

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Special Meeting of **Area Planning Committee (Central and East)** held in Council Chamber, County Hall, Durham on **Tuesday 22 September 2015 at 2.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors A Bell, H Bennett (substituting for Councillor R Lumsdon), G Bleasdale, J Clark, P Conway, K Corrigan (substituting for Councillor B Moir), M Davinson, K Dearden, D Freeman, A Laing, J Lethbridge and K Shaw

1 Apologies for Absence

Apologies for absence were received from Councillors C Kay, R Lumsdon and B Moir.

2 Substitute Members

Councillor K Corrigan substituted for Councillor B Moir and Councillor H Bennett substituted for Councillor R Lumsdon.

3 Declarations of Interest

There were no declarations of interest.

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

a DM/15 01520/FPA – Land adjacent to Evergreen Park, Crimdon

The Committee considered a report of the Senior Planning Officer regarding the change of use and associated works to permit siting of 16 executive holiday lodges at land adjacent to Evergreen Park, Crimdon (for copy see file of Minutes).

The Area Team Leader provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members of the Committee had visited the site and were familiar with the location and setting.

Members were advised that should the application be approved, an additional condition would be required regarding the provision of visitor parking at the site.

Councillor R Crute, local Member, addressed the Committee. He advised that while he and his colleague, Councillor L Pounder, had no issue with the type of development being proposed, they did not believe the proposals were appropriate for the identified location. Furthermore, they both would have liked to have had some involvement during the pre-application stage however had never been approached by the applicant.

Councillor Crute highlighted that the application site was outside of the settlement boundary which was contrary to saved Local Plan Policy E3. He felt the development would have a significant detrimental impact on local amenity in terms of noise, disturbance and traffic which was contrary to saved Local Plan Policies 35 and 85. Furthermore the application contravened saved Policy 36 in relation to traffic generation and road safety and it was unclear how the application would encourage alternative means of travel to the car. Concerns were also raised relating to flooding.

Members were advised that there were discrepancies within the officer report. Councillor Crute advised that the Parish Council and 28 residents all shared his concerns, however the report reflected that only 17 letters of objection had been submitted. Councillor Crute believed that 28 objection letters had been submitted.

In referring to the letters of support, though the report reflected that 9 had been submitted, Councillor Crute advised it was unclear how many of those had been from residents. He believed that 8 of the 9 had been submitted by local businesses, one of which was some 4 miles away from the application site.

Furthermore, while the supporting letters were generic and brief, it was highlighted that the objection letters were all individual and much more detailed, which showed the depth of feeling regarding the proposals. Councillor Crute also highlighted that there was no mention in the report to a solicitor's letter which had been submitted in objection to the application. The letter had raised land ownership concerns and issues relating to flooding.

While the tourism benefits of the application were appreciated, the concerns of local residents were not to be ignored. Councillor Crute believed the relevant policies for consideration were those relating to the right of peace for local residents, free from disturbance.

Councillor L Pounder, local Member, addressed the Committee to read a letter of concern from local residents.

Members were advised that the residents at Evergreen Park lived there on a full time, permanent basis and they felt that the proposed use was not appropriate next to a peaceful residential area which was predominantly occupied by retired or semi-retired residents.

Councillor Pounder advised that the current properties at Evergreen Park were not made of conventional materials and as such were more affected by noise and disturbance. It was felt that the proposed use of the adjacent site would generate significant noise, with visitors to the holiday lodges socialising at all times of the day and night and regularly driving on and off the site as there were no on site facilities.

The Committee was advised that the occupier of no.17 Evergreen Park would be particularly affected by noise and disturbance from vehicles as all holiday park traffic would have to pass the gable end of that property. Councillor Pounder advised that the landscape planting scheme would do nothing to screen the noise, furthermore it would cause a loss of natural light. Increased disturbance would also be generated from the waste disposal area.

The residents had advised that when they had bought their properties, the sales brochure had suggested that the location was private, however this was now to be compromised and the residents were facing a permanent loss of privacy.

Councillor Pounder advised that the only access to the site was vehicular as there were no footpaths either on or off the site. As such, concerns had been raised regarding pedestrian safety and there was more potential for road traffic accidents to occur due to the increased traffic entering and leaving the site.

Residents had also expressed concerns regarding the impact of development on the drainage system, as the proposed site location was much more elevated than the existing properties. Assurance was therefore sought that there would be no additional impact on the drains as there was a history of surface water flooding. It was feared that increased run off would exacerbate the drainage system.

