

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 8 November 2022** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors L A Holmes (Vice-Chair), A Bell, L Brown, J Elmer, L Fenwick (substitute for S Deinali), C Kay, D McKenna, R Manchester, J Quinn, K Robson, K Shaw and A Surtees

Also Present:

Councillor R Adcock-Forster

1 Apologies for Absence

Apologies for absence were received from Councillors I Cochrane, S Deinali, J Cosslett and C Marshall.

2 Substitute Members

Councillor L Fenwick substituted for Councillor S Deinali.

3 Minutes

The minutes of the meeting held on 11 October 2022 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

Councillor L Brown noted in respect of Item 5b, she had been Chair of the City of Durham Parish Council's Planning Committee when the objections were put forward by the Parish Council and therefore would leave the Chamber at that point and take no part in that item.

The Chair, Councillor D Freeman noted he was a Member of the City of Durham Parish Council, however, he was not a member of their Planning Committee and had not been party to their submissions in objection. He noted he was also a member of the City of Durham Trust, however he was not a Trustee and had not been party to their submissions in objection.

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

a DM/21/03672/FPA - Land to the East of Sea View Walk, Murton, SR7 9LT

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 the Construction of 49 no. affordable dwellings (amended title) and was recommended for approval, subject to s106 legal agreements and conditions as set out in the report.

The Chair thanked the Senior Planning Officer and asked Councillor R Adcock-Forster, Local Member, to speak as regards the application.

Councillor R Adcock-Forster thanked the Chair and Committee and explained that unfortunately his fellow Divisional Member, Councillor J Griffiths was unable to attend the meeting. He explained that the proposed development would negatively impact residents and noted there were a number of concerns raised by local residents. He noted that while there was a need for affordable housing it was felt the proposed location was the wrong place for such housing. He explained that it was felt the proposals would impact on the character of the area and that Believe Housing were erecting 70 properties within 200 metres of the site. Councillor R Adcock-Forster noted that previously the site had been deemed unsuitable for development under the Strategic Housing Land Availability Assessment (SHLAA) in 2013. He added that reasons given had related to impact on the landscape, impact upon the neighbouring woodland and impact on the A19 dual carriageway. He explained that residents had concerns relating to infrastructure, with additional strain on GPs in terms of appointments, dentists and also school places, with 90 local secondary age students not able to secure a place at either the local Seaham or Easington Academy schools.

Councillor R Adcock-Forster noted that the site was some distance from the nearest bus stop and there was poor access to services, which therefore encouraged use of personal car.

The Chair thanked Councillor R Adcock-Forster and asked Kelly Monahan, Local Resident, to speak on the application.

K Monahan drew the Committee's attention to page 22 of the Committee Papers adding that she felt it was misleading. She noted that the A19 formed a barrier between Seaham and Murton preventing coalescence, with a green corridor to either side. K Monahan explained that development within that corridor would erode the only gap of green land on the Murton side of the A19 and therefore such land was very important. She explained that on the other side of the A19, 75 houses had been constructed, adding that the proposed development would result in the loss of habitat and access corridor for wildlife. K Monahan added that the site was within the six kilometre buffer zone of a Special Conservation/Protection Area, a European designation aimed at protecting rare and endangered birds and habitats. K Monahan noted that the Council had been asked to designate the area Green Belt and had been ignored, with the Authority insisting that the amber designation would prevent development, she asked was that indeed the case. K Monahan explained that approval would set a dangerous precedent and noted residents had been fighting applications for development of the site for the last 20 years. She asked the Committee to refuse the application as it represented intrusion into the countryside and was beyond the settlement boundary.

The Chair thanked K Monahan and asked Steve Robson, representing the Sea View Action Group, to speak in relation to the application.

