

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** Remote Meeting - This meeting is being held remotely via Microsoft Teams on **Thursday 19 November 2020 at 9.30 am**

**Present:**

**Councillor J Clare (Chair)**

### **Members of the Committee:**

Councillors J Atkinson (Vice-Chair), D Bell, J Blakey, J Chaplow, E Huntington, G Huntington, I Jewell, J Maitland, S Quinn, G Richardson, J Shuttleworth, F Tinsley and S Zair

#### **1 Apologies**

Apologies for absence were received by Councillor L Brown.

#### **2 Substitutes**

There were no substitute Members in attendance.

#### **3 Declarations of Interest**

There were no declarations of interest.

#### **4 Minutes**

The minutes of the meeting held on 17 September were agreed as a correct record to be signed by the Chair.

The order of business was changed and the Committee considered item no. 5b) on the Agenda.

#### **5 DM/20/01320/FPA - 25 West End Sedgefield Stockton On Tees**

The Committee considered a report of the Planning Officer with regards to an application for a two storey rear extension, bow window to front and replacement windows at 25 West End Sedgefield Stockton On Tees (for copy see file of minutes).

The Planning Team Leader gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Mrs Boyle addressed the Committee on behalf of herself and her husband, confirming that she had lived next door to the Applicants for 12 years and had been very good friends during that time. She confirmed that the objection was not of a personal nature but to protect what they believed were important features of their property, which they had lived in for 18 years.

Mr and Mrs Boyle would not have objected to a single story extension on the existing footprint of the house, however in their opinion, the proposal put forward was large and would be over baring on what they perceived an already over developed property.

Summarising the negative impacts, they believed the development would have on their property, Mrs Boyle confirmed that the new building would be visible above an ancient boundary wall in between the two properties and there was a risk of it collapsing due to the new foundations. The rear courtyard would be impacted, which already suffered from damp due to the raised garden and there had been issues with damp from water runoff in their bathroom since the roof had been raised on the existing second floor extension.

Mrs Boyle also raised concerns with regards to the logistics of the build and the safety of their property as there was no entry to the rear and a mini digger would have to be craned over the roof of the house and 25 tonnes of earth removed and disposed of.

The Applicant, Mrs Nuttall, confirmed that a great deal of thought had gone into the planning and logistics of the project and much of the objections were unfounded. The Architect had proposed that the extension would be rafted so instead of 10-15 feet of foundations, it would be 2 feet.

Mrs Nuttall confirmed that when purchasing the property, herself and her husband had identified several improvements, including to the conservatory, which despite recently spending £2.5k on it roof, was still leaking. The courtyard was damp and unusable and there were steep steps leading to an elevated garden. The house was fitted with an aged Saniflo and the bathroom shower leaked into the kitchen.

Mrs Nuttall continued that they wanted to build a modern living kitchen area on what was currently occupied by the conservatory. The upstairs would be a small fourth bedroom serviced by a Jack and Jill bathroom, which kept the house as a four bedroom property to avoid over development, whilst improving it significantly.

With regards to the issues raised by Mrs Boyle, she confirmed that the digger would be no more than 2 tonnes and she was informed that using a crane to access properties was a normal daily procedure, and a conveyer would be installed through the property to carry the earth to the front.

Councillor Tinsley asked for clarification on whether the first floor projection had been reduced over what was proposed, or what was existing and whether there would be any direct overlooking through windows into the property next door. He also referred Mrs Boyle's comments on the stability of the boundary wall and asked whether an engineer had assessed it and if there was any suggestion there could be a problem.

The Planning Team Leader confirmed that with regards to the first floor projection on the east elevation, the plans were originally going to extend all the way to the single level extension, but they had been cut back. He confirmed that there were no windows on the side of the property and the window on the rear would not create any overlooking and he confirmed that he had discussed the boundary wall with a Building Control Officer who had confirmed that as long as the work was carried out properly by contractors, this would not be a problem.

