

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 17 February 2022 at 9.30 am**

### **Present:**

**Councillor G Richardson (Chair)**

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

Councillors A Savory (Vice-Chair), E Adam, J Atkinson, V Andrews, D Boyes, J Cairns, L Brown, M Stead and A Sterling

### **Also Present:**

Councillor Mike Currah and Councillor Patricia Jopling

### **1 Apologies**

Apologies for absence were received from Councillors Mckee, Oliver and Zair.

### **2 Substitute Members**

There were no substitute Members in attendance.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Minutes**

The minutes of the meeting held on 20 January 2022 were agreed as a correct record and signed by the Chair, subject to the amendment to confirm Councillor S Zair was in attendance.

### **5 DM/20/01351/OUT - Land To The East Of Sedgefield Community College, Hawthorn Road, Sedgefield**

The Committee considered a report of the Senior Planning Officer which provided details of an application for the erection of up to 14 dwellings, including means of

access (all other matters reserved) at Land to the East of Sedgefield Community College, Hawthorn Road, Sedgefield (for copy see file of minutes).

The Senior Planning Officer provided a detailed presentation of the report and included site location plans, aerial photographs and photographs of the site. A site visit had taken place on the day prior to the meeting.

The Senior Planning Officer advised that a Section 106 agreement could not be imposed as the Council were also the applicant, so instead planning permission would be withheld until there had been an internal transfer of funds.

Councillor Adam advised that on this occasion the site visit was a worthwhile exercise as it had provided him the opportunity to view the nature and layout of the site which was substantially higher than the surrounding area. Members had been approached by some local residents who had voiced concerns about the proposal.

Councillor Adam advised that Butterwick Road was essentially a lane which suffered with speeding traffic and was used by large and heavy vehicles coming from the A177 despite being unsuitable for those types of vehicles. The speed limit changed from 60 to 30 but this was close to the junction and he suggested that the signs should be moved and a restriction placed on heavy vehicles.

Councillor Adam also had concerns about the site line as the land was situated on a high slope. In his opinion for a sufficient site line the vegetation would need to be cut back or drivers would not be able to see cars exit the junction until they were upon the area. Both directions were the and considering the narrow lane which often had parked vehicles on it, the opening needed to be realigned to ensure a sufficient view. In addition, restricted parking should have been introduced as during school drop off and pick up times the road was dangerous.

Residents had concerns that the speed survey had been carried out during a period when the school was operating under covid restrictions and the roads were very quiet and therefore a further survey should have been done under normal circumstances.

There were additional concerns regarding the capacity of the SUDS scheme as the land was a substantial height in comparison to the other houses and concerns re water run off and whether it would be sufficient.

The Highways Development Manager advised that many of the highway concerns raised were existing problems that would not be made worse by the development. With regards to the parking, this was a 30 mph zone and the speed survey showed an average speed of 30 mph. The development would not make that any worse and the junction had been designed within the 30 mph zone and the vegetation could be removed to achieve visibility splays.

The Senior Planning Officer confirmed that the application had been reduced from 20 dwellings to 14 in order to achieve a decent set back and ensure no issues with regards to overlooking and privacy and with regards to drainage, the use of swales

and permeable driveway along with the condition for a flood risk assessment to be undertaken had been determined acceptable by drainage officers.

Councillor Atkinson queried the allocation of money in the absence of a Section 106 agreement and asked if the money would still be used within the local area. The Senior Planning Officer advised that although the contribution could not be secured through a Section 106 agreement, it would be used as if it were and only to benefit the local area.

In response to a further question from Councillor Atkinson regarding the drainage, the Senior Planning Officer confirmed that the Local Flood Risk Authority had deemed the scheme to be acceptable and there would be no impact to flood risk.

Councillor Boyes advised that despite the issues raised by Councillor Adam, the application would regenerate a brownfield site which was lying dormant. This was a small scale housing development with no great impact. He accepted the comments made by the Highways Officer, the road was a 30 mph road with an average speed of 30 mph and it could not be opposed. He moved the recommendation as set out in the report.

Councillor Brown queried the time of the traffic survey and whether the road was operating on limited capacity in July 2021. The Highway Development Manager confirmed data from a speed survey in 2014 had resulted with an average speed 28.1 mph and added that the weekday average was 168 vehicles per day.

Councillor Andrews advised that although residents were concerned about flood risk there had been no flooding in the area to date.

