

# **DURHAM COUNTY COUNCIL**

## **AREA PLANNING COMMITTEE (NORTH)**

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 22 December 2022 at 9.30 am**

### **Present:**

**Councillor M McGaun (Chair)**

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

Councillors G Binney, J Blakey, L Brown, K Earley, J Griffiths, P Jopling, E Peeke, J Purvis and A Watson

### **Also Present:**

Councillor A Batey and Councillor D Wood

### **1 Apologies for Absence**

Apologies for absence were received from Councillors I Cochrane, C Marshall, K Shaw, W Stelling and S Wilson.

### **2 Substitute Members**

There were no substitute members.

### **3 Minutes**

The minutes of the meeting held on 24 November 2022 were confirmed as a correct record and signed by the chair.

### **4 Declarations of Interest**

There were no declarations of interest.

### **5 Applications to be determined by the Area Planning Committee (North Durham)**

- a DM/22/00195/FPA - Roseberry Playing Fields, Pelton, DH2 1NW**

The Committee considered a report of the Senior Planning Officer which sought permission for the construction of 104no. affordable homes including 31no. apartments and 8no. bungalows with associated open space (for copy see file of minutes).

S France, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, proposed site plan and pumping station and the house type designs. A site visit had taken place the previous day.

Councillor D Wood, Local Member of the Pelton division addressed the Committee. He explained that the same day Durham County Council (DCC) published the Committee papers, a consultation on outdoor sporting facilities in Chester-le-Street was also launched by DCC and confirmed that the closing date for the consultation was 11 January 2023. He advised that a meeting had taken place between Local Members, the Leader of the Council and the Cabinet Member regarding the leisure consultation and the issues surrounding the Riverside at Chester-le-Street and that a further round of consultation which would include the potential of investment and development of the Roseberry playing fields site was promised. Whilst he welcomed the consultation, he felt strongly that access arrangements for the site, which were through the proposed housing development would have a significant impact on the ability to expand the football pitches in the future. In addition to this, whilst Councillor Wood deemed that access was acceptable for the current level of use of the football pitches, he explained that alternative direct access to the playing fields would be beneficial if additional football pitches were invested in, and that this could be accommodated from the existing school car park. He believed that site access would have a significant impact on the potential future development and was something the Local Authority were currently consulting on. Councillor Wood noted that the site was owned by DCC and was being sold to Karbon Homes under commercial confidentiality but as it was subject to planning approval, Members of the Committee had the opportunity decide how and when to proceed with the application. In his opinion, it was not an acceptable time to make a public decision whilst the consultation was ongoing and quoted a statement from the DCC website, '*the views of local people really matter to us*' and that '*we will consult on proposals when they are at a formative stage*' and further added that the same document stated that DCC considers consultation results before making a decision. Councillor Wood expressed that allowing the planning application to be determined prior to the end of the consultation, would not be in the public interest, would be a breach of DCCs own consultation policy, and would in effect, bring the Council into disrepute. Councillor Wood formally requested that the planning application be deferred until the conclusion of the consultation period.

Councillor Wood continued to address the Committee on behalf of Pelton Parish Council. He advised that Karbon Homes had engaged well with residents and the Parish Council regarding the planning application and although engagement was welcome, concerns remained regarding the western side of the site where larger than usual housing was proposed and would overlook existing residents. He expressed further concern regarding access to the site, which was already a pinch point in the area, particularly for larger vehicles. Councillor Wood expressed wider concern regarding the number of developments within the local area and explained that there had been rumours that Bellway Homes were to purchase land for a large development but that the property developer was refusing to engage with residents or the Parish Council. He explained that the new housing developments have had a significant impact on the area and increased the difficulties of obtaining GP and Dentist appointments and have also impacted on the availability of school places. Councillor Wood further advised that there had been a reduction in public transport over the years resulting in more people relying on private cars and he gave examples of data which confirmed the increase in traffic levels in the area. In terms of the landscape plan, Pelton Parish Council requested a specific condition be included in the application to confirm that the hedgerow was not removed. In his view as a County Councillor for the division, he understood that the application site was allocated for sustainable housing and whilst he accepted that the proposed development would deliver affordable housing and was the development that was needed in the community, he stressed that he was deeply concerned about the impact it could have on enhancing the sporting facilities. Councillor Wood noted that everyone would like the opportunity to live in a community that had a better selection of homes and sporting facilities but stressed that the consultation period should conclude first, and residents' views considered before deciding on the application.

