

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 14 March 2017** at **1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors A Bell, G Bleasdale, J Clark, P Conway, D Freeman, S Iveson, C Kay, J Lethbridge, B Moir and H Bennett (substitute for A Laing)

Apologies:

Apologies for absence were received from Councillors M Davinson and K Shaw

Also Present:

Councillors R Ormerod and M Wilkes

1 Apologies for Absence

Apologies for absence were received from Councillors M Davinson and K Shaw.

2 Substitute Members

Councillor H Bennett substituted for Councillor A Laing.

3 Minutes of the meeting held 14 February 2017

The minutes of the meeting held on 14 February 2017 were confirmed as a correct record by the Committee and signed by the Chairman.

4 Declarations of Interest, if any

There were no declarations of interest submitted.

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

a DM/16/03342/FPA - 40 South Street, Durham

The Planning Officer, Susan Hyde, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the change of use from dwelling to 8 bedroom guest house with operators' accommodation on first floor and care taker/night porter accommodation on ground floor, consent for rear extension and retention of rear orangery (amended description) and was recommended for approval subject to conditions.

The Planning Officer referred Members to elevations, photographs, plans and aerial photographs and explained that a rear wall was shared with St. Margaret's Churchyard, forming part of the orangery and that this area of the churchyard was less formal, more overgrown and with a lesser amount of public access. Members noted residential properties to the north and south with existing extensions and the restrictions in terms of parking.

The Committee noted that the orangery had been constructed approximately 5 years ago, with a large roof lantern and the application sought retrospective consent. It was added that the application also included for a new extension for the night porter accommodation and, through long discussions between the applicant and the Diocese, there was agreement in terms of retention of the churchyard wall and also a new churchyard wall in front of the existing orangery to give a continuity of materials, a stone wall with coping stones.

Members noted that the property was very spacious, with the application to create 10 bedrooms in total, 8 for letting, 1 for the operator, and the new extension being 1 for the night porter.

In terms of representations, the Planning Officer noted no objections from statutory consultees. It was added that there had been 13 objections, with the main issue being that of congestion and pressure on the already limited parking. It was explained that the location was considered sustainable by Officers due to its location near to amenities and local transport links. The Planning Officer added that objectors also cited additional concerns in terms of additional visitors to the property; however Environmental Health had noted no objections. Members were informed as regards the orangery window lantern and added that Officers did not feel that residential amenity would be detrimentally affected.

The Planning Officer added that objections also included concern as regards the Conservation Area and nearby listed buildings.

It was explained that Officers had looked at the application in detail and when also considering other development that had already taken place at South Street, the application was considered acceptable and was therefore recommended for approval, subject to the conditions set out within the report.

The Chairman thanked the Planning Officer and asked Mr R Cornwell to speak on behalf of the City of Durham Trust in relation to the Application.

Mr R Cornwell thanked the Chairman and noted that Members may have noticed on their site visit a number of available parking spaces on-street. It was added that this was because residents were at work and had driven there: this was also the reason they had been unable to come to the Committee meeting. Mr R Cornwell explained that residents' concern was that when they return in the evening there would not be spaces for them and that these would have been taken up by guests at Grafton House.

Mr R Cornwell noted that since 2010 garages previously available to residents of South Street were being demolished and some extra housing built in its place, all parking was now on-street.

Mr R Cornwell noted that in 2010 planning permission was given to convert the property back to a private house from the hotel and restaurant it had previously been. The Case Officer, the same one presenting today said in her Delegated Report: "The amount of parking and coming and going to the property is considered to reduce with the change of use to a single dwelling as there will be less people occupying the premises hence less parking and noise from the comings and goings". Mr R Cornwell added the Officer was right and that of course if you reverse the change you reverse the benefits.

Mr R Cornwell noted that the applicants had said that they will make it explicitly clear in their publicity material and on their website that parking was limited. Mr R Cornwell noted that unfortunately they would have less control over what goes into the aggregator websites such as bookings.com, Trivago and Expedia. It was added that the applicants' other property, Gadds Town House, was listed on five of these sites and some guests would book via these rather than direct with the proprietors and would be less aware, or unaware, of the parking restrictions. Mr R Cornwell noted that since guesthouses can apply for up to four books of visitor permits per month that would be 60 scratch cards which was enough for two or three extra cars per night. It was noted that the restrictions only applied during the day from 8am to 6pm.

Mr R Cornwell added that the applicants were giving a personal undertaking about the publicity and were they to sell their property on then these undertakings would lapse. Mr R Cornwell noted that indeed checking up on whether they were abiding by them would be difficult and time consuming, and enforcement next-to-impossible.

Mr R Cornwell noted that Members would have seen that Grafton House was in the narrowest part of the street, making deliveries difficult.

He added that he was not sure if the Members' coach was able to get down the street this morning and noted when he was at South Street yesterday the owners' Land Rover was partly parked on the pavement.

Mr R Cornwell noted that the City of Durham Trust was very unhappy about the retrospective application for the orangery, and in the manner that St. Margaret's graveyard wall was treated in order to accommodate it. It was added that neighbours had complained about their privacy being breached and since this was a retrospective application it was not speculation, they could see and be seen.

