

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber - County Hall, Durham on **Thursday 19 September 2019 at 2.00 pm**

Present:

Councillor J Clare (Chair)

Members of the Committee:

Councillors J Atkinson (Vice-Chair), D Bell, L Brown, J Chaplow, E Huntington, G Huntington, I Jewell, J Maitland, S Quinn, G Richardson, F Tinsley and P Jopling

1 Apologies

Apologies were received from Councillors J Blakey, J Shuttleworth and S Zair.

2 Substitute Members

Councillor P Jopling was substitute for Councillor S Zair.

3 Declarations of Interest (if any)

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 18 July 2019 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

6 DM/19/00431/FPA - Land To The North West Of The 68 Cafe, Toft Hill

The Committee considered a report of the Planning Officer regarding an application for the siting of 10 holiday lodges on land to the North West of the 68 Café, Toft Hill (for copy see file of minutes).

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

Councillor Hugill, Local Member, addressed the Committee in objection to the proposal. He considered that should the application be approved it would be a blot on the landscape, which was visible to anyone travelling on the A68. He queried whether sufficient sanitation could be provided in that area as there was no electricity, water supply, or sewerage in the area.

Furthermore there was a well established badger set which would be disturbed. With regards to the sustainability of the site, there was a reliance on vehicular traffic as there were no nearby shops, no footpaths from the site. This would increase traffic flow through the village, which was particularly bad at school drop off and pick up times and furthermore the access to the site was from a road which he did not consider safe due to the speed which vehicles were travelling.

Councillor H Smith, Local Member, objected to the proposed application. Whenever a planning application in the Evenwood Division went to Planning Committee she generally attended to speak and represent the views of local residents. There had been 12 public comments on the planning website, all of which objected to the application and none in support. Other residents had expressed that they wanted to comment on the application, but were afraid to.

The site was on a field outside Toft Hill beside the C33 road running between Toft Hill and Hamsterley. The A68 road was very close by and separated from the site by a small field to the north. The field was in an elevated position and had commanding views of the surrounding countryside and down into Weardale. It was a very beautiful location of high landscape value, very rural in its feel, and it would be seriously adversely affected by the proposed development.

She quoted the Landscape Officer who had confirmed that the introduction of structures, tracks, cars and other paraphernalia was entirely at odds with the character and was visually detrimental not only to the field itself but to the wider landscape in whose context it is seen.

The Campaign to Protect Rural England had objected to the application.

The site was currently grazing land and she frequently saw a number of different species of wild animals and birds in the area, yet no information was provided with the application to show how effects on wildlife could be mitigated.

The field had been the site of mining activity and included a mine shaft within the field boundary, however no mining survey had been submitted and therefore the Coal Authority had fundamental concern to object.

The Environment Agency had also objected due to insufficient information to demonstrate that the risks of water pollution by foul water could be safely managed. The Drainage and Coastal protection department had objected because insufficient information had been given with regards to surface water drainage and the risk of flooding in surrounding areas. The Highways Department had confirmed that insufficient information had been provided to demonstrate safe access to and from the site.

She questioned the use of the site for holidaymakers. The plans are for wooden lodges and a play area and picnic site but there was no reference to a shop or any other amenities on site in the application. There had been no reference to any on-site supervision or site manager and local residents had concerns about the potential for anti-social behaviour.

Toft Hill had very little services, the closest shops were several km away in Bishop Auckland, Evenwood or Cockfield. Without a car it would be very difficult for the visitors to get to any local attractions as the bus service was limited, with no Sunday or Bank Holiday service, and the closest bus stop several hundred metres away.

There was a local pub in Toft Hill but it would be dangerous for visitors to walk to it – the C33 had a speed limit of 60mph and no pavements or no street lighting until the edge of the Toft Hill settlement boundary was reached.

The increase in car traffic through a village that already suffered from significant traffic problems was one of the main objections local people had identified. The applicant had sent a letter to Councillor Smith which stated that his clients would mostly be visitors from abroad and would be met at Newcastle Airport or Darlington station and brought to the site by minibus and therefore a car would not be needed, but he had not explained how they would access services.

The holidaymakers would be only a small field away from the A68 which carried a lot of traffic, with many HGVs grinding their way up the hill in low gear towards Toft Hill. The Environmental Health officer had pointed out that wooden chalets were less effective at screening noise than masonry buildings and that the noise impact on the site was likely to be intrusive.

The local economy of Etherley and Toft Hill would benefit very little from this development, and the detrimental effects on the landscape far outweighed any possible benefits – it would be an inappropriate development in a wholly unsuitable location and she asked the committee to accept the officers' recommendation and refuse it.

