

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 19 September 2013 at 2.00 pm**

### **Present:**

**Councillor M Dixon (Chairman)**

### **Members of the Committee:**

Councillors H Bennett, D Bell, D Boyes, J Clare, K Davidson, J Gray, H Nicholson, G Richardson, L Taylor, R Todd and C Wilson

### **Also Present:**

J Byers – Planning Team Leader (South and West Area)  
A Inch – Principal Planning Officer  
D Stewart – Highways Officer  
C Cuskin – Legal Officer

Prior to the commencement of business a minutes silence was observed as a mark of respect following the recent death of Councillor Geoff Mowbray.

### **1 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors J Buckham, E Huntington and S Zair.

### **2 Substitute Members**

Councillor Gray substituting for Councillor Buckham and Councillor Bennett on behalf of Councillor Huntington.

### **3 Declarations of Interest**

Councillor M Dixon declared a personal and prejudicial interest in application numbered 7/2012/0005/DM – Site O, Cobblers Hall, Newton Aycliffe. Councillor Dixon had attended a housing conference at which he had received hospitality from the applicant company.

In the absence of the Vice-Chairman of the Committee nominations were sought for a Member to chair the meeting during consideration of the application.

### **Resolved:**

That Councillor D Boyes chair the meeting for application numbered 7/2012/0005/DM – Site O, Cobblers Hall, Newton Aycliffe.

Councillor J Clare declared a personal but not prejudicial interest in the application regarding Site O, Cobblers Hall, Newton Aycliffe. As a Member of Great Aycliffe Town Council he had been involved in discussions but had not pre-determined the application.

#### **4 The Minutes of the Meeting held on 18 July 2013**

The Minutes of the meeting held on 18 July 2013 were agreed as a correct record, subject to Councillor S Zair being added to the apologies for absence.

The Chairman signed the Minutes.

#### **5 Applications to be determined**

##### **5a 3/2013/0140 - Land between A688 and Durham Road including the Sportsman Inn, Canney Hill, Bishop Auckland**

The Committee considered a report of the Principal Planning Officer regarding an application for the erection of 39 houses and associated works (for copy see file of Minutes).

A Inch, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

In presenting the report the Officer advised Members of 2 additional conditions that had been referred to in the Committee report but had been omitted from the final list of conditions. These related to archaeological works and were circulated to Members, the applicant and local residents at the meeting.

Councillor C Kay, local Member addressed the Committee against the application. He advised that Canney Hill was not an extension of Bishop Auckland but was a well-defined old community which would be completely dwarfed by a development that was 2 or 3 times the size of the village.

The Wear Valley Local Plan was still relevant and as such the land was outside the settlement boundary. In a recent training session Members had been informed that Local Plans took precedence over the emerging County Durham Plan. The proposals were contrary to Policy H3 of the Wear Valley Local Plan and there were already over 2000 properties planned in the South Durham area, 600 of which were within a 1/2 mile radius.

Whilst the public house had been demolished, giving the appearance of a brownfield site, the area was greenfield land. He believed that the proposals were contrary to the NPPF which set out a presumption in favour of sustainable development; the local school was full and there were no shops, services or facilities in the village.

Councillor Kay accepted that there were 3 recently constructed dwellings in Canney Hill but that this constituted infill development. In conclusion he also considered that the £19,500 contribution towards open space provision, and the proposal for 6 affordable houses was derisory.

Martin Spencer, local resident addressed the Committee with the aid of a powerpoint presentation. He advised that he also spoke on behalf of local people and registered speaker Angela Graham.

Mr Spencer commenced by expressing concern with regard to the impact on flora/fauna and protected species on the site. He understood that there was a pair of nesting kestrels and hedgehogs on the land.

Greenfield sites were lost forever once used and he reiterated the concerns of Councillor Kay regarding sustainability of the site, given that there were no facilities in the village. With regard to the design of the dwellings he asked the applicant if room sizes were in accordance with Government criteria for new housing.

