

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 13 February 2018** at **1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors G Bleasdale, D Brown, I Cochrane, M Davinson, D Freeman, S Iveson, P Jopling, M McKeon (substitute for J Clark), J Maitland (substitute for A Laing), R Manchester, O Temple and J Turnbull (substitute for K Corrigan)

Also Present:

Councillors D Bell, J Blakey, J Chaplow, S Dunn and M Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors J Clark, K Corrigan, K Hawley, A Laing and J Robinson.

2 Substitute Members

Councillor J Maitland substituted for Councillor A Laing, Councillor J Turnbull substituted for Councillor K Corrigan and Councillor M McKeon substituted for Councillor J Clark.

3 Minutes

The minutes of the meeting held on 9 January 2018 were confirmed as a correct record by the Committee and signed by the Chairman.

4 Declarations of Interest

Councillor J Turnbull declared a personal and prejudicial interest in Item 5a as a Member of Brandon and Byshottles Parish Council. It was noted that he would leave the Chamber and take no part in the discussion or voting thereon. Councillor M McKeon declared a personal, non-prejudicial interest in Items 5b and 5c as a Local Member and Trustee of the Bowburn and Parkhill Community Partnership.

Councillor J Turnbull left the meeting at 1.05pm

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

a DM/17/00641/OUT - Land To The South Of South Terrace, Esh Winning

The Team Leader - Central and East, Alan Dobie 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 Team Leader - Central and East advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for residential development of up to 66 dwellings with details of access (outline) and was recommended for approval, subject to conditions and a Section 106 Legal Agreement.

The Team Leader - Central and East noted there were a lot of objections, including from the Parish Council, who noted issues in terms of the access, highways concerns, the application being outside of the settlement boundary, loss of wildlife and risk of flooding.

Members were informed that the Highways Section had no objections in terms of parking provision and access arrangements. It was explained that the Drainage Section had no objections to the application. It was noted the Coal Authority had requested a condition relating to a site investigation. The Team Leader - Central and East noted the Education section indicated there were sufficient school places in the locality and the Public Rights of Way Section had not raised any objections, however, noted the proposed contributions to upgrades to the bridleway and that the footpath running east to west should be formally adopted as a public footpath.

The Committee were informed that the Tree Section had not raised any objections, and the Environmental Health section had noted no objections though had indicated that further contamination works be undertaken prior to development commencing. The Team Leader - Central and East added that the Ecology Section had noted no objections, with the Archaeology Section raising no objections, subject to a condition requiring a written scheme of investigation and subsequent reporting. It was explained that Spatial Policy had noted no objections to the scheme, noting the contribution towards open space and recreational equipment in the area, in addition to 20% affordable housing on site.

The Team Leader - Central and East noted there had been 75 letters of objection, objections from the East Esh Winning Residents Group and a 121 signature petition against the application. It was noted there had also been objections received from the Campaign to Protect Rural England (CPRE).

It was noted that objections had included: the application being outside the settlement boundary; being on a greenfield site, with brownfield sites not being used; being damaging to ecology and harm to the landscape character; the access was unsuitable; drainage issues; there was no need for housing; the Council's Strategic Housing Land Availability Assessment (SHLAA) noting the land was not suitable for development; the land was currently used for amenity; and there were issues associated with coal mining.

The Team Leader - Central and East noted that the main planning considerations were in relation to a 5 year supply of housing land, highway and access issues; Section 106 contributions and impacts on the surrounding area. He noted that in terms of the 5 year supply, it was felt that paragraph 14 of the National Planning Policy Framework (NPPF) applied, with the City of Durham Local Plan being somewhat out of date. It was added that in that context it was felt that the site being "outside of the settlement boundary" was also out of date, the site being adjacent to existing development. It was added the application site was "up to a natural boundary" and would not set a precedent, with a landscape buffer on 2 sides and transplanting of vegetation to the edge of the site.

The Committee learned that the access to the site would be via an existing access from the main road, the same access that served the Castlefields Estate, it was reiterated that Highways considered the access acceptable at this location.

In terms of impact, it was reiterated that a drainage strategy had been submitted and there had been no objections from the Drainage Section, and there had been no objections from the Environment Agency to the application. It was added that the Ecology Survey had been considered satisfactory, although residents had objected that it had been carried out too late in the year and had not taken all the ponds in the area into account. The Team Leader - Central and East explained that Officers had considered ponds within 500m and that the survey as carried out was adequate.

In relation to objections to the development as the area was used for amenity/recreational space, it was noted that the site was not specifically allocated as open space in the Local Plan, the land being in private ownership. It was reiterated that there was agreement within the application in terms of the footpath and Section 106 contributions towards open space. The Team Leader - Central and East noted a figure was missing from the report relating to bridleways improvements, this figure being £30,000. It was added that residents had noted paragraph 69 of the report had stated "redevelopment of the site" and this was a typographical error, it should have read "development".

The Team Leader - Central and East summarised noting that; the application site was sustainable, in proximity to the facilities at Esh Winning; the highways arrangement were deemed acceptable; there were no drainage or ecology issues; and that further details relating to the site would be for determination at the reserved matters stage. It was explained that in terms of NPPF paragraph 14, it was felt the benefits of development outweighed the negative impacts, as set out within the report.

