

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Thursday 19 July 2018 at 2.00 pm**

### **Present:**

**Councillor H Nicholson (Chairman)**

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

Councillors J Atkinson, L Brown, J Chaplow, J Clare (Vice-Chairman), E Huntington, M McGaun, G Richardson, J Shuttleworth, L Taylor, K Thompson, F Tinsley, S Zair and M McKeon (substitute for D Bell)

#### **1 Apologies**

Apologies for absence were received from Councillors D Bell, K Liddell, and J Maitland.

#### **2 Substitute Members**

Councillor M McKeon was present as substitute for Councillor D Bell.

#### **3 Declarations of Interest (if any)**

There were no declarations of interest.

#### **4 Minutes**

The minutes of the Meeting held on 21 June 2018 were agreed as a correct record and signed by the Chairman.

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

#### **6 DM/17/03250/VOC - Deneside Lodge Park, Wolsingham, Bishop Auckland**

The Committee considered a report of the Senior Planning Officer with regards to an application for the removal of a holiday occupation condition to allow permanent residential accommodation for over 55's at Deneside Lodge Park, Wolsingham, Bishop Auckland (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.

The Chairman considered a request to speak from the Agent, who had missed the registration deadline and advised that he would not exercise his discretion in favour of allowing him to speak as this would not be fair to those who had been previously denied in the past, for similar reasons. He reminded the Agent that his circumstances were not such that he was prepared to waive the notification period and he also confirmed that he would not consider a request to defer the application.

Councillor Shuttleworth confirmed that the application site was within his ward and asked the Chairman to reconsider the request to speak, however this was denied. The Solicitor confirmed that the Protocol was clear that this was a matter for the discretion of the Chairman and he had made his decision.

Councillor Clare queried whether Councillor Shuttleworth was attending in support of the application, referring to his reason for referring it to Committee by citing the need for housing development in Wolsingham. Councillor Clare was concerned that there could be an element of pre-determination and suggested that if Councillor Shuttleworth was in support of the application, he ought to declare an interest in the item and withdraw from the meeting. Councillor Shuttleworth confirmed in response to advice from the Solicitor that he was in attendance as a Member of the Committee and despite the issue raised, he had attended with an open mind and would therefore not be declaring an interest.

Councillor Shuttleworth went on to confirm that the site was in a sustainable location, a five minute walk from Wolsingham town centre and he reconfirmed the need for houses in the area.

Councillor Clare agreed that the site was in a sustainable location, however he suggested that the former application should have been for housing and not holiday cottages. The criteria for the assessment of housing applications was very different to holiday chalets and by removing the condition the Committee would be potentially allowing a housing development which did not meet road, drainage and sewage standards. Councillor Clare suggested that any number of applications could come forward with the same intention and although all applications were judged on their own merit, the issue of precedent in this case could not be ignored. He confirmed that an 11 month rule of occupancy was the minimum which should be insisted upon. He moved that the recommendation be refused as per the reasons outlined in the report.

The Principal Planning Officer confirmed that the condition did not impose a rule of 11 months, the condition potentially allowed 365 days accommodation, however the condition offered protection from being permanent accommodation and therefore anyone who resided on the site with no private residence would be in breach of the condition.

Councillor Chaplow considered an application for permanent accommodation for over 55's was welcome as most new homes were built for young people.

Councillor Tinsley considered the shortage of housing in Weardale, however his concerns were that if the original application had been for housing, it would not have been granted approval. Should the Committee approve this application, the

economic benefit of the existing development would be lost and in terms of the housing shortage, alternative sites were available. The units were situated on a flood plane and this was much more significant should they become permanent residences, especially with regards to older people. He noted the request for the application to be deferred, but as the principle of the development was in issue, he did not think that a deferment would change that, and he concluded that it was not appropriate to support a housing development on this site.

Councillor McKeon agreed that although the application would free up homes in the area for the younger generation, it was not a well supported proposal for permanent residency.

Councillor Huntington had concerns that as people age, they may find they have problems living in this type of accommodation.

Councillor Atkinson supported the Officers recommendation and seconded the motion to refuse the application.

Councillor Richardson lived close to the area and agreed that there was a need for homes for the elderly, however even if the Agent had been given the opportunity to speak, he did not think that could change his view that there were no reasons to support approval.

**Resolved:**

That the application be ~~approved~~ **REFUSED** for the reasons outlined in the report.

