

DURHAM COUNTY COUNCIL
SPECIAL AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of SpecialArea Planning Committee (Central and East) held in Council Chamber, County Hall, Durham on **Thursday 3 July 2014 at 1.00 pm**

Present:

Councillor P Taylor in the Chair

Members of the Committee:

Councillors A H Bennett (susbtitute for A Laing) G Bleasdale, J Clark, P Conway, I Jewell (substitute for M Davinson) and A Turner (substitute for S Iveson)

1 Apologies for Absence

Apologies for absence were received from Councillors Davinson, Iveson, Kay Laing, Lumsdon, Lethbridge, Moir and Robinson

2 Substitute Members

Councillor H Bennett substituted for Councillor A Laing, Councillor I Jewell substituted for Councillor M Davinson and Councillor A Turner substituted for Councillor S Iveson.

3 Declarations of Interest

There were no declarations of interest.

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

4a PL/5/2011/0315 – Land adjacent to West View, Murton

The Committee considered the report of the Principal Planning Officer regarding an application for the demolition of existing buildings and erection of 2 no. dwellings and the creation of a dog walker amenity area at land adjacent to West View, Murton (for copy see file of minutes).

The Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members were advised that a draft S106 agreement had been submitted earlier that day and would therefore be scrutinised by officers over the coming days for accuracy.

Councillor Conway stated his support for the application however queried whether a condition could be added specifically to address the access issues referred to at paragraph 41 of the report. In response, the Solicitor clarified that the access rights would be better dealt with by the s106 agreement, which would have a legal effect, rather than by imposing a condition.

Councillor Clarke raised concerns with regard to the proposed insular fencing to the south of the site drawing attention to the structure of the fence and how it would be secured and maintained. Furthermore she concurred with Councillor Conway's suggestion of imposing a condition to address the access issues.

In relation to the fencing, the Principal Planning Officer advised the Committee that the existing boundary would be replaced by the mesh fencing which should be sufficient to see through. The demolition would result in there being no boundary to the east of the site, as such a 1.8m fence would be introduced. The 12m fence was purely the choice of the applicant and Members were reminded that balconies were also proposed as features on the dwellings. Members were advised that any damage to properties from cricket balls in the future would not be the concern of the Planning Authority.

It was again reiterated to the Committee that the legal S106 agreement would better deal with any concerns regarding the access of the site. The Solicitor clarified the benefits of addressing certain obligations for the developer in a legal document.

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

Resolved:

That the application be **APPROVED** subject to the conditions detailed within the report and the signing of a S106 agreement in relation to access.

4b CE/13/01221/FPA – Wheatley Hill Service Station, Durham Road, Wheatley Hill, Durham

The Committee considered the report of the Principal Planning Officer regarding the erection of a canopy and retrospective erection of a store extension and widening of rear access at Wheatley Hill Service Station, Durham Road, Wheatley Hill, Durham (for copy see file of minutes).

The Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. He advised that this was a resubmission following deferral at a recent committee. The applicant sought to address members' earlier concerns by demolishing the car wash to facilitate easier manoeuvring for larger vehicles within the site, and a revised plan had been submitted. Officers did not consider it necessary to impose a condition requiring demolition of the car wash within a specific timescale.

Mr Wheatley, local resident, addressed the Committee to speak in objection to the application. Mr Wheatley was one of residents who lived at the rear of the application site and in referring to the previous Committee Meeting when the application had first been considered, it had been his understanding that the applicant was to be requested to look at alternative proposals. As such Mr Wheatley had been satisfied. His only concerns had been the encroachment onto the highway from vehicles using the rear access and Members were advised that the applicant had demolished the pathway without planning permission and with a total disregard for local residents. Furthermore, the applicant had now demolished the car wash.

Members were advised that despite a sign detailing that the exit was for local use only, heavy goods vehicles were still using the rear exit. This was a direct result of that access being widened by the applicant, so larger vehicles believed that it was suitable for their use also.

Mr Wheatley advised of the results from a traffic survey which found there to be approximately 800 vehicles per day using the rear exit and in widening that area, the applicant had introduced numerous heavy goods vehicles into the village. Members were advised that the very reason the adjacent by-pass was developed some 24 years earlier was to prevent the flow of heavy vehicles through the village and to reduce the number of fatalities.

