

# **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 **Tuesday 28 September 2021 at 9.30 am**

### **Present:**

**Councillor M McGaun (Chair)**

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

Councillors B Bainbridge, G Binney, L Brown, K Earley, J Griffiths, E Peeke, J Purvis, J Quinn, A Watson (Vice-Chair) and S Wilson

### **Also Present:**

Councillors C Bell, J Nicholson and D Oliver

### **1 Apologies for Absence**

Apologies for absence were received from Councillors J Blakey, M Currah and C Marshall.

### **2 Substitute Members**

There were no substitute Members.

### **3 Minutes**

The Minutes of the meeting held on 15 June 2021 were agreed as a correct record and were signed by the Chair.

### **4 Declarations of Interest**

Councillor G Binney explained that he had requested that planning application numbered DM/21/02577/FPA in respect of land opposite 'The Waggon Inn', West Road, Tantobie be brought to Committee but that he had not yet formed an opinion on the application and would participate in the discussion and voting.

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

### **a DM/21/02577/FPA - Land Opposite 'The Waggon Inn, West Road, Tantobie, DH9 9SL**

The Committee considered a report of the Senior Planning Officer which sought approval of the construction of 9no. residential dwellings (Use Class C3) with associated access and landscaping works in respect of land opposite The Waggon Inn, West Road, Tantobie (for copy see file of Minutes).

The Senior Planning Officer provided a detailed presentation of the application which included a site plan, site photographs and the existing and proposed layout. Members had visited the site the previous day.

Rachel Gladstone-Heighton addressed the Committee on behalf of the Residents Association. Members were referred to their letter of objection which raised many material considerations and policy matters which would have been impossible to condense into the Committee report.

Whether the application should be considered against Policy 6 or Policy 10 of the County Durham Plan was a matter of opinion. Officers had acknowledged that there was a judgement to be made on this issue and the Residents Association challenged the reason behind the decision to assess the proposal against Policy 6, especially given that the site was deemed to be countryside in a previous planning application.

Residents considered that the judgement on whether the site related to the existing settlement was largely based on nearby properties which had been built very recently and did not take into account the open space to the east and south of the site. Members were referred to an on-screen plan which showed the most recently built properties by the applicant and developer who had then used these to make a further case for development into the countryside and to conjoin the small cluster of houses on the south of the site to the village of White-le-Head. This would have an enormous impact on its character. Residents had purchased their homes in what looked and felt like a hamlet with widely spaced properties, large gardens and open spaces.

The visual amenity of the site would be greatly compromised and the expansive public views from West Road would be blocked. The report used the history of the site as a reason to consider this application against Policy 6. As acknowledged in the Committee report the site was greenfield given the significant amount of time that had passed. The Residents Association believed that assessment against Policy 6 and the issue of conjoining should not be based on the site and surroundings many years ago.

Referring to Policy 6 against which the application had been assessed Rachel Gladstone-Heighton stated that residents believed that it fell short of paragraphs 6(b),(c),(d), and (i).

The Landscape Officer had stated in the report that the proposals would cause harm to the local landscape and it was unlikely that this could be reduced other than through substantial design changes or additional mitigation. Policy 39 was therefore relevant.

The County Ecologist gave advice based upon the reports by OS Ecology which they admitted were limited due to the time they took place and she believed that they may have come to a different conclusion had they had the local knowledge highlighted in the Residents Association's letter, which included the priority species listed in the on-screen presentation. The clump of trees to the south of the site was home to priority species and would face harm or destruction due to the routing of the sewer line and the proximity of the foundations of Plot 4, upon which the roots would encroach.

In accordance with NPPF paragraph 182, because a priority habitat would be completely destroyed there could be no presumption in favour of sustainable development. The on-screen presentation also showed other relevant NPPF policies relating to priority habitats and ecological considerations which showed that a priority habitat should only be destroyed when a development was very much needed. Only then should financial mitigation be considered, and only as a last resort.

There were many objectors to this development and a petition of over 120 signatures which showed that this development was neither needed or wanted. The average salary in the area was £26,000; locals could not afford these houses. The County Durham Plan supporting documents included the Strategic Housing Market assessment which stated that the annual housing need for four bedroomed homes in County Durham was -4. This development contained six. There was no legitimate justification to destroy a priority habitat, impact on priority species and potentially a SSSI impact zone for a development that was demonstrably not needed. Paying to mitigate here would be against the spirit and wording of the various policies and a slap in the face to sustainability and forward thinking. Policy framework should guide the decision-making process alongside common sense.

