

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 8 September 2015 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors G Bleasdale, J Clark, P Conway, M Davinson, K Dearden, D Freeman, A Laing (Vice-Chairman), J Lethbridge, B Moir, C Kay, K Shaw and F Tinsley

1 Apologies for Absence

Apologies for absence were received from Councillors S Iveson and J Robinson.

2 Substitute Members

Councillor F Tinsley substituted for Councillor S Iveson.

3 Minutes

The minutes of the meeting held on 14 July 2015 were confirmed as a correct record by the Committee and were 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 & East Durham)

5a DM/15/01616/LB - Former school premises, Seaside Lane, Easington Colliery

The Committee considered a report of the Senior Planning Officer regarding an application for the demolition of former school premises at Seaside Lane, Easington Colliery (for copy see file of Minutes).

The Team Leader (Central and East) provided the Committee with a detailed presentation which included photographs of the site. Members had visited the site and were familiar with the location and setting.

Councillor D Boyes, local Member addressed the Committee on behalf of his colleague Councillor Surtees, the Parish Council and for 1800 people who had signed a petition and submitted letters in support of the demolition of the buildings.

Local residents remembered the school with fondness but it had had its day. Not one person considered that it should stay and there was an over-riding feeling that that Easington Colliery could not move forward with the regeneration of the area without the demolition of the buildings.

The NPPF stated that planning consent should be refused unless it could be demonstrated that the public benefits outweighed the harm or loss. Residents believed that the public benefits outweighed the merits of keeping the buildings and he asked Members to consider how they would feel if the buildings were within their own divisions.

The buildings had been called the 'biggest eyesore in the North East', the site had not been marketed properly since 1997, primarily because of the age of the building and attempts to secure grant-aid had failed. Any business would want modern, fit for purpose premises. It had also been impossible to find community groups to occupy the premises as there was already an abundance of other facilities in the area and because of the state of the buildings. All options had been explored without success.

Unfortunately the applicant was not able to be present but wished to consult with the community about future usage. If members were minded to approve the application he asked that a condition be included requiring any works to be carried out within one year.

The local Member concluded that if the application was refused residents would be condemned to continue living next to dilapidated buildings, and the ongoing regeneration of the area would be affected.

Members discussed the application at length.

Councillor Laing had noted on the site visit that the building housed a flock of pigeons and she discussed the potential health hazards of this. She stated that health risks were often exaggerated but such a large population of birds may present a risk of disease to residents living close to the site. The Member had research information about the health risks they posed which she shared with the Committee.

The Member also referred to the applicant's heritage statement which described the former school as the most important group of historic buildings associated with Easington Colliery, creating an architecturally positive impact on the local landscape buildings, and that Conservation Officers considered that they had evidential, historic, aesthetic and communal value in accordance with Historic England Conservation Principles. However key to this was the acknowledgement that the ongoing dilapidation through redundancy had resulted in the concerns of the public that the buildings were an eyesore.

Following a request for clarification from Councillor Kay, the Solicitor - Planning and Development advised that Listed Building Consent was sought for the demolition of the Grade II Listed former school buildings, and Members should consider the heritage impact of this.

Councillor Kay continued that the building could not be considered attractive. He believed that the value to the community of Easington Colliery far outweighed the loss of the buildings through demolition. The buildings had been empty since 1997 and whilst Historic England and the Victorian Society had offered objections he believed that they were without substance. There had been no interest in the buildings and he was aware of a similar application in Durham where a listed building had been demolished to create an Accident and Emergency Department. He therefore moved that the application be approved as the community and economic benefits to Easington Colliery far outweighed the loss of an eyesore.

Councillor Bleasdale believed that the people of Easington Colliery deserved better than for these dilapidated buildings to remain standing. Since the school had become unoccupied the site had become dirty and littered, with trees growing across the land. Residents did not deserve to view these buildings every day.

In noting the strong objections from Historic England and the Victorian Society Councillor Conway was concerned that they were not in attendance. Whilst in its day the school was of architectural significance, there were numerous examples in County Durham of sites that had been adapted for other uses. This site had not. Reference had been made to the tests in paragraph 133 of the NPPF, as outlined in paragraphs 33 and 34 in the report. In his opinion it could not be denied that the buildings were preventing all reasonable uses of the site. In the 18 years since occupation of the buildings, a number of organisations had tried to find a use for the premises but without success. Measures had been taken by previous owners to attempt to secure grant aid which had failed. The Committee had heard from the objectors that marketing opportunities had also failed. Given the numerous examples of this kind, any loss was outweighed by bringing the site back into use. One of the tests was that no viable use of the heritage asset itself could be found in the medium term; 18 years could be described as medium to long term.

