

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Thursday 21 June 2018 at 1.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors J Atkinson, D Bell, L Brown, J Clare (Vice-Chairman), G Richardson, L Taylor, K Thompson, F Tinsley, S Zair and R Manchester

Also Present:

Councillor R Manchester

1 Apologies for Absence

Apologies for absence were received from Councillors Chaplow, Huntington, Liddell and McGaun.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest (if any)

There were no declarations of interest.

4 The Minutes of the Meeting held on 19 April 2018

The minutes of the meeting held on 19 April 2019 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined;

The Chairman amended the order of business to consider item no. 5b) first.

6 DM/18/00999/FPA - Land To The East Of Hauxwell Grange, Marwood, Barnard Castle

The Committee considered a report of the Planning Officer regarding an application for the erection of agricultural storage building on Land to the East of Hauxwell Grange, Marwood, Barnard Castle (for copy see file of minutes).

The Principal Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, elevations, site layout and photographs of the site.

Councillor R Bell, local Member had submitted a statement to be read on his behalf during the meeting. He referred the application to Committee as he was seriously concerned about the potential use of the building to house livestock. Although a condition had been included to prohibit housing livestock, Councillor Bell considered that the Council should not take on the burden of enforcement, under the circumstances.

The site was in close proximity of Hauxwell Grange which would be dominated by the new building and Councillor Bell considered there were other more suitable locations for a machine storage facility which would not inconvenience the applicant. He referenced the economic impact and loss of holiday cottage bookings, should the application be approved and considered this to be far greater than any detriment to the applicant should permission not be granted.

Councillor Bell confirmed that the design of the building and its materials were of a construction more suitable for livestock. The building consisted of five opening steel gates and internal compartments which he described as bays. In his opinion the design of the building was to segregate animals by age or gender. He asked the Committee to reject the application it was designed to house livestock and needlessly close to residential properties.

Mr Pearson was the owner of Hauxwell Grange, a residential property with two attached holiday cottages. He stated that the applicant had a large area of land with alternative and more suitable sites for a large building. The applicant lived over two miles from the site and there was an existing access gate to the field which would provide a much safer entry point, on a road with much less traffic. Mr Pearson confirmed that the close proximity of Hauxwell Grange would provide the building with additional security and associate the two properties. There were other buildings being constructed in the area which were closer to their respective farm houses, much smaller by comparison, between 50 and 200m from the road, and built using traditional local stone. He referred to the revised drawings submitted and agreed that the construction was being built to a specification for housing livestock. The existing building was currently used once a year for shearing and he considered that even with a condition attached, this building could be used in future for animals.

If the application was approved, the house would be dominated by the new building and its visual impact could be detrimental to the success of the attached holiday cottages. He confirmed that all of the issues raised could be avoided by repositioning the building to a more appropriate site.

The Principal Planning Officer confirmed that the application had been made on the basis that the building was not to house of livestock, a condition had been included to ensure that there was sufficient control on the future use of the building.

The Chairman referred to Councillor Bell's interpretation of the drawings and asked for an elaboration on the design of the building. The Principal Planning Officer advised that the sections or bays referred to by Councillor Bell signified the frame of the building. He could not confirm why the applicant had chosen to have five doors or the reason for the construction materials, however he reminded Members of the restriction, giving sufficient control against the housing of livestock.

The Chairman referred to the issues raised regarding an alternative access into the field from a different road and the Principal Planning Officer confirmed that the operational needs of the farm was not questionable when considering an application and reminded Members that no Highways objection had been received. Councillor Atkinson added that neither Planning Officers or Members of the Committee could consider alternative locations or access routes.

In response to a question from Councillor Richardson the Principal Planning Officer confirmed that the dilapidated building in the adjacent field may be owned by a family member of the applicant.

Councillor Thompson queried whether the building could still be used to house livestock on a casual basis. The Principal Planning Officer confirmed that it was strictly prohibited by the proposed condition.