He continued that residents' main concerns related to road safety, the site access, and impact on disabled people and pedestrians once the development was completed. Mr Spencer made the following points in relation to these concerns:-

### **Road Safety**

- The A689 was a very busy road used by articulated lorries, buses and cars, with bus stops on either side. A further development may require a similar junction, in which case there would be 3 junctions in just a few hundred yards.
- The current speed limit along the A689 was 40mph with many dangerous bends on it. The road markings were inadequate and in need of review.
- Persimmon Homes had assumed that their development would not impact on the number of vehicle manoeuvres as the planned access would be the same as the former public house. However the public house had been underused since 2004 and 74 car parking spaces were proposed.

### **Site Access**

- Alternative access could be made from the old road at the top of Bracks Road which bordered the proposed development to the south. This was currently the main access to the field where the development was planned. This would open up an existing road for use again, not only for this development, but for future development on land to the south.
- The alternative access would confine traffic to an existing junction which was safer for all and there would be no need to widen Durham Road.
- Traffic should flow better and it would be safer for disabled people and pedestrians.

### **Impact on Disabled People**

- Tactile paving was missing on many main pavement junctions in the area and 2 more junctions were proposed.
- It would be difficult for disabled people and pedestrians to safely negotiate the development during the building stage.

To conclude he urged the Committee to ask the developers to submit revised plans using the alternative site access and asked the Highways Authority to look at road safety issues on Durham Road, including improving road markings, reducing the speed limit and providing tactile paving.

Mark Richardson on behalf of the Applicant responded to the issues raised by Mr Spencer. He advised that works would not be carried out when there were nesting birds on the site and that there was no current minimum requirement in relation to room sizes for private developers. The criteria applied to social housing providers. Tactile paving would be dealt with under a Section 38 Agreement with the Highways Authority. The proposed alternative access to the south was not feasible as the road was in third party ownership and was not adopted.

D Stewart, Highways Officer acknowledged that the issues raised regarding the suggested superior site access, existing speed limit and road markings were legitimate concerns but were not relevant to the determination of the planning application. At only 17m the distance between the centre line at the junction of the alternative access road and the junction at Durham Road was too close and not acceptable in highway terms.

It was noted that Members had looked at the suggested alternative access on the site visit.

The Principal Planning Officer responded to the comments made by Councillor Kay. Whilst the proposals were not in accordance with Local Plan Policy H3 and therefore constituted a departure from the Wear Valley Local Plan, Officers felt that the NPPF's presumption in favour of sustainable development, and the allocation of the site in the emerging County Durham Plan were material considerations. The NPPF stated that more weight should be attached to an emerging Plan as it progressed towards adoption. Consultation on the Pre-Submission draft was due to commence in October 2013 and therefore it was considered that policies contained in the Preferred Options submission of the Plan were now relevant.

With regard to the comments made about the land being greenfield, he advised that the site was part previously-developed land, reiterating that it was allocated for housing in the emerging Plan and was a sustainable extension to Bishop Auckland.

With regard to the reference to the availability of school places, Members were informed that, in forming an evidence base for the Plan, Planning Officers consulted with the Education Authority. It should also be borne in mind that the number of houses proposed would not necessarily result in a significant increase in pupils. This did not justify refusal of the planning permission.

Following a request from Councillor Dixon for clarification about the Section 106 contribution referred to by Councillor Kay, the Planning Officer advised that the layout of the scheme incorporated a central island of open space which amounted to half the requirement for a site of this size. This had therefore been reflected in the Section 106 contribution.

Councillor Dixon sought an assurance that the applicant would not seek removal of the affordable housing element of the scheme at a later date. In response Mr Richardson advised that market conditions were improving and the provision of affordable housing would be incorporated into a Section 106 Legal Agreement to secure provision in perpetuity.

