

## **DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 7 March 2017 at 1.00 pm**

### **Present:**

**Councillor K Davidson (Chairman)**

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

Councillors D Boyes, J Clare, P Conway, M Dixon, I Jewell, B Moir (Vice-Chairman), G Richardson, A Shield, H Smith, P Taylor and R Young

#### **1 Apologies for Absence**

An apology for absence was received from Councillor H Nicholson.

#### **2 Substitute Members**

Councillor H Smith as substitute Member for Councillor Nicholson.

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

Councillor Clare and Dixon informed the Committee that they were local Members for the application to be considered at Agenda Item 5 (a) but had not reached a decision on the application.

#### **4 Minutes of the meeting held on 7 February 2017**

The Minutes of the meeting held on 7 February 2017 were confirmed as a correct record and signed by the Chairman.

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

##### **a DM/16/00985/OUT - Land to the North of Middridge Road, Newton Aycliffe**

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of up to 240 dwellings, including details of associated vehicular access from a proposed roundabout on Middridge Road with all matters reserved except for site access on land to the north of Middridge Road Newton Aycliffe (for copy see file of Minutes).

C Harding, Senior Planning Officer, gave a detailed presentation on the application which included a site location plan, aerial photograph of the site, site photographs

looking north and west across the site and an indicative layout. Members of the Committee had visited the site the previous day and were familiar with the site and setting.

Councillor Anne Clark, Chair of Middridge Parish Council addressed the Committee to object to the application.

Middridge was a small, rural parish with Great Aycliffe to the east and Shildon to the west and people who lived there valued the independence and rurality of Middridge. Although some of the objections of the Parish Council had been addressed there were still some outstanding concerns.

Middridge Parish Council had already lodged their objections to the application, some of which had been addressed. However the objection still stood as there were several outstanding concerns.

Referring to sustainability of the site, Point 78 of the Planning Services report argued that although Eldon Whins was in Middridge Parish, its future residents would look towards Newton Aycliffe to meet their living needs. Point 83 then argued that the scale of development was commensurate with the role of Newton Aycliffe in the Settlement hierarchy.

However the County Council had already implicitly confirmed that they considered Eldon Whins to be part of Middridge Parish and not Great Aycliffe, because the designated Neighbourhood Area for the Middridge Neighbourhood Plan was the entire Parish, including Eldon Whins.

Moreover, existing Middridge Parish Residents looked toward Newton Aycliffe or Shildon to meet their living needs but in spite of this, they did not consider themselves residents of Newton Aycliffe or Shildon; future residents of Eldon Whins would most certainly not consider themselves part of Great Aycliffe when it came to the payment of Council Tax, since the Middridge precept was significantly lower than that for Great Aycliffe and in this regard they would consider themselves to be residents of Middridge Parish.

Consequently, the Parish Council did not accept the argument that the scale of the proposed development should be considered from the point of view of Newton Aycliffe, rather that it should be its potential impact on Middridge Parish which should be considered. In this case the proposed development was undoubtedly too large, given that Middridge at present had only 155 dwellings, with a population of just over 300.

Point 71 of the Planning Document referred to the Sedgefield Borough Local Plan Policy H2 which stated that Eldon Whins had an estimated yield of up to up to 160 dwellings, which would better reflect the density of housing to be found in Middridge Village.

Referring to access and highway safety, Ms Clark informed the Committee that the Parish Council welcomed the provision of a roundabout at the junction of Middridge Road and Greenfield Way. However there was no mention of the effect that extra

traffic would have on the Burn Lane/Middridge Road junction leading to Newton Aycliffe town centre and how that was to be managed.

In view of the fact that Eldon Whins was indisputably part of Middridge Parish, safe and suitable access for pedestrians and cyclists should be incorporated in the plan to foster integration between the new development and Middridge village in order for new residents to join in with activities of the village. Ideally this should not involve the dangerous crossing of the C35 Middridge Road or alternatively should incorporate some form of pedestrian crossing which could link in with The Aycliffe Way, which ran more or less parallel to the C35 on the south side, which would then lead on to the roadside footpath in front of 11-16 Middridge Farm Cottages and eventually to the village. This would also give access to the network of footpaths around Middridge parish.

