

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 19 May 2011 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

Councillors D Boyes, M Campbell, K Davidson, P Gittins, A Hopgood, E Paylor, G Richardson, J Shuttleworth, P Taylor, R Todd, E Tomlinson and J Wilkinson

Apologies:

Apologies for absence were received from Councillor Mac Williams

Also Present:

C Simmonds (Legal Officer), J Byers (Development Control Manager), A Caines (Senior Planning Officer), Thompson (Highways Officer), D Stewart (Highways Officer) and D Roberts (Democratic Services)

1 Declarations of Interest

There were no declarations of interest.

2 Minutes of the Meeting held on 21 April 2011

The Minutes of the meeting held on 21 April 2011 were confirmed as a correct record and signed by the Chair.

3 Applications to be determined

3a Application 6/2011/0038/DM - Brookside Hall, Evenwood

6/2011/0038/DM – Application for renewal of extant planning permission 6/2008/0086/DM for erection of detached dwelling at Brookside Hall, Evenwood (deferred from last meeting for a site visit)

The Principal Planning Officer (A Caines) 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 the previous day.

The Committee was addressed by Mrs Stout (objector), who claimed that the issue of sewage had not been considered at the time of the original application in 2008 and that the sewerage system could not cope with another dwelling – in fact there were already problems following the erection of 'Joss House'. Environmental Health Officers had been called out on numerous occasions following flooding/sewage overflow incidents. She queried who would be responsible if such incidents continued/worsened should an additional property be built. In addition Mrs Stout expressed concern over access to services (gas, telephone, electricity), which were located beneath the application land.

The Chair referred members to a condition regarding foul and surface water drainage that was recommended if planning permission was granted and reminded them that the Principal Planning Officer had confirmed that there had been no significant change in material considerations since planning permission was originally granted in 2008.

Members queried whether it was possible to strengthen the condition relating to foul and surface water drainage and whether the re-routing of services could be conditioned. They were advised that, whilst it would be possible to do the former, the latter was a private matter between the respective land/property owners and a matter for agreement between any prospective developer and the statutory service providers.

Councillor Richardson noted that, in his opinion, the original planning application should not have been approved and that renewal would only perpetuate that mistake.

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

RESOLVED:

That the application be approved subject to the conditions detailed in the officer's report to the Committee, including the amendment of condition 8 (foul and surface water drainage) as suggested by the Legal Adviser.

3b Application 6/2011/0063/DM - Bildershaw Grange, Bildershaw

3/2011/0063 – Change of use of farmhouse and outbuildings to create multi-functional facility for residential, educational, recreational, office, training and contact centre purposes, with new access and parking provisions at Bildershaw Grange, Bildershaw

The Principal Planning Officer (A Caines) 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 the previous day.

The Committee was addressed by Mr P Ray (Etherley Parish Council), who noted that the Parish Council objected to the application primarily on road safety grounds

as the A68 was subject to the national speed limit and carried a lot of traffic, including many HGVs; the property was located just after a bend in the road and the Council was concerned for the safety of people accessing/leaving the property, especially as a number of children would be using the facility.

Mr P Ryman (an objector) then addressed the Committee; he echoed the previous speaker's concerns about road safety and also queried how many children and staff would be accommodated at any one time. As the application gave no indication of numbers he wondered whether additional accommodation, perhaps in the form of caravans, would be required. He felt that the development would be in contravention of RSS Policies 7 & 8 (Connectivity & Accessibility and Protection/Enhancement of the Environment). With regard to the current and proposed vehicular accesses to the property, he pointed out that the reference to '*the most northerly existing access*' should read '**most southerly**'. Mr Ryman cited problems caused by other developments in the local area and noted that the total of 5 objections actually represented all those likely to be affected in this rural area.

The Committee also heard from Mr J Lavender (applicant's agent), who claimed that this property was uniquely suitable to the applicant's needs. The proposed use would not be intensive but would bring together all facets of the organisation. He confirmed that the road safety concerns had been recognised at an early stage and negotiations had resulted in the current proposal. He did not believe that the change of use would impact on neighbours and urged members to approve the application.

The Highways Officer emphasised that the property could be used for a number of things without requiring planning permission – uses that could generate as many or more vehicle movements than the proposed use. He noted that the two existing accesses were not to be used and that the new access would be further from the bend than either of them; he believed that this would be safer than the existing accesses. He referred to current accident statistics for this stretch of road (3 personal injury accidents since 2007), all bar one of which involved single vehicles. He suggested that the safety team would investigate whether a change in the surfacing material for the road might help.

