

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the **Council Chamber, County Hall, Durham** on **Tuesday 15 June 2021** at **9.30 am**

Present:

Councillor M McGaun (Chair)

Members of the Committee:

Councillors B Bainbridge, G Binney, J Blakey, D Freeman, J Griffiths, D Haney, C Marshall, E Peeke, J Purvis, J Quinn, A Watson (Vice-Chair) and S Wilson

Also Present:

Councillor D Wood

1 Apologies for Absence

Apologies for absence were received from Councillors L Brown, M Currah and K Earley.

2 Substitute Members

Councillor D Freeman substituted for Councillor L Brown.

3 Minutes

The minutes of the meeting held on 25 November 2020 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

Councillor C Marshall noted in respect of Item 5a, DM/21/00952/FPA - Land South West of 2 Humber Hill, Stanley he was a Local Member and had called-in the application to Committee, however, he had not yet formed a judgement as regards the application.

Councillor S Wilson noted in respect of Item 5b, DM/21/01263/FPA - 3 Eureka Terrace, Tanhills, Nettlesworth he was a Local Member and had called-in the application to Committee, however, he had not yet formed a view as regards the application.

Members noted items from the agenda would be considered in the order 5a, 5c, 5d and 5b.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/21/00952/FPA - Land South West of 2 Humber Hill, Stanley

The Senior Planning Officer, Louisa Ollivere, 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 proposed upgrade to the existing base station telecommunications apparatus, replacement 20m streetpole and associated ancillary works and was recommended for approval, subject to conditions.

The Chair thanked the Officer and asked the Mr Alan Robson, local resident speaking in objection to the application to address the Committee.

Mr A Robson noted he was a member of the Stanley Residents Against 5G group and explained they noted no benefit in having 5G in the area. He noted the application stated the mast would only cover a 250 metre radius, approximately 100 properties in the area, a lot of which were occupied by older persons and therefore the application would not benefit the wider area. He added that the applicant had stated the mast covered a 0.15 mile radius and noted that there were seven properties within the dangerous exclusion zone. He noted that the mast was proposed as an upgrade, not as a new installation, which he felt was incorrect as the new mast was three metres from the original and the original would be taken down. Mr A Robson stated that 180 scientists had signed a moratorium on 5G based upon its health impacts. He added the application stated that it would benefit education and health, however, there was no indication that there were issues in terms of connectivity in those sectors. He explained he felt 5G would not make an impact as, by its design, one would need to be quite close to a 5G mast to benefit from it, and therefore the Stanley Residents Against 5G saw no benefits to 5G whatsoever.

Mr A Robson noted the existing 4G coverage at Humber Hill and stated that there was a huge cancer cluster in the Humber Hill / Wear Road area, and he understood, upon speaking to households in that area they all had issues in relation to cancer, including younger people. He reiterated there were no education or health benefits for the area and that 180 scientists had signed a moratorium relating to 5G due to its health impacts on humans. He concluded by noting Stanley Residents Against 5G believed that the negatives of the application outweighed the benefits.

The Chair thanked Mr A Robson and asked Mr Mark Steel, local resident speaking in objection to the application to address the Committee.

