

## **DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 3 April 2018 at 1.00 pm**

### **Present:**

**Councillor J Robinson (Chairman)**

### **Members of the Committee:**

Councillors A Bell, H Bennett, C Carr, J Clare, I Jewell, L Maddison, M McKeon, H Nicholson, A Shield, A Simpson, P Taylor and S Wilson

#### **1 Apologies for Absence**

Apologies for absence were received from Councillors Hicks, Kay, Laing, Richardson and Tinsley.

#### **2 Substitute Members**

Councillor H Bennett as substitute Member for Councillor A Laing, Councillor C Carr as substitute Member for Councillor Tinsley and Councillor M McKeon as substitute Member for Councillor Kay.

#### **3 Declarations of Interest**

There were no declarations of interest in relation to any items of business on the agenda.

#### **4 Minutes**

The Minutes of the meeting held on 6 February 2018 were confirmed as a correct record and signed by the Chairman.

#### **5 Applications to be determined**

##### **a DM/17/03694/FPA - Field Belonging To Primrose Side Farm and Directly West Of Bleach Green Farm, Alum Waters, New Brancepeth**

The Committee considered a report of the Senior Planning Officer regarding an application for the installation of an underground sewerage storm tank and associated works in a field belonging to Primrose Side Farm and directly west of Bleach Green Farm, Alum Waters, New Brancepeth (for copy see file of Minutes).

C Shields, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial view of the site, schematic site layout, view of the site entrance and view of the site.

Councillor Robinson informed the Committee that Councillor D Bell, local Member had requested that the Committee carry out a site visit to the application site prior to determination of the application. This had not been possible due to the location of the site and problems with vehicular access thereto, but Councillor Robinson informed the Committee that he had visited the site with Councillor Bell and was familiar with it. The application could be determined without a site visit taking place.

Councillor D Bell, local Member addressed the Committee. Councillor Bell informed the Committee that while he was not against the application he did not consider the proposed location of the underground sewerage storm tank to be appropriate. Councillor Bell had requested a site visit by the Committee but because of the very poor access to the site access by coach was very difficult, but this would have allowed the Committee to have seen the problems first hand. Councillor Bell thanked the Chairman of the Committee, Councillor Robinson, for meeting with him on site to see the exact location of the application.

Whilst Councillor Bell had sympathy and concern with the local farmer Mr Wade for the loss of his animals because of contamination to the land from sewage overflow which must be addressed and had been ongoing for a number of years, he hoped the Committee would take into consideration the concerns of Mr and Mrs Charlton of Bleach Green Farm. Mr and Mrs Charlton were not against the application in principle and accepted the need to protect their neighbour's cattle and also accepted that sewage could not be allowed to flow into the River Deerness.

The proposed tank was as a result of Northumbrian Water being fined by the Environment Agency for the contamination of the River Deerness and surrounding area and causing the death of cattle. Since June last year Mr and Mrs Charlton had been asked Northumbrian Water why the tank could not be moved a short distance to the west of the proposed site where there were no residential properties. This would not impact on Bleach Green Farm as there would not be the run-off and impact of the surface water as there would be from the proposed sitting of the tank. The reply given was that it was due to hydrological reasons.

In March this year Northumbrian Water indicated that discussion had taken place as to an alternative site in particular their option G2 for a tank further west, and at a meeting on 20 March representatives from Northumbrian Water confirmed that G2 was a feasible solution in terms of engineering, hydrology etc., but was more costly. Councillor Bell asked why this option had not been taken in to consideration by the planners and Northumbrian Water.

There had been a problem in this area of the Deerness Valley from flooding for many years and Councillor Bell could only presume that because there was an existing access track to the area this would be the location as Northumbrian Water could use this track. However, it had now been realised that this track was inadequate for the construction equipment and a new track was needing to be

constructed. This track would go down the bankside and would be closer to the alternative site G2 than the proposed site G1.

Paragraph 88 of Committee report stated that the Committee should restrict development in flood risk areas or where development may increase the risk of flooding elsewhere unless it could be demonstrated that there was no alternative option available at low risk. Likewise, City of Durham Local Plan Policy E7 protected developments from having an adverse impact on neighbouring occupiers. Northumbrian Water had not demonstrated to a sufficient degree that their plans would not have adverse impacts, and the policy guidelines stated this could be given full weight in decision making.

Bleach Green Farm had been flooded previously in 2000 and 2012, and since then the owners had invested heavily in flood defence measures. Northumbrian Water acknowledged increased risk of flooding to the property in many places and the chief risk was not from river flooding but flooding from surface water that would flow to the property from the site. Although Northumbrian Water had agreed to install a 30cm high bund, this would be insufficient and should be at least 6ft high which would be in line with the existing bund around the property.

