

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in Council Chamber, County Hall, Durham on **Tuesday 11 November 2014 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors G Bleasdale, J Clark, P Conway, M Davinson, K Dearden, D Freeman, S Iveson, A Laing (Vice-Chairman) and C Kay

Also Present:

A Dobie – Principal Planning Officer
S Eldridge – Principal Planning Officer
B Gavillet – Senior Planning Officer
A Glenwright – Highways Officer
N Carter – Solicitor (Planning and Development)

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, J Lethbridge, R Lumsdon and B Moir.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

The Chairman advised that he was a Member of Brandon and Byshottles Parish Council but had taken no part in any Parish Council discussions in respect of application numbered DM/14/02141/OUT – The Garth, Mill Road, Langley Moor.

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

a CE/13/01014/OUT - Land at Former Thorpe Maternity Hospital, Andrews Lane, Easington

The Committee considered a report of the Senior Planning Officer regarding an outline application for proposed residential development (for copy see file of Minutes).

The Planning Team Leader provided the Committee with a detailed presentation on the application which included photographs of the site.

Councillor D Boyes, local Member addressed the Committee and advised that Easington Village was a 12th Century settlement. Policies within the District of Easington Local Plan were aimed at protecting the Green Wedge allocated between Peterlee and Easington Village. Policy 6 limited development in the Green Wedge to the uses of agriculture, horticulture, forestry, wildlife reserves and informal recreation.

The site north of Lowhills Road had been granted outline permission for 900 houses, and with other allocations in Easington he questioned how many developments the area could withstand.

In conclusion he reiterated that this was a medieval settlement and if approved the proposed development would change the character and appearance of the area forever. He also understood that as the site of a former maternity hospital there may be baby burials on the land.

Councillor L Morton of Easington Parish Council expressed concern about the number of available school places. Easington Academy had a limit of only 1200 places and children travelled to the school from outlying settlements. The primary school was also small with no available places.

Housing stock in the village consisted of a mix of old and new dwellings, and as already stated there was planning consent for a major development of 900 houses, with permission for around 200 houses within the settlement itself. Little Thorpe was a small hamlet of 16 houses and if approved this development would represent a 100% increase in housing within the village.

Local people considered that there were too many houses proposed in the area in the wrong location and of the wrong type. Many were concerned that there were no bungalows included in the scheme.

The Parish Council was of the view that the application was contrary to policies in the District of Easington Local Plan and that the site was not allocated in the County Durham Plan. This development, in addition to the scheme for 900 houses, would have a negative impact on schools and nurseries, and the already busy and narrow roads in the area would not be able to cope with the increase in traffic generated.

Councillor J Andrews reiterated the comments of Local Member Councillor Boyes and Parish Councillor Morton. The proposals contravened Policies 3, 6, P6 and 14 of the District of Easington Local Plan. The site was a natural habitat for flora and fauna. There were trees on the site which were protected by TPOs, and plants which provided nectar for all kinds of insects. Proposals to provide bat boxes seemed to be a futile exercise as any existing roosts would be destroyed.

This development would constitute further erosion of the Green Wedge and there were existing brownfield sites allocated for residential development.

She understood that there were proposals to increase the size of the primary school but she still had concerns about the pressure the scheme would place on local schools, as well as the additional traffic this would generate. Traffic problems would be exacerbated along Thorpe Road which was used as a pedestrian route to the school and was busy at drop-off/pick-up times, and also along Stockton Road where the buses entered and left the school gates.

She was also concerned about the potential for an increased risk of flooding caused by surface water from Andrew's Hill.

There was a strong local belief that there were baby burials on the site but unfortunately records of this had not been retained.

Currently there were 22 unoccupied apartments in Easington Village and she therefore questioned the need for the housing. Councillor Andrews disagreed with the applicant that the development would have no impact on the character and appearance of the area; the proposals would transform a rural area into a concrete urban jungle.