Mr R Cornwell added that the City of Durham Trust also queried the infill which was not small but would mean that virtually the whole of the curtilage had been built over, quite unique in South Street.

Mr R Cornwell explained that in terms of grounds for refusal, Policy T1 of the saved City of Durham Local Plan would apply, and referred Members to paragraph 39 of the report. Mr R Cornwell added he felt the County Highways Officer was being unduly optimistic and that the traffic generated by the development would have a significant effect on the amenity of occupiers of neighbouring property. Mr R Cornwell noted that as argued previously, not all guests would see the publicity put out by the owners, they would be booking online via intermediary websites, so more would arrive by car than the Committee report anticipates.

Mr R Cornwell noted Policy H13 requires planning permission to be withheld for changes of use that have a significant adverse effect on the character and appearance of a residential area or the amenities of residents within them. It was added that there had been complaints when the property was a guesthouse ten years ago, under different ownership, but the problems would be similar.

Mr R Cornwell explained that Policy Q9 required alterations or extensions to residential properties to respect the privacy of adjoining neighbours. It was added that the Committee report stated that it was only a bathroom: "which is considered to be a non-habitable window". Mr R Cornwell noted that this may be, but it was a room where one expects privacy. It was added that the change of use meant that the overlooking, which includes a private garden, would be by members of the public not ones neighbours.

Mr R Cornwell concluded by noting that the City of Durham trust asked the Committee to refuse the application.

The Chairman thanked Mr R Cornwell and asked the Planning Officer to respond to the points raised.

The Planning Officer noted she was the Officer that had considered the previous permission for change of use to a private dwelling under delegated powers and that in returning to a guesthouse there would be increased comings and goings however from the Officers point of view the property was very large, greater than a normal domestic property and the increased comings and goings would not be sufficient to warrant refusal. It was added that Environmental Health had not considered there to be sufficient detriment to warrant a refusal of the application.

The Planning Officer explained that while the personal assurance had been given by the owner, it was noted that this did not carry much weight in terms of when Planning Officers look at an application, and issues such as Visit County Durham stating there was a need and demand for such “boutique” hotels in the city were more relevant.

In terms of the impact of the orangery, the Planning Officer added the bathroom opposite was clear glazed, however you would normally expect a bathroom window to be obscure glazed however this was the neighbouring property owner’s choice.

The Planning Officer reiterated that the application was felt to be in line with Local Plan Policies and was recommended for approval.

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

Councillor D Freeman explained he would find it difficult to accept a guest house within the middle of a residential street as being appropriate as it inevitably would have some effect on amenity. However, he added there was a precedent in relation to the property previously being used as a guest house. Councillor D Freeman added that parking was an issue, being already difficult and limited and that people visiting may need to park a substantial distance away. It was added that he had noted the Planning Officer had accepted that more parking would be generated, and with the owner being resident would mean they would retain their scratch cards in terms of parking.

Councillor D Freeman noted that the Committee did not like retrospective applications in general, and he felt that the applicants should have known as regards the church wall, however, with no objections from St. Margaret’s it could only be assumed that agreement between the applicants and St. Margaret’s had been reached.

Councillor D Freeman noted he did not feel it was appropriate, however the Case Officer had presented the case well and the property had been used as a guest house in the recent past.

The Chairman noted that it was not ideal for retrospective applications; however, such applications were permitted within planning legislation.

Councillor B Moir noted that if the application was simply the retrospective aspect he may have had a different view on the application. He added that historically the area was ripe for development and that if you had visited the street 200 years ago it would have been likely to be very busy. Councillor B Moir added that he too noted that the property had previously been used as a guest house and added that the owners were some of the bravest business people in Durham, creating an offer for tourists visiting the City, investing in the City and increasing opportunities. He added that the view from the property was a very expensive one and that offering this view at the cost of bed and breakfast was an act of altruism on behalf of the owners. Councillor B Moir noted he proposed that the application be approved.

Councillor C Kay asked for clarification whether weight could be giving to a previous use of a property or was it not relevant. The Planning Officer noted that the former use had ceased therefore no weight was being afforded to that former use, the application had been considered as a “fresh” application and had been considered appropriate and therefore had been recommended for approval.

Councillor J Clark noted this had been the second time she had visited this street and there had been significant amounts of car movement up and down the street, at speed, and there did not appear to be any parking along the street where the property was. However, Councillor J Clark added that this did not detract sufficiently and that she would therefore second the proposal.

Councillor J Lethbridge added that he felt in the sunshine it was a delightful street and that while there were some passing cars he felt no great weight of traffic. He added that the street was diverse in style and overall was very attractive, and took reassurance from the Officer’s statement of “protracted discussions” as this showed that a lot of thought had been put into this application. Councillor J Lethbridge added in terms of conservation he felt the current exterior was very good and when looking over the wall into the churchyard he was able to understand the issues that had been pointed out by the Planning Officer. He noted he disputed the claims as regards the overlooking from the orangery to the bathroom window, feeling that the height and angle meant this presented no problems.

