

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 30 June 2016 at 2.00 pm**

Present:

Councillor C Marshall (Chairman)

Members of the Committee:

Councillors B Armstrong, P Brookes, J Cordon, O Milburn, J Robinson, A Shield, L Taylor, O Temple, K Thompson, S Zair, J Blakey and M Davinson

Apologies:

Apologies for absence were received from Councillors H Bennett, I Jewell, J Maitland, K Shaw and S Wilson

Also Present:

Councillor O Johnson

1 Apologies for Absence

Apologies for absence were received from Councillors H Bennett, I Jewell, K Shaw and S Wilson

2 Substitute Members

Councillor J Blakey for K Shaw
Councillor M Davison for I Jewell

3 Minutes of the Meeting held on 19 May 2016

The minutes of the meeting held on 19 May 2016 were confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest (if any)

- i) Councillor Milburn declared an interest in Item 5c DM/16/00905/FPA as she was a local ward member.
- ii) Councillor Marshall declared an interest in Item 5c DM/16/00905/FPA as he had worked with the applicant and the planning department on the revised application.

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

a DM/15/03222/FPA - Land To The West Of Briardene, Cadger Bank, Lanchester

The Committee considered a report of the Senior Planning Officer regarding an application for a residential development comprising of 52 dwellings with new access and associated works on land to the West of Briardene Cadger Bank, Lanchester (for copy see file of minutes).

The Senior Planning Officer provided a detailed presentation of the application which included photographs of the site and a plan of the proposed site layout. Members had undertaken a site visit the previous day and with such were familiar with the site and its surroundings.

Mr M Wardle, Lanchester Parish Council was in attendance to address the Committee in objection to the application. He advised that he and the Parish Council endorsed the recommendation of the officers noting that the issue of the location of the scheduled ancient monument was also extremely important. He further made reference to the objection letter which had been submitted and highlighted the main areas of concerns within, such as; the site being outside the development limit of the village, negative impact upon the landscape, highways safety and the impact on issues of speeding already identified on Cadger Bank, concerns regarding surface water drainage and the impact of further flooding on the village of Lanchester. He further made reference to the Lanchester Neighbourhood Plan and the heritage assets identified within.

The Chair then welcomed Mr M Gladstone to the meeting who was also in attendance to address the Committee in objection to the application on behalf of Lanchester Partnership and the Campaign to Protect Rural Lanchester. He advised that almost all residents of Lanchester were opposed to this development. He then went on to highlight the many disadvantages that the development would cause including; increased risk of flooding – because of the vulnerability of Lanchester to flood the drainage design of the recent Newbiggen Lane application was based on a theoretical once in 100 years storm plus 30%, however this application proposed a much smaller drainage system based on a once in 30 years storm and there were therefore concerns that if, during a major rainstorm, the capacity of the system is exceeded that the excess water would be diverted away from the village. This proposal would not allow for this diversion of water and instead excess water would gush down into Alderdene Burn, from where it would likely flood Front Street.

The second issue related to provisions for pedestrians. He commented the only access to the proposed estate was at the top of a very steep hill. None of the residents of Briardene walk to the village shops. The steepness of the site itself would necessitate flights of steps on the paths within it, ruling out the use of prams and pushchairs. Therefore not meeting sustainability criteria.

The third issue raised related to drainage outfalls and the potential this could have on ecology and the wildlife habitat. Mr Gladstone further commented that approval

of the application could set a precedent for further development around the perimeter of Lanchester further damaging the area. In summary he added that the harm to the heritage that would be caused by this development outweighed the supposed benefit bringing additional disadvantages as previously outlined.

The Chair then welcomed Ms A Ward who was in attendance to address the committee in support of the application on behalf of Barratt / David Wilson Homes. She made reference to the SHLAA which previously identified the site as suitable for housing development for an estimated 95 houses in the Preferred Options Plan, 2012. At this time the site was considered to be suitable and sustainable.