She appreciated housing targets but questioned the need for so much new development in the village. In conclusion Councillor Andrews urged Members to take into account the views of local people and avoid the risk of destroying the fabric of a village in order to meet house-building targets by refusing the application.

Mr Styles, local resident stated that the people of Little Thorpe, Easington Village and Peterlee could not understand the reasons for developing this site. Whilst there had been a lot of information presented in support of the application he felt that the local knowledge and experience of the community should be taken into account.

A previous application to develop the site had been rejected at appeal and this site was classed as being in the open countryside. Mr Styles quoted Nick Bowles MP concerning development in the open countryside, who encouraged the re-use of brownfield sites, allowed for green space designation to protect green areas, and encouraged Planning Authorities to take into account the benefits of agricultural land. This site met all this criteria and also held special significance, being a baby burial site and an area where local people could find solitude and enjoy the local countryside.

Mr Frain, local resident reiterated the views made by the Parish Councillors about the need for new housing when there were already empty properties in both Easington Village and Little Thorpe.

He pointed out that suitable alternative sites had been allocated in the emerging County Durham Plan and that a previous application for the site had been refused and dismissed on appeal.

The two key considerations were the effect on the character and appearance of the surrounding area and whether development of the site would prejudice the preparation of local plan policies in the future.

In conclusion Planning Policy stated that developments should be located on sites which would help to consolidate the framework of existing settlements.

The Planning Team Leader responded to the submissions made and advised that this was a brownfield site on previously developed land. Evidence of the former hospital was still visible.

Residents had referred to a planning appeal in 1996 but Planning Policy had changed since the Inspector's decision with the introduction of the NPPF. With regard to the comments about local people enjoying the site, she advised that the land was privately owned with no Public Rights of Way across it.

In terms of the mix of housing, the Officer advised that this was an outline application and details of house types would be considered at a later stage.

The School Organisation Manager had advised that there were sufficient places within existing schools to accommodate the new development. A Section 106 Agreement for the site north of Lowhills Road secured a payment towards school places.

In response to the comments made by objectors about the number of new developments granted in Easington Village she advised that there was no cap on housing numbers and approval of this site would not prejudice delivery of the emerging County Durham Plan. She pointed out that this site was outside the settlement of Easington and needed to be considered in context of the proposals for the wider area.

Mr Stovell, the applicant's agent was invited to address the Committee. He referred to the Planning Officer's report and commented on the following key issues:-

- The site constituted previously developed land and was located within the Lowhills Road development site of 900 houses.
- Although the site did not accord with Local Plan Policy it was in line with the NPPF and the emerging County Durham Plan.
- Highways Officers had confirmed that the proposals would not compromise highway safety in the surrounding network and would be in accordance with Local Plan Policy.
- 10% affordable housing would be provided in line with the SHMA which would be secured through a Section 106 Agreement. The Section 106 Agreement would also secure a contribution towards play and recreational facilities.
- The Council's Ecology Section had confirmed that the proposals would be in accordance with saved policies in the Local Plan and Part 11 of the NPPF which sought to protect and enhance biodiversity and the natural environment.
- The County Archaeologist had offered no objections subject to conditions being imposed which would require further investigation works. There were no formal records of baby burials on the site and this was not a material planning consideration.

- No objections were submitted by Landscape Officers and the report stated that there would be no adverse impact on the visual appearance of the area or surrounding landscape. The scheme would be successfully integrated into the surrounding area.
- The Council's Drainage Officer, Environmental Health Officer and Northumbrian Water had not offered any objections and the proposal would not have an adverse impact in terms of drainage or flooding.
- There would be school places available in existing schools.
- The applicant was committed to 10% improvement in carbon emissions on the site.
- Officers were sufficiently confident that a high quality layout, design and landscaping framework could be provided and the mature trees would be protected on the site.

In response to questions from Councillor Davinson, the Principal Planning Officer advised that a contribution of £500 per residential unit for play and recreational facilities was the amount identified for the East Durham area, and also applied to the Lowhills Road site. With regard to considering this application in the wider context, she advised that whilst the Lowhills permission was also in outline at present it was expected to come forward.

