

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 17 November 2016 at 2.00 pm**

### **Present:**

**Councillor H Nicholson (Chairman)**

### **Members of the Committee:**

Councillors B Armstrong, D Bell, D Boyes, J Clare, K Davidson, E Huntington, J Maitland, A Patterson, G Richardson, L Taylor, C Wilson and R Lumsdon

#### **1 Apologies**

Apologies for absence were received from Councillors M Dixon, C Kay, S Morrison and S Zair.

#### **2 Substitute Members**

Councillors R Lumsden and J Maitland substituted for Councillors M Dixon and S Morrison respectively.

#### **3 Declarations of Interest (if any)**

Councillor R Lumsden advised that she was Local Member in respect of application no. 5 c) however she approached the application with an open mind and would consider all issues before deciding upon the application.

#### **4 Minutes**

The minutes from the meeting held on 20 October 2017 were agreed as a correct record and signed by the Chairman.

#### **5 Applications to be determined**

##### **a DM/16/03231/OUT - Garage site at Biscop Crescent, Newton Aycliffe**

Consideration was given to the report of the Planning Officer regarding an application for the demolition of existing garages and erection of 1 no. bungalow at Biscop Crescent, Newton Aycliffe.

The Planning Officer gave a detailed presentation which included plans and photographs of the site.

Councillor J Hillary could not be in attendance and had therefore submitted a statement to be read out on his behalf, as local member. He referred to a petition which was sent to the Council in February 2016 with regards to the provision of off-street parking in Biscop Crescent. Should the garages be demolished, this would exacerbate the parking problems as tenants would have to find alternative parking and therefore although the housing may be of benefit to the applicant, it would be of detriment to the community.

In response to a query from Councillor Boyes, the Planning Officer confirmed that that the petition had not been submitted with regards to the planning process and was not in relation to the application. Although three existing garages were being demolished, there had been no responses from neighbouring properties and no issues with regards to parking had been raised.

Councillor Davidson confirmed that he could see no reason to refuse and therefore moved the recommendation as outlined in the report.

Councillor Clare confirmed that the proposal for bungalows was welcome as there was a shortage in the area, however he was disappointed that the application would not provide replacement parking and queried why this went against the company's charitable objectives. There was a shortage of parking in the area and local members received regular complaints from residents about this. Highways had no objections with regards to road safety however this did not take into consideration the residential amenity implications of living in the area due to the ongoing parking situation. Councillor Clare queried whether consideration could be given to conditioning the planning permission or providing a Section 106 agreement to provide for off-street parking on an alternative site near to the two application sites under consideration. He added that there were many planning applications from the same applicant to remove existing garage sites and building properties, therefore the Committee should consider the impact of the additional cars being moved on to the street.

The Planning and Development Solicitor confirmed that imposing a condition or Section 106 agreement was an option, should Members feel that they would refuse the application in the absence of such, and the necessary test requirements were satisfied.

The applicant was invited to speak and confirmed that there were currently 7 applications to redevelop garage sites. Livin owned 2500 garages with a 60% occupancy and in low demand areas, or areas which required significant investment, the garages were unviable. He confirmed that there was a £5m investment scheme for the refurbishment of existing garages that were in higher demand, so these could be let. It was not clear how many garages were now used for vehicles as many were not big enough for modern cars and used for storage. With regards to this application site, one of the garages was vacant. Tenants were to be offered to the option of relocating to an alternative site where possible, should they require.

Councillor Boyes confirmed that there did not seem to be a demand for vehicle use of the garages and the Committee should not jeopardise an application which provided affordable housing.

Councillor Davidson queried whether the applicant could demolish the garages independently and the Planning Officer confirmed that if required, the applicant could serve notice to vacate the premises and demolish the garages.

Councillor Armstrong seconded the recommendation as outlined in the report.

**Resolved**

That the application be approved as outlined in the report.

**b DM/16/03232/OUT - Land to the east of 10 Hatfield Road, Newton Aycliffe**

Consideration was given to the report of the Planning Officer regarding an application for the demolition of existing garages and erection of 2 no. dwellings at Land to the East of 10 Hatfield Road, Newton Aycliffe.

The Planning Officer gave a detailed presentation which included plans and photographs of the site.

Councillor Clare reiterated his concerns regarding parking and hoped the applicant would consider it a community obligation to provide some degree of alternative parking, however he agreed that there was no evidence to confirm that the garages were used for vehicles and acknowledged the benefits of the housing to be provided.

In response to a query from Councillor Armstrong, the Planning and Development Solicitor confirmed that to condition the application, alternative parking would have to be provided elsewhere on land owned by the applicant, which could be difficult to link to the residents local to this site.

**Resolved**

That the application be approved as outlined in the report.

**c DM/16/01450/OUT - Land South Of Beacon Avenue, Beacon Lane, Sedgfield**

Consideration was given to the report of the Planning Officer regarding the resubmission of a refused application for the proposed residential development of 34 dwellings at Land South of Beacon Avenue, Beacon Lane, Sedgfield.

The Planning Officer gave a detailed presentation which included plans and photographs of the site.

