

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in the **Council Chamber, County Hall, Durham** on **Tuesday 13 September 2022** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors A Bell, L Brown, I Cochrane, S Deinali, J Elmer, D McKenna, R Manchester, C Marshall, E Peeke (substitute for L A Holmes), J Quinn, K Shaw and A Surtees

Also Present:

Councillors J Blakey and M Wilkes

The Chair noted the death of Her Majesty Queen Elizabeth II and, as a mark of respect, led the Committee in a minute's silence.

1 Apologies for Absence

Apologies for absence were received from Councillors J Cosslett, LA Holmes, C Kay and K Robson.

2 Substitute Members

Councillor E Peeke substituted for Councillor LA Holmes.

3 Minutes

The minutes of the meeting held on 12 July 2022 and the special meeting held 18 July 2022 were confirmed as correct records by the Committee and signed by the Chair.

4 Declarations of Interest

Councillor L Brown noted in respect of Item 5b she knew the applicant and explained that, upon seeking advice from the Legal Section, she would make a comment on the application, then leave and take no part in the decision making.

The Chair, Councillor D Freeman noted in respect of Item 5b 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/22/01679/FPA - Land at East Grange Farm, Sheraton, Hartlepool, TS27 4RA

The Senior Planning Officer, Lisa Morina, 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 for the construction and operation of a Synchronous Condenser located within an agricultural style steel frame building with associated transformer and cooling systems and other ancillary equipment located within a fenced compound and associated landscaping and was recommended for approval, subject to conditions.

The Chair thanked the Senior Planning Officer and asked Mr Daniel Grierson, agent for the application, to speak in support of the application.

Mr D Grierson thanked the Chair and Committee and explained that the role of the proposed synchronous condenser was to help sustain the frequency of the substation by use of a large flywheel and motor. He added the condenser would effectively 'pump' to top up supply and was increasingly necessary as electricity was provided less by fossil fuel power and replaced by low carbon sources. He explained that the location and position within the grid was as per National Grid requirements, in their request for proposals to help ensure provision and reduce the chance of blackout or brownout. He noted the design of the building was agricultural with external cooling elements. He noted screening with existing planting and an area of woodland and plans for a restored calciferous wildflower meadow, an improvement on the low biodiversity area used for grazing.

Mr D Grierson noted the proposals were in line with policy and the design was such to present the minimum impact. He added that the condenser would operate for up to 20 years, after which it would be decommissioned, and the site restored. Mr D Grierson thanked Members and noted he would be happy to answer any questions from the Committee.

The Chair thanked Mr D Grierson and asked the Committee for their comments and questions.

Councillor L Brown noted there was only one nearby resident, however, asked as regards noise levels from the proposal. The Chair asked Mr D Grierson if he could respond. Mr D Grierson noted that the property belonged to the landowner, and he had been involved throughout the process and was aware of the impacts. He added that the Council's Environmental Health section has added conditions and noted that noise levels were not atypical for an electrical installation.

Councillor J Elmer noted he had attended the site visit which had been very useful and explained the site nestled in the landscape and was in the style of an agricultural building, though noted that was a broad term, with many of the other buildings in the area being white. He noted he would be happy to proposal approval, though asked whether it would be possible for a condition to have the building be coloured dark green to help it fit in better. Mr D Grierson note that had been the intention, however, would be happy for such a condition.

Councillor J Quinn noted he had initially a few concerns upon receiving the report, however, upon attending the site visit those concerns had been addressed and therefore he would second the proposal for approval, including the additional condition relating to a dark green finish.

The Senior Planning Officer noted that noise issues were addressed within Conditions Four and Five as set out in the agenda papers, with Condition Five referring to an acoustic wall and Condition Four noting maximum allowed noise levels. The Senior Planning Officer noted the agent for the applicant had noted their willingness to paint the proposed building dark green, and that the colour was stated within the application form, however, should Members wish a condition could be included. Councillor J Elmer noted he wished for a condition to be added to that effect.

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 a dark green finish.

b DM/22/01022/FPA - Land south east of 18 Foster Terrace, Croxdale, DH6 5HP

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 for a new build development of 6 new dwelling houses in the form of 2 terraces of 3 units including 3 no. 3 bed units and 3 no. 2 bed units and was recommended for approval, subject to conditions and a s106 Legal Agreement towards off-site affordable housing provision.

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

Councillor J Blakey thanked the Chair and Committee and noted that while many residents had not written to the Planning Department, many had contacted her as Local Member to make their concerns known. She explained that the biggest concern was site entrance and exit, with the road having a 40mph limit, with many vehicles frequently travelling at 50mph or faster. She noted issues with deliveries to the car showroom opposite to the application site and requests that car transporter vehicles not to be parked on the A167. She noted that the proposals in conjunction with existing issues would be a 'double whammy' and added that the Highways Section had been aware of the issues in the area for a number of years. Councillor J Blakey noted that the development was a move into the countryside and asked how far was too far in terms of encroaching into the countryside and creating ribbon development. She concluded by asking the Committee to refuse the application.

