

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Thursday 20 September 2018 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors J Atkinson, D Bell, L Brown, J Clare (Vice-Chairman), E Huntington, J Maitland, G Richardson, F Tinsley, S Zair and H Smith

Also Present:

Councillor H Smith

1 Apologies for Absence

Apologies for absence were received from Councillors J Chaplow, K Liddell, M McGaun, J Shuttleworth and L Taylor.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest (if any)

Councillor Richardson declared an interest in item no. 5a) Former Garden of 23 High Green, Gainford as his reasons for referring the item to the planning committee may be construed as an element of pre-determination. He confirmed that he would leave the room for the debate and determination.

4 Minutes

The minutes of the meeting held on 19 July 2018 were agreed as a correct record and signed by the Chairman subject to the following amendment to the resolution of minute no. 6;

‘That the application be **REFUSED** for the reasons outlined in the report’.

5 Applications to be determined

a **DM/18/02246/FPA - Former Garden Of 23 High Green, Gainford**

The Committee considered a report of the Senior Planning Officer with regards to the (resubmitted) application for the erection of a detached dwelling at the former garden of 23 High Green, Gainford (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. A site visit had taken place earlier in the day.

Parish Councillor S Platten, spoke on behalf of Gainford and Langton Parish Council and supported development on the site. He referred to the comments from Highways regarding the insufficient visibility splays and confirmed that there were already 12 similar access routes to the east and west of the site which should be given due consideration when determining the suitability of the access. A neighbourhood plan was in the late stages of development and although not yet formally adopted, it was particularly supportive of the development of brownfield sites. He referred to the loss of commercial properties in recent years and considered the viability and growth of the village was of upmost importance and therefore the development should be supported.

Councillor Richardson confirmed that he agreed with the statement made by Councillor Platten and had nothing further to add. He left the Council Chamber for the rest of the debate and determination of the application.

H Deakin, a resident from one of the neighbouring properties, spoke on behalf of a number of local residents and in objection to the proposed dwelling. She confirmed that the site was not brownfield land and regardless of the planning history, this was a new application. A property with five bedrooms would be oversized for this plot and overpowering. It was too close to the boundary walls and would overlook and dominate the existing properties. With regards to car parking she confirmed that there was not enough room to turn a vehicle and this would result in vehicles having to reverse onto the highway. Neighbours were keen to support development in the area and would not object to a proposal if it was appropriate, however a property of this design and scale would have an adverse effect on the area. The site was currently an eyesore, but this could be mitigated by the reinstallation of the gates. With regards to road safety, the A67 had a 30mph speed limit but there were no speed reduction schemes in place and the road was used by traffic as an entrance to the A66. The access was directly opposite a fish and chip shop and the safety of the school crossing patrol would be compromised by the proposed access route. Existing residents preferred not to use their current vehicle access and tended to park at the front of the properties. Ms Deakin referenced previous refusal for the development of the and previous objection from Highways Officers and suggested that if the application was approved, the potential for an accident would increase. Finally, residents supported the officers recommendation and requested the Committee to refuse the application.

The Chairman asked Officers to respond to the issues raised with regards to the separation distance between the proposed dwelling and Hazel Grove, and the Highways objection as outlined in the report.

The Senior Planning Officer confirmed that there were a range of windows to the southern elevation of the proposed dwelling which at its closest point would be 4.5mtrs from the boundary with Hazel Grove. The proposal would harm the living conditions of adjacent residents at Hazel Grove due to loss of privacy and an oppressive impact. The issues with regards to the design of the house had been raised with the applicant in 2017 following delegated refusal and despite the advice given by planning officers at the time, a resolution had not been reached.

The Principal Development Engineer confirmed that the highway adjacent to the site had a flow of approximately 6000 vehicles per day, with the average speed being slightly above 30 mph. Despite the planning history and the existing vehicular access to nearby properties, the application had to be determined on its own merits and on standards relating to the current road network and not what may have been acceptable years before. He referred to the comments made with regards to the existing access routes and confirmed that ultimately road safety could not be compromised. Road safety was the basis of the objection and in this case, was a strong enough reason to warrant refusal.

Councillor Clare confirmed that he agreed with the points raised by Councillor Platten with regards to the sustainability and growth of rural villages, however he could not agree with the suggestion that the Committee should disregard the road safety implications due to the existing vehicle access routes. Highways had stated that visibility splays were inadequate and having attended the site visit earlier in the day, Councillor Clare confirmed that the road was a dangerous place to park a vehicle and the footpath was not wide enough for a vehicle to exit the site safely. All of the previous applications had made reference to highway safety concerns and this was a valid reason for refusal. Councillor Clare therefore moved the Officers recommendation to refuse for the reasons outlined in the report.

In response to a question from Councillor Zair, the Senior Planning Officer confirmed that the site was greenfield. Councillor Zair therefore seconded the recommendation to refuse.

Resolved:

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

6 DM/18/01047/FPA - Land To The North Of Moor View Cottage, Ovington

Councillor Richardson returned to participate in the remainder of the meeting.

The Committee considered a report of the Senior Planning Officer with regards to the (resubmitted) application for the erection of 1 no. dwelling and garage at land to the north of Moor View Cottage, Ovington (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. A site visit had taken place earlier in the day.