The Team Leader - Central and East concluded by noting that Government Office had asked to look at the decision, should Members be minded to approve the application and therefore the recommendation was to be minded to approve, subject to referral to Government Office.

The Chairman thanked the Team Leader - Central and East and noted that there were a number of speakers and members of the public present, and asked that all views were respected and that speakers could be heard to allow the Committee Members to listen to their comments.

The Chairman asked Councillor J Chaplow, a Local Member, to speak in relation to the application.

Councillor J Chaplow noted a potential problem in terms of health and safety, noting sewerage works nearby and a number of ponds that Members may not have seen from the bus. She added that there were Irises and Orchids at the site and these were very beautiful, and that the site had not been fertilised or mowed. Councillor J Chaplow added that the area was a meadow and felt that residents were standing firm, with local people not wanting to lose this meadow and felt very fortunate to have such a meadow in her area.

Councillor J Chaplow added that she felt the proposed access was ridiculous, with the proposal of 66 further houses representing many more cars, which could be dangerous. She added that residents at Castlefields could not open their windows in terms of the smell from the sewerage works, with flies and asked whether this had been taken into account, as there appeared to be no mention within the report. Councillor J Chaplow noted that there had also been no mention of the 1,000 pigs nearby, behind the woods bounding the site.

Councillor J Chaplow noted the Committee had turned down an application for 31 houses on a similar greenfield site. The Chairman noted the reference was to a site within the greenbelt, not a greenfield site, this application being greenfield.

Councillor J Chaplow concluded by urging all Members of the Committee to think twice as regards the application, think of the beautiful Irises and Orchids that were not transplantable, and to think hard before coming to a decision.

The Chairman thanked Councillor J Chaplow and asked Local Member Councillor M Wilson to speak in relation to the application.

Councillor M Wilson noted she spoke in objection to the application and asked was there a need for the development. She noted that 50 houses had already been approved for Esh Winning on a brownfield site and that application had lapsed, not taken forward as it was not seen as being viable. Councillor M Wilson noted that the Local Plan and the former draft County Durham Plan (CDP) had not considered the site as a preferred site for development. She noted the Team Leader - Central and East had noted that these were out of date, however she asked how was this the case. She noted a recent case in East Staffordshire Borough Council regarding development of 150 dwellings outside of the settlement boundary, adding the precedent had been set.

Councillor M Wilson noted that an additional 66 dwellings would be a burden on the sewerage system.

Councillor M Wilson noted the development would be a disaster in terms of the loss of the wildflower meadow and wildlife, with the Council encouraging wildflower planting, those representing a food source for bees and small mammals. She added that an increase in traffic would have a detrimental impact and also impact further along the road at the Stonebridge junction.

Councillor M Wilson concluded by noting the proposed development represented a dormitory for people who worked out of the area and would not be of benefit in terms of jobs or local people and therefore urged the Committee to refuse the application.

The Chairman thanked Councillor M Wilson and asked Councillor D Bell to speak in relation to the application.

Councillor D Bell noted that the application was for a greenfield site while other brownfield sites were available and added there was no need for this. He added that the traffic would come out on to a blind spot, especially in bright sunlight. Councillor D Bell noted that there would be a loss of amenity and he would ask Members to object to the application. He added that if Government were to call in the application, this would give residents some comfort in terms of the matter being investigated.

The Chairman thanked Councillor D Bell and asked Brandon and Byshottles Parish Councillor H Walter to speak in relation to the application.

Parish Councillor H Walter noted the Parish Council objected as the development was outside of the settlement boundary and on a greenfield site. She added that the Residents' Group will speak later. She noted that the Officer's report seemed in conflict with case law and that the development would be in open countryside at the "pretty village entrance". Parish Councillor H Walter noted ancient woodland and an area of high landscape value adjacent to the application site. She added this was a detriment to the Deerness Valley, its use and projects in this regards, for example the Area Action Partnership's (AAP) Wellness Valley project.

Parish Councillor H Walter noted the Parish Council contested the exceptional circumstances in terms of development, noting in the last 6 years there had been a lot of residential development at Esh Winning, without infrastructure development. She noted the 75 written objections from the public and added that the NPPF noted "market signals", with a brownfield site in the village with permission for 80 houses not going ahead, the NPPF noting a preference of brownfield sites over greenfield. Parish Councillor H Walter added that County Durham had double the percentage of empty homes, 4.7% against a national average of 2.4%.

Parish Councillor H Walter noted that the Government in January 2018 gave guidance in terms of Objectively Assessed Need (OAN) in terms of housing and County Durham would therefore have greater than a 5 year supply.

She added that she disagreed in terms of the highways assessment, in terms of traffic and the junction, with the entrance being on the brow of a hill and there being issues of speed along the road.

In relation to sustainability, Parish Councillor H Walter noted that while there were regular buses, the Department for Transport noted that 70% of bus journeys were taken by those earning less than £25,000 per annum. She added that the Durham County Council (DCC) economic update for October 2017 had noted a lack of well paid jobs and accordingly Parish Councillor H Walter felt that the majority of the properties at the proposed development would be for commuter use. Parish Councillor H Walter asked Members to look at the details of the application and urged the Committee to refuse the application.

