

**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 14 February 2017** at **1.00 pm**

**Present:**

**Councillor P Taylor (Chairman)**

**Members of the Committee:**

Councillors A Bell, G Bleasdale, J Clark, P Conway, M Davinson, D Freeman, S Iveson, C Kay, J Lethbridge, B Moir and K Shaw

**Also Present:**

Councillors D Hall, G Holland, B Kellett and N Martin

**1 Apologies for Absence**

There were no apologies for absence.

**2 Substitute Members**

No notification of Substitute Members had been received.

**3 Minutes**

The minutes of the meetings held on 13 December 2016 and 10 January 2017 were confirmed as correct records by the Committee and signed by the Chairman.

**4 Declarations of Interest, if any**

There were no Declarations of Interest submitted.

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

**a DM/16/03168/FPA - Land to the North of Rectory View, Crime Rigg Bank, Shadforth DH6 1LF**

The Planning Officer, Paul Hopper, gave a detailed presentation on the report relating to the abovementioned planning application, a copy 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 Planning Officer advised that Members of the Committee had visited the site and

were familiar with the location and setting. The application was for the erection of a detached dwelling house and was recommended for approval subject to conditions.

The Planning Officer referred Members to elevations, photographs, plans and aerial photographs and explained that an access used by Northern Power Grid (NPG) would be sterilised by the application and NPG had been approached for their comments on three separate occasions, however they had failed to respond. It was noted that a replacement access to the remaining agricultural land had planning permission granted under delegated powers, with Highways considering that access to be safe and acceptable. The Committee noted that approximately 1 metre of hedgerow either side of the proposed access to the proposed property would need to be removed to allow for adequate sight visibility splays to be achieved.

Members noted representations from Shadforth Parish Council in terms of sterilisation of the existing field access and a possible precedent being set, Shadforth Parish Council recalling a recent refusal of an application for 10 dwellings to the south of Rectory View. It was added that there had been no objections from the other statutory or internal consultees. The Planning Officer explained there had been 23 letters of objection to the application, with reasons given including: development in the countryside; development within a Conservation Area (CA), highways safety concerns; loss of view; and issues of land ownership. It was added that concerns had been noted by the Local Members as regards the application.

The Planning Officer noted that in principle the proposed development was in line with the National Planning Policy Framework (NPPF), being considered to be sustainable and would not result in harm to the character of the area, the CA or the nearby Grade 2 listed building. Accordingly, the recommendation was for approval subject to the conditions as set out in the report.

The Chairman thanked the Planning Officer and noted there were several registered speakers and asked Councillor D Hall, a Local Member, to speak in relation to the Application.

Councillor D Hall thanked the Chairman and noted he had asked for the application to be called in for consideration by the Committee rather than be decided under delegated authority to ensure full scrutiny and challenge of the application.

Councillor D Hall noted that the application was within the context of a turbulent history of planning within the village, though accepting that each application was considered on its own merits. Councillor D Hall added that residents were very passionate in terms of protecting the character of the village and challenged applications to ensure the best and most appropriate development for their village. Councillor D Hall understood the frustrations of the applicant, and noted that they would have similar reasons in terms of protecting the application for where they wished to live. Councillor D Hall added that he felt the report was fair and gave the concerns as regards policy versus sustainable development and added that he felt the impacts were worth considering, set against the need for housing in the village.

The Chairman thanked Councillor D Hall and asked Mr C Turner to speak on behalf of the Shadforth Residents' Association in relation to the Application.

Mr C Turner thanked the Committee for considering the application rather than it be determined under delegated authority, as this had been a concern of the Residents' Association. Mr C Turner confirmed that the Residents' Association was passionate as regards the CA and the village and added that it was felt there was a conflict in terms of the need for building housing and development on greenfield sites.

Mr C Turner noted Policy E14 of the saved City of Durham Local Plan, the protection of hedgerows and suggested that the removal of hedgerow to enable sight lines was in contravention of this policy.

Mr C Turner added that the application was outside of the settlement boundary and was within the CA and it was important to protect the green boundary to the village and the proposed development was therefore in contravention of saved Policies E7 and H5 in terms of development in the open countryside, not being linked to persons linked to agriculture.

