

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Special Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Thursday 25 November 2021** at **1.30 pm**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors D Brown, J Elmer, L A Holmes, C Hood, N Jones, P Jopling (substitute for J Cosslett), C Kay, D McKenna, R Manchester, C Marshall, E Mavin, K Shaw and A Surtees

Also Present:

Councillors J Chaplow, M Wilkes and M Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors J Cosslett and S Deinali.

2 Substitute Members

Councillor P Jopling substituted for Councillor J Cosslett.

3 Declarations of Interest.

The Chair, Councillor D Freeman noted in respect of Item 4b, DM/21/02227/FPA – 12 Silver Street, Durham, that he was a Member of the City of Durham Parish Council, however, he was not a member of their Planning Committee and had not been party to their submission in objection to the application. He noted he was also a Member of the City of Durham Trust, however he was not a Trustee and had not been party to their submission in objection to the application.

Councillor A Surtees noted, in respect of Item 4e, DM/21/02693/FPA - 37 Seaside Lane, Easington Colliery, she was a Local Member for the area and would wish to speak in respect of the application and then withdraw from the Chamber while a decision was made thereon.

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

a DM/21/02127/FPA - Land At Rowen Court And The Oaks, Esh Winning

The Senior Planning Officer, Leigh Dalby, 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 development of 89 no dwellings including hard and soft landscaping, public open space, highways and associated works and was recommended for approval, subject to conditions.

The Senior Planning Officer noted corrections to the report, in connection to highway and pedestrian safety the report stated 105 parking spaces, with the correct number being 124 spaces. He added that, in reference to landscaping and trees, the report set out the applicant was installing 39 trees, the correct number was 40 trees.

The Senior Planning Officer noted that, on balance, Officers felt the benefits of the scheme outweighed the disbenefits and recommended approval, subject to conditions as set out within the report. He noted that since the publication of the report, further discussions with the applicant had taken place in relation to comments from the Police in terms of a requirement for two metre fencing and also inner fencing to some of the properties. He explained those would be secured by an additional condition should Members be minded to approved the application. The Senior Planning Officer added that Condition 20 would be removed, to be replaced by a Section 106 Agreement to ensure all units were build-to-rent units.

The Chair asked Councillor J Chaplow, Local Member to speak in relation to the application.

Councillor J Chaplow thanked the Chair and Committee and explained that the bungalows within the proposal were greatly needed in the area, citing examples of residents that could potentially benefit from the development. She noted oak trees would be retained, added that the houses proposed were brilliant family homes, and noted the scheme would mean the area would be maintained and looked after. Councillor J Chaplow noted she wanted the 54 bungalows for her area and explained that there was easy access to the village centre and services, with bus services.

She concluded by emphasising how important it was to secure bungalows for her local area and that she would not wish the land to be 'banked', rather for development to begin as soon as possible and urged the Committee to approve the development.

The Chair thanked Councillor J Chaplow and asked Councillor M Wilson, Local Member, to speak in relation to the application.

Councillor M Wilson thanked the Committee and reiterated that bungalows were much needed in the Deerness division. She added that the 54 bungalows included in the scheme would help free up many family homes within the village and the development of a brownfield site would help clear up the eyesore which had remained since the demolition of the previous housing. She concluded by noting that the development would help support the local economy and schools, was a fantastic opportunity for Esh Winning, and reiterated her support for the application.

The Chair thanked Councillor M Wilson and asked Mr James Litherland, representing the applicant, and Mr Craig Van Bedaf, Architect for the applicant, to speak in support of the application.

Mr J Litherland thanked the Chair and Committee and explained that the proposals represented around two years work, working with Council Officers and Local Members to produce a scheme which brought forward the largest number of bungalows in a generation. He noted that Place First, the applicant, was an award winning build-to-rent provider and regeneration specialist with a strong track record of place making and building sustainable communities, managing around 1,400 properties in the UK. He explained Place First believed those residents relying on the private rented sector in Durham deserved a better deal, with high quality energy efficient homes where they could thrive. Mr J Litherland noted that the scheme would deliver 54 bungalows and 35 homes on a brownfield site which had been derelict and vacant for over a decade. He added that other housebuilders had dismissed the site and noted that planning permission granted in 2013 had never been implemented due to the significant physical and viability constraints of the site. He explained Place First saw the opportunity of the site, with an investment for the long-term of over £12 million for a multi-generational neighbourhood, professional managed and maintained. He reiterated that Place First created places, not just homes, and explained that their unique approach to public realm, landscape and communal areas allowed their neighbourhoods to address issues of social isolation and loneliness, which had become increasingly prevalent during the COVID-19 pandemic.

Mr J Litherland noted that Place First would remain ingrained in the Esh Winning community via their dedicated Residential Development Managers who would, on top of day-to-day estate management, would keep residents up-to-date on local events, campaigns and charity fundraisers. He concluded by noting that, with the support of the Committee, Place First would look forward to starting work in Spring 2022, with final completion aimed for 2024.

