

**DURHAM COUNTY COUNCIL**  
**AREA PLANNING COMMITTEE (CENTRAL AND EAST)**

At a Special Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Monday 18 July 2022** at **9.30 am**

**Present:**

**Councillor D Freeman (Chair)**

**Members of the Committee:**

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

**1 Apologies for Absence**

Apologies for absence were received from Councillors L Brown and I Cochrane.

**2 Substitute Members**

Councillor N Jones substituted for Councillor L Brown.

**3 Declarations of Interest**

The Chair, Councillor D Freeman noted in respect of Item 4c 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.

Councillor S Denali noted in respect of Item 4a that the developer was known to her. The Senior Lawyer, Regulatory and Enforcement, Clare Cuskin asked as regards the nature of the relationship. Councillor S Deinali noted her daughter attend the same school as the applicant's child. The Senior Lawyer noted that the nature of the relationship was not sufficient to impact upon decision making.

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

##### **a DM/21/00844/OUT - Barn High Farm, High Hesleden, TS27 4QD**

The Principal Planning Officer, Leigh Dalby, 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 Principal Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was an outline application for the erection of 16no self-build plots with all matter reserved and was recommended for refusal.

The Principal Planning Officer noted that Members attending the site visit had requested the information as regards the layout for the extant permission relating to the application site and displayed the plan on the projector screens. The Principal Planning Officer noted concerns from the Landscape Section as regards projection north beyond the current framework of the site which would have a detrimental impact on the landscape character of the area as well as the suburban appearance of the indicative layout and the impact that would have on the character of the village. He noted the Design and Conservation Section had raised concerns in respect of the suburban appearance of the indicative layout and suggested a simplified design code. The Committee were asked to note there had been two letters of objection from the public with the main reasons cited including: loss of privacy and amenity; loss of views and light; impact on the character of the village; lack of facilities in the village, with car travel being essential therefore not a sustainable development; poor bus service and unlit footpath; and noise and disturbance from the building site.

The Chair thanked the Principal Planning Officer and asked Mick Dixon, Applicant to speak in support of his application.

M Dixon explained he was speaking on behalf of himself and his business partner, Mick Bradley in respect of the application before Committee from Castle Eden Developments Limited. He noted M Bradley was himself the son of a farmer and that the farm in question, Barn High Farm was a disused farm and in a state of disrepair. He explained that the development would retain some elements, and the modern farm buildings to the rear would be cleared to take advantage of the site. He noted that in terms of the extant permission, four and nine new was 13 properties, not 12 and with a further two conversions under permitted development amounted to a total of 15 dwellings.

He added that asking for 16 properties was the only way to make development viable. M Dixon explained that there had been no interest from buyers for the existing scheme and therefore that was not viable. He added that the COVID-19 pandemic had created a shift in the market, with a demand for detached properties with space. He reiterated that most of the existing buildings on the site were in poor condition and were not of heritage interest, with any development being positive in terms of tidying up such dangerous buildings.

M Dixon noted that Planners had not supported the application on the grounds of sustainability, however, he had lived at Hesleden for 15 years and noted over time that there had been fewer and fewer teachers at the local school, with three years groups within one class. He noted The Ship Inn had unfortunately closed, though it was hoped new owners maybe able to reopen it and the local Post Office was used nearly every day. He noted that the church and Sunday school had closed and concluded by noting that in talking about sustainability, the proposed development would bring in more people to support the school, church, pub and Post Office.

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

Councillor S Deinali noted that transport had been an issue for a number of years, adding that if there were more people in the area there was more of a chance of investment in transport.

Councillor LA Holmes asked for clarity in relation to the extant permission, and whether it was as set out in the report or as stated by the applicant being nine and four totalling thirteen. It was noted that the applicant was correct.

Councillor J Elmer noted the linear nature of the village and the size of the proposed development compared to the village. He noted that if the proposed development did not go ahead, the extant permission seemed more in keeping with the area, however, there were concerns as regards the viability of the previous scheme. He noted that viability was an assessment, not an opinion and added he had concerns that a viability assessment had not been provided. Councillor J Elmer noted that another concern was the impact upon the landscape, with there only being three traditional farm buildings, with one to be lost to provide access. He added that the final point he would make was in relation to sustainability, the development would have dependency on the motor car and added he wanted more public transport. Councillor J Elmer noted he supported the Officer's recommendation and moved that the application be refused.

