

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 10 December 2024** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors D Oliver (Vice-Chair), A Bell, L Brown, J Clark, S Deinali, J Elmer, D McKenna, R Manchester, K Robson, K Shaw and A Surtees

Also Present:

Councillors J Miller and C Varty

1 Apologies for Absence

There were no Apologies for Absence.

2 Substitute Members

There were no Substitute Members.

3 Minutes

The minutes of the meeting held on 12 November 2024 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

Councillor L Brown noted she was a member of the City of Durham Trust, however she was not a Trustee and had not been party to their submissions in objection to Item 5b - DM/24/01875/FPA - 28 Herons Court, Durham.

The Chair, Councillor D Freeman noted 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 Item 5b - DM/24/01875/FPA - 28 Herons Court, Durham.

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

a DM/24/00380/FPA - Site of former Easington Maintenance Depot to the rear of 31 to 37 Peter Lee Cottages, Wheatley Hill, DH6 3RH

The Senior Planning Officer, Steve France 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 full planning application for the erection of 73 no. 2, 3 and 4 bedroom two-storey dwellings and associated infrastructure and was recommended for approval, subject to s106 Legal Agreement and conditions as set out in the report.

The Senior Planning Officer noted the context of the site, being within the residential centre of the village, with close proximity to amenities such as shops, Doctors and Dentist provision. In terms of sustainability, the Senior Planning Officer noted a bus stop next to the site and added that while the site could not be considered brownfield, there was no specific use attached, however, there was some value to the local community. He explained as regards an area of cleared land, being used as car parking by the primary school to the North of the application site. He referred to a hot food takeaway adjacent, with a semi-formal route through the estate to access the shops and village centre.

The Senior Planning Officer the developer, Gleeson Homes, had a number of similar developments in the area, and areas of open space were included within the proposals, and the style of properties proposed were in red brick and red tiles, in keeping with other properties in the area. He explained that the original application had been through a design review and Planning Officers had suggested inclusion of open space within the proposals, the developer then amending the designs to include such space. He noted the landscaping plan was attractive, including an avenue of trees, semi-formal public open space, and a separation from the front side of the development and the nearby school. He noted that it had been originally proposed that Footpath 13 would be effectively fenced by two-storey properties, with the amended proposals having now bungalows and some open space, along with street lighting.

The Senior Planning Officer noted that there had been no objections from the Council's Drainage Team, and no objections from the Highways Section, subject to car parking in perpetuity, secured via condition. He added that other consultees were satisfied, subject to conditions and s106 Legal Agreement securing affordable housing and contributions relating to education, health and public open space.

The Senior Planning Officer noted objections had been received from Councillor J Miller, noting issues including additional traffic, the proximity to the school, loss of open space and impact upon residential amenity due to separation distance. The Senior Planning Officer noted that separation distances were in line with the Supplementary Planning Document (SPD). He added there had been some support for the application, citing positive regeneration for the village as it often lost out to other villages in the area. He noted an update to the report, namely Condition 19, to include obscure glazing facing the hot foot takeaway. He concluding by noting that subject to that amendment, the application was recommended for approval as per the report.

The Chair thanked the Senior Planning Officer and asked Councillor J Miller, Local Member, to speak in respect of the application.

Councillor J Miller thanked the Chair, Committee and Officers, and noted he understood the recommendation within the report for approval of the application. He added he understood that the Committee were limited in terms of what they were able to decide, however, it was important for him to share the concerns that had been raised by residents with Members. He explained he was disappointed with Believe housing, noting since plans were drawn up for development on their site, there had been less effort in terms of tackling anti-social behaviour (ASB) on the site. He noted the site had also fallen into a poor state, with missing fenceposts and grass churned from off-road bikes. He emphasised that he was not against regeneration, however, in the right location.

Councillor J Miller noted the main concern was as regards the road opposite the school, the development representing additional traffic and impact upon other nearby streets such as Shinwell Terrace and Wordsworth Avenue. He noted that only recently a young boy had been hit by a taxi on the road, there being a lot of traffic on the road when school started and finished for the day. He added that the car park on land referred to was used by school staff and therefore was not helping in terms of the traffic or parking issues.

Councillor J Miller noted that the proposed junction into the new estate was directly opposite the school and those issues referred to, and while it may not be sufficient such that Officers recommend refusal, it was a significant ongoing issue.

Councillor J Miller noted that in terms of the design and appearance, he noted that it was a shame that the proposals were such that they were a replacement for the former buildings, which had all been bungalows, with only seven being proposed. He added more bungalows would have been welcomed, noting there was a demonstrated need and shortage in the area, as well as across the whole county. He concluded by thanking Members for listening to the concerns raised by residents, noting the issues would likely continue and would need to be dealt with in the future by Local Members.