Councillor Cairns queried the exact date of the speed survey in case it was carried out during school holidays however it was 9 July when schools were operating and Councillor Boyes added that this was not during a lockdown period.

Councillor Adam confirmed that he had no objection to houses being built there as it was a suitable site, however he believed highways needed to reconsider some aspects that would not incur too much cost. He also queried the validity of a speed survey from 2014 was also a long time ago and there had been building work done at the school since.

The Highways Development Manager advised that he could make a commitment to look the issues raised, but conditioning those would not be appropriate as they were existing issues that would not be made worse. In addition, parking restrictions would require a traffic order which was outside of the Planning Committees remit.

Councillor Atkinson seconded the proposal to approve the application.

Councillor Brown commented on the condition for offsite affordable housing and advised that if needed, it should be in the area.

The Planning and Development Solicitor advised that the Committee could only require a developer to mitigate any issues caused by the development, however

issues raised were existing issues and would suffer no further impact from the development. He advised with regards to traffic orders, there was a separate process and the highways officer had confirmed his willingness to liaise with traffic management officers.

## **Resolved**

That the application be APPROVED subject to conditions outlined in the report and the completion of an internal transfer of funds to secure the following;

- £24,505 toward open space provision within the electoral division.
- £5044.76 towards biodiversity enhancement.
- £137,880 toward education provision.
  
- And subject to a financial contribution the equivalent of 20% affordable housing provision to be secured through the sale documentation for the site/at the point of sale of the land.

## **6 DM/19/01136/OUT - Land to the west of Stobart Terrace, Fishburn**

The Committee considered a report of the Senior Planning Officer which provided details of an outline application for residential development of up to 30no. units (22no. shown on submitted plans) – all matters reserved on Land to the West of Stobart Terrace, Fishburn (for copy see file of minutes).

The Senior Planning Officer provided a detailed presentation of the report and included site location plans, aerial photographs and photographs of the site.

The Senior Planning Officer advised that there had been an historical approval on a site to the east of this site by same applicant. This was considered at time to be a SHLARR site however the consent had lapsed and if the Applicant wanted to develop the site, they would have to reapply. The key difference between the two sites was that this site was not a SHLARR site and it was situated within the open countryside.

Mr A Lang, spoke on behalf of the Applicant and advised that without this approval the SHLAA site could not be implemented due to financial complications and the reason for the second application site was that if granted, it would financially enable the other.

Unfortunately due to time, permission had lapsed so what Members were being asked was to grant permission for this site which would enable an access road to be created and join the two sites eventually if it did come and the Applicant would of course need to reapply for permission.

The site had been designed to create more attractive buffer and he suggested that the appearance and landscaping could be dealt with by reserved matters.

With regards to the comments from Archaeology, Mr Lang advised that the Applicant felt that their concerns could be dealt with by a condition.

The application was for outline application, there had been a lot of money spent to bring it to committee and the housing market was still under pressure, with delays caused by COVID-19 and the creation of 22 units would support Fishburn and other local villages and bring benefits.

The Senior Planning Officer advised that the application was to be viewed in isolation and confirmed that residential applications would be approved, but only where it satisfied up to date development plans and this application did not.

Councillor Brown queried the relevance of the 2018 application for 70 houses and the Senior Planning Officer advised that the previous application showed that the two sites would have shared access and the Applicant was claiming that to make the previous scheme viable, they needed to have this application approved, however a lot had changed since then.

Councillor Boyes confirmed that he accepted what had been said by the Senior Planning Officer and in his opinion the application was insufficiently developed and he echoed comments from statutory consultee Northumbrian Water Ltd and advised that a more robust plan was needed to address foul water and flooding along with issues from internal consultees that needed addressing. There were four reasons for refusal and issues that he was not comfortable approving as a Committee Member.

Councillor Brown advised that the planning statement was dated three years prior and suggested that the Applicant should return with an application for up to 100 houses, but felt that it was lacking in information.

Councillor Atkinson agreed that there was not enough in application to go against recommendation and proposed that it be refused as per the recommendation, seconded by Councillor Stead.

### **Resolved**

That the application be REFUSED for the reasons outlined in the report.

## **7 DM/21/03498/FPA - Land north of Tintern Road, St Helen Auckland**

The Committee considered a report of the Senior Planning Officer which provided details of an application for 21no. 2 bed and 2no. 3 bed wheelchair adaptable dormer bungalows with parking and associated landscaping at Land North of Tintern Road, St Helen Auckland (for copy see file of minutes).

