

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 26 October 2017 at 1.00 pm**

Present:

Councillor I Jewell (Chairman)

Members of the Committee:

Councillors H Bennett, O Milburn, J Robinson, A Shield, L Taylor, K Thompson, S Wilson (Vice-Chairman), S Zair, A Bainbridge, D Bell, L Boyd, M McKeon and M McGaun

Apologies:

Apologies for absence were received from Councillors A Hopgood and J Shuttleworth

Also Present:

Councillors J Brown, J Carr and W Stelling

1 Apologies for Absence

Apologies for absence were received from Councillors A Hopgood and J Shuttleworth.

2 Substitute Members

Councillor L Brown substituting for Councillor A Hopgood.

3 Minutes of the Meeting held on 28 September 2017

Minutes of the meeting held 28 September 2017 were confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest (if any)

Councillor A Shield as a former Board Member of the Durham Villages Regeneration Committee declared a previous prejudicial interest in Item 5(a) DM/17/02799/FPA Land to the south of Palmer Road Dilton. He further declared non-prejudicial interest in Item 5(b) DM/17/02609/FPA Land to the north east of 13 Dunelm Close, Leadgate as he was the local divisional member.

Councillor O Milburn as a former Board Member of the Durham Villages Regeneration Committee declared a previous prejudicial interest in Item 5(a) DM/17/02799/FPA Land to the south of Palmer Road Dilton.

Councillor I Jewell declared non-prejudicial interest in Item 5(a) DM/17/02799/FPA Land to the south of Palmer Road Dipton as he was the local divisional member.

5 Applications to be determined by the Area Planning Committee (North Durham)

The Chairman advised that the items of business would be heard in the following order; 5c, 5a, 5b.

- c DM/16/03715/FPA - Land to the South of 1 Boyd St, Delves Lane, Consett**

The Committee considered a report of the Senior Planning Officer regarding the demolition of existing buildings and erection of a Lidl store (Use Class A1) with associated car park and landscaping (for copy see file of Minutes).

The Team Leader – Strategic Team provided a detailed presentation which included photographs of the site and plans of the proposed layout. It was noted that the application had been deferred from the last meeting to enable further discussions to take place regarding options for the retention of the entrance archway to the former Victory Pit. He reported that following discussions between Lidl, Elected Members and Officers, it had now been agreed that the front façade of the archway be retained, but located in a new position on site. He proceeded to run through the material changes in the report and conditions.

Councillor J Brown, local member, addressed the committee to speak on behalf of local residents. She reported that she was happy that an agreement had now been reached with Lidl as detailed in Condition 4 and the outcome was exactly what had been hoped for by residents.

She went on to thank Lidl for their extremely positive approach to negotiations and for being so accommodating. She further extended her thanks to Officers. On the basis of the addition of Condition 4 she therefore supported the proposals.

Councillor Shield **MOVED** that the application be approved subject to the conditions as listed in the report.

Councillor Zair **SECONDED** the proposal.

Following a vote being taken it was

Resolved: That the application be **APPROVED** subject to the conditions as listed in the report.

Councillors D Bell, A Shield and O Milburn left the meeting at this point and took no part in the discussion or voting thereon.

- a DM/17/02799/FPA - Land to the south of Palmer Road, Dipton**

The Committee considered a report of the Senior Planning Officer regarding the proposed erection of 56 dwellings including landscaping and infrastructure (re-submission) for copy see of Minutes).

The Senior Planning Officer provided a detailed presentation which included photographs of the site and plans of the proposed layout.

The Chair at this stage asked for questions from the committee.

Councillor Thompson raised a query with regard the county's housing supply and figures stated within the Council Plan. In response the Senior Policy Officer advised that the figure quoted was that drawn from the consultation document. An announcement on the Council Plan was expected very shortly although he acknowledged that the county did have a very good supply of housing at this present time.

The Senior Planning Officer further reported that the county had a target to build 378 affordable homes this year, with a total of 196 being delivered during the period April and September 2017.

Councillor L Brown asked whether the difference between intermediate and affordable homes could be provided. The Senior Planning Officer provided an overview in response.

Further discussion took place regarding the proposed four, 2 bed units which were to be handed over to Karbon Homes.

Councillor Robinson asked whether the covenant issue had been resolved. The Senior Planning Officer advised that this was immaterial and land issues were dealt with separately by legal.

Councillor Thompson asked a further question with regard to maintenance of green areas and whether a condition could be attached to specify that these be handed to DCC for ongoing maintenance. The Solicitor advised that the council wouldn't necessarily want responsibility for the ongoing maintenance. In any event the maintenance of land was unlikely to render the scheme unacceptable. The Senior Planning Officer advised that the scheme would include a 5 year maintenance program.

