

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber - County Hall, Durham** on **Tuesday 11 June 2019** at **1.00 pm**

Present:

Councillor J Clark (Chair)

Members of the Committee:

Councillors D Brown, B Coult, M Davinson, D Freeman, S Iveson, A Laing (Vice-Chair), R Manchester, J Robinson and J Shuttleworth

Also Present:

Councillors E Huntington, S Morrison and J Turnbull

1 Apologies for Absence

Apologies for absence were received from Councillors G Bleasdale, I Cochrane, A Gardner and K Hawley.

2 Substitute Members

No notification of Substitute Members had been received.

3 Minutes

The minutes of the meeting held on 14 May 2019, subject to the following amendment to Minute 5d, page 14 of the minutes, fifth paragraph, were confirmed as a correct record by the Committee and signed by the Chair:

“The Policy Team Leader noted in more general terms that some of the comments made related more to the Interim Policy itself, rather than the specifics of the proposal. It was noted that the emerging County Durham Plan includes an updated version of the Interim Policy, which has recently been subject to public consultation. The representations made as part of this consultation will be subject to discussion at the Examination in Public on the Plan”.

The Area Planning Team Leader (Central and East), Sarah Eldridge noted that Councillor O Temple had been in contact with Planning Officers as regards the matter of housing density he had raised at the last meeting. She explained that Councillor O Temple had believed that the average figure for housing density for new build properties on previously developed land in 2018 was 22 per hectare, with the Senior Planning Officer having suggested an average of 30 per hectare. The Area Planning Team Leader noted that subsequent to the meeting Councillor O Temple had checked as regards the average density for previously developed land in 2018 and found it to be 21 per hectare and wished this to be clarified for Committee.

4 Declarations of Interest

There were no Declarations of Interest submitted.

5 Applications to be determined by the Area Planning Committee (Central & East Durham)

a DM/18/02947/OUT - Land Adjoining Snook Acres, Front Street, Witton Gilbert, DH7 6SY

The Senior Planning Officer, Paul Hopper, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was an outline application for 25 dwellings with some matters excluding access and layout reserved for future consideration and was recommended for approval.

The Senior Planning Officer asked Members to note the application was for 25 dwellings, as per the report and not 26 as stated on the agenda front sheet. He referred Members to the aerial photographs and views of the site, noting proposed demolitions to two buildings, and the location of the Grade II listed building next to the site which was in the ownership of the applicant and would remain in-situ. Members were asked to note the public right of way which lead from Front Street and along the northern edge of the application site.

The Senior Planning Officer noted that the application was in outline, with structural planting along the west boundary, this area being within the County Council's ownership. He added that the area to the north of the site was allocated as a sustainable drainage system.

The Senior Planning Officer noted that there had been no objections from statutory or internal consultees subject to a Section 106 legal agreement in relation to affordable housing, open space and biodiversity and conditions as set out within the report. He noted that the City of Durham Trust had queried the wisdom of development beyond the established extent of Witton Gilbert and the structural planting alongside the A691. It was explained there had been: one letter of objection, citing highways safety issues; one letter of support, noting the boost to the housing supply; and one letter querying land ownership, parking and noting significant concern in terms of the demolitions and the Listed Building.

The Senior Planning Officer noted that the application site was in a sustainable location near to shops, facilities and transport links. He added that Witton Gilbert Parish Council was developing a Neighbourhood Plan and the area of land was identified as an area for housing, albeit at a lower density. It was noted that the Plan was not sufficiently advanced for weight to be attached at this point.

The Senior Planning Officer noted that Heritage and Design Officers had not felt the demolition of the two buildings was a negative impact, and the Tree Officer had not objected to the loss of some small trees, not impacting upon structural planting. He added the Members would have noticed the changes in level while out on site, and an additional condition was proposed to control the final levels across the site. The Committee were asked to note that the Highways Section had no objections to the proposed access or parking arrangements. The Senior Planning Officer noted the report had a Statement of Proactive Engagement set out, however, this was the standard wording for a refusal recommendation, he asked Members to note it should have read as per the standard paragraph for an approval recommendation. An additional condition requiring site level details to be submitted and agreed would also be required.

The Chair thanked the Senior Planning Officer and noted as there were no registered speakers she would ask the Committee for their comments and questions.

Councillor J Shuttleworth moved that the application be approved as per the Officer's recommendation.

Councillor M Davinson asked as regards any scope to include a condition in relation to tidying up the nearby Listed Building, which was in a poor condition. He also asked as regards the Construction Management Plan noting "no noisy working on a Sunday or Bank Holiday" and asked what constituted "noisy".

The Solicitor – Planning and Development, Neil Carter advised that such a condition would not be appropriate as the Council have separate powers to deal with derelict listed buildings, he would defer to the Senior Planning Officer on the issue of the noise condition.

The Senior Planning Officer noted that in terms of the Listed Building, there was an ongoing separate application regarding conversion to residential dwelling and therefore this building and condition were being addressed. He added that the condition in terms of “noisy working” was a standard condition from Environmental Health and he could seek clarification if Members wished.

Councillor D Freeman noted Witton Gilbert Parish Council were developing a Neighbourhood Plan and there had been concerns as regards density, he asked as regards the density of the proposed development. The Senior Planning Officer noted that the development would represent a density of 19.3 dwellings per hectare.

Councillor A Laing seconded Councillor J Shuttleworth’s proposal for approval of the application.

RESOLVED

That the application be **APPROVED** subject to completion of a s106 legal agreement, the conditions as set out within the report and an additional condition as regards site levels as noted by the Officer.

b DM/18/03882/OUT - Howarth Raw Timber & Logs, Edderacres Plantation, Castle Eden, TS27 4TF

The Senior Planning Officer gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was an outline planning permission for a rural-workers dwelling with all matters reserved and was recommended for refusal.

The Senior Planning Officer asked Members to note the extent of the applicants’ land ownership and area which was utilised for their timber supply business and an indicative site layout, though all matters were reserved. He noted that there had been no objections from statutory or internal consultees, subject to conditions and a financial contribution in relation to the heritage coast.

The Committee were informed that a 36 signature in support of the application had been received, with support also received from Natural England, custodian of the nearby Castle Eden Dene. It was noted issues raised included the development helping in terms of reducing anti-social behaviour, poaching, vehicle movements and in terms of improved health and safety in relation to the forestry work. Those in support had also noted there had been a previous structure within the application site, an old mill.

The Senior Planning Officer noted that in planning terms the location was considered remote and that paragraph 79 of the National Planning Policy Framework (NPPF) applied, noting there was a requirement for special circumstances for such a rural worker's dwelling. He noted the test would look at functional need and financial viability.

