

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 26 November 2015 at 2.00 pm**

Present:

Councillor C Marshall (Chairman)

Members of the Committee:

Councillors H Bennett, P Brookes, J Cordon, I Jewell (Vice-Chairman), J Maitland, O Milburn, A Shield, L Taylor, O Temple and S Wilson

Apologies:

Apologies for absence were received from Councillors B Armstrong, J Robinson, K Shaw, K Thompson and S Zair

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Apologies for absence were received from Councillors B Armstrong, J Robinson, K Shaw and S Zair.

2 Substitute Members

There were no substitute Members.

3 Minutes of the Meeting held on 29 October 2015

The Minutes of the meeting held on 29 October 2015 were confirmed as correct records and signed by the Chairman.

4 Declarations of Interest (if any)

Councillor S Wilson advised that in relation to agenda item 5a, he was local Member for the area however had no interest to declare.

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

5a DM/15/02340/FPA - Land South Of Hawthorn Close, Kimblesworth

The Committee considered a report of the Planning Officer regarding the erection of 23 two, three and four bedroom 2 storey dwellings with associated works at land south of Hawthorn Close, Kimblesworth (for copy see file of Minutes).

The Principal Planning Officer provided the Committee with a detailed presentation which included photographs and a plan of the proposed layout. Members had visited the site the previous day and were familiar with the location and setting.

Members were advised of a late representation from the local MP, K Jones, who requested clarification on the legal position regarding access to the allotments.

A further late representation had been received from one of the local divisional Members, Councillor H Liddle. Councillor Liddle had raised concerns regarding a lack of clear proposals in relation to the highway, access issues, drainage problems and concerns regarding shallow coalmining works underneath the site. She had queried whether the foundations of the new properties would be strengthened to take into consideration the mining issue and she had further queried whether the Coal Authority would have a watching brief over the works should the application be approved. Councillor Liddle had highlighted that there was an absence of a contamination report and also that there had been no notice to sell the land. Furthermore she felt that the proposed development was too dense, there was a lack of certain house types such as bungalows, which were greatly needed in the area and the proposed dwellings were too small. Finally, Councillor Liddle had expressed concerns regarding the future of the nearby allotments given that the proposals would see the current access closed off.

Mr D Inman, local resident and Member of Kimblesworth and Plawsworth Parish Council, addressed the Committee to speak in objection to the application.

In relation to the status of the development site, he highlighted that there were two conflicting points of view, the NPPF and the saved Local Plan, and so it was therefore ambiguous as to whether the site was brownfield or greenfield.

Members were advised that Kimblesworth was a small village and so while 17 objections did not appear to be numerous, Mr Inman advised that it equated to a letter from every tenth household and so was therefore a significant expression of local views. Furthermore, Mr Inman believed that sometimes people were put off objecting to applications because they felt there was little point, as such more might have come forward.

Mr Inman felt that the planning report read as though as it was in complete favour of the developer, stating that there were numerous references to the lack of viability to provide sustainable housing. Mr Inman believed that on the contrary there was sufficient reason to provide such housing, particularly as there was a real need for more bungalows in the area.

Members were advised that allotment holders on the site suffered from many serious ailments and to that end it was unacceptable to suggest that they should have to access the allotments from the south of the site. Mr Inman further advised that the allotment holders had made an application for a prospective easement.

Mr C Dodds, representing the applicant, addressed the Committee. He echoed comments as detailed within the planning report, advising that the proposals were sustainable and that there had been no objections from the Highways Authority or

from Design Officers. Members were advised that the applicant had made a number of amendments and adjustments to the proposals in order for the plans to be considered acceptable.

Members were advised that Gleeson Development Ltd specialised in low cost sales which gave some people a real chance to purchase affordable, low cost properties, with costs being as little as £56 per week.

The Solicitor took the opportunity to advise the Committee in relation to the application for an easement. Members were advised that normally, the Planning Committee would not be concerned with rights of way matters, however such matters were relevant for the current application because the potential loss of the allotments was a planning issue.

The Solicitor clarified that officers had concluded the allotments matter was not an issue because there was an alternative access at the south and while it was not necessarily as easily accessible as the current access, it was still a viable option. Furthermore, if the easement application was to be successful, then the design of the scheme could be amended to accommodate the current access to the allotments. As such the proposals would not sterilise the allotments.

The Principal Planning Officer responded to the points raised as follows:-

- Brownfield site – it was clear there was a preference within the NPPF for the development of previously developed land, however the key aim of the NPPF was that of sustainable development;
- Affordable Housing – A Viability Assessment had been undertaken and had concluded that the provision of affordable housing was not possible. However low cost housing need was being addressed as part of the proposals.

Councillor S Wilson raised concerns regarding the application. In relation to parking, he queried how much parking provision there would be per house as there were parking problems already in the area. Councillor Wilson felt that the density of the application was unacceptable, that 23 dwellings was too many for the site. He was concerned that the developer had not undertaken any pre consultation with local residents or Members and he questioned whether Cestria would have sufficient access to maintain the area which would be classed as open space.