S Robson noted he was a local Parish Councillor and represented the Sea View Action Group who objected to the proposed development. He explained that he lived at Sea View Walk and noted the issues faced by a number of other residents, including anxiety and depression, that the area of land in question help to alleviate, providing a safe space for them. He added that there were a number of families with young children in the area, and the site and surrounding area provided a place for them to play safely. He explained that there was a dread amongst residents in terms of the development going ahead, especially in terms of road safety. S Robson noted that the proposed access was via a 45 degree bend from Glebe View and noted that there had been numerous accidents on this road. He added that there were terrible conditions, including no road markings, with incidents on a near daily basis. He noted that therefore the proposals were an accident waiting to happen with the young children in the area.

He added that the development would mean an extra 100 to 140 extra car journeys per day, reiterating the point made that the site was in an unsustainable location, with no public transport, with the nearest bus stop being 400 metres and shops around 600 metres.

The Chair thanked S Robson and asked A Franklin, Agent for the Applicant, to speak in support of the application.

A Franklin thanked the Chair and Committee and noted that the proposals represented a 100 percent affordable housing development by Partner Construction. He explained that the Officer's recommendation for approval was welcomed and noted the final proposals were as a result of extensive consultation with the Council. He added that Partner Construction worked with organisations such as Homes England, Local Authorities and others in delivering such affordable housing schemes. He thanked Officers for addressing the concerns raised in respect of the development within their report, setting out the work that had been carried out to address those issues. A Franklin noted the financial contributions in excess of £230,000 toward local amenities, including: GP provision; open space, including play space; school place provision; and management of coastal habitats.

A Franklin noted that the 100 percent affordable homes were needed, with the 49 properties being a mix of affordable rent and rent to buy. He noted local residents had raised concerns as regards highway safety, landscaping and drainage, and explained that those were addressed via conditions, and Construction Management Plan (CMP). He noted that Northumbrian Water Limited (NWL) and the Council, as Flood Authority, had noted that surface water requirements had been achieved, including an allowance for climate change, and would help prevent flooding off-site. In respect of landscaping, A Franklin noted a number of trees were to be planted and a large public open space would be provided, open to all residents. He noted a 77 percent net increase in biodiversity, greater than the 10 percent increase recommended.

In relation to coalescence, A Franklin noted that issues were addressed at paragraph 72(b) of the Officer's report and paragraph 72(j) dealt with issues relating to other potential brownfield sites, adding such sites were not likely to be able to give 100 percent affordable housing. A Franklin concluded by noting the application met all the requirements, including drainage improvements, and the scheme presented limited impact and therefore he asked that the application be approved as per the Officer's recommendation.

The Chair asked Officers for their comments on the issues raised by the speakers.

The Senior Planning Officer noted that, in reference to harm to the character and quality of the area, paragraph 72(b) dealt with the issue, with the A19 identified as a clear buffer. She added that to the east of the A19 there was the Area of High Landscape Value (AHLV) and the application site was set back from the A19 to provide sufficient distance in terms of a buffer from this road. She noted that the report referred to the SHLAA, with the amber reading, and explained that the application site was for a smaller area, for fewer dwellings than previous considered as part of the SHLAA, and the current proposals contained additional planting and sustainable urban drainage systems (SUDS) which in turn increased the quality of the green buffer.

The Principal DM Engineer, David Battensby explained that a risk based approach was taken when looking at the highways implications of planning applications. He noted that accident records were referred to and he had noted that, for the area proposed, there had been no accidents with personal injury recorded over the last 10 years and therefore there did not appear to be any particular problem in the area. He added that children playing in streets in residential areas was not atypical, however, it was not felt the proposals generated additional risk such to recommend refusal on highway grounds.

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

Councillor J Quinn asked for clarification on the distance to the nearest bus stop and as regards the position of the bungalows within the site, to be closer to the bus stop. The Senior Planning Officer noted that paragraph 72(f) of the report contained the relevant information, with the links to Murton and amenities at Woods Terrace. Members were referred to the appropriate map on the projector screen and noted distances of 1.2 kilometres to the nearest school, 500 metres to the nearest bus stop, and 900 metres to Woods Terrace. She acknowledged that the recommended minimum distance to bus stops was 400 metres, however, given the small additional amount over that distance together with good pathways in the area, there was reasonable assurance in terms of pedestrian access to the bus stop. She noted an improved surface at Woods Terrace and added that it was felt there were options in terms of transport modes.