The Chair thanked Councillor J Miller and asked Emily Scott, representing the applicant, Gleeson Regeneration Limited, to speak in support of their application.

E Scott noted that Gleeson were a specialist in developing entry-level properties for low to middle earners, ideal for first-time buyers, with over 80 small sites across the North East. She explained that the proposals represented 73 homes, with care having been taken to ensure that they would be affordable for the local market, with a couple working full-time earning the national minimum wage being able to afford to buy one of the homes. She noted 35 two-bed properties for sale that would be cheaper than affordable rent, and cost savings for potential residents, with cost savings to energy bills as the properties would use 49 percent less energy, representing an energy bill saving of around £1,300.

E Scott noted the s106 Legal Agreement which would secure around £459,000 in connection with open space, education and GP capacity. She noted the seven bungalows to be provided, and 10 percent affordable properties within the site. She asked Members to note the work of Gleeson in terms of their Community Matters Programme, with a number of initiatives providing impact in the community, including junior sport, apprenticeships, and jobs for local people. She concluded by noting she would hope that Members would support a sustainable application, with significant s106 contributions and thanked Officers for their work in respect of the application.

The Chair thanked E Scott and asked the Committee for their comments and questions, noting he would ask for comments from the Highways Officer in relation to the road and nearby school.

The Principal DM Engineer, David Battensby noted that there was an issue in relation to school parking in the area, similar to other schools within the county. He added it was not possible to require developers of new site to resolve existing problems through their application. He added that Officers worked with developers to minimise any impact of a development on existing issues, and he added he felt the Local Authority had gone as far as they could in this area.

Councillor A Bell asked for clarification on the road, whether it was a 30mph limit, and whether there were 'keep clear' and yellow zig-zag lines in place at the school. He added that it was always hoped that where there was new development there could be opportunities to work to 'tidy up' any local issues if possible, and asked as regards issues such as the speed limit, a potential crossing and/or dropped kerbs. The Principal DM Engineer noted there was a 30mph limit on that road, with 'School Keep Clear' markings on the road, meaning it was enforceable. He added there was not double yellow lines, adding they were often only effective when enforcement officers are present otherwise motorists tend to ignore them. He added that wholesale double yellow lines often resulted in encouraging higher vehicle speeds, and noted that looking at accident data, there had only been one accident with injury in 10 years, a minor incident, and not the incident referred to by Councillor J Miller. In respect of the car park used by school staff, he noted that was not an issue in the gift of the Local Authority.

Councillor A Bell noted the comments in relation to double yellow lines, however, he would still prefer them in situation such as these. He asked if there would be opportunities for physical traffic-calming measure on the road itself. The Principal DM Engineer reiterated that existing issues were not related to the proposed development and it would not be reasonable to make any requests of the developer in that regard. The Chair noted that it may be that the Local Member could look into the issues outside of the planning process.

Councillor J Elmer noted he accepted the comments in terms of traffic, however, Local Members and the Council could work to create a 20mph zone, something that can be set out within School Travel Plans. In terms of the impact upon open space, he noted an under provision, which would be exacerbated by the proposed development. He noted the Officer had referred to the benefits of the application against the impact in terms of open space, however, he felt the issues were not inconsiderable. He added the loss of trees, wildlife had impact upon health and therefore he would appreciate additional narrative around the process Officers had gone through when coming to their conclusion and recommendation. The Senior Planning Officer noted that the initial application had not included much open space, and Officers had explained to the developer it was not acceptable in that form, with the developer then amending plans to provide some on-site open space provision, as well as some off-site provision in addition. He added that given the amendments and approximately £155,000 in s106 contributions to open space, Officer felt that, on balance, the benefits outweighed any harm in this instance. He added Officers felt the developer had reacted well to the comments from the Authority, such as the separation of the houses from the school road with an area of open space.

Councillor D Oliver noted he knew the area in question and while the site was open and green, not all parts were the most inviting. He added he would hope with the significant investment via s106 monies, that there could be improvements made. He asked if the amount to be secured was in line with other similar developments within the county. The Senior Planning Officer noted the contributions sought were in line with recommendations from the appropriate Departments, such as Education in terms of school places and SEND requirements, and the Policy Team in respect of affordable housing. He added healthcare was another area where the local NHS Trust and Public Health were consulted in terms of contributions that maybe appropriate. He added one area where contributions were not required was in terms of Biodiversity Net Gain (BNG).

Councillor A Bell noted he would move approval of the application, as per the Officer's recommendation, including the update to Condition 19 as noted within the presentation. He added that he felt that where there was any planning application near to a school, there should be consideration in terms of how to make a situation better, understanding the points made by the Highways Officer. He added that therefore it was more an issue that needed to be addressed within the County Durham Plan (CDP), for early discussions to take place with developers, to try and look to improve situations for local communities.

