

## **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 12 April 2022** at **9.30 am**

#### **Present:**

**Councillor D Freeman (Chair)**

#### **Members of the Committee:**

Councillors D Brown, J Cosslett, J Elmer, L Fenwick (substitute for S Deinali), C Hood, C Kay, D McKenna, R Manchester, E Peeke (substitute for L A Holmes), K Robson, K Shaw and S Wilson (substitute for C Marshall)

#### **Also Present:**

Councillors D Nicholls and M Wilson

#### **1 Apologies for Absence**

Apologies for absence were received from Councillors S Deinali, LA Holmes, N Jones, C Marshall, E Mavin and A Surtees.

#### **2 Substitute Members**

Councillor L Fenwick substituted for Councillor S Deinali, Councillor E Peeke substituted for Councillor LA Holmes and Councillor S Wilson substituted for Councillor C Marshall.

#### **3 Minutes**

The minutes of the meeting held on 8 March 2022 were confirmed as a correct record by the committee and signed by the Chair.

#### **4 Declarations of Interest**

The Chair, Councillor D Freeman noted in respect of Item 5c, that he was a Member of the City of Durham Trust, however he was not a Trustee and had not been party to their submissions in objection to the application.

**5 Applications to be determined by the Area Planning Committee (Central and East)**

**a DM/22/00186/FPA - Elderhurst, 26 Lobley Hill Road, Meadowfield, Durham, DH7 8RQ**

The Senior Planning Officer, Jennifer Jennings, 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 and were familiar with the location and setting. The application was to change the property from a residential dwelling into a Children's Home for up to two children and young people aged between 8 to 17 years old and was recommended for approval, subject to conditions. The Senior Planning Officer noted that Condition 3, as set out in the report, referred to those aged 12 to 17, however, it should have referred to those aged 8 to 17. She asked that Members agree to the condition being amended accordingly, should they be minded to approve the application.

The Chair thanked the Senior Planning Officer and asked Susan Howe, Clerk to the Brandon and Byshottles Parish Council to speak in relation to the application.

S Howe noted that Brandon and Byshottles Parish Council fully understood the requirement for children's homes, however, they did not feel it was appropriate for the proposed property and therefore were in objection to the application. She explained that the Parish Council had concerns relating to access to the rear being restricted, having only one way in and out from the industrial estate. She noted as regards issues relating to parking, additional traffic and highway safety. She noted concerns in respect of impact on residential amenity, with the proposal splitting the street and having a negative social impact. S Howe noted that the Police had recommended the installation of CCTV, noting the Parish Council felt that would have a negative impact and detract from the character and appearance of the area. She concluded by noting the Parish Council objected to the application and reiterated there would be a negative impact upon residential amenity.

The Chair thanked S Howe speaking on behalf of Brandon and Byshottles Parish Council and asked Paul Burnside, speaking on behalf of the residents of Lobley Hill Road to address the Committee.

P Burnside noted the proposals would have a negative impact on community cohesion and noted that people needed a quiet place to relax, adding that with the busy A690 to the front, residents only had the small lane at the rear to use. He noted as regards the staff parking for four vehicles.

Mr P Burnside explained that 20 percent of the residents of the street were losing a neighbour, with one neighbouring property having elderly residents. He noted the dominance of the four car parking area and explained that there would also be additional visitors and that there would be around 3,500 vehicle uses associated with the proposals. He noted the significant danger to children in the area from such additional vehicle movements, noting that there was no pavement. He reiterated that the street was unique and that, as it faced the A690, residents relied upon the back lane for socialising, access to allotments and for an area for children to play. He noted residents all used their back door rather than the front door due to the busy A690. He noted as regards the management plan actively stating the use of the rear lane for access and the need for additional parking. Mr P Burnside noted the application suggested that the Council car park opposite could be used, however, there was no plan or incentive for that car park to be used. He explained that the proposals would represent a huge increase in traffic, with four staff, eight vehicle uses per day, reiterating that would amount to around 3,500 uses annually, far greater than residential dwellings and magnifying the issues mentioned. He noted that during shift changes he would have serious safety concerns, with movements in the back lane while children play, a major safety concern.

