

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 14 December 2023 at 10.00 am**

**Present:**

**Councillor J Quinn (Chair)**

**Members of the Committee:**

Councillors A Savory (Vice-Chair), E Adam, D Brown, L Brown (substitute for N Jones), L Maddison, S Quinn, G Richardson, M Stead and S Zair

**Also Present:**

Councillor C Kay

### **1 Apologies for Absence**

Apologies were received from Councillors V Andrews and N Jones.

### **2 Substitute Members**

Councillor L Brown substituted for Councillor N Jones.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Minutes**

The minutes of the meeting held on 23 November 2023 were agreed as a correct record and signed by the Chair subject to the following amendment. Councillor G Richardson stated that his named was misspelt on the first page under declarations of interest.

The minutes should read 'Councillor G Richardson declared a non-pecuniary interest in agenda item 5b as he knew the applicant'.

## 5 Applications to be determined

### a **DM/23/01358/FPA - Site of Former Greyhound Track, Front Street, Merrington Lane, Spennymoor, DL16 7RS**

The Committee considered a report of the Senior Planning Officer for the erection of 65no dwellings with associated access, infrastructure and landscaping on the site of the former greyhound track, Front Street, Merrington Lane, Spennymoor (for copy see file of minutes).

G Spurgeon, Senior Planning Officer gave a detailed presentation that included a site location plan, aerial images, site photographs, images of the proposed site layout, the house type and the proposed street scene. A site visit had taken place prior to the Committee meeting. He explained that there had been previous planning applications for this site and this application proposed 100% affordable housing. During the consultation period Spennymoor Town Council were in support of the application and the Lead Local Flood Authority were happy with drainage that was sufficient to deal with any excess surface water but raised concerns over SUDs not being designed to form an intrinsic part of the layout. There were no responses from members of the public. A Noise Impact Assessment had been carried out to ensure ample amenities for future residents that Environmental Health were satisfied with. The planning application conflicted with policy and had scored two red classifications due to the lack of active bus stops within 400 metres of the development and SUDs not being designed to form an intrinsic part of the layout. As the development would improve the visual amenity and bring with it section 106 contributions, including to secure the delivery of 100% affordable housing, this outweighed the conflict with Policy and the harm it would cause and it was recommended to approve the application.

C Smith, Agent addressed the Committee in support of the application. He briefed the Committee on a few additional points to the Senior Planning Officer's presentation. He explained that the development was a partnership that had been established between Hardwick Homes and Livin that was similar to that of the development at Hamminkelm Place, Sedgfield which had been awarded the Royal Town Planning Institute's NorthEast Chair's Award, with judges noting its placemaking qualities, and detailing within the individual house types that provided assurance for quality of the development on this site. As noted in the Officer's presentation, 100% of the proposed 65 dwellings would be affordable housing available for rent and rent to buy, which was a significant contribution to the delivery of affordable housing both in the local area and the County. The development made use of a brownfield site which had been out of use since the 1990s. Its redevelopment would include a mix of 2, 3 and 4 bedroom houses which included a mixture of family homes and bungalows. It was also located in a highly accessible and sustainable location, in walking distance to the town centre.

A further benefit was that it would be a low carbon development with no gas connection and energy/heating would be generated by heat pumps and solar panels. During the course of the planning application, the applicants had worked positively with Officers that included engaging in the Council's Enhanced Design Review Service which had allowed any comments on specific areas of the layout and design to be discussed and subsequently addressed. In terms of next steps, and subject to the Committee's resolution, the applicants aimed to continue working with the Council to finalise the Section 106 Agreement and commence the development as soon as possible in the new year. This would also dovetail with the completion of the Laburnum Grove development in St Helens Auckland which was another partnership development between the applicants and allow the transition of construction staff to the site. He wanted to take the opportunity on behalf of the applicants, to thank Officers for their time, and effort, throughout the application process. Their contribution had enabled a timely conclusion to the planning application and influenced the quality of the development presented to committee. He respectfully urged the Committee to support the application in line with the Officer's recommendation.

Councillor E Adam was concerned that the application had received two red scores in relation to transport and the SUDS scheme and was still recommended for approval. He requested an explanation on what had been discussed around these elements.

