

## **DURHAM COUNTY COUNCIL**

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

### **Present:**

**Councillor J Clare (Chairman)**

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

Councillors J Atkinson, D Bell, L Brown, E Huntington, S Zair, A Gardner (substitute for K Thompson), J Robinson (substitute for H Nicholson), P Brookes (substitute for F Tinsley), M Clarke (substitute for L Taylor) and M Davinson (substitute for J Maitland)

### **1 Apologies for Absence**

Apologies for absence were received from Councillors H Nicholson, J Chaplow, K Liddell, J Maitland, M McGaun, G Richardson, J Shuttleworth, L Taylor, K Thompson and F Tinsley.

### **2 Substitute Members**

Councillors A Gardener, J Robinson, P Brookes, M Clarke and M Davinson were present as substitutes for Councillors K Thompson, H Nicholson, F Tinsley, L Taylor and J Maitland, respectively.

### **3 Declarations of Interest**

The Chairman informed the Committee that because there was a level of pre-determination relating to the item no. 5b on the Agenda, he would vacate the Chair and not vote. However he would speak on the application as local Member.

He sought nominations for Chair during consideration of this item, it was moved by Councillor Davinson, seconded by Councillor Brown, and resolved, that Councillor Robinson assumed the Chair during consideration of this item.

### **4 Minutes**

The minutes of the meeting held on 18 October 2018 were agreed as a correct record and signed by the Chairman.

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

### **6 DM/18/00034/OUT - Land To The East Of Greenfields, Salters Lane, Trimdon**

The Committee considered a report of the Senior Planning Officer with regards to an application for up to 50 dwellings (40 shown on indicative plans) with all matters

reserved except access, on land to the East of Greenfields, Salters Lane, Trimdon (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site plan, aerial photograph, elevations, site layout and photographs of the site.

Dr A Lang, spoke on behalf of the Applicant, and in support of the application. He confirmed that the land was classified as low grade agricultural land. Environmental Consultants had been employed from an early stage to assist in mitigating the impact on the landscape and this had been achieved by the inclusion of a SUDS water feature which also mitigated flood risk. Another addition was significant boundary planting, to include new species of trees and ensure that any impact to the conservation area was well mitigated. There were no issues with regards to the Highway access route and the development would adjoin St Cuthberts Crescent. This would ensure that the edge was defined as the existing plans ended abruptly, but there would still be a substantial 800m gap between the edge of the development and Trimdon Grange.

Dr Lang referred to the Section 106 contributions which could not be discounted and considered the development to be a natural expansion from the St Cuthberts Crescent, the benefits of which outweighed any potential disbenefits.

In response to a question from Councillor Brown, Dr Lang confirmed that the application was for up to 50 dwellings with only 40 planned, because the applicant wanted to maximise the potential of the land at the time of submitting the application. Highways were satisfied with a site of that size, however Ecology were keen to see fewer and it was therefore preferable to reduce the number of dwellings on the indicative plan, but for flexibility, the phrase for up to 50 remained. He confirmed that some of the layout may change as some of the semi-detached homes could change to 3 or 4 terraced properties, but the footprint would remain the same.

The Senior Planning Officer responded that the layout was indicative and would be considered separately, however she pointed out that the development fell away from Trimdon Village and the landscape benefits referred to by Dr Lang would take up to 15 years to mature. She confirmed that there were multiple planning applications pending which considered for approval, which implied that there were more suitable places for development.

Councillor Brookes was a local member and considered the land had been allocated as a potential site for development in the past. He referred to an approval, and asked for confirmation with regards to this and the conservation area site boundary. He commented that the area was in desperate need for housing and although a site had been approved, no work had started and permission had been granted three years ago.

The Senior Planning Officer referred to para. 73 of the report which confirmed that a Strategic Housing Land Availability Assessment had classified the land as amber, concluding that development would have a significant adverse effect on the

landscape. There was an application approved a number of years ago, but this maintained the northern edge and although abutted the edge it was still within the boundary of Trimdon. She confirmed that the location of the boundary of the conservation area and confirmed that with regards to applications for approval, she confirmed one at reserved matters for 27 houses, and another which had been referred to County Planning Committee for 138 houses. The Council were satisfied that they could demonstrate and exceed the five year housing land supply.

Councillor Robinson referred to para. 54 of the report which claimed that the local medical practice was operating under capacity – he disputed this and confirmed that as local member for Sedgefield, this practice was unable to meet the demand for appointments. He also referred to a number of affordable properties built recently in Sedgefield and confirmed that they were of such small proportions that they were almost unable to house families therefore less houses of a larger size was more preferable in his opinion.

