

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 7 January 2020 at 1.30 pm**

Present:

Councillor J Robinson (Chair)

Members of the Committee:

Councillors J Atkinson, A Bell, L Brown, J Clare, I Jewell, B Kellett, L Marshall, S Quinn, G Richardson, A Shield, F Tinsley (Vice-Chair) and M Wilkes

1 Apologies for absence

Apologies for absence were received from Councillors Corrigan, Hawley, Kay, Laing, Shuttleworth, Simpson and Wilson.

2 Substitute Members

The following substitute Members were in attendance:

- Councillor S Quinn for Councillor Corrigan
- Councillor L Marshall for Councillor Laing
- Councillor L Brown for Councillor Simpson
- Councillor B Kellett for Councillor Wilson

3 Declarations of Interest

Councillor Jewell declared an interest in Agenda Item 5 (a) which he would be speaking in support of as Local Member. Once he had addressed the Committee on this application he would withdraw from the meeting and take no further part.

4 Minutes of the meeting held on 8 October 2019

The minutes of the meeting held on 8 October 2019 were confirmed as a correct record and signed by the Chair.

5 Applications to be determined

- a DM/19/03094/OUT - Land to the South East of Fieldfare Court, Crookgate Bank, NE16 6LW**

The Committee considered a report of the Senior Planning Officer regarding an outline planning application for the erection of up to 60 dwellings (Class C3) with all matters reserved except access (resubmission of DM/18/02937/OUT) on land to the south east of Fieldfare Court, Crookgate Bank (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 of the site, indicative proposed layout plan, proposed site access arrangements various views across the site and available walking routes into Burnopfield.

The Senior Planning Officer informed the Committee that since the publication of the Committee report one additional letter of support for the application had been received from the Director of a local business.

Councillor Jewell, local Member, addressed the Committee. Councillor Jewell informed the Committee that he considered the application to be finely balanced. He had been contacted by both local residents and employees in the area in support of the application which was unusual for a planning application.

Councillor Jewell thanked the Senior Planning Officer for the report, which represented a significant amount of work, however he did not agree with the recommendation from his experience of living in and walking in the area on a regular basis.

Whilst the application had a number of perceived negatives, it also had a large number of positives, which residents of Burnopfield and businesses had brought to his attention. The late representation referred to in the Senior Planning Officer's presentation was a letter of support which had been received from a Director of a local company which employed 200 people at the Hobson Industrial Estate, which was in walking distance of the proposed development.

Councillor Jewell informed the Committee that in the past the main issues raised by residents were speeding traffic along Barusclose Lane and the lack of footpaths. This application sought to partly address these issues. Footpaths would be extended and highways changes would help address the issue of speeding traffic.

Referring to sustainability, it was suggested that there was an issue of no buses on the route past the development. This was a little used route for bus passengers but local bus services were driven by the number of passengers which would be picked up on the route. Sustainability in planning terms was considered in terms of public transport which implied that if there were bus

services these would be used rather than private transport. Councillor Jewell considered this to be a flawed concept.

The report assumed that the walking route to Burnopfield was difficult. However, from the east side of the proposed development there was a walking route to the A692 which was mostly tarmacked and would be improved. On the other side of the road the footpath went down a slope, because of the topography of the area, into Burnopfield. This path was fully tarmacked and had street lighting. This was a well-used footpath. The reality was that people did walk down this path.

Referring to facilities, Councillor Jewell informed the Committee that these seem to be limited to shops, health services and the community centre. However, Burnopfield had other facilities such as a golf course, which was within walking distance, a football field and next to the football field a cricket field, all within easy walking distance. The proposed development was within a quite easy walking distance to an industrial estate and to a local pub and restaurants.