Councillor Nicholson, in welcoming the scheme expressed concerns about the safety of Durham Road and potential problems caused by the right turn across the A689 into the development. He asked if there were any proposals for a protected right turn.

The Highways Officer responded that in accordance with guidelines this was a modest development, however he appreciated the concerns expressed by the Member and advised that a protected right turn could be included as a condition.

Councillor Davidson stated that whilst he sympathised with the concerns of the local Member in terms of losing the identity of the hamlet, on balance, the proposed scheme was acceptable.

Following discussion it was **Resolved:**

That the application be approved subject to:-

(a) the conditions outlined in the report and to the following additional conditions:-

1. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for:
  - i) the proper identification and recording of the extent, character and significance of archaeological remains within the identified northern area of the development by means of a strip, map and record strategy;
  - ii) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) above is completed prior to the commencement of permitted development in the area of archaeological interest; and,
  - iii) notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Policies BE1 and BE15 of the Wear Valley Local Plan and section 12 of the NPPF.

2. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission.

Reason: To comply with paragraph 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and impact, and to make this evidence (and any archive generated) publicly accessible.

3. Prior to the commencement of development full details of a protected right turned shall be submitted to and agreed in writing by the Local Planning Authority. Such scheme as agreed shall be implemented in full prior to the occupation of the first dwelling hereby permitted.

Reason: In the interests of highway safety in accordance with Policy T1 of the Wear Valley Local Plan.

- (b) a Section 106 Legal Agreement to secure the provision of affordable housing in perpetuity, the payment of a commuted sum in lieu of on site open space provision and to safeguard the retention of the hedgerow along the southern boundary of the site.

At this point Councillor Dixon left the meeting.

Councillor Boyes took the Chair.

#### **5b 7/2012/0005/DM - Site O, Cobblers Hall, Newton Aycliffe**

The Committee considered a report of the Principal Planning Officer regarding an application for the erection of 175 dwellings with associated infrastructure and landscaping works (for copy see file of Minutes).

A Inch, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

In presenting the report Members were advised of a late objection from a local resident whose concerns related to drainage and surface water flooding. The Planning Officer advised that the issues raised had been addressed in the report.

Councillor Gray asked if there were plans to improve the footpath from Burnhill Way between Sites N and O which was susceptible to flooding. The Principal Planning

Officer responded that this was not part of the scheme and he was not aware of any proposed works to upgrade the footpath, however he would investigate and respond to the Member direct.

Councillor Richardson advised that as with other new housing schemes he was concerned about the level of density of the development and also asked how many parking spaces would be allocated.

The Principal Planning Officer informed the Member that density levels between 30 and 50 were deemed appropriate when there was good access to facilities. At 46 the density of Site O was at the upper end of the normal range, however the proposed development had good footpath access to a range of local services and facilities, and excellent bus services.

With regard to parking provision the Highways Officer advised that the scheme proposed a total of 334 parking spaces and at 172% provision, was in excess of the 150% maximum contained in PPG.

In response to a request for clarification from Councillor Boyes regarding the comment in the report that the site was designated nature reserve, Members were advised that the nature reserve bordered the application site to the right of the development.

Following discussion it was **Resolved:**

That the application be approved subject to the conditions outlined in the report.

Councillor Dixon returned to the meeting and took the Chair.

The Chair agreed that in order to keep Members informed the following items of business could be reported:-

## **6 Invitation to meet Planning Officers**

J Byers, Planning Team Leader (South and West Area) advised that Members would receive an invitation to meet with Planning Officers to discuss any planning issues or queries they may have. The meetings were to commence in October and would cover general planning matters, not individual applications.

**Resolved:**

That the information given be noted.

## **7 Planning Seminar**

C Cuskin, Legal Officer advised of a Seminar for Members and Officers to be held on 18 October 2013 between 10am and 1pm. Although the programme had not yet been finalised potential topics included protected species, County Durham Plan and relevant case law. Members would receive an invitation in due course.

**Resolved:**

That the information given be noted.