Residents asked what would be the best use of this land; as a valued landscape, natural capital, a rare priority habitat in the impact zone of an SSSI and in good condition which was rare for this type of habitat; or as a development of densely packed, expensive, under-occupied homes that would destroy the character of the area, negatively affect the community and only benefit the landowner and developer.

Mark Ketley, Agent addressed the Committee on behalf of the applicant Mr Forster. The application before members was the culmination of nine months of working closely with Planning Officers and other Officers throughout the application process. There had been various design iterations to ultimately arrive at the scheme before Members, and the recommendation for approval.

Mark Ketley addressed the key points within the report and the objectors' representations, and the fundamental starting point was whether the application fell within Policy 6 or Policy 10 of the County Durham Plan. Policy 6 allowed development to take place both within and on the edge of settlements provided it related well in physical and functional terms to the existing settlement. The site could not be considered to fall in the open countryside and therefore Members were duty bound to consider it against Policy 6. Paragraph 80 of the report stated why the site formed part of the settlement, which could be seen on the aerial photograph, and which showed that the site was surrounded on three sides by existing development.

The site was also a sustainable location for new housing. It had excellent access to services and facilities, and two bus stops immediately to the north east corner of the site, which offered excellent transport links not only to the wider area of County Durham, but also the Tyneside conurbation, and the employment opportunities and services that offered.

In terms of design they had worked closely with Officers to produce a high quality scheme. Forric had a proven track record of delivering a high quality housing product across the County and in White-le-Head, and most recently in Witton Gilbert. The scheme was innovative, respected local character and the urban fringe settlement, and created a strong frontage to the street scene, particularly on the properties that faced out, whilst also maintaining residential amenity of the properties opposite.

The scheme was deemed to be acceptable in highway terms, the entrance was from a 30mph road, the access was compliant with the Council's standards, and there was an over-provision of car parking which should prevent any on-street parking. The Highways Authority had confirmed that it had no objections subject to conditions.

Referring to the ecological issues raised by the objectors, the reference to the destruction of priority habitat needed further exploration in their view. The objectors had referred to it as a lowland meadow priority habitat. The views of their ecological consultant was that it failed to meet the criteria and this was supported by the County's Ecology Officer. Notwithstanding this the applicant was committed to ensuring ecological enhancement through bio-

diversity net gain contributions and open space contributions through a Section 106 Agreement.

Overall, sustainable development would be achieved in social, economic and environmental terms. The scheme was entirely compliant with all relevant national and local plan policies and would deliver high quality housing in a part of the County which needed it in response to the economic profile of the area.

The Senior Planning Officer responded to the representations made. In terms of the comments that the site was within the buffer zones of SSSIs, he explained that these were zones which radiated out from the SSSIs, and the likely impact of development on these was a consideration. The two nearest SSSIs were 2 and 2.4 miles away so were not in the immediate vicinity but in the extended zone of influence.

Secondly there was a need for a strong edge of settlement here and part of the reason that the planting and screening on site was considered to be acceptable was that the existing planting on the other side of the bridleway screened the site entirely, as was seen on the site visit. Planning Officers considered that the necessary screening to meet the Landscape Officers requirements was already in place.

Councillor Simon Wilson stated that he could understand the confliction between the argument that the site was in open countryside and Policy 6. To the north was a recent development and to the east was the existing settlement. He considered that Policy 6 was relevant. The development would not extend any settlement boundary because of the development to the north, east and south of it. He was therefore minded to agree with the recommendation subject to clarification with regard to the ecology survey. He noted that there had been no concerns raised but that a survey had been limited. The Senior Planning Officer clarified that surveys were carried out at different times of the year, and if they were not carried out at the relevant time for a particular species they were deemed to be limited. If the County Ecologist had considered that he did not have sufficient information upon which to make a conclusion he would have requested that the application be put on hold for a further survey.

Councillor Liz Brown stated that having looked at the aerial photograph it would appear that Policy 6 was relevant. However having visited the site she noted how green the location was and considered that the application should be considered against Policy 10, paragraphs 10(m), (n), and (r).

The Senior Planning Officer replied that Policy 6 looked at urban fringe development and Policy 10 related to open countryside, which looked at

factors such as agricultural implications. This site was associated with a settlement.