He considered that clearing and greening the site would be a significant improvement and may bring it back into use in the future. If Members were minded to approve the application he asked if a condition could be included which would require the demolition and clearing/greening of the site within 12 months.

Councillor Tinsley stated that careful consideration should be given to the demolition of such sites whenever there were objections from Historic England and the Victorian Society, however in this case as the buildings had been empty for 18 years without any proposed uses coming forward it was unlikely that any would be identified in the future. The applicant had not submitted any proposals for the site or provided marketing material and he was concerned that if the application was approved and referred to the Secretary of State a Planning Inspector would not have enough information to appreciate the context of the buildings in the area. It was therefore critical that this information be provided by the applicant if the application later went to Public Inquiry. Easington Colliery was in need of

regeneration and the regeneration of this site was critical to this, and he therefore supported demolition of the buildings.

Councillor Lethbridge stated that the building must have been a proud possession of Easington Colliery and was a piece of history but he fervently supported the speech made by the local Member. This was about reclaiming the site; trees were growing up through the former playground and the whole site was derelict. He did not accept the comments in the report that demolition would result in an irreplaceable loss of a national important Grade II Listed Building. Demolition would not constitute a loss but would be a gain for the community. He also asked if this building was in Durham City whether there would be a similar debate.

Councillor Shaw commented that in his own community 7 schools built in the same period had been demolished and this had led to the provision of other facilities for the benefit of the community. Residents of Easington Colliery did not deserve anything less than this.

Councillor Dearden was of the view that in examining the application, Members needed to look at the value of the buildings against the value of the demolition to the community. Value was diminishing as time progressed and opportunities for the buildings to be reclaimed as a Heritage Asset were reducing as time progressed.

The Team Leader referred Members to a detailed letter from Historic England which set out their concerns and explained what was required of the applicant to be able to support demolition. The applicant had not provided any evidence with regard to marketing or evidence that grant funding had been applied for.

To assist Members the Solicitor - Planning and Development explained that paragraph 133 of the NPPF applied tests in respect of the loss of a designated Heritage Asset. Planning consent should be refused where a proposed development would lead to substantial harm or loss of significance unless substantial harm or loss was necessary to achieve substantial public benefits, or any or all of the four tests referred to in paragraph 10 of the report applied.

Councillor Clark advised that there were substantial levels of COPD in Easington Colliery and noted Councillor Laing's comments about the potential health risks caused by the pigeons. She also noted that there had been no objection to the demolition of the public house situated nearby. The Victorian Society had objected but had not come to the meeting to promote the value of the building, nor was the former school visited by tourists. Demolition of the buildings would meet tests in paragraph 133 of the NPPF. The loss of the buildings would benefit the community and the mental well-being of residents, even if the site was just greened over and not used.

In concurring with the views of other Members, Councillor Davinson stated that if the application was approved, the applicant should be required to provide a timescale for demolition of the buildings and provide evidence of marketing. Following a suggestion from the Member that the application be deferred to allow the applicant to produce evidence of marketing to strengthen the case for demolition following referral to the Secretary of State, the Solicitor advised that

unless they felt that there was not enough information to enable the Committee to reach a decision, Members should consider if either of the tests in paragraph 133 of the NPPF had been satisfied.

Councillor Tinsley made the point that if the decision was approved and the matter went to Public Inquiry this would give the applicant sufficient time to prepare evidence.

A motion to approve the application was proposed by Councillor Kay and seconded by Councillor Conway. There was no motion to refuse the application in accordance with the Officer's recommendation.

Members considered that the tests in paragraph 133 of the NPPF would be met and the substantial public benefits achieved through demolition of the buildings would outweigh the harm or loss of the designated heritage asset. If approved the proposals would promote the regeneration of Easington Colliery and would improve the visual amenity of local residents by the removal of a dilapidated and overbearing building.

Councillor Tinsley suggested that a further reason for refusal of the application was crime and the fear of crime as the building was subject to vandalism and anti-social behaviour.

Some Members had also referred to health impacts but on advice from the Solicitor, it was acknowledged that there may be insufficient evidence to sustain this as a reason for refusal.

