

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Remote Meeting - This meeting is being held remotely via Microsoft Teams on **Thursday 16 July 2020 at 9.30 am**

Present:

Councillor J Clare (Chair)

Members of the Committee:

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

1 Apologies

There were no apologies for absence.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 23 June 2020 were agreed as a correct record to be signed by the Chair.

5 DM/20/01148/FPA - Barn 5 The Granary, Hollin Hall East, Ford Dike Lane, Gainford, Darlington

The Committee considered a report of the Planning Officer regarding an application for the Demolition and rebuilding of grain store/dryer building for use as a single dwelling; installation of package treatment plant (partly retrospective) at Barn 5, The Granary, Hollin Hall East, Ford Dike Lane, Gainford, Darlington (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.

Councillor Rowlandson, Local Member, spoke in support of the application. He found it strange that part of the development was up for refusal when there had been major changes to other parts of the development and barn 5 was part of the curtilage of the main house. He continued that there was no reason as to why it should be left out and it would be extremely disappointing for the Nicholls' not to be able to continue their plan to retire. Although the materials used were not what the Conservation Officer required, this could be agreed with a condition and he hoped that the Committee would look in favour of approving the application.

Mr Nicholls, the Applicant, addressed the Committee on behalf of himself and his wife. They had purchased Barn 5 with the intention of retiring after 30 years of farming. The roof had been removed and followed by a period of heavy rain, the walls had been damaged. The builder suggested the building be dismantled and rebuilt using the same material, for health and safety reasons. Upon inspection, an Enforcement Officer requested work to cease immediately and confirmed that a new application would need to be submitted. Mr and Mrs Nicholls had not appreciated that they would need to submit a further application and he described an honest mistake which he said had been difficult to correct as a result of the Covid 19 pandemic due to being unable to get advice on the situation.

Mr Nicholls suggested that the proposed plans showed a building which was virtually the same as the former barn conversion. He was aware that there were some concerns raised with regards to the stonework, however it was still in its raw state, yet to be pointed and finished. The Conservation Officer had approved the stonework for the rest of the site and the stone from the original building would be reused with any additional stone crafted by the same stonemason supplying the rest of the development and inline with the rest of the development. Barn 5 was a necessary part of the overall development and without it, the bin store would look severely disconnected from the rest of the site and the new builds would stick out very prominently.

Mr Nicholls confirmed that with benefit of hindsight he and his wife would have acted differently, but they had no knowledge of planning regulations. They were desperate to stay in Teesdale and it had taken them four years to find a property that was appropriate for the needs of their daughter. Living in Gainford would be lifeline for her and enable her to use the bus service into town and continue to access her support network.

Mr Nicholls said that they could not overemphasise the importance of the development, they had no alternative options as all of their savings were tied to this development. He understood that formal action could proceed but

hoped that after taking all into account all of the circumstances, the Committee would approve the application.

Councillor Tinsley asked the Planning Officer to summarise the current planning status in comparison to what had been approved. The Principal Planning Officer confirmed that the original permission was for a conversion, yet the building had now been demolished. Since the conversion could no longer take place, the new application was to seek permission, partly retrospective, to build what was essentially a new dwelling as a wider part of the scheme. In response to a further question from Councillor Tinsley with regards to whether there was any significant differences between the two buildings, the Principal Planning Officer confirmed that they would appear similar, however planning policy allowed for conversions but not new builds.

Councillor Brown empathised as the parent of a daughter with similar needs to the Mr and Mrs Nicholls' daughter. She considered NPPF 9, that planning policies should be an active guide yet local services should be taken into account. She could not see any adverse impacts that significantly outweighed the benefits and in noted that exceptional circumstances were allowed in Teesdale Policy H9. Despite the recommendation of the Planning Officer, Councillor Brown moved that the application be approved.

Councillor Shuttleworth was disappointed that the report had concluded this to be an unsustainable location. There were a number of applications that he was aware of that planning officers also considered unsustainable, one in particular near to the A68 which had been approved by North Planning.

Councillor Shuttleworth suggested there should be consistency across the County and noted that the site was five minutes away from Ingleton, despite being described as unsustainable. He seconded the motion to approve.

Councillor Jewell confirmed that he found it difficult to come to terms with the fact that there was permission to convert the building to a residential dwelling, yet the reason for refusal was that the property was unsustainable and would require use of a motor vehicle to travel. The end result was the same yet one was sustainable and one was not.

The Principal Planning Officer confirmed that with regards to the conversion, Officers would not have deemed the location to be sustainable, but that the benefits of converting the building and securing the heritage asset would outweigh the issues with regards to the location. He highlighted the conflict in local and national policies but Members were entitled to take their own view and come to a rounded decision.