Mr M Steel stated that 5G was not 4G, adding it was not an upgrade to 4G, it was the antenna design. He noted he was a weapons systems expert and added that people had not been told that the technologies involved had been developed to attack enemies on the battlefield and were not a telecommunications upgrade. He noted that the antenna design could be up to 100,000 times powerful than a 4G antenna and that while 4G radiated following an inverse square law, 5G focussed the radiation. Mr M Steel noted that the International Commission on Non-Ionising Radiation Protection (ICNIRP) would state that there were no damaging effects from non-ionising radiation, Mr M Steel stated that was false. He noted that non-ionising radiation was used in lasers to cut steel and added that anyone that thought non-ionising radiation that was focused in a beam was safe was not correct. He noted that Public Health England (PHE) did not expect to see any further increase in radiation from the deployment of 400,000 5G masts across the country, Mr M Steel stated that was also false. He added that people were being misled by public authorities and it was very concerning. Mr M Steel noted that the fact that Government had stated the health effects could not be taken into consideration in planning applications was extremely worrisome. He reiterated that the technology was derived from battlefield technology, noting he had seen images of those that had been attacked by such technology, and noted they were not very pleasant. Mr M Steel stated that the technology was radar that could focus onto a target and he had documentation as regards the technology. Mr M Steel noted the Council had a duty of care, with primary legislation to do no harm and asked how the Council could allow an act of Parliament to not take into consideration the serious detrimental health effects. He stated that the Social Care Act 2012 noted that the Secretary of State had a duty to protect the population from non-ionising and ionising radiation and concluded by stating that was not the case with 5G.

The Chair thanked Mr M Steel and asked the Senior Planning Officer to respond to the comments from the speakers.

The Senior Planning Officer noted that in relation to the issue of whether the mast was new or an upgrade, the application represented a new mast, and while described as an upgrade to equipment it had been assessed as a new mast. In respect of the benefits of 5G to the area, she noted that the speed of 5G would be 100 times as fast as the current 4G, noting the example of being able to download a three hour film within a couple of minutes rather than the long time it took currently and added that it would be better for online streaming. She noted that in respect of health issues she appreciated the significant concerns raised, however, PHE, the World Health Organisation (WHO) and the UK Government had looked at all the information that was available from experts and they had come to the conclusion that adverse health effects were unlikely.

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

Councillor C Marshall noted the role of access to IT and broadband in terms of the economy and, having held the Cabinet role for Economic Regeneration, he understood the positive impact improved connectivity had on communities across the county. He asked as regards the dangerous exclusion zone and whether there was evidence that the cancer rates were higher in the area described when compared to the rest of the county. The Senior Planning Officer noted that as regards the exclusion zone, Planning Departments were not required to know the detail, however, there were guidelines as regards the exclusion zones and they were set by ICNIRP. She added that mast operators were only required to self-certify when making their planning application. She added that there may be properties within an exclusion zone, however, as long as the levels were within the guidelines then it was deemed acceptable and was not an issue considered by Planners. The Senior Planning Officer noted Planners did not have the information in terms of numbers of cancer cases, adding that Planning was not required to consult with Public Health on such types of application, with submission of the self-certification in respect of compliance with levels meant that it would be acceptable in terms of planning.

Councillor S Wilson noted the challenge to the information from the WHO, PHE by the speakers and asked the Solicitor – Planning and Development, Clare Cuskin as regards the strength of any decision against the proposals would have, noting he felt it would be difficult to go against the information from Government and a supernational organisation in terms of refusing an application. The Solicitor – Planning and Development noted that she agreed and stated paragraph 118 of the National Planning Policy Framework (NPPF) was clear that Local Planning Authorities should not seek to impose health safeguards different to what was set out within international commission guidelines.

She added that Officers were satisfied that the proposed development would meet those guidelines and therefore if the Authority were to refuse the application solely on health grounds then that would be very difficult to sustain at appeal, with potential cost consequences as a result.

Councillor B Bainbridge asked as regards the size of the mast relative to other street furniture, its impact in terms of visibility to the junction nearby, and why the location chosen was not Hilltop, being the highest point in the area. The Senior Planning Officer explained that the mast would be significantly higher than the street furniture that surrounded it, however, it was conditioned to be coloured green to match existing street poles in the area. She added that in respect of the junction the boxes would be set back from the junction and no issues had been raised by Highways. It was added the site was chosen as it was an existing site, and rather than looking for an alternative site it had determined by the applicant as being the most suitable site.

Councillor D Freeman noted the concerns of residents, however, he felt there were no planning grounds to do anything other than approve the application.

