

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 28 November 2019 at 1.00 pm**

Present:

Councillor I Jewell (Chair)

Members of the Committee:

Councillors S Wilson (Vice-Chair), A Bainbridge, L Boyd, J Higgins, C Martin, J Robinson, J Shuttleworth and K Thompson

Also Present:

Councillors H Liddle, O Temple and A Watson

1 Apologies for Absence

Apologies for absence were received from Councillors A Hopgood, A Shield and T Tucker

2 Substitute Members

Councillor L Brown substituted for Councillor A Hopgood.

3 Minutes of the Meeting

The minutes of the meeting held on 31 October 2019 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest (if any)

Councillor Robinson declared an interest in Agenda item 5 (b) as he was a presiding Magistrate but would not withdraw from the meeting during the discussion of this item as he had no prejudicial interest in the application.

Councillor S Wilson declared an interest in Agenda 5 (e) as he lived at Davison Terrace, Sacriston and withdrew from the meeting during the discussion of this item.

Referring to Agenda item 5 (b), Councillor J Higgins also informed the committee that he was a retired Magistrate but had no prejudicial interest in

the application and would not withdraw from the meeting during any discussion.

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

a DM/19/02169/FPA - Former Stanley Community Centre, Tyne Road, Stanley

Prior to consideration of the item the Senior Planning Officer confirmed that since the report had been published an update had been received on the financial contribution from the applicant of £53,130 towards health care. The contribution was now to cover both the Tanfield and Stanley Electoral divisions.

The Committee considered a report of the Senior Planning Officer which consisted of a hybrid planning application seeking outline planning permission for the erection of up to 110 dwellings, including means of access (all other matters reserved) and full planning permission for the formation of car park (s) (for copy see file of minutes).

The Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, site photographs and site layout. Members of the Committee had visited the site the previous day and were familiar with its location and setting.

The Chair thanked the Senior Planning Officer for his presentation. As there were no speakers for this item the Chair asked the Committee for their comments and questions.

Councillor Brown was concerned with the working times on Saturdays during building works that would include the delivery of materials due to the close proximity of residents to the site.

The Senior Planning Officer confirmed that the hours of works for construction in the report were standard conditions that were placed in all applications. The hours could be amended if the application was approved.

Councillor Boyd was in favour of the development but recommended that the condition be changed for working times on Saturdays. She wished to know why the health care contribution money now included the division of Tanfield.

The Senior Planning Officer explained that the Tanfield division had to be covered in the health care contributions because Stanley Town Centre was in the division of Tanfield and not the division of Stanley as originally thought.

Councillor Wilson was also apprehensive about the working times for Saturdays. He requested assurance that Sport England had unquestionably withdrawn their objection to the application as he was aware that in previous planning applications Sport England had held up the process whilst awaiting their approval.

The Senior Planning Officer confirmed that Sport England a statutory consultee had withdrawn their objection to the planning application as they were happy with the submitted proposal.

Councillor Wilson was happy to move the planning application subject to a change in the condition for Saturday working hours.

Councillor Jewell requested clarity from the Committee on what they wanted changed in the condition for working hours on Saturdays.

Councillor Wilson proposed that working hours should be between the hours of 9am and 4pm on a Saturday whilst Councillor Brown suggested the hours should be from 8am until 2pm. As a local member Councillor Boyd was happy for the hours to be from 9am until 4pm.

The Senior Planning Officer explained that the condition for working hours was in two parts for Saturdays, one for external works and one for internal works. He noted that the standard condition for working hours for external construction works was between the hours of 7.30am and 2pm and for internal works it was from 8am until 5pm on Saturdays. He was happy for the condition for the combination of both internal and external works carried out on Saturdays be changed to be between the hours of 9am and 4pm.

Councillor Wilson **proposed** approval of the application and was **seconded** by Councillor Brown.

Upon a vote it was unanimously

Resolved

That the application be **APPROVED** subject to the completion of an internal transfer of funds to the Council, subject to conditions in the report and an additional condition included with regards to working times on Saturdays.

b DM/19/02141/FPA - Site of Former Magistrate's Court, Ashdale Road, Consett

Prior to consideration of the item the Planning Officer confirmed that since the report had been published an update had been received on the validation of costs for the development. She noted that additional abnormal costs would be incurred for grouting and tiling works following feedback from consultees.

