

## DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Thursday 22 March 2018 at 2.00 pm**

### Present:

**Councillor H Nicholson (Chairman)**

### Members of the Committee:

Councillors J Atkinson, L Brown, J Clare (Vice-Chairman), E Huntington, C Martin, A Patterson, G Richardson, J Shuttleworth and S Zair

#### 1 Apologies

Apologies for absence were received by Councillors D Bell, Chaplow, Liddell, Taylor and Tinsley.

#### 2 Substitute Members

There were no substitute Members in attendance.

#### 3 Declarations of Interest

There were no declarations of interest.

#### 4 Minutes

The minutes of the meeting held on 22 February 2018 were agreed as a correct record and signed by the Chairman.

#### 5 Applications to be determined

##### a **DM/17/03887/OUT - Turners Garage Site, Salters Lane Industrial Estate, Sedgefield**

The Committee considered a report of the Senior Planning Officer regarding an outline planning application for up to 71 dwellings with all matters reserved except access at Turners Garage Site, Salters Lane Industrial Estate, Sedgefield, Stockton on Tees (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial view of the site, various photographs of the site and proposed site plan.

Councillor J Robinson had registered to speak as Local Member but due to unforeseeable circumstances he could not attend in person a statement was read

to the Committee on his behalf. Councillor Robinson understood that Members of the Committee had to determine each individual application on their individual merit and he could not object to the application for that reason. He expressed his concerns over the future of Sedgefield, the village he had lived for his whole life. He confirmed local residents had accepted the plans for the additional 300 houses already allocated however further applications would dramatically increase the amount of homes in the Community by 30%. Councillor Robinson felt that in the absence of a County Plan, Sedgefield needed protection from any further development. With reference to this application, he approved the Section 106 contributions and the affordable housing component of the proposal, however he was disappointed that developers had not considered the need for bungalows. The additional funding for health and schools was welcomed however, having the experience of 220 homes built on the former Winterton site, the additional pupils projected in that report turned out to be much higher. He was therefore confident that the figures generated in the report with regard to school places, would be much higher.

Councillor Robinson had used the consultation period to request a footpath or road connecting the development to the school complex, which would allow a safe route for children to access. He hoped that the development would be sensitive to the nature of the village and that the entrance to the village would be enhanced. He welcomed the relocation of Turners Garage and preservation of jobs, but considered the close proximity to the Industrial Estate and hoped that there would be measures in place to protect residents from any noise generated. With reference to the caravans stored on the site he suggested that up to 300 customers needed to be given time to find alternative arrangements.

Finally, Councillor Robinson confirmed that the whole community needed time to adapt to the new homes that were already in the process of being constructed and hoped this development would be the last.

Ms J Bowes of Sedgefield Village Action Group spoke in objection to the application and as a local resident of Sedgefield. Ms Bowes made reference to the Sedgefield Neighbourhood Plan and confirmed that this would identify sites for development, yet not the site in question. There were a number of other approved applications which would already exacerbate local services and schools. Ms Bowes referred to the GP surgery and confirmed that although it was currently operating under capacity, new patients from developments currently under construction had not been considered. She confirmed that elderly people already struggled to cross roads due to congestion and an increase in vehicles would only increase the danger.

Ms Bowes expressed disappointment that the development at Eden Drive had been approved as this, in her opinion, removed areas of green space from the village. She also considered the proposed Section 106 contribution from this application to be minimal. In addition, Ms Bowes confirmed the need for the provision of bungalows and sheltered accommodation, to reflect the aging demographics and give residents the ability to downsize.

The Applicant, Mr G Pike, spoke on behalf of Hardwick Properties and in support of the proposed development. He confirmed that 300 people had attended a public consultation and 85% of the attendees had been in favour of the proposal. He considered the contributions provided for affordable housing, education accommodation, the improvement of offsite open space and recreational provision, and also the additional contribution of improvement to healthcare provision to be substantial contributions to improve those services. This was a brownfield site and the proposals would drastically improve the visual impact.