Councillor Atkinson had listened to the debate and read the report, which was similar to recent application that had been approved by the Committee.

It seemed that this was a genuine mistake, the Nicholls' were not professionals and with regards to the concerns of the Conservation Officer, this was not the finished product.

In response to a question from Councillor Maitland, Mr Nicholls confirmed that the stone from the former barn was being reused. Mr Nicholls had indicated that he would work with the Conservation Officer should the application be approved, to ensure that the stonework was in keeping with the rest of the development and in response to a question from the Chair, the Principal Planning Officer recommended a condition was secured.

The Planning and Development Solicitor confirmed that there had been a proposal from Councillor Brown, seconded by Councillor Shuttleworth, to approve the application. The grounds of which were that the adverse impacts of the development did not significantly and demonstrably outweigh the benefits of the scheme, however she recommended that conditions be agreed by Officers in conjunction with Chair and Vice Chair. Councillors Brown and Shuttleworth agreed to amend the motion with the inclusion of conditions agreed by Officers.

Councillor Richardson confirmed that he had visited the site which was within his ward and he endorsed what Councillor Rowlandson had said and was prepared to support the application.

Resolved:

That the application be APPROVED, subject to conditions delegated to Officers and agreed in conjunction with the Chair and Vice-Chair.

6 DM/20/00826/FPA - Lartington Lane, Lartington, Barnard Castle

The Committee considered a report of the Planning Officer regarding an application for the erection of a timber cabin to host pony training events and to provide holiday accommodation and erection of a timber field shelter at Lartington Lane, Lartington, Barnard Castle (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.

The Chair noted that the application intruded onto an area of high landscape value with the proposed chalet only 5m from ancient woodland and he asked if any discussion had taken place on how to mitigate the impacts. The Principal Planning Officer confirmed that the site was within an area of high landscape value with ancient woodland to south of the site. According to planning guidance, buildings should be 15m away or have an adequate assessment. Throughout the application process, the planning authority had

looked at reducing the landscape impact and taking the chalet out of the buffer area, however the Landscape Officer was not satisfied that this would remove the landscape harm and therefore discussions had not progressed.

Councillor Henderson, Local Member, had visited the site and spoken to the applicants, who were prepared to drop the height of the building by two feet to lessen the impact on the view. He confirmed that the Applicants farmed in the upper dales and were trying to diversify and use their land to create a tourist attraction, which would be of benefit to Teesdale and assist them to continue to farm. The proposal would be a great advantage. The chalet would be wood clad and fit well into the surroundings and if the application was refused it would be a great loss for the area.

Councillor R Bell, Local Member, thanked the Committee for the opportunity to speak and suggested that a site visit would have been beneficial. He had submitted a presentation of photographs for the benefit of the Committee.

Councillor Bell confirmed that he had visited the site twice and given that the only substantive objection was on landscape grounds, the backstory was an important consideration. He referred to a photograph of the former Dutch barn which had been storm damaged and subsequently removed by the applicants. Had it been left, they could have put up an equally ugly building with permitted development rights but they thought he would be able to agree to replace it with a building placed in a less obtrusive area and built with better materials but it was now being treated as if it was a virgin site. It was important to recognise that the Applicants had been honest throughout and put a lot of work in.

Councillor Bell referred to the description of the location as within parkland at Lartington Hall Park and suggested that even if hedges were removed, the site would not be visible from the hall park nor the hall park visible from the site. There was no visual link between the two sites and therefore to link them on the basis of drones and maps without considering what you could see on the ground, set a dangerous precedent.

The second substantive issue was with regards to the degree of hedge screening and the second photograph showed the summer hedge, the scale of which was visualised at around 6 feet in height. Councillor Bell accepted it would be less of a disguise in winter however the applicant had offered to do under-planting and at eye level from a car or a 4x4, it could not be seen through. The only way to see it was by parking in the gateway or parting the hedge on foot. Had a site visit been undertaken, Members would have been able to see for themselves.

With regards to the height of the building, Councillor Bell produced a photograph of a tractor loader which had been parked in the proposed

location of the chalet, with the height of loader at the height of the eaves. Neither the tractor or its forks could be seen from the gate or the road, it had only become visible on entering the field. Councillor Bell was confident that the structure would not be visible from the road.

The applicant disputed amount of hedge to be removed. The report stated 60 metres, however during the presentation it was stated at 20 metres, therefore an error had been made. Either way, Councillor Bell suggested that it was not a significant amount and reiterated the Applicants' offer to replant.

Councillor Bell alluded to a number of spurious road safety objections, but in response to one that cited concerns for road safety, he noted that the Applicant had confirmed there would be no more than ten vehicles at one time, which was not a significant volume of traffic.

