

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 3 September 2019 at 1.00 pm**

Present:

Councillor J Robinson (Chair)

Members of the Committee:

Councillors J Atkinson, J Clare, A Hopgood, I Jewell, C Kay, A Laing, G Richardson, A Shield, J Shuttleworth, A Simpson, F Tinsley (Vice-Chair) and S Wilson

The Chairman informed the Committee that he proposed to change the Agenda Item order so that Item No. 5(c) would be considered before Agenda Item 5(b), because there were no speakers registered for Item 5(b).

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, K Corrigan, K Hawley and M Wilkes.

2 Substitute Members

Councillor A Hopgood as substitute Member for Councillor M Wilkes.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 30 July 2019 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/19/01413/OUT - Land to the south of 2 Beamish View, Hill Top, East Stanley

The Committee considered a report of the Senior Planning Officer regarding an outline planning application for the erection of up to 260 dwellings with

public open space, landscaping and sustainable drainage system (SuDS) and vehicular access, all matters reserved except for means of access on land to the south of 2 Beamish View, Hill Top, East Stanley (for copy see file of Minutes).

L Eden, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, development framework plan, photographs showing current and proposed access and photographs across the proposed development site. Members of the Committee had visited the site and were familiar with its location and setting.

Councillor L Timbey of Stanley Town Council addressed the Committee to object to the application. The proposed development between Beamish Rise, East Stanley and No Place fell within the area of Stanley Town Council.

When details of the proposed development came in to the public domain the Town Council received enquiries from concerned local residents. To hear these concerns the Town Council arranged a public meeting. A large number of residents attended the public meeting and raised the same concerns that Members of the Town Council had about the development.

The development would add more pressure to the A693 which was already a very congested road with traffic travelling at high speeds. This would make the A693 more dangerous for residents to cross to access local woods and amenities. The development would create a significant incursion into the countryside, would not be in keeping with existing pattern of development across the area and would have a significant adverse effect on the character of the local landscape. It would result in No Place ceasing to be a separate settlement from Stanley. The development would lead to increased car usage in Stanley because of the poor walking routes to the town centre and long distances to bus stops from the development.

Stanley Town Council had unanimously resolved that it strongly opposed the development and urged the Committee to refuse the application.

Councillor C Marshall, local Member, submitted the following representation:

Housing development is important to the future economic growth of the County and to Stanley. However it is important that we make sure the development is of the right type in the right place so we retain our communities and so that any proposals are safe and retain our communities.

Since this application was made I have spoken to and received correspondence from a raft of anxious members of the public. The developer has made no attempt to properly engage our community, leaving members of

the public with little opportunity, other than through the formal planning process to discuss their concerns.

The application before committee today is wrong on so many counts, the development is in the wrong place, places undue strain on our busy highway network, where unfortunately there has been a number of incidents on the main road adjacent to the proposed site and this development places further risks associated with this road.

The development also joins the town of Stanley with the rural village of No Place, sprawling out across the countryside.

I have also noted several other planning issues through the public meetings, petitions and communication.

This application has caused a lot of unrest. The approach taken by Gladman has been very amateur and in my opinion has not considered either the Councils existing or emerging planning policy.

On the grounds above I would urge the committee to reject this application.

Councillor Wilson expressed concern that the development would join Stanley and No Place and also expressed concern at the impact of the development on highways. The A693 was a fast moving and busy road and nothing had been provided to indicate how safe it would be for the additional traffic generated by the development to use the road. In the officer's opinion there had been an insufficient assessment. Councillor Wilson informed the Committee that he was fully supportive of the reasons for refusal and **moved** that the application be refused for the reasons set out in the report.

Councillor Jewell informed the Committee that while development was important, it was most important to have correct development type in the correct location. This was quite a large development for this to be the right location and the highways issues raised were of concern. The A693 was a very busy road and Councillor Jewell expressed concern at traffic turning in to the 'B' road even though there was a relief lane. Councillor Jewell agreed with all that had been said and **seconded** refusal of the application.

Councillor Tinsley fully agreed with the officer's recommendations and comments made by local Members and members of the community. This was clearly an application which did not pass the Paragraph 11 test, there were adverse impacts associated with it which were significant and demonstrable, and Councillor Tinsley supported the officer's recommendation.