The South and West Planning Team Leader confirmed that the reliance on cars to access services was expected with regards to tourism as they tended to be sited in more rural areas.

Mr Ketley, Planning Consultant, spoke on behalf of the Applicant and confirmed that his client had delivered a number of high quality schemes in the North East prior to this application, such as Direct Worktops in Shildon and Darlington Football Club. The proposal was for a small scheme holiday site, 10 log cabins of a very high quality, making a significant contribution to the visitor economy. He confirmed that many of the concerns raised could be addressed by conditions, should the Committee be minded to approve the application.

He referred to a the County Durham Visitor Accommodation Future Study, a report commissioned by the Council in 2012 and the most up to date evidence based document available to the Authority. It identified that there was not currently a large number of holiday lodges in the region and identified that holiday lodges and log cabins were an expanding market and should be supported, especially in the North Pennines and Durham Dales area. The scheme complied with the study as well as the Teesdale Local Plan and the NPPF in supporting rural tourism accommodation.

Mr Reynolds addressed the Committee and made reference to the developments which he had been involved in prior to the application and stated that he had never experienced the problems encountered with this application.

With regards to the noise and disturbance outlined in the report, he considered that the site was sited much further from the roadside than other businesses with planning permission. Mr Reynolds was not satisfied with the process, felt it had been a conspiracy from the beginning and the most difficult planning application he had been involved with, despite the large scale of his previous applications. He also confirmed that he had been advised by the Planning Officer three weeks prior to the meeting, that the application would be refused.

The Chair confirmed that the Planning Officer had to make a judgment, hence the recommendation in the report, but assured Mr Reynolds that the Committee made the final decision based on all of the evidence presented to them.

With regards to the inconsistency noted by Mr Reynolds, the Planning Officer confirmed that the nearby caravan park was exclusive to Caravan Club members and had been certified through a separate process, and Café 68 was of a more substantial construction.

In response to a question from Councillor Atkinson, Mr Ketley confirmed the log cabins would be spacious, and the structure of high quality timber, with a pitched roof.

Councillor Jewell commented on the lack of sufficient information and queried whether the Applicant had been given the opportunity to submit further detail. The Planning Officer confirmed that he had written to the Applicant on 26 June 2019 to request further information, however nothing had been submitted, although the Planning Officer had been involved in further discussions.

In response to a question from Councillor Maitland, Mr Ketley confirmed that there was a mains water supply on site and the electricity was in the process of being secured.

Councillor Huntington was concerned that the Coal Authority had not been satisfied as having a mine shaft on the site was potentially dangerous for children holidaying in nearby chalets.

Mr Ketley confirmed that the site was located in an area which had been classified high risk due to former mine workings and it was recognised that further information would need to be submitted to the Coal Authority to confirm that the site was suitable for development. The groundwork for this proposal, given that it was a log cabin scheme, would require light foundations and would not interfere with previous mine workings and there had been no stabilisation issues in the past, however should the Committee be minded to approve the application, they could add a condition with regards to the submission of a ground stability report to be submitted and agreed with the Coal Authority prior to the commencement of works.

Councillor Tinsley could see why the location would be appropriate to build holiday homes, the site had spectacular views however as well as views off site, there were also views into the site and he agreed with Officers and Local Members that this was a particular problem due to the elevation.

The site was in an isolated location and although there was a local pub a few hundred yards away, there was no access to local shops and services and no pedestrian route off the site.

Councillor Tinsley appreciated the comments with regards to the quality of the scheme, but he would dispute this as in order to determine the quality of the scheme, the information had to be provided to support this and it was clear from Councillor Jewells question that the application did not include satisfactory information even though the Applicant had been given ample time to provide it.

A scheme which has significant impact on biodiversity was by definition not a high quality scheme, and Councillor Tinsley challenged the conclusion that the design was of a high quality. A mono pitch roof was not in his view, not something associated with a high quality log cabin – he would personally describe the design as more like a domestic shed than a log cabin.

In summary he concluded that the proposal had a very significant landscape impact, it was in an isolated location, had questionable access to services, and there were issues with regards to the design of the scheme. Councillor Tinsley proposed a motion to refuse the application as outlined in the Planning Officers report, seconded by Councillor Jopling.

Councillor Richardson confirmed that the reasons to grant this application were not there and as a local, he was aware that it was once a motorcycle scrambling track, then it had been subjected to opencast mineworking's. He begrudged the loss of agricultural land and could not support the application in its current form.

Resolved

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

Councillor L Brown entered the meeting at this point.

