

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 5 March 2024 at 9.30 am**

Present:

Councillor A Bell (Chair)

Members of the Committee:

Councillors J Atkinson, D Boyes, M Currah, J Elmer, J Higgins, P Jopling, C Martin, M McKeon, E Peeke (substitute for G Richardson), A Savory, K Shaw, A Simpson, S Wilson and S Zair

Also Present:

Councillor A Reed

1 Apologies

Apologies for absence were received from Councillor G Richardson.

2 Substitute Members

Councillor E Peeke was present as substitute for Councillor G Richardson.

3 Declarations of Interest

In relation to item no 5a) Councillor Currah had declared an interest prior to the meeting having made representations on the application prior to becoming a County Councillor. The Solicitor confirmed that as this was a disclosable pecuniary interest, Councillor Currah would need to withdraw from the meeting whilst the item was determined and could not make a representation on it. Councillor Currah left the meeting at this point.

4 Minutes

The minutes of the meeting held on 6 February 2024 were agreed as a correct record and signed by the Chair.

5a) DM/19/02852/FPA - Land To The North Of High West Road, Crook

The Committee considered a report of the Senior Planning Officer regarding an application for the proposed development of 256 residential dwellings with associated infrastructure (As amended 24/11/2023) on Land to the North of High West Road, Crook (for copy see file of minutes).

C Harvey, Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photographs, site photographs, street scene visuals and a proposed layout plan.

The Senior Planning Officer confirmed that a further 2 objections from the same property had been received following publication of the report, raising concerns regarding matters already addressed in the report, in respect of the height of the hedgerows adjacent to the site boundary and subsequent impact on the amenity of neighbouring residents. These objections raised concerns with the time it would take for hedgerows to mature to sufficient height for screening the development. In light of these concerns, the wording of Condition 22 had been updated;

- The hedgerows adjacent to the southern and eastern site boundaries, the hereby approved plans, shall be maintained at a height of no more than 2 metres, rather than 2.5m metres.

With regards to the Section 106 Agreement outlined in the report, the second bullet point at paragraph 313 of the report regarding the adoption of the Children's play area was also removed as it was not required to be secured by a legal agreement and would instead be covered by a condition requiring details to be submitted..

Finally he noted that there were two recommended conditions numbered 31, and the condition numbers should be updated taking the number of conditions recommended to 36 in total and not 35.

Councillor Reed addressed the Committee as local Member. She welcomed the decision to reduce the number of houses from what had originally been allocated in the County Durham Plan. However it was disappointing that the buffer to north and west of the site appeared to be of the minimum standard set out in previously approved policy documents and that the scheme proposed the removal of hedgerow and trees subject to TPO. She understood from previous policy documents that the loss of such features would be resisted on this site and as they contributed to the setting of the site she expected that any hedgerows or trees removed would be replaced.

Councillor Reed also had concerns about the narrow strip of open space to the rear of existing properties as it did not, in her opinion address the policy

requirement for a meaningful buffer between the surrounding residential properties. Whilst the flood risk had been assessed as low to medium, she was aware that residents had experienced severe flooding which had required them to take emergency precautions, however Councillor Reed had been assured that this was being addressed by use of suds.

Nevertheless, Councillor Reed recognised there was a need for a variety of new homes and had received regular communications from residents in need. The development would also bring economic benefits to local business and tradesman. The provision of energy efficient new homes positioned overlooking Weardale, would attract people and showcase Crook as an enviable place to live work and bring up a family. Finally, Councillor Reed referred to the considerable Section 106 contributions that would benefit residents of Crook should the application be approved.

Mr R Roddis, local resident, addressed the Committee in objection to the application. He advised that residents had attempted to raise numerous concerns since late 2013 which he suggested the Council and developer had not taken into consideration. Local residents had the experience to know what was required in the area and what the impact of the development would be.

He focused on the access to the site on the A689 via the proposed junction, which he assumed had been agreed due to the inability of the applicant to purchase additional land required to install the roundabout which had originally been proposed. A transport assessment had been commissioned in 2019 which was a comprehensive document which appeared to highlight all issues and mitigation required, regarding the access point and a virtually identical document had followed in 2021. With regards to the safety of the junction, he advised Members that speeding had significantly increased since 2013 and he disputed the accuracy of the data shared regarding speeding and accidents, sharing detailed information of further incidents which had not been recorded.

