

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 10 October 2017** at **1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors G Bleasdale, D Brown, J Clark, I Cochrane, K Corrigan, M Davinson, D Freeman, K Hawley, S Iveson, A Laing (Vice-Chairman), R Manchester, J Robinson and A Simpson (substitute for O Temple)

1 Apologies for Absence

Apologies for absence were received from Councillors N Grayson, P Jopling and O Temple.

2 Substitute Members

Councillor A Simpson substituted for Councillor O Temple.

3 Minutes

The minutes of the meetings held 12 and 19 September 2017 were agreed as correct records and signed by the Chairman.

4 Declarations of Interest

Councillor G Bleasdale declared an interest in Item 5e as Local Ward Member, however this was not such as to preclude her from taking part in the decision.

Councillor A Laing declared an interest in Item 5a as Local Ward Member. It was noted that she would be speaking on the application but would leave the Chamber and take no part in the discussion or voting thereon.

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

The Chairman noted that Item 5d, application DM/17/02771/PNC - Land at Pit House Lane, Leamside, Houghton-Le-Spring, had been withdrawn.

a DM/17/01950/FPA - Land To The West Of Dene Community School Of Technology, Manor Way, Peterlee, SR8 5RL

The Senior Planning Officer, Graham Blakey, 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 Senior Planning Officer advised that Members of the Committee had visited the site previously and were familiar with the location and setting. The application was for the erection of 84 dwellings including all associated landscaping and infrastructure and was recommended for approval, subject to conditions.

The Senior Planning Officer noted the Committee had previously considered an application for this site at meeting held on 12 September, with Members deciding to defer the application. It was noted that further details had been received and the application was therefore back before Members for their consideration.

The Committee was asked to note a revised layout, incorporating 4 affordable homes, 2 pairs of semi-detached dwellings. Members noted no further layout changes.

It was explained that there had been no objections from internal or statutory consultees, subject to the conditions as set out. The Senior Planning Officer explained there were 13 objections to the application, 3 of which had been after the last application, a 137 signature petition against the application, and a letter from the Local MP, Graham Morris raising concerns. It was added that since the publication of the agenda papers, further representations had been made from some residents noting the development would create a "bottleneck" in terms of traffic along Manor Way and Eastfield. The Senior Planning Officer noted letter of support had been received from the Head Teacher of Dene Primary School, noting improvements to access being welcomed.

Members noted that a noise impact assessment had been submitted by the applicant and Environmental Health were satisfied, subject to the conditions set out within the report. It was added that in terms of the construction management plan, it was felt that on site crushing was not appropriate and therefore condition 11 would be amended to require further details.

The Senior Planning Officer noted that saved Easington District Plan policy support the application, and the National Planning Policy Framework (NPPF) paragraph 14 test would apply in terms of a presumption in favour of sustainable benefit, unless other material considerations indicate otherwise.

It was added that Officers felt that when looking at the impact against the benefits of development that the application be recommended for approval, subject to amendment to condition 11.

The Chairman thanked the Senior Planning Officer and all involved in updating the report, with the additional information and noted there were several speakers in relation to this item. He asked Town Councillor, K Duffy from Peterlee Town Council to speak in objection to the application.

Town Councillor K Duffy noted that a County Council Overview and Scrutiny review on the issue of Part Time 20mph Speed Limits had identified measures to be implemented at Dene House Primary School, based upon accident statistics. She added that if the application was granted then this would contradict the Council's previous work and put lives at risk.

Town Councillor K Duffy noted that the NPPF was to be looked at if there was not an up-to-date local plan in place. She explained that the Easington District Local Plan was the most up-to-date document, with the County Durham Plan (CDP) not being in place, and this was allowing the Council to be rode over roughshod. Town Councillor K Duffy added that developers were taking advantage and riding over policy, Committees and residents. She added that local people could see a need for 84 affordable homes.

Town Councillor K Duffy asked why would there not be one access from Yoden Way together with measures to reduce traffic, allow for parents going to the Primary school to park, and make Manor Way safer. She added that also extending the 20mph zone along Manor Way would be beneficial.

Town Councillor K Duffy concluded by respectfully asking the Committee to refuse the application, and if Committee was minded to approve the application to then consider some of the alternatives as suggested.

The Chairman thanked Town Councillor K Duffy adding that he would make it clear that Durham County Council (DCC) did not put lives at risk and the Committee would not ride over views. The Chairman asked Town Councillor T Duffy from Peterlee Town Council to speak in objection to the application.

