

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 23 October 2014 at 2.00 pm**

### **Present:**

**Councillor M Dixon (Chairman)**

### **Members of the Committee:**

Councillors H Nicholson (Vice-Chairman), D Bell, D Boyes, J Clare, K Davidson, E Huntington, S Morrison, A Patterson, G Richardson, L Taylor, R Todd, C Wilson and S Zair

### **Also Present:**

J Byers – Planning Team Leader  
A Caines – Principal Planning Officer  
D Stewart – Highways Officer  
C Cuskin – Solicitor (Planning and Development)

#### **1 Apologies for Absence**

An apology for absence was received from Councillor J Buckham.

#### **2 Substitute Members**

There were no substitute Members.

#### **3 Minutes**

The Minutes of the meeting held on 18 September 2014 were agreed as a correct record and were signed by the Chairman.

#### **4 Declarations of Interest**

The Chairman declared an interest in application numbered DM/14/02284/FPA – Tremeduna Grange, Trimdon Village as he was a member of the Board of Livin. The Councillor left the meeting during consideration of the application.

It was agreed that the order of business be amended as there were registered speakers in attendance and item numbered 5(c) on the Agenda was considered following item 5(a).

## **5 Applications to be determined**

### **a DM/14/01540/OUT - Land to south of Etherley Road, Low Etherley**

Consideration was given to the report of the Principal Planning Officer regarding an outline application for the erection of 13 dwellings with all matters reserved (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting.

In presenting the report the Principal Planning Officer advised of revised comments received from Durham County Council's Drainage Section which stated that surface water should be disposed of via the main sewer until alternative solutions had been explored.

Mr C Furby, local farmer addressed the Committee against the application. His farm was located next to the site and he was of the view that new developments and working farmyards were not compatible. The new properties would be situated next to his farm and may impact on any proposals he had to keep livestock in the future. If the application was approved he believed that the impact on his livelihood would be to such an extent that he would be compelled to look at alternative uses for his land, such as housing, to mitigate against a loss of income.

Mr A Rogers, resident spoke against the application and addressed the main concerns of local people.

The risk of flooding was a key concern with some residents struggling to get home insurance. Surface water flowed off the fields and had flooded properties in the past. The current infrastructure could not cope and the problems would be exacerbated by the proposals for the site.

He was concerned that a traffic survey had not been carried out and surveys he had undertaken with the Police had shown that 380 vehicles travelled through the village in less than an hour, 22% of which were travelling in excess of 30mph, with the fastest recorded at 55 mph. There were in excess of 4,000 vehicles at peak times at Four Lane Ends. These figures demonstrated the significant risk in terms of highway safety.

The proposals would also have an impact on wildlife in the local area and the site was not in a sustainable location as there were no shops, post office, bus service or pub in the village. The closest services were a mile away up a steep incline.

If the application was approved he asked that trees be planted around the remainder of the site and that they be protected by a Tree Preservation Order to prevent further development.

Residents were also concerned about loss of view and questioned the need for a further 13 dwellings as there was a development of 600 houses less than a mile away from the site.

The Chairman asked if the proposed condition requiring a scheme for the disposal of surface and foul water mitigated residents' concerns about the risk of flooding. Mr Rogers responded that this did not alleviate their fears because they had not seen a detailed scheme. Mr Rogers was reminded by the Chairman that this was an outline application and a detailed drainage scheme would be dealt with at a later stage.

Mr T Armstrong addressed the Committee on behalf of the applicant and highlighted a number of key points from the report. The site did not lie in a flood plain or was linked to any watercourse, and the causes of flooding in the past had not been linked to this site. However notwithstanding this he considered that any concerns had been addressed by condition.

The Highways Authority had offered no objections to the proposals.

Whilst the land was classed as amber in the SHLAA conclusions on the site had acknowledged that frontage development may be acceptable. The proposals also conformed with Policy 15 of the emerging County Durham Plan.

Mr Armstrong referred to the appeal decision in 1991 which was referred to in the report and advised that there had been changes to National and Local Plan Policy since the appeal had been dismissed. The Inspector had focused on national guidance and the Teesdale Local Plan but this was now outweighed by the new emerging County Durham Plan and the NPPF which introduced a presumption in favour of sustainable development.

With regard to residents' concerns about a coal mine beneath the site the mining assessment acknowledged a recorded mine entry but Mr Armstrong considered that this was not an unusual situation across County Durham. The assessment recommended further site investigation works which would be carried out at the reserved matters stage.

The site was surrounded on three sides by housing and was within the built up area of the village. The County Durham Plan proposed over 34,000 houses over 20 years and whilst many of these would be located in main towns it was essential that smaller settlements had opportunities for development to help retain local services.

In conclusion the proposed provision of 15% affordable housing was in accordance with the target for the area.

D Stewart, Highways Officer was asked to address the highway safety concerns raised by residents. He confirmed that a survey had been carried out of vehicle speeds and in terms of traffic generation the figures were accurately represented. However a development of up to 13 dwellings would not have a material impact on existing traffic flows.

In terms of the concerns expressed about the access, this was an outline application and not a matter for consideration at this stage, however the Highways Authority was satisfied that a suitable access could be created and sight visibility would be adequate for speeds recorded along the B6282. The additional traffic could comfortably be accommodated on the existing highways network and this application could not be expected to address vehicle speeds through the village.