Councillor Bell confirmed that if some of the replacement barn was visible from the road, it would be much less than the previous structure and with much more superior materials. With regards to issue of screening, he referred to the caravan site down road, which was in a similar location and screened by a hedge. It had a substantial service block, all of which had been approved, which on appeal he felt would appear inconsistent in the planning authority's approach.

Councillor Bell suggested that the area described as ancient woodland was not and confirmed that the trees were actually self-seeded birch from trees that had been previously felled, estimated at around 20-30 years old. He would have liked to see evidence of potential damage from the foundations of chalet but again referred to the static caravan site which had pitches far closer to the woodland. He presumed that they were allowed due to the required foundations not being particularly deep, similar to what would be required for a wooden chalet. From experience the foundations for this type of structure would be typically 12 inches deep and would have no effect on the trees whatsoever. This could be regulated by a condition and should not be a reason to reject the application.

Given the only serious objection was from the landscape department, Councillor Bell hoped that he had shown that from ground level view, there was no significant landscape impact. He suggested that it could be argued that any development, anywhere, had an adverse landscape impact and the question left, was whether the impact was significant.

On summing up, Councillor Bell suggested that if the proposal was compared to the dutch barn, it would be an improvement, and if the Committee ruled that the barn could not be considered due to it having been unwisely demolished, it still begged the question of whether the landscape impact was

significant. If it couldn't be seen from ground level, how could it be significant? To summarise, the screening was adequate, the applicant had offered to underplant the hedges, the ancient woodland was not ancient, and the foundations for the timber lodge would not have an impact. Councillor Bell considered that there was no valid planning reason to reject the application.

Councillor Jewell confirmed that the report referred to insufficient information having been submitted and asked for clarification on whether the applicant had been asked to submit further information. The Principal Planning Officer confirmed that there was a grant pending on the application and therefore limited time to query some elements of the scheme and for the matters to be addressed. As the site of the structure was within the 15m buffer, there should have been an assessment on the impact on the ancient woodland. He appreciated that there were trees that looked less mature but due process should have been followed. Alternative positions had been considered, but the landscape harm could not be mitigated and therefore this was not progressed.

The Chair confirmed that ancient woodland was not defined by the age of the trees, but the location.

Ms A Eccles, the Applicant, addressed the Committee and confirmed that the measurements had been incorrectly reported and the building had been referenced as 50 metres when it was actually 50 feet and the gateway had been reported as 20 metres, but was actually 20 feet. Also the report stated that the existing field shelter would remain, but they had offered to demolish it.

Ms Eccles explained that she and her husband David were tenant farmers in upper Teesdale and he had been breeding dales ponies since the age of 14. He had dedicated his life to breeding ponies, which were a native breed and had acquired great knowledge over the years which he wished to pass on to future generations. Due to Brexit and future of farming, they were looking for another income stream to diversify. They were disappointed with the recommendation to refuse as they had made effort to arrive at satisfactory scheme to satisfy officers. Mrs Eccles confirmed that they were in the process of applying for a rural grant from the Rural Development Agency.

With regards to the two reasons for refusal, the landscape impact and impact on the trees. Mrs Eccles confirmed that they would have liked the opportunity to assess the impact however she noted the permitted caravan site and amenity building at the adjacent site, which was in close proximity to the same ancient woodland. She continued that it would have been evident if Members had visited the site, that the beech trees had been removed 25

years ago and this was now an area of self-seeded scrubland with relatively new trees.

Mrs Eccles referred to the findings in the report, that the development would have a significant adverse impact on the landscape, based on the advice from the Landscape Officer. The report acknowledged that the lodge would be largely hidden by landfall and the surrounding landscape and hedge would entirely screen it from view. Any domestic paraphernalia would not be seen and with regards to hardstanding and parked cars, they were closer to ground and any demonstrations carried out would be limited to ten people per session, with 2-3 vehicles on site at any given time.

Mrs Eccles confirmed that the building was an essential part of the business. It was an improvement on the tin shelter which had been regrettably demolished – which she added, had only made the landscape look better and more difficult to gain planning permission. They felt that they were being penalised for trying to do the right thing.

She continued that any external storage and clutter referred to was unnecessary and if needed could be controlled by a condition. The landscape impact was mainly the visibility of the proposed shed from Lartington Lane and this area was a 60mph road with no footpaths and dense hedgerows around most of its boundary. If anything, only limited views of the proposed building would exist and Mrs Eccles stated that there were far more prominent approved farm buildings along the A66 with no screening or visual mitigation whatsoever.

Mrs Eccles disputed the extent of the hedgerow to be removed to obtain visibility due to the depth of the highway verge, but in any extent it could only be reduced by 1m and not removed entirely and this could be conditioned for replanting behind the visibility splay. New hedgerows had been proposed to the west which would render the building almost invisible and improve the existing hedgerow, compensating any loss, including wildlife.