The Chairman thanked Parish Councillor H Walter and asked Dr S Goodyer to speak in relation to the application.

Dr S Goodyer thanked the Chairman and noted she held a PhD in Ecology, was a member of the CPRE and was speaking on behalf of the East Esh Winning Residents' Group. She noted she had lived in the area and known the site since the 1980s, however did not live next to the application site.

Dr S Goodyer noted she had submitted 2 letters to the Council offering a critique of the Officer's report, noting help from the Durham CPRE in this regard. She noted in summary of these that the application was against Policy E7 of the City of Durham Local Plan, and there had only been fleeting reference to this within the report and felt that it had not been dealt with correctly at paragraph 70, noting appeals and a Supreme Court ruling in 2017 as E7 was not a policy relating to housing supply, and therefore it was not out of date. She added that she felt paragraph 69 was wrong to say E7 was out of date, and paragraph 70 wrong to say "limited weight" to be afforded. Dr S Goodyer noted that the saved policy was highly relevant.

Dr S Goodyer noted issues in relation to a 5 year supply in terms of housing land, with the Government in its most recent guidance noting 1,368 houses per year for County Durham. She noted that this would be the figure that would be used unless a new Plan was in place or any changes were made in an update to the NPPF in summer 2019. Dr S Goodyer noted that this would in effect mean that County Durham had a land supply greater than 5 years.

Dr S Goodyer noted that there were also a number of brownfield sites that had not been developed and reiterated that Policy E7 should be afforded a significant amount of weight. She concluded by noting a housing land supply greater than 5 years, and no material reasons why the development should go ahead and therefore asked Members to refuse the application.

The Chairman thanked Dr S Goodyer and asked Mr D Blake, Agent on behalf of the Applicant, to speak in support of the application.

Mr D Blake noted work had taken place over the last 18 months in terms of this application, for a local family who owned the land. He added that at the pre-application stage they had been asked to bring forward the application. He noted that the application was an edge of settlement development, however it would not set a precedent and was in a good sustainable location.

Mr D Blake noted that in terms of the NPPF paragraph 14 balance test, development was favoured unless the negative impacts significantly outweighed the benefits of the scheme. He explained that there had been various consultants involved with the preparation of the application, in relation to ground surveys, ecological assessments, looking for Great Crested Newts for example, flood risk assessments, drainage strategies including ponds and a Sustainable Drainage System (SuDS). He continued noting archaeology reports and proposed planted buffers, with the SuDS also being an area to help benefit the ecology of the area.

Mr D Blake noted that DCC Internal consultees had offered no objections to the application and added that in terms of loss of amenity, as the land was in private ownership there was no right of access to the land. He added the scheme would seek to formalise a footpath along the site and that the indicative layout demonstrated how the development would meet privacy concerns in terms of separation distances, though this would be for determination at a reserved matter application.

Mr D Blake concluded by noting that the application was a very good scheme, as result of a lot of work and urged the Committee to agree with the Officer's recommendation to approve the application.

The Chairman thanked Mr D Blake and asked the Council's Senior Policy Officer, Spatial Policy, Tom Bennett to clarify some of the issues raised.

The Senior Policy Officer noted that the figure quoted of 1,368 was set out in Government consultation and moving forward this would be adhered to, the new CDP not being in place. He added that the Authority would wait until the Government had responded to the feedback to the consultation, as it was expected that this could affect the methodology used. The Senior Policy Officer noted that against this figure a greater than 5 year supply could be demonstrated, but that only affected the weight to be afforded to the boost to supply in that it would be less than where the Council could not so demonstrate. That would be relevant to the the planning balance test. In relation to settlement boundaries, the Senior Policy Officer noted this was not a policy relating to the supply of housing, however, decisions at a few Planning Inquiries and information from Barristers was that policies can be out of date for other reasons, such as where the evidence base was not up to date. Here, the settlement boundary policy was informed by figures derived from the old Structure Plan and the Regional Spatial Strategy which were out of date evidence bases.

The Chairman asked the Highways Development Manager, John McGargill to respond to comments regarding highways issues relating to the application.

The Highways Development Manager noted that the development and the number of units had been looked at, and he had no issues with around 130 vehicles, as they would not all be entering the road network at the same time, an estimate of around 40 vehicles at peak periods. He noted that this was via an existing access to Castlefields and added that this would represent less than one vehicle per minute, not a significant impact.

The Highways Development Manager noted that the access had not been considered dangerous for the Castlefields development, and noted no accident statistics in the last 5 years, the nearest being around 150m away from this access. He reiterated there was no evidence that the access was unsafe. In relation to the issue raised in connection with speed along the B6302, the Highways Development Manager noted average speeds of 32.5mph along the 30mph section and average speeds of 42.5mph on the unrestricted section, adding that these demonstrated there was no evidence of issues in terms of excess speed. The Highways Development Manager noted in relation to volume of traffic, that section of the B6302 had around 5,000 vehicles per day, with around 8,000 east of Broompark, and therefore an additional 500 or so would not have a significant impact and was within the daily variance for traffic at the Stonebridge junction. The Highways Development Manager concluded by reiterating that he felt there were no highways ground to refuse the application.

The Chairman asked the Solicitor – Planning and Development, Neil Carter to comment on the points raised.

