

**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 May 2016** at **1.00 pm**

**Present:**

**Councillor P Taylor (Chairman)**

**Members of the Committee:**

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson, D Freeman, C Kay, J Lethbridge, B Moir and K Shaw

**Also Present:**

Councillors D Hall, M Simmons and M Wilkes

**1 Apologies for Absence**

Apologies for absence were received from Councillors S Iveson and A Laing.

**2 Substitute Members**

No notification of Substitute Members had been received.

**3 Minutes**

The minutes of the meeting held on 12 April 2016 were confirmed as a correct record by the committee and signed by the Chair.

**4 Declarations of Interest**

There were no declarations of interest.

**5 Applications to be determined by the Area Planning Committee (Central & East Durham)**

**6 DM/16/00511/OUT - Broom House, Cocken Road, Leamside, Houghton-le-Spring, DH4 6QN**

The Senior Planning Officer, Chris Baxter gave a detailed presentation on the report relating to the abovementioned planning application, copies 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 Officer advised that Members of the Committee had visited the site that day and were familiar with the location and setting with part of the application being within an area of high landscape value. The application was an outline application with all matters reserved for 9 houses (5 houses to be starter/affordable homes) and was recommended for refusal.

The Committee noted that internal and statutory consultees had responded with the Highways Section noting poor access and objecting in terms of highway safety, and the Landscape Team noting that the application would have a significant landscape and visual effects. It was added that the Sustainability Team had raised objections as the development had failed to meet some of the key principles as set out at the National Planning Policy Framework (NPPF) 17. The Senior Planning Officer added that the nearest settlement was West Rainton, approximately 1 mile away. Members noted that the Council's Environmental Management (Noise) Officer had noted there had been insufficient details in terms of allowing a proper assessment of the potential environment impact of the proposed development, with part of the site being in close proximity to the A1(M).

The Senior Planning Officer noted no objections to the proposed scheme from Northumbrian Water, the Council's Drainage Officer or the Council's Ecology Team. The Committee noted that there had been 4 letters of objection from members of the public, including a letter of objection from the City of Durham Trust.

Members were informed that there had been a petition with 240 signatures in support of the application and a number of letters from members of the public.

It was added that the applicant had cited "very special circumstances" in terms of development on the greenbelt, with the developer offering to pay £100,000 to the West Rainton and Leamside Community Association to clear debts on the community building known as Jubilee Hall. The Senior Planning Officer noted that this was not necessary to make the development acceptable in planning terms, would not be directly related to the development, and would not be reasonably related in scale or kind to the proposed development.

The Chairman asked the Local Member for Sherburn, Councillor D Hall to speak in relation to the Application.

Councillor D Hall noted he had circulated a letter to Members of the Committee in respect of this application which set out reasons why it was felt the application should be granted, with referral to the Secretary of State. Councillor D Hall added that he and a lot of residents felt that this application represented a last chance to save the 100 year old and well-loved community facility, namely Jubilee Hall and that the £100,000 being offered would get the centre back on an even keel and be of huge benefit to local residents.

Councillor D Hall noted that three issues had been raised and he would address each of those in turn. In respect of objections in terms of highways safety, Councillor D Hall noted that a recent application had been considered by the Council concerning 120 houses with a single exit on to a 40mph road which had been assessed as acceptable. Councillor D Hall noted that this application was

only for 9 houses and now Officers were saying access would not be possible in this case, however, Councillor D Hall suggested that safe access could be agreed by condition at the reserved matters stage. In terms of sustainability, Councillor D Hall there was a “chicken or egg” issue in terms of housing to support services and services in place to support new housing, though it was noted that this proposal included affordable housing which should be welcomed. Councillor D Hall added that, in respect of the application representing development in the greenbelt, he noted the Council’s Ecology Team had not registered any objections to the proposed development and local residents preferred small schemes to large developments, such as the previously mentioned development of 120 houses. It was added that there were no issues of public access in this case and that any issues in terms of screening the site could be achieved as necessary. It was added that this particular case was special and Councillor D Hall noted from guidance that there was no statutory definition of “special circumstance” and therefore it was felt that this application should be approved and to be referred to the Secretary of State for final determination. Councillor D Hall noted he had sat on Committee where development on the greenbelt had been approved where the development would be to support a country house or large business and therefore he felt that there was a convincing argument for this application to support the community asset. Councillor D Hall concluded by reiterating that residents were requesting that the Committee approve the application for the reasons stated with referral to the Secretary of State for final determination.

