

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 28 January 2016 at 2.00 pm**

Present:

Councillor I Jewell (Vice-Chair in the Chair)

Members of the Committee:

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

Also Present:

Councillor A Watson

1 Apologies for Absence

Apologies for absence were received from Councillor C Marshall, J Robinson and S Zair.

2 Substitute Members

There were no substitutes.

3 Minutes of the Meeting held on 26 November 2015

The minutes of the meeting were confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest

Councillor Milburn declared an interest in Item 5a as she was a Non-Executive Director of Prince Bishops Homes.

Councillor B Armstrong declared an interest in Item 5a as her partner was a Non-Executive Director of Derwentside Homes of which Prince Bishops Homes was a subsidiary.

Councillor Temple declared an interest in Item 5b as a local Member.

Councillor Wilson declared an interest in Item 5a as a local Member.

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

The Committee agreed to reorder the agenda to hear application DM/15/03035/FPA first.

b DM/15/03035/FPA - Air Power House, Watling Street Industrial Estate, Leadgate

The Committee considered a report of the Planning Officer regarding the change of use of woodland to extend existing caravan storage area at Watling Street Industrial Estate, Leadgate (for copy see file of Minutes).

The 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 a late representation from the local MP, Pat Glass, who reiterated the concerns of residents.

Councillor A Watson, local divisional Member, addressed the Committee to speak in objection to the application.

He advised that local residents of Villa Real bungalows were extremely anxious about the planning application, because if approved, a substantial part of the woodland area that is enjoyed by residents and their children would be ripped out, with approximately 100 trees felled. The woodland area which was maturing every year attracted many forms of wildlife even deer.

He further noted that the development would fail to deliver the environmental role which is defined as one of the three dimensions to sustainable development within NPPF (para 7). The scale of development in such a sensitive location is a major issue in relation to species and habitat issues on site. He explained that the fence which faced Villa Real bungalows was always meant to be the boundary of the Industrial estate with the tree belt acting as an order to mitigate against a working environment, stockyards or indeed light.

In conclusion he added that children were educated through forestry classes in schools and taught to respect and realise the importance of trees, not to destroy them. He therefore respectively asked the committee to refuse the application

Mrs G Oswald, local resident, addressed the Committee to speak in objection to the application.

Reference was made to the area in which Villa Real bungalows sits and to the mineshaft which was repaired some 20 years ago, by being filled with concrete. 20 years on the gardens of these properties were flooding regularly, even though the properties were 850ft above sea level. This Mrs Oswald felt, was due to the increasing inclement weather and the removal of mature trees which were planted by the council at 'Watling Wood' opened by David Bellamy.

Removal of further woodland would leave residents more vulnerable to flooding as some of the more mature trees at 1-32 bungalows absorbed a lot of the water and prevented flooding to an extent.

In addition to the issues of flooding the loss of woodland would impact upon those families who take their children there to play. Residents would also be deprived of the great pleasure from sitting in their gardens admiring the wildlife. In addition only last year Red Kites were seen at this site.

The trees provided great protection from the noise of the industrial estate and also provided screening from the scaffolding site which was in a current state of untidiness. The trees also provided, depending upon the direction of the wind, protection from the chemical works and biofuel plant nearby, by absorbing fumes.

With regard to the storage of caravans Mrs Oswald added that caravan fires were a concern and fire or other alarms could be set off by high winds also posed a threat and potential nuisance to residents.

In conclusion Mrs Oswald urged members to protect this piece of woodland, she commented that there was land nearby better suited to caravan storage, which would allow Watling Wood to continue to thrive and mature.

Mr B Robinson, Applicant, addressed the Committee to speak in support of the application.

The land was purchased in 1995 with its use always being identified as being for industrial purposes. A site visit with the Council's Principal Acquisition & Disposal Surveyor last year had confirmed that the land was clearly unused with most parts being overgrown with low level branches.