The Senior Planning Officer provided a detailed presentation of the report and included site location plans, aerial photographs and photographs of the site.

Mr P Glover spoke on behalf of the Applicant and advised that Believe Housing were targeting the scheme as potentially fully electric development which could utilise air and ground source heat pumps with improved thermal insulation and air

tightness however the proposal was subject to cost viability so they could not commit until a tender process had been followed on approval.

He advised that Believe Housing throughout their development strategy were planning for on the needs of customers and communities now and in future and addressing the growing need for affordable homes whilst also meeting the needs of residents of all ages across County Durham, whilst also considering climate change.

He advised that there were 10000 people on the waiting list and a growing need to provide bungalows due to the aging population.

Councillor Adam had viewed the site and it was clear that there had been houses there previously, however it was being used as amenity space and he asked whether there had been any consideration to retaining some space for amenity.

Mr Glover advised that the site had been cleared in 2000 and grassed over, it was devoid of ecological features and there was no evidence it was used much apart from dog walking. There was a large area north of the site which was green amenity space within the locality.

Councillor Sterling referred to the sustainability of the site and to the plan for electricity heat pumps, but there was a cost implication and she reiterated the need for sustainable energy, particularly for pensioners.

Mr Glover confirmed that Believe Housings Policy was to achieve zero carbon by 2025 but there was a significant cost in changing from gas boilers to heat pumps. Air source heat pump systems ran at a lower temperature and therefore all heat had to be retained, which required improvements to air tightness and the provision of quality windows and doors, all of which had additional costs to project. In addition, construction industry prices were expensive so although it was an aspiration to achieve a fully electric scheme, the Applicant could not commit to it before planning consent was achieved and a full tender process undertaken to consider whether funds were available.

Mr Glover advised that full electricity could place a higher impact on residents with electric being more expensive than gas at the time of the hearing so another consideration was whether residents would be affected by higher energy prices. The Applicant could also look to introducing solar energy, however this had increased capital costs and until tenders were received a commitment could not be made.

Councillor Atkinson considered this was a good proposal and summed up the positive aspects of the application which included bungalows, disabled access, parking, no objections, acceptance by officers and proposed the recommendation as outlined in the report, seconded by Councillor Stead.

Councillor Boyes advised that he was former Director of Believe Housing and reminded the Committee they had taken over from County Durham Homes and were a major provider with ambitious and well worked schemes. He acknowledged

that more could be done with regards to sustainability but there were often finance issues. There was the potential need to review how the Council addressed renewable energy however at this moment they could only accept the scheme as was.

### **Resolved**

That the application be APPROVED subject to the conditions outlined in the report and the the completion of a Section 106 Obligation to secure the following:

- Provision of 15% affordable housing on site in perpetuity, equating to 3no. units;
- Financial contribution totalling £40,315.50 towards offsite open space and recreational provision, payable in a single instalment prior to the occupation of the first dwelling;
- Financial contribution totalling £10,143.00 towards improved healthcare provision in the local area, payable in a single instalment prior to the occupation of the first dwelling.

## **8 DM/21/03713/FPA - Land South Of Village Gate, Howden-le-Wear**

The Committee considered a report of the Principal Planning Officer which provided details of a proposed detached dwelling on Land South Of Village Gate, Howden-le-Wear (for copy see file of minutes).

The Principal Planning Officer provided a detailed presentation of the report and included site location plans, aerial photographs and photographs of the site. A site visit had taken place on the day prior to the meeting.

Local Member, Councillor Jopling, spoke in support of the proposal and confirmed that the family had traded in Howden le Wear for 6 generations and employed 10 full time staff and 4 part time. Mr Gibson had retired but still lived in the village and the Applicant was his daughter who wanted to live in the villag with her family in a more convenient location.

Howden le Wear was a decent size village which was spread out and included lots of infill developments and the field in question was one field and 2011 the Council had given permission for 47 houses to be built there. The rest of the land was used in a very sophisticated manner for horses. The house was only 70m away from the built area, which was no more than a large back garden and she had an issue with fact had been described as open countryside as the site was part of a developed field. The house would not be visible from road as the site was situated in a dip and the foundations would be lower for the property. To say that the house would not fit in with the landscape was spurious, in her opinion there was nothing detrimental to refuse the application and no objections from local residents or internal consultees, including the Landscape Officer had advised that the dwelling would be relatively contained in wider landscape and views screened with appropriate hardstanding access road.