Councillor Kevin Earley stated that he was familiar with the site and struggled to consider it as urban fringe. The Member asked how the determination was made between what was open countryside and what was considered urban fringe. If it was the case that urban fringe meant that development could be within the proximity of other buildings then development could take place almost anywhere in the County. He was also against the loss of open space within villages as it had a detrimental impact on character. Councillor Earley also noted that applications for the site had been refused previously and acknowledged that planning policy framework had changed.

Councillor Joe Quinn asked the developer to clarify the price ranges of the proposed properties and if the applicant believed that residents would be able to afford them.

Tom Forster, the applicant, stated that they had looked at properties that were appropriately sized for the area. The properties would be priced at just under £200,000 to make sure that they were well-priced for families in the area. They would not be large family homes, they would be good-sized three to four bedrooled properties.

Councillor Alex Watson stated that the site visit had been valuable. He knew the area and did not consider that the proposed development was development in the open countryside but an extension of the village. The recent new-builds were of high quality and he believed the development would be good for the area. The site was a grazing area, not a recreation area and he did not consider the development would be of any damage to the village at all. He seconded the application subject to the Legal Agreement for mitigation payments and to the conditions outlined in the report.

Councillor Brown stated that having heard Councillor Wilson and Councillor Watson's views, if the Committee was minded to approve the application, she asked that a construction plan be added to the conditions. She had noted the objectors' comments about parking and considered that construction traffic could add to that.

Councillor Wilson agreed the importance of a construction plan and moved that the application be approved subject to an additional condition requiring a construction plan. The wording of the condition to be agreed by Officers in consultation with the Chair of the Committee.

The Officer recommendation for approval having been moved by Councillor Simon Wilson and seconded by Councillor Alex Watson, a vote was taken and it was:

## **RESOLVED:**

That the application be approved subject to:

- a) the applicant securing a legal agreement for mitigation payments of £15,651 for open space and £13,727 for ecology;
- b) the conditions outlined in the report;
- c) an additional condition requiring the inclusion of a Construction Management Plan. The wording of the condition to be agreed by Planning Officers in consultation with the Chair of the Committee.

At this point the Chair informed Members of a change in the order of business. The remaining items would be considered in the order 5c, 5d, 5e and 5b.

### **c     DM/21/02574/RM - Plot 12 The Pastures, Lanchester, Durham, DH7 0BT**

The Committee considered a report of the Senior Planning Officer which sought approval of reserved matters consisting appearance, landscaping, layout and scale in respect of Plot 12, The Pastures, Lanchester (for copy see file of Minutes).

The Senior Planning Officer provided a detailed presentation of the application which included a site plan, site photographs and the proposed layout. Members had visited the site the previous day.

Parish Councillor David Friesner addressed the Committee on behalf of Lanchester Parish Council. He explained that the Parish Council objected to the application on several material grounds, as stated in their letter of objection. Their objections were focused upon three main areas; the Lanchester Neighbourhood Plan, the planning appeal decision of 2017 and the Residential Amenities Standards of 2020.

This area was especially sensitive since an extension to the original settlement boundary was made on appeal. The original edge comprised of a mature development of modest, well-spaced single storey bungalows which respected and blended into their setting and rural character. There were several dwellings to be built along the inner edge of the plot.

The Neighbourhood Plan had taken several years to complete in order to understand the needs and development opportunities of the village. The policies in the Neighbourhood Plan should be given significant weight in determining this application. The application was contrary to Policy LNP 2 which concerned the design of new development. The development did not

meet four of the five criteria set out in the Policy; a, b, c and e. The development would not reflect the rural setting and did not reflect the existing settlement pattern. The Paddock comprised of completely single-storey bungalows with significant space between dwellings. The development did not meet several aspects of design guidance as detailed in LNP 2 e to do with modest scale, cohesive character, being in harmony, sensitive to local character, and well-integrated.

With regard to the appeal decision, the Parish Council's view was further reinforced by statements made by the Inspector. Contrary to the Inspector's statement this large, imposing development would cause an unacceptable loss of privacy and harm to the amenity of existing residents.

Referring to the County Durham Residential Amenity Standards, Councillor Friesner stated that the development was contrary to the Council's own supplementary planning document, in particular sections 2.1, 3.1, 3.6 and 3.7. The Parish Council maintained that existing residents would be seriously affected, a view shared by local residents and Durham County Councillors. The size, scale, setting, density and character of the development in this very rural part of the Parish and County was not appropriate and would have a significant adverse impact.