Councillor Bell asked the Committee to consider the concerns of Mr and Mrs Charlton and to defer the application to allow the Planning Officers and Northumbrian Water to further consider the alternative site.

The Chairman invited Councillor J Turnbull, local Member for a neighbouring Electoral Division to comment on the application. Councillor Turnbull clarified to the Committee that the local farmer Mr Wade resided in his Electoral Division. Councillor Turnbull informed the Committee that he was supportive of the proposed scheme by Northumbrian Water. Currently, sewerage overflow was carried downstream and caused problems in a park in Langley Moor, despite drainage being installed in the park. Additionally, because of the sewerage overflow, Mr Wade had suffered the loss of cattle, and Councillor Turnbull questioned how much longer this could be allowed to go on for.

Mr Charlton of Bleach Green Farm addressed the Committee. He informed the Committee that the proposed development by Northumbrian Water would increase the risk of surface water flooding to Bleach Green Farm. Policy U10 of the City of Durham Local Plan restricted development in flood risk areas unless there was no alternative option available. Since June 2017 Northumbrian Water had been asked about other options, including option G2, which although feasible would be more costly. The G2 option was a viable alternative and would reduce the risk to Bleach Green Farm from surface water flooding, failure of the system and piling. The model used by Northumbrian Water had not considered extreme weather events and the construction of a 30cm bund would be insufficient to prevent surface water flooding, with the ground level being raised by 2 metres.

Mr Charlton considered that Northumbrian Water was fixed to this location to the exclusion of other viable options when other solutions to the problem were available.

Mrs Charlton of Bleach Green Farm addressed the Committee. While she understood the need to address the problem of sewerage leaking into the river she failed to understand why the proposed solution needed to be so close to Bleach Green Farm when there was the whole valley in which to locate the proposed sewerage storm tank. Bleach Green Farm dated back to the 1760's and had no foundations. Mr and Mrs Charlton had undertaken various works to address the problem of surface water flooding including the construction of a 6ft bund. Northumbrian Water had failed to provide a written undertaking that the proposed works would not lead to an increased risk of flooding and had provided no data regarding extreme weather events. Bleach Green Farm had flooded previously which had necessitated the works carried out, and the fear of flooding was not irrational or ill-founded.

Ms T Robinson of Northumbrian Water addressed the Committee. Northumbrian Water had a statutory responsibility to address the existing sewer flooding in the area to prevent the pollution issue. Mr Wade had lost livestock due to pollution incidents and Northumbrian Water was being monitored by the Environment Agency. The proposed scheme included a storage tank, flow control structure and upsizing of pipework in the sewer network and had been developed to address repeat flooding incidents from two manholes which were located upstream and downstream of Bleach Green Farm. The proposed location of the storage tank was because the problem was in a particular location.

An alternative location, which had been referred to as G2, had been considered by Northumbrian Water but involved a different system to address the problem. The alternative location would involve a series of pipes to form a tank and would cover twice the area of the proposed solution. There would be issues of maintenance of this system and siltation would also occur because the pipes would have a low fall. The alternative site G2 was not considered feasible to recommend as an option.

Concerns about flood risk had been expressed. Northumbrian Water was a flood risk authority with specialists in flood risk assessment and considered that the proposed bunds would be sufficient to provide Bleach Green Farm protection from surface water flooding. Surface water flooding would not be exacerbated.

Northumbrian Water had worked closely with Mr Wade and other stakeholders and would continue to liaise with stakeholders and near neighbours of the site to minimise disruption.

Councillor Taylor informed the Committee that this was a difficult situation. While he had sympathy with Mr and Mrs Charlton and the issues faced by them he also had sympathy with Mr Wade and the loss of his cattle due to pollution. The sewerage problems needed addressing swiftly as they were also causing problems downstream in a park at Langley Moor. The suggested alternative site did not sound to be viable and Councillor Taylor **moved** approval of the application.

Councillor Shield agreed that this was a difficult decision. The objector to the application had stated that alternative sites were available and asked whether these had been considered by Northumbrian Water. If they had not, then the application did not comply with Policy U10.

The Senior Planning Officer replied that to the best of his knowledge, all alternative sites had been considered by the applicant. Site G2 was to the west of the proposed site and further upstream where the sewerage issues were reduced.

Councillor Shield considered there was a safeguarding issue of sewerage being deposited in play areas. He did not consider there was any merit in deferring a decision on the application and there were no feasible alternative sites for the location of the sewerage storm tank. There was a need to take account of the statement of the Senior Planning Officer and the views of Northumbrian Water, as a statutory authority. Councillor Shield **seconded** approval of the application.

Councillor Carr commented that this was a combined system and asked whether methods for dealing only with the foul sewerage system had been considered, and if so, any alternative sites for this.

