

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 16 February 2017 at 2.00 pm**

### **Present:**

**Councillor H Nicholson (Chairman)**

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

Councillors M Dixon (Vice-Chairman), B Armstrong, D Bell, D Boyes, J Clare, K Davidson, E Huntington, C Kay, G Richardson, L Taylor, C Wilson and S Zair

#### **1 Apologies**

Apologies for absence were received from Councillors Morrison and Patterson.

#### **2 Substitutes**

There were no substitute Members in attendance.

#### **3 Declarations of Interest**

Councillor J Clare referred to Agenda Item 5 d) and informed the Committee that while he was a Member of Great Aycliffe Town Council, he had taken no part in the discussion or consultative comments of the Town Council.

#### **4 Minutes**

The Minutes of the Meeting held on 19 January 2017 were agreed as a correct record and signed by the Chairman.

The Chairman changed the order of business to consider item no. 5d) on the Agenda first.

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

##### **a DM/17/00080/FPA - Garage Block, Armstrong Close, Newton Aycliffe, Co Durham**

Consideration was given to the report of the Planning Officer regarding the demolition of garages and erection of 5 no. dwellings at Armstrong Close, Newton Aycliffe.

The Planning Officer gave a detailed presentation, which included plans and photographs of the site. Members had visited the site earlier.

Mr Barker was speaking on behalf of Great Aycliffe Town Council, in objection to the proposal. He referred to The Neighbourhood Planning Bill which was in the final stages of debate in Parliament and expected to soon become adopted legislation, Clause 1 which would 'give duty to uphold neighbourhood development plans'. Should the Council choose to limit the weight given to Great Aycliffe Neighbourhood Plan (GANP), which was also in the advanced stages, this would send a message to communities that there was no point in contributing to them. He referred to the main objectives of the GANP which was to protect and retain the traditional green areas, open spaces and environment for the community. It has been the single, most important feedback which had been identified following the consultation.

Mr Barker wondered whether the underutilisation of the garages had been a deliberate attempt by the applicant to restrict maintenance and use. He confirmed that if an application for 7 houses without off-street parking had been submitted, it would have been rejected on Highways grounds. The Town Council objected to the proposal on the grounds that it was contrary to Sedgfield Borough Local Plan Policies and would result in the loss of open space. The development would also be contrary to the main objectives of the GANP; to protect the green areas and improve parking in the town. In summary, Mr Barker advised that there were alternative to build houses in Aycliffe and the justifications he had put to the Committee were sound reasons for refusal.

Councillor Hillary addressed the Committee as Local Member and in objection to the proposal. He referred to the transfer of assets between the former Sedgfield Borough Council and the applicant which had taken place in 2009. The terms of the contract included a requirement to maintain all properties, including 2700 garages. It also required the applicant to maintain grassed areas transferred at the same time. Newton Aycliffe had been built on the garden city principles and concepts. Off street parking and garages had been included originally to alleviate traffic issues and parking. In 1965, a time when not every household owned a car, planners had foreseen this growth.

Councillor Hillary referred to some photographs that had been submitted prior to the meeting and displayed to the Committee. They showed that the parking bays on Armstrong Close were well used and overflow parking was taking place on the roadside. He referred to the review of garage stock undertaken by the applicant and confirmed that it had taken two years to complete, during which time all applications for garages had been put on hold. He wondered how many people were on waiting lists for garages at Armstrong Close and surrounding areas.

Councillor Hillary referred to an earlier application which had been granted permission and resulted in the applicant demolishing garages and building houses on the land at Baliol Road. The consequences of this development had resulted in himself and Councillor Iveson spend £23k of their neighbourhood budget to provide off street parking in the area as residents were parking on grassed verges and destroying them. Councillor Hillary responded to the claims that there would be little impact caused, by arguing that all householders in the three neighbouring streets would be affected.

Councillor Hillary considered the number of applications which had been submitted by the applicant was high and he questioned whether the applicant had intentionally allowed the garages to become dilapidated, rather than maintain them as per the terms of the asset transfer. He considered that the garage block provided a turning point for vehicles and the removal of that would create a problem for delivery vehicles, bin wagons and emergency services. He asked the Committee to reject the application on parking issues alone.