Councillor B Moir moved that the application be approved; he was seconded by Councillor J Clark.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer’s report to the Committee.

b DM/16/03568/FPA - Land to the South of The Wynds, Esh Winning

The Planning Officer gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for residential development of 50 two and three bedroom 1 and 2 storey affordable dwellings for rent (amended plans) and was recommended for approval subject to conditions.

The Planning Officer explained that the site had contained a former library, community centre and car parking and was close to a local school and the centre of Esh Winning, with a good range of services within walking distance. Members noted a bus stop was within the area of the application and that it was proposed that this would be relocated within the site. Members were referred to trees that bordered the site that would be retained, with some smaller individual trees within the site being lost. It was added that as the application site was slightly higher than the nearby The Wynds, the trees along Cemetery Road would also be retained.

Members were referred to a site plan which highlighted the different property types noting a number of bungalows backing onto The Wynds, with the remainder being 2 storey properties with 2 or 3 bedrooms. Members noted a 1.8 metre high fence that would help protect the amenity of those properties at The Wynds and also that access to the site would be via Cemetery Road. It was explained that the properties were of a fairly traditional design and that those in the area varied from Victorian properties through to some Local Authority housing. Members noted that negotiations had resulted in windows to gable ends of some of the proposed properties to break up the elevations, on non-habitable rooms. The planning Officer explained that the materials were similar to nearby properties, with red brick and black tiles, and buff brick with red tiles.

The Planning Officer noted no objections from statutory and internal consultees, with the Highways Section noting the work on parking, access and sight lines. It was also noted there had been a lot of work undertaken in terms of landscape design, including retaining trees. It was explained that there had been 4 letters of representation from local residents, citing concerns in terms of drainage at the site. It was noted that Northumbrian Water and the Council's Drainage Officer had no objections to the application. It was added the objections also included a desire to retain more trees at the site, some objections in terms of wanting more trees to be removed from the site, with the balanced view taken by Officers that those trees with the most amenity benefit would be retained.

The Planning Officer noted that the development represented part brownfield, part greenfield development, however, it was noted that the central location and site layout meant the development would be sustainable and not affect residential amenity. It was added that separation distances as set out by saved Local Plan Policy Q8 were met and the 100% affordable housing was greater than the 20% requirement. Members noted bat boxes on the site were found to be empty, and would be relocated to nearby trees.

The Planning Officer noted that the recommendation was for Committee to be mindful to approve the application, subject to the completion of a Section 106 Legal Agreement in terms of securing the affordable housing and a financial contribution towards the provision and enhancements to sports provision and recreational areas in the locality.

The Planning Officer noted a number of proposed changes to the conditions set out within the report, including; a new materials schedule; amendment to condition 3 in terms of commencement and drainage schemes; deletion of condition 7 as Environmental Health have agreed these issues; and removal of "before development starts" in terms of condition 10. It was added that these were to enable development as soon as possible allowing the developer to be able to access grants which needed to be secured prior to April. It was noted that there were 2 new conditions proposed that: all parking regarding the development would be on the application site until an appropriate car parking management plan was submitted to the Local Authority; and that there would be no deliveries between 8.30 and 9.15 and 15.15 and 16.00 Monday to Friday, to avoid school start and finish times.

The Chairman thanked the Planning Officer and asked Mr A Moss of Ward Hadaway to speak on behalf of the applicant in relation to the Application.

Mr A Moss thanked the Chairman and reiterated the proposed changes to the conditions set out within the report, as explained by the Planning Officer. He added that these changes were acceptable to the applicant but that in terms of a parking condition it had been envisaged that parking would be managed informally as the applicant would work to usual Health and Safety practices and therefore a condition was not necessary. It was also noted that the applicant was a registered considerate constructor and therefore the condition as regard delivery times would also not necessarily be required.

The Chairman asked the Planning Officer for comments as regards the 2 additional proposed conditions.

The Planning Officer noted concern as regards the primary school opposite the site was the reason for the condition regarding site deliveries prior to details being supplied to the Local Authority and Officers felt those conditions were necessary.

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

Councillor B Moir noted he was delighted for a scheme such as this coming forward for affordable housing, and while the Local Members were not in attendance he could only assume they welcomed such development. In terms of the proposed additional conditions, he noted that all Councillors would have had calls as regards developments that take place in their Divisions and that it was important to monitor and enforce where necessary to ensure safety. Accordingly, Councillor B Moir proposed that the application be approved, subject to the legal agreement and the conditions within the report, as amended by the Planning Officer's comments and the 2 additional conditions as stated.

Councillor A Bell noted he felt the design of the properties left a lot to be desired, however the boundary treatment and retention of trees was good.

Councillor B Moir moved that the application be approved; he was seconded by Councillor J Lethbridge.

RESOLVED

That the Committee was **MINDED TO APPROVE** the application, subject to the completion of a Section 106 Legal Agreement and the conditions detailed in the Officer's report to the Committee, subject to the amendments and additional conditions as described by the Planning Officer.

c DM/16/03751/FPA - Durham Johnston Comprehensive School, Whinney Hill, Durham

The Senior Planning Officer, Chris Baxter, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for demolition of former Durham Johnston School Whinney Hill and the erection of 75 no. dwellings with associated infrastructure, landscaping and car parking and was recommended for approval subject to conditions.