Parish Councillor J Parkes, spoke on behalf of Ovington Parish Council and in objection to the development. It was unclear who had ownership of the verged area adjacent to the site but it was maintained by the Parish Council. Ovington was a small hamlet which had not been subjected to development, it had been limited mostly to conversions or extensions. The proposed dwelling would be oddly prominent and disrupt the harmony of the surrounding area. The access had been designed to a standard which could leave the field vulnerable to future development and she reminded the Committee of a previous failed application for five dwellings. Councillor Parkes expressed concern that the developer had, in her opinion, prevented a potential fire escape route from the Village Hall by padlocking the field

gate. There was no footpath to the lane which was frequented by elderly residents and children, and she suggested an alternative construction access and a construction plan, which would minimise disruption and prohibit vehicles from using the verges. She also made reference to the garage encroaching beyond the settlement boundary.

The Agent, Dr A Lang, spoke on behalf of the Applicant and addressed the Committee in support of the application. In responding to the issues raised by the objector, he confirmed that the verged access to the site was from a public highway and the access was acceptable to modern standards. He suggested that the layout of the lane would lead vehicles to naturally slow their speed and visibility splays were sufficient. There was nothing untoward about the position of the house or the design and the surrounding area had a mixture of properties with no theme and there were no privacy issues. He reminded the Committee that this was not a conservation area and there were no constraints with regards to the design or materials. With regards to the construction period, Dr Lang confirmed that a construction management plan would assist the development of larger sites, but it was debatable whether this application would meet the tests required for implementation. There were no objections with regards to trees, landscape or ecology and the application was considered acceptable to the Senior Planning Officer. The restrictions the objector had raised with regards to parking on the road and accessing the lane could not be taken into consideration, as this was a public highway.

The Solicitor, Planning and Development, confirmed that the land ownership was not a consideration when determining planning applications and a construction management plan should only be conditioned should Members feel like they would refuse the application. She confirmed that it was unreasonable to suggest that an alternative access be used and therefore the Committee should assess the application on the basis of the application submitted.

Councillor Tinsley confirmed that the access to the property was from a public highway, the design and scale was in accordance with the surrounding area and no objections had been lodged by internal consultees. He noted that the highway was a small lane, but this was an application for a modest development of only one dwelling. Councillor Tinsley confirmed that future applications were not something for the Committee to consider and an alternative access was an unreasonable request requiring access over third party land. A construction management plan was unlikely to meet the tests required. He considered there to be no reason to refuse the application and moved the recommendation to approve as per the reasons outlined in the report.

Councillor Richardson confirmed that as a farmer, who had also attended site visit, he had a different opinion. Although this was not a large site, it was greenfield land and development would result in the loss of agricultural land. He considered the property Moor View would be overlooked and the proposed dwelling would be overpowering. He also considered the issues which may arise with regards to accessing the remaining part of the field when the property was build and could not support the Officers recommendation.

Councillor Brown referred to the narrow width of the lane and hoped that should the application be granted, the applicant would ensure contractors were considerate towards existing residents.

Councillor Clare confirmed that he also attended the site visit and having already looked at the street view online, he went with the impression that the property proposed could be overbearing. It became apparent when walking towards the site that this property would not be out of keeping with existing properties. It was also important to note that the Highways Officers were considering the impact of one property and any further development would have to be referred back as a completely new application. Councillor Clare could not see any safety issues with regards to the access - it was on a right angle bend and any vehicle exiting the site had a clear view to both the left and right. The proposed dwelling was not out of scale, it would not be overbearing, and therefore he seconded the recommendation to approve the application for the reasons outlined in the report.

Resolved:

That the application be **APPROVED** subject to the conditions outlined in the report.

7 DM/18/00928/FPA - Oakwell Lodge, Hamsterley, Bishop Auckland

The Committee considered a report of the Senior Planning Officer with regards to the vehicular access and entrance gates (part retrospective) with regards to Oakwell Lodge, Hamsterley (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.

The Solicitor – Planning and Development, confirmed that there was a separate statutory regime which dealt with Village Greens, however she added that it was not uncommon for Village Greens to include access routes and driveways.

In response to a query from Councillor Brown, the Senior Planning Officer confirmed that the applicant intended to reinstate the dry stone wall, with the addition of pillars and an oak entrance gate.

Councillor Clare confirmed that the issue with the Village Green was out of the Committee's remit and move the recommendation to approve for the reasons outlined in the report.

Councillor Richardson confirmed that this was an area in which the Parish Council were fiercely protective of the Village Green. He referred to the modern day reliance on motor vehicles and allowing people to access their own driveways via Village Green would prevent a build up of vehicles parked on the side of the road and he therefore supported the application.

In response to a question from Councillor Tinsley the Senior Planning Officer confirmed that there had been a dispute over land ownership, but there was no issue regarding the validity of certificates as all relevant parties who needed to be made aware of the application had been made aware.

Councillor Atkinson seconded the recommendation to approve.

Resolved:

That the application be **APPROVED** subject to the condition outlined in the report.

Signed.....
Chairman of the meeting held on 18 October 2018