Councillor Bob Fleming, Leader of Great Aycliffe Town Council objected on behalf of the Residents Association and addressed the Committee as a representative and local resident. He referred to when Newton Aycliffe was founded and of Lord Beveridge's vision of a garden city to provide communities centred around green areas for children to play safely. The grassed area which was referred to in the report had been used by generations of families for over 50 years.

Councillor Fleming referred to his time as Leader of Sedgefield Borough Council and recalled the transfer of assets to the applicant, which at the time was known as Sedgefield Borough Homes. He confirmed that as part of the contract, covenants were included in the transfer which sought to maintain the land and protect it from development. The purpose of the developing GANP had consistently been to protect green spaces and alleviate parking problems. He referred to documents which had been submitted to Members prior to the meeting via Great Aycliffe Town Council and referred to local news articles from 2008 expressing concerns from local Councillors regarding the protection of green space.

Councillor Fleming reminded Members that nine similar applications had been put forward by the applicant, many of which had been successful and resulted in the provision of new housing in the area. In addition the applicant had identified ten more potential development sites. He urged Members to help protect Newton Aycliffe's open spaces and reject the application.

Mr Kitchen addressed Members on behalf of the applicant and in support of the application. He reminded the Committee that that the applicant was a provider of affordable homes and was regulated by the Homes and Community Agency to ensure maximum value for money. The applicants business plan included a 1% rent reduction and a £500k investment plan and any profit generated from the development would be invested back into the garage stock. This would assist the refurbishment of those properties identified by the stock conditions surveys as in demand and profitable.

With regards to the GANP, Mr Kitchen reminded the Committee that it was still an emerging document and could not be considered as a reason for refusal. The applicant had been involved in the development stages of the plan and provided assurance that some areas which had been identified as significant to the community, would be protected. This site was not one of those identified. Mr Kitchen refuted the allegation that the applicant had deliberately allowed the garages to fall into disrepair and confirmed that extensive data had been collected to establish a refurbishment plan on the long term, sustainable garages. The applicant aimed to relocate existing tenants and offer in-curtilage parking where possible.

With regards to the housing white paper which had been recently published, Mr Kitchen confirmed that the governments plan was to reform the housing market and increase the supply of new homes. The applicant was making an attempt to make better use of existing land and meet the strategic housing need, and any future development plans would do the same.

The Chairman invited the Solicitor – Planning and Development, to clarify reference to the GANP, who confirmed that it was an emerging plan and could not be given full weight, however it could not be considered, and reference to what extent was made in the report.

The Chairman invited the Highway Development Manager to comment on the issues raised, who confirmed that of the occupied garages, there was the potential for an additional 7 vehicles could be displaced on to the Highway. He confirmed that some of the tenants had the provision of parking at their homes in the form of a driveway or garage, however consideration should be given to the impact caused by the dispersion of vehicles onto the road. Additional vehicles would result in competition for a layby, however it was not severe and did not create any danger. Driver frustration did not justify an objection from the Highways Authority. There had been no data recorded with regards to any road traffic accidents and in response to comments raised regarding the turning of vehicles, a refuse collection would continue to use the same route as usual and no additional problems were envisaged.

Councillor Dixon confirmed that the Committee were tasked with weighing up whether the social element of retaining the open space outweighed the economic element of the provision of housing. He referred to the GANP and although it could not yet be given full weight, he acknowledged that the Committee could give it some consideration. There were two key issues regarding parking and green space and both of those issues were core principles of the plan. He referred to the statement by the Highways Development Manager who had confirmed that parking was not as severe as to amount to an objection by the Highways Authority, however as a local Councillor he was aware that parking was a severe problem and no solution had been offered by the applicant to address the issues raised by objectors. He confirmed that unlike a private developer, the applicant had a social obligation to adhere to and their mandate was to assist in developing strong communities. Councillor Dixon had observed a lack of engagement with the local community and advised that a consultation would have assisted in addressing some of the concerns brought to the Committee. On balance, he concluded that the negative impact outweighed the positive aspects of the development and therefore moved refusal of the application.

