

**DURHAM COUNTY COUNCIL**  
**AREA PLANNING COMMITTEE (CENTRAL AND EAST)**

At a Special Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Monday 26 September 2016** at **1.00 pm**

**Present:**

**Councillor P Taylor (Chairman)**

**Members of the Committee:**

Councillors G Bleasdale, P Conway, J Lethbridge, J Alvey (substitute for J Clark) and H Bennett (substitute for K Shaw)

**Also Present:**

Councillor G Holland

**1 Apologies for Absence**

Apologies for absence were received from Councillors M Davinson, D Freeman, C Kay and R Lumsdon.

**2 Substitute Members**

Councillor J Alvey substituted for Councillor J Clark and Councillor H Bennett substituted for Councillor K Shaw.

**3 Declarations of Interest**

There were no Declarations of Interest.

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

##### **a DM/16/02170/FPA - The White House, Newcastle Road, Crossgate Moor**

The Planning Officer, Susan Hyde gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Officer advised that Members of the Committee had visited the site that day and were familiar with the location and setting. The application was for demolition of existing dormer bungalow and erection of one detached dwelling with ancillary works and was recommended for approval subject to conditions.

The Committee noted that there had been no objections from the statutory or internal consultees on the application, subject to conditions.

The Planning Officer noted there had been 13 letters of objection received from residents and the City of Durham Trust, with a summary of their concerns being set out within the report.

The Planning Officer noted that in terms of planning considerations, the development was felt to be sustainable and acceptable in terms of scale and while there would be some impact upon the neighbouring property, Braeside this was addressed within the conditions as set out in the report. Members were asked to note that while there was some potential overshadowing, it was not felt this was so substantial to warrant refusal. It was explained that as the site was within the Neville's Cross Battlefield Site there was an appropriate condition in terms of archaeological work to be undertaken. The Planning Officer asked Members to note that an additional standard condition was suggested in terms of restricting the use to Class C3 for a private dwelling for a single family.

The Chairman asked the Local Member for Neville's Cross, Councillor G Holland to speak in relation to the Application.

Councillor G Holland noted he had asked for the application to be brought to Committee because of the amount of criticism that it has raised in this part of Neville's Cross and added that while Councillor N Martin was unable to attend the Committee he supported the comments that Councillor G Holland would make. Councillor G Holland explained that he believed that when significant concerns are brought to his attention it was far better that such an application be determined by Committee and not under delegated powers, providing an opportunity for those who were vexed by a proposal to talk directly to the Committee and state their case.

Councillor G Holland noted that Members may ask "what was the problem?" and he explained that currently the site contained a modest but attractive, if now slightly bedraggled, dormer bungalow set in large grounds. Councillors noted that a property developer, who already lived in the vicinity, wished to develop the site, more or less to the maximum.

Councillor G Holland noted that the proposals were for a modest building that had long formed part of the landscape in that part of Neville's Cross to be replaced by a much larger building offset onto a different footprint. The question was put that does the proposal represent an over massing of the site to the detriment of the neighbours and the community and whether it would adversely affect their lives to an unacceptable level. Councillor G Holland suggested that 13 letters of objection from the surrounding properties suggests that there was a case to answer and the Committee would hear from one of those most concerned about this proposal shortly.

Councillor G Holland stated he felt the proposals were garden grab, back land development and windfall development, with there being policies in place that dealt with this type of application. He noted that the National Planning Policy Framework (NPPF) only briefly dealt with this problem in Section 6 Paragraph 53 which firmly discouraged what had become known as garden grab. Councillor G Holland continued by explaining that the main guidance was within the saved City of Durham Local Plan, with Policies H10 and H13 providing the key guidance. He noted both of those policies emphasised that permission would not be granted if the amenities of existing dwellings was adversely affected and that the policies were a clear statement of limitation and therefore if the Committee felt that the impact would be adverse then Councillor G Holland suggested that Members could use those two policies designed to protect the wellbeing of our residents.

Councillor G Holland explained that Policy Q8 required that existing features such as trees and hedgerows were retained and also required that the scale, form, density and materials conform to the character of the surroundings, including adjacent properties. Councillor G Holland put it to the Committee, did the proposed development pass the test of Q8, or did it fail that test.

The Committee were referred to Policy E14 which sought to protect hedgerows, especially those that are ancient and Councillor G Holland explained that one of the site boundaries had a hedgerow dating back to at least the beginning of the 19<sup>th</sup> century and noted that if that had not been genuinely protected then the proposed development failed the test of E14. Councillors were asked to note Policy E25 related directly to this locality and Councillor G Holland added that he agreed with the County Archaeologist that great care was needed on this sensitive site and any ground works should be carefully monitored.

