

## **DURHAM COUNTY COUNCIL**

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

### **Present:**

**Councillor J Robinson (Chairman)**

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

Councillors A Bell, H Bennett, L Boyd, J Clare, D Freeman, I Jewell, L Maddison, L Pounder, G Richardson, A Shield, A Simpson and F Tinsley (Vice-Chairman)

### **1 Apologies for Absence**

Apologies for absence were received from Councillors Hawley, Kay, Laing, Nicholson and Wilkes.

### **2 Substitute Members**

The following Members attended as substitute Members:

- Councillor Boyd as substitute for Councillor Laing
- Councillor Pounder as substitute for Councillor Nicholson
- Councillor Bennett as substitute for Councillor Kay
- Councillor Freeman as substitute for Councillor Wilkes.

### **3 Declarations of Interest**

Councillor Robinson informed the Committee that he had a personal interest in Agenda Item 5 a) because he had a friendship with an objector who was registered to speak. As such he proposed to consider Agenda Item 5b) first and then would withdraw from the meeting during consideration of Agenda Item 5a).

### **4 Minutes**

The minutes of the meeting held on 5 June 2018 were agreed as a correct record and signed by the Chairman.

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

- a DM/18/00341/FPA - Development Lane Former Thorn Lighting, Merrington Lane Industrial Estate, Spennymoor**

The Committee considered a report of the Senior Planning Officer regarding an application for 19 additional dwellings and the substitution of 136 house types within Phase 6 of planning permission 7/2012/0030/DM (erection of 365 dwellings)

at Development Lane, former Thorn Lighting, Merrington Lane Industrial Estate, Spennymoor (for copy see file of Minutes).

L Eden, Senior Planning Officer gave a detailed presentation of the application which included an aerial image of the site, site layout, site photographs and a view from within the development which showed a typical streetscene.

The Senior Planning Officer informed the Committee of the following updates to Conditions in the report:

- Condition 3 – a Construction Management Plan had been agreed so this Condition needed amending;
- Condition 7 – the location of the play area had moved to accommodate the drainage scheme and this would require a change to the approved plans in Condition 2.

Councillor Maddison. Local Member, informed the Committee that, while she was a Member of Spennymoor Town Council, she had not been involved in the vote when this application as considered by that Council. She would address the Committee about the application and would not vote on it.

There had been several recent applications in the area for additional properties within developments. There were now an additional 1,700 properties scheduled to be built in the Spennymoor area and this would place significant pressure on the infrastructure, for example schools and GP surgeries and there was currently a lack of industrial sites in the town.

The Senior Planning Officer replied that the application would secure a s106 contribution of £87,096 towards primary education accommodation and £68,510 for improving offsite open space and recreational provision. The NHS had been consulted on the application and had offered no comments and therefore no contribution towards health provision had been sought.

Ms A Ward, Planning Manager at Barratt Homes addressed the Committee. This development would create a distinct high quality space and this application would allow for an increased number of smaller houses, both for starter homes and as homes to downsize to. The additional 19 houses would result in the reduction of open space on the development but a s106 payment was being offered to mitigate this loss. The applicant supported the officer recommendation that the application be approved.

Councillor Shield requested the Senior Planning Officer to display the diagram showing the schematics and outline parking provision and asked how many spaces were proposed per house. The Senior Planning Office replied that the application had been assessed by highways officers and that sufficient parking was being proposed to meet the Council's specifications.

Councillor Shield, while acknowledging that the application had no objections from internal consultees, expressed concern over the parking aspect of the application, because if parking on the development was not right this could lead to neighbourhood disputes.

J McGargill, Highway Development Manager replied that the application met the Council's minimum parking standards per unit and also proposed visitor parking spaces. There were 17 additional spaces proposed over and above the Council's minimum standards.

Councillor Clare referred to paragraphs 89 and 90 of the report regarding the loss of open space and asked how much this loss was in absolute terms. The applicant had stated that the proposed additional 19 houses was a response to market needs and Councillor Clare asked whether, if the Council applied the Strategic Housing Market Assessment to the proposal, it would say that the 19 extra houses were appropriate to the market.