The Parish Council viewed this at least as important as the Greenfield Way proposed footpath because to access the shops it was more realistic that people would use their cars. The Council was also concerned about the lack of cycle routes for the proposed development as only footpath access is mentioned in Point 120 and Ms Clark asked whether this would be rectified.

With reference to schools, Ms Clark informed the Committee that paragraphs 80 and 82 referred to the location and place availability of schools in relation to the new development. However there seemed to have been no consideration given to the effect that Eldon Whins development would have on Middridge school children who may be denied access to their nearest school, Byerley Park Primary School which was often oversubscribed. Byerley Park was the only primary school on the west side of Greenfield Way and was also the only Primary School within reach of Middridge by foot or cycle way.

Ms Clark noted that paragraph 93 of the planning document that the proposals would entail an incursion of built development into attractive countryside and there would be some harmful effects on the character of the local landscape. People chose to live in Middridge because of it being surrounded by open countryside which had been there, unspoiled, for hundreds of years. In one of the parish Council's surveys as part of its Neighbourhood Plan preparations, over 90% of the Middridge residents did not want any further development within the Parish. All gaps in the village layout had been built on.

Paragraph 93 also stated that the National Planning Policy Framework did not consider this to be valuable landscape but people of Middridge did as did the wildlife.

Ms Clark posed the following questions:

- The Parish Council would like some clarification on why so much money had been allocated to the Middridge allotments, £86,400, with there being no consultation. Where if any was it intended that there should be extra allotments? The Parish Council would have liked to use some of this money to provide some improved play equipment in the village play area and did not understand why so much money had been allocated to one

project. £60,480 had been allocated for improvements to outdoor sport space within Aycliffe North and Middridge Electoral Division. What part of this was for Middridge Parish?

- The number of dwellings quoted in the application was 240, being described as 2-5 bedroom houses. There appeared to be no provision of bungalows for older people. Would the Planning Department have control over the types of housing to reflect that in the village settlement for example no 2½ or 3 story houses with bungalow provision?
- What safeguards could be put in place to protect the proposed buffer zone of open countryside of around 1km in depth between the development and the eastern edge of Middridge?
- What were the timescales for the rate of development, for example, projected house build numbers per year and completion of site?

Mr W Mellors, local resident, addressed the Committee to object to the application. Mr Mellors conceded most of the points made in the report to Committee, particularly that it was the Sedgefield Borough Plan that applied to this application.

However, Mr Mellors pointed out that the report failed to mention Policy E4 which stated that proposals would normally be refused in the green wedges east, west and north of Newton Aycliffe. This Policy could be overridden if Policy H2 still applied to the site.

The report pointed out that the application site was once allocated for housing when it was originally purchased by the Aycliffe Development Corporation in order to prevent what was considered unsuitable leisure development but which had to be allocated for housing so as not to exceed their powers.

When the 2008 application for the site was refused by Sedgefield Borough Council it was pointed out that Policy H2 was only saved in order to safeguard sites such as Agnew 5 and Whitworth Park but not Eldon Whins. Further evidence that Eldon Whins was no longer considered a suitable housing site was shown by the deletion of Policy H7 which related specifically to Eldon Whins.

The decision went on to say that the planning team considered that Eldon Whins was no longer part of the Borough Local Plan and that it was considered to be unallocated greenfield land.

As the site was not allocated for housing in the Local Plan then all of the other environmental considerations still applied and the application should be refused because it infringed Policy E4.

The application further infringed the Durham County Landscape Strategy 2008 which designated the site as being in a Landscape Conservation Area in the Tees Lowlands Character Area with objectives to maintain and strengthen the rural character of the landscape between towns and villages.

Policy T16 of the Sedgefield Borough Local Plan also required maintenance and increased access to the countryside around towns and villages, particularly circular walks as was exemplified by the tree belt and footpath which defined the westward limit of development between Newton Aycliffe and Middridge.

Mr Mellors asked the Committee to refuse the application.

Mr M Verlander addressed the Committee on behalf of the applicant and landowner, the Homes and Communities Agency. The Home and Communities Agency was the Government's housing, land and regeneration agency in England and were charged with delivering locally, working quickly and at scale to boost overall housing supply and economic growth.