Councillor S Wilson moved the Officer recommendation for approval, he was seconded by Councillor D Freeman.

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/20/03802/FPA - Land to South West of Osborne Court, Newfield

The Senior Planning Officer, Louisa Ollivere, 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 a 4 Bedroom brick built house with associated amenities and was recommended for approval, subject to conditions.

The Chair thanked the Officer and asked Parish Councillor Stephen Hann, representing Pelton Parish Council, speaking in objection to the application to address the Committee.

Parish Councillor S Hann noted he had been resident in Newfield since 1981 and therefore had 40 years of experience of the rainfall and flooding issues in the area. He noted the flood risk at the application site was very high and was an issue raised repeatedly by local residents and allotment holders who had objected to the proposals. He noted the Clerk to the Parish Council had submitted an eight point letter to the Senior Planning Officer and he would briefly mention the points raised. He noted that in reference to the NPPF and flood-risk, mitigation, and food production, he would suggest that there was an obvious impact and therefore it was the extent to which the impact was deemed acceptable. He added that the field in question had always been outside of the boundary of village expansion, serving as an example of retaining open spaces for rainfall absorption.

Parish Councillor S Hann noted Newfield had seen loss of open space land with developments of over 280 houses by Persimmon Homes with a Miller Homes development of 200 houses at Pelton. He noted that ultimately all of the water shed would run downhill towards Chester-le-Street, and he noted the impact that had been felt over the last 5-10 years. He noted Northumbrian Water had increased the capacity of drains at Chester-le-Street. He added that the further loss of rainfall absorption could further impact. Parish Councillor S Hann noted the proposals did not amount to a small build and was close to adjacent properties and impact upon their 'right to light'.

Parish Councillor S Hann noted that, due to the unique characteristics of the site, Northumbrian Water attended the site to vacuum pump the sewage outlets monthly, and perhaps more frequently. He added the plot land level fell away from the west before climbing slightly to the east and noted there had been instances in the past where the sewage outlet had been unable to cope, citing examples when a former public house at the top of the bank had been in use.

Parish Councillor S Hann noted issues relating to access and proximity to an existing allotment fence, with allotment land managed by the Parish Council, owned by the County Council. He noted the need to maintain access for maintenance, with some doubt from current plans as to whether there was sufficient space to do so. He noted previous applications for development of the site over 15-20 years ago had been rejected for various reasons.

Parish Councillor S Hann noted there had been assurances that there would be no loss of trees on the site, however, some trees had already been cut down. He added that the loss of a sycamore tree to gains access would also be significant. He noted that referred back to the NPPF and wildlife, with tree protection being part of the NPPF.

Parish Councillor S Hann noted his understanding of the County Durham Plan (CDP) was it included the establishment of housing provision for the next six years or more and added, as he had previously referenced, the area had seen a significant number of new build properties. He concluded by noting a county with an industrial past, such as Durham, needed to retain its green spaces and look to recover brownfield sites, and that the proposals were an unnecessary build in an inappropriate for all the reasons stated.

The Chair thanked Parish Councillor Stephen Hann, and asked County Councillor D Wood, Local Member, to address the Committee.

Councillor D Wood noted he was one of the County Councillors for Pelton and also Chair of Pelton Parish Council. He added the application had been called-in to Committee by the Parish Council and he noted he would not go over all the points made by Parish Councillor S Hann. Councillor D Wood noted he would refer to matters that, to his understanding of the NPPF and CDP, would carry significant weight. He noted the Officer's report and Parish Councillor S Hann both mentioned a previous application for stables at the site which had been refused. He explained that the reasons and details were not on the planning portal, so it was clearly some time ago, however the Authority at the time had decided that development was not suitable, and he asked, in the context of the CDP, what had changed since that time. Councillor D Wood noted, when looking at housing supply, NPPF Part 5 required the sufficient delivery of new homes, with the CDP establishing a six years' supply across the county. He referred to the significant housing developments in the area, including at Roseberry Park with hundreds of houses and ongoing development at Pelton Lane Ends, with over 190 additional properties. He added that when considering further planning approvals where one might need consider whether the name 'Newfield' was appropriate.

