

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 7 May 2019 at 1.00 pm**

Present:

Councillor J Robinson (Chair)

Members of the Committee:

Councillors A Bell, J Clare, K Corrigan, I Jewell, C Kay, A Laing, G Richardson, A Simpson, H Smith, F Tinsley (Vice-Chair), M Wilkes and S Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors Hawley and Shield.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 2 April 2019 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/18/00379/FPA - Land to the west of Valley Road, Pelton Fell, DH2 2NN

The Committee considered a report of the Senior Planning Officer regarding an application for a residential development of 165 dwellings with associated infrastructure and landscaping on land to the west of Valley Road, Pelton Fell (for copy see file of Minutes).

Members of the Committee had visited the site and were familiar with the location and setting.

S Pilkington, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, illustrated site access point, site layout, proposed junction arrangements, typical elevations and the proposed offsite highways mitigation works in Chester le Street town centre.

The Senior Planning Officer informed the Committee that the proposed level of affordable housing for the development was 15%, which was in line with Policy HP13 of the Chester le Street Local Plan, and not 20% as stated in the recommendation of the report.

Councillor A Bell sought clarification of the location of the proposed signalised junction. Upon being provided with this, Councillor Bell commented that traffic lights were much needed at the junction.

Councillor Richardson asked whether access to the adjacent agricultural fields would be maintained. The Senior Planning Officer replied that the proposed emergency access could also be used for agricultural access and fields to the south of the development would be accessed via other fields.

Councillor Jewell referred to paragraph 57 of the report and the problem of off-road motorcycles utilising the adjacent Congburn Woods and asked whether any contribution towards this problem would be available. He also referred to highways concerns regarding visibility out of the proposed junction.

The Senior Planning Officer replied that any s106 contributions needed to be directly related to the development and that no contribution was proposed to address the off-road motorcyclist's problem. Highways were satisfied with the visibility splays from the proposed junction subject to the proposed access improvement works.

Councillor Wilkes expressed surprise that the application had only attracted 10 letters of objection. The site was already developed along two sides and the land was not green belt. Councillor Wilkes noted that no feedback had been received from the NHS and asked whether there was a capacity issue in the area and also asked whether there was sufficient capacity in local schools to accommodate the development. Councillor Wilkes referred to the proximity of the development to the pond and asked whether there was sufficient distance to protect the great crested newts.

The Senior Planning Officer replied that the NHS had been consulted on the proposed development but no comments had been received. There were two doctors surgeries in the village. The Schools Placement Officer had confirmed there were sufficient primary and secondary school places to accommodate the development. Referring to great crested newts, the Senior

Planning Officer reported that the majority of these were in a larger pond to the south of the development and added that the Council's Ecology Officer had raised no objection to the development.

Moved by Councillor A Bell, **seconded** by Councillor I Jewell and

Resolved:

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

- 15% affordable housing on site;
- £168,251 towards open space and sporting provision within the Electoral Division;
- £35,000 to implement access control measures on the Waldrige Fell SSSI; and,
- £142,219 towards the formation of a dedicated cycle route from Pelton Fell to the C2C route and improved pedestrian links through Congburn Dene to Waldrige Lane.
- The provision of a Targeted Recruitment and Training Scheme

and subject to the conditions contained in the report.

b DM/18/03277/OUT - Land to the west of Davis Crescent, Langley Park, DH7 9UP

The Committee considered a report of the Senior Planning Officer regarding an application for a residential development of 74 dwellings including access with associated infrastructure and landscaping on land to the west of Davis Crescent, Langley Park (for copy see file of Minutes).

Members of the Committee had visited the site and were familiar with the location and setting.

G Blakey, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, indicative site plan and site photographs.

Councillor Coult, local Member, addressed the Committee. She informed the Committee that the residents of Langley Park were opposed to the application. There were already two new housing developments proposed for Langley Park and the resulting increase in residents would exacerbate current parking problems and high levels of traffic in the village. Increased traffic would lead to more pollution. The proposed development was very close to the cemetery and there were fears that the development would impact on the peace and quietness of the area. Green space such as this site needed to be protected. Local residents were already experiencing

problems in making GP appointments and more development would make these problems worse. Although the proposed tree planting scheme was a positive aspect of the application, the trees would take a long time to become established. Councillor Coult asked the Committee to refuse the application.

