

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Thursday 18 October 2018 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors J Atkinson, D Bell, J Clare (Vice-Chairman), E Huntington, J Maitland, M McGaun, G Richardson, J Shuttleworth and K Thompson

1 Apologies

Apologies for absence were received from Councillors L Brown, J Chaplow, K Liddell, L Taylor, F Tinsley and S Zair.

2 Substitute Members

Councillor O Temple substituted for Councillor L Brown.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 20 September 2018 were agreed as a correct record and signed by the Chairman.

5 DM/17/03751/OUT - Land to The West of Bridgewater Arms, Winston

The Committee considered a report of the Senior Planning Officer with regards to application for 16 no. dwellings all matters reserved, at Land to the West of the Bridgewater Arms, Winston (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.

Parish Councillor J Cook, Winston Parish Council, supported the Officers recommendation. He advised that part of the land included in the plan and proposed as the new access road, did not belong to the applicant. The Parish Council had submitted a retrospective application to claim ownership of the land, having maintained it as a rose bed for 20 years, but there had not been enough evidence to support the application. He referred to other ownership issues relating

to a parcel of land adjacent to the Horse Chestnut Tree, part of which was owned by the Council, but also included within the site boundary. The only access which was owned by the applicant was the field gate, which had recently been removed, along with some fencing. Trees would be lost as a result of this development, which currently screened the village from the main road and acted as a visual attribute.

Councillor Cook referred to a high flood risk and insufficient drainage. The area was prone to flooding, and with only a small culvert beneath the road, was incapable of dealing with excess water. The development would only exacerbate further. The surface water report did not provide any details with regards to the excessive run off which would be created by the development and finally he referred to climate change, which could lead to an increase in the frequency and intensity of flooding.

Councillor Atkinson queried ownership of land which was not registered at the Land Registry and the Solicitor confirmed that the applicant had a duty to certify ownership or serve notice on the owner - if this was not completed, it could impact on the validity of the application.

The Senior Planning Officer confirmed that the applicant had completed a certificate which detailed ownership of the site and served the appropriate notice for other land in question.

Councillor Richardson confirmed that the site was within his electoral division and he would usually support development in the countryside, but not in this case. He moved the recommendation for refusal as outlined in the report and it was seconded by Councillor Shuttleworth.

Councillor Maitland queried whether the maintenance of land over a period of 20 years was sufficient to claim ownership. The Solicitor confirmed that land maintenance did not always quantify for registration of ownership, however he reminded Members of their role to determine what was appropriate land use.

Councillor Thompson did not consider the issue of land ownership to be within the remit of the Committee and it was;

Resolved:

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

6 DM/17/04028/OUT - Land At Holme Farm, Toft Hill, Bishop Auckland

The Committee considered a report of the Senior Planning Officer with regards to application for residential development (up to a maximum of 22 dwellings), including access, with all other matters reserved at Land at Holme Farm, Toft Hill, Bishop Auckland (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.

Councillor H Smith, Local Member, addressed the Committee in objection to the proposal. The report had been summarised well by the Senior Planning Officer; this was the third application, the first and second had been refused for 100 and then 50 houses respectively. The first application was refused and the decision appealed, but this was dismissed by the Planning Inspectorate. Although it had been reduced even further for this application, building in this area would still have significant detrimental effect on the rural landscape, as emphasised by the Planning Inspector in his reasons for the decision.

Councillor Smith advised that there was little infrastructure in Toft Hill and it was already saturated. The local primary school was at full capacity, there was little or no public transport, the GP Surgery was unable to offer appointments, there were no shops and therefore car use was almost mandatory. The development would result in the loss of a layby used by residents for parking and considerably increase parking congestion and despite the scaling down of the development it would still have adverse effects on the highway.

Councillor Smith was unaware of any residents in Toft Hill or Etherley who were in support of the application. Although the applicants statement referred to the provision of 'much needed' housing, she advised the Committee of instances when up to 30 houses across both villages had been for sale at one time, some of which had been on the market for long periods of time. Finally Councillor Smith hoped that the Committee would agree with the Officer's recommendation and refuse the application.

Mr Todd addressed the Committee and confirmed he was a local resident who had developed two miners' cottages which were now rented out. His concerns related to the increased flood risk should the application be approved. He referred to the flooding across the Country in 2015 which had not affected the two properties, however he was concerned that with an increase on the drainage system, they would be affected if it was to happen again.

In response to a request from Councillor Clare, the Senior Planning Officer reassured Mr Todd that if an application for outline permission was approved, there was a strategy in place which ensured a full drainage scheme was detailed following receipt of a reserved matters application.

Councillor Richardson was unable to support this development and moved the recommendation to refuse the application. It was seconded by Councillor Shuttleworth.

Councillor Temple referred to the reference in the report to an appeal decision on 10 May 2018 and the Councils reliance on the Government proposed standardised methodology to demonstrate their position on the five-year housing land supply. He referred to a more recent appeal on 5 June 2018 in which the Planning Inspector had concluded that the Council could not demonstrate a five-year supply of

deliverable housing sites as the methodology used by the Council had not been established in an adopted plan. Councillor Temple queried whether the more latest appeal decision should be referenced in the report and queried whether the Officer was confident in his reliance on alternative reasons for the recommendation.

The Senior Planning Officer confirmed that the site encroached into the countryside and he was confident that the significant adverse landscape effect along with the detrimental impact on highway safety, were sound reasons for refusal. The impact on the landscape outweighed the housing benefit regardless of the five-year housing supply figure. With regards to the housing supply figure, the statistics would be updated annually, starting in July 2019. He confirmed that the Council were confident that there was a six-year housing land supply at this time, but reiterated that this was not a reason relied on for this application.

The Solicitor added that the Council was conscious of the Planning Inspectorate's decision in June 2018, but disagreed with their reasoning and although future reports would still make reference to the housing land supply, in this case the Planning Officer had demonstrated alternative reasons for refusal.

Resolved:

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