The Senior Planning Officer explained that there were a number of changes in terms of the conditions listed within the report, namely: to condition 2, with plans referring to Cragside amended to state "Cragside special"; to condition 4 to ensure a Traffic Regulation Order (TRO) as in place within 6 months of a certificate of completion; and additional condition in terms of parking being in place; to remove condition 6; to condition 9 to reflect and updated Bat Survey; to condition 10 to require a statement in terms of archaeological work; and an additional condition as regards restricting all properties on site to C3, use as residential dwellings. It was added that the stated financial contribution of 1% of the build cost was now to be an amount in the sum of £50,000.

The Senior Planning Officer referred Members to elevations, photographs, plans and aerial photographs and explained that there was ancient woodland to the east of the site and existing properties to the south. It was explained that the site was within a Conservation Area and that there was a north and south access to the site, with it being proposed that a one-way system would be in place, vehicles entering the site from the north entrance, exiting via the south. The Senior Planning Officer added that proposed layout for the site was primarily dictated by the changing levels across the site, with a range of properties including detached, semi-detached, terraced and apartments, the apartments being at the lowest end of the site. Members noted some elevations of properties showed split levels, to take into account the changes in level across the site.

The Senior Planning Officer noted no objections from statutory consultees, with internal consultees being satisfied subject to additional information, as set out within the conditions. It was noted there were 2 letters of representation, from the City of Durham Trust and the Whinney Hill Community Group, as set out within the report.

The Senior Planning Officer explained that the site was brownfield, in a sustainable location, separation distances were acceptable, the design was acceptable and there had been no objections from the Highways Section in terms of the scheme. Members noted that there would be affordable housing on site and a contribution towards open space and public art and the recommendation was for the Committee to be minded to approve the application, subject to a Legal Agreement, the conditions set out within the report and the amended conditions and additional condition as mentioned.

The Chairman thanked the Planning Officer and asked Mr A McVickers of Persimmon Homes, the applicant, to speak in relation to the Application.

Mr A McVickers thanked the Chairman as noted that the site was the most sustainable site available and the proposed development was in line with the saved City of Durham Local Plan. Members noted the services and transport links available within the City, with bus stops on the main road running alongside the site. It was added that the mixed development of houses and apartments would help to meet demands for properties and it was explained that the applicant had sought early discussions with Planning Officers at the pre-application stage, building upon the work undertaken in terms of the site of the former Police Headquarters. Mr A McVickers explained that the design was of a new character; however, this was such to preserve or enhance the Conservation Area, working with the levels of the land as mentioned by the Senior Planning Officer. Mr A McVickers reiterated as regards public spaces and the retention of many trees on the site and that a suite of accompanying reports linked to the application had been submitted, including relating to: heritage; transport; flood risk; and archaeology.

Mr A McVickers explained that a Section 106 Agreement would secure 20% affordable housing and contributions in terms of green space, public art, education and rights of way in the area. It was added that concerns raised by local residents pre-application as regards parking and possible use as house in multiple occupation were addressed in the proposed TRO and the restriction of use to Class C3, alongside the Article 4 Direction that was in place. Mr A McVickers also noted there would be an estate covenant in place preventing use of the properties for student housing. It was added that there was housing lag and that it could not be demonstrated that the area could meet a 5 year supply of housing and therefore the National Planning Policy Framework (NPPF) noted that in such cases there should be presumption to grant permission. Mr A McVickers noted that site surveys had not highlighted any technical reasons for any further revisions to the scheme and that as the development presented no detriment he asked the Committee to support the Officers recommendation and approve the application.

The Chairman noted with some sadness the loss of the school, however recognised the site had been vacant and an application had been brought forward. The Chairman asked Members of the Committee for their questions and comments on the application.

Councillor D Freeman explained that 33 years ago he would have been sat in a class at the Durham Johnson School and noted that he would not have thought he would be sitting years later on a Committee considering the demolition of the building, noting "that was anarchy for you". Councillor D Freeman noted that the site was one of the, if not the, last sites within the city for C3 not C4 use. He added that the proposals were in line with the development brief for the site and the site had been empty for the last 10 years. Councillor D Freeman added that he could not praise the application enough, the Section 106 Agreement and the associated contributions and also the one-way system in terms of access. Accordingly, Councillor D Freeman noted he formally proposed the application be approved, subject to the Legal Agreement, conditions as set out and amendments as explained by the Senior Planning Officer.

Councillor B Moir noted that when his father attended the School in 1933 he would not have thought his son would be at a Committee considering such an application. Councillor B Moir noted that it looked as if the place would be a splendid place to live, and while it was sad to see the loss of the school building itself, the application was welcome.

Councillor A Bell asked as regards the 20% affordable housing and whether this would be of rent or sale and how this would affect the marketing of these properties.

