

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 4 July 2017 at 1.00 pm**

Present:

Councillor F Tinsley (Chairman)

Members of the Committee:

Councillors A Bell, D Bell, J Clare, D Hicks, C Kay, H Nicholson, G Richardson, A Shield, L Taylor, P Taylor and M Wilkes

1 Apologies for Absence

Apologies for absence were received from Councillors I Jewell, A Laing, L Maddison, J Robinson, A Simpson and S Wilson.

Councillor M Wilkes was in attendance but took no part in voting on the planning applications under consideration as he had not yet received the mandatory training.

2 Substitute Members

Councillor L Taylor as substitute for Councillor I Jewell and Councillor D Bell as substitute for Councillor A Laing.

3 Declarations of Interest

Councillor C Kay declared a personal, non-pecuniary interest in Agenda Item 5 (b) as a volunteer at Kynren and would withdraw from the meeting during consideration of this item.

4 Minutes of the meeting held on 6 June 2017

Councillor F Tinsley referred to the first line of the final paragraph of the minute on page 9 of the papers and informed the Committee that this should read 2,000 people rather than 2,000 properties.

Councillor A Shield informed the Committee that he had left the meeting prior to discussion of Agenda Item 5 (e) and this was not reflected in the Minutes.

5 Applications to be determined

- a **DM/16/04067/OUT - Land To The North Of Mount Oswald, South Road, Durham, DH1 3TQ**

The Committee considered a report of the Senior Planning Officer regarding an outline application for purpose built student accommodation comprising 850 bedrooms, with all matters reserved at land to the north of Mount Oswald, South Road, Durham (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, site photographs, an indicative masterplan, indicative building heights and indicative sections. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Councillor E Scott, local Member addressed the Committee.

Councillor Scott informed the Committee that while she expressed support in principle for purpose built student accommodation, she had concerns about the application.

In general, creeping developments such as this should be discouraged. Plans had previously been approved for a 1,000 bed student accommodation at Mount Oswald plus over 300 houses, and this application was for an additional 850 bed student accommodation. While the report indicated that further recreational facilities would come forward, it was difficult for committees, residents and Councillors to get a sense of the whole picture.

Most recent figures from the County Council showed that student residence currently accounted for just under 22% in Neville's Cross. This application would take that figure to over 50%, including other schemes which had already been approved. These additional residents would pay no council tax and because they were student residences the developer was not required to pay the same Section 106 contributions as had they been private dwellings. The total number of residences in the Neville's Cross division would be 7,000 in an area which had no GP's, no dentist and no community facilities.

Councillor Scott informed the Committee of three specific areas of concern.

Firstly, the pressure on community facilities. Paragraph 24 of the Committee report referred to NPPF Part 8, the promotion of healthy communities including the development and modernisation of facilities and services. Across the road from the development at Merryoaks was a football field and a MUGA and the football field in particular was in need of upgrading with better drainage. There were also plans for a community centre which was still in need of funding. With the vast rise of student residences and therefore students there would be a high demand for facilities. Councillor Scott informed the Committee she had requested a contribution from the developer but had been declined.

Secondly, an increase in pedestrian footfall along South Road. Paragraph 68 of the report highlighted the concerns of the Police Architectural Liaison Officer that sections of footpath on South Road were too narrow for the current pedestrian traffic. Although the developer was making some improvements to Mill Hill Lane, pedestrians would still have to spill out on to South Road even if they were

encouraged to use alternatives. The University had proposals for a pedestrian superhighway which would alleviate this problem and Councillor Scott considered the developer should contribute to this. A contribution had been requested from the developer but had been declined.

Thirdly, the previous planning application by the Banks Group on this site which had been approved included plans for a GP surgery, which made it an attractive application. Plans had now been shelved due to lack of take up from the NHS and Councillor Scott queried how robust the consultation had been. Local surgeries were currently stretched as was the Student Health Service. Councillor Scott has seen nothing to suggest any direct approaches had been made other than a light touch approach to the NHS.