Councillor J Elmer noted the proposals had a number of good points, in terms of insulation standards, being better than Building Regulation requirements, especially important in terms of the rising costs associated with heating. He added that the biodiversity net gain was welcomed as was the SUDS to create a wetland habitat. He noted the site to the east would remain as arable land in the ownership of the original landowner and noted a missed opportunity to extend the biodiversity buffer up to the Great North

Forest site. Councillor J Elmer noted that the 100 percent affordable housing for the site was very good and needed.

He explained he had been on the site visit and noted the previously blocked culvert and asked for advice from Officers in that regard. He added he shared the concerns raised in terms of road safety, with an increase in the number of vehicles not being likely to present no risk. Councillor J Elmer noted there was no reference to photovoltaic cells or battery storage, adding that as much as possible needed to be done to help residents with their energy bills. He asked how the properties were to be heated, gas or heat pump, and asked on what basis the previous applications had not met the SHLAA criteria.

The Chair allowed the Agent for the Applicant, J Ridgeon to respond to some of the queries raised by Councillor J Elmer.

J Ridgeon noted that the final design process would determine the heat source, with likely a combination of PV and air source heat pump, though he was not sure as regards gas. He noted Building Control regulations and the associated conditions that would require, noting that details in those terms had yet to be agreed. He pointed out that the nearest bus stop was 300 metres from the closest edge of the proposed development.

The Chair thanked J Ridgeon and asked the Drainage and Coastal Protection Manager, Brian Weatherall to respond to some of the issues raised.

The Drainage and Coastal Protection Manager noted that the Council, as Local Flood Authority, were consulted on the proposals and he explained that there was a requirement to demonstrate that any proposal would not increase flood risk. He noted that the requirement was for a flow offsite of 3.4 l/s in all storm events, including one in one hundred year events, and with an additional 40 percent to account for the impact of climate change. He noted there was a viable connection with a NWL combined sewer and therefore the culvert mentioned was not required. He noted that NWL had confirmed there was capacity in their system and therefore the proposals were in line with policy and national guidelines. He noted that while there had been flood events downstream of the site, the proposals would in some events decrease flood risk to a small extent.

The Planning Area Team Leader, Sarah Eldridge noted that the SHLAA assessment had considered the application site as part of a considerably larger site which extended all the way up to the A19 and north of the site. She added that larger site, yielding 92 properties, had been deemed represent significant adverse landscape impact and would detract from the gateway of the A19.

Councillor C Kay noted he had not yet reached a decision on the application, though he quite liked the application. He noted Members had heard as regards PV and air source heat pumps from the Agent and added that from his experience that those types of pumps did not work. He noted that many properties with such technology may have to go back to gas and asked why gas was not proposed, and whether it was an issue in terms of connection of the service to the site.

The Chair allowed J Ridgeon to respond to the queries raised by Councillor C Kay.

J Ridgeon noted that there could be a lot of issues when retrofitting air source heat pumps to existing buildings, however, with newly constructed dwellings it was possible, as in this case, to specify increased insulation to help match up with PV and air source heat pump technology. Councillor C Kay noted the application was a full planning application. J Ridgeon added that the development would meet and exceed building regulations. The Area Team Leader noted that Condition 13 required the submission of further details relating to a scheme to minimise greenhouse gas emissions and therefore the Authority would retain control going forward.

Councillor D McKenna asked if the Applicant had looked at alternative, brownfield sites in the area.

The Chair allowed J Ridgeon to respond to the queries raised by Councillor D McKenna.

J Ridgeon explained that the developer had looked at a number of sites, however, the site chosen was such to be able to offer 100 percent affordable housing. He added that brownfield sites can often be tricky with a number of constraints to such sites, and therefore it would be unlikely such site could offer 100 percent affordable properties.

