

**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 27 September 2018** at **1.00 pm**

**Present:**

**Councillor I Jewell (Chairman)**

**Members of the Committee:**

Councillors A Bainbridge, D Bell, L Boyd, D Boyes, G Darkes, M Davinson (substitute for S Wilson), A Hopgood, C Martin, M McKeon, O Milburn, J Robinson and A Shield

**Also Present:**

Councillors A Batey and D Wood

**1 Apologies for Absence**

Apologies for absence were received from Councillors J Shuttleworth, L Taylor, S Wilson and S Zair.

**2 Substitute Members**

Councillor M Davinson substituted for Councillor S Wilson.

**3 Minutes**

The minutes of the meeting held on 28 June 2018 were confirmed as a correct record by the Committee and signed by the Chairman.

**4 Declarations of Interest (if any)**

Councillor C Martin explained that he had taken advice from the Solicitor – Planning and Development, Neil Carter as regards Item 10 – the former Arizona Chemical site. He noted that it was a site within his Electoral Division and he had discussions regarding this project with members of the community and the Parish Council, along with meeting the Architect responsible. He explained that he had not expressed a preference in terms of being for or against the project and had no intention of speaking at the start of the item. Councillor C Martin noted he looked forward to taking part in the debate and decision making on the application.

Councillor O Milburn declared a non-prejudicial interest in Item 9, Beamishburn Road, Stanley, as a Local Member for Tanfield.

## **6 DM/18/01298/FPA - Land to the North of St Johns Mews, Burnhope**

The Senior Planning Officer, SF gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer, SF advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the erection of 28 dwellings for the over 55s and was recommended for refusal, the reasons set out within the report.

The Senior Planning Officer, SF referred Members to site photographs and noted the proposals would bring the existing road surface and drains up to an adoptable standard for the benefit of new and existing residents. Members were referred to the property types and noted the proposed entrance between 2 existing properties, with the proposed houses being moved back on the site in comparison to original submissions in order to give better potential residential amenity. The Senior Planning Officer, SF noted the landscape of the site was open, semi-improved grassland, effectively countryside. It was explained that the application was a resubmission, having been submitted in May, with the original application having been withdrawn 17 months ago. Members noted that since the publication of the agenda papers, 2 further layouts and a flood risk assessment had been received. It was explained that the revisions to the plans had not allowed sufficient time for adequate consultation with the public or consultees.

The Senior Planning Officer, SF noted the principle issue was that of intrusion into the countryside. He added that the house types did not correlate with plans and there was a lack of surety in terms of the relationships proposed.

In terms of statutory and internal consultees, it was explained that the parking scheme had been redesigned following input from Highways Engineers, however, further amendments would be required in order for the scheme to be at an adoptable standard. The Senior Planning Officer, SF added that Officers had concerns in terms of foul water, though Northumbrian Water did not object, subject to a condition in terms of approval requiring the development to be implemented in line with the latest submitted drainage scheme. Members noted the Coal Authority required a standard condition in relation to site investigations prior to commencement of the development.

The Committee noted Spatial Policy responses in relation to space requirements and in terms of relevant OSNA policies as set out within the report.

The Senior Planning Officer, SF set out that the Drainage Team had noted some overlap in terms of highways adoption and suggested a SuDS could deal with surface water issues. The Landscape Team objected to the intrusion into the Countryside. Members noted no objections from Ecology, Education or in terms of footpaths or archaeology.

The Committee noted there had been 14 letters of objection from the nearby properties and a neutral representation from Burnhope Parish Council. It was

explained Residents' main points of objection related to interrelated drainage/surface water and highways layout, noting there would be an increase in the volume of traffic in an area where children played.

The Senior Planning Officer, SF reiterated that the main planning issue related to Policies EN1 and EN2, encroachment into the countryside. He added that there was, in general, a healthy housing supply within the County, however, the Applicant had noted the properties would be for those aged over 55 years old. The Senior Planning Officer, SF noted that this restriction would be outside of the control in the form proposed of the Local Planning Authority and that proposals in terms of a Management Committee were at best nebulous. Members noted that in terms of neighbouring amenity, separation distances on the southern boundary of the site were below standard subject to which plan was assessed. It was noted the proposal included a Warden to live on-site within the development, though it was not clear what their role would be and whether there was a need for them to be on-site, and why they should occupy an affordable unit..

In summary, the Senior Planning Officer, SF noted that the application was recommended for refusal noting: the application represented encroachment into the Countryside, contrary to saved Local Plan Policies EN1 and EN2; and the highways and drainage scheme had not given sufficient surety, contrary to saved Local Policies GDP1(I) and TR2 and Part 14 of the National Planning Policy Framework. In relation to the second refusal reason as set out within the report, the Senior Planning Officer, SF explained that as there was a lack of clarity in terms of separation distances due to changing plans that it was proposed the wording be amended to explain this and that therefore the application would be contrary to saved Local Plan Policy GDP1.

The Chairman thanked the Senior Planning Officer, SF and asked Mr J Kerr to speak in objection to the application on behalf of local residents.

Mr J Kerr explained he was representing the residents of St. John's Mews and noted the objections they had made as set out within the Officer's report and presentation. He explained that the proposed access was via an unadopted and unsuitable road that had not been brought up to standard by the Developer in 18 years. It was added that drainage issues at the site had not been addressed by the Developer over the last 18 years, and with no details within the application. Mr J Kerr noted that normally drainage conditions were very stringent, in terms of the separation of foul and surface water, this not currently the case at the site.

