

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 28 September 2017 at 1.00 pm**

Present:

Councillor I Jewell (Chairman)

Members of the Committee:

Councillors H Bennett, O Milburn, J Robinson, A Shield, L Taylor, S Zair, A Bainbridge, D Bell, L Boyd, A Hopgood, M McKeon and M McGaun

Also Present:

Councillors J Brown and M Clarke

1 Apologies for Absence

Apologies for absence were received from S Wilson.

2 Substitute Members

No notification of Substitute Members had been received.

3 Minutes

The minutes of the meeting held 27 July 2017 were confirmed as a correct record by the Committee and signed by the Chairman.

4 Declarations of Interest

Councillor A Shield declared a personal, non-prejudicial interest in Item 5b, as a Local Member.

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

a DM/16/03715/FPA - Land to the South of 1 Boyd St, Delves Lane, Consett

The Senior Planning Officer, Colin Harding, 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 demolition of existing buildings and erection of a Lidl store (Use Class A1) with associated car park and landscaping and was recommended for approval, subject to conditions.

The Senior Planning Officer noted the history of the application site, having been part of Crookhall Colliery as the Latterday Saints Pit, and then the Victory Pit, ceasing operation in the 1960s, with the remains of the former cottage only having walls, backing on to Boyd Street. He added that the last use of the site was for a scrapyards, however, this was no longer in operation.

Members were referred to proposed elevations of the new store, comprising of a standard retail design and plans highlighted where the remaining colliery buildings were located, and the proposed car park, with the former mineshafts underneath. It was explained that the arch at the site was subject to much debate, and while the roof was original, there was evidence of work over the lifetime of the works, and indeed since the colliery ceased operations.

The Senior Planning Officer noted there were no objections from statutory consultees, subject to the conditions as set out in the report. It was noted that the Council's Conservation Officer had noted that retention of the arch as a non-designated heritage asset should be explored, however, had no objections to the application. Members were advised that further to comments from Environmental Health and Consumer Protection, a condition was added in terms of restriction of delivery times until adequate monitoring had taken place.

The Committee was advised that there had been several representations in respect of the application, from: the Local Member of Parliament, Laura Pidcock MP; Local Councillors, the Crookhall Foundation; the Mining Museum; and from 3 members of the public received since publication of the report. It was explained that all were not in objection to the application for a new Lidl store, however, all felt that the history of the site be retained and that the arch was a local heritage asset, with a suggestion to its retention by way of condition.

The Senior Planning Officer explained that the application was acceptable in planning terms, having passed the sequential planning test and the Spatial Policy Team had noted that in terms of these types of developments, "like affected like" and would not have an adverse impact on Consett town, with the Lidl store within the town to close in any event as the lease was coming to an end.

The Senior Planning Officer noted the main issue raised was in terms of the retention of the arch. He added that the arch and buildings were not designated heritage assets, they were not listed buildings, and were not within a Conservation Area. It was also noted that the building was not the best architectural example of the type within the County and required significant work in terms of structural integrity and would require further works if the arch were to be moved to a new location and these would not be guaranteed to be successful. The Senior Planning Officer noted that therefore he was not convinced that a condition was necessary or required. He added that the National Planning Policy Framework (NPPF) advises that the loss of non-designated heritage assets be balanced against the benefits of a development, in this case the social and economic benefits of a new supermarket and the offset against the potential jobs lost with the other Lidl store closing.

The Chairman noted Members of the Committee and the Local Member had some questions as regards the report.

Councillor J Brown noted that paragraph 82 of the report did not mention which technical report had been submitted in terms of a retention of the arch being unsuccessful. The Senior Planning Officer explained that as no technical report or proposed scheme had been submitted it was rather that any scheme may prove to be unsuccessful, or indeed it may prove to be successful, however without such a report it was unclear as regards how successful it could be. Councillor J Brown asked how many households had been contacted in relation to the application. The Senior Planning Officer said he would check and inform Members.

Councillor J Brown noted paragraph 83 stated it would be unreasonable to impose a condition to retain the arch and was “excessively onerous”, and asked what evidence this was based upon. The Senior Planning Officer noted that this was in relation to retaining the arch in-situ, with the implications in terms of access to the car park. He added that in terms of moving the arch this would be beyond what was normally imposed by condition, which would not normally require a redesign or change to the scheme and concluded that it would be unreasonable to seek this through a planning condition. Councillor J Brown noted that if the applicant had engaged with the local community a position may have been agreed. The Senior Planning Officer noted work with Lidl in terms of the arch, however, no condition was recommended, and Members should weigh the loss of the heritage assets against the benefits of the new store.