Councillor Scott asked the Committee to consider a condition to the planning permission for a £250,000 voluntary contribution to be shared between sports and community facilities and the pedestrian superhighway project and to formally request the developer to revisit the GP proposal and make direct approaches in the area with the support of the Council if necessary.

This scheme would generate tens of millions of pounds in years to come and for the developer to make no contribution to the community was wrong.

Mr A Doig, Secretary of the Neville's Cross Community Association addressed the Committee to object to the application.

The Neville's Cross Ward had some 7800 registered votes. Sheraton Park would have over 400 students, the Berendsen's former laundry site will have nearly 400, the University's site would be 1000 and this application was over 800, a total of 2,600 students.

By adding in the current HMO and other students there was an average of over 10% student density and hotspots, such as Sheraton Park, had reached a 30% student density. With all of the proposed developments this would move close to a 50% student density.

The Council's background paper to the old Policy 32 specifically stated that the 'tipping point' for balanced communities was 20% of the population or 10% of the properties. It stated at that time that Neville's Cross overall was already at 19.4%, and this was before any of the above mentioned additional 2,600.

While it was understood that this proposal was not new and that it had the support of the University, the Community Association asked that, if not rejected, the application be deferred pending a full community impact statement, not just on the Neville's Cross ward but on Durham City itself.

Mr Doig presented various saved Policies which would merit a deferral as follows:

- *H13 – Character of Residential Areas* – Planning permission would not be granted for new development which had a significant adverse impact on the character or appearance of residential areas;

- *H14 – Improving and Creating More Attractive Residential Areas* – required development to respect, and where appropriate enhance, local character.
- *H16 – Residential Institutions/Student Halls of Residence* – should not detract from the character and appearance of the surroundings or from the amenities of existing residents; and would not lead to a concentration of student accommodation in a particular area that would adversely detract from the amenities of existing residents.

This area was one of the few stable affordable residential communities close to the centre of the City. It attracted young couples, many of whom worked at the University or the hospital and many of whom had young families. The area was home to two popular primary schools and a limited number of other local amenities of one pub, one newsagents, one coffee shop and a local supermarket. The approach must be to consolidate and sustain such a community, and one that was based on informed local discussion and local decisions by local people.

Not to do so would offend the following NPPF policies:

- *Policy 14 – Sustainable Development* - a presumption in favour of sustainable development.
- *17 – Planning Principles* – planning should be genuinely plan-led, empowering local people to shape their surroundings.
- *47 and 50 – Choice of homes* - local planning authorities should ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.
- *69 – Inclusive Communities* - the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see.
- *Annex One of the NPPF* - cases in which a local authority can refuse permission on the grounds of prematurity are likely, but not exclusively, to be limited to situations where: "*the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning...*"

The Neville's Cross Community Association was of the collective view that the totality of this development was disproportionate in size and disruptive in practice to the balance, health and sustainability of the residential community. Its wider impact on the amenity in terms of what was or would be offered to residents, rather than the student market, within Durham City underlined that this application would continue the process of significantly tipping the balance sought by both the NPPF

and by the Council's own policies for sustainable and balanced communities and the protection of existing amenity.

The Community Association requested that the application be rejected, or at the least deferred, until a full community impact assessment reflecting the Saved Policies and the NPPF was undertaken.

Ms M-L Milliken of the Banks Group addressed the Committee. Ms Milliken informed the Committee that the applicant supported the planning officer's report, which contained a robust assessment of the proposals and confirmed that the development was appropriate on the Mount Oswald site. This was reinforced by the positive recommendation contained within the report.

The Banks Group was a family-owned employer, established over 40 years ago in County Durham and was experienced in bringing forward a wide range of property and energy projects, such as on the Mount Oswald scheme.

As made clear in the planning application statement, there was a clear, identified need for further student accommodation within the Durham City area. The applicant considered Mount Oswald to be the most appropriate, logical and sustainable location for this, as it was situated adjacent to the existing University campus. The site currently benefitted from good connections to Durham City Centre, however connectivity would be further enhanced by the proposals, through the provision of a new pedestrian route along Mill Hill Lane, to form a safe and attractive alternative to South Road.

