

## **DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 2 October 2018 at 1.00 pm**

### **Present:**

**Councillor J Robinson (Chairman)**

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

Councillors J Clare, I Jewell, C Kay, A Laing, H Nicholson, G Richardson, A Shield, A Simpson, P Taylor, F Tinsley (Vice-Chairman) and M Wilkes

#### **1 Apologies for Absence**

An apology for absence was received from Councillor A Bell.

#### **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 4 September 2018 were confirmed as a correct record and signed by the Chairman.

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

##### **a DM/18/00101/OUT - Land South of Dale Road Industrial Estate, Dale Road, Shildon**

The Committee considered a report of the Senior Planning Officer regarding an outline planning application for residential development (Use Class 3) together with access, open space and landscaping with all matters reserves except for access on land south of Dale Road Industrial Estate, Dale Road, Shildon (for copy see file of Minutes).

S Pilkington, Senior Planning Officer provided a detailed presentation of the application which included a site location map, aerial photograph, indicative site layout, and views from the site looking south across the site, backwards towards Dale Road and east towards the fisheries.

Mr Hackett of Eden Grange Fishery addressed the Committee to object to the application. Mr Hackett informed the Committee that water seeped through naturally from this site and expressed concern that the size of development would result in an increased water drain-off of dirty water, which would be detrimental to the fishery. Mr Hackett's solicitor had sent Theakston Estates Ltd a Section 62 on two occasions and had, to date, received no reply.

Access to the fishery resulted in cars waiting around the entrance from 5.30 a.m. to 6.00 a.m. and Mr Hackett was concerned that this could lead to complaints from future residents on the development.

The applicant had held no dialogue with Mr Hackett on potential issues around water drainage and Mr Hackett considered that dialogue was needed.

Mr N Westwick of Lichfields, agent for the applicant, addressed the Committee. The principle of development at the site had long been established and the site had an extant permission for 310 dwellings. The site was also acknowledged as a housing commitment in the emerging County Durham Plan.

The outline application was for up to 340 dwellings which represented an increase of 30 dwellings from the total already approved. The proposals would help meet the identified housing needs within the local area and County by delivering a high quality and sustainable residential community well integrated with Shildon.

All technical issues, including flood risk, had been fully addressed and Mr Westwick asked that the Committee approve the application.

The Senior Planning Officer informed the Committee that the drainage strategy which had been submitted with the application restricted run-off rates to that of field rates. Any level changes on the site would not increase the flood risk from the site.

N Carter, Planning and Development Solicitor informed the Committee that while Mr Hackett had referred to Section 62, this was a private law matter.

Councillor Jewell considered that the issue of concern to the objector was drainage from the development. There was already a problem with drainage from the site and Councillor Jewell felt that this could be alleviated by the development. The Senior Planning Officer referred the Committee to paragraph 108 of the report which outlined that the proposed drainage plans for the site would result in a betterment.

Councillor Wilkes informed the Committee that previous applications had recommended reed beds to be planted to filter drainage water yet these were not included for this development. If all water flowed straight in to the main drainage system, this would be contaminated water. Councillor Wilkes had concerns about how drainage would be dealt with. Additionally, paragraph 127 of the report stated that no affordable housing was to be provided and paragraph 128 that there was to be no onsite provision or offsite mitigation for the increased pressure on allotment, parks and gardens and play space typologies and Councillor Wilkes questioned

why such a large development was being recommended for approval without affordable housing or mitigation.

Councillor Robinson referred Councillor Wilkes to the section of paragraph 127 which stated that a large proportion of the houses would be offered at the lower end of the market whilst there was a large supply of houses within Shildon which would fall below the Council's defined affordable level.

The Senior Planning Officer informed the Committee that the drainage strategy outlined in principle how drainage for the site would be managed and the proposed Condition 11 of the permission required for a detailed scheme for the disposal of foul and surface water.

The Senior Planning Officer referred the Committee to paragraphs 119 and 120 of the report which explained that the viability of the site was considered marginal and could not bear the costs of affordable housing provision or offsite contributions towards recreation provision.

Councillor Laing asked why the developers wanted to increase the number of proposed dwellings on the site from 310 to 340. The Senior Planning Officer replied that this would increase the viability of the site.

Councillor Tinsley informed the Committee that he had listened to the concern of the objector but there was already permission on the site for up to 310 dwellings and Councillor Tinsley asked whether any change would arise to the drainage situation as a result of the proposed additional 30 dwellings. While no affordable homes or offsite mitigation was proposed, the development would provide £1.5m in new homes bonus as well as increased precept contributions to the Town Council, which was a community benefit.

Councillor Shield referred to the outline permission granted for the site which was for up to 310 dwellings with a community wildlife area and asked what had happened to the community wildlife area and whether the extant permission contained any play areas.

The Senior Planning Officer replied that the extant permission did not contain any offsite contribution for play areas. The proposed scheme used areas of land which could have been used for community use. Councillor Shield added that this would have been an area of land for community benefit.