Councillor A Shield noted his father had worked at the colliery and noted there were two shafts and felt that heritage needed to be looked at. Councillor A Hopgood asked if discussions were still ongoing with Lidl in terms of the arch and why was it not possible to put in a condition pertaining to the arch at this stage. The Senior Planning Officer noted discussions were not ongoing, and that although the matter had been raised with the applicant, no progress had been made on incorporating the arch into the development, and the application as proposed was at Committee for determination.

Councillor L Boyd noted on the site visit that she liked the look of the arch. She noted that Cookhall Trust was in favour of retention. She considered it would be bad to lose Lidl and would be good to have the store on site. She felt that there was a dilemma and therefore proposed a deferment to allow the parties to look at the issues in retaining the arch.

The Chairman noted that the discussion was focusing on the arch but that the Committee had to determine the application in front of them and approve or not approve. He advised the Committee to listen to the speakers and then ask questions rather than focus on the archway which might influence the application or not.

Councillor J Brown noted she was not objecting to the application noting that the site has been in need of development for years, but was asking for a further planning condition and to say that cannot happen is not right. She reiterated that the new Lidl store would be welcomed and that all people wanted was for the arch to be retained. She added it would be disingenuous to suggest that the matter cannot be conditioned. Councillor J Brown added that she had attended a public consultation held by Lidl, at the village hall, where residents raised the issue of retention of the arch and were assured that Lidl was listening. She queried why a survey of likely in excess of £1,000 had been carried out, noting the arch was in good condition, then to have local concerns ignored and the application not looking to retain the arch, with no costings in terms of retaining the arch. Councillor J Brown added that while there was reference to arches elsewhere, the report was not factual and that it was an opinion without comprehension of the local community. She added that it was connected with the local area and was the last example in the area, and to dismiss this was to dismiss the proud mining heritage of our area. Councillor J Brown noted that paragraph 82 of the report noted a condition as regards an "interpretation board" and queried why Local Members hadn't been consulted on this condition, and added that herself and fellow Divisional Member, Councillor M Clarke would be willing to meet some of the cost of the relocation of the arch from their Neighbourhood Budgets.

The Senior Planning Officer noted he did have an appreciation of the mining heritage of the area, Consett and County Durham, and that the report represented a fair and balanced view. In terms of the interpretation area, it was not standard practice to consult Local Members on proposed planning conditions. In reference to a previous question in terms of the number of households that had been consulted regarding the application, the number was 30, together with the usual notification in the press and on site, in accordance with statutory requirements.

The Chairman asked Mr Lister, the landowner to speak in favour of the application.

Mr Lister thanked the Chairman and Committee and explained his father had bought the land and property in 1963/64 and had been there at the site all his life. He added that the business was no longer in operation and the site was in a sorry state, with the building and roof being held secure by an engine block on a rope and with bags of soil preventing the roof from blowing off in high winds. He stated that no one had been interested in the arch before now.

He added it was not possible to retain all pieces of history, relating to where everyone's father used to work, and he felt given the current state of the buildings, the sooner they were pulled down the better.

Mr D Murphy, Head of Property for Lidl noted he had nothing else to add, however would be available to answer any questions as required.

The Chairman asked the Committee for any more questions or comments.

Councillor A Shield noted no one could not be sympathetic to the views of the Local MP, Councillors and residents and felt therefore it would be necessary to condition the retention of the arch. He added however it was important to retain the 40 jobs with the closure of the Consett store and considered the development to be excellent for the local area. He noted that a single access point was mentioned, and if the arch was retained elsewhere on site, would the access be a protected right turn, adding issues with a similar access at a nearby supermarket which Members would be aware of.

The Senior Planning Officer noted it would be a protected right turn, imposed by condition and deemed acceptable by the Highways Section.

Councillor A Shield asked if this would be dual flow, one lane in, one lane out. The Senior Planning Officer noted this would be the case and that Highways would have suggested alterations should it not have been deemed safe or have a detrimental impact.