**a DM/19/01389/FPA & DM/19/01390/LB - 13 West Terrace,
Staindrop, Darlington**

The Committee considered a report of the Planning Officer regarding an application for an extension to the side/rear of 13 West Terrace, Staindrop, Darlington. Works to include the demolition of an existing extension, relocation of a garden wall, erection of a garage, and a new dwelling and garage within the rear garden (for copy see file of minutes).

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

Ms Mashiter, Clerk to Staindrop Parish Council was in attendance and asked the Committee to consider their objections raised as the following which had been submitted in the report;

The Parish Council objected to the application after having considered both the original and amended plans for the site. The site had poor access from the development on to Moor Road which could cause a major hazard and add to existing congestion close to a key junction road – the road had existing issues with regards to parking. The proposed dwelling was

disproportionately large and out of character with its surroundings. The site was also it was in a Conservation Area.

The planting of trees and hedgerow did not diminish the size of the development and he suggested it be moved from a conservation area or improve the access.

The Principal DM Engineer confirmed that the plans submitted included provision for the access to be widened and would result in it becoming safer than the existing access point. Although he agreed the existing access route was compromised, there had been no accidents recorded whilst it had operated for the existing dwelling. There should be no increase in parking demand on Moor Road as the development had off street parking and in conclusion the development would not cause any hazardous increase.

Mr Sams spoke in objection to the proposal. The proposal was outside of the village boundary where there is presumption against new housing unless relating to agricultural use and on agricultural land. The site was agricultural land not a garden which the plans alluded to. This application was for a house on agricultural land and would share an access with the current property which already suffered from restricted access – most properties on West Terrace had two cars and sometimes three. The area was constantly inundated with parked cars.

Mr Sams was astonished that the Principal DM Engineer had confirmed there had been no accidents as NEAS had attended a serious incident recently in which a person had to be cut out of a vehicle and air lifted to hospital. He also had a letter from the Police which indicated the problems as a result of parking. The junction was an accident blackspot and the proposal would only be further impacted by the addition of more parked vehicles.

The new property was to the rear of a number of a small Grade II listed buildings with strong character in the village. Currently they were subject to a backdrop of open countryside to the rear which made them stand out as heritage assets. The plan submitted showed a lower roof profile claiming the property would not be visible from the road. Mr Sams believed this was misleading – the site previously included a row of mature hedgerow which the Applicant ripped out and the site was now clearly visible from Moor Terrace which was on a higher level to the site.

The public right of way towards the rear of the plot, had unrestricted views and photographs had been submitted to the Planning Officer to demonstrate the prominence of the proposed development.

Mr Sams stated that the listed buildings in front of the new build were only 4.8m high and the proposed dwelling was 2m higher. It was clear that the

proposal would have a detrimental impact on the heritage assets and no exceptional circumstances had been provided. The proposal was against national and local policy and Mr Sams requested the Committee to support the local community and the Parish Council and reject the application.

The Principal Planning Officer confirmed with regards to the settlement boundary as drawn in the Teesdale District Local Plan, the land was technically within open countryside, however settlement boundaries were generally considered out of date and based on time limited information. An assessment was needed on its current form and due to the mature vegetation to the rear and elsewhere within the site, it was not read as an extension to the open countryside. There had been no objection from Councils Landscape or Conservation Officers and with regards to the removal of trees, he confirmed that this did not require planning permission - the site was outside a conservation area and the application had to be assessed on the sites current form.

Mr Willis spoke on behalf of the Applicant. The family had owned the current site for over fifty years and where Mrs Hamilton's Mother lived until she passed away. The Hamilton's lived on a nearby farm with an abattoir and butchers shop and employed 12 people. The proposal would allow them to retire from the business and they would use the current dwelling as a holiday cottage. They had consulted with the individual responsible for the Councils' drive for tourism who had confirmed that this type of accommodation was lacking.

He reiterated the proposal and confirmed that the existing cottage would get much needed refurbishment and the garage and extensions would be removed. The garden wall rebuilt and a new extension in keeping with the period and design of the existing cottage.

The Applicants had consulted with the Councils internal Officers and their Architect had taken all comments on board and refined the design in accordance with their advice. The new home had been designed with natural materials and the alterations to the existing property were in keeping with the character of the Conservation Area.

The new dwelling, whilst a little bigger than the existing cottages, it was in keeping with the character of the village and it was lower in height than both Orchard House and 8 West Terrace, and the footprint smaller. With regards to the privacy distances they far exceeded the required amount. The site was endorsed by mature trees and the boundaries would be planted up even further.