Mrs Eccles hoped that it would be acknowledged that despite traffic objections the highways impact was acceptable and so was the ecological impact. The proposal was beneficial to the County and Teesdale and the limited impacts could be mitigated by planning conditions.

Mrs Eccles thanked Members for the opportunity to speak and hoped that the application be approved.

The Principal Planning Officer responded that the dimensions had been rounded up slightly for the presentation, but paragraph 5 and 6 in the report were accurate. With regards to the barn which already had an established impact on the landscape, the proposal was significantly different. The old

structure was open with views attainable. The advice of the landscape officer had been taken on board and he concluded that the benefits of the development would not outweigh the landscape impact.

The Chair reminded the Committee that although they had heard references to alternative sites, they were not relevant when assessing the application.

Councillor Atkinson suggested that he found himself in favour of the Applicant. Having sat on other Committees scrutinising the economy, there was no doubt that this business would improve it. A lot of money was being invested into the development and infrastructure, which would increase tourism in the area. The main objection was the adverse effects on the landscape which could not be proven to demonstrably effect the landscape. He did not feel that they could properly assess the visible impact and there was not a great deal of objections. The Applicants had the most to lose and he found it difficult to accept the refusal and was inclined to go against the recommendation.

Councillor Tinsley had sympathy with the position of the Applicants as he understood the background farming issues, however all material planning issues had to be considered. Land was designated for a reason and this was an area of high landscape value with an area of ancient woodland. The development had an access which was materially different from how it was now and the removal of 20 metres of hedge which would change the character of the road.

Councillor Tinsley continued that a shed of 6.1m in height was significant and would remain significant even if it was reduced by 60cm, as offered by the applicant. It would have an impact upon the landscape and despite Councillor Bell having identified the former dutch barn which had been demolished, it was a significantly smaller structure than the one proposed.

Councillor Tinsley confirmed that there would be a significant impact on the landscape, in an area of high landscape value. Having listened to the views of Councillor Atkinson, he agreed that the proposal would bring a lot of benefits to the area, but this was not the right area. Councillor Tinsley agreed with the concerns of the Parish Council, the advice of the Landscape Officer and the Planning Officers recommendation and moved refusal of the application.

Councillor Zair agreed with the comments from Councillor Atkinson with regards to tourism and referred to Visit County Durham and the income from rural tourism. It was vastly important to get back on track following the Covid 19 pandemic and applauded the Eccles' for trying to do so. This was a step forward in a rural area and he would be voting against the recommendation.

Councillor Shuttleworth confirmed that Members should take note of Local Members as they had the background knowledge of the area. Anything that was going to bring jobs and tourism into the area and boost the economy was a benefit to the area.

Councillor Atkinson proposed a motion to approve the application, seconded by Councillor Shuttleworth.

Councillor Jewell confirmed that this was a very sensitive issue however he was concerned that the Committee were veering off from planning legislation when talking about generating business and boosting the economy. He acknowledged that this was a consideration, but he was struggling to see a valid planning reason to oppose the recommendation.

The Planning and Development Solicitor confirmed that the benefit to the local economy could be weighed against the disadvantages and economic impacts and therefore could be considered a material planning consideration, however she would have concerns if Members granted permission without knowing what the effect would be on the ancient woodland as further investigation could establish an unacceptable impact.

Councillor Richardson confirmed that there were many advantages, one being an increase in visitor numbers and a financial gain to the Dale. He referred to the former dutch barn, remembering a time when for eight months of the year, it was filled with hay and therefore obscuring the views. He referred to a riding school at Raysgill and the permission granted for the caravan site and he was in favour of what the application would bring to the site as a whole.

The Chair confirmed that there were a number of Members in favour of accepting the application and he was concerned of the consequences if approval was given. He asked for advice regarding whether the addition of conditions would offer protection.

The Planning Development Solicitor confirmed that the NPPF stated that the application should be refused if there was a loss of or deterioration to an ancient woodland and therefore a pre-commencement condition would not be suitable in the absence of knowing what the impact was. She suggested that Members delegated the whole decision to Officers in conjunction with the Chair and Vice Chair, which would give greater flexibility and they could look to move the chalet if needed. This would be a minded to approve decision.

Councillor Tinsley confirmed that there was no understanding of the effect on the ancient woodland because no assessment had taken place. He queried what would happen if the Committee delegated the decision to Officers and

the outcome of the assessment was negative and if the Officer would then be able to override the Committees decision and refuse the application.

The Planning Development Solicitor confirmed that if the impacts were unacceptable, the application would return to the Committee.

Councillor Brown confirmed that she was worried as this was an area of high landscape value with ancient woodland and the protected Lartington Park. She understood there was a time limit on the grant and asked whether it could be determined within the time limit.