Councillor A Surtees noted two developments within her Electoral Division, which had included 20mph zones as part of the 'twenty is plenty' campaign. She asked why that could not also be the case for this development. The Principal DM Engineer noted that where there were new developments, with new roads being designed and built, then the Council's design guide includes elements to 'design-out' speed and include making them a 20mph zone. He added that the proposals linked to an existing road, and with no s38 Agreement linked to a new road, it was very difficult. He noted there were other processes that existed for issues outside of the red line boundary of the planning application, via the Highways Section and with Local Members to look towards possible funding. Councillor A Surtees noted, in discussions with developers, she had asked if they had been willing to contribute, including it terms of 'twenty is plenty'. She added she felt it could be supported if a developer was asked and was interested. The Principal DM Engineer reiterated that it related to the reasonableness in terms of any request of a developer, adding in this case such as request would likely fail the test in terms of a planning requirement or condition. He noted that designing speed down could be achieved via a number of physical measures, however, it would be beyond any reasonable request of the developer in this case. Councillor A Surtees explained she felt that the measure would help facilitate the development and therefore should be explored.

The Principal Planning Officer, Graham Blakey noted that Officers understood the issues raised as regards traffic and parking, especially near to the school. He noted that the Authority dealt with numerous applications near to schools, and there were issues where applications may impact and have potential to create new issues, and in other cases the issues were pre-existing. He reiterated that Officers felt the issue was an existing one, and issues with the application could be addressed via conditions and the s106 Legal Agreement. In reference to the point made by Councillor A Bell, the Principal Planning Officer noted that Officers did look to engage early with developers to see what could be achieved when looking at any application.

Councillor D Oliver noted he agreed with the points made by Councillors J Miller and A Surtees in terms of road safety, however, he understood the comments for the Principal DM Engineer in terms of reasonable conditions to be imposed upon a developer. He added he felt the positive impact of developing 73 properties, being energy efficient and of high quality, and with significant s106 contributions, he felt he was moved more in favour of accepting the Officer's recommendation. He added the development could also have some benefit in preventing ASB in the area, and s106 monies could help improve other open space areas. He concluded by noting that providing additional housing was positive and therefore he would second Councillor A Bell's motion for approval.

Councillor L Brown asked how many of the scores on the Design Panel had been rated 'red', and if any were 'red' what mitigation was there felt to be in place. She asked where the nearest road crossing was to the school, and whether there was a School Crossing Patrol in place. She asked, through the Chair, if the applicant could respond in terms of energy efficiency measures, where solar or heat pump.

The Senior Planning Officer noted that there had been two Design Reviews, with initial 'red' ratings relating to highway layout, relating to visibility splays. As those had been amended, to the satisfaction of the Highways Section, that issue had been mitigated. Councillor L Brown asked if it was not the rule that if any 'reds' then an application could not be approved. The Senior Planning Officer noted Policy 29(n) and referred to repeat fatigue in terms of submitting back to a third Design Review. He noted that if there was a significant technical issue, the issue could be taken up by the Chair of the review, the Planning Manager, Stephen Reed. The Principal Planning Officer noted that this was an issue looked at within a review audit, with processes to formalise such mitigation to come forward from that audit.

The Principal DM Engineer noted he was not aware of any formal crossing points in that area, adding the kerb was very flat in the area as a result of resurfacing works.

He noted there had been a School Crossing Patrol in the past. Councillor J Miller noted, through the Chair, there were no dropped kerbs, no crossing, no current School Crossing Officer, and there was a School Travel Plan in place. He added the boy he referred to who had been hit by a taxi had been airlifted to hospital by the Air Ambulance.

Councillor L Brown asked if Highways could look into the possibility of a crossing to the school. The Principal DM Engineer noted that would be outside of the red line boundary of the application, and while there may be an issue to address, it was outside of this planning application. He reiterated that it was not possible to formally request any such works to enable the development, as they would be disassociated with the application. Councillor L Brown noted it was outside of the control of the Committee.

E Scott, through the Chair, informed the Committee that all 73 properties would operate air-source heat pumps.

The application was proposed for approval, moved by Councillor A Bell, seconded by Councillor D Oliver and upon a vote being taken it was:

RESOLVED:

That the application be **APPROVED**, subject to the conditions and s106 Legal Agreement as set out within the report, and updated Condition 19, as referenced by the Senior Planning Officer within his presentation.

b DM/24/01875/FPA - 28 Herons Court, Gilesgate, Durham, DH1 2HD

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 for change of use from a C3 Dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4) and was recommended for approval, subject to the conditions as set out in the report.