The Senior Planning Officer responded by confirming that the application was for outline permission and therefore any reserved matters such as the provision of footpaths or bungalows would be considered by a separate application. The Committee were reminded that the Neighbourhood Plan was not something that could be considered yet and because the site was formerly industrial, its loss was considered acceptable. She considered that the contributions outlined in the report would mitigate the impact.

Councillor Brown referred to the Healthcare contribution as being minimal when considering the surgery's £350k predicted expansion plan. However she appreciated that this was required only to mitigate the impact of this proposal and not to fix historic problems caused by previous development.

Having considered the concerns of Councillor Robinson and local residents, Councillor Martin confirmed if the proposed development was assessed on its own merit, there was no detrimental impact. The land was unsightly, brownfield and in addition, there were no guarantees that it would ever be redeveloped if this application was rejected. In the absence of a material planning consideration for refusal, Councillor Martin moved that the application be approved.

Councillor Clare confirmed that the development would improve the area and noted the substantial contributions. He also considered the retained jobs following the relocation of Turners Garage and seconded the recommendation to approve.

**Resolved:**

That the application be **APPROVED** subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the following:

- Provision of 10% affordable housing on site equating to 7 units;
- £466,448 towards education accommodation
- £151,397.50 for improving offsite open space and recreational provision in Sedgefield Electoral Division;
- £38,740 for improving access to healthcare provision in Sedgefield Parish

And subject to the conditions outlined in the report.

**b DM/17/01440/FPA - Former Vine Place Sports Garage, Durham Road, Chilton, Ferryhill**

The Committee considered a report of the Senior Planning Officer regarding a planning application for the erection of 14 dwellings at former Vine Place Sports Garage, Durham Road, Chilton, Ferryhill (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial view of the site, various photographs of the site and proposed site plan.

The Agent, Mr D Marjoram spoke on behalf of the Applicant and in support of the proposal. The previous application had been approved in September and therefore the development was accepted by the Committee in principle. The owner of Jubilee Cottage had changed their mind with regards to the position of the access route and therefore it could not be progressed. The access had been suitably repositioned with no objections from Highways and the position of the units were slightly closer to Jubilee Cottage, but there would be no impact on privacy or loss of light.

Mr Marjoram confirmed the benefits to the local area included regeneration of a derelict site, an increase in housing, and contributions to offsite open space. Finally, he confirmed that nothing within the NPPF indicated that the proposal should be refused and requested the Committee to approve the application.

Councillor Richardson confirmed that this application was similar to the previous application approved and again there was no material reason to refuse and therefore he moved the recommendation to approve.

Councillor Patterson confirmed that units 1 and 2 were 3 storeys high and queried what impact that would have on Jubilee Cottage in terms of light. The Senior Planning Officer confirmed that the application was similar to what had previously been approved in 2007 - the separation distance was sufficient and the windows of the property were secondary. On balance, the impact was not significant enough to justify refusal.

The recommendation to approve was seconded by Councillor Shuttleworth and it was:

**Resolved:**

That the application be APPROVED subject to the completion of a Section 106 agreement to secure the following:

- Financial contributions towards offsite open space and recreational provision at pro-rata rate of £2,244 per residential unit.

And subject to the conditions as outlined in the report.

**c DM/16/03445/OUT - Land To The South Of Byers Green House, Church Street, Byers Green**

The Committee considered a report of the Senior Planning Officer regarding an outline planning application for residential development of up to 22 dwelling houses

with all matters reserved on Land to the South of Byers Green House, Church Street, Byers Green (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial view of the site, various photographs of the site and proposed site plan.