The new route had the full support of Durham University.

The applicant had worked proactively with the Council throughout the development process, to ensure that the proposals were acceptable from a technical perspective, including landscape, heritage, highways, flood risk and ecology. Notably, the Council's Landscape Officer considered the proposals to be sympathetic in their scale and massing to the local context.

Fundamentally, the application was a different type of student accommodation to other types being proposed around the city centre. The development would be collegiate in style and would include different accommodation types, including flats and town houses.

This was an excellent opportunity to provide the high quality student accommodation that the City needed, in a logical and sustainable location.

Ms Milliken asked the Committee to support the Planning Officer's recommendation and grant approval of the application.

The Senior Planning Officer responded to the issues raised during the presentations.

Section 106 contributions for a development needed to be specific and supported by Policy. The suggested Section 106 contribution of £250,000 could not be

supported by policy and there was no evidence of how the sum of £250,000 had been arrived at.

Durham Constabulary had raised concerns about the footpath at South Road and these had been accepted by the Council, the applicant and the University and the University was working on a pedestrian superhighway project. This application proposed improved facilities on Mill Hill Lane and this was considered the best way to mitigate the impacts of the development. Any developer only needed to mitigate the impacts of a development.

Provision of a GP surgery on the site had been identified at the outline application for this site and at present there were no plans to bring this forward as part of this application. If future demand for this rose sufficiently then the Council would have the opportunity to take this up with the applicant.

Councillor Clare made reference to the tipping point of 20% in Council Policy, which this development would take over that tipping point. Councillor Clare referred to the issue of prematurity and suggested the application may be deferred pending the production of a community impact statement to assess the community damage from it.

The Senior Planning Officer responded that there could be no argument regarding prematurity because there was no County Durham Plan. He was unaware of any current Policy which referred to a tipping point of 20% and added that Policy 32 in the withdrawn County Durham Plan carried no weight. He was not aware whether a community impact statement had ever been done for student accommodation, what the scope of such an assessment would be, and which in any event was not a validation requirement.

Councillor Clare requested that the site location plan be displayed. The area for the proposed development was near to many Colleges at the University. If an area was to be identified to expand student accommodation then this was just as good a location as any. However, the site directly abutted residential accommodation and Councillor Clare requested that at the reserved matters stage measures were taken to ensure a seamless dovetailing from residential into student accommodation. Councillor Clare informed the Committee that he was minded to approve the application.

Councillor Nicholson informed the Committee that his concerns regarding pedestrian access had been addressed. Durham University was a world class facility and this was an ideal location for the expansion of purpose built student accommodation. Councillor Nicholson **moved** approval of the application.

Councillor Wilkes informed the Committee that he accepted this was one of the better locations in the Durham for student accommodation and there was a need for such accommodation. The site for the proposed development had originally been identified for up to 25 houses but now an 850 bedroomed accommodation was proposed on top of the 1,000 bedroomed student accommodation approved nearby, with no extra money to help in the location to provide needs such as shops or a GP surgery.

Although improvements were proposed on Mill Hill Lane, pedestrians would then emerge onto Elvet Hill Lane and South Road, none of which was being mitigated. The footpath along South Road was only wide enough for two pedestrians and Councillor Wilkes asked where the funding was to mitigate this aspect of the proposed development.

Councillor Taylor congratulated the Planning Officer on his report, which addressed the areas of concern which had been raised. The location of the proposed student accommodation was ideal and Councillor Taylor **seconded** approval of the application.

Councillor Shield informed the Committee that he had considered the presentations by the local Member and Mr Doig. While the NPPF was an overarching Policy document he considered that Policy H16 of the City of Durham Local Plan should also be afforded weight. This application would result in a community imbalance and no community impact assessment had been carried out. Mr Doig had referred to NPPF Policies which were not included in the Officer's report. Councillor Shield could neither support approval of the application, nor could he vote against the application and requested that it be deferred pending a community impact assessment.

The Senior Planning Officer clarified that Policy H16 of the City of Durham Local Plan could still be afforded significant weight, and that the development plan remained the starting point for decision making in this instance.