Following comments from Councillor Kay concerning the weight to be attached to Local and National Planning Policy, and the emerging County Durham Plan, the Officer acknowledged that the application did not accord with local plan policies. However a decision should be taken against the criteria contained in the NPPF with limited weight attached to the emerging County Durham Plan.

Councillor Conway referred to paragraph 73 in the report. He felt that there was firm evidence in the Local Plan and the emerging County Durham Plan that should be taken into account in the determination of the application. Policies 15 (development on unallocated sites) and 35 (development in the countryside) in the emerging County Durham Plan were relevant, and policies 3, 6 and P6 of the Local Plan were clear about the Green Wedge and the use of the site. He noted that the County Planning Committee had disregarded these policies in its determination of the application for the Lowhills Road site and asked if the emerging Plan contained a reference to the former Thorpe site and the matters contained in policies in the Local Plan.

The Member was advised that there were no policies in the emerging Plan which directly reflected usage of the site. The two key issues were the Green Wedge and use, and these should be examined against policies contained in the NPPF. The NPPF set out a presumption in favour of sustainable development and this site met this criteria.

Moved by Councillor Kay and **seconded** by Councillor Dearden it was

Resolved:

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the provision of affordable housing; a financial contribution towards play and recreational facilities in the locality at a pro-rata rate of £500 per residential unit, and to the conditions outlined in the report.

b DM/14/01418/FPA - Kingslodge Hotel, Waddington Street, Durham, DH1 4BG

The Committee considered a report of the Senior Planning Officer regarding an outline application for the remodelling of the building including the erection of ground, first, second and Mansard roof third floor extensions with layout and landscaping reserved, and full planning permission for change of use to student accommodation (for copy see file of Minutes).

The Senior Planning Officer provided the Committee with a detailed presentation on the application which included photographs of the site. A visit to the site had been arranged for Members to view the location and setting. He also updated the Committee on proposed refusal reason 3 (protected species) as a bat survey had now been submitted. Refusal reason 3 was therefore to be deleted.

Councillor G Holland, local Member spoke in support of the Officer's recommendation for refusal. He observed that the applicant had objected to an application for student accommodation on the former County Hospital site on the grounds that the area was 'student saturated'.

In his statement the applicant appreciated that there was a demand for new hotels but that increased competition had put pressure on Kingslodge. However in 2011 he had applied for an extension to the hotel and was granted planning consent on appeal. In considering this application Officers had correctly relied on the Local Plan and the NPPF, with little emphasis placed on policy 32 of the emerging County Durham Plan.

He considered that the decision rested with Policies C9, H13 and H16 of the Local Plan, to which primary weight should be given, and paragraphs 70, 117 and 118 of the NPPF. The application was contrary to these policies and allowed Officers to make an unambiguous recommendation for refusal.

Councillor N Martin, local Member addressed the Committee and commenced by explaining that he was the Treasurer of the Rotary Club of Durham Bede which used Finbarrs restaurant for its weekly meetings, and this application clearly threatened the future of the restaurant. In accordance with the Council's Constitution he had consulted the Monitoring Officer who had advised that in this specific situation it was acceptable for him to speak and represent his constituents.

His objections were on the grounds of impact on local amenity, need and economic loss to the City. Less than 20 metres from the site was the new Gentoo development of family town houses which was nearing completion. This was a welcome re-introduction of family housing into an area that had needed re-development for some years.

In addition, situated within 150 metres in the opposite direction was pre-dominantly family housing which would be at risk from noise and disturbance from this development.

There did not appear to be anything in the plans that showed how the residents would socialise within the building, nor had the applicant given any evidence to confirm that he knew how to manage a residence of this size in terms of noise and disturbance to neighbouring properties.

As a former College Principal and University City Liaison Officer he was aware that there would be loud late-night comings and goings from this development.