Mr C Turner noted concern as regards the applicant's statement, adding there was no acrimony, however, there had not been sufficient dialogue between parties and would happily meet with the applicant to help all understand each other's needs.

Mr C Turner noted it was not believed that the proposal was sustainable in terms of the NPPF nor in relation to any social, environmental or economic benefits. Mr C Turner added that there were 4, 4 bedroom properties which had been for sale for 3 to 4 years and explained that this would place pressure on existing housing.

Mr C Turner asked for the Committee to consider the points raised by those in objection to the application and to refuse the application.

The Chairman thanked Mr C Turner and asked Councillor B Kellett, the other Local Member for the area to speak in relation to the Application.

Councillor B Kellett noted he had made the point at the site visit earlier in the day that NPG had not responded in terms of the application and therefore it was not possible to say whether they were in favour or not in respect of the application. He added that whether correspondence had been lost in the post was for Members to make their own mind upon.

The Chairman noted that attempts had been made to speak to NPG as regards the application via telephone in addition.

Councillor B Kellett noted that there was a substantial underground structure, made of concrete, and as he understood, it was filled with oil. Councillor B Kellett added that on the corner there was disc shape, full of water after recent rain, and if access was required NPG would need to go via the end of the houses and to the rear of the properties and may require heavy plant to gain access in this fashion, which could prove difficult.

Councillor B Kellett added that further housing would put additional pressure on existing housing and added that development would be a visual intrusion to the landscape.

The Chairman thanked Councillor B Kellett and asked Mr J Elves, the applicant, to speak in relation to the Application.

Mr J Elves thanked the Chairman for the opportunity to speak to Committee and the Planning Officer for their report. Mr J Elves added that the development was not within what was referred to in statute as “greenbelt”, and was only partially within the CA. He added that those Members of the Committee who attended the site would be aware the site was not used for agricultural use, and was in fact a rather small site. It was explained that the proposed development would not affect any heritage assets; would not affect amenity; and that there was a nexus relationship between the proposed development and what was already built with the new access to the agricultural land having already been approved.

Mr J Elves noted that planning law set out that each application should be looked at on its own merits and added that the proposed development for a single dwelling only was very different from that for 10 houses previously refused elsewhere in the village. It was added that the site was adjacent to a significant hedge, separating the site from the agricultural land and added that the comments from the relevant statutory and internal consultees had answered all of the objectors’ comments.

Mr J Elves concluded by noting that the benefits of the proposed development had been demonstrated as outweighing any harm caused by development, he had faith in the probity and integrity of the Members of the Planning Committee, and that he would ask the Committee to grant the application.

The Chairman thanked Mr J Elves and asked the Planning Officer to comment on the issues raised by the speakers.

The Planning Officer explained that Officers were content that the application was in accord with the NPPF and added that in terms of saved Policy E14, the proposed small scale removal of 2 sections of hedge were not to the large hedgerow of importance that was located along the northern boundary of the site, rather to other hedgerows.

It was added that the issue was dealt with within a condition to protect that particular hedgerow. It was noted that the new field access had been properly considered under delegated powers, in line with the Officer Scheme of Delegation.

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

Councillor P Conway asked for clarification as regards the reference in paragraph 70 of the report in terms of site ownership, and wondered whether it was a case of a “sprat to catch a mackerel” in terms of a future application.

The Chairman noted each individual application must be considered on its own merits.

Councillor P Conway added that at paragraph 68, it had been raised several times, and again at the meeting by Councillor B Kellett, that NPG had not commented on the application and asked whether if Members were minded to approve the application, would it be possible to include such a condition to say that the applicant must accommodate NPG as regards any works or maintenance that may be required to their equipment. Councillor P Conway added that while he understood the application was within the CA and near to the Grade 2 listed building he could not see any harm being caused to the heritage asset from a single property. Councillor P Conway noted that paragraph 31 set out that the advantages of development were greater than the disadvantages and while there was some element in terms of harm in relation to Policies E7 and H5, he had to agree with the recommendation of the Officers.