Councillor A Surtees asked why the area directly south of the application site was not included within the development. The Senior Planning Officer noted that the area contained a number of manholes and inspection covers. She added that the area was part in Council ownership and the primary reason was retaining access to those engineering works.

Councillor D McKenna explained he knew the area well and noted issues of flooding, citing incidents at the Times Inn at Dalton-le-Dale and noted likely increased incidents as a result of climate change. The Drainage and Coastal Protection Manager reiterated that guidance relating to development for major sites was to not increase flood risk. He noted that there would be

reduced flow from pre-development work, noting SUDS storage such for a 3.4 l/s flow.

He noted normal rates were greater than 100 l/s and therefore the proposals would give a lower rate over a longer timescale. He noted that the proposals were in accord with policy, and he did not have concerns as regard flood risk.

Councillor L Brown asked, given the highway safety concerns raised, if it was possible to have banksmen on the road during construction of the site.

The Chair allowed J Ridgeon to respond to the queries raised by Councillor L Brown.

J Ridgeon noted that Condition 3 within the report referred to a CMP and such issues would be taken into account within the CMP, adding there would a package of actions, such as not having deliveries at peak school times, that would work together in terms of delivering the proposals safely.

Councillor K Shaw noted his previous role as Portfolio Holder for Housing and explained there was a huge demand for affordable housing, adding that there were 10,000 people registered on the waiting list, with 3,000 of those applications having specific needs, such as for older persons or for those with disabilities. He explained that therefore such development, where it was viable, should be supported. He added he understood the concerns raised by Local Members and residents, and noted similar issues in his Electoral Division, with competing demands in terms of those residents objecting to applications and those residents in need of such housing in their local area. He noted the impact of the proposals, however, there were elements to mitigate the impact in terms of the s106 monies. He noted in particular the impact on secondary school places and an associated s106 allocation and asked how it was calculated and how it could address need, especially as current need in that regard was not being met.

Councillor J Elmer noted he agreed with Councillor K Shaw and added that air source heat pumps could be efficient if the property was sufficiently thermally insulated and coupled with other technologies such as PV and battery storage. He reminded Members of the Climate Emergency as declared by the Authority and the ongoing COP27 Climate Summit currently taking place.

In response to Councillor K Shaw, the Area Team Leader explained that there were documents alongside the County Durham Plan (CDP) that gave an explanation of how pupil yields were calculated. She emphasised that any contribution would be to address any need arising from the proposed development, and not to address any previous need.

Councillor A Bell noted that the issue of school places was an increasing large one, and agreed it was not for this developer to address the wider issue, noting they had agreed in terms of the contributions required for the proposals. He added it was an issue to be addressed outside of Committee and reiterated that it was an important issue. He noted another issue was that he felt the level of contributions as set out in policy did not seem to be sufficient to cover the cost of new classrooms and added it would be matter he would raise at a future meeting of the Chairs and Vice-Chairs of the Planning Committees.

Councillor A Bell explained he was in agreement with the comments from Councillor K Shaw and noted that while Officers had noted no issues in terms of highway safety, the issue of no road marking had been brought forward and asked if that was something that could be addressed. He asked as regards the type of SUDS proposed and noted that in heavy downpours some types could become a risk in terms of water safety. He noted the comments relating to brownfield sites, understanding that such sites often had an upfront financial cost, for example in terms of the cleaning up of an industrial site. Councillor A Bell noted that he felt on balance the proposals were in line with policy and therefore proposed that the application be approved in line with the Officer's recommendation.

Councillor K Shaw noted he too felt, on balance, that the Committee should be supporting the application as the need for affordable housing was massive across all communities within the county and therefore he would second the motion for approval.

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.