Mr D Longstaff, local resident, addressed the Committee in objection to the application. His property was adjacent to the site and he argued that the loss of designated farmland would have a negative impact on the environment and the wider community. He did not believe that farmland should be replaced with housing and suggested alternative sites should have been considered. Although it may be too late, given the ongoing green agenda and that local and central government were promoting farming and its impact on the local community, the loss of farmland should not be underestimated. The proposal would have a negative impact on wildlife and whilst somewhat mitigated, loss of natural habitat would have an impact on local communities.

In respect of the design of the design, the application had been assessed against the Building for Life Supplementary Planning Document at the consultation stage and received eleven unacceptable red scores. Despite several revisions and a number of design changes, this had still not improved in 2023, however within three months of the Committee all scores had been deemed acceptable, suggesting that public transport had changed from red to green despite no changes to the proposal. The access from the site onto the main road was dangerously positioned and safety crossings were insufficient.

Mr Longstaff believed that the application had seemed to be rushed and since last consultation had ended, a further 64 documents had been uploaded to the planning portal giving insufficient opportunity for all of the facts to be considered.

Mr J Taylor addressed the Committee in objection to the proposal, mainly due to concerns relating to access of the site. The County Durham plan had identified the site with access to be provided by the installation of a roundabout on A689 to take additional traffic and also provide traffic calming. Highway safety was a material planning consideration and there were speeding issues on High West Road which could be verified by residents. The proposed access route was approximately 40m to the west of the existing access from High Farm and he suggested that up to half of the new properties would use this access. He understood that increased traffic would have an impact on highway safety and a roundabout would have been more appropriate and would have acted as a considerable calming measure. The hatched area encroached on the High Farm entrance and would be extremely dangerous and contrary to highway safety.

Mr A McVickers addressed the Committee on behalf of the developer advising that the application proposed 256 high-quality sustainable new homes for local people, at a time when rising interest rates and shortage of housing impacted the ability to purchase affordable homes. The housing crisis was high on the political agenda with the Government committed to delivering 300,000 new homes a year. Around 50% of private sales had been to first-time buyers over the previous two years and typically within a 3-mile radius of the site. On other recent nearby developments in Durham, over 80% of buyers had moved within that postcode area.

The development had been allocated in the CDP and supported the Council's ambition of meeting local housing needs and delivering new investment and local employment opportunities. There were four allocated sites in Crook with 645 homes in total and equated overall to 5% of Durham's housing allocation target. The site provided a mix of two and three bedroom dwellings with 38 homes identified for affordable rent or discounted market sale and 26 single storey bungalows.

The proposed site complied with all Local Plan policy and houses met Nationally Described Space Standards. The master planning of the site had established three distinct and spatially separated development cells connected through landscape breaks centred around a retained Public Right of Way and a strong line of mature trees to the central east of the site. Mr McVickers described the design features and materials for the three proposed character areas. All homes would be built to a minimum of 2021 Building Regulations Part L and included solar panels. The layout and house types would be designed from outset for transition to Future Homes Standard which would come into force during the build programme and all would have electric vehicle charging facilities.

Mr McVickers added that the development provided significant contributions to the local community with £839,000 Section 106 Contributions in addition to the construction of an on-site equipped children's play area.

The developer had worked extremely closely with case officers and consultees to create a scheme that met all requirements. The proposed development had been designed around the retention of mature trees and hedgerows within the site and provided a structural planting strip and stand-off distances to existing homes. There were numerous landscape areas and features to provide an attractive landscape and pedestrian and cycle movement had been prioritised throughout the site with provisions for seven further pedestrian accesses. The scheme had been designed to incorporate PROW and two pedestrian accesses had been incorporated into the eastern boundary of the site to provide ease of access and shortened walking distance to the services and facilities within the town.

In conclusion, the development would support Durhams ambition of meeting local housing needs and make a real difference to local people.