Councillor Clare agreed that the Committee were tasked with balancing two arguments. The positive outcome of this proposal was the provision of 5 new houses in the area to meet demand, however had this been an application for social housing he considered it would have had greater weight. The loss of 5 market value priced dwellings would be no great loss to the housing supply or to those in desperate need of social housing. He referred to paragraph 72 of the report which confirmed that the applicant had the authority to serve tenants with one weeks

notice to vacate the garages with no obligation to provide alternative means of parking, and saw this as an implied threat to demolish them in the absence of a positive outcome.

Councillor Clare referred to the aerial photograph of Newton Aycliffe and highlighted the green areas which had been created specifically for the purpose of enjoyment by local people. In his opinion, the destruction of one of these areas could have a disastrous effect on the people who lived there and also set a precedent for the future, in effect it would go against the entire purpose of the New Town.

With regards to parking, Councillor Clare referred to the Highways Development Managers acknowledgement that demolition of the garages would result in vehicles spilling onto the highway. Although he did not feel this to be severe, the number of vehicles on the highway was not relevant when considering the impact the loss of green space would have to the local community. Councillor Clare confirmed that there had been approximately 111 garages demolished in various proposals approved by the Council and submitted by the same applicant and all of those cars had been dispersed onto the Highway. Parking had not been remediated in any way for any of these applications and therefore the Committee had to consider the cumulative impact. The policies within the GANP were relevant and Councillor Clare seconded refusal of the application.

Councillor Boyes referred to County Durham's New Towns, Newton Aycliffe and Peterlee, which had both been created with the inclusion of valuable open space. He had concerns should planning permission continue to be granted at the expense of open space and confirmed that he would not be supporting the recommendation to approve the application.

Councillor Davidson confirmed that the ownership of the land and terms of the asset transfer was not a consideration for the Planning Committee, however open space was an integral part of Newton Aycliffe and was always intended to be used as public amenity space.

Councillor Kay confirmed that although the money would be re-invested and the scheme had strong economic benefits, it was not such to outweigh the environmental and social detriment of losing more green space.

Councillor Richardson confirmed that he would support the recommendation to refuse the application.

**Resolved:**

That the application be **REFUSED** for the following reasons:

1. The development of the site would result in loss of open space land which would unacceptably alter the character of the local area contrary to Sedgfield Borough Local Plan Policy L5 and emerging Great Aycliffe Neighbourhood Plan Policies CH1 and CH3.

2. The development would have an unacceptable impact up the residential amenity of surrounding occupiers due to increased on-street parking contrary to Sedgefield Borough Local Plan Policies H17 and D3 and emerging Great Aycliffe Neighbourhood Plan Policy T1.
3. In accordance with paragraph 14 of the NPPF it is considered that the economic, social and other benefits of the proposed development are significantly and demonstrably outweighed by the adverse impacts of the proposed development.

**b DM/16/02030/FPA - Lloyd Ltd, St Helen Way, St Helen Auckland, Bishop Auckland**

Councillor Boyes left the meeting at this point.

Consideration was given to the report of the Senior Planning Officer regarding an application for a proposed warehouse, office and showroom extension with associated external works and change of use of land to vehicle storage at Lloyd Ltd, St Helen Way, St Helen Auckland, Bishop Auckland.

The Senior Planning Officer gave a detailed presentation that included plans and photographs of the site.

The Senior Planning Officer informed the Committee further comments from Northumbrian Water Ltd were expected regarding drainage at the site and should the application be approved it would be subject to a further condition regarding a Drainage Strategy.

Councillor Wilson, Local Member, confirmed that the scheme would bring jobs to the local area and as concerns regarding external lighting had been addressed, she supported the scheme and moved the recommendation to approve.

Councillor Davidson seconded the recommendation.

**Resolved:**

That the recommendations as outlined in the report be approved subject to the addition of the following condition:

10. Prior to the commencement of development a Drainage Strategy shall be submitted to and approved in writing by the Local Planning. Thereafter the development shall take place in accordance with the approved details.

**c DM/16/03491/OUT - Ceramic Tile Centre, 3 Union Street, Bishop Auckland**

Consideration was given to the report of the Senior Planning Officer regarding an outline application for up to 17 no. apartments with all matters reserved except access, at 3 Union Street, Bishop Auckland.