Mr P Burnside noted that the proposals would have an impact on residents, such as children using their bicycles and for coming together for key events, such as the Queen's Jubilee, not having any other space to use. He reiterated that there would be significant impact on the back lane, with the additional 3,500 vehicle uses and noted that the proposals would split the small residential street in two. He concluded by noting that residents were relying on Members to make the right decision, adding that while the proposed children's home was a good thing, it was the wrong location.

The Chair thanked P Burnside and asked the Committee Services Officer to read out a statement from Councillor P Taylor, Local Member, who was unable to attend the Committee.

*“Chair and members of the planning committee, I would like to begin with an apology for not being able to attend in person due to a previously arranged appointment.”*

*I am really sorry that I cannot be with you today to speak to you about this incredibly important 'Change of Use' planning application in my Division which involves the lives of two young people, and that could, if approved, have a profound and long-lasting effect on the lives of the people of the very close knit community of Lobley Hill Road in Meadowfield.*

*When I first became aware that Meadowfield could possibly be the new home of two looked after children, I was absolutely delighted and indeed I felt pleased that we were going to be given the opportunity to warmly welcome two young people into our community.*

*It is, and always has been my view, that there is nothing more important in life than caring for our young people by trying to give them the best possible start in life by showing them love, kindness and providing them with guidance.*

*Colleagues, I must express to you my feeling of tremendous disappointment when I found out the chosen property was Elderhurst on Lobley Hill Road in Meadowfield.*

*This property is one of only 12 family homes and part of an extremely close-knit little community, a community where all the residents know each other and socialise using the rear private lane as a well-used communal area on this small and quite unique street.*

*I would like you to imagine that you live on a street of just 12 residential homes, that you and your neighbours enjoy close and longstanding relationships, and quite uniquely share a communal area to the rear of your home. This sounds quite idyllic to me but sadly also all too rare in our society these days.*

*So please imagine if you will, that a proposal comes along that will completely alter this quiet contented little haven that could see a Council owned secure facility and a works car park placed in the middle of this happy community.*

*I would like to thank our officers from CYPS for meeting with some of the residents of this community, to try and alleviate their concerns and fears, sadly I have report to the committee that these concerns, and most importantly, their fear of crime remains and perhaps has grown even stronger, contrary to Policy 18 of the CDP – 'The Fear of Crime'.*

*Colleagues, I would define the word cohesion as meaning unity, a solidarity, an interconnection, that to my mind is what the community of Lobley Hill Road have in abundance right now, and that's wonderful.*

*Policy 18 (Children's Homes) gives great importance to the need for community cohesion, and I very much agree. Sadly, it is my belief that changing one of the 12 family homes into a children's home will detrimentally affect the community cohesion of Lobley Hill Road forever. This is of course contrary to Policy 18.*

*I have real concerns about the amenity of both the young people and the residents. How can removing a family home and replacing it with a secure unit surrounded by a tall fence and putting a works car park in the back lane/communal area not have an unacceptably negative and harmful impact on the community?*

*A private communal area used for years by residents to park their vehicles and to socialise will have a works car park with staff, relatives, managers, deputy managers, and various other visitors constantly coming and going. This is a very significant change that will undoubtedly have an unacceptable and demonstrably harmful impact on the living conditions of residents and very significantly increase pollution from vehicle movements, contrary to Policy 31 of CDP.*

*Paragraph 33 of the Planning Officers report states that it is important that the home integrates with the local community and that positive relationships with neighbours are developed, I couldn't agree more. This is incredibly important, I would go further though and say that it absolutely vital, sadly I do not think this can be achieved at this location.*

*I have concerns for the young people for whom Elderhurst could become their home.*

*Policy 18 states that sites should have a positive environment and the size and scale of the home should be appropriately matched to the children.*

*Whilst I have no concerns about the size of the property, I do have a major concern about children having to spend much of their time indoors as there is only a very tiny yard to the rear surrounded by a 2 metre high fence affording the children no outlook whatsoever.*