Councillor Hopgood moved that the application be approved subject to the conditions detailed in the officer's report to the Committee; she was seconded by Councillor Todd.

RESOLVED:

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

3c Application 6/2010/0316/DM - Field House, Lartington

6/2010/0316/DM – Change of use from agriculture to a mixed use of agriculture and equestrian and erection of American Barn (stables) at Field House, Lartington

The Principal Planning Officer (A Caines) 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 the previous day.

The Committee was addressed by Mr Hammond (Lartington Parish Council), who detailed the Parish Council's objections on the grounds that the development would be inappropriate for the Conservation Area in terms of scale, material and character; that the building would be too large and not commensurate with the associated land; that the building would be alien in the environment and that trees and archaeology might be damaged (although it was accepted that the Council's Archaeologist had indicated that the development would not pose a significant risk to the archaeological features referred to and that suitable conditions had been suggested in mitigation). Mr Hammond also acknowledged that the Council was satisfied by the proposed condition with regard to the safeguarding of trees, although he suggested that a condition requiring hedge planting instead of fencing should also be imposed. Whilst not objecting to the erection of a stable in principle, the Council was also still concerned about the impact of the proposed development on the Conservation Area; he noted that residents of Lartington took great pride in their village. He referred to the parish plan produced a few years ago, which included requirements for the use of traditional materials, and to a number of new buildings which had been constructed of local stone since then; a timber building would not enhance the Conservation Area and he asked the Committee to refuse the application.

Members then had an opportunity to comment on the application; the Chair referred to the site visit and noted that the site was well screened by trees and that the building would not be prominent in the landscape. However, it was suggested that an additional condition be imposed requiring that a landscaping/screening scheme be submitted and agreed. On being put to the vote, however, this was rejected.

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

RESOLVED:

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

3d Application 7/2011/0055/DM - Land north east of High Street, Byers Green

6/2011/0055/DM – Application for renewal of extant planning permission APP/M1330/A07/2040536 for residential development (outline application) on land north east of High Street, Byers Green

The Planning Officer presented a report on the above application; the written report was supplemented by a visual presentation which included photographs of the site. He noted that policy would now require 20% of the dwellings to be affordable units and this would need to be conditioned.

The Committee was addressed by Mrs Lupton (objector), who considered that the proposed realignment of the highway involved in this proposal would in fact be dangerous, especially as it was in close proximity to a children's play area. She did not believe that the development was sustainable as there were few jobs or services in the village. She suggested that the sewage system would be unable to cope and that the application land was subject to subsidence. She claimed that residents had many unanswered questions arising from the proposed development, including over issues such as who would pay for any remedial works that might be required; whether the war memorial would be affected; the safeguarding of children and the play area and whether any additional parking would be provided.

The Committee then heard from Mr J Lavender (applicant's agent), who emphasised that only the current economic climate had delayed implementation of the extant permission and that all the matters referred to had been considered when the original application was made. In the circumstances he urged members to approve the application.

Whilst sympathising with the objector in this case, and urging any prospective developer to engage with the local community, members agreed that, in the circumstances, the application should be approved.

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 and to the prior completion of an acceptable agreement under Section 106 of the Town & Country Planning Act 1990 to secure 20% affordable housing within the scheme.

3e Application 7/2011/0054/DM - Former Greyhound Stadium, Merrington Lane, Spennymoor

7/2011/0054/DM – Application for renewal of extant planning permission 7/2007/0703/DM for the construction of access and remediation works at the former Greyhound Stadium, Merrington Lane, Spennymoor

The Planning Officer submitted a report on the above application.

Councillor Hopgood moved that the application be approved subject to conditions; she was seconded by Councillor Davidson.

RESOLVED:

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

3f Application 7/2011/0105/DM - St David's Close, Spennymoor

7/2011/0105/DM – Replacement of 2 UPVC windows with 2 UPVC bow windows to front elevation at 7 St David's Close, Spennymoor

The Planning Officer submitted a report on the above application.

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

RESOLVED:

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

4 Appeals Update

**APPEAL REF. NO. APP/X1355/A/10/213614/WF
LPA REF. NO. 7/2010/0168**

Appeal against the refusal of planning permission for change of use of open space land to domestic curtilage and erection of fence at 3 Gibbon Street, Bishop Auckland

The Inspector had dismissed the appeal.

RESOLVED:

That the report be noted.

NOTE: Members agreed that, in future, site visits should be held on the morning of the day of the Committee meeting.