She informed the committee that the applicant could not increase any financial contributions as it would make the development unviable but would in fact half the financial contributions that had been initially proposed.

The Committee considered a report of the Planning Officer regarding an application for the proposed 20 new build residential units – 2 and 3 bedroomed with associated infrastructure (for copy see file of minutes).

The Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, site photographs and site layout.

Councillor Temple, local ward member addressed the Committee to object to the planning application. He gave a detailed presentation regarding his issues as since the outline planning application had been submitted to a committee meeting 18 months ago and given approval for 20 units nothing had progressed. He informed the committee that in the outline application a tree survey had been requested but in the new application the trees were to be removed.

Councillor Temple stated that the police had objected to the new application as the proposed shared drives would create neighbour disputes that would place pressure on them to resolve. The police also felt that the proposed alley way that led to the rear gardens of some properties would give rise to anti-social behaviour and burglaries that would add further pressures on them to resolve. Councillor Temple noted that the nearby school had similarly objected as additional vehicles from the development would cause further obstructions on the footpath that was used by children.

Councillor Temple emphasised that the area around the site had undergone major investment with the new academy and leisure centre complex being built. He deemed that the proposed high-density housing development would undermine those improvements as it had disregarded the attractive curved landscaped layout set out in the outline application for a bland alternative. He was disappointed that the section 106 monies the applicant had offered as compensation for loss of quality of life to the area had decreased by nearly half.

Councillor Temple concluded that the application should be rejected on three counts:

- It conflicted with the Derwentside plan on GDP1 as the design was not of a high standard and was detrimental to the vicinity;
- It conflicted with EN11 as existing trees would be removed; and
- It conflicted with TR2 given the police's objection regarding parking issues both now with shared drives and in the future with additional cars as teenagers start to drive.

Councillor Watson, local ward member addressed the committee as he similarly objected to the application. He noted that he shared the same concerns that Councillor Temple had raised but additionally was worried about vehicles accessing the busy main road from the site. He considered the road to be dangerous and had reported it on several occasions to the Council and thought it warranted a one-way system installed to ensure public safety.

Councillor Watson suggested a site visit should take place in peak times to show how busy and dangerous the road could be. He noted that there had been no fatalities but there had been several accidents and near misses on the road. Councillor Watson also felt that there would be insufficient parking for residents with a likelihood of four cars per household being required.

The Planning Officer stated that the application had been altered in order to satisfy the Durham County Council's parking standards and because the urban drainage was too close to the existing trees. She confirmed that the design of the scheme had been well received with affordable housing aimed at the younger end of the market.

The Planning Officer explained that the NPPF did not quantify density figures and the scheme's high density and shared drives were in keeping with other developments in County Durham. She confirmed that the footpath at the rear of the properties would be private and not easily accessible to the public. She acknowledged that the loss of trees would have a negative impact on the environment, but the trees were not protected by tree preservation orders (TPO) and no requests had been made to place TPO's on the trees. She explained that highways had raised no objections or issues with either access to the site from the main road or with parking around the school.

The Highways Officer notified the committee that the outline application had been granted approval with access to the site from Ashdale Road. He explained there were no issues with the standard access road into the new estate and it complied with Durham County Councils guidance. He informed the Committee that a one-way system had been explored as an option for the main road, but this was discounted as it would not reduce the speed but increase the speed of traffic as it tried to get through.

The Highways Officer noted that the parking standards were applied and the development was over and above the requirements with two spaces allocated per household and additional parking for visitors making a good parking ratio for the site.

Miss Howard, representative for Believe thanked the Committee for the opportunity to speak in support of the application. Miss Howard clarified that there had been abnormal additional costs identified with the development, but the properties once built would be 100% affordable. She explained that

there was a shortfall in the Strategic Housing Market Assessment (SHMA) and a need in this area for additional properties which would be owned and managed by Believe Housing who had a track record of providing a local housing service to fit local housing needs.