Councillor Tinsley considered the site to be the correct location for the expansion of University accommodation and that the University was a significant part of the character of the area. He considered the proposed Condition 3 of the permission, that no part of the development shall exceed a four storey height, to be significant. He welcomed the additional funding which was being proposed for the Park and Ride facility and accepted that any payments needed to be both necessary and relate to the development.

Councillor Wilkes considered that the application was in breach of NPPF Parts 4, 7 and 8 and Policies H16, T1 and Q8 of the City of Durham Local Plan and should be rejected or deferred pending an impact assessment.

Upon a vote being taken it was

Resolved:

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

- A financial contribution of £129,260 to increase bus capacity on the Park and Ride Scheme
- A voluntary scheme of targeted recruitment and training for the construction phase

and the conditions contained in the report.

b **DM/16/01129/VOC - Flatts Farm, Toronto, Bishop Auckland**

The Committee considered a report of the Senior Planning Officer regarding the following applications:

- i) Variation of conditions no.2 (approved plans) of planning approval DM/15/00110/FPA (re-development to allow the staging of historical show) to allow changes to site layout, and design of buildings, and condition 13 (restriction of access) and removal of condition no. 9 (car park opening times) at Flatts Farm, Toronto, Bishop Auckland;
- ii) Change of use of land to temporary event parking (1,400 spaces) including coach drop off area and associated infrastructure and formation of pedestrian access to main event site on land to the east of Red Barns and North of A689, Addison Road, Toronto, Bishop Auckland;
- iii) Change of use of agricultural land to ecological mitigation provision Walsh Site at the site of the former brickworks, North of Barrington street and A689, Toronto, Bishop Auckland;
- iv) Change of use of agricultural land to ecological mitigation provision on land at Newton Cap to the south of Waterside Cottages.

(for copy see file of Minutes)

S Pilkington, Senior Planning Officer, gave a detailed presentation on the applications which included a site location plan, aerial photographs, views across the event site, a view of the modified access, views of access into and the parking layout at the Colliery Fields site and the approved and proposed masterplans.

The Senior Planning Officer informed the Committee that an additional four letters of objection had been received but had not raised any new areas of objection that the report did not already cover.

A document pack which had been supplied by objectors and included a map of the Colliery Field Car Park area, letter dated 23 June 2017 from Richard Buxton solicitors and a 'Salient Facts' sheet about The Shield's Car Park had been circulated to Committee Members in advance of the meeting and hard copies were available at the meeting (for copy see file of Minutes).

The Senior Planning Officer informed the Committee that the contents of the letter from Richard Buxton had been considered and officers were of the view that there was sufficient information to assess the environmental impacts of the applications.

Mr J Wilson addressed the Committee to object to the application. Mr Wilson informed the Committee that the residents of Toronto were dreading this season's Kynren event and showed a video to the Committee of traffic exiting the Colliery Field Car Park after an evening staging of the event.

Ms T Pemberton, on behalf of local residents, addressed the Committee to object to the application for the Colliery Fields car park.

The video which had been shown to the Committee was illustrative of the operating conditions of the Colliery Field car park during the staging of last year's Kynren events, because this was a retrospective planning application. When the video was taken last year there had been up to 900 cars on site and it gave a useful sense of

what local residents had put up with and already experienced. This application was for up to 1400 cars on the same site, which was half as many again as last year.

The saved Wear Valley Local Plan at Policy TM1 stated that tourist schemes would be supported where the scale of the development did not affect the amenities of local residents. The video shown demonstrated that the amenity of local residents was already being adversely affected.

The nearest house was some 34 metres to the road and 40 metres from the car park exit. As a comparison, the distance to the back of the Chamber in which the meeting was being held was some 20 metres.

It was misleading for the report to state that at the worst case scenario noise levels from the car park would not disturb sleep because this is already happening. Last Saturday night the Colliery Fields car park had been used by 341 cars out of a potential 1400, yet couldn't be emptied before 12.10 a.m., with traffic management being noisily tidied away after 1 a.m.