The area already had a large student population but the Gentoo development was a move to mitigate this factor. Increasing the density of students only had the effect of further sterilising parts of the City Centre in the half year that the students were not there.

The applicant claimed that students brought long-term economic benefit to the City but the provision of more student residential accommodation had no impact on the number of students in the City as this was controlled by the University. Need was a key factor and had been accepted by the Inspector at the ongoing examination of the emerging County Durham Plan as a relevant consideration.

Finally there was an economic issue around the hotel and restaurant. This was currently a successful hotel which had permission to expand its bed capacity. The restaurant was arguably the best restaurant in Durham City.

This application would put both at risk. The emerging County Durham Plan placed the City at the centre of a strategy to increase economic activity across the County as a whole. In addition a large number of jobs would be lost that the local economy needed, and for which there was currently a demand.

Mr Priestly spoke as a representative of Crossgate Partnership and welcomed the recommendation for refusal. He was pleased that the Council had recognised that the concentration of students had become unbalanced in the City. With the new reduced student targets there would be no economic gain for Durham. The application contravened Policies H13, H16 and C9 of the Local Plan.

Mr Finbarr O'Leary explained that he owned the restaurant and whilst it was housed in the hotel it was a separate entity. His concerns were on employment grounds. The employee figures referred to in the report were inaccurate, and the actual loss of jobs in the restaurant would equate to 19 FTE and 20 PTE.

Mrs Levitas stated that she was now the only resident in her street, the remaining houses being occupied by students. She reiterated that this area was saturated with students. The hotel was managed very well and was a huge asset to the City. Her main concern was that there was an oversupply of student accommodation. The number of university places were to be reduced and she understood that Durham University was building student accommodation on its own land. A policy was needed to redress the imbalance of housing in the City.

In terms of impact on the local economy, the students were not in the City from June to October each year.

At this point Councillor Martin left the meeting during Member deliberations.

Councillor Conway welcomed the clarification by Mr O'Leary in relation to employment figures and **moved** refusal of the application. Councillor Davinson noted that the restaurant was busy on the Member site visit which had been at 2.00pm on a Monday and was of the view that this was an indication of its success. He welcomed the new family housing being built next to the site and was concerned about the potential impact on that development if the application was approved.

Councillor Freeman stated that Mrs Levitas had highlighted the problems in the City which were reflected in the fact that she was the only resident in her street. It was pleasing that the percentage of student properties in concentrated geographical areas had been examined and hoped that this would be taken into account in future applications. The current figures clearly showed an imbalance in the local community.

Councillor G Bleasdale **seconded** refusal of the application.

Resolved:

That the application be refused for the reasons set out in the report, as amended.

c DM/14/00573/FPA - Land to the west of Deerness Heights, Brandon, Durham

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 89 dwellings (for copy see file of Minutes).

The Senior Planning Officer provided the Committee with a detailed presentation on the application which included photographs of the site. A visit to the site had been arranged for Members to view the location and setting.

Mrs C Bowman, objector referred Members to a photograph taken from the rear of her property. She noted that existing trees were to be retained to create a buffer, however approximately twenty had been cut or reduced in height. She acknowledged that the trees had not been cut down by the applicants but the result had a negative impact on existing properties. Even if the applicant replaced the trees it would be some considerable time before this buffer was reinstated. This would have a significant impact on amenity as the land was sloped and the new

buildings would tower above her own property and those of her neighbours, leading to loss of light, privacy and views of the countryside.

Whilst she sympathised with the applicant this did not outweigh the harm this would cause to the Conservation Area. If the company closed down or was re-located she felt that the application would have been granted purely to assist a business that was no longer there.

At this point the Chairman clarified that he was a local Member and that Mrs Bowman had contacted him about the trees. However this had not influenced his consideration of the application and he had come to the Committee with an open mind. The Legal Officer advised that in these circumstances, the Chairman could take part in the decision making.

