

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 19 October 2021 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Bell (Vice-Chair), D Boyes, D Freeman, J Higgins, C Hunt, P Jopling, C Marshall, M McKeon, I Roberts, K Shaw, A Simpson and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillors C Martin, P Molloy and S Wilson.

2 Substitute Members

Councillor J Higgins as substitute Member for Councillor S Wilson and Councillor D Freeman as substitute Member for Councillor C Martin.

3 Declarations of Interest

Councillor Freeman informed the meeting that he was a Member of the City of Durham Parish Council who had commented on the application to be considered but he was not a Member of the Planning Committee and had no input to their response to the application. The City of Durham Trust had also commented on the application, and while a Member of the City of Durham Trust, he was not a Trustee and again had no input to their response.

Councillor C Marshall informed the Committee that he had previous involvement with the application in his former role as a Cabinet Member in the development of the County Durham Plan but had no pre-determined views on the application. Councillor K Shaw declared the same interest as Councillor Marshall as a former Cabinet Member.

The Chair informed the Committee that Councillor C Fletcher had declared an interest and once she had spoken on the application as a local Member she would leave the meeting and take no part in the debate.

4 Applications to be determined

a DM/20/03558/OUT - Land to the east of Regents Court, Sherburn Road, Durham

The Committee considered a report of the Principal Planning Officer regarding an outline application, including access, for a proposed residential development of up to 500 dwellings on land to the east of Regents Court, Sherburn Road, Durham (for copy see file of Minutes).

The Chair informed the Committee that there were nine registered speakers in objection to the application and three registered speakers in support of the application. As such he had exercised his Chair's discretion and would allow each objector up to two and a half minutes to speak and each supporter up to seven and a half minutes to speak.

G Blakey, Principal Planning Officer provided a detailed presentation which included a site location plan, aerial photograph of the site, site photographs, masterplan for the proposed development and design code.

The Principal Planning Officer informed the Committee of some modifications required to the recommendations contained within the Committee report as follows:

- A primary school contribution which was for a larger amount of money and included some additional work that the County Council would like to do alongside some of the works which would result as an uplift of pupils from the development. The figure would be revised down to £790,000 from £1.9m in the report.
- The contribution of £50,000 to the Laburnum Avenue Community Centre should read Laurel Avenue Community Centre.
- Delegated authority was sought to update some of the plans to ensure the relevant references to the revisions were correct.

The Chair informed the Committee that local Members Councillors E and L Mavin had submitted written representations to be read out to Committee as they were unable to attend the meeting. I Croft, Senior Committee Services Officer read the representations as follows:

This Application is absolutely huge for our area and it's caused a lot of debate, some positive and some negative. The Banks Group have been heavily involved in the consultation process with organisations residents the Parish Council and with local Councillors, they have been open and transparent throughout this process and have listened to people's concerns. We have received one phone call regarding concerns over this development, several more in support of it. When we have been out in the community people have been very positive and excited about this development, we have not received one negative comment. We feel this project will be good for the local area and even the City, bringing jobs and wealth to the area and much needed housing. We would like to support the Officers recommendation for approval subject to conditions.

Councillor C Fletcher, local Member, addressed the Committee. Quality, affordable housing was essential if Durham City was to be a successful community. Housing affected all aspects of a person's life and everyone had the right to safe, decent, affordable housing. Councillor Fletcher had been involved in quite a number of discussions and consultation sessions with members of the community across the area and had talked to numerous residents. As Vice-Chair of Belmont Parish Council, Councillor Fletcher was keen to ensure Parish Councillors views were represented and was pleased to see their views were contained within the report to Committee.

Local shops and services in the area employed many local people from Gilesgate, Belmont and Carrville and Councillor Fletcher hoped people who moved onto the development would continue to enjoy the shops and services which were available locally and increase the potential for more employment.

The proposed development would result in a lot of people being added into the local area which would provide some challenges. It was important to build homes for life which enabled people to stay in their homes for as long as they wished to live there without being constrained by the build, including accessible entrances, wider doorways and facilities to enable sleeping downstairs.

Many residents had been concerned about the impact of the development on traffic around their homes and in the area. Councillor Fletcher was pleased that an entrance was now possible from the traffic lights onto the new development. There remained, however, many concerns about the increase of traffic and Councillor Fletcher urged the Committee to ensure these concerns were taken into account should planning permission be approved.

Councillor Fletcher was pleased about the planned junction improvements around the area and commended the planning officers for their work on this.

Councillor Fletcher urged the Committee to ensure the funding be made available to support pupils in the local primary and secondary schools as a result of uplift of pupils, as well as investment into the local health services which had been a concern of local people. Popular community facilities such as Laurel Avenue Community Centre, Belmont Park and the Pelaw View Centre would need support to ensure they could provide for the increase in the number of residents.

