

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 22 February 2018 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors J Atkinson, D Bell, J Clare (Vice-Chairman), K Liddell, C Martin, M McKeon, A Patterson, G Richardson, J Shuttleworth, F Tinsley and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillors L Brown, J Chaplow, E Huntington and L Taylor.

2 Substitute Members

Councillor M McKeon as substitute Member for Councillor E Huntington.

3 Declarations of Interest

Councillor F Tinsley declared an interest in Agenda Item 5 (a) – Land to the North of Bourne Way, Willington as a local Member. He would speak on the item and then leave the room during consideration of it.

4 Minutes

The Minutes of the meeting held on 18 January 2018 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/17/03976/FPA - Land To North East of Bourne Way, Willington

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 16 dwellings including associated access, landscaping and parking provision and the creation of two ponds on land to the north east of Bourne Way, Willington (for copy see file of Minutes).

L Eden, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial view of the site, various photographs of the site and the ecology mitigation area, proposed site plan, plan of the ecology mitigation area and site sections and elevations.

The Senior Planning Officer informed the Committee of the following proposed amendments to the report:

- (i) Paragraph 75 – the drainage condition had been agreed and therefore the sentence ‘The precise details can be secured by condition’ could be removed, and;’
- (ii) Condition 3 – reference to ‘all new estate roads’ should be ‘the estate road’

Councillor F Tinsley, local Member, addressed the Committee. Councillor Tinsley informed the Committee that he was very familiar with the application site and while overall he welcomed investment in Willington, it was important to get the development right. Two local meetings had been held about the application which the two local Members, Great Willington Town Council and local residents had attended, with the County Durham Housing Group (CDHG) attending the second meeting. CDHG had made a positive input to the meeting and Councillor Tinsley thanked them for this. However there were six key issues to be addressed relating to the application:

- (i) Highways and Parking - there were concerns about highways and parking and the adequacy of Park Street/Colliery Street junction. Car parking in the area was difficult and it was important that sufficient measures were introduced to ensure the impact of the development was mitigated.
- (ii) Drainage – there had been significant flooding events in the area and it was important that any surface water drain-off was sufficiently dealt with.
- (iii) Management of the dwellings by CDHG – the model proposed for the dwellings was rent-to-buy and there was a need to ensure the properties did not become a focus for anti-social behaviour.
- (iv) Removal of open space – while it was accepted that the site had previously been developed, the development had been removed some 15 years ago and the site had become an area of amenity space. While the ecology mitigation areas were welcomed, it was important that these areas were safe.
- (v) Availability of local services – was there sufficient sewer capacity to deal with the proposed development and were there services within the community, for example school places and GP capacity.
- (vi) Construction – there was a concern that residential amenity would be impacted during any construction phase.

Councillor Tinsley informed the Committee it was important that the above issues were addressed and that planning permission should only be granted if they were, otherwise the proposed development would have a negative impact. Councillor Tinsley thanked officers for the report to Committee and local residents for their input.

Councillor Tinsley left the meeting.

Councillor Gunn, local Member, addressed the Committee. Councillor Gunn informed the Committee she endorsed all that Councillor Tinsley had said on the important issues relating to this application. She thanked local residents for attending the two meetings about the application and also CDHG for engaging with local Members.

Local residents had concerns about the following issues:

- (i) Addressing the car parking situation in the area
- (ii) Ensuring the development did not become a focus for anti-social behaviour
- (iii) The availability of services in the area, for example places at local schools and GP surgeries

Councillor Gunn asked the Committee to consider the points raised by local Members.

Mrs P Moger, local resident, addressed the Committee. Mrs Moger informed the Committee that she had lived in Railway Terrace since 1984 and a material issue was the seepage of water from a hill behind the development site which resulted in permanent pooling on the highway. There was concern that the proposed development did not address this, and that building on the site could exacerbate the problem. There was a slope on the development site which would result in properties on Railway Terrace being overlooked.

Mrs Moger, while accepting that this was a brownfield site, informed the Committee that the previous houses on the site had been bungalows and suggested that given the demographics of the area bungalows would be more suitable to be built on the site.

Mr J Brooks of Indigo Planning addressed the Committee on behalf of the applicant, County Durham Housing Group. Mr Brooks informed the Committee that he agreed with the report of the Planning Officer that planning permission should be granted, adding that the application had received no statutory or internal objections. The development would provide much needed family housing on an underused brownfield site and was sustainable. The development would bring with it a s106 contribution of £7,000 towards offsite open space and recreation provision and a contribution of £6,000 towards the future management and maintenance of Great Crested Newt mitigation ponds.

With reference to parking, Mr Brooks informed the Committee that the development proposed two parking spaces per dwelling in addition to 6 visitor spaces. There would be no loss of privacy and all technical issues had been complied with. The Wear Valley Local Plan did not resist the development and no concerns raised were of a significant or demonstrable to refuse permission.

D Stewart, Principal DM Engineer informed the Committee that the Park Road/Railway Terrace junction had served the 23 dwellings previously on this site. While visibility was good, the junction would be improved. The applicant had funded additional parking spaces and there was no basis to object to the application on highways grounds.

