

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 21 July 2016 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors B Armstrong, D Bell, D Boyes, J Clare, K Davidson, E Huntington, A Patterson, G Richardson, H Smith, C Wilson and S Zair

1 Apologies

Apologies for absence were received from Councillors H Nicholson and C Kay.

2 Substitute Members

Councillor H Smith substituted for Councillor H Nicholson.

3 Declarations of Interest (if any)

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 23 June 2016 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

6 DM/16/01879/FPA - Ox Close Nursery School, Ox Close Crescent, Spennymoor

Consideration was given to the report of the Planning Officer regarding an application for the erection of a single storey flat roof extension of Ox Close Nursery School, Ox Close Crescent, Spennymoor (for copy see file of minutes).

The Planning Officer gave a detailed presentation on the application which included plans and photographs of the site.

Councillor K Thompson, Local Member, addressed the Committee having requested the application be brought to Committee. The attached Primary School had recently been granted permission for the erection of two additional classrooms and additional nursery places would exacerbate the existing highway problems.

Councillor Thompson referred to the Sedgefield Local Plan as outdated and referenced National Policy, confirming that part 4 of the NPPF (Promoting Sustainable Transport) had only partially been referenced in the report. There had been no photographs taken of the area at peak times to show the considerable number of vehicles that park on the highway during school pick up and drop off times. During these times Ox Close Crescent was not a safe environment for cyclists or pedestrians. The report referenced Section 32 of the NPPF which stated that development should only be refused on transport grounds if the residual cumulative impacts of development were severe. Although the report stated that it would be difficult to demonstrate, the cumulative impact was severe in this case. Section 35 advised that developments should be designed to create safe and secure layouts which minimised conflicts between traffic and cyclists or pedestrians and home zones should be established where appropriate. This has not been considered as part of this application and Councillor Thompson suggested that a condition to create a home zone and restrict parking around the school at peak times would alleviate the problems.

He referred to his role as a Parish Town Councillor and although he was not representing the Town Council with regards to this application, he could confirm the Town Council were willing to consult with the County Council in order to alleviate the problems regarding Ox Close Nursery and Primary Schools.

The Applicants agent addressed the Committee and confirmed that the application would allow the nursery to benefit from an additional 16 spaces and following the report being published he had visited the site and a fourth car parking space would be provided on the site.

The Principal DM Engineer confirmed that he was aware of the highways issues on Ox Close Crescent during school pick up and drop off times due to an increase in vehicles as the School had expanded over the years. He referred to the additional parking space which had been pledged by the applicant, however it could not be supported by the Highways Authority as three was the maximum permitted with regards to this application.

In response to a question from Councillor Patterson, the Applicants agent confirmed that the additional nursery places would be staggered over 2 sessions and therefore there would be an additional 8 spaces on a morning and 8 on an afternoon.

On considering that the 16 additional places would be staggered, Councillor Davidson suggested that this would not have any significant impact on the highway. The Committee were unable to refuse the application based on existing highways issues alone and he therefore moved the recommendation.

In addition, Councillor Richardson highlighted the size of the parking spaces – they were wider than a standard parking bay and a disabled parking space was being catered for. Councillor Boyes agreed was sympathetic towards the existing congestion described by Councillor Thompson, however he agreed that three additional parking spaces were adequate and the situation would not be made

worse by the proposal. Councillor Boyes seconded the recommendation and it was.

Resolved

That the application be approved on the grounds as outlined in the report.

7 DM/15/02770/FPA - Former Department Of Transport Storage Depot, Bowes, Barnard Castle

Consideration was given to the report of the Senior Planning Officer regarding an application for the demolition of existing buildings and erection of 14 no. dwellings (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the site which included photographs of the site.

In response to a question from the Chairman, the Senior Planning Officer confirmed that affordable housing was offered on site by means of two reduced price properties which would be offered at discounted market value. The figure would be finalised on consultation with the Councils Valuation Officers.

Councillor Davidson highlighted that the 2 houses offered at a reduced sale price only equated to only 14% of the 15% affordable housing required by applications. He queried whether the applicant should be offering a third property at a discount market value to account for the 1% deficit. The Senior Planning Officer confirmed that there was no legal obligation to seek 15% and the offer was reasonable considering the scale of the development. Councillor Davidson therefore moved the recommendation.

In response to a question from Councillor Huntington the Solicitor confirmed that the discounted price for affordable housing would be required not just on first sales, but on subsequent sales of the two properties.

Councillor Richardson was concerned that four access routes was excessive for the size of the proposed site, but also due to the speed at which vehicles could be travelling off the A66. The Senior Planning Officer confirmed that there had been no objections from Highways and although it was an awkward site to develop due to its shape and size, the applicant had put forward a rational proposal.

Councillor Clare agreed that the site could have had fewer access points and he acknowledged that the road was accessed from the A66, however he highlighted that cars travelling from the A66 would be travelling on the opposite side of the road and the vehicles approaching the A66 would be travelling at a much slower speed. He seconded the recommendation and it was;

Resolved

That the application be approved on the grounds as outlined in the report.