The Chair thanked Councillor J Blakey and asked the Committee Services Officer to read a statement from another Local Member, Councillor M McKeon.

The Committee Services Officer read the statement from Councillor M McKeon as follows:

'I had hoped to address the Committee in person, unfortunately a last-minute work commitment means that I am unable to, and I have instead sent this representation. After discussions with local residents and the Parish Council, I have become concerned about the Highways implications of this development.'

The roads on the proposed new estate are narrow, too narrow to manoeuvre larger vehicles including bin lorries, or to allow cars to pass each other. In an era where so much of our shopping is delivered by courier, residents and I wonder how multiple delivery vans could operate simultaneously on the site once it's completed.

Beyond this, I am concerned about the position of the opening to the development on the main road.

The A167 is a major road that connects Durham City to the South and West of the County. It is the main road to Spennymoor, Bishop Auckland, Ferryhill, and many other major settlements. It connects the city to Newton Aycliffe and Darlington through the regular 7 bus service. This particular section of road is incredibly busy due to its proximity to Thinford and Durham Gate, a site that continues to attract both investment and traffic. The proposed new custody suite at Thinford would see arrestees from across the North, East and West of the County be driven past. In short, this section of road can be excessively hectic, particularly at peak times.

This development is on the left side of the road coming out of a busy roundabout, where there is a speed limit of 40mph. When cars leave this roundabout, they pick up speed very quickly, and the residents of this new development will be turning into and out of the space where commuting cars and buses are accelerating. In contrast, the existing junction for the houses at Wayside comes out onto the roundabout, where motorists are already driving slowly and aware that other cars will pull out of junctions. The junction further back at Rogerson Terrace comes as cars are slowing down for the roundabout. The whole of Croxdale has a 40mph speed limit despite being built up on both sides, within the past couple of years there has been a fatality on the road and there have been other serious incidents around the roundabout in the past. The local Residents' Association has launched a petition to reduce the speed limit to 30mph, almost every person in the village has signed it and the MP is supporting the campaign.

I applaud the s106 contribution for affordable housing off-site, and I would not normally object to a development of this size at the edge of a village. However, the Highways situation in relation to the A167 gives me severe cause for concern. If the committee is minded to approve this application, I hope that a condition can be added to revisit the speed limit across Croxdale. If the village is to suffer a development that will make the roads less safe, then something should be done to compensate directly, such as reducing the speed limit to 30mph. This will not just benefit the people of Croxdale, it will benefit people across County Durham who use this arterial highway and prevent the kind of incident that causes severe disruption, which we have sadly seen in the past.

The Chair thanked the Committee Services Officer and asked Mr John Ashby of the City of Durham Trust to present the objections on behalf of the Trust.

Mr J Ashby thanked the Chair and Committee and referred to slides during his presentation. He began by noting that the Trust held the Senior Planning Officer in high regard for her many excellent professional reports and added that it pained him to be taking issue in this case.

He noted that the proposed development was ribbon development outside the settlement boundary of Croxdale, with ribbon development defined as *“the growth of buildings and industrial and commercial establishments linearly along a highway with direct access to the highway”*.

Mr J Ashby explained that the Senior Planning Officer’s report, at paragraph 21, appeared to quote County Durham Plan (CDP) Policy 6, but in fact left out the crucial words about ribbon development. He noted the relevant part of Policy 6 was: *“The development of sites... ..will be permitted provided the proposal: b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development; “*

He noted similarly, the report’s version of Policy 10 in paragraph 22 and again in paragraph 60 leaves out the bit about ribbon development: *“New development in the countryside must accord with all other relevant development plan policies and by virtue of their siting, scale, design and operation must not: n. contribute to ribbon development;”*

Mr J Ashby continued by explaining that the CDP says unmistakably that ribbon development is wrong and noted that the Senior Planning Officer’s report did discuss ribbon development at paragraph 62 but argues it would not be harmful. He added the Trust begged to disagree. He noted that usually one would expect a local plan to designate a settlement boundary for the locality at issue. He added that although the CDP was technically a local plan, it covered the whole of a very large County and did not attempt to delineate individual development boundaries for the hundreds of towns and villages. He explained that the only available official judgement on this was in the City of Durham Local Plan 2004 and, although superseded by the CDP 2020, the site lies outside the defined settlement boundary for Croxdale laid down in that Local Plan.

