

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 20 July 2017 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors J Atkinson, D Bell, L Brown, J Clare (Vice-Chairman), E Huntington, C Martin, A Patterson, G Richardson, L Taylor and F Tinsley

1 Apologies for Absence

Apologies for absence were received from Councillors K Liddell, J Shuttleworth and S Zair.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

Councillor J Clare declared an interest in planning application DM/17/01621/FPA – Land north of Heighington Lane, Aycliffe Business Park, Newton Aycliffe. He advised that he would speak on the application as local Member and would leave the meeting during the deliberations.

4 Minutes

The Minutes of the meeting held on 22 June 2017 were agreed as a correct record and were signed by the Chairman.

5 Applications to be determined

a DM/17/00912/OUT - Land West of 31 To 32 Church Street, Coundon

The Committee considered a report of the Senior Planning Officer regarding an outline application for residential development with all matters reserved except access on land west of 31 to 32 Church Street, Coundon (for copy see file of Minutes).

L Eden, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, photographs of the site and site layout. Members were informed of a proposed additional condition restricting the number of dwellings on the site to a maximum of 30.

Councillor C Kay, local Member addressed the Committee. He acknowledged that the principle of development had already been established and that there had been no material grounds to refuse a previous application for 8 properties on the site. However he could not accept the proposals for a development of the density proposed on a site of this size, nor could he accept that the proposed access was considered to be adequate and that traffic would not be significant so as to have a detrimental effect upon the area. There were three junctions nearby and was concerned with the extra vehicle movements 30 dwellings would generate in a 30mph zone. Although he appreciated that each application had to be considered on its own merits he was aware of an application for a further 37 houses in the area which was yet to be considered. Coundon needed more family homes which would bring vibrancy to the village and he welcomed the S106 contribution but asked Highways Officers to carefully consider access and egress from the site given the number of vehicle movements every day. Councillor Kay asked how visibility splays would be achieved on a development of this scale.

Mrs Taylor, local resident advised that she lived opposite the proposed site and spoke on behalf of local residents against the application. She stated that the water table had risen year on year and surface water poured off the fields through the retaining wall at the bend in the main road, and there was also a natural spring in one of the fields. The cutting back of land for the proposed access had raised the land 3 feet above the road which would exacerbate the risk of flooding, as would the development of an additional 30 dwellings. The proposed access was completely hidden by a bend in the road and a traffic survey had recorded an average speed of 54mph through the village. The 50mph sign had been moved and a new 30mph sign erected but this had not slowed traffic. Traffic flow had increased through the village which had resulted in stationary vehicles outside 1-6 Church Street at busy times.

The Coal Authority also carried out annual inspections of the site, with the next inspection due very soon.

In conclusion Mrs Taylor stated that although she accepted that it could have no bearing on the determination of the application, on the same day that notification was received it was discovered that the applicant had already listed the two fields for sale, and was also offering to sell the land adjoining the fields behind Brownside. Mrs Taylor also stated that 1-5 Brownside had not received notification of the application.

The Senior Planning Officer responded to the matters raised. The Committee was informed that housing density was within policy requirements for a site of this size. Northumbrian Water had offered no objection to the development subject to a condition relating to foul and surface water drainage, and the Council's Drainage Section was satisfied with the information submitted to date.

The Local Planning Authority had complied with the requirements for advertising the application and whilst she appreciated that the residents of 1-5 Brownside had not received neighbour notification letters, all occupiers had an opportunity to make representation.

D Stewart, Principal DM Engineer responded to the concerns expressed in relation to highway safety. A development of 30 dwellings was minor in highway terms and the traffic generated could not be regarded as material. The visibility splays were in accordance with the Manual for Streets and were appropriate for 30 dwellings. The position of the junction avoided conflict with the nearby adopted junctions. He acknowledged that the junction was close to a bend but this was not a unique situation, given that the overall amount of traffic was modest and the proposed improvements to visibility splays.

Councillor Richardson shared Councillor Kay's concerns in relation to density and those of Mrs Taylor in relation to the risk of flooding, however he would listen to the comments of Members and Officers before reaching a decision.

In response to a question from Councillor L Brown in connection with planning policy, the Member was informed that the starting point for the consideration of an application was the Local Plan, however housing supply figures in the WVDLP were out of date and DCC was unable to demonstrate a 5 year land supply. On this basis the application must be assessed in the context of paragraph 14 of the NPPF.