Councillor G Holland explained that the letters of objection identified the sense of over massing of this site and also the overlooking character, with the privacy of the neighbours being lost unless all the overlooking windows were frosted. It was added that the over shadowing would also cut out sunlight and this adverse impact could not be minimised or set aside with the suggestion that maybe some sunlight could be found by the neighbours moving into another part of their garden. Councillor G Holland noted that these issues related to Policies H10, H13 and Q8 and questioned whether these policies had been met.

Councillor G Holland noted that within the Applicant's Statement there was reference to going to school in Durham, having a business in Durham and wanting a dream house to grow old in. Councillor G Holland suggested that one could wonder why a dream house for a single small family required at least 9 bedrooms, most of them en-suite, and, according to the plans, 300 square metres capable of parking at least 10 cars at the front, as well as a double garage.

Councillor G Holland asked the Committee to put themselves in the position of the neighbours and imagine how they would feel in their own house if a property developer suddenly arrived on their doorstep and sought permission to build a massive building in the adjacent back garden, effectively ruining all they had come to cherish over the years: the privacy, the sunlight which they and their children could enjoy, and the open aspect of their land. Councillor G Holland asked, in that case, would Members of the Committee accept that.

Councillor G Holland noted that the site certainly merited redevelopment, however not in the overbearing way proposed, and not in a manner that disregards the welfare of all those around it. Accordingly, Councillor G Holland asked the Committee to refuse planning permission for the proposed development using saved Local Plan Policies H10, H13 and Q8 and Paragraph 53 in NPPF section 6 as mentioned, noting that Local Plan policy E14 may also be relevant.

The Chairman thanked Councillor G Holland and asked Mrs H Clark, local resident to speak in relation to the Application, noting Members would see accompanying slides presented on the projector screens.

Mrs H Clark noted that she and her family lived at Langdale, next to the proposed development site and the vast scale that was out of character for the area would have a significant impact upon her property. Mrs H Clark noted the proposed footprint was such that the building would be in the centre of the site, and while the proposed building was stated as 2 storeys, the building visually would be 3 storeys at over 12 metres high and would present overshadowing to her garden, lawn, patio and the area in which her children played. Mrs H Clark noted some comments had been made in terms of what overshadowing there had been from trees and this was comparable to that which would come from the proposed development. Mrs H Clark stated that this was not comparable at all.

Mrs H Clark explained that currently her garden was private; however the proposed development would have "unnecessary" ground floor windows with clear glazing and at a raised height that would look out onto her garden destroying her privacy. Mrs H Clark noted reference to replacing dead trees for 5 years, however asked what would happen after those 5 years had elapsed.

Mrs H Clark noted Policy Q10 in terms of loss of privacy and Policy Q8 in relation to the ancient hedge, referring Members to the projector screen showing an ancient hedge boundary between The White House and Langdale properties, with the hedge clearly defined on both a records' office map from 1856 and Tithe Plan from 1838. Mrs H Clark noted the proposed fencing would sit on the roots of the hedge and therefore this was contrary to Local Plan Policy.

Mrs H Clark also noted Policy Q8 in terms of loss of amenity, citing that a 13 metre separation distance was recommended, and the proposals stated only a 12 metre separation distance. Mrs H Clark added that the proposals constituted back land development in defiance of Local Plan Policies and there was also need to take into consideration the importance in terms of the Neville's Cross Battlefield Site.

Mrs H Clark concluded by noting the applicant had noted he wished to "fulfil his aspirations" and "build his dream home"; however, those living in the vicinity were already living in their dream homes and therefore asked the Committee to refuse the application.

The Chairman asked Mr M Williams, local resident, to briefly speak in the remaining time allocated for Objectors.

Mr M Williams, resident of Braeside, asked the Committee to simply note he endorsed the comments of Mrs H Clark and that the pole used for scale within photographs and when Members visited the site, was only 11.5 metres, compared to a proposed 12 metre height for the building and that it was clearly visible when approaching the site from different directions.

The Chairman thanked Mrs H Clark and Mr M Williams and asked Mr F Stephenson, the Applicant to speak in relation to the application noting Members would see accompanying slides presented on the projector screens.

Mr F Stephenson thanked the Committee for the opportunity to speak and noted he had attended school in Durham and moved back to the area over 11 years ago and, in Eden Farm, had helped to create a fastest 50 North East company, safeguarding and creating scores of jobs, bringing in over a £¼ Billion of turnover to benefit County Durham. Mr F Stephenson added he continued to support many local businesses and trades people.