Councillor Taylor informed the meeting that he had concerns about water and drainage issues, but he now felt more confident about this. However, the proposed development would extend the community without extending community benefit. It proposed nothing for recreation and the Committee had been advised that this was on the grounds of viability. The development was for 340 dwellings and proposed no community facilities with the extra disadvantage of proposing no affordable housing. However, there were no valid planning reasons to refuse the application.

H Jones, Principal Planning Officer informed the Committee that paragraph 118 of the report provided details of what was being provided on site. The development was not providing anything, it just was not providing a full raft of contributions.

Councillor Clare informed the Committee that Rights of Way Officers had suggested a contribution towards local pathways but none had been proposed, which was disappointing. Although it was disappointing that this contribution as well as no affordable housing or offsite contribution towards recreation provision was being proposed, this did not mean that the application should not be approved. The proposed Condition 11 of the outline permission would mean that the application would not pass the reserved matter stage until these provisions, relating to drainage, had been agreed. The Committee had been informed that people gathered early in the morning to gain access to the fishery business and no facility had been proposed for this situation. Councillor Clare expressed concern that this could lead to conflict with residents of the development and asked that proper provision be made at the reserved matters stage to ensure conflict did not occur.

The Senior Planning Officer informed the Committee that the submitted drainage scheme would be based on sustainable drainage principles set out in 'Surface Water Principles' contained within the County Durham Surface Water Management Plan 2011 which restricted run-off rates and worked towards water betterment. With reference to noise, there was a buffer proposed to the eastern boundary of the site and Environmental Health Officers had not identified the fishery as being a significant noise source. The proposed Condition 12 of the permission required a scheme of noise mitigation measures.

Councillor Nicholson reminded the Committee that the principle of the development had already been approved for 310 dwellings and that this application proposed an additional 30 dwellings. However, he expressed concern that the development was on the periphery of Shildon and developments on the periphery did not get people into town centres. The area needed new houses and better quality houses.

Councillor Wilkes informed the Committee that he had been reassured that drainage issues had been dealt with in a sufficient manner. The extant permission for the site would have resulted in a larger area of open space on site which this application would remove. Policies L1 and L2 of the Sedgefield Borough Local Plan required the provision of open space and Policy D5 required the provision of appropriate areas of public open space. Policy D8 of the Plan required developments to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements. Paragraph 118 of the report highlighted that the proposed development did not meet the open space needs requirement and that a contribution of £535,000 would be needed to do so. The new homes bonus referred to by Councillor Tinsley would not necessarily be spent within the Shildon area, as this was a decision which was made by Cabinet. The application did not meet saved Policies L1, L2, D5 and D8 of the Local Plan and Councillor Wilkes informed the Committee that he would be voting against the application and **moved** refusal.

Councillor Shield expressed his disappointment that the area of land proposed for the additional 30 dwellings could have been used for leisure and that the extant permission had open space facility which this application did not now have.

Councillor Tinsley considered that the drainage and water quality issues had been satisfactorily addressed and that this scheme would have no material impact over that of the already approved scheme. Referring to open space issues he understood the viability argument and an assessment of the viability of the site had been carried out. The proposed development would have open space on site because the proposed density was in the region of 27 dwellings per hectare. Councillor Tinsley **moved** approval of the application.

The Planning and Development Solicitor understood Councillor Wilkes concerns about the lack of compliancy with the saved Local Plan. However, paragraphs 119 and 120 of the report addressed in detail the viability issues surrounding the site which concluded that it would not be viable to provide a contribution. He advised that Members were not in a position to challenge the viability evidence and it would therefore be difficult to sustain such a refusal reason.

Councillor Taylor considered that there were no grounds on which to refuse the application but expressed concern that houses were being built without extending the community and without providing facilities. Councillor Taylor **seconded** approval of the application.

Councillor Shield **seconded** Councillor Wilkes motion that the application be refused.

Upon a vote being taken Councillor Wilkes motion was **defeated**.

Upon a further vote being taken it was

**Resolved:**

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure

- the provision of: £30,000 towards offsite biodiversity enhancement
- voluntary obligations in respect of the transfer of land to the Council, and
- voluntary obligations in respect to targeted recruitment and training clauses

and the Conditions contained in the report.

**b DM/18/01431/OUT - Land at Rodridge Farm, Rodridge Lane, Station Town, Wingate**

The Committee considered a report of the Senior Planning Officer regarding an outline application for residential development of 88 dwellings, including access, on land at Rodridge Farm, Station Town, Wingate (for copy see file of Minutes).

G Blakey, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, indicative site layout and views across the site.

The Senior Planning Officer informed the Committee that a dust action plan for the construction phase had been approved and air quality assessment resolved and therefore the Conditions would need to be amended accordingly.

Councillor Richardson asked whether Rodridge Farm was a working farm because the proposed dwellings were located very close to the existing farmhouse and farm buildings. The Senior Planning Officer replied that it had not been a working farm for some period of time, although a number of the farm buildings were used for warehouse purposes.