Councillor C Kay explained he had read the report and noted that there were four larger communities within one mile of the village adding that one mile was suitable for sustainable modes of transport such as walking and cycling. He asked for information as regards the suitability of the road for such use. The Principal DM Engineer, David Battensby noted the road was a relatively quiet lane, however, there was no footpath on the carriageway and streetlights had been removed. He added there was a bridleway at the west of the village and a footpath from Mickle Hill Road to Blackhall Road. He noted that the roads to the east and west were subject to a 60mph speed limit. He added that Fillpoke Lane was quite narrow, though only had light traffic, though in the summer there was a number of vehicles with visitors to the nearby animal petting farm. He concluded by noting there was access for cyclists and there was relatively light traffic.

Councillor S Deinali explained that the bridleway was part of the Haswell to Hart walkway and linked to Hesleden, High Hesleden and Crimdon and pointed out there was the new community hub at Crimdon, attracting a lot of tourists and cycling use.

Councillor N Jones noted that in terms of the sustainability argument, extra houses did not necessarily mean that bus services would improve, however, there was £100 million in subsidy available, so it was not out of the question either.

Councillor A Surtees noted that there was a school in the area and therefore there must be footpath linking the two and asked why the proposals were deemed so unsustainable, especially given the extant permission.

Councillor C Marshall explained he did not know why the application was at Committee, adding that at first he had thought it had been called-in by Local Members. He noted that there had been no local objections and added he had issue with how sustainability was designated. He explained that many of the communities within the county would be classed as unsustainable and without public investment in services the situation would only get worse. In terms of viability, he noted that clearly a lot had changed since 2018 in terms of rising construction costs, the cost of living crisis and rising inflation. He noted that sustainability was a double-edged sword, with more people coming into an area making an area more sustainable. Councillor C Marshall noted that the provision of self-build units would help diversify the housing market and provide a greater choice. He added that we would never improve some communities unless there was development.

Councillor C Marshall proposed that the application be approved, with the further details to come via a full application at a later date. He was seconded by Councillor S Deinali.

Councillor J Elmer noted that given the way bus companies used threshold numbers, it was unlikely that such a threshold would be reached and, if so, it would have been included as part of the application. In terms of viability, he noted that the Officers had quite rightly pointed out car dependency. He added he was concerned as regards abandoning policies within the County Durham Plan (CDP), especially Policy 6.

The Principal Planning Officer explained that the application was before Committee as it constituted a 'major application' as set out in the Constitution. He added that a greater number of residents may have a chance to increase the bus services, however, a Planning Inspector in 2018 within an appeal decision, for three dwellings at High Hesleden that formed part of the application site, had noted the site would not be in a sustainable location. He added that the previous scheme that had been approved had been very different and had a greater sympathy in terms of the agricultural nature of the site, would retain more buildings and represented a smaller development.

The Chair noted that the application had been moved and seconded for approval by Councillors C Marshall and S Deinali and proposed for refusal by Councillor J Elmer. Councillor K Robson noted he would second the proposal for refusal.

The Senior Lawyer noted there was a motion for approval, contrary to the Officers recommendation and asked for clarifying reasons and also that the motion to include agreement for delegated authority for Officers, in consultation with the Chair, as regards conditions and obligations, should the motion be carried. Councillor C Marshall agreed as regards the delegated authority and noted the recommendation for refusal was due to a lack of sustainable location. He reiterated that a lot had changed since 2018 in terms of access, active travel, the Saints Trail and the Community Hub at Crimdon. He noted there were hourly bus services and added he could not agree with the recommendation in terms of the sustainability. The Senior Lawyer asked if he wished to comment in terms of the character and appearance, Councillor C Marshall noted those issues did not need to be agreed at the outline stage, rather they would come back and be tested as the application progressed. The Senior Lawyer noted Members needed to be certain in terms of approval. Councillor C Marshall noted that he felt satisfied that requirements could be met via a full application in due course. The Principal Planning Officer noted that as the units were self-build, they would come back individually and be considered under delegated authority.