Councillor M Davinson noted that within the conditions, No.9, page 50 of the agenda pack set out: "No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents should..." Councillor M Davinson noted that he felt this was awful phrasing and that the likely element should be removed and added that he felt time of 8am Monday to Friday would be reasonable enough. Councillor M Davinson added that when on the site visit earlier in the day it was notable how narrow the road was and asked whether any plant, vehicles or building materials would be parked or stored along the highway, or could they all be accommodated within the application site.

The Chairman understood Councillor M Davinson's comment as regards the use of the word likely, and noted this could possibly be changed and asked for any clarity as regards materials at the site.

The Principal Planning Officer, Alan Dobie noted that if Members wished for the phrase to be amended to remove likely then this could be done. It was added that for this scale of development it was not usual to set controls in terms of site traffic, however again this was something that could be conditioned if Members felt it to be appropriate.

The Solicitor – Planning and Development, Neil Carter explained that as regards Councillor P Conway's suggestion in terms of an additional condition to allow for NPG to gain access, this was a private law matter for the landowner and NPG to negotiate and arrange outside of the planning process. Such a condition would not therefore pass the necessity test for imposition.

Councillor B Moir noted the Legal Officer's view and added that he had concerns as regards additional traffic behind existing buildings, however, he did agree with Officers in terms of the hedgerows and Policy E14. Councillor B Moir noted from a personal point of view the application did not excite him architecturally, however, he proposed that the application be approved in line with the Officer's recommendation.

Councillor P Conway noted that he felt NPG had a responsibility in the public's interest to be able to access their equipment and therefore he felt his suggested condition was reasonable.

Councillor J Lethbridge noted he had listened intently to the objections raised and was reminded of the impermeable nature of clay and the issues of potential flooding. He added that he did not think the issues raised in terms of the hedgerows were significant and that in terms of the NPG sub-station he would have felt the frequency of visits to the equipment would be low and was puzzled as regards the equipment being "a container for oil". Councillor J Lethbridge noted he did have some sympathy with the comments made by objectors in so far as their desire to maintain their village, however he did not feel there was sufficient reasons to say no.

Councillor C Kay noted that the sub-station was likely to be for High Voltage 11KV switchgear and that as the equipment was underground it was therefore likely to be oil cooled, however he felt this was not a material planning consideration.

Councillor B Moir moved that the application be approved; he was seconded by Councillor A Bell.

## **RESOLVED**

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee, but with the amendment as regards the wording to condition 9 and the additional condition to control site traffic etc as discussed.

### **b DM/17/00019/FPA - 45 Dalton Crescent, Neville's Cross, Durham DH1 4FB**

The Planning Officer gave a detailed presentation on the report relating to the abovementioned planning application, a copy 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 Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for change of use from Class C3 Dwelling House to Class C4 House in Multiple Occupation (HMO) and was recommended for approval subject to conditions.

The Planning Officer reminded Members of 2 purpose built student accommodation (PBSA) buildings, to be ready for use in September 2017. It was explained that the proposals were mainly in terms of changes to internal layout and that there had been no objections from statutory consultees. It was added that a figure of 8.2% had been returned when looking at Council Tax exempt properties within a 100 metre radius, below the level of 10% as set out within the Interim Policy on Student Accommodation. It was noted that this was the data used by the Spatial Policy Section, and the Council Tax data used was considered to be a robust data set.

Members noted objection from the City of Durham Trust on the grounds that while the concentration of HMOs within 100 metres was currently below 10%, there was planning permission for 2 large PBSA blocks close the rear of the property.

The Planning Officer added that there had been 20 letters of objection to the application, and not 19 as set out at paragraph 35, with 2 letters of support having been received. Members noted the reasons for objection and support were summarised and set out within the report.

The Planning Officer noted that in terms of the principle of development, data had shown that the density of student properties within 100 metres was 8.2%, less than the 10% set out within the Interim Policy on Student Accommodation. It was added that while there were 2 PBSAs that would be occupied from September, in terms of disturbance there would be a number of mitigation measures in place as regards levels of noise and a single HMO within such an area would not be so significant as to warrant refusal. It was added that there had been no objections from the Highways Department and that, as the proposals were considered to be in line with policy, the recommendation was for approval subject to conditions.

