. The height of the dwelling and the number of bedrooms were also factors which Councillor Martin had had concerns about.

In particular, Councillor Martin had reservations as to the future use of the dwelling, aware that the applicant ran a student accommodation company within the city. He therefore requested that should Committee be minded to approve the application that a condition be added to impose a class use restriction, to ensure that the dwelling did not become a HMO (House of Multiple Occupancy).

Councillor G Holland concurred with Councillor Martin's comments. He highlighted that although only outline planning permission was being sought at this stage, the report had been written for a building and so the Committee had an insight into the applicants plans. He felt that the dwelling which had originally been proposed had been too large and inappropriate in size.

Although he acknowledged the current application was outline only, Councillor Holland concurred with Councillor Martin that future plans for the dwelling should be restricted by conditions.

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

- Condition regarding future use - Members were advised that the planning application specified a dwelling, and there was nothing to indicate that an HMO was intended. The reserved matters application would clarify the position, and it would not be considered appropriate to restrict the use of the dwelling at this outline stage.

- General form and layout – Members were referred to condition 1 on the report which stated that “approval of the details of access, appearance, landscaping, layout and scale shall be obtained from the LPA before the development is commenced”. This would ensure control over the height and form of the development through the reserved matters application. Members were advised that the Planning Authority wanted a development which would be entirely appropriate and would fit in with the surrounding area. As such, it was recommended that a condition pertaining to the ground levels, plus informatives to give recommendations on guidelines of size of property, ridgelines etc, should be imposed on any permission granted.

Councillor Conway queried the separation distance between the properties. The Principal Planning Officer advised that it was currently unclear as to what the new boundary would be, as such clarification may be required.

Seconded by Councillor Lethbridge, Councillor Dixon moved approval of the application.

**Resolved:**

That the application be approved, subject to the conditions outlined in the report and the additional condition requiring details of site levels.

**5b 4/13/01450/FPA – 10 Redhills Lane, Durham, DH1 4AJ**

The Committee considered a report of the Planning Officer regarding an application for the erection of a two storey side and rear extension, rendering to side elevation, new boundary wall to frontage and erection of new boundary fence at 10 Redhills Lane, Durham, DH1 4AJ (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. Members were advised that since the report had been published an objection had been received from the City of Durham Trust who were uneasy about size of proposed extensions to this house, and urge that a condition restricting use to C3 is attached.

Councillor N Martin, local Member, addressed the Committee, advising that the adjacent neighbours of the application site had wished to speak at the meeting, however had been on holiday and so were unable to register in time.

Councillor Martin advised that it was the proposed extension to the rear of the property which was the main concern. The proposal was for a 7m extension which was virtually the full length of the garden. The proposed extension was to have a pitched roof on both sides with the ridgeline to be level with the first floor windows. Councillor Martin found this to be very high when compared to the neighbouring property.

A substantially smaller extension would be less intrusive and would minimise the impact on the neighbouring property. As such Councillor Martin found the proposals to be overdevelopment of the site which would have an overbearing impact on the immediate neighbouring property. In referring to discussions on the previous application, Councillor Martin was again concerned about future use and as such requested that a C3 condition be imposed should permission be granted.

Councillor G Holland had been on the site visit that morning and on seeing the site first hand, felt the proposed rear extension would swallow up too much of the garden area and stretch the boundary of the approved Local Plan. Although he acknowledged that a single storey extension of up to 4 metres in height could be built under permitted development rights, Councillor Holland felt that the proposed extension failed to meet the requirements of Local Plan Policies H13, E14 and Q9.

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

- C3 Condition – the property would only be a 4 bedroom dwelling, as such a C3 restriction would not be appropriate.
- Size of rear extension – a substantial extension could still be built within permitted development rights and Members were advised that the Government had relaxed certain areas with the recently introduced permitted development regime, which now allowed for developers to build up to twice as much as they would previously have been permitted to. Any such applications would be subject to consultation with neighbours and with the Planning Authority, but Members were advised that such applications should also be viewed positively given the new acceptability of such extensions through the new permitted development regime.
- Right to a View – Committee was advised that no one had a right to a view and it was questionable how much of a view the neighbouring properties had in the past, as it was evident there had been much planting on the site previously.