P Harrison, Highway Development Manager confirmed that he was unable to clarify the rationale for the redesigned access and had been asked to assess the application in its current format. The criteria for right turn pockets was set nationally and there was no technical reason that the junction would be unsuitable. The junction was not designed for the speed limit but for 85 percentiles and visibility for speeds at 40mph. From a technical point of view it was acceptable.

In response to a question from Councillor Bell regarding the location of the refuge island, the Highway Development Manager advised that the road was not wide enough for it to be located elsewhere due to required standards. As this was a light traffic road with only 4000 vehicles per day, the installation of an island was not required as the road could be safely crossed in one stage.

B Weatherall, Drainage & Coastal Protection Manager was not aware of any flooding in the area but suggested meeting with Councillor Reed to discuss issues with surface water following the meeting. The application had been thoroughly checked in line with national and local policy. The fundamental test was that development did not increase flooding elsewhere and had the ability to protect itself, and it was deemed as low risk by the Flood Authority.

The Senior Planning Officer added that the developer had worked closely with the Council to provide additional information with regards to drainage than would normally be considered at this stage of the process. With regards to TPO's, they had been made in 2020 following the submission of the application. There were 71 trees with TPOs and only one tree was proposed to be felled and this was not covered by a TPO. It was a category C tree of low quality and value and situated within a group of trees in the south west corner of the site. The design had ensured the retention of all trees however a tree survey had recommended that eight trees covered by a TPO were felled due to their low quality and not the design of the scheme.

Councillor Martin agreed with the assessment of the pedestrian island however he asked for further information regarding the roundabout proposal and whether it had been removed due to the significant reduction of dwellings and potential cost implications. He asked whether a substantial number of additional dwellings would be required before it would meet the threshold for a roundabout.

The Highway Development Manager described the modelling software used in addition to criteria for traffic. The upper limit of traffic required would be 18000 vehicles a day. In terms of the suitability of the junction, the updated Transport Assessment in August 2023 demonstrated that traffic modelling showed the junction worked well and had suitable capacity. It was likely that to recommend the installation of a roundabout, the number of dwellings would need to be significantly higher.

Councillor Elmer declared an interest in the item as a Member of the Green Party who had submitted comments on the application but he had not been involved in the formulation of those comments or been aware of them until the presentation.

He referred to the opportunity on this site for mine water heating which had been done elsewhere in the east of the County and asked whether it had been considered. He also wondered whether the development would be affected if any ground stabilisation issues were identified. Mr McVickers confirmed that he was unable to provide any detail regarding the reasoning for the heating system design, however he described various mine workings

which had been investigated and the site layout designed accordingly. No issues were expected following this detailed investigation.

Councillor Elmer referred to the Applicant's statement having made reference to national politics and led him to ask for comments on significant criticism directed at this particular developer as to the build quality of their product. Mr McVickers advised that following a change in senior leadership 4-5 years prior, customer care and build quality had significantly improved. All purchasers of new homes were asked to complete a survey by the House Building Federation which asked for feedback on the experience and whether customers would recommend builders. Data was collected on annual basis and ranked with stars. The developer had achieved a 5 star rating for the previous three years which verified the significant efforts to ensure improved build quality and customer service.

The Senior Planning Officer advised that there was no policy requirement to install a specific type of heating system. With regards to coal mining history, extensive site investigations had been undertaken and no objections had been received from the Coal Authority or Environmental Health. With regards to the build quality, the design of the scheme was acceptable and the quality was a matter for building control.

In response to a question from Councillor Jopling regarding land ownership, Mr McVickers confirmed that the application site would be acquired post-planning determination.

Councillor Wilson could not see any reason to refuse the recommendation. The Committee had to assess the application before them, and he accepted that a roundabout was not required for this proposal. The number of dwellings was slightly above what was recommended in the County Durham Plan, however the developer had included good Section 106 contributions to mitigate any impact. He moved the recommendation to approve the application.

Councillor Boyes could not see any reason to refuse the application. The objections raised regarding speeding was a police enforcement issue. He accepted that there were some concerns regarding the entrance and a roundabout may have been better however he was content with the views of the Highway Development Manager. There was a generous housing mix and with over 300k houses to build, each area had to accept their share. He was slightly concerned regarding the vicinity of the mineshaft and the recent underground workings. He was aware of another development with issues of subsidence and noxious gases and queried how the work would be phased and whether any issues during development would be reported to Committee.