Councillor J Lethbridge noted there had been some discussions as regards the old school and he could not disagree with the sentiment, indeed there was a tinge of sadness noting many areas within Durham that were being knocked down, demolishing history. Councillor J Lethbridge noted he supported the recommendation of the Officer and was pleased to note the retention of some trees, and noted the proximity to an Iron Age site and ancient woodland adding that we should value these things that we have. Councillor J Lethbridge concluded by noting that the restriction in terms of C3 use was very welcome.

The Senior Planning Officer noted that is set out at paragraph 83 of the report that 10 units would be at affordable rent, with 5 discount market sale units.

Mr A McVickers noted the financial contribution would be £315,215 towards education. The Senior Planning Officer agreed that the financial contribution towards education would be £315,215

Councillor D Freeman moved that the application be approved; he was seconded by Councillor B Moir.

RESOLVED

That the Committee was **MINDED TO APPROVE** the application, subject to the completion of a Section 106 Legal Agreement and the conditions detailed in the Officer's report to the Committee, subject to the amendments and additional condition as described by the Senior Planning Officer.

d DM/16/03998/OUT - Finchale Training College, Newton Hall, Durham

The Senior Planning Officer, Chris Baxter, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for outline planning permission for the demolition of existing buildings and construction of up to 100 new homes (Use Class C3) and associated works and was recommended for approval subject to conditions.

The Senior Planning Officer explained that the application was for enabling development and that indicative drawings had indicated a potential site layout with 93 properties, retaining woodland to the north and south of the site. Members noted the proposed access was via Chester Low Road and there was proposed for an additional condition in terms of trees not being able to be removed without formal agreement by the Authority. It was added that a Section 106 Legal Agreement was proposed to secure funding towards green infrastructure, public art, education, and upgrades to highway footpaths and street lighting in the local area. The Senior Planning Officer also noted that there was an additional requirement in the Section 106 agreement which will require the developer to fund consultation on speed restrictions on Low Chester Road and to pay for any subsequent works if required. Members noted the application site was all within the Durham City Greenbelt and the rail line ran near to the site.

The Senior Planning Officer explained that there had been no objections from statutory consultees and internal consultees had only asked for additional information and this had been dealt with by conditions. Members noted there had been 5 objections from the City of Durham Trust, the Campaign for Rural England, Friends of the Durham Green Belt and local residents as set out within the report.

The Senior Planning Officer added that it was acknowledge that development would be harmful to the openness of the greenbelt, and pointed out that paragraph 84 of his report, was more about the visual impact. It was added that within local and national policy where “very special circumstances” existed then development could be justifiable, and in this case it was noted in terms of the viability and relocation of the Finchale College Charity. It was noted as there were existing buildings on the site, it was considered brownfield and also the site was close to some facilities, namely the Arnison Centre.

The Senior Planning Officer noted that the Highways Section was satisfied and there was no impact in terms of protected species. Members noted the sections within the report set out the position in terms of 5 year land supply. However, in accordance with paragraph 14 of the NPPF, the greenbelt policy test was the primary consideration. The Senior Planning Officer concluded by noting Officers felt that the social and economic benefits of development outweighed the harm and therefore the application was recommended for approval subject to conditions.

The Chairman thanked the Senior Planning Officer and asked Councillor M Wilkes, a Local Member, to speak in relation to the Application.

Councillor M Wilkes thanked the Chairman and noted he would be willing to allow the City of Durham Trust to speak first. The Chairman noted he would prefer to stick to the usual protocol for Local Members to speak first.

Councillor M Wilkes noted that he originally was minded to object to the application; however given some of the additional information and conditions as set out by the Officer he was now minded to support the application at this stage.

He noted that it had been difficult to obtain information from both the developer and the Authority in terms of traffic issues at the site and was therefore pleased as regards the condition now included regarding the issue. Councillor M Wilkes asked whether the contribution in terms of public art and education was separate to that for footpaths.

He added that Policy E10 (Area of High Landscape Value) of the saved Local Plan noted that “the Council will protect the landscape value in respect of development by resisting development which would have an unacceptable adverse impact upon landscape quality or appearance...”

Councillor M Wilkes also referred to Policies E14 and E15 noting the protection of trees and hedgerows and noted a risk of an open plan site and asked for protection and “beefing-up” along the boundaries.

Councillor M Wilkes noted this was the second application within the greenbelt within his Electoral Division, the first being the Fire Station at Sniperley, and he noted the landscaping improvements that were in place at that site did not resemble those as described to the Planning Committee and therefore he was concerned as regards what was being promised for this site and what would be delivered. Councillor M Wilkes added that he hoped at the final application stage that Officers would work to ensure good screening for the site, incorporating some evergreens to shield the site and that also at that stage Local Members can see what was agreed in terms of a landscaping scheme. Councillor M Wilkes added that he also thought that 93 properties at the site may be slightly too high, and that provision of the affordable units off-site may be preferable, perhaps something to bear in mind at the full application stage.

The Chairman noted that planning applications do not just appear and that Local Members were important in being able to put across the views of residents and work with Officers and developers. The Chairman added that the Fire Station application had been considered by the County Planning Committee.