There was concern that the application was of a general nature for the development rather than a detailed masterplan and high quality environmental considerations were needed for the development to address the impact on the environment locally and also consider issues such as flooding and climate change.

Retaining access to Bent House Lane had been a big improvement to the plan. Residents of Old Durham, the houses at Bent House Farm and the 21 bungalows on Bent House Lane had been keen to see access retained. Residents of the 21 bungalows on Bent House Lane did not want to look out onto three-storey town houses and there needed to be sensitivity in the planning of the estate to residents who would look onto it.

Councillor Fletcher requested that some consideration be given to the introduction of resident only parking on Bent House Lane for residents of the bungalows.

There was concern about the absence of buses within the estate, with the bus stops being located on the main road. It was disappointing this meant that the focus of the more concentrated housing would be nearer the road with the more executive housing further back as it was assumed they would have their own transport.

Councillor Fletcher asked the Committee to insist on the environmental factors, the maintenance of the rural setting in the area and ensure that the buffer zones of shrubs and pathways and the woodland block were not only minimally maintained but also improved and extended to shield residents who overlooked the site.

Overall residents were supportive of the application and on their behalf Councillor Fletcher offered her support for the application.

Councillor Fletcher left the meeting.

Mr D Harris addressed the Committee to object to the application. Mr Harris considered the proposal to be a disgrace and informed the Committee that the case officer had not responded to his telephone calls or emails. He considered the Council's way to deal with problems or contentious issues was to ignore them. Over the last three and a half years Mr Harris had been in contact with the County Council regarding the proposed development which Mr Harris resided adjacent to in West Sherburn there had been little appetite to listen to concerns raised regarding the impact and consequences to existing residential properties. The development would exacerbate the problem of traffic on the link road. Noise, speed and volume of traffic past Mr Harris property had increased disproportionately compared to the pre-modification situation yet highways officers deemed the link road to be operating successfully, without having fully checked all aspects of the situation, merely making assumptions and guesses.

Mr Harris had no doubt that the objective of delivering the County Durham Plan and meeting government targets on house building would take precedence over the views and concerns of individuals and the points raised would be consigned to the bin or swept under the carpet. However, this proposal had serious detrimental consequences for Mr Harris and several others and needed the issues raised to be analysed and answered fully.

J Ashby of The City of Durham Trust spoke in objection to the application. The fundamental determinant of this major application was the County Durham Plan which took 10 years of hard work and very close independent scrutiny. Every word in the Plan mattered. The County Planning Committee were the guardians of the County Durham Plan. This scheme was one of the most significant the Committee would determine and it had a long way to go before it complied with those hard-won policies.

County Durham Plan Policy 5 required the Sherburn Road housing allocation H6 to be comprehensively master-planned. This would need to demonstrate how the

phasing of development on these sites would have regard to the provision and timing of the infrastructure and services necessary to support them.

The masterplan offered provided merely an illustrative development framework with its contents being nothing more than possibilities. A planning condition would not overcome the fact that it was nowhere near comprehensive and had no phasing. It fell at the first hurdle.

County Durham Plan Policy 5 very specifically stated that development would comprise 420 houses at Sherburn Road whereas this scheme proposed up to 500 dwellings. The figure 420 was not 410 or 430 never mind 500.

County Durham Plan Policy 5 said in order to reduce the dominance of car traffic both sites would incorporate convenient, safe and high quality bus, pedestrian and cycle routes within, and connecting to, adjoining facilities. However, the Committee report said that it would be unlikely that bus services would penetrate the site. Once again, the Committee was being asked to set aside hard-thought wording at its very first exposure.

Many houses would be well beyond the maximum 400 metres distance from the bus stops. The report completely failed to cover the design flaws of walking and cycling routes.

The Trust concluded that the application fell so short of compliance with County Durham Plan policies that approval should not be granted. Instead, the decision ought to be deferral so that space was given to the applicant to produce a revised application worthy of this great challenge.

Mr M Hurlow addressed the Committee in objection to the application. Mr Hurlow read a statement on behalf of the World Heritage Site Co-ordinator, Jane Gibson.

As WHS Co-ordinator I submitted serious concerns about failures in assessment relating to the World Heritage Site and how little was being proposed to address these problems. These issues were first drawn to the attention of the applicant late in 2020. There is an inaccuracy in the understanding and description of the inner setting for the WHS, the boundary of which runs through approximately one quarter of the site. The boundary is the most important part forming the skyline in relationship to the WHS and the City, deliberately drawn as a broad line or zone because of the potential for building intrusion into the skyline. The applicant incorrectly refers to it as finishing on the site boundary on Bent House Farm but shows the correct position and extent in a heritage assessment map. Distant viewpoints were also inadequately identified.