Councillor G Willis, Sedgefield Town Council, addressed the Committee in objection to the application. The same application had been considered in May 2015 and Councillor Willis had attended that meeting to address concerns on behalf of the Town Council and local residents. This land had been a positive attribute of the village for over 100 years and as contained in the Planning Inspectorates decision to dismiss the appeal, this proposal would affect the character and appearance of the area. With regards to the description of the proposed affordable housing as 'much needed' Councillor Willis argued that there was no evidence to support this as there were 400 homes unoccupied within Sedgefield, many for sale or to rent. The area was known to command a premium for sales or rent, with houses selling for the highest market value and Landlords expecting the highest rental yield. The cost of affordable homes would therefore come at a premium and referring to a site at Cunningham Court, Councillor Willis confirmed that many of the affordable housing on site struggled to sell and buyers had subsequently moved out and rented the properties, against the legal agreement which supposedly ensured benefits were passed on to future purchasers. The clauses to protect the affordable housing had been completely removed upon resale of the properties and therefore could not be protected. With reference to the appeal decision, Councillor Willis reiterated the conclusions of the Inspector and concluded that the proposal did not contain suitable affordable housing provision, the job creation would be transitory and therefore of no significant benefit, and the benefits would not outweigh the permanent harm to the area. She urged Members to consider the value of this land to local residents and refuse the application for the reasons outlined in the report.

Councillor J Robinson, Local Member, addressed the Committee and complemented the Senior Planning Officer for the content of the report. This proposal had already been rejected by the Committee and the Planning Inspectorate. He agreed with the issues which had been raised by Councillor Willis relating to affordable housing and also queried the number of units being provided – 10% of 34 would equate to 3.4 houses. With reference to the development at Eden Drive, which had been refused twice and then overturned on appeal, he confirmed that this development would take up 75% of the Green Wedge and should this application be approved, a further 10% of the Green Wedge would be lost. This completely undermined the Sedgefield Borough Local Plan which had specifically referenced the protection of valued landscape such as this. The addition of 34 houses would no doubt increase traffic within the village, which already had significant road safety issues which needed addressing, and it would place pressure on local schools which were already operating to full capacity. With regards to the statement from Northumbrian Water Ltd, Councillor Robinson referred to the repetitive nature of the comments which had also been recorded on the land South of Eden Drive report. He queried the point at which the Sewage Treatment Works be at capacity and no longer be able to accommodate additional housing estates, given the decision of the Planning Inspector in October 2016 with regards to an application for 300 houses. Finally, the land was of historical interest and had remained untouched, he therefore urged the Committee to refuse the application.

Mr Patrickson was in objection to the proposal as a local resident who had lived in the village for 16 years. The land was of pleasant visual appearance at the entrance to the village and a valuable asset. The recent decision of the Planning

Inspectorate would allow the erection of 300 dwellings on the site South of Eden Drive and in addition there was development in nearby Wynyard, of which residents were registering with GP surgeries and schools in Sedgefield, placing additional burden on facilities. The erection of 3/4/5 bedroom homes could increase the population of Sedgefield by 20%, not to mention exacerbate the Sewage Works issues.

Mr Hedley, the applicants Agent, was disappointed with the recommendation in the report and with some of the comments made. The report relied on out of date Policies which were no longer relevant and he referred to the weight given to the Green Wedge and confirmed that this was something which had been queried when the previous application was determined. Referring to the Planning Inspectorates decision to dismiss the appeal, Mr Hedley confirmed that the two main reasons for refusal related to the impact on the character and appearance of the area and the provision of affordable housing. Mr Hedley referred to the impact as being localised and limited to the loss of the field as the development would ensure the enhancement of Stockton Road following the planting of a 1.5m hedgerow. There was adequate provision for affordable housing, with 10% being offered and a 5m buffer zone to minimise the impact to the area. Mr Hedley summed up by confirming that the reasons for refusal relied on incorrect Policies, the impact was localised, the land was not within a conservation area and the development did not adversely affect the character of the local landscape.

The Planning and Development Solicitor confirmed that although the Planning Authority had legal powers to decline a repeat application, the applicant had attempted to address the concerns identified by the Planning Inspectorate and therefore the application had been accepted.

The Senior Planning Officer referred to Para. 62 of the report which provided an explanation with regards to the consideration of the Policy relating to the Green Wedge, and the adverse impact on the rural approach to Sedgefield.

Councillor Patterson commented on the views of open countryside on driving into Sedgefield and should this application be approved this would severely impact the rurality of the village and the amenity of local residents. With reference to Councillor Robinson's statement at the last meeting, she confirmed that he had confirmed in detail, the historical nature of the land and that was still relevant. Councillor Patterson therefore moved the application for refusal, for the reasons outlined in the report.

Councillor Davidson commented on the compelling reasons for refusal outlined in the report and seconded the recommendation to refuse.

With reference to the response received by Northumbrian Water, Councillor Lumsdon queried whether it could be assumed the development was sustainable considering the need for sewage investment works. In addition, the harm had been referred to as being localised and Councillor Lumsdon considered that all harm could be described as being localised. The application had been subjected to a rigorous process, which had included the previous refusal and the assessment of

the Planning Inspectorate. Councillor Lumsdon concluded that there had been a well informed decision made which further supported recommendations for refusal.

**Resolved**

That the application be refused for reasons outlined in the report.