It was reiterated that letters of objection had been submitted from 21 of the current properties and while local residents appreciated the economic benefits of the proposals, it would be to the detriment of those currently occupying the site.

The Area Team Leader advised that it was apparent there was an error within the report and that 27 objection letters had been received. However it was unclear whether those letters had been received late or whether there was a typographical error within the report.

Councillor Laing moved that the application be deferred to a future meeting to allow officers the opportunity to present accurate information to the Committee. The motion to defer was seconded by Councillor Conway and upon a vote being taken it was;

Resolved: "That the application be deferred to a future meeting".

b DM/15/01717/FPA – 4 Mayorswell Close, Durham, DH1 1JU – Detached two-storey dwelling in side garden of 4 Mayorswell Close

The Committee considered a report of the Planning Officer regarding the erection of a detached two-storey dwelling in the side garden of 4 Mayorswell Close, Durham, DH1 1JU (for copy see file of Minutes).

The Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members of the Committee had visited the site and were familiar with the location and setting.

Councillor D Freeman advised that as local Member for the area, he had been approached by local residents who had raised concerns regarding the application. Concerns had been expressed that the site was a very small area in which to develop and issues regarding highway implications were of particular concern. The property was to be built with 2 car parking spaces in mind, which would be difficult to access and as such would probably not end up being used.

Councillor Freeman further highlighted that the applicant was uncertain as to the end use of the dwelling and residents had expressed concerns that 25% of Mayorswell Close were HMO'S. This was felt to be a high proportion when taking consideration of saved Local Plan Policy H9 and there were concerns that any more HMO's in the street would contravene NPPF Part 50.

As such Councillor Freeman requested that if the application was to be approved, then a clause be included to prevent the property from becoming a HMO.

In response to the concerns raised by Councillor Freeman, the Planning Officer highlighted that condition 6 as detailed within the report, set the class use for the property as C3.

Councillor Conway was pleased with the inclusion of condition no.6 and would have been in objection to the application without it. While he had sympathy with residents who were concerned about overdevelopment in that part of the city he felt that the proposed development could alleviate parking issues in the area and so on balance he supported the proposal and moved that the application be approved.

Councillor Bleasdale was not supportive of the application and expressed concerns regarding the very small development site and potential issues with parked vehicles in the street.

Councillor Lethbridge seconded the motion to approve the application. He highlighted that development in that area of the city was particularly mixed with a whole range of house styles and little uniformity. He therefore felt that the proposed dwelling would not be out of place.

Councillor Bell also supported the application. While the recommended 21m separation distance would not be met in this instance, he acknowledged that this was merely a guideline.

Resolved: "That the application be approved subject to the conditions detailed within the report".

Councillor A Laing left the meeting.

c DM/15/01812/FPA – 67 Front Street, Pity Me, Durham, DH1 5DE

The Committee considered a report of the Senior Planning Officer regarding the proposed residential development of 6 No. linked dwelling houses at 67 Front Street, Pity Me, Durham, DH1 5DE(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. Members of the Committee had visited the site and were familiar with the location and setting.

Councillor M Wilkes, local Member, addressed the Committee. He advised that only one resident of Front Street had objected, as most others felt that approval of the application was a foregone conclusion and as such there was little point in objecting.

Members were advised however that Councillor Wilkes and the one objecting resident both had various concerns which needed to be raised.

Concerns were raised regarding potential damage to a TPO tree and associated risks to the end proposed dwelling. Councillor Wilkes felt the tree was at risk and that changes to the layout and the means of construction as now put forward by the applicant, would not alleviate those problems. As such, he believed that saved Local Plan Policies Q1 and Q2 were relevant, as well as NPPF part 7. Councillor Wilkes believed the layout and design proposals were very poor and it was nonsense to erect a property so close to a large tree. He believed that the owner of plot 6 would end up being in constant dispute with the Council on issues such as overhanging and blocked light. Furthermore Councillor Wilkes believed the property owner would struggle to get insurance because of the very close proximity of the tree.

It was noted that there was no rear access to proposed properties 2, 3, 4 and 5, so all garden waste would have to be carried through houses.

Councillor Wilkes highlighted that the Landscape Officer had described the site as a critical gateway site, as such it was felt it should be ruined with development.

