

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Friday 26 July 2024 at 10.00 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors J Atkinson, A Bell (Vice-Chair), J Elmer, J Higgins, P Jopling, A Savory, K Shaw, A Simpson, G Smith, S Wilson, M Stead (substitute for C Martin), B Kellett (substitute for D Boyes) and E Peeke (substitute for M Currah)

Also Present:

Councillor Susan McDonnell

1 Apologies

Apologies for absence were received from Councillors Boyes, Currah, Martin and Zair.

2 Substitute Members

Councillor Kellet, Peeke and Stead were present as substitutes for Councillors Boyes, Currah and Martin respectively.

3 Declarations of Interest

Councillor Wilson declared an interest in item no. 5 a) as a former pupil of St Leonards Catholic School. However, this was not such as to preclude him from participating in the decision

4 Minutes

The minutes of the meeting held on 3 July 2024 were agreed as a correct record and signed by the Chair.

5a DM/24/01173/FPA - St Leonards Catholic School, North End, Durham, DH1 4NG

The Committee considered a report of the Senior Planning Officer regarding an application for Proposed demolition of existing school buildings and development of a replacement school building and works to the retained Springwell Hall, along with car parking, hard and soft landscaping including works to trees, replacement playing pitches, and access arrangements at St Leonard's Catholic School, Durham (for copy see file of minutes).

S France, Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photographs, details of the demolition proposals and areas to be retained, site photographs, and proposed site layout, 3D images, elevations and appearances.

The Senior Planning Officer confirmed that following publication of the report, a legal challenge had been received from representatives of a property adjacent to the site. The letter requested that the application be deferred on the basis that the report was legally flawed. The issues related to the assessment of the proposed dwelling upon a new narrow window which had been inserted into the property and the use of wording 'main habitable room'. The Planning Officer explained that the term 'main' was used as shorthand for 'living rooms or conservatories'. Issues had been raised relating to the potential future use of the specified room, however the assessment was required to focus on its existing use.

The letter suggested that recently felled trees on site that were pursuant to a Tree in Conservation Area notification had not been included in the required baseline assessment of net biodiversity. The Senior Planning Officer confirmed that they had been included in the baseline for the purpose of the Biodiversity Net Gain (BNG) metric calculation carried out by the Applicant's Ecologists. It was also suggested that no reference had been made to the impact on Priority Habitats in the woodland boundary to the east and south of the site, however the Ecology Assessments had confirmed that these habitats were unaffected by the proposals.

The Planning Officer referred to an error in the report at paragraph 98 and the word prelude was to be replaced with preclude.

Councillor G Holland, addressed the Committee as a Member of the City of Durham Parish Council. He confirmed that the Parish Council supported the school with its ambition to restore the building as soon as possible, however not by setting aside the adverse impact on the environment and amenity of residents.

The Parish Council had significant concerns that the design and appearance of the proposed development did not reflect the character of its surroundings, and also considered that the proposal over massed the site. Its appearance was plain as a result of the repetition of windows and large unbroken facades which were further magnified by the scale and mass of the proposal. The design and scale was not appropriate for such a sensitive and enclosed site within the heart of the Durham City Conservation Area. The harm to the designated assets and their settings would be substantial and outweighed the public benefits.

The Parish Council considered the over-massing of the site was contrary to NPPF section 16, CDP Policies 6, 29, 31 and 45 as well as CDNP policies H1 and H2. It was contrary to County Durham Plan guidance and the two core principles which underpinned several of its policies found in paragraphs 5.281 and 5.282 and with regards to design quality and standards, layout and scale.

Councillor Holland referenced principles which addressed both the design and layout and the expectation to provide high standards of amenity and privacy, whilst minimising the impact on occupants of existing properties. Policy 31 concerned amenity and emphasised that proposals with an unacceptable impact through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy, would not be permitted unless satisfactory mitigation measures were demonstrated.