\* Amendment agreed by the Committee at the meeting on 20 September 2018

**7 DM/18/01388/FPA - Land to Rear of Heather Cottage, Snaisgill, Middleton-in-Teesdale**

The Committee considered a report of the Assistant Planning Officer with regards to an application for a detached double garage, including associated change of use, hardstanding and alterations to stone boundary walls on Land to the rear of Heather Cottage, Snaisgill, Middleton-in-Teesdale (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 written statement which was read to the Committee. He was in support of the application and confirmed that the original application had been improved at some cost, to address previous concerns. He did not consider the application would adversely affect the AONB as it was in a secluded area and only visible from an access lane and it had been designed with appropriate materials. It would enable cars to be parked off the lane which would improve access for neighbours and emergency services.

Councillor Henderson, local Member, confirmed that he had visited the site and viewed the plans and there would not be much difference in terms of what was already on site. The applicant wanted to retain a lot of the trees and there would be no detriment to the view or the AONB. There was only one parking space on Snaisgill Road and this application would ensure the area was improved.

The Applicant, Mr Ingall, spoke in support of the application and gave background to the purchase and restoration of the house. He confirmed that he had a shared drive and there was an urgent need for additional parking as it was often blocked and if visitors called, that impacted on neighbours. He had consulted neighbours, before employing an Agent and also engaged with a tree specialist to minimise the impact of the development. Residents were in favour of the plans as the application would enhance the neighbourhood.

The Agent, J Lavender, confirmed that in November when the original application was refused, the reason cited was that it would cause harm to the landscape of the AONB, which was not the intention of the Applicant, who had relocated to live in the area because of its status. The intrusion referred to in the report was an area of scrub which the Applicant intended to purchase to erect a garage. Any intrusion had been reduced and an arboricultural report had been produced to ensure the appropriate protection of trees. The arrangement of the development was the easiest with regards to manoeuvring and provided other parking spaces. There was no impact on the AONB and no objections from the Landscape Officer. The issue, in his opinion, boiled down to a wholly subjective assessment of the impact of the angle of the building. Mr Lavender advised that there had been no consultation response from the AONB partnership and should the Officers advice have been taken, the position of the garage would have reverted back to the previous location that was refused. This application was the most practical and workable solution and he suggested inaccuracies in the report.

Councillor Shuttleworth advised that the guidelines for development within an AONB were not compulsory and there was no problem with the design of the building. He moved a recommendation to approve the application, against the Officers recommendation.

Councillor Richardson referred to the photographs of the site and confirmed that there was clearly not enough room for two vehicles to pass in the lane. The area had been established before the use of motor vehicles and considering the development of technology since the erection of the cottage, he considered that the application should be approved. He seconded the recommendation to approve.

Councillor Tinsley queried whether the issue of alignment was discussed prior to the application submission and asked for comments from the Principal DM Engineer, who advised that the orientation of the building was to facilitate practicality of manoeuvring, however an alternative angle would make no difference. He referred to comments made regarding the rural location and confirmed that additional parking in the area was desirable and therefore there was no objection to the proposal from Highways.

The Principal Planning Officer confirmed the dimensions of the building to Councillor Tinsley who confirmed that the size of the building was such that it was restricted as a garage and there could be no possibility of the building being put to a different use. Councillor Tinsley then questioned the rationale behind disregarding the advice of the Planning Officer with regards to the orientation of the building. He explained that it was the character of the AONB for buildings to be orientated either parallel or perpendicular to each other. The proposed building was disjointed to the other buildings and he agreed with the conclusion in the report and moved the recommendation to refuse.

Councillor Atkinson confirmed that he was also surprised that there were no objections other than the orientation of the building, although he did not see it causing much harm and he noted that the Applicant had went to a lot of trouble to mitigate the reasons for refusal since the previous application.

Councillor Clare confirmed that the principle and design of the development was accepted, however, that was only part of the proposal and the layout and overall scale of the development was questionable and it was clear that this was the only reason for refusal. He could not agree with those who wanted to overturn the Planning Officer's recommendation as the Committee had a role in protecting the AONB. He agreed with Councillor Tinsley and he also questioned the rationale behind the Applicants decision to stick with the layout proposed. He asked the Committee to consider deferment of the application as this would enable the Applicant to liaise with the Planning Authority and revise the plan with the intention of it having approval granted.

Councillor Tinsley removed his proposal to refuse and seconded the motion to defer the application as he considered this to be in the best interests of the applicant.

The Chairman commented that the application was contrary to purpose of the AONB which was to conserve and enhance the area.

Councillor Shuttleworth noted that the Committee were under no obligation to accept the AONB guidelines and the Framework did not include any specific reference to AONBs in the NPPF and the Teesdale Local Plan Policies had expired.