Mr J Kerr noted the Officer's report had stated the application represented encroachment into the countryside and added there were a number of alternative sites for development within the Burnhope area. He added that the application was for a landlocked site, with issues in terms of access and safety, with an adverse camber on the road, a 90 degree corner and if residents were to be over 55, there was potential for increased visitors for there to be an increased risk of an accident.

Mr J Kerr noted there was incomplete information on several issues, including in terms of proposed sewage plant, noise levels and in terms of any mine workings. He noted the Council could demonstrate a 5 year supply of housing and that

Members should note the “drip feed” of information that had been given in terms of the application, giving the Council, partners and Residents no time to respond. Mr J Kerr noted other issues included: land ownership, lack of clarity in terms of parking; and that part of the proposal would overlook existing properties.

Mr J Kerr concluded that the Residents of St. John’s Mews would ask the Committee to follow the recommendation of the Officer to refuse the application, noting they felt it was unnecessary development, unsafe, taking on board the developer’s track record, and to preserve this area of the countryside for the future.

The Chairman thanked Mr J Kerr and asked Mr G McGill, Agent for the Applicant to speak in support of the application.

Mr G McGill noted that the process of the application had begun over 5 years ago and that a strong impression was given at that time that the scheme would be acceptable, notwithstanding the principle of development in the countryside. He explained that the scheme had always been a specialist scheme, looking to provide housing for the over 55s and that these type of “departure” applications represented one of the only ways to enable these types of bungalows to be built.

Mr G McGill noted a number of technical difficulties in terms of the drainage at the site and the proposals offered a solution, with no cost to existing residents. He added that in terms of the meeting privacy and amenity concerns, these had been rectified within the revised drawings. He noted paragraph 50 of the report stated Environmental Health Officers accepted the findings of submitted reports.

Mr G McGill explained that the bespoke design provide a good standard of accommodation, providing lifetime homes, grouped around a village green, with 6 affordable units, greater than the minimum requirement of 15%. He added that a Site Warden would benefit the scheme, though was not critical. Mr G McGill added that Housing Officers had confirmed that there would be a strong interest from Registered Social Landlords (RSL) in terms of those properties. He noted that the proposed management of the site was achievable, and had been successful in other areas of the country. Mr G McGill added that there would also be New Homes Bonus for the Council in terms of the proposed development, as well as benefits to existing residents in terms of drainage and highways improvements.

Mr G McGill noted that it was felt: the application would provide much needed bungalows for the over 55s, catering to an aging population; issues in terms of layout could be amended, as demonstrated by the latest revision of plans; and the application would break the deadlock in terms of drainage and highways issues. He concluded by noted it was felt in terms of planning balance that the application should be approved.

The Chairman thanked Mr G McGill and asked the Senior Planning Officer, SF to respond to the points raised by the speakers.

The Senior Planning Officer, SF agreed that application site had been discussed over a number of years, however, there had been changes in legislation demand and land supply in the intervening period. He added that what was originally

proposed and what was being proposed now represented very different offers. It was explained that usually many issues and information could be left to be addressed by way of conditions, however, in this case Officers felt that too much was being left for later agreement and therefore the recommendation was for refusal, subject to the amended reason previously mentioned.

The Chairman thanked the Senior Planning Officer, SF and asked Members of the Committee for their questions and comments.

Councillor A Shield noted he had not attended the site visit, however, he explained that he knew the site well. He noted he was saddened as the application sought to address social need, however, from the information from the Officers and the history of the situation at the site, he did not feel the application met planning requirements. He noted several belated changes and he felt there were still too many outstanding issues and a lack of information and therefore he supported the Officer's recommendation for refusal.

Councillor C Martin noted the arguments in terms of highways and drainage, though reiterated the point raised by Planners in terms of the main issue being encroachment into the countryside. He agreed in terms of the need for more bungalows, however, in terms of proposed development he agreed with Officers and **moved** the application be refused, subject to the amendment as stated by the Senior Planning Officer, SF.

Councillor A Hopgood noted she had not attended the site visit, though explained she had visited family in the area for over 35 years. She agreed in terms of a shortage of bungalows across County Durham, however, did not agree there was a shortage of bungalows in the Burnhope area specifically, and therefore questioned this in terms of "housing need". She noted the objections from those living in a 9 house cul-de-sac that would be turned into a through-road, and that the issues raised by Residents had not been addressed over the last 18 years. She noted she too supported the Officer's recommendation.

Councillor D Boyes noted the Senior Planning Officer, SF had used the term "nebulous" in respect of information relating to the proposed Management Committee and the ongoing situation in terms of highways and drainage as described by the Officer and the speaker of behalf of existing Residents. He agreed that the Management Committee did not seem likely to be able to provide the control required and noted it did not seem correct that there was not already a RSL in place. He noted he would be unable to support the application and agreed with the Officer's recommendation.

Councillor M McKeon noted she had similar concerns to those raised by other Committee Members and also those of the Officers, including the late changes in terms of drawings and inadequate time for Residents to respond. She **seconded** the proposal for refusal as recommended by the Officer.