He urged the Committee to give weight and significance to the Lanchester Neighbourhood Plan, all of the associated adverse impacts and refuse the application.

Local Member Councillor Doug Oliver addressed the Committee. Councillor Oliver stated that he shared many of the concerns raised by the Parish Council. He spoke as both a local resident and local member for Lanchester. He lived a short walk from the site and wanted to articulate both his own impression of the development and the deep and widespread concerns of residents. Lanchester was a very vibrant village; he recognised that the village was popular and required expansion, however like many residents he did not feel that this specific application matched needs and the existing built environment, particularly because of its size and dominance. The application for Plot 12 should therefore be rejected. He had received a large number of complaints from residents in the street and The Paddock. Thirteen objections had been received by the Council, including from seven neighbouring properties within this very small cul-de-sac. He had also spoken to the Campaign for the Protection of Rural Lanchester and the Parish Council.

Despite Officer assurances in the report, residents rightly remained concerned. Having met with residents on a series of visits he had been struck by the sincerity of their concerns and the apparent unanimity of them. Their specific concerns related to scale and design. The designs proposed were far bigger than those previously occupied properties in The Paddock

which were limited to single-storey by restrictive covenant. Those proposed were two storey in height and therefore not in keeping with existing properties. This was of particular concern as it was at the edge of the village facing into the countryside.

The existing houses in The Paddock had large gardens which was appropriate for a rural location. In contrast these plots would be densely filled; 36% of the site would be filled as opposed to 25% in the outline application. The immensity of the proposals contravened the Council's Residential Amenity Standards and the design section of the Lanchester Neighbourhood Plan. Residents considered the development to be over-sized and out of sympathy.

A further concern related to privacy based on size, and the slope the pastures were built on, 1.9m above The Paddock.

Other concerns related to loss of trees, flood risk and extra road traffic generated by the proposed development. There was already a TPO on site and the trees were a vital community and environmental amenity. Flooding was a significant risk in the village and there were concerns that the paving proposed would increase the risk of water run-off and flooding.

In conclusion, in terms of scale, privacy, loss of trees and flood risk residents had identified significant material grounds for refusal of the application and to re-examine the proposals. Whilst he spoke with concern he was optimistic that this excellent site could be re-considered by developers with a more modest and practical proposal. As with The Paddock this was an excellent location for bungalow dwellings and new homes which residents would support, and he was confident this aim could be achieved.

Emma Harvey addressed the Committee in objection to the application. Although the site looked to be some distance from her home her family still felt that it would be impacted by the development. They were currently lucky to have an open aspect to the rear of their property with much light, sense of space and privacy. These amenities would be lost if the proposed development went ahead. The applicant had referred to the overlooked part of her property as a side garden and felt that this had been done to give the impression that it was of little or no importance. She was sure that when Members had visited their property as part of the site visit they would have seen that it was more than a side or secondary garden but a well-used garden that would be over-looked and over-shadowed by the proposed development.

The band of scots pine trees had also been referred to in the applicant's statement giving the impression that the development site was shielded by the trees and would not be seen. This was not correct as Members would

have seen from their property. She acknowledged that the trees formed a distinctive boundary but would not conceal the proposed development and to suggest this was misleading.

The proposed house would be on view from their living room window, would overlook their garden and reduce light to their property. She also noted that it had been said that they had only lived in the property for one year; this was irrelevant and they were still entitled to privacy. The applicant had made reference to their occupation and that they wished to make a family home in the area. Emma Harvey stated that she had a young family and also ran a business in the local area but would not consider that job titles or a desire to build would give her family the right to impact upon another family's right to privacy.

Siobhan McMahon, the Agent addressed the Committee on behalf of the applicant. The scheme had gone through pre-application advice and the design had been developed to be in keeping with the site. She appreciated that this site was in a sensitive area but it was the overall development that was sensitive, and each plot should be recognised as being individual. Plot 12 was at the very top western boundary of the site and had been designed to sit within The Pastures development; it was not part of The Paddock development but ran alongside it.

The objections were often delivered as part of the overall development scheme but she asked that this be considered as an individual plot to sit in keeping with The Pastures and the neighbourhood. Where scale, design and mass was referred to, it was referred back to No. 8 The Paddock. The adjoining plots were Plot No. 11 which was already built, and what would be Plot 14. Plot 12 had therefore been designed to respect floor levels, topography and aspect in relation to Plots 11 and 14, whilst also taking into consideration Plot 8 of The Paddock.