Mr J Ashby noted that Policy 6 goes on to require that development: *“e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;”*. He added that the layout drawings and Design and Access Statement proposed a dedicated car parking area which accessed straight on to the A167 running to Durham City from the busy Croxdale roundabout.

He explained that direct access onto the A167 was most undesirable as it presented the potential for movement conflicts, for risk to highway safety, and for interruption to traffic flow on this primary route. Mr J Ashby noted that cars turning right out of the access, i.e. north towards Durham, would have to cross a busy trunk road traffic lane heading south where the speed limit changes, a recipe for mis-judgements and indeed accidents.

Mr J Ashby noted the 40mph speed limit changed to 60mph alongside the most southerly edge of the proposed houses and referred to a photograph within his presentation that showed a derestricted sign, with plot 6 lying adjacent to, and beyond that sign. He added that the Trust considered that the road safety aspect heightened the unsuitability of the site for the proposed development. He noted the photograph also showed that the development would be an extension of the village into the countryside.

Mr J Ashby concluded by noting that, on those grounds, the City of Durham Trust asked that the County Council refuse the application as it was contrary to CDP Policies 6 and 10.

The Chair thanked Mr J Ashby and asked the Senior Planning Officer and Principal DM Engineer, David Battensby to respond to the points raised.

The Senior Planning Officer noted that ribbon development had been referred to by the Local Member and the City of Durham Trust in their objections. She explained that paragraph 21 merely summarises the relevant policy without full extent of detail within that policy. She added that within the principle of development part of the report, detailed assessment of the proposals against Policies 6 and 10 of the CDP were undertaken, particularly in relation to whether site was well related to the settlement and amounted to ribbon development. She explained that paragraph 62(b) of the report set out why it was not felt that the proposals represented ribbon development. In reference to settlement boundaries, the Senior Planning Officer noted that the National Planning Policy Framework (NPPF) was silent on the issue and the CDP also did not refer to them. She noted there was no Neighbourhood Plan in place for Croxdale and in the absence of such a plan there was flexibility in assessing the site on its own merits. She noted that it was considered acceptable in visual and amenity terms and the boundary of the site was clearly delineated by the adjoining Area of High Landscape Value (AHLV) with the application site clearly not being designated as such. She added that the AHLV helped in providing a defensible boundary and in terms of preventing further development in the future and added that the proposal represented a logical extension to the settlement and the design was in keeping with existing development.

The Principal DM Engineer explained that Highways took a risk-based approach and noted the concerns raised by speakers regarding vehicle speed. He noted the speed survey was carried out after consent was given by the Department for Transport (DfT) for the recommencement of traffic surveys after lockdown and this survey was compared to previously carried out surveys and the results were consistent, giving confidence that the results were accurate.

He noted the assessment of the junction design was made under the Design Manual for Roads and Bridges, a stricter set of criteria than for 'Manual for Streets', requiring greater visibility splays and greater stopping distances. He added that therefore Highways were comfortable with both the north and south approaches.

He noted there were not sufficient reasons to sustain an objection in terms of refusal on highway grounds.

The Chair thanked the Officer and asked Councillor L Brown to speak prior to leaving the Chamber.

Councillor L Brown noted that on the site visit the issue of bins being stored on the roadside being a potential hazard should they be blown by the wind onto the road and wondered if it could be possible to look to have bin storage contained within the site, perhaps in the allocated car parking area.

Councillor L Brown left the meeting at 10.23am

The Chair asked the Committee for their questions and comments.

Councillor J Quinn explained he was struggling to see reasons not to agree with the Officer's recommendation and suggested additional conditions relating to electric vehicle charging, in line with Policy 26 and 29 and solar panels and batteries for each property, in line with Policy 26.

Councillor J Elmer noted that many of the concerns raised related to highways and asked if any physical traffic calming measures, speed advisor sign, or reduction of the speed limit to 30mph could be feasible. The Principal DM Engineer explained that any speed limit imposed must be credible in terms of the volume, nature of the traffic and road environment. He added that if a lowered speed limit was imposed, it would lead to a significant proportion of vehicles being in the enforcement category and have to be enforced which was not sustainable and in this case that would not be credible. As regards a speed advisory sign, he noted there were criteria for the provision of such signs and that previous analysis had shown there was not sufficient numbers exceeding the 40mph limit, with the majority of drivers adhering to the limit.

Councillor J Elmer asked as regards the question raised by Councillor L Brown in relation to bins storage and the potential of bins blowing on to the highway. The Senior Planning Officer noted that if a storage area was proposed within the proposed parking area, that would result in the loss of parking provision and bins could not be stored in such a place where they would not be adequately accessible in highways terms.

