

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber - County Hall, Durham** on **Tuesday 12 March 2019** at **1.00 pm**

Present:

Members of the Committee:

Councillors G Bleasdale, D Brown, J Clark, K Corrigan, M Davinson, D Freeman, S Iveson, P Jopling, J Maitland (substitute for P Jopling), R Manchester, P Taylor, O Temple and M Wilson (substitute for J Robinson)

Also Present:

Councillors J Turnbull, D Boyes, D Hall, B Kellett and A Surtees

1 Election of Chairman

The Committee Services Officer noted in the absence of the Chairman, and with no Vice-Chairman, there would need to be a Chairman elected from the Committee Members.

Councillor M Davinson proposed that Councillor K Corrigan be elected Chairman for the meeting, he was seconded by Councillor J Clark.

RESOLVED

That Councillor K Corrigan be elected as Chairman for the meeting.

Councillor K Corrigan in the Chair

2 Apologies for Absence

Apologies for absence received from Councillors I Cochrane, K Hawley, A Laing and J Robinson.

3 Substitute Members

Councillor J Maitland substituted for Councillor A Laing and Councillor M Wilson substituted for Councillor J Robinson.

4 Minutes

The minutes of the meeting held on 12 February 2019 were confirmed as a correct record by the Committee and signed by the Chairman.

5 Declarations of Interest

There were no Declarations of Interest submitted.

6 Applications to be determined by the Area Planning Committee (Central & East Durham)

a DM/17/01963/FPA - Land To The South Of Nursery Gardens, Thorpe Road, Easington

The Principal Planning Officer, Henry Jones, 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 Principal Planning Officer, HJ advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was the erection of 98 no. two-storey 2,3- and 4-bedroom semi and detached dwellings with associated works (revised plans) and was recommended for refusal.

The Principal Planning Officer, HJ noted that area of land that the application referred to had Easington Village to the north, Easington Colliery to the north-east, the A19 to the west and A1086 and Peterlee to the south. Members were asked to note the intervening fields between Peterlee and the application site, where there was an extant permission for development starting at Low Hills for a total of 950 dwellings.

Members noted that it was proposed for a single access point to the application site, midway along the site from Thorpe Road. It was added that it was proposed 98 properties were all two, three and four bedroom and that there was also proposed landscaping to the periphery and south of the site, however, there was not significant areas of open green space within the site itself. The Principal Planning Officer, HJ noted that the house types proposed were fairly standard, with 12 variations, though a lack of distinctiveness was noted as a concern.

The Principal Planning Officer, HJ advised that in terms of statutory consultees, Easington Village Parish Council objected to application as it was in conflict with both national and local plan policies. It was added that the Council's Spatial Policy Team objected in terms of impact upon the "green wedge" separating Easington Village and Peterlee, Policy 6 of the Easington District Local Plan. Members noted that the Landscape Section objected to the application noting incursion into the countryside and coalescence of the settlements of Peterlee and Easington Village.

The Committee were informed that the Ecology Section had objected to the application on the basis that the development would be likely to harm the Durham Coast Special Area of Conservation and Northumbria Special Protection Area and no acceptable mitigation proposals had been provided. The Principal Planning Officer, HJ added that there were also objections from the Design and Conservation Section in terms of a lack of protection of existing landscape features and their integration into the proposed scheme. It was explained that the Drainage Section had objected as there was no incorporation of Sustainable Urban Drainage Systems (SuDs), contrary to the National Planning Policy Framework (NPPF). The Principal Planning Officer, HJ noted that the Arboricultural Officer objected to the application in terms of loss of hedgerows and structural planting loss. It was added that other internal consultees had not listed any objections subject to conditions and appropriate Section 106 Legal Agreements.

The Principal Planning Officer, HJ noted that there had been 95 letters of objection to the application and a 684-signature petition against the application. Members noted that the Local Member for Parliament, Grahame Morris M.P. had submitted objections, as had the Campaign for the Protection of Rural England. It was noted that a summary of those objections was set out within the report.