Mr Willis confirmed that the Council had asked to pursue key viewpoints from specific places in front of the existing cottages. The drawings had been

produced by professional topographic surveys, accurate within mm and they showed the cottage would not be seen from the key viewpoints and that the proposal would not be a detriment to the Conservation Area.

With regards to the existing vehicle access, he confirmed that there had never been any accidents at the current access and the Highways Authority had offered no objection and therefore deemed to be safe. Finally, Mr Willis added that this was a highly sustainable location with a wide range of services, and it was not car reliant. Throughout the process a wide range of consultees had been consulted and there had been no objection offered. There were no policy, design or technical reasons to refuse the application and therefore asked for it to be approved.

Councillor Richardson asked for an explanation on why the incident which involved NEAS attendance had not been reported. He advised that he was supporting the views of local people. The application did not meet the criteria of the Parish Plan. The application had first been submitted with unsuitable access and withdrawn. The new application included a widened access, however the plans did not show that this was on a junction. Moor Road joined the main road to Barnard Castle which is why vehicles travelled so fast.

No consideration was given to the impact on the junction to the A688 and the vehicles parked outside of each house on the road towards the junction. The size of the dwelling had been slightly reduced but it still impacted on the Conservation Area – it was outside of the settlement boundary, it was not in the SHLLA and on agricultural land. It had insufficient highway safety and it impacted on visual amenity and he moved refusal of the application.

The Principal DM Engineer confirmed that his assessment was of the access point and the B6279 Moor View. There had been reference to two no. accidents on the junction to the A688 in the past five years. All accidents resulting in injury had to be reported to police recorded on the Police National Computer and he confirmed that one was a rear shunt and the other was a vehicle pulling out onto the road resulting in slight injury. He was unable to explain why the incident involving the NEAS had not been recorded on the PCN. Furthermore, on assessing the increase in traffic from the proposed development, this was calculated at 8-10 trips per day which was not a materially significant number of trips on a junction which had over 500 vehicles passing through per day.

Councillor Tinsley referred to the issues around access, the size of the development, the historical status of a conservation area, however this was backland development which were prone to generate these types of issues. He noted that the site was outside of the settlement boundary, however he felt that the site was a normal extension of the settlement boundary.

Staindrop was a sustainable village and the new dwelling was within the curtilage of the existing Grade II listed building, therefore the impact was minimised. With regards to the width of the access, Councillor Tinsley noted there was significant areas within the site boundary for parking and therefore the additional dwelling was not going to generate any additional on-street parking.

Councillor Tinsley concluded that on balance, there were no significant and demonstrable reasons why the Committee should refuse the application and he therefore moved the recommendation for approval, which was seconded by Councillor Atkinson, however he asked that the Senior Planning Officer to respond to Mr Sams who had made reference to it being against national and local policies.

The Principal Planning Officer confirmed that there was some conflict in that it was outside of the settlement limits and contrary to the Local Plan Policies however the NPPF recognised that settlement limits were out of date in this instance. In conclusion, the development was acceptable and in accordance with the NPPF and in general Local Plan Policies. Although being outside of the settlement boundary, the benefits were found to outweigh any conflict and there had been no objection raised by Design and Conservation or Landscape Officers who had concluded that the development was acceptable in terms of the impact on heritage assets. There were no grounds to sustain a refusal.

Councillor L Brown confirmed that she agreed with Councillor Richardson's concerns about Highway Safety as she was familiar with the junction and of how busy it is, and therefore seconded his proposed recommendation to refuse.

Resolved:

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

7 DM/19/01350/FPA - Land East of Old Granary Farm, Morley

The Committee considered a report of the Planning Officer regarding an application for retrospective application for retention of single dwelling on Land East of Old Granary Farm, Morley (for copy see file of minutes).

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

Councillor H Smith, Local Member, addressed the Committee and described their duty as very difficult, in determining this application. She confirmed that she was in support of this application and hoped it was approved.

She confirmed that there had been instances within her division where someone had wilfully and deliberately built something for which they did not have planning permission, but she did not believe this to be the case with this application and having met the applicants, she was convinced that this was a genuine mistake.

Councillor Smith said that although Members were used to in-depth discussions about the planning process, the process was more complex and confusing for first-time applicants. She believed that Mr and Mrs Harbottle had found themselves in this position because of their inexperience with navigating the planning process. They used a planning agent and a builder who had both given them inaccurate advice.