Councillor Jewell proposed that it should be deferred until the information with regards to the impact was known, seconded by Councillor Brown.

The Chair confirmed that he had three proposals, one to reject the application, one to accept the application, contrary to the officers recommendation and then a third to defer the application.

Resolved

That the application be DEFERRED.

7 DM/19/02733/OUT - Land to the rear of Attwood Terrace, Spennymoor, Co Durham

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 39 no. dwellings including demolition of buildings (outline – all matters reserved except access) on land to the rear of Attwood Terrace, Spennymoor (for copy see file of minutes).

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

Councillor N Foster spoke on behalf of Spennymoor Town Council and stated that as a former County Councillor, he was familiar with the site and its history. He appreciated the application had to be considered on its own merits, but noted that this site had been turned down for planning permission on two separate occasions, by both Sedgefield Borough Council and the County Council, with appeals dismissed. In 1991 an independent inspector had turned down development in the area.

Locals feared that granting permission behind Black Horse Pub and demolishing Tudhoe Victory Club to build bungalows would lead to over-development in the area. This application appeared to confirm those fears. The proposed design appeared to create several opportunities for expansion into neighbouring fields. Following recent development and existing

permissions in Spennymoor, he wondered why this greenfield site had been brought forward yet again – it was not recognised as a strategic development site in the County Durham Plan.

The space between Tudhoe Village and Tudhoe Colliery was rural in nature and gave the area its distinction, whilst preventing a level of urban sprawl which had been highlighted by the Inspector. The loss of trees and hedges and resulting loss of the wildlife habitat was also of concern; this was a space for people to enjoy and crowding to rear of Attwood Terrace would create a noise concern, exacerbated throughout the building process.

The plan included the demolition of two retail premises, one of which was the former Coop store which stood in a prominent position in the street, helping to give it its character. There was a commemorative plaque which marked the dropping of a B2 rocket during the second world war which he hoped would receive protection as feature of historical significance.

Councillor Fosters' main concern was with regards to highways. An additional 40 vehicles could be expected and the development relied on traffic entering and exiting where the two buildings were demolished with several traffic concerns. The junction was near to housing, there was a Methodist Chapel further down street, and within a short distance was the entrance to Tudhoe Industrial Estate. This created a large volume of traffic of all sizes and furthermore, the current right turn entrance to the site was protected and would be at risk should the proposal go ahead.

Councillor Foster referred to the proximity of the bus stop on front street side which was on the main route from Durham, with a steady flow of traffic. A bus parked up on the bus stop would increase vehicles backing up and restrict visibility further and there was no space for the provision of a pedestrian crossing. Several years ago Councillor Foster and former Councillor Barbara Graham had arranged for a 30 mph flashing sign to reduce speed but it was still a concern. He hoped the Committee would take on board the concern and passion from residents and refuse the application.

Councillor Gardener, Local Member, confirmed that there were three main issues. Firstly he pointed out that the application site had been referred to as part of Spennymoor, however Attwood Terrace was in Tudhoe Colliery and the residents identified as being from Tudhoe Colliery. Tudhoe Village was the other part of the main objectors which was an entirely separate settlement and identified as such. The two would be joined should this application be approved.

The second area of concern was that the application would create unnecessary encroachment into the Countryside, considering there was already three large brownfield sites which had been identified for

development. These sites would create 500-600 houses in addition to the 1000 that had already been built. He continued that the identified sites needed to be utilised before looking at open countryside development. Members had put in a significant amount of time and effort into the County Durham Plan to identify sites for planning and this site had been turned down numerous times and he suggested that the Committee should ensure to stand by what the Council intended to do in future.

Councillor Gardner noted a high number of objections with regards to noise, traffic, countryside, wildlife which confirmed how much locals really cared about the area. He hoped the Committee would refuse the application as per the Officers recommendations.

Mr I Blackburn, objector, confirmed that he was representing many of the 231 petitioners and the 77 written objections, many who lived on Attwood Terrace and Front Street. Much of the feedback was that this development would grossly affect their amenity and the overall feedback was that Members, Officers and residents all wanted the application to be refused.

He defined amenity as a positive element which contributed to the overall character or enjoyment of the area. This was the reason a person wanted to live where they did. The residents of Attwood Terrace lived in a long row of terrace houses with their front door 12 metres from an incredibly busy and noisy road, yet the rear of the houses, away from noise and pollution, were fields of open countryside. This was the amenity that was being threatened, for many people who had lived in the same house for years, some for generations.

Mr Blackburn referred to the application as contrary to Safe policy H17 and agreed with the findings in paragraph 77 of the report.