Councillor Clare requested that the Ordnance Survey map of the area be displayed in the Chamber. Councillor Clare agreed with all comments that had already been made. The development was on a site with a spur which had a raised portion of land. The site was raised ground and because it was a spur the development would be visible from three sides and would be a very visible incursion into the countryside.

Councillor Shield concurred with all that had been said. The A693 was one of the busiest routes between Chester le Street and Stanley with a lot of backlog of traffic getting in to and out of Stanley. Councillor Shield was not happy with the incursion into the countryside. There had been both statutory and internal objections and Councillor Shield supported the officer's recommendation.

Upon a vote being taken it was

Resolved:

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

b DM/19/01838/FPA - Bowburn Junior School, Surtees Avenue, Bowburn, Durham, DH6 5DZ

The Committee considered a report of the Senior Planning Officer regarding an application for a new primary school on the site of the existing Bowburn Junior School with new access road and landscaping and demolition of existing school building at Bowburn Junior School, Surtees Avenue, Bowburn (for copy see file of Minutes).

C Shields, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, photographs showing the school playing field and location of the new access, proposed site layout and artists impression of the new school building. Members of the Committee had visited the site and were familiar with its location and setting.

The Senior Planning Officer referred to a letter of objection recently received from solicitors acting on behalf of Sports England, a copy of which had been circulated to all Committee Members. The first point raised was in respect of planning history for the site and stated that the report did not comment on the disposal of playing fields for housing at the north eastern end of the site. The Senior Planning Officer displayed an aerial photograph of the site and indicated an area of playing field which was sold off several years ago for housing development and at that time was deemed to be surplus land. This residential development was not considered to be relevant to determine this application, was not within the boundary of the proposed development and therefore not considered to be a relevant part of the planning history.

The second point raised was in relation to the policy framework. The letter reiterated the policy framework which was set out in Sport England's original objection. It stated that Paragraph 97 of the NPPF was not being complied with as a loss of playing field resulting from the proposal would not be replaced by equivalent or better provision in terms of quantity and quality. The Senior Planning Officer informed the Committee that there was no disagreement with this and at no point in the Committee report was it stated that the proposal would accord with Paragraph 97. Paragraph 140 of the Committee report stated that the overall provision of playing fields and play spaces was an improvement over the existing facilities in accordance with Part 8 of the NPPF, not specifically Paragraph 97. In this respect the proposal would accord with Paragraphs 91 and 92 of the NPPF in respect of providing healthy, inclusive and safe places and also social, recreational or cultural facilities and services.

The third point raised advised that local authorities must take into account any representations received from any consultee. The Committee report clearly identified Sport England as a statutory consultee and afforded weight to their objection. However, the basis of the objection had been analysed and balanced against the benefits of the proposal in consideration of the application. It was for the Committee to consider the objection and decide what weight to attribute to it.

The original letter from Sport England stated that the Football Association had concerns about the impact of the development on football teams in the area. In the absence of a separate objection from the Football Association or any contact at all this information was not considered of sufficient value to include in the Committee report. However the full objection from Sport England had been available to view at all times on the planning portal, including their comments about the Football Association.

The impact on football provision was commented on within the Committee report. At paragraph 138 it was stated that a new access road would be created across the adjacent recreation ground which would have the effect of reducing the available playing field space, although both the 11-a side and 9-a side pitches would be retained. The space affected did not impede on the football pitches, which would not be changed.

C Cuskin, Planning and Development Solicitor advised the Committee that if it was to approve the application, it could only be minded to approve because there was an outstanding and unresolved objection from Sport England in respect of the application and therefore the application would need to be referred to the Secretary of State.

The Chair of the Committee informed the Committee that Councillors Blakey and Dunn were Governors of Bowburn School.

Councillor J Blakey, local Member addressed the Committee in support of the application. The application for a new school was welcomed, which was a new phase in the life of Bowburn and the education it provided to its young people. Councillor Blakey thanked those Members who had attended the site visit the previous day. Councillor Blakey referred to the objection by Sport England and informed the Committee that the field being referred to was too wet to play on even in the summer. The development of the school was looked forward to because of the increase in the number of children in the area because of recent developments, with more development to take place. To have a primary school on one site would be a benefit to parents who would not need to drop children off at two sites. There were concerns regarding drainage in the area, which was already very wet, although it was understood this was being addressed. There were also concerns from local residents about the old school buildings which were in a conservation area and Councillor Blakey asked that the Council carry out consultation with local residents when considering the disposal of the old school buildings.

