

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 16 December 2021 at 9.30 am**

### **Present:**

**Councillor G Richardson (Chair)**

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

Councillors A Savory (Vice-Chair), E Adam, J Atkinson, V Andrews, L Brown, M McKeon, D Oliver, S Quinn, M Stead and A Sterling

#### **1 Apologies**

Apologies for absence were received from Councillors J Cairns and S Zair.

#### **2 Substitute Members**

There were no substitute Members in attendance.

#### **3 Declarations of Interest**

There were no declarations of interest.

#### **4 Minutes**

The minutes of the meeting held on 18 November 2021 were agreed as a correct record and signed by the Chair.

#### **5 DM/21/02619/OUT - Land south of Eve Lane, Spennymoor, Co Durham**

The Committee considered a report of the Senior Planning Officer with regards to a Residential development of up to 20no. dwellings (Outline - some matters reserved) at Land south of Eve Lane, Spennymoor, Co Durham (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the report and included site location plans, aerial photographs and photographs of the site.

On behalf of the Applicant, Mr T Gibbons advised Members that this application had been submitted to establish the principle of development was acceptable and to confirm the exact access arrangements to and from the adopted highway.

He described the site and advised that an indicative scheme had been provided as part of the submission to give an illustration of what a future development could look like and was not a definitive representation the final development. With regards to the report, he advised that the sole issues Officers had was regarding landscape & design, however other technical matters such as flood risk, ecology, highways, environmental health, were deemed acceptable subject to necessary conditions.

It was the Senior Planning Officer's view that the development would not be appropriate in respect of its scale and form and would not contribute positively to the areas character and townscape. He had concluded that it did not provide an appropriate level of mitigatory structural landscaping and would therefore create an unattractive settlement edge to the detriment of the character of the landscape.

Mr Gibbons advised that no definitive landscaping details had been proposed as they were a reserved matter and therefore the definitive design details regarding appearance, layout and scale were not up for consideration.

The site did not abut the open countryside but was separated by the A688, which formed a physical feature separating the build form of Spennymoor and the countryside. This was a small in-fill site which would not encroach into the open countryside and there were existing urban features between the site and countryside, including the highway itself and street signs and lighting, which gave an urban context in visual terms.

Mr Gibbons advised that there was an array of existing planting between the site and the highway, in the form of mature hedgerows and trees, and this would be retained as part of any future scheme, with only a small proportion of hedgerow removed to enable the proposed access arrangements.

He advised that a condition could be attached to any consent granted requiring a specific scheme for structural planting. If a landscaping scheme was submitted at reserved matters stage and the proposal was not deemed to be appropriate or provide a suitable edge to the settlement, the Council would be able to refuse the scheme and the development could not be pursued.

Mr Gibbons referred to the Landscape Appraisal which had determined that in principle, development would not have an impact on the landscape and

any future scheme would be viewed against the backdrop of the existing built form of Spennymoor. It also reinforced the fact that a definitive landscaping scheme could be provided at a later stage and the Council would have control on whether or not a proposed scheme was appropriate.

Mr Gibbons considered the issues which had been raised could be addressed accordingly, when a definitive scheme was proposed. He advised that the grant of outline consent did not lessen the Council's control on the situation and that there was appropriate means to address the situation at a reserved matters stage. Any future proposals would also be policy compliant with regards to on-site affordable housing provision, open space on site and a sizeable section 106 contribution towards off-site open space provision.

Mr Gibbons considered the proposal to be acceptable and the principle of development policy compliant, which was contrary to the view of the Senior Planning Officer. The proposals would be commensurate with the adjacent land uses and at reserved matters an appropriate scheme in terms of landscaping, appearance, layout and scale could be compiled which would be in keeping with the character and appearance of the area and would form an appropriate edge to the settlement.

The Senior Planning Officer accepted that this was the edge of the settlement site but it was a bolt on to the south of the settlement and although on the edge, it was still outside of the settlement. The benefits that the development would bring such as affordable housing and open space were accepted but given the constraints, he did not accept that the indicative plan would change much at reserved matters. Landscaping was normally reserved, but at this stage the Planning Authority needed to be confident that the hedgerow would not be removed and the site could be adequately screened.