Councillor D Wood noted that in terms of Part 15 of the NPPF, as referenced at paragraph 18 of the Officer's report, outlined the need to conserve and enhance the natural environment, adding that at least two trees had already been removed from the site. He noted Members were being recommended to approve with Condition 4 noting that no trees would be felled until a detailed landscaping scheme had been submitted and approved.

Councillor D Wood noted CDP Policy 6, the development of unallocated land, was referred to twice within the Committee report, once on page 38 and again on page 44. He noted there was significant difference between the two references to Policy 6, with the reference on page 44 being vague as regards requirements, stating development within the countryside will be permitted subject to certain criteria being met, as also referred to within the Officer's presentation.

Councillor D Wood referred Members to the more detailed list of criteria as set at paragraph 24 on page 38 of the report, with the last two being 'development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: ...makes use of previously developed land and reflects priorities for urban regeneration'. He noted that while the conclusion of the Officer's report notes the CDP provided a greater degree of flexibility, in his mind the early section of the report, at page 38, was quite clear in use of the word 'and' throughout the list, showing all items on the list must apply for development to be permitted. Councillor D Wood noted that the site had not been previously developed, with there only being record of one previously refused planning application. In light of that, Councillor D Wood asked that Members consider very carefully the wording of paragraph 24 which he believed deserved significant weight in the decision making for the application.

The Chair thanked Councillor D Wood and asked Mr Michael Brown, Secretary representing the Newfield/South View Allotments Association, speaking in objection to the application, to address the Committee.

Mr M Brown thanked the Chair and noted that the Allotment Association had submitted their views to the Planning Department, however they did not appear to have formed part of the Officer's presentation. He noted he would cover four main areas: drainage; water supply; security and fence maintenance. He explained the allotments comprised of 32 plots, with six adjacent the application site. In terms of drainage, Mr M Brown noted there had been previous flooding on the allotment site, causing problems and destruction of crops. He added that there had been surface water flooding as well as from a manhole cover within Plot 2 and noted regular attendance by a flushing wagon on the outskirts of the allotments flushing out the drains on the main road. He noted the allotment holders had cooperated with the proposed developer's contractors who needed access to the manhole cover, and they had noted from a camera inserted into the drain that there were some kinks within the drain that may have been causing the blockages and therefore was an issue that needed to be looked into further.

Mr M Brown noted that the water supply for the allotments cut across the proposed development site and there was great concern that should the water supply be cut during development and asked what guarantees there were in terms of reinstating the supply, perhaps with a condition to state supply would be reinstated within 24 hours as there was livestock on site and crops, and while allotment holders collected rainwater it would not be enough in dry spells.

He added that in reference to security there was a fencing corridor adjacent to six of the allotments and concerns had been raised as regards people gaining access to allotments from that corridor, with break-ins having occurred. He concluded by noting that the fence referred to by Parish Councillor S Hann was maintained by the Parish Council and access would be required to carry out maintenance and ensure security.

The Chair thanked Mr M Brown and asked Mr Steven Clements, agent for the applicant speaking in support of the application, to address the Committee.

Mr S Clements thanked the Chair and noted that he represented The Green Architect who were working on behalf of their clients to design their 'forever home', in which to raise their family in their hometown, in a dwelling suited to their needs. He explained that the proposed dwelling was a reasonably sized brick-built house with four bedrooms and living spaces tailored to the family's needs. He added that when assessed in the context of the site as a whole, the dwelling sat comfortably within the large plot. He noted the site left in others owners' hands could see multiple homes designed upon it. Mr S Clements noted the design process entailed three key principles: design, with the client having a specific footprint in mind; easement on the drainage that runs across the rear yard, with the design such to not infringe upon this, the nearest point being 300mm; and the impact of the development on neighbours. In reference to the last point, Mr S Clements explained that the initial design had the dwelling roadside of the plot, adjacent to the new development on William Street, however, separation distances could not be met, and the 45 degree light splay was encroached. He added that the current design was fine-tuned to meet each of those criteria.