In referencing the committee's previous decision on the application, Councillor McGaun asked for clarity on the reason for refusal the last time the application was considered. The Senior Planning Officer advised that the previous proposals were refused on the grounds of lack of affordable homes. It was noted that the original application included provision of 8 affordable homes however at the time the application was agreed the legal agreement was not signed and the application was held unapproved by the Council until it was presented again with revised proposals in July 2017.

Councillor Thompson asked whether this type of development would ever be considered for social housing. The Solicitor advised members that it would not be reasonable to ask for 100% social housing on a development of this nature.

The Chairman asked at this point whether an explanation could be given as to why the application with the inclusion of 4 affordable units was now viable for the developer when it had not been previously. The Senior Planning Officer provided an explanation for this and noted that it was positive that the developers had responded well to discussions following the last refusal.

The Chairman then asked Mr Jackson, Karbon Homes to provide an overview of the scheme proposed.

Mr Magee, local resident, addressed the committee to speak in objection to the application. He advised that he spoke on behalf of neighbours and friends who were unable to attend the meeting. He reported that all previous concerns raised or submitted held true and residents remained puzzled as to why the developers would want to develop such a difficult site. Residents were unanimous in their disapproval of the proposals.

He advised that what was required in the village was not housing, but play facilities for children. There was currently no locally equipped play provision. Two previous play sites had now been built upon and the proposed kick about area did not in his opinion meet the requirements of play provision.

In referencing the proposed affordable units he added that the provision of only 4 units which would be sold to Karbon Homes at Full Market Value for rent would not meet the affordable housing need in the area.

Mr I Prescott, Durham Villages Regeneration Company, addressed the committee to speak in support of the application. He advised that there were many benefits brought by the application including; helping the council to achieve its 5 year housing supply, provide much needed play space, biodiversity and economic benefits, including employment. He further advised that the site has suffered flooding, with surface water run-off damaging some properties in the past. The proposed scheme would reduce run off from 23.3 litres per second to 4.4 litres per second.

Mr S Jackson, Karbon Homes, addressed the committee to speak in support of the application. Mr Jackson provided some detail regarding the Homes and Communities Affordable Homes grant (HCA) which had been secured by Karbon Homes to provide four 2 bed affordable rented homes.

The Chairman then asked members for any comments or questions.

Councillor McGaun **MOVED** that the application be **REFUSED** on the grounds of loss of open space and the lack of affordable housing.

The Solicitor advised that financial figures had been submitted and approved by the council and the councils assessments had determined that the scheme would be

unviable should further affordable homes be requested. She did however note that the decision rested with the committee.

Councillor Robinson suggested that the committee may be faced with no option but to approve the scheme on the basis that the previous reason for refusal, had been due to the lack of affordable housing. This scheme had now addressed that issue.

Councillor Thompson **SECONDED** the proposal.

Following a vote being taken the Motion was **LOST**.

Councillor McKeon **MOVED** that the application be **APPROVED** subject to the conditions as listed in the report.

Councillor Wilson **SECONDED** the proposal.

Following a vote being taken it was

Resolved: That the application be **APPROVED** subject to the conditions as listed in the report.

b DM/17/02609/FPA - Land to the north east of 13 Dunelm Close, Leadgate.

The Committee considered a report of the Principal Planning Officer regarding the erection of an agricultural barn (for copy see file of Minutes).

The Principal Planning Officer provided a detailed presentation which included photographs of the site and plans of the proposed layout. She advised that since the report had been written a further letter of objection had been received containing 12 signatures. The concerns raised related to the visual impact of the building on the landscape; construction materials considered to be out of character with the area and storage of equipment proposed not required for the maintenance of the land.

The Principal Planning Officer further advised that should members be minded to approve the application, 2 additional conditions would be required, the first, that the existing fence should be removed and replaced with suitable hedging prior to the commencement of the building and the second, that details of the colour sheet to be used on the building be agreed with officers prior to use.

Councillor W Stelling, local member addressed the committee to speak in objection to the application. He advised that he understood the land to have been sold to Mr Berry for the purpose of community allotments and queried whether the change in use to agricultural had been agreed.

He advised that the existing fence which surrounded the site, installed by the applicant was an eyesore. Animals were currently left roaming around the site and on a number of occasions had escaped and were left roaming the housing estate.

Although he acknowledged that the applicant had significantly reduced the proposed size of the building, it did not detract from the fact that it was ugly and out of character with the area. The proposed materials were unsuitable and he noted the applicants' refusal to agree to planners recommendations of a brick and render building.