Upon a vote being taken it was **Resolved:**

- (i) That the application be approved for the following reasons, and referred to the Secretary of State for determination:-

Approved unanimously because, although having special regard to the desirability of preserving the building, the Committee was satisfied that the loss of the building was necessary to achieve substantial public benefits that outweigh its loss, namely: promoting the regeneration of Easington, making the site more attractive for development and the potential for economic benefit, fear of crime at the continued presence of existing dilapidated buildings, public health concern and improvement to visual amenity through the removal of dilapidated buildings that dominate the streetscape.

- (ii) Subject to conditions for 1 year time limit, bat mitigation, site restoration, accordance with approved plans and archaeological recording of the building.

6 DM/15/01747/FPA - Land Rear of 2 Seaside Lane South, Easington, Peterlee, SR8 3PN

The Committee considered a report of the Senior Planning Officer regarding an application for a dwelling house on land to the rear of 2 Seaside Lane South, Easington (for copy see file of Minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site. Members of the Committee had visited the site and were familiar with the location and setting.

Councillor D Boyes, local Member addressed the Committee in objection to the application on access grounds. The lane was congested both mornings and evenings which was of concern to residents, and the strength of feeling was demonstrated by the number of names on the petition. He hoped that Members had observed the problems experienced on the site visit.

He noted the number of en-suite bedrooms proposed and expressed concern that the dwelling may be occupied by a number of families or used as student accommodation, generating potentially three or four cars at the property. Parking facilities were inadequate for this number of vehicles. The dwelling would be located near a blind bend where there had been many accidents in the past.

The Highways Officer understood the concerns expressed as the rear lane to the rear of the proposed dwelling was very narrow in comparison to others across the County. However in 2002 planning permission had been granted for six developments in the locality with integral garages and driveways. Whilst the three car parking spaces proposed could only practically accommodate two vehicles, this complied with minimum standards implemented in 2013. Unlike the other dwellings, the proposed development had a dual access aspect with pedestrian access to the front of the site onto Welfare Close. Visitors could park in a public lay-by on Welfare Close and therefore two car parking spaces was enough to accommodate the development. There had been no reported accidents in the last five years and taking all factors into account the proposals were deemed to be acceptable in highway terms.

R Hepplewhite addressed the Committee on behalf of the applicant. He stated that this was not the first allotment to be subject to an application for housing and therefore a precedent had been set. With regard to the concerns expressed regarding access, he had visited the site the previous week at 7.45am and considered that the lane acted as an informal traffic calming measure. There were cars parked along the street but he had experienced no difficulties in passing through, with the lane being accessible from both directions. Three parking spaces would be provided and although he accepted the comments of the Highways Officer that the provision would practically accommodate two vehicles, this would still meet minimum standards. The allotment had stood vacant for some time and whilst residents had the right to make representation, their concerns did not warrant refusal of the application.

In drawing up the plans the applicant had taken due account of the Officers' comments and had produced a modern high specification development with off-street parking. With regard to the comments made concerning the number of en-suite bedrooms he had advised that his client had given no indication that the dwelling would be used as anything other than a family home.

At this point the occupier of the neighbouring dwelling asked to speak on the application, but his request was declined in accordance with the Procedure for Speaking at Planning Committees which required a person to register to speak by 12noon the day before the meeting.

Members discussed the application and Councillor Lethbridge stated that his first impression on visiting the site was that that the proposals would be an improvement but he had concerns about the highway safety implications raised by the local Member.

Councillor Kay acknowledged that Councillor Boyes had made an impassioned and reasoned argument against the application but a key consideration was that there had been no accidents in the last 5 years. He could not give any reasons to support refusal of the application.

Councillor Kay moved and Councillor Laing seconded that the application be approved.

Resolved:

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

7 DM/15/01730/FPA - 17 South Bailey, Durham, DH1 3EE

The Committee considered a report of the Team Leader (Central and East) regarding an application for the demolition of an existing building and erection of a Learning Resource Centre at 17 South Bailey, Durham (for copy see file of Minutes).

The Team Leader in presenting the report advised of proposed amendments to conditions 4, 5, 6 and 8, and to an amendment to paragraph 5 in the report which should read that the proposed development would fall to be considered within Schedule 2 Development of the Environmental Impact Assessment (EIA). The screening assessment concluded that an EIA was not required.

Members had visited the site and were familiar with the location and setting.

D Wilkinson of St John's College and D Darbyshire, the architect were present to respond to questions.

Councillor Clark noted the comments in the report from the Design and Conservation Team that the proposed development accorded with planning policy with respect to impact on heritage assets. However this was contradicted by the World Heritage Site Co-ordinator who considered that the proposal would fail to preserve the heritage assets.