Councillor Smith confirmed that the original application in 2014 was to convert a derelict barn into a dwelling. The planning report stated that following a structural survey, the building could be converted with “minimal intervention”. Considering the barn had no roof and there were trees growing inside the walls, that could now be described as being over-optimistic. It was found to be in a poor state and the applicants were advised by their builder that a rebuild would be better.

Councillor Smith confirmed that an email regarding a bat survey was sent to Mr and Mrs Harbottle’s former planning agent in August 2014 and made it clear that planning permission was for conversion of the old barn and not a new build. The email was never shown to the applicants and only came to light in Feb 2019 when the applicants themselves contacted the planning department and the misunderstanding came to light.

Councillor Smith referred to the drawings and measurements that were submitted for the original application in 2014 and said they were found to be inaccurate. The original plans were flawed, and what was approved then could not have been successfully built.

Councillor Smith had visited the house which had been built on the exact footprint of the old barn and had re-used stone from it. It broadly shared its appearance with the previously approved plans for the barn conversion, and all the materials used were appropriate for the building design and location. The house had been completed to a very high standard. Because it was built on the barn’s footprint there were some compromises made in the layout of the house, particularly with regard to the width of upstairs corridors and head room. If the applicants had not been keeping to the original footprint their house might have looked somewhat different.

The Planning Officer had stated that no additional landscape harm had occurred compared with the barn conversion previously approved. Councillor Smith advised that house enhanced the visual amenity of its location.

With regards to the personal circumstances of Mr and Mrs Harbottle, Councillor Smith confirmed that the house had 10 acres of land with it on which horses which were breed and showed were kept. For this reason they needed to live on site to care for their animals. If planning permission was not approved, their equine business would struggle to survive.

As reliance on a car was the principal reason given for recommending refusal, Councillor Smith confirmed that should they attempt to continue keeping horses on the land whilst living elsewhere, they would undertake more car journeys than currently.

A lot of emphasis had been placed in the report on this being an isolated development in a rural location with no nearby facilities and poor public transport links, making private car use necessary, however all those factors were unchanged since the original application.

Neither in 2014 nor in 2019 have there been any objections made to the planning application by nearby residents or parish council.

Mr and Mrs Harbottle fully accept the point raised in the report, that the responsibility to ensure they had the correct permissions in place before commencing works rested with themselves, but Councillor Smith hoped the Committee would accept that this unfortunate situation was not arrived at deliberately. Since the situation came to light they had suffered months of stress and anxiety. If permission was not granted for their house to remain it would result in their financial ruin and have devastating consequences for their family life and mental wellbeing.

Finally, she asked that Members take on board their situation and approve the application.

The South and West Planning Team Leader confirmed that the NPPF allowed conversions in open countryside in order to bring buildings back into productive use, but included a different view on new build dwellings in the countryside in isolated locations. By strictly following the policy, the Planning Officer had to arrive at the conclusion.

The Agent, Mr Lavender, confirmed pointed out a number of inaccuracies in the report – the first was that in paragraph 2 of the report, reference was made to a four bedroom detached dwelling, however this was part of a range

of buildings so a connective building. In paragraph 31 there seemed to be a contradiction from the Landscape Officer and it was confirmed that the word 'no' was missing and the Landscape Officer had offered no objection.

From my involvement they acknowledge that from March 2014 there is a misplaced trust in those advising at the time. There was no attempt to mislead the authority. They had been led to believe that due to the condition of the building on the commencement of work that they could dismantle and rebuild it using the same materials.

They were not shown the email in August 2014 which emphasised the permission was for a conversion and they only saw it early this year. Ironically the drawings were incapable of producing #

House is of the highest quality and highly sustainable. The dwelling raised no technical objections. The policy section advises on a balance on impacts.

He disagreed with the word isolated as this was not compatible with the dictionary definition of the word, which had been relied on by planning case law. This was a building that was connected to other dwellings.

Mr and Mrs Harbottle realised there was a mistake made but unfortunately they had not received the guidance they expected.

Mr Lavender confirmed that the design quality and workmanship was of the highest standard. Whilst he accepted there was a point of principle for the planning authority, there was a human issue and a development which had no adverse impact associated with it. The consequences were enormous in human and financial terms and whilst the local authority had a duty, the Committee had a discretion.

A mistake had been made but should be balanced against the quality of development - which looked like the permission intended, and the consequences if they were to refuse the planning permission. The development had no adverse impacts, no objections and he hoped the positives from the application were considered and that Mr and Mrs Harbottle would be allowed to retain their home.

Councillor G Huntington agreed that the Planning Officer had arrived at the correct conclusion, but as a Committee member he concluded that the development was in keeping with original building, it had no objections, built from original stonework and in this situation he intended to support the applicant.