8 DM/15/03564/FPA - Land To The West Of The Paddock, Sunnyside, Bishop Auckland

Consideration was given to the report of the Senior Planning Officer regarding an application erection of 9 no. four bedroom detached dwellings on Land to the West of The Paddock, Sunnyside, Bishop Auckland (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the site which included photographs of the site.

The Committee Services Officer read a statement on behalf of Councillor Hart, local Member. He welcomed the application acknowledging that the sustainability of small villages depended on new development, however he was disappointed that no substantive changes had been made with regards to the concerns raised by local residents.

The residents of nos. 2 and 3 The Paddock were both primarily concerned by the separation distance of the proposed new developments and concerns had been raised due to the lack of parking provision. It was likely that cars would overflow onto Front Street, causing a reduction in visibility for motorists and pedestrians entering and exiting the development. No attempts had been made by the applicant to address these concerns however the applicant had amended the plans in order to retain and protect the original hedgerow, a change which was welcomed by Councillor Hart. In order for him to withdraw his concerns, he required further amendments to the proposal and this had led him to request the application be considered by the Committee.

The Applicants agent addressed the Committee, confirming that the site was between The Paddock and a row of cottages to the West, and included within the settlement of Sunnyside. The logical next step in concluding the village was to develop the piece of land in between. He confirmed that the proposed dwellings were similar to those at The Paddock, although they were smaller in size.

Permission granted in 2012 had recently expired and there had been no substantial changes to the proposal. He confirmed that no objections had been made, other than from residents of The Paddock. In response to the submissions put forward, he confirmed that the windows in question were on the gable end of the properties and were situated within non-habitable rooms. In addition there was a large 1.8m boundary fence which ensured that there would be no impact on privacy. One of the properties had a large extension which had further decreased the distance between the plots to 14m, however this was still within an acceptable range considering the windows in question were secondary. He confirmed that each property would have a garage and a driveway and denied the likelihood of cars spilling out onto the highway. On summing up, he reminded Members of the Senior Planning Officers recommendation to approve the application and described the proposals as an asset to the housing stock of the village.

The Chairman invited the Senior Planning Officer to comment on the objections from nos. 2 and 3 The Paddock with regards to separation distances. The Senior Planning Officer confirmed that he had been inside of no. 2 The Paddock to

consider the impact that the proposed dwellings would have. He confirmed that the windows were on the ground floor, side elevation of the property. As they did not relate to the north and south facing principal windows, they were classed as secondary windows and the addition of the fence further protected the privacy of the property. It was considered that the property would not suffer a detrimental impact in terms of loss of privacy or outlook and the 21m guideline was relaxed where the amenities of an area were not considered to be compromised.

Councillor Patterson was disappointed that a site visit had not been arranged for this application. Since the original application had been granted there had been a reduction in public transport, which isolated the village. In addition she was concerned that cars may spill onto the road at Gladstone Terrace as it was an unclassified single dirt track road and not suitable for cars. The Senior Planning Officer confirmed that the proposed properties would benefit from a garage and a driveway for two parked cars and therefore it was not envisaged that vehicles would spill onto the highway. Furthermore, there would be no access from Gladstone Terrace as it was surrounded by the protected hedgerow.

Councillor Boyes referred to the need for regeneration in small villages to ensure their sustainability and complimented the design of the proposal, suggesting that the development would complete the settlement boundary.

In response to a query from Councillor Clare, the Senior Planning Officer confirmed that the separation distances were not such that a request to reposition or recommend refusal could be sought. He reiterated that the windows were secondary and referred Members to the design of new housing estates where it was not uncommon for houses to be spaced at a similar range to the plans submitted.

Councillor B Armstrong had concerns regarding the self-build nature of the plots as when work had commenced on the first property, there was no timescale on which the development should be finished. The owners of this property could potentially be living on a building site for a significant period of time. The agent confirmed that the applicant was able to control schedules for completion of work and he would usually recommend that work should be complete in no more than 12-18 months.

In response to a query from Councillor Wilson, the Senior Planning Officer confirmed that should any deviations from the plans submitted be required, a new application would need to be put forward for consideration.

Councillor Boyes moved and Councillor Clare seconded that the application be approved.

Councillor Patterson referred again to separation distances from nos. 2 and 3 The Paddock and highlighted that should a 3x3m conservatory be erected under permitted development rights, the distance would reduce significantly. The Senior Planning Officer confirmed that condition no. 14 had removed some permitted development rights relating to extensions and hardsurfacing from plots 2-6 in order to protect the hedge and a further condition was requested by Councillor Patterson

which removed permitted development rights for extensions from plots 7-9 due to concerns over privacy.

The Solicitor commented that should the application be approved, there could be no deviation from the layout submitted without submission of a further application. With regards to self-build plots, the Local Planning Authority had no control over the time it would take to develop the whole site, however the landowner could impose a condition of sale which required the property to be completed within a certain period of time.

Upon a vote being taken, it was **Resolved:**

That the application be approved subject to the conditions outlined in the report and with the addition of the following condition:

- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Class A (enlargement, improvement or other alteration of a dwellinghouse) of Schedule 2, Part 1 shall be carried out within the curtilage of the Plots 7-9 without the prior written permission of the Local planning authority on an application submitted to it.