The Principal DM Engineer, David Smith noted the applicant had submitted a full transport assessment and that the access to the B&M store did not conflict and that the stacking and queuing would not be the same as that for residential traffic and therefore there would not be an impact on the roundabout. He added that trip analysis had shown that the proposals were acceptable.

Councillor A Hopgood asked to see the objections received since the agenda papers had been prepared. The Senior Planning Officer advised that a letter had been received from a local resident, the Crookhall Foundation and Durham Mining Museum and read out the objections. He noted that they did not raise new issues and mirrored previous comments in terms of retaining the arch, not objecting to the development of a new store, but to keep the memories of the area, noting removal of the last remnants of the steel industry in the area and not wanting to lose this mining history. Other comments included having the arch retained in some form at Beamish Museum if it could not be retained on site. He added the objections from the Crookhall Foundation were to the demolition of the arch and they promote the retention of mining heritage.

Other comments reference every effort being looked at to retain the arch in situ, perhaps as part of pedestrian access to the site, together with a plaque. Comparisons were made to how the Genesis site relating to the steel industry had artwork on the site a monument to those former workers. The Senior Planning Officer added that the Durham Mining Museum had noted County Durham had been “built upon coal” and their objective was to remember our heritage and suggested that a memorial and plaque be incorporated into the scheme.

Councillor A Hopgood noted the proposal from the Local Members in terms of contributions towards retention of the arch and asked if Lidl would object to a deferral of the application for a month to further explore options.

Mr D Murphy noted he would rather deal with the matter through a condition if possible but noted that Officers did not consider that this could be done.

The Senior Planning Officer noted that it was not reasonable for a condition to simply state “retain the arch” without knowing if it could be and that by deferring the application, a detailed scheme of how the arch could be retained could be investigated. He was happy to discuss the matter further and bring the report back to Committee.

Councillor L Boyd noted that in light of hearing new information, that the Ward Councillors were willing to assist in financing retention and Lidl were prepared to discuss the matter further, she proposed that the application be deferred. Councillor O Milburn seconded the proposal.

Councillor M McKeon noted she too supported deferral, adding that as Local Members had offered to help it was important to allow time for those options to be explored.

Councillor J Brown noted Local Members had not been asked as regards agreeing to meet, however, would wish to meet to discuss options in terms of the scheme.

The Solicitor - Planning and Development, Neil Carter noted for clarification that if Members were to vote to defer the application, this would not be conditional on any meetings outside of the Committee, and as such should not form part of any resolution.

The Senior Planning Officer noted that should the Committee wish to defer he could look to arrange such meetings with the applicant and Local Members. Mr C Murphy noted Lidl would be happy to meet to look for a successful outcome and to have the application back at Committee.

Councillor L Boyd moved that the application be deferred; she was seconded by Councillor O Milburn.

RESOLVED

That the application be **DEFERRED**.

b DM/17/02331/FPA - 13 Dunelm Close, Leadgate, Consett

The Planning Officer, Louisa Ollivere, 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 open space to garden and was recommended for approval, subject to conditions.

The Planning Officer noted the application was part-retrospective and was included proposed 1.2m high close boarded fencing along the front and side, with 2m high fencing at the rear. Members were referred to the condition of the land in question.

It was explained that the Local Member, Councillor W Stelling had requested the application to be considered by Committee, with concerns in relation to potential for any fencing to create an alleyway which could lead to anti-social behaviour.

The Planning Officer noted that there had been 15 objections received from members of the public with the main objections relating to: the application being retrospective; loss of open space; the creation of an alleyway; and the effect on the public right of way.

The Committee were informed that the land was of limited use as open space, and saved policy GDP1 of the Derwentside Local Plan noted no need to retain such open space, and was consistent with the NPPF. The Planning Officer noted limited impact in terms of the fencing, with the applicant agreeing to a 1.2m fencing height along the footpath. Members were advised that fencing at a nearby property was under permitted development. The Planning Officer concluded by noting that the NPPF stated that applications should be approved where there were no reasons against, without delay.

The Chairman thanked the Planning Officer and asked Mrs S Mower to speak in objection to the application.

Mrs S Mower thanked the Chairman and Committee and noted she was speaking on behalf of residents in respect of this change of use application. She explained that the fencing along the public footpath was a concern, creating an alleyway and with fencing already in the vicinity at 2m in height. She noted her young daughter and other often used this footpath, as did dog walkers accessing the fields to the rear of Ridley Terrace. It was added that if the open aspect along the footpath was lost, then residents would not feel safe and there would be the opportunity for anti-social behaviour and crime, the footpath not being lit. Mrs S Mower noted the potential for increased dog fouling if the open aspect was lost. She added that the height was being proposed as being the same as No.13 and that residents felt that this would create an alleyway and a dumping ground.