She further added that many of the land allocations were not deliverable and the council had identified that there was a need for a 5 year land supply and a continuing need for homes to come forward. In addition she highlighted that Lanchester had an aging population and a lack of local spend.

It was further reported that the development would consist of a mixture of properties including 10 affordable homes.

Regarding the archaeology of the site she advised that there was no above ground features and geophysics had identified that the below ground archaeology did not cover the site in question. She added that the site was not critical to the appreciation of the scheduled monument.

In conclusion she commented that the development would not harm the heritage asset and would bring benefits to the village of Lanchester such as investment and a boost to local shops and improvements to footpaths.

The Senior Planning Officer in responding to the objectors comments advised that drainage issues would not address the existing flooding problems of Alderdene Burn. In addition he advised that at present the Neighbourhood Plan did not hold any status at this present time. With regard to comments made regarding precedent, he further advised members that each application should be considered on its own merits.

In referencing the SHLAA process, the Senior Planning Officer advised that the assessment was an evolving process and issues regarding archaeology and eventual designation had resulted in the site being classified as unsuitable for development in the updated 2013 SHLAA update. Further reference was made to the classification of the site and its scheduled designation.

The Chairman then invited Dr D Mason, Principal Archaeologist to provide some further information regarding the findings of the geophysical surveys. The Principal Archaeologist advised that the geophysical surveys had changed our understanding of Roman Lanchester adding that the site was one of the best preserved sites in the country. In addition to boundary ditches and property settlement boundaries being identified, 1.5 metres of fort walls protruded from the ground at certain points of the site. In conclusion he advised that the site was currently totally free of modern development. He further added that the extension of

a modern village to the boundary of a Scheduled Ancient Monument would harm a currently tranquil site and would in effect suburbanise the area.

Councillor Robinson in referencing the Matthew Taylor Report asked for some clarity regarding the expansion of villages. In response the Senior Planning Officer advised that Lanchester had been expanded and did now have strong modern elements throughout the village. He further pointed out that the decision had to be made within the current framework of the Derwentside Local Plan and the NPPF and not within the wider government.

As a point of clarity the Solicitor, Planning & Development advised that the Matthew Taylor report held no weight in determination of the application.

Councillor Shield added that a lot of the focus had been around the scheduled ancient monument but there was a clear encroachment into the countryside contrary to the Local Saved Plan. He furthermore concurred with the comments made by councillors and **MOVED** that the application be **REFUSED** on the grounds as listed within the report.

Councillor Cordon **SECONDED** that the application be **REFUSED**.

Councillor B Armstrong added that she liked all the things offered by the developer however it was clear that this was the wrong site and the wrong place for this development.

Councillor Davinson asked for some clarification regarding figures highlighted within the report, specifically paragraph 121 regarding the New Homes Bonus. The Senior Planning Officer advised that the figure within the report should read £46,000 not £460,000.

Following a vote being taken it was **Resolved**:

That the application be **REFUSED** on the grounds as listed within the report.

b DM/16/00871/OUT - Land To The South Of And Including No. 7 The Paddock, Lanchester

The Committee considered a report of the Senior Planning Officer regarding outline planning permission for residential development (C3) of up to 14 dwellings with all matters reserved except access, including demolition of no.7 The Paddock on Land to the South of and including No.7 The Paddock, Lanchester (for copy see file of minutes).

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

Mr M Wardle, Lanchester Parish Council addressed the Committee, to speak in objection to the application. He reported that the development was a clear incursion

into a well vegetated site with mature trees. The site fell on a significant slope and with such would be difficult to screen being visible from Ford Road which was a key local access route through the village. In overall terms he considered the site to be of high landscape value and any development would spoil the balance of the current estate and disrupt the quiet cul-de-sac. The development would also impact upon traffic flows on already difficult roads.

In conclusion he added that the self-build element could lead to an extended period of disruption for residents and overall was considered to be unnecessary development. He therefore urged the committee to refuse the application.