Councillor M Davinson noted the proposal was for refusal, subject to an amendment to the second refusal reason, as described by the Senior Planning Officer, SF, wording to be delegated to the Head of Planning and Assets.

Upon a vote being taken it was

**Resolved:**

That the application be **refused** for the reasons contained within the report, subject to an amended reason No.2:

2. *The lack of consistency between site layout and elevation plans compromises assessment of required separation distances between existing and proposed dwellings at the southern boundary, which falls below that which would ensure reasonable expectations of residential privacy and amenity contrary to Policy GDP1 of the Derwentside District Local Plan 1997 (saved Policies).*

*Councillor L Boyd entered the meeting at 1.45pm*

**7 DM/18/01134/OUT - Jingling Gate Inn, Twizell Lane, West Pelton**

The Planning Officer, Louisa Ollivere gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer, LO advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was an outline application for the erection of four dwellings on site of former public house/nightclub (resubmission) (all matters reserved) and was recommended for refusal, with the reasons set out within the report.

The Planning Officer, LO reminded Members of the nearby 195,000 animal chicken farm, commercial livery and veterinary surgery and highlighted the surrounding vegetation and enclosures using plans and photographs.

It was added there had been no objections from the Council's Highways Section, subject to conditions and Northumbrian Water and the Coal Authority had noted a lack of details and therefore were also requesting conditions. It was noted that the Environment Agency had not commented to date. In relation to internal consultees, the Council's Environmental Health Officer (EHO) had reported back on a technical review in relation to noise and odour, with dispersion modelling. Members were informed that the EHO had noted that there would be potential impact on the nearby business in terms of the closer proximity of Residents which could increase the potential of complaint. The Planning Officer, LO added that the EHO had considered the potential to cause a statutory nuisance and would object as it was considered that the development was likely to lead to a statutory nuisance and did not consider that conditions could be imposed to mitigate the impact.

The Planning Officer, LO added that there were no objections from the Design and Conservation Officer or the Landscape Officer noting the reduction from 6 units to 4

units. Members were advised as regards the benefits of the scheme as set out by Spatial Policy and there had been no objections from the Ecology Officer, subject to conditions. It was added that there had been no comments from the Education Officer.

The Committee noted that there had been 13 letters of objection from local Residents and businesses, including the owner of the chicken farm, with a summary of objections being set out within the report. Members noted there had been 10 letters of support for the application, and a letter of support from the Local MP, Kevan Jones, with a summary of the comments in support also being set out within the report. It was added there was support from the Local County Councillors for the application.

The Planning Officer, LO noted that in conclusion, that the site was of low ecological value and issues such as drainage and highways could be dealt with in terms of conditions, however, when considering the balancing exercise of Paragraph 11 of the NPPF it was felt that impacts in terms of residential amenity of future residents in terms of noise and odour and to the agricultural economy in terms of adverse impacts on the operation of neighbouring business would significantly and demonstrably outweigh the limited housing supply, construction and commercial economy benefits, visual amenity and remediation benefits. Therefore the application was recommended for refusal.

The Chairman thanked the Planning Officer, LO and noted Local Members were in attendance and asked Councillors D Wood and A Batey to speak in relation to the application.

Councillor D Wood noted, as one of the Ward Councillors for the Pelton Division, he was in attendance to speak in support of the application. He explained there was a high level of support for the development in the village of West Pelton and in the local area and the development would be on a brownfield site. He added that he believed that this would be a sustainable development as Residents would be in close proximity to bus routes, a local school and several local shops.

Councillor D Wood noted the appearance of the site would be greatly improved by the development and it would provide a greater choice and a different size of property for families that need additional space, but do not want to move away from the village. He added that nearby residents understood the importance of the poultry farm and that its work could not be achieved without some disturbance, with neither odour or noise disturbances being permanent and residents of properties on Twizell Lane were already well aware of the issues.

Councillor D Wood noted that, as highlighted in the Committee Report, no residents had complained to either the Local Authority or to the Environment Agency and he felt that this shows the level of understanding from the local community that it was a working agricultural area. He noted a Change of Use application had also been submitted to change an agricultural building to residential use and that application had not yet been determined. He added that he had read through the associated documents on the Planning Portal and there did not appear to be any reference to likely noise or odour disturbance from the poultry farm, despite the fact

it was closer than properties on Twizell Lane, and was on the same side of the road as the farm itself.

Councillor D Wood concluded by stating that, for the reason he had outlined, he believed that the development would be positive for the village of West Pelton and would constitute a sustainable development and he would ask that Members of the Planning Committee take the points made into consideration before making a decision on the application.

Councillor A Batey explained that it was unusual for Urpeth Parish Council, the West Pelton Residents' Meeting and the Local Members to all be in agreement as regards an application. She added that previous applications at the site had been approved by the former Chester-le-Street District Council and the site was a brownfield site that in its current state was a blot on the landscape. She noted there was a lot of development in the area and this application would be redevelopment of the site. Councillor A Batey noted that there was a large building diagonally opposite the site and houses at Twizell Farm, redevelopment at the car park of the veterinary surgery, and 14 properties being developed at the crossroads and therefore the traffic generated from the proposed development would be less than those other developments. It was noted that currently the site was a hotspot in terms of fly-tipping and fires.