The objections referred to the impact on the surrounding neighbourhood but the surrounding neighbourhood of Plot 12 was The Pastures. She acknowledged that Plot 8 of The Paddock was across from Plot 12, but the main dwelling was angled away. The living room of Plot 8 had been granted planning permission for a garage and fitness suite but had been subsequently converted.

Plot 12 had been designed to give a softer approach to Plot 8. The development's aspect looked across to agricultural land and towards the fort, and the whole of the main living areas looked west. The windows had been designed to avoid overlooking to Plots 11, 14 and 8. The constraints of the site level had also been taken into account and the restriction of the turning head, so there was a limit as to where the property could be constructed. Parking had to be accommodated on the site.

The distance from the gable of Plot 12 to Plot 8 was over 21m. The distances to Plots 11 and 14 also exceeded 21m.

In conclusion, Siobhon McMahon stated that the scale of the property had been designed to be in keeping with The Pastures development and had also considered the relationship to Plot 9 of The Paddock and The Middlewood Road development which had a similar make-up of bungalows and 2/3 storey development on higher ground. The relationship of this development should be considered against The Paddock, The Pastures and Middlewood Road as a whole rather than assessed against one resident, one dwelling and one plot.

The Senior Planning Officer responded to the representations made. He noted the reference to the 25% limit on development within the plot, and advised that this had not been included within the Inspector's decision as a restriction.

He continued that Officers had considered the application against both the Council's Local Plan Policy and the Lanchester Neighbourhood Plan, particularly in terms of scale and appropriateness, balanced against the Government's advice on self-builds. Of the 23 properties that used to be in this rectangular area of the village, only The Paddock included single-storey dwellings. It was relevant that not only had Planning Policy changed but also the physical environment. The development was neighbouring the single and two storey properties that had already been built in The Pastures. The scale of those properties in The Pastures was relevant to what was being proposed, as were the properties on Ford Road at the bottom end of the site. The properties surrounding The Paddock were 1960's shallow pitched roof, two storey dwellings. The approach to The Paddock was mostly bungalows but higher up the slope there were two storey properties. There were single-storey properties in The Pastures but surrounding The Pastures were two storey dwellings, some of which were recently built.

Councillor Alex Watson stated that the site visit had been invaluable. He accepted that this development ran alongside the site but that the buildings already there were large. This development was within Policy Framework as it had evolved significantly from the granting of outline consent and Officers had sought to give this appropriate weight, whilst also meeting legal requirements.

The opinions expressed against the proposal had been considered and been given due regard but ultimately trying to impose additional restrictions on development not intended by the Planning Inspector were not considered sustainable reasons for refusal. He did not believe that there would be any

infringement on privacy, given the build that was already there. Councillor Watson moved approval of the application.

Councillor Liz Brown seconded approval of the application. The application was consistent with planning policy and she did not consider that it overlooked the bungalow.

Upon a vote being taken it was **RESOLVED:**

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

**d DM/21/02516/RM - 15 The Pastures (Plot 14), Lanchester, Durham, DH7 0BT**

The Committee considered a report of the Senior Planning Officer which sought approval of reserved matters consisting appearance, landscaping, layout and scale in respect of 15 The Pastures (Plot 14), Lanchester (for copy see file of Minutes).

The Senior Planning Officer provided a detailed presentation of the application which included a site plan, site photographs and the existing and proposed layout. Members had visited the site the previous day.

Councillor David Friesner addressed the Committee. He was aware that each application would be determined on its individual merits. His presentation was largely the same as delivered for Plot 12 The Pastures and in the Parish Council's letter of objection. With the agreement of the Committee, rather than repeating his presentation he would make additional observations. The Parish Council noted that there would be three very large dwellings adjoining one mature well-spaced dwelling in a rural setting. The Parish Council believed that space and density was relevant in this instance.

In addition the village contained a comprehensive mix of bungalows and other dwellings in most areas, including the area referred to by the Planning Officer between Cadger Bank and Ford Road. Speakers had spoken about one plot only and it had been said that the application should be determined on its merits, yet the Senior Planning Officer had referred to a quarter of the village which he did not think was relevant.