Councillor Dixon shared the concerns raised regarding the extension which he felt would have an overbearing impact and was out of proportion, in particular the proposals would have a significant impact on the direct neighbouring property.

Councillor Clark queried whether there would be an option to request the applicant to reduce the height of the pitched roof, thus lessening the impact on the neighbouring property.

The Principal Planning Officer advised he was unsure whether technically that would be feasible due to the potential ingress of water into the roof tiles if the angle of pitch was too shallow.

In response to a query from Councillor Robinson, the Principal Planning Officer advised that there was increasing case law regarding Planning Inspectorate decisions that overturned Planning Authority decisions.

Councillor Bleasdale did not feel that there was any identifiable justification for refusing permission and as such, seconded by Councillor Lethbridge, moved that the application be approved.

Upon a vote being taken it was:-

**Resolved:-** That the application be approved, subject to the conditions outlined in the report.

**5c CE/13/01551/FPA – Land to the rear of Peterlee Post Office, Yoden Way, Peterlee, Co Durham**

The Committee considered a report of the Planning Officer regarding an application for the siting of cabin accommodation for recycled clothing (retrospective) at land to the rear of Peterlee Post Office, Yoden Way, Peterlee, Co Durham (for copy see file of minutes).

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

Councillor Davinson queried whether the Planning Authority had any powers to order the removal of the cabin accommodation, given that the application was retrospective. He was also concerned about the loss of parking bays and felt that more bays than just the 3 referred to by the applicant, would be lost. He further queried whether business rates applied to the cabin and also whether the Planning Authority charged rent on the cabin.

The Principal Planning Officer clarified that the Planning Authority did have enforcement powers to require the premises to be removed should the applicant fail to do so voluntarily on expiry of the temporary approval period. Furthermore the Planning Authority could pursue action in the future should the condition of the cabin deteriorate. The Committee were advised that temporary permissions were regularly renewed in similar circumstances.

In relation to the loss of parking bays, the Principal Planning Officer acknowledged there was a potential for in excess of 3 bays to be lost because of the cabin, but the highways officer offered no objection.

In relation to the query regarding business rates, Members were advised that the information would be passed on to the Revenues and Benefits department.

Seconded by Councillor Bleasdale, Councillor Lethbridge moved approval of the application.

**Resolved:**

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

## **5d CE/13/01568/OUT – Land to the South of Wellfield Road, Wingate**

The Committee considered a report of the Senior Planning Officer regarding an application for residential development comprising 161 dwellings including details of access (outline/resubmission) at land to the South of Wellfield Road, Wingate (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 L Taylor, local Member, addressed the Committee. He advised that there were numerous vacant properties within the village and as such there was not a demand for further residential development in that area. Members were advised there were currently 89 empty dwellings in Wingate and another 147 either up for sale or to let. In addition, Councillor Taylor was led to believe that the site of the now vacant Fir Tree Public House within the village, was expected to be subject of a future application for 20 dwellings.

Councillor Taylor expressed concern regarding the entrance of the development being adjacent to a pinch point; he felt that this would create a huge problem with traffic congestion in that area and was surprised that the Highways Authority did not raise any objections in that regard. He advised Members that within the last at peak periods there was significant congestion in the area, with delays of up to 15 minutes at both ends of Wellfield Road.

Councillor Taylor advised that there was a problem with flooding at the site and a nearby bungalow had been built on a concrete raft due to these issues. He also raised concerns about the proposed school extension; he felt that there was no space on the site to expand the school accordingly.

The Committee were advised that there were insufficient local resources to support further development and the local doctors were unable to cope with any increase in local population.

Mr G Reid, Clerk to Wingate Parish Council, addressed the Committee. He reiterated those comments made by Councillor L Taylor but also stated that the Parish Council had particular concerns regarding the effect the proposed development would have on local services, particularly education. He felt that the school did not have the room to build an extra classroom that it would need to accommodate the increased residency.

The Highways Officer clarified that the junctions near the proposed entrance of the site would be operating within their capacities. A transport assessment had been produced and at the access to the development it was estimated there would be

approximately 100 trips per peak hour, distributed equally in both directions on Wellfield Road. This was acceptable and so the Highways Authority had no reservations in that regard.