The Chairman thanked the Planning Officer and noted there were several speakers registered and asked Councillor G Holland, a Local Member, to speak in relation to the Application.

Councillor G Holland thanked the Chairman and noted that the determination of the application pivoted on a single point: does this addition of another C4 property in this locality take the total number of C4 properties above 10% within the immediate 100 metre vicinity?

It was explained that paragraph 22 of the Officer's report noted that Spatial Planning Policy had indicated that, applying the Interim Policy on Student Accommodation, 8.2% of the properties within 100 metres of the site were currently occupied as HMOs. It was noted however, in paragraph 25 of the same report, amongst the 20 or so objections, there was the claim that "The concentration of HMOs within the area was already over 10%." Councillor G Holland explained that for that reason he had asked the application be brought to Committee so that claim, and the associated Article 4 Notice, could be tested.

Councillor G Holland added that the report noted that there were 61 houses identified in this immediate vicinity relevant to the calculation and 5 of those houses were already classed as C4 properties using Council Tax criteria. It was explained that 6 houses at C4, to include 45 Dalton Crescent, would make it 9.8%, just allowed, but any number over that would exceed the 10% threshold.

However, apart from the 5 agreed houses that are HMOs, 4 other houses were identified by residents as being HMOs either with an unidentified C4 category or as a C3 acting as C4. Councillor G Holland emphasised that this was the crucial test of the validity of the application as even one of the 4 houses within this cluster would have taken the C4 category over the limit.

Councillor G Holland had therefore asked those making the claim to identify clearly any additional C4 properties in the vicinity but the information was, to his mind, inadequate. Councillor G Holland explained he also discussed the claim with the Case Officer prior to the Committee meeting to see if he could cast any light on these claims and his own research had indicated that the evidence was not robust.

Councillor G Holland concluded that in the absence of robust evidence, Committee would probably be unwise to turn down this application, however, his fellow Local Member; Councillor N Martin wished to ask further questions on this matter.

The Chairman thanked Councillor G Holland and asked Councillor N Martin, the other Local Member for the area to speak in relation to the Application.

Councillor N Martin explained that he had spoken to the Case Officer last week as regards the other 5 properties being used as C4 properties, with another 2 properties that were thought to be used as C4. Councillor N Martin noted that it would be interesting to note which 5 properties the Planning Officer had listed as HMOs as if they were not the same as the 5 Councillor N Martin knew about then the number of HMOs would be greater, and the application today would therefore take the density beyond 10%. Councillor N Martin asked if some of the properties were not Council Tax exempt, for example 1 person living in an HMO was not a student, did those properties count. He added that any sensible policy would count those properties, with those HMOs having a majority of students living there.

Councillor N Martin added that in regards to the 2 new PBSAs, some parts were less than 100 metres away, and as PBSAs were divided in terms of Council Tax exempt properties, and that some parts would be empty and therefore "Council Taxable" within the 100 metre radius in September 2017. Accordingly, Councillor N Martin noted that he felt that the Committee should consider that the density would be greater than 10% in 6-7 months' time and therefore the policy would be breached. It was added that it was another case of over-studentification, which was what the Interim Policy on Student Accommodation was all about. Councillor N Martin noted that many students in this area would be postgraduates, however the spirit, if not the letter of the policy was being breached. Accordingly, Councillor N Martin asked that the Committee turn down the application.

The Chairman thanked Councillor N Martin, adding that he felt knocking on doors to canvass whether students were occupying a property would not give professional and robust information.

The Chairman added that while Councillor N Martin was asserting that policy may be breached in the future, the Committee must look at the application in front of it today, with the information given to Members stating a current density of 8.2% and Councillor G Holland noting that should the application be granted that this would take it to 9.8%. The Chairman added that he was uncomfortable with anecdotal evidence, feeling that was not a professional or sound basis for Members to make decisions.

The Planning Officer explained that the PBSAs were currently unoccupied and the Interim Policy on Student Accommodation stated “already in use” when considering HMOs. It was added that information as regards the 5 properties which had been identified from Council Tax records as HMOs was subject to data protection. The Solicitor – Planning and Development noted personal data could not be divulged.