While some efforts to address the issue of traffic seemed to have been made, for example the main road has remained open for through traffic and temporary traffic lights used during events. However, the temporary traffic lights resulted in traffic stopping and accelerating more often and this resulted in increased noise and fumes.

There was an element of chaos and confusion, including:

- the temporary traffic lights not working
- a car turned right into wrong lane
- a car turned right from the main road into the exit lane of car park
- cars performing U-turns in the main road and exceeding the speed limit.

This was an EIA Development and the Council was required to ensure that all the environmental effects likely to arise from the proposal were assessed before development consent was granted. The environmental statement and other environmental information relating to this proposal was inadequate and failed to assess the environmental harm for any resident living in areas of Toronto near to the car park exit and the bypass road.

Advice received from Richard Buxton, Environmental and Public Law, was that unless the Council effectively regularised the anticipated operations including the requirement for further environmental information then it would be acting unlawfully in granting permission and that injunctive relief may be necessary to prevent the use of the car park at Colliery Fields.

Ms A I Dauton, on behalf of Eleven Arches, addressed the Committee in support of the application.

Eleven Arches was a registered charity with the objective to produce a world class historical show which added a national tourist destination to the region that delivered tangible, measurable, significant social and economic impact.

On 2 July 2016, Eleven Arches produced and presented the first season of 'Kynren an epic tale of England', an open-air summer spectacular on monumental scale. Orchestrated by a 1,500 volunteers, Kynren offered an enthralling family entertainment for all ages.

The site was purchased by the Auckland Castle Trust in 2012 to provide a seamless addition to the castle experience to a wider audience, away from the historically and ecologically sensitive setting of the Park itself. Eleven Arches was set up as a sister charity to Auckland Castle Trust to further the development of the site, and support the creation of an international tourist destination in Bishop Auckland.

Eleven Arches' mission was to produce Kynren as a world-class show, to be a trip attractor which encouraged overnight visits to County Durham and brought tourism-related expenditure, capital investment and jobs. It was overnight visitors who made a significant difference to the regional economy. While day trippers typically spend £19 per day, overnight visitors were likely to spend £157, a driver for the creation of jobs. Offsite tourism expenditure around Kynren was expected to be in the region of £4.75million per annum, and that would be compounded by what was spent at other attractions when visitors built a short or long-stay around the show.

In the inaugural season more than 100,000 tickets were sold with 23% of visitors coming from outside the North East. Visitors came from all over the UK and all over the world, including the USA, China, South Africa and the Middle East. In 2017, 17 shows would be staged with an expected footfall of 136,000 and 18 shows were planned for 2018 and beyond, attracting up to 144,000 visitors to Bishop Auckland each season.

Kynren was not-for-profit. As a registered charity Eleven Arches was committed to education and community development and endeavoured to professionally train all volunteers in the key skills needed to produce a world-class show to ensure its longevity for decades to come. Based on extensive research commissioned after the first season, over 85% of volunteers felt they had developed new skills thanks to their Kynren experience.

Kynren had given its volunteers a sense of belonging and an appreciation of the importance of being part of a community. Volunteers felt great pride in what had been achieved through Kynren, both on and off stage, and their contribution to creating a better future for Bishop Auckland.

Kynren was created thanks to an initial £35m investment, funded entirely by charitable donations, used for the infrastructure of the site and the show area, and creating, producing, operating and marketing the show in its first year.

From 2017 onwards, Kynren operated on the previous year's proceeds. Profits from tickets and merchandise sales flowed back to the charity to reinvest in the show and keep it at its best. However, there was a need to continually increase the skill level for volunteers to make the show the success it must be. There was a critical need for additional funds to train more people in more skills each year, to

create extraordinary with ordinary people and to sustain the long-lasting social and economic regeneration loop.

In 2016 the community around Bishop Auckland made history and it now thrived on its renewed sense of belonging, pride and purpose. Kynren was truly an inspiration for participants and visitors alike. The backstage of Kynren showcased a vibrant community with a soul, humility, positivity, warmth, dedication and professionalism. Eleven Arches had delivered the first stepping stone of a bold and unconventional regeneration mission in the North East, an example of a work of arts underpinned by an innovative and engaging education and community development programme.