Councillor Jopling wondered why the email in 2014 had been sent to the planning agent and not copied to the applicant. She also considered that Mr

and Mrs Harbottle were victims of circumstances, they had built a lovely building and she felt that the Committee should make a judgement and approve the application.

Councillor Tinsley confirmed that there was only one reason for refusal – an isolated building in the countryside – a difficult reason to sustain when the planning authority had granted permission in 2014 for the same.

The Applicants had proactively engaged in the planning process. Development was on the same footprint, the materials were the same and reused. It was an app design with no ls harm. No objections from people in the community. If the application was refused, it would be flattened and this would not bring back the heritage asset which was important to note.

The Council should never be in a position where anyone could build a development without planning permission, however the Committee had the discretion to consider all of the circumstances. The Planning Officer was not afforded the same discretion, which is why he had arrived at the conclusion he had, but Councillor Tinsley considered that this was a situation where the Committee should exercise that discretion and approve the development. He moved the application for approval

Councillor Jewell confirmed that although difficult decision, this was a case where the Committee should go against the Officers recommendation.

Councillor Atkinson confirmed that he believed it was a genuine mistake and he seconded the motion to approve the application. Councillor Chaplow agreed and felt the recommendation should be overturned.

Councillor Brown commented that thankfully the Planning Committee were able to exercise discretion but she was concerned about this setting a precedent. The Planning Development Solicitor confirmed that this would not set any precedent, after having a lengthy debate

Councillor Maitland asked why inspectors had not picked up on this – inspectors do go out but this was an approved inspector and they were not required to feedback to the planning authority.

The South and West Team Leader confirmed that when consent was originally granted, the removal of permitted development rights and he felt it was appropriate to ensure this was added should approval be granted.

Members did not feel like the adverse impacts of the development significantly and demonstrably outweighed the benefits and they afforded significant weight to the Applicant's personal circumstances.

Resolved

That the application be APPROVED subject to the South and West Team Leader and the Chair and Vice Chairs agreed conditions.

8 DM/19/01406/FPA - 96 Wheatbottom, Crook

The Committee considered a report of the Planning Officer regarding an application for a change of use from A1 (retail) to C3 (residential) use. Creation of additional residential unit. External alterations (resubmission of DM/19/00291/FPA) at 96 Wheatbottom, Crook (for copy see file of minutes).

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

Councillor Reed Local Member had submitted a statement to be read which confirmed her views on the application. The property had been unoccupied for several years, standing derelict and unsightly. Bringing it into use would benefit the whole community and therefore she asked that the application be approved

Councillor Patterson, Local Member, presented Members with a slideshow which included site photographs.

She gave a history of the site which was last occupied in 1881 according to census information. Wheatbottom was part of Helmington Row, not Crook. The site had been identified for demolition on the old district plan, to put a road through, it was inhabitable and had not been used for many years. The ground floor had most recently been a convenience store with storage and before that it had been a grooming parlour, an office, a betting shop, a grocers, a general dealers, and a printers.

A previous planning application had raised concerns over parking and the issues remained. The main objection was with regards to the lack of parking. The building was on the A690 and on viewing photographs of the highway, she confirmed that there were no vehicles parked on the road as this was a dangerous road having had three recorded accidents in three months.

There was no on-street parking, however there was an area adjacent to the public house nextdoor which was land owned by the Council and maintained by the landlord of the public house. This was a required access route for deliveries to the public house and access to the garage to the rear, and it was the main access for the allotment holders. It could also not be relied upon as it could be purchased and fenced off at any time and she confirmed that the pub had enquired about buying the land.

There was a private residential street, Hanover Gardens opposite the development, with private residential parking which was enforced by the housing association. Ravensworth Court was to the rear which also had no available parking. To the side of the property there was a grassed area of public open space, owned by the Council and she suggested the applicant could not ask for permission for an approved access route which would then allow for parking spaces to be created to the rear.

Councillor Patterson referred to the NPPF tables 7 and 8 and confirmed the total number of parking spaces per dwelling required for apartments and houses that had only communal parking provision as being a minimum of three, for this application and for apartments and houses that had in-curtilage parking provision, there was an expectation of four. This dwelling had no communal or in-curtilage parking, there was no off-street parking, and there was no control over whether future tenants had vehicles.

The application was contrary to the both the NPPF's parking recommendations and the Wear Valley District Local Plan which sought to protect highway safety.

The Highways Authority had assessed the site as having adequate off-street parking, but according to policy adequate parking would consist of in-curtilage parking spaces.

