

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber - Council Offices, Spennymoor on **Thursday 21 April 2011 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

Councillors D Boyes, M Campbell, P Gittins, E Paylor, G Richardson, R Todd, E Tomlinson (Vice-Chairman), Andy Turner (substitute for R Yorke), C Walker (substitute for K Davidson) and J Wilkinson

Apologies:

Apologies for absence were received from Councillors D Burn, K Davidson, A Hopgood, A Laing, J Shuttleworth, P Taylor and R Yorke

Also Present:

Councillor Ben Ord and Councillor Kevin Thompson (local Members - Item 3a)

S Eldridge (Development Control Manager), C Simmonds (Legal Officer), A Farnie (Development Control Manager), D Stewart (Highways Officer) and D Roberts (Democratic Services)

1 Declarations of Interest

Councillor Richardson declared a prejudicial interest in application 6/2010/337/DM (Lands Methodist Chapel, High Lands, Cockfield) as he was a member of the Bishop Auckland Methodist Circuit Committee, which took the disposal decision; he left the Council Chamber whilst the application was discussed and voted on.

2 Minutes of the Meeting held on 17 March 2011

The Minutes of the meeting held on 17 March 2011 were confirmed as a correct record and signed by the Chair. With regard to application 7/2011/0019/DM, the Chair confirmed that a condition with regard to a means of enclosure for the path had been agreed.

3 Applications to be determined

3a Application 7/2011/0040/DM - The Old Coal Depot, Westerton Change of use of former coal stocking depot to storage of caravans, containers and B8 storage and distribution uses at The Old Coal Depot, Westerton

The Development Control Manager (Spennymoor) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. It was noted that a site visit had taken place earlier that day.

The Committee was addressed by Mr McGill, on behalf of the applicant. He expressed disappointment that a number of additional documents submitted with the application were not mentioned in the officer's report. He believed that the site was not 'rural' as such – it was 'peri-urban', being close to a housing estate, petrol station, allotments etc. It provided a more substantial site than those available in an urban area and was close to the applicant's customer base. Having been a colliery and then a coal depot in the past, it had been in use as a storage facility for six years. During a short period when the site had not been in use it had become very untidy and if planning permission was refused then it could become an eyesore. Mr McGill pointed out that most of the site was well-screened by tree belts and that further fencing, landscaping and mounding were proposed; there were no objections from local residents and 44 letters of support had been received from the applicant's existing customers. He noted that an analysis of alternative sites had been undertaken but no suitable site had been identified. He acknowledged that the site might not entirely comply with current planning policy but it was the base for a thriving business. The applicant confirmed that 50 people worked on the site and storage facilities were being provided for some 500 customers. He also confirmed that some unauthorised roadside signage had been taken down and would not be reinstated.

Local members Councillors B Ord and K Thompson then addressed the Committee, expressing support for the application on the grounds that this was in effect an industrial site, that it was well maintained and provided employment for up to 50 people. As local members they had not received any adverse comments about the site; if planning permission was refused then some caravans could end up parked inappropriately in residential areas and a significant number of jobs would be put at risk.

In response the Development Control Manager referred to the Planning Inspector's decision to dismiss the appeal in 2010; he suggested that details of proposed landscaping and other mitigation measures should have been submitted at an earlier stage. He also suggested that, if the site was developed further it could become increasingly unsightly.

Members then had an opportunity to comment and ask questions; it was generally agreed that the site could be considered a brownfield site, that it was currently well run and provided considerable employment opportunities. Members also agreed that some screening would be required, particularly when viewed from the south.

With regard to the additional businesses currently operating at the site, the Legal Adviser confirmed that they would not have the benefit of planning permission even if the current application was approved; consideration would need to be given as to the appropriateness of taking enforcement action in respect of such unauthorised use of the site.

On the grounds that the site is previously developed land and offers numerous employment opportunities, thus benefiting the local economy, Councillor Boyes moved that the application be approved subject to conditions; he was seconded by Councillor Richardson.

RESOLVED:

That the application be approved subject to conditions to be agreed by the Development Control Manager in consultation with the Chair and Vice-chair of the Committee.

**3b Application 3/2010/0548 - Land at Park Road, Witton Park
Outline application for 31 dwellings (including 9 affordable bungalows),
A1 retail unit, parking and associated access on land at Park Road,
Witton Park**

The Development Control Manager (Crook & Barnard Castle) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

The Committee was addressed by Mr Jacques (applicant); he emphasised the provision of the affordable housing element of the proposed development and claimed that all the houses would be considerably cheaper than those on other developments recently granted planning permission in Witton Park. He believed that the community of Witton Park wanted and needed this development and referred to a list of 71 people who had expressed support for the proposal. He also mentioned the forthcoming Localism Bill which would potentially give communities the ability to approve some developments independently of the formal planning system. He believed that Witton Park would be a sustainable location for this development and felt that development limits contained in the local plan should have been reviewed before now. He was prepared to comply with any conditions imposed and to change the road layout.