Councillor L Brown left the meeting at 10.45am

b DM/21/02447/FPA - 50 Hawthorn Terrace, Durham, DH1 4EQ

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

The application was for the erection of an extension to the rear of the property and internal reconfiguration of lower ground floor and ground floor of existing HMO (C4 Use Class) and was recommended for approval, subject to the conditions as set out in the report.

The Chair thanked the Planning Officer and asked Parish Councillor Susan Walker, to speak as regards the City of Durham Parish Council's objections to the application.

Parish Councillor S Walker thanked the Chair and Committee and explained that the Parish Council very much welcomed the removal of additional bed spaces within the amended application. She noted that, however, the Parish Council still maintained objection to the application in terms of the impact upon residential amenity. She added that the National Planning Policy Framework (NPPF) advised to create high standards for existing and future users. She explained that therefore there should be no negative impact in terms of overlooking and visual intrusions unless there was satisfactory mitigation to provide high amenity standards and privacy for nearby residents. Parish Councillor S Walker noted that was the crux of the matter and added that the proposals broke the Residential Supplementary Planning Document (SPD) standards, those being 21 metres separation distance, with the distance proposed being only 13.4 metres, representing only 63 percent of the minimum requirement. She added it was felt this was shocking to be deemed acceptable and the Parish Council disagreed that the proposals were 'characteristic' and that as the area was so bad the proposals did not make the area so much worse. Parish Councillor S Walker reminded the Committee of the hard won policies within the CDP and noted that they should not now be forfeit, adding they must be applied to new applications. She explained that a nearby resident, Professor Weeks, had raised serious concerns as regards sight lines to two windows, being the bedrooms of his property. She concluded by noting the Parish Council would urge refusal of the application as it was in breach of CDP Policies 29 and 31, the Residential SPD, and Paragraph 127(f) of the NPPF.

The Chair thanked Parish Councillor S Walker and asked Roger Cornwell, representing the City of Durham Trust, to speak as regards the objections raised by the Trust.

R Cornwell thanked the Chair and Committee and reminded Members that one of the purposes of the CDP was to '*provide the blueprint to deliver long-lasting improvements*', a direct quote from the CDP introduction. He added that this was likewise for the Durham City Neighbourhood Plan (DCNP) and explained that proposals that might have passed under earlier development plans had to be judged against the latest versions of those Plans and their supporting documents.

He noted that the Parish Council broadly agreed with the Officer's report, until the discussion of impact upon residential amenity, beginning at paragraph 55 of the report. R Cornwell noted that paragraph 60 stated there had been no objections from 9 John Street to the application, this was not a surprise as Mr Durie was the owner of both properties in question.

R Cornwell noted the same paragraph of the report stated '*It is noted that the first-floor elements of both dwellings are comparable in terms of levels*'. He noted that, in fact, Hawthorn Terrace stood 3.8 metres, or over 12 feet, higher and Members would have noticed this on their site visit. He explained there was a lower ground floor which was roughly at the same level as the ground floor of the buildings on John Street. R Cornwell added that consequently the ground floor of 50 Hawthorn Terrace was level with, if not slightly above, the first floor of the properties in John Street. He noted that meant that it looks over the wall in the yard into the windows of the houses beyond.

In reference to paragraph 61 of the report, R Cornwell noted it quoted the Residential SPD to say that the standards should not be applied rigidly, however, the proposals took a separation distance that was already, at 16 metres, short by 5 metres of the current standard and pushed it 2.6 metres closer to John Street. He stressed that this was less than two-thirds of the standard, going beyond 'relaxed' or being 'rigid'.

R Cornwell noted that Professor Weeks had stated that '*The proposed extension would add a further two windows with a line of sight into my bedroom and that of my daughter*'. He noted those windows were still in the revised plans and they were considerably closer than 21 metres to Professor Weeks' house at 7 John Street.

R Cornwell noted that the conclusion within the report stated that '*the development would not entirely comply guidance within the Council's Residential SPD*'. He put it to the Committee that the application did not comply, full stop, and while there was some flexibility, the existing building had used all available flexibility and then some. He reminded Members that the CDP and SPD were in place to drive up standards and therefore the application should be refused as it fell so short of the requirements of CDP Policy 29 and the Residential SPD that the get-out clause of flexibility could not be used. He noted the City of Durham Trust urged the Committee to refuse the application.