Councillor Jewell referred to bus services. It was considered that what was needed was the ability to catch a bus very near to a property to wherever was needed, however this was not the reality. Residents could walk to catch a No. 6 bus from the main road, could catch an M8 to The Pack Horse and then had the facility to go to the Metrocentre or Newcastle. There were a number of hubs for buses from which travel to Stanley then on to Chester le Street, Sunderland, Consett and Durham was possible. From Burnopfield buses to Stanley and Consett could be caught, which were both hubs. This was how bus services operated.

Councillor Jewell, while considering the application to be finely balanced, thought there were many benefits from the proposed development. If an area did not develop then it died. Burnopfield had residents who came back into the area and criticism from local residents was that the necessary housing for these people was not available. This was the same criticism that the Director of the local company had mentioned with employees travelling some distance which would not be necessary if appropriate housing was available to them within easy reach of the company.

Councillor Jewell considered this to be an acceptable application and considered that it should be approved.

Councillor Jewell left the room.

Mr McMillan of IMPEC Real Estate addressed the Committee. This was a second application for this site. At the Committee meeting which considered the first application it was acknowledged by Members that while the level of

benefits being offered was significant, the main debate centred around the scale of the development which was considered to be too large at that time. As a result the incursion into the countryside was, on balance, too great to warrant approval. At the time some Members did comment that it was a finely balanced decision given the impressive scale of benefits which were on offer.

The applicant had listened to that debate and this application was substantially reduced in scale and the new homes were fully enclosed on three sides by existing mature tree lines. Furthermore, the level of benefits had been increased from the first application by including new bus shelters and adding 2.4 hectares of public open space. These new proposals were as a result of extensive engagement with Council officers, in particular the Council's Landscape Officer who did not support the first application. The Landscape Officer's report for the amended application positively commented that in the wider local landscape the effect on landscape was low and on the immediate local landscape the harm was time limited. The Landscape Officer was complimentary on the applicants landscape strategy and further commented positively on the proposed open space. It was clear that the applicant's interpretation of the Landscape Officer's report was different to that of the Planning Officer. The Committee report summary stated that in reference to landscape there was substantial and inappropriate incursion and also stated significant adverse harm to the local landscape. At no point was this language used in the Landscape Officer's report on the amended application, although it was used for the first application.

The second reason for the recommendation for refusal was that the site had poor access to facilities. The site was immediately adjacent to two bus stops with further bus stops on the A692 which were only a 9-minute walk from the site. Between them, these bus stops offered three buses every hour to the edge of Burnopfield High Street, the Pack Horse stop as well as directly to a number of major retail and employment centres and transport interchanges. From the Pack Horse bus stop within a three-minute walk there was a post office, a convenience store, a number of food outlets and a number of other facilities. Additionally, Hobson Industrial Estate could be accessed on foot within 20 minutes from the proposed development.

The application would provide new, private, affordable and older persons homes ranging from 2 bed bungalows to 4 and 5 bed family homes, was in a location where people wanted and needed to live, with the unprecedented level of written support for the development was testament to this. The applicant had listened to the points raised by the Committee for the previous application and Mr McMillan asked that the Committee approve the application.

The Senior Planning Officer informed the Committee that the Landscape Officer's response were available online for Members to review and officers considered that these had been accurately summarised within the Committee report.

Councillor L Marshall informed the Committee that she had read the report and listened to the points put forward at Committee. The application was one of planning balance and for this application issues for and against were finely balanced. There were a number of benefits to the proposal, not least the provision of new housing in a part of County Durham which had experienced relatively little in recent years. This could only be of benefit in supporting a range of facilities and services in Burnopfield and the surrounding area. This was an issue which had been raised by those who had written in support of the proposal. The developer had proposed a strong s106 package which would see further benefits to the community. The application had been significantly amended in comparison to the previously refused application and the proposed speed reduction measures and areas of open space were to be welcomed. While the site may not be the ideal location for new housing in terms of landscape impact and accessibility to services Councillor Marshall did not consider that the adverse impacts in these areas would be so harmful to warrant refusal of planning permission. The key landscape harm would be for a relatively short period after which the site would blend well into its surroundings. With reference to sustainability Councillor Marshall, while accepting the proximity of the site to facilities and the frequency of bus services may not be ideal, she considered that the option other than using private motor vehicles would be available for future residents, which would limit the harm to the area. On the whole Councillor Marshall considered this to be a well thought out application whose benefits outweighed the disbenefits and Councillor Marshall supported approval of the application.