With regard to comments about potential fire risk or gas bottle explosions it was noted that all gas bottles were turned off during storage, with little chance of explosion. In addition any noise from caravan alarms would be waffled by the 25m distance between the site and first property, 15m of which was dense woodland.

In response to comments made regarding flooding the applicant confirmed that his site was in fact downstream from the bungalows where recent flooding had occurred.

He further added that he had undertaken a site meeting with Councillor Watson last September and he had indicated at that time, that 10m of screening would be sufficient. The current application proposed 15m.

In addition some concerns had been raised regarding security flood lighting and Mr Robinson advised that the application proposed the same lighting system as was currently used on site. In addition he added that the site was still relatively small and would continue to be well maintained.

In response to the points raised regarding flooding the Planning Officer advised that flooding in this area was an existing problem and made reference to condition 3 of the conditions outlined in the report regarding surface water drainage.

In response to a further query from Councillor Wilson regarding the classification of the site as industrial / residential the Planning officer advised that the site was designated as industrial although the community asset value of Watling Wood may be considered.

Councillor Cordon commented that he did not find the application unreasonable given that the land was designated for industrial use. He further commented that caravans were already kept on site and he appreciated that there were storage issues in the area. He further added that he was happy to hear that Officers were monitoring the situation with regarding to surface water and flooding. With that he moved that the application be approved.

Councillor Temple sought clarification regarding the level differences between Factory World and the bungalows. The planning officer in responding to these points advised that level differences were marginal.

Councillor Temple further added that he wished to raise concerns on two grounds; amenity and drainage. He added that he considered the perspective that Members had gained from the site visit misleading and had members walked through the site, it would have been noted that tree cover was especially thin in some areas. He added that the aerial images shown highlighted this point. He therefore suggested that if 2/3 of the tree belt was removed, the woodland would be extremely sparse. This in turn would lead to light pollution contradictory to GDP1 and the NPPF, loss of amenity.

His second point related to drainage and he explained that no plans for drainage had been submitted. Woodland was semi-permeable and with such the existing woodland area acted to remove surface water. He subsequently moved that the application be refused.

Councillor Shield added that he concurred with Councillor Temple and had himself, serious concerns. He further added that he did not consider the proposals to be a good use of industrial land. With regard to the removal of woodland, he added that the proposals would involve the loss of 400m² which was a substantial amount. Furthermore with work currently taking place on Villa Real bridge, Bradley Industrial estate was a main pedestrian route.

Councillor Shield further added that members had been notified some time ago that this area would be re-designated as public woodland and this had never been undertaken. In conclusion he commented that he did acknowledge that storage space for caravans was in shortage however, this was not the right place to provide such. He subsequently seconded the motion to refuse the application.

Regarding the density of the woodland Councillor Jewell asked how old the aerial photograph shown was. In response the Planning officer advised that it was between 12/18 months old.

Councillor Milburn asked whether it would be possible to add further planting of additional trees to the conditions of the application. The Planning Officer advised that a condition for landscaping could be included and a review of the boundary treatment could be undertaken.

Councillor Thompson with regard to flooding issues added that he would like to see additional drainage and added that given the problems in the area with flooding, that he was disappointed that no comments had been received from Northumbrian Water. He further asked whether there was anything in the conditions to ensure that no felling of trees took place during bird nesting season.

Councillor B Armstrong added that the land was most definitely industrial and agreed that a condition should be included to require the planting of some established trees. With that inclusion she seconded the motion to approve the application.

Councillor Temple **MOVED** that the application be refused on the grounds of:

- Light pollution NPPF and GDP1
- Risk of worsened drainage, NPPF 103 and GDP1
- Disturbance of natural habitat.

Councillor Shield **SECONDED** the motion.

Following a vote the motion was **DEFEATED**.

Councillor Cordon **MOVED** that the application be approved subject to conditions and Councillor Armstrong **SECONDED** the motion.