The Agent, Mr A Lang, spoke on behalf of the Applicant and in support of the development. There was only one single reason for refusal on sustainability grounds, which did not significantly outweigh the benefits of the proposal. This site was located within the village entry signs and was supported by two bus stops outside. It was located 270m from the centre of the settlement and well screened with existing trees and hedgerows. Although part of the hedgerow would be removed for access, the rest would be upgraded and maintained as per a condition. There was no agricultural value to the land, it was unused and financial contributions of £16k had been agreed to mitigate any impact on ecology.

Mr Lang confirmed that most of the objectors were from adjoining properties but the application was supported by a group of local landowners and professionals. There was no objection from Highways and overall the development would benefit the area, increase housing, and benefit local businesses.

Councillor Shuttleworth confirmed that small settlements faced problems and confirmed that dwindling school rolls had significant detrimental effects on schools. As such he considered the benefits of the contributions outweighed the negative impact and he moved a recommendation for approval.

Councillor Clare, appreciated the issues raised by Councillor Shuttleworth but expressed concern at the possibility of inappropriate developments being built in the Countryside. He moved the recommendation for refusal.

Councillor Patterson confirmed that although the road was serviced by a bus route, there was only one hourly bus to Spennymoor or Willington and no direct route to Bishop Auckland or Durham. She referred to a previous similar application for one dwelling which had been rejected by the Committee. Councillor Patterson did not consider this application to be any different to the one previously refused and therefore could not support it.

Councillor Martin considered the site was within the settlement boundary, however the site plan had identified a vast area in between and he was concerned that the development would set a precedent for large expansion and seconded the recommendation to refuse.

**Resolved:**

That the application be **REFUSED** for the reasons outlined in the report.

**d DM/18/00149/FPA - Former Dean Bank Grange, Hackworth Close, Dean Bank, Ferryhill**

The Committee considered a report of the Planning Officer regarding a planning application 10no. bungalows and 4no. single level living apartments for affordable rent/shared ownership on former Dean Bank Grange, Hackworth Close, Dean Bank, Ferryhill (for copy see file of minutes).

The Planning Officer gave a detailed presentation of the application which included a site location plan, aerial view of the site, various photographs of the site and proposed site plan.

Mrs J Clement, local resident, confirmed that she was not objecting to the application as a whole but wished to raise concerns on behalf of local residents. She considered that parking was already inadequate and the proposed development would exacerbate the existing problems. There were residents with mobility problems who needed to park in close proximity to their property and she considered the marked bays were located in a dangerous position and would obstruct pedestrian access to the park. Mrs Clement confirmed that she had consulted the majority of Hackworth Close who were concerned that the traffic increase and lack of appropriate parking may result in future confrontation. She reiterated that she was not in objection to the proposal as it would be an improvement from the former Dean Bank Grange, however she would prefer the Committee to consider the issues with regards to parking.

The Planning Officer confirmed that there had been no objections from Highways and that there were currently no marked parking bays, but the proposal had identified 22 spaces to serve 16 bungalows. He confirmed that although it was expected that most residents would have vehicles, it was not essential and the proposed parking was satisfactory.

Councillor Shuttleworth considered the request to accommodate residents with regards to parking was reasonable.

In response to a question from Councillor Atkinson, the Planning Officer confirmed that the former Dean Bank Grange was accessible for refuse and emergency vehicles, and if bays were properly marked out there would be no access issues.

Councillor Richardson accepted the concerns regarding the allocation of parking bays, however he considered this insufficient to refuse the application and moved the recommendation to approve. This was seconded by Councillor Atkinson and it was;

**Resolved:**

That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the retention of 2no. affordable units in perpetuity and the agreed financial contribution of £14,075 to offset the shortage of open space provision, and subject to the conditions outlined in the report.

e **DM/17/04091/FPA - East Green Care Home, 3 East Green, West Auckland**

The Committee considered a report of the Planning Officer regarding the demolition of former care home and erection of 25no. dwellings at East Green Care Home, 3 East Green, West Auckland (for copy see file of minutes).