The Planning Team Leader clarified that the World Heritage Site Co-ordinator was an interested party, external to the Authority and had differing views to the Council's own Design and Conservation Team.

Councillor Moir agreed with the views of the World Heritage Site Co-ordinator; the current building on the site was not particularly attractive but the proposed development would not be an enhancement and would have a negative impact, destroying the character of the area.

Councillor Tinsley was of the view that new buildings in the City of Durham should be designed to become listed buildings of the future. Other buildings in the peninsula had Georgian windows at regular intervals but this was not planned here. He also considered that the parapet height should be continued along from the adjacent property at no.16 and the building was 10-15% too big for the site, as shown in the slide of the view from the Cathedral. He supported a contemporary approach and the design did achieve this but he considered that the proposed building was slightly overlarge for the site.

Councillor Lethbridge considered that the street scene in this part of the City was valuable to the peninsula. He appreciated that the architect had been able to exercise imagination but the result was a building that was out of character with the rest of the street.

In sharing the views of Councillors Conway and Tinsley with regard to the contemporary design, Councillor Dearden added that this part of the City Centre was unique but was a historic environment that was used. However the proposals did not accord with paragraphs 7 and 12 of the NPPF.

The applicant was asked to comment on the size of the proposed building. D Wilkinson explained that the centre would serve Church Leaders as well as students so there were particular needs for study rooms, lecture rooms and library facilities. The applicant had consulted with the Planning Authority, the City of Durham Trust and the Cathedral to produce the proposals before Members. The World Heritage Site Co-ordinator was a lone voice in its objections and the roof height had been lowered considerably to what was originally proposed.

D Darbyshire, the architect added that this was a public building and the buildings around the site were 18th and 19th Century domestic dwellings. The step change in the roof was designed to reflect the considerable change in levels between properties no. 16 and 17. This was to be a modern build using traditional materials and was the minimum size required for the Centre to be viable. He did not consider it to be over-scale with a one storey difference from the front to the rear. One storey was also accommodated in the basement.

Councillor Freeman offered his agreement to the views of other Members of the Committee. He acknowledged that the current building at no.17 was out of place in the locality but the proposed building was not an appropriate replacement, being architecturally different with much greater massing on the site. He also agreed with the views of the World Heritage Site Co-ordinator.

Councillor Bleasdale considered the area to be a picturesque part of the City and the design was not in-keeping, however she felt that the Officer's recommendation for approval should be supported.

Councillor Moir moved refusal of the application on the grounds that the scale and design of the proposed development would not preserve and enhance the historic environment and would not be in accordance with sections 7 and 12 of the NPPF.

The motion was seconded by Councillor Freeman.

Resolved:

That the application be refused for the following reason:-

By virtue of scale, massing and detailed design, the proposed development would fail to preserve or enhance the character, appearance or setting of the Durham City Conservation Area, the surrounding listed buildings and the World Heritage Site and would not be in accordance with sections 7 and 12 of the NPPF.

8 DM/15/01765/OUT - Thinford Inn, Thinford Lane, Thinford, Durham, DH6 5JY

The Committee considered a report of the Senior Planning Officer regarding an application for the demolition of the existing public house (full permission) and outline planning permission for the erection of a pub/restaurant (Use Classes A3/A4), Gym (Use Class D2), restaurant (Use Classes A3/A5) and hotel (Use Class C1), with all matters reserved except for access, and full planning permission for the erection of a drive-through coffee shop (Use Classes A3/A5) and retail bakery unit (Use Class A1), along with associated car parking, servicing and landscaping (for copy see file of Minutes).

The Senior Planning Officer advised of a late representation from Roberta Blackman-Woods MP that the application failed the sequential test and would have a detrimental impact on DurhamGate. Thinford roundabout was heavily trafficked and the proposed development would exacerbate this.

Councillor Blakey, local Member addressed the Committee expressing concerns with regard to the reasons for refusal. The public house had been a listed building but the status had been removed. The building had suffered from an internal fire. There were already new developments surrounding the roundabout and this site was in need of re-development. The proposals would promote tourism, encourage overnights stays in the County and boost jobs. The A688 was a fast road and the development would remove a rat-run. This development did not pertain to Festival Walk and DurhamGate. The Member noted the comments in the report with regard

to the archaeological assessment and asked why a geographical survey had not been carried out, and if it could be included as a condition.