The Senior Planning Officer informed the Committee that Environmental Health Officers had visited the site and considered the cumulative impact was no greater than through the original planning approval. Complaints of statutory noise nuisance had been investigated and had been determined not to be so. The noise generated through the show itself was lower than anticipated at the original planning application.

Councillor Wilkes asked what the proposed s106 payment of £307 per event was for and asked why, when the event had been staged last year, it had taken until the second season of the event to commence before this application was brought to Committee.

The Senior Planning Officer replied that the s106 payment of £307 per event replicated that which was included in the original planning application and was for traffic and enforcement costs. It was regrettable that the application had taken so long to be brought to Committee but there had been a lot of changes to the masterplan which included on-site grazing. Work had taken place to provide optimum solutions at other sites.

Councillor Taylor informed the Committee that both sides in the presentations had spoken passionately. Kynren had been a wonderful event to date and Ms Daulon seemed to be offering discussions with the objectors to address their concerns. Councillor Taylor hoped some agreement could be reached. He did not consider the video shown by the objectors to truly reflect disturbance caused by traffic because it had been taken at the roadside and not from a house.

Councillor Shield considered the impact on local amenity against Local Plan saved Policies and considered the application was in breach of Policy TR1 which stated that schemes which provided tourist facilities should have adequate parking facilities and Policy GD1 which stated that new development should not cause significant pollution to the environment in terms of noise pollution and not create unacceptable levels of traffic which would exceed the capacity of the local road network.

Councillor Clare informed the Committee that Paragraph 98 of the report acknowledged the conflict with Local Plan Policies, including GD1, but this issue had been considered when the original planning application was made and approved because the benefits of Kynren were considered to outweigh the negatives.

Councillor Clare did not consider that the retrospective changes significantly changed the original planning permission to now make it unacceptable. Referring to noise pollution, monitoring had been carried out by Environmental Health Officers which confirmed that noise levels generated at the shows were below those anticipated in the consideration of the original planning application and as specified in the event licence. The issue of noise from car parks was addressed in paragraph 121 of the report which stated that Environmental Health Officers had investigated complaints received during the first shows last year and had concluded that a statutory nuisance had not arisen.

Councillor Clare informed the Committee that he found it difficult to decide about light pollution from cars leaving the car park and whether the proposed landscape buffer would screen out most of the direct light.

Councillor Clare referred to the objectors stating there was inadequate Environmental Impact Assessment of the application and that if the Committee proceeded to determine the application on the basis of the report then it would be acting unlawfully. If the Committee was given an assurance that this was not so, then Councillor Clare considered that the application should be considered as the original application was, that is by weighing the negative impact of the application against the many positive benefits to the local community.

In reply to a question from Councillor Bell, Councillor Tinsley confirmed that the Colliery Fields car park had been used since the event started last year.

Councillor Richardson considered Kynren to be a successful event and an attribute to the County, which brought in tourists and contributed to the local tourism industry.

Councillor Tinsley informed the Committee that the principle of a large scale visitor attraction in the area had been established. He considered that the event organisers had tried to mitigate disturbance caused by it through staging events at different times where possible and also by using lighting for the car park which was mains connected and therefore did not have generators. Car parking provision in Bishop Auckland Town Centre had been increased. Councillor Tinsley asked what assessment had taken place on residential noise receptors.

The Senior Planning Officer replied that Environmental Health Officers had visited the site and provided an informed narrative on noise at the site. A specific noise survey would not add to this. Environmental Health Officers considered that the movement of traffic on the bypass road would be the dominant noise source.

D Wafer, Strategic Traffic Manager informed the Committee that the traffic management plan which had been agreed for last year's event had changed for this year. Last year the bypass road had been closed but this year it remained open. Traffic management for the event was reviewed on an event by event basis. There were no highway safety concerns about entering and exiting the event.