Councillor Holland referred to the importance of these principles and the high ideals carried with their associated policies. He questioned whether the proposed development met those high standards or whether they had been set aside as an inconvenient obstacle. Those who had examined the proposed new build in detail had concluded that it did not meet the constraints in Policies 29 and 31. The conclusion was that this was the wrong building in the wrong place.

Councillor Holland confirmed that Mr Gemmell would outline the reasons why the proposed development was unsuitable for this particular site in his presentation. There was an alternative and the demands of time could still be met however if the scheme was approved unamended, there was a danger that a legacy of environmental damage would be left in North End until the end of the century. As a former member of the Planning Committee, Councillor Holland understood the pressure to approve this application, bearing in mind the history and needs of the school, however he asked the Committee to look at possible alternatives to help save this part of the Conservation Area and its setting as a family residential area.

Mr Gemmill addressed the Committee on behalf of local residents to confirm that everyone supported the need to rebuild the school quickly, including

those objecting, however he was to address the reasons for the objections. A presentation had been provided in advance of the meeting. Mr Gemmill confirmed that the evaluation of options had begun three years prior however a standard DfE design had been selected and images of similar buildings approved elsewhere were observed. The designers had admitted that inserting a building of this design onto this site would create overlooking. The Applicant had not engaged with residents until a drop in event in March 2024 when they had presented the proposed design. Concerns had been raised in relation to proximity, impact on privacy, outlook and overshadowing, however the application had been submitted unchanged. The Applicant had failed to follow NPPF advice on early proactive engagement with the community to involve designs.

Mr Gemmill confirmed that negotiations with Officers had resulted in the west wing having part obscured windows, however a significant issue remained due to the height, scale and proximity of the building to its nearest neighbours, which was only 14 metres at its closest point. The application failed to comply with Policy 31 which stated that proposals with an unacceptable impact through visual dominance would not be permitted. The harm caused by loss of outlook had been confirmed by Officers in the report.

Mr Gemmill referred Members to the visual impact of the proposals from Fieldhouse Lane. He noted that there was a proposal to remove a tree which was protected by a TPO, only to allow for temporary construction access. He advised that drawings in the arboriculture report showed trees to be removed, yet a visualisation showed them as retained. The loss of these trees would further open up views of a domineering building that was not sympathetic to the conservation area. Furthermore, it was believed that BNG had been incorrectly assessed as the tree replacement ratio did not accord with Defra metrics.

Mr Gemmill addressed the parents in support of the application, reiterating that residents fully understood their situation and wished nothing but the best for the children, but he hoped in return that they would sympathise with residents and the longstanding impact the proposal would have on the area. A deferment would allow all parties to investigate changes that could be made without impacting the occupation date. He referred to positive feedback regarding the temporary changes and indicated that teaching would not be adversely affected.

Mr Gemmill advised that it was possible to resolve the major issues for residents by realigning the west wing and relocating car parking and bus bays. RAAC had been developed to speed up construction and reduce costs and he urged the Committee not to make a similar mistake by hastily adopting a flawed solution. Residents wanted the opportunity to ensure that the application was as good as it could be for everyone involved.

Mr N Hunt addressed the Committee as a local resident, and in objection to the proposals. He confirmed that the Committee Members who had visited his property would have understood the scale and impact on his amenity with overlooking and overbearing being the main issues. He had been advised throughout the process that the pressure to have the application approved was severe and he questioned the fairness of the process, describing a feeling of abandonment. Residents had been told that due to restrictions on site, the building was bespoke, however this was not the case as the Applicant had used the same design in other developments. He expected that residents would have been fully consulted, proposals sympathetic to the area, and that local planning policy would protect their amenity. He was not expecting a building that would surround his home.

Mr Hunt urged the Committee to enforce planning policy, protect his home and work with speed to find a solution that worked for both the children and the community.