Councillor Tinsley agreed with the points raised by Councillors Marshall and Jewell. This was a finely balanced application which was different to that previously considered by the Committee, with fewer dwellings proposed. Referring to sustainability Councillor Tinsley acknowledged that this was not an ideal site, and some distance from the centre of Burnopfield, taking into consideration all points raised both by the applicant and by Councillor Jewell he did not consider unsustainability of the site was such to warrant refusal of the application.

The principle of development on Crookgate Bank in the direction away from the main centre of Burnopfield had been established when the adjacent residential development was developed some 30 years ago.

The landscape proposals for tree planting over a period of five to ten years would screen the development to minimise the impact of the development. The landscape impact was therefore significantly reduced.

Other benefits of the development included 2.4 hectares of open space and contributions towards local services. Councillor Tinsley considered that sustainability issues did not warrant refusal and that landscape issues had been addressed to a significant degree and was minded towards supporting approval of the application.

Councillor Shield, while acknowledging that the applicant had made significant amendments to the previous application, could not support the application when it was in breach of certain policies. There was a definite incursion into the countryside. Derwentside had the second highest housing development in County Durham with Stanley and the Tanfield Industrial Estate having some 300 houses planned, and this was less than two miles from this site. Consett was 5 miles by road, Stanley was 3 miles, Tanfield less than this.

Referring to the topography of the land Councillor Shield considered that access would be difficult for people with mobility issues. While acknowledging the comments made by the local Member Councillor Shield was not minded to approve the application and moved the recommendation in the report that the application be refused on the grounds it was in breach of Policies EN1 and EN2 of the Derwentside Local Plan and Parts 12 and 15 of the NPPF.

Councillor Clare, whilst acknowledging the strength of the officers presentation, was not sure that he agreed with the strength of the case. Landscape and sustainability were issues on which Members could have an opinion. There was no doubt that this development was to be built on a slope and that the houses would be visible for a number of years. It was also clearly an incursion into the countryside. The degree and how harmful the incursion would be, given that on either side were clumps of woodland and that the development would be shielded in five to ten years, was not what Councillor Clare considered to be significant.

With reference to sustainability, a bus service ran alongside the proposed development with a bus stop, and Councillor Clare questioned how strong this argument would be at appeal. The development brought with it a range of benefits and financial contributions, there was a significant weight of opinion for the need for housing at this location and the local Member considered that there was a need for the development to support the local area.

The application was not significantly and demonstrably damaging and Councillor Clare agreed with Councillors Marshall and Shield.

Councillor Wilkes agreed with Councillors Marshall, Tinsley and Clare. This was not high quality farmland and the development would be barely visible across the wider landscape within 5 to 10 years. Councillor Wilkes considered that the applicant had proposed mitigation to address the issues raised and could see no reason to refuse the application. However, Councillor Wilkes asked that appropriate landscaping conditions be included in any permission.

Councillor Richardson informed the Committee he had considered all points raised and would support approval of the application.

Councillor A Bell informed the Committee that he had considered the issues raised by the local Member and would support approval of the application.

Councillor Robinson informed the Committee it appeared that it was minded to approve the application and if that was so Conditions and s106 agreement would need to be attached to any permission. Councillor Robinson sought the Committee's approval that any such Conditions and s106 agreement be delegated to officers with the approval of the Chair and Vice-Chair of the Committee.

Councillor Wilkes asked that Members of the Committee be circulated with any proposed Conditions before they were approved.

