

# **DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Wednesday 3 July 2024 at 10.00 am**

**Present:**

**Councillor G Richardson (Chair)**

**Members of the Committee:**

Councillors J Atkinson, A Bell (Vice-Chair), M Currah, J Elmer, L Fenwick (substitute for J Higgins), P Jopling, C Marshall (substitute for G Smith), C Martin, K Rooney (substitute for A Simpson), A Savory, K Shaw, S Wilson and S Zair

**Also Present:**

Councillor D Freeman

## **1 Apologies**

Apologies for absence were received from Councillors Higgins, Savory, Simpson and Smith.

## **2 Substitute Members**

Councillors Fenwic, Rooney and Marshall were present as substitute Members for Councillors Higgins, Simpson and Smith respectively.

## **3 Declarations of Interest**

Councillor Marshall declared an interest in item no. 5a) as he knew of the Developer from his former Cabinet Portfolio Holder for Economic Regeneration. However, this was not such as to preclude him from participating in the decision.

## **4 Minutes**

The minutes of the meeting held on 5 June 2024 were agreed as a correct record and signed by the Chair.

**5a DM/24/00593/FPA - Land North West Of 20-26 Duchy Close, Consett, DH8 5YT**

The Committee considered a report of the Senior Planning Officer regarding an application for the full application for the development of 71 new residential dwellings (Use Class C3), including access, open space and landscaping details at Land North West Of 20-26 Duchy Close, Consett (for copy see file of minutes).

C Harvey, Senior Planning Officer provided an update to the Committee and confirmed that two further documents from the Applicant had been received. With regards to refusal 6, which was in respect of biodiversity net gain, the updated information received had been considered by the Ecology Officer and the content deemed acceptable. The remaining required information could be secured by condition and therefore the reason for refusal 6 as set out in the report was no longer recommended by Officers.

In addition, Members had raised some issues with regards to the condition of the site during the site visit which had taken place on the previous day. This had been considered by the Ecology Officer who had confirmed that an updated ecological survey was not required. In respect of ground nesting birds, mitigation measures could be secured by condition, to ensure that there would be no impact during the proposed works.

Members had received a late submission from the Applicant prior to the start of the meeting which had alleged a number of incorrect statements in the report. Officers considered that the points raised were simply matters of professional disagreement and therefore the recommendation had not changed.

The Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photographs, site photographs, a historical map of Consett Steelworks, masterplan from 2012 development, drawings of previously approved plans from 2015, a proposed site layout and proposed character area plan.

A Bowen, local resident, addressed the Committee in objection to the application and referred to a letter from Richard Holden MP from July 2022, confirming that the Council had assured him there were no plans for building in the immediate area. The land was not allocated in the County Durham Plan and she raised concerns regarding land contamination and the impact of works on the site, which she believed would release toxic contaminants.

Ms Bowen described the land as a green jewel amongst and extensive housing development. Used regularly for recreation, it was also native to significant wildlife, including endangered species. There had been recent

changes to planning policy to protect former brownfield sites that were operating as valuable open green spaces and this site was extensively used at any time of the day for various recreational purposes. It also contained the Coast to Coast cycle route which would also be impacted and brought into direct traffic. Ms Bowen described the high landscape value of the site and the loss of the uninterrupted views across the Pennines and Northumberland. There was also a myriad of footpaths, trodden since the steel works had closed which would be lost.

The plans were for mostly two storey dwellings that would overshadow and overlook the bungalows and their gardens, impacting on privacy. This was unacceptable and a material planning consideration. Ms Bowen advised that the proposal would increase traffic, particularly during construction and impact an access road with existing problems, reducing safety for pedestrians and cyclists. The traffic survey had been done during school holidays and therefore not an accurate reflection. There was only one bus per day which picked up at 9.14am and returned at 11.30am. The alternative to a car was to walk and the distances were long and uphill.

Local services lagged behind the needs of the increased population, it was difficult to get a Dentist or GP appointment and children were travelling out of the area for school. Ms Bowen noted the Applicant's statement which included information about Regent's Park but the units included specific services that did not include benefits to herself and wider members of the community.

The construction would produce noise and dust and the potential danger of contaminants and residents would lose special views and a recreational space which provided them with health benefits. There could also be an impact on property values. New roads and additional street lighting would impact existing properties. Ms Bowen hoped the site would remain as open space to continue to be enjoyed, she could see no positive benefits to the area or people.