Mr J Cunningham, Chair of Governors at St Leonards Catholic School, spoke in support of the application. He admitted that the site should reflect the beauty of its surroundings, however he described the existing building as decrepit and unsightly. It was one of the worst teaching and learning environments he had witnessed in over twenty years of supporting education. He had been shocked at the level of deterioration across the school facilities, which were not fit for purpose, having no dedicated provision for vulnerable pupils, a lack of IT and inadequate and poorly maintained classrooms with insufficient temperature control. In contrast, the proposed scheme offered the opportunity for a net zero carbon building and the provision of a modern learning environment to enable the delivery of outstanding teaching.

Mr Cunningham referred to the announcement regarding RAAC and the subsequent school closure which had led to the loss of teaching hours and impacted on those taking their exams. He thanked the school community and staff, the County Council and the MP for Durham City for their intervention. He advised that the school was committed to the wellbeing of each individual and wanted the best for pupils. Pupils deserved the best environment to learn and thrive and therefore a full rebuild was required without delay.

The Governing Body had considered the application as though they lived next to the school. Due to the circumstances the consultations had taken place at pace, however they had engaged with over 220 members of the local community, before submitting the application and 87% were in support of the proposal. The DfE and BAM had continued to listen to residents and addressed concerns throughout the duration of the application process and

this had resulted in 120 new trees, reconfiguration of the sports entrance and a comprehensive scheme of obscure glazing to prevent overlooking.

Mr Cunningham described the temporary accommodation as a tented area with few places to play and gather and emphasised the importance of being back on site no later than April 2026. The temporary accommodation had to be returned and if the deadline was missed, it would impact on the 2026 exam cohort. This cohort was the same one which had lost their final year of primary school and transition to secondary due to the pandemic, had their options disrupted by the RAAC crisis and there was a high proportionality of SEND pupils. Any further delay would impact the rest of their life which was unacceptable and he urged the Committee to approve the application.

Ms K Waugh addressed the Committee in support of the application and on behalf of parents. She advised Members of the difficulties faced due to the abrupt closure of the school, which had left 1500 children without an appropriate learning environment. Temporary classrooms had been provided but the significant disruption had impacted on academic performance and mental health and wellbeing in all year groups. The prolonged disruption was unacceptable and there was an urgent need to progress with construction and restore normality so that children could be given a chance to succeed. This application provided a positive way forward to deliver a quality building and enable children to access the education they deserved, in a school they could be proud of. She urged Members to approve the application and avoid further delays and suffering.

Councillor Elmer queried the heritage impact of the building as the scheme had been deemed a net heritage benefit overall, despite the objections raised on its detrimental impact. L Hall, Conservation Officer, advised that on the east side of site there was a positive impact relating to the high value non designated asset of Springwell Hall which would be fully refurbished and previous harm reversed. The original detached form would be reestablished to create more openness between the hall and the lodge. The visual aspect of from North Road would be an improvement.

The Conservation Officer advised that the main impact was on the west side, however the special historic interest of the conservation area was on the Edwardian and Victorian Terraces which would be subjected to no physical or visual harm. He referred to the current site which offered nothing positive to the western side of the conservation area and despite the new building being of a larger scale with some visual impact, it was of better quality and considered to be an improvement to the existing site. He explained that part of the character of the street was the continuous terrace blocks and street frontage which would be improved by the introduction of a meaningful face and fill what he described as a gap site. He advised that there would be no impact on the World Heritage site.

Councillor Jopling queried the justification for the scale of the new building and whether it was due to required standards and the Planning Officer advised that in addition to standard classroom sizes, the building was being built to modern standards and included mechanisms to achieve net zero.

In response to a question from Councillor Bell, the Planning Officer confirmed that there would be no increase in the capacity of the school.

In response to questions from Councillor Elmer, Mr M Hill who had attended on behalf of the Applicant, advised that the new building would be heated by air source heat pumps, however a gas boiler would remain in the refurbished building due to its historical nature and fabric.

The Chair asked for further clarification regarding the date of occupation as the Chair of Governors had confirmed that it must be completed by April 2026 and the site was not due for completion until 2027. Mr Hill confirmed that there were two occupation dates. The first was the primary school building which would complete in April 2026 and allow the temporary accommodation to be decanted. At this point construction would begin on the eastern area of the site and completed in September 2027.

