

## **DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 5 December 2017 at 1.00 pm**

### **Present:**

**Councillor J Robinson (Chairman)**

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

Councillors A Bell, J Clare, I Jewell, L Maddison, H Nicholson, G Richardson, A Shield and F Tinsley (Vice-Chairman)

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

Apologies for absence were received from Councillors Hicks, Laing, Simpson and P Taylor.

#### **2 Substitute Members**

There were no substitute Members in attendance.

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

There were no declarations of interest in relation to any item of business on the agenda.

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

The minutes of the meeting held on 9 November 2017 were confirmed as a correct record and signed by the Chairman.

#### **5 DM/16/03958/OUT - Land to the South East of Stewart Drive, Wingate, TS28 5PS**

The Committee considered a report of the Senior Planning Officer regarding an outline planning application with all matters reserved (other than access) for the erection of up to 20 dwellings and associated infrastructure on land to the south east of Stewart Drive, Wingate (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site photographs and an indicative layout. A habitat mitigation area was proposed to the south of the site. The proposed access onto Wellfield Road had been approved under the extant planning permission and highways mitigation works were proposed at the A181/A19 junction with traffic signals on the junction of Wellfield Road with the A181.

Councillor Robinson reported that the local Member, Councillor L Taylor, had sought clarification on two areas, whether there had been a response from the Wingate Parish Council and whether any further response had been received from Northumbrian Water. The Senior Planning Officer replied Northumbrian Water had reiterated there was sufficient capacity within the sewerage network for the development. It was not intended for surface water from the site to feed in to the Northumbrian Water network. Wingate Parish Council had been consulted on the application but no response had been received.

Councillor L Taylor, local member addressed the Committee to object to the application. Councillor Taylor questioned whether there was any demand in Wingate for such a development, where there were already 138 houses either for sale, to let or empty. A consent had been granted in August for the construction of 6 houses, of which only 2 had been sold and 4 were boarded up. This application, together with the extant permission for 161 dwellings, would result in an additional 412 new houses in Wingate.

Councillor Taylor considered that such a development would create traffic problems and bring additional traffic onto Wellfield Road, which the A181 bypass had been constructed to alleviate. Councillor Taylor expressed doubts at the practicality of local schools being able to expand to accommodate the predicted additional pupils and also expressed concern at the ability of local GP surgeries to accommodate additional patients. The village of Wingate had few amenities, with no bank and only one small supermarket, and only an hourly bus service.

Councillor Taylor informed the Committee that local people still had concern about the ability of the sewerage system to accommodate the proposed developments and had yesterday received a communication from a local resident who was experiencing sewerage flowing into his garden.

The Senior Planning Officer replied to the issues raised by Councillor Taylor. The applicant had considered methods for extending local schools, and the problem particularly related to the infant school site. However, the applicant had demonstrated that the school accommodation could be extended to accommodate additional pupils. Referring to the capacity of local GP surgeries, the NHS had been consulted on the application and no capacity issues had been identified. Northumbrian Water had confirmed that there was sufficient sewerage capacity in the area to manage the development.

J McGargill, Highway Development Manager informed the Committee that the development would generate traffic. Mitigation was being proposed for the A181/A19 junction and it was estimated that 80% of the traffic from the development would travel to the A181 rather than through the village. 20% of traffic from the development would travel towards Wingate and Salters Lane which would equate to approximately 30 vehicles.

Mr M Earle, agent for the applicant, addressed the Committee. The NPPF supported sustainable development and there was an overall need for housing, with the Council being unable to demonstrate a 5 year housing land supply. This was a

sustainable development which was supported by the Council's planning officers and the application was a result of lengthy pre-application discussions.

Wingate was a tier 2 development and was capable of accommodating growth. The application brought with it a raft of s106 contributions to ensure the infrastructure was delivered. These included a £715,000 primary education contribution and £160,000 for improving the public rights of way network in the area. The construction value of the development was in the region of £51m and the development would have a gross spend power of over £105,000 per week.

The development also brought with it significant environmental and social benefits with a number of accessibility upgrades to the Public Right of Way and links to the site.