The Chairman thanked the Local Member and introduced Mr J Morland and Mr A Percival, local residents, to speak in relation application, having 5 minutes to address the Committee between them.

Mr J Morland noted he had been born and raised in a property, now demolished, only yards away from the proposed development and recalled that there had been a more houses in the area in the recent past. Mr J Morland added that the scale of the development was such that it would not have a large impact on the area, and while understanding the application was within the greenbelt, it was not similar in scale to the recent approval of 120 houses on greenbelt land recently approved by the Council. Mr J Morland noted that it was good for small pieces of land that were not currently being used for anything to be developed and this was supported by national policy and would have been by the County Durham Plan (CDP) should that have been in effect.

Mr J Morland noted that part of the application, Site “B” was close to the A1(M) and this area was not overlooked by other residents, did not impact in terms of congestion or footpaths, and was not in any area of high landscape value. Mr J Morland noted that while Site “A” was within the greenbelt and an area of high landscape value, it currently formed part of a private residential garden, bounded by large trees. Mr J Morland noted that there was not a public bus running directly along past the proposed development, however, it may be possible for a community bus to be organised. Mr J Morland noted some comments that the development would not blend in with the village, however, he felt that one small row of terraced houses and few cottages would not detract from the character of the area. Mr J Morland noted as Chairman of the West Rainton and Leamside Community Association that the development would be of massive benefit to the community,

with the proposed £100,000 contribution being an opportunity to relieve the financial worries in terms of Jubilee Hall and enable the community asset to be used by local residents for years to come.

Mr A Percival noted as Treasurer of the West Rainton and Leamside Community Association that it was very important to retain the Jubilee Hall as a village hall and community centre, as there was a good footfall, with over 2,500 visiting the community centre, with many activities including employability projects. It was reiterated that the proposed development represented a unique opportunity to save Jubilee Hall and if the application was not approved, Mr A Percival could not see the community centre surviving.

The Chairman asked Members of the Committee for their questions and comments on the application.

Councillor A Bell asked whether there had been any comments from Planning Policy Officers, as he could not see any within the report. The Senior Planning Officer noted that no formal comments had been received from Policy, though he had spoken to colleagues and they confirmed agreement with the report.

Councillor J Lethbridge noted he was pleased to read within the report that the area was of high landscape value, having attended the site and found the area to be of outstanding quality, bucolic and delightful and that the instinctive feeling was not to change those characteristics. Councillor J Lethbridge added that in relation to Site "A" he had concern in relation to the speed of the traffic travelling past this Site and also felt that a link in terms of the £100,000 for the Community Association to the proposed development was not there. Councillor J Lethbridge recalled that at the site visit, the sheer noise at Site "B" from the nearby A1(M) was such that he felt it would be unacceptable in terms of anyone living at the location, requiring triple if not quadruple glazing and also there could be an issue in terms of fumes from the traffic.

Councillor B Moir noted that the application presented a difficult decision, with the money that could be used by the community association and with Councillor B Moir adding that he had recently "pinned his colours to the mast" in terms of supporting housing development. However he added that he would divorce himself from the money consideration which was being offered. Councillor B Moir added the area was bucolic and noted that close proximity of Site "B" to the A1(M), however he felt it would be a case of caveat emptor for anyone wishing to live there.

Councillor B Moir noted the comments of the Local Member in terms of approval and referral to the Secretary of State adding that at this moment he felt that to be the preferable course of action.

Councillor M Davinson noted the lack of a noise report and asked whether such reports were normally expected for an outline application, adding that the edge of the site had only been 10-15 metres away from the A1(M). The Senior Planning Officer noted that the Noise Officer had raised concerns and that a noise report would be expected at this application stage, regarding impact and mitigation.

Councillor G Bleasdale noted the gesture of £100,000 for the community association was a nice one, however, she noted that while on the site visit traffic going past the application sites seemed to be travelling very fast, there was poor visibility along the road, there was a lot of noise from the A1(M) as mentioned and accordingly Councillor G Bleasdale agreed with the Officer's recommendation for refusal.