Upon a vote being taken it was:

**RESOLVED**

That the application be **APPROVED** subject to a suite of conditions and obligations to be agreed under delegated authority by Officers.

**b DM/21/02109/FPA - New College Durham, Framwellgate Moor, Durham, DH1 5ES**

The Principal Planning Officer, Leigh Dalby 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 the erection of football pitch boundary fence and was recommended for approval, subject to conditions. The Principal Planning Officer reminded Members the application had previously been considered in November 2021 by the Committee and it had been deferred for the applicant to look at a revised scheme.

The Chair thanked the Principal Planning Officer and asked Mr A Perry, local resident, to speak in objection to the application.

Mr A Perry thanked the Chair and Committee and explained he had lived at Alexandra Close for 40 years with his family and that his property and others were adjacent to the field in question. He noted that Mr Prisk also objected, however, he was unable to attend the meeting and that the objections were from a number of neighbours. He noted that New College Durham (NCD) had amended their initial application, reducing the height of the fence from 4.5 metres to 3 metres on two sides. He added that, however, the scale was still sufficient to represent a significant impact and detriment to the value of the open space, noting the open space was separate from the rest of the college buildings.

Mr A Perry explained that the scheme failed to respect residents and noted there had been discussions and that there had been assurance as regards landscaping and maintenance. He noted the extension to the NCD building to the west of the public right of way and noted clear delineations of the NCD building and the playing fields. He added that the proposed development encroached on that delineation and would create a stark block. He explained the construction would be three to four metres and, when built, would be a cage-like structure that would dominate the space. Mr A Perry noted that the field itself was 1.5 metres higher than in 2003 as when NCD was rebuild the field had been a temporary store for the waste material from the old site. He explained that there had been assurance that the level would be returned, however, to the dismay of all the area was compacted and topsoil placed on top. He noted that meant that effectively the proposed fence would be 4.5 metres form the garden levels on Alexandria Close.

He noted that the original application had been deferred and it had been hoped that there would have been further details in terms of land that would remain, whether it would be left to go wild and not be maintained, adding there had been no information from NCD on this matter.

The Chair thanked Mr A Perry and asked Mr K Fairley from NCD to speak in relation to their application.

Mr K Fairley thanked the Chair and Committee and explained he was the Deputy Chief Executive, NCD, with his colleague in attendance being Mr Paul Bradley, Chief Financial Officer, NCD. Mr K Fairley noted the proposed fence was for an existing playing pitch and had originally been submitted last July for a 4.5 metres enclosure. He noted the matter was deferred by Committee in November 2021 and that NCD had agreed to further consultation with residents. He explained that subsequently, the proposal was now for 4 metre high fence at each goal end of the pitch, with 3 metre high fence along the touchline sides, parallel to Alexandria Close. He referred to Condition 3 which related to the colour of the fence and explained that at the consultation with local representatives in terms of a planting scheme, NCD had noted no strong views and would work with Durham County Council (DCC) and local representatives in terms of those requirements. Mr K Fairley explained that paragraph 37 of the Officer's report set out details in that regard. He concluded by noting NCD welcomed the recommendation for approval and respectfully requested Members approve the application as per their Officer's report.

The Chair thanked Mr K Fairley and asked the Committee for their comments and questions.

Councillor A Surtees noted she recalled the initial application at the meeting in November 2021, with one of the Local Members having been in attendance to raise the concerns of residents. She noted that NCD had subsequently had further discussions as regards the proposals and had amended their application in terms of reducing the height of the fence all the way around. She proposed that the application be approved, as per the Officer's recommendation. Councillor LA Holmes seconded the motion for approval.

Councillor J Elmer asked whether it would be possible to condition a requirement in terms of planting and maintenance around the pitch.

The Principal Planning Officer noted that Condition 4 within the report required that the planting scheme relating to the eastern, southern and northern boundaries be submitted to and approved by the Local Planning Authority.

Councillor J Elmer asked as regards ongoing maintenance. The Principal Planning Officer noted that maintaining for a five year period was seen as good practice, as set out within Condition 4.

Upon a vote being taken it was:

## **RESOLVED**

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

### **c DM/19/03033/FPA - Old Coach House, 2, Percy Terrace, Durham City, DH1 4DY**

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 Principal 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 retention of timber cladding and render to existing single-storey side extension and installation of rear door to west facing rear elevation and was recommended for approval, subject to a condition.