Ms Robinson replied that some surface water from further upstream did enter the system and an options appraisal had been carried out which included the removal of surface water from the system. However, the volume of surface water was not a problem, the hydraulic incapacity of the pipework was the issue. It did not matter how much sewerage was put into the network, the problem was with this particular part of the network.

Councillor Carr expressed concern that foul sewerage would escape into the River Deerness elsewhere even if this proposed development took place.

Councillor Clare referred to the proposed Condition 5 of the permission which referred to the submission of precise details of surface water control measures. These were to be supported by details of flood flow analysis during a 1 in 100 year storm frequency, which should apply to the protection of Bleach Green Farm. The Senior Planning Officer replied that these details had already been received but had not yet been assessed.

Councillor Clare did not consider that there were any grounds to refuse the application. However, there was a need to ensure that the proposed Condition 5 afforded protection to Bleach Green Farm during 1 in 100 year storm frequencies.

Upon a vote being taken it was

**Resolved:**

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

Councillor Shield left the meeting

**b DM/17/04035/FPA - Land To The East Of Clare Lodge And Durham Road, Chilton, DL17 0RW**

The Committee considered a report of the Senior Planning Officer regarding an application for the replan of part of Phase 1 of permission DM/17/01213/VOC

comprising 47 dwellings, incorporating 12 additional dwellings (total of 106 dwellings on Phase 1) (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial view of the site, approved layout, proposed layout, typical elevations, view of the development from Durham Road and a view of the southern boundary.

P Jones, agent for the applicant, addressed the Committee. The application was a replan of an element of the approved scheme and proposed to replace 32 of the approved plots with 52 smaller 2, 3 and 4 bed dwellings. These would be aimed at a wider customer base at the entry level of the housing market for which there was a strong demand in the area. First time buyers of new homes were able to qualify for the Government's Help to Buy Scheme which enabled them to buy a home with a very low deposit and with reduced mortgage payments. It was proposed that the dwellings would start from £125,000 which would mean first time buyers would be able to purchase a new home through the Help to Buy Scheme for as little as £100,000.

The application was fully policy compliant with the 10% affordable housing being phased as agreed with the Authority and reflected in the s106 agreement. There would be increased s106 agreement payments to local education and towards off-site open space.

Councillor Wilson asked whether the application, which brought with it a slightly amended s106 agreement, would result in any density issues on the development. The Senior Planning Officer replied that the additional 12 units proposed were smaller units and this had been reduced from an initially proposed 20 additional units. There would be 8 affordable units built in the first phase with the remainder in the second phase, which the Senior Planning Officer was confident would be delivered.

Councillor Wilson **moved** approval of the application.

Councillor Clare informed the Committee that the layout of the development had previously been agreed and there were no grounds to refuse this application. Councillor Clare referred to Paragraph 54 in the report and sought clarity on the concern raised by the Police Architectural Liaison Officer regarding the use of parking courts. Councillor Clare was concerned that the increased density of the development would result in the removal of off-street parking provision. The Senior Planning Officer replied that the comments of the Police Architectural Liaison Officer were based on the initial application for an additional 20 units which were situated around parking courts. However, parking courts were not now proposed. The development met all parking standards regarding visitor and in curtilage parking.

Councillor Shield asked whether any of the proposed dwellings would be within the root protection areas on the southern boundary. Parking standards for compliance to park had reduced from 1.7 cars per dwelling to 1.3 cars per dwelling and fewer

spaces and more cars could lead to increased angst and disputes. Councillor Shield suggested that this policy should be revised.

The Senior Planning Officer replied that the concerns regarding root protection on the southern boundary had been raised by landscape officers when the application was for an additional 20 properties. However, this application would not impact on any root protection areas and this was illustrated on an overhead plan.

A Glenwright, Principal DM Engineer informed the Committee that parking provision on the application proposed that all but three dwellings, which were affordable dwellings, had a provision of 2 car parking spaces each which was in excess of minimum requirements. There was provision of 12 visitor spaces throughout the development, which required 8 to meet standards. The development had a good level of parking.

Councillor McKeon asked whether the proposed increase s106 contribution was in accordance with the number of dwellings and the number of people living in the dwellings. The Senior Planning Officer replied that the increased education and open space contribution would increase pro-rata with the number of units.

**Seconded** by Councillor Maddison

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the provision of the following across the whole development site:-

- 10% Affordable housing.
- £122,507 towards open space and sporting provision within the Electoral Division
- £104,400 towards highway infrastructure capacity improvements at Rushyford roundabout.
- £498,224 towards increasing the capacity of primary schools in the area.
- £33,165 to deliver targeted biodiversity enhancements in the area.

and subject to the conditions contained in the report.