The Planning Officer gave a detailed presentation of the application which included a site location plan, aerial view of the site, various photographs of the site and proposed site plan.

The Planning Officer confirmed that since the report had been published a letter had been received from the owner of Old Church Manor, which outlined concerns regarding access to his property and loss of light. He had also raised questions regarding the relocation of sewers, of which the Planning Officer confirmed would be at no cost to residents.

Mr J Jones, local resident and owner of the neighbouring property confirmed that he had purchased and refurbished a derelict church and was concerned that he would be unable to access to the rear of his property for maintenance, should the proposal be approved. He confirmed that originally the application included the erection of a fence against the wall of his property which would have prevented him from doing any maintenance work to the rear. He welcomed the development but did not feel that the 1m gap between his property and the fence of the proposed neighbouring properties was sufficient.

Mr Jones confirmed that his property was too high to use a ladder and would therefore require the erection of scaffolding, which the proposed distance would not allow. He considered a gap of 1.5m to be the minimum required to access and maintain Old Church Manor.

In addition, Mr Jones believed that the owner of the property currently adjoined to the care home had concerns regarding the demolition of the building as it was attached to his gable end. Finally, he confirmed that there had been a lot of vandalism in the area including his own property which had required him to secure it, therefore he was in favour of development. He did however reiterate the requirement for sufficient access to maintain his property.

Mr S Bell, spoken in support on behalf of the Applicant and confirmed that Mr Jones' initial concerns had been responded to following the original proposed layout and the fence had been moved away from his property. The Applicant was willing to negotiate with Mr Jones and promised permanent access rights for maintenance.

With regards to the issue regarding drainage, this would be dealt with via a condition and finally, the issue with regards to the adjoining property was a separate matter which would require a structural assessment and consultation with the owner.

Mr Bell confirmed that the scheme would reuse a brownfield site, address the need for affordable housing, and vastly improve the visual impact of the site, whilst providing offsite contributions for open space.

Councillor Nicholson welcomed the resolution to allow Mr Jones access to his property and invited the Committee to debate the application.

Councillor Clare considered whether the promise of access to Old Church Manor was sufficient for Mr Jones and agreed that a separation distance of 1m may not be enough to erect scaffolding. He considered the request for an additional 0.5m to be reasonable.

Councillor Atkinson queried whether the right of access would be dealt with by a covenant or whether it would be an agreement between the Applicant and the current owners only.

The Solicitor - Planning and Development, confirmed that the issue of access to Old Church Manor was a private matter and not normally a consideration for the Committee, unless they considered it had a negative impact upon amenity.

Councillor Patterson confirmed that there was provision within the law to allow access to maintain property and considered that the separation distance was sufficient to allow maintenance of Old Church Manor. She considered that redevelopment of the site was crucial in the prevention of antisocial behaviour and moved the recommendation to approve.

Councillor Richardson confirmed that he was on the Committee which granted previous approval of 10 houses and although there had been no requirement for a site visit, he had visited the site. He queried whether a footpath which ran through the site would be retained. The Planning Officer confirmed that a footpath which joined Arnold Street and Station Road would be diverted accordingly.

Councillor Atkinson seconded the recommendation to approve and it was;

**Resolved:**

That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the retention of 3 no. affordable units in perpetuity and the agreed financial contribution of £51,425 for open space provision, and subject to the conditions as outlined in the report.

**f DM/17/01922/FPA - Land East Of Hillside Road, Coundon**

The Committee considered a report of the Senior Planning Officer regarding the erection of 37no. residential dwellings with associated infrastructure, access and car parking on land East of Hillside Road, Coundon (for copy see file of minutes).

The Planning Officer gave a detailed presentation of the application which included a site location plan, aerial view of the site, various photographs of the site and proposed site plan.