The Committee were referred to the report noting that NPPF Paragraph 11 presumption in favour of development was not considered to be engaged, as there was likely harm to European Protected Sites which disengages it, there were conflicts with the saved Easington District Local Plan and NPPF and therefore the application was recommended for refusal. The Principal Planning Officer, HJ requested delegated authority to amend refusal reason two, to be more precise on the ecology related refusal reason due to the considered harms to European Protected Sites. He added that as there had been an amended plan with changes to proposed driveway lengths which the Highway Authority were satisfied with and therefore refusal reason six should be removed.

The Chairman thanked the Principal Planning Officer, HJ and asked Local Members, Councillors D Boyes and A Surtees to speak in relation to the application.

Councillor D Boyes thanked the Chairman and noted that both Local Members were speaking in objection to the application. He explained that there were a number of reasons why the application was contrary to local and nation plan policies, as set out within the Officer's report, including in terms of not making effective use of land, climate, conservation of the natural and historic environment. Councillor D Boyes noted he had over 10 years of experience in sitting on various planning Committees and noted that he had not seen this level of objection to an application. He reiterated that Policy 6 in relation to a strategic gap was even more important in the context of the large development at Low Hills, as explained by the Officer, and that he did not wish for Easington to be subsumed into Peterlee.

Councillor D Boyes noted the historical context of Easington Village, a village over 1,000 years old, mentioned within the Domesday Book. He added that while new developments were necessary, he explained that there was already around 1,200 homes in the pipeline for Easington, stoically accepted by residents, and that any more would be disproportionate.

Councillor A Surtees thanked the Chairman and reiterated that she was speaking on behalf of residents and in objection to the application. She noted the reasons as set out within the report, noting reason six no longer being used. Councillor A Surtees noted that there would be impact upon the village in terms of traffic, pressures on schools, health services and that, with overdevelopment, the individual identity of Easington village would be lost. She noted the points made in terms of the coalescence of the Peterlee and Easington Village should the application be approved and noted that there were numerous objections from statutory and internal consultees in terms of landscape, design, ecology, EU protected sites, drainage and a lack of affordable housing.

Councillor A Surtees noted the large amount of objections from members of the public and highlighted the number of policies from the Easington District Local Plan and NPPF that the application was contrary to. She agreed with the assessment made by Councillor D Boyes in terms of the number of properties already agreed from the Easington area, noting if all that were in the pipeline were agreed then this would double the number of properties in the village. She reiterated the point made that Easington was an ancient settlement, likely predating the tenth century, noting two Grade 1 Listed Buildings within the village. She concluded that the settlement boundary needed to be protected and that she would ask that the Committee agree with the Officer's recommendation for refusal.

The Chairman thanked the Local Members and asked the Chairman of Easington Village Parish Council, Councillor Len Morton to speak on behalf of the Parish Council.

Parish Councillor L Morton noted that at the meeting of the Parish Council that had looked at this application there had been over 100 people in attendance, a record amount. He noted that this spoke volumes as regards the local sentiment and added that at that meeting there was unanimous opposition to the application. He mirrored the comments made by Councillor D Boyes in that there was no opposition to housing or modernisation, however, a line needed to be drawn and that there needed to be a clear separation between the village of Easington and the town of Peterlee. He added that the application would result in a loss of attractive green space and important habitat, noting a burn running along the edge of the site.

Parish Councillor L Morton added that residents did not want all concrete and tarmac and that the application was contrary to Easington District Local Plan Policies 3 and 6. He added that the density of the proposals was also in question, noting it did not seem feasible. He concluded by asking that the Committee consider: the need to maintain the separate village character of Easington; the context of the number of already approved sites for development; and the potential loss of green boundary to the village; and to refuse the application.

The Chairman thanked Parish Councillor L Morton and noted there were no further registered speakers. She asked the Committee for their comments and questions on the application.

Councillor M Davinson noted that he had sat on planning committees for a while and he felt that in this case the developer had done half a job given there was less information than would be expected, the application was in the "green wedge", and was without any assessment in terms of affordable housing or SuDs. He noted he agreed with the recommendation within the Officer's report and proposed that the application be refused.