Town Councillor T Duffy noted that at the last Committee meeting, Highways representatives had stated only 2 road accidents, however, www.crashmap.co.uk noted 17 in the last 5 years, with one in November 2015 resulting in a wall being demolished, with the damage being visible when Members visited the site prior to the last meeting. He added that this figure did not include the data for 2017, and noted 2 people had been injured in this area. Town Councillor T Duffy noted these were not simply statistics, they were facts. He noted he felt that new traffic would have a severe impact.

Town Councillor T Duffy asked why green space bordering Eastfield was included as part of the build site, and noted he was worried that this was an oversight and could lead to the loss of amenity use of this area.

Town Councillor T Duffy noted that paragraph 62 of the report noted the developer's initial proposals had incorporated drop off facilities, though this was rejected on the basis it was not Council policy in terms of the Sustainable Travel Plan, and asked how come there was a significant dropping off facility at Shotton Hall Academy.

Town Councillor T Duffy added that there was reference to Policy P9 of the Easington District Local Plan, noting mixed use and housing allocations, however this application was not for 79 houses and a car park, it was now for 84 houses with no car park. He added that while paragraph 63 of the report referred to cardiovascular benefits of walking or cycling to school, he felt this was ironic when the houses were to be built upon a sports field.

Town Councillor T Duffy noted the mention of the Authority not being able to demonstrate a 5 year housing land supply, however, with the new "Planning for the Right Homes in the Right Places" Housing White Paper consultation document, it was stated that the Authority could demonstrate a supply in excess of 5 years. He added that he felt that the Easington District Local Plan was not out of date and therefore the saved plan could be afforded weight, especially in terms of Policy P9, and therefore he requested that Members deny the permission.

The Chairman thanked Town Councillor T Duffy and asked Ms N Rashid, local resident, to speak in objection to the application.

Ms N Rashid noted there were numerous issues in relation to the application site and that the conditions attached were extensive and amendments had been made to the application suggested that the development itself was unsuitable, being adjacent to a main road and therefore she objected in principle to the application.

Ms N Rashid noted firstly that the traffic assessment was a statistical analysis and had stated less than 30 vehicles an hour, however she felt the human experience was very different and that the number was a gross underestimate. She added that the total input of traffic including from the town centre would lead to congestion later and be counter-productive.

Ms N Rashid added that NPPF Part 7 noted a safe environment and a sense of place, however the development could benefit from a better route into the school, and she added it was felt this could be achieved. She added that all the potential benefits were lost, with drop off points for the school being essential. It was noted that the development would also create a child population of over 100 with a potential adverse impact noting existing issues in terms of egg and stone throwing at vehicles. Ms N Rashid noted in the past she had been victim of racial abuse and this was very distressing and, while not prejudging the calibre of people that may move to a new development, it could prove to be problematic.

Ms N Rashid noted that there was a risk in relation to contaminated land at the site, close to the sustainable drainage measures, and this would need to be addressed.

Ms N Rashid concluded by noting that the inclusion of a Travel Plan was positive, however, congestion was still likely to occur, and that she felt Members should discard the application on green belt as all other development sites in Peterlee had not been looked.

The Chairman thanked Ms N Rashid and asked Councillor A Laing, Local Member, to speak in objection to the application.

Councillor A Laing noted that objections were in relation to Part 4 of the NPPF, in terms of sustainable transport, paragraphs 29, 30 and 32, with paragraph 29 noting a need to contribute to wider sustainability and health objectives. Councillor A Laing noted that this development would reduce the contribution and therefore there needed to be a balance in terms of sustainable transport modes and choice. She added in terms of paragraph 30, and the need to reduce greenhouses gasses and pollution, Local Authorities should encourage sustainable transport and the report did not indicate how this would be set out in terms of reducing motor car use.

Councillor A Laing noted that paragraph 32 set out the need for a transport plan, looking to see if sustainable transport modes had been taken on board. She added that the NPPF set out that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. Councillor A Laing added that the site was bounded by housing and the school on 2 sides, and a supermarket development would be taking place opposite to the site. She noted that this would lend itself to being an attractive parking option for people and that the allocation of parking and the amount of through traffic had not been dealt with as there were no plans for transport or access improvement. She concluded by noting should the development go ahead, it would be the biggest car park in Peterlee.

The Chairman thanked Councillor A Laing and asked Mr A Willis of Signet Planning, to speak in support to the application.