Councillor A Batey, Local Member of the Pelton division addressed the Committee. She expressed her thanks for the opportunity to speak and advised that as her close family members were involved in football, she had a good insight into the issues she was to reference. Councillor Batey agreed that the planning application should be deferred until the end of January following the conclusion of the consultation period for the outdoor sporting facilities in Chester-le-Street and that this would allow for an informed assessment to be made. As access to the Roseberry playing fields site was through the proposed development, the planning application directly linked to this site. The site was a major issue for residents in the Pelton division and had been since the contentious closure of Roseberry School and Sports College in 2014 when recreation and leisure staff were made aware that there was a potential for Sport England clawback and advised that she, alongside Councillor Carr, and Councillor Cordon, were previously asked to support a 'football soccer arena' on the site. As the school building was to be demolished, containing the changing rooms, Councillor Batey and Councillor

Carr agreed to support the sites continued use with a £45K neighbourhood investment. The project also qualified for some FA funding, but not once was it referenced to her that a condition of the FA money was that a football club had to have a link to the site, as had that been articulated they would have suggested an alternative local club that had been dispersed due to demolition of the school site. Councillor Batey stated it was fantastic to have a state-of-the-art changing facility on site, however, due to one small grass roots football club having primacy, a £700k development was not getting its full usage potential and a number of local teams were now travelling to the Washington hub, during a cost-of-living crisis, supporting Sunderland Local Authority with money that should be invested into DCC facilities. As DCC was still the landowner of the playing fields site, Councillor Batey was surprised that dialogue had taken place between Hilda Park Football Club and Karbon Homes before there had been any engagement with local members.

Councillor Batey advised that she had been actively pursuing the usage of the site and explained the issues with the booking process, and it was continually communicated to her that once DCCs Playing Pitch Strategy was published, the site would be considered. Following the publication of the Playing Pitch Strategy in October 2021 which identified a shortage of pitches across the whole area, Chester-le-Street Councillors from all political groups supported Councillor Batey in a joint email to the Leader of the Council, but despite several reminders, a response was not received. She questioned if this had been the intention and highlighted that she had always been aware of the Karbon Homes application in front of the Committee.

Councillor Batey advised that she had attended several meetings to fight for the Roseberry playing fields site to be included in the consultation to address local need and highlighted that a Cabinet Portfolio holder had resigned regarding this matter. Councillor Batey advised that she had been consistently promised that the site would be included in the consultation and at a meeting on 20 October 2022 she had stressed that it was vital for the consultation period to end first. She questioned if it was a coincidence, bad management or by design that the consultation link incorporating Roseberry playing fields went live the same day that the agenda including the planning application was published. She further questioned how DCC could be listening to residents and their responses by allowing the application to be heard today whilst asking specifically about the Roseberry site in the live consultation. Councillor Batey quoted policy 26 of the CDP and believed that if the Committee decided on the planning application today, it predetermined the outcome of the consultation and considered the feedback worthless.

Councillor Batey explained that land to the southeast corner of the site was potentially land locked by a Persimmon ransom strip, as for several years they had pursued pre planning advice to build on the old school site. In her

opinion a more suitable access could be considered directly from the old school carpark which was currently on a long-term lease to the school and community and would enable far safer access into the football facility and enable it to achieve the usage and footfall it deserves.