H Emms addressed Members on behalf of the Applicant, first advising that they had not been given the opportunity to meet Officers and there had been no engagement in the formal design process. The Applicant had endeavoured to address all the professional concerns raised however he was concerned that Officers had pre-determined the application early in the process and unless the Committee supported the application, they would welcome the opportunity for proper engagement with Officers. As a consequence of the lack of communication, Mr Emm advised that the Committee report contained factual inaccuracies and did not provide fair and correct analysis to assist Members in determining the scheme. These inaccuracies had been outlined in a letter to Members.

Mr Emms advised that the starting point for consideration was whether the development was in accordance with the County Durham Plan. The report failed to acknowledge the mixed use development allocation across the whole of the Project Genesis site, with which the scheme complied. It had instead been incorrectly assessed against policies relating to unallocated sites which undermined the whole policy assessment process and overall planning balance exercise which had subsequently been carried out. The report had failed to reference the benefits of the Project Genesis site, the delivery of mixed use housing, or wider economic employment benefits.

Mr Emms continued that the density had been reduced in agreement with officers across the phases. This final phase would deliver up to the 480 approved units, allocated in the County Durham Plan and would complete the Regents Park development. They were not additional homes.

The site was in an accessible location, close to the centre of Consett and other designated development sites. The recently completed Regent Centre would soon have new tenants providing a café and convenience store, which added to the sustainability of the scheme. Bus stops and shops were located within an acceptable walking distance. The Council had acknowledged six primary schools within an acceptable and safe walking distance and a wide range of services located under one mile.

The Coast to Coast cycle route would be improved and extended as part of the scheme and the Applicant was committed to the installation of street lighting to existing routes to Fawcett Park, which could be secured by condition. In response to the comments from Highways Officers Mr Emms advised that when the Derwent View site had been assessed for planning, the highways assessment assumed up to 480 houses and had taken into account the cumulative impact.

The scheme would complete the planned delivery of the 480 homes committed in the County Durham Plan on the brownfield site, formerly Consett Steelworks. It was not isolated development in open countryside, and whilst it was adjacent to the original red line boundary, it was not unallocated, but had the benefit of allocation for mixed use development. The detailed comments submitted had not been acknowledged in the report. The scheme constituted sustainable development and if approved, would deliver much needed local homes, including affordable homes, in an accessible location in Consett.

The Senior Planning Officer confirmed that the issues which had been raised had all been responded to within the report.

Councillor Atkinson asked the Senior Planning Officer to respond to the statement that there had been no opportunity to speak with Officers, the

comments regarding pre-determination and the allegation that the Highways Officers comments were incorrect.

In response to the comments regarding a lack of engagement, the Senior Planning Officer advised that it was made clear during pre-application advice that an application for housing on the site would not be supported, and during the consideration of the application Officers had responded at the earliest opportunity setting out their concerns. Given that their concerns could not be addressed, it would not have been appropriate to extend the determination period.

P Harrison, Highway Development Manager advised that there were four housing sites in Consett to emerge and when assessing the cumulative impact of those sites, a number of affected junctions had been identified. The Applicant had produced a Transport Assessment which included some of those junctions but not all and therefore further information had been requested. The information had not been received, Highways Officers could not be confident that the cumulative impact was not significant.

Councillor Bell asked for clarification that the site was not part of the site identified in 2015 for 450 houses. The Senior Planning Officer confirmed that the current application site was outside of the red line boundary. As applications had been received for reserved matters on that previous site, the number of units had reduced, however permissions granted on the adjacent site had not established the principle of additional housing on the current site.

Councillor Elmer asked the Senior Planning Officer to address the contradictory statement from the Applicant in relation to connectivity and the level of need for housing. The Senior Planning Officer referred to the outcome of a recent appeal decision in which connectivity was a key issue. An 800m standard distance had been used and accepted by the Inspector and therefore applied to this application. The Applicant was referring to distances of one mile which equated to 1600m. The listed distance to nearest facilities within walking distance was from the centre of the site using footpaths and whilst it was recognised that there were a number of facilities within one mile, there were not enough within 800m, conflicting with the County Durham Plan.