Councillor Douglas Oliver addressed the Committee. As with the Parish Councillor he did not intend to repeat his presentation as there were similarities but a particular concern with this property was the proximity to no. 8 and the impact that would have in terms of scale and design, and the sense of claustrophobia this could create on existing properties. A dozen further objections had been received in relation to this application. He echoed

points that Councillor Friesner had made in terms of the specific rural environment, right on the edge of the village, and he did not feel it would be in keeping with the scale and density of development you would expect in this rural location. Having spoken to a number of residents there was concern about the integration of the build into the natural setting. He was concerned that it contravened aspects of the Inspector's report from 2017. He felt that there were more positive solutions for this location which he hoped could be considered.

Emma Harvey addressed the Committee and stated that on the site visit Members would have seen the close proximity and scale of the proposed development which was closer than the previous application. This would undoubtedly cause a loss of privacy and loss of light and amenity as their outlook would be greatly altered. Loss of privacy was their greatest concern. The large scale of the house as well as there being no barrier to overlooking from the upper floor into the rear of their property, and the privacy of their two rear bedrooms, one of which was occupied by their youngest daughter, would be greatly compromised. Light entering these rooms would be greatly reduced. Although the trees formed a boundary, they were not obstructive at lower levels and did not interfere with light. The construction of a solid building behind these would block out any light previously available from this angle. Also due to the open aspect of their property all of the rear garden would be overlooked, there would be no area where they would feel private. Both the lawned and decked areas would be in full view of the proposed dwelling which they felt would leave them exposed. She acknowledged that there was a natural tree boundary but this would do little to obscure the view of the proposed house as the tree canopy was high, giving both the occupants of Plot 14 and her family a clear view of each other's houses.

Mr Hall, the Applicant confirmed that he had nothing to add.

Councillor Beaty Bainbridge noted that the veranda around the bungalow was about four feet off the ground, and therefore the rear windows of Plot 14 would intrude on the property.

Councillor Simon Wilson asked about the cumulative impact on plot 8 as a result of the previous application being granted, in terms of loss of privacy and overlooking.

The Senior Planning Officer responded that this was relevant but it was difficult when the proposals for plot 13 were not presented. The site visit was invaluable to consider the impact and complex relationships in terms of size and levels between all the plots but it was important to stress that each application should be considered on its merits, whilst taking care that the implications for the surrounding properties were reflected.

Councillor Wilson further asked if a condition would be included which would limit the ability to extend up to 50% of the garden. The Senior Planning Officer confirmed that the removal of permitted development rights was included as a condition.

Councillor Liz Brown stated that she was unhappy with the proposals; she noted that the scale had been reduced but did not think it had been reduced enough. She felt that the development was contrary to Policy 31 of the County Durham Plan and also to the Lanchester Neighbourhood Plan Policy 2, as it would be visually dominant, cause loss of light and was not in scale with any of the other properties. The massing was too big.

Councillor Alex Watson stated that this application had outline planning permission and the Senior Planning Officer had addressed all the issues raised. There was an agreement with the developer to ensure that there was no loss of light or infringement of privacy and he was satisfied with the Officer's recommendation. Councillor Watson moved approval of the application.

Councillor Wilson seconded the motion to approve the application. He was satisfied that the removal of permitted development rights would give the Planning Authority control over any further extensions into the plot, and he hoped that an application for Plot 13 would be brought to Committee for consideration.

Upon a vote being taken the motion was lost.

Councillor Brown moved that the application be refused on the grounds of Policies 29 and 31 of the County Durham Plan, and Policy LNP 2 of Lanchester Neighbourhood Plan.

Councillor Bainbridge agreed with Cllr Brown but also asked if the developer could be asked to re-consider the windows and mass, and was advised that this would be a matter of further discussions with the developer, and was dependent upon the outcome of the application before Members.

Councillor Brown was asked to clarify the reasons for refusal, and explained that she considered the proposed development to be visually intrusive, too large in mass, would cause loss of light and would be very dominant.

Councillor Joe Quinn seconded Councillor Brown's motion to refuse the application.

Upon a vote being taken it was **RESOLVED** that the application be refused on the grounds that the proposed dwelling would have an adverse effect on the area's character in terms of design, layout and appearance, exhibiting an

inappropriate scale and density, and would also have an unacceptable impact on the amenity and privacy of the occupants of the adjacent dwelling at 8 The Paddock, contrary to Policies 29 (a. and e.) and 31 of the Durham County Plan 2020 and Policy LNP2 (a., b., c. and e.) of the Lanchester Neighbourhood Plan 2021.