The Senior Planning Officer replied that there had been a number of re-plans on this site overall which had resulted in a collective loss of open space of some 1,700 m<sup>2</sup> and a s106 payment was proposed to mitigate the impact of this. However, significant areas of green space remained on the development. There was no policy on housing mix but the range of properties proposed on the development was an acceptable mix.

Councillor Richardson commented that the application was for 2 bedrooled starter homes and asked that developers made these properties larger than they currently were because smaller houses had an impact on family harmony.

Councillor Jewell informed the Committee that he had listened to the debate about the application. While he agreed that increased numbers of houses would increase pressure on the infrastructure in the area, there would also be an opportunity to develop amenities because developments tended to be led by population numbers. Therefore, development should be seen as an opportunity as well as a threat. Councillor Jewell **moved** the recommendation in the report.

Councillor Tinsley considered it appropriate to comment on the issue raised by Councillor Richardson regarding house sizes. The average house size of new build properties in the UK was 76 m<sup>2</sup> compared to 87 m<sup>2</sup> in Ireland, 109 m<sup>2</sup> in Germany and 115 m<sup>2</sup> in Holland.

Councillor Clare informed the Committee that he had a lot of sympathy with the issue of house size raised by Councillors Richardson and Tinsley and hoped that the housing provider would give this due consideration. The open space provision met the Council's Open Space Needs Assessment and proposed parking provision met the Council's minimum parking standards. Councillor Clare **seconded** approval of the application.

**Resolved:**

That the application be approved subject to the completion of a Section 106 agreement to secure the following:

- £87,096 towards primary education accommodation
- £68,510 for improving offsite open space and recreational provision

and the Conditions contained in the report, as amended.

Councillor Robinson vacated the Chair and left the meeting.

**Councillor F Tinsley** in the Chair

**b DM/18/00894/FPA - Former Millburngate House, Framwellgate Waterside, Durham, DH1 5TL**

The Committee considered a report of the Principal Planning Officer regarding an application for a 92-bed hotel and two commercial units for shop, professional and financial service and/or food and drink uses (Class A1-A5) with associated works at the former Milburngate House, Framwellgate Waterside, Durham City (for copy see file of Minutes).

H Jones, Principal Planning Officer gave a detailed presentation of the application which included an site location plan, aerial image of the site, the context of the application, site layout plan for the Block 1a building, level 2 floorplan, level 3 floorplan, example of the hotel floorplan, proposed north and south elevations and approved and revised views from Castle Chare and Milburngate Bridge from Claypath (for copy see file of Minutes).

Members of the Committee had visited the site the previous day and were familiar with the location and setting.

The Principal Planning Officer informed the Committee of the following updates:

- Condition 3 - an existing section plan incorrectly identified as an approved plan should be omitted. Two versions of a schedule of development document were listed, with only the revised version being necessary
- Condition 23 - This condition could be omitted because the schedule of development document was already being approved via Condition 3.

Councillor G Holland addressed the Committee on behalf of the City of Durham Parish Council which had some concerns about the application.

Councillor Holland informed the Committee that he had been a member of the County Planning Committee in 2015 when outline plans to redevelop this area were approved. At that time there were high hopes that the replacement of a monolithic, slab-like building that had stood on the site since 1965 would be an improvement.

Above all the Committee welcomed the introduction of 441 residential apartments which it believed were vital to the future of the city. Much of the family housing in the City had been consumed by student accommodation and this debilitating process was gathering momentum.

While the officer's report was well written and clear, there were three points of serious concern.

The first was the reduction of at least 38 in the number of apartments. Since the application was plainly rethinking a scheme MGH Card LLP inherited from Carillon, they should find space elsewhere on the site to make up this loss.

The second was that the roofscape of the proposed hotel did not accord with, nor did it respect, the backdrop of Highgate and the emerging commercial development opposite on the other side of the A690.

Both of these developments were sympathetic to the architectural style predominant in the city and it was not too late to adjust the roofline of this new hotel to complement what was already there so that it enhanced the City's townscape rather than detract from it.