Councillor M Wilkes clarified, explaining that he had met with developers in respect of this application, rather the information as regards the changes was not known until the last moment.

The Senior Planning Officer noted that the site was adjacent to an area of high landscape value, important within the greenbelt and discussions at the pre-application stage had focused upon the impact on the surroundings. Members were reminded that the indicative scheme for 93 dwellings was to give an indication of what may be possible, however the application was for outline permission and the final number would be determined at reserved matters stage. However, it was added that the woodland would be retained, as would many trees on the western boundary of the site, and while some trees may need to go in terms of access and sight lines, the landscaping would be determined at the reserved matters stage, with a condition set out in the recommendations to this effect.

The Chairman thanked Councillor M Wilkes and the Senior Planning Officer and asked Mr J Ashby representing the Friends of Durham Green Belt and the City of Durham Trust to speak in relation to the application.

Mr J Ashby thanked the Chairman for the opportunity to speak to the Committee on behalf of the City of Durham trust and the Friends of Durham Green Belt.

Mr J Ashby noted that very special circumstances were claimed on the grounds that Finchale was in financial peril because of a loss of Government funding. He added that therefore the Committee was being asked to consider planning issues and funding issues.

Mr J Ashby explained that taking planning first, unfortunately the current application should be refused on the grounds: First the whole of the site was within the green belt, it was inappropriate development in the green belt and, by definition, harmful to the green belt as set out in NPPF paragraph 87 and saved Policy E1 of the City of Durham Local Plan; secondly, the County Council's Highways Manager had stated that the proposed site failed to meet acceptable levels of sustainable travel mode accessibility; thirdly, the scale of development was excessive, getting on for three times as much development as exists, and diminishing the openness of the locality; and fourthly, it represented development outside the existing built-up area of Durham City, but was not for agriculture or other appropriate countryside uses.

Mr J Ashby noted that on those grounds, Members should refuse the current application.

Mr J Ashby added that saved Policy E2 of the City of Durham Local Plan recognises Finchale as brownfield land and allows development on the site even though it was in the Durham Green Belt. He added that NPPF paragraph 89 specifically allows limited infilling or the partial or complete redevelopment of previously developed sites providing that it does not have a greater impact on openness or the green belt purposes. Mr J Ashby noted that if Members were minded to approve some development, then the issue was how many new dwellings without diminishing openness. He added that the current proposal stated that 38 homes would not be sufficient to solve the financial problems, and therefore 93 dwellings were proposed. Mr J Ashby explained that the Officer's report noted that the income from selling a planning permission for that many new dwellings may exceed the requirements of the charity; therefore fewer than 93 could be enough.

Mr J Ashby explained that this then brought in the money issue. He noted that the business case stated "the future of Finchale is critically dependent on the realisation of a significant capital return on the sale of the site." Mr J Ashby noted that this appeared to be totally contradictory to the position in the Charity's Annual Report approved by Trustees on 19 December 2016 and deposited on the Charity Commission's website. Mr J Ashby noted that this must represent the true position of the Board of Trustees as of 19 December 2016 and explained that upon finding the document last week he had immediately forwarded it to the Planning Department, pointing out the flat-out contradiction with the planning application documents.

Mr J Ashby noted to Planners that under the section “the Plans for the Future” the Charity’s Annual Report had made no mention of dealing with the financial situation by seeking to sell of the site; instead, it explicitly states “It is the Board’s planned aim to promote its availability and maximise its use as a commercial hub of business for diverse interacting clients thus generating and income through leasing, letting and hiring”.

Mr J Ashby added that the Annual Report had also said that it would “generate income from Government contracts, European contracts ESF, BDO, SES, YEI. Finchale is aligned with the prime contractors for the new DWP Work and Health programme which will replace the Work Choice and the Work Programme in late 2017.”

Mr J Ashby noted this gave a view that was very positive and rosy and that this in his view threw into sharp question the claims made in the business Case for the planning application. He noted that if the financial position was so much better than claimed, and the scale of housing development need was so much less and indeed the site “is to be promoted to maximise its use as a commercial hub of business”, then Committee needed clarification of what was going on.

Mr J Ashby noted that above all, he challenged the assertion that needing the money was a very exceptional circumstance, all developers need the money. He added that if the bar was lowered by introducing considerations of how much the applicant needs money then planning is having its leg cut from beneath it. Mr J Ashby noted that virtually all refusals upset the hopes and dreams of applicants; however this was the heavy duty for the Committee to carry.

Mr J Ashby concluded by stating that redeveloping Finchale’s brownfield site was ok in principle through saved Policy E2 and NPPF paragraph 89 and asked that the Committee did not augment that legitimate justification by endorsing that “needing the money” somehow represents very special circumstance, as it does not.

The Chairman thanked Mr J Ashby and asked Mr P Jones of Lichfields, representing the applicant, to speak in relation to the application.

Mr P Jones noted the balanced report of the Officers and that it recommended approval of the application. He added that there had been 12 months of work in terms of working for a low density development, of up to 100 homes. Noting consultation last year between July and December, involving Local Members, there had been no overwhelming objections, and in July over 50% of residents had said develop the site. It was added that there was an opportunity for affordable housing, in line with policy, and that the outline application had been given a clean bill of health by Officers.

