

**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 January 2017 at 2.00 pm**

**Present:**

**Councillor C Marshall (Chairman)**

**Members of the Committee:**

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

**1 Apologies for Absence**

An apology for absence was received from Councillor S Zair.

**2 Substitute Members**

There were no substitute Members.

**3 Minutes**

The Minutes of the meeting held on 12 December 2016 were agreed as a correct record and were signed by the Chairman.

**4 Declarations of Interest**

There were no declarations of interest.

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

**5a DM/15/02817/FPA and DM/15/02818/LB Newfield Farm, Newfield Road, Newfield**

The Committee considered a report of the Senior Planning Officer regarding the following applications (for copy see file of Minutes):-

**Housing Application**

- The demolition of an existing listed building and rebuild with facsimile structure within the application for the substitution and remix of previous house types from a previous application with an additional 20 new plots;

- the demolition of existing farm labourer cottages and farmstead buildings, with new replacement cottages and new replacement farmstead buildings.

### **Listed Building Application**

- The demolition of existing farm labourer cottages and farmstead buildings.

The Senior Planning Officer provided a detailed presentation of the application which included photographs of the site and plans of the proposed layouts. Members had visited the site and were familiar with the location and setting.

In presenting the report the Senior Planning Officer gave details of a late representation received from the Victorian Society. If Members were minded to approve the application, minor amendments were proposed to conditions relating to approved plans in the housing application, and to the inclusion of an additional condition to specify operating hours during construction. A minor amendment was also proposed to conditions relating to the listed building application.

Mr McVickers addressed the Sub-Committee on behalf of the applicant, Persimmon Homes. He explained that this was a full planning application which sought to add 20 additional homes to the ongoing Newfield Farm residential development and was accompanied by an application in respect of the listed buildings. The development was ongoing and the developers were now entering the final phase. All of the key development principles had been established in previously approved planning applications. This application simply remixed approved house types to reflect a change in demand, and to ensure that the appropriate type and size of housing met the requirements of the local population and potential purchasers.

None of the remixed dwellings or the additional 20 dwellings would be affordable housing as a total of 71 affordable homes had already been delivered across the site. This represented 24% affordable housing provision when measured against a total of 293 dwellings, and 6% over-provision when considered against policy requirements.

The farm buildings and labourer's cottages formed an important element of the application. Previously the developers had intended to retain and redevelop the buildings, however this was no longer viable in view of their poor condition. This constrained the ability to undertake a sympathetic repair, and necessitated a degree of demolition before safe access to the site could be achieved. The applicant had worked closely with Historic England to facilitate the redevelopment of the buildings, whilst ensuring the retention of as much of the historic fabric as possible.

By way of security the applicant had agreed to a clause restricting the occupancy to 11 homes, until the redevelopment of the buildings was at a certain level and the structures were watertight. Persimmon Homes would suffer a considerable loss of revenue if the clause was not adhered to. The buildings were worth more to the developer built than if they were left in their current state.

In conclusion Mr McVickers stated that the developers had carried out extensive consultation throughout the planning process and had worked closely with the Council and consultees; without consent the development of the farm buildings could not be progressed and their condition would deteriorate further.

Councillor Cordon informed the Committee that the applications were in his electoral division and that he supported both proposals. The farm buildings had been neglected long before the developer's involvement in the site. He had visited the site the previous day, and in his view it would be beneficial for the works to start on the buildings as early as possible.

In response to a question from Councillor Milburn about retaining photographic evidence of the buildings as a historic record, the Senior Planning Officer confirmed that this was included in the existing proposals.

Councillor Shield supported the comments of the Councillors and asked how the proposed works would be monitored to ensure that existing materials were re-used to maximise the use of the listed buildings.

The Senior Planning Officer responded that at agreed points in the demolition process works would be halted to assess the feasibility of retaining remaining parts of the building in situ. This was a facsimile building; the footprint would be unchanged which should help to retain the original historic fabric.

