

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber - County Hall, Durham on **Thursday 28 June 2018 at 1.00 pm**

Present:

Councillor I Jewell (Chairman)

Members of the Committee:

Councillors D Bell, A Hopgood, C Martin, M McKeon, O Milburn, A Shield, L Taylor, S Wilson (Vice-Chairman) and S Zair

Apologies:

Apologies for absence were received from Councillors A Bainbridge, L Boyd, D Boyes, G Darkes, J Robinson and J Shuttleworth

1 Apologies for Absence

An apology for absence was received from Councillor A Bainbridge.

2 Substitute Members

There were no substitute Members in attendance.

3 Minutes of the Meeting held on 26 April 2018

The minutes of the meeting held on 26 April 2018 were confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest (if any)

Councillor O Milburn declared an interest in application DM/17/03445/FPA - land to the south of Penshaw View, Tantobie as local Member.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/17/03445/FPA - Land to the south of Penshaw View, Tantobie

The Committee considered a report of the Senior Planning Officer regarding the resubmission of DM/17/00215/FPA and DM/17/02532/FPA for the erection of 52

detached and semi-detached dwellings, including affordable units, with associated services, infrastructure and landscaping on land to the south of Penshaw View, Tantobie (for copy see file of Minutes).

A Farnie, Planning Development Manager gave a detailed presentation on the application which included a location plan, site photographs, proposed site layout and proposed house types.

Councillor O Milburn, local Member, addressed the Committee in support of the application and in doing so informed the Committee that she would not be voting on the application. The village of Tantobie was classed as Category D village in the 1960's, and apart from a development of approximately 50 houses in the 1970's, consisted mainly of terraced housing. The village had a shop, two pubs a café and bus links and could be seen as being sustainable. There was a danger that the aging housing stock in the village could become the haunt of absent landlords.

A failure to approve development could present a risk to services in the village whereas the development of family homes would enable the village to thrive. There was local support for the proposed development, which adjoined and had easy access to playing fields. Councillor Milburn could not understand why objections to the development could not be mitigated by discussion and urged the Committee to approve the application.

Mr J Ridgeon, agent for the applicant, addressed the Committee. Mr Ridgeon thanked council officers for engaging with the applicant throughout the planning process and informed the Committee that significant changes had been made to the application to address concerns raised by internal consultees.

Prior to the original planning application for this site there had been positive public consultation and there had been no objections received from the community to this application. Mr Ridgeon also welcomed the support of Councillor Milburn, the local Member.

The proposed development was in a sustainable location and was acceptable in principle. The development would deliver much needed, modern homes and allow families to stay within their community.

There were three outstanding issues, all of which could be addressed by appropriately worded condition and mitigated fully through an appropriate s106 agreement.

In relation to concerns about the impact on biodiversity, the proposals included amended plans which proposed that the northern part of the site, where mineshafts were located, would be retained as landscaped open space with tree planting and retention to address the comments of the Landscape and Ecology Officer. Updated Landscaping Plans were not proposed to be submitted as they could be controlled by an appropriately worded condition.

Mr Ridgeon referred to off-site mitigation which could be easily calculated by using an appropriate biodiversity impact assessment calculator such as that used by

Warwickshire County Council. Last week the County Committee approved an application using this method. The scheme for 40 dwellings was approved on the basis of a £26,000 payment for off-site ecology improvements. At £650 per dwelling a similar agreement for this site would be £33,800, though this was likely to be less due to the on-site mitigation that was proposed in the northern part of the site. This could be controlled by Condition and Section 106 agreement and should not be a reason for refusal.

Given the proximity of the site to the Tantobie Community Centre and Sports pitches, which included a play park, the site would be well served by existing amenities. A footpath was proposed which would provide direct access to these facilities. A contribution figure of £59,228 had been agreed with the Council and this could be controlled by Condition and Section 106 agreement.

Given that ecology and open space issues could be resolved the outstanding issue related to surface water drainage.

Due to the coal mining legacy of the site and the ground contamination due to historic landfill the open space on the site was located at the north of the site at the top of a hill. A minimum number of houses were needed on the site to ensure it was viable and a drainage retention basin could not be incorporated into the site layout.

The flood risk assessment and drainage strategy submitted with the application detailed that SUDS were not appropriate at this location. However, further detailed design work may ascertain the extent of any SUDS that could be offered due to the nature of the site. In accordance with Council guidance this could include oversized pipes and underground retaining tanks. The guidance stated that these techniques were sustainable where the use of other SUDS techniques were not practical.

The developer had agreed a surface water flow rate into an existing surface water sewer at an adjacent manhole, to the north of the site, which was acceptable to Northumbrian Water. Additionally, Northumbrian Water had recently upgraded the sewage treatment works so foul drainage was not an issue on this site.

It would therefore be more practical to have this as a condition to allow a more detailed solution to be provided which would meet the LLFA requirements. This could be controlled by condition and had been agreed on other development sites and should not be a reason for refusal.