With regards to housing need, the Senior Planning Officer advised that the County Durham Plan had established a number of allocated sites across the county and also included an uplift. There were a number of allocated sites across the Consett area which had not yet come forward, however the County Durham Plan was only four years old and accommodated for development up to 2035. He advised that there was no reason to assume that the allocated sites would not come forward during the Plan period and therefore could not consider giving more weight to unallocated sites. Given

the current housing land supply position there were no concerns about meeting the County's housing needs, therefore the site was not required to address local or countywide housing need.

Councillor Jopling was familiar with the issues raised regarding contamination on site and had concerns about developing it for housing. The site was a well-used scenic amenity which had been observed on the site visit.

The Senior Planning Officer confirmed that the Environmental Health Officer was confident that the development could be managed with mitigation measures and the Coal Authority had not objected to the scheme. The visual impact and recreational value of the site had been detailed in the report and formed the reasons for refusal.

Councillor Martin knew the site well and had seen maintained parks used less for recreational purposes. He referred to heavy development on estates without much green infrastructure and whilst development was not excluded, it required exceptional circumstances. It was clear from reading the report that the Developer had not met the requirement for housing and therefore he moved the recommendation for refusal.

Councillor Bell agreed that the importance of the land and its use had been evident from the site visit. He seconded the motion to refuse the application.

Councillor Shaw tended to support development as he appreciated the outstanding need for housing, however he was unable to find a reason to support the application. He appreciated the work done by Officers to describe the level of significant harm identified. He suggested that the Developer considered alternative, more suitable sites.

Councillor Wilson confirmed that on this occasion, the level of harm could not be mitigated and he supported the recommendation.

Councillor Rooney confirmed that there were existing problems during peak times to exit the junction and it would be a shame to lose a beautiful piece of recreational land. Councillor Jopling added that the land had rewilded and Members had observed the wildlife and plants on the site visit.

Councillor Elmer supported the points made by the rest of the Committee and advised that the site had criteria for designation as a local nature reserve.

## **Resolved**

That the application be REFUSED for the reasons outlined in the report, as amended.

### **5b DM/24/00705/FPA - Prince Bishops Shopping Centre, High Street, Durham, DH1 3UJ**

The Committee considered a report of the Senior Planning Officer regarding an application for redevelopment of existing shopping centre comprising partial demolition of the shopping centre above the existing mall level (levels 5 and above) and erection of replacement commercial units (Class E), a hotel (Class c1) and purpose built student accommodation (Sui Generis) at Level 5 and above, along with a new outdoor public square and public realm improvements. External alterations to the boat repair and maintenance workshop including use of external areas to create outside terraces for leisure use (Levels 0 and 1) (Class E), external alterations to the elevations of the retained areas of the shopping centre and car park, hard and soft landscaping and other associated works at Prince Bishops Shopping Centre, High Street, Durham (for copy see file of minutes).

L Ollivere, Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photographs, site photographs from various locations in the city and proposed site layout plans for each level of the development and proposed visuals of the development. The presentation also covered consultee and public responses and how the application had been assessed in terms of the EIA regulations before outlining the conclusions.

The Senior Planning Officer confirmed that a response from Durham University had been received following publication of the committee report and they had clarified current student figures and their intention for student numbers to revert to target levels once pandemic intakes have graduated. In response to this the Senior Planning Officer confirmed that the Councils position was now that the need had been accepted, not based on the figures provided by the Applicant, but to broaden the choice of accommodation in this location, particularly with regards to International Students.

A correction to report was confirmed to state that the number of consultation letters sent out was 368, exceeding statutory requirements.

The Senior Planning Officer confirmed that a supportive letter had been received from MP Mary Kelly Foy, in support of the application and that an update had been received from the Economic Development Team, also in support.

It was reported that The Councils Travel Team had responded broadly agreeing with Active travel England and asking for condition no. 23 to be amended for cycle parking to be monitored after implementation for a six-month period.

Councillor J Ashby, addressed the Committee on behalf of the City of Durham Parish Council confirming that whilst the Parish Council welcomed the development in principle, the development should have presented wider benefits to the city.

He confirmed that the principle of Purpose Built Student Accommodation (PBSA) on the upper floors to give financial support for the ground floor retail units was supported, however he raised concerns in relation to Paragraph 190 of the report.

New PBSA proposals had to demonstrate a need for this type of accommodation in this location and the County Durham Plan recognised that need was both quantitative and qualitative. The applicants argued that there was a massive quantitative need and had projected the number of students to increase by between 4,360 and 11,930 by the 2027/8 academic year, resulting in an under-supply of between 2,683 and 9,333 student bed-spaces, however this was incorrect.