Mr F Stephenson explained that all he and his family wanted was to build a high quality, family home in Durham for them all to enjoy and grow old in. He added that the size of the site, around half an acre, and proximity to schools gave scope for his family to fulfil their aspirations. Mr F Stephenson stressed that plans had been developed over many months, with significant amounts of time in consultation with Planning Officers from Durham County Council, the application had the support of the Council's Planning Team and therefore asked that the Committee gave the application its approval.

Mr F Stephenson referred Members to many examples that highlighted that Durham City was distinguished by the quality of its buildings and design and noted that given that the present White House building was unsuitable, the logical course was to replace it with a well built, energy efficient, low carbon home, suitably sited on the plot to allow both parking and access. Mr F Stephenson showed the Committee pictures of the state of disrepair of the current property on the site.

The Committee were referred to an artist's impression of the replacement family home and Mr F Stephenson explained that when walking in the area you could see many examples of houses with loft conversions and a number of other properties with more storeys than the proposed development, both on and in close proximity to Newcastle Road. Mr F Stephenson noted that rather than build a loft conversion afterwards, and as discussed with Planning Officers, it was deemed more practical, less disruptive, and more cost effective to use the loft space from the outset. Mr F Stephenson added that as the basement was inconspicuous and underground, and with the top floor akin to a loft conversion, the proposal was ostensibly for a two storey house.

Mr F Stephenson reiterated his comments as set out within the Officer's report in that the proposal was for a single house for his family, that a family home was what was being applied for and it would be their lifetime home, with no other use being intended.

Mr F Stephenson noted that the proposal of siting the house in a more central position was sensible and made best use of the site and gave ample turning space which covered the concerns as raised by the Highways Section in the first instance, noting that the Highways Section were now satisfied with the proposed development.

Mr F Stephenson noted that any concerns that some secondary windows could give a view into a neighbour's garden may reflect a utopia where no houses in Durham City have any views into their neighbours' gardens; however he noted that this simply was not the case. It was added that in any city, with Durham being no exception, one property does overlook another to a greater or lesser extent. Members noted Mr F Stephenson referred to pictures and explained that you only needed to walk around the city and look at the houses to see that overlooking properties was the predominant situation in Durham.

Mr F Stephenson noted the neighbouring house in Langdale had large front and rear gardens, however, the rear garden about which there was concern was far from "private" in the sense it was not secluded from sight. Mr F Stephenson added that not only was the hedge at The White House often threadbare to the point you could see through it at multiple places into the adjacent garden, it was also possible to see right into the neighbour's garden from the current primary bedroom window, with Members being directed to a photograph showing this view from the second floor. Mr F Stephenson added that the proposed replacement dwelling's "views" from secondary windows would be obscured by both landscaping and obscure glazing and would in any case be a lot less than the current situation.

Mr F Stephenson reminded Members that the design had been subject to scrutiny by the Planning Department and their comments, aimed at the protection of neighbours' amenity had informed changes to the original design, in respect of the number and type of windows, siting, boundary treatments, and landscaping.

Mr F Stephenson noted specific examples being: in addition to a large hedge by Braeside, the east window for the children's playroom would be with obscure glazing to protect privacy; 3 windows on the north side had been removed from the plans and the 2 first floor windows would be of obscure glazing in response to concerns that had been raised.

Mr F Stephenson added that great care had been taken in terms of landscaping, with established hedges to remain and the additional close boarded fences, hedges and trees being such to enhance privacy for all. It was noted that the applicant agreed to plant mature trees of a species and height specified by Planners to fully cover ground floor windows on the north side.

Mr F Stephenson referred to floor plans of the proposed property and the Neighbouring property, Langdale, and also the proposed siting of the property in relation to the existing Langdale building. Mr F Stephenson noted that the only window within Langdale with a potential view was a landing, a non-habitable room, and was over 27 metres away.

Mr F Stephenson informed the Committee that until recently, mature trees at the northern boundary had imposed a more significant degree of shade than would arise from the result of the proposed dwelling. It was added that a 4 metre gap to the nearest boundary of neighbouring properties was considerable and must be far greater than the average in the city for side elevations.

Mr F Stephenson noted that the requirements of the County Council's Archaeological Department would be fully complied with, as would those relating to protected species and any other technical conditions required by other Departments. It was added that structural integrity would be as per building regulations and any other relevant Acts.

Mr F Stephenson concluded by reiterating that: the proposal was for a single house for his family; there was no other intended use and it would be a lifetime home; the design had been subject to months of scrutiny and consultation with Durham County Council's Planning Department; Officers' recommended it for approval; and therefore Mr F Stephenson and his family asked for the Committee's support and approval at today's meeting.