*Therefore, it is my belief that such a tiny secure outside area is completely unacceptable and indeed detrimental to the health, wellbeing and amenity of the children, yet again, contrary to Policy 18.*

*Colleagues, as elected representative's we are all corporate parents and as you know, we all have a duty to provide the best possible care, safeguarding and support for the children and young people that the Council looks after.*

*Colleagues, I do not have a single concern about the fantastic people who care for looked after children and I am confident that they will do an outstanding job of caring for the two children who would reside at Elderhurst.*

*However, and in conclusion members, ever since I was made aware that Elderhurst was the chosen property, I have done nothing but worry constantly that this area and property is just not suitable. Chosen for the right reasons but in the wrong location and community environment.*

*Will changing a family home into a secure facility on such a small street create a sustainable, inclusive and mixed community, as it should according to Policy 18? Not a single resident of only 11 properties has offered support for this application, therefore, I am desperately sad to say that in my judgement, it certainly will not.*

*The young people will have a good size property in which live, and they will receive the very best of care, but the only secure access to the outside world is a tiny back yard surrounded by a high fence, this to my mind, as a parent and a grandparent, seems totally unacceptable and woefully inadequate. These children deserve very much better.*

*I trust to your judgement colleagues and thank you for allowing my concerns to be conveyed to you”.*

The Chair thanked the Committee Services Officer and asked Laura Counce, Strategic Manager, Children and Young People’s Services, Durham County Council (DCC) to speak in support of the application.

The Strategic Manager explained she was the Strategic Manager with responsibility for children homes and the Responsible Individual in terms of Ofsted. She noted that the service was looking to expand the number of children homes, with nine homes currently, with a tenth being in the process of being registered. She explained the reason for the expansion was to look to accommodate all the looked after children from County Durham within the county. She noted that currently the position was that some looked after children were not living within County Durham due to the lack of provision. She explained that this was less than ideal for the young people and was the driver for new children’s homes to be developed in County Durham.

The Strategic Manager noted there would be a Manager for the home, with clear oversight from both the Council and Ofsted. She explained that the inspection regime was significant, with annual visits, monthly quality assurance visits, independent visits and a report to Ofsted. She noted that the property chosen was felt to offer a good home for two children. She emphasised that the maximum capacity would be for two children.

She explained that it was important that the children lived within a community and became part of a community, the close knit nature of the street as described being ideal to help them feel part of society and local life.

The Strategic Manager emphasised that the proposal was not a secure unit, that being a very different facility. She explained it was a home for children to live, like any other children, to see family and friends and to have a normal family life. She noted that neighbours would be respected and explained that a number of other Council children's homes were similar, and they worked well in terms of their neighbours. She noted that if there were any issues they could be raised with Officers.

The Strategic Manager explained that the children would be supported in actively being part of and contributing to the local community, adding to positive cohesion in the community. She reiterated that the Council's children's homes were well staffed, with there always being two staff on site, with their being a Manager and a Deputy Manager. She noted the concerns raised as regards parking and took them seriously, noting parking and being respectful of and working with neighbours. She noted there was the additional council parking across the road, and while that was a busy road, she noted that visitors would be requested to use that parking provision.

The Chair thanked the Strategic Manager and asked the Senior Planning Officer to comment on points raised by the speakers.

The Senior Planning Officer explained that, as set out in the report, that the character of the building would remain residential, the aim being that it would be in character and residential for the children living there. She noted she would defer to colleagues from Highways as regards those issues.

The Principal DM Engineer, Jarvis Robinson noted the current standards would require three spaces, with four being provided, above the required amount. He explained that staff change over would be outside of peak hours and not impact upon busy times associated with schools and work. He noted the additional parking provision at the nearby leisure centre. He noted the site location being visually adequate, and with street lighting. He added that, in terms of the number of trips generated, the proposals would be neutral when compared to a family of four, effective comparable in that regard. He concluded by noting that therefore from a Highways perspective it would be very difficult to object to the proposals.