Councillor N Martin noted he resented being called unprofessional. The Chairman noted he had not called Councillor N Martin himself unprofessional, rather that anecdotal evidence as a basis for decision making was unprofessional.

Councillor N Martin reiterated that he was not asking for a specific individual address or details, rather just to confirm that the 5 properties he had identified as HMOs were the same as identified by the Authority. He added that he was asking as a matter of fact and felt that it was not a data protection issue. Councillor N Martin noted that if they were not the same then this was evidence of additional properties. Councillor N Martin added he did not see where the specific personal data would be in this exchange.

The Solicitor – Planning and Development noted he disagreed and felt there would be a data protection issue. The Solicitor – Planning and Development added that the criteria as set out in the Interim Policy on Student Accommodation was for 10% density, based upon Council Tax exemptions, not from other data sources and therefore he felt that it was not possible to depart from what was set out in the Policy.

The Chairman asked if Officers from the Spatial Policy Section could help clarify some of the issues.

The Spatial Policy Team Leader, Graeme Smith noted that the information used was Council Tax exemptions, “any property wholly occupied by students”, as per Class N. It was added that the dataset used was Council Tax records from June 2016 and the bespoke figure for the 100 metre radius around the property being considered was generated from this. It was reiterated that the Interim Policy on Student Accommodation set out the 100 metres and use of Council Tax exemptions. It was explained that nationally the use of Council Tax exemptions had been recognised by the Planning inspectorate and the method was gaining currency as a way of understanding student densities.

The Spatial Policy Team Leader added that there were very specific terms and conditions in the use of Council Tax data and any information that could give away personal details was not permitted, hence the information being presented as a percentage figure.

The Spatial Policy Team Leader added that looking at the issue of alternative data sources there were 2 considerations, firstly it was not as proscribed by the Interim Policy on Student Accommodation and secondly it was likely that the data would be less reliable than that from Council Tax records, with Council Tax records being one complete dataset, compiled at the same time using a consistent methodology.

The Chairman reiterated that he wished for matters to be conducted professionally and for respect between the Chair, the Committee, and other Councillors.

The Chairman thanked the Local Ward Members and Officers for their comments and asked Mr A Todd, the applicant to speak in relation to the Application.

Mr A Todd noted that he was a graduate of Durham University and explained he had lived at 45 Dalton Crescent for 7 years and had hosted students and was not aware of any negative issues in terms of student behaviour in the area.

Mr A Todd explained that he had checked with the Planning Department prior to application to find the density of student accommodation was 8.2% and therefore on that basis he had then moved to the full planning application stage. Mr A Todd reiterated that there were not major structure changes, rather a change of use and internal layout changes and added that a Management Agent would be used and therefore they would check references of potential tenants. It was added that there would be no more than 2 cars permitted at the property.

Mr A Todd concluded by noting that the application would not breach the 10% student density as set out in the Interim Policy and there had been no objections from the statutory and internal consultees, including Highways and therefore he would ask the Committee to approve the application as per the recommendation.

The Chairman thanked Mr A Todd and asked Members of the Committee for their questions and comments on the application.

Councillor P Conway noted he felt the debate was becoming similar to “how many angels could dance on the head of a pin” and added that the issue was regards data being such that density of student properties was 8.2%.

Councillor P Conway added that he noted the data was from June 2016 and would have hoped for a later baseline. Councillor P Conway added that, in terms of the data collected, there appeared to him to be a discrepancy between those registered and those not registered as Council Tax exempt and however unsatisfactory this baseline was felt to be, he felt that on the basis of the Interim Policy it must be accepted. Councillor P Conway added that the property was a reasonable town house and he felt intuitively that he should oppose the application; however he could not on the basis of the facts.

Councillor D Freeman noted he had some concerns and was not convinced by the arguments in terms of the student density put forward by Officers and felt that Councillor N Martin’s questions had not been answered. Councillor D Freeman added that that Council Tax data was June 2016, however the majority of the changes to student population were in September/October of each year and therefore he felt it could be argued that the data was not sound.

