

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 12 April 2016** at **1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors J Clark, P Conway, M Davinson, S Iveson, A Laing (Vice-Chairman), R Lumsdon and K Shaw

Also Present:

Councillors D Bell, A Bonner and J Chaplow

1 Apologies for Absence

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

2 Substitute Members

No notification of Substitute Members had been received.

3 Minutes

The Minutes of the meeting held 8 March 2016 were agreed as a correct record and were signed by the Chairman.

4 Declarations of Interest

There were no Declarations of Interest submitted. Councillor Conway stated that he was a Member of Belmont Parish Council but does not take part in any meetings.

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

a DM/15/03034/OUT - Land to the North of Little Thorpe, Easington

The Team Leader - Central and East, Sarah Eldridge gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was an outline application for 26 new dwellings with associated access and parking and was recommended for approval subject to conditions. Members noted that the reference to the Durham City Local Plan on page 13 of the report was a typographical error and should have referred to the "Easington Local Plan".

The Committee noted that there had been no objections from the internal and statutory consultees on the outline application, however, the Rights of Way Team had noted a right of way at the site, with the applicant having submitted an indicative plan that would accommodate the right of way. The Committee noted 5 letters of objection from the members of the public and objections from the Parish Council, as set out within the report.

The Team Leader - Central and East noted that Officers from the Highways Section were satisfied, subject to the conditions as set out, and that the approval would be subject to a s106 agreement in terms of securing 10% affordable housing, recreational equipment and a strategic programme in the Durham Heritage Coast Management Plan.

The Chairman noted there were no registered Speakers and asked Members of the Committee for their questions and comments on the application.

Councillor M Davinson referred to paragraph 44 of the report and asked for further explanation of the comments from Design and Conservation, "the application cannot be supported as the indicative proposed layout would not respect the established pattern of development". Councillor M Davinson also asked whether the issue highlighted as regards the public right of way was to be determined within this application or at the reserved matters stage with a further application. The Team Leader - Central and East noted that the indicative plan showed a "uniform" development of properties, in contrast to the current properties at Little Thorpe that had been developed over time and which gave a degree of uniqueness. It was added that the issues raised by Design and Conservation could be addressed at the reserved matters stage, as could issues in terms of the public right of way.

Councillor R Lumsdon noted she was delighted to see an application for a brownfield site and asked whether the Parish Council had objected to any diversion of the public right of way. The Team Leader - Central and East noted that the applicant had put forward a suggested route, however, the usual process was that an applicant would look to secure planning permission then seek a diversion in respect of a right of way with the Rights of Way Team.

It was added that the Diversion process would offer the opportunity for the Parish Council, or any members of the public, to make representations.

Councillor P Conway noted the planning history of the site, with several approvals for permissions in the past for 10, 13 and 14 properties, and therefore asked whether 26 properties presented an issue in terms of density and whether the previous permissions having not been utilised was also an indication of an issue with the site. The Team Leader - Central and East explained she did not have any specific reasons why previous permissions were not taken forward, but noted the context of the housing market and added that the density of the application was relatively low at 23 properties per hectare, less than the average of 30 per hectare, and was in character with the density of the existing properties in the area.

Councillor A Laing moved that the application be approved; she was seconded by Councillor P Conway.

RESOLVED

That the application be **APPROVED** subject to the Section 106 Agreement and conditions detailed in the Officer's report to the Committee.

b DM/16/00018/FPA - Land To The South Of New Ferens Park, Belmont Industrial Estate Road, Durham

The Planning Officer, Laura Eden gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for a new diagnostics and treatment centre and was recommended for approval subject to conditions.

The Committee noted that there had been no objections from the internal consultees on the application, with an objection from the Coal Authority on the basis of a lack of a coal mining risk assessment. It was added that while the Highways Section had no objection, they noted a requirement in terms of securing a financial contribution towards the costs of a Traffic Regulation Order (TRO) and road marking works. The Planning Officer explained that a financial contribution was not being sought and that instead both of those issues could be dealt with by way of a Grampian condition. The Committee learned that there were no objections from members of the public, and the Parish Council had commented to note the mature trees in the area and asked whether they would be retained and protected during construction works. The Planning Officer noted that the trees in question were outside of the application site, however, they were protected by way of Tree Preservation Orders (TPOs).