Councillor D Freeman noted he felt that it was not necessary to refer the application to the Secretary of State and that it was well within the means of the Committee to determine the application. Councillor D Freeman noted he felt sympathy for the local residents at West Rainton in terms of the community facility, however, the decision on the application needed to be based on planning grounds. Councillor D Freeman noted the issues raised in terms of noise and the proximity to the A1(M), however, noted the main issue was that of development in the greenbelt and that there did not appear to be any particular reason to go against the saved local plan or the NPPF and therefore he supported the Officer's recommendation in terms of refusal.

Councillor J Clark noted that there were some objections from residents, as well as those in support of the application and added that in terms of the saved local plan, Policy E10, it appeared that the applicant had thought of this and put forward a mix of property types. Councillor J Clark added that on balance she felt the application could be supported and referred to the Secretary of State.

Councillor P Conway noted that it was very tricky to make a judgement on this application and that he had some points that he had made having visited the site earlier. Councillor P Conway noted he did not agree with the report in terms of the sustainability argument as there were already a number of properties nearby. Councillor P Conway added that the saved local plan was very sensitive in terms of development of greenbelt and also the noise levels at Site "B" were deafening, however, he felt this was similar to other housing such as Swinside Drive at Belmont, near the A1(M) and properties that run alongside the A690. Councillor P Conway added that he was interested in the issues raised in terms of highways safety, in the context of recent decisions as mentioned by the Local Member, and added he did agree with Councillor J Lethbridge's description of the area in question as bucolic.

Councillor P Conway noted the arguments made by the Local Member in terms of the benefits of this development would bring for the community association and added he recalled sitting on Planning Committees where development was allowed in order to enable the restoration of a country house or the enlargement of an existing business and therefore queried whether this application fell into the same category. Councillor P Conway asked whether the granting of the outline application would release the £100,000 to the community association, and whether this was something that the Committee could consider.

The Chairman asked the Highway Development Manager, J McGargill to comment in terms of the issues raised in relation to highway safety.

The Highway Development Manager noted he did not see any inconsistency in the comments from the Highway Section in terms of recent applications, with the same national standards from the Department for Transport having been applied to all applications. In terms of the access for Site "B", the Highway Development Manager noted national standards would be for a stopping distance of 210 metres, and that the measurement at the site was 136 metres, significantly substandard for a derestricted road in addition to restricted visibility and a climb that would hinder a vehicle getting up to speed. The Highway Development Manager added that while there was some access to the highway from Site "A", the proposed development would increase the number of vehicles using the access and that the current access was substandard in terms of Department for Transport standards and improvements that would be required to meet standards would necessitate the removal of fencing, trees and bushes at the site. The Highway Development Manager noted that the Local Member had commented that safe access could be agreed by condition, however, the Highway Development Manager noted that it would be only possible to put forward a condition if it was reasonable and realistic and in this case it was not felt that was the case. The Highway Development Manager concluded by reiterating that in looking at this application and recent applications there had been no inconsistency in assessment, with national Department for Transport standards having been applied.

The Chairman asked the Solicitor - Planning and Development, N Carter to comment in terms of the issues raised in relation to the £100,000 contribution to the community association.

The Solicitor - Planning and Development noted that in terms of the application the key issue was that of development in the greenbelt. It was added that inappropriate development in the greenbelt was harmful as stated in the NPPF, however, there was a need to balance that harm and the additional harm as set out within the report, such as highway safety, visual amenity, landscape impacts against the benefits of granting the application. It was reiterated that it had been explained that there needed to be very special circumstances in terms of granting development on greenbelt land. The Solicitor - Planning and Development noted that Members were able to refuse the application today, however, would not be able to grant the application, as it would need to be referred to the Secretary of State for a decision on whether to call-in the decision.

Accordingly, the Solicitor - Planning and Development noted that if the Committee were minded to approve and refer the matter to the Secretary of State, then the Committee may wish to delegate the final decision to the Head of Planning should the decision not be called in. In terms of the monies for the community association, the Solicitor - Planning and Development noted that the Committee could not give weight to this as the mechanism for such monies would be via s106 Agreements and legislation laid down several tests in terms of payments in connection with developments and in this case those tests were not met. It was added that the application had not been made in terms of an "enabling development" and the Senior Planning Officer was invited to comment upon that.

Senior Planning Officer, Chris Baxter, confirmed that the application had not been put forward or assessed as an enabling development scheme.

Councillor B Moir noted he supported approval of the application in terms of reinvigorating the settlement in that area, which had been larger and more vibrant in the past, and this was development that many residents supported.