The Member also asked about infrastructure and was informed that the School Organisational Manager had confirmed that there were sufficient primary and secondary school places in the area, and the NHS would not normally be consulted on developments of this size.

In terms of open space provision a Section 106 agreement would secure a financial contribution towards off-site open space and recreational provision.

Councillor Clare noted that Councillor Kay had said that the development would bring vitality to the village and had welcomed the S106 contribution. Visibility splays helped vehicles safely view the road ahead from a junction and the volume of traffic was not relevant.

In terms of density 30 dwellings on a site of this size was normal in towns. He noted Mrs Taylor's concerns about flooding but he understood that for new build sites the amount of surface water had to be less than before development, and this should help mitigate against the risk.

The Coal Authority had stated that intrusive site investigation works should be undertaken on the site with the results submitted to and approved in writing by the Local Planning Authority, and this should address Mrs Taylor's concerns.

In conclusion he considered that the development would be of benefit to the community. He was satisfied that the proposals met the planning balance test in paragraph 14 of the NPPF and **moved** approval of the application.

Councillor Huntington suggested that a roundabout may resolve the concerns with regard to the three junctions in the locality.

Following a request for clarification from Councillor Tinsley, the Senior Planning Officer advised that in 2014 approval had been granted for 8 dwellings on the north of the site, with full approval for 9 dwellings on land immediately to the south. Councillor Tinsley noted therefore that the principle of development had been established but not density, and this was of concern to him. Landscape Officers had been satisfied that the visual impact of 17 dwellings could be mitigated against but were unable to endorse the current proposals, because of the greater impact by the level of development. Coundon was a village and residential density of 30 units was high; both against the national average of 25, and in comparison to the surrounding area.

He appreciated that the access was an issue for objectors but was satisfied that it would be safe. Concerns had been expressed about flooding but there had been no objections from consultees in this regard.

Therefore having balanced the issues of concern against the benefits of the development, Councillor Tinsley was of the view that the benefits outweighed the negative impacts of the proposals, given that a condition would ensure that no more than 30 houses would be developed on the site. Councillor Tinsley **seconded** Councillor Clare's motion to approve the application.

Councillor Patterson expressed concern about sustainability. The site had been available since 2012 and she noted in paragraph 48 in the report that 18 dwellings would be too small for many housebuilders, however she considered that in terms of finding interested developers the difference between a development of 18 properties and 30 was minimal.

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

That the application be approved subject to:-

- a) the conditions contained in the report and to an additional condition limiting the number of dwellings on the site to a maximum of 30;
- b) the completion of a S106 legal agreement to secure the following:-
 - 10% affordable housing
 - financial contributions towards off-site open space and recreational provision at a pro-rata rate of £2,244 per residential unit.

b DM/17/01146/FPA - Site of Former Mount Pleasant Grange, Tudhoe Moor, Spennymoor

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 15 dwellings and associated works on the site of former Mount Pleasant Grange, Tudhoe Moor, Spennymoor (for copy see file of Minutes).

L Eden, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, photographs and the site layout. Members were

informed of a minor amendment to condition 3 to allow the developer to construct up to damp course level before submitting a scheme to embed sustainability into the development.

Councillor Richardson advised that he was satisfied with the proposals and moved approval of the application.

Councillor Patterson expressed concern about the proposed amendment to condition 3, and was informed that due to funding commitments Livin wanted to commence work on site. The proposed condition would ensure construction could go no further than damp-course level until a scheme to embed sustainability had been agreed by the Local Planning Authority.

Whilst the Member welcomed the proposal for 15 affordable homes she remained concerned about allowing the construction of part of the properties before a scheme was submitted, as there was a risk that the site could be left unfinished.

Councillor Clare stated that he had no objection to the proposed amendment as he was confident that the site would be completed; the reason for permitting construction to commence was to allow Livin on site as quickly as possible. Greenhouse emissions would be dealt with as part of the submitted scheme. The Chairman concurred with the views of Councillor Clare who welcomed the supply of 2 bedroomed bungalows, of which there was a shortage.

Councillor Patterson asked by how much the scheme would be delayed if condition 3 was not amended.

Mr Kitching the applicant's agent clarified that there was a time limit on the site and development must commence by 1 November 2017 to ensure that grant funding was secured. The land had been acquired from DCC in 2012 and Livin were keen to build affordable housing in Spennymoor. He was concerned that if the scheme could not be discharged in time the funding would be lost and the development could not go ahead.