The Senior Planning Officer responded that the archaeological assessment was carried out by the applicant which concluded that a survey should be required. In accordance with the NPPF developers were required to submit appropriate desk based assessments at the pre-determination stage to identify any features of national significance ie 'showstoppers'. As this work should have been completed before determination of the application it was not possible to require an assessment by condition.

Councillor Williams, local Member agreed with the views of Councillor Blakey and noted the conflicting evidence in the report in terms of the retail impact on the town centres and the sequential test. Furthermore, Festival Walk was not in Coxhoe Division and local Members for the Spennymoor Division were in support of the proposals. The report stated that there were concerns that the lay-by was used as a rat-run at present but the Thinford roundabout itself caused problems which had not been addressed. Coxhoe Parish Council had conveyed its support to the application but this had not been highlighted in the report. Councillor Williams advised that local members had complained about the building next to the Coach and Horses on the A167 which was a blight with no proposals for its development.

I Beaumont, Project Director of CAST addressed the Committee against the application. CAST was a local development consortium for DurhamGate with a strong interest in Spennymoor.

He commenced by explaining that there were proposals for the DurhamGate North site adjacent to the Coach and Horses which had not yet been brought to Committee.

DurhamGate was one of the largest mixed-use regeneration schemes in the North East and over £100m was being invested. The scheme would deliver a mix of residential and business park developments. DurhamGate would provide a very large number of jobs.

The proposed development would have a negative impact on the marketability of DurhamGate; a development of the size of DurhamGate took considerable time to be delivered. For example the recent acquisition of the North site would allow Black and Decker to relocate whilst maintaining a presence in Spennymoor. DurhamGate already benefited from consent for the majority of uses proposed at Thinford Inn.

The proposed development would result in a direct loss of jobs and he was also concerned about the impact upon Spennymoor and Ferryhill as it was important that these were vibrant town centres. He noted that there were no floor space areas provided for the whole development and therefore an informed decision could not be made.

In conclusion I Beaumont stated that the proposed development would have a substantial negative impact and jeopardise the future of the DurhamGate Scheme. The application was also contrary to planning policy.

J Wallis, the applicant's agent spoke in support of the application. He referred to the contradictory information in the report regarding retail impact and the sequential test as alluded to by Councillor Williams. Officers had considered that the site failed the sequential test but he disagreed. There were no sequentially preferable sites which could accommodate the proposed development; Thinford Inn should therefore be treated as a sequentially preferable site. DurhamGate was over a mile away from Spennymoor Town Centre. Both sites should be considered equally in applying the sequential test.

This type of application needed high levels of prominence and accessibility; this site was an ideal location being a key gateway to Spennymoor. There was no basis for concerns about landscape impact, the application accorded with planning policy and he disagreed that a requirement to carry out an architectural survey could not be included as a condition.

W Baister addressed the Committee on behalf of the applicant. He stated that the former Thinford Inn had been acquired 3 years ago but disappointingly did not meet the requirements of a successful family pub and there were now concerns about the building's structural condition and theft from the property. The building had been dated incorrectly and had been de-listed; it had no historical significance. A decision had therefore been taken to regenerate the site with a vision of making it an attractive addition to the viable gateway to Spennymoor. The proposed uses were not currently available in Spennymoor town centre. Highway improvements were proposed, including a footpath, and the rat-run would be removed as the lay-by would be landscaped. Redevelopment of the site would generate 141 jobs. He believed that the planning issues raised had been addressed and the development would promote positive economic development, create jobs, secure highway improvements and improve highway safety.

In response to the comments raised, the Senior Planning Officer accepted that the building in its current condition did not contribute to the area. The proposals also included the development of a greenfield site and whilst the highway improvements were acknowledged these could be delivered with Phase 1. Officers were of the view that the benefits of the scheme did not outweigh harm.

With regard to the comments of J Wallis and Councillor Williams in relation to the retail impact and the sequential test, by way of clarification the Officer explained that the Thinford Inn site was not more or less sequentially preferable to DurhamGate but NPPF paragraph 24 stated that preference should be given to accessible sites that were well connected to town centres. Officers were of the view that DurhamGate was more accessible and better related to Spennymoor. The Thinford Inn was across a road and on the edge of open countryside.

J Cook of the Spatial Policy Team explained that floor space details and an assessment of end users had not been provided by the applicant and it was therefore very difficult to agree with the presumption that the proposed development would have no impact on the town centres of Spennymoor and Ferryhill which had a number of shop vacancies.