The proposed development could be readily accommodated and there were no outstanding objections from statutory consultees. Mr Earle asked the Committee to approve the application.

Councillor Tinsley informed the Committee it was clear that, with 80% of the traffic from the development estimated to use the A19, very few residents would be involved with Wingate. The application needed to be considered on its merits. There was no development plan for the area and the application needed to be considered under NPPF14 and whether the impact of the development outweighed the benefits.

The benefit of the development would be that it would provide significant housing in the area, however Councillor Tinsley considered that the development would be of no benefit to Wingate. Councillor Tinsley considered that the following seven issues outweighed the benefits:

- this development together with the extant scheme would result in a 20% increase in the size of the settlement of Wingate which was an explosive increase. Councillor Tinsley queried how local services would accommodate this expansion.
- the development was a significant distance from Wingate, as outlined at Paragraph 91 of the report.
- this would be a car dependent development and this put into doubt whether it was a sustainable development.
- the landscape impact of the development. If permission for this development was approved and the extant scheme to the north did not proceed, this development would have a significant visual impact. The proposed planning permission contained a Grampian condition at Condition 4 that no development should commence until the highway infrastructure approved under the extant permission had been fully implemented. While this Condition addressed the issue of access to the site. Councillor Tinsley considered that the Condition should be strengthened to ensure there was a significant level of build out on the north site before development could commence on this site. This would also ensure the development was phased and therefore any impact on Wingate would also be phased.
- concerns about provision of GP services in the area.
- the loss of agricultural land was a concern.

- concern about the provision of education, particularly at nursery and infant level.

Councillor Tinsley informed the Committee that this and the extant permission was a huge development for Wingate, the likes of which it had never experienced in such a short time. He proposed that if permission was granted the Grampian condition should be amended to include a significant element of development on the north site before construction commenced, and suggested that this be 50 dwellings.

Councillor Robinson informed Councillor Tinsley the Planning and Development Solicitor had advised that the proposed Grampian condition would be acceptable. The Senior Planning Officer added that if the amendment to the Grampian condition addressed the concerns of the Committee then the introduction of a 50 dwelling construction on the north site would not be a problem.

Councillor Jewell asked what the percentage increase this and the extant permission would be on properties in Wingate and whether there was any guidance on what an unreasonable percentage increase would be. Councillor Jewell also asked about the results of the market research on viability of the development.

Councillor Richardson informed the Committee that he had never heard such a damning report from a local Member on a planning application. He considered the proposed development to be too big and not necessary. Councillor Tinsley had covered many salient points and Councillor Richardson was finding it difficult to support approval of the application.

The Senior Planning Officer informed that Committee that the report at Paragraph 89 highlighted that, taking into account the extant consent, the erection of an additional 250 dwellings would increase the settlement of Wingate by some 18%. There was no hard and fast rule about what was considered an excessive growth in a settlement, but for this application there was nothing to show that the facilities and infrastructure could not cope.

Mr Earle informed the Committee that the services hierarchy to Wingate had been considered when the application was being prepared. As long as local services could accommodate the development, then the development should be acceptable. The applicant would generally be accepting of the proposed Grampian condition, which already applied to the road to the boundary of the site. The provision of GP services was for the NHS to consider, but no representations had been received. The developer had presented three options for the extension of the infant school which were deemed appropriate by the Council's education officers.

Referring to market research, the developer believed there was a market for the proposed dwellings, otherwise the site would not be developed. A reserved matters application had been submitted for the site to the north and the developer was ready to commence construction on this site.

There had been a low level of public objection to the proposed development. During the consultation event the applicant had distributed 2,000 flyers and the

Council had issued 600 letters of consultation. This high level of consultation resulted in only 8 objections being received.

Councillor Shield, while sympathising with the views presented by the local Member, informed the Committee that these were not unique. Councillor Shield agreed with the issues raised by Councillor Tinsley about the Grampian condition. If the development to the north of this site did not proceed then the application site would be a clear encroachment into the countryside.