He asked if the Highways Officer would give some assurances on the safety of the access arrangements as many of the objections received were from elderly residents at St Cuthberts Crescent.

The Principal DM Engineer confirmed that on assessment of the access road, he had observed a white van parked on the side of the road and he did not consider it was wide enough for a large vehicle such as a refuse wagon to get through, therefore a condition which prohibited parking on this part of the highway would need to be accepted.

Councillor Gardner confirmed that he had reservations with regards to building in this area as the development went beyond the defined boundary of the village. He agreed with the Senior Planning Officers recommendation and moved that the application be refused for the reasons outlined in the report. It was seconded by Councillor Brown.

**Resolved:**

That the application be REFUSED subject to the recommendation outlined in the report.

Councillor Clare vacated the Chair and Councillor Robinson assumed his position as Chairman, as previously agreed by the Committee.

**a DM/17/01436/FPA - Land To The North Of Middridge Road, Newton Aycliffe**

The Committee considered a report of the Senior Planning Officer with regards to an application the erection of 72 no. dwellings (previously 69) including access, landscaping and associated infrastructure (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site plan, aerial photograph, elevations, site layout and photographs of the site.

The Senior Planning Officer confirmed the following amendments to the the conditions in the report, referred to as nos. 14 And 15. There was also an additional condition, relating to the submission of a drain survey prior to the occupation of the first dwelling.

Since the report had been published there had been a response from the local doctors surgery who had confirmed that they were at maximum capacity however the section 106 contribution towards improving access to healthcare was reasonable mitigation.

Councillor Mellor spoke on behalf of Middridge Parish Council and confirmed that the Parish Council wished to put forward the strongest possible objection on the grounds that this site encroached the designated green wedge, and would therefore normally be refused as per the Sedgefield Borough Local Plan. The roundabout and street lights would significantly affect the rural feel of the village and the access roundabout suggested that there would be future applications to develop the surrounding area. The access and encroachment on the green wedge he considered wholly unsuitable, and he asked the Committee to reject the application.

The Principal DM Engineer confirmed that the original application proposed to create a protected right turn junction onto Middridge Lane which would have resulted in a significant loss of hedgerow, and this had raised concerns by both Landscape and Ecology. The assessment had been based on the cumulative impact of both sites, and with a capacity of 328 dwellings, Highways would always look to considered two access points. In addition there had been a serious accident in the vicinity of the proposed roundabout. The roundabout would reduce the amount of affected hedgerow and act as a traffic calming measure. For additional safety, the speed limit would be reduced to 40 mph, and combined with the link between the two developments, it was a positive scheme.

Councillor Howell addressed the Committee in objection to the development. As local Member, he considered the protection of the green wedge to be paramount and it was supported by the Middridge Parish Neighbourhood Plan, which unfortunately was not yet in place. He agreed that the design layout of the roundabout gave the impression that it was to support further development.

Councillor Clare addressed the Committee as local Member and confirmed that Eldon Whins had been allocated for executive homes in 1974, then in 1996, the Sedgefield Borough Plan had increased the land by a quarter, so it was clear that the principle of developing the land for housing was sound. The Sedgefield Borough Plan had also defined the land known as the Green Wedge and it was there to prevent coalescence and define the boundary between Newton Aycliffe and Middridge. The Green Wedge was offered protection and Newton Aycliffe should not be allowed to spill out into Middridge. He could not see any reason why the roundabout needed to be located in the position it had been, and he and the people of Middridge felt that if this were approved, the rest of the field would be in danger.

Councillor Clare referred to the Senior Planning Officers conclusion that this was not a significant enough issue to reject the application, however this was a matter of opinion. In this case the Committee could exercise their own discretion and if they felt that this encroachment into the Green Wedge was of greater importance, defer the application and give the Applicant the opportunity to reconsider the layout of the development and come back with a solution. He referred to the Woodham Bridge application which had been refused for this very same reason, which had also been supported by the Planning Inspector at appeal.

Councillor Clare referred to a recent application which had been deferred by the County Planning Committee in order for a service entrance to be reconfigured as Members did not want it facing one of the main entrance routes into the City and the main pedestrian entrance from the Railway Station. He therefore suggested that the Committee defer the application to move the access or refuse it.

Councillor Clare left the meeting for the Committee to debate the application further.

The Senior Planning Officer confirmed that the roundabout was a reasonable proposal and if the Applicant were to move its position, it would affect the number of dwellings. Applications which encroached on to the Green Wedge would normally be refused, but in this case, the benefits of the scheme significantly outweighed any adverse impact.