In reference to drainage, Mr S Clements noted the design was such to compliment the topography of the land with the building being sunken into the plot, and with access to the roadside at a similar gradient to the existing bank, avoiding run off to neighbouring plots. He added that a CCTV survey of the sewer line suggested that all connections to the plot were functioning correctly and there were no private connections that added additional load to the network. He noted any minor issues could be addressed within the detailed design and construction. Mr S Clements noted he had witnessed torrential rain at the site first-hand, and did not note ponding of water, water dispersing over a two to three hour period.

In respect of ownership and ecology, Mr S Clements explained that the site was owned by his client and no third party had any right to access the site in any manner. He added that may have been overlooked over time, due to the nature of how the site had sat, however, that should not deem it accessible by anyone other than his client.

He noted that the site was underdeveloped in terms of biodiversity and hedgerows and planting would help to enhance the environment in comparison to what current existed, as well as the replacement of tree that had been lost through development. He added that the design had been in consultation with the Planning Officer to bring the scheme in line with Council expectations and changes had been made in respect of fenestration and a reduction in the garage size to ensure subservience to the main dwelling. He reiterated that the client had carefully designed the dwelling to be their 'forever home' and had the same outlook and would have the same objections neighbours would have in relation to any future development. Mr S Clements noted the side passage was to allow access and maintenance to the central paddock, as per an existing agreement with a resident, meaning that access was essential. He added that the passage also allowed for the maintenance of the allotment fencing. He noted the scheme would look to utilise as many sustainable building methods as feasibly possible, including solar panels and water harvesting in order to be self-sustained. Mr S Clements concluded by noting that he hoped the planning process so far had shown a desire to work with the Council to deliver a scheme that met the clients' needs as well as those of the Council.

The Chair thanked Mr Steven Clements and asked the Senior Planning Officer to respond to the points raised by the speakers.

The Senior Planning Officer noted that in respect of points raised by Councillor D Wood in terms of CDP Policy 6, there were ten criteria to ideally comply with, however, they would not be set out in great detail within a report if not relevant to a scheme, for example "...where possible a previously developed brownfield land site..." as the site was greenfield, however that did not mean the site was not suitable for development. She added that the more critical issue was whether it was a sustainable location and noted that in terms of "...where appropriate reflects priorities for urban regeneration..." as the site was a village location it was not felt that was relevant in relation to the proposed development. She explained that the Authority was aware of the removal of a tree a few months ago and members from the Enforcement Team had attended the site. The Senior Planning Officer noted it had only been brought to her attention today that the sycamore tree had been removed. She noted that the Council's Tree Officer had assessed the trees on site, and that particular one had not warranted a Tree Preservation Order and the conditions attached were that the tree would be suitably replaced. In respect of other issues that were raised, the Senior Planning Officer noted that in terms of the sewer blockage issues that was an issue for Northumbrian Water and they had not raised any concerns when consulted upon the application.

Councillor D Wood asked if Officers could reflect upon the wording used within the sections of the report he had referred to as the initial wording within the report had not made it clear why those two criteria were not referenced later in the report. He added he felt it would be useful for future applications that, where criteria were discounted, that they were flagged within the report itself. The Principal Planning Officer, Graham Blakey explained that the report contained a summary of CDP policies, which were set out in great detail within the CDP itself. He noted Members may wish to note words such as "...where relevant...", however, he explained he took on board the comments as regards those criteria that were being discounted for future reference.