It was explained the applicant had felt in order to be able to raise the alarm should an accident occur at the site a property was required at the location. The Senior Planning Officer noted that the applicant also cited improved animal welfare and a deterrent against anti-social behaviour and crime as additional benefits. Members noted that when equipment had previously been kept on the site it had been vandalised and stolen and when CCTV equipment had been placed on site it too had been stolen. The Senior Planning Officer noted that on balance when looking at the test in paragraph 79 of the NPPF it was not felt that there was justification for a full-time presence at the site on functional need.

The Senior Planning Officer explained that when looking at three years of financial records provided by the applicant there had been significant fluctuations over that period. He added that he had been provided with updated information as regards the timing of works, with work scheduled in June 2019 to have a significant impact upon profitability. It was noted that finalised audited accounts had yet to be produced and therefore limited weight could be afforded to this. The Senior Planning Officer noted that therefore it was not felt that the financial viability had been demonstrated as per the test in paragraph 79 of the NPPF.

The Senior Planning Officer noted in other respects the application would be acceptable, subject to conditions and a s106 legal agreement, however, as it was not felt to meet the functional or financial test as set out in paragraph 79 of the NPPF, the recommendation was for refusal.

Councillor J Robinson left the meeting at 1.38pm

The Chair thanked the Senior Planning Officer and asked the Committee Services Officer to read out a statement on behalf of an adjacent Division Member, Councillor L Pounder in support of the application, noting her fellow divisional Member, Councillor R Crute supported the statement.

“Thank you for reading out my statement, I wish I was present at the Committee to express to you all how strongly I feel about supporting this application, however I am currently out of the country”.

“Edderacres is a site on which stood Shotton Mill, a workers house and associated buildings, parts of buildings remain on the site. It is previously developed land which has been used for commercial purposes. The planning application before you is from Mr and Mrs Howarth, a local couple, with a good business they intend to grow, which they cannot do without a presence on the site.

Mr and Mrs Howarth are asking for support to build a modest three bedroom home next to Castledene Caravan Park to allow the proper functioning of their business.

Forestry is an unusual business but one which is benefitting the area both in terms of economy and environmentally. Natural England are supporting the application as they know Mr and Mrs Howarth and know that what they are doing supports their aims and is a positive benefit to the area. A petition of support has also been submitted, and no objections have been received again showing that this is a good scheme.

The National Planning Policy Framework states that to support an application in the rural area there should be an essential need for a rural worker, to live permanently at their place of work in the countryside. Mr and Mrs Howarth have provided robust evidence to demonstrate that there is a need for someone to be onsite permanently, this is a dangerous business with high safety risks a presence on site will support the proper functioning of the business. A property will deter the current antisocial behaviour which is currently experienced.

The business has been financially stable for over three years and has made profit every year it has operated, it's not going to make millions, but it is a sustainable business.

There is a need for the functioning of the business to have an onsite presence, and the location of the site means it will not be visually obtrusive. All of these points mean that the application complies with the emerging Local Plan and the currently adopted Easington District Local Plan – so we should support it.

The business has requests for more timber, from another local business, however currently there is no way to meet demand as Mr and Mrs Howarth cannot put a storage shed on the site as previous buildings have been burnt down and CCTV stolen without someone being on the site permanently.

I implore you all to support this sustainable local business which in turn supports other local businesses and approve this application.

Thank you.”

The Chair thanked the Committee Services Officer and asked Local Member, Councillor E Huntington to speak in support of the application.

Councillor E Huntington thanked the Chair and noted that on the basis of all of the comments from supporters of the application, and the Officer's report she wondered why the application was before Committee. She noted Mr and Mrs Howarth ran an excellent business, with the application representing their attempt to help ensure the business could progress and meet demand.

Councillor E Huntington noted that with the Howarth's working this area of land it had reduced the incidents of anti-social behaviour and drug misuse in the area. She added they had a caravan on site, this had been burnt out, they had installed CCTV, this had been stolen. She noted when she had visited the site, it was well maintained, with ecology that would be protected, consistent with such an ancient forest. Councillor E Huntington noted the excellent relationship with and support received from Mr J Davies from Natural England, working at the nearby Castle Eden Dene. She added that the Forestry Commission were also very complimentary in their comments for Mr and Mrs Howarth's business and practices.

Councillor E Huntington noted she felt the business would help ensure the sustainability of the landscape for future generations and while the Planning Officer had not seen this, she felt the business could go forward successfully if permission was granted. She reiterated that Mr M Outhwaite of the Forestry Commission had noted the business was sound and protected ecology. Councillor E Huntington added that Mr and Mrs Howarth had invested money in vehicles and machinery, looking to offer chipping in the future. She added their desire for a barn to store equipment and materials on site was not possible if there was not a property on site in order to protect them from vandalism and theft. Councillor E Huntington noted that there was increasing demand from other local businesses for their materials and the three-bed property proposed was a modest home.

Councillor E Huntington noted the site had previously been developed, with an old mill, and the access was the route of the "old A19" prior to the new dual-carriageway route. She added she felt that the proposed development was exciting and would help the forest and, again while Planning Officers doubted the sustainability of the business, she felt that the knowledge, skill and commitment of the applicants would help sustain the forest for generations to come.

Councillor E Huntington reiterated her support for the application and noted it was the type of business and application we should all be supporting and asked what message would be sent if these types of ideas were stamped out, concluding that the County needed more beacons like this business, which could in the future provide employment for people from our area. The Chair thanked Councillor E Huntington and asked Mrs Chris Pipe, representing the Applicant and Mrs Howarth, the applicant, to speak in support of the application.

Mrs C Pipe thanked the Chair and noted her clients, Mr and Mrs Howarth, had developed a sustainable business which they wished to grow for the future and the proposed development would help them to be able to achieve this. She reiterated the comments made by others as regards the previous development at the site, namely Old Shotton Mill, which had included stables and an associated workers house, while demolished, there were many remnants on site and established that the location was one that had historically been a place to live and work.

Mrs C Pipe explained that as well as the 36-signature petition in support of the application, there had been support from three Local Councillors, the Forestry Commission and Natural England, highlighting the local demand, and the benefits to the site in terms of biodiversity and reducing anti-social behaviour. She added there had been no objections from statutory or internal consultees.

Mrs C Pipe continued by noting that the NPPF allowed for such developments if there was a need for such development. She added that the definition of financially viable was for a competent person to be able to have sufficient livelihood and the applicant would have the ability to do so. She added that the nature of the work was similar to agriculture in the sense that the profits were linked to "harvests" and therefore providing a wage of just over £22,000 on average, not factoring in increases from additional business that was available. Mrs C Pipe added that her clients were happy with the s106 contribution figures that were mentioned within the report.

Mrs J Howarth thanked the Committee for the opportunity to speak and noted that having a home on the site would allow for profits to rise, cutting down on travel time and costs, but also by having the property on site would mean that containers of materials would be safe, and equipment would also be able to be protected. She explained that it was a Catch-22 situation, without being on-site to protect assets it would not be possible to invest further to help maintain and grow the business. She added the on-site presence would help to stamp out anti-social behaviour, reiterating that CCTV equipment had not proved to be a deterrent, itself being stolen.

