

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 24 March 2022 at 9.30 am**

Present:

Councillor M McGaun (Chair)

Members of the Committee:

Councillors B Bainbridge, G Binney, J Blakey, L Brown, M Currah, K Earley, J Griffiths, D Haney, C Marshall, E Peeke, J Purvis, J Quinn and S Wilson

Also Present: Councillor D Oliver and M Walton

1 Apologies for Absence

Apologies for absence were received from Councillors J Chaplow and A Watson.

2 Substitute Members

There were no substitute members.

3 Minutes

The minutes of the meeting held on 24 February 2022 were confirmed as a correct record and signed by the Chair.

4 Declarations of Interest

Councillor McGaunn noted in respect of Item 5a. DM/22/00184/OUT - Land to the West of Briardene, Cadger Bank, Lanchester he was a Local Member, however, he had not made any determination as regards the application.

a DM/22/00184/OUT - Land to the West of Briardene, Cadger Bank, Lanchester

The Committee considered a report of the Senior Planning Officer which sought outline planning approval with all matters reserved for a residential

development of up to 46 dwellings with new access from Cadger Bank and associated works (for copy see file of Minutes).

The Senior Planning officer provided a detailed presentation of the application which included aerial photographs and proposed indicative site plan and photographs. Members had visited the site the previous day.

The Senior Planning officer advised the committee that the proposed development fell outside the settlement boundary defined in the Lanchester Neighbourhood Plan 2021, and it was therefore in countryside and without justification contrary to Policies 6, 10 and 11 of the County Durham Plan 2020, Policy LNP1 of the Lanchester Neighbourhood Plan 2021. This reason was omitted from the officer report and the Senior Planning Officer requested that this be included in any motions.

Mr Friesner addressed the Committee on behalf of Lanchester Parish Council. He stated that the proposed development was outside of the Settlement Boundary as defined by the Lanchester Neighbourhood Plan 2021 (Policy LNP1). He advised that there was also considerable planning history to the site including applications that had been refused, withdrawn and an appeal that was dismissed. He noted that the SHLAA assessment had previously considered the site unsuitable for housing development and advised that the Council had a 5.9 year supply of housing land available.

He highlighted the objection made by Historic England on heritage grounds and the impact the development would have on the setting, referencing 'the high heritage value of the Fort and its civilian settlement thereby contributing to its national importance'. He noted that concerns were endorsed by the county archaeologist, spatial policy and landscape officers. He praised the work of friends of Longovicium and explained they were a very active local group who had worked tirelessly over many years to demonstrate its communal and national value.

He noted that there were many areas for concern as listed in the Officer's conclusion and referenced paragraphs 213 to 228 of the report and stated that this led to the recommended refusal at paragraph 229. He explained that the report listed eight reasons for refusal, and which included several policies within the County Durham Plan and policies LNP2, LNP3 and LNP4 of the Lanchester Neighbourhood Plan 2021.

In summary, he hoped the fort along with other facilities would feature within the County's bid for UK City of Culture, Durham 2025 and therefore confirmed that Lanchester Parish Council objected to the development and agreed with the officer's recommendation to refuse the application.

Local Member, Councillor Oliver addressed the committee in objection to the application and advised that many residents shared his concerns.

He described Lanchester Roman Fort as a unique site and believed it could attract more attention in the city of culture bid. He stated that the proposed development would significantly harm the site and that the damage would be irreversible and permanent.

He pointed out that access to the site was poor and raised concerns regarding the capacity of the development and the impact it would have on traffic and the lack of visitor parking. He raised further concerns regarding amenity pollution, water management and added that the development would impact on green space and the rural environment.

He made it clear that he did encourage new housing but disagreed with a development in this area. He confirmed that he supported the officer's recommendation to refuse the application.

The Agent, Mr Ketley addressed the committee and expressed the development would be beneficial for the County. He commented that the site had been previously deemed accessible and questioned why this had changed. He noted that the appeal submitted previously by Barratt Homes was solely refused because the harm to the heritage interest outweighed the public benefit. He accepted that there was a level of harm with the proposed development but believed there were several benefits that outweighed this.

He went on to advise that the development would boost housing supply and had the potential to contribute to new housing which was urgently needed. In addition, he believed that sustainability of the area could diminish in future years if new housing was not supported. He further added that the development would provide 20% affordable housing and Biodiversity net-gain achievements.