Councillor A Batey reiterated the point that those choosing to live in the countryside would understand that there would be associated noise and odour such as crop spraying and from farms and that the issues in relation to odour would be dependent upon wind direction and other factors. She concluded by noting that any improvement at the application site would be an advantage for businesses, school and the surrounding community.

The Chairman thanked the Local Members and asked the Planning Officer, LO to comment on the points raised. The Planning Officer, LO noted existing residential properties were around 100 metres or more away from the farm, with the usual stand-off distance being 400 metres.

She added the application site was only 55 metres away and that odour would be expected all year round, and noise in weeks during the summer. The Planning Officer, LO explained that the previous approval at the former Chester-le-Street in 2008 for 8 units pre-dated the NPPF and that decision was considered flawed.

The Chairman thanked the Planning Officer, LO and asked the Applicant, Mr K Levitt and their Agent to speak in relation to the application.

The Mr K Levitt noted he loved the Twizel Lane area and had lived locally for 53 years with noise and odour. He added that should the application be approved he would be a resident at the site, and was aware of the volume of traffic that passed through the village. He reiterated that currently the site was brownfield, and that the Local Planning Authority had agreed the site was sustainable. Mr K Levitt noted that bringing the site back into use would help tackle the issues in terms of anti-social behaviour. He noted that he believed that the information in terms of noise and odour were fundamentally flawed and that hypothetical information should not be given weight over actual evidence.

A Lang, Agent for the Applicant explained that an expert survey carried out on behalf of the Applicant by an Environmental Consultant had come to a different conclusion to the EHO, and that it was felt that the positives of the application outweighed any perceived negatives. He reiterated that the application had support from Residents that lived locally and the Local Members and the Case Officer had noted many other reasons why the application could be supported, other than the perceived issues in terms of noise and odour.

The Chairman thanked the Speakers and asked the Planning Officer, LO to address the comments made. The Planning Officer, LO noted that while the site could be considered an eyesore, it was not considered to be a blight. She added that if it was considered a blight, the Local Planning Authority would be able to direct in terms of clearing of the site.

The Senior Environmental Health Officer, Mark Anslow noted that his view did contradict that of the Applicant's Environmental Consultant, however, he reminded Members that he reported and provided independent technical advice to the Planning Department on planning applications. He noted that the comments made appeared to be on the impact on a short-term basis, with his opinion being there would be impact over a considerable period of the year and there would also be noise, as expected, in terms of clearing out and extractor fans. He added that issues would also be linked to temperature and that his opinion was as set out within the Committee report.

The Chairman thanked the speakers and Officers and asked Members of the Committee for their questions and comments.

Councillor G Darkes noted he had visited the site and noted the smell was quite pungent and issues with noise. He felt that future residents should not be subjected to such issues.

Councillor D Boyes noted he could agree with a number of the points raised by the Planning Officer, supporting development of a brownfield site, as had been by the former Chester-le-Street District Council. He noted the support of residents and the Local Members and MP, and noted the absence of complaints in terms of noise and odour. He felt that on balance the application had more benefits than negative impacts and therefore he **moved** that the application be approved.

Councillor A Shield asked for the site plan to be shown and asked for clarity as to whether the application was considered ribbon as being development, outside of the settlement boundary. He noted he felt that the application could not be refused solely on the proximity to the poultry farm, especially given the conflicting views from the environmental surveys. He added that he felt that if there was such an issue as the case made by the EHO then a number of complaints would have been submitted in relation to odour and noise. Councillor A Shield noted that he felt if the application was considered ribbon development then it should be refused on that basis, else he felt that he would support approval of the application.

Councillor M McKeon noted she felt torn over the issues raised in the application. She noted the very compelling case made by Residents and on their behalf by their Local Members. She noted the former use of the site, and therefore it being a brownfield site that could be brought back into use. She added, however, that she could also see the issue in that while those that may occupy the 4 properties now, once developed, may not have an issue with noise and odour, future owners may do so. She noted she was worried in terms of setting a precedent and currently was undecided.

Councillor A Hopgood noted she recalled the public house that had previously occupied the site and acknowledged that use was different to that of private residential dwellings where owners would want to sit outside. She asked if it were possible to condition such that occupiers of those houses had no right to complain in terms of noise or odour as she felt it was important not to potentially harm the existing established business. The Solicitor – Planning and Development explained that it would not be possible to place a condition that prevented future complaints, as those could be legitimate complaints in terms of a statutory nuisance. Councillor A Hopgood asked if complaints were received in the future, could there be possible restrictions applied to the business. The Solicitor – Planning and Development noted that potentially this was the case, if it was established that there was a statutory nuisance and noted the Senior Environmental Health Officer may wish to clarify. The Senior Environmental Health Officer noted that a person who moved into one of the proposed property would be at liberty to raise a complaint and this would be investigated by the Council or the Environment Agency and issues such as Environmental Agency permits could be looked at, and directions may be given for the business to bring its standards up to “best practical defence” against a statutory nuisance.

The Area Planning Team Leader (North), Andrew Farnie reminded Members of the existing business and that unreasonable restrictions should not be placed after they were established.

He suggested Members may wish to think of the situation where a new poultry farm was being applied for, less than 100 metres from existing properties. He concluded by reiterating that Officers, on balance, did not feel the application could be recommended for approval.