With regards to coalescence, these two villages were geographically discreet, separated by greenfield and differed in character, with Attwood Terrace being 19th century housing typical of a coalfield terraced house and Tudhoe Village were detached houses built around a green, some of which dated back to 17th century and earlier. This would be latest step in coalescence of the two very distinct villages.

Mr Blackburn confirmed that three fields that formed an L shape around the application site had recently been sold from its historical use as farm land, and residents were concerned that if this application was allowed, it would provide precedent for further development that would entirely lose the separation of the villages.

In 1990 a similar application for the site went to planning inspectorate and the development was described as having an unacceptably detrimental

impact on the character and form of Tudhoe Colliery. The Planning Inspectorate went on to say that modern suburban housing would not relate satisfactory to terraces or the houses of Tudhoe Village and it would create an undesirable encroachment into open countryside – fundamental findings which were just as consistent in the current day, very little had changed.

Mr Blackburn continued that development in the countryside on a greenfield site was not needed and of the 6.3 year supply and demand, the Council had committed to 16000 dwellings, of which 1500 were in Spennymoor. There were two identified brownfield sites within close proximity. The emerging County Durham Plan did not make provision for the site and it did not pass the conditions necessary to provide an exception to the plan, therefore Mr Blackburn asked that the application be refused on behalf of all residents and objectors.

Ms J Matchett of Litchfields spoke on behalf of the Applicant. The first reason for refusal alleged harm to the character and urban form of Tudhoe Colliery, encroachment into the open countryside, and coalescence with Tudhoe Village. Despite regular engagement with planning officers they had not recently voiced such concerns. The Landscape Officer had provided some detailed design comments, but there was no landscape objection to the principal of this development and the introduction at this late stage was concerning and not consistent with either the emerging or adopted planning policies. Whilst the indicative layout had been submitted, the detailed design was a matter for reserved matters and shouldn't be used as the basis to refuse outline planning permission.

With regards to the second reason for refusal, noted that the displacement of on street parking would adversely impact the amenity of residents of Attwood Terrace and highway safety. The proposed access arrangements had been put forward by Councils' own highways department and the agent advised that all concerns had been addressed. In response to the loss of parking for residents of Attwood Terrace, five affected properties would each be provided with their own parking bay, and a shared visitor bay – an improvement on the existing parking bays which were substandard by the Councils own standards, with no guarantee of a space.

With regards to the final reason for refusal, Ms Matchett confirmed that the flood authority did not object to the development but simply sought reassurance that SUDs would be included at reserved matters. This outline plan was illustrative and drainage details would have been of limited value at this time. It had been confirmed that drives would be permeable paving, and swales, filter drains and rain gardens would be considered within the drainage proposals and this could be secured with a condition.

The NPPF was clear that decision takers were able to give weight to relevant policies in emerging plans but advice from Officers' was that the County Durham Plan should not be given any weight, instead using the Sedgfield Borough Plan which had been drafted 25 years ago.

If the Committee accepted the recommendation and refused the application, there would undoubtedly be another appeal and by the time it was heard, the new County Durham Plan would have been adopted and this would be the criteria assessed. The key emerging policy was policy 6 which related to development on unallocated sites, which were outside of the built up area but well within settlement, such as this application site. Ms Matchett was satisfied this application fully accorded with all the elements of Policy 6 and as the County Durham Plan was at an advanced stage, with the Inspector having confirmed Policy 6 as sound, she suggested that considerable weight should be afforded to it. Failure to do so risked the being judged as unreasonable by an inspector.

The proposal had social economic, environmental benefits and ecological gains. It would provide 39 new homes, some affordable and help to sustain the local community. The scheme would also bring huge financial benefits, financial contributions and economic benefits, which Ms Matchett believed should be given additional weight, especially due to the impact of the current Covid 19 pandemic which was having a significant economic impact which would be felt for some time. Schemes such as this supported the housebuilding sector, boosted the economy and stemmed unemployment. The Committee should support the housebuilding and construction industries and support the application.

The Senior Planning Officer confirmed that the application had to be determined on relevant policies in place at the time and although the County Durham Plan would be coming into play, it could not be afforded any any weight, therefore weight had been given to the Sedgfield Local Plan which was still relevant. In terms of the drainage issues, this was an outline application and there was still a lot of information required to make the application sound; the drainage section had not been satisfied with the information given. With regards to ecological gain, the Senior Planning Officer reminded Members that this was already an open field with huge ecological benefits and alluded to the impact of building 39 houses with the provision of some offset. With regards to Covid 19; houses needed to be built in the right place, but the local planning authority was arguing that this was not the right place for all the reasons as per the case officers report. Highways were happy with the access that was shown as long as it had the necessary visibility splays, however this would come at the expense of local amenity. To improve the amenity, would come at the expense of highway safety as it would not have the necessary visibility splays.