The negative impact from the development adds cumulatively to the reduction in quality of the inner setting and there is no analysis of this. The importance of the WHS historic access routes and maintaining their quality is also missed. The proposal submitted may be in outline but were locking in expectations of offsite planting and the approach to edge layout. The layout was a standard volume housebuilders approach and the landscape mitigation approach equally basic. They fail to achieve adequate treatment to the green area being removed from the

WHS inner setting. The high impact of the lead edge of the existing Sherburn Road Estate was well understood locally and the applicants adjacent outline layouts simply repeats the same pattern of edge development. So far this is a lost opportunity. What was needed was a more thorough and detailed review of the WHS and heritage impact. There was a need for a much higher quality of design allowed on the side edge of the WHS inner setting and a need for well-designed advanced planting before development starts under a clear management regime would go a long way to mitigating impact. It should be noted that any new planting would not start screening until 20 years' time. Such a scheme could range across the whole of the applicant's landholding designed to be compatible with agriculture use. Unfortunately none of this is adequately covered in the proposal. Financial contributions were identified to the nearest penny but the key heritage issues were not tackled and this failure would need to form part of the review of the setting for the WHS.

Mr R Hornby on behalf of the Gilesgate Residents Association address the Committee to object to the application. The proposed development site was within an unparished area and therefore there was no Parish Council who the land directly related to. Gilesgate Residents Association represented the views of the collective residents of Gilesgate. The Committee was meeting to consider approving the application to place houses on the site and access arrangements and not the detail. The proposed conditions on the development stated that approval of the details, appearance, landscaping, layout and scale would be dealt with by reserved matters. Nevertheless, in condition three the Committee was also being asked to approve works shall be carried out in strict accordance with the following plans which included the revised design code received on 1 October 2021. Mr Hornby drew the Committee's attention to this document because it described how the development would proceed, for example, the interface between the existing properties on Bent House Lane and the proposed site which stated on page 10 in Article 3.30 these buildings would be definitively two-storey buildings, and this could not be approved. The Residents Association felt that the best interface with housing which was existing as bungalows was other bungalows. Policy 17 of the County Durham Plan also stated that on sites of two units or more a minimum of 10% of properties should be of a design and type that would increase the housing options of older people and appropriate house types considered to meet this requirement included level access flats and level access bungalows. The details proposed in the revised design code contained no mention of single storey properties and this was the greatest concern of the Residents Association. The revised design code was inappropriate and should be considered as part of a reserved matters application which should be considered by the Committee.

Mr Hornby thanked the Banks Group for their proactive engagement with the Residents Association and hoped that going forward they could work together to get the best development for both the community and residents.

Mr B Evans, local resident, addressed the Committee to object to the application. Policy 5(n) of the Plan required that the development should respect and protect the character and integrity of Bent House Farm and its rural setting. Mr Evans suggested that the proposed woodland buffer for the southern boundary of the development be extended along the western edge to the same standard and

minimum depth of 20 metres to fully encompass Bent House Farm and up to and including Bent House Lane. The applicant's proposal was for a rural edge, including individual trees, shrubs and open grassland with a cycleway/footpath catering for informal use. A second document described the area as park and recreational space. This proposal and suggested usage did not constitute a proper and substantive buffer zone and would not adequately screen Bent House Farm nor maintain its current integrity with potentially large numbers of people in the area.

Bent House Lane below the existing bungalows was private and unadopted and for access for residents only of Bent House Farm. It was not clear whether permission had been either sought or granted for the proposal to exit onto Bent House Lane. Consultants acting for the applicant stated that Durham County Council had requested that traffic flows associated with the proposed development should not discharge through the junction from Bent House Lane. Mr Evans argued that vehicle outlet should be via the blocked off cul-de-sac at the north side of the site between recently built properties where a roadway was already in place.

The proposal for an uncontrolled junction midway between two sets of traffic lights when there was an already sanctioned junction on the north side A181 was not thought to be safe and an outlet via the fourth leg to the newly established Dragon Lane junction would make more sense and be much safer.

Ms G Moore, on behalf of the residents of Old Durham, addressed the Committee in objection to the proposal. Ms Moore informed the Committee she had lived at the bottom of Bent House Lane since 1997. None of the residents of Old Durham were happy about the development of land at the top of Bent House Lane, the turning of green fields with wildlife into a housing estate but felt there was nothing they could do.

Bent House Lane was owned by the local farmer and was the only vehicular access to homes in Old Durham. It was a private road, although many car users did not realise this. It was not an adopted highway although the County Council did tarmac it in 2001 as part of a cycle route but it was not gritted in the winter.

The creation of 400 or more new houses at the top of Bent House Lane would dramatically increase the use of Bent House Lane to access the riverbanks, Graham Sports Centre, rugby, rowing and cricket clubs and the town via the riverbank footpaths. It already took a great amount of patience and manoeuvring to get past the many walkers and cyclists on Bent House Lane and Ms Moore requested that the applicant provide a path at the side of Bent House Lane for use by cyclists and pedestrians. Ms Moore also requested that the Council grit Bent House Lane.

