

**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 11 October 2022 at 9.30 am**

**Present:**

**Councillor D Freeman (Chair)**

**Members of the Committee:**

Councillors A Bell, L Brown, S Deinali, J Elmer, M McGaun (substitute for J Quinn), D McKenna, R Manchester, K Robson, K Shaw and A Surtees

**Also Present:**

Councillors R Crute and R Ormerod

**1 Apologies for Absence**

Apologies for absence were received from Councillors LA Holmes, I Cochrane, J Cosslett, C Kay and J Quinn.

**2 Substitute Members**

Councillor M McGaun substituted for Councillor J Quinn.

**3 Minutes**

Subject to the inclusion of reference to the Committee observing a minute silence as a mark of respect for Her Majesty, Queen Elizabeth II, the minutes of the meeting held on 13 September 2022 were confirmed as a correct record by the Committee and signed by the Chair.

**4 Declarations of Interest**

Councillor S Deinali noted in respect of Item 5a, she was a Local Member and a Member of the Monk Hesleden Parish Council, however, she was not a member of their Planning Committee and had not had any input in respect of application.

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

**5a DM/22/01526 - Land to the North of 22, Coronation Avenue, Blackhall Colliery, TS27 4HR**

The Principal Planning Officer, Paul Hopper 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 a revised and resubmitted application, having been deferred by the Committee at its meeting 8 March 2022, for the erection of 5 No. 2.5 storey dwellings with associated hard and soft landscaping, boundary treatments and car parking and was recommended for approval, subject to conditions.

The Principal Planning Officer explained that additional information had been received in relation to ecological mitigation, with Officers now satisfied in relation to the protected habitat.

*Councillor A Surtees entered the meeting at 9.39am*

The Principal Planning Officer noted that, further to the report, Officers would ask that additional conditions relating to M4(2) accessibility, broadband and carbon reduction measures be included should the application be approved.

The Chair thanked the Principal Planning Officer and asked Councillor R Crute, Local Member, to speak in relation to the application.

Councillor R Crute thanked the Chair and Committee, adding that he had spoken at the meeting in March where he had given a background to the application. He added that he remained fully in support of the application, with the site being in a sustainable location and the proposals being to bring a barren site back into use. He added there were no objections from residents, and he was very pleased that Planners and the applicant had worked to resolve a seemingly intractable position in relation to the protected habitat. He reiterated that he endorsed the proposals and the positive recommendation for approval by Officers.

The Chair thanked Councillor R Crute and asked the Committee for their comments and questions.

Councillor L Brown noted there was no condition referring to sustainability and asked whether it would be worded as per paragraph 124 of the report. She also asked as regards the proposed condition relating to broadband.

The Principal Planning Officer noted the condition was as per paragraph 124 and that the broadband condition would be the standard condition used.

Councillor J Elmer noted he was pleased that the applicant had taken the opportunity to work with Planners to come back with a scheme that Members, including himself, would not wish to oppose. He asked what could be done should the proposed mitigation in relation to the impact on the protected habitat prove to be unsuccessful, and how that would be monitored. The Principal Planning Officer noted that the current requirement would be for the developer to monitor, adding it would not be something that would be included within a s106 Agreement. He added that the Council's Ecologist felt the mitigation proposed would be successful and therefore the recommendation was for approval.

Councillor J Elmer moved that the application be approved, subject to the additional conditions referred to by the Principal Planning Officer. Councillor M McGaun noted that the revised proposals represented a great example of how planning can work, with an application having the issues successfully ironed out, and added the Committee had heard from the Local Member in support of the application and therefore he would support the application.

Councillor A Bell echoed the comments from Councillor M McGaun and seconded the motion for approval, subject to the additional conditions as referred to by the Principal Planning Officer.

Upon a vote being taken it was:

**RESOLVED**

That the application be **APPROVED**, subject to the conditions and s106 Agreement as set out within the report and additional conditions relating to M4(2) accessibility, broadband and carbon reduction measures.

**5b DM/22/00042/FPA - 48 Highgate, Durham, DH1 4GA**

The Planning Officer, Michelle Penman, 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 a revised scheme, having been deferred by the Committee at its meeting 12 July 2022, for the construction of roof balcony and installation of first floor balcony and French doors to rear and was recommended for refusal.

The Planning Officer explained that the revised scheme now omitted the previously proposed bay window, and the proposed roof terrace was now within the rear roof slope.

The Chair thanked the Planning Officer and asked Councillor R Ormerod, Local Member, to speak in relation to the application.

Councillor R Ormerod thanked the Chair and Committee and noted that the Committee had deferred the application at its meeting in July. He explained that he felt there had been substantial alteration made to the application and as the proposed roof terrace was at the rear, he felt that the proposals were now acceptable. He added that there was still an impasse, with Officers recommending refusal, however, he felt it was time for the Committee to approve the application and move the matter forward. He added that it was very telling that there had been no objections from any of the residents of Highgate, no objections from the City of Durham Parish Council and no objections from the City of Durham Trust.

Councillor R Ormerod explained that the properties at Highgate were not built as student accommodation and added that there had been a large number of the properties converted to homes in multiple occupation (HMOs). He added that if one wanted families to stay in the city then they should be supported in the alterations they required for their homes, in order to maintain balanced communities within the city. He concluded by noting he felt the application should be approved.