With the permission of the Chairman, local Member Councillor Blakey spoke again stating that Ferryhill was a small market town and people were not shopping at Festival Walk. This development would secure employment opportunities and she did not see the relevance of the site being located across the road from the Spennymoor side of the roundabout.

Councillor Bleasdale reiterated the comments of Councillor Blakey and questioned the impact the proposals would have on DurhamGate in reality. She also questioned the relevance of considering the applications on the basis of potential duplication of uses.

The view of Councillor Bleasdale in terms of impact on town centres was shared by Councillor Clark who, following a request for clarification, was advised of the access arrangements. Councillor Clark also asked if both Phases had to be determined together.

Councillor Kay considered that the application would constitute an improvement to the area. The site was already surrounded by development on 3 sides and by a dilapidated site. He agreed with the applicant's statement that objections to the scheme were purely on a commercial basis. Tindale Crescent had not impacted on the town centre of Bishop Auckland where shop vacancies had reduced. Highway improvements to the A688 would be welcomed and pedestrian crossing facilities were already in existence on the roundabout. The development would have a positive impact on the area in terms of regeneration and 141 jobs would be created.

Councillor Lethbridge stated that the area was undergoing change and the closure of Thinford Inn reflected the continuing changes being seen. As with other Members of the Committee, he did not accept the comments made that it would affect the town centres. People now visited out of town supermarkets. He viewed this as an extension to the development of DurhamGate itself.

Councillor Freeman advised that the Committee had heard a lot about preserving Spennymoor and Ferryhill and the future prospects of DurhamGate, however recent developments had been supported outside of DurhamGate. The planning applications under consideration were ready to proceed to development. He also asked about the feasibility of considering Phase 1 and Phase 2 separately.

Councillor Davinson referred to the facilities that were already on the Thinford roundabout which were accessible by foot from Ferryhill and which pedestrians would have to cross the road to visit. Thinford Inn was an eyesore and the highway improvements would be welcomed. His only concern was the lack of details provided in relation to floor space and where the outlets would be located.

Councillor Tinsley appreciated the objections received in relation to the application from Spatial Policy, Economic Development and the Landscape Section, however any application that brought forward jobs should be carefully considered. There was clearly competition between the 2 schemes for operators in the future. Approval of the applications contrary to the Officer's recommendation would require robust and valid reasons. In terms of the sequential test both these sites were out of town and therefore there were no sequentially better locations. DurhamGate was a

strategically important scheme so he would be concerned if the proposed development jeopardised this. The Phase 2 element was on a greenfield site and he queried to what extent DurhamGate was defined as brownfield compared to the greenfield element of the applications under consideration. He also asked to what extent there were extant planning permissions for uses on the DurhamGate site that would be prejudiced.

The Senior Planning Officer responded that DurhamGate was a previously developed site and there was extant planning permission for all uses proposed.

In response to the question from Councillors Clark and Freeman about the feasibility of making a determination on only one application, the Solicitor – Planning and Development advised that a split decision could be made in exceptional circumstances but that this would normally be at the request of the applicant.

J Wallis advised that a decision on both applications was required by the applicant. The road improvements could only be funded if both Phases proceeded to development.

At this point Councillor Davinson left the meeting.

Following a question from Councillor Kay the Senior Planning Officer advised that the Phase 2 application was in outline with all matters reserved except access. The reserved matters would be submitted at a later stage but the principle of the development would not be a consideration.

Councillor Tinsley felt that it was important to draw to the attention of the Committee that, if approved, this application would give permission for the development of huge amounts of space outside DurhamGate. As a result, development that emerged may be haphazard and not of benefit to the area.

Councillor Bleasdale moved and Councillor Lethbridge seconded that the application be approved. DurhamGate was not sequentially preferable to the Thinford Inn site and the proposals would not have an impact on the Town Centres of Ferryhill. The site accorded with the test in paragraph 24 of the NPPF which stated that preference should be given to accessible sites that were well connected to the town centre.

Members were satisfied that the benefits of the development would outweigh the objections to the proposed scheme. With regard to the archaeology issues raised, a geophysical survey of the site should be carried out, the results of which should be submitted to the Local Planning Authority prior to any decision notice being issued, with authority delegated to Officers to consider the content of the report and attach conditions as necessary.

Upon a vote being taken it was **Resolved** that

- i) the application be approved subject to a geophysical survey of the site being carried out and submitted to the Local Planning Authority prior to any decision notice being issued, with delegated authority granted to Planning Officers to consider the report and apply conditions as necessary;
- ii) Planning Officers be granted delegated authority to draft detailed planning conditions.