The Principal Planning Officer responded to the points raised as follows:-

- Density – 23 dwellings were proposed and while it may appear dense, the proposals did meet privacy requirements and the site had actually been reduced in size from initial proposals;
- Consultation – The Planning Authority did recommend that consultation be undertaken locally however was not able to enforce it;
- Easement – The possibility of introducing an easement had been suggested to the developer, however the developer had chosen not to amend the application.

The Highways Officer responded to the points raised as follows:-

- The internal road which existed would be extended by the developer and a turning point would be developed at the end of it which would accommodate refuse vehicles and so was considered to be an acceptable proposal;
- Parking – This was at an acceptable level in the area. If local residents had become used to parking on adjacent grassland which was now to be developed, this was not something which the Highways Authority could give any consideration to as the grassland could have simply been fenced off.

In relation to the easement, Councillor Cordon felt that the matter could have been dealt with earlier and it was a shame that local residents had to apply for an easement in order for the plans to be changed. However Councillor Cordon supported the proposals overall.

Councillor Shield noted that there were no objections from either statutory or internal consultees, there were numerous conditions attached to mitigate many issues and there was a preference towards sustainable development.

While he had been concerned about the issue with access to the allotments, he advised that the developer had delivered housing in his local area and had endeavoured to accommodate local issues during those developments. Councillor Shield therefore hoped that all relevant parties could work together to address any outstanding matters.

Highlighting that there were no material planning matters which would give reason to object to the proposals, Councillor Shield moved approval of the application, stating however that he would like to think there would be a willingness from the applicant to work with local residents.

Councillor Maitland expressed concerns regarding the approach to affordable housing and hoped that would not be a position which would be adopted by developers in the future.

Councillor Milburn expressed concerns that the allotments would degenerate if there was no feasible means of access, she therefore hoped that all parties could work together to find a suitable resolve.

Councillor Temple also expressed concerns regarding the allotments. It was very clear that the current access was at the north of the site. He noted that in their present condition, the allotments were somewhat unattended, he therefore worried about the future condition should access be made more difficult. He therefore queried whether any condition could be imposed to ensure that the access could be addressed.

The Solicitor advised that, in relation to the current plans, it would not be possible for the Committee to condition the applicant to amend the plans as it was not clear at the present time whether the allotment holders actually had a legal right of way. If they were able to demonstrate that they did, then the applicant could be conditioned to amend the proposals and alter the plans.

The applicant advised there were no legal rights over the land to access the allotments at the present time. He advised that a meeting had been held with the owner who freely admitted there were no such rights, just an informal arrangement between the landowner and the tenants. Gleeson had looked to provide some suitable means of access, but was concerned about who would be responsible for future maintenance of it. It would not be the responsibility of the applicant nor would the land be an adopted right of way. There were also problems in relation to the possibility of creating access effectively to land to the west of the site.

In response to a query from Councillor Jewell, the Planning Officer clarified that no objection had been received from the landowner, however objections had been received from tenants.

Councillor Wilson moved that the application be deferred pending further consultation between all relevant parties. The motion was seconded by Councillor Brookes who felt that any decision would have long term consequences.

The applicant advised that he was unaware of any objections from allotment holders, however an allotment holder was in the meeting audience and advised that he had submitted an objection.

Councillor Shield withdrew his motion and the Chair confirmed that the current motion was for the application to be deferred.

Upon a vote being taken it was;

Resolved:- "That the application be Deferred".

5b DM/15/02509/OUT - Land To The West of Croft Close, Greencroft

The Committee considered a report of the Senior Planning Officer regarding the outline residential development for up to 87 units including site access at land to the west of Croft Close, Greencroft (for copy see file of Minutes).

The Senior Planning Officer provided the Committee with a detailed presentation which included photographs and a plan of the proposed layout. Members had visited the site the previous day and were familiar with the location and setting.

The applicant was in attendance and addressed the Committee. Members were advised that the proposals would boost the delivery of housing in line with Government direction and that the site was in a sustainable location on the edge of a settlement. The proposals would not have any adverse impacts, there had been no objections from statutory consultees and the proposals were largely accepted by internal consultees. Furthermore, it was considered that any local objections were low level given the scale of the surrounding area.

Members were advised that a Flood Risk Assessment had been undertaken and highlighted that the development could improve current conditions on the site.

The applicant had worked closely with officers in developing appropriate proposals which offered a choice of house types, a S106 contribution and open space provision.

Councillor Jewell was familiar with the area and advised that as there had previously been significant development in the Greencroft area in recent years, the current proposals would be a natural extension which would have many benefits to the area. Seconded by Councillor Cordon, Councillor Jewell moved approval of the application.

Resolved:- “That the application be approved subject to the conditions detailed within the report”.