The Chair thanked Councillor R Ormerod and asked Mrs Eileen Grimes, the applicant, to speak in support of her application.

Mrs E Grimes reminded Members that the Committee had deferred the application and asked for a revised scheme to come forward. She explained that the works were to modernise their home for their growing family and to provide some much needed outside space. She added that, in relation to the rear balcony and attic conversion, they had been left with the feeling that Officers were satisfied, however, the report still recommended refusal. Mrs E Grimes explained that the City of Durham Trust had noted that they felt the proposals would enhance the Conservation Area (CA), and she gave examples of several areas in the city centre where such balconies were present. In reference to the attic space, there had been consultation with Council Officers and the position was moved as not to impact upon the World Heritage Site (WHS) and Framwellgate Peth. She added that the visual impact had been also checked from Wharton Park and the train station and it was only possible to see the proposed works from the back street, therefore not impacting on the CA or WHS. Mrs E Grimes noted that directly opposite Highgate, the newly constructed student properties and other riverside developments had balconies and roof terraces.

She noted that this seemed to give the message that such balconies and terraces were fine for large scale developers, however, not acceptable for small residential developments. She added that the pandemic had proven over the last two years the importance of access to outdoor space for mental wellbeing and added that parking regulations had resulted in the removal of the outside space that had existed for her property. She thanked Members for their time and asked that they would approve the application.

The Chair thanked Mrs E Grimes and asked the Committee for their comments and questions.

Councillor J Elmer noted he recalled the application when it had been previously considered by the Committee and noted that Members had deferred the application so that the applicant and Officer could look to bring the proposals in line with what would be acceptable. He added that it seemed clear that the applicant had made such alterations and frustratingly the recommendation was still for refusal. He noted that the balcony would only impact upon the rear of the property and explained he had walked to the rear of the property to look, and he felt it would not impact other than on the rear of the property. He noted his frustration in terms of the pressure on a household application that he felt was absolutely in line with policy, and noted he felt the pressure should be on large developers. He explained he was delighted with the changes that had been made to the original proposals and he felt that the revised scheme did not impact upon the WHS and CA. He noted he would be the first to object if he felt a scheme did impact negatively, however, in this case he would propose that that application be approved, contrary to the Officers' recommendation.

Councillor A Bell explained that he had not been a member of the Committee when the application had been considered in July, however, as noted by Councillor J Elmer, it appeared to him that the applicant had looked again at their proposals and moved the roof terrace to the rear of the property. He added that Conservation Officer had admitted within the report that there was no impact on the street scene and therefore he was puzzled why that the recommendation was for refusal. He noted that the application was finely balanced, and he would listen to comments from Members prior to making judgement.

Councillor K Robson noted he was at the meeting where the original application had been considered and he felt that the applicant had gone the extra mile to alter their application and therefore he would second Councillor J Elmer's motion for approval.

The Principal Planning Officer noted that the recommendation for refusal followed from the advice from Design and Conservation that the application still represented harm when applying policy, especially Policy H2 of the Durham City Neighbourhood Plan (DCNP) which noted proposals must enhance or improve the CA.

The Chair noted he felt that any impact on the CA would be negligible and that one would really struggle to find any impact. He noted that balconies within the CA were not unique and therefore the application would not be setting a precedent in that respect. He added that there were no objections from neighbours and therefore he would be minded to support the application.

The Legal Officer, Laura Ackermann noted that should Members be minded to approve there would be the requirement in terms of an appropriate suite of conditions and asked if the Members proposing approval would agree to delegate those conditions to Officers. Councillor J Elmer and K Robson agreed.

Upon a vote being taken it was:

**RESOLVED**

That the application be **APPROVED**, with delegated authority to Officers in relation to an appropriate suite of conditions.

**5c DM/22/00367/FPA - Land North and East of Burnigill Cottages, Burnigill, Meadowfield, DH6 5JJ**

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 application was for ground stabilisation works to support the East Coast Main Line comprising sheet and bored piling; drainage improvement; new headwalls to the River Browney; landscaping and new vehicular accesses from the B6300 and was recommended for approval, subject to conditions. The Senior Planning Officer referred to an area within the 'limits of deviation' and noted that works within that area did not require planning permission.

She explained that the application represented works requiring planning permission that were proposed outside of the limits of deviation and added that the proposals were within an Area of High Landscape Value (AHLV), the Sunderland Bridge Conservation Area, and abutted the Burn Hall Conservation Area and Grade II Listed Park and Garden of Special Historic Interest. The Senior Planning Officer noted a typographical error in the report relating to the funding of the scheme, with the amount to read £15 million.

The Chair thanked the Senior Planning Officer and asked the Committee for their questions and comments.

Councillor A Bell noted that the proposals represented much needed works and that they had been fully supported by the Council's Officers. He noted no objections from the public and therefore proposed the application be approved as per the report. Councillor L Brown noted that the application had an impact upon her Electoral Division, which neighboured the site, due to the disruption to traffic. She seconded the proposal for approval and noted she would wish that the works were completed as quickly as possible.

Councillor J Elmer noted he was very pleased in relation to the ecological improvements that were included within the scheme, enhancing the area, and that the additional planting would thicken the habitat band along the banks of the River Browney. He noted the applicant was doing the right thing and agreed that it was important to have the works completed as soon as possible to minimise the traffic chaos and therefore he would support the recommendation 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.