The Chair thanked the Principal Planning Officer and asked Mr A Doig, local resident, to speak in objection to the application.

Mr A Doig noted he was speaking as a local resident, not in his role in relation to the Parish Council. He noted he lived in an adjacent property and noted statements made by the applicant. He noted the lane was unadopted and he noted concerns as regards DCC refuse vehicles not being able to gain access and explained he had organised the surfacing of the lane, though only two properties had contributed, with the previous occupant of the property in question having not contributed. He added that in terms of the cladding and revisions made that he and others did not oppose the recommendations of the Design and Conservation Officer.

Mr A Doig noted that in terms of access and other matters, including possible future use as an Airbnb, there were concerns in terms of parking on an unadopted lane causing obstruction to residents' access and waste collection. He noted that would impact upon the amenity of around 30 properties, many of which had elderly residents.

He noted paragraph 42 of the report noted that permission would not be required for the side access, however, a recent similar application at Nevilledale Terrace had required retrospective permission. He noted there should be consistency. He proposed that the Committee reject the application if it was only for cladding, or that the application be withdrawn and resubmitted with a requirement in terms of alternative to the boundary wall.

The Chair thanked Mr A Doig and asked Mr A Hall, the applicant, to speak in support of his application.

Mr A Hall thanked the Chair and explained it was a very emotive subject and meant a lot to him. He explained he was an experienced developer with projects as varied as skyscrapers within the UK and award-winning beach front properties, with his work receiving many accolades. He noted personal family circumstances that led to him purchasing the property in order to be a project he would be able to rebuild with his own hands. He explained he had thought carefully and paid attention to the materials to be used, those being of a similar age to the building. He noted he would not attempt to circumvent planning policies, again referring to his over 25 years of experience in dealing with Planning Departments. He noted issues in terms of the property not having sold at auction and the work to force Northern Powergrid to replace the roof and substation, and the work over a period of a year that had been undertaken with care and sensitivity.

Mr A Hall explained he had not been aware of the conservation issues, with Percy Terrace being a mismatch of styles, adding if he had known the matter would not have reached the point where it was before Committee. He noted that all negative comments as regards the application were attributable to one individual and untrue. Mr A Hall noted his thanks for the kind input from the Principal Planning Officer and explained he agreed in terms of the few upgrades to help with in terms of the conservation area and design. He noted that the current tenants were post-graduate lecturers and noted reference of other potential uses, such as an Airbnb or for use by a family member. He concluded by asking Members to focus on the knowledge of the internal and external Officers and their comments and approve the application as per their recommendation.

The Chair thanked Mr A Hall and asked the Principal Planning Officer to comment on the points raised.

The Principal Planning Officer explained that the application referred to the retention of cladding and the works relating to the door and that the issues raised relating to access, parking and refuse vehicles were beyond the remit of the application.

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

Councillor C Marshall noted that clearly there was a lot of local history in terms of issues in the area, however, when looking at the application it was clear cut and in line with policy, therefore he would propose that the application be approved as per the Officer's recommendation. Councillor S Deinali seconded the proposal.

Upon a vote being taken it was:

## **RESOLVED**

That the application be **APPROVED** subject to the condition set out within the report.

### **d DM/22/00639/FPA - Luciano Bar And Bistro, Durham Way, Peterlee, SR8 1QB**

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 for the erection of glazed extension with bifold doors and rotating roof blades to provide enclosed shelter to existing outdoor courtyard seating area and was recommended for approval, subject to conditions.

The Chair noted there were no registered speakers and asked the Committee for their comments and questions.

Councillor J Elmer noted that the only obvious issue was the potential in respect of noise nuisance and noted that had been addressed via condition. He asked if Members could be confident that enforcement action could be taken in future if required.

The Principal Planning Officer, Paul Hopper noted the suite of conditions were such that Officers felt noise from the extension was not an issue in terms of any potential refusal of the application. He explained Condition 9 referred to a Noise Management Plan and noted that if it was adhered to then there should be no issues in terms of noise.

Councillor J Elmer proposed that the application be approved, he was seconded by Councillor N Jones.

Upon a vote being taken it was:

**RESOLVED**

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