Mr A Willis referred to policy and recent case law and noted that the Officer’s report was a balanced and very well considered document. He added he agreed with most of the report, though not all, and referred to a recent appeal to the Planning Inspectorate as regards development at Dalton Heights, Dalton-le-Dale and Government’s concerns as regards housing need. He added that the Inspector had noted limited weight while Government was consulting on housing need.

Mr A Willis added that paragraph 92 of the report noted that Easington District Local Plan Policy P9 was not considered up-to-date in accordance with NPPF Paragraph 14, and the issues in terms of parking provision and housing land were set out and the application was consistent with Government policy.

The Chairman thanked Mr A Willis, adding the Committee was not considering the Dalton Heights application, rather the one as set out in the agenda papers. The Chairman asked Mr I Prescott of the Durham Villages Regeneration Company (DVRC) to speak in support of the application.

Mr I Prescott noted issues that had been raised when the application was previously considered by Committee had included 2 main areas: affordable housing, which he noted the track record of DVRC in this regard, and the inclusion of units within this application; and traffic safety.

Mr I Prescott noted that the emphasis at Keepmoat and DVRC was on health and safety, being an item at all meetings, and that safety was the number one issue. He gave an example of the extensive training received by staff in relation to this, including mock court cases. Members were informed that it was in this background of health and safety that the application had been made, with the scheme being through many iterations to design out any potential issues, working with the Council, Planners, Highways and Sustainable Travel to develop the scheme. It was added that the safety issues had been addressed, and that there were many benefits to the scheme in addition to housing provision, such as employment and training opportunities. Mr I Prescott noted the issue in terms of a dog walking area, and added that work had been undertaken with the school to help in terms of the health and safety issues they faced.

Mr I Prescott concluded by noting that they had listened to concerns and listened to the school and urge Members to do the same and approve the application.

The Chairman thanked the speakers and asked the Senior Planning Officer to address the issues raised.

The Senior Planning Officer noted Local Plan Policies were used as the County Durham Plan (CDP) was not in place, and the issues in relation to highways, with lengthy debate with the Highways Section, were set out within the report. In terms of the open space at the south, this would not be fenced off and would remain open space. In terms of sustainability it was added, as set out within the report, that the area had good transport links, with Peterlee town centre, as well as links through to Sunderland.

*Councillor A Laing left the meeting at 1.35pm
and took no part in the discussion or voting thereon.*

The Chairman asked for Members of the Committee for their comments and questions.

Councillor J Robinson thanked Officers for information in relation to the Government's Housing White Paper and for being in attendance at Committee. Councillor J Robinson noted he did not support the application, having asked for deferment when the application was considered previously. He noted he attended the site and over the period between 13:15 to 13:55 he noted 197 cars, many of which he considered to be speeding. He added that he believed noise would be an issue and admission of a need for noise mitigation on a night was to admit there was a need during the day also.

Councillor J Robinson noted the issues in terms of 5 year housing supply, and NPPF paragraph 14, and the issues of sustainable transport as raised by the speakers, including Councillor A Laing. He congratulated the developer in respect of the addition of 4 affordable homes within the scheme.

Councillor J Clark noted she concurred with the sentiments of Councillor J Robinson, adding that the Electoral Division she represented, Horden, adjoined the division the application fell within. She added that there was an abundance of affordable housing within Horden and added that while a dog walking area was nice, it was likely the cemetery area would be used in this regard. Councillor J Clark noted that Peterlee, similar to other “new towns” in the area, such as Newton Aycliffe had been designed with the open spaces, deliberately left as green areas for residents. She added that these spaces were being cherry-picked and taken away.

The Chairman asked if any Members wished to make a proposal in terms of the application.

Councillor K Hawley proposed that the application be rejected, the Chairman asked on what grounds, Councillor K Hawley noted on failing to meet the 10% affordable housing policy. The Chairman asked if there was a seconder, no Member responded. Councillor J Robinson noted he would like to support refusal, though would ask for advice from the Solicitor. The Solicitor - Planning and Development, noted that if Members wished to refuse the application on highways grounds, his advice was the same as it was at the last Committee when considering the application for this site. He added that his professional opinion was that those would not be sustainable reasons for refusal, however, it was for Members to decide. The Chairman noted it was for Members to give the reasons to propose a decision.

Councillor M Davinson noted the issues that had been raised, many raised at the previous Committee, and while the school had an opinion on the issues, he could see that there was potential for exacerbation of problems, however the Committee did not have a crystal ball. He added he accepted the opinions of the Highways and Planning Officers, as well as the Solicitor - Planning and Development, and therefore would propose that the application be approved. Councillor D Freeman seconded the application. Upon a vote being taken, the motion was lost.

