

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 14 May 2015 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors H Nicholson (Vice-Chairman), D Bell, D Boyes, J Clare, K Davidson, S Morrison, A Patterson, L Taylor, C Wilson and S Zair

Also Present:

S Pilkington – Senior Planning Officer
T Burnham – Senior Planning Officer
A Glenwright – Highways Officer
C Cuskin – Solicitor – Planning and Development

1 Apologies for Absence

Apologies for absence were received from Councillors G Richardson and R Todd.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 19 March 2015 were agreed as a correct record and were signed by the Chairman.

5 Applications to be determined

5a DM/14/02318/OUT - Land South of Beacon Avenue, Sedgefield

Consideration was given to the report of the Senior Planning Officer regarding an outline application for residential development all matters reserved, indicative 34 dwellings (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting.

Councillor Gloria Wills of Sedgefield Town Council addressed the Committee. She stated that this was a very emotive issue in Sedgefield and the Town Council had received complaints and expressions of concern from hundreds of residents. She noted that 83 letters of objection had been received but in her experience not everyone expressed their concerns in writing and Town Councillors had been approached directly by residents.

The Town Council had considered the revised application and she spoke in support of the Planning Officer's recommendation for refusal.

Sedgefield Town Council had examined the application in light of the Inspector's interim views in paragraph 4 of his report on the emerging County Durham Plan which concluded that the objective assessment of housing needs was too high. The work done to provide the Housing Needs Assessment baseline was carried out by external consultants and the findings showed that there was no evidence of need in the South Durham Delivery Area. The Inspector stated that there was scope for dispersing housing delivery to safeguard the character of the area. Bearing this in mind it was clear that weight should be given to the character of Sedgefield.

Councillor Wills then referred to the applicant's supporting statement which stated that the development would deliver much needed housing. There was no evidence of need with over 100 homes for sale in Sedgefield and many more rented out.

Given that the additional affordable element was only 10%, that neither the Town Council or the community had been consulted on the application or Section 106 Agreement, none of these issues should be considered as material considerations and could not override the detrimental effect the development would have on the character of the area.

The Landscape Officer felt that the development would not form a natural extension to the settlement, and the Town Council considered that the mediaeval rig and furrow contributed to the landscape character of the field.

Sedgefield Borough Local Plan was inspirational and forward thinking as it designated this site as Green Wedge, and 19 years later the importance of protecting this site had now been recognised.

Local Plan Policy conformed with paragraph 76 of the NPPF which stated that 'by designating land as local green space local communities would be able to rule out new development other than in very special circumstances'.

The Town Council believed that the Saved Policy relating to the Green Wedge was also in line with Paragraphs 76, 77 and 78 of the NPPF and should be given considerable weight. The designation of the site as Green Wedge had also been reflected in the Neighbourhood Plan which was now out for consultation and which had established that Sedgefield had no requirement for further housing.

Turning to the proposed site layout she was under the impression that Lifetime Homes Standards would be applied. The vehicle parking arrangements were not acceptable particularly for plot 20, a 5 bedroom house which had only one single garage and one single parking space. Sedgefield had experienced problems created by new developments without adequate parking provision. Development on this site would create overspill onto Beacon Lane and the village, exacerbating existing problems.

Councillor John Robinson, local Member spoke in support of the Officer's recommendation for refusal. Sedgefield Plans from as far back as 1860 had stated that this land should not be developed because of its importance to the village and its history. Members had visited the site and would have noted that this was the view seen when travelling in or out of the village. Saved Policy E16 of the Local Plan stated that the Conservation Area must be protected. The Conservation Area included a Grade 1 Listed Building and was a hallowed green area with mediaeval rig and furrow. If Members were minded to approve the application he asked that the layout be examined closely as currently the rear of properties on the edge of the development faced onto the road. The old cemetery was located within a few feet of the land and he asked that a condition be included to protect the graves closest to the site.

Councillor Rachel Lumsdon, local Member concurred with the comments made and agreed with the recommendation for refusal which reflected the strength of feeling of the community.

Mr Andrew Burnett, the applicant's agent spoke in support of the application stating that landscape and heritage were the two main issues of concern.

Planning Officers considered that the development would represent an incursion into the open countryside despite it being partially within the settlement boundary. The applicant's consultants had demonstrated that the site had an urban context that was well defined by existing or stopped up roads on all sides, a landscaped belt with a public right of way to the eastern edge, and that the site related well to adjacent development. The views to and from the Conservation Area boundary were not solely framed by a green corridor but were dispersed with later housing developments of varying quality.

The site had been referred to as being in the open countryside, as having the appearance of being in the open countryside, and it had also been implied that the open countryside was beyond the site. The assertion that the development would represent an unacceptable encroachment should be considered against the Council's own proposals for 450 houses to the south west of the site in open countryside which would represent a damaging loss of apparently highly valuable open countryside if the same principles were applied.

With regard to the rig and furrow, no formal appraisal of the value or significance of these had been undertaken, and research showed that it was a common feature of the landscape of Durham, with 17 references to it in the Sedgefield area alone. This issue needed to be considered against Planning Inspectorate rulings where representations that such systems should be preserved had been overturned on the grounds that the features were not uncommon enough to merit retention on scarcity grounds alone.