Councillor A Bainbridge noted the comments of the EHO as set out at paragraph 49 of the report and the importance placed on computer modelling over a “sniff-test”. He noted that the computer term “garbage in, garbage out” and asked what data was put into the modelling. The Senior Environmental Health Officer referred to the paragraphs in the report that contained his advice on the application. He explained that within the report he acknowledged the different models and methods. He added that in terms of a “sniff-test” carried out over a 2 week period was a very short snapshot of any potential issues and a number of mitigating factors could be at play, for example wet litter, that could impact on the level of odour. The Senior Environmental Health Officer explained that his view was a balanced one looking at the various models, tests and assessments.

Councillor C Martin noted the types of rural businesses located in the area, including the poultry farm and livery and the odours and noise that could be generated. He added that, especially in the context of any implications on such businesses that could come from the exit from the European Union, he would not wish to see any additional pressures in order to tidy up a brownfield site. He **moved** that the application be refused as per the Officer's recommendation.

The Chairman asked the Planning Officer, LO as regards the question from Councillor A Shield. The Planning Officer, LO noted that the development would not be considered ribbon development, other sites at Twizell Lane being green field and therefore if Members were minded to approve the application this would not set a precedent.

Councillor A Shield noted he **seconded** Councillor D Boyes' motion for approval. Councillor G Darkes added he **seconded** Councillor C Martin' motion for refusal.

The Chairman noted the order of the motions and that Councillor D Boyes' motion for approval would be voted upon first.

Councillor J Robinson noted the numerous letters of support and lack of evidence in terms of prior complaints in terms of odour and noise. He asked if the need to include a contribution in terms of public art was essential or a red herring, and if a requirement did this need to be included. The Solicitor – Planning and Development noted that it was a Saved Local Plan Policy requirement if approval was sought and a relevant Section 106 (s106) Legal Agreement in this regard would be required, in addition to the usual suite of conditions with delegated authority for Planning Officers to set out. Councillor O Milburn asked if an occupier of one of the potential properties sold it in the future, would they need to disclose issues in terms of noise and odour. The Solicitor – Planning and Development noted it was not a relevant consideration for the Committee in relation to the application, and he believed such disclosures were in terms of disputes or complaints and other issues would be for a potential purchaser to make enquiries.

Councillor M Davinson noted that the Officer's report stated at paragraph 109 that "...no public art provision has been proposed nor has a 106 agreement been requested given the unacceptable nature of the proposal...", however, a slide within the Officer's presentation referred to the Applicant being "...unwilling to enter into a s106 agreement...". Councillor M Davinson added that there had been 4 fly-tipping incidents since January and the site would be better developed to prevent this. He noted that the Electoral Division was "Pelton" and added that any potential purchasers of the proposed properties would not likely miss the very large poultry farm nearby. Councillor M Davinson noted he had ran past the area 36 time in the last year at various times of day from 9am to 9pm and had not noted a problem with any smell.

The Solicitor – Planning and Development noted he would defer to the Planning Officer, however, suspected that a s106 Agreement was not advanced as the recommendation was for refusal. The Planning Officer, LO noted that both the report and slide were correct, at the time of the report that was the case, with

discussions after publication of the report, but prior to the Committee with the Applicant noting at that time that they were not willing to enter into a s106 Agreement.

A Lang noted that the Applicant would be willing to enter into a s106 Agreement regarding public art, however he felt that as the development would fall below the £500,000 threshold, it would not be an issue. He reiterated that the Applicant would be willing to include the public art contribution by s106 or by condition. The Solicitor – Planning and Development explained that as previously noted the contribution would need to be via a s106 Legal Agreement, not by condition, and would be in line with the relevant Saved Local Plan Policy and threshold as set out.

The Chairman asked the Planning Officer, LO to give an indication of the types of conditions that would be required should Members be minded to approve the application, noting details to be delegated to the Head of Planning and Assets. The Planning Officer noted they would include: time limits in relation to a Reserved Matters application; appearance, landscaping, layout and scale; access; approved plans; drainage; noise mitigation; contaminated land; bat/bird boxes; highways upgrading; lighting restriction, addressing coal mining legacy.

Councillor M Davinson asked if a condition in terms of the Applicant liaising with the owners of the Poultry Farm in terms of timings to minimise impact on their business would be useful. The Solicitor – Planning and Development noted that it was not necessary to impose such a condition, the Applicant would need to resolve any issues with neighbours.

The Solicitor – Planning and Development noted for clarity, prior to voting on the motion put forward by Councillor D Boyes, the approval would be subject to the conditions outlined by the Planning Officer, LO with delegated authority to the Head of Planning and Assets of the detailed wording, and subject to a s106 Agreement for a contribution to public art, as set out in the Saved Local Plan Policy.

Upon a vote being taken it was

**Resolved:**

That the application be **approved** subject to conditions delegated to the Head of Planning and Assets and a s106 Legal Agreement securing a contribution for public art.

**8 DM/18/01498/OUT - Land to the East of the Junction of Belle View Drive and Drover Road, Castleside**

The Senior Planning Officer, SF gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer, SF advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was an outline application for the construction of up to 31 dwellings and associated works with all

matters reserved except for access and was recommended for approval subject to conditions and a s106 Legal Agreement as set out within the report.