Living at the bottom of a hill directly down from the development Ms Moore requested that flood awareness be integral to the development. Councillor Mavin stated that everybody was excited but as far as Ms Moore was aware nobody in Old Durham had been asked for their opinion. The first plans shown to residents of Old Durham diverted their access from the top of Bent House Lane, an access which had been used for many years, and forced residents to drive through the new estate to the traffic lights at Damson Way. This would have increased danger for

residents of the new estate and would drastically increase the time taken for residents of Old Durham to get from their homes to the public highway. The most recent plans had given residents their access back and residents requested that a condition be attached to the development that kept their access straight out through the traffic lights at Bent House Lane. This was extremely important to residents.

Councillor L Brown addressed the Committee on behalf of the City of Durham Parish Council to object to the application. The City of Durham Parish Council had an interest in this large development as it was bound to affect the Parish's area. The Parish Council had objected on several grounds but there were two policies which needed to be highlighted.

Policy 45 protected the World Heritage Site, both the immediate area and the views to and from the Cathedral and Castle. 20% of the development site was within the inner setting of the WHS, with the boundary running through the middle of the development. The Parish Council did not feel that the protections offered to this iconic view, both to and from the site, were adequate either in the plans submitted or the masterplan.

Policy 5 made it clear that this development was in a sensitive location and adjacent to an area of high landscape value, so must be comprehensively masterplanned. The submitted masterplan was inadequate, in fact so inadequate it was called a design code. It gave no indication of how construction was to be phased, how traffic was to be managed, and the alternatives which were being offered to car usage. There were no plans for sustainable energy to be utilised in any of the development which was surely a must for a County which was moving towards carbon neutrality and a feature of Policy 29 of the County Durham Plan.

Finally, and most damning of all, the masterplan had been written at the last minute having been uploaded to the planning portal on 1 October by the developer and landowner which had been blindly passed by the Strategic Planning Team, and, of last Friday, without even being examined by the Strategic Planning Manager. This was not good enough. The application was recommended for approval and Councillor Brown asked that it be refused or deferred until such a time there was a masterplan which was fit for purpose and not written by parties with vested interests.

Ms N Holt, local resident addressed the Committee to object to the application. Ms Holt referred to concerns about flooding and drainage risk. Both National Policy 14 and County Durham Policies 35 and 36 referred to flood management and the effects of schemes on flood risk. Bent House Farm was prone to surface water and water collection, the field topography was such that the fields drained into and collected in Ms Holt's garden. The development would have larger volumes of surface water. Ms Holt also had field drains draining in to her garden. The report at Paragraph 80 stated that when determining planning applications local planning authorities should ensure flood risk was not increased elsewhere. Whilst Ms Holt accepted there had been a flood risk assessment for the development and she fully supported the use of SUDS she did not feel that the impact of drainage from the development had not been considered for Bent House Farm and the risk of flooding properties and requested further assessment in this regard.

Referring to footpaths, Ms Holt informed the Committee there was a public footpath proposed in the south west corner of the development which would begin on the corner of her garden. The map was misleading in terms of existing vegetation which was only a partial thin hedge. The police submission of December 2020 stated it was important not to have unnecessary footpaths to the rear or side of properties and that excessive permeability can generate crime. This was relevant in terms of the proposed footpath and also the proposed paths in the rural edge and park and recreation areas to the side of Miss Holt's property. Ms Holt supported the woodland buffer application as suggested by Mr Evans. Ms Holt requested a deferral of consideration of the application so that the concerns of local residents could be considered.

Councillor J Elmer addressed the Committee to raise issues about the application. Councillor Elmer informed the Committee he had concerns about the strategic precedence this application set.

The allocation of 420 houses in the County Durham Plan was agreed after extensive deliberation by experts, so pushing this up to 500 via a change in methodology was unjustified and inappropriate for this countryside site. Overdevelopment would have a negative impact on the adjacent high value landscape and World Heritage Site inner setting.

Referring to sustainable travel, Councillor Elmer informed the Committee that the Council was trying to plot a future of reducing car use and this was a standard development which enabled car use and very little had been provided in the way of provision for cyclists, there was no bus penetration through the site either and this was particularly problematic for older people who could no longer drive a car.

The impact on the World Heritage Site inner settings had not been given enough weight in the assessment and the screening and tree belts were not robust enough. 20 metres was the minimum required and more ambition was needed. Planting had not yet started so it would take decades for the planting to provide screening.

The impacts on the World Heritage site were considered less than substantial but they needed to be negligible given the precarious hold Durham had on its World Heritage Site status.