Councillor Wilson recognised the impact due to the design of the building however the way the existing building had been described in the report was much better than he recalled. When entering to the rear of the school, the buildings were similar to a declining industrial estate. Although the proposed scheme would be slightly bigger, it would be built in a more sympathetic palette, to better standards and be sustainable. In his opinion, the legal challenge was not applicable. Councillor Wilson reminded the Committee of the balancing act required to determine an application. The school intake covered substantial areas of County Durham that would be impacted more than any resident, and he moved the recommendation to approve the application.

Councillor Atkinson referred to his own experience of a new school in his ward and the initial resistance from people living in the immediate area. He acknowledged the difficulties experienced by residents however it was not possible for the Committee to redesign the building and he was reassured by caveats contained in the recommendation. He seconded the motion to approve the application, to allow children to return to a good school.

Councillor Jopling appreciated the views of residents but considered that the Applicant had done as much as they could to mitigate the impact. The building could not be redesigned as it would no longer be fit for purpose. There were far more positive impacts than negative and she therefore

supported the recommendation. She also advised that she had never been pressured into supporting an application.

Councillor Savory referred to Members' duty to provide the best education in a safe environment. She also confirmed that she had never been pressured into supporting an application. She had experience from sitting on a school governing body and therefore appreciated the importance of education and stability. Councillor Savory noted that the support outweighed the objections and confirmed that she supported the recommendation.

Councillor Elmer had observed on the site visit that the buildings on the western boundary were overbearing in relation to the two closest properties. Considering the context of the wider development, the manor house would be cleared of surrounding buildings and the heritage assets visible for the first time. There were positive net zero credentials, building regulations were beyond what was required and there would be a positive impact on biodiversity. He appreciated the urgency in order to minimise disruption to children and confirmed that he was in support of the application.

Councillor Higgins advised that had not been pressured to accept the recommendation and suggested that the pressure was on children due to the conditions they were being taught in. He had listened to the debate, considered the report in full, and concluded that it was a good design that he supported.

Councillor Stead confirmed that he had attended the site earlier that day. He credited Officers for the content in the report and for responding to the RAAC crisis at speed. The Planning Officer had presented a robust report which contained responses to many of the questions asked by members of the public. There were only a few concerns that remained with some of the properties. The blueprint design was a proven way to meet the requirements of the school and he suggested that it would take years to create a custom design. Councillor Stead was minded to agree with the recommendation.

Resolved

That the application be APPROVED subject to the completion of a S106 agreement to secure on site biodiversity net gain and the conditions outlined in the report.

5b DM/14/01195/OUT - North East Industrial Estate, Stephenson Road, Peterlee, Durham

The Committee considered a report of the Senior Planning Officer regarding an application for Outline application for up to 282 dwellings with all matters reserved except for access (Amended Description April 2024) at North East

Industrial Estate, Stephenson Road, Peterlee, Durham (for copy see file of minutes).

C Harvey, Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and site photographs from various locations. The presentation also included indicative site layout plans from the original proposal in 2014 and an updated site layout plan with a reduced number of dwellings.

Councillor McDonnell was ward member of the adjacent Peterlee Ward and addressed the Committee in support of the application. It had been ten years since the Council had given notice to businesses of their intention to convert the site into housing. There had been varied responses from businesses however one of the longstanding businesses had been forced to relocate quickly and at a considerable expense, to minimise risk to the business. Fortunately, they had moved to another premises and continued to expand and contribute to the local economy. Councillor McDonnell felt there had been failings by the previous administration concerning the site which had led to considerable delays. The subsequent deterioration and derelict nature of the site combined with anti social behaviour, flytipping and arson had blighted residents lives for many years. The proposal would create good quality affordable housing, which the area desperately needed. Other parts of the estate had already had houses built and she urged the Committee to support the application.