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

Councillor J Elmer noted that he was the other Local Member for the area and noted he had been contacted by residents over the last couple of months as regards the application. He noted his initial support of the proposals, noting that children's homes were very important and welcomed in the Brandon area. He noted that residents were frustrated and it was not a case of nimbyism (not in my back yard), rather they had concerns as regards it being the right development but in the wrong place.

Councillor J Elmer noted Policies 18 and 31 of the County Durham Plan (CDP) which referred to Children's Homes and Residential Amenity and Pollution respectively. He noted that if Members felt that there was an unacceptable impact upon crime, the fear of crime and community cohesion then the proposals breached Policy 18. He noted that if Members felt there would be an unacceptable impact upon amenity and noise then the proposals breached Policy 31. He added that the house was in the middle of a linear row, with the busy A690 to the front which was dangerous to cross. He noted the danger posed with the proposed children's home not using the front door, with all access at the back. He noted the elderly residents to one side of the property and young children in the area. He added the unadopted road to the rear was a dead end, was not a through road and therefore was an area residents used to socialise, children used to play and was the focal point for community cohesion. Councillor J Elmer felt the proposals would physically separate the linear community, reiterating as regards the dangerous road to the front of the street. He added that some properties would lose neighbours and the two metre fences would block neighbours. He noted a hazard in terms of the vehicles on the narrow back lane, effectively a staff car park, with issues at shift changing with up to ten vehicles a week, around 4,000 vehicle movements per year, with reverse manoeuvring on to the back street where children play. He noted as there was no footpath this represented a hazard. He explained he had additional concern that the four parking spaces provided was insufficient, with additional visitors to park at the Meadowfield Leisure Centre car park. Councillor J Elmer suggested that rather than park in that car park and cross the A690, visitors would look to park elsewhere in the back lane if the four parking spaces were used. He added this had occurred already when Council staff had been visiting the property.

Councillor J Elmer noted that in addition to the impact upon residential amenity and socialising and children playing, there was a visual intrusion in terms of the two metre fencing, visually barring and therefore a breach of Policy 31. He noted that he felt the proposals far from integrated successfully, were more likely to disrupt and, while accepting a need for children's homes he would suggest that should be elsewhere. Councillor J Elmer proposed that the application be rejected.



Councillor C Kay asked as regards the status of the back lane, whether it was adopted highway or privately owned. The Senior Planning Officer noted the back lane was not adopted and was a private lane for residents use.

Councillor C Kay reflected on whether each property owned a tenth of the lane or similar and noted that the potential issues as described in respect of parking would not necessarily stop if the house was sold privately, for example if that household owned six cars. He asked as regards the number of journeys as a result of the proposal. The Senior Planning Officer noted around 3,500. Councillor C Kay noted that number divided over the course of a year that would figure would result in half journeys and asked for clarification. The Principal DM Engineer, David Smith noted the trip generation associated with the proposed development was very modest, with seven to eight trips per residential unit, being similar for the proposals taking into account the staff involved, for example when compared to a residential property with a family and teenagers with their own vehicles. He added that in highway terms it was a neutral impact. He noted that the property was the third or fourth in the row and there was good parking and turning provision. He noted there were no fundamental highways issues.

The Lawyer (Planning and Highways), Clare Cuskin noted the comments from Councillor J Elmer and asked for clarification he had come to the Committee with an open mind. Councillor J Elmer noted he had come to the meeting with an open mind.

Councillor D Brown noted he had come to the meeting with an open mind and had read the Committee report carefully. He noted he took on board Councillor P Taylor's address and the point as regards all County Councillors being corporate parents with responsibility for children in care. He referred Members to paragraph 40 of the report which stated 914 children in care and with the number increasing all the time. He explained he had heard the points raised by objectors and noted that Members may recall a similar application at Coxhoe. He noted that if there had been problems occurring, he felt the Council would have picked those up by now. He noted reference in the report to appeal decision overturning refusal of a children's home for seven children at West Rainton. Councillor D Brown suggested that if the Committee were to refuse the application, then the reasons would need to be concrete else the decision could be overturned at appeal.