Mr P Jones thanked Councillor M Wilkes for his comments as regards highways issues as a lot of work had been carried out in this regard. He added that in terms of the public art, this could be on-site or, if off-site, pooled according to Community Infrastructure Levy (CIL) regulations.

Mr P Jones briefly noted the 70 year history of the Finchale Charity, the way in which it received income via contracts, such as that with the DWP, and concerns for the future. It was added that as the current site was too large, this allowed scope for the Charity to move to a new site.

Mr P Jones concluded by noting that the NPPF allowed for building on existing brownfield sites, however, he felt as set out in the Officer's report that special circumstance had been demonstrated and therefore the application should be approved.

The Senior Planning Officer noted that in response to Councillor M Wilkes' question in terms of financial contributions, those for green space, public art and education were all separate.

The Chairman thanked Mr P Jones and the Senior Planning Officer and asked Members of the Committee for their questions and comments on the application.

Councillor A Bell noted that the operation at Finchale was a very well respected and needed service, however the report did not state where they proposed to move to and that if the application was approved would there be on-site play equipment as the site was relatively remote. He also queried how the relocation would be controlled and what measures would put in place to ensure that they did not disappear with the money.

Councillor P Conway noted that the Officer's report hinged upon paragraphs 79 – 83 within the report setting out the social and economic benefits to those living in County Durham. He added that Mr J Ashby had noted the tension between the residual land value and financial viability. Councillor P Conway noted that the late Dickie Annand VC, a war hero intimately linked to Finchale was desperate for its continuing sustainability; however the comments from Mr J Ashby had raised concerns and questions in terms of the protection needed to ensure the continuation of the charity. Councillor P Conway wondered if there was anyone from the Charity that would be able to provide some clarity; else he could almost see grounds for a deferral of the application.

The Chairman agreed that there was a need for more information, and asked the agent for the applicant if there could be any further comment on the matters raised. Mr P Jones noted that Mr W McGawley OBE, Chair of the Board of Directors of Finchale College was in attendance and may be able to answer some of the points raised. In addition, Mr P Jones noted that 3 potential sites for relocation were being considered, all 3 within County Durham and in terms of play facilities on-site, the plans shown were indicative and he would be happy to include details of play equipment at the reserved matters stage. Mr P Jones added that as he understood it, the sale would 100% be used to help ensure the continuation of the Charity.

Mr W McGawley explained that the reality was that income had reduced from £4 million 4 years ago to around £1 million and that the College was living on reserves and this was not sustainable in the long term. Mr W McGawley noted he signed the Annual Report 2016 and noted that it was a vision of a much reduced charity, starting with a zero base, though with a good residual business.

Councillor P Conway noted this information was helpful and asked whether 93 dwellings were required, or could it be fewer as this could help to reduce the impact on the green belt, while still satisfying the charity's financial position. The Chairman noted that the Committee was looking in terms of safeguard regarding funds.

Councillor M Wilkes thanked the Chairman for the further opportunity to speak and noted from meetings with the developer and charity that it had been made clear that there was a requirement for all 100 properties, now 93, and asked if it was the case that not all of the site be developed, and that whether working with the developer and charity could it be possible to understand why 93 properties was what was needed in terms of the charity's financial position.

The Senior Planning Officer explained that paragraph 80 set out the information as regards the business case provided by the applicant, and highlighted that this had been fully assessed by the Council's Policy and Assets Team. It was noted one scenario looked at was 38 dwellings, and this would not provide the funds for the charity to relocate, and another looked at 93 properties that would enable to fund a relocation but also be utilised to: implement a new IT system and marketing; clearance of pension fund deficits and the restoration of reserves to input into future training and employment programmes.

The Chairman noted that the case set out that the Charity needed 93 dwellings.

Councillor B Moir reminded Members that the application was in outline, with details to come through at the reserved matters stage and therefore he proposed that the application be approved subject to the conditions outlined within the report.

Councillor B Moir moved that the application be approved; he was seconded by Councillor P Conway.

RESOLVED

That the Committee was **MINDED TO APPROVE** the application, subject to the completion of a Section 106 Legal Agreement and the conditions detailed in the Officer's report to the Committee, subject to the amendments and additional condition as described by the Senior Planning Officer.

Councillor G Bleasdale noted that a relation was carrying out a similar activity to that set out in the next application and sought advice from the Solicitor in terms of declaring an interest in the next item. The Solicitor – Planning and Development, Neil Carter asked whether the development was in the area and did the Member feel affected. Councillor G Bleasdale noted she did not feel affected, the Solicitor – Planning and Development noted he did not feel that there was a need to declare an interest.

e DM/16/01048/FPA - Harbour View Hotel, 18 North Terrace, Seaham

The Planning Team Leader (Central and East), Sarah Eldridge gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site.

The application was for demolition of derelict hotel and erection of a four storey mixed use development (part retrospective) and was recommended for approval subject to conditions.