Councillor Shaw refuted the comments pertaining to the previous administration made by Councillor McDonnell, citing that they were inaccurate. Councillor Shaw highlighted that much work and negotiation had been undertaken in bringing forward the application for consideration. S Reed, Planning & Development Manager confirmed that negotiations between the applicants for the scheme, local businesses and officers of the Council had been significant. In addition to the relocation businesses there had been viability issues and complex land ownership issues.

With regards to the conflict with CDP policies 6F and 21, Councillor Elmer asked whether the insufficient pedestrian connections to the nearest facilities and amenities would be addressed through the final application. He noted that the travel plan officers had not responded and was concerned that this volume of housing would create car dependency.

The Senior Planning Officer confirmed that pedestrian connectivity was an issue that Officers would attempt to boost as much as possible. He reminded Members that this was a committed housing site, unlike a recent application for a windfall site which was recently brought before Members which also had sustainability concerns.

Councillor Atkinson confirmed that the development would provide affordable housing and add to the economics of the area. He noted that no objections had been received and moved the recommendation for approval.

Councillor Jopling confirmed that it was pleasant to receive an application on a brownfield site, to develop something unsightly into housing. Councillor Elmer had made a valid point about connectivity and she hoped that this would be addressed at reserved matters. She seconded the recommendation to approve the application.

Councillor Bell was familiar with site and despite the reasons for the delay, it was a positive application for those who lived in the area and he was in support.

Councillor Shaw confirmed that he was in support of the application. It had been a long process to get to this stage, but he agreed that it had been a blot on the landscape for many years and was delighted that it was finally being determined.

Councillor Elmer supported the principle of the application and appreciated there had been a viability assessment however he expressed his frustration that a development of this scale could not find a way to make affordable housing viable. The Senior Planning Officer confirmed that the viability assessment had concluded that if relevant planning policies and requirements were fully applied, it would lead to a deficit of minus £4,106,041 and this had been agreed by an independent partner. However, it was noted that Members would normally seek more affordable housing.

Resolved

That the application be APPROVED subject to a S106 planning obligation to secure the provision & retention of an offsite recreational open space area and the conditions outlined in the report.

5c DM/24/00834/FPA - Greenfield Academy, Greenfield Way, Newton Aycliffe, DL5 7LF

The Committee considered a report of the Principal Planning Officer regarding an application for the Demolition of Blocks 1 (partial), 3, 4, 5, 6, 9 and 10, retention of Blocks 2 & 7 and Sports Centre (Block 8), construction of a new teaching block and extension to Sports Centre, along with associated access and external works at Greenfield Academy, Greenfield Way, Newton Aycliffe (for copy see file of minutes).

C Teasdale, Principal Planning Officer gave a detailed presentation which included an aerial photograph of the site, site photographs, site location plans, proposed site layout plans and visualisations of the new buildings.

Councillor Bell queried the relationship between the Council as the Applicant and Greenfield Academy. The Applicant advised that finance for the new build was being provided by the DfE to the Council.

Councillor Elmer noted the concerns raised by local residents regarding the large number of cars along Greenfield Way and queried whether travel plan provision had been included to resolve these problems. The Principal Planning Officer advised that the matter was addressed in paragraph 157 of the Committee report and also that a travel plan had been submitted and referred to in the report and it sought to encourage active travel.

Councillor Elmer suggested that the Applicant should be made aware that the wildflower meadow running up towards the gate of the school as it presented an opportunity for the school to create similar verges on site for species to diversify.

Local Member, Councillor Stead mentioned some of the issues faced by the school including the significant cost of using diesel generators for the temporary portacabins which had been used as permanent classrooms. It was unacceptable for children to be taught in these conditions. He thanked Officers of the Council and Cabinet Members for ensuring the funding and moved the recommendation to approve the application.

Councillor Atkinson agreed that a new school was required and seconded the proposal.

Councillor Elmer supported the application and noted the importance of progressing buildings that would improve the quality of education.

Resolved

That the application be approved subject to the conditions outlined in the report.