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

Councillor P Conway noted Members had visited the site prior to the meeting and noted that many were familiar with Newcastle Road and the volume of traffic coming from the existing premises along this road. Councillor P Conway added that in looking at the detailed plans for a 9 bedroom property, with the limited access was gained past a building that was hardly architecturally pleasing he had asked himself the question whether he would have wished to build upon this particular site.

Councillor P Conway added that he was taken by the comments of Councillor G Holland and the Objectors in terms of the scale and massing of the proposal and noted he felt if the development was for a family home of a more modest scale on a different footprint he would feel more comfortable. Councillor P Conway added that in reference to what had been said in terms of saved Local Plan Policies H10, H13 and Q8 he had some sympathy and also in terms of NPPF Paragraph 53, in resisting development of gardens, harming the local area.

Councillor P Conway noted that the piecemeal development over the last 50 years along Newcastle Road had resulted in an overall coherence in the streetscape and even the photomontages had a sense that the proposal would feel inappropriate and a more modest development would be more in keeping with the area, however he added that he wished to hear what other Members had to say before coming to a final view.

Councillor G Bleasdale asked if Langdale was a family home. Mrs H Clark confirmed that it was. Councillor G Bleasdale added that she agreed with Councillor P Conway in terms of privacy and overshadowing issues and that a more modest proposal in terms of height and scale would be more appropriate in that space.

Councillor J Lethbridge noted from the site visit that this area was one of the more interesting niches in the county and he had listened carefully to the comments from Councillor G Holland, the Objectors and the Applicant. Councillor J Lethbridge noted that on site he had felt sadness in terms of the old White House property, to see it in its current state, knowing it once must have been a thriving family home. Councillor J Lethbridge appreciated the Officers' comments that the site was within the residential enclave and therefore was for residential use, however, the mass of the proposed buildings and the large number of 9 bedrooms for a "family home" was of concern. He added that Members had been able to appreciate the streetscape from various views and that as someone who drove along Newcastle Road regularly he was aware of the highways issues along this area. Councillor J Lethbridge noted he too, like Councillors P Conway and G Bleasdale, would wish to hear more comments from the Committee, that he would have liked a more modest proposal in this beautiful position, the site of the 1346 Neville's Cross Battlefield.

The Chairman asked the Planning Officer to respond to the comments made. The Planning Officer noted for clarity that the proposal was for 6 bedrooms, 2 study rooms and 1 additional spare room.

The Chairman asked if there was a proposer and seconder for the recommendations as set out in the Officer's report.

Councillor G Bleasdale noted she proposed that the application be refused in terms of saved Local Plan Policies as mentioned, including Q8 and H10 amongst others. Councillor P Conway added he seconded the proposal and noted for clarity that the refusal was in terms of the application being contrary to saved Policies H13, which H10 supported, in respect of the impact of the development on the character and amenity of the residential area and on the amenity of existing residents.



Councillor P Conway added that the proposal was contrary to Policy Q8 in terms of inappropriate scale and massing and in terms of the need to minimise the impact upon neighbours.

Councillor P Conway also noted that it was felt that the development was contrary to NPPF Paragraph 53 in terms of the development of residential gardens to the detriment of the local area.

The Solicitor - Planning and Development, N Carter clarified in terms of Paragraph 53 of the NPPF, noting that his reading of it was that relates to the plan making process and for such development to be addressed within such Local Plans, meaning Paragraph 53 of the NPPF was not a policy in itself and therefore could not be reasonably used as a reason for refusal of this application. The Solicitor - Planning and Development noted the citing of saved Local Plan Policies Q8 and H13, and asked which areas within Q8 were being referred to, such as scale, form, density or materials and which it was in terms of H13 such as character, appearance or residential amenity.

Councillor G Bleasdale noted it was in terms of the scale, height and character, being so large and wondered if the Applicant could go back and look to something smaller. The Solicitor - Planning and Development reminded Members that the application as presented was the one for determination by the Committee today. Councillor G Bleasdale added that the application was contrary to saved Local Plan Policies as stated and in terms of scale, height, overbearing and in terms of privacy of neighbours being impacted.

Councillor G Bleasdale moved that the application be refused; she was seconded by Councillor P Conway.

## **RESOLVED**

That the application be **REFUSED** as the proposed development would fail to respect the scale and character of surrounding development and the privacy and amenity of neighbouring residents, contrary to Saved Policies H10, H13 and Q8 of the City of Durham Local Plan.

### **b DM/16/02199/FPA - Framwellgate School, Finchale Road, Framwellgate Moor**

The Principal Planning Officer, Alan Dobie gave a detailed presentation on the report relating to the abovementioned planning application, copies 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 the erection of sports hall including demolition of existing sports facility and was recommended for approval, subject to conditions.