Officers had accepted that the scheme was only marginally viable and that providing modern, efficient housing in a sustainable location was a significant benefit which should be supported. The proposed housing model had been accepted and would widen home ownership opportunities. Ecology, open spaces and drainage issues could all be controlled by condition and Section 106 agreement and should not be a reason for refusal. The decision for the Committee was whether or not a SUDS strategy which was lower in the SUDS hierarchy was acceptable in this instance.

The Planning Development Manager informed the Committee that the application was satisfactory in terms of location, design, layout and highways but an impasse had been reached with the applicant when it came to conditions and contributions in an attempt to get the associated infrastructure for the site. The presentation to Committee which had been made by the applicant's agent contained information not previously forthcoming. There was scope to resolve outstanding issues and the applicant should have entered into discussion about these before the matter was brought to Committee for determination.

Councillor Wilson informed the Committee that there were no local objections to the application which addressed a housing need in the area. In view of the presentation by the applicant's agent and the response of the Planning Development Manager he **moved** that the application be deferred to allow for further discussion to take place between the applicant and planning officers

Councillor Shield sought clarity on the local Member who had spoken in favour of the application prior to hearing any of the debate and whether this should be classed as a prejudicial interest. D Taylor, Legal Manager, Property, Planning and Project Management replied that the local Member had a personal interest in the application as a local Member and had spoken in favour of the application. As a result this could be deemed to be pre-determination of the application and the local Member had informed the Committee that she would not be voting on the application.

Councillor Shield referred to the proposed access to the development site which was adjacent to an access to an equestrian facility on the other side of the road. D Smith, Principal DM Engineer replied that there was a farm access opposite the site which was poor in terms of visibility because it had been built out. The junction would be staggered and the highway had no recorded accidents. Vehicle speeds were commensurate with the junction and there were no highway issues of any concern.

Councillor Shield referred to saved Policies EN1 and EN2 in the Derwentside District Local Plan which were to restrict development in the countryside, however, there was a need for this level of housing in the area. While he could not support the application as it was presented to Committee he supported Councillor Wilson that the application be deferred until outstanding issues could be agreed to the satisfaction of officers.

Councillor Jewell informed the Committee that the development site was once lower than it was now and suffered pooling of water. He had concerns if the land was to be infilled and also had drainage concerns about the site. Once development commenced any remedial work which was necessary would be very difficult.

B Weatherall, Senior Area Drainage Engineer informed the Committee that the application made in November 2017 contained no provision of or space for SUDS. The flood risk assessment for the outline application was insufficient to determine the flood risk, and on-site testing was required for ground conditions. An amended strategy for flood risk, testing and hydrology conditions had been requested but had not been forthcoming.

Councillor Martin agreed with Councillor Milburn that the area was in need of more housing, however, a proper drainage system was needed. Councillor Martin **moved** refusal of the application.

Councillor McKeon empathised with the local community and the need to keep local services going and **seconded** that the application be deferred so that drainage issues could be addressed.

Councillor Hopgood asked, if the application was deferred, whether the time frame for determination would be met. Drainage at this site was a massive issue and agreement was needed on how to progress this.

The Planning Development Manager replied that if the application was to be deferred the applicant would need to agree an extension of time for determination of it. He was unable to say whether the drainage issues could be resolved to the satisfaction of all parties. If the application was to be refused then the applicant could appeal the decision but this was a lengthy exercise for both parties. If the application was deferred there was no guarantee that the ecology, open spaces and drainage issues could be resolved.

Councillor Shield informed the Committee that there had been no guarantee forthcoming from the applicant regarding drainage and flooding and as a result he was withdrawing his support for a deferment and **seconded** refusal of the application.

A vote was taken that the application be deferred, as **moved** by Councillor Wilson, **seconded** by Councillor McKeon. There was an equality of votes, therefore upon the Chairman using his casting vote the motion was **lost**.

Upon a further vote being taken, **moved** by Councillor Martin, **seconded** by Councillor Shield it was

Resolved:

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

b DM/18/01349/FPA - Land to the South East of Greencore, Hownsgill Industrial Park, Templetown

The Committee considered a report of the Senior Planning Officer regarding an application for the construction of a sustainable drainage system (SuDS) basin, to service the 'Go-Ahead' development and potential future sites on land to the south east of Greencore, Hownsgill Industrial Park, Templetown (for copy see file of Minutes).

A Farnie, Planning Development Manager gave a detailed presentation on the application which included a location plan, proposed site plan and site photographs.

In response to a question from Councillor Shield the Planning Development Manager informed the Committee that the maximum water depth would be 1 metre.

Moved by Councillor Shield, **seconded** by Councillor Hopgood and

Resolved:

That the application be approved subject to the Conditions contained in the report.

6 Appeal Update

The Committee noted a report which provided details of an appeal decision against the refusal of permission for the demolition of two hay storage barns and removal of containers, converted lorry-backs and redundant chicken coop structures and the erection of a single storey detached dwelling part on existing hardstanding and part on site of one of the structures on land and buildings west of Parkers Farm, Pontop Pike Lane (DM/17/02360/FPA).

The Committee also noted that two appeals had been received.

Signed.....
Chair of Area Planning Committee (North)

Date.....