Councillor Martin had no doubt that the developer would fulfil all requirements to ensure that sustainability was embedded within the development.

Councillor Tinsley noted in the report that the development would not adversely impact on highway safety and this was confirmed by A Glenwright, Principal DM Engineer who stated that this was a very small development with no significant increase in traffic generation.

Councillor Tinsley welcomed that the scheme proposed 15 social rent homes but noted that the S106 Agreement only required 10% affordable housing comprising two 2 bed bungalows for affordable rent.

C Cuskin, Planning and Development Solicitor advised that this was a policy requirement and it would be unreasonable to require the developer to provide 15 social rented units pursuant to a S106 Agreement. Mr Kitching assured Members

that the scheme was 100% affordable and as it was funded by HECA, all 15 properties would be for social rent.

Councillor Tinsley **seconded** Councillor Richardson's motion to approve the application with the proposed amendment to condition 3.

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

That the application be approved subject to:-

- a) The conditions contained in the report with the following amendment to condition 3:-

Prior to any dwelling progressing beyond damp proof course a scheme to embed sustainability into the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained for the lifetime of the development.

Reason: To ensure that sustainability is fully embedded within the development to reduce greenhouse emissions as required by the NPPF.

- b) The completion of a section 106 agreement to secure the following:-

- 10% affordable housing comprising of 2 two bedroomed bungalows for affordable rent
- Financial contributions of £15,000 towards play and recreational facilities to be spent within the electoral division.

c DM/16/03382/OUT - Land To The North Of Heighington Lane, Aycliffe Business Park, Newton Aycliffe

The Committee considered a report of the Senior Planning Officer regarding the construction of a portal framed industrial building (B2 and B8) and associated development on land to the north of Heighington Lane, Aycliffe Business Park, Newton Aycliffe (for copy see file of Minutes).

L Eden, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, photographs and the site layout. Members were informed of a proposed additional condition to limit noise levels, and that further clarification was required in respect of the landscaping scheme. The Ecology Section had requested mitigation for the habitat lost, including its future maintenance, by way of a Section 106 Agreement. The developer was eager to commence work on site and if the Committee was minded to approve the application, Members were asked to consider granting delegated authority to Officers, in consultation with the Chairman and Vice-Chairman of the Committee, to agree the additional condition and Section 106 Agreement.

Councillor Clare addressed the Committee as local Member. He noted the concerns of the Tree Officer in respect of the loss of trees, however the proposed development was in the middle of an industrial estate and was part of a huge expansion which would bring jobs to the area. He urged Members to grant the application to allow this developing company to commence work on the site.

Councillor Clare left the meeting.

Councillor Richardson **moved** and Councillor Tinsley **seconded** approval of the application, subject to the additional condition and Section 106 Agreement being agreed in consultation with the Chairman and Vice-Chairman of the Committee.

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

That the application be approved subject to the conditions contained in the report, and delegated authority be granted to Officers, in consultation with the Chairman and Vice-Chairman of the Committee to agree an additional condition relating to noise, and the completion of a Section 106 Agreement to mitigate against the loss of habitat.

Councillor Clare returned to the meeting.

d DM/16/03382/OUT - Abraham Enterprise Park, St Helen Auckland, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of bulky goods retail units (Class A1), with all matters reserved apart from access at Abraham Enterprise Park, St Helen Auckland, Bishop Auckland (for copy see file of Minutes).

C Teasdale, Strategic Principal Planning Officer gave a detailed presentation on the application which included a site location plan, photographs and the site layout. Members were informed of a proposed amendment to the floor space in condition numbered 4 which should read 2066sqm.

In response to a question from Councillor Tinsley, the Principal Planning Officer confirmed that 2066sqm represented the gross retail area.

Councillor Tinsley commented on the detrimental impact that large scale retail development had on the town centre, and that the sale of bulky goods could have a further detrimental effect on shops, however he did accept that such developments were positive for the area as a whole. The Member also noted the number of proposed new housing developments in this part of Bishop Auckland and the cumulative impact this would have on an area that was already congested, particularly in the Tindale Crossing area, and he was concerned that this scheme would exacerbate the problems. He appreciated that each application must be considered on its own merits but sought an assurance that highway concerns were being addressed in the area as a whole. If the traffic problems worsened people may decide to shop elsewhere.

D Stewart, Principal DM Engineer appreciated the comments of Councillor Tinsley and assured the Member that conditions were attached to developments where it was felt that the increased traffic generated would add to congestion in the area. In this case a condition required a scheme to provide highway improvements in the vicinity, as outlined in the report.