The Committee noted that there had been no objections from the internal and statutory consultees, albeit a response had not been received from the Environment Agency although this was not seen as detrimental in terms of the recommendation for approval. Members noted comments from the County Ecologist in terms of no objections to the ecology survey submitted with the application, though a Natural England Licence would be required for the proposed development with an informative to be added in this respect.

Members noted that there would be a number of tests that Natural England would apply, and it was noted that the development was in the public interest. It was added that as the sports hall was part of the school facilities there was no alternative site and the development was to replace an existing sports hall.

The Principal Planning Officer explained that in terms of protected species and their habitat, there was a condition in terms of a mitigation strategy and a standard informative would also be included in terms of operation hours to deal with issues of noise.

The Chairman noted there were no registered Speakers and asked Members of the Committee for their questions and comments on the application.

Councillor J Lethbridge noted he was happy to support the Officer's recommendation and the conditions as described and set out within the report.

Councillor J Lethbridge moved 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.

### **c CE/14/00086/FPA - High Farm, High Hesleden**

The Principal Planning Officer, Alan Dobie gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Officer advised that Members of the Committee had visited the site that day and were familiar with the location and setting. The application was for the demolition of agricultural units, conversion of four agricultural buildings to dwellings and nine new dwellings and was recommended for approval, subject to conditions.

It was explained that the hamlet was approximately 1 km from the neighbouring settlements of Hesleden and Blackhall and it was also on a bus route. Members noted that the site currently had a mix of building types, with some older historic on the site frontage and it was thought that development would help to ensure these buildings were retained and conserved for the future.

The Principal Planning Officer added that the applicant had explained that in a change from livestock to arable farming, another site would be used for operations and effectively this site would no longer be used in terms of farming. It was added that there was a speed chicane close to the proposed site access and this would require to be moved or altered accordingly.

The Committee noted that there had been no objections from the internal and statutory consultees in relation to the application, subject to conditions and the redesigning of the traffic calming as described.

It was added that should the application be approved, those works to the chicane would need to be approved before any works on the application site could commence. It was noted that Highways Officers believed a suitable scheme would be feasible; however, should any issues come forward, determination could be made by the Highways Committee.

Members noted there were 4 letters of objection from Monk Heselden Parish Council and residents in terms of: a lack of regular public transport; lack of facilities; residents not wishing the size of the hamlet to increase affecting the character of the area; and in terms of additional traffic speeding through the village.

The Principal Planning Officer referred Members to Paragraph 61 of the report, specifically in reference to buildings outside of the settlement limits being removed and the land returned to agricultural fields and explained this would require an additional condition in terms of making this a requirement. Councillors noted a Section 106 Legal Agreement in terms of financial contributions towards play and recreational facilities and also, as usual for many developments near to the coast, a contribution towards the Durham Heritage Coast Management Plan. Contrary to the report, this needed to be specific to a named scheme, and it was intended that the financial contribution be made towards Activity No. 13 Beachcare Programme.

The Chairman noted there were no registered Speakers and asked Members of the Committee for their questions and comments on the application.

Councillor J Alvey noted from personal experience that the road past the site was a quiet road, however, some people did speed along this section and therefore the speed chicane should be reinstated in an appropriate alternative location if removed to enable a site access.

Councillor P Conway noted he was minded to move the recommendation for approval, however noted a slight concern in terms of comments from Design and Conservation in relation to amenity, and noted the proposed additional condition. The Principal Planning Officer noted the concerns from Design and Conservation had not been in terms of amenity, rather the layout of the development, however, these were not thought to outweigh the benefits of development.

Councillor J Lethbridge noted the information from Councillor J Alvey were useful in terms of understanding the highways issues and commented that when visiting the site there was little noise or activity, save a few sparrows, a cat and a horse.

Councillor J Lethbridge added that while at the site it was clear that should the farm buildings not be demolished and the site developed, those buildings would fall down of their own accord. Councillor J Lethbridge added he supported the Officer's recommendation, noting he would like to think the development would be sympathetic to the area, the magnesian limestone grassland, the nearby coast and to keep aspects such as the higgledy-piggledy bricks and use other appropriate sympathetic materials.

Councillor P Conway moved that the application with the additional condition be approved; he was seconded by Councillor J Lethbridge.

### **RESOLVED**

That the application be **APPROVED** subject to the Section 106 Agreement, the conditions detailed in the Officer's report to the Committee and an additional condition, to be drafted by Officers, requiring removal and clearance of the existing buildings identified for demolition.