The Chair thanked R Cornwell and asked the Planning Officer to respond to the issues raised.

The Planning Officer noted that it was acknowledged that separation distances were below the recommendations within the SPD, however, those recommendations were not intended to rigidly applied and paragraph 3.6 of the SPD noted that the distances could be relaxed given reference to characteristics of the area. She noted that within the terrace there were a number of properties with extensions at the second floor height and already with separation distances less than those set out in the SPD. She concluded by noting that therefore the separation distances were considered acceptable and not sufficient to warrant refusal of the application.

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

Councillor J Quinn noted that the site visit had been particularly valuable in this instance. He explained that the property stuck out within the terrace more than neighbouring properties as itself did not have an extension. He noted that he felt that as long as the conditions within the report were adhered to, and given there were no additional bedspaces proposed, he would support the application.

Councillor C Kay noted the points raised by the Parish Council, and agreed they were very valid. He added he felt uncomfortable in the minimum separation having been reduced from 21 metres to 13 metres. He noted that the figure of 21 metres had not been 'plucked out of the air' and rather had been arrived at after consideration.

Councillor A Bell asked for the street view of the property to be shown on the projector screen. He noted that the properties either side had been extended and noted that while he had much respect for the Parish Council and City of Durham Trust, he felt he would have to go against their recommendation of refusal. He added he felt that perhaps a three-storey extension may have been more appropriate, however, he would move that the application be approved as set out within the report.

Councillor J Elmer noted he had attended the site visit and that the neighbouring properties had the same type of extensions as proposed in the application. He noted that however, those neighbouring extensions had been approved under different schemes and regulations and therefore a decision needed to be made against the existing CDP, DCNP and the Residential SPD. He noted the minimum recommended separation distance of 21 metres and that the distance proposed was a significant diversion from that recommended within the SPD. Councillor J Elmer noted it was a case of deciding where one would draw the line and added he felt that it was not acceptable to say the development was ok just because previous regimes had allowed for similar extensions in the area. Accordingly, he moved that the application be refused. He was seconded by Councillor C Kay.

Councillor A Surtees noted she had listened to the arguments put forward and seconded the motion for approval as put by Councillor A Bell.

The Chair noted the motion for refusal had been put and seconded first, therefore that motion would be considered first, and asked Councillor J Elmer for his proposed refusal reasons. Councillor J Elmer note he felt the application was contrary to Policy 29 in that the development failed to comply with separation distances.

The Lawyer (Planning and Highways), Neil Carter asked Councillors J Elmer and C Kay whether the issue was the impact on amenity from reduced separation distances. Councillor C Kay noted he felt the application was contrary to various policies, including Policy 31 and Part 127 of the NPPF. He added that there were issues in terms of privacy, noting he would not wish for such small separation distances to his daughter's bedroom, adding he would not wish for 19th Century standards for our residents, rather for applications to comply with modern standards. The Lawyer (Planning and Highways) asked if the reasons were the same, with the Principal Planning Officer, Paul Hopper confirming Policy 31 referred to residential amenity. Councillor J Elmer noted his refusal proposal was on the basis of the application being contrary to Policy 31.

Upon a vote being taken, the motion for refusal was **LOST**.

The Chair noted the motion for approval by Councillor A Bell, seconded by Councillor A Surtees, upon a vote being taken it was;

RESOLVED

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

6 Additional December Meeting

The Chair noted that as previously mentioned, and due to the number of applications to be considered, there would be a requirement for a Special meeting to be held in December, in addition to the scheduled meeting. He asked if a date had been determined. The Committee Services Officer noted that a number of dates were being looked at in terms of suitability and that, following confirmation with Chair, Committee Members would be advised of the additional December date in due course.