In relation to traffic and parking issues, Councillor Wilkes advised that there would be adverse effects for existing residents which would contravene saved Local Plan Policies H13 and Q8 and NPPF Part 8. While he was aware that Members had seen the site on a visit earlier that day, Councillor Wilkes highlighted that they had not seen the parking situation on an evening. While there might be sufficient parking to be provided for the new properties, when the parking spaces currently used by residents were removed, the parking situation would only worsen. Councillor Wilkes advised that saved Local Plan Policy T2 paragraph 5 was particularly relevant as it related to minimum impact for vehicles. It was highlighted too that the entrance road to Front Street was inadequate and was often blocked by parked vehicles. There was no room for cars to pass and as such Policies T1 and T2 were relevant in relation to poor design and road safety risk.

Councillor Wilkes therefore advised that the application contravened saved Local Plan Policies E14, E16, Q8, T1, T2, H13, Q8, Q1 AND Q2 and Parts 7 and 8 of the NPPF.

Should the Committee be minded to approve the application, Councillor Wilkes suggested that additional conditions be imposed as follows:-

- In relation to the entrance road, ask for this to be widened as currently it was not possible for 2 vehicles to pass;

- Additional parking be provided nearby for displaced vehicles;
- Construction not to take place on a Saturday and for weekdays construction not to take place before 8am and after 5:30pm;
- Councillor Wilkes wished to see the access road developed first and the current turning circle to be left in situ throughout construction;
- Visitor spaces should be clearly identified with road markings;
- That the use of the properties should be limited and not permitted to be HMO's as this could exacerbate parking issues even further.

The Landscape Officer responded to the points raised as follows:-

- Members were advised that it was the Officer's original concern that the tree would be at risk, this was no longer the case now that amendments had been made to the application and changes had been made to the system of retaining structure between levels. Members were advised that as well as looking at a tree being at risk, an assessment was also undertaken to look at people being at risk, and the Officer provided an explanation as to the assessment procedure.
- The reduction of land take was now considered acceptable as was the root protection area.
- In relation to overhang, Members were advised that there was no evidence of risk that a bow might fail.

The Highways Officer responded to points raised as follows:-

- Parking – the application proposals did meet the minimum parking standards, though it was acknowledged that there were existing demands currently at the site area;
- Access/egress – The application would not have a significant impact on the current situation, furthermore there was no suggestion of accidents in that area;
- Highways Officers were satisfied that the public highway was to be extended and the extension of the carriageway would meet current adoption standards.

In response to a query from Councillor Dearden, the Senior Planning Officer confirmed that the previous planning approval of July 2013, still stood and so development in accordance with that permission could go ahead.

In response to a query from Councillor Freeman, the Senior Planning Officer clarified that the proposed development did encroach slightly more into the root protection area than the previous application.

In response to a query from Councillor Conway, the Landscape Officer confirmed that he was now content that the tree would survive the construction experience. Furthermore he was confident that the occupier of the end property would not suffer any loss of sunlight penetration because the tree was situated to the north side of the property.

The Senior Planning Officer advised that the issue of amenity was acceptable as there would be no direct overshadowing. Furthermore the area of land directly to the north was the area which would not be included as garden area.

Councillor Conway noted that in the previous application there was access to the rear of the properties, however that had now been removed. He found this to be a retrograde step, furthermore he felt that too many properties were now being proposed.

Councillor Lethbridge agreed that the development of just 5 properties was more preferable as it would have alleviated many of the concerns which had been raised.

In response to a query from Councillor A Bell, the Area Team Leader clarified that maintenance of the land between the end of the development and the tree would be the responsibility of the developer.

The Landscape Officer advised the Committee that the overhanging bow was not leaning in a direction which would pose a risk to the properties should it be subject to strong gales.

Councillor J Clark queried whether the developer would allow the unallocated land to be a means of access to the rear of the middle properties. The Senior Planning Officer advised there would be difficulties as the rear gardens would be on split levels, but that bin storage would be situated at the front of the properties to alleviate access issues.

Councillor Davinson felt that each application which came forward encroached more onto the root protection area. He also expressed concerns regarding traffic issues.

Councillor D Freeman moved refusal of the application on the grounds that it contravened saved Local Plan Policy Q8 in relation to layout and design and saved Local Plan Policies E14 and E16 because of issues with the tree and the detrimental impact of development on the conservation of the trees.

The Area Team Leader highlighted that the current proposals were an improvement on the already approved application, as the existing permission placed no restriction on the land at the north of the site.

Councillor Conway seconded the motion to refuse the application for the reasons stated by Councillor Freeman. In referring to paragraph 38 of the report, he further highlighted that he would have liked to have seen the applicant statement.