Mrs S Mower explained that the applicant had place paving stones at the site and that if the 1.2m fence followed these stones, this would retain the open aspect along the footpath. Mrs S Mower concluded by noted that it was felt that a 0.60m fence would be acceptable, and while there were some 1.2m fences at some properties, there were no 2m fences.

The Planning Officer noted that at 1.2m, there would still be an ability to view over this height.

The Committee Services Officer noted that Councillor W Stelling had been in contact to say he was unable to attend the meeting of the Committee, however, he wished to support the comments of Mrs S Mower in relation to this application.

Councillor J Robinson entered the meeting at 1.57pm

The Chairman noted Councillor J Robinson would not take part in the debate or decision making on this application. He asked Members of the Committee for their questions and comments on the application.

Councillor A Shield asked whether the application was in respect of acquisition of land, asking if it was after a period of 12 years. The Planning Officer noted the land was in unknown ownership and the Solicitor - Planning and Development confirmed that the Member was correct about the timescale for adverse possession, however land ownership issues were not relevant in terms of planning matters.

Councillor A Shield noted the concerns raised by Councillor W Stelling and the residents and noted NPPF part 8 noted contribution to healthy communities and suggested that the Police be contacted as regards potential anti-social behaviour issues. He added that residents had suggested a height of 0.60m and asked why 1.2m was being set out. The Planning Officer noted that the 1.2m height was the same as that at the property, and that 0.60m fencing would not be in keeping with this. Councillor A Shield noted that the front had an open vista, with 1.2m being acceptable, however, the side would be enclosed and create an alleyway as noted by the concerns of residents.

The Solicitor - Planning and Development noted that permitted development rights would allow for a fence of up to 2m and the negotiated height of 1.2m was more acceptable that what the applicant could put in place under those permitted development rights.

Councillor A Hopgood noted that this was not the first or last application where estates build with deliberate open spaces were having areas fenced off. She added that the original designs were to promote community activities and to give a sense of openness and promote safety. Councillor A Hopgood added that she felt it was wrong that these areas of open space were being taken and people being made to feel unsafe. She added that she would dispute the description of the land as "derelict", and that the land should remain as public open space.

The Planning Officer noted that the application had been looked at in terms of the loss of open space and it had not been felt that the land offered value.

Councillor L Boyd noted visiting the site and that it was a tiny bit of scrubland and felt it would be better off enclosed. She added that she did note the concerns of the Local Member and residents in terms of keeping the height of the fence as low as possible. Councillor O Milburn asked for the images of the site to be displayed on the projector. She noted that while she would be happy with a lower fence, the 1.2m height proposed was not so high, and indeed she herself would be able to see over this height.

Councillor A Shield reiterated the comments as regards the height of 1.2m being reduced to a lower height and was concerned as regards the levels of common land being given away.

The Planning Team Leader (North), Andrew Farnie reiterated the comments of the Solicitor - Planning and Development in terms of the negotiated height of 1.2m and the option of the applicant to erect a fence up to 2m under permitted development. The Solicitor - Planning and Development confirmed that the applicant had a fall-back position in terms of those permitted development rights and that with no justification for a height lower than 1.2m, the proposal was for a height of 1.2m.

Councillor L Boyd noted that given the advice of the Officers, she would proposed that the application be approved.

Councillor L Boyd moved that the application be approved; she was seconded by Councillor M McKeon.

RESOLVED

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

c DM/17/01667/FPA - 11 Park View, South Pelaw, Chester-le-Street

The Planning Team Leader (North) 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 when the application had been considered previously at Committee and were familiar with the location and setting. The application was for the erection of porch to front and two storey rear extension and was recommended for refusal.

The Planning Team Leader (North) noted the application had been considered previously in July by Committee, when Members had visited the site, and there was a refusal recommendation put to the Committee at that time. Members recalled that they decided to defer the application to allow the opportunity to have a revised design to be submitted for consideration, with that proposal now being put to Members.