Councillor Boyes queried the statement in the report regarding the need for a continuous footway along the front of the site. The Highways Officer advised that this was no longer deemed necessary as the Adoptions Engineer had revised his advice, agreeing the principle of alternative pedestrian access arrangements. The Member was advised that matters such as access and layout would be considered at the reserved matters stage.

Councillor Boyes also noted the concerns about the risk of flooding and asked if residents could be consulted on the proposed drainage scheme at the reserved matters stage.

A Caines, Principal Planning Officer advised that consultation on the detailed drainage scheme with residents would be a matter for the developer. Consultation would be carried out by the Local Planning Authority on receipt of the reserved matters application.

Councillor Davidson commented that disposal of surface and foul water would be considered at a later stage, and if the detailed scheme did not address concerns it was unlikely that the development could proceed.

Councillor Richardson expressed concern about drainage on the site and about the risk of subsidence due to the coal mine entry. If Mr Furby decided to keep pigs this may generate complaints of odour from residents of the new development, potentially causing a detrimental impact on a farm that had been in the village for years.

In response to Councillor Huntington who referred to housing need and the comments made by objectors that there were already a number of vacant properties in the village, the Principal Planning Officer advised that a shortfall of 34,000 properties had been identified across the County. Whilst this development of 13 dwellings may not have a huge impact on the shortfall and there was no allocation identified for the area in the emerging County Durham Plan, consideration should be given to proposals for smaller settlements that would enhance or maintain the vitality of rural communities and which would support facilities in other villages nearby.

Councillor Todd asked when coal mining had ceased in the area, and the Chairman advised that whilst this was not specified in the report, paragraph 67 explained how the matter of the coal mine entry and potential risks from shallow mine workings should be addressed by the developer.

Councillor Davidson, in acknowledging Councillor Todd's concerns, stated that the proposals would not be viable if any issues relating to the coal mine could not be

overcome. He was re-assured by Officers that this matter, and the issue of drainage had been addressed by condition. He was not convinced by the comments of the objectors about loss of light and this development did not join separate communities as the village was linear in form.

Councillor Clare concurred with the views of Councillor Davidson. The objectors clearly had some issues with the application but Officers had advised that these would be addressed at the reserved matters stage. This application at present was simply about the principle of the development.

He noted that an appeal against a previous application had been successful but there had been changes in Planning Policy since that time. It was for Members to determine what weight should be attached to the emerging County Durham Plan and he was therefore of the view that there were no grounds to refuse this outline application.

Following a procedural question from Councillor Boyes Members were advised that the application for reserved matters would be dealt with as a delegated decision. The application would be referred to Committee if it was called in by a Member of the Council.

**Resolved:**

That the application be approved subject to the conditions outlined in the report and to the completion of a Section 106 Legal Agreement to secure the provision of 15% affordable housing and £13,000 towards the provision/maintenance of open space and recreation facilities in the locality.

**b 3/2013/0464 - Land to the south east of Highfields, Tow Law**

Consideration was given to the report of the Principal Planning Officer regarding an application for the erection of a greenhouse, polytunnel and storage building, alterations to site levels and vehicular access, and formation of pond (part retrospective) (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Mr Nichalson, the applicant was in attendance to respond to questions from Members.

In response to a question from the Chairman about condition 3 in the report and the proposed usage of the buildings, Mr Nichalson confirmed that whilst he did not wish to house livestock he was a bee-keeper and wanted to use the proposed storage building for this purpose. He advised that according to DEFRA bees were classed as livestock.

The Committee discussed the feasibility of amending the condition to allow bees and some Members also queried the need to prevent livestock altogether, given the rural position of the site and the potential for the land to be used to house other animals in future.

Councillor Clare pointed out that Mr Nichalson had only asked to keep bees in the building, and any future proposals for the housing of livestock could be dealt with by an application for change of use.

C Cuskin, Solicitor (Planning and Development) clarified that the purpose of the condition was to prevent unreasonable impact on neighbouring residents in terms of noise and smell due to the close proximity of the buildings to residential properties.

At this point the meeting adjourned to allow Members to seek advice on the legal position with regard to housing livestock and the proposal to amend condition 3. The Applicant left the meeting during the discussion.

During the discussion Councillor Patterson left the meeting.

On Mr Nichalson's return Members proceeded to determine the application.

Following a question from Councillor Wilson about the safety of the pond given the close proximity of houses, the Member was informed that this was not a material planning consideration, however Mr Nichalson confirmed that he had done as much as possible to minimise any risk.

The Committee were of the view that the building should not be used for housing livestock because of the potential impact on local residents but felt that bee-keeping was an acceptable activity, and that condition 3 should be amended to reflect this.

**Resolved:**

That the application be approved subject to the conditions in the report and to condition 3 being amended to read as follows:-

3. The buildings hereby approved shall be used for agricultural purposes only, but not including the housing of livestock other than bees, or any business purposes.

At this point Councillor Dixon left the meeting and the Vice-Chairman Councillor Nicholson took the Chair.

**c DM/14/02284/FPA - Tremeduna Grange, Trimdon Village**

Consideration was given to the report of the Planning Team Leader regarding an application for the demolition of Tremeduna Grange and construction of 17no. dwellings with associated access, parking and landscaping (for copy see file of Minutes).

J Byers, Planning Team Leader gave a presentation on the application which included photographs of the site.

**Resolved:**

That the application be approved subject to the conditions outlined in the report and to a Section 106 Obligation to secure a financial contribution of:-

- £17,000 for off-site public open space provision
- Affordable housing provision.