Mrs J Howarth noted increased demand from the local Horns Garden Centre for logs and being able to chip on site would help support other arboricultural businesses in the area. She reiterated that their forward plan had the support of the Forestry Commission and Natural England. She concluded by noting that for safety, with mobile signals in the area poor, a property on the site would enable the alarm to be raised should an accident occur.

The Chair thanked Mrs C Pipe and Mrs J Howarth and asked Members of the Committee for their comments and questions.

Councillor J Shuttleworth noted that over the years he had seen many planning applications where refusal had been recommended, with the location having not been deemed as sustainable. He noted the comments from speakers and when looking at the evidence of the site having previously been developed and the support from Local Members he felt the application should be supported and moved that it be approved.

The Chair asked if the Senior Planning Officer could clarify some of the points raised by speakers and Councillor J Shuttleworth.

The Senior Planning Officer noted that looking at historic maps of the area, the mill on the site was listed in 1898 on the Ordnance Survey map, set out as “disused” on the 1923 map, and removed from the map by the 1951 edition. Accordingly, while the site had previously been used, the last reference was 1923 as disused. In terms of the applicant’s management of the site, his techniques were not in question, it was that Officers felt that when judging against the NPPF principles of requiring someone to live on site, neither the functional or financial justification were met.

The Chair allowed Mrs C Pipe to clarify a point in relation to previous development.

Mrs C Pipe noted that while the previous use was historic, there was photographic evidence, and Members would have seen on their site visit, remnants of the old mill at the site. She noted that the NPPF identified that if remnants were on site the land was classified as previously developed land.

The Solicitor – Planning and Development noted that previously developed land had an element of judgement, taking into account the extent to which the land had returned to nature. He added that in this case whether the site is previously developed or brownfield land was not the determinative issue, rather that the Planning Officer had not felt the functional or financial tests in relation to paragraph 79 of the NPPF had been satisfied.

Councillor R Manchester noted he felt that he had read sufficient functional requirement for the application within the report, then with more support from the speakers. He added he felt that the case had been met and noted that paragraphs 57 and 60 of the Officer's report both noted that the reasons of improved health and safety and improved security and reduced anti-social behaviour alone did not justify a rural-workers dwelling. Councillor R Manchester noted if there were these two reasons, amongst other, then in fact they were not alone and therefore there was a functional need for a dwelling to support the business. The Senior Planning Officer noted that the view taken had been that collectively the reasons cited did not warrant a rural-worker's dwelling on the site.

Councillor M Davinson noted he would second the approval of the application, agreeing with the comments from Councillors J Shuttleworth and R Manchester, meeting the functional need in terms of health and safety and preventing thefts and anti-social behaviour. Councillor J Shuttleworth reiterated that he felt it had been established that the land had previously been developed and the application would also help to get rid of anti-social behaviour in the area.

The Solicitor – Planning and Development asked if Members could amplify their reasons in terms of meeting the functional test.

Councillor R Manchester noted he felt that the health and safety aspect was very important, with the ability to raise the alarm via family on-site as a major benefit. He added that in terms of anti-social behaviour, he noted that Natural England had supported the application, and cited this aspect as a concern that could be addressed by the positive determination of the application. Councillor R Manchester added that being on-site to deter and prevent theft would provide a massive increase to the viability of the business.

The Solicitor – Planning and Development noted that if Members were minded to approve the application it would need the usual suite of conditions and a s106 agreement as mentioned within the report. He asked if those proposing and seconding the application would wish for those to be delegated to Officers. Councillor M Davinson noted delegated to Officers, in consultation with the Chair or Vice-Chair of the Committee.

RESOLVED

That the application be **APPROVED** subject to a s106 planning obligation to secure a payment of £756.61 for Heritage Coast mitigation and a suite of conditions the details of which to be delegated to the Planning Officer, in consultation with the Chair of the Committee.

c DM/18/03785/FPA - Land to the rear of 63 Crossgate, Durham, DH1 4PR

The Principal Planning Officer, Alan Dobie gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Principal Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the erection of four dwellings and was recommended for approval.

The Principal Planning Officer noted some minor amendments to the report: to paragraph four, the properties being now one two-bed, two three-bed and one four-bed; and to paragraph 83, with Environmental Health noting that the condition was no longer necessary and rather an informative would be included should the application be approved.

The Principal Planning Officer explained that the application site was in a heavily build up area within Durham City, the proposed development being on land to the rear of 63 Crossgate. Members were referred to nearby features including Framwellgate Bridge and was very close to shops and amenity that the city had to offer. The Principal Planning Officer explained that the trees that were on site had been looked at and no all were in good condition and the current state of the site was untidy.

The Committee were referred to proposed plans and elevations, noting the sloping nature of the site, and the buildings being up to three storeys in height. It was added that given the location, within the historic city there had been consideration taken of this within the design. The Principal Planning Officer noted the site was at the rear of Crossgate Working Men's Club (WMC) and that the proposed properties would only be visible from those existing properties surrounding the site. He added the access from Crossgate was via a small vennel, shared with Crossgate WMC.

Councillors J Shuttleworth and A Laing left the meeting at 2.11pm

The Principal Planning Officer referred Members to proposed storage for bins and cycles on site. He noted that the Highways Section had no objections as the site was in a sustainable location and had cycle storage within the site. He added that Northumbrian Water had no objections, noting that care should be taken in respect of some of their assets in the area. The Principal Planning Officer explained that the Coal Authority had no objections subject to condition.

Councillor J Shuttleworth entered the meeting at 2.12pm

The Principal Planning Officer noted that the City of Durham Parish Council objected to the application, with reasons as set within the report, including: the application not safeguarding the nearby listed buildings, Conservation Area or setting; and there was no safe, satisfactory access to the site or adequate parking provision.

The Principal Planning Officer noted that the County Durham and Darlington Fire and Rescue Service (CDDFRS) had not commented on the application.

Members noted that the Council's Design and Conservation Section had offered no objections, given the site was concealed and did not adversely impact upon the surroundings. The Principal Planning Officer added that Ecology raised no objections subject to a s106 legal agreement relating to loss of biodiversity. It was added that the Landscape Section offered no objections in terms of visual impact and the Tree Officer noted none of the trees on site warranted a Tree Preservation Order (TPO). Councillors noted that the Nuisance Action Team raised no objection to the application and Contaminated Land and Archaeology offered no objections subject to conditions.

Councillor A Laing entered the meeting at 2.14pm

The Principal Planning Officer noted the City of Durham Trust objected to the development, citing reasons including: the proposals representing backland development; loss of trees; poor access to site for residents, construction workers, materials and machinery, and emergency services; no provision for bins storage, given a notice prohibiting such within the vennel.