The proposed development was in line with the key objectives of the National Planning Policy Framework. The delivery of housing on this site would contribute to the Council's five-year Housing Supply, in that the NPPF require a supply of specific deliverable sites sufficient to provide five years' worth of housing against housing requirements with an additional buffer to ensure choice and competition in the market for land.

The Council was unable to demonstrate a five year housing land supply. Whilst the lack of a 5 year supply, and the guidance at paragraph 49 of NPPF made it clear that it was not the case that every housing site should therefore be approved, there was a strong presumption in favour of sustainable development. This site and the development proposed were considered sustainable.

Following the submission of the application Council officers had sought some revision to the scheme and clarification on some matters, including required amendments to the Flood Risk Assessment, Ecology Surveys/ Mitigation Strategy, Masterplan, Travel Plan, Transport Statement and Tree Survey.

The proposed development would also:

- Support the delivery of market and affordable housing in the area;
- Provide a range of house sizes, from 2 to 5 bed;
- Retain the existing tree belts on the site;
- Provide on-site open space; and
- Bring financial benefits, including the introduction of new, economically active households to the area, additional expenditure within the local economy and the creation of jobs related to the construction.

The Senior Planning Officer responded to the issues raised as follows:

- Although the site was in Middridge Parish, residents of the development would look towards Newton Aycliffe for their daily needs.
- The council could not insist on bungalows for this site but the housing types would become clear at the reserved matters stage.
- It was estimated that 20-30 dwellings each year would be built on sites such as this.
- The conclusion of Sedgefield Borough District Council that SBLP Policy H2 so far as it related to the Eldon Whins site no longer formed part of the

development plan, was, in his view, incorrect. A full discussion on this matter was included within his report.

- Protection of the buffer zone around the development – each application was considered on its own merits.
- The school placements and admissions manager had confirmed there was sufficient school capacity in the area.
- s106 contributions to allotments at Middridge – the Open Space Needs Assessment set out the requirements for public open space and set out that a total of approximately 1.28ha of public open space be provided on site, in the form of semi-natural greenspace, amenity space, and play provision. This level of provision could be secured at the reserved matters stage by means of a planning condition, although it was acknowledged that the retention of the existing shelter belts may meet a proportion of this requirement due to their existing amenity value. It was not normally expected that parks and garden, allotment, or outdoor sport space provision be made within the site on developments of the size proposed, with financial contributions to improve existing, or provide new facilities within the local area instead being provided, and these could be secured through a planning obligation secured through a s106 agreement. In this instance it was expected that a contribution of £86,400 towards the improvement of allotments within Middridge Parish, and £60,480 towards upgrading existing sports facilities within Great Aycliffe and Middridge Electoral Division would enable residents of the new development to have adequate access to such facilities.

The site of the proposed development was not in the green wedge identified at Policy E4 of the Local Plan.

Councillor Davidson asked about provision for pedestrians and cyclists within the development. The Senior Planning Officer replied that no site layout had been provided at this stage of the application.

Councillor Davidson informed the Committee that if the site had been further west he would have been more critical of coalescence. The Senior Planning Officer replied that the comments of landscape contained in the report identified where the site was in the character of the landscape.

Councillor Dixon informed the Committee that he recognised the concerns raised by residents of Middridge regarding coalescence. The Parish Council was in the process of producing a local Neighbourhood Plan to protect the rurality of the village.

Councillor Dixon referred to the HCA applying for the permission and then seeking a developer for the site and asked whether the HCA or the identified developer would be responsible for making payments under the s106 agreement. He also asked the following:

- how the £60,480 towards the provision of improvements of outdoor sport space within Aycliffe North and Middridge Electoral Division would be administered;

- what consultation had taken place on the £86,400 towards the provision of improvements to allotments within Middridge Parish. Councillor Dixon considered it would be better allocated this funding to allotments/Middridge Parish Council and the Village Hall Association to decide how to allocate this for the good of the village.

C Cuskin, Planning and Development Solicitor informed the Committee that the s106 agreement would be binding against the owner of the land and successor in title.