The Senior Planning Officer explained that the first red score was in relation to transport as there were no active bus stops within 400 metres of the entrance to the site. As the development was for 65 dwellings, along with an existing consent for additional dwellings on the former Electrolux site to the east, there was potential for the bus company to introduce a bus service to this area in the future. It was felt that it was not proportionate for the applicant to fund a bus service and the town was within a reasonable walking distance from the proposed site. The second red score was due to concerns with the SUDS that conflicted with Policy 35 of the Durham County Plan regarding the treatment of surface water. The surface water would generally be dealt with by the addition of swales to convey run off water and remove pollutants to connect to the SUDS that would be an intrinsic part of the overall development. He advised that this was not the case with this development but the applicant had since proposed to install a treatment device instead, as to create larger SUDS as suggested by the Lead Local Flood Authority it would reduce the number of properties on site which would make the scheme unviable. He stated that on balance the benefits to redevelop the site and the delivery of 65 affordable homes outweighed the harm and conflict with policy.

Councillor E Adam was happy with this explanation. He advised that he had attended the site visit and was concerned with potential noise issues generated by forklift trucks on the Jewson site that would impact plot no 1 as it was set against the main fence.

He noted that the proposed sound bar fence would be lower standing at 1.8 metres to that of the PowerGrid original fence that stood at 2.8 metres high. He queried if plot no 1 was to remain if the noise proofing could be improved.

C Smith responded that plot no 1 was within the noise impact assessment that had been carried out on the layout of the site. The orientation of the frontage of the dwelling helped screen the noise from the Jewson site along with the road and substation.

Councillor E Adam noted that the agent had not covered the point that he had raised and would expect an improved fence.

The Senior Planning Officer commented that the function required of the fence was to soundproof against the noise in the garden. He advised that this was covered under condition 12 within the report and the applicant could if necessary install a taller fence to protect residents amenities.

Councillor E Adam questioned whether there could be a condition put forward to widen the main footpath to the North of the site that went past the substation towards the underpass and improve the street lighting in this vicinity to not only encourage walkers but also cyclists.

The Senior Planning Officer replied that the PROW 57 had been cited in condition 13 which would require details of the widening of this footpath to be discharged. This was considered necessary to serve the future residents of the proposed dwellings as well as the existing community which would represent a wider benefit that would help to outweigh some of the identified policy conflicts.

Councillor M Stead was concerned that the B6288 that lead to the A688 towards Thinford was a very fast road for pedestrians to cross to get to the Frog and Ferret pub. He mentioned that the Town Council and the police had issues with speeding on the road and queried whether consideration could be given to reduce the speed limit to 30mph.

D Battensby, Principal DM Engineer commented that the B6288 was of a credible speed limit of 40mph due to the road environment and that a reduction in speed would not be considered. He noted that the A688 was a rural A class road of good design standard and the speed limit of 60mph was also a credible speed for that road. He cited that a reduction in speed would not stop motorists from speeding.

Pedestrian movement on the roundabout to access the Frog and Ferret pub was facilitated by the appropriate crossing facilities as such a junction. The proposed residential development would be served by a subway that had been improved for residents in connections with the development of the former Electrolux site, the subway being the closest and most appropriate pedestrian route to the town centre. He declared that the site could not sustain off-site or detached works to the highway that could not be justified against the proposed development.

There were no objectors registered to speak on the application therefore the Chair opened up the Committee for debate.

Councillor S Quinn agreed with the Officer's recommendation and **Moved** the application. She commented that the site was prone to flytipping and travellers camping on the land. The site was in proximity to nurseries, schools and shops that would encourage people to walk to their destinations. She approved of the agencies carrying out a joint venture to supply affordable housing.

Councillor E Adam reiterated Councillor S Quinn's comments and **Seconded** the application. He stated that there was a real need for housing in the area and the design of the project suited the area well that needed improving.

Councillor L Maddison mentioned that the brown field site had been unoccupied since 1980 and was subject to anti-social behaviour illegal encampments, flytipping and used by 4x4 vehicles. The PROW 57 was the main route into town but people were reluctant to use it due to the unsuitable lighting along the path and in the subway where the area was not maintained. She asked if a barrier could be placed in the subway to prevent 4x4 vehicle access, whether the footpath could be widened, if the acoustic screen could be extended and if the SUDS would be maintained as she had seen issues develop with other sites when they were not. Overall she welcomed the development if it was approved for housing that would be a huge benefit for the area.

