

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 10 March 2020** at **1.00 pm**

Present:

Councillor J Clark (Chair)

Members of the Committee:

Councillors A Bell (substitute for J Shuttleworth), D Brown, M Clarke (substitute for S Iveson), I Cochrane, B Coult, M Davinson, D Freeman, I Jewell (substitute for J Robinson), R Manchester, L Pounder (substitute for A Laing) and P Taylor

Also Present:

Councillor John Turnbull

1 Apologies for Absence

Apologies for absence were received from Councillors K Corrigan and K Hawley and J Shuttleworth.

2 Substitute Members

Councillor M Clarke substituted for Councillor S Iveson; Councillor L Pounder substituted for Councillor A Laing; Councillor I Jewell substituted for Councillor J Robinson; and Councillor A Bell substituted for Councillor J Shuttleworth.

3 Minutes

The minutes of the meeting held on 11 February 2020 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

There were no Declarations of Interest submitted.

5 Applications to be determined by the Area Planning Committee (Central and East)

a DM/19/03759/FPA - Land at Meadow View, Wheatley Hill

The Planning Officer, Jennifer Jennings, 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 application was for the 23 dwellings including new access road with visitor parking, pedestrian link, new drainage and landscaping as was recommended for approval subject to s106 Legal Agreements and conditions.

The Planning Officer referred Members to aerial and site photos, and asked Members to note the area had been dense terraced housing in the past, demolished in the 1980s, the area now being an open grassed area with a line of trees along one edge of the site, and a wooded area along another edge. Members were asked to note the rear of some commercial properties along a further edge of the site and the nearby medical centre. The Planning Officer noted a two metre high fence along the boundary with Meadowview and referred the Committee to a photograph demonstrating the change in levels across the site. She added that a footpath link to Meadowview would be retained through the application site, linking to the shops and bus stop.

The Committee were referred to the proposed site plan, noting two rows of terraced houses, with two semidetached houses at one end, creating a U-shaped design. The Planning Officer added that there would be a wildflower meadow area and hedgerow along the boundary and elevations and cross-sections of the site also highlighted the change in levels across the site. She noted that the area in the centre of the site would be communal, and the wildflower meadow helped in terms of biodiversity.

The Planning Officer noted that in the most part minimum separation distances were achieved, and in the instances where they were not it was felt that obscure glazing, the height of the proposed bungalows, the level differences and screening from trees all helped to mitigate, with the application therefore being felt to be acceptable in those terms.

The Planning Officer noted some amendments since the report was circulated to Members included an amended drawing, Revision V, to reflect reduction in footpath widths. She noted that the Highways Section had no objections to the proposed amendments and the amended drawing reference would be included within an amended Condition Two.

The Committee noted no objections from the Environment Agency and Northumbrian Water subject to conditions and adherence to an agreed drainage scheme for foul and surface water. The Planning Officer noted that the NHS had responded to note that they had sufficient capacity to accommodate any increase in patient numbers from the development and no contribution was required. She noted that the Police Architectural Liaison Officer had raised concerns in relation to potential anti-social behaviour associated with the proposed footpath link. It was explained that Officers felt that on balance the potential anti-social behaviour, crime and fear of crime did not outweigh the benefits of providing links through the site for existing and future residents and that a full explanation was set out at paragraph 80 of the report.

The Planning Officer explained that colleagues from Spatial Policy had noted no objections to the application, subject to a s106 Legal Agreement relating to off-site open space contributions in the sum of £25,042.50. It was added that Housing Delivery had noted no objections, with there being two affordable units and bungalows were in high demand in the area. The Planning Officer added that the Contaminated Land section had noted no objections and no requirement for condition, Environmental Health and Consumer Protection had noted no objections, subject to Conditions Seven (noise) and Ten (Construction Management Plan).

Councillor J Turnbull entered the meeting at 1.13pm.

The Planning Officer explained that outstanding issues included drainage and aspects of landscaping relating to trees. She explained that there was detailed explanation within the report, however the issues were ongoing with the Applicant and that the matters would need to be subject to a pre-commencement condition as set out within the report. The Committee were informed that colleagues from the Ecology Team had assessed the submissions and noted a net loss of biodiversity and they had suggested either a contribution in the sum of £4,000 to provide offsite provision on Council owned land or the allocation of 0.3 hectares of the Applicant's own land. The Planning Officer noted that in this instance the Applicant had noted they were willing to provide the financial contribution. She further noted that the development would be unacceptable without this contribution.