Councillor Blakey agreed with the Officers recommendation and moved the recommendation to refuse, seconded by Councillor Shuttleworth.

Councillor Jewell confirmed that Local Members had put forward valid planning objections and he supported the recommendation to refuse.

Resolved

That the application be REFUSED as per the recommendation in the report.

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

Councillor N Foster spoke on behalf of Spennymoor Town Council and stated that as a former County Councillor, he was familiar with the site and its history. He appreciated the application had to be considered on its own merits, but noted that this site had been turned down for planning permission on two separate occasions, by both Sedgefield Borough Council and the County Council, with appeals dismissed. In 1991 an independent inspector had turned down development in the area.

Locals feared that granting permission behind Black Horse Pub and demolishing Tudhoe Victory Club to build bungalows would lead to over-development in the area. This application appeared to confirm those fears. The proposed design appeared to create several opportunities for expansion into neighbouring fields. Following recent development and existing permissions in Spennymoor, he wondered why this greenfield site had been brought forward yet again – it was not recognised as a strategic development site in the County Durham Plan.

The space between Tudhoe Village and Tudhoe Colliery was rural in nature and gave the area its distinction, whilst preventing a level of urban sprawl which had been highlighted by the Inspector. The loss of trees and hedges and resulting loss of the wildlife habitat was also of concern; this was a space for people to enjoy and crowding to rear of Attwood Terrace would create a noise concern, exacerbated throughout the building process.

The plan included the demolition of two retail premises, one of which was the former Coop store which stood in a prominent position in the street, helping to give it its character. There was a commemorative plaque which marked the dropping of a B2 rocket during the second world war which he hoped would receive protection as feature of historical significance.

Councillor Fosters' main concern was with regards to highways. An additional 40 vehicles could be expected and the development relied on traffic entering and exiting where the two buildings were demolished with several traffic concerns. The junction was near to housing, there was a Methodist Chapel further down street, and within a short distance was the entrance to Tudhoe Industrial Estate. This created a large volume of traffic of all sizes and furthermore, the current right turn entrance to the site was protected and would be at risk should the proposal go ahead.

Councillor Foster referred to the proximity of the bus stop on front street side which was on the main route from Durham, with a steady flow of traffic. A bus parked up on the bus stop would increase vehicles backing up and restrict visibility further and there was no space for the provision of a pedestrian crossing. Several years ago Councillor Foster and former Councillor Barbara Graham had arranged for a 30 mph flashing sign to reduce speed but it was still a concern. He hoped the Committee would take on board the concern and passion from residents and refuse the application.

Councillor Gardener, Local Member, confirmed that there were three main issues. Firstly he pointed out that the application site had been referred to as part of Spennymoor, however Attwood Terrace was in Tudhoe Colliery and the residents identified as being from Tudhoe Colliery. Tudhoe Village was the other part of the main objectors which was an entirely separate settlement and identified as such. The two would be joined should this application be approved.

The second area of concern was that the application would create unnecessary encroachment into the Countryside, considering there was already three large brownfield sites which had been identified for development. These sites would create 500-600 houses in addition to the 1000 that had already been built. He continued that the identified sites needed to be utilised before looking at open countryside development. Members had put in a significant amount of time and effort into the County Durham Plan to identify sites for planning and this site had been turned down numerous times and he suggested that the Committee should ensure to stand by what the Council intended to do in future.

Councillor Gardner noted a high number of objections with regards to noise, traffic, countryside, wildlife which confirmed how much locals really cared

about the area. He hoped the Committee would refuse the application as per the Officers recommendations.

Mr I Blackburn, objector, confirmed that he was representing many of the 231 petitioners and the 77 written objections, many who lived on Attwood Terrace and Front Street. Much of the feedback was that this development would grossly affect their amenity and the overall feedback was that Members, Officers and residents all wanted the application to be refused.

He defined amenity as a positive element which contributed to the overall character or enjoyment of the area. This was the reason a person wanted to live where they did. The residents of Attwood Terrace lived in a long row of terrace houses with their front door 12 metres from an incredibly busy and noisy road, yet the rear of the houses, away from noise and pollution, were fields of open countryside. This was the amenity that was being threatened, for many people who had lived in the same house for years, some for generations.

Mr Blackburn referred to the application as contrary to Safe policy H17 and agreed with the findings in paragraph 77 of the report.

With regards to coalescence, these two villages were geographically discreet, separated by greenfield and differed in character, with Attwood Terrace being 19th century housing typical of a coalfield terraced house and Tudhoe Village were detached houses built around a green, some of which dated back to 17th century and earlier. This would be latest step in coalescence of the two very distinct villages.