The Senior Planning Officer noted that in terms of flooding it was a complex issue due to the unusual nature of the site and that there were overland flow routes at the rear of the site that could not be impeded. She added that those had been designed to be within the garden and noted there would be no land level changes or building in that area. She noted the current land flowed down towards the allotments and Officers would not wish to see that increased. She added that applicant had submitted details of land level changes, which were not significant, and there was a suitable SuDS measure incorporated into the development and flood mitigation measures could also be conditioned in relation to the building itself.

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

Councillor A Watson asked as regards the water supply issue raised and asked the applicant's agent if there was any issue in terms of adding a condition to repair any loss of water supply within 24 hours. He noted that if that could be incorporated, as the proposals were in accord with the CDP, he would move that the application be approved.

Councillor C Marshall noted issues that had been raised included that the site was a greenfield site with a positive impact on the local area in terms of the environment and biodiversity. He noted the points raised by Parish Councillor S Hann and Local Member, Councillor D Wood in terms of the amount of development in their area. He added he was not yet fully convinced the economic benefits of the development outweighed the harm to the environment in the local area.

The Solicitor – Planning and Development noted, in reference to the suggestion by Councillor A Watson, that she was concerned as regards the proposed condition.

She noted, as Members would be aware, it was only possible to condition in certain circumstances, one of which was that a condition could only be imposed if it was felt necessary to make the development acceptable and that the application would be refused unless that condition was imposed. She noted that while it was possible to ask the applicant as regards the issue, she advised it she would not be comfortable in advising Members that as being appropriate.

Councillor S Wilson asked as why the greenfield element of Policy 6 was not deemed relevant without a robust reason, with concern that the CDP was being circumvented. The Principal Planning Officer noted the point relating to Policy 6 and development outside the area of allocation, Policy 6 being in place to 'mop up' those application made outside of allocations. He noted that it needed to balance the impacts within each location and ultimately there would be sites that were not brownfield and that was the purpose of those caveats within the Policy, i.e., 'where relevant' and 'where appropriate'. He added that many of the sites could be sustainably located and close to services, with the NPPF giving the direction that sites which may be greenfield, but were sustainably located, should be sequential preferable to brownfield sites that were further away from settlements and in the open countryside. The Principal Planning Officer explained that in this instance Planners felt that the benefits of the scheme outweighed the loss of the green space. He noted building into the green space brought a transformative impact, however, that would be mitigated by the design and landscaping that had been achieved.

Councillor A Watson asked why a condition could not be included as regards the water supply if the applicant was acceptable. The Solicitor – Planning and Development noted that the courts had made it very clear that conditions must meet certain tests and it was not relevant if the applicant agreed, if the condition was unlawful in that it did not meet those tests then it was not something that should be imposed. She reiterated that was her advice, however, Members were within their right to impose conditions as they saw fit.

Councillor J Blakey asked what guarantees there were in terms of Northumbrian Water looking to solve any flooding issues. The Senior Planning Officer noted that Northumbrian Water had raised no concerns as regards flooding and reiterated a SuDS would be incorporated into the site to ensure run off to the allotment site was not significantly different to the current situation. She added that the overland flow route to the rear of the site would not be impeded and noted that any issues in terms of sewer flooding was for Northumbrian Water to rectify. In terms of the water supply issue, the applicant had undertaken a drainage survey and were aware of all the drains and connections on the site.

The Principal Planning Officer noted the statutory requirements on Northumbrian Water and added they had been given the opportunity to comment on possible solutions when responding to consultation on the application. He added that they offered no objections to the application, noting they may have proposals in place or the ability to control issue separately. In respect of a condition relating to water supply, he noted there were six tests a condition must pass, one of which was enforceability. The Principal Planning Officer highlighted that should a condition state a water supply must be reinstated within 24 hours, he would ask Members to consider what ability the Planning Department would have in being able to enforce that condition adding that, should the condition be deemed fallible, the condition could be challenged. He noted the advice that Members had been given in terms of the tests for conditions.