Local Member, Councillor Kay, spoke in support of the application – it was an improvement on that made in 2008 - it would provide good quality housing and compliment the recently constructed houses at Bishops Meadows. Councillor Kay

considered the application site to be sustainable and considered school provision adequate. He acknowledged the additional parking which had been provided for visitors and considered overall, the development would have a positive impact on the area.

It had been acknowledged in the report that the internal layout fell short in some areas and Councillor Kay referred to the property at East Avenue which was adjacent to the site boundary. He was concerned of the impact on amenity, should a 6ft fence be erected. Although the separation distance was adequate in terms of planning, he wanted to protect the residential amenity of East Avenue.

The Agent, Mr Hunt, spoke on behalf of the Applicant and confirmed that the site was in a sustainable location in close proximity to the village and satisfied current and future housing needs. The design of the properties would complement the properties at Bishops Meadows and traditional building materials would continue to be used. A roundabout had been incorporated which would assist in traffic calming and link the two sites. The Applicant had worked closely with consultees and ensured any impact had been mitigated.

Councillor Shuttleworth considered whether a condition to appease residents of East Avenue could be included. The Senior Planning Officer confirmed that the separation distance was 7-8m and considered acceptable, however sought delegated authority to agree a condition regarding residential amenity in consultation with the Chairman and Vice-Chairman. Councillor Shuttleworth moved the recommendation to approve and it was seconded by Councillor Atkinson.

**Resolved:**

That the application be **APPROVED** subject to the completion of a Section 106 agreement to secure the following:

- Provision of 10% affordable housing on site
- Financial contribution totalling £83,028 towards offsite open space and recreational provision
- £11,105 towards offsite biodiversity improvements
- £13,000 towards the provision of public art

And subject to the conditions as outlined in the report and the condition delegated to be agreed by the Senior Planning Officer.

**g DM/17/00466/FPA - Site Of Former Chamberlain Phipps Coatings, Catkin Way, Bishop Auckland**

The Committee considered a report of the Senior Planning Officer regarding the erection of 75 dwellings at the site of former Chamberlain Phipps Coatings, Catkin Way, Bishop Auckland (for copy see file of minutes).

The Planning Officer gave a detailed presentation of the application which included a site location plan, aerial view of the site, various photographs of the site and proposed site plan.

The Applicant, Mr C Dodds, spoke in support of the application and made reference to the Highways objection. Mr Dodds did not support the rationale behind the request for a £241k contribution to provide mitigation measures Tindale Crescent. The contribution was effectively penalising the Applicant for the impact caused by other developments in the area. An alternative contribution had been offered for mitigation and Mr Dodds considered £40-60k to be proportionate to the proposals and this would not prevent further mitigation should other developments come forward.

Finally, Mr Dodds considered the regeneration of a brownfield site would be more beneficial to the area and the alternative was that it could be left derelict if the application was not approved.

The Chairman agreed that the junction was at full capacity and in his opinion, the contributions offered were insignificant.

Councillor Martin considered an objection from Highways as sufficient enough to refuse the application. Councillor Shuttleworth added that it was important to secure contributions from the developer towards road improvement works and moved the recommendation to refuse. Councillor Clare also agreed and considered a Highways objection to warrant refusal, therefore seconded the recommendation to refuse.

**Resolved:**

That the application be **REFUSED** for the reasons outlined in the report.

**h DM/17/01696/FPA - Smiddy Burn Bridge, Stanhope Common, Stanhope**

The Committee considered a report of the Planning Officer regarding the replacement of Smiddy Burn Bridge; erection of retaining wall and repositioned steps in front of shooting box, Stanhope Common, Stanhope, Weardale (for copy see file of minutes).

The Planning Officer gave a detailed presentation of the application which included a site location plan, aerial view of the site and various photographs.

The Planning Officer confirmed that since the report had been published an additional 5 comments had been received all concerning the demolition of the bridge and suggesting that the bridge was instead repaired.