Mr Blackburn confirmed that three fields that formed an L shape around the application site had recently been sold from its historical use as farm land, and residents were concerned that if this application was allowed, it would provide precedent for further development that would entirely lose the separation of the villages.

In 1990 a similar application for the site went to planning inspectorate and the development was described as having an unacceptably detrimental impact on the character and form of Tudhoe Colliery. The Planning Inspectorate went on to say that modern suburban housing would not relate satisfactory to terraces or the houses of Tudhoe Village and it would create an undesirable encroachment into open countryside – fundamental findings which were just as consistent in the current day, very little had changed.

Mr Blackburn continued that development in the countryside on a greenfield site was not needed and of the 6.3 year supply and demand, the Council had committed to 16000 dwellings, of which 1500 were in Spennymoor. There were two identified brownfield sites within close proximity. The emerging

County Durham Plan did not make provision for the site and it did not pass the conditions necessary to provide an exception to the plan, therefore Mr Blackburn asked that the application be refused on behalf of all residents and objectors.

Ms J Matchett of Litchfields spoke on behalf of the Applicant. The first reason for refusal alleged harm to the character and urban form of Tudhoe Colliery, encroachment into the open countryside, and coalescence with Tudhoe Village. Despite regular engagement with planning officers they had not recently voiced such concerns. The Landscape Officer had provided some detailed design comments, but there was no landscape objection to the principal of this development and the introduction at this late stage was concerning and not consistent with either the emerging or adopted planning policies. Whilst the indicative layout had been submitted, the detailed design was a matter for reserved matters and shouldn't be used as the basis to refuse outline planning permission.

With regards to the second reason for refusal, noted that the displacement of on street parking would adversely impact the amenity of residents of Attwood Terrace and highway safety. The proposed access arrangements had been put forward by Councils' own highways department and the agent advised that all concerns had been addressed. In response to the loss of parking for residents of Attwood Terrace, five affected properties would each be provided with their own parking bay, and a shared visitor bay – an improvement on the existing parking bays which were substandard by the Councils own standards, with no guarantee of a space.

With regards to the final reason for refusal, Ms Matchett confirmed that the flood authority did not object to the development but simply sought reassurance that SUDs would be included at reserved matters. This outline plan was illustrative and drainage details would have been of limited value at this time. It had been confirmed that drives would be permeable paving, and swales, filter drains and rain gardens would be considered within the drainage proposals and this could be secured with a condition.

The NPPF was clear that decision takers were able to give weight to relevant policies in emerging plans but advice from Officers' was that the County Durham Plan should not be given any weight, instead using the Sedgefield Borough Plan which had been drafted 25 years ago.

If the Committee accepted the recommendation and refused the application, there would undoubtedly be another appeal and by the time it was heard, the new County Durham Plan would have been adopted and this would be the criteria assessed. The key emerging policy was policy 6 which related to development on unallocated sites, which were outside of the built up area but well within settlement, such as this application site. Ms Matchett was

satisfied this application fully accorded with all the elements of Policy 6 and as the County Durham Plan was at an advanced stage, with the Inspector having confirmed Policy 6 as sound, she suggested that considerable weight should be afforded to it. Failure to do so risked the being judged as unreasonable by an inspector.

The proposal had social economic, environmental benefits and ecological gains. It would provide 39 new homes, some affordable and help to sustain the local community. The scheme would also bring huge financial benefits, financial contributions and economic benefits, which Ms Matchett believed should be given additional weight, especially due to the impact of the current Covid 19 pandemic which was having a significant economic impact which would be felt for some time. Schemes such as this supported the housebuilding sector, boosted the economy and stemmed unemployment. The Committee should support the housebuilding and construction industries and support the application.

The Senior Planning Officer confirmed that the application had to be determined on relevant policies in place at the time and although the County Durham Plan would be coming into play, it could not be afforded any weight, therefore weight had been given to the Sedgefield Local Plan which was still relevant. In terms of the drainage issues, this was an outline application and there was still a lot of information required to make the application sound; the drainage section had not been satisfied with the information given. With regards to ecological gain, the Senior Planning Officer reminded Members that this was already an open field with huge ecological benefits and alluded to the impact of building 39 houses with the provision of some offset. With regards to Covid 19; houses needed to be built in the right place, but the local planning authority was arguing that this was not the right place for all the reasons as per the case officers report. Highways were happy with the access that was shown as long as it had the necessary visibility splays, however this would come at the expense of local amenity. To improve the amenity, would come at the expense of highway safety as it would not have the necessary visibility splays.

Councillor Blakey agreed with the Officers recommendation and moved the recommendation to refuse, seconded by Councillor Shuttleworth.

Councillor Jewell confirmed that Local Members had put forward valid planning objections and he supported the recommendation to refuse.

Resolved

That the application be REFUSED as per the recommendation in the report.