Councillor B Moir moved that the application be approved and referred to the Secretary of State; he was seconded by Councillor J Clark. The motion was lost.

Councillor G Bleasdale moved that the application be refused; she was seconded by Councillor J Lethbridge.

## **RESOLVED**

That the application be **REFUSED** for the reasons detailed in the Officer's report.

### **7 DM/16/00987/FPA - 170 York Crescent, Newton Hall, Durham, DH1 5QS**

The Principal Planning Officer, Alan Dobie gave a detailed presentation on the report relating to the abovementioned planning application, copies 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 Officer advised that Members of the Committee had visited the site that day and were familiar with the location and setting. The application was for change of use of open space to private garden area (retrospective application).

Members were asked to note from the site visit and plans that there were a number of open spaces alongside the footpath links within the area, not consistent in terms of size or the types of wall or fence or bushes running alongside, however, they did make the footpath links to shops, bus stops and schools attractive. It was added the type of fencing that had been used to enclose the area of open space was of concrete post construction with wood panelling in between, and was felt to be of acceptable visual impact. Members were also asked to note the amount of land enclosed in proportion to the whole area of open space.

The Committee noted that internal and statutory consultees had responded with the Police Architectural Liaison Officer noting the development was an improvement and should be retained. The Principal Planning Officer added that the Landscape Team had responded after the report had been published in terms of not supporting the application, with concerns in terms of the narrowing of the open space, changing the landscape feel and loss of amenity.

It was noted there were no objections from the Rights of Way Team as there were no recorded rights of way through the area in question.

The Committee noted that there had been 5 letters of objection from members of the public, including concerns such as loss of public space, lack of consultation and noting the area was maintained by the Council.

The Principal Planning Officer explained that there had been 4 letters in support of the application, with comments including: the land in questions was derelict; collected rubbish; and was an area blighted with dog fouling.

Members were informed that the three Local Councillors had all noted objections to the application, noting the loss of open space and with the land having been maintained by the Council for over forty years. It was added that Local Members were in attendance to speak.

The Principal Planning Officer noted the land was only overlooked by a limited number of properties and by footpath users and on balance it was felt there was enough of the open space remaining in terms of amenity and that darker stain could be used on the panelling to help it match other nearby fencing. It was added that approval would not set a precedent with any enclosure of land at another location to be looked at in the local and cumulative context in terms of impact.

The Chairman asked the Local Members for Framwellgate and Newton Hall, Councillors M Simmons and M Wilkes to speak in relation to the Application.

Councillor M Simmons noted that the application land had been described as a grassed wasteland and explained that this was not the case. Councillor M Simmons explained that there were a number of open spaces all around Newton Hall and that these spaces had been deliberately included within the design of the whole area, including the access and links to the two shopping areas. Members were reminded that the green space had been maintained by the Council and that Local Members felt that it should remain so. Councillor M Simmons added that Local Members worked to ensure any open spaces were litter free and noted the open spaces were designed as places to play. Councillor M Simmons added that the applicant did not own the land, the fencing that had been erected was of a significant height and width, and a significant area of the open space had been enclosed. Councillor M Simmons noted that the footpath alongside the area of land enclosed was frequently used by residents to gain access to bus services and added that should the application be allowed it could lead to other residents enclosing other areas of land, creating alleyways where residents would fear to walk. It was added that many of the surrounding properties were bungalows and many residents nearby were elderly and the open space was of great significance.

Councillor M Simmons added that she had received ten telephone calls from residents objecting and also a number of objections had been raised at a local meeting. Councillor M Simmons asked of those supporting the application, how many used the footpath or lived locally.

It was added that the surrounding area was one where everyone respected and looked after each other and there were no issues of anti-social behaviour and that for those elderly residents that were unable to travel very far it was important to retain the visual amenity and accordingly she felt that the benefits to the majority of residents of retaining the land as open space was such that the application should be refused.