G Raggatt, local resident, addressed the Committee to object to the application. Ms Raggatt had been a resident of Langley Park all of her life and had lived in Davis Crescent for 43 years. Langley Park has seen a large number of developments over the years and the right housing was needed in the right places. This development targeted the countryside for development and would result in the unnecessary loss of countryside. Davis Crescent was the boundary of the village of Langley Park and it was feared that this development could lead to urban sprawl. The proposed development would tower over cemetery, which was a place for quiet, peaceful contemplation. Finally, the proposed development would have an adverse impact on wildlife species in the area with deer, birds of prey, foxes and bats all being observed in the area. Ms Raggatt asked the Committee to refuse the application.

Mr T Baker, agent for the applicant, addressed the Committee. This was a finely balanced application on which the Committee could come to a different decision to that recommended by Officers. The applicant was a north Durham housebuilder and was experienced in delivering local homes for local people.

The application was made in October 2018 and the applicant had worked with officers, ward members and the parish council and over this time the application had received only 9 objections. There were no objections to the development from highways, housing, drainage, design, ecology and bereavement services. The only issue of concern raised was landscape which, when the proposed tree planting had matured, would result in a less than significant visual impact. However, the proposed development would bring significant benefits which included affordable bungalows, £155,000 towards improvements to open space, improvements to local footpaths, an improved drainage connection for the cemetery, 25 construction jobs and 27 jobs spin-off during construction and approximately £1m in retail spending by residents. Mr Baker asked the Committee to approve the application.

Councillor Laing informed the Committee that she had listened to the representations made and considered the officer's presentation and had taken the opportunity to view the site. This was a finely balanced application and there was a need to assess the benefits/advantages of it against the landscape harm. Councillor Laing considered that the landscape harm would only be for a short period of time until the proposed tree planting became established and it was accepted that in the long-term the visual harm would be reduced. The development proposed 15% affordable housing as well as

provision of bungalows which were much needed. There would be a net gain to biodiversity and improved public transport, and the application had only attracted 9 objections, which was a very small number. There were no statutory objections to the development. Councillor Laing considered that the benefits of the development outweighed the short-term landscape harm and **moved** approval of the application.

Councillor Jewell asked to re-view the presentation slides which showed the proposed tree planting over a period of time. This was a finely balanced application and was similar to the previous application considered by the Committee for Pelton Fell. Developments within villages brought facilities into the village with the extra people they brought into the village and Councillor Jewell **seconded** approval of the application.

Councillor Simpson, local Member informed the Committee that a development which had been approved some 2 years ago had highlighted a lack of schooling for that development but since that time nothing had been done to schools or GP surgeries in the area.

Councillor Smith agreed that this was a finely balanced application. While villages needed appropriate development, this was an attractive green valley and the development would significantly detract from the green landscape, as well as being a loss of highly productive agricultural land. The site of the development was a long way from the facilities of the village and most residents would take their cars to access the village. Councillor Smith supported the officer recommendation that the application should be refused.

Councillor Wilson informed the Committee that the development would result in a net gain to biodiversity and that application was in outline only and the housing could be configured sympathetically to the cemetery at reserved matters stage. Councillor Wilson agreed with Councillor Laing that the outline application should be approved.

Councillor Wilkes informed the Committee he had attended the site visit and viewed a map of the village, and agreed that over time the proposed development would not be as visible as when first built. However, Councillor Wilkes had worries about urban sprawl and the village of Langley Park spreading along the valley to the west. Currently the views across the valley were stunning and this development would lead to the loss of agricultural land. Policy EN1 of the Local Plan stated that development in the countryside would only be permitted where it benefited the rural economy or helped maintain or enhance landscape character. This development was therefore contrary to Policy EN1 of the Local Plan and was also contrary of Policy EN2 which referred to the prevention of urban sprawl. Councillor Wilkes considered that the application should not be approved.

Councillor Clare informed the Committee he had listened to the discussion and representations made on the application. The NHS had been consulted on the application and had not commented, so any reported problems with local GP provision were not supported by evidence. Traffic problems in Langley Park had been raised, but there were no highways objections to it. While it was acknowledged that the cemetery was a very sensitive area, there were many places where cemeteries were surrounded by housing. The protection of views was not a valid planning consideration and nor was demand for the proposed dwellings to be built. The main consideration was whether this application was an unacceptable incursion into the countryside. There were immense similarities between this and the previous application considered in that it would result in the loss of agricultural land, the plot had a similarity of shape and would be a similar expansion of the village, although this development would be more hidden from view over time. Relevant Local Plan policies were out of date and Councillor Clare agreed with Councillors Laing and Jewell that the application should be approved.