Councillor Jopling continued that Howden le Wear was a large village with many estates and infills such as Valley Terrace which lead to Bishop Auckland and up to North Bitchburn and she took issue with the description that it was outside of curtilage as she did not believe there was a defined settlement boundary. The site was not green open space, not a large portion of land and if it was refused, the rest would be developed anyway. With regards to the size of the building, this was to be a family home and they wanted to make sure it was right.

Local Member Councillor Currah addressed the Committee and agreed that there was no village boundary. The dwelling was in a sympathetic position, lower than the rest of the land, which made it less visible and it was adjacent to well maintained equestrian buildings. The family had needs in the village and with a small portion of proposed land in a large village, he asked the Committee to consider approving the application.

The Agent, Mr Naylor advised that the property was well related to the settlement and the land had substantial sized buildings on site which formed development in planning terms. The site was effectively terminated by a large bank of trees to south which was DCC land and on a site visit, you would class this as village boundary, however there was no longer a settlement boundary, so this was to a certain extent down to interpretation. The site was within the old Wear Valley District Plan as a suitable development site.

The application was originally being determined on Policy 6 of the County Durham Plan (*Development on unallocated sites*) and the crooks of the application was that the property was well related to the settlement but Planning Officers then determined that it was within the countryside and the policy changed. In his opinion this was not in open country, nor was it isolated and it related well to the property. The report confirmed that it adhered to Policy 29 and 39, it was well contained and screened and would only be viewed a limited number of people using the public footpath. In the current SHLAA the site is currently not available, but it also included a paragraph to confirm that it development would be suitable.

On behalf of the Applicant, Ms Gibson, Mr Naylor then read a pre prepared statement which gave a background to the family business and confirmed that despite having a head office in Bishop Auckland, the original premises remained in Howden le Wear and the family had been in a fortunate position and assisted with local employment. They had made large investments in the area and Ms Gibson and colleagues were on 24 hour call, so it was important to be located in an area that was central.

There had been several recent developments in Howden le Wear, her parents had purchased the remaining land in conjunction the original site, a working farm for 50 years.

The Applicant had attended a site meeting with Planning Officers and no objections were raised due to the existing buildings and access to mains services, however a week prior to determination she had received confirmation that the site was deemed to be outside of the village. This had been confusing so she had done further

research which had confirmed that the village boundary was incorrect and the site was inside.

Councillor Brown referred to Policy 12 (*Permanent Rural Workers' Dwellings*) and queried where the Applicant had looked for another place to live in Howden le Wear and was advised that due to personal preference and the housing market, the decision was taken to utilise the land that was already owned.

Councillor Adam noted that great emphasis had been made with regards to how many years the family had lived and operated business in the village and he queried whether this particular building would have any links to the equestrian site and why the emphasis had been made to the other family business.

Mr Naylor advised of two reasons, the highway officers had not at first accepted that the existing access was suitable, but changed their mind when the Applicant had confirmed that there was a lot of high value stock and materials, visitors to the site, vehicles, horse boxes despite nobody living on site at the moment and there were a number of vehicles that visited several times a day. The traffic calculation had therefore equated to the same or slightly less traffic movement, and the Highways Officers accepted that and removed the objection.

With regards to the link to the family business, the response and on call times to the premises in Howden le Wear and being in close proximity was the reason for that.

In response to a question from Councillor Brown regarding the residence, the Applicant confirmed that she lived 3-4 miles away from the site but was on call 24 hours and with small children often her parents assisted. Living closer would assist her fulfil her duty as Director of company.

The Principal Planning Officer appreciated the desire for the Applicant to live on site, her ties to area and landowner status however the application had been assessed objectively on the basis of the planning merits of scheme, and the way the County Durham Plan was worded had determined that the site was beyond the built up area and within the countryside. The difficulty with application is that there was 70-100m in either direction which was a substantial distance and the Planning Authority had to take a consistent view. There had been similar proposals that had been assessed in the same way and upheld at appeal. There had been no functional case submitted for the dwelling to serve operation of either the family business or the equestrian site and it would not be supported for recreational purposes given the extension of similar facilities across the county.