Mr C Van Bedaf thanked the Committee for the opportunity to speak in support of the application. He noted, as architect and designer of the scheme, he was extremely passionate as regards the scheme in front of Members. He explained that the scheme was a bespoke design response, led by Place First's desire to encourage community engagement and interaction within the development, to a diverse range of ages and residents. Mr C Van Bedaf added that, as an architect with over 20 years' experience in the area, and with a large proportion of his work being for large housebuilders, it was a 'breath of fresh air' to work with a developer who was committed to outstanding community architecture and with a long-term investment in the area. He explained that he, and Place First, felt there was a lack of high quality bungalows in Durham, with residents demands not being listened to when it came to new developments in the region. Mr C Van Bedaf added that it was exciting to work on the delivery of such a large number of bungalows, unprecedented in the region. He explained that there had been a number of technical constraints to overcome and incorporate to be successful and added that all issues in relation to topography, landscape retention and existing services on-site had been incorporated within the scheme. He noted that by retaining high quality oak trees within the scheme, and working with the site's existing levels, it had been possible to frame the houses with imaginative landscaped areas that would promote health and wellbeing. He noted that the inclusion of open space areas not only provided true landscape character, they also provided clear focal points for the development, promoting community interaction for potential future residents of the scheme. He concluded by noting the lengthy gestation of the application was reflective of the detailed and careful consideration given to every aspect of the development and would respectfully request that the scheme before Members be approved.

The Chair thanked the speakers and asked the Senior Planning Officer if there were any further points of clarification.

The Senior Planning Officer noted that the development would result in three trees, which were requested to remain, being removed from the site.

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

Councillor D Brown noted that while report noted no objections from Northumbrian Water Limited (NWL), Paragraph 47 of the Committee Report stated that no drainage or foul water documentation had been submitted. He noted that issues of sewage being pumped into inland waterways and the sea were national news, noting large fines for such water companies. He asked if there had been consultation to ensure there was sufficient capacity. He added that the report did not mention electric vehicle (EV) charging points.

Councillor J Elmer noted he had a few concerns, though he noted he would caveat those by noting that he was in favour of the principle of development at the location and for bungalows. He continued by citing the issues as listed by the Senior Planning Officer in terms of the Highways Section having concerns relating to parking and a lack of EV charging points. He noted that all Members had seen the impact that a lack of sufficient parking could have on an area and stressed that was an element that was important to get right. He noted Landscape Officer had expressed concern as regards the loss of trees and while the Ecology Officer had stated no concerns, they noted the applicant had not used the Department for the Environment, Farming and Rural Affairs (DEFRA) Metric 3 in terms of the policy requirement for net gain in terms of biodiversity, adding he felt that adding bat and bird boxes was not sufficient to support a net gain, with there being currently numerous nesting opportunities. Councillor J Elmer noted other points raised in the report relating to: the application not complying with M4(2) requirements; no contribution towards the NHS in terms GP capacity; some areas not meeting national interior space standards, failure to protect against crime, as per statements from the Police.

Councillor J Elmer noted that the scheme did not include EV charging points and was not building for life. He added there was nothing mentioned in relation to containing carbon emissions or in respect of technology such as heat pumps or solar panels. He noted it was the duty of the Planning Committee to protect the policies within the County Durham Plan (CDP) and the application appeared to breach many of those policies. Councillor J Elmer noted that Planners had stated that the gains were greater than the issues, however, he felt that the gains were only in terms of the number of properties, adding that he felt that gave the wrong message to developers and that the line should be held in terms of CDP policies. He explained he felt the application could be refused and, as there were sound reasons for refusal, any subsequent appeal against refusal would also be refused and the applicant may then come back with an amended scheme. Councillor J Elmer moved that the application be rejected, he was seconded by Councillor E Mavin.

The Principal Planning Officer, Paul Hopper noted that both NWL and the Council's Drainage Section had offered no objections, subject to conditions which would require precise details, noting existing capacity as the area had been previously developed. In respect of the points raised by Councillor J Elmer, where the application was in conflict with policy it was reflected within the Committee Report, with the reasons why and the suggested weight in terms of the conflict with policy. In respect to trees, he noted there had been a number of amendments and trees had been retained where possible, though it had not been possible in all cases. He reiterated the Council and the applicant had worked hard to deliver the scheme and referred to Paragraph 101 of the Committee Report where the Council's Ecologist noted a net gain in biodiversity.

The Senior Planning Officer explained there were no proposals for EV charging points, however, Condition 18 referred to parking management strategy, including means of EV charging, to be submitted and approved by the Local Planning Authority prior to first occupation of the properties. He noted that at the time the issues relating to crime had raised by the Police, however, as provided by way of update, the issue had been addressed via the suggested additional condition.

Councillor LA Holmes explained he would like to support the application, however, he had two concerns. He noted firstly the issues in terms of parking, citing developments in his area where vehicles parked on the side of roads was leaving so small a gap that an ambulance could not fit through. He noted the second issue related to the developer refusing to agree to an NHS contribution, with GP surgeries struggling with demand in County Durham, an issue he was particularly aware of being a member of the Adults, Wellbeing and Health Overview and Scrutiny Committee. He added that 89 new properties would mean more pressure on such services, and noted in response to the application the NHS had stated '*an increase to patient numbers may require adjustments to existing premises/access methods... we would be unable to guarantee to provide sustainable health services in these areas in future, should contributions not be upheld...*'. Councillor LA Holmes noted he personally could not support an application that would worsen the ongoing demand issues with GP surgeries as, in an area that was to have bungalows, there was a need to have certainty that GPs could look after those residents and ambulances could get to residents when required.