Councillor Temple explained that he had been unable to attend the site visit and was therefore unfamiliar with the buildings. The Member asked if each application relied upon the approval of the other, and if the developer was aware of the responsibility grade 2 listed buildings carried. The Member was informed that although both applications could be determined individually there were elements of the housing application which relied upon the redevelopment of the farm buildings. The Senior Planning Officer confirmed that the applicant was aware of their responsibilities in respect of the listed buildings.

Following a further question from Councillor Temple about the comments submitted by the Victorian Society, the Senior Planning Officer gave details of the representations received which were included in the report. Additional information had been submitted following a further inspection by the Victorian Society with a stonemason. The Victorian Society had suggested that the application be withdrawn, amended or refused, however the findings of their inspection appeared to support what was proposed within the amended application.

Councillor Temple referred to the NPPF Part 12 and the statement in the report that 'where there was evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account'. The applicant was a construction company who had owned the site for 9 years and who would have known the structural condition of the buildings. He was concerned that, if approved, Members would be seen to be supporting an application which effectively rewarded or failed to penalise an organisation which would have been aware of the deterioration that 9 years of neglect would cause. This seemed to be acknowledged in paragraph 101 of the report which stated that 'the listed buildings

had reached a level of decay where demolition could be considered reflects well on neither the developer or the Council'.

The Senior Planning Officer responded that the report acknowledged that deterioration had occurred as a result of a lack of active management rather than deliberate neglect. Discussions with Heritage England had been valuable; their extensive advice was useful and lessons had been learnt going forward. Persimmon Homes were housebuilders and the re-development of listed buildings was a specialist field. Discussions had taken place with the developers over a long period to improve security of the buildings which had been subjected to vandalism and the theft of valuable materials.

Councillor Cordon added that the neglect had commenced many years ago and whilst in hindsight the management of the buildings could have been approached differently, consideration should now be given to the solution put forward. Persimmon Homes' management of the whole site had been very good; the developer met with a community group on a regular basis, and the number of houses being built in the location was pleasing. He was satisfied that the listed building works would be monitored closely to retain the heritage interest of the site.

Councillor Jewell expressed his support to the comments of Councillors Cordon and Shield stating that he had found the site visit very useful, and a detailed insight to the overall development had been provided by Officers on site. The situation with regard to the listed buildings was complex but he felt that Planning Officers had worked closely with the developer in a very productive way to reach a solution that was acceptable to all concerned. He believed that there were satisfactory safeguards in place to ensure the outline of the existing buildings was managed and retained.

Councillor Thompson stated that he was minded to support the application but asked if there was a view that deterioration had been accelerated since the developers had purchased the site. The Senior Planning Officer confirmed that there may have been deterioration in that time and there had been an acknowledgement that more could have been done to secure the site, however Persimmon Homes maintained that the buildings were an asset and that the historic interest would be retained. The proposals would maximise what remained of the listed buildings.

Councillor Cordon **MOVED** and Councillor Shield **SECONDED** that the application be approved.

Following a vote being taken it was:-

**Resolved:**

That the application be approved subject to:-

- a) the conditions outlined in the report and to minor amendments to conditions, following consultation with the Chairman of the Committee;
- b) an additional condition specifying operating hours during construction works;

c) the developer entering into a section 106 legal agreement.

## **5b DM/16/01861/FPA - Land East of Ornsby Hill, Lanchester**

The Committee considered the report of the Senior Planning Officer regarding an application for 8 luxury holiday chalets, plus site management building with residential accommodation for site manager and associated site infrastructure, including revised site access and sustainable drainage system (for copy see file of Minutes).

Mr Jackson of Lanchester Parish Council addressed the Committee against the application. He pointed out that some documents had not been updated since the previous submission, including a different allocation of three and four bed chalets in the application form, drawings and report, and the application suggested that the manager's accommodation already existed. The proposals would have an adverse impact on the AHLV which was of significant visual importance. The development would also impact on flora and fauna which had been identified by the Inspectorate as a significant issue in 2004 and which had developed further since that time. There was a need to maintain the integrity of the wildlife corridor.

The Parish Council was also concerned about suggestions that revising the covenant to accommodate the proposed development could be restrictive. The Parish Council was concerned that this implied that further development may be proposed.