The Applicant, Mr A McVickers, addressed the Committee and referred to the sustainability of the site location, with services a short walk away. The site was well serviced by public transport and would benefit from improved highway infrastructure and footpaths. The site would consist of 2, 3, 4 and 5 bedroom properties in order to meet the marketing demand, and would be designed using traditional materials with a rural theme, such as sash windows and village doors. The proposal sought to retain the mature hedgerow and the access had been agreed in consultation with the Highways Authority and Ecology, neither of whom objected. The Section 106 Agreement would provide 15% affordable housing units on site amongst other benefits and there was an absence of any technical issues to warrant refusal and therefore he requested the Committee to support the application.

Finally, Mr McVickers confirmed that the position of the roundabout did not indicate plans for future development, the land was not included in the forward plan and Persimmon Homes did not land bank. He also confirmed that the Applicant planned to start work as soon as possible.

In response to a question regarding highway safety from Councillor Gardner, the Senior Planning Officer confirmed that a condition would ensure that the foot/cycle way improvement works would be fully implemented prior to the occupation of the 5<sup>th</sup> dwelling, and included the improvements to the adjacent site.

In response to a question from Councillor Brookes regarding the creation of new cycle links and queried whether there was provision for cycle ways through Middridge and towards Shildon as the report did not make it clear. The Principal

DM Engineer they were towards Burn Lane, Newton Aycliffe where the main infrastructure was and agreed the report could appear to be slightly misleading.

Councillor Atkinson considered the proposal adequate for approval and moved the recommendation to approve as per the amended conditions outlined by the Senior Planning Officer and it was seconded by Councillor Zair.

**Resolved:**

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following:

- provision of 15% affordable housing units on site equating to 11 units;
- £133,049 towards improving offsite open space and recreational provision within Aycliffe North and Middridge Electoral Division;
- £49,680 towards improving access to healthcare provision in Aycliffe North and Middridge Electoral Division;
- £9,208 towards biodiversity improvement projects within Aycliffe North and Middridge Electoral Division

And subject to, and including the following amended conditions;

14. Prior to the occupation of the first dwelling both the new east and west bound public transport infrastructure shall be implemented in accordance with drg. nos. C005 and 225370 Rev. P1.

Reason: To promote sustainable transport methods in accordance with Policy D3 Sedgefield Borough Local Plan and Part 9 of the National Planning Policy Framework.

15. Prior to the occupation of the 5th dwelling the site access junction 28M ICD compact roundabout and off-site foot/cycleway improvements as shown on drawings 005/C007 shall be fully implemented.

Reason: In the interests of highway safety in accordance with Policy D3 of the Sedgefield Borough Local Plan and Part 9 of the National Planning Policy Framework.

And to the addition of the following condition:

Prior to the occupation of the first dwelling a drain survey confirming that all structural defects within existing drains have been fully repaired shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of securing an appropriate surface water drainage scheme in accordance with Part 14 of the National Planning Policy Framework.

Councillor Robinson vacated the Chair and Councillor Clare returned to the meeting.

**7 DM/18/00115/OUT - West Tees Ltd, Gordon Lane, Ramshaw, Bishop Auckland**

The Committee considered a report of the Senior Planning Officer with regards to an application for the demolition of existing building and residential development (outline) 16 dwellings all matters reserved except access (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site plan, aerial photograph, elevations, site layout and photographs of the site.

In response to a question from Councillor Robinson with regards to the Environment Agency Flood Zones, the Senior Planning Officer confirmed that there had been a delay in reporting to committee due incorrect flood zone mapping, but this had been resolved and subject to the dwellings being placed on the area shown on the indicative site plan they would be outside of the higher risk flood areas.

Councillor Gardner confirmed that there were very few applications for rural homes and the application was of huge benefit the area. He moved the recommendation to approve as per the recommendation in the report and it was seconded by Councillor Atkinson.

**Resolved:**

That the application be **APPROVED** subject to the completion of a S106 Agreement to secure the required highways visibility splay, 2 affordable housing units, £25,042 towards the maintenance or improvement of open/recreation space in the locality and the proposed on site open space, and the conditions outlined in the report.

**8 Performance Summary for Planning Committees Q1-Q2 2018-19**

The Committee received a detailed Performance Summary of the Planning Development Management Service , for Quarter 1/Quarter 2 of 2018/19 (for copy see file of minutes).

**Resolved:**

That the report be noted.