The Senior Planning Officer explained that further details were expected on the drainage strategy design to discharge the condition on drainage. The properties were outward facing onto the PROW that would act as a deterrent for anti-social behaviour. He advised that new street lighting columns would be added as part of the adoption process by Durham County Council. He was not receptive to barriers being erected in the area as this would detract from the benefits and value of the open space.

The brick wall on the western boundary with a gap for pedestrians would act as a barrier along with landscaping to help restrict access to 4x4 vehicles. He noted that as anti-social behaviour was an existing problem a condition could not be placed on the application to deal with it as it was not down to the applicant to solve the issue, but that the dwellings would help to provide informal surveillance.

Councillor L Maddison queried if section 106 monies could be secured for CCTV for the underpass to incorporate it as part of the scheme.

The Senior Planning Officer explained that he would need to check the requirements of a previous Section 106 agreement relating to the development of the former Thorn Lighting factory.

Councillor L Brown stated that she was going to second the application for approval as it had no objections, it was 100% affordable housing, low carbon and was a brilliant sustainable scheme.

Councillor A Savory was also going to second the application for approval. Members wanted to see more affordable housing in County Durham. She thought it was a good well thought out scheme that had no opposition from the public, was supported by both local members and the Town Council.

Upon a vote being taken it was unanimously:

### **Resolved**

That the application be **APPROVED** subject to the completion of a legal agreement to secure the financial contributions and be subject to the conditions as detailed in the report.

### **b DM/23/01719/FPA - Land West of 31 to 32 Church Street, Coundon**

The Committee considered a report of the Senior Planning Officer for the erection of 51no dwellings together with the formation of site access, landscaping and associated works on land west of 31 to 32 Church Street, Coundon (for copy see file of minutes).

G Heron, Senior Planning Officer gave a detailed presentation that included a site location, site photographs that showed the view from the highway and the proposed elevations of the site. A site visit had taken place prior to the committee meeting. Within the consultation period objections had been received from the Highways Authority, the Coal Authority, the Lead Local Flood Authority and Environmental Health.

There were 200 letters of objection from members of the public. There was no agreed scheme for the biodiversity net gain and the application had scored 9 red, 1 amber and 2 green classifications through the Council's Design Review Team. The scheme did not offer any affordable housing and the recommendation was to refuse the application.

Councillor C Kay addressed the Committee as the local member in support to refuse the application and thanked the Senior Planning Officer for her report. He advised that his community was not wealthy but had an abundance of open space for everyone to enjoy. He agreed that there was a need for housing but not at the expense of destroying the countryside.

He noted that in the 1990's the land had been used for grazing for cows and horses and although it did not have that function now it was classed as a greenfield site and would be a loss to Coundon if it were to be developed. His community had a low level of car ownership with residents walking everywhere. He himself had just established a new walking group in the area. The application was of poor design and he urged the Committee to refuse the application.

There were no registered speakers in support of the application.

Dr S Dobrowski and Dr T Featherstone gave a joint presentation to the Committee that was in support to refuse the planning application.

Dr S Dobrowski noted that the land was a greenfield site that had 7-9 horses grazing on it. There were 200 letters of objection from local residents who did not want the land to be developed for houses as the proposal did not meet the needs of the area and was not sustainable. It would spoil the countryside by tarmacking it over. The exit of the proposed site on to the B6287 was next to a garage that had an obscured view that came round a sharp bend. Motorists did in excess of 30mph that would make it dangerous. The land frequently flooded with vast amounts of water. He proposed a different approach to make the land into a green woodland space for the community to enjoy.

Dr T Featherstone lived near the site with 5 edges of the site bordering his land. He reminded the Committee that it had been used in the coal industry in the past with open pit shafts which were still on his land. He elaborated on the proposed alternative use for the land that could be considered as part of the masterplan for the area through a compulsory purchase order as there was a need for more open space with more wildlife to improve people's mental health. With climate initiatives woodland revival for tree planting could be carried out here to create a nature walk and public access.

S Pilkington, Principal Planning Officer stated that it was the planning application in front of committee that was to be considered nothing more.