Councillor Nicholson reminded the Committee that the management of the proposed dwellings was not a material planning consideration.

The Senior Planning Officer replied to the issues raised. The site was classed as being in Flood Zone One and had not been identified as being at risk from surface water drainage. Both Northumbrian Water and the Drainage Section were content

with the application. The area was not designated as an area of open space and a s106 contribution had been secured towards the enhancement of open space. This was a lesser contribution because the applicant had provided 6 extra car parking spaces. A £6,000 contribution had been secured towards the future maintenance of the Great Crested Newt mitigation ponds, which would need to be fenced. Referring to the slope of the site, the Senior Planning Officer informed the Committee that privacy distances were maintained. There were sufficient school places in the area to accommodate the development and no response had been received from the NHS regarding GP capacity. Willington was a Tier 2 settlement and the site was in a sustainable location. While there would be some inconvenience during the construction phase of the dwellings, this would be temporary and a condition was proposed to restrict the hours of construction work. There was no policy to insist on the construction of dwellings for older persons nor the need to replace like with like.

Councillor Atkinson expressed concern about the social impact of possible future anti-social behaviour caused from the development. The Senior Planning Officer replied that concerns about future occupants of the dwellings was not a material planning consideration.

Councillor Clare asked the applicant how much control they had over tenants during the rental period of the rent to buy scheme. Tom Winter of County Durham Housing Group replied that any rent to buy tenants would have tenancy agreements as if they were tenants.

Councillor Patterson, while acknowledging the parking spaces which were to be provided, asked what would happen to the vehicles which would be displaced as a result of the development. Councillor Patterson also expressed concern about the danger posed by the proposed Great Crested Newt mitigation ponds and did not consider that fencing to the ponds would be sufficient to keep children out nor would £6,000 last very long for maintenance of the ponds.

The Principal DM Engineer replied that parking on the site could be stopped at any time by the applicant and that the proposed provision of 14 additional parking spaces was a meaningful benefit.

The Senior Planning Officer informed the Committee that the provision of the Great Crested Newt mitigation ponds would be dealt with in conjunction by the ecology and assets sections of the Council and that the ponds would not require significant maintenance.

Councillor Patterson responded that it was County Council policy to close off open water. The Senior Planning Officer replied that it was proposed to fence the area around the ponds to prevent tramping on the habitat. Because of the impact of the development on Great Crested Newts the ponds must be created, if they were not created then suitable mitigation would not be proposed.

Councillor Richardson informed the Committee that he had concerns regarding children's safety around the ponds because water was an attraction for children. If

the ponds were not to be safely fenced, then he was minded to refuse the application.

Councillor Nicholson informed the Committee that if the application was approved then the safety of the site where the ponds would be located would be the responsibility of the County Council as landowner.

The Senior Planning Officer informed the Committee that the proposed Great Crested Newt mitigation ponds had arisen following intervention of the Council's Ecology and Assets Teams. The pond depth would be 0.5 metres deep at the outside and up to 1.5/2 metres deep in the middle, and the ponds would be fenced off.

Councillor Atkinson considered that the location of the ponds would not be placed anywhere they would be a danger to children.

Councillor Clare informed the Committee that if the mitigation ponds were rejected then the application would be rejected. It would be extreme to refuse the application and the ponds should either be less deep or be better fenced off. Councillor Clare thanked Mrs Moger for her representations to Committee, however, he considered that drainage would be improved after the dwellings were built and the dwellings would not create sufficient intrusion to refuse the application. The Council could not insist that bungalows were built and the applicant was providing a s106 payment to mitigate for the loss of amenity space. There was nothing of any weight to refuse the application and Councillor Clare **moved** approval of it.

Councillor Martin agreed with Councillor Clare. There was very little on which to refuse the development, which was sustainable. As landowners, it was the County Council's responsibility to ensure the mitigation ponds were safe. The applicant was providing extra car parking spaces and rent to buy properties tended to attract tenants who were committed to a long-term obligation. Councillor Martin **seconded** approval of the application.

Councillor McKeon informed the Committee that she had concerns about the mitigation ponds and child safety and that no evidence had been provided that these would be as safe as the Committee would want. Councillor McKeon asked whether the application could be deferred until more detail of the mitigation ponds was available.

Councillor Nicholson informed the Committee that SUDS ponds at developments had previously been approved and there was no evidence of children coming to harm because of these. Councillor Patterson replied that there had been child water deaths in the Willington/Crook area and asked whether, legally, the application could be deferred.

C Cuskin, Planning and Development Solicitor advised the Committee that a motion had been proposed and seconded and therefore a vote should be taken on that motion before deferment of the application could be considered.

Upon a vote being taken it was:

Resolved:

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

- 10% affordable housing on site
- £7,000 towards offsite open space and recreational provision
- £6,000 towards the future management and maintenance of the Great Crested Newt mitigation ponds

and the Conditions, as amended, set out in the report.