Moved by Councillor L Marshall, **Seconded** by Councillor Atkinson

N Carter, Planning and Development Solicitor sought clarity on the basis of the proposed decision on the application. The key consideration was Paragraph 11 of the NPPF which was a balancing exercise. The two key adverse impacts of the landscape and visual impact and the lack of sustainability credentials at the site had to be weighed up against the benefits, starting from a presumption in favour of granting planning permission. If the application was approved the Committee would be determining that the adverse impacts did not significantly or demonstrably outweigh the benefits. There would be a need for planning conditions and it was proposed that the wording of these be delegated to the planning officer, taking on board Councillor Wilkes suggestion of circulating these to Members. There would also be a need for a Section 106 obligation to secure a number of planning obligations and the Planning and Development Solicitor sought confirmation from the Planning Officer of what the heads of these obligations would be. The Senior Planning Officer informed the Committee that these would be:

- 15% affordable housing

- 10% older person provision
- £264,654 towards providing additional primary teaching accommodation at Burnopfield Primary School
- £101,400 towards sustainable improvements to the M8 bus service
- £27,631 towards public rights of way
- £50,226 for improving offsite open space and recreational provision within Burnopfield and Dipton Electoral Division.

Resolved:

- (i) That the application be approved.
- (ii) That Conditions and s106 agreement be agreed in consultation with the Chair and Vice-Chair of the Committee and circulated to Members.

Councillor Jewell rejoined the meeting, Councillor Tinsley left the meeting.

b DM/19/03233/FPA - Aldi foodstore with associated access, car parking and landscaping

The Committee considered a report of the Senior Planning Officer regarding an application for an Aldi foodstore with associated access, car parking and landscaping at the site of The Kingfisher, public car park and part of The Festival Walks Parade, Oxford Road, Spennymoor (for copy see file of Minutes).

Before presenting details of the application, B Gavillet, Senior Planning Officer provided the Committee with the following updates:

- Condition 17 on page 67 should read restricted to shoppers and should not include the term 'general public'
- An additional representation had been received from a local businessman who had concerns about the vitality and viability of Spennymoor at the loss of long stay parking spaces in the town centre.

The Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, photographs of the existing Kingfisher pub, views across the existing car park, the areas of Festival Walks to be demolished and indicative proposed layout plan.

Councillor L Maddison, local Member, addressed the Committee. The development and regeneration of Festival Walk had been a main focus of attention for many years. Festival Walk was a 1960's development in the heart of Spennymoor that had suffered from the loss of businesses over a number of years and had many empty shops and declining infrastructure in the centre. Spennymoor was a growing town with a large increase in

housing developments and had a vibrant shopping area at the top and bottom of the High Street. Regeneration of this central spine would be a catalyst for change and was welcomed. Councillor Maddison supported the proposals put forward and also welcomed Aldi's commitment to Spennymoor with their decision to relocate their supermarket from an existing Spennymoor town centre location to a new larger development, also within the town centre area. However, to mitigate against issues raised by local residents in close proximity to the scheme and to perceived issues highlighted by small business owners concerned at the loss of an open access 86 space long-stay car park and loss of footfall onto the High Street Councillor Maddison asked the Committee and Aldi to consider two changes to planning conditions, each to be considered separately on their own merits as follows:

- To consider a change to HGV delivery times currently proposed for delivery 6 a.m. to 11 p.m. to new times of 7 a.m. to 11 p.m. Monday to Saturday, a reduction of one hour each day to give local residents 8 hours of quiet time. Sunday delivery times would be unchanged at 9 a.m. to 7 p.m.
- To consider a planning amendment for a two hour window for public parking in the proposed new 95 space car park rather than the 90 minutes proposed. It was accepted that concessions had already been agreed by Aldi to provide public access to this car park, but an increase to two hours would bring parking availability into line with other supermarket car parks in close proximity to this site where there was already a free 2 hour public car parking window for shoppers.