Councillor J Clark noted she was appalled that there was not a SuDs suggested for the site, with the site having a steep slope in the area towards the A19. She noted she seconded Councillor M Davinson in terms of refusal.

RESOLVED

That the application be **REFUSED**.

b DM/18/01333/FPA - East Durham Cathedral Farm, High Pittington, Durham

The Principal Planning Officer, Alan Dobie, 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 Principal Planning Officer, AD 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 a dwelling and was recommended for refusal.

The Principal Planning Officer, AD referred to plans, images and aerial photographs to show the context of the site, being set within the countryside to the north of Sherburn Village. He explained to Members that there were three businesses operating at the site: the main facility operating as an engineering business; an equestrian business; and a small agricultural business. Members noted that in 2013 retrospective consent was granted for those uses. The Principal Planning Officer, AD noted the application for a dwelling was to support those businesses. Members noted the buildings that already existed on the larger site, including an amenity building adjacent to the application site itself, used as a support facility for the engineering business, with a meeting room, kitchen and toilet facilities. The Principal Planning Officer, AD referred Members to proposed floor plan and elevations, noting a typical layout and design, with dormer style windows.

In respect of consultation with statutory and internal consultees it was noted there had been objections from the Highways Section as the development was in an unsustainable location. The Principal Planning Officer, AD explained that the Environmental Health section noted a condition should be added in relation to contaminated land.

Councillors were informed that the Landscape Officer had objected to the original scheme as being too large, and in respect of the amended scheme had noted that it should be accompanied by a landscaping scheme.

It was explained that Business Durham had commented that the information provided did not show a functional need for industrial premises, though a temporary structure could be considered in respect of the animal business.

The Principal Planning Officer, AD noted that there had been no objections from the public, no objections from Pitlington Parish Council, no objections from Sherburn Village Parish Council and no objections from Local Member Councillor D Hall.

The Principal Planning Officer, AD noted that the development was in the countryside and both the NPPF and saved local plan policies were against residential development unless there was an agricultural need and a financial justification.

It was noted that in terms of the agricultural business there were around 25 animals on site, and not the type that would require a need for a worker on site. The Principal Planning Officer, AD noted that it was also felt the business in its current position did not justify an on-site presence, and that there had been a separate consent for an agricultural building on land to the south of Sherburn Village which had been accompanied by a statement as regards expansion of this business at this site, away from the current application site.

In respect of the equestrian business, the Principal Planning Officer, AD noted that there was training facilities and a number of therapeutic activities including a horse spa, plate massage and equine hydrotherapy. He noted that the applicant had stated a need for 24-hour cover, especially in the context of the valuable nature of the horses being cared for and the nature of the care being given. The Principal Planning Officer, AD added that while it was agreed that there was a functional justification, at the current point there was not a financial justification in terms of the equine business. It was reiterated that the Planning Authority would support a temporary structure, such as a caravan, on a semi-permanent basis until such time that the financial justification was met by this business. The Principal Planning Officer, AD noted that the engineering business did meet the financial justification, however, the nature of the business and the close proximity of the current address of the applicant meant that it did not meet the functional justification.

The Principal Planning Officer, AD noted that recent figures showed that County Durham could demonstrate a supply of housing greater than five years and therefore the consideration of the application helping in terms of housing need would not carry significant weight. Councillors learned that Officers considered there was no impact on residential amenity, due to the lack of residential properties within the vicinity.

The Principal Planning Officer, AD explained that in terms of impact upon the streetscene/landscape the existing buildings on the site already intruded on the main views from Sherburn Village and Pitlington Road, however, the proposed development would not impact significantly and that with a suitable landscaping scheme there would not be sufficient grounds in this respect to warrant refusal.

Members noted in respect of highways, specifically access and parking, there had been no objections.

The Principal Planning Officer, AD reiterated that in terms of the site being a sustainable location, the Highway Section had objected in terms of lack of public transport, services and amenities.