Councillor Ossie Johnson, Local Ward Member addressed the Committee and advised that he was in attendance to represent the views of Lanchester residents. He added that the proposed site was outside of the development limit and would require a chain saw to be taken to a protected tree belt. In addition a perfectly good bungalow would have to be demolished and many residents felt that the proposals were wholly inappropriate.

He further went on to comment that the proposals were not considered sustainable. All schools in Lanchester were full and the current traffic and parking issues would further be exacerbated. A current parking scheme was to be introduced in Lanchester and additional bollards were to be installed. He added that the current infrastructure was creaking and the village was already swamped. Any further development would add to these already difficult issues.

In conclusion he asked that Members consider Ford Road and the impact additional traffic would have on this already busy road. He further added that he considered the proposal to be urban sprawl and with such urged members to refuse the application.

The Chair welcomed Mr J Yates who addressed the Committee in objection to the application on behalf of the residents of No.8 The Paddock. He advised that there was a presumption in favour of sustainable development and referred to policies which were locally rooted and based. He added that there were very strong views amongst residents regarding the loss of amenity and privacy from the removal of trees.

In conclusion he further made reference to legal conveyancing and added that the self-build element could grow to be real nuisance with timings of the builds varying.

Mrs Anderson, local resident, addressed the Committee in objection to the application. She advised that her property No.6 The Paddock backed on to the proposed development and adjacent to the proposed road. She added that there was currently in excess of 55 houses available in Lanchester, including 3 self-build plots. The Paddock falls within Lanchester conservation area with a number of mature healthy trees protected by TPOs. Mature oak trees would also be at risk and well as potentially weakening the soundness of the pines which could cause an unstable tree belt.

Regarding the loss of privacy she added that loss of these trees and would be detrimental to her privacy and her currently uninterrupted vista of the open countryside could be potentially blocked by any development.

With regard to the self-build aspect she commented that construction could take years with no guarantees that work would be completed or the safety of the site being monitored. The development was a commercial venture and with such was not being proposed in the best interests of Lanchester or the sites green field status.

In conclusion she advised that although officers were reporting that the development would have no impact upon the village, this could not be known as only the residents would experience the disruption and harm first hand. She therefore urged members to refuse the application.

Mr J Taylor, NLP Planning Consultants, addressed the Committee in support of the application. He advised that the development proposed a small scale expansion of the cul-de-sac and was well related to the character of the village. He noted that Lanchester had enviable services and the site was only a short ten minute walk to the village, comparable to other properties in the village. He further commented that the addition of new properties would bring a welcome boost to the village shops.

Regarding the location he added that the site laid outside the buffer zone of the archaeological site and through a well-designed and careful planting scheme there would be no harmful impact. The applicant had worked tirelessly with Planning Officers to lessen the impact on protected trees.

With regard to comments made relating to drainage he advised that an onsite storage tank would hold excess surface water and would provide a positive solution.

In conclusion he added that the application proposed a low density development and although there was a self-build aspect it was considered to be sensitive to the area.

The Senior Planning Officer added that the NPPF was quite clear and policy H07, relating to the development limit had been considered carefully. Regarding sustainability he advised that the 500m walk into the village was quantified. In referring to comments made about site specifics, it was noted that there would be absolute control over the development through reserved matters.

He further added that it was appreciated that the loss of trees was of deep concern although should be balanced against the overall benefits of the scheme.

Councillor Thompson commented that he would like a statement regarding New Homes Bonus going forward and where the council currently stood in respect of this. He furthermore added that he would MOVE that the application be REFUSED.

As a point of clarification the Solicitor, Planning and Development advised that the New Homes Bonus was not relevant to the decision unless it had been identified how the money was to be spent, which it had not. .

Councillor Cordon commented that he was delighted that he was not a neighbour and he was horrified about the development proposals. He considered the impact upon residents and the amenity considerable. Furthermore he added that building work and noise could potentially lead to years of disruption for residents.

Councillor Blakey in referring to the circulated plan asked what was meant by communal management. In response the Senior Planning Officer advised that the 106 agreement did have communal elements attached. He further made reference to the implementation of the road into the development and how this could be controlled and enforced.