It was explained that the porch was the same as the previous application, with Officers not having any issues with this element of the design previously, or at this time. It was added that the rear elevation was the same, with the main change being the reduction of the depth of the proposed development from 2.7m to 1.5m which represented a significant change which aligned with the 45 degree code. It was noted that there were no objections to this application in its revised form.

The Planning Team Leader (North) noted, however, that there were still some concerns in terms of the bulk and scale of the rear extension, and also in terms of the previous refusal and comments from the Planning Inspectorate in 2016 and therefore the recommendation was for refusal. Members were reminded that they may wish to take into account personal grounds as set out by the applicant and that the decision was for the Committee.

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

Councillor A Bainbridge asked if the applicants had received assistance and direction from the Council's Planning Department in terms of producing a more acceptable scheme. The Planning Team Leader (North) noted that Officers had visited the site and had offered advice to give the applicants the best possible outcome. It was however noted that reducing the width of the extension would have resulted in an unusable space that did not meet the needs of the applicant. That was why the width of the extension had not been altered. Councillor A Bainbridge asked if there were no other houses in the vicinity with such double extensions, adding he believed there were several in the next street. The Planning Team Leader (North) noted there were such extension, however, the recommendation was based upon the application as submitted, together with the Planning Inspectorate's determination as previously mentioned.

Councillor A Shield noted mention of "effect on the street scene" and asked for further explanation noting that at some time in the past a development of this type nearby must have been the first and asked why it was refused by the Planning Inspectorate, for not being in keeping with the area. The Planning Team Leader (North) noted that the Planning Inspectorate was primarily concerned about the impact of the development upon the street scene.

Councillor O Milburn noted that in perspective they were streets of colliery houses, there was nothing that could be done to prevent development at the rear of the properties and added she felt she would move to go against the Officer's recommendation. Councillor A Hopgood added that she had visited the site and felt the reduction from 2.7m to 1.5m was significant and on the basis of no objections she would propose that the application be approved. Councillor L Boyd seconded the proposal.

The Chairman asked for comments from Legal in terms of wishing to go against the Officer's recommendation and approve the application.

The Solicitor - Planning and Development asked for clarity in terms of the basis of the motion for approval, specifically were Members saying that the design was acceptable in terms of the host property and/or the wider street scene or were the Members saying there was some harm in that regard, however other considerations outweighed that harm.

Councillor A Hopgood noted that there were examples of similar developments nearby, 2 doors down, and did not feel the application would be detrimental. Councillor A Shield noted that Policy HP11 referred to residential extensions and that it could be said that the Committee felt that this application was in compliance with that policy. Councillor M McGaun added that given there were similar extensions in the area he could not understand why the application had a recommendation for refusal. The Chairman noted each application was looked at on its own merits, and this was the one for determination by Committee today.

Councillor O Milburn proposed that the application be approved, noting she felt it did not have an adverse impact in terms of scale, form or factor and was in keeping with policy HP11.

The Planning Team Leader (North) noted that should Members be minded to approve the application that a standard suite of conditions could be imposed, in consultation, in respect of issues such as plans, materials, start times and so on.

Councillor O Milburn moved that the application be approved; she was seconded by Councillor L Boyd.

RESOLVED

That the application be **APPROVED** subject to conditions being agreed by Officers in consultation with the Chairman and Vice-Chairman of the Committee.

6 Appeal Update

The Committee received an update from the Planning Team Leader (North) regarding 2 appeals having been received: one against refusal of planning permission for a partly retrospective general purpose agricultural building at 5 Front Street, Burnhope (DM/16/02733/FPA); the other against refusal of outline planning permission for a dwelling at Old County View, Hett Hills, Pelton Fell, Chester-le-Street (DM/16/04069/OUT).

Members noted 3 appeals had been determined, the first being in respect of a refusal of planning permission for the erection of a residential development of 52 dwellings with new access and associated works, on land to the west of Briardene, Cadger Bank, Lanchester.

It was explained the second appeal related to refusal of planning permission for the erection of a two storey detached agricultural workers dwelling with adjoining double car port and ancillary hard and soft landscaping features (DM/16/02077/FPA) at Dunleyford Farm, Humberhill Lane, Lanchester.

The Area Planning Team Leader noted the third related to refusal of planning permission for the erection of a detached two storey dwelling on land to rear of 3 Lintz Terrace (DM/16/03550/FPA).

The report confirmed that all three Appeals had been dismissed by the Planning Inspectorate.

Resolved:

That the content of the report be noted.