The Chairman noted that the matter was back in the hands of Committee to determine.

Councillor J Robinson noted he felt, regrettably, that the professional view of Officers had to be respected in this instance. The Chairman noted he was in favour of Members debating an application and the issue, all having a fair say, however it was for the Committee to come to a decision on an application, making a case for refusal that could be defended if called-in to an appeal.

Councillor S Iveson noted she had listened to the debate and while here instincts were to say refuse, she could not see any planning reasons for refusal.

Councillor M Davinson proposed that the application be approved; he was seconded by Councillor D Freeman. Councillor D Freeman added that if the Committee were to propose rejecting the application, there was a need to cite policy grounds, and he hoped that the public understood this position. He noted that it would be a bad position if development was refused and easily overturned at an appeal.

RESOLVED

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

Councillor A Laing entered the meeting at 1.50pm.

b DM/17/02697/FPA - Maiden Castle Sports Centre, The Graham Sports Centre, Maiden Castle, Durham

The Senior Planning Officer, Henry Jones 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 Installation of 8 no. 15m high floodlights to 3G sports pitch and was recommended for approval subject to conditions.

The Senior Planning Officer explained that the application site was within the Durham City Conservation Area and the Durham City Greenbelt, and highlighted that the 8 floodlights would be arranged in 2 lines, 4 each side of the pitch. Members were shown photomontages giving an impression of the floodlights within their setting. The Senior Planning Officer noted that the floodlights were of slender design.

It was explained that there had been no objections from statutory consultees, and support had been received from Sport England for the application. In terms of internal consultees it was noted that Design and Conservation did not object to the application, however, noted some less than substantial harm to heritage assets would be likely to occur as the site is in the setting of Maiden Castle scheduled monument and Durham and Shincliffe Conservation Areas. The site also contributes to an extent to the setting of the World Heritage Site. Members noted this less than substantial harm would need to be weighed against the public benefits of the development.

Members noted objections had been received from the City of Durham Trust, local residents with further concern and comment from the World Heritage Site Coordinator. The main issues in summary being: development in the greenbelt; harm to the heritage assets; impact on the World Heritage Site; and the piecemeal nature of the applications being made by the University. It was noted the application had been requested to be considered by the Committee by Councillor L Brown.

The Senior Planning Officer noted that development within the greenbelt constitute harm, however, the development can remain acceptable provided that there are very special circumstances that clearly outweighed this and any other harm. In this case the other harm was the harm identified to heritage assets.

The Senior Planning Officer noted that the very special circumstances were that of increased sports participation levels, with floodlighting allowing additional use by the University as well as local groups and clubs. It was noted that Officers felt that these circumstances outweighed the harm to the greenbelt and the less than substantial harm to the heritage assets and therefore the application was recommended for approval subject to the conditions as set out within the report. The Senior Planning Officer noted a late update in relation to Condition 5, seeking delegated authority so as to amend the wording so that the landscaping scheme be implemented within 1 year of the development rather than within the first available planting season as there was little time to organise this at this late stage in the year.

The Chairman thanked the Senior Planning Officer and asked the Committee Services Officer to read out as statement from Councillor L Brown, the Member that had requested the application be considered by Committee.

“Chair, Colleagues, thank you for your indulgence. As the Councillor that called this application in to Committee, I am disappointed that I was not advised when the application was coming before you, which explains why I cannot be here in person. I called this application in for two main reasons.

Firstly, I am uneasy that the University, having unveiled its Masterplan in a blaze of publicity, is auctioning it one small application at a time. The Chair may well remind you that the application that is before you is the one to be decided, but the Maiden Castle site appears to be a culmination of small applications leading to a large and intrusive whole on greenbelt land.

Specifically the previous application to upgrade the pitch is now being cited as the reason to install these floodlights. If the requirement was there why was it not included in the previous application?

Secondly, I object to the siting of 50 foot high floodlights on greenbelt land. The floodlights are to be switched off at 10.00pm, which is a mitigating circumstance, but the columns will still be there. If these flood lights are essential can they not be retractable, surely technology exists to do this.

However, a precedent does exist to refuse permission for floodlights on greenbelt land, as demonstrated in the City of Durham Trust’s objection to this application which I have read. I would ask that the Committee think long and hard before they vote on the Planning Officer’s recommendation.”