The Principal Planning Officer noted that NPPF paragraph 11 referred to sustainable development being approved unless negative impacts of development outweighed the benefits. He noted that the application did represent a small contribution to housing supply, albeit as a small development this afforded limited weight. He added that saved Local Plan Policies Q8 and H13 referred to amenity and design impact upon the surrounding area, including layout across the site. Members were informed that the separation distances in terms of windows and gables were met and while there was close proximity to the WMC and city centre, Environmental Health had felt an informative was sufficient.

The Principal Planning Officer noted that in terms of saved policies E22 and E23 relating to impact upon the character and appearance of the Conservation Area and Listed Building, the secluded site and appropriate design meant that Officers felt the proposals were appropriate.

In terms of highway safety and access to the site, there was only the one access as described, via the small vennel.

The Principal Planning Officer noted the Highways Section had noted no on-site parking provision as required due to the city centre location, and that while access for construction materials and equipment may be difficult, this would be controlled via Construction Management Plan (CMP).

In respect of the issue raised in relation to the proposed access not being safe in the event of an emergency, CDDFRS were consulted and did not come back with a view and therefore the proposals were considered acceptable.

The Principal Planning Officer concluded noting that on balance Officers felt that the benefits of proposals outweighed any adverse impacts and therefore the application was recommended for approval, subject to a s106 legal agreement and conditions as set out within the report.

The Chair thanked the Principal Planning Officer and noted Councillor L Brown wished to raise a point of order. Councillor L Brown asked if, given Councillors J Shuttleworth and A Laing had left the meeting during the item would they be eligible to vote on the matter. The Solicitor – Planning and Development noted that it would be an issue for those Members to decide upon and to state if they did not feel able to take part in the decision. However, he noted that they were absent for only a very short time during the Officer's presentation.

Councillor J Shuttleworth noted the debate had not yet taken place and he had only left the room for mere seconds. Councillor A Laing apologised noting she had needed to take a drink following a coughing fit, adding that she too had not left the meeting for very long. Both Councillor J Shuttleworth and A Laing indicated they would take part in the decision making.

The Chair thanked Members and asked Parish Councillor John Ashby representing the City of Durham Parish Council to speak in objection to the application.

Parish Councillor J Ashby thanked the Chair and congratulated her as the newly appointed Chair to the Committee.

Parish Councillor J Ashby noted that the application had clearly raised a number of concerns with Officers and the Parish Council welcomed the considerable efforts put in by Officers to try to overcome the shortcomings of the scheme. He added that, unfortunately, some problems remained.

Parish Councillor J Ashby explained that the proposal site was classic backland development and that Saved Policy H10 of the City of Durham Local Plan stated:

“The development of backland and tandem sites will not be permitted unless there is:

- 1. A safe and satisfactory access and adequate parking can be provided in accord with policy T10; and*
- 2. the amenities of both the new and existing dwellings are not adversely affected; and*
- 3. It is in keeping with the character, density, and scale of surrounding or adjacent development.”*

Parish Councillor J Ashby noted that in this case the access was a narrow alleyway between substantial buildings, with no proposal or prospect of widening the alleyway. He added that in terms of adequate parking, no parking provision was offered, and that noise was a recognised amenity issue, with the site sitting between the Crossgate Workingmen’s Club and the North Road nightclubs. Parish Councillor J Ashby added that the proposal was not in keeping with the character of the surrounding area; it was in the very heart of the Conservation Area, and several of the buildings in Crossgate were listed in their own right and therefore Saved Policies E6, E22 and E23 were engaged.

He added that the Parish Council had major concerns about the practical difficulties caused by the narrow and long alleyway for construction equipment and, even more importantly, for the Fire and Rescue Brigade, and was surprised that solutions to these problems were not put before the Committee. It was noted that the Parish Council urged that Members satisfied themselves on those matters before considering whether the application should be approved.

Parish Councillor J Ashby noted the Officer’s report at paragraph 66 stated *“With Policy H2 being a settlement boundary policy, informed by what is now an out of date evidence base, the policy is therefore considered to be an out of date policy for the purposes of engagement of paragraph 11 of the NPPF. This also affects the weight to be afforded to this policy.”* He explained that the Parish Council did not agree; the evidence base concerns whether there was sufficient approved housing land, and paragraph 72 of the Officer’s report correctly noted that *“The Council is able to demonstrate in excess of 6 years supply of deliverable housing land.”* He noted that therefore there was no requirement find additional housing development sites.

Parish Councillor J Ashby noted he would turn to the vexed question of Houses in Multiple Occupation (HMOs) for students. He added that it was agreed by all concerned that a planning application would be required if the development was to become a C4 HMO property. He added that it was felt it would comprehensively fail in terms of the County Council's Interim Policy on Student Accommodation.

Parish Councillor J Ashby noted that it has been obvious in recent years that many properties in the city were being used as student HMOs despite having C3 residential permission, not C4, with detection avoided by the landlord paying Council Tax instead of seeking student exemption. He noted that whilst local permanent residents reported their observations that neighbouring properties were quite obviously student HMOs, the Council continued to insist that Council Tax records were the most reliable and consistent evidence. Parish Councillor J Ashby explained that this particular application, if approved, would need especial vigilance against it becoming an unapproved C4 or Sui Generis HMO, with enforcement being absolutely key.

In conclusion, Parish Councillor J Ashby noted the Parish Council urged that, despite the sterling work of Officers to bring it up to acceptable standards, the application be refused as it represented backland development with unsatisfactory access, no parking provision, was not in keeping with the character of the surrounding Conservation Area and Listed Buildings, and was at risk of creating unauthorised C4 or Sui Generis HMOs adding to the burdens of the Council's Enforcement Officers.

The Chair thanked Parish Councillor J Ashby and asked the Principal Planning Officer if he would respond to issues raised.

The Principal Planning Officer noted that it was acknowledged that policy H10 was engaged, the development representing backland development, however, Officers had assessed the application against the relevant criteria. He added that the Highways Section had noted the access was acceptable for this location and there was no need for vehicular access. He reiterated that CDDFRS had not commented upon the application after being contacted for their views. In reference to amenity, the Principal Planning Officer referred to the section within the report that distance standards and layout and design were acceptable and, taking all those factors into account, in relation to Policy H10 Officer felt the application was acceptable. In reference to the properties becoming HMOs, this issue had been raised, however, the application before Committee was for C3 use, noting that the area was covered by the Article Four Direction and any change of use to HMO use would need to be via a further application.

The Chair thanked the Principal Planning Officer and asked Mr Keith Ryder, Architect for the Applicant to speak in support of the application.

Mr K Ryder thanked the Chair and Committee for the opportunity to speak and explained that the scheme as set out within the agenda papers had been developed in collaboration with the Planning Department, Ecology, Landscape, Design and Conservation to ensure the proposals were reflective of the architectural landscape of the area.