The City of Durham Parish Council urged the Committee to look at this very carefully and to not accept the minimalist design proposed and recommended for approval and asked that further advice be sought from the International Council on Monuments and Sites on this matter.

The third concern was one of road safety. Within the application was an extraordinary proposal to create a servicing layby alongside Framwellgate Peth and adjacent to the traffic lights. Throughout the day the Peth was very busy with streams of traffic cascading down from the County Hall roundabout to join the A690 at Milburngate Bridge where it merged with traffic from two other sources. Any interruption with that constant flow immediately caused a traffic back up which then diverted down North Road past Wharton Park or even down Western Hill, a narrow suburban road unfit for such a purpose.

Traffic engineers knew that traffic movements in this focal point at Milburngate Bridge were very sensitive to any interruption. This is why Sidegate, which once opened on to the Peth, was closed off a few years ago.

The proposed lay-by would be a significant interruption and potential hazard and must not be allowed to happen. An alternative loading arrangement should be found. Paragraphs 89, 133 to 136 provided no reassurance. The arrangement proposed was probably just the most convenient one for the proposed hotel even though it was inconvenient to everyone else. The Parish Council was asking the Committee to recommend that an alternative scheme be identified, for example by using Framwellgate Waterside as the access point, or by some other means.

The Parish Council urged the Committee to defer a decision on the application so that the proposal could be modified in consultation with the officers to overcome these 3 deficiencies. This was an application that would affect the future wellbeing of Durham City for the next 50 years or more and it was essential to get it right.

Eileen Grime, local resident addressed the Committee to express the concerns and objections of local people and residents of Durham City

There were a number of issues and concerns regarding this development, and Mrs Grimes focussed on three main areas.

The height of the proposed development. This development was given permission to fit in with the local landscape of Durham City, with consideration for massing roofscapes. Consideration was given to height and mass and on the advice from English Heritage changes were made to the designs to accommodate the views from the train. Further changes were now being proposed which did not fit with the design brief, regarding roofscapes and views previously adhered to. The report of the planning officer at paragraph 124 stated the concerns from Historic England that the City may end up with a monolithic box and standardised in appearance, with a flat roof which the applicant had claimed needed to be in place to accommodate the plant for the hotel.

The proposed building, with its illuminated sign, would become the focal point for Durham City, not the Cathedral and the World Heritage Site. Walking from the train station all that would be seen was a large mass of building. The building and structure would have a further detrimental effect on views and the ethos of the city.

When the developer went to initial public consultation, a hotel was part of the proposal. When this was queried it was stated that there were not sufficient beds within the city. At that time Ramside Hall Hotel was in the process of expanding, adding more rooms. However this was stated not to be in the city. However, the report submitted to members now said that hotels in Pity Me and Belmont were included in the capacity for the city.

Since that time Hotel Indigo had opened in the city and local hotels were not operating at capacity, with some hotels offering discounted deals to fill their rooms

At further consultations it was said that a hotel was not viable and that planning permission would be for apartments to support residents into the City. This fitted with planning policy, transport viability and the views and wishes of the local community. Planning permission was granted by the County Planning committee in good faith that those apartments would be developed, to support residents' wishes for more housing within Durham and to counteract the increase in student population.

This application now sacrificed a number of the proposed apartments for a hotel to be developed, with proposals for further apartments to be sacrificed to office accommodation, and no doubt other variations would follow.

The developer had a history of obtaining planning permissions and then asking for variations to fit in with their financial viability. At Durham Gate spaces were identified within the original planning permission for shops, hotel and children nursery, yet these had not been built. Instead a variation was sought to change this to more houses to increase profit.

In Durham it appeared that offices and hotels were more profitable than apartments, and the residents and people of Durham were but a means to an end.

In conjunction with the hotel the applicant was also requesting access from Milburngate Bridge for a lay by. The Council's highways officers and the police both initially raised concerns and these were reflective of some of the concerns of

residents. Traffic would approach from Framwellgate Peth and from the North Road direction. This was a main arterial road through the city and congestion would have a significant impact on traffic flow. Deliveries would be made at the busiest of times, and the impact of entrance and egress would be significant. Other companies and businesses within this area were able to service their business needs from the waterside access and therefore this business should be able to.