Councillor M Wilkes pointed out that the applicants were known to him personally but he only realised this in the last 2 days. He noted two points in terms of the application: loss of open space; and lack of consultation. Councillor M Wilkes noted that looking at a map of the area, of the 200 or more properties in the surrounding area only 4 properties had been consulted, with none of the properties on the cul-de-sac having been included. Councillor M Wilkes referred Members to a number of “before and after” photographs of the site that were displayed on the projector screen. Councillor M Wilkes noted that if the consultation had included these residents that maybe there would have been significantly more comments from residents. Councillor M Wilkes added that the fencing had clearly altered visibility for residents noting other fencing in the area was staggered or stepped in height to allow for this. Councillor M Wilkes noted comments from Durham Constabulary as regards the area and that there was no issues of anti-social behaviour, however, the footpath would not be visible from the nearby properties and should a person fall and be injured they would not be seen. Councillor M Wilkes noted that the open space had looked visually pleasing and that the proportion that had been enclosed was significant, especially when looking at the view from 166 York Crescent. Councillor M Wilkes agreed with Councillor M Simmons in that the land in question was not wasteland and in fact had been well maintained, and also that if any issues of litter or dog fouling were brought to Local Members’ attention they would ensure the appropriate actions were taken. Councillor M Wilkes noted that should the Committee be minded to refuse the application, then Policies H13, E5A, Q9 and Q1 may be applicable in terms of adverse impact on visual amenity; the character of the area; scale of development; and layout and design of development. Councillor M Wilkes noted that should Members be minded to approve the application, that it should be reiterated that only 4 properties had been consulted on the application.

The Chairman asked the Committee Services Officer to read out a statement from the remaining Local Member, Councillor A Hopgood, who was unable to attend the Committee meeting.

*“I wish to object to the application of change of use of public open space to private garden at 170 York Crescent.*

*First and foremost this is not a piece of wasteland left over by the developer. Throughout Newton Hall you will find pockets of green space at the end of cul de sacs which were deliberately left to enhance the living conditions of residents and to make the estate feel more open. Newton Hall was designed as an urban area, to mitigate against this pockets of green space were left at the end of streets and adjacent to public footpaths, this was paramount to the design of the area and nothing has changed in the last 50 years to not allow this to still stand. These pieces of land have been maintained by the local council and should remain as an amenity to all residents.*

*Whilst I acknowledge that an attractive fence has been put up, the fence is indeed of a significant height and width to have a detrimental effect on the surrounding area. When approaching the fence from the bottom of York Cres it takes up at least half of the width of the green open space, I would argue that this is significant.*

*Should this be allowed to happen we could be opening the floodgates to anyone adjacent to these valuable community green spaces to extend their boundaries and make what are now nice wide open walkways into nothing more than high fenced alley ways which could become areas where residents fear to walk as they are no longer visible to local houses and a threat to public safety”.*

The Chairman thanked the Local Members and the Committee Services Officer and introduced Ms V Jackson and Mrs A Tones, local residents, who were in attendance to speak in relation to the application, having 5 minutes to address the Committee between them.

Ms V Jackson noted the images that had been shown in relation to the area and that a van that was in one of the pictures was always parked in the area and that this in addition to the fencing that had been installed meant that the remaining area of open space and footpath were not visible from surrounding properties. Ms V Jackson noted that previously a resident had needed help at this location and that if this happened now they may not be spotted. Ms V Jackson noted that it appeared land to the front of the fencing was also being claimed, with a row of shrubs appearing in this area. Ms V Jackson noted that from looking at property deeds the land was public land and reiterated the previous comments regarding the amenity of local residents, especially those concerning elderly people using the footpath to access the shops and bus stop.

Mrs A Tones asked the Committee to note she spoke from the heart and had lived at Newton Hall for around 50 years, having bought a property “off-plan” when the areas was still all fields. Mrs A Tones added that the applicant had only recently moved into the area and asked what right had they to take the area of land from the public. Mrs A Tones added she lived in the adjacent cul-de-sac and that the notice of the application had been displayed in an obscure place and added a lot of the elderly residents would likely have been fearful of objecting in case this would lead to a “falling out”. Mrs A Tones concluded by noting that the public land had been fenced off and taken from residents and therefore the application should be refused.

The Chairman asked Officers as regards statutory obligations in terms of notices and consultation.

The Principal Planning Officer noted he had responses to several points raised, with it being highlighted that as there had been points made for and against the application it was at Committee for consideration. It was reiterated that should other applications for proposed enclosure be received, or for retrospective consent, following an area of open space being enclosed, then each application would be considered on its own merits. It was added that safety would be a potential concern if the fencing was very close to the footpath and made the footpath narrower.