Councillor C Marshall noted that whatever people's view were in terms of the flood risk, the removal of plants and wildlife would only exacerbate the issue and, given the climate emergency, the Committee needed to be careful to make sure any development was sympathetic to the environmental concerns and while the design of the property was sympathetic to the environment it was in, the impacts on the local environment, biodiversity and the potential to exacerbate problems for allotment holders outweighed the potential benefits.

Councillor C Marshall moved that the application be refused, he was seconded by Councillor S Wilson.

Upon a vote being taken the motion was LOST.

Councillor A Watson reiterated he proposed approval of the application, though he would not look for a condition in relation to the water supply, however, he would wish for it to be noted that the applicant had been willing to repair any loss of connection. The Principal Planning Officer noted that an informative could be included that, while not legally binding, referred to maintaining the water supply. He added another issue that had come to light was that Conditions 8 and 9, relating to contaminated land, were no longer required and therefore if Members were minded to approve the application they would be deleted. Councillor A Watson noted he was happy to amend his motion on the basis outlined by the Principal Planning Officer.

Councillor D Freeman noted he would second the motion for approval, adding it was a finely balanced application, it was a greenfield site, however it was a single property and was sustainable application. He noted that landscaping could improve as a result of the application, although the removal of the trees prior to permission was not a good start and he hoped the applicant would ensure the site was in a better condition environmentally after development was completed.

Councillor A Watson moved the Officer recommendation for approval, he was seconded by Councillor D Freeman.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED** subject to the conditions as set out within the report, with the removal of conditions 8 and 9, and the addition of an informative relating to the water supply.

d DM/21/00690/FPA - 55 Lintzford Road, Hamsterley Mill

The Principal Planning Officer, Graham Blakey, 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 raising of roof height and installation of dormer windows to create a two-storey dormer bungalow and garage, two storey extension to front and single storey orangery extension to rear and was recommended for approval, subject to conditions.

The Chair thanked the Officer and asked Dr Anton Lang representing Mr and Mrs Glass, neighbours to the property, to address the Committee in objection to the application.

Dr A Lang thanked the Chair and Committee and noted that it was professional opinion that application represented an overdevelopment of the plot and the scale of the extension, as illustrated by the elevations shown, did not suit the house, plot, or locality. He added that Members would have noted from the Case Officer's report that there were seven objecting neighbours and that represent seven households, with only nine letters in consultation having been sent out. He noted seven objections from such an estate represented a lot of objection to the proposed development.

Dr A Lang explained that it was considered that the scheme was concerned with increasing the value of the property, rather than out of any particular or demonstrated need, else the applicant would have purchased a larger house. He noted that at paragraph 26 of the report, even the Case Officer appeared to be a little confused as it is stated that the development would not be a two storey property, however at paragraph 29 the resultant scheme would create a two storey property. Dr A Lang noted there had been amendments to the scheme, however, it was not felt that they had been enough for this property in this location. He added that the resultant property would look different from its neighbours and therefore impact upon the character of the locality.

He noted that the report did note that some privacy minimums were met, however, those minimums did not reflect the character or grain of the locality as evident from the site location plan highlighting a more spacious feel. Dr A Lang noted windows proposed for the upper floors and therefore there would be impact in terms of neighbours looking across from the side where there was already built development.

Dr A Lang explained that it was not that there was no scope for extension to the property for enlargement, rather the scheme proposed was too much. He added it was not the end, the application could be refused, and the architect and applicant could come back with something smaller and more appropriate for the plot and house. He noted that, at page 5, bullet point 3 of the Case Officer's report (page 61 of the agenda pack) he had drafted a refusal reason that would be defensible and reasonable. Dr A Lang concluded by noting he and his clients would ask that the Committee refuse the large scheme so that a more considered and reasonable one could be submitted later for planning consent.

The Chair thanked Dr A Lang representing and asked Mr A Jones, Applicant, to address the Committee in support of his application.