The Senior Planning Officer gave a detailed presentation that included plans and photographs of the site.

The Senior Planning Officer informed the Committee that the Coal Authority had not yet made formal comments on the application and should the application be approved, sought delegated authority to issue the permission subject to satisfactory comments being received.

The applicant's agent, Mr Lavender, addressed the Committee in support of the application and confirmed that the scheme put forward would deliver the benefit of affordable housing in the Town Centre and aid regeneration. In addition a contribution for off-site recreational would be provided via a section 106 agreement.

In response to Councillor Dixon regarding the draft plan of the building, the Senior Planning Officer confirmed that the design of the building was yet to be agreed and full plans would have to be submitted should the Committee grant approval of outline permission.

Councillor Zair, Local Member, confirmed that he welcomed the development; it would improve the visual appearance of the area, create housing and provided a welcome contribution towards open space. Councillor Zair moved the recommendation to approve.

Councillor Richardson observed that the road at the rear of the premises was narrow and queried whether it was suitable for vehicles turning. The Senior Planning Officer confirmed that parking provision had been provided at the rear of the property and it was recessed from the road.

Councillor Davidson seconded the recommendation to approve.

## **Resolved**

That the application be approved subject to;

- The completion of a Section 106 Legal Agreement to secure financial contributions towards play and recreational facilities at a pro-rata rate of £1000 per residential unit and the provision of 10% affordable housing and;
- No objections being raised by the Coal Authority and;
- The recommendations as outlined in the report.

**d DM/16/03932/FPA - George And Dragon Inn, Boldron, Barnard Castle**

Consideration was given to the report of the Senior Planning Officer regarding change of use to a single dwelling at the George and Dragon Inn, Boldron, Barnard Castle.

The Senior Planning Officer gave a detailed presentation that included plans and photographs of the site.

Mr Ryan was a local resident and regular user of the George and Dragon, objecting on the grounds that should the change of use be approved, it would be irreversible. Mr Ryan considered the asking price for the pub was too high to attract enquiries and the viability of the George and Dragon could not be properly assessed unless the accounts were made public. Mr Ryan suggested that the application be deferred until such information was presented.

Mr Race, the applicant, confirmed that he had owned the George and Dragon for ten years. In that time he had never made a significant breakthrough in terms of the business, despite every attempt to make it successful. He had offered various services such as evening meals, Sunday lunch and Bed and Breakfast, but had suffered a huge financial loss. As a last resort, Mr Race had advertised the business for sale which resulted in the premises being leased, however the tenant left. Following that, Mr Race closed the property and invested in a full refurbishment. He was approached by local residents in 2014 who expressed an interest in purchasing the premises, however no formal offer was ever received and the George and Dragon reopened for business. Mr Race had anticipated that this would be a success however aside from a few regular customers, the community did not embrace the business and the premises was put back on the market for sale.

Mr Race confirmed that he applied for a notice for closure in November 2016 and the final day of trading was on 6 February 2017. Mr Race had lost a considerable amount of money attempting to make the business a success but sadly, all attempts had failed. He acknowledged the ongoing support from a small group of local residents, however the majority of Boldron and the wider community did not use the George and Dragon, and furthermore, a modern refurbished Village Hall was able to service the village in its absence.

The Chairman invited the Planning and Development Solicitor to comment on the viability of the premises as a public house and it was confirmed that evidence had been provided by the applicant and scrutinised.

The Chairman commented that it was sad to see the demise of a local business and the impact on the village as a result.

Councillor Kay confirmed that it was regrettable that the George and Dragon would be lost, however it was not a unique situation – many licenced premises were facing similar fates with supermarkets offering cut price alcohol and people choosing to drink at home. The applicant had made genuine attempts, losing a significant amount of money, to make the business work and retain it for the community. With sadness, Councillor Kay moved the recommendation to approve the application.

Councillor Clare confirmed that it was a common sight when passing through communities to see closed down, dilapidated buildings. He considered that converting this property to a residence was more preferable than becoming a blot on the landscape, and therefore seconded the recommendation to approve.

**Resolved:**

That the recommendation as outlined in the report be approved.

**Signed .....**  
**Chairman of the meeting held on 23 March 2017**