Councillor Patterson confirmed that the NPPF view when considering reduced parking was that it was important to recognise that developments with reduced parking could have an unacceptable impact on existing on-street parking, and also on the amenity enjoyed by existing residents. This application would impact on a business which had been trading for many years.

Despite being within walking distance of the Town Centre, the apartments could attract tenants with two to four vehicles and should Members be minded to approve, Councillor Patterson asked for a condition to include some sort of parking provision in accordance with the NPPF.

In summary the application

- Reliance on off-street Parking of which there was none
- Was contrary to NPPF and Wear Valley DLP Policy H18
- Highways had objected to the original application on parking grounds
- It was not part of the town centre
- Negative impact on the landlord of the Public House, Allotment Holders and neighbouring residents

The Principal DM Engineer confirmed that he could not dispute some of the issues raised with regards to parking, however this application was for a dwelling which already had permission associated with a ground floor business and five bedroom accommodation. If this was to be brought back into use, it had the potential to create more parking demand than what the application would create.

The view of the Highways Officer was that the development was in a sustainable location, within 400 metres of the town centre, with good public transport links. There was no guarantee that the development would result in an additional four cars, but it could not result in any – there was an expectation that tenants in a property of this type would walk and when marketed, this would not appeal to tenants who had multiple cars due to the lack of associated parking spaces. With regards to the Council owned land adjacent to the Public House and currently used as a car park, this could be purchased and fenced off at any time and would result in customers and allotment holders having to park on the street.

When assessing the impact, it was not deemed to be severe enough to sustain an objection. Should parking problems arise in future, the Principal DM Engineer confirmed that the Council could consider putting waiting restrictions in place.

Councillor Brown agreed that highway safety was compromised, and she had experienced the impact of vehicles parking over private driveways.

Councillor Atkinson confirmed that should Members go with the alternative and refuse the application, this building may never be developed and the benefits outweighed the negative impact so he moved the recommendation to approve as outlined in the report.

Councillor Jewell considered this a small development and it would bring a decaying building back into use. He acknowledged that should it be brought back into use, there would be more parking issues than would be associated with a two bedroom flat and he therefore seconded the recommendation to approve.

Councillor G Huntington agreed that a highways objection was unsustainable.

Resolved:

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

9 DM/18/02742/FPA & DM/18/02743/LB - Former Pumping Station to the North East of Presser Villa, Bale Hill, Blanchland

The Committee considered a report of the Planning Officer regarding an application for Residential conversion and extension of pumping station (amended description/plans 11/03/2019) Former Pumping Station to the North East of Presser Villa, Bale Hill, Blanchland (for copy see file of minutes).

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

Mr Tulip, Chairman of Hunstanworth Parish Meeting, objected to the application on behalf of residents who did not feel that many of their issues, including the addition of the proposed orangery, had been correctly addressed by the Planning Authority.

The North Pennines Area of Outstanding Natural Beauty (AONB) Partnership had submitted consultee comments in April 2019 which asked that the conversion should strongly respect the form and function of the original building, of which the orangery did not. They stated that there was no justification for the addition of the orangery in the form or use of the former pumping station, it was obtuse and overt when viewed from the wider landscape and should be removed. Furthermore when lit, from the inside it would become an unacceptably dominant element of the new dwelling. Given their disapproval, Mr Tulip was shocked by the response of the Planning Authority who stated any harm to the overall character of the building from the proposed orangery, was considered limited. He felt comments from the AONB Partnership had been completely ignored. He thought that as a parish in an AONB, they would be protected from adverse development by the specialised advice and guidance from the AONB Partnership. The difference of opinion was alarming and he asked the Planning Officer to explain the contradicting statements.

The Planning Officer confirmed that in addition to the AONB Partnership, the Design and Conservation Officer and Historic England were consulted and offered no objection to the application, they commented on the urgency for re-use and repair of the building to secure its future and prevent further deterioration. The orangery was considered to be a lightweight feature to be added to improve the viability of the scheme overall.

The NPPF acknowledged that whenever a building of this nature that didn't have residential use previously, would subsequently have such a use, there would be some inevitable harm with the alterations, however it is considered that that harm would be considered less than substantial and should be weighed against the public benefits of the proposal, including where

appropriate securing its optimum viable use. This development would ultimately secure public benefits in repair and long-term retention of the grade II listed building and it was therefore considered that the public benefits outweighed the less than substantial harm.