Miss Howard confirmed that there would be 3 bedroomed properties to rent or buy with 20% discount to get people on to the property ladder along with two bedroomed properties to rent. She acknowledged the concerns of local Councillors regarding the density of the development but the NPPF did not quantify density and she confirmed that the development would sensibly reflect other houses in the area with strong frontages on Ashdale Road giving respect to the war memorial. She also noted that the area would be highly sustainable with open spaces available to residents that would bring a disused site up to a high standard.

Councillor Shuttleworth commented that the Committee should listen to both the concerns of the two local members who had local knowledge of the area and those of the Police. He suggested that the application should either be deferred until a site visit could be arranged or refused.

Councillor Brown was disappointed that no elderly accommodation had been included in the application and wanted to know how many trees would be felled in the process of building the new properties.

Councillor Martin requested clarity on how density was measured within planning if there were no quantity measures given in the planning policies. He wanted to know if it was based more on a character or a design test.

The Planning Officer informed the Committee that there was a need for elderly housing and normally 10% was requested in most planning applications but elderly housing had not been requested or put forward in this application because the site was aimed at a younger clientele to get people on the property ladder. She explained that with regards to the density factor within the NPPF it did not prescribe a figure to apply but it did consider other factors that looked at the local market, sustainability and attractiveness of the area to see if density was appropriate.

Councillor Wilson wanted to know if there would be adequate parking with 2 spaces per dwelling making 40 spaces in the development with an additional five spaces for visitors with mixed drives.

The Highways Officer noted that there would be 43 parking spaces available in total with one space per unit and visitors requirements met with 25% additional parking on the site.

Councillor Wilson wanted to know what the capacity of the road would be.

The Highways Officer explained that with 20 units in peak times it would create an additional 12 trips which was moderate. He explained that highways would not normally assess anything under 32 trips.

The Planning Officer confirmed that there would be 30 trees removed after consultation with the arboriculturalist who objected to the removal of the trees but had not requested any TPO's to be applied to them.

Councillor Thompson wondered if there were any elements of the planning application that looked at climate change. He also commented that at every PACT meeting he attended the topic of debate centred around obstructive parking. He was aware the police had limited resources to stop people from parking obstructively and that the Police had a major concern with the design of the development. He felt that lessons should be learnt in the design process to eliminate these issues in the future.

The Senior Landscape Officer informed the committee that he was unaware of what was mentioned in the planning application but assumed it was in relation to the frontage trees that were important as the public saw them. He clarified the methodology that a tree officer looked at. He explained that in the assessment an Officer would look at the health of a tree, the life expectancy of the tree as to whether it would last 40 years and the visibility of the tree including the characters of groups of trees together. He was concerned about the loss of trees but accepted that this was a matter to be taken into account as part of the planning balance.

Councillor Jewell was aware of information that had been circulated to Members on climate change that would have answered the questions posed by Councillor Thompson on the wider scope of climate change.

The Solicitor - Planning and Development sought clarification from the Committee as to the reasons why the planning application should be refused. He noted that the conflict with GPD1 with the poor design and standard of the development and EN11 with trees being lost would be adequate reasons to refuse the application. He felt that the conflict with TR2 regarding parking and highway safety would not be upheld at appeal as the committee had heard extensively from the highways Officer that safety was not of concern.

Councillor Shuttleworth agreed that the application should be refused based on GPD1 and EN11.

Councillor Brown stated that it should also be refused based on the element of the NPPF regarding a crime free community.

The Solicitor - Planning and Development was advised that the Committee already had sufficient reasoning to refuse the application should the Committee wish to, so there was no need to add to those reasons.

Councillor Shuttleworth **proposed** the refusal of the application, **seconded** by Councillor Brown

Upon a vote

Resolved

That the application be **REFUSED**.

Councillors Bainbridge, Thompson and Shuttleworth left the meeting.

c DM/19/01992/FPA - The Crest, Beamishburn Road, Beamish, Stanley, DH9 0LR

The Committee considered a report of the Planning Officer which consisted of a planning application to demolish an existing garage and the erection of two 3 bed semi-detached dwellings (re-submission of application DM/17/03634/FPA) (for copy see file of minutes).