In relation to the pinch point, the Committee were advised that it was not a traffic calming measure though did have that affect, as such it was a benefit to have it in such close proximity to the access of the development.

Mr J Wyatt, agent for the applicant, addressed the Committee. He found the officers report to be comprehensive and concurred with its content. The application had been resubmitted to take into account the concerns previously raised by Natural England.

In terms of demand for the development, Mr Wyatt advised that the applicant would not be proposing to undertake such a significant and expensive development within Wingate if there was evidence to suggest there was no demand.

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

- Vacant properties - figures suggested that there was no noticeable difference between Wingate and other locations in East Durham and those figures were market led.
- Flooding – Neither the Environment Agency or Northumbrian Water had raised any concerns in respect of the application and the run off would be no greater than on a greenfield site.
- Education Resources – Planning Policy had recommended appropriate financial contributions to be made by the developer and the criteria used for calculating contributions came from the Department for Education.

Councillor Conway referred to paragraph 67 and 86 of the report regarding the weight given to the emerging County Durham Plan and the NPPF. He stated there were a number of unresolved issues and that the existing Local Plan should continue to be the primary key document.

In relation to the school, Councillor Conway felt that the Committee were unable to comment on whether the school would have the capacity to expand because they had not visited it. He also expressed concern regarding the issues with flooding on the site and felt more information would have been helpful.

Councillor Dixon found the emerging County Durham Plan to be the relevant document. In relation to education resources, he was satisfied with the proposed financial contribution and he further noted that the NHS were accepting of the application.

The Senior Planning Officer explained the varying levels of regard which should be given to the three key documents (Saved Local Plan, emerging County Durham Plan and the NPPF). He responded to the points raised as follows:-

- Flooding – advice had been taken from Northumbrian Water and the Environment Agency and condition 6 required that the development should only be carried out in accordance with the approved Flood Risk Assessment.

Further to a query from Councillor Dixon, the Solicitor provided an explanation for paragraph 90 of the report which referred to social and intermediate rents. Councillor Holland expressed concerns that the Committee had not looked at the pressures on the school and he felt that £237,380 was not enough to deal with the situation.

Seconded by Councillor Bleasdale, Councillor Dixon moved approval of the application.

**Resolved:**

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

**5e CE/13/01569/FPA – Land to the South of Wellfield Road, Wingate**

The Committee considered a report of the Senior Planning Officer regarding an application for the provision of new and improved green infrastructure including hedge and hedge bank creation at land to the south of Wellfield Road, Wingate (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.

In response to a query from Councillor Davinson, the Senior Planning Officer advised that it was not always reasonable to expect developers to deliver the requirements of a S106 agreement with nothing on site, therefore the developer would be required in this instance, to deliver upon occupation of the 30<sup>th</sup> dwelling.

**Resolved:**

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

## **5f - CE/13/01651/OUT – Land to the NORTH OF Willowtree Avenue, Gilesgate Moor**

The Solicitor clarified that declarations of interest which had been made by Councillors Conway and Corrigan in respect of this item. Both Councillors were Members of Belmont Parish Council, but both confirmed that they had no involvement with the Parish Council planning committee and had not discussed the application previously in their capacity as Parish Councillors.

The Committee considered a report of the Planning Officer regarding an outline application for residential development of maximum of 49 units with all detailed matters reserved except access (revised and resubmitted) at land to the north of Willowtree Avenue, 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 were advised that the applicant currently had an appeal lodged with the Planning Inspectorate further to the refusal by the Planning Authority of a previous application for the site, however in the meantime the applicant had submitted the current application.

Members were advised that since the publication of the Committee report, the NHS had confirmed that it had no objections.

Councillor Howarth, Belmont Parish Council, addressed the Committee. Members were advised that the Parish Council had taken the time to compare the current application with the previous application and while it was acknowledged that the design was rather less cramped, the Parish Council views remained unchanged that the proposed development was inappropriate for the site.