Councillor K Robson noted he had listened intently to the speakers and noted it did not strike him as a useful place to put a children's home and asked if other locations had been considered, as there did not appear to be lot in terms of amenity for children in the area. The Chair noted he would allow the Strategic Manager to answer. The Strategic Manager reiterated that the Council had an ambitious expansion plan and were constantly looking for potential properties.

She explained that there were key criteria when considering potential sites including: parking; proximity to neighbours; layout; the size of rooms; and entrances in and out of the property. She explained that it was a challenge to find suitable properties that would work as a children's home and reiterated that it was an ongoing area of work.

The Chair noted Councillor D Brown had referred to the children's home at Coxhoe and asked if there had been any issues, though noting it had been, and was, a separate application. The Strategic Manager noted it had been operating since the middle of January 2022 with no complaints having been received to date.

The Senior Planning Officer noted that in respect of potential alternative sites, the policy did not require any assessment of alternative sites, rather only that a gap in service was identified and therefore the proposals met the requirements of the policy in that respect.

Councillor K Shaw noted he had real concern as regards the need for the looked after children in County Durham, adding there was a need to have children's homes in our communities. He noted the issue had been raised when he had been a Cabinet Portfolio Holder, including the cost in terms of provision outside of the area. He noted the need for a 180 degree change in terms of social housing following closure of provision as a result of funding cuts and austerity. He noted the massive cost of buying in provision to meet need and added he understood the points made by residents. He added that the proposals were to support vulnerable children and was confident the concerns in planning terms were addressed, with the application helping to meet a need. Councillor K Shaw noted that therefore he would support the Officer's recommendation.

Councillor S Wilson noted a children's home had been approved three or four years ago of a similar, or slightly larger, size in his area and noted no issues had arisen. He added he understood the concerns of residents, however, the proposals were not for a secure unit. He noted that the proposals would not split a community in two and noted they represented an opportunity for the children in the home to integrate into a community. He noted the issues raised by Councillor C Kay as regards parking, with similar issues being possible if the property was privately owned, and therefore he felt the issue was moot. He reiterated he understood the concerns raised, and referred to the inspection regime as described, including inspection by Ofsted. He added he believe the proposal represented a good development and was a chance to involve young people in the community. Councillor S Wilson seconded Councillor K Shaw's motion for approval.

Councillor J Elmer asked if Councillor K Shaw would entertain additional conditions in respect of his motion for approval, relating to: only having two children; having no more than four vehicles, with additional vehicles to utilise the car park at Meadowfield Sport Centre; stipulating one shift change at 11.00am; that the Council maintain the road; and the Council extend its winter maintenance to all times of the year relating to the entrance and exit.

The Principal Planning Officer, Paul Hopper noted that future maintenance of the road or extension to winter maintenance provision could not be achieved via planning. He noted that the age and maximum number of children were set out within the application and conditions. He noted that there could be a condition relating to parking, though Highways Officers had commented on those issues. He added that while it was possible to condition as regard shift changes, if there were ever extenuating circumstances relating to a shift change there then could be the potential for a breach of such a condition.

The Lawyer (Planning and Highways) noted that for conditions to be lawfully imposed Members had to be satisfied that they were to make the proposals acceptable in planning terms, they were reasonable, and they were enforceable. She added she was not convinced that the majority of the additional conditions proposed by Councillor J Elmer would meet those tests, certainly not the conditions relating to the ongoing and winter maintenance of the unadopted road and advised those were not reasonable. She noted she was comfortable as regards the requirement relating to the number of children and added she was not certain as regards any limit to the number of vehicles parking as this did not meet the test, in terms of being necessary for the development. The Principal DM Engineer, D Smith noted there was space for four vehicles to park and that it would be for the developer to operate. He added that the back lane was a private street, with private rights, noting no traffic restrictions. He noted he did not see it being necessary to apply any condition other than to only park at the rear of the property, as parking on the A690 to the front was unsuitable.