Mr S Hedley, the applicant's agent addressed the Committee. He advised that the applicant was disappointed with the recommendation for refusal, the reasons being the adverse impact on the Conservation Area and the cumulative impact on junctions on the highways network in the area.

The site had been identified in the SHLAA and the preferred options stage of the emerging County Durham Plan but had been excluded in 2013 because of its status within a Conservation Area. He considered that this was unacceptable. Their own Heritage Consultant had carried out an assessment of the significance of the Conservation Area and had found that the impact on the setting would be negative. Members on the site visit would have noted the visual impact of the Brambledown business on the land. To base the recommendation for refusal on assumed impact was unhelpful to the applicant who was taking action to support his business and employment.

Their own Architectural Assessment had concluded that there were no significant findings and that there would be no significant impact.

Addressing the views of the Highways Officers and their concerns with regard to the impact on the additional traffic generated on the existing network, he anticipated that the increase would constitute less than 1% at the junctions. He also referred to a planning application granted in Ladysmith Terrace, Ushaw Moor which would also impact upon these junctions in the same way.

Mr Curry, the applicant stated that there was a significant business case for the application which on balance outweighed the harm to the Conservation Area.

Business Durham had offered its support to the sale of the land to allow Brambledown to continue to be a large employer of local people. Brambledown was an important local employer which had gone through a difficult time because of the economic downturn. Company Directors believed that the business was starting to recover and were looking towards new investment. The capital receipt from the sale of the land would be used to support this. Supporting local businesses and creating employment was a significant material planning consideration.

In response to the comments made about the impact on the Conservation Area, the Senior Planning Officer advised that, if approved, this development would remove the last area of green space between Brandon Village and Brandon, causing unacceptable harm to the Conservation Area.

The Highways Officer addressed the highway safety issues. The report gave details of the traffic assessment and he acknowledged that the issues at the junctions also applied to the Ladysmith Terrace development. However, notwithstanding this Officers had offered objections to the layout of the development which was deemed to be unacceptable in highway terms for the reasons detailed in the report.

Moved by Councillor Laing and **seconded** by Councillor Bleasdale it was

Resolved:

That the application be refused for the reasons set out in the report.

d 4/14/02160 & 4/14/02161 - Old Shire Hall, Old Elvet, Durham

The Committee considered a report of the Senior Planning Officer regarding an application for change of use from office (B1) to 43 bedroom hotel and 29 room aparthotel (C1) restaurant and bar (A3/A4) with 150 covers, leisure club and spa (D2) and associated access, car parking and landscaping, with internal and external alterations to a Listed Building (for copy see file of Minutes).

The Senior Planning Officer provided the Committee with a detailed presentation on the application which included photographs of the site. A visit to the site had been arranged for Members to view the location and setting.

In presenting the report the Senior Planning Officer proposed minor amendments to the wording of conditions numbered 10 and 14 to 21 of application numbered 4/14/02160. It was proposed that the wording 'no development shall commence' be amended to state that 'no external works shall commence'. This would provide flexibility for the applicant to carry out internal works to the building.

In addition an amendment to condition numbered 23 was proposed to state that 'the fixtures and fittings located in the council chamber shall not be removed from the building until the contract for the future occupation/operation of the council chamber has been let'.

Mr B Corrigan addressed the Committee on behalf of residents and businesses at The Cathedrals which was located to the rear of the Old Shire Hall. He stated that residents did not object to the principle of the development but had concerns about access. He pointed out an error in paragraph 9 in the report which stated that the proposal was to use a one way circulatory vehicular route through the site with access from Old Elvet to Court Lane. The revised proposal was for two way access and egress from Old Elvet, and Officers considered that the site could operate from this single access point, although noted that a secondary access and egress point may be formed from Court Lane (paragraph 81).

Currently there were 12 parking spaces to the rear of the building and access/egress was via The Cathedrals. This was a busy pedestrian route to the University. An increase from 12 to 38 spaces was proposed, and whilst revised proposals for access and egress from Old Elvet was welcomed, residents were concerned that the existing access via The Cathedrals would remain open, and without any restriction may become a major route into the hotel. This would defeat the purpose of the revised proposals. He felt that this could be addressed by a planning condition restricting use of the access to emergency vehicles only.