Councillor Batey noted that concerns had been raised by DCC and Sport England regarding foul water tanks and protecting a valuable DCC owned recreation facility. She accepted that some of the concerns had been addressed through the planning process but that the needs of the community would be made clear once the consultation period ended. She questioned how the planning application could be realistically assessed when it was likely that the result of the consultation would recommend that the site be expanded to meet local need and bring all five pitches back into use and potentially create a new 4G floodlit pitch as an alternative to two at the Riverside. She believed that if the site was used to its maximum potential and which was previously intended when Sport England awarded funding to the school, the access road would no longer be sufficient, and the noise generated would be unacceptable for the properties aimed at the over fifties. She noted the controversial plans regarding the replacement of floodlights at the Riverside and that re development and expansion of facilities required new plans and consultation with the public. Council Batey stressed that the Local Authority had received criticism regarding the previous consultation for the Riverside and emphasised that integrity and representing the views of residents was of paramount importance to her.

To conclude, Councillor Batey explained that all Members welcomed affordable housing within their divisions but urged the Committee to consider deferring the application until the findings of the consultation were known to ensure that residents get what they deserved in relation to adequate sport provision. As the landowner of both sites, it was Durham County Councils gift to do the right thing for residents particularly young people in County Durham. Councillor Batey explained that losing a secondary school from a division is one of the worst situations for a Councillor but providing a sporting legacy for young people would come some way to repay that loss.

Mr Alex Franklin, the Agent addressed the Committee and advised that Karbon Homes was a Durham based housing association and built affordable homes and good quality homes for local people. He thanked the officers for working with Karbon Homes and confirmed that all concerns raised during the consultation period had been addressed.

He noted the land owned by DCC was allocated for housing under Policy 4 of the CDP and was considered previously developed land. The application proposed the construction of 104no. much needed affordable homes and included 8no. bungalows and 31no. apartments to meet the identified housing needs for the local area and delivered affordable rent and rent to buy

homes. He advised that the layout had been amended since its original submission with regards to the pumping station which was primarily subterranean, with only a small kiosk and maintenance access situated above ground and confirmed that full consideration had been given to the location of this feature. Mr Franklin clarified that the closest proposed dwelling was located 16.7m from the pumping station (plot 47) which exceeded the 15m minimum distance. The potential for odour and noise had been fully considered and categorised as non-significant. Karbon homes had maintained a constant working relationship with Hilda Park Football Club and the Football Foundation and was a key matter throughout the design process and confirmed that access gates would be installed on Durham Council's retained land to ensure right of access. He advised that the Section 106 delivered a scheme to upgrade both the artificial grass pitch and floodlights and confirmed that the existing hedgerows had been integral throughout the design.

In summary, Mr Franklin confirmed that the application delivered much needed affordable housing in line with the National Planning Policy Framework (NPPF) and the CDP and would have limited impact on the area and residents. He respectfully asked for the Committee to approve the application in line with the officer's recommendation.

In responding to concerns raised by local members, the Senior Planning Officer clarified that the development was on the brownfield element of the site and would not affect the sports pitches. He advised that as the caseworker for the northern team, he had seen various proposals for the site over the years and emphasised that access had been an integral part of every application. He believed that the proposed access point was the most logical and clarified that the road width had been expanded to cope with any increase in traffic if the sports pitches were to be extended in the future. He acknowledged the concerns raised by Sport England but advised that Sport England had also set out how they would like their concerns to be addressed. In response to the concerns regarding some of the properties aimed at the over fifties, the Senior Planning Officer did not believe this to be problematic. The Senior Planning Officer explained that it was not unusual for several consultations to be running at the same time and stressed that officers had done their utmost to ensure that the housing development would not blight the current or future use of the adjacent sporting facilities.

Councillor Watson, whilst appreciating the parish council and local members were representing the public interest, highlighted that only two responses from residents had been received during the consultation period. He referred to the CDP and noted that the application site was allocated for housing and that following the site visit that had taken place the previous day, he agreed with Officers that the access point to the site was logical and went on to state the benefits of the Section 106 Agreement. He believed the application was a

superb opportunity for the area and would deliver much needed social housing. Councillor Watson moved the application to be approved along with an additional condition to protect the hedgerow.