Local residents could not rely on trust or hope that the applicant would enforce restrictions on the rear exit, as such Mr Wheatley called for the restoration of the path and the introduction of height restrictions at the rear exit. Durham Road was an unclassified highway and so by definition was only suitable for local traffic.

Mr Wheatley wished the garage business well and stated that he had no objections to the proposals for the canopy or the store, his concerns were purely in relation to the hazards posed by the widened rear exit.

The Highways Officer informed the Committee that while Durham Road was an unclassified road, that did not make it exclusive for local traffic. Indeed many unclassified roads served to connect settlements. From the viewpoint of the Highways Authority, Durham Road was suitable for all traffic. Whilst it was acknowledged that there was an accident history near the filling station on the A181, it was felt that notwithstanding heavy goods vehicles, the widened access at the site was mutually beneficial for local traffic. Furthermore, the Highways Authority was unable to impose conditions relating to the use of the road.

Members were advised that the applicant had applied for the appropriate licence relating to the highways works, and so subject to the granting of planning permission, it was expected that the works would be undertaken.

Councillor Clark felt that the bypass was designed to reduce the flow of heavy goods vehicles through the village and she concurred with the concerns of the local residents.

In response to a query from Councillor Bleasdale, the Principal Planning Officer clarified the aspects of the application which were retrospective.

Councillor Conway felt that the objections of residents were reasonable and raised concerns that two major elements of the application were retrospective, stating that he felt that applicant should be required to reinstate the pavement and the original access/exit.

Councillor Jewell suggested that heavy goods vehicles may be more likely to use the rear exit as exiting onto the fast and busy bypass could prove difficult and dangerous. The Highways Officer clarified that the A181 was a derestricted single carriageway with a 60 mph speed limit.

The Solicitor advised that despite Members concerns regarding retrospective planning applications, such concerns must be disregarded and the application should only be considered against planning policy.

Seconded by Councillor Turner, Councillor Bennett moved approval of the application.

Resolved:

That the application be **APPROVED** subject to the conditions detailed within the report.

4c DM/14/00052/FPA – Land off Station Road and East of Salters Lane including site of Former Fleming Hotel and Bruntons Garage, Shotton Colliery, Durham

The Committee considered the report of the Senior Planning Officer regarding an application for the substitution of 31 housetypes and addition of 18 dwellings at land off Station Road and East of Salters Lane including site of former Fleming Hotel and Bruntons Garage, Shotton Colliery, Durham (for copy see file of minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

The application was moved for approval by Councillor Bleasdale and was seconded by Councillor Turner.

Resolved:

That the application be **APPROVED** subject to conditions detailed within the report.

4d DM/14/00613/FPA – Former Registry Office and Peterlee Area Education Office, York Road, Peterlee, SR8 2DP

The Committee considered the report of the Senior Planning Officer regarding for the erection of 57 no. dwellings with associated infrastructure at the Former

Registry Office and Peterlee Area Education Office, York Road, Peterlee, SR8 2DP (for copy see file of minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. In referring to paragraph 58 of the report, the Senior Planning Officer advised that the plan had not yet been received and he therefore sought delegated authority for officers to impose a condition to require the works to be done within 12 months from approval of the application.

Councillor J Alvey, local Member, addressed the Committee. Councillor Alvey raised concerns on behalf of local residents regarding the detailing of any fencing and what the developer could do to help alleviate flooding problems in the area.

In response to concerns raised by Councillor J Alvey the Senior Planning Officer clarified that the developer had assessed the fencing and advised that due to poor condition, it needed to be replaced. A condition was attached to the application regarding the fencing as such there would be an opportunity for the Planning Authority to negotiate further with the developer.

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

Resolved:

That the application be **APPROVED** subject to conditions detailed within the report and an additional condition regarding the highways works.

4e DM/14/01368/LB – 71 Gilesgate, Durham, DH1 1HY

The Committee considered the report of the Principal Planning Officer regarding an application to replace the existing roof with reclaimed welsh slate and fibreglass on the flat roof to the rear at 71 Gilesgate, Durham, DH1 1HY (for copy see file of minutes).

The Principal Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

The application was moved for approval by Councillor Turner and seconded by Councillor Bleasdale.

Resolved:

That the application be **APPROVED** subject to the conditions detailed within the report.