Councillor Shield in referencing the spatial policy added that there had to be a certain level of subjectivity. He noted that H07 was out of date and only held limited weight. He therefore concluded that a level of interpretation would be required. He furthermore made reference to a recent decision overturned by the County Planning Committee on the basis of encroachment into the countryside. He therefore suggested that the application was in breach of EN1, EN2, EN6, EN9 and EN11. He therefore **SECONDED** that the application be **REFUSED**.

The Solicitor, Planning and Development in referencing comments made regarding the end date of works advised that planning permission never came with an end date and the risks discussed applied to all developments. With regard to refusal she furthermore advised that policies relating to encroachment were out of date and therefore if members were minded to refuse the application the particular harm should be identified.

Councillor Temple added that although he understood the feeling of residents, the committee must not lose sight of what we are and consider how an Inspector would view the application if sent to appeal. He therefore concluded that he would support the application with a heavy heart.

In response to comments made Councillor Cordon added that he accepted the advice of the Legal Officer however considered the community impact of the development and the potential delays in construction to be far greater of concern and added that members must consider the application from a human perspective.

The Senior Planning Officer advised that refusal on the basis of plot build was unacceptable as construction conditions could be attached and were considered to be reasonable.

Councillor Thompson further commented that he questioned the role of the committee if members were expected to rubber stamp everything that the officer recommended.

The Chair added that if members were minded to refuse the application that they should put a valid case forward as to why this did not meet sustainability criteria.

Councillor Armstrong added that she concurred with Councillor Johnson's comments and agreed that the sustainability of the village is what should be considered.

Councillor Brookes commented that he hadn't heard enough to say that the site was not sustainable.

Following lengthy discussion Councillor Shield added that the application should be refused on EN1, preventing urban sprawl, the slope of development, the works which would be required to be done to trees currently protected by TPOs.

Following a vote being taken it was Resolved:

That the application was **REFUSED** on the grounds that:

- i) The proposal encroaches into the open countryside causing harm to the environment and protected trees contrary to policies EN1, EN2, and EN11 of the Derwentside Local Plan 1997.

At this point Councillors Davinson, Taylor and Zair left the meeting.

c DM/16/00905/FPA - Stanfield House, Joicey Square, Stanley

The Committee considered a report of the Senior Planning Officer regarding the conversion of a former care home to 14 residential 1 bed flats, 3 training rooms, 15 office suites and café at Stanfield House, Joicey Square, Stanley (for copy see file of minutes).

The Senior Planning Officer provided a detailed presentation on the application which included photographs of the site and a plan of the proposed layout.

The Chair advised that he did have a personal connection with this site and noted that it had been a blight in Stanley for some time. He furthermore commented that he was happy to see a valid application brought forward for consideration and was a testament to the way First Point Training had worked with the community and officers to resolve previous issues.

Councillor Cordon asked whether the properties would be market accommodation. In response the Senior Planning Officer advised that there was no communal element and all properties were for sale or let.

Councillor Shield in referencing the 2013 application asked whether the number of properties had now been reduced. He also asked whether there were any concerns regarding parking during the day whilst the café and training rooms were in use. In response the Senior Planning Officer advised that time restraints had been placed on the conditions of the application in order to mitigate and alleviate parking issues. In addition cycle parking would also be provided.

Councillor Milburn added that the application had been a drawn out procedure, however all parties were now onside and neighbours were happy with proposals. She therefore **MOVED** that the application be **APPROVED** subject to the conditions as detailed in the report.

Councillor Blakey asked whether there would be an opportunity for members to revisit this application in the future to learn from it. In response the Senior Planning Officer advised that where possible members would be taken to sites where approval had been granted alongside regular site visits.

Following a vote being taken it was **Resolved:**

That the application be **APPROVED** subject to the conditions as listed in the report.

6 Appeals Update

The Committee considered a report of the Team Leader, North which provided an update regarding appeals determined (for copy see file of minutes).

Resolved:

That the content of the report be noted.