Councillor C Marshall commended the work of the Local Members and the community in Esh Winning in terms of fighting for new development and bungalows for their areas over a number of years.

He thanked the developer, Place First, for their offer, including bungalows, which seemed very different to the majority of the offer in County Durham from the private rented sector, noting the Council was still awaiting the outcome in terms of regulation of the private landlords around the county. He noted the application allowed for the diversification of that sector.

Councillor C Marshall noted he had spent a lot of time in ex-mining communities, Esh Winning being one such community, and added that it was not the centre of Durham City, was not Sedgefield or Lanchester. He noted Esh Winning was a community struggling to sustain its services and was a community that had lacked investment over generations adding that unfortunately the investment would not come from the public sector. He noted the proposals represented an investment of £12 million to bring the benefits as described in the report, with a large amount of bungalows within the development and a number of family homes to allow people to stay within the community of Esh Winning. He noted the development had many benefits and, as with decisions made on other schemes by the Committee and other Committees, there was a fine balance in terms of the viability of such scheme for the majority of communities across the county due to land values. He noted there was a need to acknowledge that each community was different and asked why Esh Winning should not be entitled to bungalows and a more diverse mix of housing if that was what the community wanted. Councillor C Marshall noted Place First had worked with the Council over a number of years in terms of the proposals and added that the issue for the Council over the coming months would be in terms of saying whether County Durham was open for business or not. He noted the Officer's recommendation was arrived at on balance and was for approval, and that if the application was not approved it could say to potential investors that County Durham was closed for business. He reiterated that Officers had provided their advice, Local Members had championed the scheme and noted that he felt that an investment of £12 million should not be turned down given the need as described. He concluded by noting he supported that the application be approved.

Councillor P Jopling explained no one was saying that they did not want the site to be developed or for bungalows to be built for the residents of Esh Winning. She noted she did not understand why such issues became political. She noted the issue was in terms of quality of life, noting the issues that came with parking problems and the size of the properties. She explained she lived in a bungalow and that it had taken a long time to find a property with enough room where one could feel comfortable. Councillor P Jopling added that people deserved a property they could be comfortable in, not be harassed with parking issues, noting all Members would know from their own areas of the problems in respect of parking disputes. She reiterated that no one was saying not to build, rather saying that it be looked at in a different way.

Councillor K Shaw explained that the application was trying to meet an identified outstanding need, one which was mirrored across County Durham, with there being a deficiency of energy efficient homes that met the needs of the elderly. He added that there were local people trapped in homes that no longer met their needs. He noted the scheme would deliver significant investment, supporting the local community and economy, create jobs and reuse a brownfield site. Councillor K Shaw noted the scheme would provide 54 bungalows that were desperately needed adding he felt there was a need to balance the needs of the ecology and those of the elderly, noting he felt the needs of the elderly must come first. He added that in County Durham there was a deficit of homes to meet the needs of the elderly, with 3,500 people registered on the social housing register alone. He noted that while 54 bungalows might be 'a mere drop in the ocean', it was a significant amount for the village and noted therefore he must support the Officer's recommendation.

Councillor C Kay noted that Councillor P Jopling had stated that she was not saying the people of Esh Winning could not have their bungalows, however, he felt that was exactly what she was saying. He noted that the report had come before Members with a recommendation for approval, an excellent application. He added he recalled the previous application, and approval, for development at the site which had not been taken forward as the scheme did not stack up, with land value not being sufficient to make a return on the investment. He noted the proposal before Members did stack up and noted he would wish for such investment in his area, Coundon.

Councillor C Hood noted there had been reference to the former residential development on the site which had been cleared and asked how many dwellings had previously occupied the site. The Senior Planning Officer noted there had been 61 dwellings on the site previously. He referred to the points raised by Councillor LA Holmes and noted that parking was an issue that the Council had been looking at and the level of parking had been agreed following a local demographic survey undertaken by Place First. He explained that Place First would be managing the full site and require all residents to sign up to a charter which would include parking and the general use of the site. He noted therefore the Authority was comfortable with the level of parking and that it would not cause an issue. The Senior Planning Officer noted reference had been made to the applicant refusing to pay an NHS contribution and explained that was incorrect, rather due to the constraints of the site and viability of the site the applicant was unable to make the payment while making the site viable.

The Principal Development Management Engineer, David Smith noted the debate as regards parking and explained that in-curtilage parking was ideally preferred, however, it was a delicate balance given the constraints of the site.

He noted the previous Highways Development Manager had agreed the applicant could provide a census study which gave information as regards car ownership level, the percentages of households in the area that owned no vehicles, one vehicle, two vehicles and so on. He added that the parking was not at the standard as set out within the Council's Parking and Accessibility Standards 2019. The Principal DM Engineer explained that the overall parking on the scheme was unallocated parking, with a one metre hard strip along Ridding Road, as agreed by the Highways Development Manager, for a 'half-on half-off' arrangement alongside the proposed terraced bungalows, which allowed for a 4.8 metre running lane across Ridding Road. He noted that while not perfect it was not a significant highways risk, given parking was already occurring on Ridding Road. He reiterated that Highways had no objections to the scheme and noted the Senior Planning Officer had referred to the condition relating to EV charge points, noting the issues when looking to provide EV charging points and the level constraints in connection with the site.