Councillor Clare referred to the objectors statements and confirmed that although they had raised some valid points, there was nothing to suggest that the application should be refused on planning grounds. The design of the building was not a matter for the Committee, nor was the location or access. In the absence of a highways objection, the Committee had to consider how dominating the building would be. He confirmed that on a site visit earlier in the day, Members had marked out the foundations and he did not deem it to be excessively large. In relation to the objections raised about the potential loss of holiday cottage bookings, Councillor Clare suggested that it would be reasonable for visitors to expect to see the presence of farm buildings in a Countryside location. He reminded Members that the condition explicitly prohibited the housing of livestock and he therefore moved that the recommendation be approved.

In response to a question from Councillor Tinsley, the Principal Planning Officer clarified that the doors were full height gated steel.

Councillor Atkinson seconded the recommendation to approve.

Resolved

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

7 DM/18/00966/OUT - Land To The Rear Of West Terrace, Billy Row

The Committee considered a report of the Senior Planning Officer regarding an application for 5 no. dwellings all matters reserved except access at Land to the rear of West Terrace, Billy Row (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site layout and photographs of the site.

In response to a question from the Chairman regarding an objection relating to the collection of refuse and recycling, the Senior Planning Officer confirmed that there would be no need for bins to be placed at the bottom of the access lane. The refuse and recycling team had agreed to provide one large industrial size bin, which would service all five properties. The Council would collect the bin from the top of the lane it would be loaded onto the wagon, emptied and returned.

Local Member, Councillor Manchester confirmed that there were a number of concerns regarding the access route. The agreed waste collection identified that it was not possible for a refuse vehicle to collect waste and therefore it would not be possible for emergency services access.

The lane was unable to meet adoptable standards and the report referred to access for five properties, not including the property on West Terrace. Councillor Manchester asked the Committee to reject the application.

Local resident, Mr Sewell confirmed that he did not object to the application in principal as the applicant was attempting to maximise the value of his land, but he did object to the proposed access route. The main access to the North of the field had been blocked due to the erection of another property and the lane was not wide enough for a vehicle and a wheelchair user or pedestrian to pass.

The length of the lane was not insignificant at 37m from the gate to the road and should the houses each have four bedrooms, there could be 15 cars plus delivery or service vehicles, and cars driving in opposite directions would create queueing. Mr Sewell suggested that legally there should be 3.7m between kerbs as a minimum for a fire appliance. Walls had already been damaged by vehicles and he considered that because of the width of the lane and the inability for it to meet adoptable standards, the application should be refused.

Mr Dolphin, local resident and owner of the abutting property, The Old Chapel, confirmed that the applicant had previously approached him to knock down the wall and bathroom of his property. This was for an application for 28 houses and he questioned whether there would be a further application for more houses, should this application be approved. He had lived in his property for 30 years and planted flowers in the lane which would all be destroyed should the lane be tarmacked from wall to wall. Mr Dolphin questioned why the lane was the preferred access route and suggested that an alternative route to the South West of the land be considered.

The Agent, Dr Lang, spoke on behalf of the applicant and confirmed that the access would not be the narrowest in the County. There were lanes as narrow as 2.85m and considered that a lane of 3.7m at its narrowest was sufficient for emergency vehicular access. He referred to the width of a standard garage door at 2.2m, in order to put the width of the road into context. This road at its narrowest had an additional 1.5m which was ample for pedestrians and wheelchair users to pass

alongside vehicles, and with regards to visibility he confirmed that applied caution at the junction was likely to make it safer. When considering the transport infrastructure, the NPPF was clear that a reason for refusal needed to be associated with severe cumulative impact, which could not be identified in this case.

Dr Lang referred to a dispute over the ownership of the lane and although he acknowledged that it was a civil matter, he had a copy of the title deeds as confirmation that the lane was owned by the applicant. He referred to the alleged damage to walls and confirmed that this was a civil matter and not something that could be considered by the Committee.

Dr Lang confirmed that the proposed development would meet the demand for bungalows and eliminate the continued anti-social behaviour. He asked the Committee to approve the application as per the recommendation in the report.

In responding to the issues raised regarding the width of the lane, the Planning and Development Solicitor confirmed that building regulations were not considered as part of the planning process and Highways were satisfied that the access was safe. With regards to the constraint of five dwellings, this was primarily related to access and therefore should the applicant manage to attain a wider access route through the purchase of land, there could be future applications. However this was not something that could be considered as part of this decision, neither was the dispute of ownership or the issues regarding the flowerbeds.