The Solicitor – Planning and Development noted that applications were to be determined against development plans, unless there were other material considerations. He noted the relevant development plan was the City of Durham Local Plan and that the NPPF was another material planning consideration. He explained that Policy E7 of the City of Durham Local Plan related to settlement boundaries and as the evidence base was considered out of date, the policy was also considered out of date and therefore paragraph 14 of the NPPF would apply. He noted that Policy E7 did not evaporate in these circumstances, however, less weight should be afforded to it, although it was for the Committee to decide how much weight.

The Solicitor – Planning and Development noted in relation to the 5 year supply of housing land, this was not the issue that had engaged paragraph 14 of the NPPF. As the calculation of housing need was up in the air (further rounds of consultation awaited), therefore the issue boiled down to how much weight was to be given to the boost to housing land supply. He noted the report stated limited weight, and if residents were correct in their assertions that there is in fact a demonstrable 5 year housing land supply for the County, then this would be less than limited weight.

The Chairman thanked the speakers and Officers and asked the Committee for their comments and questions.

Councillor I Jewell noted the resident's concerns as regards flooding, and noted from experience that new developments can often help alleviate such flooding. The Team Leader - Central and East noted a SuDS within the application at the eastern end of the site and the Drainage Section and Environment Agency were satisfied with the application.

Councillor D Brown asked for the purpose or definition of a settlement boundary. The Team Leader - Central and East noted it was the extent of the built development, and was set out within the former District Authorities Local Plans to restrict development. He noted that more recently there had been a move away from this, with the NPPF asking for a broader approach in terms of development and sustainability and therefore the weight to be afforded to such policies was now limited.

Councillor J Maitland noted Paragraph 82 of the report referred to the site being not deemed suitable for development by the SHLAA and asked for further clarification. The Senior Policy Officer noted that area was a larger area, that would total around 130 dwellings, and had been a concern in terms of landscape and ecology.

Councillor D Freeman noted he could not accept that the City of Durham Local Plan was out of date and added he felt the application was not in compliance with Policy E7 in terms of the settlement boundary of the village. He added that if there were exception circumstances he did not see them set out within the report. Councillor D Freeman noted he knew the site and noted he felt the application was also contrary to NPPF Part 11 and therefore he could not support the application.

Councillor R Manchester noted Local Members had referred to the site as a "meadow" and asked if this had any significance. The Team Leader - Central and East noted that he was not aware of this having any status above any other land.

Councillor M McKeon noted paragraph 82 of the report referred to the SHLAA and landscape impact and a high risk flood zone and asked for further information. The Senior Policy Officer noted that this was in reference to a larger site and did not apply to the smaller application site. Councillor M McKeon noted the Agent for the Applicant had stated that the application was encouraged to be brought forward and asked why if the SHLAA applied to a larger site, why did the elements not apply to this site. She also asked why brownfield sites were not being brought forward.

The Chairman noted that the application before Committee was for this particular site and was for determination. The Senior Policy Officer noted that each site was assessed on its merits.

Councillor P Jopling noted that there were issues that seemed to come up time and time again, including a statement relating to the need for housing. She noted she understood a need for County Durham as a whole, however, asked how this was defined in an area. She added that in relation to Saved Local Plans, in some cases advice was to afford more weight, in some it was to afford less weight and therefore she felt the need to seek further clarification in terms of this application.

Councillor P Jopling noted she had an issue in terms of the calculations in terms of vehicle movements adding she felt there had not been any objections to schemes from Highways.

The Highways Development Manager noted that figures were based upon surveys carried out in County Durham and on information contained with a national Database of such surveys. He noted when looking at proposed developments, surveys may be carried out and also the database can be interrogated as regards similar sizes of development.

In terms of seeming as if there were never any objections from the Highways Section, the Highways Development Manager ascribed this to the work undertaken to resolve any issue prior to an application reaching Members at Committee and while there were objections noted from time-to-time, they were mostly resolved before reaching Committee.

Councillor O Temple noted the Solicitor – Planning and Development had stated it was for Members to decide upon the weight attached to Policy E7 based upon how out of date it was. He noted he did not feel it was out of date and that the former iteration of the CDP, that which was not implemented, did not show this site as being suitable for development. Councillor O Temple noted the SHLAA said the site was not a site for development in relation to drainage issues. Councillor O Temple added that the consultation “Planning for the right homes in the right places” had set out 1,368 homes per annum going forward and while there may be some tweaks, he felt this removed the one big factor in the balance. He noted that he felt the application did not meet the balance test, in that the boost in the housing supply did not outweigh the harm in terms of being contrary to Policy E7. He added that he felt that the application was also contrary to Policy H13, in that there was detriment to the local environment, and also as set out in the previous SHLAA information. He added he felt that the application was contrary to NPPF paragraph 13 also and on those grounds he moved that the application be refused. He was seconded by Councillor D Freeman.

The Chairman asked if Councillor O Temple meant Paragraph 11 of the NPPF and asked if the Solicitor – Planning and Development could provide some advice to the Committee. Councillor O Temple noted the Chairman was correct he meant Paragraph 11 of the NPPF.