Mr D Brocklehurst, the applicant's agent addressed the Committee and responded to the concerns of residents. He advised that he had worked closely with Planning and Highways Officers to produce the scheme and had amended the plans to their satisfaction. An additional condition would not be acceptable; traffic and pick-ups/drop-offs would be served principally from the front of the building but the secondary access was needed for service vehicles and was essential to the function of the hotel. The building had been vacant for two years and the applicant had invested significantly in this landmark building to bring a high quality hotel to the City. The proposals would bring additional visitors to Durham and create 60 jobs.

Councillor Conway expressed his support to the proposals which would bring a significant building back into use. He noted that Mr Corrigan welcomed the scheme in principle and hoped that his concerns about access could be resolved through on-site management.

In response to a comment from Councillor Kay who proposed a condition to address the issue of access via The Cathedrals, the Senior Planning Officer advised that the Local Planning Authority must be able to demonstrate that planning conditions were enforceable and necessary. He did not consider that a condition restricting access via The Cathedrals would meet these tests.

The Highways Officer acknowledged that the site could operate from a single access point but also that a secondary access and egress could be formed from Court Lane, and this was beneficial to the developer.

Councillor Freeman stated that he supported the proposals which would add to the economic revival of the City. He reiterated the views of Councillor Kay and as Members had heard that access from Old Elvet was satisfactory, he disagreed that the issues regarding the secondary access could not be resolved. He was concerned that people would use it to access the hotel and felt that a solution should be found to prevent this.

The Chairman invited the applicant's agent to clarify the access issue. Mr D Brocklehurst replied that the applicant needed both access points and would therefore be opposed to a condition as suggested as it would not meet the necessary tests in his view.

Councillor Kay clarified that he was of the view that the primary access to the hotel should be from Old Elvet and the secondary access should be for emergency and delivery vehicles only.

Councillor Clark made the comment that in the main visitors to the hotel would be from outside the area and she expected that directions would be provided which would include details of access.

Following discussion the Senior Planning Officer suggested an additional condition for a highway signage scheme to be agreed which should resolve the concerns about access.

Resolved:

That the applications be approved subject to:-

(i) the conditions outlined in the report with minor amendments to the wording of conditions 10, and 14 to 21 of planning application numbered DM/14/02160/FPA, to read 'No external works shall commence....';

(ii) Condition 23 being amended to read as follows:-

'The fixtures and fittings located in the council chamber shall not be removed from the building until the contract for the future occupation/operation of the council chamber has been let'.

(iii) the following additional condition:-

'Notwithstanding any details submitted with the application, the development shall not be brought into use until a scheme for highway signage is submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.'

e DM/14/02141/OUT - The Garth, Mill Road, Langley Moor, Durham, DH7 8HF

The Committee considered a report of the Planning Officer regarding an outline application for 5 no. dwellings with all matters reserved except access (for copy see file of Minutes).

The Principal Planning Officer provided the Committee with a detailed presentation on the application which included photographs of the site. A site visit had been arranged for Members to view the location and setting.

In making his presentation the Principal Planning Officer advised that since the report had been circulated Public Rights of Way had withdrawn their objections to the application.

Mr Holburn, an objector addressed the Committee stating that he wished to focus on the highways and environmental aspects of the proposals.

In terms of highways he noted that no objections had been offered from the Highways Authority but their comments focused primarily on the access. His concerns related to the narrow width of the lane leading to the development. The proposals suggested that two cars could pass with additional widening but this did not take into account the use of the lane by pedestrians. At two cars per property this would pose a significant risk.

It appeared from the site plan that the proposed turning head for refuse vehicles formed an access to another dwelling.