The Chairman asked for more information relating to bin collection and the Senior Planning Officer confirmed that refuse services had confirmed that waste collections could take place without the need for bins to be left on the road or village green. Two commercial waste bins would be provided and stored on the site. A refuse strategy and bin storage area was conditioned.

Councillor Thompson had concerns related to drainage should the lane be tarmacked and he also considered the waste strategy problematic and could set a precedent. He queried the position of the Council with regards to the five year housing land supply.

The Planning Development Solicitor confirmed that there was no certainty around the five year housing supply as in the absence of a County Durham Plan, there was no methodology in place to demonstrate one. He also confirmed that it was not advisable for the Committee to suggest alternative waste collection strategies as the refuse and recycling team had devised it and were best placed to do so.

Councillor Brown confirmed that reference had been made to the width of the lane as 3.7m however the report referred to it being 3.5m at its narrowest. She also referred to Dr Langs statement that the properties built would be bungalows, as the plans showed family homes and she had concerns with regards to safety should the lane be used by children to walk to school.

Councillor Tinsley considered the principal of development did exist and observed that the access was wide enough to accommodate emergency vehicles. He did have concerns regarding delivery trucks as the road may not be wide enough to

accommodate a vehicle turning. Overall he considered the access to be inadequate, but not enough to warrant refusal.

Councillor Clare referred to drainage constraints and noted that there should be no more surface water runoff on brownfield land. When considering the lane was approximately 4m x 37m long and on an incline he queried the potential impact on the village green should it be tarmacked.

The Planning Development Solicitor confirmed that those issues were veering into reserved matters and confirmed that Northumbrian Water would approve an appropriate drainage scheme as conditioned in the report.

Councillor Richardson did not approve of the access and did not consider drainage would be sufficient in a torrential downpour. He also queried the access arrangements with regard to the small paddock at the north west of the field. The Senior Planning Officer confirmed that he was unaware of the exact access arrangements, however access to the remaining paddock would likely be from a field gate in the corner of the development site. He confirmed that the site was on a hillside and runoff could be expected, however any techniques to alleviate the impact would be dealt with through a planning condition requiring drainage details which was included.

Councillor Richardson requested that Dr Lang be more considerate when advising of legislative process and reminded him that the decision rested with the Committee.

Councillor Atkinson confirmed that although the access was inadequate, there were no grounds to refuse the application and moved the recommendation to approve.

Councillor Clare noted that a detailed drainage plan would be agreed at reserved matters and seconded the recommendation to approve.

Resolved:

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

8 DM/17/02818/FPA - Land At Redworth Road, Shildon

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 40 dwellings at Land at Redworth Road, Shildon (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site layout and photographs of the site.

In response to a comment from Councillor Thompson regarding the maintenance of areas of public open space, the Planning Development Solicitor confirmed that a standard condition had been added, but it ensured that a further application would be submitted and dealt with under delegated powers.

Councillor Brown considered that the operational hours on Saturdays could cause some inconvenience and Councillor Tinsley commented that in the absence of a specific reason the Council would have to be consistent across all developments. He seconded the recommendation to approve as per the conditions outlined in the report.

Resolved:

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

- Provision of 10% affordable housing equating to 4 units;
- £82,280 for improving offsite open space and recreational provision
- £26,000 for biodiversity enhancements

And subject to the conditions as outlined in the report.

9 DM/18/00827/FPA - Wear Referrals Veterinary Hospital, Bradbury

The Committee considered a report of the Senior Planning Officer regarding an application for the extension of the existing veterinary hospital to provide additional consulting, treatment and educational space and provision of additional visitor and staff car parking with associated landscaping (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site layout and photographs of the site.

Councillor Richardson confirmed that he had no objection to the proposal and moved that the recommendation be approved.

Councillor Clare commented that the current roof of the building was in a very poor state and needed to be watered in order to maintain its condition.

Councillor Atkinson seconded the recommendation.

Resolved

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

- £8,300 for biodiversity enhancements to be used towards offsite grassland creation and its future maintenance at Hardwick Country Park and associated land.

And subject to conditions outlined in the report.