Mrs Grimes asked how the proposed layby would be policed and managed and how would its use by the public for dropping off and picking up be managed as this would happen.

In conclusion, this developer was at best manipulating the planning process and the council's planning systems. At worst this was an abuse of the committee, its officers and members.

Mrs Grimes thanked the committee for their time and hoped it would give the issues she had raised consideration when making a decision.

Ian Beaumont of MGH Card LLP addressed the Committee. He informed the Committee that he was Project Director for Milburngate.

The joint venture developing Milburngate had been delivering projects in the City over the past 5 years, including the development at Freeman's Reach which was in keeping with its historic surroundings.

The proposed development would assist in the delivery of £160m additional inward investment in the area as part of the wider Milburngate scheme, which would enhance both living and working conditions in the City.

The development would comprise a 92-bed hotel with two commercial units for flexible A1-A5 use at ground floor level, at the site identifiable as Block 1a on the approved Milburngate Masterplan, that which was nearest Milburngate Bridge.

The proposed hotel would be a contemporary hotel in the Whitbread portfolio and the Milburngate site had already attracted Everyman Cinema, Pitcher and Piano and Bar and Block, all of whom were high calibre operators.

The Milburngate site would increase the appeal of the City centre to the wider region and beyond and the proposed hotel would increase the tourist interest in Durham. There were 1.43 million overnight stays in Durham in 2014 and additional bed spaces would result in increased visitors to the city with their associated increased spend.

The site was in a sustainable location and the design of the proposed hotel was consistent with the style of regeneration and the mass, height and design of the proposed hotel were in line with the previously granted planning permission

Up to 75 jobs were associated with the hotel and commercial floorspace with 24 additional to the existing permission. There were also 80 direct and 121 indirect jobs proposed during the construction period.

The Principal Planning Officer responded to some of the comments made. This was a suitable city centre location for a hotel use and the application had strong support from VisitDurham and Business Durham. Historic England had stated that the hotel could have been a monolithic building if the design had not been right, but this had been avoided by the developer by its design. Concerns had been expressed that this would be a concrete building with grey tones but it would actually have brick elevations with metal cladding. The Principal Planning Officer then sought comment of the highways officer on the proposed layby.

J McGargill, Highway Development Manager informed the Committee that the proposed layby would be for servicing provision to the hotel and would be surrounded by a pedestrian guardrail. There would be a locked gate in the guardrail and a management scheme in place to regulate when the layby could be accessed. This would not be a layby for use by general traffic or taxis. While concerns about the volume of traffic already at this location were recognised there was already a layby on the east side of the bridge which was used as a bus stop. Accident records at the location, which recorded 40,000 vehicle movement per day, were fairly low. Although the provision of a layby would be difficult, it had been done on the east side of the bridge.

Councillor Jewell referred to the highways theme and informed the Committee that on the site visit the previous day he had concerns about the length and layout of the proposed layby and the length of the vehicles which would use it which could cause problems. At paragraph 89 of the report the Durham Constabulary Architectural Liaison Officer had expressed concern whether the proposed servicing bay could safely operate and be managed. Service bays were normally tucked away and out of sight.

Councillor Shield also referred to the proposed layby. He asked what the length of the proposed layby would be, what size of vehicles would use it, what might happen if two vehicles arrived at the same time and how long it would take for vehicles to unload. Any vehicles using the layby would need to exit onto a very busy road and merge into very narrow lanes.

The Highway Development Manager informed the Committee that consultants had mapped a 14.6 metre long vehicle entering and leaving the proposed layby. There had been initial concerns about the layby design being too short but the design had been changed to allow vehicles to straighten. There would be a traffic regulation order placed on the layby to designate it as a loading only bay. A management plan needed to be agreed with the operator to ensure two vehicles did not arrive at the layby at the same time. The layby would be sited near to the traffic signal junction which would ensure that there would be gaps in the traffic flow for traffic to emerge from the layby. The management plan would also stipulate when vehicles could use the layby which would prevent usage at peak times or peak traffic flow times.