Mr K Ryder noted the concerns raised by the Parish Council, however, noted that the Officer's report was very positive, with a recommendation for approval. He added that there were technically three access points to the land in question, that already discussed along with two others to North Road and another point along Crossgate. He noted that a recently retired Fire Safety Officer had been asked as regards access to the site in an emergency and he had felt the access was acceptable and there would be capacity to be able to reach into the site with equipment.

Mr K Ryder noted as the application was for C3 residential dwellings, the Article Four Direction did not apply, this being for C4 HMOs, and reiterated the point made by the Principal Planning Officer that any C4 use would require a further planning application. Mr K Ryder reinforced that the Council's Design and Conservation Section had been consulted upon the design due to the sensitive nature of the site and they had raised no objections to the application. He added that the backland site was not very attractive and the development proposed would represent an improvement on the current state. Mr K Ryder concluded by noting it was felt the scheme was well designed, had been developed in consultation with the Planning Department and hoped that the Committee would agree with the Officer's recommendation for approval.

The Principal Planning Officer noted Officers were only aware of one access to the site. Mr K Ryder noted the applicant would be better placed to explain, the Chair allowed Mr L Smurthwaite, the Applicant to speak. Mr L Smurthwaite noted that there were additional accesses to the site: one running the left side of his property, Crossgate WMC; and another being marked on 100-year-old deeds, leading out onto North Road via some steps. The Principal Planning Officer noted the application only considered the access as described along the small vennel.

The Chair thanked the speakers and the Principal Planning Officer and asked the Committee for their comments and questions.

Councillor D Freeman explained he was a Member of the City of Durham Parish Council, however, was not a member of their Planning Committee and had no input into their comments on the application.

He noted that after hearing the comments from Officers and the speakers he had concerns as regards the suitability of the site, out of the way behind the WMC and close to several listed buildings. He noted he was familiar with the access via the small vennel and noted this would go past the location of the smoking shelter provided by the WMC. Councillor D Freeman noted four properties were proposed, though with no parking. He explained that as C3 dwellings, he would imagine in an ideal world these being for possible family use and that the lack of parking provision would mean this would be unlikely. He added that the land was previously undeveloped green space and that there was not sufficient cause to warrant development on greenfield land.

Councillor D Freeman noted the Parish Council had raised the issue of potential use as an HMO and added he felt this would be a likely end use for the proposed properties, with recent applications and appeals for HMOs use not providing him with reassurance. He concluded by noting he did not feel he could support the Officer's recommendation for approval.

The Chair asked Councillor D Freeman to clarify if he was proposing that the application be refused. Councillor D Freeman noted he was proposing the application be refused.

Councillor J Shuttleworth noted he felt that no parking provision was ludicrous and did not feel the application was a good idea and seconded that the application be refused.

Councillor D Brown noted that the site visit had shown that the site was very steep, not easily reflected via the photographs and drawings. He noted the best way he could describe the site was as very untidy and as a dump. He noted when on the visit there was adjacent developments that seemed perfectly adequate and well used with people out on a balcony enjoying the sunshine. He proposed that the application be approved.

Councillor S Iveson noted with the lack of parking provision and the inclusion of cycle storage she felt the intention was for student use. Councillor A Laing asked for more information as regards why there was no parking.

The Highway Development Manager, John Mcgargill noted that it was standard for no parking provision requirement within 400 metres of the city centre due to the sustainable location, with links to transport and amenities, including the bus and rail stations which were very close to hand. He added that the area was within the city Controlled Parking Zone, where even Residents were not permitted to park without a permit. He explained that Saved Policy T10 encouraged the restriction of parking to encourage sustainable modes of transport and gave weight to application.

He noted there were several examples of residential development within the city where access was only obtained via such small vennels, along Silver Street and Saddler Street, again with no parking provision.

The Principal Planning Officer noted that in terms of access to carry out the development, this would be agreed via a CMP to be submitted to the Planning Authority. The Chair allowed Mr K Ryder to clarify a point in this regard, with Mr K Ryder noting that the CMP would be drawn up when a contractor had been appointed and would be fine-tuned as necessary. He added that upon development the smoking shelter and current bins would be moved.

The Chair noted there had been a proposal for refusal and asked Members for their reasons.

Councillor J Shuttleworth noted he felt on the grounds of the lack of parking and accessibility to the site, he noted he could not see how equipment such as a JCB digger would be able to get on to the site in order to dig foundations and carry out groundworks. Councillor D Freeman felt that the application was contrary to saved Local Plan Policies H2, H13, E6, E16 and T10, together with the relevant policy in relation to not developing greenfield sites.

The Solicitor – Planning and Development asked as regards which element of Policy H2 Councillor D Freeman felt the application was contrary to. Councillor D Freeman explained that as he felt the application was contrary to Policies E6, T10 and not in accord with the Conservation Area and Listed Buildings nearby it was therefore contrary to Policy H2. Councillor D Freeman added that he felt the application represented a negative impact upon the Conservation Area and Listed Buildings only metres away, for example St. Margaret's Church, contrary to Policies E6 and E22. He added that he agreed with Councillor J Shuttleworth as regards the parking issues and therefore he felt the application was contrary to Policy T10. He concluded that there would be impact upon the character and amenity of the area, citing the very neighbours that Councillor D Brown had noted while on the site visit being those impacted upon, and therefore this was contrary to Policy H13.

The Solicitor – Planning and Development noted he had concerns as regards the robustness of any reason for refusal linked to Policy T10 given the comments of the Highway Development Manager that in his professional opinion the application was compliant. He added that in terms of adverse impact upon the Conservation Area, Officers from the Design and Conservation Section had offered no objections and therefore he felt any refusal based upon such reason may prove difficult to defend should there be any appeal.

Councillor J Shuttleworth noted that he felt the inadequate access to the site would be sufficient to rule out the application, not being able to get firefighting equipment to the site.

Councillor M Davinson noted he had listened to the arguments made and felt it was recorded that Members did not particularly like the application, however, he had listened to the advice given by the Solicitor – Planning and Development in terms of defending a refusal decision at appeal and therefore he would second the proposal by Councillor D Brown for the application to be approved as per the Officer's report.

The Chair noted that the proposal for refusal had been put by Councillor D Freeman and seconded by Councillor J Shuttleworth and therefore this would be voted upon first, upon a vote being taken the motion was **LOST**.

The Chair noted the proposal by Councillor D Brown, seconded by Councillor M Davinson was for approval, upon a vote being taken it was;

RESOLVED

That the application be **APPROVED** subject to completion of a s106 legal agreement and the conditions as set out within the report.

d DM/19/00397/FPA - Land South of West Wynd, Stockton Road, Seaham, SR7 0PB

The Planning Officer, Jennifer Jennings gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer, JJ advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the erection of a domestic garage and was recommended for refusal.