In reference to the scheduled monument, he advised that section 106 funding could enhance the understanding of this, and he believed there would be limited environmental harm to the area. He asked that members approved the application.

In response to Mr Ketley, the Senior Planning Officer advised that there had been a significant change since the previous application was submitted by Barratt Homes and clarified that up-to-date development plans had been adopted and were available to officers to help determine applications.

Councillor Brown commented from previous experience that archaeology should remain in the ground as it could be studied further in the future and stated that the area should not be built on.

Councillor Wilson noted that the development was outside the settlement boundary. He raised concerns regarding the impact it would have on the heritage and **moved** the application to be refused in line with the officer's amended recommendation.

Councillor Marshall expressed that the development would have an ecological impact and agreed with the concerns raised regarding housing amenity standards and the lack of visitor parking. He **seconded** the officer's recommendation to refuse the application.

Councillor Quinn asked for clarification on the average house size and price of the properties. Mr Ketley advised that it was difficult to predict an average price for the houses. In terms of size, he advised that the scheme proposed a range of two, three and four bedroom bungalows and dormer bungalows, keeping the scale and height of the development to a minimum.

Councillor Quinn raised concerns regarding the trees that were in the centre of the plan and advised that he would not want these to be affected.

Councillor Earley agreed that the development would have a significant impact on archaeology and supported the officer's recommendation to refuse the application.

Resolved:

That the application be **Refused** as per the officer recommendation with the addition of the following reason for refusal: the proposed development falls outside the settlement boundary defined in the Lanchester Neighbourhood Plan 2021, and is therefore in countryside and without justification contrary to Policies 6, 10 and 11 of the County Durham Plan 2020, Policy LNP1 of the Lanchester Neighbourhood Plan 2021.

b DM/22/00135/VOC - Land East Of Castledene Road Delves Lane

The Committee considered a report of the Senior Planning Officer which sought approval to remove condition 13 (highway improvements) pursuant to APP/X1355/W/20/325169 (our ref. DM/17/02333/OUT) for 105 dwellings (outline - all matters reserved except access).

The Senior Planning officer provided a detailed presentation of the application which included an aerial photograph, site photographs and an indicative plan of the roundabout.

Local member, Councillor Walton addressed the Committee in objection to the application. She asked the Committee to question why Condition 13 was applied in the original application and then subsequently removed.

She referred Members to paragraph 51 of the report where it explained that a survey taken in September 2021 indicated a 40% reduction in traffic flows since the survey taken in 2017. She disagreed with the results of the survey explaining that the nature of the businesses in the local area had not changed their working hours or conditions post-pandemic. Furthermore, she advised that the survey did not include the traffic levels at school drop off/pick up times and explained that it was taken at a time where road works were being carried out resulting in many drivers avoiding the area. She stressed that the results of the survey were not a true reflection of the daily traffic flows and should not be relied upon.

In addition to this, she explained that new housing developments in Consett had been proposed and could result in 750 extra households and that local businesses had created an additional 350 jobs, both of which would impact on the levels of traffic in the area.

She also shared residents' concerns and frustrations of the ability for builders to remove previously approved conditions from their applications.

She respectfully urged members to uphold the previous decision and to refuse the application.

The applicant Steve Burn (Gleeson) addressed the Committee. He advised members that as the number of dwellings for the development had reduced from 120 down to 105 and traffic had also reduced by 40%, condition 13 was no longer required.

Councillor Wilson along with other members believed that the results of the survey were not a true reflection of the current traffic flows for 2022 post-pandemic and suggested the application be deferred until a new surveyor could be carried out.

In response to the points raised, the Principal Highway Development Management Engineer advised that historical survey data for Delves Lane covering the period of 2016-2020 (pre-pandemic) was held on file. He explained to Members the technicalities of the surveys and the modelling that was used. He noted there were queuing delays at the roundabout for some of the p.m. peak hour but confirmed that the roundabout was not over capacity, and that traffic flowed well for most of the day.

He advised that he had recently visited the site and stated that the markings on the roundabout would be refreshed. He noted there were no accident

trends or adverse implications to highway safety and confirmed there were insufficient grounds to refuse the application.