It was noted there would be a distance in terms of shops and schools, the site being clearly reliant upon the use of a private car. It was added that the applicant had offered to carry out works to improve footpath links, however, this was not felt to be necessary as the benefits would be limited and would not warrant an approval of the application and would also include works to land outside the ownership of the applicant and therefore may not be able to be achieved. The Principal Planning Officer, AD noted that the Contaminated Land Section had no objection to the application, subject to an appropriate condition regarding remediation.

The Principal Planning Officer, AD noted in summary that while the businesses on the site helped support the local economy, the application overall in planning and sustainability terms would be assessed in terms of NPPF Paragraph 11. He added that the potential benefits in terms of the minimal boost to housing supply and personal benefit to the applicant were felt to be outweighed by the adverse impacts in terms of the application not being in a sustainable location, within the countryside and relying upon private vehicles, and with some adverse impact visually, albeit with some mitigation. Accordingly, the Principal Planning Officer, AD reiterated that the application was recommended for refusal.

The Chairman thanked the Principal Planning Officer, AD and asked Local Member, Councillor D Hall to speak in support of the application.

Councillor D Hall thanked the Chairman and Committee for the opportunity to speak and noted he had read and welcomed the Officer's report and understood that Officers would be cautious as regards granting permission for a new farmhouse. He added that the proposal was small in scale and noted there were few applications he would anticipate supporting as a local County Councillor, but he believed the application justified the granting of permission.

Councillor D Hall noted the owner had come from a humble background to build three, family-run, thriving and growing businesses. He added the applicant was the type of person who lived for their work, keeping himself, his family and growing number of employees very busy. He added that, for a rural business near to Sherburn Village properties, there had been no noticeable impact.

Councillor D Hall noted the three businesses included a steel fabrication business, which could operate up to 24 hours a day, carrying out work for some of the largest companies in the north east, such as Nissan and Jaguar Land Rover. He added the business built and trained skills within its workforce that could otherwise be difficult to find. Councillor D Hall noted the equestrian business provided training and specialist 24-hour care for horses and the growing agricultural business was having new livestock added.

He noted that in the past the site has suffered significant thefts and a business such as that was an obvious target with significant and expensive animal, metal and machinery on site. Councillor D Hall noted rural crime was a major problem and that a large theft had the potential to force a business such as this to close.

Councillor D Hall noted that application has no local objections and the business worked with local communities.

He added that there were a growing number of employees and there were apprenticeships for local young people and offered opportunities to those that may otherwise find accessing work difficult. He noted that the businesses sponsored local community and sports clubs, including local boxing champions, and its facilities have been used by local groups, including a local Parish Council and environment and walking group.

Councillor D Hall noted the Officer's report stated the NPPF "does not give any detail on how to assess whether there is an essential need or not for a person to live permanently at or near their place of work." He added that he believed the Officer's report explained the issue in a fair and balanced way although he felt it created an unfair scenario where each business was looked at separately as if they were on separate similar sites, not actually on the same site. He added that in his view that unfairly masked a clear justification for a dwelling on the site.

Councillor D Hall also noted the Officer's report set out that the main argument for refusal was that some elements of the businesses on site needed to be a little bigger, he added he felt this was clearly happening already. He noted that, while creating a "chicken and egg" scenario where a refusal recommendation used the potential growth it may block as a reason to recommend refusal, if the real situation on the ground was acknowledged with three very busy businesses that need a dwelling on site he hoped the committee will agree there is no real reason to refuse.

Councillor D Hall noted that the remainder of the Officer's report set out there were no other significant reasons for refusal. He added that applications were to be taken on a case by case basis and therefore, as there would be no precedent set were this application to be granted, he noted no reason he could see to refuse the application.

Councillor D Hall explained he felt such businesses were best served by having a dwelling on site, helping to ensure current and future operations and growth, and to help address some employment and skills challenges of our County and region. He added that small local businesses that were filling the supply chains should be encouraged and supported, including the hard-working, skills developing, flexible, gap-filling, competitive and community friendly business at the heart of the application.

Councillor D Hall added that if the Committee were minded to grant the application, as they were free to do so, it would protect the businesses mentioned and their beneficial activities, allowing them to grow sustainably within their low impact and cohesive site.