The Planning Officer, JJ noted that the application site was side garden within the curtilage of the applicant's property, with the property being the last within a group of properties. She referred Members to plans and noted that the Green Belt covered all the areas, up to the neighbouring Tyne and Wear Green belt, excluding the industrial estate on the opposite side of the B1285. Members were referred to the site visit and photographs as regards the openness of the site and location within the green belt. Councillors were referred to proposed elevations.

The Planning Officer, JJ explained that Highways had offered no objections, and noted that should the application be granted then a condition such to prevent unauthorised use as a business should be included. She added the Landscape Officer had commented noting there would be some adverse landscape and visual effects. Councillors noted no objections from Environmental Health and that no objections had been received from neighbouring properties.

The Planning Officer, JJ noted that in terms of the principle of development, NPPF paragraphs 144-146 set out issues relating to development in the green belt. She added that the proposed triple garage was felt to be disproportionate and erode the openness of the green belt. It was noted the garden was enclosed in 2007, previously open grassland, and that permission granted at that time for construction of a property had removed permitted development rights in order to seek control of incursion of development beyond the approved built area.

The Planning Officer, JJ noted that the test set out in paragraph 144 of the NPPF noted that any development within the green belt by definition was harmful and impacted upon the openness of the green belt. She added that Officers did not feel that there was a clear justification for the garage and that there was no special circumstance that outweighed the harm that would be caused by the development. Accordingly, the Planning Officer, JJ noted that the recommendation was for refusal as application was contrary to Policy 4 of the saved District of Easington Local Plan and Part 13 of the NPPF.

The Chair thanked the Planning Officer, JJ and asked Local Member, Councillor S Morrison to speak in support of the application.

Councillor S Morrison thanked the Chair and noted apologies from the applicant and her fellow Divisional Councillor and Committee Member, G Bleasdale who was unable to attend the meeting today.

Councillor S Morrison noted she spoke on behalf of herself and Councillor G Bleasdale and they had two issues with concerns raised within the report, namely in connection with size and the position of the application site within the green belt.

In terms of the size of the proposed garage, Councillor S Morrison noted that Members had seen during their site visit that the existing single car garage on the opposite side of the property was not sufficient for such a large property and the number of vehicles parked on the drive was a testament to that fact. She added that there was equipment, such as ride-on lawnmowers, that were also stored within the existing garage, necessary for maintaining the large lawn areas around the property.

Councillor S Morrison noted the end of terrace location meant such equipment could be at greater risk of theft and therefore had to be secured properly.

Councillor S Morrison noted the Officer's report set out that the proposals represented a 32 percent increase in the developed area of the site, however, also noted that this may not necessarily be considered excessive. She added that she felt the design was good, and that other suggestions, such as rotating the garage through 90 degrees would be a poorer design.

In terms of the green belt, Councillor S Morrison noted that the Easington Green Belt did not in fact merge with that at Ryhope, with the industrial estate opposite and surrounding farmland. She noted the site had been a bus depot at one point and other properties along this part of the "high road" had high fencing and hedges and therefore unless you were travelling on a double decker bus you would not be able to see the green space beyond. She added the views of such were better obtained from the other route along the coast road.

Councillor S Morrison highlighted that there were no objections from neighbours, no objections from the public and therefore she asked the Committee to approve the application as she felt it was not disproportionately large and would not impact upon green belt.

The Chair thanked Councillor S Morrison and asked the Planning Officer, JJ to respond to the points raised.

The Planning Officer, JJ noted that while the footprint may not be considered excessively large, the frontage was large and represented a greater impact on the openness. She reiterated that in the past the edge of the site had not been enclosed as it is now and therefore the appearance has always been as greenfield. She reiterated that these were the reasons for the proposed development being recommended for refusal. Historical maps do not show the site as having been a bus depot in the past.

The Chair thanked the Planning Officer, JJ and asked the Committee for their comments and questions.

Councillor J Shuttleworth reiterated that he felt the views of Local Members should be given weight and he therefore proposed that the application be approved.

Councillor M Davinson noted the application site had been in the green belt for a number of years and asked what was different in this case, in comparison to approvals granted in the past, for example for the current property.

The Planning Officer, JJ noted that green belt was adopted as part of the 2001 Easington Local Plan and that the upcoming County Durham Plan would seek to retain this green belt. She explained that an initial application in 2003 had subsequently been withdrawn, and the application in 2004 had a significantly smaller foot print and had been approved. It was noted that the application in 2007 for a house and garage was granted, and the application had also sought change of use for the land to the south of the site for domestic use, this being the area where permitted development rights had been removed. The Planning Officer, JJ noted a 2012 application for a front porch had been granted, this not having an impact upon the green belt.

The Chair asked if there was a seconder to the proposal by Councillor J Shuttleworth for approval of the application. As there was no seconder, the Chair asked if any Members had any other proposals.

Councillor M Davinson noted he would proposed that the application be refused as per the Officer's report as it was not possible to discount that the application was within the green belt. He was seconded by Councillor D Brown.

RESOLVED

That the application be **REFUSED** for the reasons set out in the report.

e DM/19/01182/FPA - 3 Witton Garth, Peterlee, SR8 1NF

The Principal Planning Officer gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Principal Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for a first-floor extension and attached garage and was recommended for refusal.

The Principal Planning Officer noted the application was at Committee at the request of the Local Member in terms of consideration of visual amenity. He referred the Committee to plans, aerial photographs and elevations and noted that the key issue was of overlooking to the neighbouring property and separation distances.

Members noted there had been no objections from the Highways Section, though noted some concerns. It was added that Ecology had not objected, and that should the application be approved they would request that an informative be included as regards bats.

The Principal Planning Officer noted that the Tree Officer had raised no objections, however, they had advised to ensure that during construction care was taken to protect a neighbouring hedge. He added that there had been no responses to neighbour notification letters.

The Principal Planning Officer noted the application was in a sustainable location and the principle of an extension was acceptable. He noted, however, that the impact upon residential amenity for the adjacent bungalow was considered to be an issue. It was explained the guidance set out a separation distance of 13.5 metres between a gable wall and a window of and adjacent property. The Principal Planning Officer noted in this case the separation distances were 11 metres from the first-floor level, and only 6.5 metres from the garage. He added that the site levels meant that this impact would be felt more significantly, albeit the neighbour affected had not objected themselves, and therefore the recommendation was for refusal. The Chair thanked the Principal Planning Officer and asked Members for their comments and questions.

Councillor A Laing proposed that the application be refused as per the Officer report, she was seconded by Councillor J Shuttleworth.

RESOLVED

That the application be **REFUSED**.

f DM/19/00846/OUT - Land adjacent The Elms, High Hesleden

The Planning Officer, Susan Hyde gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer, SH advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was an outline application with all matters reserved for a proposed single storey dwelling and demolition of existing structures with associated works and was recommended for refusal.

The Planning Officer, SH explained there was an update to the report as circulated, noting that following assessments Environmental Health would not require a condition in terms of contaminated land should the application be approved.