Councillor Tinsley re-joined the meeting.

b DM/17/03446/FPA - Land To The West Of The Weardale Inn, Ireshopeburn

The Committee considered a report of the Planning Officer regarding an application for the erection of a dwelling and garage on land to the west of the Weardale Inn, Ireshopeburn (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photographs of the site, views across the site, views towards the Methodist Chapel, proposed site plan, and plans and elevations.

Mr N Page informed the Committee that he had registered to speak on the application but no longer wished to do so.

Councillor Shuttleworth informed the Committee that he was the local Member for the application site and **moved** approval of it.

Councillor Clare provided the Committee with details of the history and significance of the area, including the history of lead mining in and its association to education and Methodism. Councillor Clare considered that the application was for a modern residential building with a zinc roof, which was described as a risky design strategy at Paragraph 45 of the report.

There was no mention of the sustainability of the development in the design and access statement and nor was there any mention of the impact the proposed dwelling may have on tourism in the area. There was a need to resist infill development such as this along the A689.

There was a need to protect conservation areas and the application did not mention a conservation area appraisal. There was no appreciation of the impact on views of High House Chapel nor the impact on New House which was only 370 metres from the proposed development.

Policy BE6 of the Wear Valley District Local Plan was clear that new development in the conservation area would require the use of local materials. Councillor Clare

questioned whether the development should be sited where it was proposed due to its proximity to a listed building and also questioned whether it was sufficiently sympathetic to the AONB building regulations and conservation area regulations. The application failed to appreciate the heritage assets of the area, would result in harm to the setting of a listed building, would be harmful to the conservation area and did not respond to local character and history.

Councillor Tinsley informed the Committee that he considered the application to be positive and that sufficient measures had been taken to reduce the impact of the development. The development had been set back in mitigation and it was the view of officers that the setting of the listed building had been addressed. Councillor Tinsley referred to design guidance which outlined there was a place for appropriate contemporary design.

Councillor Atkinson **seconded** approval of the application.

Upon a vote being taken it was

Resolved:

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

Councillor Tinsley left the meeting

c DM/17/00764/FPA - Hilton Hall Farm, Hilton

The Committee considered a report of the Senior Planning Officer regarding an application for the conversion of farm buildings to 5 dwellings, the demolition of farm sheds to the rear and construction of 4 dwellings with garages and associated works at Hilton Hall Farm, Hilton (for copy see file of Minutes).

T Burnham, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial view of the site, various photographs of the site, site layout plan and elevations of barn conversions and the new builds.

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

The Senior Planning Officer informed the Committee it was proposed to amend Condition 4 of the proposed permission to remove the words 'highways adoption compatible'.

Councillor Richardson, local Member, informed the Committee that some aspects of the application did not fit with the village of Hilton and the area of Teesdale. Local residents had expressed concern, particularly at the four dwellings proposed at the rear of the site which would be glass faced, face south towards Reeth and Richmond and would reflect sunlight. These proposed dwellings were of a contemporary design which would be out of character with the surrounding area. Hilton was a small hamlet or village of only approximately 20 residents all of whom were concerned by this application. The only element of the application of concern was that proposed for the rear of the site which did not fit with the area. The road

from the village to Morton Tinmouth and Bolam was single track and there was concern about the extra traffic the development would generate. Councillor Richardson **moved** that the application be refused on the grounds that the design did not fit the amenity of the area nor the character and appearance of the area.

The Principal DM Engineer informed the Committee that the development would generate 1 extra traffic movement every 10 minutes and this was not considered to be a sustainable highways objection.

The Senior Planning Officer informed the Committee that discussions had taken place with the applicant following the submission of their initial plans which were not considered to be appropriate as they proposed a more urban type of property. The plans now were more contemporary and the approach was supported by officers. There would be a degree of recess on the glass façade.

Councillor Clare informed the Committee that while he agreed the development was in danger of being intrusive, attempts had been made to mirror the form of the building already there in terms of shape.

Councillor Atkinson informed the Committee that it was a subjective view that the proposed development would not fit in with the Teesdale area.

Councillor Shuttleworth supported the views put forward by Councillor Richardson as the local Member. He considered that the views of the local Member were paramount and agreed that the proposed development would not fit with the Teesdale area. Councillor Shuttleworth **seconded** refusal of the application.

Upon a vote being taken the motion was **lost**.

Moved by Councillor Atkinson, **Seconded** by Councillor McKeon and

Resolved:

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

d DM/17/03729/FPA - Land To The North Of Graveyard Copthill, Cowshill

The Committee considered a report of the Planning Officer regarding an application for the conversion of a redundant building to holiday accommodation, including an extension to the north, on land to the north of Graveyard Copthill, Cowshill (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation of the application which included a site location plan, aerial view of the site, various photographs of the site, proposed site plan and plans and elevations.

Councillor McKeon left the meeting.

Councillor Shuttleworth, local Member informed the Committee that he was pleased to see the conversion of a redundant building and **moved** approval of the application.

Councillor Martin in **seconding** approval of the application agreed with Councillor Shuttleworth, adding that the development would bring tourist benefits to the area.

Resolved:

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