Members noted that the reason for the part retrospective application was that fire damage to the hotel had been such that the building had collapsed and the site had therefore been cleared.

The Planning Team Leader (Central and East) explained that the proposals were for 4 storey mixed use, with visually the development looking as 3½ storeys. It was added that ground floor use would be for restaurant/café, with the second and third floor being for residential use.

Members were referred to a slide highlighting the application site and noted other similar commercial use in the area. It was explained that the application site was within the Seaham Conservation area and was near to the War Memorial, former Police Station and listed buildings.

Members noted photos of the site and the adjoining building, also owned by the applicant, and the proposed elevations were shown and the proposed materials were noted as red brick, slate roof and grey aluminium window, with negotiations with the Conservation Officers having taken place, with the application being supported by those Officers.

It was explained that in terms of representations, there had been comments from Seaham Town Council stating they were not keen on the aluminium windows. The Planning Team Leader (Central and East) noted no other objections from consultees.

In terms of the principle of development, it was noted that there was similar use for other properties in the area and evidence had been supplied to Planning that the retention of the building after the fire damage was not viable, borne out by the subsequent collapse. In terms of the design it was the Officer's view that the application would enhance the Conservation Area and passed the test as set out at Section 72 of the Act in as well as providing opportunities in terms of regeneration, business and employment.

The Planning Team Leader (Central and East) concluded by noting the application was recommended for approval, subject to the conditions as set out within the report.

The Chairman noted there were no registered speakers and asked Members of the Committee for their questions and comments on the application.

Councillor G Bleasdale noted that local people were looking forward to the site being developed in keeping with all the works carried out in the area to date, getting better and better. Councillor G Bleasdale noted she proposed the application be approved.

Councillor J Clark noted the area was one she visited frequently and that there were a lot of attractions in the area, including Tommy a sculpture of a First World War Soldier, which brought in a lot of visitors to Seaham. Councillor J Clark noted paragraph 43 of the report noted 75 jobs to be created and speculated that this must be including the construction work and not just be the ongoing employment once works had been completed. Councillor J Clark noted the site was on a busy main road and asked whether there would be an appropriate construction management plan in place to address any potential issues.

The Planning Team Leader (Central and East) noted a condition set out on page 101 of the report looking to deal with construction management and while there were not hours of operation set out within the condition, this could be possible should Members wish this. Councillor J Clark noted that it was to be mindful of where the application site was, and where the construction traffic would be based. The Planning Team Leader (Central and East) noted there was a requirement for a construction management plan to be submitted to and agreed by the Authority prior to the commencement of works.

Councillor D Freeman, added that he had recently visit Seaham and had enjoyed the marina, the Tommy sculpture and that the gap where the property had burned down should be filled with an appropriate building and he therefore welcomed the application.

Councillor G Bleasdale moved that the application be approved; she was seconded by Councillor J Clark.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

f DM/16/02536/FPA - Shinwell Centre, North East Industrial Estate, Stephenson Road, Peterlee

The Planning Team Leader (Central and East) gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for erection of 50 no. 2, 3 and 4 bedroom two storey dwellings with associated works and was recommended for approval subject to conditions. The Planning Team Leader (Central and East) explained that the application was now for 49 dwellings and also there was an update in terms of the figures set out in the recommendations on page 114 of the report such that £12,500 would be for ecology and £24,500 for play facilities.

It was explained that the site was a former adult learning centre and there was not affordable housing provision, with the developer noting lack of viability and evidence supplied to Planning having been noted as being satisfactory. Members noted the proximity of the site to the Walkers Crisp Factory and noted the site was also near to the large site at Lowhills Road with proposals for 900 properties in total, 300 of which had approval. It was added the site was brownfield, having already been cleared and the trees on the boundary of the site would be retained. It was noted the main point of access would be from the north, Essington Way.

The Planning Team Leader (Central and East) noted that there had been 1 representation as regards concerns regarding wildlife at the site; this concern was not shared by the Council's Ecology Section. It was noted that Business Durham had asked as regards how the development would relate to the Walkers site and it was explained the change of 50 to 49 properties had looked to address this with a little offset and some acoustic measures would also be put in place, with no objections from Environmental Health.

It was explained that the site was sustainable and while the site was listed as employment land within the Easington Local Plan, the use as an adult learning centre had not been employment use and the application was deemed acceptable.

The Chairman noted there were no registered speakers and asked Members of the Committee for their questions and comments on the application.

Councillor H Bennett noted that there had not been discussions with Local Members in respect of this application.

Councillor A Bell noted he supported the scheme and recommended the approval in line with the Officer's report.

Councillor J Lethbridge supported the application and asked whether the name could be retained within the development, given the strong political implications.

The Planning Team Leader (Central and East) explained that the naming was beyond the scope of planning; however the street naming team would be the appropriate section to speak to. It was added that as the site was not one identified from the Local Plan and therefore not one where formal consultation would take place, as it was a Durham County Council asset that had been disposed of it would have been dealt with in that capacity by the Council's Asset Management section.

Councillor A Bell moved that the application be approved; he was seconded by Councillor J Lethbridge.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.