The Chairman noted speakers in attendance to speak in objection to the application, Mr R Cornwell, representing the City of Durham Trust, and Mr C Arthur a local resident.

Mr R Cornwell thanked the Chairman and noted that this case was finely balanced, with the Officer's report saying so at paragraph 99 which stated: that the development **does** constitute inappropriate development in the greenbelt and; as a result the development is only acceptable where very special circumstances exist; such circumstances will not exist unless the potential harm to the greenbelt... is **clearly** outweighed by other considerations. Mr R Cornwell asked how could you have a case that is "finely balanced", yet the other considerations "clearly outweigh" the potential harm. He added if it's finely balanced then it's not beyond a reasonable doubt and the Committee should refuse the application. It was out that if the floodlights were so essential, why were they not included in the earlier application?

Mr R Cornwell asked had the case for "very special circumstances" been made out? He noted the support from Sport England was generic and does not address the particular circumstances of the site in any way. He added that none of the letters of support from the sports clubs specifically mention this planning application, the ones referring to floodlighting referring to the earlier planning application, not this one.

Mr R Cornwell noted that if you were going to find there are very special circumstances you needed to have hard evidence, and there wasn't any. It was added that it was a very high bar; not a "balance of probabilities" but "clearly outweigh" the harm to the greenbelt. Mr R Cornwell noted the City of Durham Trust had cited a couple of appeal cases, but noted he would mention one: the Administrative court decision given by Mr Justice Supperstone. He added that this in fact supported the Trust's contention and the Officer's conclusion that this proposal was inappropriate development in the greenbelt.

Mr R Cornwell noted the Trust were asking the committee to refuse, with the reasons being that the Committee did not accept that there are special circumstances that clearly outweigh the harm to the greenbelt. He added that should the Committee decide to approve, they would need to give reasons as to why they did not accept the arguments that the Trust had advanced, as they would need to take advice.

Mr C Arthur noted as a local resident his general plea was in terms of applications being the "thin end of the wedge" and that "creep" should not continue into the greenbelt. He added that joy of living in the greenbelt was being able to walk in these areas, now under threat. In terms of practical suggestions, he noted that a band of trees along the riverbank to conceal the site may be of benefit. He noted that while recent University developments had been very good, and that brown field sites should be developed, this should not stray 1 inch, 1 centimetre into the greenbelt.

The Chairman thanked the speakers and asked Mr Q Slope from Durham University to speak in support of the application.

Mr Q Slope noted Durham University was ranked 8th within the UK and was a top 100 university worldwide, and being the only University within the County, the benefits to the University were also for the County and region.

He added the new facilities at Maiden Castle were modern, sustainable and were part of the first elements of a 10 year Estates Masterplan for the University, the Masterplan having been developed with the DCC and stakeholders to maximise the benefits to the area. It was explained that an aspiration was for the University to have the number one reputation in terms of residential student experience in Europe.

With reference to the application specifically, it was for 8, 15 metre floodlights for the new 3G sports pitch, utilising sensitive LED luminaries and high quality optics to mitigate the impact on the ecology at the site. Mr Q Slope added that there were very special circumstances and the impact on the greenbelt and conservation area was considered minimal by the local planning authority. It was noted that the running track would not be without lighting, however without these floodlights the use of the 3G pitch would be limited. It was noted that the floodlighting would allow for maximum use of the 3G pitch and site, to hold major events and to be able to cope with the expected growth of the University. It was explained that a number of sports could be facilitated, including Football, American Football, Ultimate Frisbee and Lacrosse amongst others, for the benefit of the University and the wider community.

Mr Q Slope concluded by noting the report, highlighting that very special circumstances had been explained, and asked that the Committee approve the application.

The Chairman thanked Mr Q Slope and asked the Senior Planning Officer to speak in relation to the points that had been made.

The Senior Planning Officer noted in relation to a point made by Mr R Cornwell, paragraph 99 referred to assessment regards a "fine balance", when looking at the impact on the openness of the greenbelt, in isolation. He added that the conclusions leading the recommendation came later within the report. He noted that the application presented that the development did not constitute inappropriate development as there was not an impact on the openness of the greenbelt as such. The Senior Planning Officer stated that in some views the site already has such a perception of being built up that this could be agreed with. However, there would be other instances where the impact upon openness would not be preserved which on balance has led officers to conclude the proposal amounted to inappropriate development in the greenbelt.