Upon a vote being taken it was,

Resolved: “That the application be REFUSED for the following reasons:-

1. The proximity of the development would have a detrimental impact on the protected tree that is a critical part of the existing mature landscaping at the prominent gateway location. The development would therefore be contrary to saved Policies E14 and E16 of the City of Durham Local Plan 2004.

2. The layout and design of the proposed development failed to provide for residents to adequately access to rear gardens and would also result in an unsatisfactory relationship to the projected tree thereby having an adverse impact on the amenity of occupiers contrary to Policy Q8 of the City of Durham Local Plan 2004”.

d DM/15/01825/FPA – 40 South Street, Durham

The item was withdrawn from the agenda.

e DM/15/02067/FPA – Ness Furniture Ltd, Croxdale, Durham, DH6 5HT

The Committee considered a report of the Planning Officer regarding the change of use from office accommodation to car dealership, formation of new vehicular access door, re-fenestration of showroom windows, new roof and provision of new upstand fascia board at Ness Furniture Ltd, Croxdale, Durham, DH6 5HT (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 of the Committee had visited the site and were familiar with the location and setting.

In referring to paragraph 40 of the report, Councillor J Clark queried whether the entry and exit for the transporters would be compromised should housing be developed on the remaining land at the site. She further queried whether the transporter arrangements were just for the new Subaru dealership or would it also apply to the existing Citroen dealership.

The Principal Planning Officer clarified that the possible future housing scheme would be subject of a future application and the Planning Authority would have control over any changes to the site. Members were further advised that the transporter arrangements could only be required for the new dealership, though there were no current highway issues in relation to transporters attending the Citroen dealership. Councillor Clark envisaged problems occurring. Transporter drivers would know that they could offload on the main highway for the Citroen dealership and so may do the same for the Subaru dealers, rather than driving the lorries onto the site.

Councillor A Bell queried whether it would be possible for double yellow lines to be placed on the main highway to prevent such issues occurring. The Highways Officer advised that yellow lines prevented waiting only and not loading restrictions. Furthermore, loading restrictions were not helpful near to a commercial development which needed to operate. Statistics from the accident database indicated that there were no recorded accidents anywhere in the county over the last 10 years which could be attributed to a parked transporter on a highway. Members were also advised that it was still possible for 2 way traffic to pass on that highway even when a transporter was loading or offloading and indeed a parked transporter could have a calming effect on traffic speed.

Councillor Lethbridge advised that he regularly used the highway adjacent to the application site and on the site visit earlier that day there was a transporter parked on the highway. While it had not seemed to pose any real problem, Councillor Lethbridge was unaware of the frequency of deliveries to the site by transporters. However he acknowledged that the company was a longstanding business which was good for the area. He therefore moved that the application be approved. This was seconded by Councillor Davinson who felt that the proposals would be an improvement on current arrangements.

Resolved: “That the application be approved subject to the conditions detailed within the report”.

f DM/15/00793/OUT – Land to the east of Prospect Place, Commercial Road, East, Coxhoe

The Committee considered a report of the Senior Planning Officer regarding the construction of 55 residential dwellings comprising 22 affordable dwellings and 33 open market dwellings with associated infrastructure, landscaping and engineering works (outline, all matters reserved except access) (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. Members of the Committee had visited the site and were familiar with the location and setting.

Members were advised of a late representation which had been received since the publication of the Committee report. The applicant had proposed a financial contribution to provide for additional educational provision within the area and a £4000 public art contribution.

The Senior Planning Officer further advised that condition number 12 was now no longer required as landscape proposals could be considered at the reserved matters stage.

Mr G Caldwell, agent for the applicant, addressed the Committee and provided an overview of the application. The developer had been involved in extensive dialogue on the proposals for over 2 years and had significantly reduced the density of the site from an application which they had withdrawn the previous year.

The applicant had developed 127 properties on the adjacent Limes scheme which had been very successful, an estate where there were also affordable bungalows. Furthermore the applicant had worked hard to bring many contributions to the local area and had always maintained a close working relationship with the Parish Council.

40% affordable housing provision on the proposed development was double the requirement and 8 of the affordable dwellings would be bungalows. Mr G further advised that the application site was brownfield, would generate local employment and also make improvements to the wildlife site.

The Senior Planning Officer clarified that the site was actually greenfield. Despite is having been a previously developed site, it had been regained by the landscape so was no longer brownfield.

Seconded by Councillor Conway, Councillor Lethbridge moved approval of the application and upon a vote being taken it was;

Resolved: “That the application be approved subject to the conditions detailed within the report, excluding condition no.12”.