With regard to environmental impact Mr Holburn stated that the land sloped down to the River Browney and that the proposals included a species rich meadow. Soil would be removed as part of the development works and this may destabilise the land following rain and natural erosion. Three of the dwellings would have access to the meadow which may result in disturbance to wildlife.

Mr C Megson spoke on behalf of Deerness Kennels. The land was designated Green Belt and planning policy restricted development in these locations. The applicant had submitted that the development would not undermine the Green Belt. The openness of Green Belt was considered to be the absence of built development. The proposals would lead to a loss of openness of the Green Belt and as such would not conform with Part 9 of the NPPF.

Alterations to the Green Belt should be considered through the Local Plan process where they were subject to relevant public scrutiny and inquiry as part of a longer term strategy. The proposals were contrary to Policy H5 of the Local Plan as the houses were not associated with a proven agricultural or forestry need.

Noise pollution was a consideration in the NPPF and whilst the applicant had submitted a full Noise Assessment, Environmental Health had raised concerns which were outlined in the report. The proposed development would be susceptible to noise nuisance and this would compromise his client's operations. His client played an important role in the area.

Mr M Creedy, the applicant's agent stated that he wished to present a statement from Brandon and Byshottles Parish Council in the absence of Parish Councillor N Rippon who was unable to attend due to parish commitments.

The Parish Council and Community Group had registered their support to the application. The Parish Council having visited the site considered that it would be hugely positive, would add diversity to the housing stock and improve the visual amenity of open space overlooking the site.

The site was located on the edge of Langley Moor and whilst it was within the Green Belt it constituted previously developed land and was currently an eyesore. Views to and from the site would be improved and Landscape Officers had advised that it would partially screen buildings from the Browney, would improve the biodiversity of the area and would provide a wildflower meadow. The land was currently covered by concrete paths and posts. This scheme would improve the visual amenity of the area and would improve the Green Belt.

The scheme was also an excellent example of carbon neutral accommodation in Langley Moor. Highways works were proposed which offered improvements to existing arrangements and access to the existing footpath in the area.

The development was close to Langley Moor High Street, the main shopping street in the area, and was also close to public transport links.

In conclusion the Parish Council was of the view that this well-considered and unique development should be welcomed. It could lead the way to demonstrating how sustainable and carbon neutral housing could be achieved, making a positive contribution to the area.

Mr J Elmer, the applicant stated that Mill Road Passivhaus development was the first group in County Durham of this sort and the profit would be utilised as a springboard for providing more in the future. He provided Members with details of the Passivhaus concept and benefits.

The development would restore a previously developed landscape, and would visually improve the location through planting and green roofs, extensive landscaping and a wildflower meadow. The proposals were supported by the Landscapes Section and the highway and access arrangements were to the satisfaction of the Highways Authority. The unregistered footpath would be unaffected by the proposals and homeowners would be able to access local facilities easily from the site.

Mr Elmer addressed the concerns expressed about noise, stating that the noise assessment carried out surpassed the standards required by BS4142 and the proposed noise reduction measures would result in negligible external noise. Internally the homes would be silent.

Friends of Langley Moor had also offered their support to the proposals who believed that the uniqueness of the development could add prestige to the village. The development would not compromise the security of the kennels or the dogs and he considered that neighbours would provide protection. The proposed noise measures would benefit both the kennels and residents, and his noise consultant had concluded that the claims made about the impact of noise were unfounded. The current situation relating to noise issues would be improved.

He had demonstrated how constraints could be overcome and that this was an exceptional scheme which would bring forward a significant development without compromising the environment for the future.

The Principal Planning Officer responded to the submissions made. With regard to the comments made about the potential impact on the wildlife meadow he advised that Planning Officers consulted with the Council's Landscape Officers who had offered no objections to the proposed habitat enhancements.

The comments made by Mr Megson on behalf of the kennels were endorsed and the Green Belt was a significant consideration. In accordance with Part 9 of the NPPF, development of a Green Belt was inappropriate unless there were exceptional circumstances. Officers did not consider that very special circumstances had been demonstrated here, and whilst this was a high quality scheme in terms of sustainability the location was inappropriate. Landscape Officers considered that the scheme offered benefits in terms of the landscape but Planning Officers did not feel that this outweighed the harm to the Green Belt.