She added that the refuse vehicles currently already collect bins from further along the A167 successfully and therefore it was not felt to be an issue. The Principal DM Engineer explained that refuse vehicles already served similar arrangements at Croxdale, and indeed other similar locations around the county, without incident and therefore there were no concerns from Highways.

The Principal Planning Officer, Paul Hopper, noted from the comments from the Principal DM Engineer and therefore any conditions relating to bins storage citing highways concerns would likely fail the test in terms of being a reasonable condition to impose.

Councillor A Bell noted he had listened to the comments from Local Members and the concerns raised on behalf of their local residents, adding he had not seen any local support for the scheme. He noted the description of the land currently as 'informal allotment', however, it was surrounded by the AHLV, and he felt development should compliment the AHLV and from the drawings provided it did not jump out at him that the scheme complimented the AHLV. He noted he was currently undecided.

Councillor C Marshall noted he felt similarly to Councillor A Bell and added he frequently drove along the road in question, noting it was a fast road. He added he appreciated the logic of the arguments put forward by the Planning and Highways Officers. In relation to the additional conditions proposed by Councillor J Quinn, he asked whether they were required in order for the development to go forward, whether they were enforceable, and if they would then impact upon the viability of the proposals. He noted those were material concerns and if planning standards were being met by the proposal then it should be approved, and if they were not in line with policy then he would find it difficult to apply conditions at this stage.

Councillor R Manchester noted an objector had referred to the development overspilling into an area of national speed limit and asked if the speed limit could therefore be pushed further back away from the development. Councillor J Elmer noted the issue was a tough one and explained that when attending the site visit he could see that the outer limit of the proposed development would be in line with the development on the opposite side of the road and added the proposals did not feel like ribbon development to him, they were a natural fit.

He added that he felt the Officers had got it right and the proposed style matched the existing terraced properties, very attractive buildings and therefore appropriate to replicate. Councillor J Elmer noted he agreed with the comments from Councillor J Quinn in terms of energy efficiency, EV charging points, solar panels and batteries. He noted slight concern in terms of the extent of the hedgerow removal, however, there was net biodiversity gain and provision off-site.

He noted that concerns relating to the highway had been addressed by the Principal DM Engineer and accordingly, Councillor J Elmer seconded the proposal by Councillor J Quinn for approval, with additional conditions.

The Chair noted the reference to a 30mph zone within the statement from Councillor M McKeon and asked if that could be addressed.

In reference to points raised, the Senior Planning Officer noted that loss of allotment land was not an issue as the land was only used informally as such, and as the land was not allotment or open land it therefore did not conflict with Policy 6. In terms of impact upon the AHLV, it was noted that the site was excluded from the area designated as AHLV.

She added that the question was whether the juxtaposition of development in an urban environment or the open countryside and that it was not felt in this case that the development would breach the current relationship and therefore it would not have a negative impact.

In reference to the additional conditions proposed, she noted that the applicant had intended to look at how to best achieve EV charging and therefore would likely not have an issue with such a condition. She noted that Policies 29(c) and 29(d) referred to net zero and low carbon and within the application there was reference in the Design and Access Statement to higher levels of insulation, being 20 percent better than building regulation requirements and therefore that was felt sufficient in order to comply with Policy 29 and not require a specific condition. The Principal Planning Officer reiterated that the insulation provided was more than policy compliant, however, Members could add further conditions if they felt it was necessary. The Principal DM Engineer noted that the extremity of the development was around three metres into the area where the speed limit changed and noted that it made no material difference to change of the position of the limit by such an amount. He noted that in terms of a 30mph limit, there were two sets of DfT criteria and previous assessments had found that the current 40mph limit was correct for the A167 and any reduction in speed limit would therefore not be appropriate for that location.

The Chair asked as regards solar panels as noted by Councillor J Quinn. The Principal Planning Officer noted if the Committee felt that the addition was something that had not been explored then they could condition for further information, and it could be worded such to note the Council be in receipt of that information prior to work being above the damp proof course if Members felt necessary. Councillor J Elmer noted that considering the significance of people being able to generate their own energy, having the potential to save future residents on their bills, he would support it being conditioned.

Councillor C Marshall noted the benefits of energy generation, however, added that his concern was that Durham County Council Policy did not mandate developers to include solar panels and therefore additional conditions being added at Committee may stagnate investment and growth in the county. He noted he would say to Members of the Joint Administration that if they wished for policy to be changed then to bring forward an amended policy for consideration, adding he would vote for it. He noted he would be happy with the proposals and recommendations as set out by Officers and reiterated that it would be preferable to have a supplementary planning document setting out any such requirements up front so that it was clear to investors what the Council's expectations were.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED**, subject to the conditions and s106 Legal Agreement as set out within the report and additional conditions relating to electric vehicle charging and carbon reduction measures, including solar panels and storage.