The Planning Officer, SH explained referred Members to plans, aerial photographs and a proposed indicative site layout.

She noted the existing stables on site and referred to the small scale of the village of High Hesleden. Members were asked to note that there was the issue of sustainability, with the village only having a single public house and infrequent public transport.

It was explained that the Highways Section had no objections to the application, subject to a condition to upgrade the access and road along The Elms to an adoptable standard. It was reiterated there had been no objections from Environmental Health and noted there were no objections from Ecology, subject to a s106 legal agreement to secure contributions toward the Heritage Coast. The Planning Officer, SH noted 25 letters of support had been received and one letter had noted the unfinished state of the road along The Elms and suggested that the road be brought up to adoptable standard. It was reiterated that this was included within the application.

The Planning Officer, SH noted the main issue in planning terms was that of being a sustainable location. She reiterated the small nature of the village and lack of facilities and cited as recent appeal decision for a site within the village where the Planning Inspectorate had rejected an appeal against a refusal by the Council for three houses elsewhere within the village. She explained that the Officers' view was consistent with that of the Inspector. It was explained that the Landscape Officer had noted no objections, if the property was a bungalow it was felt it would fit in well and not be a detriment in terms of views.

The Planning Officer, SH reiterated that the recommendation was for refusal as the application was not considered to be sustainable development and therefore was contrary to saved Policies 1 and 35 of the District of Easington Local Plan and Part 2 of the NPPF.

The Chair thanked the Planning Officer, SH and asked the Committee Services Officer to read out a statement on behalf of Local Member, Councillor R Crute, in support of the application, noting his fellow divisional Member, Councillor L Pounder supported the statement.

“Writing in support of this planning application we consider that it turns on a number of key points, namely the principle of development, impact on the character amenity and appearance of the surrounding area, its ecological impact and finally highway access and safety. We note that these points are broadly similar to those set out by the planning case officer in the planning report and we propose to take each one in turn:

In terms of the principle of development we acknowledge that whilst High Hesleden does have limited services there is a regular bus service linking the village to facilities in Hesleden, Blackhall Colliery and Peterlee with its frequent public transport links to all of the main conurbations in the North-East region. An application for a housing development of a significantly larger size may pose difficulties in terms of sustainability but we feel that an application to erect a single property of this size would have a negligible impact.

In noting the design proposals, we consider that the development would complement the current character and appearance of the village, it being sympathetic to the existing development. In also noting that the proposal is to build on previously used land we agree with the planning case officer's assessment that the impact of this development is "not considered significant."

We note that statutory consultee comments in terms of the ecological impact of the development raise no objection.

In addition, we note that there are no objections from a highway safety perspective, and further we agree with the recommended condition that the highway be brought to an adoptable standard which we feel would adequately address any outstanding concerns from a highways perspective.

We note that there are no objections in relation to land contamination issues.

Finally, we would draw the attention of planning committee members to the significant local support for this development. 25 individual letters of support from village residents and businesses were submitted alongside a petition of 48 residents supporting the application and offering no objections. In our experience we find such local endorsement for a development proposal in a village the size of High Hesleden to be extraordinary. Although this alone would not constitute a material planning consideration we feel that this level of support from residents should be acknowledged in determining this planning application.

In conclusion, for the reasons set out in our comments above, we would strongly urge members of the planning committee to approve this planning application which we feel would be an asset to the village".

The Chair thanked the Committee Services Officer and asked the Planning Officer, SH to comment on the issues raised. The Planning Officer, SH reiterated that the main issue was sustainability as set out within the report.

The Chair thanked the Planning Officer, SH and asked Mr Arron Atmore, Agent for the application to speak in support of the application.

Mr A Atmore noted the apologies of the applicant, Mr R Catleugh, as he had been unable to attend the Committee meeting. He explained that Mr and Mrs Catleugh lived in High Hesleden and that due to factors including old age it was not possible for them to continue living in their existing property on The Elms. He added that they had hoped to build a bungalow at The Elms, so they could remain in the village and at The Elms.

Mr A Atmore noted the application was strongly supported by the Local Members, a 48-signature petition, 25 letters of support, and the one letter suggesting the improvement of the road to an adoptable standard. He explained that when looking at options in terms of access, other points onto Micklehill Road would not be suitable due to traffic calming infrastructure and junction. He added the proposal for access that would include the road at The Elms being made up to an adoptable standard would benefit a number of other residents.

In reference to sustainability, Mr A Atmore noted the site had previously been developed, there was the public house as mentioned by the Planning Officer and there was a bus route linked the village to the other settlements nearby. He noted that he felt the sustainability argument in fact had the potential to stagnate small villages and reiterated that the proposed development was for one bungalow, not a large number of properties. Mr A Atmore noted he hoped that the Committee would be supportive of the application and grant approval.

The Chair thanked Mr A Atmore and asked the Planning Officer, SH if she wished to comment on the points raised. The Planning Officer, SH noted the summary of the issues by Mr A Atmore was a fair one, in terms of only the one public house and an infrequent bus service.

The Chair thanked the Planning Officer, SH and asked the Committee for their comments and questions.

Councillor J Shuttleworth noted he was sick and tired of sustainability being used as a reason to refuse applications for previously developed sites. He noted previous decisions in similar cases where applications had been recommended for approval and noted he felt some consistency was needed. He proposed that the application be approved.

Councillor M Davinson agreed with the comments made by Councillor J Shuttleworth and those of the Agent. He noted the application would allow for an improved quality of life for the applicant and allow another person or family to move into their existing property. He added that the benefits would include the completion of the road at The Elms to an adoptable standard, increasing residential amenity.

Councillor M Davinson noted the site was a brownfield site and added he felt the proposed development was a good thing and would second that the application be approved.

Councillor D Brown reminded Members that a development at the west side of the village had been approved approximately two years ago and he agreed with previous comments as regards consistency of decisions.

The Solicitor – Planning and Development asked if those Members proposing approval could elaborate on their reasoning, referring them to the NPPF paragraph 11 test as set out at paragraph 55 of the report. Councillor M Davinson noted that he felt that the development was sustainable and that the benefits included the improvements to the road, increased housing choice locally.

The Planning Officer noted that within 400 metres of the property the only facility was the public house and public transport was infrequent, however, she noted Members felt on balance the improvements to the road and additional housing provision were such that the adverse impacts of granting permission did not outweigh the benefits.

The Solicitor – Planning and Development noted that if Members were minded to approve the application it would need the usual suite of conditions and a s106 agreement as mentioned within the report. He asked if those proposing and seconding the application would wish for those to be delegated to Officers in consultation with the Chair or Vice-Chair of the Committee. Councillors J Shuttleworth and M Davinson agreed.

RESOLVED

That the application be **APPROVED** subject to a s106 Planning Obligation to secure a payment of £756.61 for coastal mitigation and a suite of conditions to be delegated to the Planning Officer, in consultation with the Chair of the Committee.

g DM/19/00855/FPA - Land at Flass Bungalow, Flass Vale, Durham, DH1 4BN

The Planning Officer, SH gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site.