Councillor D Freeman also felt that in the approval of the 2 PBSAs near to the application meant that in effect that the density would end up greater than 10% and that this had been accepted by the Council. Councillor D Freeman noted that as he was unhappy with the information provided, he did not support the application.

Councillor M Davinson noted the points that had been raised; however, the Interim Policy on Student Accommodation was in place and therefore was to be used. Councillor M Davinson noted the issues of whether the policy was fit for purpose or in terms of the robustness of data could be argued, however, the application was for determination with the current policy and using the data as provided.

Councillor J Lethbridge reflected upon the colliery houses from the 19<sup>th</sup> Century and how, whilst compact accommodation, they were built to last. He added he was not impressed by the architecture of the properties in the area being considered and he imagined that the buildings would look sad in a few years' time. Councillor J Lethbridge felt that the issues raised deserved examination and also we should look to have families living in such areas to avoid a "desertification" of our City and allow students to take over. Councillor J Lethbridge noted that as Councillors P Conway and M Davinson had pointed out the Committee must go with the policies that were in place.

Councillor M Davinson moved that the application be approved; he was seconded by Councillor P Conway.

## **RESOLVED**

That the application be **APPROVED** subject to the conditions set out in the report.

### **c DM/16/02578/OUT - Dunelm Stables to the rear of Dunelm Road, Thornley**

The Planning Team Leader (Central and East), Sarah Eldridge gave a detailed presentation on the report relating to the abovementioned planning application, a copy 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 for residential development (outline) with details of access and layout, and was recommended for approval subject to conditions.

Members noted that the application site was just outside of Thornley with the site being historically used for stabling and trotting, although the site was currently vacant. It was added that areas to the south and east were open countryside, and the larger site bounded black on the plan was not part of the application, just the area bounded red. It was reiterated that the application was an outline application, for 13 dwellings on a self-build basis, with access and layout being considered within this application, access being taken from the north.

It was explained there were no objections from statutory or internal consultees and a number of representation had been received from the public, with 20 letter of support and 10 letters of objection to the application. It was noted that the main concerns raised were in relation to increased traffic and highway safety.

The Planning Team Leader (Central and East) added that the area was within the Strategic Housing Land Availability Assessment (SHLAA) and was considered to be

sustainable and in accordance with the NPPF. It was noted that the Highways Department considered the access and parking provision to be acceptable, and it was added that access was to be constructed prior to construction beginning in terms of properties. Members learned that the layout suggested good quality, with sufficient space and all minimum separation distances were met. The Planning Team Leader (Central and East) concluded by noting the application was recommended for approval subject to conditions and a Section 106 legal agreement to secure the provision of recreational facilities within the Electoral Division.

The Chairman thanked the Planning Team Leader (Central and East) and noted there were no registered speakers and therefore asked Members of the Committee for their questions and comments on the application.

Councillor A Bell noted that it was a good site; however the main issue appeared to be access although he noted that the demolition of the end property to allow for access works was a civil matter between the developer and the owner of the adjoining property. He added that he wondered whether access had not been an issue in the past and also he was not happy as regards the situation in terms of this end house. Councillor A Bell asked whether it would be possible to make the access as wide as possible without demolition of a property and if there had been not incidents in the past would this not be acceptable in highways terms.

The Chairman noted he too had empathy as regards the situation, however it was a civil matter as mentioned and asked the Highway Development Manager, John McGargill to respond as regards highways issues.

The Highway Development Manager explained that the width of the access was not the only issue, also the removal of the property would improve sight lines and that additional traffic would mean an increased risk, though he was not aware of there being significant access issues in the past. Councillor A Bell asked if Highways would have objected if the property was not to be removed; again understanding the demolition was a civil matter. The Highways Development Manager explained that Highways would have objected in terms of sight lines.

Councillor D Freeman noted that paragraph 44 of the report referred to future development plans for the wider area, with an approximate density of 80 units and asked would this have any bearing on the access issues. The Chairman reiterated that each application was considered on its own basis. The Highways Development Manager noted that the sight lines and issues of visibility would be relevant for 13 or 100 units.