Councillor LA Holmes noted he agreed with Councillor C Marshall that the additional strain on the NHS, who had worked hard through the pandemic, was dangerous and added that agreeing to a development, which may result in the NHS being unable to guarantee the healthcare of residents, was also dangerous. He added that he would wish to see the site developed and would wish for £12 million of investment to go to Esh Winning. He noted the amount of investment the Administration had received, working with local MPs, Dehenna Davison, Richard Holden and Paul Howell and noted he wished for that to continue. He reiterated he was not against developing the site, he was not against investment into Esh Winning, however, he was against putting more pressure on to fantastic NHS staff who were already overwhelmed.

The Chair reminded Members not to bring in political issues outside of the development in question. He asked Councillor J Elmer for reasons for refusal in connection with his motion.

Councillor J Elmer reiterated there was a list in the report of the areas where the application lacked compliance with policy, including: failure to meet the financial contributions the Council would have expected, including in terms of the NHS; failure to meet space standards; failure to meet external distance standards, a number of highways issues and potential issues and conflict; impact upon trees and landscape, and failure in terms of policies relating to minimising carbon emissions.

The Chair noted he would allow the applicant to clarify as regards some of issues raised by Members.

Mr J Litherland explained that the constraints of the site were the reason it had remained undeveloped for so long. He explained as regards mining history in the area and noted that the Brockwell Seam ran under the site, the seam had been worked and following site investigations it was noted there would be significant works required in terms of remediation and retainment on the site, with £1 million required to be 'put under the ground'. He added that he hoped that put into context the couple of hundred thousand pounds in Section 106 contributions, with a need to put that money into stabilising the site. Mr J Litherland added that the previous housing on the site was demolished partly as a result of the stability issues. He noted Place First saw the long-term potential of investing in the site, building properties for rent, not short-term build-to-sell. In respect of parking, he noted 124 spaces represented two spaces per three-bed property and one space per bungalow and that the Residential Services Manager on site would monitor issues, alongside the Residents' Charter. He reiterated as regards biodiversity net-gain, with an important tree belt on the periphery of the site which would be retained, which also formed part of the Esh Winning settlement boundary. Mr J Litherland noted issues that had been raised in terms of the calculator within the Environment Act, which was on its third edition, and explained that sites that lay dormant for a long period of time, such as at Esh Winning, built up credits for the fact they have habitat, albeit a habitat not as valuable as that in the proposed scheme. He noted that the current habitat was poor, with the Ecologist employed by Place First, Dr Rachel Hacking having made submission to the Council in that regard, with the Council's Ecologist having agreed the biodiversity point on that basis. He noted in respect of M4(2) non-compliance, it related only to minor points concerning downstairs bathrooms and reduced bedroom circulation space, with all the details set out within the Officer's report. Mr J Litherland noted that the changes required, albeit small would impact upon the total number of units and therefore the viability of the scheme. He noted the work undertaken with the Council in terms of looking at the nationally described space standards, adding the proposals originally were for smaller dwellings and added that larger dwelling would lead to only 78 units, again being unviable. Mr J Litherland concluded by noting he hoped the opportunity for Esh Winning would not be lost and that he had addressed the points raised by the Committee.

The Solicitor – Planning and Development, Neil Carter noted the motion for refusal as proposed by Councillor J Elmer and seconded by Councillor E Mavin. Councillor J Elmer noted that on the basis of the further information received he would withdraw his motion for refusal. The Solicitor – Planning and Development noted Councillor C Marshall proposed the application be approved and was seconded by Councillor K Shaw.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED** subject to the conditions as set out within the report, with an additional condition in respect of secure fencing and a Section 106 Legal Agreement in relation to build-to-rent units, replacing Condition 20.

Councillor C Marshall left the meeting at 2.40pm

b DM/21/02227/FPA - 12 Silver Street, Durham

The Planning Officer, Lisa Morina, 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 change of use of upper floors to a 5 bed HMO (use class C4), retail to remain at ground floor and installation of new access door in existing shop front and was recommended for approval, subject to conditions. Members were asked to note the property was a Grade II Listed Building, however, the associated Listed Building consent was not being considered at the current time. Councillors noted the City of Durham Trust had initially objected and subsequently withdrawn their objections, however, they noted a remaining issue in terms of requesting a handrail being installed to the rear access staircase. The Committee were referred to photographs highlighting improvement works that had begun to the rear staircase.

The Chair thanked the Planning Officer and noted there were no registered speakers and asked Members for their questions and comments.

Councillor J Elmer asked, given that the issues raised related to the rear entry and staircase, whether it would be possible to condition for a handrail to be included, as suggested by the City of Durham Trust. The Principal Planning Officer noted it was an element that could be included in Condition 5 if Members desired. Councillor J Elmer noted that, with such an inclusion, he would propose that the application be approved. Councillor P Jopling seconded the proposal.

Councillor C Kay noted that conditions should only be applied if the application was deemed unacceptable without the inclusion of such a condition and asked how that applied to the current situation.

