

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 16 May 2024 at 10.00 am**

Present:

Councillor J Quinn (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, J Atkinson, D Brown, J Cairns, N Jones, S Quinn, G Richardson and M Stead

Also Present:

Councillor C Hunt

1 Apologies for Absence

Apologies for absence were received from Councillors L Maddison and S Zair.

2 Substitute Members

There were no substitute members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting that was held on 21 March 2024 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/23/03330/FPA - Bus Depot, Morland Street, Bishop Auckland, DL14 6JG

The Committee considered a report of the Senior Planning Officer that was for the erection of 23no. dwellings with associated means of access and works on land that previously contained a bus depot at Morland Street, Bishop Auckland, DL14 6JG (for copy see file of minutes).

G Heron, Senior Planning Officer gave a detailed presentation that included the site location, an aerial view of the site, site photographs that showed the neighbouring residential properties, the proposed site plan and proposed floor layout of the three and four bedroomed properties. There was a public right of way to the east of the land and properties were affordable dwellings that would be situated in two linear rows that faced out towards an internal access road. Upon consultation highways had no objections but had requested a maintenance and management plan be submitted to indicate how the bins would be collected as the road would not be adopted. Tree Officers had requested an amended landscape plan as they did not support the current plan as the selection of tree species was not satisfactory.

The Senior Planning Officer advised that there had been one letter of objection that raised concern over the landscape plan as shrub planting would affect the maintenance of the fence and the planting of trees would encroach their land ownership. The application had been accepted in principle as it was in a sustainable location and complied with policy 6 of the County Durham Plan. The design was considered to be acceptable as it scored ten 'green' classifications and two 'amber' classifications following assessment through the Design Review Panel.

There were no amenities/natural space on site which required a financial contribution of £39,999.30 through a section 106 agreement to be compliant with Policy 25 of the County Durham Plan and paragraph 34 of the National Planning Policy Framework. The Senior Planning Officer advised the committee that an error had been made in the report in terms of how many affordable rented properties would be available. The report stated that there would be 19 but there would be 21 affordable rented units. Officer recommendation was to approve the planning application subject to conditions detailed in the report, a section 106 agreement in place and 100% affordable housing provided.

Councillor C Hunt, local member addressed the Committee in support of the application. The land was subject to anti-social behaviour and was in a untidy state. The path was a well-used walkway by pedestrians and dogwalkers and the proposal would tidy up the area and provide much needed affordable housing.

The Chair informed the Committee that the applicant was in attendance but they had not registered to speak but would answer any questions from Members. He opened up the meeting for questions and debate.

Councillor E Adam referred to the waste collection of the site being the responsibility of the developer and queried how this would work. He asked what would happen if the developer in five years time could not afford to continue with the service would the Council have to step in and what would the costs associated with this be.

The Senior Planning Officer responded to Councillor E Adam that there was a condition that required that a maintenance and management plan be submitted by the developer that provided details on how the refuse collections would be dealt with within the private development. The developer would need to employ a company to remove the refuse as Durham County Council's Refuse and Recycling Team would not enter the site as the road would not be adopted. Upon receipt of the plan highways would be consulted to determine if it was suitable. If the developer was not compliant with the maintenance and management plan that was agreed the planning team could carry out enforcement action.

Councillor E Adam stated that within the report it indicated that the waste collection would be part of a lifetime agreement and queried how the developer would sustain this commitment.

C Wilson, applicant confirmed that the developer was bound by the planning condition that would ensure that perpetuity was upheld for the full development.

Councillor E Adam asked if there were any measures apart from the legal document that could ensure that the refuse collection was met. He was concerned that if in five years time they could not meet the condition that Durham County Council would pick up the cost. He felt that the Council should be collecting the waste from the start.

S Pilkington, Principal Planning Officer indicated that it was preferred that the road was offered up for adoption but the planning authority could not impose this on the developer, therefore a commercial company would ensure that the bins were emptied. He expected that the maintenance and management plan would be scrutinised before the condition was discharged. He stressed that Durham County Council would not be responsible for the cost of collecting the refuse and the developer was bound by the wording of the condition.

Councillor E Adam was happy with the response. He referred to paragraph 150 of the report that noted that there was to be no energy assessment provided to demonstrate compliance with Policy 29 of the County Durham Plan yet paragraph 151 seemed to contradict this by stating that the requirements of policy 29 had been met. He mentioned that he had raised this conflict in wording at a previous meeting on another planning application and queried if there was an error in the report.

The Senior Planning Officer acknowledged that Councillor E Adam had raised this point in a previous meeting but confirmed that there was no error in the report. She stated that the developer had met policy 29 under building regulations regarding sustainability.