The Senior Planning Officer, SF noted that Policies EN1 and EN2 of the Saved Local Plan were of key consideration in relation to this application. He added that the road along one side of the site was used as a “rat-run” by those avoiding the crossroad on the A68. Members noted the relationship in terms of a nearby Listed Building and Area of High Landscape Value (AHLV).

The Committee noted that the 1997 Local Plan had identified the area as a housing site, however, this was considered out-of-date. The Senior Planning Officer, SF explained that the Strategic Housing Land Availability Assessment (SHLAA) had noted potential housing development for a larger parcel of land including the application site, though with the caveat and that access issues to be addressed.

The Senior Planning Officer, SF noted the existing road layout. He added that the Applicant had approached the Local Planning Authority for pre-application discussions and an initial proposal of around 60 dwellings had been reduced to reflect Officer comments “up to 31”. It was noted it was felt that issues such as drainage, SuDS and others could be dealt with at the Reserved Matters stage. Members noted that the access arrangements were being proposed in detail within this application and the Highways Section had no objections, subject to conditions and informatives relating to adoptable construction standards.

Members noted Northumbrian Water had noted insufficient foul drainage capacity as existing and that a condition was suggested to enable them to agree a suitable foul water drainage strategy following further assessment works.

The Senior Planning Officer, SF explained that there would be a requirement in terms of a s106 agreement to secure funding relating to: education shortfall; potential biodiversity mitigation; potential open space shortfall; provision within reserved matters for 15% affordable housing; and any off-site highways upgrades that are directly required as a result of the development.

The Senior Planning Officer, SF noted 13 letters of objection had been received, along with objections from Healeyfield Parish Council. It was noted that objections raised included: highways safety as a result of increased traffic; that affordable housing may not be affordable to local people; shortage of school places; lack of facilities in the village; use of the steep road used as a rat-run; loss of green open space; and potential drainage issues.

The Senior Planning Officer, SF concluded by noting that it was felt on balance that the proposals were acceptable and the application was recommended for approval subject to conditions and a s106 Legal Agreement as set out within the report.

The Chairman noted that Ms Jennifer Nye, Agent for the Applicant was in attendance and available to answer questions from Members as required. He asked Members of the Committee for their questions and comments.

Councillor A Shield noted while he had not been on the site visit with the Committee he knew the area very well. He noted the concerns in terms of the use of the steep road alongside as a rat-run. He noted he had spoken to other Members in the area and the proposal felt more like “in-fill development” and that his concerns related to the highways impact. He noted that if there could be assurances in terms of improved visibility splay and these concerns from the Highway Officer he would be happy to propose the Officer’s recommendation as set out in the report.

The Principal Highway Development Management (DM) Engineer, David Smith explained that the proposed access was designed to modern standards and a traffic survey on Drover Road had shown an average speed of 28mph. He added that this in turn yielded a requirement of 43 metres in terms of visibility, with the application demonstrating a visibility of 67 metres in both directions from the proposed access. The Principal Highway DM Engineer noted the 10% gradient as mentioned by the Councillor, adding there was a 30mph zone before this slope slowing vehicles down. He explained that in checking statistics there were no accidents recorded for this area and a daily count in reference to the rat-run showed a low number of vehicles and accordingly this was not felt to be a problem and the Highway Section had no objections to the application, subject to conditions as set out within the report.

Councillor D Boyes noted he was happy to support the application, however, he asked why the Parish Council felt the affordable housing would not be affordable to local residents. The Senior Planning Officer, SF noted there was not full details in relation to affordable housing, however national minimum standards would need to be met. Councillor D Boyes asked why the Parish Council would think they would not be affordable. The Senior Planning Officer, SF noted he could not answer this on behalf of the Parish Council.

Councillor A Hopgood noted other developments at Castleside that were “executive housing” and while supportive of the proposal asked if the mix of property types was known, for example to include bungalows. Ms Jennifer Nye noted that at this outline application stage it was not known. The Senior Planning Officer, SF noted that Members would have the opportunity to consider any proposals in relation to house type at the Reserved Matters stage.

Councillor O Milburn noted that almost all of the application site was surrounded by an attractive dry-stone wall and asked if there would be any way that it could be insisted that this would be retained as she felt it fitted in perfectly with the rural quality of the area and the ancient woodland. The Senior Planning Officer, SF noted that he had spoken to the Planning Consultant and that this could be added into conditions.

Councillor A Shield **moved** that the application be approved as per conditions and s106 Agreement as set out in the report, subject to the condition mentioned by the Senior Planning Officer, SF relating to the dry-stone wall. Councillor D Boyes **seconded** the motion.

Upon a vote being taken it was

**Resolved:**

That the application be **approved** subject to the conditions and a s106 Legal Agreement as set out within the report, and a condition relating to the retention of the dry-stone wall.

*Councillor A Shield left the meeting at 3.05pm*

**9 DM/17/03634/FPA - The Crest, Beamishburn Road, Beamish, Stanley**

The Planning Officer, Nick Graham gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer, NG noted a slight change, with the application now being for the erection of two dwellings and with 3 attached garages, previously to be detached, and added the application was recommended for approval subject to conditions as set out within the report.

The Planning Officer, NG noted that as a consequence of the change in terms of the garages, amended plans had been submitted and conditions 2 and 6 would be updated with the amended plan numbers accordingly, along with an additional condition requiring the materials used to match those on the host dwelling.