The Principal Planning Officer noted that conditions needed to pass a number of tests, however, as there was already a condition which referenced improvement works, the handrail element could be added to that list of improvement works.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED** subject to the conditions as set out within the report, with an addition at Condition 5 relating to the installation of a handrail for the rear access staircase.

c DM/21/02109/FPA - New College Durham, Framwellgate Moor, Durham

The Senior Planning Officer, Leigh Dalby, 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 erection of a 4.5m high FA standard football pitch boundary fence and was recommended for approval, subject to conditions.

The Chair asked Councillor M Wilkes, Local Member to speak in relation to the application.

Councillor M Wilkes thanked the Chair and Committee and noted he had been asked to refer the application to Committee for determination by the Parish Council, his fellow Ward Councillors and local residents, due to the visual harm the application would cause to the area. He explained that there was the impact to residential amenity as well as impact in terms of the openness of that green area. He explained that Policy 26 of the CDP outlined that developments should maintain and respect green infrastructure and added that the construction of a 4.5 metre high fence, approximately 400 metres in length and containing an area of almost two acres of green open space, would have a significant impact. Councillor M Wilkes noted that it was CDP Policy 31 in relation to visual harm to resident and residential amenity which had created more significant concern. He added that Policy 31 was clear and stated: *'Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated...'*

Councillor M Wilkes noted there were no measures which could mitigate the visual impact and visual dominance of the proposals and therefore the application could be refused under CDP Policy 21.

Councillor M Wilkes asked Members to note the correspondence between the Council and the applicant, New College Durham (NCD), in respect of the application, where Councillor Officers had worked hard to seek a proposal that would have a lower impact. He added that NCD had suggested a three metre high fence would be suitable, with the original reason for the request of the fencing being to prevent dog fouling on the football pitch in the open area. He suggested that a three metre fence should be sufficient to prevent dog fouling and suggested the reason that NCD had not put forward proposals for a three metre fence was that they would need to withdraw their current application and resubmit for the reduced height. He added that given residents would have to look at the fence for decades he felt that was unreasonable. Councillor M Wilkes explained that a three metre high fence would not impact visually or in terms of openness as much as the 4.5 metre fence proposed and there were other options, such as having no fence behind residential properties, however, fencing off the sides. He added that should the fence at the goal end closest to North Terrace be 4.5 metres, to reduce the issues associated with stay footballs, he felt most residents would not object to that option.

Councillor M Wilkes explained that due to the way Alexandra Terrace sat at a lower level, the relative height of the fencing would be approximately six metres rather than 4.5 metres and therefore he requested that the Committee deferred the application to consider such issues, if NCD were happy to do so, or if they would not wish for a deferral then to refuse the application noting it was contrary to CDP policy 31, supported by Policy 26, in terms of impact upon amenity and openness.

The Chair thanked Councillor M Wilkes and asked Mr Richard Prisk and Mr Alan Perry, local residents to speak in objection to the application.

Mr R Prisk noted he lived at Alexandra Drive and that he was a former Planning Officer with over 30 years' experience in County Durham. He explained he and residents strongly objected to the application as it would create a strong urbanising development in an important open space area, integral to the college. He added it would introduce a cage like structure 100 metres long, 70 metres wide, and 4.5 metres in height. He noted that the close mesh construction would provide a strong visual barrier across the site and, while accepting that no open space would be lost, its function, openness and visual appearance would be significantly changed by the proposal.

Mr R Prisk explained that the proposal would make the majority of the playing field not an open space, but an enclosed space, and the land outside of the structure would be less usable as public space and would be likely to receive less maintenance lowering its quality compared to that presently found around the peripheral edges of the site. He noted that would further degrade the appearance of the land for residents and users of the adjoining footpaths.

Mr R Prisk added that the scale of the fencing was equally of concern, with the 4.5 metre height and its proximity to residential properties meaning that it would have a significant detrimental effect on amenity in terms of the visual intrusion and being overbearing. He noted the Officer's report stated the rear gardens of Alexandra Close were 1.5 metres below the playing field and, as a result, the structure would be approximately six metres from those gardens, which was more than the height of their roofs eaves, the equivalent of two and a half times the height of goal posts. In addition, he noted that the southern end of the site would only be 15-20 metres away from people's gardens, in very close proximity. He noted while the report suggested that the fencing was not unusual, it was not a norm and added that there were many examples across County Durham where other arrangements designed to protect sports fields were significantly less intrusive. Mr R Prisk asked that the Committee fully recognise the specific site characteristics and area in relation to general policy guidance within the CDP, including the site's suburban and semi-rural setting, the overall design strategy for the college's development which had maintained building development to the west of the public right of way, a principle that would be undermined by the proposal. He noted the role of the series of open spaces to the east of the public right of way played into the setting of the college which helped to integrate the large mass buildings with the adjoining residential areas, especially since the extension of the college in 2019. Mr R Prisk reiterated that the difference in ground levels exacerbated the effect and added that given those facts it was felt that the scheme should be refused as it was contrary to CDP policies as there was adverse impact on the county's green infrastructure network, Policy 26, and there was conflict with certain criteria in Policy 29 in terms of character, adverse impact and failing to address factors in relation to the views to and from the site, together with maintenance and edge of settlement requirements. He noted the impact of the visual intrusion was contrary to Policy 31, however, he explained residents were appreciative of the issues that New College wished to address, and his fellow local resident would speak as regards potential solutions.