Councillor Blakey while welcoming the school, expressed that a complete educational provision, including secondary and college education would have been more welcome in the area, which did not currently have secondary education provision and required pupils to travel for this. Councillor Blakey asked the Committee to approve the application.

Councillor Dunn, local Member, addressed the Committee to support the application. Councillor Dunn informed the Committee that the proposed new school was needed and thanked the County Council for providing the funds to enable this. In recent years there had been nearly 1,000 new houses built in Bowburn, so this school was necessary. Councillor Dunn also thanked Councillors C Marshall and O Gunn for their support with the proposed new access road and the parking proposed. This would be the third largest primary school in County Durham and as such there would be a need for the proposed parking and drop off provision. The new access road and number of drop off bays were both proportionate and necessary.

Councillor Dunn referred to the representations from residents. Two consultation events on the new school had been held and the proposal had been widely welcomed and that was why there had been so few local objections to the proposal. The quality of the school, the size of the school, the nursery provision and the new road and the visitor parking would not lead to increased traffic through the village and this was a massive improvement to what was currently in place.

Councillor Dunn referred to the objection from Sport England and the loss of 1.8 hectares. As previously described, this was a boggy marsh, and did not have a football field marked out on it, did not have Bowburn Junior School teams playing on it, did not have visiting teams playing on it and did not have any teams able to or playing on it. It was a huge area of very poor land which was very rarely used. What was proposed would provide excellent

external facilities appropriate for the needs of the pupils in the primary school. The new access road and parking would not impose on the existing 9 a-side and 11 a-side playing fields. Sport England had not visited the site or spoken to the head teacher of the school.

Flooding was an issue in Bowburn, everything drained towards around the community centre, including the school.. The proposed SuDS scheme was welcomed and assurances had been made that this would prevent any run-off at least from the school and Councillor Dunn was pleased that this was supported by Northumbrian Water. Councillor Dunn endorsed the views of Councillor Blakey regarding secondary school provision in the area. Between Bowburn, Coxhoe and the surrounding villages there were 647 children fanning out to eight different comprehensive schools and, given the level of development in the area, in the future this would need to be addressed. Councillor Dunn asked the Committee to approve the application.

Councillor McKeon, local Member, addressed the Committee in support of the application. While not wishing to repeat what had already been said, Councillor McKeon wished to talk about the highways and access issues. Currently, Bowburn had massive issues with school parking at both the infants and junior school sites, particularly around Surtees Avenue where congestion could become quite dangerous at peak times. This was on an estate of old estate roads which were not built to deal with the levels of traffic they experienced. Councillor McKeon had addressed this issue some two years ago and through working with the head teachers of both schools a walking bus through the village had been set up. Despite the full backing of the schools the traffic problem on the estate persisted. Part of the reason for the problem persisting was the way that Bowburn had expanded. New development at Bowburn had taken place in areas which were too far for young children to walk to school. The roundabout around junction 61 of the A1(M) was currently being signalised and once this was completed it would be more difficult for pedestrians to use this area.

Referring to the objection from Sport England Councillor McKeon informed the Committee that the playing fields to be lost were not playable and it was annoying that the much needed primary school which was being built by a local authority now needed to be decided by the Secretary of State because an organisation which did not understand the village was objecting over the loss of a boggy field. This primary school was needed by the village of Bowburn and Councillor McKeon asked the Committee to approve the application.

Councillor Wilson informed the Committee that he sympathised with traffic conditions in the area, which he believed would be mitigated by the level of parking proposed. With reference to the Sport England objection, while understanding their approach, Councillor Wilson did not consider it in any way comparable to what was being proposed for the site. There would be improvements in play areas and this would be a new school with improved facilities to allow a through education of infants and juniors. Councillor Wilson hoped that local Members would be involved in a robust construction management plan. Councillor Wilson **moved** approval of the recommendation, that the Committee be minded to approve the application.

Councillor Hopgood informed the Committee that a new school for Bowburn had been a long time in coming. She considered the Sport England objection to be strange and was of the opinion they were unaware of the state of the land they were referring to, in terms that it was not fit for purpose to be played on. The local Members, who had best knowledge of the land, had highlighted that this land was not playable.