The site did not benefit from any formal landscape policy other than a Green Wedge policy. The report acknowledged that any saved policies must be consistent with the NPPF to be relevant and that Green Wedges were not recognised within the NPPF as a way to protect land. The report concluded that limited weight should be afforded to it, and the applicant was surprised that it was contained in both of the reasons for refusal.

Mr Burnett then proceeded to discuss heritage issues and the Conservation Area. This site was not in the Conservation Area and he stated that the Heritage Statement submitted by the applicant found that, although close to the Conservation Area, the context and setting of the site related more closely to a much later phase of 20th Century development within the eastern part of Sedgefield. The narrowing at the eastern edge of the Conservation Area denoted the entrance to the historic core with modern peripheral development surrounding it. This view was acknowledged by the Council's Heritage Officer.

Saved Policy E18 had been used as a reason for refusal and he felt that this reason was unsustainable given the views of the Heritage Officer. He noted that Saved Policy D1 had also been used as a reason for refusal, however there was no specific reference by Planning Officers to the application of this policy to the proposals, and given that this was an outline application was not relevant.

Turning to the issue of 5 year housing supply, Mr Burnett reminded Members of the NPPF and the presumption in favour of sustainable development. Schemes should be approved where planning authorities were unable to demonstrate sufficient housing supply. The NPPF also stated that where policies were out of date, planning permission should be granted.

The report referred to the weight that could be attached to the emerging County Durham Plan and that little or no weight should be attached to the emerging Sedgefield Neighbourhood Plan. Mr Burnett referred to a recent high court decision that overturned the Secretary of State's refusal of a scheme on the grounds that too much emphasis had been placed on an emerging Neighbourhood Plan.

He maintained that the Council's view that there was a sufficient housing supply was incorrect as it was based on sites identified in the County Durham Plan which had been significantly delayed and had limited or no weight. The proposals were compliant with the Development Plan as far as it was up to date, and there were significant material considerations, including the expectations of the NPPF, that weighed in favour of planning permission being granted. The applicant could demonstrate that development of the site would not bring about impact which would significantly and demonstrably outweigh the benefits of granting planning

permission which could deliver much needed new homes, affordable housing and Section 106 benefits.

In conclusion he stated that there were no other major objections from statutory consultees. The reasons for refusal were unsustainable and the application should be considered under paragraph 14 of the NPPF.

In response to the submissions made the Senior Planning Officer advised that Local Plan Policy E4 sought to protect sites against development but it was acknowledged that Green Wedges were not recognised in the NPPF as a method to safeguard land, and therefore limited weight should be afforded to it. At present the Council was able to demonstrate a 5 year housing land supply, but this was only one element of a holistic view of the proposals. Other material planning considerations including the visual impact, impact on the setting of the Conservation Area, and encroachment into open countryside should be taken into account.

Councillor Davidson stated that, having visited the site and having heard the arguments of the local Members, Councillor Wills and the applicant's agent, he was erring towards support of the Officer's recommendation for refusal.

Councillor Boyes made the point that a recent application for houses on Green Wedge at Easington had been approved, however considered that in respect of this site careful consideration should be given to the visual impact of the proposed development which was only 60m away from the Conservation Area. He accepted that the NPPF did not recognise Green Wedges but felt that Policy E4 of the Local Plan should be respected.

He then sought clarification with regard to the application of planning policy, referring to the issues raised with regard to the NPPF's presumption in favour of sustainable development, and the Inspector's interim findings on the emerging County Durham Plan in terms of housing supply.

In response to the Member, C Cuskin, Solicitor – Planning and Development stated that where Planning Authorities could not demonstrate a 5 year housing supply, consideration should be given to paragraph 14 of the NPPF, a presumption in favour of sustainable development. However, whether or not housing supply had been demonstrated in respect of this application, other factors such as visual impact, impact on the Conservation Area and the Green Wedge were material planning considerations which should be taken into account in determining the application.

Councillor Davidson moved and Councillor Boyes seconded the recommendation to refuse the application.

Resolved:

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

5b DM/14/01831/FPA - Land North of Travellers Green, Newton Aycliffe

Consideration was given to a report of the Senior Planning Officer regarding an application for the erection of 79no. dwellings including associated infrastructure works (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting.

The Officer advised Members of an on-line petition and the receipt of a further 3 letters of objection since the report had been circulated. The letters raised the following issues which had been addressed in the report:-

- Loss of Green Wedge
- Loss of residential amenity
- Highway safety
- Inadequate infrastructure
- Housing need
- Potential impact on wildlife and fauna, including Great Crested Newts

Members were also advised of a minor amendment to conditions 2, 4, 5, 6, 14 and 15. The reference number of the Soft Landscaping Plan had been amended to take into account minor revisions to the scheme.

A Glenwright, Highways Officer addressed the concerns raised in relation to highway matters and stated that the application was supported by a Transport Statement. Initial proposals for traffic calming measures along Travellers Green and Clarence Chare had been withdrawn following a traffic speed survey carried out by Durham County Council which found that vehicles were travelling at 3% below threshold speeds.