The Chair asked if the Strategic Manager would comment as regards shift changes. The Strategic Manager noted that generally there would be one shift change at around 11.00am, however, there may be circumstances where that needed to occur at a different time. She reiterated that the majority would be 11.00am, however, it may not always be possible. She noted that children's homes worked on consistent levels of staffing.

The Lawyer (Planning and Highways) noted the comments from the Strategic Manager relating to shift changes and noted that that if the application was for a residential dwelling, one would not expect to impose conditions relating to when and why people would come and go from the property and asked why Councillor J Elmer felt such a condition would be necessary.

Councillor J Elmer noted he felt the condition relating to two children was reasonable, and the condition relating to the limit of four vehicles at any time in the parking space was also reasonable, given the busy A690 to the front of the property, with any overflow to be directed to the car park at Meadowfield Leisure Centre. He added that without such there would be a huge temptation for revert to parking in residents private spaces, as had previously occurred. In respect of shift changes he felt it was not the same as a residential or family property with people going to and returning from work. Councillor J Elmer conceded as regards the conditions relating to ongoing maintenance and winter maintenance and asked if Councillor K Shaw would consider the three proposed additional conditions relating to the number of children, parking and shift change times.

Councillor K Shaw noted his understanding was that Officers had felt the issues relating to parking had been addressed within the application. The Principal Planning Officer noted that the response from Highways was there was no need for a condition, with the Lawyer (Planning and Highways) having noted that such a condition would not meet the required test for a condition being imposed.

Councillor K Shaw noted he saw no need to move away from the recommendations as set out by Officers.

The Chair noted the application had been moved for approval by Councillor K Shaw and seconded by Councillor S Wilson.

Upon a vote being taken it was:

## **RESOLVED**

That the application be **APPROVED** subject to the conditions as set out within the report, with an amendment to Condition 3 relating to the age of the of the children that could occupy the home (8 to 17 years old).

### **b DM/21/03843/FPA - 7 Rowan Drive, Brasside, Durham, DH1 5YE**

The Principal Planning Officer 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 Principal Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting.

The application was for the erection of part two storey/part single-storey extension at rear of dwelling (amended application form) and was recommended for approval, subject to conditions.

The Chair thanked the Principal Planning Officer and asked William Reed, a neighbouring resident to speak as regards his objections to the application.

W Reed noted he felt the application did not meet the standards relating to the 45 degree rule and added that the proposals, including the tree, would block even more light, his garden not getting any sun from the west on an evening, resulting in his wife and himself being unable to sit in their garden. He noted he did not object to the ground floor extension, rather the upper floor. He added that the view from the other neighbour's kitchen would be blocked and explained that he and Paul Watson, the other neighbour, were objecting to the application in terms of loss of privacy and blocking of natural light. He noted no objection to the people, or the ground floor extension proposed, rather the upper floor and tree blocking light.

The Chair thanked W Reed and asked Grace Maddison, the Applicant, to speak in support of her application.

G Maddison noted her family's circumstances, being a blended family with three dependent children, currently living across two households with two sets of costs. She noted that it was not possible for her family to move and therefore the only option was to extend the property to create a stable environment for the children. She explained that they had been legally required by the Council to originally apply for a double driveway as they were building a four bedroom home. She added that they were relieved when they were told that this would not be required as they understood the concern this would cause for their neighbours and was not something they would ever have asked for in the first place.

G Maddison explained that they understood that the single storey extension would be allowable under permitted development and added that the second floor bedroom would not be visible from neighbours north-facing views. She explained that Brasside was a safe and secure area with wonderful nature reserves and great links to schools and local amenities which was the ideal environment to raise young children in. She added she had really enjoyed living within the village for the last four years, and that they hoped they would be given the opportunity to remain within the local community as a family, so that they could continue to contribute towards this fantastic area for years to come.

The Chair thanked G Maddison and asked the Committee for their comments and questions.