Mr A Perry noted he too was a resident of Alexandra Close and had lived there for 40 years, with his property backing on to the playing field. He explained that he supported rejection of the proposals as the sheer height and scale of the fencing would dominate the previously open space between the college and the houses.

He added that residents would want to look at the way in which they might support any actions the college might take in order to protect the land in question. Mr A Perry noted residents has some sympathy for the college's position and wanted them to improve the maintenance of the area and safeguard their fields. He reiterated that there were alternatives and what residents would ask for was that the college would speak to residents as regards what possibilities would exist and therefore in conclusion residents were asking that the Committee reject the application and ask that New College looked seriously into alternative ways to secure the field and to ensure that the open space was maintained.

The Chair thanked the speakers and asked Mr Paul Bradley and Mr Karl Fairley representing New College Durham to speak in support of their application.

Mr P Bradley thanked the Chair and Committee and noted the college was happy with the Officer's presentation and recommendation for approval. He noted New College had a proud tradition of delivering a wide and varied curriculum to their students. He noted the application sought to enhance the sports facilities that the college provided to help its students achieve their academic goals. He added that the application supported its curriculum and would allow the college to invest with confidence in the sports pitch that the fence would surround. Mr P Bradley explained that it would also enhance the community benefits in terms of the use by the community, such as the Little Kickers and Durham County Junior Football Club. He noted that the college understood the objections and recognised the concerns that had been raised by local residents which they hoped were addressed by the conditions put forward in relation to soft planting as set out in the Planning Officer's report and presentation. He noted that residents of North Terrace, to the south-east of the site, had longstanding issues in terms of wayward footballs and it was hoped the proposed fence would mitigate as much as possible while being in line with Football Association (FA) guidelines.

Mr K Fairley noted an additional point in that the proposals before Members represented an application which had been amended through the planning process, the initial application not having the soft planning element and the college welcomed Condition 4 in terms of a schedule relating to the soft planting. He explained that would help not only in terms of sustainability, but also in terms of biodiversity on the site. He noted that it would also help in terms of the concerns raised by residents living at Alexandra Terrace in terms of the outlook on to the trees that were proposed to be planted. He concluded by noting the fencing would help in terms of footballs that entered the back yards of properties at North Terrace.

The Chair thanked the speakers and asked as regards the 4.5 metre height of the fence. Mr K Fairley noted it was based upon FA regulations as set out by the Officer in his report. The Chair asked the Committee for their questions and comments.

Councillor N Jones noted that the 4.5 metre height of the fence together with the 1.5 metre difference in ground level between gardens and the playing fields represented the height of one and a half double-decker busses.

Councillor J Elmer asked if the applicant had submitted a landscape / visual impact assessment in relation to the application. The Principal Planning Officer noted it had not been felt that was necessary in this instance. Councillor J Elmer noted he felt Members needed sufficient information and would recommend that in future it was requested. He added he felt that there was simply a need to compromise in terms of the height of the fence and asked if there was any willingness to do so on behalf of the applicant. The Chair asked if the applicant could respond with Mr K Fairley noted that a height of three metres along the sides of the pitch with 4.5 metre high fencing at each of the goals may help. Mr R Prisk noted residents were looking for compromise in terms of the amenity of residents.

The Solicitor – Planning and Development noted that the application before Members was for a 4.5 metre high fence and should there be a desire to amend the height of the fence then the application could be deferred with an amended application to come back for the future. He noted if the applicant did not wish that then Members should make a determination of the application before Committee.

Councillor A Surtees proposed that the application be deferred to allow for further discussions between the applicant and Planning. She was seconded by Councillor K Shaw. Mr K Fairley noted the college would support a deferment.

Upon a vote being taken it was:

RESOLVED

That the application be **DEFERRED**.

Councillor C Kay left the meeting at 3.18pm

d DM/21/00185/VOC - Evergreen Park, Crimdon

The Senior Planning Officer, Jennifer Jennings, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for removal of Condition 5 (holiday home occupancy restriction) of planning permission DM/15/01520/FPA for the siting of 16 executive holiday lodges (resubmission) and was recommended for refusal, for the reasons set out within the report.

The Senior Planning Officer noted properties to the south of the application site were granted a Lawful Development Certificate in 2006 for use as permanent residential dwellings. She noted the report set out that application was contrary to the requirements of CDP Policies 6 and 10 and Paragraph 105 of the NPPF, as well as being contrary to the aims of CDP Policy 29, the Council's Residential Amenity Standards Supplementary Planning Document (2020) and Paragraphs 124 and 127 of the NPPF. It was added the application was also in conflict with CDP Policies 15, 25 and 26 in terms of failure to provide off-site affordable housing and open space contribution and therefore was recommended for refusal.

The Chair thanked the Senior Planning Officer and asked the Committee Services Officer to read out a statement on behalf of the former County Councillor Lynn Pounder.