Numbers had previously increased above the intended figure, due to the impact of COVID-19, however since then the University had successfully managed its total numbers back down to 21,588, and the Vice-Chancellor had confirmed that numbers would remain stable at around 21,500. He suggested that the statement regarding need and reference to increased student numbers and a shortage of bed-spaces, be disregarded.

The conclusion in the report should have been similar to the previous PBSA application determined at the former Bingo Hall in New Durham. The report for this application had considered that whilst the proposal was unlikely to meet a quantitative demand, it complied with Policy 16a of the County Durham Plan in that it would meet an identified need to broaden the choice and variety of student accommodation available within the city. This was even more relevant for this application as numbers were lower. The proposal was welcomed by the Parish Council on its qualitative locational merits and it met Policy 16.2 without any need for incorrect numbers.

The Parish Council were concerned that the absence of larger retail units could undermine the on-going role and function of the city as a sub-regional centre and therefore welcomed assurances that the internal walls within the scheme would be made capable of accommodating larger retailers.



Councillor Ashby confirmed that the Parish Council supported residents' desire for one ground floor unit for community use. In addition proposed carbon reduction measures were welcome, however they would not be sufficient to ensure that the full site was powered by renewable, green energy sources. Water Source Heat Pumps appeared to have been discounted despite the close proximity and energy potential of the River Wear.

The Parish Council were also concerned about the impact of the prolonged and disruptive construction works which would cause significant disturbance to residents and existing businesses. A comprehensive plan for minimising disruption was vital and should have included practical help to relocate the existing retail businesses that would otherwise be lost. This was partially addressed in the condition requiring a construction management plan, but should have been enhanced.

The Parish Council also supported the visitor economy concerns expressed about possible impacts on the day visitor sector during construction, but also in the longer term around the proposed hotel's target market, cramped location and restricted amenity offer.

Due to the inevitable harmful impacts on the city over a period of years, the Parish Council stressed the need for the full Section 106 monies to be applicable and were opposed to the reductions which had been made.

Finally, Councillor Ashby reiterated the inaccurate content regarding student numbers and need for more student bed-spaces in Durham city and suggested that it should not be endorsed as it could set a precedent for future applications. The application contained the potential to enhance the city in the longer term, however it also carried some risks and he asked the Committee to take those into account when making their decision.

Councillor Freeman, local Member and fellow member of the City of Durham Parish Council endorsed the comments made by Councillor Ashby. Residents were unhappy about the proposed changes, however he accepted that there had been changes in retail and large retailers did not intend to return to the city. The reconfiguration would better suit the needs of national and independent retailers and a new hotel would encourage visitors to stay in the city. The proposals would provide long term viability which was at risk. Historical concerns from the original planning application still remained and this application would slightly enhance the area.

Councillor Freeman did not accept the figures on student numbers and was led to believe that there had been 1000 empty beds during 2023-24. Whilst the Committed had to consider need for beds, the identified need had not

been proven. He hoped that PBSA would reduce Houses of Multiple Occupation.

With regards to the Section 106 contributions, Councillor Freeman was content with the money allocated to the NHS as the surgery in the city was at full capacity, however there was an existing shortfall in the provision of all types of open space in Durham city area. The Open Space Needs Assessment had identified a need to protect existing open spaces and provide open space as a key priority in the area. The report confirmed that the offsite requirement would normally require a significant contribution however the assessment recognised that this could drop to a lesser amount if the applicant was able to look at upgrades to facilities within the site. As part of the proposals there were proposed upgrades to the existing space in the shopping centre, however it had never been accepted that this was a public space and the scheme would not change this as it was private space. The city did not lack for nearby public open space, having both the Market Place and Millennium Square and therefore a new public space was not required. The reduced amount offered by the developer was unacceptable and Councillor Freeman asked the Committee to reconsider if minded to approve the application.

M Phillips, addressed the Committee on behalf of the City of Durham Trust and presented a number of slides to Members which included design and site location plans. He advised that the design of the river frontage deserved the highest quality and it was not good enough to accept the slight proposed enhancement. It remained intrusive in scale and irregular, and more improvements could be delivered by condition.