In response the Development Control Manager noted that this was an outline application and that details would be agreed at a later date if planning permission was granted; she also noted that 'affordable housing' had a specific definition in planning terms.

The Highways Officer confirmed that a satisfactory solution could be found in respect of the internal road geometry and residential parking arrangements.

Councillor Turner indicated that both he and the other local member, Councillor Yorke, supported the application and welcomed the affordable housing element and the shop in particular.

The Legal Adviser noted that a Section 106 Agreement would be required in respect of the type of housing to be provided and that the affordable housing element would need to meet standards set by a social landlord.

Councillor Campbell proposed that the application be refused; he was seconded by Councillor Wilkinson. On the vote being taken, however, this motion was lost.

On the basis that the proposed development would not prejudice the aim of achieving sustainable patterns of development in the local area, in accordance with policies GD1, H3 and ENV1 of the Wear Valley District Local Plan, as amended by Saved and Expired Policies September 2007; RSS policy 4 and national planning guidance in PPS1, PPS3, PPS4, PPS7 and PPG13, Councillor Turner moved that the application be approved subject to conditions and to the prior completion of a Section 106 Agreement; he was seconded by Councillor Paylor.

RESOLVED:

That outline planning permission be granted subject to the prior completion of an acceptable Agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the payment of a commuted sum for the provision of off-site recreation and play facilities and the provision of affordable housing and subject also to conditions to be agreed in consultation with the Chair and Vice-chair of the Committee.

**3c Application 6/2010/0337/DM - Lands Methodist Chapel, High Lands, Cockfield
Change of use of redundant chapel to 3 bedroom dwelling at Lands Methodist Chapel, High Lands, Cockfield**

The Development Control Manager (Crook & Barnard Castle) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site.

The Committee was addressed by Mr Wills, representing objectors to the proposal; he mentioned that at least 76 people had objected and noted that this was a significant percentage of the very small local community. The loss of this community building would be regrettable and he suggested that approving the proposal could prejudice any civil case against the Church with regard to its closure. He claimed that the Church had given the impression that the building was in some respects unfit for use/occupation in order to justify closure; he believed that this was not just a civil matter and that, if approved, the conversion would take place before the dispute over closure was resolved. He challenged the assertion that the criteria of Local Plan policies BENV 13 and 14 had been met and suggested that holiday use would be far more appropriate than permanent residential use. He reiterated that no decision should be taken until the dispute over closure had been resolved and asked members to refuse the application.

The Committee then heard from Mr Cundick and Rev. Phipps, representing the applicant; they emphasised that the Church had followed its own procedures correctly in arriving at the decision to close the chapel and had also complied with planning policy requirements when formulating and submitting the current application. They believed that the best, indeed the only, option was to convert the building to residential use.

The Legal Adviser confirmed that the ongoing dispute over closure of the chapel was a matter between the Church and the objectors; the planning system could not be concerned with other regulatory regimes.

Councillor Wilkinson moved that the application be approved subject to conditions; he was seconded by Councillor Tomlinson.

RESOLVED:

That the application be approved subject to the conditions detailed in the officer's report to the Committee.

**3d Application 6/2011/0038/DM - Brookside Hall, Evenwood
Application for renewal of extant planning permission 6/2008/0086/DM
for erection of detached dwelling at Brookside Hall, Evenwood**

The Development Control Manager (Crook & Barnard Castle) presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. She emphasised that objections had been considered at the time that the original application was approved and that matters should not be revisited where there was no significant change in circumstances.

The Committee was addressed by Mrs Stout (objector), who suggested that there had been a change in circumstances since permission was granted in 2008 – the development of an additional property on land adjacent to the application site had resulted in problems with the sewer system. She was concerned that these would only be exacerbated if a further dwelling was built. She was also concerned that prospective purchasers of the plot were not being advised that service providers would need to be involved in the re-routing of utilities; she suggested that members might wish to undertake a site visit.

The Development Control Manager confirmed that a condition relating to foul and service water drainage would be included if the application was approved and that an informative could be added with regard to the re-routing of services.

Councillor Richardson recalled the original application and was of the opinion that the site could not comfortably accommodate a dwelling; he also suggested that the development of the additional property had caused problems and moved that the application be refused but this was not seconded.

RESOLVED:

That consideration of the application be deferred pending a site visit.

4 Appeals Update

The Committee considered a report regarding the following appeal:

APPEAL REF. NO. APP/X1355/A/10/2137253

LPA REF. NO. 7/2009/0426/DM

Appeal against the non-determination of a detailed planning application for residential development comprising the erection of 105 dwellings with public space and associated infrastructure on land off High Road, Bishop Middleham

The Inspector had dismissed the appeal.

RESOLVED:

That the report be noted.

The meeting closed at 3.40 p.m.