Councillor S Wilson asked for confirmation as regards separation distances and whether they were acceptable. The Principal Planning Officer noted separation distances referred to facing elevations, and that in this case the only facing elevation was a domestic garage, therefore distances were in effect met.

Councillor S Wilson noted the ground floor extension would by itself be allowed under permitted development and noted he would be happy to propose approval of the application.

Councillor C Kay noted the issues raised as regards the 45 degree rule, noting the proposals fell short and asked at what point it became a material concern, adding he felt proposals either passed or failed on criteria and that there should not be grey areas. The Principal Planning Officer noted it was a matter of judgement in terms of the impact of the second floor extension. He noted the elevations shown highlighted the stepped construction and therefore it was for the committee to judge how much of an impact there would be in terms of light and overbearing noting there was already some level of impact from the existing stepped arrangement of the property. He added that Officers had concluded there whilst there would be some impact, this would not be sufficiently adverse to sustain a refusal.

Councillor J Elmer noted it was a difficult one for Members, with the application just not meeting the 45 degree rule, however, the applicant had already compromised in terms of a reduced second floor, with the ground floor extension being permissible under permitted development rights. He concluded that he agreed with the Officer's recommendation and would second the approval of the application.

Upon a vote being taken it was:

## **RESOLVED**

That the application be **APPROVED** subject to the conditions as set out within the report.

### **c DM/21/01697/FPA - Land East and West of 5-8, Rosewood Walk, Ushaw Moor, Durham, DH7 7JY**

The Senior Planning Officer, Leigh Dalby, 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 and were familiar with the location and setting. The application was the erection of 2no. apartment blocks containing 8no. residential apartments (C3) (16no. in total) with associated parking and was recommended for approval, subject to conditions. The Senior Planning Officer noted that following the latest revision to plans, the City of Durham Trust had rescinded one element of their objections to the proposals in relation to Nationally Described Space Standards, however, their other objections, as set out in the report remained.

The Chair thanked the Senior Planning Officer and asked Councillor M Wilson, Local Member, to speak in relation to the application.

Councillor M Wilson noted she was speaking on behalf of local residents and explained that there were concerns as regards parking and the impact on the highway from the development, in respect of displaced parking and the ability for large vehicles, such as refuse and emergency vehicles, to pass along the highway. She noted parking provision of one per dwelling and asked where additional vehicles would park should the occupiers of each unit have more than one vehicle. She explained that additional vehicles would make the situation more difficult and Members on the site visit would have been made aware of the situation. She concluded by noting she hoped that the Committee would consider the issues raised.

The Chair thanked Councillor M Wilson and asked Mr Glenn McGill, Agent for the Applicant to speak in support of the application.

Mr G McGill explained that it had taken a year and a quarter to get to the current position with the application, with a lot of work with the Planning Department. He noted that the site was a small, derelict, in-fill site in a sustainable location close to shops, services, schools and open spaces. He added that the planning history for the site included three applications, the last being for 11 houses, however none were taken forward due to viability. He explained the proposals were not the most profitable, however it would tidy up the derelict space.

Mr G McGill noted that the proposals met CDP Policy 21, ensuring proper standards in relation to highway policy. He noted that as the land was private property, the existing use by nearby residents for parking could be taken away at any time. He noted that the proposal for flats would not generate as much parking and vehicle movements as the previously approved application for 11 houses. He reiterated the work with Planning Officers to resolve issues and noted the Case Officer's report dealt with those issues and stated that the application met all the CDP and highways standards. He concluded by noting it would help meet housing delivery and hoped that Members would consider the application worthy of approval.

The Chair thanked Mr G McGill and asked if the Senior Planning Officer had any comments on the points raised by the speakers.

The Senior Planning Officer noted he would defer to the Principal DM Engineer, however, he reiterated that the parking on the application site could be taken away at any time by the landowner.

