

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the **Council Chamber - County Hall, Durham** on **Thursday 16 May 2019** at **1.00 pm**

Present:

Councillor I Jewell (Chairman)

Members of the Committee:

Councillors A Bainbridge, D Bell, L Boyd, D Boyes, M Davinson (substitute for S Wilson), A Hopgood, C Martin, T Tucker and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillors O Milburn, J Robinson, A Shield, J Shuttleworth and S Wilson.

2 Substitute Members

Councillor M Davinson substituted for Councillor S Wilson.

3 Minutes

The minutes of the meeting held 25 April 2019 were agreed as a correct record and signed by the Chairman.

4 Declarations of Interest

There were no Declarations of Interest.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/19/00463/FPA - Land at the South West of Pont House Farm, Leadgate, DH8 6JP

The Senior Planning Officer, Steve France 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 the construction of 9 bungalows and was recommended for approval, subject to conditions.

The Senior Planning Officer referred Members to plans and aerial photographs highlighting the proposed site, the relationships with the nearby streets and open space, highlighting the 74 new properties at the nearby "Lamplas" site that had access and egress onto the same road proposed to gain access to the application site from. He asked Members to note the current condition and use of the site, unimproved grassland, with a children's play area opposite, forming part of the separation between the villages of Leadgate and Pont.

The Senior Planning Officer noted the farm track and mature hedge along the side of the site, with mature hedge at the front of the site in addition. Members were asked to note the location of the nearby bus stop and its proposed relocation. The Senior Planning Officer noted the application was reported to Committee at the request of Councillor W Stelling, following concerns relating to the relocation of the bus stop, drainage at the site, and the residential amenity of the existing bungalow adjacent to the site.

The Senior Planning Officer noted the work with the Highways Section in terms of minor revisions to the estate entrance and the relocation of the bus stop. He added that it was proposed that there would be 19 car parking spaces, including three visitor spaces and one on street parking layby at the site entrance. Following this and appropriate conditions the Highways Section offered no objection to the application.

Members were asked to note the layout of the site avoided the root-plates of existing trees and it was proposed to remove permitted development rights, so that the site could not be filled out subsequently. The Senior Planning Officer added that a condition was proposed to protect hedgerows for at least five years.

The Senior Planning Officer noted that the proposed bungalows were for market sale, and not restricted to affordable housing. He added that in addition to the comments from the Highways Section, there had been no objections from other consultees, such as the Coal Authority, Archaeology Officers, Landscape Officers, Tree Officers, Environmental Health, subject to appropriate conditions. It was added that the Ecology Section had noted there was scope for more biodiversity if there were less units.

The Senior Planning Officer asked Members to note a refusal in 2011 regarding development at the site had subsequently been approved in 2012 at Appeal. He added there had also been permission granted in 2015 that permission having since lapsed.

Members were asked to note that with 24 consultation letters issued, 2 objections had been received, including from the Local Member, Councillor W Stelling, issues including: impact upon residential amenity; historic flooding; highways safety and the construction management plan having a proposed start time of 7.00am. The Senior Planning Officer noted the recommendation within the report was for this to be 8.00am.

The Senior Planning Officer explained that with Local Plan Policies being considered out of date, then National Planning Policy Framework (NPPF) Paragraph 11 was engaged, adding that the principle of development was established in terms of the appeal decision from 2012. He added that issues in terms of coalescence would be prevented visually by the adjacent play area and the design was such that only one property was affected, however, on balance Officers felt that overall the proposals were acceptable and therefore the recommendation was for approval, subject to the conditions as set out within the report.

The Chair thanked the Senior Planning Officer and asked the Committee Services Officer to read out a statement from Councillor W Stelling, Local Member, who was unable to attend the Committee meeting.

“Chairman I am sorry I can’t be at the meeting today. I did attend the site visit. I would just like to ask the Planners or the Agent of the Developer the following questions before the Committee come to a decision.

This application, four years ago, was accepted and approved by an Inspector after Durham County Council Planning Committee had refused it. Why after all that time has nothing been done on this site except more investigation, drilling even up to one and a half weeks ago?

Why is the bus shelter being moved to provide access and egress when some years ago Third and Fourth Street Pont Bungalows was made into a one-way system to help stop traffic from coming onto the road called Crag Lane at that bend in the road? Refuse”.

The Chair thanked the Committee Services Officer and asked Mr Jeff Lightle, the Applicant, to speak in support of his application.

Mr J Lightle thanked the Chair for the opportunity to speak and reiterated the Officer's comments in term of the approval for 12 houses, the principle of development therefore having been established. He noted the application had been approved in March 2015, the permission having now lapsed.