**e DM/20/03609/FPA - Field House, West Road, Annfield Plain, Stanley, DH9 7XA**

The Committee considered a report of the Senior Planning Officer which recommended refusal of the application for the use of interior and exterior curtilage of Greencroft indoor shops for the holding of occasional seasonal events at Field House, West Road, Annfield Plain (for copy see file of Minutes).

The Senior Planning Officer provided a detailed presentation of the application which included a site plan, and site photographs.

Councillor Joan Nicholson addressed the Committee as local member and stated that several residents had asked her to speak against the application on exactly the grounds set out by the Planning Officer. Problems of traffic, parking and perceived noise which residents felt would occur from these events were of great concern. There were a number of bungalows occupied by elderly residents beside Field House and a number of family homes. All these residents had said that noise and traffic were their biggest concerns.

Councillor Christine Bell, local Member agreed with Councillor Nicholson and said that a number of people had complained. Local Members had looked at ways of helping these events to take place but unfortunately it had not been possible, and she had to agree with residents.

Mr Timothy Turner stated that he and his business partner, both ex-military, had started a car wash business. They had held a Halloween scare wash which had upset residents due to the traffic queues. They had apologised and given the Councillors their word that it would not happen again. To combat this the event would be ticket only with a limit on six cars in the car park with more in a field to the rear which would be marshalled. He acknowledged that parking was a problem in the area but this was caused by the garage, not the car wash.

The applicant stated that he and his partner did a lot for the community, and with the support of local businesses had set up soup kitchens, provided free bread and milk to residents during lockdown and held Easter and Christmas events, together with a school charity event. Twenty-eight letters of support had been received from local residents, although he had not submitted these to the Planning Authority in advance of the meeting.

He noted that anti-social behaviour had been raised. He and his business partner had stopped anti-social behaviour in the area; they had built a communal seating area to the left of the site for young people to use and they had recently stopped a group of youths vandalising the bus shelter to the right of the site.

Referring to the issue of noise, Timothy Turner stated that soft background music would be played at both the Halloween and Christmas events. These were ticketed events, the Christmas event would be two families at a time, with three or four cars maximum.

He considered that they had been viewed unfairly, and had never had a complaint delivered to themselves directly.

Councillor Simon Wilson stated that he was in no doubt that what the applicant and his business partner did for the community was highly commendable, and what they had achieved was a credit to them. He felt that this was an application that needed more work to address the highways and noise issues raised, and with further discussions with Officers and the community he felt sure that it could be achieved. However as the application stood at present he was unable to support it.

Councillor Alex Watson agreed with Councillor Wilson; it was clear that the applicant was making every effort and his work was commendable, but that residents in particular should be satisfied with what was proposed, and the application required more work.

Councillor Watson moved and Councillor Wilson seconded refusal of the application.

Upon a vote being taken it was **RESOLVED** that the application be refused for the reasons outlined in the report.

**b DM/21/01036/FPA - Land South of Carlingford Road, Chester-Le-Street**

The Committee considered a report of the Senior Planning Officer which recommended approval of the application for a 20m high telecommunications pole with 6no. TEF Antennas, 3no. TEF ERS and associated works on land south of Carlingford Road, Chester-le-Street (for copy see file of Minutes).

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

Councillor Simon Wilson noted that there were no issues raised by consultees around height, which had been his sole concern. He was aware of a previous application where questions had been raised by residents regarding the impact of masts on health but that Public Health and the World Health Organisation had stated that these masts were safe. Councillor Wilson moved approval of the application.

In response to a question from Councillor Beaty Bainbridge regarding proposed street furniture associated with the mast, the Senior Planning Officer advised that three new cabinets would replace the existing two cabinets with a new pole, all painted black. Councillor Bainbridge expressed concern that telecommunications poles were situated in housing estates and should fit in with the surrounding street furniture. The proposed mast would be over-powering. The Chair appreciated the comments of Councillor Bainbridge but noted that whilst location would be a consideration for new masts this application was for a replacement telecommunications pole on an existing site.

Councillor Liz Brown had taken on board the objections but was of the view that this was much needed as people increasingly relied on mobile telecommunication. Councillor Brown seconded the motion to approve the application.

Following a question from Councillor Alex Watson, the Member was informed that as adopted highway and publicly owned land there was no financial mitigation for the erection of the mast.

Upon a vote being taken it was **RESOLVED** that the application be approved subject to the conditions outlined in the report.