D Taylor, Property, Planning and Projects Legal Manager advised the Committee that the letter from Richard Buxton which had been submitted by the objectors suggested that this was an EIA Development and as such the Council must ensure that all environmental effects likely to arise from it were assessed before consent was granted. Officers had been satisfied that there was sufficient information available to make a determination on the application. The issue of retrospective planning permission in respect of an EIA Development was covered at Paragraph 146 of the report, and it was suggested that in these applications the applicant argued that 'exceptional circumstances' applied because of the need to undertake work retrospectively to facilitate the delivery of the show and to secure the wider social and economic benefits.

Moved by Councillor Tinsley, **Seconded** by Councillor Richardson and

Resolved:

- (i) That application DM/16/01129/VOC be approved subject to entering into a section 106 legal agreement to secure the provision of :
 - An annual parking contribution of £4340 towards the administration of traffic and parking measures associated with the events.
 - A Parking contribution of £307 per event.
 - The implementation of applications DM/17/01800/FPA and DM/17/01802/FPA to deliver ecological mitigation.
- and the conditions contained in the report.
- (ii) That application DM/16/01134/FPA be approved subject to the conditions contained in the report
- (iii) That application DM/17/01800/FPA be approved subject to the conditions contained in the report.
- (iv) That application DM/17/01802/FPA be approved subject to the conditions contained in the report.

c DM/15/03019/OUT - Land On The North East Side Of Cross Lane, Sacriston

The Committee considered a report of the Senior Planning Officer regarding a hybrid application for outline development of 3.8ha of land (approximately 116 dwellings) (all matters reserved) and full planning application for the erection of 84 dwellings with associated access, infrastructure, landscaping and car parking and access (amended description) on land on the north east side of Cross Lane, Sacriston (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph, site photographs, detailed and indicative layouts and proposed house types. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

The Senior Planning Officer informed the Committee that one additional letter had been received which expressed concerns at the number of housing units proposed.

Mr A McVickers, agent for the applicant, addressed the Committee.

It was important in order to meet current and future housing needs that residential development continued to be brought forward and delivered across the region within the interim period during which the Emerging County Durham Plan was being progressed.

Despite the National and county wide objective of boosting significantly the supply of housing it was also equally important that on a local level the right sites, which were appropriate and sustainable in nature, came forward to form the housing supply. This was of greater concern in light of the current 5 year housing land supply position increasing the potential for speculative applications on less sustainable sites.

The applicant felt it appropriate to bring forward this application ahead of the emerging plan as through evidence based documents such as the Strategic Housing Land Availability Assessment and Sustainability Appraisals, which remain as material considerations, the Council highlighted this site as a suitable and sustainable development site unconstrained by greenbelt designation, which should come forward in the short term.

The application site was identified as part of a wider site incorporating land parcels to the north as a draft housing allocation for circa 370 dwellings within the submission version of the former County Durham Plan. This application, in light of the Plan's revocation, sought to deliver approximately 50% of these dwellings as a conscious effort to strike a balance by proposing what the applicant believed was a suitable scale of development for the site in the current Local planning policy climate.

The scheme proposed the delivery of 200 new homes providing an excellent range and choice of 3 and 4 bed properties ranging from 739sq.ft up to 1,275 sq.ft ensuring that the development would meet the housing needs of a wide range of the market whilst also providing onsite, a full policy compliant 15% affordable housing provision.

The hybrid approach to the application of securing 84 dwellings in detail with a further 116 in outline had been utilised to grant greater flexibility in the housing mix for later phases to allow the applicant to more easily reflect market demands in the type and size of homes proposed in the later phases through Reserved Matter applications rather than having to vary the existing permission. The incorporation of an 84 unit detailed element to the application represented the applicant's commitment to develop the site by facilitating the commencement of development as early as possible.

Throughout the planning application process the applicant had worked closely with the planning officer to address any and all issues and concerns that had arisen from local residents, statutory and internal consultees. Amendments to the house type

selection and site layout had resulted from these discussions ensuring that the development was of a high design quality which would deliver a visually attractive housing scheme set within a legible site layout and green infrastructure framework. Further to this the applicant had provided additional assessments in regards to Air Quality, Noise, Transport, Drainage and Ecology to guarantee that the application fully assessed and mitigated against all impact receptors, such that there were no outstanding objections from any internal or statutory consultees and therefore confirming that there were no technical reasons why the application should not be approved.