Members noted the location and surrounding properties including the Blue Bell Public House and South Causey Inn, with Stanley town centre approximately  $\frac{3}{4}$  mile to the south-west.

The Planning Officer, NG noted no objections from statutory or internal consultees subject to conditions, though the Landscape Officer had noted the site's proximity to an AHLV; prominence following felling of non-protected trees to the northern boundary; the size and location of the structure to be of an unfamiliar domestic scale in the settlement edge location; and that the proposal would reduce the visual amenity value and rural character of the AHLV in the prominent gateway location.

In relation to representations on the application, the Planning Officer, NG noted 2 letters of objection, with issues including: services, no public footpath, street lighting, sewerage connection and highway impact in terms of increased traffic. It was added objections were also made in terms of the proposed development having impact in terms of the character of the area and that policy was in place that looked to protect such character, and that other sites within the area should be prioritised for housing.

The Planning Officer, NG noted that Officers felt the application constituted sustainable development, albeit with little weight in terms of a boost to housing numbers. He added the impact in terms of the public houses and road were noted, however, it was felt this was sufficiently mitigated via condition. It was explained that amenity impact was also felt to be mitigated via condition and as it was felt the adverse impacts of the development would not significantly and demonstrably

outweigh the benefits, in terms of Paragraph 11 of the NPPF the recommendation was for approval.

The Chairman thanked the Planning Officer, NG and noted one speaker in objection to the application and asked Mr J Donnelly to address the Committee.

Mr J Donnelly noted he was speaking on behalf of the Residents of Beamishburn Road in objection to the application. He explained he had read the Officer's report and noted the NPPF presumption in favour of new development. He added he felt this was arbitrary and not fair and did not take into account the welfare and quality of existence of existing residents.

Mr J Donnelly noted that it had been set out that the Authority could demonstrate its housing supply and the statement at paragraph 73 of the report in terms of "...benefits of adding to the County housing supply..." was therefore not relevant to the application and in any event the addition of two properties in relation to 1,368 properties per annum OAN figure was insignificant. He added it was felt the application was "garden grabbing" and would be of detriment to the area.

Mr J Donnelly noted the comments from the Highways Officer and that no objections had been raised. He explained that the proposed access was below a crested hill and that visibility 6 months of the year was compromised. He added that he spoke on behalf of the long-term Residents and from the heart, not being a case of "nimbyism" rather the 4 existing properties and pub represented an isolated settlement of a certain character and that the proposals would impact upon this and also be an encroachment into the countryside.

The Chairman thanked Mr J Donnelly and noted the Committee would need to make a decision based upon planning legislation. He asked Members of the Committee for their questions and comments.

Councillor O Milburn noted she was a Local Member for the Tanfield Division and she disagreed with the Officer's report. She noted that the character of the area and the "new road", circa 1932, together with the 4 properties, also being the route to access and approach to Beamish Hall, the Aston Martin Workshop and a Vintage Car Showroom. She asked if a traffic survey had been undertaken. The Principal Highway DM Engineer noted that there was an average speed of 28.3mph and (AADT) annual average daily traffic flows of 695 vehicles, representing low speeds and a low volume of traffic.

Councillor O Milburn noted the nearby equestrian centre, with riders coming out on to the road and the additional traffic at times, for example the nearby Inn being used as a wedding venue. She added that in addition to concerns in relation to traffic, the drawings associated with the application looked to out of keeping with the look and feel of the existing properties, being huge compared to the current buildings.

Councillor A Hopgood noted when looking at maps and images of the site, what was proposed did not seem to bear any resemblance to what was currently there, and would not blend in at all. She added that 4 bedroom properties would likely have a minimum of 2 cars, and with a shared drive and garages unlikely to house

vehicles. She queried where parking would take place as there was no highway that could be utilised. The Principal Highway DM Engineer noted a blue line on the plans as displayed on the projector screen. He explained this represented the length of the driveway and turning head, and that the dimensions were such to be able to accommodate the required parking within the curtilage.

Councillor A Hopgood asked if there was any negotiation in terms of the design. The Solicitor – Planning and Development noted the application as submitted was that to be determined. The Planning Officer, NG explained there had been extensive discussions, including pre-application, and it was felt by Planners that the design had reached a point where it was considered acceptable.

Councillor L Boyd noted she agreed with Councillors O Milburn and A Hopgood that the application was out of keeping with the area and felt there were issues in the area with traffic on the small country roads.

Councillor J Robinson noted that he felt the application was contrary to Saved Local Plan Policy GDP1, in that the design was not of a high standard and therefore did not protect the heritage or protect or respect local amenity. He added he felt that the proposals would dominate the area and did not represent in-fill. He added he had not noted any reference to demolition of the existing garage.

Councillor M Davinson noted the design was differed to that of existing properties and added he felt the design as shown on the elevation drawings looked more akin to a public building, such as a court, rather than a residential property. Councillor M Davinson noted he had ran past the application site a few days earlier and had noted at that time there were issues with vehicles not being able to get through. The Principal Highway DM Engineer noted the nature of the road, on the periphery of residential development, with 50 metres between dwellings. He added that the area was more rural, however, there were low speeds, good visibility, good edge marking and “slow” markings on the road.

The Planning Officer, NG added that, in response to Councillor J Robinson, Paragraph 2 referred to the demolition of the existing garage and that permission was not needed for this and therefore did not form part of the application. He reiterated that there had been a change to the proposal, with the original detached garage to the front of the dwellings removed with attached garages now being proposed.