Mr J Lightle explained that the proposal was for nine bungalows, less obtrusive than 12 houses previously agreed, and the lower rooflines of bungalows was more in keeping with existing bungalows at Pont. In reference to the relocation of the bus stop, Mr J Lightle noted that the new position had been agreed in discussion with Council's Highways Engineers.

Mr J Lightle referred to comments that had been made in terms of drainage issues at the site, he explained that a flood risk assessment and investigation works had been carried out, approved by the Council and in consultation with Northumbrian Water Limited.

In respect of the comments made by objectors to loss of amenity, Mr J Lightle noted the existing bungalow had overlooked the open site, and the design and layout proposed were such to retain an open outlook, having been finalised after discussions with Planning Officers. He added that the nearest proposed property would be at a 45-degree angle to the existing bungalow in order to preserve privacy. Mr J Lightle concluded by noting the car parking arrangements and grassed area and asked Members to follow the Officer's recommendation for approval.

The Chair thanked Mr J Lightle and asked the Committee for their comments and questions.

Councillor D Boyes noted that there was no reference to affordable housing provision within the report and asked as regards impact on residential amenity, Section 106 agreements in terms of financial contributions and the potential for coalescence of the two villages. The Senior Planning Officer noted that as the development was for fewer than 10 properties there was no requirement for affordable housing and that in terms of amenity there was a slight overlooking in terms of living room windows. He added that as the proposal was not a major development there was no obligations in terms of s106 financial contributions.

Councillor A Hopgood noted recommendation five referred to “no plot may be occupied until a scheme for the relocation of the bus stop was agreed”. She asked whether this was not too late and as regards the access to the site for building works. The Senior Planning Officer noted access for works would be gained from the same location as proposed for the finalised access. He noted that the recommendation referred to specification for the bus stop to be agreed, however this had in effect already been agreed with just final details to be approved. Councillor A Hopgood noted she felt the recommendation should require that the relocation of the bus stop was completed prior to building works starting, so that there was no need for a temporary bus stop, especially important if heading into the time of year where there would be poor weather. The Senior Planning Officer noted that the final part of the condition did note “in discussion with the Highways Authority and then implemented”. Councillor A Hopgood asked whether this was sufficient and if the developer could simply leave the bus stop issue until a point where the dwellings were ready for occupation. The Solicitor – Planning and Development, Neil Carter noted that the condition as drafted referred to the first occupation as the trigger and therefore if Members wished to change this to prior to the commencement of the development then the condition could be amended to reflect that. Senior Planning Officer noted he could amend the condition should the Committee decide in favour of the application.

Councillor M Davinson noted that the decision by the Planning Inspector in 2012 had somewhat tied the hands of Members, however, the scheme was considered acceptable by Officers. He noted that he did share the concerns raised by Councillor D Boyes in terms of lack of any s106 contributions, especially given the close proximity to the existing play park. He noted he would therefore **move** that the application be approved as per the Officer’s report, subject to the amended condition five relating to the relocation of the bus stop, perhaps following the in the wording of condition six. Councillor T Tucker **seconded** the application be approved.

Following a vote being taken it was

Resolved:

That the application be approved subject to the conditions as listed within the report and as amended by the Committee.

6 Appeal Update

The Committee considered a report of the Principal Planning Officer, Fiona Clarke which provided details of a recent appeal decisions.

Members noted the first was in relation to application for the erection of a single dwelling to use existing farm access at Stobilee Farm, Langley Park. The Principal Planning Officer advised that the appeal had been allowed by the Planning Inspector, no application for costs having been made. The Principal Planning Officer noted a second appeal relating to application DM/18/02722/HPN at 8 Kinloch Court, Chester-le-Street, a Householder Prior Notification for the erection of a single storey rear extension with a projection of 4 metres, an eaves height of 2.1 metres and a total height of 2.7 metres. The Principal Planning Officer advised that the appeal had been allowed by the Planning Inspector, no application for costs having been made. Members noted one appeal had been submitted under the written representations procedure relating to: refusal of change of use of open space to domestic garden at land adjacent to 41 Carrowmore road, Chester-le-Street (DM/18/02961/FPA).

Councillor M Davinson asked if the decisions overturned by the Planning Inspectorate had originally been made under delegated authority or by Committee. The Principal Planning Officer noted that the applications had been determined under delegated authority.

Resolved:

That the content of the report be noted.

7 Planning Development Management Performance Summary 2018/19

The Committee considered the Planning Development Management Performance Summary for 2018/2019 (for copy see file of Minutes). Members were informed that the report would be submitted to each of the Council's Area Planning Committees and the County Planning Committee. In discussing the report, Councillor D Boyes asked as regards what penalties were in place where performance was below target and whether there was a competitive aspect across the various Area and County Teams. The Principal Planning Officer noted that there was a competitive nature and noted a turnover of staff in the last year, with the team currently not being at full capacity.

Resolved:

That the content of the report be noted.