The Planning Officer noted one letter of objection had been received, commenting that Wheatly Hill as a village needed an overhaul and the land in question would be better used to plant additional trees, with there already being a number of existing empty properties within the village. Members were referred to paragraph 68 of the report which responded to the comments from the resident.

The Planning Officer noted that the School Places Manager had noted the requirement for contributions based upon additional pressure on school places, however, the Planner Officer noted that the site was intended for use by those aged 55 and over, with the housing to be managed and maintained by the Durham Aged Miners Housing Association and therefore it was not felt necessary to include education contributions. In addition, a clause is to be included in the sale of the land to ensure properties to remain in occupation by over 55s. This however cannot be controlled through planning.

The Planning Officer noted that the recommendation to Committee was for approval, subject to the s106 Legal Agreements relating to Open Space and Ecology, the provision of two affordable housing units, and the conditions as set out within the report with the amendments as referred to within the presentation.

The Chair thanked the Planning Officer and asked Members of the Committee for their comments and questions.

Councillor I Jewell noted that he recalled an application which had similar issues in terms of site levels and asked for assurance that the properties marked 13-23 were not overlooked. He also asked as regards the unresolved issues relating to drainage, adding he felt it was strange that they had not been resolved before the Committee stage. The Planning Officer noted that the impact of the site levels and overlooking had been considered and with the separation distances involved and the hedgerow and window locations, there was not felt to be an issue in respect of overlooking. In relation to drainage, the Planning Officer noted that this was being looked at by the Applicant and Officers and was close to being resolved, the condition within the report would ensure that the proposals would meet the necessary requirements.

Councillor D Freeman noted paragraph 80 of the report referred to the footpath that would run through the site and, given that the Police Architectural Liaison Officer had raised concerns, he asked as regards further information in relation Officer comments referring to accessing the bus stop and Medical Centre, when he could see access was obtainable walking around the main road. The Planning Officer explained that paragraph 80 of the report noted that there was priority given in the NPPF for pedestrian and cycle movements to access public transport. She added that the Police Architectural Liaison Officer was asked for further information in respect of the level of their concerns, however, no response had been received. She noted that the permeability of the site was a priority to protect the access for existing and future residents to bus stops and Medical Centre and added that it is a matter of planning balance, and on balance, it is considered best to retain it. Councillor D Freeman asked if the access route could be shown on the slide detailing the proposed site layout.

The Planning Officer demonstrated the route and noted it was only a slight diversion through the site.

Councillor A Bell noted he would have expected a submission as a full planning application to have contained more details and asked as regards the tree belt, was this to go in or were there existing mature trees. The Planning Officer noted that there would be protection for hedgerows and there would be some planting in the courtyard area, with the Landlord to be responsible for maintenance.

Councillor D Brown noted the issues as stated in terms of the application and time being a factor, however, he was a bit surprised as regards the number of outstanding issues and felt that he would prefer applications to be more resolved at the report stage so that Members were not "walking in blind". The Area Planning Team Leader (Central and East), Sarah Eldridge noted Officers did not disagree and added it was not ideal that there were gaps and issues to be resolved via condition. She reiterated that there had been significant time constraints for the Council to consider the application, however, she would make the Developer aware of the feelings of the Committee Members.

The Chair asked what issues were outstanding. The Area Planning Team Leader (Central and East) noted the two issues were the drainage and trees, both to be conditioned as set out within the report. She added that the Developer and Council Officers were working on the issues and highlighted that the condition regards drainage was such that the agreement was required prior to the commencement of any works. She added that if the developer started works without discharging this condition, it would become an enforcement issue.

Councillor I Jewell noted given the reassurance from the conditions he was confident any issues could be mitigated and therefore he proposed the application be approved, subject to conditions and the s106 Legal Agreements as previously reported by the Planning Officer. Councillor A Bell seconded the approval of the application.

RESOLVED

That the application be **APPROVED** subject to the conditions set out within the report, the updated conditions as stated by the Planning Officer, and Section 106 Legal Agreements relating to affordable housing units on site, open space and ecology.