The Planning Officer, SH advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the erection of 1 no. detached bungalow and was recommended for refusal.

The Planning Officer, SH explained there was an update in respect of paragraph 45 of the report, with the Archaeology Section noting that there was the potential for finds and that if the application were granted then a watching brief on archaeological remains should be put in place.

The Planning Officer, SH referred to plans and aerial photographs, noting the site was on the edge of Flass Vale, a local nature reserve, a heavily wooded area. She added that the site was within the green belt, the Conservation area, an area of high landscape value (AHLV) and nature reserve. She noted the green belt was set out within the saved City of Durham Local Plan and the boundary ran part-way through the applicant's existing bungalow.

Members were asked to note the narrow access to the site, leading to the existing bungalow and then on to a public footpath leading into Flass Vale. The Planning Officer, SH noted there were several TPOs in the area, and there was the additional protection afforded by the Conservation Area.

The Committee noted no objections from the Highways Section, subject to conditions relating to parking and bin storage to be located no further than 25 metres from the public highway for collection. The Planning Officer, SH noted no objections from Environmental Health/Contaminated Land, and that the Landscape and Tree Officers had noted the issues as mentioned in relation to the Conservation Area, AHLV and TPOs and noted a number of surveys that would need to be provided in order to assess the proposal.

The Planning Officer, SH explained that the Ecology Section had noted there was a need for an assessment in terms of Priority Species, namely bats, badgers and Great Crested Newts.

Councillor D Freeman left the meeting at 4.05pm

It was noted the City of Durham Parish Council had objected to the application as it represented development within the green belt. The Planning Officer, SH added that the City of Durham Trust had objected, noting the AHLV and the archaeological importance of the adjacent Maiden's Bower Burial Mound.

The Planning Officer, SH noted that the application was for a development within the green belt, and was by definition inappropriate development, contrary to saved Local Plan Policy E1 and Part 13 of the NPPF.

She added that there been no special circumstances cited in support of the development within the green belt and any development would affect the openness of the green belt. Accordingly, the Planning Officer, SH noted the recommendation was for refusal.

The Chair thanked the Planning Officer, SH and asked Local County Councillor, and Parish Councillor, Councillor L Brown to speak in objection to the application.

Councillor L Brown thanked the Chair for the opportunity to speak and congratulated Officers in coming to what she felt was the right decision in recommending refusal of the application. She explained she was 14 years old when the first bulldozers went into Flass Vale in 1973 which were stopped at the very last minute. She added it took years for the ecological balance to recover and she had been thrilled when the area became a Local Nature Reserve in 1982. Councillor L Brown noted that apart from that, the application site was within the green belt, the Durham City Conservation Area, was alongside Maiden's Bower, a Bronze Age Burial Mound which also may have been part of the site of the Battle of Neville's Cross. She added there were therefore a whole raft of local saved policies and national planning policies that the application would be breaching and there was also a lack of an up-to-date arboricultural survey and no sign of any ecological survey.

Councillor L Brown noted she wished to bring a matter to the Committee's attention. She noted the Heritage Report referred to the site as a "brownfield site" due to the previous existence of Flass Quarry. She added that two decisions which had subsequently been considered at appeal were relevant to this application. Councillor L Brown noted the first was from January 2011, application reference 4/10/00476 and that within the decision of the Inspector it had been noted that a brownfield site could revert to a greenfield site because of "*years of disuse leading to revegetation and no visible remaining structures*".

Councillor L Brown noted the second was perhaps more pertinent, given that the application site was apparently "*returned to grass by the present owners*". She noted an appeal from October 2015, 14/02141/OUT in which paragraph 7 of the report reads: "*Whilst the definition of previously developed land does not include land that is or was developed with permanent structures it excludes from the definition land where the remains of the structures have blended into the landscape*" and also "*established garden land is excluded from the definition of previously developed land*".

Councillor L Brown concluded by noting she felt that both of the appeal outcomes set a precedent which supported the Officer's recommendation and she hoped that the Committee would vote with the recommendation.

The Chair thanked Councillor L Brown and asked Mr K Ryder, Architect for the Applicant to speak in support of the application.

Mr K Ryder noted he spoke on behalf of the applicant and that the proposal was for a single bungalow within the curtilage of the existing Flass Bungalow. He noted the applicant had lived on the land since the 1960s and before that the land was used by civil engineers in the city. He added that the City Engineer had commented that the development of the area was confirm on the town map, classified as “reserve open space”, but amended to be the operational yard and bus depot, both now developed.

Mr K Ryder noted that while the area was wooded, there was an awful lot of decay and dying trees as well as ivy and sand soil conditions. He added that the applicant was a regular volunteer with the Friends of Flass Vale. He added the proposal was for a modest two-bed bungalow, with vehicular access being taken via the existing access.

Mr K Ryder noted that some time had been taken in preparation of the application, with pre-planning talks as regards what could be acceptable, noting many comments that had been favourable. He added he scheme was well designed, and well concealed, only being visible in the immediate area with a minimal impact on the Conservation Area. He noted that the Landscape Officer had stated that there would be not be a significant reduction in visual amenity from the proposals.

Mr K Ryder noted the Parish Council had referred to potential damage to Flass Vale and Maiden’s Bower, he added this was an English Heritage site and that only the top represented a burial cist, the majority not being man made. Mr K Ryder concluded by noting that the proposals represented a caretaker development alongside existing development and asked the Committee to approve the application.

The Chair asked the Planning Officer, SH to comment on the points raised.

The Planning Officer, SH noted that while the land had previously been developed, in had significantly changes since the 1960s, now being a green site with mature trees. She added that any promises in the 1960s did not inform the City of Durham Local Plan in terms of the now existing green belt, AHLV and Conservation Area. It was reiterated that the main issue was that by definition any development within the green belt was harmful and in the absence of any special circumstances, the recommendation from Officer’s was for refusal.

The Chair thanked the Planning Officer, SH and asked the Committee for their comments and questions.

Councillor M Davinson noted the history of the site with interest, however, he felt that it was clearly development within the green belt and therefore he proposed that the application be refused as per the Officer's report. Councillor R Manchester seconded the proposal for refusal.

RESOLVED

That the application be **REFUSED** for the reasons set out in the Officer's report.

Councillor S Iveson left the meeting at 4.20pm

6 Planning Development Management Performance Summary 2018/19

The Committee considered the Planning Development Management Performance Summary for 2018/2019 (for copy see file of Minutes). Members were informed that the report would be submitted to each of the Council's Area Planning Committees and the County Planning Committee.

In discussing the report, the Chair noted that while the Central and East Area had the most appeals in the 2018/19 cycle, it compared favourably in terms of other area teams, having only one in seven appeals being upheld.

Resolved:

That the content of the report be noted.