The Senior Planning Officer informed the Committee that there would be trigger points within the s106 agreement when payments were to be made. The £60,480 referred to would be allocated through the s106 Working Group and community groups could apply for funding as well as local Members. S106 payments were made to mitigate impacts of a development and needed to be specific. Should a community group come forwards with a sustainable proposal then the Council would give advice and the proposal would be considered by the s106 Working Group.

Councillor Dixon asked about the provision of a pedestrian crossing to the west of the site. The Senior Planning Officer replied that highways officers had not advised that this was needed.

A Glenwright, Principal DM Engineer advised the Committee that the critical highway connectivity issue for the site was to the primary school on the south side of the site. This was explained at paragraph 120 of the report and also covered by Condition 4 of the proposed planning permission. To the north of the site there was an existing shared cycleway on Burn Lane. It was very difficult to achieve a linkage to Middridge Village and the prime objective was linkage to Newton Aycliffe which residents would use for access to shops and employment.

Councillor Dixon referred to the s106 allocation to allotments and informed the Committee that other amenities in Middridge could be impacted by this development. The Senior Planning Officer replied that everything proposed was as requested in the County Council's Open Space Needs Assessment. The Planning and Development Solicitor added that a Policy basis would be needed to seek further s106 contributions.

Councillor Davidson informed the Committee that the issue regarding the s106 payments was not of additional money but of how the money would be allocated. The s106 payments would be allocated by the s106 Working Group in accordance with Policy.

Councillor Boyes referred to the 2008 application for the site which was refused for, among other reasons, inadequate consideration of the flood risk and asked why there was no Condition proposed for flood risk in the proposed planning permission. The Senior Planning Officer replied that a flood risk and drainage assessment carried out and the Council's Drainage and Coastal Protection officers considered that a successful drainage scheme could be achieved. Full details of the scheme could only be provided when a full site layout was agreed.

Councillor Conway referred to the s106 payments and considered it would be too late for consultation to take place with the Middridge Parish Council if the application was approved. The Senior Planning Officer replied that s106 payments were not a 'wish list' and were made to mitigate specific impacts of a development. Councillor Conway added that while he accepted there was a policy framework and that s106 payments were a strategy of mitigation consultation with the Parish Council would have been helpful.

Councillor Clare informed the Committee that while he understood the fears of residents of Middridge regarding encroachment this development was a long way from Middridge village. The development site was not green wedge and had been identified for housing since the 1970's. The proposed s106 agreement was generous and the development would bring increased precept income for the Parish Council. The development could also provide volunteers for the Village Hall Association as well as bring increased trade to the public house in Middridge without any change to the core of the village itself. The s106 payments were part of NPPF Paragraph 14 which considered the balance between the positives of a development against the adverse impacts of it. The balance in this application was in favour of development and Councillor Clare moved approval.

Seconded by Councillor Boyes and

**Resolved:**

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the following:

- provision of 10% affordable housing units
- a voluntary scheme of targeted recruitment and training for the construction phase,
- £92,920 towards highways mitigation works at A167/A689 Rushyford Roundabout,
- £86,400 towards the provision of improvements to allotments within Middridge Parish,
- £60,480 towards the provision of improvements of outdoor sport space within Aycliffe North and Middridge Electoral Division,
- £15,000 towards biodiversity improvement projects within Middridge Parish,
- a scheme of improvements to Cobblers Hall Plantation in relation to ecology and public access.

and subject to the Conditions contained in the report.

**b DM/16/04042/FPA - Land to the North of Discovery Offices, William Armstrong Way, NETPark, Sedgfield, TS21 3FH**

The Committee considered report of the Senior Planning Officer regarding a hybrid application for NetPark Phase 3a, comprising a full application for a new spine road, new access from A177, drainage works including a pipe bridge, associated landscaping and infrastructure and outline application for up to 14 two-storey

buildings providing circa 1,670 m<sup>2</sup> B1 floorspace on land to the north of Discovery Offices, William Armstrong Way, NetPark, Sedgefield (for copy see file of Minutes).

C Harding, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph, views across the site and an indicative layout.

The Senior Planning Officer informed the Committee that Business Durham considered that NetPark Phase 3a could provide/create up to 1400 jobs.

Councillor Boyes **moved** approval of the application. This was **seconded** by Councillor Jewell who considered the application had significant benefits and many positives.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the Conditions contained in the report.