He noted that should Members choose not to grant permission, this could severely limit the potential of the businesses concerned and added that he did not want such a restrained, respectful, understandable and needed application to fail or any of the current benefits and significant future potential of this business to be put at risk. Councillor D Hall concluded by respectfully asking for the Committee to agree and grant the application.

The Chairman thanked Councillor D Hall and asked Local Member, Councillor B Kellett to speak in objection to the application.

Councillor B Kellett thanked the Chairman and Committee for the opportunity to speak in objection to the application. He explained that he had gone through the Officer's report and found it to be fair and balanced and supported the recommendation as set out for refusal.

Councillor B Kellett added that he had lived in the local area for 40 years and noted that the field had originally been owned by a larger farm and he had witnessed the site deteriorate into the state it was in now. He quoted a conversation he had with a local resident, an elderly lady who had asked "who was responsible for that eyesore?".

Councillor B Kellett noted he had visited the site on four occasions over the last few years and explained that on a visit with Parish Councillors it had been thought that the amenity building on site had been a bungalow. He added that on the first visit he had undertaken the site had been very quiet, with no noise coming from the buildings. He explained that this was because the workers were all away working out at various locales and that upon subsequent visits he had not seen anyone working on site, he had not seen anyone drive into the site, he had noted the garage was empty and did not see any reason for it.

Councillor B Kellett noted while the stable block was very nice, with room for around five or six horses, the land outside was divided in two by a beck, serving a mill around 100 years ago, and being the site of a historic murder. He added that in terms of the agricultural business, it comprised a few sheep, not cattle and doubted this supported the application. He concluded by noting he would ask the Committee to agree with the Officer's recommendation for refusal.

The Chairman thanked Councillor B Kellett and asked the Committee Services Officer to read out a statement on behalf of Mr Peter Thompson, a speaker who had unfortunately not been able attend the meeting:

"I have been a resident of Durham for over 50 years and have served the community in a variety of settings including as a County, City and Parish Councillor. I have known Paul Johnson, the applicant, for most of his life. Paul has always stood out as someone who is hard working and committed to success and his family. Paul is very much a self-made person and, in my opinion, will go on to be even more successful in the future. The continuing expansion of the businesses will necessarily place even greater pressure on Paul and the residential application, if successful, will go some way to support his need for a family life.

I am aware that the proposal which the Committee is considering is presented to you without opposition and indeed is supported by a great many, including both Parish Councils. One of the essential elements to the application is the need to be on hand, responsive and in residence not least to protect the extremely valuable live stock currently housed on the site and which is to be increased in the future.

I have no doubt in my mind that Paul will continue to be successful and that those successes will undoubtedly bring recognition and status to our Region. They most certainly address the County Council's declared priority to direct and support initiatives which drive forward economic regeneration and job creation. The decision in relation to the application lies with the Committee. You have had the opportunity to visit the site and observe the thriving and emerging businesses. I sincerely hope that you will be minded to support the application to enable a local and regional business base to continue to develop and invest in the local economy and create even more employment. Thank you for your time."

The Chairman thanked the Committee Services Officer and asked Mr Mark Ketley, agent on behalf of the applicant, to speak in support of the application.

Mr M Ketley noted he had been involved in the design and explained that he was from County Durham and understood the issues and sensitivities of the area. He thanked the Officer for their balanced report, however, he felt it could be put forward for a different decision in terms of the NPPF balance. He noted that the recommendation had hinged on two factors, sustainability and function/financial feasibility.

Mr M Ketley noted in respect of sustainability, the site was 300 metres from Sherburn Village and 600 metres from High Pittington, with access to all the services and amenities offered by those villages. He added that the location was only a few miles from the A1(M) and Durham City, with its train station.

In respect of finance and function, Mr M Ketley noted the comments from the Officer and Councillor D Hall with their views on how each business could be assessed. He added he disagreed with the Officer's view of only function in respect of the equine business and finance for the engineering business. He noted the unit was not a factory, it was the base for PJI Engineering a fabrication support business, which as alluded to previously, serving important local clients such as Nissan and Jaguar/Land Rover. He added that in order to be able to provide the vital 24 hour a day, 365 days a year rapid response those type of companies required, an on-site presence would be extremely beneficial. He added that the 25 employees, soon to be 26, demonstrated the element of managing employees and that there was a case in terms of the functional aspect. He added that the financial aspect was in effect recognition of the functional case for this, in addition to the equine business and therefore, in line with the NPPF, he asked that the Committee grant the application.