The Solicitor – Planning and Development noted NPPF Paragraph 11 was the statutory test for planning and noted this was not a sustainable reason for refusal. He added that it was for the Committee to decide upon the weight they gave to Policy E7. The Solicitor – Planning and Development noted he had some difficulty in relation to E16 as a reason for refusal, given the ecological surveys carried out and that they had stated there was no significant impact on species or habitat. H13 on the other hand was about character and appearance.

The Solicitor – Planning and Development noted that in terms of the balance test and a boost to housing supply, it would be for Members to decide whether the boost was or was not sufficient to outweigh any harm.

The Senior Policy Officer noted the comments within the SHLAA referred to a site twice the size of the site being considered and it was not a given that the issues relating to the larger site could be transferred to the smaller site. He reiterated that the 1,368 figure was from the consultation document, however, it was not certain that this figure would be the final figure once feedback to the consultation had been considered and a final response from Government issued.

Councillor M Davinson asked as regards paragraph 78 of the report, specifically the “presence of a European Protected Species”. The Chairman noted he believed this was reference to species such as the Great Crested Newt or the Dingy Skipper Butterfly. The Solicitor – Planning and Development noted this was ecological impact upon protected species including certain bats & newts. He added the surveys carried out did not find any such species, therefore there was no impact in terms of protected species.

The Chairman noted that Councillor O Temple had moved that the application be refused and had been seconded by Councillor D Freeman. He reminded Members of the legal and ecological advice that had been given in terms of NPPF Paragraph 11, that it was not a sustainable reason, and Saved Local Plan Policies E7 and H13.

RESOLVED

That the application be **REFUSED** for the following reasons:

The proposed development would be outside of the settlement boundary and would lead to the loss of amenity space, resulting in an adverse impact on the character and appearance of the area, contrary to saved policies E7 and H13 of the City of Durham Local Plan. These adverse impacts would significantly and demonstrably outweigh benefits of the proposed development contrary to paragraph 14 of the National Planning Policy Framework.

Councillor J Turnbull entered the meeting at 2.23pm

b DM/17/02244/FPA - Bowburn Hall Hotel, Bowburn Hall Road, Bowburn

The Team Leader - Central and East, Alan Dobie 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 Team Leader - Central and East advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for extension of the existing ballroom, erection of a new extension for toilet facilities, creation of a new timber framed deck and pergola to rear elevation and was recommended for approval, subject to conditions.

The Team Leader - Central and East noted representations had been received from the Parish Council, expressing concerns relating to potential additional noise from guests using the decking area. He advised that Environmental Health had noted no objections, subject to a noise management plan that was agreed by Environmental Health being adhered to, as conditioned. It was noted that Tree Officers had no objections subject to trees being protected during construction.

The Committee were informed that 4 letters of objection had been received from residents, and a letter from the Bowburn and Parkhill Community Partnership. It was noted that all objections related to noise, particularly from outside areas that were close to residential properties.

The Team Leader - Central and East noted the application was to a well established hotel and would be used to increase business by extending the ballroom and improving the outdoor space. He added that both the Local Plan and NPPF encouraged development that would contribute to the economy, especially in terms of established businesses. It was noted that the proposed extension was functional, made in brickwork and single storey, and it was not felt that it would impact visually on properties nearby. It was explained that the pergola design was proportionate to the design of the hotel.

Members were informed that the impact on surrounding residents in terms of noise had been raised as an ongoing issue, and it was noted the application, through the noise management plan, provided an opportunity to address those issues.

The Team Leader - Central and East concluded by noting the scale of the proposed application was acceptable, and that with the updated noise impact assessment and management plan the application was recommended for approval, subject to conditions.

The Chairman thanked the Team Leader - Central and East, noted there were several speaker, and asked Local Member, Councillor J Blakey to speak in relation to the application.

Councillor J Blakey noted photographs submitted referred to those displayed on the projector screen. She added that back in history, in the early 1970s, there had not been issues in terms of the numbers of people at the hotel and noise levels. It was explained that over time as the venue became popular for weddings and events, late night noise had been noted as an issue. Councillor J Blakey noted that it was recognised that the hotel was an asset, however, the issues of noise levels, with neighbours being very close, had become notable. She added that the houses had only been built 2-3 years before the hotel development.

Councillor J Blakey noted the noise impact assessment and the choice of songs, however, noted this did not reflect live music or the levels of bass in modern music, and how that type of thumping bass could travel, such that nearby properties were affected even with their windows closed. It was added that in summer with their windows open, residents would often hear foul and abusive language and this had an effect of the lives of those living nearby.

Councillor J Blakey noted there had been 17 wedding events held in August 2017, this had an impact on people living nearby. She noted that ideally the ballroom would be moved around to the side, however, she noted the ballroom was where it was and noted that this hotel was not set in its own large grounds and therefore the impact on surrounding residents was different in this case.

The Chairman thanked Councillor J Blakey and asked Councillor S Dunn to speak in relation to the application.

Councillor S Dunn noted the extension of the ballroom would have a positive impact in terms of the business and in terms of jobs and the hotel. He noted he agreed with Councillor J Blakey in terms of potential issues of noise, especially from the pergola. He noted that the hotel was already in existence and that this could represent an opportunity to improve conditions. Councillor S Dunn noted the replacement of doors with larger bi-fold doors and felt that the noise management plan could have gone further in terms of containing noise and moving a smoking area to the car park for example. He noted the opportunities for noise pollution improvements, and the overall benefits to the scheme, though noted concerns in terms of the potential for noise from the pergola and not being fit for loud functions, with 11.00pm being too late, people having the need to sleep.