Mr C O'Donovan, objector, considered the bridge a historical asset to the area and not in disrepair. He confirmed that it had suffered damage due to previous workings and he considered the report to be biased and based on the structure of the bridge without consideration of its heritage. He confirmed that the ecology had been assessed one month after the shooting season had started, which would have inevitably caused wildlife to flee. In addition he felt that the Committee should be aware that the cost of the ecology report had been funded by the Applicant.

Mr O'Donovan referred to the reasons for approval as being contrary to Part 12 of the NPPF which gave AONB's the highest status of protection. He also considered that it was unfair to make a decision on the condition of the bridge in the absence of a structural survey.

Mr C Hemingway, objector, confirmed that the bridge needed some attention as it had been subjected to some damage over the years. He agreed that some of the damage looked deliberate, however on close inspection, he considered the stonework to be immaculate. The bridge did not require demolition and it was an important people. He likened the proposal to legalised vandalism. Mr Hemingway added that the shooting box was constructed with a corrugated tin roof and not slate as described in the report.

The Agent, Ms N Allan, spoke on behalf of the Applicant and confirmed that the bridge was used by people from the Estate, Commoners and members of the public. There was no doubt that it was a valued landscape feature, however the Estate had the responsibility to ensure the bridge was safe. A Chartered Engineer had carried out the assessment on the structure of the bridge and had confirmed that should further storm damage be sustained, the arch would potentially collapse. Ms Allen fundamentally disagreed with the statement that the bridge was immaculate – it was in severe disrepair, with bulges and missing stones, rendering it unsafe.

Ms Allen confirmed that the bridge had no protection because it had no listed status. Furthermore the landowner did not require permission to demolish the bridge and were under no obligation to rebuild it. No objections had been raised by statutory consultees and should the application be approved there would be no loss of access or grazing. The opinions on the structure of the bridge were misunderstandings and not evidence based. The Applicant was seeking to replace the bridge in order to make it safe and last for another 100 years.

Councillor Shuttleworth was the Local Member and reminded the Committee that the bridge had been there for more than 100 years in its current state. He referred to the Estate as being an important part of the economy, providing jobs and business in the area, but he saw no reason for the bridge to be demolished.

Councillor Patterson was surprised, given the history of the area, that the bridge was not a listed structure and acknowledged that in the eyes of the community, it had the same significance. She referred to the absence of a structural report and considered that there was not enough evidence to confirm that the bridge needed a complete rebuild. Councillor Patterson added that although no permission was required to demolish the bridge, the Applicant did require permission to build one.

In response to a question from Councillor Brown, Ms Allen confirmed that the stonework would be reclaimed and reused to erect the new bridge. The stone mason would essentially be rebuilding the bridge in exactly the same way, using the same materials. The majority of the stone was fit to be reused however where it was not, similar reclaimed stone would be sourced.

Councillor Clare appreciated the comments from objectors, however the bridge was built for traffic which was appropriate at the time and not for the weight of modern day vehicles. The reasons for refusal did not outweigh the significant economical reasons put forward for the reconstruction and he acknowledged that the bridge was being replaced with a like for like construction, with only a slight difference in alignment, hence it would have the same visual impact.

Councillor Patterson moved a recommendation to refuse the application given the AONB status of the area, on the grounds that the replacement bridge would not conserve or enhance the natural beauty of the area.

The recommendation to refuse was seconded by Councillor Shuttleworth and upon a vote being taken the motion was lost.

Councillor Clare considered there was impact on visual amenity, however with no protected heritage status and in the absence of a valid reason to refuse, he moved the recommendation to approve the application.

Councillor Martin confirmed that although he was a traditionalist and would rather the bridge be repaired to retain its character, the proposal would ensure that the development would preserve the masonry and ensure that it lasted even longer. He therefore seconded the recommendation to approve.

Upon a vote being taken there was an equality of votes, therefore upon the Chairman using his casting vote, it was;

**Resolved:**

That the application be **APPROVED** subject to the conditions outlined in the report.