Referring to biodiversity, compensations were not guaranteed, and the biodiversity net gain was questionable since there was no evidence of compensatory land ownership.

With reference to sustainable energy, the applicants sustainability statement said discussions had taken place with Durham County Council's low carbon energy team but the advice offered by that team was not indicated anywhere in the application. The houses would be insulated to a minimum standard and would no doubt be reliant on gas boilers.

Councillor Elmer considered that all of the matters raised should be addressed through the masterplan. The plan should show the phasing of the development and infrastructure and the application failed on Policy 5 of the County Durham Plan.

Mr J Seabury addressed the Committee on behalf of the applicant. Mr Seabury supported the planning officers report to Committee and noted that a robust assessment had been undertaken by Council officers which confirmed that the site was suitable for new housing development. The Banks Group was a family run employer established in County Durham over 40 years ago and was experienced in bringing forward a wide range of property and energy projects, such as this proposal. The application site was included as a housing allocation in the County Durham Plan.

The applicant had met and spoken with a wide range of people in the local community from early stages to understand the range of local opinions and allow these to be taken into consideration wherever possible. The applicant continued to engage despite government restrictions including attending a socially distanced meeting with Belmont Parish Council, a Facebook live meeting with Gilesgate Residents Association, door knocking exercises to the closest properties and outdoor meetings with local residents where requested.

As a result of the consultation responses received the applicant had made a number of important changes to the application since it was first submitted, including Bent House Lane remaining open for existing traffic, the inclusion of drainage features on the south west part of the site to prevent surface water run-off and the inclusion of the remaining land to the east of the original proposal which ensured that all land within the housing allocation formed part of this planning application.

Some of the people who lived closest to the site had raised objections, however it should also be noted an equal number of letters in support had also been received, acknowledging the many benefits that the scheme would bring. Independent consultants had assessed the impact of the proposal, including the operation and safety of highways in the local area, using both nationally and locally approved methodology and had confirmed the scheme would have no severe impacts. A number of offsite highways improvements had been identified to improve the highway network.

Referring to the number of houses on the application as a whole the County Durham Plan included an estimated yield of 30 dwellings per hectare. There were no references in the County Durham Plan to the estimated yield being a maximum figure and policies in the Plan conformed this was a minimum requirement. Policy 30 stated that all new residential development would be built to at least 30 dwellings per hectare around town centres and areas where there was good access to facilities and frequent public transport services. Due to being located on the edge of Durham City and on a key public transport corridor with access to a wide range of services and employment within suitable walking and cycling distances an average density of 32.7 dwellings per hectare was proposed. The proposed density reflected the sustainability of the site and the character of the local area and was in

line with the adjacent housing development which had an average density of 33 dwellings per hectare.

The masterplan clearly demonstrated how 500 houses should be delivered along with open space, landscaping, road infrastructure and drainage requirements as part of a high-quality development. National and local planning policy stated that development should make effective use of land and resources by achieving higher densities in locations with good access to public transport and this supported the proposed density for the site.

Heritage and landscape had been considered through promotion of the site through the County Durham Plan with regards to the extent of the housing allocation and also new landscaping. The heritage assessment and landscaping appraisal demonstrated there would be no significant impacts to the World Heritage Site, nearby listed buildings, conservation areas or the wider landscape.

The applicant had worked with the Councils planning team to define a list of wider improvements to surrounding land within the greenbelt. Such improvements would see the creation of new public rights of way, reinforcing existing field boundaries and ecological improvements. The improvements had been carefully designed to enable the current farmer to be able to continue his farming practices on the land. The applicant had legal interest in the land providing certainty that the improvements would be delivered as part of this application as set out in the Committee report.

No objections had been raised by statutory consultees with responsibility for highways, drainage and flooding, ground conditions, archaeology, heritage, noise, air quality, landscape or ecology.

The Bent House Lane development would make a valuable contribution to the local economy through construction costs, direct and indirect employment during the construction phase, significant levels of new additional expenditure as well as developer contributions to support local infrastructure. This included 95 temporary construction jobs each year across the 6/7 year building phase, an additional 140 indirect jobs each year across the construction supply chain and to local businesses, once constructed and occupied over £6m net additional expenditure each year to local businesses, around £700,000 each year in Council Tax payments to the County Council.

In addition to the various highways and public rights of way improvements the applicant would also be providing 25% affordable housing on site as well as significant contributions to improved education provision, the NHS, community facilities and open space in the local area.

The development was entirely appropriate and complied with all Durham County Council policies and would contribute significant social, economic and environmental benefits to the local area. Mr Seabury requested that the Committee approve the application in line with the officers recommendation.

Mr Evans questioned why an applicant was able to support his own application at the Committee. The Chair explained that this was standard practice in Planning Committee meetings.