NPPF Part 7 and Policy S2 of the Sedgefield Borough Local Plan and paragraphs 16 and 73 of the report promoted the need for vibrant town centres, with footfall on the high street being encouraged to assist future viability and the economic prosperity of businesses. Loss of the current open access car park and restricted parking times as outlined in paragraph 73 may have a negative effect on customer experience and the future success and sustainability of small businesses reliant on footfall on the high street. The proposed new council controlled car park was mentioned in the report and Councillor Maddison requested that the County Council consider how the loss of this long stay car park could be mitigated by offering longer stay parking times in this new car park, as well as signposting all available long stay car parking.

If the Committee approved the application Councillor Maddison also sought assurance that alternative parking provision was identified and signposted in the town before demolition works commenced.

Councillor Robinson informed Councillor Maddison that the Committee could only consider the application before it and could not consider any future planning applications which may be determined.

Councillor Thompson informed the Committee he had little to add to that presented by Councillor Maddison. Councillor Thompson thanked officers for the help they had provided over the last two to three years.

Councillor Geldard informed the Council that this was the largest planning application for Spennymoor Town Centre for a number of years. The face of town centres had changed towards out of town developments and online shopping. The proposal and other planning applications would see significant private investment into what was currently a dilapidated eyesore which had blighted the centre of Spennymoor for nearly two decades.

Councillor Geldard informed the Committee of the issues raised with him as a local Member. The initial concern of traffic onto Oxford Road had been addressed by the inclusion of a mini roundabout, but there were still issues about a pedestrian crossing on that road which the Council may need to consider. Councillor Geldard also welcomed the recommended conditions and assurances made which sought to address local residents concerns around impact to their property during the work and to noisy deliveries, but supported the request made by Councillor Maddison that consideration be given to amended delivery times.

The area of most concern to local people and business owners appeared to be issues around changes to parking restrictions in the area of the development. Free unrestricted parking on this site had been enjoyed for many years, and while it was accepted that this was private land and could be withdrawn at any moment, it was important to recognise that given its history there was no way that existing local businesses would be adversely affected in some way by the restriction of the majority of these parking bays.

While welcoming the new development for Spennymoor town centre it must be ensured that local residents were protected and existing local businesses were supported to develop and thrive and Councillor Geldard hoped that in considering the application Members of the Committee did everything in their power to ensure this was the case.

Ms F Shand, local resident, addressed the Committee. Local residents sought clarity on where Aldi staff would park during their shifts. Local residents would like the restriction on the car park increased to two hours which was in line with other local retailers.

With reference to deliveries, Ms Shand informed the Committee that a 24 hour refrigeration unit and loading bay was proposed which would be opposite her bedroom window. The noise calculations showed that in isolation both of these fell under the legal limit, however the noise would be

occurring concurrently and Ms Shand requested that deliveries only take place between 7 a.m. to 11 p.m. Monday to Saturday.

Finally, Ms Shand informed the Committee that while she generally supported the application the issues of parking and delivery times needed to be addressed.

M Jackson, local businessman, addressed the Committee. While he was supportive of the redevelopment of Spennymoor this application would lead to a change in traffic and car parking spaces in the town centre. Mr Jackson expressed concern that local businesses may not remain viable during the construction period of this development. There was a need for the developer to work together with local businesses to identify solutions to problems which may arise during the construction period.

The Senior Planning Officer informed the Committee that the noise impact assessment which had been carried out for the development showed that delivery times would be acceptable 24 hours a day and it was Aldi who had agreed reduced delivery hours. Any further reduction would be a decision for Aldi to agree to.

J McGargill, Highway Development Manager informed the Committee that the car park was currently uncontrolled and offered 112 spaces. This development would result in the provision of 142 parking spaces, 95 of which would be restricted to a 90-minute limit. However, the current car park was privately owned and could be closed at any time by the land owner. Additionally, there was uncontrolled parking available elsewhere in the town centre.