The Principal Planning Officer informed the committee that the application had been deferred from the North planning committee that was held in September 2019 as a more recent speed survey had been requested and members had asked for a representative from the Landscape Team to attend committee. She updated the committee with the results of the speed survey that showed that the daily traffic flow had decreased since the 2008 survey and there had been a marginal increase in the speed of the traffic by 1mph.

The Principal Planning Officer noted that highways had also looked at the significance of the footpath in the area. She explained that as no accidents had been recorded it was deemed that a footpath was not necessary. She clarified that there is landscaping between the application site and the South Causey Inn which is out of the applicant's control. She recommended that the landscaping condition would mitigate against the impact of the loss of trees which would occur as part of the development.

The Principal Planning Officer had relayed the results of the updated speed survey to Mr Kennedy, a local resident who had attended the September meeting as an objector to the application. She noted that in response Mr Kennedy was shocked at the results and thought the reduction in vehicles on the road was incredible. She clarified that the principle of the planning application had been accepted with the design and scale of the development being in keeping with the other properties in the area and therefore the application should be approved.

Councillor Thompson entered the meeting.

The Chair thanked the Principal Planning Officer for her presentation and as there were no speakers asked the committee for their questions and comments.

Councillor Martin noted that the planning application had been to committee on three occasions and it was clear the committee were not keen on it. He sensed that the Committee had exhausted their reasons for refusal. He proposed to accept the application even though he did not wish to.

Councillor Jewell asked Councillor Thompson who had missed part of the presentation from the Principal Planning Officer if he had heard enough information on the planning application to allow him to participate in the discussion. Councillor Thompson confirmed that he was able to contribute to discussions.

Councillor Wilson admitted that he was unable to attend the meeting in September when the application was heard for the second time but from the report could see that all issues had been addressed and would accept the application.

Councillor Martin **proposed** approval of the application **seconded** by Councillor Wilson.

Upon a vote it was unanimously

Resolved

That the application be **APPROVED** subject to the conditions contained in the report.

Councillor Wilson left the meeting.

**d DM/19/01681/FPA - Former South Moor Greenlands
Community Infant School, School Terrace, South Moor,
Stanley**

The application was withdrawn and no consideration given to the report (for copy see file of minutes).

**e DM/19/03082/FPA - Land to The East of Davison Terrace,
Sacriston**

The Committee considered a report of the Senior Planning Officer which consisted of 8 new build bungalows and associated infrastructure (for copy see file of minutes).

The Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, site photographs and site layout. Members of the Committee had visited the site the previous day and were familiar with its location and setting.

The Chair thanked the Senior Planning Officer for his presentation and asked Councillor Liddle to address the committee.

Councillor Liddle thanked the committee for the opportunity to speak in objection to the application on behalf of the community. She thought the idea of building eight new bungalows in Sacriston was good as there was a demand and need for them but the community was concerned about the location of the site. She felt the layout of the scheme was archaic with the internal court yard facing inwardly and putting their backs to the rest of Sacriston. She noted that the surrounding buildings in the area had a lot of history which would be spoiled by the new building which would also impact on the privacy of the residents.

Councillor Liddle was worried about the proposed access to the development through two lanes which were narrow tracks of poor quality leading to the main road. She was apprehensive that the maintenance of the lanes would fall to the residents and the agricultural vehicles that would come would add undue stress to the roads. She thought there would be visibility issues near the church access making it difficult for veterans to access Shade.

Councillor Liddle explained that in the last 20 years there had been no development on the land. She had received numerous complaints from neighbours regarding Japanese Knotweed that was growing into their gardens from the site. She wanted a condition placed on the application should it be approved for the applicant to make good the highway and install street lights.

The Highways Officer explained that the access roads to the site had been investigated and it was found that access from the church to the cross roads had had only one minor accident. He noted that a speed survey showed that the speed of traffic was on average 32 mph illustrating no issues with the roads. He informed the committee that the track was not of a highway's standard especially near the church where the tree roots affected the surface but was wide enough for service vehicles to gain access. He noted that some street furniture would need to be relocated as part of the approved plan.