Following a request for clarification from Councillor Patterson, Members were provided with details of the proposed access arrangements.

Councillor Huntington asked if light pollution had been considered as it was recognised as being a cause of health problems, and was informed that a condition required the submission of a lighting strategy by the developer.

Councillor Clare **moved** and Councillor Richardson **seconded** approval of the application.

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

That the application be approved subject to the conditions contained in the report and to the floorspace in condition 4 being amended to read 2066sqm.

e DM/17/01691/FPA - Vane Road Primary School, Vane Road, Newton Aycliffe

The Committee considered a report of the Senior Planning Officer regarding an application for the demolition of existing school and erection of a new school and associated works at Vane Road Primary School, Newton Aycliffe (for copy see file of Minutes).

C Teasdale, Strategic Principal Planning Officer gave a detailed presentation on the application which included a site location plan, photographs and the site layout.

Following a query from Councillor Patterson, the Committee was informed that the redevelopment of the school would be funded by the Education Funding Agency.

Councillor Tinsley welcomed the proposals and made the comment that school architecture was critical in the development of any new school as it would define children's education for many years to come, and hoped that the best possible solutions had been secured.

Councillor Clare confirmed that there had been extensive consultation on the building design. This school was only 1 of 2 of buildings of this type left in existence.

Councillor Atkinson fully supported the proposals. This school had been in existence since 1962 and had educated many local children but the building was outdated. The scheme would be of benefit to the whole community and he urged Members to approve the application. The children were a credit to the community and a new school would help to contribute to their future.

Councillor Atkinson **moved** and Councillor Clare **seconded** approval of the application.

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

That the application be approved subject to the conditions contained in the report.

f DM/17/00248/FPA - Land East of Agnew Community Centre and North of Woodham Way, Newton Aycliffe

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 22 dwellings on land east of Agnew Community Centre and North of Woodham Way, Newton Aycliffe (for copy see file of Minutes).

C Harding, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, photographs and the site layout. Members were informed of amendments to the report. The report made reference to the site being part of a housing allocation in Policy H2 of Sedgefield Borough Local Plan but this was not the case and references to the Policy should be disregarded. The site was not proposed as an allocation within Policy 30 of the County Durham Plan and should also be disregarded. Contrary to the statement in Paragraph 95 in the report which referred to landscape and visual impact, the site did form part of Policy L5 of SBLP and was afforded some protection. Similar weight should be attached to Policy L5 as was attached to GANP Policy CH3 which sought to protect existing open amenity space. Members were also informed that the reference to GANP Policy CH2 in paragraph 163 of the report should read CH3.

Councillor Clare clarified that the area to the south of the site had been identified for housing for some time and was being developed. The Member provided background to the site which the Town Council was now selling to DCC for residential development. The site did not accord with the GANP and there was substantial wasteland to the north and a park to the east where the Town Council were providing a wildlife meadow to replace that lost with the development of Agnew 5.

His concerns about the development rested with the lack of a Section 106 Agreement; open space was to be lost and there was no affordable housing proposed on the grounds of a viability assessment, and he found this unacceptable. As had been agreed earlier, Livin were providing affordable homes on a development in Coundon, yet Chapter Homes, an arms-length company of Durham County Council had said it was not feasible in what was a thriving affluent area. Having said this the development was supported by local people and therefore he would not oppose the proposals. Councillor Clare **moved** approval of the application.

Following a question by Councillor Tinsley, the Senior Planning Officer confirmed that the size of the garages met policy requirements. Councillor Tinsley noted that there was no open space provision on site but that it was surrounded by woodland and parkland that were open to the public. This also served to mitigate against the loss of the development site which was an area of existing open space.

With regard to the lack of affordable housing and commuted sum for open space provision, a viability assessment had been carried out and considered by Officers, and should be taken at face value. The Member supported the proposals.

Councillor Brown expressed reservations about the lack of affordable housing and sought clarification about the viability assessment. The Senior Planning Officer advised that the lack of affordable housing provision was disappointing, however the figures provided were credible and were based on actual costs using information from the development of Phase 1.

The Senior Planning Officer added that the provision of open space on a site of this size was not normally expected and the impact of the development on the surrounding open space would be relatively small.

Councillor J Atkinson **seconded** Councillor Clare's motion to approve the application.

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

That the application be approved subject to the conditions contained in the report.