As there were no questions from Members, the Chair opened up the committee for debate.

Councillor G Richardson stated he had attended the site visit and felt there was no need for discussion and **Moved** the application to be refused.

Councillor S Zair **Seconded** the application for refusal which was an easy decision as it was a poor planning application.

Councillor E Adam agreed with the previous two Councillors to refuse the application based on the grounds contained in the report. He was disappointed that the applicant had not attended the meeting for Members to ask questions. He was concerned with the 9 red classifications highlighted in the report that showed that the planning application had not met many standards for this type of development. He was dissatisfied that the development had not offered any affordable housing as there was a desperate need for it in the area.

Councillor S Quinn thanked the local Member Councillor C Kay for attending the Committee and fighting the case. She agreed with the officer's recommendation to refuse the application.

Councillor A Savory agreed to refuse the application based on the reasons in the report of no affordable house, 9 red flags and 200 letters of objection.

Councillor M Stead believed that a planning application would receive 10 or more objections but 200 letters of objection was a clear sign that everything was wrong with the application.

Upon a vote it was unanimously

### **Resolved**

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

*Councillor S Zair left the meeting at 11am*

### **c DM/22/01848/FPA - Eclipse Development Site B, South of Rudkin Drive, Crook, DL15 8LU**

The Committee considered a report of the Senior Planning Officer for the erection of 15no. bungalows at Eclipse Development site B, South of Rudkin Drive, Crook (for copy see file of minutes).



G Heron, Senior Planning Officer gave a detailed presentation that included a site location, site photographs and a proposed site plan. A site visit had taken place prior to the Committee meeting.

The site was an underdeveloped parcel of land that was on a coal field high risk area that proposed two types of bungalows to be built, 14 semi-detached dwellings and a single detached property. It was close to Beechburn Industrial Estate that would ultimately create noise issues that would prevent future residents from opening their windows at night.

During the consultation process the Lead Local Flood Authority and the Coal Authority had objected to the application and the Highways Authority had raised concerns with the proposed access and had made suggestions for consideration. The biodiversity net gain was based on estimates rather than facts and there had been no habitat survey carried out. There were two letters of objection from the public with one member of the public claiming adverse possession to some of the land which was a civil matter outside of the planning remit. It was highlighted that there were car parking issues in the area. The development was of poor design and had insufficient provision for flood risk to deal with excess surface water. The recommendation was to refuse the application.

Councillor A Reed, Local Member was not present at the meeting but had asked the Committee Clerk to read out her letter to refuse the application. She stated that following attendance at the site visit on Wednesday 13<sup>th</sup> December 2023 to the above location with Members of the Planning Committee she had given some thought to the application and whilst there was a pressing need for housing in Crook, particularly bungalows, she was minded to object to the planning application mainly because of the omission of detailed information.

Firstly, the area of land in question was for many years used for industrial purposes, industrial debris in the form of large heaps dominated the landscape until it was removed, creating an open grassed area and the construction of housing developments nearby. The land itself lay within the high-risk coalfield area and there was no mention in the report that identified whether the land was suitable to build upon. In addition, the open grassed area which was the proposed application for 15 bungalows lay between the present housing development and was in close proximity to the Industrial units, some of which were in operation on a shift basis. Inevitably owing to the nature of the businesses in that particular area, the noise levels would be raised by the volume of heavy industrial vehicles, equipment and machinery. These continuous noise levels would occur at sociable and unsociable hours and could pose annoyance for some people occupying proposed nearby residential buildings.

Finally, residents living in the nearby housing development complained about the lack of parking spaces, many parked on the A689 road at Pease's Way, which was not ideal given that the road had issues with speeding vehicles and generally vehicles were forced to overtake on the wrong side of the road. The entrance to this proposed development was now used as a parking area and the creation of an entrance would displace the vehicles, thus adding further congestion to the area. Owing to the reasons she provided, she confirmed that she was unable to support the application.