The Chairman thanked Councillor S Dunn and asked Mrs A McGowan and Mr G McGowen to speak in objection to the application.

Mrs A McGowan noted she and her husband had lived in their property since 1976 and represented the local residents that were unable to attend the Committee due to work commitments. She noted that the noise had become dreadful over a number of years, and a number of complaints had been made to the hotel staff but to no avail. She added that the songs chosen for the noise impact assessment contained no loud bass or disco music, she noted that loud bass was very disturbing and meant residents could not use their back bedrooms and could not sleep in comfort. Mrs A McGowan noted that all activities seemed to be along the boundary with Leyland Close and that parties, weddings, smoking and barbeques all took place in one corner and she felt they amounted to an infringement of residents living conditions.

Mr G McGowan added that the houses were only a few yards or metres away from the hotel and that while the proposed extension would be very close, the issue was more in terms of the decking, with smokers exiting and re-entering the building, leaving doors open and allowing noise to escape. He noted that there used to be a facility for smokers on the far side of the hotel, though subsequent to complaints from residents of Kirby Drive this had been moved and a sign erected to ask patrons to keep noise levels down. Mr G McGowan noted he was a patron of the hotel bar, however, repeated calls for management after management to turn down and/or around speakers had been ignored.

The Chairman thanked Mrs A McGowan and Mr G McGowan and asked Mr J White, Agent on behalf of the Applicant and Mr C Eedie, the Hotel Manager, to speak in support of the application.

Mr J White noted that he was the Architect and it had not been mentioned that the ballroom element would be contained within what represented the existing footprint, the increased size allowing for greater flexibility in terms of how the room was organised, presenting an opportunity to reduce sound pressure levels and reposition equipment so that it faced away from residents. He added that the existing timber framed doors and windows would be replaced with better technology and that in preparing the application a lot of work had been undertaken with Environmental Protection Officers in terms of the conditions relating to noise.

Mr C Eedie explained he had worked closely with Environmental Health in terms of the noise management plan and that the extension would provide scope to reposition the DJ or band such to minimise the impact of any noise. He added that the noise assessment had referred to new materials being used and added that if music was being played, the doors to the outside space would be closed. Mr C Eedie noted the smoking area to the front of the hotel and that guests were encouraged to use this area. He added that weddings were conducted close to the hotel and the ceremonies were not microphoned.

Mr C Eedie added that demand was increasing for the hotel, including a lot more for the use in terms of conferences. He noted that the application would help secure an additional 7 full time jobs, both front and rear of house and there would be a desire to try and recruit locally. He concluded by noting the hotel was going from strength to strength, however, the application would maximise the potential of the facility and he reiterated that a lot of work had been undertaken with Environmental Health and this demonstrated how seriously the hotel took issues of disruption to residents.

The Chairman thanked the speakers and asked the Team Leader - Central and East if he had any comments on the issues raised. The Team Leader - Central and East noted that the rear garden of the hotel, while part of the curtilage of the premises, it was not subject to the controls, however, the management plan would potentially have benefits for residents.

The Chairman thanked the Team Leader - Central and East and asked the Committee for their comments and questions.

Councillor M McKeon noted she was a Trustee of Bowburn and Parkhill Community Partnership, however had not contributed to the discussions they had on the matter. The Solicitor – Planning and Development noted that if she had taken no part and had an open mind then it was a personal, non-prejudicial interest and she could take part in the decision making.

Councillor M McKeon noted that she agreed in relation to the benefits to this local business and appreciated these when visiting the site. She added that she was not convinced in terms of sufficient noise mitigation.

Councillor I Jewell asked as regards the issue being contentious and whether notice had been given in terms of the application. The Team Leader - Central and East noted the usual consultation process had been followed, including notices at the site, with several objections having been received, as summarised in the report.

Councillor I Jewell noted he felt some of the issues could perhaps have been solved before it had reached this point.

Councillor M Davinson asked as regards what ability the Authority had to follow up in terms of non-adherence to the noise management plan, what steps could be taken. The Team Leader - Central and East noted he would try to check.

Councillor I Jewell noted that there could be mitigation measures in place, however, it was often customers in these circumstances that would go in and out themselves, not directed by staff. He asked how the Applicant would seek to address that aspect. Mr C Eedie noted on evenings there was a resident DJ and he had instructions that if the door was opened a certain time, that the music should be cut off. He added management have a boundary walk every 30 minutes and would ensure doors were shut and monitor sound levels.

The Team Leader - Central and East noted that the noise management plan set out the hours that music was permitted, how often and the control of volume would be via limiters. He added that Environmental Health were assured in terms of doors, closers and insulation and issues such as turning speakers away from residents. He added this would not be an issue for the Local Planning Authority to enforce, and he was not sure as regards the sanctions available to Environmental Health.

The Chairman asked Members of the Committee if they had a proposal in terms of the application.

Councillor M Davinson noted Members were not sure as regards noise management issues and needed more information in terms of the actions that could be taken in enforcing the management plan to be able to make a decision.