With regard to the references that the site was previously developed land, the Officer advised that as could be seen from the site photographs existing development was minimal and was assimilated into the landscape. The proposals were significant in terms of visual impact on the area.

In terms of the noise assessment submitted by the applicant, Planning Officers relied upon the views of its own Environmental Health Officers.

Councillor Freeman was of the view that whilst the houses may be eco-friendly in design this would be off-set by the damage caused to the Green Belt. The development was not within the settlement of Langley Moor, was located next to an industrial estate and the amenity of the residents would be affected by noise from the kennels.

Moved by Councillor Freeman and **seconded** by Councillor Laing it was

Resolved:

That the application be refused for the reasons set out in the report.

f DM/14/02631/VOC - Cod on the Rocks, 1A Broad Road, Blackhall Rocks, Hartlepool, TS27 4BB

The Committee considered a report of the Planning Officer regarding an application for the variation of condition 2, pursuant to planning permission reference CE/13/00900/FPA to allow continuous opening between 11.00 and 21.00 Monday to Sunday (for copy see file of Minutes).

The Principal Planning Officer provided the Committee with a detailed presentation on the application which included photographs of the site.

In making his presentation the Principal Planning Officer advised that since the report had been circulated an additional objection to the application had been received which reiterated issues already raised relating to impact on residential amenity, impact on the character of the area, noise, smells, loss of privacy and impact on the environment.

Councillor R Crute, local Member addressed the Committee on behalf of Councillor L Pounder and residents.

Residents were happy that this was a thriving business but felt that a balance should be struck which would allow the business to continue to be successful but which also protected the amenity of residents.

The increased traffic generation and parking would compromise the safety of pedestrians and motorists. Traffic along this road had increased in recent years and allowing the applicant to open the extra hours would exacerbate these problems. Given the planning history he was concerned that Planning Officers were now of the view that the proposed extension would not have a detrimental impact on residents.

He referred Members to the condition imposed by the Inspector at appeal which limited opening hours and stated that it would be unfair on residents if this was waived.

The Principal Planning Officer was mindful of the concerns of local Members and residents. The Inspector limited opening times in accordance with the hours the business operated at that time, and planning consent had been granted on that basis. This did not prevent the applicant from submitting an application to vary the opening hours.

There was no real evidence that extra problems would be caused in the middle part of the day. The Coast Road was busy at all times and he invited the Highways Officer to address the concerns expressed about traffic and parking.

The Highways Officer referred Members to paragraph 41 in the report which addressed the Inspector's assessment of highways issues in the original application for change of use, and the three reasons for allowing the appeal. These were relevant to the consideration of this application and from a highways point of view the additional opening hours were potentially in the quietest part of the day. In view of this and taking into account the reasons for the Inspector's decision, there were no strong highway grounds to refuse the application.

In response to a question from Councillor Clark about opening times, the Principal Planning Officer advised that the applicant was entitled to open seven days a week in accordance with the current planning consent.

Councillor Laing commented on the highways issues, confirming that this was a very busy road, having travelled it on a regular basis, and that parking was a problem along this stretch. The situation was made worse in the summer months.

Councillor Kay commented on the planning history linked to this site and the events that had resulted in an appeal, and was of the view that an extra two and a half hours would cause a detrimental impact on residential amenity. He therefore believed that the condition imposed by the Inspector with regard to opening hours should be adhered to.

Councillor Clark echoed these views adding that if the premises opened in the afternoon this would coincide with school traffic, exacerbating the vehicular and parking problems already experienced. She was also concerned about the impact the extended opening hours would have on residential amenity, particularly on a Sunday.

Moved by Councillor Clark and **seconded** by Councillor Laing it was

Resolved:

That the application be refused as the proposal would have an adverse impact on residential amenity.