J Baines, applicant addressed the Committee in support of the application. She saw this application as an opportunity to provide bungalows in the area. She explained that a detailed report had been carried out when the former factory had been in operation which had supplied figures that had informed the planning application. It was subject to pre-advice that the planning application had been brought forward. The site was designed to ensure that noise was kept to a minimum with kitchens possibly at the front of the dwelling and bedrooms at the back. The bungalows would be of a high specification with ventilation and safe amenities. They would be enclosed in a gated community for public protection. All properties had parking space to alleviate parking issues. The properties would be also screened by a soundproof fence.

The Senior Planning Officer advised that the land acted as a buffer between the existing residential dwellings and the industrial estate. The space helped to identify the two uses.

Councillor L Brown was disappointed that the noise consultant was not present at the meeting to question. She noted that the ecology report appeared to have expired in November 2023 and queried if there had been another report submitted. She was concerned about the 3 red flags from the Highways Authority.

The Senior Planning Officer responded that the latest ecology report had been submitted and had been reviewed by Officers.

Councillor L Brown mentioned that she could not see the latest ecology report on the planning portal prior to the meeting.

The Senior Planning Officer replied that the updated ecology report that commenced in November 2023 was on the planning portal and had been noted by officers.

D Battensby, Principal DM Engineer commented that the planning application did not meet Durham County Council's parking standards. There were outstanding safety issues relating to the length of the drives meaning that cars could overhang onto the pavement causing issues for pedestrians and people with disabilities using the footway. He was unaware that the development would be gated as this had not been indicated at any point during the application process, which would result in the development not being adopted by the Highway Authority. The non-adoption of an estate would require the developer to take on significant responsibilities in perpetuity in relation to maintenance and services which would not be provided by the Local Authority. There were several outstanding issues that had not been resolved and as a result highways were not in support of the application.

Councillor E Adam asked the applicant why there was a lack of information in relation to the Coal Authority and the Lead Local Flood Authority. He had attended the site visit and had seen first hand the amount of standing water on the site. He felt that the flood management needed to be considered as a matter of urgency.

K Ryder, Agent commented that a comprehensive water management and highways report had been submitted with the planning application along with the mining report.

The Senior Planning Officer responded that information had been supplied by the applicant that had been reviewed by the team and found to be unacceptable. The team had then requested additional information but this had not been received. The focus was the noise impact assessment where she has met with the applicant along with the Nuisance Action Team to work through issues that had been raised. She noted that the planning application had originally been submitted in June 2022 and the applicant had had plenty of time to submit the relevant information requested but a determination on the application was now needed.

Councillor E Adam was saddened that the planning application had not progressed further in the time span from when it was first submitted. He was troubled by the noise report as there was heavy machinery on the industrial estate that would be intolerable for future residents.

The Senior Planning Officer notified the Committee that the noise information received by the applicant was not sufficient. Meetings had been held with herself, the applicant and the Nuisance Action Team to mitigate measures to deal with the noise. It was felt as it stood potentially future occupiers would not be able to open their windows at night which did not comply with Policy 31 of the Durham County Plan therefore the recommendation was to refuse the application.

Councillor D Brown was not impressed that during the consultation period there had been no response from Northumbrian Water. He queried if there was an explanation as to why this was.

The Senior Planning Officer responded that generally Northumbrian Water only responded if they had an issue.

Councillor D Brown explained that the reason he asked was because Northumbrian Water were responsible for the supply of clean water, sewage and storm water to the site and therefore it was not acceptable that they had not responded.

The Chair opened the Committee to debate the application.

Councillor E Adam was disappointed that there were large gaps in the information supplied as the applicant had had plenty of time to provide what was requested. He stated that there was a clear need for housing and bungalows in the area but this was not the ideal location due to the close proximity of the industrial estate. He declared that the country had just survived a pandemic and it would be highly inappropriate if future residents could not open their windows. He was also concerned that the Coal Authority had objected to the planning application. He rejected the proposal due to the poor condition of the application, insufficient information and the issues with parking in the area and **Moved** to refuse the application.

Councillor L Brown **Seconded** the application to be refused as it was not just the noise issue but also the conflict with Policy 7 of the County Durham Plan.

Councillor S Quinn commented that this was a very ambitious planning application that she could not approve. She agreed with the Officer's recommendations to refuse the application.

Councillor J Quinn agreed and echoed concerns about the noise complaints and stated that just because there was a need for housing in the area did not mean that the application should be approved.

Upon a vote it was unanimously

### **Resolved**

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