In terms of the consultation, the Principal Planning Officer explained that the statutory requirement was for those immediately adjacent to the site to be notified and a notice had been placed on a lamppost very close to the development. In response to comments from Councillor M Wilkes as regards consultation and publicity, the Principal Planning Officer noted that there was a number of responses

back from the public and relevant notices had been placed in the local media. The Principal Planning Officer noted that the shrubs to the front of the site did not form part of the application, and issues regarding this had been highlighted at the site visit, noting the applicant had agreed to remove those shrubs. The Principal Planning Officer noted that the issue of fencing off “public land” was an emotive one, however, the issue to be considered was for retrospective consent for change of use and land ownership was not relevant to the planning merits. The Principal Planning Officer added that those that had written in support of the application were all from the Newton Hall area.

The Chairman asked Members of the Committee for their questions and comments on the application.

Councillor B Moir noted that he lived on an estate and that within many estates that had been developed, noting many 1960s estates within the Durham area, there was green open space provision at the ends of streets and this was one of the reasons why people chose to buy these types of properties. Councillor B Moir added that he felt that if the decision on this application was to grant the retrospective consent, then opportunistic people looking at a decision may then seek to enclose land similarly. Councillor B Moir added he did not feel that a darker brown stain on the wood panelling would help improve the appearance of the fencing used to enclose the land. Councillor B Moir noted he did not feel retrospective consent should be granted.

Councillor J Clark noted she agreed with the comments made by Councillor B Moir and added that while Officers have explained that the issue of land ownership was not a consideration in terms of planning, there was the issue of public perception in that the area of open space was being maintained by the Council and then it had been enclosed so people would think the Council had approved that.

Councillor G Bleasdale noted that, having visited the site earlier in the day, the fencing was not of an attractive design and agreed with Councillor B Moir in terms of not granting retrospective permission.

Councillor J Lethbridge noted he too had attended the site visit and had noted the area to be very pleasant, however, he felt that there was potential use of exaggerated language in relation to this application, for example “people being fearful of walking down this area of footpath” and so on. Councillor J Lethbridge noted he found this puzzling and also found it puzzling for some to say that there was a threat to public safety, especially when the Police had confirmed that there was not an issue in terms of anti-social behaviour. It was added that within the areas surrounding the application site there were a number of boundary treatments, including fencing, bushes and hedges and Councillor J Lethbridge recalled the Principal Planning Officers comments that the suitability of the fencing was a matter of judgement and therefore supported the Officer’s recommendation for approval.

Councillor M Davinson noted he had found the construction of the fencing to be poor when visiting the site and that a dwarf wall would present an issue in terms of maintaining the grass cutting on the remaining open space.

The Principal Planning Officer noted that the quality of the fence construction was not a planning issue, however, if there was an issue preventing grass cutting then this matter would be for the Council's maintenance teams to address, although an informative to the applicant in terms of not preventing maintenance of the remaining open space could be included within any permission.

Councillor P Conway noted that it was a matter of judgement in terms of the aesthetics of an application, in this case fencing, however he noted that the land had been encroached upon and there had been evidence of further encroachment, the line of shrubs, when visiting the site. Councillor P Conway noted he did not like retrospective applications, adding that had the applicant wanted to enclose the land, they should have submitted an application in advance of any works. Accordingly, Councillor P Conway noted he did not support the recommendation for approval.

Councillor C Kay noted that while the ownership of the land was not relevant, the issue of a significant loss of open space for local residents was relevant. Councillor C Kay noted that it could be the "thin end of the wedge" in terms of such enclosure of land, though he did note Officers had explained that this was not a material concern as each case would be looked at on its merits. Councillor C Kay noted he would support refusal of the application based upon the saved local plan policies of H13, E5A, Q1 and Q9 to ensure that people have the right to open amenity space. The Solicitor - Planning and Development noted that the explanation for refusal was sufficient in terms of H13, however further details were required for the other policies stated. Councillor C Kay added that the development: detracted from the character of the area, in conflict with policy E5A; was in conflict with policy Q1 in terms of the access needs of people; and was in conflict with policy Q9 in terms of high impact upon neighbours and local residents.

Councillor A Bell sought clarification on the terms open space and open amenity space, with the Principal Planning Officer explaining that public open space was that for the general benefit of members of the public.

Councillor C Kay moved that the application be refused; he was seconded by Councillor B Moir.

## **RESOLVED**

That the application be **REFUSED** as the development was contrary to Policies H13, E5A, Q1 and Q9 of the saved City of Durham Local Plan.