The Principal DM Engineer, D Smith noted that the issues in respect of the current parking by nearby residents on the application site and added that could be removed if the site was fenced off. He noted there would be some displaced parking and explained he had visited the site at the weekend and noted around five or six vehicles on the land. He noted that the street was five metres in width and noted some parking may be displaced to Cochrane Mews. He noted that parking would not be disruptive if parking was in line and added that the Front Street was protected through part-time parking restrictions and bollards. He concluded by noting that while there would be some displaced parking there was not such an issue to refuse the application.

The Chair thanked the Officers and asked Members of the Committee for their comments and questions.

Councillor D Brown explained he had attended the site visit and noted the comments within the report and from the Applicant's agent were true. He noted he did not understand how there were buildings in the middle of the site, however, he did not see why the application should not be approved as it would tidy up the site. He noted the comments relating to the development obstructing a view, however, as he understood that was not a material matter and therefore, he would propose the application be approved as per the Officer's recommendation.

Councillor S Wilson noted the issues raised as regards parking and felt that, similar to the first application, it was a moot point as the site could be fenced off tomorrow as it was private land. He noted his concern as regards bin collections, access along past the site and noted he would listen to more comments before coming to a conclusion.

The Chair asked if the Highways Officer could clarify as regards bin collection. The Principal DM Engineer explained that generally refuse vehicles were around 2.5 metres wide and noted if resident parked responsibly there would be sufficient room to gain access and turn around, as with any other street.



Councillor J Elmer noted there were many positive aspects to the application and congratulated the applicant in going above and beyond building regulations with the inclusion of cycle storage, photovoltaics and water harvesting. He noted, however, that the Committee should not rule out of hand the concerns raised as regards parking. He added that he had attended the site visit and noted around 10 cars parked on the land and noted those cars would need to park somewhere. He explained that such displacement of vehicles can lead to stress and arguments in a street. In respect of tidying up green spaces he noted that could be resolved with a litter pick.

The Chair noted there had been a proposal for approval by Councillor D Brown and asked Members if there was a seconder or any other proposals.

Councillor K Shaw seconded Councillor D Brown's motion for approval.

Upon a vote being taken it was:

## **RESOLVED**

That the application be **APPROVED** subject to the conditions and Section 106 Legal Agreement as set out within the report.

*Councillor S Wilson left the meeting at 11.31am*

### **d DM/21/03497/FPA - New College Durham, Framwellgate Moor, Durham, DH1 5ES**

The Senior Planning Officer, Leigh Dalby, 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 the erection of three storey extension to Sports and Music Hall building with associated landscaping and was recommended for approval, subject to conditions. The Senior Planning Officer noted an additional condition, should Members be minded to approve the application, relating to damp proof course and drainage.

The Chair thanked the Senior Planning Officer and asked Caitlin Newby, Agent for the Applicant, to speak in support of the application.

C Newby thanked the Chair and Committee and explained the application was for a new T-Level extension to New College Durham (NCD) and that it was in line with the policies and strategic objectives of the CDP.

She noted that NCD had worked very carefully in respect of policy requirements prior to submitting the application. She reminded Members that NCD was looking to better cater for future learners, working with local employers and Government in respect of skills gap. She added that T-Levels were new two-year technical qualifications for those aged 16-19 in areas such as Health, Education and Science, identified skills with a national shortage. She explained that the proposals would also accommodate new subjects as T-Levels expanded, therefore the application was such to meet that need.

C Newby noted that the proposals would allow for greater options for post-16 education locally, crucial in addressing social inequalities, impacting on future career options and earning potential. She referred Members to the report and presentation, noting that the application was seen as acceptable in principle and that Officers noting the application was acceptable, subject to conditions. She added that there had been no objections from any members of the public and respectfully requested that Members approved the application.

The Chair thanked C Newby and asked Members of the Committee for their comments and questions.

Councillor J Elmer noted he honestly could not find anything negative to say as regards the application and therefore moved that the application be approved subject to the conditions set out in the report and the additional condition as set out by the Senior Planning Officer. Councillor J Cosslett seconded the motion for approval.

Upon a vote being taken it was:

## **RESOLVED**

That the application be **APPROVED** subject to the conditions as set out within the report and an additional condition relating to drainage.