Mr Phillips advised that the focus of his submission was on cycle parking, the quantity of which was adrift from policy requirements as the Developer had used 2014 standards and reduced the provision by 14%. There was no space to store nonstandard cycles which was contrary to Neighbourhood Plan policy. The long stay spaces on the lowest floor of the multistorey, were accessible from river level where cycling was not permitted. The secure cycle parking would not work as designed and could not be accessed safely and legally.

Active Travel England had also made these objections and requested long stay cycle parking accessed from High Street level. The Developer had made no changes and defended the provision by comparing it with the original shopping centre, which had not included any cycle parking. A proposed condition to for a small increase in provision if required, included wording which assumed that the provision was for students only.

He questioned the acceptability of the Officers assessment of policy failings as limited negative harm weight. He referred to Air Quality Action Plan which

considered that Policy 21, Delivering Sustainable Transport, would be one of the three most effective means to improve air quality in the city. The Climate Emergency Response Plan also looked to reduce car use and boost walking, cycling, and public transport. The Developer had failed to deliver adequate cycle parking and failed to deliver Council policies.

The Developer had stated that parking could not be sited elsewhere and Mr Phillips suggested various suitable locations. He suggested that the condition be reworded to require relocated cycle parking at High Street level and redesigned with provision for non-standard cycles.

J Taylor addressed the Committee on behalf of the Applicant and confirmed that they had been given the opportunity to acquire the Prince Bishops in 2022 and started discussions with Officers that Autumn. They had consulted with key stakeholders to shape the scheme before Members. The Applicant valued public engagement and had been pleased with the extensive engagement and willingness of stakeholders to be involved in the process.

The scheme would be transformative for the city centre. The shopping centre was operating at a significant loss and was not financially sustainable. It had been built when larger store former national retailers were prevalent, however due to changes in retail, the centre was unable to respond. It was too expensive for independent retailers and the Applicant was working to address this. Footfall had halved since 2009 when the centre had peaked in retailer investment value. There were many factors which had accelerated the decline in more recent times, however it had been gradual over a much longer extended period.

Looking forward, Mr Taylor advised that the scheme would reinvigorate the location. The student population was a major economic driver for the city and was being utilised to reinvent the high street. The new public space had been designed as an event space and would be publicly accessible at all times, with no vehicular access and a new panoramic view of the city, would be created to appreciate the city assets. The design had been restricted to the existing massing and the Applicant had made various improvements, as supported by the Councils design officers and Historic England. With regards to sustainability, it was a high efficiency design, incorporating air source heat pumps and rooftop solar photovoltaic panels.

With regards to the comments raised about cycle provision, Mr Taylor confirmed low occupancy rates in the area and made comparisons to Durham Castle at 3% and Durham University at 7%. The scheme provided 20% and if the demand was there, it would be increased to 40%.

With regards to the comments received from the City of Durham Parish Council, the Senior Planning Officer confirmed that the position had changed

slightly after receiving comments from Durham University, however it had not altered the outcome as the need was based on the requirements of international students. They were increasing by 250 every year and preferred city centre PBSA. Whilst the Parish Council had expressed desire for the provision of a community hub, this was outside of planning remit however she suggested that the Parish Council could liaise with the Developer regards this issue outside of the meeting.

The Senior Planning Officer detailed there was a condition which required an updated Construction Management Plan with advice from Environmental Health which would cover any residential amenity impact. It was also outlined that it was in the Developers interest to consider the needs of existing retail occupiers to ensure they returned to the site.

With regards to open space, the Senior Officer explained that the figure for off-site public open space would have been calculated at £645,000 however consideration had been given to whether there were any other suitable sites that would be used by students, but a suitable alternative could not be found. The Developers had agreed to pay £98,100 for improvements to the Riverside which would also benefit the public.

Councillor Elmer queried the contradictory calculations which had been put forward with regards to Section 106 contributions and S Reed, Planning and Development Manager confirmed that if a Developer provided a substantial part of the required open space, it was not uncommon that a greatly reduced financial sum had to be accepted. This would not be the case if there was no on-site quantified improvements. Following negotiations with the design team, the proposal included an on-site public square and as a result, the Developer had met a significant part of the open space requirements on site.

Councillor Zair left the meeting and did not return.

Councillor Wilson acknowledged the improved street scene and approval from Heritage England. The scheme would improve the retail offer and provide a hotel. The cycle provision was in excess of what Durham University would require and the proposal included contributions that would improve the Riverside. Given the shopping centres existing status, he moved approval of the application.