Councillor Jewell requested clarity on the visibility on both access sites to the development.

The Highways Office confirmed that visibility on both access points complied with Durham County Council's standards.

Mr Ashton, the applicant addressed the committee in support of the application. He informed the committee that only five out of the eight properties would potentially use the access near to the school but he felt the extra traffic would not affect the times when children were dropped off and collected. He noted that highways had approved the development highlighting no issues with the additional number of vehicles or speed of traffic in the area. He thought it was a good scheme with visibility being good in all directions.

Mr Ashton confirmed there would be a management plan in place prior to the commencement of any building works to control the noise of the development and to reduce the impact of traffic on the nearby school. He had accepted the standard restrictions on the days and hours of work and indicated there would be a sympathetic fence erected to provide privacy for residents of Davison Terrace.

The Chair thanked Mr Ashton and asked the committee for any questions or comments.

Councillor Brown was concerned about the potential presence of Japanese knotweed on the site. She informed the committee that she had written a thesis on the subject and it was a notifiable and hazardous weed where care was required to dispose of it correctly.

The Senior Planning Officer noted that Environmental Health and Ecology had not highlighted any presence of Japanese knotweed in their reports.

Councillor Jewell notified the Committee that upon the site visit the previous day he had not noticed any obvious sighting of the weed.

The Senior Planning Officer stated that Durham County Council kept records of any reports of the weed and was not aware of the weed being on the site until it was mentioned on the day of the planning meeting.

Councillor Jewell wanted to know if this needed to be investigated and whether a condition should be added to the application for the careful removal of any Japanese knotweed that may be present.

The Senior Planning Officer requested clarity on where the concern of Japanese knotweed had come from as if the site was potentially affected then the applicant would need to carry out a survey to mitigate its presence.

Councillor Liddle informed the Committee that over several years the site had been a blight with fly tipping. She explained that she had reported the issue to the Council to have it removed but was told by Clean and Green that they could not remove the fly tipping as it was on private land and the land had

Japanese Knotweed present. Councillor Liddle told the Committee that the site had been cleared and the top soil removed two months ago.

The Senior Planning Officer stated that the site had been visited over several years and it had not been detected. He noted that if Clean and Green had investigated then it should be recorded with Durham County Council.

Mr Ashton informed the Committee that Durham County Council took Japanese knotweed very seriously and have good records. A full ecology survey of the site that formed part of the planning application had been undertaken and Officers had not made the applicant aware of its presence.

The Solicitor - Planning and Development explained that condition six of the report required a scheme to carry out remedial work to see if the land was contaminated. He stated that the condition could be expanded to include Japanese Knotweed in order to cover its presence, should Members feel that it was necessary to do so.

Mr Ashton noted that condition seven of the report also required remediation works to be undertaken in relation to contaminated land.

Councillor Thompson was concerned that if the top soil was contaminated and removed then it would transfer the contamination to another area. He felt there should be a condition in the application to disclose where the soil had been taken in order to address the situation properly.

The Senior Planning Officer noticed on the site visit the previous day that a large pile of rubble had been scrapped to one side of the site that made him believe the top soil had not been removed. He explained that further investigations would highlight this.

Councillor Martin **proposed** approval of the application **seconded** by Councillor Higgins.

Upon a vote it was unanimously

Resolved

That the application be **APPROVED** subject to the conditions contained in the report.

Councillor Thompson left the meeting

6 Appeal Update

The Committee considered a report of the Principal Planning Officer which provided details of a recent appeal (for copy see file of minutes).

An appeal was submitted against the refusal of planning permission by delegated powers for the erection of two stables with tack rooms with forecourt, dolomite gravel parking area, creation of new vehicular access and closure and re-instatement of existing access and change of use of land to equestrian purpose at Ebchester Hill, Ebchester.

The Inspector agreed with the Council's decision and dismissed the appeal stating it would harm the character and appearance of the area contrary to saved policies.

Resolved

That the report be noted.