Councillor Kay considered that in the long-term the development would not be an incursion into the countryside and informed the Committee he was minded to support approval.

Councillor Richardson considered the views of the local Members in opposing the development and agreed with their views. The loss of agricultural land was addressed in the report and was a negative for the proposal.

Councillor Tinsley agreed that the decision on the application was finely balanced. The NPPF stated that developments should be approved unless the negatives significantly and demonstrably outweighed the benefits. The introduction of a planting band with this development would result in the relationship of the settlement with the surrounding countryside being an improvement on that which currently exists. Councillor Tinsley did not consider that the negatives of the development significantly and demonstrably outweighed the benefits.

Moved by Councillor Smith, **seconded** by Councillor Wilkes that the application be refused for the reasons stated in the report.

Upon a vote being taken the motion was lost.

Moved by Councillor Laing, **seconded** by Councillor Jewell that the application be approved subject to the determination of Conditions and Section 106 legal agreement being delegated to the planning team in consultation with the Chairman and Vice Chairman of the Committee.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the determination of Conditions and Section 106 legal agreement being delegated to the planning team in consultation with the Chairman and Vice Chairman of the Committee.

c DM/18/03487/VOC - The Riverwalk, Milburngate, Durham, DH1 4SL

The Committee considered a report of the Principal Planning Officer regarding an application for the variation of condition 13 pursuant to planning permission DM/18/00310/VOC so as to extend the opening hours for the D2 cinema use so as to open 1 hour earlier (9am) and 1 hour later (1am) Sunday to Thursday, 1 hour earlier (9am) Friday and Saturday with opening permitted until 3am on up to 10 occasions per year at The Riverwalk, Milburngate, Durham (for copy see file of Minutes).

H Jones, Principal Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, highlighted entrance/exit points, site plan showing the layout of the main shopping floor and site photographs.

Councillor R Cornwell of the City of Durham Parish Council addressed the Committee to object to the application, which he considered to be driven by the cinema operator's profit at the expense of local resident's sleep. The extension to operating hours would result in night time noise and it was pertinent that the riverside development contained residential properties which were close by.

The Riverwalk development included houses in Lambton Walk, part of the original Milburngate development built in the mid seventies and its occupants had not suffered significant night-time disturbance until now. There was also a large residential component, Dunholm House, which was occupied by up to 253 students. The adjacent approved redevelopment scheme for the former Milburngate House site included several hundred residential apartments. There was a real and present association between places of assembly being open until the early hours and consequential disturbance threatening the amenity and quiet enjoyment that residents should be able to expect.

This application should be refused and the currently approved closing times of 12 midnight Sunday-Thursday and 2am on Friday and Saturday would be appropriate for the cinema in this particular location.

Councillor Richardson informed the Committee that he had considered the application to be a straight decision until he had heard the local opinion presented to the Committee. Councillor Wilkes considered that city centres

were places where people should be expected to be able to enjoy themselves, but he was mindful that this was a mixed development. The cinema would currently be open for 15-16 hours every day and Councillor Wilkes questioned whether the additional hours were necessary or would make much difference.

Councillor Clare considered this to be a difficult decision but agreed with the officer's report. City centres were busy commercial hubs and it was important for the night time economy to thrive. Professionally qualified officers had not raised objection to the application and Councillor Clare **moved** approval.

Councillor Wilson informed the Committee that the application was for extended opening hours for a cinema. He agreed with the recommendations and **seconded** approval of the application.

Councillor Laing informed the Committee that she regularly visited cinemas and had never come out of one to noise. Councillor Jewell added that if noise was an issue he thought it would manifest itself with the current hours of operation. The Committee could not decide what 'might be'.

Upon a vote being taken it was

Resolved:

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

d DM/18/02936/WAS - Land west of Drum Road, Chester-le-Street

The Committee considered a report of the Senior Planning Officer regarding an application for a change of use to waste transfer, recycling station and haulage yard with enclosure of existing canopy, lean-to extension to the western elevation, parking and equipment store area, weighbridge and demountable buildings on land west of Drum Road, Chester le Street (for copy see file of Minutes).

C Shields, Senior Planning Officer provided a detailed presentation of the application which included a site location plan and site photographs,

Moved by Councillor G Richardson, **Seconded** by Councillor C Kay and

Resolved:

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