Councillor Quinn knew the area well and could not see why this development would be out of place, it was a good development in a built up area on the outskirts of the town.

Councillor Brown had considered the size of the site and the houses which were very close to A688 and she could see a conflict with Policy with regards to the noise from the bypass.

Councillor Atkinson concluded that a lot of detail had been submitted by the Applicant and Members could only be minded to approve the application due to the nature of the outline permission. If at reserved matters, the developer could not satisfy the Planning Officer, the development would not go ahead. In his opinion this would be useful to the community, would generate money, and he would want far more robust reasons to refuse.

Councillor McKeon had concerns with the application and the precedent that would be set by overturning recommendations. The planning process gave protection to local communities and this was one of the most important considerations of planning. This application did change the settlement boundary and she was uncomfortable with that. The site was essentially a strip of land between two busy roundabouts and could more likely be described as an urban highway than a residential area. She did not know why people would want to live on a strip of land surrounded by main roads and queried how people would access amenities and the location of the nearest bus stop and infrastructure. Councillor McKeon considered this to be an application to add a few extra houses and make a profit which she accepted was what development was all about, however she was concerned about the precedent this would set if it were approved.

Councillor Adam agreed with some of the concerns expressed by other Members and was minded to support the Planning Officer's recommendation. Although the Applicant had indicated that the site was a natural boundary that would keep at length with other houses, he was concerned with regards to the density and landscaping of the area which had been alluded to. He acknowledged what the Applicant was saying of the outline application status, however he would have preferred the application to have been put forward with concerns having been mitigated.

In response to a question from Councillor Adam regarding the land to the south west of the site, the Senior Planning Officer confirmed there were no plans for housing that he was aware of.

Councillor Atkinson reiterated that this was an application for outline planning permission and there was no issue in terms of setting a precedent.

Mr Gibbons responded that should outline consent be granted and a scheme be submitted at reserved matters that did not address concerns, the Applicant would have no issue it being refused. Due to the outline nature of the application there had been no opportunity to propose a landscaping scheme. The application was for up to 20 dwellings but the Applicant may want to reduce it to come up with a scheme that was acceptable.

The Senior Planning Officer reminded the Committee that outline approval was for consent and if permission was granted for 20 dwellings, that was the number of houses that could be built. The principle of houses had not been deemed unacceptable but rather the harm to the character of the landscape.

Councillor Brown commented that if the application was approved the principle of development would be there, the boundary breached, and it would open flood gates for further development.

Councillor Sterling confirmed that she was minded to approve the application as there was not a strong reason to refuse. The boundary would be adjacent to the road and she wanted to give the Applicant the opportunity to put forward more detailed plans.

Councillor McKeon commented on the lack of detail in the application and advised that developers did not tend to build fewer houses than applied for. Fundamentally, she believed that this was a point of principle for the Committee. This was an area that was close to her own ward, where there had been a lot of concerns expressed about precedent. This area had also been master planned and to allow the application negated the whole concept of the master plan. The area was meant to be left as green space and she was concerned as to whether the master plan meant anything at all if it could be amended just after a development had been completed.

Councillor Oliver was more inclined to approve the application for the affordable housing and he considered local people would recognise the A688 as the natural boundary.

Councillor Stead commented on a similar sized site to the north east which had been developed and moved refusal of the application due to the density of the indicative plots, which was seconded by Councillor McKeon.

Councillor Adam supported the motion and agreed that the application was contrary national planning policy.

Councillor Andrews advised that she was also in support of the recommendation and advised that on a site surrounded by roads, fewer houses and more screening may have been a better option.

In response to a point of order from Councillor Atkinson, the Planning and Development Solicitor advised that as members were aware, they had to determine the application that had been put forward. He advised that in response to the concerns relating to noise impact that Councillor Brown raised, a noise assessment had been submitted and this was something that could be conditioned if the Committee were minded to approve.

In addition, he advised that this was an application for outline permission, with the only matter of detail being access, everything else was for future determination. The site plan was indicative, however the Committee had to be satisfied that a satisfactory scheme could be accommodated, which the Planning Officer had advised was not possible with the constraints and layout of the site.

**Resolved:**

That the application be REFUSED for the reasons outlined in the report.