The proposed site was located on a busy main road and on a blind corner. Traffic surveys in 2005 had found traffic speeds of between 40 and 45mph. The site was outside the village development limit and could outnumber the residents of Ornsby Hill, causing noise and disturbance. The Parish Council sought an assurance that the site would not be open all year round, that there would be a restriction on the number of weeks of occupation by the same family, and that there would be no multi-occupancy of individual units.

It was felt that there was no justification for the provision of manager accommodation on site. Policy TO7 of the Local Plan stated that 'where a new site was proposed and no existing dwelling existed, applications to establish a new dwelling for the warden will not normally be supported'. The management accommodation would be classed as residential use and this constituted unacceptable development in the countryside, outside the village development limit.

Mr Jackson then addressed the Parish Council's concerns about drainage and flooding. The plans showed that the reed bed drained into a pond which in turn drained into an existing watercourse, and this would increase the risk of flooding. Foul drainage was also of concern. The application stated that the development was not near a watercourse yet also said that drainage would run into an existing watercourse. Under 'Trade Waste' the Parish Council sought clarification on the term 'trade' and whether this applied to the business.

To conclude Mr Jackson noted that the report referred to a bus shelter, however it was unclear if this was part of the proposed development.

Mr McGill, the applicant's agent addressed the Committee. He explained that implementation of the scheme had been delayed because of a restrictive covenant on the land, and due to the length of time this had taken to resolve, a new application was required.

Due to changes in the planning process which was now more rigorous, this application was more complex than the previous application submitted three years ago. There had been constructive dialogue with Officers which had resulted in additional ecology works, a revised layout and the submission of a sustainable drainage scheme which mitigated any flood risk. This would be agreed with the Council's drainage engineers.

He understood that the residents' concerns mirrored those expressed during the consideration of the previous application, however he maintained that there would be no impact on amenity; the development being located far enough from neighbouring properties so as not to cause any disturbance. This was not a residential site, would generate revenue for the local economy and was located on the edge of the settlement.

Councillor Wilson noted that the Committee had approved the previous application and questioned whether there were any significant changes to the proposals which would alter the previous decision. The proposals appeared to have been improved, particularly in relation to ecology issues.

Councillor Jewell was pleased to note that a break in tenure was proposed which would help to ensure that the lodges were not used as residential accommodation. He noted the large capacity of each individual plot and asked if there were provisions in place to prevent additional caravans or motorhomes using the space allocated to each lodge for parking.

Councillor Armstrong also expressed concern about the potential for caravans and motorhomes to be sited on the development and requested that a condition be included to prevent this. The Member also noted the comments of the Parish Council about the permanent warden's accommodation on the site, and the justification for this. The Member was informed by the Senior Planning Officer that Local Plan Policy TO7 stated that such accommodation 'will not usually be supported', which suggested that there were circumstances where it may be considered to be appropriate. The applicant had invested significantly in these high quality lodges which were in a remote location where security was deemed to be necessary. The proposed dwelling would constitute residential development in the countryside but was consistent with policies in the NPPF.

Councillor Thompson referred to the proposed break in tenure and asked how this would be monitored. The Member was informed that the applicant would be required by condition to maintain an up-to-date register of all owner/occupiers of the lodges and their main home addresses, and this must be submitted to the Council on an annual basis for inspection.

Councillor Armstrong **MOVED** that the application be approved subject to an additional condition preventing caravans and motorhomes on the site. The application was **SECONDED** by Councillor Wilson.

Following a vote being taken it was:-

**Resolved:**

That the application be approved subject to the conditions outlined in the report, and to an additional condition being included to prevent motorhomes and caravans, or other temporary accommodation, being sited or stored on the site. The wording of the condition to be agreed in consultation with the Chairman of the Committee.

**6 Appeal Update**

The Committee received a report of the Principal Planning Officer, which provided an update regarding appeals that had been determined (for copy see file of Minutes).

The Principal Planning Officer informed Members that the appellant in respect of application DM/15/01106/FPA had challenged the Inspector's decision. The Solicitor (Planning and Development) outlined to Members the process for lodging a challenge with the High Court.

**Resolved:**

That the content of the report and the additional information provided, be noted.