The Senior Planning Officer explained that whilst all harm to the greenbelt must be given significant weight there is nevertheless different levels of harm. The very special circumstances needed to clearly outweigh the harm can be proportionate to the level of harm. In this instance it is considered that the benefits to the University and wider community clearly outweigh the limited degree of harm to the greenbelt and any other harm. In terms of the case law referred to, the Officer felt there was not a direct comparison to this application. The criticisms contained within the "Boot/Supperstone case" principally related to where an impact upon the openness of the green belt had been found but that, incorrectly, it was concluded the development was not inappropriate development. These are not the same circumstances as in this case.

It was added that in terms of “piecemeal” applications, each application was looked at on its own merits and there was no reason why the Local Authority would not deal with this application. It was added that the lack of flexibility the planning permission process in terms of not being able to grant a “part approval” has resulted in the applicant, in the interests of minimising risk, splitting proposals into more than one application. This is so that the applicant could avoid a situation where none of their proposals gain planning permission.

The Senior Planning Officer noted Mr C Arthur mentioning “the thin end of the wedge” and reiterated that each application was considered on its merits and that within both this and an existing planning permission at the site there is a need for landscaping schemes to be implemented to mitigate the impacts of the development.

The Chairman asked Members of the Committee for their comments and questions as regards the application.

Councillor D Brown asked as regards the material and colour of the floodlight columns, galvanised steel and asked whether other colours and materials, such as concrete, would be more suitable and less intrusive. The Senior Planning Officer noted that it was felt that metal was the appropriate material and that while paint could be used, for structures of some height, the grey, galvanised colour was the best to blend in.

Councillor D Freeman noted he had heard what the University had said in terms of why it wanted to be a world class university, but had not heard why the University wished to hurt the city it sits in. He agreed in terms of the comments made as regards piecemeal development and supported the comments within the report that the application represented inappropriate development in the greenbelt. He noted that when lit up at night it would affect the World Heritage Site and therefore he could not support the application, and did not feel the benefits outweighed the harm to the greenbelt.

Councillor M Davinson asked what height the existing floodlights were at the Maiden Castle site, how many were there and what strength in terms of output they were. The Senior Planning Officer noted that the ongoing redevelopment of the site includes floodlights of 15m in height, commensurate with those proposed under this application. In terms of light spillage, the Senior Planning Officer noted that there would be difference at night, however, the applicant had submitted additional submissions in respect to light impact which stated that the light spillage from the more technologically advanced floodlights would be less than the floodlights which previously served the site. The advice of Environment, Health and Consumer Protection had been sought and they had essentially concurred with this stance – the proposed floodlights would be better at pinpointing the light on the required area.

Councillor D Brown moved that the application be approved; he was seconded by Councillor M Davinson.

RESOLVED

That the application be **APPROVED** subject to the conditions as detailed in the Officer's report to the Committee and the change to Condition 5 as mentioned.

c DM/17/00925/OUT - Land To The East Of Aldridge Court, Ushaw Moor

The Senior Planning Officer, Chris Baxter, 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 an outline application for 23no. bungalows for the over 55's and was recommended for refusal.

The Senior Planning Officer explained that the application had been deferred by Committee at its meeting in July, to allow for more information to be obtained in terms of highways issues, noise and drainage. It was added that this information had been now been received.

Members noted that no objections had been raised by statutory consultees, and in terms of internal consultees there was an objection from the Landscape Section in respect of development in the greenbelt. The Senior Planning Officer noted 1 letter of objection and that Brandon and Byshottles Parish Council had indicated that they fully supported the development.

The Senior Planning Officer noted that the application was for development in the greenbelt and local and national policy noted that this type of development was not acceptable. It was added that similar application in 2014 had been refused and an appeal of the decision at the Planning Inspectorate was dismissed. He noted that nothing material had changed since that decision and therefore it was concluded that the proposed development in the greenbelt was harmful and therefore contrary to Policy E1 of the City of Durham Local Plan and Part 9 of the NPPF and therefore the application was recommended for refusal.

The Chairman noted Local Member, Councillor J Chaplow was unable to attend the Committee to speak; however, the Committee Services Officer would read out a statement on her behalf:

"I am sorry I can't attend today's Planning Committee because of a Mayoral engagement. I should be pleased if you could make the Committee aware of the following.

Myself and residents in Ushaw Moor believe there is a need for bungalows for our elderly residents. These residents do not want to move away from family and friends whom they have known all their life, and welcome any development which can offer better independent living.

There are often incidences where the elderly are having to live in two and three bedroom houses, and having to pay for stair lifts to try and keep their independence. The charges for these residents are as follows: Rent for house £82.50 per week; Durham Care £4.50 per week; Stairlift - £6.00 per week.