Resolved:

That the application be **APPROVED** subject to the conditions detailed in the report and the inclusion of the following as agreed with the Vice-Chair:-

Notwithstanding details submitted with the application, within one month of the commencement of the development, details of the boundary screen planting shall be submitted to the Local Planning Authority. Once agreed, the planting should be undertaken before the end of the next planting season following the commencement of the development (i.e. before 31st December of that year). Trees, hedges and shrubs shall be planted and subsequently maintained in accordance with good practice to ensure rapid establishment, including watering in dry weather, and replacement of failed plants. Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: To ensure the visual amenity in the surrounding area is protected in accordance with Policies GDP1, EN11 and IN4 of the saved Derwentside Local plan.

Councillor B Armstrong and O Milburn left the meeting.

a DM/15/02993/FPA - Plawsworth Road Infant School, Sacriston

The Committee considered a report of the Senior Planning Officer regarding the redevelopment of a disused Infant School site to provide 21 houses; consisting of 3 and 4 bed detached; semi-detached and terrace units at Plawsworth Road Infant School, Sacriston (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.

He advised that a slightly revised set of conditions were proposed to that which Members had been supplied with prior to the meeting, details of which were provided.

The Chair at this point welcomed Mr S Bell and Mr S Jackson, Prince Bishop Homes, who were in attendance to answer any questions which the committee may have had.

Councillor Thompson commented that he was happy with the proposed development however, asked for some clarification regarding the viability appraisal for affordable homes.

The Senior Policy Officer advised that a viability appraisal would be undertaken when the amount of affordable homes proposed fell below 15% of the total number of dwellings. The appraisal took into consideration build costs, selling costs, profits and land purchase price. The team then verified whether the assumptions made were reasonable and provided a clear indication of costs and value of the site. He confirmed that the appraisal in this case had provided reasonable assumption.

Councillor Shield asked what the proposed density of the development was. In response the Senior Planning Officer advised that the development was below average density. Councillor Shield further added that as the development proposed was for infill development, on a brownfield site, he moved that the application be approved.

Councillor Wilson raised a query regarding traffic and the impact upon existing dwellings and felt that a number of the objections received could have been avoidable had more pre-consultation taken place. The Principal DM Engineer advised that school parking was always an issue around school sites like this however, the development would now propose a two way flow of traffic and would be much more tidal than when the school was on the site. The roads into the site were 4.8m wide with some being even wider. A survey of the site had suggested that highways provision would accommodate 100 cars, however the development was likely to create only 45 regular users.

Councillor Cordon seconded Councillor Shield's proposal adding that the site in its current state was an eyesore and was good use of brownfield land.

Councillor Brookes echoed the support that other members of the committee had given adding that the site was a derelict eyesore for residents and agreed that there would have been more traffic movement when it was a school.

Mr S Jackson, Prince Bishop Homes then provided some information regarding the Rent to Buy model that the developer had adopted which offered 75% of the property to rent with the option to buy at the end of a 4 year period. The homes were targeted at those in their mid-thirties with no deposit and poor credit histories. The scheme aimed to help them manage their finances so they were mortgage ready at the end of the 4 year period. The model was based upon an intermediate housing market with affordable housing.

Councillor Shield **MOVED** the application for approval and Councillor Cordon **SECONDED** the application with the inclusion of conditions as explained by the Senior Planning Officer.

Resolved:

That the application be **APPROVED** subject to an updated list of conditions as described by the Senior Planning Officer in his presentation, to be approved with the Vice-Chair of the Committee.

6 Appeal Update

Consideration was given to the report of the Planning Team Leader which provided an update on planning appeals received and determined (for copy see file of minutes).

Resolved:

That the report be received.

7 Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

The Vice Chair allowed the following update to be presented.

The Planning Team Leader provided an update on the Gleeson development at Kimblesworth and advised that following the committee's decision to defer the application, the applicant had since chosen to withdraw the application and had in addition, withdrawn from the land purchase.

Resolved:

That the update be noted.