Regarding highways issues, he went on to add that the existing hammerhead at the site should be left as it is and could see no reason for the need to drop the curb for what was intended by the applicant.

He went on to refer to policies GDP1, GDP3 and EN26 of the Derwentside District Local Plan and NPPF Parts 4,7 and 11, all of which he felt the application failed to meet. He further noted that no coal mining risk assessment had been undertaken.

In response the Principal Planning Officer advised that the issue of land use was a separate issue and would have to be dealt with outside of planning. She did however note that should the site be used for the purposes of allotments, there could potentially be a number of buildings placed on site.

Mrs S Mower, local resident, addressed the committee to speak in objection to the application on behalf of herself and neighbouring residents.

She advised that since the land had been purchased by Mr Berry there had been an adverse impact upon the residents, including increase in traffic and accessing the building at unsociable hours. The roads were also often covered in dirt and muck from vehicles accessing the site.

The proposed box sheeting was considered to be out of keeping with the area and she could not see why an area of land grazed by animals required machinery such as a quad and mini digger. She further noted that machinery had been used on site at unsociable hours causing disturbance to residents.

In referring to highways issues, she queried the requirement for the proposed access road and noted that the land although not designated for parking had been used for this purpose for many years.

She went to reiterate comments already made regarding the unsightly state of the land. She further noted that animal dung was not regularly removed from site and did during warmer weather, cause a foul smell. Residents of Dunelm Close had also been subjected to shouting and intimidating behaviour from those using the site, some instances of such having being reported to the police. In addition fires had been lit on site and left unattended by the applicant, causing concern and possible danger to others.

Councillor Brown asked whether there were any conditions placed on the land sale. She further noted the state of the site and sympathised with residents for the issues they were facing.

Councillor Wilson asked whether the council would have more control over the operations on site via enforcement action should planning permission be granted with conditions.

Councillor Shield, noted as local member that he had grave concerns regarding the application which included; the adverse visual impact the building would have on the area given its uncharacteristic design. The increase in use of highway and hammerhead due to increased visits to the site by families etc. given its intended use as a hobby farm. He therefore suggested that the application contravened policies GDP1, AG3, EN26 and TR2 of the Derwentside Local Plan and Parts 7 and 11 of the NPPF.

Councillor M McKeon asked whether given the potential covenant issue, the decision should be deferred until those discussions had taken place. The Chair reminded members that this was an issue to be dealt with outside of the planning committee and could not be taken into consideration today.

Councillor Thompson commented that he found the use of a quad bike to be problematic, adding that it did not fit in with the environment and size of land being farmed. He therefore queried whether it could be conditioned as to what was kept in the building. In response the Principal Planning officer advised that this would be covered by Condition 3, which gave the authority enforcement powers to ensure that the authority were satisfied with the contents of the building and that the items were being used for the purposes of maintaining the site.

Councillor Milburn asked whether Highways could offer their views and also asked whether it was known what kind of hedge would replace the fence.

The Principal DM Engineer commented that he too sympathised with residents, recognising that there had been non-legitimate highway use causing conflicts for other road users. He also noted that concerns had been raised regarding the dirt which was being dragged onto the public highway from the site.

He reported that in light of the above Highways Engineers had requested that legitimate access be installed with parking on site for use of the site only. He further noted that the road width was suitable in width for a tractor to pass when cars were parked either side.

Councillor L Brown asked how big of an area the applicant farmed. She also referred to the Allotments Act 1907 and trade use. The Principal Planning Officer advised that the site was approximately 1 acre in size. The Solicitor advised that although an interesting point, the land use was a separate issue to be considered outside of the planning committee.

In response to Councillor Wilson's previous question regarding enforcement, the Principal Planning Officer advised that Condition 4 would ensure that the hours of operation of machinery could be controlled.

Further discussion took place regarding the coal mining risk assessment and it was noted that the condition would only be discharged upon completion of a full coal mining risk assessment.

Councillor Shield therefore **MOVED** that the application be **REFUSED** on the grounds that it contravened policies GDP1, AG3 and EN26 of the Derwentside Local Plan and Parts 7 and 11 of the NPPF.

Councillor Zair **SECONDED** the proposal.

Following a vote being taken it was

Resolved: That the application be **REFUSED** on the grounds that the proposed building by virtue of its appearance, design and materials would be detrimental to the visual amenity, residential amenity and character and appearance of this predominantly residential/urban fringe area contrary to Derwentside Local Plan Policy GDP1, AG3 and EN26 of the Derwentside District Local Plan and Parts 7 and 11 of the NPPF.

Signed.....

Date.....