The Principal Planning Officer noted all rooms were greater size than the Nationally Described Space Standards (NDSS), and parking was provided as well as bin and cycle storage.

He noted no objections from the Highways Team, and that objections had been received from Belmont Parish Council, citing no positive economic benefits, negative impact on residential amenity. He added that the reference from Belmont Parish Council to Frank Street was in error, they were in reference to Herons Court.

The Principal Planning Officer noted that there were also objections from the City of Durham Trust and a member of the public as summarised within the report. He noted that the HMO Licensing Team had responded to note a licence was not required. He added that the HMO Data Team confirmed that the latest information from the November data join showed the percentage of Council Tax exempt properties within a 100-metre radius of the application property was 8.9 percent. He noted Environmental Health had no objections, subject to a management plan, to be secured via condition.

The Chair thanked the Principal Planning Officer and asked Simon McConway, the applicant, to speak in support of his application.

S McConway thanked the Chair and Committee and explained that he felt it was important to attend the meeting in person to give Members an understanding as regards the application. He explained he lived in the property, had lived in the area for over 20 years, within the street for around 15 years. He explained he had worked with his neighbour in terms of a positive relationship to help mitigate any potential issues. He added he had formed a Residents' Association in the area and had worked with local Councillors on issue. He explained this would mean any issues that may occur would be managed well and he would want the property to contribute to area and that it would not be a student property typical of those within the City.

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

Councillor J Elmer noted the upper floor proposals and a room marked '*office*' and asked as regards this room. He also asked as regards bin and cycle storage, noting '*could be*' was the terms used, and whether this was something that could be tightened up via condition. The Principal Planning Officer noted that the office space was that, a space to be used by any students, however, tenants were restricted to four, if more were found to be resident then that would be something that could result in enforcement action. In relation to the bin and cycle storage, he noted that there was a condition that captured that element, with details to be submitted, agreed and retained.

Councillor L Brown noted she was disappointed as regards another HMO application.

She added that with over 350 empty HMOs bed-spaces within the City, the problem was with CDP Policy 16(3) there was no ability to refuse applications based upon need. She noted she felt there was no need for such HMOs and also no need for any further Purpose-Built Student Accommodations (PBSAs).

Councillor A Bell noted he was disappointed that Belmont Parish Council had called the item to Committee, however, were not in attendance. He noted that the applicant had attended and was willing to answer Members' questions. He noted that once the CDP had been adopted, it had been felt that the number of HMO application would subside, however, many applications came through, with a number being called-in via Parish Councils, even when they appear to be policy compliant. He moved that the application be approved as per the Officer's recommendation.

Councillor D Oliver noted a sense of déjà vu in terms of HMO applications and asked if there was any update on the outcome of appeals decisions relating to recent decisions by the Committee to refuse HMO applications. The Principal Planning Officer noted that it was intended to provide Members with an update and information in the new year, in terms of both Policy 16 and Inspectors' judgements. Councillor D Oliver thanked the Officer and noted he felt it was important to judge applications upon the evidence in front of Members, and looked forward to information on Inspectors' judgements in the new year. He explained he felt policies were in place for a reason, and that the area was not oversaturated with effectively over 90 percent being residential properties. He felt, therefore, there were no grounds for refusal and would second the proposal to approve the application as per the Officer's recommendation.

The Chair noted he felt that Policy 16 had an effect in the city centre, however, that had made landlords look outside of the city, to areas such as Gilesgate.

The application was proposed for approval, moved by Councillor A Bell, seconded by Councillor D Oliver and upon a vote being taken it was:

RESOLVED:

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

c DM/24/02792/AD - How Do You Do, York Road, Peterlee, SR8 2DP

The Principal 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 the display of 2 no. externally illuminated fascia signs, 2 no. non-illuminated ACM panels, 4 no. poster cases and window vinyls / manifestations and was recommended for approval, subject to the conditions as set out in the report.

The Principal Planning Officer noted the application had been called to Committee by Local Members, however, following additional information from Environmental Health their concerns were addressed and they withdrew their objections. As the application was already tabled for consideration by Committee, the application was for Members to determine. Members were reminded that planning permission for the shop had been previously agreed by the Committee in May, with the current application only relating to proposed signage. The Principal Planning Officer noted no objections from the Highways Team, and Environmental Health had noted no objections, subject to restrictions in respect of the hours of operation and luminosity levels. She reminded Members that the NPPF and relevant regulations explained that the only issues to be considered for these types of application were amenity and public safety. She noted as there had been no objections from the public, and no objections from Highways or Environmental Health subject to conditions, the application was therefore recommended for approval.

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

Councillor L Brown moved that the application be approved, as there were no objections and the Local Members had withdrawn their concerns. She was seconded by Councillor A Bell and upon a vote being taken it was:

RESOLVED:

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