The Parish Council expressed concerns regarding loss of open space, as the proposal was to build on a greenfield site which would mean the irreversible loss of a wild life corridor and open amenity area. Furthermore the Parish Council disagreed with the suggestion by the applicant that the development would increase security and reduce crime, as there was no evidence of the current open area ever contributing to those factors.

In terms of increased traffic, Councillor Howarth advised that this would have the most adverse impact on the area which already experienced significant congestion. Concerns were also expressed regarding the access and egress on a very narrow road which would give rise to an unacceptable and unsafe traffic situation. Members were advised that drivers had been using the entrance to the High Grange Estate to turn, in their attempts to queue jump in rush hour traffic.

Councillor Howarth advised that the Parish Council had noted that the proposed layout now included a number of 3 storey dwellings which the Parish Council considered to be totally out of character with the nearby existing housing.

Members were advised that in the Belmont Parish Plan Survey there was no support for 3 storey development, rather the expressed need was for affordable housing in the form of smaller houses or bungalows with disabled access.

Members were advised that the public footpath which crossed the site was a Parish Path and was presently maintained by the Parish Council. The proposal incorporated the Right Of Way into an estate circular walk. Councillor Howarth advised that the right of way crossed a very busy slip road from Belmont Road onto the A690 and was not considered to be a safe area for pedestrians, particularly unaccompanied young children.

Councillor Howarth advised that despite drainage work in recent years, at times water ran off across the road and could be a freezing hazard. Furthermore it was felt that more hard standing development could worsen local drainage.

In relation to mine gas, Councillor Howarth referred to the Environmental Desk Top Study which warned of old mine workings and mine gas which could affect human health. As such it was argued that this was not an ideal site for housing development.

Ms T Murton Smith, local resident, addressed the Committee to speak on behalf High Grange Estate Residents. The residents objected to the development for several reasons including inappropriate scale of development, increased traffic, very poor entry and egress and drainage problems, concerns which mirrored those raised by the Parish Council.

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

- All issues other than the access to the development, were irrelevant in the Committees consideration of the current application as it was only an outline application.
- Greenfield site – the site was greenfield and the NPPF encouraged a less restrictive approach to development on such sites.
- Wildlife Corridor – those issues had been addressed by the Ecology Officers
- Drainage and Mine Gas – conditions were attached to the current application to control those issues
- Density – the proposed development was not considered unduly high in density compared to many modern developments. Again, Members were reminded that the application was outline only.

The Highways Officer advised that the traffic which was predicted to be generated was not considered too high with only an approximate 20 vehicles using the junction per hour in peak hours. There were currently 4 vehicles per minute, as

such the development would only increase that by 1 vehicle every 2 minutes. Therefore the development and projected traffic flow would be in accordance with Department for Transport guidance.

Mr T Bates, applicant, addressed the Committee. He advised that the application had been resubmitted to rectify the problems raised with the original application. The Committee had previously refused the application on the grounds that it had been contrary to policy H2 and E5A, however he believed that those objections had been invalid.

The new application was for a reduced number of dwellings and Members were advised that traffic would not have to pass any other dwellings to access the site. Mr Bates now believed that current application accorded with all Government policy.

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

- H2 – The Officer believed that original application had been contrary to policy H2 and so the refusal had been valid.
- Of all the relevant documents, Members were advised that the NPPF defined the substantial credentials of the site.

Councillor Conway reiterated that he had an open mind in considering the application and having given due consideration to the application, he found the NPPF to be framework only and that a local context had to be applied. As such he found the saved Local Plan to be of most relevance and as such he considered that the application remained unacceptable in relation to policies H2 , E5A and H13.

In relation to the highways and access issues, Councillor Conway believed that despite the qualifying statements of officers, there remained unresolved issues regarding the new traffic light arrangements near the site.

The Solicitor clarified what would happen should the applicant be successful at appeal on the previous application.

Further to queries from Members the Principal Planning Officer clarified the different weight which should be afforded to the different planning policies.

Finding that the application had not significantly changed from the previous one, Councillor Conway advised that he remained opposed and moved refusal of the application, seconded by Councillor Corrigan.

Upon a vote being taken, the motion fell.

Seconded by Councillor Iveson, Councillor Dixon 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 and to the signing of a Section 106 Agreement.