The Solicitor confirmed that there was a motion to approve the application which had been seconded, but as there was also a motion to defer which had also been seconded, it would be sensible to consider the proposed deferment first. Members debated whether the proposal to defer the application should be considered first. Councillor Shuttleworth was of the view that it should not, whereas Councillor Clare thought that it should. Councillor Clare explained that if the motion to approve was lost, then the application would be refused which would mean that the applicant would have to go back to the original application process.

Councillor McGaun felt that there was no solid reason for refusal and considered the building design and materials sympathetic to the area, however he queried the reason for the angle of the building.

Councillor Zair requested that the Agent be allowed to confirm the reason for the design of the building and why the Officers advice regarding the angle could not be taken.

Mr Lavender confirmed that the position of the building would allow the easiest manoeuvrability, however he advised that the suggestion of reverting back to the Officers preferred position was more intrusive and an additional 4m into the Countryside.

The Chairman having indicated that he would take the approval motion first, a vote was taken on that motion, which was lost and it was therefore;

**Resolved:**

That the application be REFUSED for the reasons outlined in the report.

**8 DM/18/01379/FPA - Land at Hunter Terrace and Tennyson Road, Chilton, Co Durham**

The Committee considered a report of the Senior Planning Officer with regards to an application for 16no. affordable dwellings on Land at Hunter Terrace and Tennyson Road, Chilton (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, elevations, site layout and photographs of the site.

He confirmed that Local Member Councillor Potts could not attend the meeting but had expressed her support via email.

Councillor Shuttleworth moved the recommendation to approve and it was seconded by Councillor Richardson.

**Resolved:**

That the application **APPROVED** subject to the completion of a Section 106 Obligation to secure the retention of 2no. affordable units in perpetuity and the conditions, as outlined in the report.

**9 DM/18/01469/AD - Land North East Of Stockton Road, Sedgefield**

The Committee considered a report of the Senior Planning Officer with regards to an application for Non illuminated pole mounted sales sign (retrospective) on Land North East Of Stockton Road, Sedgefield (for copy see file of minutes).

The 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 Carr, representing Sedgefield Town Council objected to the erection of signage and cited a previous application on the site for housing which had been refused and appealed. He referred to the reasons for refusal which had been cited by the Planning Inspector and considered the sign to be inappropriate for the same reasons. There were already signs erected upon entrance to the site and some signs attached to lampposts to advertise. This application was for a sign near a junction where there had been road fatalities in the past and he was surprised that there had been no objection from Highways. He considered that should the application be approved there could be other signs erected for other development currently going on in the area and confirmed that Sedgefield Town Council objected to the proposal. Councillor Carr indicated that he wished to refer to photographs which were not included in the Officer's presentation. Initially he was advised that it was not possible to produce new material during the meeting, however the Planning Officer confirmed that the photographs had already been submitted by the applicant as part of the application and was therefore given the opportunity to circulate the photographs to Members.

The Principal DN Engineer confirmed that these type of signs were commonly erected adjacent to the Highway Network and their existence was to attract attention to new developments. However, he was of the view that there was no basis for saying that this sign would be detrimental to highway safety just because of its prominence and that a highways objection would not be sustainable.

Councillor Brown referred to the length of time advertisement consent is granted for and the request from the Town Council to issue a reduced period of 3 years and enquired how long the sign had been up for. The Planning Officer confirmed that the standard issue was 5 years however the Applicant had indicated a period of 6 years be issued and confirmed that the sign had been in place since April 2018.

Councillor Tinsley suggested that it was usual for a developer to seek to advertise their development and it was not unreasonable to expect that, there was no Highways objection, the sign was on private land, set back from the road, and there was no impact on amenity as there were no residential properties nearby. He referred to the Town Councils reference to the Planning Inspectors comments and clarified that this was with regards to a housing development and not the erection of signage. He did note the date from which the sign had been erected without consent and suggested the amendment of the timescale condition to ensure the developer did not gain one additional day over 5 years from when the sign was erected. He therefore moved that the recommendation was approved subject to a condition which granted a period of consent for 4 years and 9 months only.

The recommendation was seconded by Councillor Brown who commented that the developer would have knowledge of the regulations for planning consent with regards to signage.

**Resolved:**

That the application be **APPROVED** subject to the conditions outlined in the report and to condition no. 7 being amended as follows;

This consent shall be valid only for a period of four years nine months from the date hereof. At the expiration of that period the advertisements referred to in Part 1 shall be removed within 14 days and the site shall be reinstated to the satisfaction of the local planning authority.