Councillor Hopgood referred to paragraph 8 of the report and informed the Committee that she was pleased a translucent cladding system was being proposed to allow maximum solar gain, which was a positive advantage. She was also pleased that school parking was being addressed in a positive way to remove congestion from estate roads. Councillor Hopgood could see no reason not to agree with the recommendation in the report and **seconded** that the Committee be minded to approve the application.

Councillor Clare referred to the NPPF. Sometimes a paragraph later in the NPPF replaced Paragraph 11 and when that Paragraph applied then the balance on Paragraph 11 was not applied. Other times Paragraphs later in the NPPF set out what was desirable but did not obviate Paragraph 11. Councillor Clare asked which of these two Paragraph 97 was, did Paragraph 97 replace Paragraph 11 or was it just part of the balance to be struck under Paragraph 11. The Senior Planning Officer replied that Paragraph 11 (d) part i contained a section relating to restrictive policies where if the NPPF advised on particular policies which provided clear reasoning to refuse an application. Paragraph 97 was not a restrictive policy to which 11(d) i applied and therefore the standard planning balance at 11(d) ii did indeed apply

Councillor Clare, while acknowledging that the application would need to be referred to the Secretary of State, considered the Secretary of State should be aware that under the balance, while the Committee acknowledged the issues raised by Sports England, it could not possibly consider that this would stop the building of a new school and all it offered to the area.

Councillor Jewell informed the Committee that he had a passion for education, which he considered as an important part of life. The application was for a new school with better and up to date facilities to provide a better learning environment and opportunities for young people. Nearly all schools experienced parking problems and this application addressed these problems.

Councillor Jewell was very disappointed with the quality of the Sport England objection, with a lack of validity in many instances. Councillor Jewell agrees that the Committee should be minded to approve the application.

Councillor Richardson informed the Committee that he was aware of the school because his granddaughter had just left the school where she had spent four very happy years. The proposed school would be a great benefit to the area and he was supportive of it.

Councillor Tinsley considered that Sport England had taken an aerial view of the site and had lodged its objection. He considered the application to be about perspective, the proposal was for a new school with community support. If the Committee was minded to approve the application and it was referred to the Secretary of State Councillor Tinsley considered that officers should prepare a letter to go with the application to rebut both the points of objection raised by Sports England. The Committee had considered the objections clearly. The quality of the existing position was poor and what was being proposed was more than adequate and of sufficient quality for the pupils to be accommodated at the school.

Councillor Kay informed the Committee that a strong reason would be needed to refuse the application and that the loss of boggy land was not a strong reason.

Upon a vote being taken it was unanimously

Resolved:

That the recommendation contained in the report be approved.

c DM/18/02982/OUT - Land to the south of Cockhouse Lane, Ushaw Moor, DH7 7PN

The Committee considered a report of the Senior Planning Officer regarding an outline planning application for the erection of up to 210 dwellings including public open space, landscaping and SuDS, all matters reserved except for means of access on land to the south of Cockhouse Lane, Ushaw Moor (for copy see file of Minutes).

H Jones, Principal Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, indicative site layout and photographs of the site. Members of the Committee had visited the site and were familiar with its location and setting.

Councillor Tinsley considered that the applicant had not engaged significantly on the application, particularly with the local community. Councillor Tinsley agreed with the reasons for refusal, in particular the level of traffic generated which would impact on Neville's Cross which was already congested and beyond capacity.

Councillor Tinsley referred to issues around landscaping and agreed with the officers conclusion in this regard. Councillor Tinsley **moved** that the application be refused.

Councillor Richardson objected to the application which would lead to the loss of agricultural land. While there was a demand for more housing within the county, this needed to be balanced with losing fields which grew crops. This site was a large parcel of land which was growing a good crop and the

development of it would be a tremendous loss for very little gain. Councillor Richardson agreed with the recommendation in the report.

Councillor Hopgood agreed with the recommendation in the report. The application was an encroachment into the countryside and too far from the facilities in Ushaw Moor to make it viable for people to access other than by vehicle. Neville's Cross was currently at saturation point, particularly the Toll House Road area, and additional traffic to this area was unacceptable. Councillor Hopgood **seconded** refusal of the application.

Councillor Wilson referred to the encroachment and considered that the application was essentially putting a new small village into the countryside away from Ushaw Moor. Councillor Wilson supported the recommendation in the report.

Upon a vote being taken it was

Resolved:

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