The Senior Planning Officer confirmed that the phasing of the development had been discussed with the Applicant and the south west of the development would be developed first. There had been no objection from the Coal Authority or Environmental Health however any matters arising from the development would be considered as part of the remediation condition if necessary. Councillor Boyes seconded the proposal.

Councillor Savory advised that para 295 stated that Spectrum Leisure Centre was the nearest in Willington however there was one at Peases West in Crook. She had listened intently to the debate and attended the site visit. She was encouraged to see a reduction in the number of dwellings and given the variety of housing proposed, particularly bungalows, considered it a positive addition to Crook, which benefitted from significant financial contributions. She was in support of the application.

Councillor Jopling accepted the need for housing allocation however she did not believe that this was the correct site. It was open countryside which had been used for grazing and whilst it was low grade it was farming land and was known to flood. With former mine workings and the inability to predict future rainfall, in addition to a lack of information regarding the SUDS, flooding was a huge concern.

With regards to the monetary contributions, Councillor Jopling did not consider this would make any difference to residents of Crook. Residents already experienced major issues trying to see a GP and money could not compensate for this. There was no local secondary school and children were transported to Bishop Auckland at the expense of the Council. This was a beautiful area and this application would cause a significant loss of habitat and amenity for local residents. She could not support the application.

Councillor Elmer was pleased to see that considerable changes had been made to reduce the number of houses on the site and improve density. He complimented the creation of green wedges, the biodiversity and monitoring plan and 10% net gain. He was slightly concerned regarding drainage and whilst he appreciated the calculations used for SUDS design, there was little known about what the future would present due to rising climates. The method of calculation was based on previous rainfall events and it was questionable as to whether this was fit for purpose or whether SUDS capacity should be increased to allow for increased rain fall. He welcomed the economic benefits but not the loss of trees. In addition trees retained in residential gardens could end up being pruned. With regards to the PROW at the south of site, he queried whether the surface could be improved.

M Ogden, Access & Rights of Way Team Leader, confirmed that the surface would need to be improved and advised that materials could be used to maintain the rural feel. The Senior Planning Officer advised that materials

could be secured with an additional condition to require the completion of the footpath prior to the occupation of the first dwelling. Materials would be agreed between Officers and the Chair of the Committee.

Councillor Bell advised that due to the gradient of the footpath there was a channel of running water which could wash out an aggregate surface. He also advised that it was in a poor condition at the bottom of the footpath and queried whether it could be brought up to adoptable standards. The Senior Planning Officer advised that it fell outside of the red line boundary however the Highway Development Manager advised that it was adopted highway and a section 278 agreement could be secured to change it to a suitable surface.

Councillor McKeon was not convinced of any material planning reasons to refuse the application. She understood there were issues with the mine shaft however there were many similar developments across County Durham which had been successfully completed. There were no major objections from highways regarding the design and layout and whilst people wanted a different access, she accepted the reasons for the recommendation as it was. If the Committee were to refuse this application it would likely be overturned on appeal and could result in the loss of a lot of benefits to the community. Whilst acknowledging issues with access to GPs, the health service was in crisis and house building could not cease due to wider national issues. With no grounds to refuse, she suggested the Committee moved to a vote.

S Reed, Planning Development Manager confirmed that there had been significant consultation on the County Durham Plan over 10-15 years and this had been one of the sites allocated by Spatial Policy. Other sites had been considered, including brownfield sites in the area that were closer to the town centre, however this site had been established as most suitable.

With regards to health and school issues, consultees in education and health considered up to date figures and factored in existing commitments. There had been no objection from NHS but sadly the issues raised were similar across County Durham. He would report the issues raised with a Strategic Manager from the NHS. The application had taken four years to complete and a lot of work had been undertaken to reduce the numbers to a more manageable level. The application had resulted in one of the most green and spacious developments he had seen.

With regards to the comments regarding mine shafts Councillor Shaw referred to a nationally significant development in Seaham which was utilising mine water to heat 1500 houses. The development was required to satisfy the County's housing allocation.