Cllr Maitland asked for clarity on shading and sunlight restrictions as per legislation and the Planning Team Leader confirmed that the development was not expected to cause any major issues and sunlight indicators confirmed that some additional shadowing would be created for an hour in the middle of the garden in the afternoon, but the existing building already created a shadow and as it was not significant enough to warrant a refusal.

Cllr Atkinson asked if sunlight indicator testing was done at a specific time of the day/year and the Planning Team Leader confirmed that they were taken at two points in the year, usually in the summer when people would use their gardens.

The Chair understood that there was little or no difference to the shading to windows but Mrs Boyle had confirmed that she was unhappy with the deprivation of light to back garden and asked for the Planning Team Leader's advice on what weight could be given to this.

The Planning Team Leader confirmed that they could consider the loss of light to back gardens and useable space throughout year but this point of the garden was not a courtyard area that would be used all of the time, it was a smaller area further into garden.

Councillor Jewell asked whether sufficient drainage installation would accommodate the water runoff and alleviate the damp and the Planning

Team Leader confirmed that there were ways to deal with water runoff and the application would require Building Regulations approval, however this was not a planning issue.

The Chair confirmed that this could be described as a large extension but asked the planning team leader to clarify over development. He replied that it was relative to the size of the site and this was a large house with an extensive garden. Although it was a large build, within the context of the garden and remaining amenity space he would not describe it as over developed despite the arguments that it was dominant and overbearing. The building had been extended already and the Applicants were working only 1m beyond the existing footprint.

Councillor Jewell confirmed that in terms of planning legislation, the application complied, and conditions would mitigate certain aspects of the objections. He did not think there were grounds to reject the application and moved the recommendation to approve.

With regards to planning balance, Councillor Tinsley confirmed that everyone who owned a property had a right to apply for permission to build. In summary, he confirmed that the application included improvements to the front and rear of the property, there was no direct overlooking of private space which could have an impact on amenity and no additional impact on the windows of the property, it would be built in accordance with building regulations, which could improve the damp and there would be no impact on the boundary wall. It therefore came down to the issue of overshadowing into the garden space and he would listen to the remainder of the debate but was siding with approval of the application.

Councillor Richardson confirmed that this was a difficult application, referring to the fact the site was in a conservation area and was affecting the neighbour's amenity, he considered it over development and did not support the application.

Councillor Maitland confirmed that sometimes families were faced with a change in circumstances where they had had to move, or update properties and she supported the Officer's recommendation to approve.

Councillor Tinsley seconded the recommendation to approve.

Councillor Blakey left the meeting and took no part in the decision.

**Resolved:**

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

**6 DM/20/00189/OUT - Land south east of William Steet, Auckland Park**

The Committee considered a report of the Planning Officer regarding an application for 19 no. dwellings (outline – all matters reserved) at Land south east of William Street, Auckland Park (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Councillor Tinsley confirmed that according to the GIS the access road was unadopted and he asked what implications that could have for the application, particularly with the ownership and ability to access over it. He also noted that access was not included in the application which was unusual.

The Senior Planning Officer confirmed that there had been no objection by Highways. It was an outline application with all matters reserved, but an assessment of the likely traffic associated with 19 dwellings had been undertaken and highways considered it was suitable. The road had recently been re-laid and was deemed suitable to serve 19 units.

The Principal DM Engineer confirmed that the road had been improved by the Council in 2011 as it had been in a poor state and it was a private road, but the assumption was that it would be adopted as part of the Section 38 agreement. He confirmed that under Section 228 of the Highways Act, the Council could adopt a section of highway of unknown ownership, if to do so was of public benefit. The principle of ownership had been considered in 2011 and remained unchanged.

Councillor Tinsley confirmed that outline permission could be granted if the Committee believed the reserved matters were not fundamental to the scheme however, he believed the access was fundamental and would have felt more comfortable if the Applicant had included access.

Councillor Atkinson asked referred to the planning history of the site, outline permission had been approved in 2012 and reserved matters of consent agreed in 2015, he wondered why it had not been implemented. The Senior Planning Officer confirmed that he believed the land had been sold since then and this was a different Applicant.