'As a Councillor last year I made comments regarding the change of use and as a resident I would like to fully support the removal of occupancy condition on this application. It would be a huge benefit to the community with a positive impact for the older population. The choice and benefits of smaller housing in a beautiful location in a popular up and coming area of the County. Evergreen Park is a beautiful well maintained site surrounded by coastal views and amenities at nearby Crimdon beach and dene as well as many other amenities. The transport links are good and the bus stops a very short distance from the site, with links to the surrounding areas. Permanent Residential occupation of the units would free up larger family homes in the area which are currently in high demand. This would create a more specific choice of smaller high quality homes of which we have a shortage throughout the County. The boost to the economy from the change of use to this application would have an extremely positive impact on the wider local community'.

The Chair asked Mr Robert Drummond, the applicant, to speak in support of his application.

Mr R Drummond noted he felt the Committee report was a little misleading and noted the report was numbered Paragraphs 1 to 111. He noted Paragraph 2 lead people to believe Evergreen Park was a 'caravan park', as in touring caravan park. He explained he was the owner and operator of Evergreen Residential Park and he had operated for nearly 20 years uninterrupted with no problems whatsoever. He added that his park was not the only residential park in the UK, noting there were several thousand, reiterating that the park was residential and the reference to caravan park was misleading. He noted his park was residential, for the over 50s and with all occupants owning the units individually. He added all were very happy, with one resident over 90 years of age.

Mr R Drummond noted Paragraph 44 of the report set out that there was a need for affordable housing in the area, however, it noted the use of a mobile home was not a suitable product. He noted he would contradict that and say that for several thousand parks around the UK, which operated as he did with Evergreen Residential Park, it seemed to work. He added that Paragraph 44 also stated that '*discussions with estate agents and mortgage brokers indicate that these units would not be suitable for affordable purchase*'. Mr R Drummond noted that 100 percent of the homes sold, whether they were referred to as units or park homes, had all been sold through local estate agents, Keith Pattinson, Downen and so on.

In reference to Paragraph 72 of the report, Mr R Drummond noted it had referred to the density of the properties and to what was suitable for holiday lets. He explained that the point he wished to make was that mobile, residential, park homes operated completely different to traditional housing schemes of say 30, 40, 50, 60 or 70 houses in terms of the distance between each unit, it being six metres, as required by park home law, three metres to boundaries, six metres between units and two metres to the road edge. He added that he had many other points he could raise in terms of the Committee report, though he did not have the time.

Mr R Drummond noted he made the following case for the application to be granted. He noted that permission was granted at appeal, with costs awarded, for the 16 holiday lodge units. He explained that the relevant condition was for holiday use only and noted that the 16 bays had been installed with 10 having been sold under the holiday restriction, with six units currently unsold. Mr R Drummond noted that due to the COVID-19 situation and the repeated requests of holiday lodge owners, it was necessary for the application for full residential use to be granted. He added that the only issue appeared to be Council Officers making unrealistic demands in respect of Section 106 contributions which his professional advisors did not feel were justifiable.

Mr R Drummond noted the contributions requested rendered the matter unviable and Council Officers were demanding Section 106 contributions from all 16 units, adding that his advisors had felt that was unreasonable, maybe unlawful, and certainly a grey area in planning terms.

The Chair thanked Mr R Drummond and asked the Senior Planning Officer to respond to the points raised.

The Senior Planning Officer explained that, in relation to affordable homes and what would be an acceptable form, the Council's Housing Delivery Team noted that park homes would not constitute an acceptable form. She added that Officers did not feel what was being proposed would meet that demand, even if, under a Section 106 agreement, there was a requirement that two of the units be affordable in perpetuity. She noted that therefore, to meet policy requirements, an off-site contribution would be required for another housing site. She noted that the application before Members was for the condition to be removed from all 16 lodges and therefore the Section 106 agreement would have to apply to all in that case. The Senior Planning Officer noted she had explained as regards distance standards within the report and presentation and reiterated, as Members would be aware, that between houses in residential estates the Council would expect a 21 metre separation between habitable windows, which was not being achieved in the case of the application.

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

Councillor J Elmer asked for clarification, if the condition were removed in relation to holiday home status, to all intents and purposes, the properties would be considered as any other residential property in terms of a planning application. The Principal Planning Officer noted that was correct, when the permission was originally granted it was for holiday lets, with full and permanent occupancy as a residential property being a very different type of occupation. He noted that the separation distances that would be considered acceptable for a holiday let were not considered acceptable for permanent accommodation. He added that in terms of affordable housing and Paragraph 44 of the Committee report, affordable housing was based upon whether a Registered Provider would take on a property as affordable housing long-term, and it was clear a Registered Provider would not take on a static caravan as a form of affordable housing.

Councillor P Jopling asked what the period of occupation was under the current permission. The Chair noted he would allow Mr R Drummond to respond.

Mr R Drummond noted it was 12 months, 52 weeks of the year the same as the adjacent residential park, with the difference between the two areas being one fence, with homes being like-for-like, no difference in build quality, and noted six metres apart was standard for residential park homes, not 21 metres. The Principal Planning Officer noted the current restrictions were set out at Paragraph 4 of the Committee report: '*The lodges hereby approved shall be occupied for holiday purposes only, and shall not be occupied as a person's sole, or main place of residence*'. He added the occupancy was qualified in those terms, rather than a restriction for certain months of the year.