The Chairman thanked Mr M Ketley and asked the Principal Planning Officer, AD if he had any comments in terms of the points and issues raised by the speakers.

The Principal Planning Officer, AD noted he had some comments in respect of some of the points raised by Councillor D Hall. He noted in terms of rural theft, this was an issue, however, this potential in itself did not necessitate a dwelling and noted many other businesses operated satisfactorily with alarms and CCTV equipment at their sites. In terms of the applicant being a valued local employer, the Principal Planning Officer, AD noted this was laudable and was to be supported, however, this did not override the concerns in terms of planning. He explained to Members that in respect of the issue of the three businesses being considered separate when looking at financial and functional viability, each element was looked at in this way as if one element were to fail then the whole assessment would fail. The Principal Planning Officer, AD noted that therefore each business was considered alone.

He reiterated that when looking at the other businesses in terms of financial viability, it had been suggested that more evidence on growth could be gathered over time and that a temporary accommodation on site would be an acceptable way of managing until such evidence was forthcoming. He added that it was felt any permanent structure was premature at this stage. The Principal Planning Officer, AD noted that in terms of Councillor D Hall's comment that not to grant permission would limit the business, he referred back to the advice in terms of temporary accommodation on site, until the relevant profitability evidence was gathered.

The Principal Planning Officer, AD noted in response to issues raised by Mr M Ketley, he would refer Members to paragraph 64 of the report, with the assessment by the Highway Section setting out that: the nearest school in Pittington was 980 metres away from the application site; the nearest school at Sherburn was 1,200 metres away; the closest shops at Sherburn being 1,246 metres away; and the two nearest bus stops being 655 and 760 metres away.

The Principal Planning Officer, AD noted speakers had put forward a case that the engineering business required on site presence as there was a potential for 24 hour a day call out. He reiterated that the applicant's current property was approximately seven minutes away from the site and therefore was unconvinced that there was sufficient justification in terms of functional need relating to that business.

The Chairman thanked the Principal Planning Officer, AD for his responses to the points raised and asked the Committee for their comments and questions.

Councillor D Freeman noted the point raised by Councillor B Kellett in terms of an existing bungalow at the site. The Principal Planning Officer, AD noted there was no bungalow on the application site and explained that the structure referred to, while having the appearance of a bungalow, was an amenity building on adjacent land, providing facilities for employees of the engineering business.

Councillor O Temple noted he had attended the site visit and asked if the site plan, aerial photographs and views could be displayed on the projector screen. He referred to the views and noted they were dominated by the large agricultural looking building housing the engineering facility. He noted the "amenity bungalow" that amounted to more than a portaloo, however he felt that given its size it was not dominant in terms of the view.

Councillor O Temple noted that he had witnessed the amount of investment that had taken place at the site and the equipment that had been purchased. He added initially he had some cynicism in terms of the requirement for a property on site, however, when looking at all the businesses together he felt it was clear that there was a passion for them. Councillor O Temple noted that the amenity building was quite well shielded and noted that if the Committee were minded to approve the application, both the Contaminated Land and Landscape Sections had noted no objections subject to conditions.

He added that he asked himself what potential harm was there from the application, and he saw negligible harm or none. Councillor O Temple noted each application was to be judged on its own merits and noted the phrase “rules are for the obedience of fools and the guidance of wise men” and proposed that the application be approved.

Councillor P Jopling seconded that the application be approved.

Councillor D Brown noted the comments of fellow Committee Members and remarked that he had seen no sign of an agricultural building, just the engineering facility, amenity building and the stables.

The Principal Planning Officer, AD noted that should the Committee be minded to approve the application, were they also suggesting that it would be subject to the usual conditions, including those mentioned, and for delegated authority for Officers to draft the appropriate conditions. He also asked if Members had any specific ideas in terms of any tie-in of the use of the dwelling with the businesses on site.