Councillor Wood asked for a point of clarification regarding the consultation mentioned by Councillor Watson. Councillor Wood clarified that the 'planning consultation' was only sent to the nearby properties and he accepted that few residents had responded. This was likely because residents had been informed upon the closure of Roseberry Sports and Community College that the site would be used for housing. Councillor Wood stressed that the consultation for the sporting facility, which was currently live, targeted a different group of people.

Councillor Brown referred to Policy 29 of the CDP and questioned the lack of solar panels and ground source heat pumps. Councillor Brown highlighted that the scheme had received two reds and five ambers from Design and Conservation and asked if two reds were unacceptable considering that the demand for affordable housing in the area was moderate. The Senior Planning Officer confirmed that a scheme generally should not be attributed any reds and therefore a balanced judgement by officers had been necessary.

In terms of sustainability, the agent, Mr Ridgeon referred to Policy 29 of the CDP and advised that the exact mix of PV units had not yet been determined but gave assurance that this would supersede the current specification to comply with new building regulations that are to soon to be introduced.

Councillor Earley believed that it was a good development, but considering the points that had been discussed, he felt that deferral was important to ensure the best for the people of County Durham and moved that the application be deferred.

Councillor Jopling, in her opinion, felt the application worked on balance and delivered on affordable housing. She appreciated the sincerity of the local members but believed the benefits of the application outweighed the negatives and seconded that the application be approved.

Councillor Peeke commented on the excellent plan but felt an increased number of bungalows would have further enhanced the development.

In terms of a deferral, Councillor Blakey asked if this would have any implications on timescales for the development. G Blakey, Principal Planning Officer clarified that there must be material planning reasons to defer an application and explained that various rounds of government funding could be risked if the application was deferred. He advised the Corporate Director

of Regeneration, Economy and Growth had confirmed that the proposed development and the sporting facility could both exist without prejudice.

Mr Ridgeon advised that the deadline for funding from Homes England was March 2023 and that deferring the application could have implications on the funding. He advised there had been an in-depth consultation so that the scheme was clear and an excellent response had been received.

Councillor Earley appreciated that any cutbacks to funding were a concern but questioned if the funding was critical. Considering the consultation that was currently live for the outdoor sporting facilities in Chester-le-Street, he asked if the application could be heard at a future meeting of the Area Planning Committee (North) following the conclusion of the consultation.

The Principal Planning Officer advised that the closing date for the live consultation was 11 January 2023 and although it was possible for the application to be heard at a future meeting of the Area Planning Committee (North), he stressed that no planning grounds had been put forward for deferral of the application.

L Ackerman, Legal Officer (Planning and Highways) confirmed that there was no legal justification to defer the application as the area of land the application related to was separate to the area of land for the sporting facility. She explained that an appeal could be submitted by the applicant with no valid planning ground.

Councillor Wood believed that road access was a material planning ground and that if the sporting facility was expanded in the future, the current road access, despite being widened, would significantly impact on residents and users of the sporting facility.

The Legal Officer asked if any member had a reason for deferral that was a material planning ground.

Councillor Earley commented that a deferral on the grounds of highways was complex as expansion of the sporting facility had not yet happened.

Councillor McGaun, the Chair advised that he had visited the site the previous day and, in his opinion, road access was sufficient. Whilst appreciating the concerns raised by local members, he confirmed that the site location had been included in the CDP for allocated housing and it was important for the Committee to consider the application based on the current situation. He asked Councillor Earley if he wanted to pursue deferral of the application. Considering the information discussed, Councillor Earley felt he could not pursue with deferral.



The Principal Planning Officer reiterated that material planning grounds were needed to defer or refuse the application. He advised that the landowner was DCC and that further discussion regarding the land may be necessary in the future but that in the Officers opinion, the application was robust. If the Committee deferred the application on the grounds of road access, an alternative option for access would need to be considered but emphasised that officers and the Corporate Director of Regeneration and Growth had deemed this to be suitable.

The Chair confirmed that Councillor Watson had **moved** the application to be approved with an extra condition for the hedgerow to be protected and this had been **seconded** by Councillor Jopling.

### **Resolved**

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement and subject to the conditions listed in report.