The Chair informed the Committee that a representation had been received from Claire Linfoot and Katie Corrigan of the Laurel Avenue Community Association who were unable to attend the meeting. I Croft, Senior Committee Services Officer read the representations as follows:

We would like to express our support for the planning application due to the many social, economic and environmental benefits the project brings. As the site is allocated for housing, there is an undeniable need for new, high quality housing which this project will deliver. The new housing will allow existing families in the area to stay in the area as well as hopefully bringing new people into the area too.

It's widely accepted that new housing brings in significant economic benefits to the area and this part of Belmont division will see substantial regeneration which is extremely important too. The project will bring in money to support new educational facilities, new open space and recreational facilities plus a £50,000 contribution to our centre which will ensure our centre is upgraded so we can continue to deliver help and support to the residents of the local area. Finally, the application ensures that there are many on and offsite environmental benefits which will help to make the development sustainable for future generations.

I hope this helps to give planning committee members a representation of the local feeling and support for this application and a positive decision is taken.

Mr S Wilson of Belmont United FC addressed the Committee in support of the application. Belmont United FC was a fast-growing local football club and since creation in 2019 it had 10 junior football teams ageing from under 7 to under 11 and 3 adult teams involved in local leagues.

Belmont FC was local to the development and felt that the s106 contributions should be used to support both the club and the local people who used it.

Belmont FC also ran mini dribblers sessions which had over 80 children per week involved in football training, many of whom were from the Belmont division of Durham County Council. It was extremely important that local clubs could benefit from developments like the Bent House Lane project and Belmont FC urged the Committee to approve the application so that the much-needed housing could be built in the area and the s106 contributions could in turn support the local community.

Councillor McKeon referred to the comment made that Durham City was in a precarious situation regarding its World Heritage Site status. She had checked on the UNESCO website and could see no mention of this and sought clarification from Councillor J Elmer. Councillor Elmer replied that this was not the first planning application where the World Heritage site Co-ordinator had raised concerns about the impact on the World Heritage Site and this could have a cumulative impact.

The Principal Planning Officer responded to some of the issues raised. A key issue raised was the masterplanning element to the site. While the displayed plan showed the site as a whole, it had engaged three different landowners to signing up to it initially, and there was both physically looking at the interrelationship of road widths and other things on the site as well as looking through the process this had gone through. Since the application was submitted it had been vetted by all internal and external consultees and been through the Council's internal review panel process where it received three greens and three ambers. Simply because the developer had submitted the displayed plan did not mean the masterplan was ineffective. There were wider issues in terms of the infrastructure and these were covered in the report regarding highways issues, schools and the community association.

Referring to homes for life, the County Durham Plan required delivery of some of this. 66% of the site would be delivered to accessible homes standard under Building Regulations.

This was an outline application, but the masterplan layout as displayed was considered useful to give future builders some direction on what residents hoped to see on site and officers would like to see on site. The design code submitted on 1 October was in response to the inclusion of an additional piece of land following agreement with the Church Commissioners.

Referring to issues raised regarding the World Heritage Site, this site had been allocated for housing in the County Durham Plan and this aspect had been debated at the examination in public as well being assessed by a Planning Inspector.

The potential access for a fourth leg off the Damson Way traffic lights to the north east corner of the site had been mentioned. The access was not proposed through this location, it was proposed to the west of this as a standard T junction, sited approximately halfway between the traffic lights at Dragon Lane and Damson Way. Highways officers had examined the proposal and considered it to be acceptable.

In terms of the biodiversity net gains and land ownership, as part of a Policy 5 requirement developing into what was greenbelt land required offsetting of this in the wider area. This included farmland to the south and west of the site. A selection of mitigation measures were proposed on this land and the Council would expect the landowner and/or the applicant to be a signatory onto the planning obligation to secure the delivery of this and the long-term maintenance.

Various discussions were held with residents of Bent House Farm which had pre-existing issues with surface water flooding. All new housing development had to retain surface water which fell onto an impermeable surface into a closed system.

The footpath shown on the plan was indicative only and could be situated slightly differently to that shown.

N Carter, Planning and Development Solicitor referred to the issue of the ownership of Bent House Lane and access to and from that area. Issues of ownership and

access were predominantly private law matters and not something the Committee could afford weight to in the determination of the application.

The Committee process which operated allowed applicants, supporters and objectors the opportunity to attend the Committee and make their representations for consideration by Members.

Councillor Boyes, as a long-standing Member of the Committee, could not remember seeing a proposal which so polarised community members. Councillor Boyes had some concerns relating to highways and the issues raised by residents about flooding. Councillor Boyes asked whether the highways system could accommodate the extra traffic which would be generated by the development. He had been contacted by a number of people from Sherburn Village regarding the roundabout in the village which was already under a lot of pressure since the southern spur road to the A1(M) was constructed and asked whether the roundabout could accommodate the additional traffic and whether there were any accident statistics available for this area.