Councillor Boyes, normally would be opposed to development outside of settlement boundary and don't accept what the consultant had said about the boundaries being open to interpretation as he felt there was a clear boundary. However, this application did not appear to be development in countryside. When considering Policy 6, Councillor Boyes advised that the advice was to accept the application if it was well related to the settlement and he referred to a number of other criteria that should be met, which this application complied with.

In this particular instance Councillor Boyes advised that he disagreed with the recommendation and moved approval of the application.

Councillor Atkinson summed up the personal circumstances of the Applicant and the contribution the family made to the village and seconded the motion to approve the application.

Councillor Stead agreed that he had regularly driven along this road to go to Stanhope and there was a lot new housing developments which created more of a blot on the landscape than this would.

Councillor Adam was minded to go against officers recommendation until he visited the site and it raised question in relation to location, although there was an indication that it would be masked there was still a substantial amount of the building above the lay of land, and two top stories, which was not in keeping with area and look out on a limb, separated from the other buildings and it could look intrusive although he would consider comments from other Members before determining the application.

He asked whether approving the application would set a precedent in relation to this type of property and the Principal Planning Officer advised that each application was assessed on its own merits however Officers had a consistent view, and considered Committee decisions to arrive at the recommendation.

Councillor Sterling advised that the Applicant had done all she could to work with officers, she had complied with concerns and moved the location and she could not see any conflict with Policy 6. The new housing to the north of the site was not in keeping and she wondered if the Officers would have arrived at a different view if this was a bigger development or if there was an application for affordable housing.,

The Planning and Development Solicitor advised that if the Committee were minded to approve the application, then he would advise them to delegate the conditioning of the application to officers in conjunction with the Chair and Vice Chair.

Councillor Brown requested that the application was conditioned with the removal of permitted development rights.

### **Resolved**

That the application be APPROVED subject to conditions to be delegated by Officers in conjunction with the Chair and Vice Chair of the Committee.

## **9 DM/21/02707/FPA - 47 Newgate Street, Bishop Auckland**

The Committee considered a report of the Principal Planning Officer which provided details of a Conversion from ground floor retail (class E) to 2 residential holiday lets short-term lets and on upper levels 8 one and two bedroom apartments for mixed use holiday lets and C3 residential, proposed 3 storey rear extension, balconies to rear, external alterations and partial demolition at 47 Newgate, Bishop Auckland (for copy see file of minutes).

The Principal Planning Officer provided a detailed presentation of the report and included site location plans, aerial photographs and photographs of the site.

Councillor Brown had visited the area recently and it was sad that what once was a wonderful land thriving town like Bishop Auckland had resulted in a mass of empty shops. With regards to NDSS the short term did not pose a problem but if they were long term maybe it would.

She asked what the smallest size bedroom was and the Principal Planning Officer advised that in terms of the national space standards the rooms should be a minimum of 11.5m<sup>2</sup> and some of them fell a metre below but when considering the benefits such as bringing the building back into use and the use it was intended, the minor conflicts were considered to be outweighed.

Councillor Brown moved the recommendation to approve.

Councillor Adam referred to the use for short term lets and asked how this could be monitored. The Principal Planning Officer advised that the two ground floor units were to be used as holiday lets, and there was a condition that required the applicant to keep register and the Council could investigate and take action if required.

Councillor Richardson asked a question regarding parking provision and the Principal Planning Officer advised that none had been proposed, however this was a town centre location, which was accessible and there were public car parks in the vicinity.

Councillor Atkinson advised that this change of use would increase footfall into the town, but at the same time he was slightly worried about what would happen to town centres. He seconded the motion to approve.

Councillor Adam asked for clarification on the parking to the rear of the property and the Principal Planning Officer advised that the parking that had been mentioned were public car parks.

Councillor Richardson referred to this particular area as having been used for parking but there was an attempt to stop parking a few years prior and former Councillor J Clare had planned to create a car park which never came to fruition.

### **Resolved**

That the application be APPROVED subject to the conditions outlined in the report.

## **10 DM/21/02963/FPA - 16 Delaware Avenue, Evenwood, Bishop Auckland**

The Committee considered a report of the Planning Officer which provided details of a application detached domestic garage at 16 Delaware Avenue, Evenwood, Bishop Auckland (for copy see file of minutes).

The Planning Officer provided a detailed presentation of the report and included site location plans, aerial photographs and photographs of the site.

**Resolved**

That the application be APPROVED as per the reasons outlined in the report.