Mr Morwood lived in the neighbouring property and shared access with the property and although he had already raised his concerns, he had received no satisfactory response. This was a site which was 1300 feet up in the North Pennines and during Winter months the track could be up to several feet high with snow for periods of a few days to several weeks. He had lived there for more than twenty years. More often than not both vehicles would be abandoned at the top of the track to wade through the snow, but the area at the top of the track was narrow and was barely able to fit both cars on it. A dwelling with five bedrooms would result in at least two vehicles which would leave them fighting for a space or parked on the highway, preventing the snow plough from getting through.

Mr Morwood disputed the reference to passing places in the report, they were not designated passing places – they were areas where vehicles had encroached onto the adjoining land under the control of the sporting estate tenant and therefore could be fenced off at any time. He had consulted a legal advisor who had advised that there could be a legal basis for maladministration and potential challenge in court.

The location plan contained a large area of land at the top of the track which was not part of the track, not suitable for parking and neither the applicant or Mr Morwood had any rights over it.

The Senior Ecologist confirmed that she had undertaken a habitat regulations assessment and as well as the ecological reports submitted, she was satisfied that the level of mitigation proposed would render the application de minimis in terms of impact on protected species.

On behalf of the Applicant, the Agent Ms Cranley, addressed the Committee in support of the application.

The Applicant was required to make best use of their assets and dispose of them when they were no longer required for operational purposes. The proceeds of these sales were reinvested back into the water and drainage system. Presser Pumping Station was one of their disposal sites. This grade II listed building had lain vacant for over 20 years – and was at risk unless a viable alternative use can be found.

Due to the constraints of the site and the listed building, interest in development opportunities was limited. Ms Cranley confirmed that since 2011, the Applicant had sought an alternative use for the site. It had been

marketed for community use, small scale employment, holiday accommodation, recreation and rural enterprise, but no interest had been secured.

Following discussions with the Council in 2017, it had been agreed that residential use offered the best way forward and that securing planning permission would help to de-risk the site for a potential investor. The original proposals were subject to local objection, however, the applicant responded proactively to the issues raised and a revised scheme was prepared. The addition of three new dwellings had been removed and the proposals focused on the conversion of the listed building. The garden curtilage was reduced to avoid domestication of the site, and the landscape and boundary treatments had been redesigned to meet the requirements of the Council's landscape and ecology officers.

Ms Cranley confirmed that further ecological work had been undertaken and the Council had carried out a full Habitats Regulations Assessment which had been approved by Natural England. Further discussions were undertaken regarding the access with arrangements agreed with Highways. A meeting was held with the Parish Council and local residents to explain the proposals and respond to any outstanding concerns or queries. While most issues had been addressed, several local objections remained. In particular, the glazed extension caused concern to some residents, but it was explained that this was an essential part of the scheme – which took advantage of the merits of the site and was crucial to attracting a potential owner.

The extension occupied the site of the former crane shed and allowed an original doorway to be reinstated to provide a link between the old and new. The light touch glazing allowed the historic fabric to be seen and also afforded views of the landscape beyond. To address concerns around lighting it was agreed that electronic blackout blinds would be conditioned – a solution that had been successfully employed elsewhere in the AONB.

Ms Cranley confirmed that the revised scheme had addressed the comments raised by Council Officers, Statutory Consultees, the Parish Council and Local Residents. The application would regenerate a redundant brownfield site and preserve the industrial legacy of the area, it would repair, refurbish and reuse of a grade II listed building, protecting it for future generations. It would secure substantial ecological enhancements and the proposals represented sustainable development that offered a viable future for the building. She urged Members to accept the Officers' recommendation and approve the scheme.

The Principal DM Engineer responded to confirm that the Officer's view was that two vehicles could pass on the track, however he advised that the likelihood of vehicles passing was occasionally and reversing onto the main

road would not be a cause for concern, given the levels of traffic on the main road. With regards to the comments on winter road conditions, this was normal and expected for households throughout the County, including non-rural areas.

The Chair reminded Members that when visiting the site it was clear that without any reconstruction work, the building would be lost.

Councillor Atkinson confirmed that this was the second time the application had been considered and although he was not convinced the orangery was a necessary addition, the benefits of the scheme as a whole, outweighed any negative impacts. With regards to the issue of passing on the track, he felt the view from the road was clear enough for any vehicles entering the track and they would naturally hold back to allow a vehicle to exit the site. He moved the recommendation to approve.

Councillor Tinsley agreed that residential use was the only use for this type of building and the alternative would be to let the building to deteriorate. He seconded the recommendation.

Councillor Jewell commented on his frustration that this application had not been concluded at the previous planning committee. In terms of balance, this application would bring a heritage asset back into use. The mitigation associated with the orangery was sufficient to protect the dark skies.

Resolved

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