Councillor J Elmer noted the need to comply as best one could with the policies of the CDP and noted Policy 10 referred to the need to conserve the countryside, the open aspect of the countryside and avoid permanent residential development in the countryside. He added that decisions were always difficult, however, if Members were to allow approval of the application it would be creating a mechanism through which applicants could develop the countryside, in this case applying for holiday homes then applying for change of use for those holiday homes. He noted that regretfully he would move the Officer's recommendation that the application be rejected. He was seconded by Councillor E Mavin.

Upon a vote being taken it was:

RESOLVED

That the application be **REFUSED** for the reasons as set out within the report.

Councillor P Jopling left the meeting at 3.40pm

e DM/21/02693/FPA - 37 Seaside Lane, Easington Colliery

The Planning Officer, George Spurgeon, 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 change of use from betting shop to hot food takeaway and 2 no. flats, to install new front door and roller shutter and flue to rear and was recommended for approval, subject to conditions.

The Planning Officer noted Paragraph 72 of the report made reference to a condition to restrict the occupancy to a member of staff of the ground floor unit only, however, that was no longer being recommended and was not included in the recommended conditions as out within the report.

The Chair thanked the Planning Officer and asked Councillor A Surtees, Local Member, to speak on the application, Councillor A Surtees noted she would leave the meeting after making her representations and take no part in the decision.

Councillor A Surtees noted that she had found the Committee report confusing in terms of setting out the number of hot food takeaways in the front street, Seaside Lane. She noted it had changed from three to four and then to five, adding she had two areas of concern with the application. She explained that the current hot food takeaway 'Pizza Mania' at 38 Seaside Lane would move to 37 Seaside Lane if permission was approved, and while that would not increase the number of hot food takeaways in that street, her concern was that Officers were stating that the application would bring a vacant unit back into use, however, with no firm indication of what would happen with 38 Seaside Lane then the number of units in use would remain the same. She added that as 38 Seaside Lane already had permission for use as a hot food takeaway, she had a concern that property would not need to seek permission for such use.

Councillor A Surtees noted another area of concern was around traffic and she explained she disagreed with some of the highway assessments. She noted that traffic in the area was a longstanding serious problem, associated with the hot food takeaways. She noted the site photographs shown in the presentation did not give a sense of how close the area was to the crossroads, with the majority of the area at the crossroads being double yellow lined. She added that there was a bus stop directly in front of the current betting office and noted Members would be aware of similar issues in their own area in terms of delivery drivers parking directly in front of hot food takeaways. She noted that was often on double yellow lines which would then in turn cause issues with line of sight, blocking the bus stop in this case, and cause problems for other road users and pedestrians crossing the road in that area. Councillor A Surtees noted she did not agree that traffic would not be impacted in the area and added that in terms of the parking for the residential units while there was public parking on the opposite side of the road and also behind, if residents started to use the public parking area that in turn would displace car parking for people wishing to use the shops.

Councillor A Surtees left the meeting at 3.58pm

The Chair asked if the Planning Officer wished to respond to the points raised for the Committee's information.

The Planning Officer clarified there were five hot food takeaways in the vicinity, two to the west and three to the east. He noted that the applicant was looking to move from 38 to 37 Seaside Lane, however, there was no guarantee that move would take place. He confirmed that the unit at 38 Seaside lane had permission for hot food takeaway use and therefore would not need to seek new consent in that respect. He noted that demand for units was an issue, noted the issues in terms of parking at Easington Colliery and confirmed there was bus stop to the front of the property.

The Principal DM Engineer, David Battensby noted that the report set out that there were concerns from the Highways Section in relation to traffic issues associated with hot food takeaways. He noted that Councillor A Surtees was correct in that, across the county, activity did take place in terms of parking on double yellow lines where there were hot food takeaways. He explained that the issue in terms of any recommendation for refusal on those grounds was with sustaining a refusal at appeal where there were restrictions that applied, such as a bus stop, double yellow lines, no waiting at any time, and similar restrictions. The Principal DM Engineer added that aspect was an issue of highway enforcement, an issue an Inspector would look at in terms of any appeal against refusal on such grounds. He noted that Councillor A Surtees had also referred to residential parking taking up existing parking space. He explained that he would be surprised if any of the properties on that terrace had in-curtilage parking and therefore parking was happening on-street currently, with the application being a continuation of that. He added that residential parking would mostly on an evening when people returned from work, freeing up the spaces for use by those visiting the shops during the day. He added that it was another area that an Inspector would likely refer to in any appeal against refusal, with the Inspector being able to cite there was adequate public car parking space. The Principal DM Engineer concluded by noting that, on balance, there were not good grounds on which to object from a Highways perspective to the application.

Councillor E Mavin explained he felt the positive aspects outweighed the negatives in respect of the application and therefore he would move approval of the application as per the Officer's recommendation. He was seconded by Councillor D Brown.

Councillor J Elmer noted that the Officer had been very diligent in covering all of the issues, including those associated with soundproofing. He added that while he appreciated the concerns raised by Councillor A Surtees in respect of inappropriate parking, the Principal DM Engineer had explained that was an issue for enforcement by the Police and not for the Committee.

Upon a vote being taken it was:

RESOLVED

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