Councillor Quinn was pleased to see the proposal of recreation provision which had been omitted from other new developments in the area and asked for further information with regards to the content of objections received.

The Senior Planning Officer agreed that the current scheme had much better contributions than the previous application. In terms of objections, 3 letters had been received. The suitability of the road infrastructure related to the junction at the bottom which linked to the development, existing traffic and congestion resulted from new builds nearby, the disruption caused by construction traffic could be conditioned, lack of amenity space which was offset by a £33k contribution and the loss of green space and impact on wildlife. Ecology had not objected and there was a contribution to offset the impact on wildlife, this was a green field but was not designated green space.

In response to a question from Councillor Richardson with regards to the Coal Authority recommendation and local mineworking's the Senior Planning Officer confirmed that there was a standard condition which was relevant to many parts of the County to investigate whether further works were needed.

Councillor Jewell referred to the mention of visitor parking and suggested introduction of a one way system and the Principal DM Engineer replied that a one way system could not be imposed as William Street was a private road and therefore not in control of the Highways Authority and the parking in the indicative layout did not meet the councils current parking standards and that had been highlighted prior to a reserved matters application so the Applicant was fully aware.

In response to further questions from Councillor Tinsley the Solicitor confirmed that the right of access was something that the Applicant should resolve prior to commencement of development and if he could not legally obtain access to the site, it was a private matter. She confirmed that the only circumstances the Planning Committee could consider would be if they believed there were no prospects at all that satisfactory access could be obtained.

The Chair asked the Principal DM Engineer to confirm the process of adopting the road and he clarified that it was improved in 2011 and constructed to an adoptable standard and although it was unadopted the Council were of the view that public highway rights had been established due to the passage of time.

The Principal DM Engineer confirmed that sometimes the ownership of land could not be fully known, hence the section of the Highways Act for roads of unknown ownership and the process for adoption would be that notices would be posted inviting objections which could be considered at court, but there would have to be strong reasons why it should not be adopted and the basis for an objection in this case would be weak based on the benefit it gave to existing residents. The Highways Authority had never been of a view that the adoption of the road would be prevented.

Councillor Tinsley confirmed that this was an important issue and he was satisfied with the explanation and on balance content enough to move forward with the Officers recommendation for approval.

The Chair referred to previous permission having expired and raised concerns about deliverability, particularly in the current climate. He confirmed that permission had been granted for the site for a considerable length of time and had not been implemented and the Senior Planning Officer confirmed that council could demonstrate that they could meet housing need so the site wasn't essential to meet housing targets, but they should be supporting the application given the benefits. There could be economic issues from COVID-19 that put a delay on it but introduction of 19 houses would not be significantly detrimental to county housing figures and it would be good for the area considering the mix of house types and contributions.

With regards to the condition on the time limit, the Chair confirmed that with 3 years for a reserved matters application and 2 years to start the build and asked whether this was a normal amount of time. There was pressure from the Government is to stop approving applications for land to sit undeveloped for years and he asked for confirmation that the five years was in line with the County Durham Plan. The Senior Planning Officer confirmed that it was a standard condition and the Planning Authority had considered reducing reserved matters, but due to the current circumstances it was not deemed appropriate and they reverted to the standard condition.

Councillor Atkinson confirmed that he didn't feel he could reject the application having been approved previously, especially given that this was an improved application and despite being concerned about potential delays he couldn't find a reason to reject.

Councillor Atkinson moved the proposal, seconded by Councillor Shuttleworth who confirmed that he did not feel the Committee could reject this having been already approved previously.

### **Resolved:**

That the application be APPROVED subject to the completion of a Section 106 Obligation to secure the following:

- Provision of 15% affordable housing on site
- Financial contribution totalling £33,201.00 towards offsite open space and recreational provision, payable in a single instalment prior to the occupation of the first dwelling
- £2563.39 towards offsite biodiversity improvements, payable in a single instalment prior to the occupation of the first dwelling;

And the conditions outlined in the report.