With regard to concerns expressed about on-street car parking, Assistant Traffic Officers had confirmed in September 2014 that no complaints had been received.

The existing highway infrastructure could accommodate additional vehicle flows. Travellers Green and Clarence Chare had additional access points to the north at Gilpin Road and Balliol Road, and improvement works were proposed at the junction of Travellers Green, Gilpin Road and Clarence Chare.

The Highways Authority was satisfied that this was an accessible site which was reasonably connected to transport infrastructure. On balance there were no highway grounds to refuse the application.

Councillor Dixon referred to on-site parking provision and the Highways Officer confirmed that the proposals were deemed to be acceptable, in line with DCC standards. Notwithstanding this, at 6.2m wide, Travellers Green/Clarence Chare was capable of accommodating some on-street parking and local bus services.

Councillor Dixon then referred to the lack of affordable housing and asked the applicant's representative to address why this had not been offered.

The applicant's representative explained that a requirement for affordable housing would render the scheme economically unviable, and this had been tested through a viability assessment with DCC. Gleeson Homes' ethos was to provide housing priced at the lower end of the market and to offer incentive schemes such as Help to Buy.

Councillor Boyes expressed disappointment at the lack of affordable homes but appreciated the comments by the agent about the type of 'starter homes' to be provided.

In response to a question from the Member, the Committee was advised that a Section 106 Agreement to secure a financial contribution of £79,000 was proposed towards the provision/maintenance of open space and recreation facilities in the immediate area.

Councillor Clare stated that, until a recent newspaper article about the proposals residents had raised little comment on the application. The article had prompted an on-line petition which included 94 names, and the concerns of residents was evident by those who were in attendance at the meeting. He understood that their chief concern was the loss of a greenfield site in the town which was allocated as Green Wedge. In the Local Plan the Green Wedge was located along the length of the A167 so this would represent a significant loss to the community in that respect.

However he did not think that this was sufficient to overturn the Officer's recommendations for approval. Newton Aycliffe was a main town in the industrial heart of County Durham, on which the prosperity of the County depended. The town had to make provision for industry and housing as it continued to grow.

The type of low cost housing proposed was welcomed and desperately needed. The Committee had heard that the viability of the development would be affected if affordable housing provision was required.

He was satisfied that every attempt had been made to separate the housing from the A167 by means of an acoustic barrier, and a barrier of vegetation and trees. This piece of Green Wedge differed to the remaining sites along the A167 in that the others all continued to be used. This was former allotment land and had fallen out of use. It was now a redundant site.

The proposals were fully in line with the NPPF and had to be considered against a Green Wedge Policy in a Local Plan dating from 1995, which carried little or no weight. Despite the strong arguments from residents he considered that there were no grounds to overturn the Planning Officer's recommendation and moved approval of the application.

In response to a question from Councillor Dixon about the inclusion of conditions to protect the amenity of residents during the construction period, the Senior Planning Officer advised that Environmental Health had regulatory powers to deal with

matters such as working hours and highway cleansing. It was therefore not deemed necessary to control this by way of condition.

Following a question from Councillor Wilson regarding the comments from the Council's Ecologists in paragraph 43 in the report, the Senior Planning Officer advised that Great Crested Newts had not been found on the site and the Ecology Section had requested the use of a method statement to mitigate any residual risk.

Councillor Nicholson stated that, having visited the site, he had some concerns about the road network but these were alleviated by the comments of the Highways Officer. He also noted the comments made regarding the relevance of this section of the Green Wedge against other areas along the A167, and seconded approval of the application.

Councillor Davidson made the comment that the site was situated between a wooded area and a play area, and would be separated from the A167. The site benefitted from a substantial access road and he was pleased to note that footpath improvement works were proposed.

Resolved:

That the application be approved subject to

- (i) the conditions outlined in the report, and to conditions numbered 2, 4, 5, 6, 14 and 15 being amended as reported;
- (ii) the completion of a satisfactory Section 106 Legal Agreement to secure a financial contribution of £79,000 towards the provision/maintenance of open space and recreation facilities in the locality and entering into a training, recruitment and management employability plan.

5c DM/15/00597/FPA - Former Willington Health Centre, Chapel Street, Willington

Consideration was given to the report of the Senior Planning Officer regarding an application for the erection of 12no. terraced dwellings (for copy see file of Minutes).

T Burnham, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

In response to a question from Councillor Clare about site density, the Senior Planning Officer advised that the site was 0.2 hectares in size and was in keeping with the surrounding area of Central Willington which comprised of terraced houses with modest yards.

Councillor Boyes noted that there was no reference in the report to any comments from Willington Town Council on the application. Members were advised that this was an omission from the report but that the Town Council had not offered any comments on the proposals.

Councillor Davidson moved and Councillor Nicholson seconded approval of the application.

Resolved:

That the application be approved subject to the conditions outlined in the report, and to the completion of a Section 106 Legal Agreement to secure a contribution of £12,000 towards the provision/maintenance of social, community and/or recreational facilities within the locality.