

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Thursday 21 March 2019 at 2.00 pm**

Present:

Councillor J Clare (Chairman)

Members of the Committee:

Councillors J Atkinson, D Bell, L Brown, E Huntington, K Liddell, J Maitland, G Richardson, J Shuttleworth, K Thompson and F Tinsley

1 Apologies for Absence

Apologies were received from Councillors J Chaplow and S Zair.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest (if any)

There were no declarations of interest.

With regards to item number 5a) Land to the north of 4 to 16 Tudhoe Lane, Spennymoor, Co Durham, the Chairman noted that Councillor Thompson was a Member for the Spennymoor area and a Spennymoor Town Councillor, however Councillor Thompson did not feel it necessary to declare an interest on the basis that he had not expressed an opinion on the application and would only make a decision on it following the presentations to the Committee.

4 Minutes

The minutes of the meeting held on 24 January 2019 were agreed as a correct record and signed by the Chairman.

Prior to business, it was with great sadness that the Chairman reported the death of the former Chairman, Councillor Henry Nicholson, a valued and respected Member of the Committee.

6 DM/18/03610/FPA - Land to the north of 4 to 16 Tudhoe Lane, Spennymoor, Co Durham

The Committee considered a report of the Senior Planning Officer with regards to an application for 3 no. dwellings on Land to the North of 4 to 16 Tudhoe Lane, Spennymoor (for copy see file of minutes).

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

Councillor Grayson, Local Member, spoke in support of the development. The Applicant had satisfied highway concerns by creating a safe access and there was no impact on heritage as the conservation area was over 130m away and the nearest listed building 200m from the site. The gifting of land to the Church Hall was a one-off and would benefit the whole community.

Councillor Grayson asked Members to consider that he had not received any correspondence from local residents in objection to the plans, but had spoken to some who were happy with the proposal.

The Solicitor – Planning and Development, referred to the gift of land and advised that this was a voluntary contribution and the Committee could not afford any weight to it when considering the decision.

The Agent, G Hodgson addressed the Committee, confirming that the 3 dwellings were proposed homes for the Applicant and his family. He was an existing local resident and as well as being the owner of a local business, he jointly owned the Black Horse Pub and employed 25 people in total.

This application had been ongoing for two years as the Applicant had resolved many issues raised during the application process, before the final proposal had been approved by Planners.

He confirmed that the proposed dwellings were of a contemporary design with locally sourced materials and the design was supported by the Design and Conservation Team. The houses would be constructed using modern, efficient methods and an acoustic survey had concluded with no adverse impact.

The Applicant had mitigated noise concerns by agreeing to pay for works to the Church Hall to create a new access which would lead directly to a community garden on the land which would be gifted.

In response to a query from Councillor Tinsley, the Senior Planning Officer confirmed that the distance between the existing habitable windows and the nearest property was in excess of 21m.

Councillor Tinsley then queried the access arrangements to the field on Tudhoe Lane. The Senior Planning Officer confirmed that the access would remain for field maintenance vehicles only and not be associated with the development. With regards to the access to the South, a condition was attached which restricted vehicles associated with the development.

Councillor Atkinson considered the Applicant had gone the extra mile and produced a quality development which he could not find fault with. In response to a query the Solicitor - Planning and Development, confirmed that it would not be reasonable for the Committee to control the use of the gifted land by condition. He clarified with

the Planning Officer that the change of use of this land was part of the current planning application.

Councillor Thompson confirmed that he was minded to approve the application however had a Highways Officer been present, he would have queried the reason for approval when an access route identical was refused. He confirmed that although he was aware the Committee had to judge each individual application on their own merits, they also gained experience from other applications and this one was particularly confusing given they had the same access issues.

The Senior Planning Officer responded that he could not offer an explanation on the other application, however the fact that no Highways Officer was in attendance was an indication that they were very comfortable with the proposal and did not feel the need to offer any further comment.

In response to a question from Councillor Richardson it was confirmed that the access road was 4.1m wide.

Councillor Clare queried the agreement with regards to the proposed field access from the south next to plot no. 1 and queried what would happen when the house was inevitably sold in the future. The Solicitor - Planning and Development, confirmed that this was a matter of private law and not for the Planning Committee to consider.

Councillor Tinsley summed up the objections from the Town Council as being tenuous, they related to highways and access issues which had been approved by the Highways Officer and were not uncommon in the rest of the County. There was no impact on the Conservation Area, no loss of privacy to the south. The development did not encroach into the countryside, it was surrounded by dwellings on three sides and was backland development with no risk of joining Tudhoe Colliery and Tudhoe Village. Councillor Tinsley appreciated that the significant engagement with Officer's which had resulted in a positive application with benefits. He therefore moved the recommendation to approve the application, seconded by Councillor Atkinson.

Councillor Thompson responded to Councillor Tinsley's comments with regards to the Town Council's objections and said that a representative did intend to speak however, they were not able to attend the meeting due to other commitments. He disagreed that the objections were tenuous – the Town Council had formulated their response after receiving many representations from local residents.

Resolved:

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