S Plumb, Regional Property Director for Aldi addressed the Committee. Aldi had a premises in Cambridge Street in Spennymoor since 1988 which was now proving to be too small for the company. Aldi was therefore an experienced trader in Spennymoor.

Research undertaken by Aldi on average shopping times showed that the average shop in Aldi was 30 minutes and therefore the proposed 90-minute restriction on parking would allow for shopping in Aldi and also other trips into Spennymoor town centre. There were 900 parking spaces in Spennymoor, half of which were unrestricted, and highways officers had raised no objection to the proposed 90-minute restriction. Currently, 50% of employees walked to work and those who used a vehicle would be exempt from the time restriction.

Feedback from local residents had been incorporated into the development plans, including delivery times and acoustic measures. However, fresh deliveries were made daily and the delivery times of 6 a.m. to 11 p.m. were

required to ensure fresh deliveries were available on the shop floor come store opening times.

Mr Plumb asked the Committee to approve the application.

Councillor Wilkes informed the Committee that he was in favour of the redevelopment of the area but expressed concern about what may happen to the current Aldi site. Additionally, he considered that the time restriction for parking should be 2 hours which would be in line with other car parks in the area. Councillor Wilkes questioned why a supermarket which was in a residential area should have deliveries from 6 a.m. and considered that a 7 a.m. restriction would be more that suitable. Councillor Wilkes asked where the alternative car parking would be during the construction phase of the development.

The Senior Planning Officer replied that as part of the overall regeneration scheme a demolition management plan would be produced which would show how the demolition would be phased and which car parks would remain open. The existing car park which was behind Festival Walk would remain open and temporary signage would be put in place to redirect traffic to temporary car parks.

Councillor Shield agreed with Councillor Wilkes that during the construction period there must be provision of car parking. Councillor Shield expressed a hope that the developers would engage with businesses on the High Street to keep disruption to a minimum.

Councillor L Brown informed the Committee that Festival Walk was in desperate need of redevelopment and asked whether the demolition management plan would be included in the Conditions attached to the planning permission. H Jones, Principal Planning Officer replied that the construction management plan at Condition 10 referenced demolition and a separate application for demolition had previously been submitted and approved had a condition to a similar end.

Councillor A Shield left the meeting.

S Plumb informed the Committee that the proposed Condition enabled the applicant to liaise with demolition and construction experts both on safety matters and business requirements. The redevelopment of the site would be a complex operation and elements of the car park would remain open if this was possible. The Principal Planning Officer informed the Committee that Condition 10 could be amended to include a reference to phasing of the works.

Councillor Jewell informed the Committee that he was in favour of the development and that any development would involve some element of disruption. The Committee had been given an assurance that any disruption would be kept to a minimum.

Councillor Bell informed the Committee that the applicant had given a clear reason why deliveries from 6 a.m. were a necessity, adding that currently traffic could journey along the highway at midnight without restriction.

Councillor Clare informed the Committee that the applicant had stated that if delivery times were amended to 7 a.m. then this would break their business case for the shop. The Committee had been informed that Aldi could actually run deliveries 24 hours a day if it wanted. Councillor Clare could therefore not support amended delivery times to 7 a.m. as there were no grounds for this condition change.

Councillor Clare considered that because this was to be Aldi's car park the Committee had no right to instruct Aldi on how to operate parking restrictions.

N Carter, Planning and Development Solicitor advised the Committee that with reference to Condition 7 – delivery times and Condition 17 – car park restrictions, there was no evidence base to enable these Conditions to be amended.

Councillor Quinn informed the Committee that she considered Aldi should be congratulated for proposing this development in the town centre when it could have been located on the extremes of the town.

Moved by Councillor Atkinson, **Seconded** by Councillor L Marshall and

Resolved:

That the application be approved subject to the Conditions contained in the report.