Councillor A Hopgood asked as regards the 28mph average speeds as stated. The Principal Highway DM Engineer noted this represented the 85<sup>th</sup> percentile average speed and explained this equated to a requirement of approximately 43 metres in terms of visibility. He added that there was around 100 metres, and while there was a crest in the road, there was a long visibility distance and in terms of weather conditions, road users would drive to the conditions at the time. He concluded by noting that Highways had no issues relating to visibility.

Councillor O Milburn **moved** that the application be refused, as she felt it was contrary to Saved Local Plan Policy GDP1 as the design was not of a high quality in keeping with the character and appearance of the area and did not protect existing

landscape features. The Solicitor – Planning and Development noted the policy had a wide scope and asked if the Member could drill down in terms of which specific aspects she felt the application was contrary to. Councillor O Milburn noted it was the design and in terms of landscape, how the building would sit in the landscape, it would be visible for miles. The Solicitor – Planning and Development reminded Members that if agreeing to the motion put forward then they would be saying that adverse impacts significantly and demonstrably outweighed the benefits of the development. Councillor J Robinson **seconded** the motion for refusal.

Upon a vote being taken it was

**Resolved:**

That the application be **refused** as the proposal was considered to be contrary to Part (a) of Policy GDP1 of the Derwentside District Local Plan and Part 12 of the NPPF as the development is not considered to be of a high standard of design and not in keeping with the character and appearance of the area. In addition, the proposal was contrary to Part (c) of Policy GDP1 of the Derwentside District Local Plan and Part 15 of the NPPF as the development would not protect existing landscape features. In accordance with Paragraph 11 of the NPPF, the adverse impacts of the development outlined above were considered to significantly and demonstrably outweigh the benefits of the development.

*Councillor D Boyes left the meeting at 3.40pm*

**10 DM/18/00828/OUT - Site of Former Arizona Chemical, Vigo Lane, Chester-le-Street**

The Senior Planning Officer, Graham Blakey gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for outline planning permission (all matters reserved except access) for the erection of up to 83 dwellings (revised scheme 6 July 2018) and was recommended for approval, subject to conditions and a s106 Legal Agreement.

The Senior Planning Officer, GB noted the application site was in close proximity to the former British Oxygen Company (BOC) site which had permission for 230 dwellings, with around 30 having been completed. He explained as regards proposals in terms of highways, a traffic island and layby would be installed, with some trees to the boundary removed to facilitate the visibility splay, though this would be dealt with at the reserved matters stage. Members noted an indicative layout showing how the site would be able to accommodate the number of properties, a SuDS pond and footpath link. The Senior Planning Officer, GB explained that as Vigo Lane represented the border with Gateshead Council and there would be a number of requirements in terms of highways works to Vigo Lane, and including the Portobello Road / Vigo Lane junction within the Gateshead Council administrative area.

The Senior Planning Officer, GB noted that as Local Plan Policies were considered out-of-date then the NPPF Paragraph 11 balance test would apply. He added there had been no objections from statutory or internal consultees subject to conditions and no representations made from the public. The Senior Planning Officer, GB noted the application was recommended for approval, subject to the conditions as set out, a s106 Legal Agreement and an additional condition in relation to off-site highways works as described within the Gateshead Council administrative area.

The Chairman noted there were no registered speakers and asked Members of the Committee for their questions and comments. Councillor A Hopgood **moved** that the application be approved as per the report. Councillor C Martin **seconded** the motion for approval and thanked the Architect in relation to the application who had made himself available and had listened to the public. He added that while he had initially had concerns in relation to highways issues, the number of works that have been proposed seem to represent a significant improvement.

Councillor M Davinson noted the s106 Agreement included a contribution in terms of additional capacity at schools in the area and asked if this was for Durham or Gateshead or both. The Senior Planning Officer, GB noted that as the application was within County Durham, the County Council was the appropriate Local Education Authority and the contribution via s106 in terms of additional school capacity would be for County Durham.

Upon a vote being taken it was

**Resolved:**

That the application be **approved** subject to the conditions and s106 Legal Agreement as set out in the report, and a condition in relation to off-site highways works to Vigo Lane.

## **11 Appeal Update**

The Area Planning Team Leader (North) referred Members to the report setting out and update relating to Appeals relating to the Area Planning (North) Committee (for copy see file of minutes).

Members noted that the report set out 2 decisions from the Planning Inspectorate dismissing appeals against Committee decisions and also a number of Appeals that had been submitted to the Inspectorate.

**Resolved:**

That the report be noted. The Area Planning Team Leader (North) referred Members to the report setting out and update relating to Appeals relating to the Area Planning (North) Committee (for copy see file of minutes).

Members noted that the report set out 2 decisions from the Planning Inspectorate dismissing appeals against Committee decisions and also a number of Appeals that had been submitted to the Inspectorate.

**Resolved:**

The Area Planning Team Leader (North) referred Members to the report setting out and update relating to Appeals relating to the Area Planning (North) Committee (for copy see file of minutes).

Members noted that the report set out 2 decisions from the Planning Inspectorate dismissing appeals against Committee decisions and also a number of Appeals that had been submitted to the Inspectorate.

**Resolved:**

That the report be noted.