Councillor Tinsley referred to the indicative site layout and asked why a separate access was being proposed to the bungalows on the development. The Senior Planning Officer replied that the layout displayed was not fixed and the layout was the choice of the applicant to promote a different offer for the bungalows on the development. Councillor Tinsley expressed a concern that the separate access could lead to a two-tier development and asked there was a mechanism in place when reserved matters are received to ensure a connection between the bungalows and the rest of the development.

Councillor Wilkes considered that having an area with bungalows next to an estate could be beneficial as this created quieter areas and he therefore could not agree fully with Councillor Tinsley. Councillor Wilkes applauded the applicant who was providing £104,000 towards the provision or improvements to open space and recreation within the Blackhalls Electoral Division and 10% affordable housing. While the development would bring benefits to the community the development of open land contravened the District of Easington Local Plan and therefore Councillor Wilkes was unsure about supporting approval of the application.

The Senior Planning Officer, in responding to Councillor Tinsley, informed the Committee that if the development was to proceed then the developer would be encouraged to split the affordable housing throughout the site.

H Jones, Principal Planning Officer reminded the Committee that while weight could be given to saved Local Plan policies the amount of weight given needed to be balanced against their consistency with the NPPF and how old they were.

Councillor Jewell informed the Committee he understood the logic of the layout of the proposed entrance to the development. There had been a low level of local objections to the application which Councillor Jewell considered to be a sensible scheme of development. Councillor Jewell **moved** approval of the application.

Councillor Taylor, in **seconding** approval of the application, cautioned that this would be a tight narrow development with no open space.

Councillor Shield referred to Policy 3 of the Easington District Local Plan under which this development would not be allowed. Policy 66 of the Local Plan required adequate provision for children's play space and while this application was proposing £104,000 towards the provision or improvements to open space and recreation, this was not to this location. Consistency between applications was

needed. Although there were no planning grounds for refusing the application, a comprehensive view needed to be taken of what was in store for the future, where children lived and were sustained within communities.

Councillor Wilkes highlighted that while the development was within the Blackhalls Electoral Division, it was on the border of Station Town and asked whether the Committee could recommend that the £104,000 was spent within that settlement. The Planning and Development Solicitor advised that the Committee could specify a more discrete area if it wished but cautioned that if that area was too small then there may be no opportunities to spend the money.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the following:

- Provision of a minimum of 10% affordable housing units on site;
- £396,981 towards the provision of additional capacity at primary schools in the Wingate area;
- £104,157 towards the provision or improvements to open space and recreation within Blackhalls Electoral Division;

and the Conditions contained in the report, subject to amendment as explained by the Senior Planning Officer.

**c DM/18/01812/FPA - Land to the North of Middridge Road, Newton Aycliffe**

The Committee considered a report of the Senior Planning Officer regarding an application for 16 additional dwellings linked to DM/16/00985/OUT on land to the north of Middridge Road, Newton Aycliffe (for copy see file of Minutes).

C Harding, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, site layout, overall site masterplan and views across the site.

Councillor Jewell informed the meeting that he was becoming increasingly frustrated with applicants obtaining planning permission for a development and then coming back later to seek additional properties on the site. The number of objections was very low and the application was appropriate and Councillor Jewell **moved** approval of the application.

Councillor Wilkes agreed with Councillor Jewell's frustration and expressed concern about potential future parking problems in the proposed culs-de-sac.

Councillor Tinsley considered that there was no option other than to support the application. Issues about layout, roads and parking were best dealt with through the County Plan. Councillor Tinsley **seconded** approval of the application.

Councillor Clare considered he had little to add to the debate. The applicant's statement did not address why an additional 16 dwellings were required and he was worried developers were cramming in more houses with smaller roads and smaller driveways. Councillor Clare sought clarity on whether the initial and this application were outline or full applications.

The Senior Planning Officer replied that the development site had been disposed of by Homes England and the application for an additional 16 dwellings was as a result of discussions between Homes England and Keepmoat Homes. The permission for the 240 dwellings on the site was outline, this application for an additional 16 dwellings was a full application. The reserved matters application for the 240 dwellings had been received and was currently being considered, but both applications were compatible.

Councillor Kay informed the Committee he had sat on Planning Committees for many years. One constant was that developers obtain consent then discharge conditions and apply for additional dwellings to be built and the end result did not reflect the original application. There were narrow access roads through the development with hammerheads which were used for parking and consent was being given in the knowledge of what these problems were.

The Senior Planning Officer sought delegated authority for minor changes to the Conditions proposed in the report. There were typographical errors to amend in Condition 2, an amendment to Condition 3 to enable the developer to get on site and a change to a plan number, and Condition 17 could be shortened.

Councillor Shield referred to paragraph 42 of the report regarding highways concerns with Plots 11 and 13 and asked what had been done to alleviate these concerns. The Senior Planning Officer replied that Plots 11 and 13 had been amended to take access off a straight road and highways now had no concerns.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the following:

- provision of 15% affordable housing units on site.
- £8,712 towards the provision of improvements of outdoor sport space within Aycliffe North and Middridge Electoral Division,
- £1,800 towards biodiversity improvement projects within Aycliffe North and Middridge Electoral Division

and the Conditions contained in the report, subject to amendment as explained by the Senior Planning Officer.