There are elderly residents that have small pensions, and have to pay full rent. Without a stair lift they have to use a commode, as they cannot easily access bathroom facilities, and they have unused bedroom space. If these properties were "freed up" they could be used as family homes.

This land is classed as green belt; it is nothing more than scrub land, a place which is often dumped with rubbish. The road at the back is a road to Bearpark Club, where a lot of elderly people go to play bingo. This path will be kept in a better order than it is now. If we can build houses on St Oswald's golf course, build houses on Lambton Estate – surely this is also green belt?

The Parish Council approves of this scheme. I ask that the Committee considers my community's need for bungalows. Thank you".

The Chairman thanked the Committee Services Officer and it was noted that Councillor M Wilson, another Local Member had been in contact to note she too supported the Application. It was noted that Parish Councillor, and Alderman, P Stoddart wished to speak in support of the application.

Parish Councillor P Stoddart thanked the Chairman and Committee for the opportunity to speak and noted this was not an ordinary planning application, it was about regeneration, and that he was devastated there was a recommendation for refusal. Parish Councillor P Stoddart noted that Ushaw Moor needed regeneration, with former regeneration, such as the Single Regeneration Budget (SRB) funds having previously been used for a flagship housing estate, 147 houses on greenbelt land.

He added that previous development had allowed people to move into, and back to the area, putting the life back into the village. He noted that since the economic downturn regeneration had slowed, however, Ushaw Moor needed bungalows and not a rubbish tip. Parish Councillor P Stoddart explained that he welcomed a small, quality application and appealed to the Committee to give the village a lifeline, and support the application to regenerate the village.

The Chairman thanked Parish Councillor P Stoddart and asked Mr G Hodgson, Agent for the Applicant, to speak in support of the application.

Mr G Hodgson thanked the Committee and noted the local planning authority's recommendation for refusal, with the application site being within the greenbelt. HE acknowledged that the application was with greenbelt; however, the question was of benefit weighed against the need for such types of bungalows. He noted that greenbelt had been established to help to prevent urban sprawl and this was not going to be the case with this particular development, with sufficient distance to the neighbouring village of Bearpark. It was added that the proposal was in-fill at Ushaw Moor, not creep to Bearpark.

Mr G Hodgson explained the application comprised of 22 semi-detached dwellings and 1 single dwelling, with the footprint being such to all allow for full wheelchair access, similar to developments carried out by the Durham Aged Mineworkers' Homes Association (DAMHA). It was added there would be plenty of parking in addition, a community garden, landscaping and trees.

Mr G Hodgson noted that the site experienced many incidents of fly-tipping, with approximately 20 tonnes of waste tipped, a burden on the Local Authority. It was noted that there was use of the site by motorcycle users, with the landowner being unable to stop this and therefore it was felt development was the best solution in order to solve these issues of fly-tipping and anti-social motorcycle use.

Mr G Hodgson noted that the application had the support of the local MP, Parish Council and local Divisional Councillors, with the MP having wrote to the Council's Corporate Director of Regeneration and Local Services to look to remove the land from the greenbelt when looking at the County Durham Plan.

Mr G Hodgson noted that he felt an exception could be made in this regard, with the ecology of the site being poor, Highways having no objections, and the local planning authority having noted the site was sustainable in terms of links to local facilities and infrastructure. Mr G Hodgson concluded by asking that Committee approve the application.

The Chairman thanked M G Hodgson and asked Members of the Committee for their comments and questions on the application, noting it was recommended for refusal.

Councillor M Davinson asked if Officers could help Members by fleshing out the issues in terms of "greenbelt" and the Landscape Officer's objections.

Councillor D Freeman noted he found this issue quite difficult as he would like to support the application, based on what Parish Councillor P Stoddart had said and the sentiments of local Members, however, the site was within the greenbelt. He added he had spoken against the refusal mentioned in 2014, and that appeal had subsequently been lost at the Planning Inspectorate. He noted unfortunately nothing had changed and while he saw the benefits to development, they did not outweigh the harm to the greenbelt and therefore he would propose that the application be refused.

The Senior Planning Officer explained that the Landscape Officer had assessed the land and the impact in terms of development, with paragraph 47 stated "that the proposals would have some adverse landscape and visual effects". He noted this was slightly different to the reasons for the refusal recommendation, with the reasons being the development would be contrary to national and local principles.