Referring to flooding, Councillor Boyes informed the Committee he was aware there were specific flooding issues in this area. The applicants website stated that flood mitigation works would be carried out through SUDS and Councillor Boyes asked whether any work had yet been carried out on site.

D Battersby, Principal DM Engineer sought clarity of which roundabout Councillor Boyes was referring to. Councillor Boyes clarified that he was referring to the roundabout in the middle of Sherburn Village. The Principal DM Engineer informed the Committee that during assessment of the project extensive transport assessment had been analysed which looked at a large number of junctions associated around the area. The assessment highlighted concerns about the junction of the B1283 and the A181 just east of the motorway and also the A181/B1198 junction at Mill Lane. These concerns had produced some of the mitigation measures which would include signalisation of these two junctions.

The Principal Planning Officer advised that flooding issues were raised during the application process and the application was picking this up in the broader sense at this point with further detail needed. No works had yet been carried out on site, but ordinarily drainage was one of the first infrastructure works on a housing development.

Councillor Jopling informed the Committee that it was important to remember that the site was designated for housing development in the County Durham Plan. To refuse the application would be to vote against the County Durham Plan, which had undergone a lengthy period of scrutiny prior to being adopted. Having said this, Councillor Jopling did not like outline planning applications for such large developments and asked that all reserved matters be brought back to Committee for consideration. The Principal Planning Officer informed the Committee that within delegated authority in the Constitution there was an ability for the Head of Planning to exercise discretion in bringing forward items to the Committee and Councillor Jopling's request would be taken into consideration.

Councillor Marshall informed the Committee that the application had been through an examination, many representations had been presented to the Committee and he did not want to jeopardise development or s106 payments on the back of another Planning Committee application.

The Planning and Development Solicitor advised that it was not within the remit of the Committee to determine how a future application for reserved matters was to be determined. The Principal Planning Officer had explained that there was a process for a future reserved matters application to be brought to Committee by way of call-in or through the exercise of delegated powers by the Head of Planning. If it was the wish of the Committee for reserved matters to be brought back to Committee this could be fed back by Planning Officers to the Head of Planning. This was not something which could be decided upon as part of the decision in connection with the application before the Committee.

Councillor Boyes informed the Committee that it had previously delegated authority to the Chair and Vice-Chair of the Committee to be involved and consulted on reserved matters applications. If it was not appropriate for the reserved matters to be brought before the Committee he proposed that the Chair and Vice Chair had oversight on reserved matters. This was seconded by Councillor Hunt.

The Planning and Development Solicitor advised there was no problem with the Chair and Vice Chair having input into the determination of the future application if that was the wish of the Committee.

Councillor McKeon referred to the discussions and presentations made to Committee and thanked all parties for their well thought through and conscientious submissions.

Referring to s106 money from the application Councillor McKeon informed the Committee she was perturbed by the amount the s106 payments had decreased. As far as she was aware Belmont Comprehensive had some of the oldest and most decrepit buildings of any school on County Durham and had tried on many occasions to improve the capital situation. Councillor McKeon would like more s106 money to come into the area to improve either education or environmental works in the area.

Councillor McKeon considered that the issue raised by the Residents Association regarding bungalows facing onto bungalows was important and it was a good idea to have two bungalow communities together. Councillor McKeon suggested there could be a loop in the estate to allow a bus service onto the estate and asked whether bus operators had been engaged about increasing public transport in the area. Councillor McKeon understood the concerns which had been raised about the impact on the World Heritage Site but Durham was a living and breathing city with people struggling to get onto the housing ladder. This application proposed 25% affordable housing and would create a small community which would allow residents to access the facilities of the City on foot.

The Principal Planning Officer replied that the Sustainable Transport Team had been consulted on the application and bus operators had been contacted on the

opportunity for a loop service. However, this was not possible within the constraints of the current timetable. The application was then considered based on the level of existing service and was considered to be sustainable.

Referring to the issue raised regarding bungalows, the site was an agricultural field not at the same level as the road and there may be some positions on the site where bungalows were not appropriate because of this.

The impacts of the development on both primary and secondary education had been assessed. With regards to secondary education there were plans for a new secondary school to be built. In terms of assessing the impact from the development, in planning terms, it can only offset the impact the development would create. The Council had an adopted formula to assess this which was factored into the capacity at the planning stage for the school. Approximately 5% of future pupils to the new school could be generated from this development and as a result the developer was footing the cost of the overall build total based on this figure. With regards to primary education, which was where the change in contribution arose, the impact of where pupils from the development could go within the education system was considered as Laurel Avenue Primary School, and the School Places Manager within Children and Young People's Services had undertaken an onsite assessment several works were identified which needed to be done but because the development could only mitigate its own impact the figure for these works needed to be taken out of the contribution and this had not been reflected in the drafting of the report.