Councillor O Temple noted he was not sure in terms of any requirement for a tie-in, rather that if the Committee were convinced that there was reason for the dwelling on site, to serve the businesses. He was not sure there was a need for such a condition. The Principal Planning Officer, AD noted that it was for the scenario when considering the harm to residential amenity of the dwelling should it be sold on to a third party. Councillor P Jopling noted an example that if a person purchased a house next to Heathrow they would not realistically be able to complain about aircraft noise in the future. She added given the amount of investment at the site she felt it was unlikely the applicant was wanting to sell on and commented that she felt that with a sensible landscape scheme the building would be unobtrusive.

The Solicitor – Planning and Development, Neil Carter noted that in terms of the justification for the dwelling linked to any businesses in the countryside, normally one would expect the occupancy to be tied to the business to avoid a future loss of the house to the market and advised that therefore there should be careful thought in terms of how this would be framed. He suggested that Members could be minded to leave this to be formulated by Officers when looking at the usual conditions for such an application. Councillor O Temple noted he was happy for Officers to have delegated authority as regards this and the conditions. Councillor M Davinson suggested delegated authority for Officers in consultation with the Chairman of the Committee, the proposer and seconder agreed.

RESOLVED

That the application be **APPROVED** subject to a suite of conditions to be delegated to the Planning Officer, in consultation with the Chairman of the Committee.

c DM/18/02975/FPA - William Robson House, Claypath, Durham

The Senior Planning Officer, Paul Hopper, 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 advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for extension and conversion of the multi-level decked car park to form 4 no. 1-bed apartments and 8no. 2-bed apartments (C3 Housing) (Resubmission) and was recommended for refusal.

The Senior Planning Officer referred Members to the site plan and highlighted the application site, former printworks to the west which had permitted development for 30 dwellings, and nearby residential housing. He noted proposed elevations and clarified that within the report that No.1 Blue Coat Court was referred to as the most affected, however, that property was actually No.4 Blue Coat Court.

Members were informed that the proposals extended the existing footprint and was for 4 storeys with some roof space. It was highlighted that the eastern elevation was blank, this being the elevation most visible from the nearby residential properties.

The Senior Planning Officer noted there had been no objections from statutory consultees and representation had been received from the City of Durham Parish Council, a summary of which was within the report, and a representative was in attendance to address the Committee. Members were informed that in respect of internal consultees, the Landscape Section noted that adjacent trees would likely come under increased pressure for heavy pruning from future occupants and that therefore it was likely the development would result in significant adverse landscape and visual effects post construction in conflict with saved policies E6 and E14 of the saved City of Durham Local Plan. It was added that other consultees offered no objection subject to conditions.

The Committee were informed that there had been six letters of objection from the public, with the main issues raised being impact on residential amenity and the noise and disturbance during development. It was noted the application was within the Conservation Area and in proximity to the World Heritage Site of the Cathedral and Castle.

The Senior Planning Officer noted that in terms of the principle of development, NPPF Paragraph 11 required permission to be granted unless adverse impacts outweighed the benefits.

He added that the application site was in a sustainable area, close to a number of shops, employment opportunities and transport links within the City Centre. The Senior Planning Officer noted that loss of residential amenity of surrounding occupiers and the detrimental impact upon visual amenity of the area. He added that the increase in housing supply was slight and was in the context of being able to demonstrate over five years supply of housing land.

Members noted that while there had been some concern raised in terms of the possibility of the development effectively becoming a Purpose Build Student Accommodation (PBSA), upon speaking to the developer it had been confirmed single use, and the application was for C3 use.

The Senior Planning Officer noted that accordingly, the application was recommended for refusal on the basis the application would be contrary to saved City of Durham Local Plan Policies H7, H13 and E14 and paragraphs 11, 127 and 180 of the NPPF.

The Chairman thanked the Senior Planning Officer and noted Councillor D Freeman, a Member of the Committee was also a Local Member in respect of the application and asked if he wished to speak first in relation to the application.