In accordance with the National Planning Policy Framework the application should be considered in the context of the presumption in favour of sustainable development. The development did not result in any adverse impacts which would significantly and demonstrably outweigh the benefits listed by the case officer within his report nor were there any specific policies within the NPPF that indicated development should be restricted. As such the applicant requested that committee members support the officers' recommendation to approve this application such that the benefits of the development could be realised.

Councillor Clare informed the Committee that he considered the development would have a residual landscape harm. However, there was insufficient to refuse the application in light of the strategic housing land availability assessment and the planning officer's recommendation. Councillor Clare **moved** approval of the application.

Councillor Wilkes informed the Committee that areas near to the site had experienced extreme flooding incidents and hoped that the mitigation proposed was sufficient. Councillor Wilkes also asked whether there was any provision proposed for public art from the application.

Councillor Shield considered that the application should be considered under NPPF Part 14 and in **seconding** approval of the application added under the previous spatial policy the site was considered to be outside the settlement boundary for Sacriston.

Councillor Richardson informed the Committee that he could not support approval of the application due to the resulting loss of agricultural land.

Councillor Tinsley informed the developer that he was disappointed with the hybrid nature of the application which could result in some of the site being developed and some not.

The senior Planning Officer, in responding to Councillor Wilkes, informed the Committee that drainage proposals for the site had been considered suitable by Drainage and Coastal Protection. Additionally, the need for a scheme for the provision of public art on the site was included at Condition 18 of the permission.

Upon a vote being taken it was

Resolved:

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

- 13 on site affordable units in phase 1.
- 15% on site affordable housing units on phase 2.
- £200,000 towards open space and sporting provision within the Electoral Division.
- Provision of pedestrian/cycle multi user route to Brookside/Morningside Close.

and the conditions contained in the report.

d DM/17/00713/FPA - Maiden Castle Sports Centre, Graham Sports Centre, Maiden Castle, Durham, DH1 3SE

The Committee considered a report of the Senior Planning Officer regarding an application for the reconfiguration and resurfacing of three sports pitches including the erection of associated floodlight columns and enclosures, hard and soft landscaping, and revised access arrangement and car park layout at Maiden Castle Sports Centre, Graham Sports Centre, Maiden Castle, Durham (for copy see file of Minutes).

A Inch, Team Leader, Strategy Team gave a detailed presentation on the application which included a site location plan, site photographs, existing site plan and proposed masterplan.

The Team Leader informed the Committee that since the publication of the report there had been a dialogue with Environmental Health Officers which had resulted Condition 3 being withdrawn. There were also amendments proposed to Conditions 4 and 5 to allow and agree a phased approach.

Mr Q Sloper of Durham University addressed the Committee in support of the application.

Durham University was a world class university and was within the top 100 universities in the world. It was the only university within County Durham and it did not underplay the value of sports, which were part of the wider student experience. The existing facilities at the site were at full capacity and did not meet the demands of the existing College and University Sport programme. The enhanced sports facilities would benefit both the University and the wider community, with the Centre already a sports hub. The proposal would enable the site to remain in viable sports use and would be a first step to ensuring that the University's facilities are more attractive to host major, external sporting events that would raise the profile of the University, the City and the region.

The site was sustainably located and was accessible from Durham City and nearby University facilities. The proposed development contributed to all three dimensions of sustainable development and would deliver substantial benefits in each area. The improved facilities would contribute to supporting the sustainable growth and student experience of the University by providing improved facilities and would also enable the site to become more accessible and available for the wider community

The proposed development was an appropriate development in the green belt and solely related to the reconfiguration and upgrade of three of the existing pitches with associated landscaping, access and reconfigured parking.

Councillor Richardson **moved** approval of the application.

Councillor Wilkes expressed concern that the proposal involved the removal of 56 mature trees which would have an impact on visual amenity. Councillor Wilkes hoped that any trees planted under the application would be of a significant size.

Seconded by Councillor Taylor and

Resolved:

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