The Planning and Development Solicitor reminded the Committee of the relevant tests for the imposition of planning obligations. Planning obligations could only be imposed where it was necessary to address the impacts of the development and make the development acceptable, be relevant to planning and be proportionate. There was limited scope to change the mix of the planning obligations which were set out in the recommendation, as amended.

Councillor Marshall thanked all those who had taken an interest in the application. This was a large application which was allocated within the County Durham Plan. Any development needed to be sympathetic to the needs of the local community and did not exacerbate any problems. Councillor Marshall was pleased that there had been a lot of engagement and the application had been amended based on feedback from consultation. Councillor Marshall referred to Planning Policy and the County Durham Plan. This site was one of a number of green belt allocations in the County Durham Plan which were assessed by an Independent Inspector when the Plan was undergoing examination. Many of the issues raised on this application were raised at this examination. Councillor Marshall considered that the principle of housing development on this site had been established and housing growth was needed to grow the economy. This development would diversify the housing mix and improve recreational facilities as well as provide investment in schools. The proposed development could also result in an increased demand for buses and sustain a bus service in the area. Having a sustainable County and a sustainable community was very important and this would only be done with developments like this one. Councillor Marshall proposed that the recommendations in the report be approved subject to the Conditions being agreed in consultation with the Chair and

Vice Chair and that the Condition on the local footpaths allowed the flexibility for the development to evolve as discussions between local residents and the developer continued.

Councillor Freeman informed the Committee that the site was allocated for housing in the County Durham Plan, however, it was allocated for 420 dwellings yet the application was for 500 dwellings and he considered this to be overdevelopment. This overdevelopment was highlighted by the s106 contribution for play equipment which could not be placed on the site because of the overdevelopment of it. Councillor Freeman welcomed the affordable housing aspect of the scheme but was concerned there seemed to be a move away from the percentage that had been allocated for housing for rent. With reference to the s106 contribution towards education Councillor Freeman questioned whether this could be requested to be provided up front to accommodate the children from the development. Referring to sustainable development Councillor Freeman asked whether the proposed properties had charging points for electric vehicles and heat pumps, both of which would be required in the near future.

The Principal Planning Officer informed the Committee that there was a Condition on the planning permission for all dwellings to have bike storage and Electric Vehicle charging points and it was expected this would be provided at the reserved matters stage. Referring to affordable housing the balance was for a 10% to 15% split for rental within the 25% affordable housing. Within the 15%, 10% was confirmed with flexibility for the other 5% following discussions with the applicant and the affordable housing team about different types of product such as rent to buy or shared ownership. Because of the scale of affordable housing which was being proposed it was important to have a range of options.

With reference to triggers for s106 payments the Principal Planning Officer informed the Committee it was expected the development would finance its impacts as it progressed. The applicant had eluded to a 6 to 7 year time build out rate and contributions would be made at set points of the development as it progressed.

The blanket housing density was 30 dwellings per hectare in the County Durham Plan and this development was 33 dwellings per hectare. There was 4.4 hectares of space within the boundary of the site which was not being developed for housing out of a total of 19½ hectares, some 22% of the site. The proposed density per hectare allowed for the introduction of green space within the site.

Councillor McKeon, referring to bus services, referenced a service which ran from Durham City to the Dragonville site and asked whether any discussion had taken place to slightly extend this service to include this development. The Principal Planning Officer replied that discussions had taken place with the relevant providers. Although no advance commitment was forthcoming, it may be that once the site was developed the bus operators extended their services accordingly. Councillor McKeon asked that the design of the development be such to be able to accommodate such services if necessary.

Councillor A Bell referred to the s106 contribution for education and asked whether local schools were oversubscribed. The Principal Planning Officer informed the

Committee that the School Places Manager produced annually a 10-year roll projection to assess class sizes and numbers on roll and this demonstrated that the local schools would be able to meet the demand from the development, subject to the proposed s106 contributions.

Councillor Shaw seconded the proposal made by Councillor Marshall, which included oversight by the Chair and Vice Chair at the reserved matters stage.

The Planning and Development Solicitor clarified that the Committee would be voting for approval of the application in accordance with the officer's recommendation together with the revisions to the recommendation as mentioned by the Principal Planning Officer and the minor amendments to Conditions under delegated powers, in consultation with the Chair and Vice Chair, together with satisfaction of the reserved matters conditions to be agreed in consultation with the Chair and the Vice Chair.

Resolved:

That the application be approved in accordance with the officers recommendation together with the verbal revisions to the recommendation as mentioned by the Principal Planning Officer and the minor amendments to Conditions to be made under delegated powers, in consultation with the Chair and Vice Chair, together with satisfaction of the reserved matters conditions to be agreed by Officers in consultation with the Chair and the Vice Chair.