Mr A Jones thanked the Chair and Committee and noted that the property was an old property on a third of an acre plot, in need of updating to current standards. He added that there was only one bathroom at the property and he noted there was a need for a second bathroom due to medical requirements. He explained that there was no scope to add one to the property in its current form and he had no desire to move away from the property, having lived there a good while. He noted the property was smaller than other properties in the area and would remain smaller than those properties even after the proposed works. Mr A Jones noted the property would be lower in height than surrounding properties and added that a property under construction a few properties down from his, similar in that it was a bungalow with dormers, would be a full 65 cm higher than his property should the proposals be approved. Mr A Jones concluded by noting he would be happy to answer any questions Members may have.

The Chair thanked Mr A Jones and asked the Principal Planning Officer if he could respond to the issues raised by the speakers.

The Principal Planning Officer noted that it was unfortunate that Members were not able to have a site visit to fully understand the estate at Hamsterley Mill, with a large number of properties on the estate having applications for, or ongoing, renovation works. He added that there was a pattern emerging of older properties that required renovation, being beyond the lifespan in terms of materials, or with new owners wishing to establish their own design for their property.

He noted that the applicant had stated, one property had been approved for demolition and rebuild, and with a number of other works within the estate. The Principal Planning Officer noted that the Authority had been successful in defending against new additional properties within back gardens, so that the character of the development would be maintained. He added that in reference to amenity impacts, they had been assessed within the Officer's report and while minimums, they did fall within the criteria set out in the Supplementary Planning Document and led to the conclusions as set out within the report.

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

Councillor S Wilson noted that he fully understood the concerns raised, however, the application met the requirements of the NPPF. He noted that it was a judgement call in terms of what Members may not have had the chance to see, in terms of character. He noted he would listen to other Members' comments, however, noted some weight should be given to the fact Councillor W Stelling had called-in the item, with his depth of knowledge about his local area.

Councillor J Blakey asked as regards the difference in height from existing compared to the proposals. The Principal Planning Officer referred Members to the elevations on the projection screen. He noted that the proposed ridgeline was a lot higher in order to achieve the internal headroom, the ridge being approximately an additional three metres in height. He noted the projection and bedroom window, and referred Members to the site location plan to show the relationship of the proposed property to the neighbouring property to the east. He added that Officers were of the opinion that the proposed ridge height increase could be accommodated and not have an adverse impact upon neighbouring properties.

Councillor J Blakey moved the Officer recommendation for approval, she was seconded by Councillor S Wilson.

Upon a vote being taken it was:

RESOLVED

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

b DM/21/01263/FPA - 3 Eureka Terrace, Tanhills, Nettlesworth

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 for the conversion of existing unoccupied 12no bedroom hostel into 5no self-contained supported living units (class C3.b) with staff and communal areas and was recommended for approval, subject to conditions.

The Senior Planning Officer noted that the applicant was in attendance to answer any questions Members may have.

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

Councillor S Wilson noted the concerns he had initially when calling the application to Committee related to highways and he wished to thank the applicant who had attended a meeting of the Parish Council and worked with the community in a very positive manner. He added the condition within the recommendation as referred to by the Police helped give good control and confidence as regards the concerns raised by the community. He noted that he had experience in working in a safeguarding profession and the work that was going into the property to give the space that was needed and to be able to provide bespoke specialist care was a boon for the county as well as his local Ward and therefore he was very happy to go with the Officer's recommendation and moved that the application be approved.

Councillor C Marshall acknowledged the huge steps taken by the applicant to engage with the local community and thanked all involved, including the Senior Planning Officer, in being able to have an application that was sympathetic to the environment that it was in and added that it was an example of good planning. He added the positive partnership working between the applicant and the community would put the development in good stead and noted he was happy to second the proposal for approval.

Councillor S Wilson moved the Officer recommendation for approval, he was seconded by Councillor C Marshall.

Upon a vote being taken it was:

RESOLVED

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