Councillor Brown pointed out that the appeal was successful based on 105 dwellings rather than the original 120, and that improvements to the roundabout were agreed as a condition at that time and asked why this was no longer required.

The Principal Highway Development Management Engineer explained that the Highways development manager who assessed the original transport assessment based upon 120 dwellings felt it was correct to secure the mitigation. This current application submitted a revised transport assessment for 105 dwellings which had been scrutinised and the mitigation was no longer viewed as necessary.

Councillor Earley raised his concerns regarding a new nursing home which was being developed and the increase in traffic levels due to staff and visitors travelling to and from the home. He stated that individual developments may not justify changes to be made to the highway but asked whether developments were considered cumulatively.

Councillor Marshall commented that carrying out a further survey would not give the Committee the material planning grounds needed to refuse the application and therefore accepted the officer's recommendations to approve the application. He expressed his disappointment for the residents of Delves Lane on this matter.

Councillor Quinn shared Councillor Walton's concerns on the ability to remove conditions from applications. He raised further concerns regarding the large area of land behind the application site and hoped the land would not be used to increase the number of dwellings in the future.

Councillor Haney reiterated the suggestion for a new traffic survey to be carried out and felt this was still necessary.

Councillor Peeke asked whether it was possible to monitor the traffic levels following a six-month period and impose the need for improvement works if levels had increased.

In response to the points raised, the Senior Planning Officer confirmed that there were three new developments pending applications which totalled 750 units. She confirmed that they had all submitted individual transport assessments and that the cumulative impact had been considered and that this included improvements to the junction. She explained that the application for 105 units had to be considered on its own merit and that this could not be refused on the grounds of highways. She added that they had received the

detailed reserved matters and confirmed that the development was ready to commence soon and clarified that the applicant had not sought any additional units.

Councillor Brown asked whether the application complied with policy 21c. The Senior Planning Officer confirmed that it did and assured members that the cumulative impact on the area of Consett was important and would be addressed in all future applications.

The Principal Planning Officer advised that traffic levels had fluctuated pre and post pandemic, but that historical data was sufficient for the application and felt a further survey to identify current traffic levels was unnecessary. He went on to explain the voting options available to members.

Councillor Marshall commented that deferring the application was not appropriate due to the risk of non-determination and **moved** the application for approval in line with the officer's recommendation. Councillor Brown **seconded** this.

Councillor Currah confirmed that he would prefer the application to be deferred until a full survey was undertaken and **moved** the application for deferral. Councillor Wilson **seconded** this.

Councillor Brown asked for clarification on the risks if the application was deferred. The Principal Planning Officer explained that deferring the application could result in more data being obtained but advised that this would not necessarily change the officer's recommendation.

The Lawyer (Planning and Highways) asked whether the applicant could appeal against non-determination should the application be deferred. The Senior Planning Officer advised that they could and that this would impose a risk to the Council.

Upon a vote being taken it was

Resolved:

That the applications be **Approved** subject to the conditions as contained in the report and subject to a Section 106 Deed of Variation to secure the planning obligations contained within the Section 106 pursuant to the original planning permission DM/17/02333/OUT.

6 Appeal Update

The Committee received a report of the Principal Planning Officer which provided an update on the appeal against approval of reserved matters

(appearance, landscaping, layout and scale) relating to planning permission DM/16/00871/OUT for a single dwelling at Plot 14 (No.15) The Pastures, Lanchester, Durham, DH7 0BT (Ref: DM/21/02516/RM). (for copy see file of Minutes).

The Principal Planning officer provided a presentation which included a site location plan and a site plan/elevation.

Councillor Brown asked whether any costs were awarded by the Council. The Principal Planning Officer confirmed that no costs had been sought.

In terms of self builds, Councillor Earley asked if there could be a planning brief to indicate to Members what was acceptable.

The Principal Planning Officer confirmed that the type of dwellings deemed acceptable could be defined in the Lanchester Neighbourhood Plan. He advised Members they could ask for certain conditions to be imposed to ensure developments met the needs of the residents affected and that these would need to be considered on a case-by-case basis.

The Senior Planning Officer advised that whilst the appeal was ongoing the applicant submitted a plan which was smaller in scale. He confirmed that both plans were approved by the Inspector and advised that the applicant subsequently chose to proceed with the smaller plan.

Resolved:

That the report be noted.