Councillors Wilson and Boyes amended their motion to include two additional conditions relating to the footpath resurfacing and improvements to the highway verge outside of the site precise details of which would be delegated to officers in consultation with the Chair.

Resolved

That the application be APPROVED subject to the conditions outlined in the report (as updated) and completion of an agreement under Section 106 of the Town and Country Planning Act 1991 (as amended) to secure the following;

- £114,329 towards improving off-site open space;
- £137,112 towards improving existing playing pitches;
- £463,512 contribution toward increasing capacity at Parkside Academy;
- £123,648 contribution toward NHS increasing GP surgery capacity;
- 15% of Affordable housing on site;

Entering into a Section 39 agreement to secure a Biodiversity Management and Monitoring Plan as well as long term management, maintenance and monitoring and subject to the following additional conditions;

37) Notwithstanding the hereby approved plans, prior to the occupation of the first dwelling, precise details of the surface treatment of Footpath No. 49 (Crook Parish), where it passes through the site, shall be submitted to and agreed in writing by the Local Planning Authority.

The agreed surface treatment details shall then be implemented prior to the occupation of the 32nd dwelling.

38) Notwithstanding the hereby approved plans, no works shall commence within the site until the precise details of the surface treatment of the highway verge to the northern edge of High West Road, between the gate for Footpath No. 49 (Crook Parish) and the carriageway, are submitted to and agreed in writing by the Local Planning Authority.

5b) DM/23/02421/FPA - Sugar Hill Primary School, Sheraton Road, Newton Aycliffe

Councillor Currah returned to the meeting at this point.

The Committee considered a report of the Planning Officer regarding an application for the construction of a new one-storey replacement school building followed by demolition of existing school buildings with associated car parking, landscaping and outdoor play space and facilities at Sugar Hill

Primary School, Sheraton Road, Newton Aycliffe (for copy see file of minutes).

M Penman, Planning Officer gave a detailed presentation which included a site location plan, aerial photographs, site photographs, street scene visuals and a proposed layout plan.

Since the report had been published comments were received from Councillor N Jones, Local Member to confirm that whilst he approved of the new building, it did nothing to address the parking concerns of residents. The Planning Officer advised that the number of pupils and staff would remain unchanged and improvements to the existing access were proposed with an additional 15 parking spaces and one way traffic system.

In response to two further representations received from local residents, the Planning Officer confirmed that a condition requiring a construction management plan had been applied. Whilst the new building would be slightly closer in proximity to Biscop Crescent, the school field and existing boundary hedges would be retained so the impact to residential amenity was deemed acceptable.

Attending on behalf of the Applicant, Ms L Hunter responded to a number of questions from Councillor Elmer. She confirmed that a full sustainability strategy had been submitted and complied with the DFE's specification for net zero carbon in operation. Air source heat pumps were to be installed for heating. The increased parking included ten visitor bays and whilst she acknowledged concerns raised about school traffic, the application complied with the Councils standards. Ms Hunter confirmed that a Travel Plan had been included in the submission.

The Highway Development Manager advised that similar issues were experienced with all schools and peaked twice a day. To provide more space for parking, was likely to limit other facilities.

Councillor Wilson confirmed that a construction management plan was in place to avoid exacerbated parking issues during the build and overall the application would provide much better facilities for young people. He moved the recommendation to approve as outlined in the report.

In response to a question from Councillor Boyes regarding the club opposite being used as drop off, Ms Hunter advised that no formal agreement was in place.

Councillor McKeon confirmed that turning circles seemed to work well but accepted sites were restricted with space and walking buses were volunteer led and could be withdrawn at any time. She acknowledged concerns about parking but local members had been consulted and the objections from residents were not significant. In her opinion, the response from the Town Council was a typical response to represent residents whilst not objecting to the application.

In response to a question from Councillor Peeke regarding the playground, the Planning Officer confirmed that the hard space was being rearranged to create separate areas for the infants and juniors. The existing hard surface had been reduced slightly to accommodate more sports playing field and pitches that conformed with Sports England playing fields policy.

Councillor Elmer seconded the proposal.

Resolved

That the application be APPROVED subject to the conditions outlined in the report.