The Chairman noted that he felt that it would be an issue for Environmental Health, to visit and speak to the hotel should an issue arise, however, the decision in terms of the application was for the Committee and a Member could move to defer if they felt appropriate.

Councillor G Bleasdale noted in the past many businesses have said they would agree to such conditions and have then gone back on this. Councillor I Jewell noted in terms of noise management, it was how to prevent noise spilling out and this would have been a useful question to put to a representative from Environmental Health.

The Chairman noted that the report stated "after extensive talks" Environmental Health were now satisfied.

Councillor M Davinson noted he felt the Committee needed some further answers and moved that the application be deferred.

Councillor J Turnbull noted that it perhaps showed that the applicant had not spoken to local residents as regards the application, he noted an application in his area where there had been discussions with residents had taken place first.

Councillor G Bleasdale seconded that the application be deferred.

RESOLVED

That the application be **DEFERRED**.

c DM/17/03499/FPA - 5 Doulton Court, Coxhoe

The Team Leader - Central and East, Alan Dobie 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 Team Leader - Central and East 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 agricultural land to domestic residential curtilage and diversion of public footpath and was recommended for refusal.

The Team Leader - Central and East noted the application was partially retrospective as works had been carried out on site, and was at the southern end of Coxhoe. He added that the land had been sold to the applicants and represented a greenfield site, outside of the settlement boundary and constituted a change of use from agricultural land to domestic residential curtilage. It was explained that a public right of way had not been closed, and that should the application be successful, then a separate stopping up process via the Public Rights of Way Team would apply.

The Committee were referred to photographs showing works that had taken place at the site and the site levels and the route of the "new footpath". Members noted a section of ancient hedgerow had been removed, and the proposed new fence would be 1.8m high in solid timber. The Team Leader - Central and East noted that the proposal was for the land to be used as a small orchard and with an extension to the bin store.

The Team Leader - Central and East noted no objections from the Highways Section. He added the Police Liaison Officer had raised objections in terms of the adverse impact on the residential amenity of residents along Station Road, it being likely to create a fear of crime, obstruct views which should remain clear to provide a level of surveillance. It was noted that Ecology Section had no objections, though noted the loss of biodiversity in terms of the removal of the ancient hedge and therefore noted a new native hedgerow was required to compensate for the loss. The Team Leader - Central and East explained the Landscape Section objected in terms of erosion of the countryside and urbanisation of the site.

The Committee were informed that the Public Rights of Way Team had noted that a separate application in terms of diversion of the public right of way had been submitted and would be dealt with by a separate process and would be subject to public consultation.

The Team Leader - Central and East noted 15 letters of objections from the public, noting concerns in relation to: the public right of way; loss of privacy; setting a precedent; being retrospective; and removal of the hedgerow. It was noted there were objections from the Parish Council and the Ramblers' Association in addition.

The Team Leader - Central and East noted that the encroachment into the countryside was not felt to be justified in this case, with the impact on the character of the area. It was added that public right of way would require a diversion, as previously mentioned, and that residential amenity would be impacted, in terms of residents' rear gardens and the loss of privacy from the alternative route of the public right of way.

The Team Leader - Central and East concluded noting that as the application was contrary to Policy E7 of the saved City of Durham Local Plan and there would be loss of privacy, therefore the application was recommended for refusal.

The Chairman thanked the Team Leader - Central and East, noted there were several registered speakers and asked Local Member, Councillor S Dunn to speak in relation to the application.

Councillor S Dunn noted that the sentiments within the report and objectors comments were echoed by Coxhoe Parish Council. He noted that it was felt that the property abutted the public right of way and ancient hedgerow and the development, without any consultation, was a dangerous precedent and likely to lead to further encroachment into farmland and the countryside. Councillor S Dunn noted that the diversion of the public right of way was not acceptable, with the fenestration in the nearby properties having been appropriate for where the right of way had been, not where it had been redirected. Accordingly, Councillor S Dunn called for Members to refuse the application and have the right of way and hedgerow reinstated.

The Chairman thanked Councillor S Dunn and noted Mr J Jackson, Mr J Turton and Mr J Hepplewhite, local residents, were in attendance to speak in objection to the application.

Mr J Jackson noted he was a resident of Station Road East and he objected to the invasion of his privacy. He noted the public right of way issue and that this was subject to a separate process as already mentioned. He noted that the current route was not clear and recently a man with a firearm had been witnessed. He added the proposed orchard and high fence would act as a screen for potential burglars and anti-social behaviour. He concluded by noting that the new garden created was outside of the village boundary, was an encroachment into the countryside and would change the visual amenity.

Mr J Turton noted he was the Chairman of the local History Group, with County Durham priding itself on its history. He added that the public right of way had existed since at least the 19th Century, perhaps earlier, and been a route used by quarry workers, miners and farm labourers to get to work.

He noted the stiles along the route had been installed by volunteers and there was the nearby Site of Special Scientific Interest (SSSI) at Raisby Hill. Mr J Turton noted the encroachment into the countryside was not acceptable and may be seen as a green light by others to do so. He concluded that the public right of way was not necessarily a pretty walk, however it was rich in history.

Mr J Hepplewhite noted he had lived in Station Road for 46 years and added he was delighted that all of the residents' objections had been backed by the Officers report and the comments from Durham Constabulary.