Councillor Shield informed the Committee that his serious concerns about the proposed layby remained. Most HGV's which would access the layby would have travelled on the A1(M) and would access the City via the A690. This would then

necessitate them travelling all the way around Milburngate roundabout to access the layby. The use of a traffic regulation order would not be a deterrent to others trying to use the layby.

Councillor A Bell, while being supportive of a new hotel for Durham, considered that the proposed design and shape of the building, particularly the flat roof, was a throwback to the 1970's. Durham deserved something more than this.

Councillor Freeman, local Member, considered the design of the proposed hotel to be very disappointing which would have an effect of the views of the World Heritage Site. The proposed building was a box and a better design could be achieved. The development at Freemans Reach had sloping rooflines and was more in fitting with the Durham roofscape.

The site of the proposed hotel had been previously approved for residential accommodation and this would have led to an increased residential balance within the City. The City needed more residential accommodation and it was debatable whether it needed another hotel. Councillor Freeman also had great concerns about the highways proposals from the application which he considered did not comply with Policy T1 of the City of Durham Local Plan.

Councillor Shield informed the Committee that he had been unable to attend the site visit the previous day. He considered that the design of the proposed hotel had a bland monolithic appearance which would not blend in with the roofscape of the City. Durham was a market town and the design of the hotel had lost this aspect, the hotel could be anywhere in the UK. The Committee had a responsibility to future generations of Durham and Councillor Shield **moved** deferment of the application.

Councillor Clare informed the Committee that he did not consider the housing argument put forward by Councillor Freeman as being viable. Although it may be preferable to have residential development on the site, this was not for the Committee to decide and there was no question from the highways officer that the proposed layby could be safely operated.

Councillor Clare considered that the design of the proposal was disappointing. For decades Durham City had been stuck with the design of Milburngate House. The proposed hotel would be operating with a loading area and service area at street level on Milburngate Bridge which was a main road through Durham City and would turn Milburngate into a back street for deliveries. Pedestrians approaching the hotel from the railways station would have a first view of delivery lorries to the hotel and the tradesmen's entrance. This significantly detracted from and did not enhance the character of the conservation area and Councillor Clare **moved** refusal of the application on this basis.

Milburngate House was built some 50 to 60 years ago and this was an opportunity to now build something of quality on the site. The Committee should demand something of quality which would enhanced the character of the conservation area.

D Taylor, Legal Manager, Property, Planning and Project Management informed the Committee that it had a duty to consider the desirability of enhancing the conservation area. While Historic England and officers did not consider that the development would detract from the conservation area the Committee appeared to be adopting a different view and that the design of the hotel could be enhanced.

Councillor Boyd informed the Committee that she had a number of concerns regarding the design of the building and traffic issues. This was a valuable site within Durham City and it was important to get any development of it right. Councillor Boyd **seconded** deferment of the application as moved by Councillor Shield.

Councillor Freeman **seconded** refusal of the application on the basis that the applicant would not reconsider the application. The application could be refused under NPPF Part 7 in that it was not a good design, Policy E6 because it was not sympathetic to the traditional character of the conservation area, Policy H13 because it would have a significant adverse effect on residential areas and Policy T1 because it would be detrimental to highway safety.

Councillor Tinsley asked the applicant whether, if the Committee was to defer the application, they would enter negotiations and discussions regarding highways matters, the proposed layby design and the design of the proposed hotel.

Mr Beaumont replied that if the Committee was to defer the application then the applicant would be willing to enter negotiations and discussions regarding highways matters, the proposed layby design and the design of the proposed hotel.

Councillor Clare informed the Committee that it would be better for the applicant to further discuss the application and resubmit it than to refuse the application and withdrew his motion for refusal. Councillor Freeman added that if the applicant was to re-submit a similar application then they should be aware of the views of the Committee.

Councillor Tinsley informed the Committee that any significant alteration to the application would require further public consultation.

Upon a vote being taken it was

**Resolved:**

That the application be deferred to allow negotiations and discussions regarding highways matters, the proposed layby design and the design of the proposed hotel.