Councillor G Bleasdale moved that the application be refused; she was seconded by Councillor K Hawley.

RESOLVED

That the application be **REFUSED**.

d DM/17/02771/PNC - Land at Pit House Lane, Leamside, Houghton-Le-Spring

The Committee noted that the application had been **WITHDRAWN**.

e DM/16/03710/OUT - Seaton Garden Centre, Seaton Lane, Seaton, Seaham

The 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 application was for 25 self-build plots for residential dwellings including details of access and layout and was recommended for approval, subject to conditions and s106 agreements.

The Team Leader – Central and East noted the application site adjoin existing residential development, and highlighted that proposed access on to the B1404, Seaton Lane. Members noted most recent uses of the site had included: car repairs; caravan storage; and most recently a garden centre. Members noted a proposed site layout.

The Committee noted there had been no objections from the local Parish Council and Highways were now satisfied in terms of access and parking. It was noted that the Education Department had noted there were sufficient school places in the area, and the trees that were originally to be within the residential curtilage would now not be, and be protected by Tree Preservation Orders (TPOs).

It was explained that there were 5 objections from members of the public as set out in the report.

The Team Leader – Central and East noted the key issues being the principle of development, access and layout. It was noted that the proposal was for dwellings at the perimeter of the site, with green space at the centre. Members noted that Seaton Village offered local services, a public house, school and shops. The Team Leader – Central and East noted that in terms of Paragraph 14 of the NPPF, there were no other policies in place and Officers felt, looking at the issue of any adverse impact, this application was acceptable. It was noted that further details in terms of the application would follow at the reserved matters stage, though Highways and access issues could be agreed by Members, subject to condition, including: site access visibility; s106 contribution towards play equipment, s106 towards affordable housing off-site; and s106 contribution towards coastal ecology, the application being within 6 kilometres of the coast.

The Chairman noted there were no speakers on this application and asked Members for their comments and questions.

Councillor G Bleasdale noted that when a nearby car boot sale was open, this development may add to traffic issues. Councillor M Davison noted the contributions in terms of affordable housing and asked how those contributions would be allocated. The Team Leader – Central and East noted that this is something the Housing Team would look at and it would be for others to make bids to utilise these funds.

Councillor A Laing moved that the application be approved; she was seconded by Councillor K Hawley.

RESOLVED

That the application be **APPROVED** subject to the conditions and Section 106 agreements as detailed in the Officer's report to the Committee.

f DM/17/01959/OUT - Dunelm Stables To The Rear Of Dunelm Road, Thornley

The 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 application was for 25 self-build plots for residential dwellings including details of access and layout and was recommended for approval, subject to conditions and s106 agreements.

The Team Leader – Central and East noted the application site adjoin existing residential development, and highlighted that proposed access on to the B1404, Seaton Lane. Members noted most recent uses of the site had included: car repairs; caravan storage; and most recently a garden centre. Members noted a proposed site layout.

The Committee noted there had been no objections from the local Parish Council and Highways were now satisfied in terms of access and parking. It was noted that the Education Department had noted there were sufficient school places in the area, and the trees that were originally to be within the residential curtilage would now not be, and be protected by Tree Preservation Orders (TPOs).

It was explained that there were 5 objections from members of the public as set out in the report.

The Team Leader – Central and East noted the key issues being the principle of development, access and layout. It was noted that the proposal was for dwellings at the perimeter of the site, with green space at the centre. Members noted that Seaton Village offered local services, a public house, school and shops.

The Team Leader – Central and East noted that in terms of Paragraph 14 of the NPPF, there were no other policies in place and Officers felt, looking at the issue of any adverse impact, this application was acceptable. It was noted that further details in terms of the application would follow at the reserved matters stage, though Highways and access issues could be agreed by Members, subject to condition, including: site access visibility; s106 contribution towards play equipment, s106 towards affordable housing off-site; and s106 contribution towards coastal ecology, the application being within 6 kilometres of the coast.

The Chairman noted there were no speakers on this application and asked Members for their comments and questions.

Councillor G Bleasdale noted that when a nearby car boot sale was open, this development may add to traffic issues. Councillor M Davison noted the contributions in terms of affordable housing and asked how those contributions would be allocated. The Team Leader – Central and East noted that this is something the Housing Team would look at and it would be for others to make bids to utilise these funds.

Councillor A Laing moved that the application be approved; she was seconded by Councillor K Hawley.

RESOLVED

That the application be **APPROVED** subject to the conditions and Section 106 agreements as detailed in the Officer's report to the Committee.