Councillor G Richardson stated that Councillor E Adam had covered the points he had wanted to comment on and had nothing further to add. He **moved** that the application be approved.

Councillor J Cairns was confused as to why the road into the development was not to be adopted as it was not a gated community. She noted that residents would pay council tax and as such should have their refuse collected by Durham County Council. She assumed that if confused her it would also confuse residents.

The Senior Planning Officer reiterated that there were no requirements under planning policies to direct a developer to construct their roads to be adopted, therefore the Planning Authority could not insist that developers do so.

C Wilson, applicant repeated that there was no requirement for the developer to construct roads to be adopted. She advised that the development was to be sold to Livin Homes and they ran successful maintenance and management plans in other residential projects they managed. She informed the committee that residents would be notified of the arrangement.

Councillor J Cairns acknowledged that her question had been answered but it made no sense to her. She had Livin accommodation in her division but none had private refuse collection arrangements in place.

J Robinson, Principal DM Engineer explained that although residents paid council tax the Council's refuse vehicles would not drive on a unadopted road due to any liability incurred if they caused damage to private kerbs and paths. The Refuse and Recycling crew would also not enter the private development to collect bins due to liability issues if they fell and become injured.

Councillor J Quinn shared the concerns of members regarding the bin collection but it was his understanding that this did not make a planning consideration.

Councillor J Atkinson was happy with the planning application and happy with the proposal. He **seconded** the application for approval.

Councillor A Savory noted that she was also going to second the application for approval as the proposal would make good use of the land and the local member supported the application as did she.

Upon a vote being taken it was **unanimously**:

Resolved:

That the application be **APPROVED** subject to conditions outlined in the report and section 106 agreement.

b DM/23/03533/FPA - Land to the South of Broadway Avenue, Salters Lane, Trimdon, TS29 6PU

The Committee considered a report of the Senior Planning Officer that was for the construction of 41 dwellings with associated works on land to the south of Broadway Avenue, Salters Lane, Trimdon, TS29 6PU (for copy see file of minutes).

L Morina, Senior Planning Officer gave a detailed presentation that included the site location, aerial photos of the site, proposed layout that showed the bungalows at the front of the cul de sac and the proposed house type. The site was part of an agricultural field and was not classed as a brownfield development site. The proposed entrance for the estate was from Salters Lane and the field had a PROW run across the site. The application proposed 41 dwellings of 2, 3 and 4 bedroomed properties that included bungalows. The application proposed that a SuDS area was positioned at the south of the development for drainage.

The site had an existing roadway that had been established as part of the previous planning application that was submitted in 2018 for self-build properties that were never constructed. Upon consultation there were no objections from highways, drainage, Natural England, PROW team, landscaping, Environmental Health or Ecology subject to the conditions in the report. There had been a financial contribution requested for the NHS, open space and education through a Section 106 agreement.

The Senior Planning Officer advised that there had been three letters of objection from neighbouring properties regarding concerns over the lack of landscaping on the site, extra traffic and the additional pressure it would place on the local school and GP surgery. There were good links to amenities. The development was a nutrient neutrality site and a full certificate from Natural England had been provided and mitigated for. The site would provide 28% biodiversity net gain on site. The application had been accepted in principle and it was the officer's recommendation to approve the application subject to conditions and section 106 agreement.

The Chair informed the Committee that the applicant was in attendance but they had not registered to speak but would answer any questions from Members. He opened up the meeting for questions and debate.

Councillor G Richardson queried how the land qualified as being a brownfield site.

The Senior Planning Officer informed the committee that consent had been implemented on a previous planning application for the consideration of properties on a self-build basis. The roadway had been constructed with the foundations for at least one dwelling started however no dwellings had been fully built. On this basis the land qualified as a brownfield development site.

Councillor D Brown asked what would happen to the public right of way (PROW) whether it would be diverted, extinguished or incorporated into the development.

The Senior Planning Officer advised that there was a proposal to divert the PROW along the bottom of the development and link back into Salters Lane.

Councillor J Atkinson had no questions or objections. He was happy with the application and **moved** the application to be approved.

Councillor E Adam also had no objections as it was a reasonable set of proposals to come forward and **seconded** the application to be approved.

Councillor S Quinn stated that a planning application had already been granted for the site but no houses had been built. She asked what the timeline would be for the developers to commence building houses on the site if the application was successful.

The Senior Planning Officer responded to Councillor S Quinn that the developers were eager to start building as soon as possible. There were still pre-commencement conditions outstanding that would need to be dealt with as soon as possible before work could begin.

Upon a vote being taken it was **unanimously**:

Resolved:

That the application be **APPROVED** subject to conditions outlined in the report and a section 106 agreement.