Members noted that the application fell an area specifically allocated for prestige industrial development and while this specified Class B1 and B2 use, the Council's Employment Land Review (ELR) also identified the land as employment use, although not necessarily restricted for prestige development.

It was noted that the proposed use was Class D1, however, with the potential for 80 jobs and a recent approval for the development of a car showroom which was also not B1 or B2 use, it was felt that this particular use was appropriate, although other D1 non-residential institution uses may not be. The Planning Officer concluded by reiterating the comments made by the statutory and internal consultees, adding that Officers from the Ecology section had noted the need for a condition in terms of an ecological appraisal.

The Chairman noted there were no registered Speakers and asked Members of the Committee for their questions and comments on the application.

Councillor P Conway noted that the purpose of the proposal was very important, in terms of providing a service for our communities, however asked who would be delivering the service, the National Health Service (NHS) or a private company. The Planning Officer noted she did not know who was leading on delivery of the proposed service, however, it was noted that the facility would cater for both NHS and private patients.

Councillor R Lumsdon moved that the application be approved; she was seconded by Councillor S Iveson.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

c DM/16/00156/OUT - Land North of New Brancepeth, between Plantation View and School House, Durham, DH7 7EY

The Team Leader - Central and East gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Officer advised that Members of the Committee had visited the site that day and were familiar with the location and setting. The application was an outline application for two detached bungalows (all matters reserved) and was recommended for refusal.

The Committee noted that there had been no objections from the internal and statutory consultees on the outline application, other than from the Landscape Team indicating that the proposed development will have some adverse landscape and visual effects. The Committee noted no objections from the members of the public, and that the Parish Council had indicated they supported the application and had requested that the application be determined at Committee.

The Team Leader - Central and East noted that Officers had not found reasons to refuse the application in terms of residential amenity or highways safety, with these being achievable via condition. It was explained that the reason for refusal was on the basis that the principle of development was not acceptable in terms of either “in-fill” development and visual impact, as such would compromise the character of the area and impact upon the countryside.

The Chairman asked the Local Member for Deerness, Councillor D Bell to speak in relation to the Application.

Councillor D Bell thanked the Chairman and Committee for the opportunity to speak and attend the site visit. Councillor D Bell explained that the application was for a prominent site on the main entrance into the village and added that the reasons for refusal had been cited as National Planning Policy Framework (NPPF) policies E7 and H4. In reference to these policies, the report of the Officer refers to the site as greenfield and that the proposed development did not represent “in-fill”, however, Councillor D Bell noted that the site had been built upon previously and was part of the village with rows of terrace houses at this location. In reference to the surrounding woodland, Councillor D Bell noted these were managed by the Council and were in the process of being thinned out and the low profile design of the proposed properties was such that they would not represent much of an impact on the character of the area, rather the proposal would be in sympathy to the surrounding area. Councillor D Bell noted that he and his fellow Divisional Members felt that the development was needed and was of benefit to the village, adding that the applicant was proposing to move into the property for their own use and therefore all the Local Members believed the application should be approved.

The Chairman thanked the Local Member and introduced Councillor Derek Jones, from Brandon and Byshottles Parish Council, to speak in relation to the application.

Councillor D Jones thanked the Chairman and Committee for the opportunity to speak and noted that all Local Members were in support of the application, the Parish Council was also in support of the application and no objections had been received from members of the public. Councillor D Jones added that there had been properties on the land in the past, forming part of the village and it was felt that the development would enhance and improve the gateway into the village.

The Chairman thanked the Parish Member and introduced Mr Keith Ryder, Architect for the applicant, to speak in support of the application, having 5 minutes to address the Committee.

Mr K Ryder thanked the Chairman and Committee for the opportunity to speak and noted that a lot had already been said by the Local and Parish Members. Mr K Ryder noted the applicant had owned and managed the land for over 30 years and had been a resident of the area all his life. It was reiterated that the applicant would wish to move into a property on the site for his own use and that the land itself was of poor quality, having remains of the foundations of the previous terraced housing. Mr K Ryder explained that the site was a part of the village being within the original settlement boundary, and that the application itself followed the NPPF and that the NPPF had a presumption in favour of sustainable development.