Councillor Shaw considered the proposal would provide a mix of use in a modern context. He advised that many local Members were experiencing similar issues with failing High Streets. The proposal sat well within the historic setting and the hotel would extend visitor stays. The provision of the student accommodation would not prevent change of use on domestic dwellings, but needs would be met in a less detrimental way and many other

benefits would be provided. The concerns raised by the City of Durham Parish Council were not fundamental reasons to object.

Councillor Atkinson confirmed that there was a significant need for the substantial benefits of the scheme. He had considered the issues raised with regards to the design, cycle parking and the Section 106 contributions, however he supported the recommendation.

Councillor Bell considered the application to be positive for Durham City. The Developer had a proven track record and speakers had acknowledged improvements to the design. Concerns had been raised about the offer for public open space, however the application was beneficial for Durham and he supported the recommendation.

Councillor Martin noted that with such significant private investment, it was unlikely Developers would include items that were not required. If opposing HMOs, proper housing had to be provided. He supported the consolidation of retail and sustainable energy, but would have preferred more. The application would improve the impact on the medieval city. He supported the application but having heard from the Parish Council and local Member, he made reference to the Section 106 contributions. He did not consider that the area was public open space and moved an amendment to the recommendation, to secure more accurate open space funding.

Councillor Elmer considered the ability to house in PBSA to be more desirable and it removed the pressure of HMOs. Appreciating the prominent position of the building, he was pleased that serious consideration had gone into the appearance of the fascia however he suggested that more improvements could have been made. It was frustrating that water source heat pumps had not been considered, although acknowledged the implementation of air source heat pumps. The Applicant had responded to concerns about cycle provision and concluded that there was no evidence for demand, however that was due to the existing inadequate provision. To continue to provide inadequate provision would lead to no change. He would welcome any opportunity to make the provision more useful, by extending it and making better use of the space.

Whilst not a material point, Councillor Elmer referred to the likely cost for a student to rent a room as being more than a large mortgage for a house. He seconded the amendment.

Councillor Jopling disagreed that the Section 106 contribution should be reduced due to the existing open space. This was a prestigious development and she would prefer the estimated contribution to be considered.

In response to a question from Councillor Atkinson, N Carter, Planning Solicitor confirmed that a motion had been proposed and seconded to approve the application in accordance with the recommendations outlined in the report. A subsequent motion which included an amendment to the Section 106 obligation for offsite open space had also been proposed and seconded.

It would normally be appropriate for the amendment to be voted on however he advised Members that as there was no policy basis for requesting additional Section 106 contributions and such contributions would not be CIL Regs compliant then there was no lawful reason to approve the application with this requirement.

Councillor Atkinson was concerned that the Committee were debating an item that would impact the Applicant, yet they had no opportunity to respond.

Councillor Marshall had listened carefully to the debate and did not consider it conducive for the Committee to redesign applications during the meeting. Following extensive consultation, an application that met the needs of the Council had been received by the Committee. He welcomed provision of a hotel as the lack of beds in the city was holding the economy back. He had long advocated for a properly planned and managed approach to the provision of good quality accommodation to resist the temptation for landlords to purchase properties for profit.

The application had only received seven formal objections from residents and with £6.8m of private investment in this climate, he hoped the Committee would approve the application with the recommendations outlined in the report.

Councillor Martin clarified that he was not asking for a redesign, but he supported the request of local members to re-evaluate the funding allocated. He respected the legal advice which had been given and suggested that an alternative defensible figure could be considered. He disagreed with the proportion of public open space that was being delivered, but supported the application.

Councillor Atkinson considered it unfair to consider revising the calculated figures.

Councillor Wilson suggested that the Committee move to a vote on the substantive motion, given the legal advice that there was no legal basis for the revised financial payments subject of the amendment.

Councillor Bell suggested that the issue could have been raised by Members prior to the meeting. It was not appropriate to consider revising the figure

during the meeting and could result in the Applicant revising the design of the public open space.

## **Resolved**

That the application be APPROVED subject to the conditions outlined in the report and the completion of a Section 106 Planning Obligation to secure the following:

- Contribution to Open Space: £98,100
- Healthcare provision: £85,680
- The requirement to enter into a S.39 Agreement to secure the long-term management and maintenance, including a monitoring strategy of the biodiversity land.