Councillor M Davinson noted similar concerns as regards a previous application in terms of the wording of condition 5, to remove "likely" and also noted paragraph 31 in terms of the Campaign for the Protection of Rural England (CPRE) having no objections to this application, though would object to the development of the larger site in the future. Councillor M Davinson noted the concerns of the resident of the property that adjoins the dwelling which was proposed for demolition and also asked whether the contribution of £500 per dwelling was low in terms of a Section 106 Agreement.

The Planning Team Leader (Central and East) noted that the £500 per property was the rate for the area which equated to the former Easington District Council area.

Councillor M Davinson moved that the application be approved subject to the deletion of part of condition 5; he was seconded by Councillor G Bleasdale.

## **RESOLVED**

That the application be **APPROVED** subject to the Section 106 Agreement, the conditions detailed in the Officer's report to the Committee, and the amendment as regards the wording to condition 5 as discussed.

### **d DM/16/03803/FPA - Land south of Brackenhill Avenue, Shotton Colliery**

The Planning Team Leader (Central and East) gave a detailed presentation on the report relating to the abovementioned planning application, a copy 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 construction of 42 No. 2 and 3 bedroom affordable dwellings with associated infrastructure and was recommended for approval subject to conditions.

Members were asked to note that the Applicant had submitted some information on various conditions and therefore it was suggested that this information could be considered by Officers alongside the progression of the S106 legal agreement and where necessary the conditions would be amended to reflect that. Members noted that a previously refused application for this site had also been dismissed on appeal by the Planning Inspector, however, it had been noted at that time that the site was suitable for development in principle. Subsequent to this a further application had been submitted in July 2015 and development for 44 dwellings had been approved. The Planning Team Leader (Central and East) explained that the application was a full planning application for 42 dwellings, 8 of which would be bungalows, 100% to be affordable rent properties managed by a registered housing provider.

The Committee noted no objections from statutory or internal consultees subject to conditions, and one letter of objection had been received, citing concern as regards traffic congestion, lack of infrastructure and lack of school places. The Planning Team Leader (Central and East) reminded Members of the extant permission as regards 44 dwellings and highlighted that a development of 100% affordable rent properties was welcomed, though it was highlighted that the Authority could only stipulate 10% affordable, with the other 90% being on a voluntary basis by the developer.

The Planning Team Leader (Central and East) concluded by noting the application was recommended for approval, subject to conditions and a Section 106 legal agreement to secure the provision of: affordable housing; a contribution towards the scheme to reduce the number of access points to Special Protection Areas as

identified in the Durham Heritage Coast Partnership's Business Plan 2014/15; and a contribution towards enhancement or provision of play facilities in the Shotton and South Hetton Electoral Division.

The Chairman thanked the Planning Team Leader (Central and East) and asked Mr A Willis, agent for the applicant, to speak in relation to the Application.

Mr A Willis thanked the Chairman and Committee for the opportunity to speak and noted he endorsed the report and recommendation made by Officers. It was added that the applicant had worked hard with Officers from the Authority and the registered provider, and was more than happy to answer any questions Members may have. He said that anything which could be done on the conditions would be appreciated by his client.

The Chairman thanked Mr A Willis and asked Members of the Committee for their questions and comments on the application.

Councillor S Iveson asked what affordable meant, what was the figure in terms of rent. Councillor J Clark added that this was not the first time the application site had been considered and while highway concerns seemed to have been addressed, she was puzzled as regards the comments in terms of infrastructure and school places. Councillor M Davinson noted the inclusion of bungalows was welcomed and asked as regards working hours during construction, given a number of properties nearby.

The Planning Team Leader (Central and East) noted that condition 10 set out a construction management plan and would need to be agreed with the Authority and this would take into account working hours during construction.

Councillor J Clarke noted it may have been useful to have consultation as regards the possibility of one of the bungalows being utilised by those with special needs, though the inclusion of a construction management plan within the conditions was welcomed.

Councillor A Bell asked as regards the queries raised in terms of infrastructure and the Planning Team Leader (Central and East) reiterated that the internal consultees had noted no issues in terms of infrastructure and capacity within the areas in terms of school places.

Councillor A Bell moved that the application be approved; he was seconded by Councillor K Shaw.

## **RESOLVED**

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