Mr K Ryder concluded by noting that he felt the proposal was “in-fill” and would complement the existing developments and not compromise the street scene, residential amenity or highway safety.

The Team Leader - Central and East noted the issue of previous development at the site, and noted the planning history was not in dispute, however, the NPPF was clear in that if the remnants of a development have blended back into the landscape then the site was deemed to be “greenfield” as opposed to “brownfield”. It was added that in terms of “in-fill” the City of Durham Local Plan set out that “in-fill housing development will only be permitted if the development, comprises no more than a single dwelling infilling a small gap between existing buildings; does not involve the development of an open space that is important to the street scene; and is appropriate in scale, form and materials to the character of its surroundings”.

The Chairman asked Members of the Committee for their questions and comments on the application.

Councillor P Conway noted that Members had been advised previously as regards the weight to attach to the saved Local Plans and the NPPF in the context of awaiting the outcome in terms of the County Durham Plan. Councillor P Conway noted that the comments from the Landscaping Team appeared guarded, in noting “some adverse landscape and visual effects”, though not technically objecting. Councillor P Conway added that he had listened to the professional information in terms of the land “blending back in”, reverting to greenfield, however, felt that this was a fine judgement and given the information that the land was of poor quality and had previously been built upon, he would be minded to support the application.

Councillor J Clark noted that policy H4 was to “protect important open space in the street scene and prevent inappropriate development from compromising the character of an area” and added that she did not feel this application did compromise the character of the area having visited the site. Councillor J Clark added that the need to protect open space in areas such as the City Centre of Durham was not the same as the site under consideration. Councillor J Clark explained that the existing containers on the site were not much different in terms of height to the proposal and they had not presented a significant issue in terms of visual impact when Members had visited the site.

Councillor M Davinson noted paragraph 49 of the report, which stated the village was considered to begin with the properties at Barley Rise, and asked whether that site had been outside the village settlement boundary prior to their construction. The Team Leader - Central and East noted she did not have information in respect of the Barley Rise development to hand or the height of the storage containers but that these were unauthorised

Councillor R Lumsdon noted she agreed with the comments of the speakers and felt that the proposal looked to be in keeping with the area and that there had been properties on the site, albeit previously.

The Solicitor - Planning and Development, Neil Carter noted the issues raised in terms of the settlement boundary and of greenfield versus brownfield status of the site. Members were advised that as the housing supply policies in the Local Plan are out of date, most notably policy H5, then paragraph 14 of the NPPF created a presumption in favour of sustainable development. In applying that presumption, it would be for Members to determine the benefits of development and weigh them against the dis-benefits with a view to deciding whether the adverse impacts significantly and demonstrably outweigh the benefits.

Councillor P Conway thanked the Solicitor for his advice and noted he felt the benefits outweigh the dis-benefits and thought that conditions, similar to those applied to the other applications considered today, may be suitable.

The Team Leader - Central and East reminded Members that there had been no objections from the statutory and internal consultees and therefore should Members be minded to approve the application then standard conditions associated with issues such as ecology, contaminated land, landscaping and times of carrying out works on the site could be set out. Members were reminded that the application was an outline application and therefore issues such as access would be for consideration at the reserved matters stage.

Councillor P Conway asked as regards any potential conditions in terms of the trees near to the site, and the Team Leader - Central and East noted this also would be for consideration at the reserved matters stage. Councillor R Lumsdon asked how disruption could be minimised for the adjacent properties during construction, and the Team Leader - Central and East reiterated that hours of construction could be specified, or a construction management plan could be sought to include the times and storage of deliveries of materials. The Team Leader - Central and East noted that in terms of limiting development to only 2 bungalows via condition, this was not necessary as the application was for 2 bungalows and therefore any change from this would require a separate application to be submitted.

Councillor P Conway moved that the application be approved; he was seconded by Councillor A Laing.

RESOLVED

That the application be **APPROVED** subject to conditions relating to: time; compliance with approved plans; implementation of an ecology mitigation; implementation of landscaping; a construction management plan; and submission of reserved matters details.