Councillor D Freeman noted he was a Member of the City of Durham Parish Council, however, was not a member of their Planning Committee and had no input into their comments on the application. He noted that upon listening to the Officer's presentation he supported the recommendation for refusal as set out. He added he felt there were major flaws in the application and that amenity for adjacent residents would be adversely affected, especially in the context of the blank, featureless gable which Officers had said was not acceptable. Councillor D Freeman noted that should the application be approved he believed there would be serious negative impact upon the landscape. He noted that the site felt "pokey" and he could not see it being targeted at anyone other than students, however, he appreciated that the application being considered was for C3 use, though his fear was for future applications in terms of a change of use for C4 use.

The Chairman thanked Councillor D Freeman and asked Parish Councillor, John Ashby, representing the City of Durham Parish Council to speak in relation to the application.

Parish Councillor J Ashby noted he was pleased on behalf of the City of Durham Parish Council to congratulate the Council's Planning Officer on his meticulous report. He added he could simply say that the Parish Council fully supported the report, but he wanted to underline some key points.

He added that the Parish Council in principle welcomed C3 developments in the area that provided residential accommodation for year-long occupation. He noted that the site was an ideal location for such development, especially suitable for elderly people because of its proximity to the city centre.

Parish Councillor J Ashby noted that there were five matters of great concern which supported the Planning Officer's recommendation.

He noted that firstly, the submitted Transport Statement (paragraph 3.2.8) stated that *“it is anticipated that the apartments could prove attractive to students...”* and highlighted that this was a clear indication of the apartments being in effect a PBSA scheme.

He asked Members to note that secondly, waste collection service required wheelie bins to be placed on the public highway for emptying and then to be returned to within the curtilage of the property.

It was explained that Claypath was often obstructed by wheelie bins from apartments further up Claypath and noted this issue must be addressed, noting including permitted development, 42 domestic wheelie bins in total would totally block pedestrian movement on Claypath,

Parish Councillor J Ashby noted that thirdly, no car parking provision was made and that whilst this was in principle a worthy stance, in practice some of the residents would have a car and would attempt to park somewhere in the area, exacerbating the current situation in which cars searching for a parking place slow down and obstruct traffic flow on Claypath and Lower Gilesgate.

He explained that fourthly, operational conditions would be needed and enforced to manage the entry and exit of construction and building materials lorries, learning from the difficulties with the Student Castle site opposite that is having a major detrimental impact on traffic flows, pedestrians and retailers in Claypath.

Parish Councillor J Ashby noted that fifthly, essential provision to meet accessibility requirements was not shown.

With reference to the Planning Officer's report, Parish Councillor J Ashby noted paragraph 47 states that the Education Authority had advised that existing school places within the locality could accommodate the anticipated increase in the demand for primary and secondary school places. He noted that that was puzzling; the only primary school in the vicinity was the “Independent Grammar School” which is a non-regulated establishment. He added there were no schools in the vicinity where the Education Authority could place pupils.

Parish Councillor J Ashby highlighted that, in paragraph 112, the sum of £22,924.50 was identified as the appropriate Section 106 commuted sum for open/play space provision if planning permission were to be granted. He noted that the Parish Council would be happy to assist in finding a suitable location for such provision.

In conclusion, Parish Councillor J Ashby reiterated that the Parish Council fully supported the Planning Officer's recommendation and grounds for refusal.

The Chairman thanked Parish Councillor J Ashby and asked Members of the Committee for their questions and comments.

Councillor J Clark referred to paragraph 100 of the report regarding narrow access and asked if that was the only access to and from the site. The Senior Planning Officer confirmed this was the case.

Councillor J Clark noted that paragraph 46 referred to financial contribution based upon 20 units, however, the application was for 12 apartments.

The Senior Planning Officer explained that within the building with permitted development, a number of the proposed units were outside of the amount allowed under such permitted development and would be subject to separate consideration. He added that however, the open space calculation was cumulative, so as it was set out within the report was correct.

Councillor M Davinson proposed that the application be refused in line with the Officer's recommendation and he was seconded by Councillor J Clark.

RESOLVED

That the application be **REFUSED**.