Councillor Shield informed the Committee that this application, together with the one to the north, would result in an additional 411 dwellings. If each dwelling brought with it 1.7 vehicles, this would be an extra 700 vehicles accessing onto Wellfield Road or travelling through the neighbouring housing estate, which could cause problems of queuing traffic turning right onto wellfield Road. However, there were no statutory or internal objections to the development and NPPF14 promoted the presumption in favour of sustainable development. Councillor Shield **moved** approval of the application, subject to the strengthening of Condition 4.

Councillor Bell informed the Committee that he had concerns whether this was a sustainable development as the location of it would mean the residents were reliant on their cars.

Councillor Robinson agreed with Councillor Shield in that when he had visited the site he had experienced delays turning right. Councillor Robinson asked whether any of the significant s106 primary education contribution of £715,000 would be paid up front.

The Senior Planning Officer replied that there was a requirement for some elements of the contribution to be front-loaded to ensure capacity when the development commenced.

Councillor Clare informed the Committee that Councillor Richardson had summed up the issue of objection to the proposed development, that it was too big and was unnecessary and asked to what extent these to grounds for refusal would be valid should the applicant appeal. Although he accepted that there may be empty houses in Wingate and also houses for sale, these were never accepted as valid planning reasons for refusing an application. A statement had been provided by the applicant to state that the development was economically viable and highways considered the development would be acceptable with mitigation. The NHS had not raised any issue about the provision of GP services and drainage and coastal protection officers considered the development to be acceptable subject to Condition.

Wellfield School would benefit from more pupils attending and mitigation was proposed for primary schools. Paragraphs 57 and 120 of the report referred to the protection of future residents from noises sources and it was important that this took place. Councillor Clare **seconded** approval of the application subject to the strengthening of the proposed Grampian condition, that 50 dwellings on the north site be constructed before construction commenced on this site.

The Senior Planning Officer reminded the Committee that under NPPF Part 14 there was a presumption in favour of sustainable development unless its adverse impacts would significantly and demonstrably outweigh the benefits. Mitigation had been proposed for the identified harm from this development and there was not significant harm to warrant refusal. Wingate had been identified as a Tier 2 settlement because of the facilities it had. The NHS generally only responded to consultation when capacity issues were identified, although this tended to refer to infrastructure rather than staffing. The proposed Condition 14 dealt with a noise mitigation scheme.

Councillor Nicholson informed the Committee he had attended the site visit and agreed with what had been said in the meeting. He could not go against the recommendation of the planning officer.

Councillor Tinsley informed the Committee that he wanted the best for Wingate and its development over the next 20 years. He had concerns about the explosive growth and impacts on the landscape should the extant permission to the north not proceed. Therefore there needed to be significant development on the site to the north before this development could commence. This would also allow for greater phasing of the development. If the Committee was to refuse the application there was a potential the Council would lose any appeal and the s106 contributions would be lessened.

Councillor Shield added that as well as the proposed amended Grampian condition to include the construction of 50 dwellings on the site to the north, there needed to be connectivity between the north and the south of that site. Councillor Maddison agreed with Councillor Shield to ensure there was no lack of maintenance between the two sites.

The Senior Planning Officer suggested that Condition 4 of the approval could be amended to:

'No development shall commence until *50 dwellings and* the highway infrastructure approved under planning applications CE/13/01568/OUT and DM/17/03229/RM has been fully implemented *constructed*, this shall include internal public highway roads, vehicular and pedestrian links to Martindale Walk, Wellfield Road (as per plan C001 rev C) and pedestrian/cycle links onto the Haswell Hart walkway.'

Councillor Shield added that connectivity between the north and south also needed to be included.

Upon a vote being taken it was

**Resolved:**

That the application be approved, subject to the amendment of Condition 4 following consultation with the Chairman and Vice-Chairman of the Committee.

**6 Highway/traffic implications of Planning Applications - Presentation by Highway Development Manager**

The Committee received a presentation from J McGargill, Highway Development Manager which outlined the procedures undertaken when considering the highways implications of planning applications.

Councillor Clare thanked the Highway Development Manager for his presentation, which had provided the Committee with a greater understanding of the process.