He noted he had returned from holiday to be told a JCB had been at work at the site, with the hedge cleared and a geometric meander had been created. Mr J Hepplewhite asked had permission been sought, it was not clear so it had been brought to the attention of Planning Officers. He added that walkers were now confused and there had been an increase in trespass. He noted that the works had benefited one household, however, had affected many residents. Mr J Hepplewhite concluded by noting that due to the change in level, a lady resident had seen the reflection of a person in her mirror and asked that the application be refused and the site returned to its natural state.

The Chairman thanked the speakers and asked the Team Leader - Central and East to respond to the comments made.

The Team Leader - Central and East noted that if the application was refused, there would not necessarily be an instant response in terms of reinstatement as the applicant would have a right of appeal.

The Chairman asked the Committee for their comments and questions.

Councillor M McKeon asked for the application to come to Committee so all opinions could be aired. She referred to the Officer's report and noted that upon reading this and hearing comments from speakers that the application was not for the benefit of the village or residents and there was a clear impact. Accordingly, she moved the Officer's recommendation to refuse the application.

Councillor I Jewel noted that it was a disturbing trend in terms of works being carried out then a retrospective application being submitted. He added he felt if it was allowed it would set a precedent and seconded the recommendation for refusal.

RESOLVED

That the application be **REFUSED** for the reasons as set out within the report.

d DM/17/03255/FPA - Broxholme, Stockton Road, Castle Eden

The Team Leader - Central and East, Alan Dobie 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 conversion of triple garage to create living accommodation (resubmission) and was recommended for approval, subject to conditions.

The Team Leader - Central and East noted the application was one of two applications at the property, Broxholme, Castle Eden. He noted that Castle Eden was within a Conservation Area and included a diverse and eclectic mix of properties. He noted the property in question was in an approximate Art Deco style, occupying a large corner plot near to the War Memorial. It was explained that the Listed Buildings referred to, included the War Memorial. Members noted the property was well screened and proposed elevations. It was added that the previous version of the application sought permission for accommodation above the garage.

The Team Leader - Central and East noted that there had been no objections from Highways as the site retained sufficient parking. He added there had been no objections from Design and Conservation, Spatial Policy or Tree Officers. It was explained there had been two letters of objection in relation to overdevelopment and objections from the Parish Council in terms of overdevelopment, impact near to the War Memorial and an increase in traffic.

The Team Leader - Central and East noted in terms of the principle of the development, the scale was acceptable, as was the impact upon the Conservation Area and Listed Buildings. It was added that Highways had noted there would not be sufficient impact upon traffic to require a survey. He noted that the nearest residents were at the far end of the site and would not be impacted in terms of residential amenity. The Team Leader - Central and East concluded noting the application was recommended for approval.

The Chairman asked Mr J Taylor, Agent for the applicant to speak in support of the application.

Mr J Taylor explained that the application was as set out in the report, with conversion of the garage and a slight increase in height. He noted the doors would be removed and windows put in their place. He noted the building was ancillary to the main property, had a small footprint and relied upon the main building for its facilities and did not represent overdevelopment. He asked that Members approve the application.

The Chairman asked the Committee for their comments and questions.

Councillor M Davinson asked why this application had been made separate to the following application at the same site and asked whether there would be two instances of disruption in terms of development for neighbours, what was the order of development. The Team Leader - Central and East noted there may have been value in considering both.

Councillor G Bleasdale proposed that the application be approved; she was seconded by Councillor I Jewell.

RESOLVED

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

e DM/17/03268/FPA - Broxholme, Stockton Road, Castle Eden

The Team Leader - Central and East, Alan Dobie 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 two storey extension to side, single storey extension to rear, replace balustrade to terraced area and alterations to openings and internal layout and was recommended for approval, subject to conditions.

The Team Leader - Central and East noted the application was the second application at the property, Broxholme, Castle Eden. He reiterated as regards the location and noted this application represented a substantial extension and internal works though, as there were no windows along the side facing the adjoining residential property, it was not felt there was any impact. It was noted the location and design were felt to be acceptable and the flat roof ensured that the extension remained subordinate to the main property.

The Team Leader - Central and East noted that there had been no objections from Highways, Design and Conservation or Tree Officers. It was explained there had been two letters of objection in relation to overdevelopment and objections from the Parish Council in terms of overdevelopment, impact near to the War Memorial and an increase in traffic and in terms of the materials being inappropriate.

The Team Leader - Central and East noted in terms of the principle of the development, the scale was acceptable, as was the impact upon the Conservation Area and Listed Buildings. The Team Leader - Central and East concluded noting the application was recommended for approval.

The Chairman asked Mr J Taylor, Agent for the applicant to speak in support of the application.

Mr J Taylor explained that the application was as set out in the report, with the extension being subservient to the main property and the floor space not increasing the number of bedrooms.

He reiterated there was sufficient parking on the site and as development represented less than 25% of the plot it was not felt as overdevelopment. He asked that Members approve the application.

The Chairman asked the Committee for their comments and questions.

Councillor M Davinson asked as regards fences around trees in Condition 5. The Team Leader - Central and East noted they were to protect the trees during the works.

Councillor M Davinson proposed that the application be approved; he was seconded by Councillor G Bleasdale.

RESOLVED

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