

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 11 December 2014 at 2.00 pm**

Present:

Councillor H Nicholson (Vice-Chairman)

Members of the Committee:

Councillors M Dixon, J Buckham, D Bell, D Boyes, J Clare, K Davidson, E Huntington, G Richardson, L Taylor, R Todd, C Wilson and S Zair

Also Present:

A Caines – Principal Planning Officer
S Pilkington – Senior Planning Officer
C Cuskin – Solicitor (Planning and Development)
A Glenwright – Highways Officer

1 Apologies for Absence

Apologies for absence were received from Councillor M Dixon, Chairman (for applications numbered 5(a) and (b) on the Agenda), and Councillors S Morrison and A Patterson.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 23 October 2014 were agreed as a correct record and were signed by the Chairman.

5 Applications to be determined

5a DM/14/02713/FPA - Butterby Grange, Neville Close, Spennymoor

Consideration was given to the report of the Senior Planning Officer regarding an application for the demolition of existing buildings and erection of 14no. apartments and associated infrastructure (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

In presenting the report the Officer advised of an amendment to the recommendation. The scheme proposed 14 units which was below the threshold for the provision of affordable housing and as such was not a policy requirement.

Councillor Boyes considered that this was a very good scheme and was pleased to note the amount of social accommodation the proposed development would provide in the area. He moved approval of the application.

Councillor Davidson concurred with Councillor Boyes and in seconding approval of the application noted that this was a brownfield site which was suitable for the type of development proposed by Livin Homes.

Resolved:

That the application be approved subject to the conditions outlined in the report and to the completion of a Section 106 Agreement to secure £14,000 towards the provision/maintenance of open space and recreation facilities in the locality.

5b DM/14/01692/OUT - Land opposite High View Country House, Low Road, Kirk Merrington

Consideration was given to the report of the Senior Planning Officer regarding an outline application (all matters reserved with the exception of means of access) for the erection of up to 49 dwellings and 2000 sq ft of retail floor space (use class A1) with associated landscape and infrastructure (for copy see file of Minutes).

S Pilkington, Senior 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.

The Chairman invited local residents who were against the application to address the Committee.

Mr Foster stated that planning permission for residential development on this greenfield site had previously been refused. He noted that Highways Officers were satisfied with the proposals but there had been a number of concerns expressed by residents about the safety of the junction at the Fox and Hounds Public House. A traffic survey which found that at peak times there would be only one vehicle every 7-8 minutes in the morning and one every 6-7 minutes in the evening was inaccurate.

The shop would be in close proximity to busy junctions, and pedestrians would have to cross two roads. Access to and from the development was directly onto a busy main road.

In conclusion he referred to the capacity of the school which was already over-subscribed.

Mrs Lidster considered that Kirk Merrington did not need further housing development, advising that there were a number of empty properties on nearby Beckwith Close. There was no support for the shop which would be adjacent to a fast and dangerous road, and there were already traffic problems through the village. The shop would be situated on the existing pub car park and she asked where customers of the Fox and Hounds would park their vehicles.

Mr Little stated that the development would constitute an intrusion in the village. The report stated that the development was deemed to be acceptable in highway terms with no formal traffic assessment necessary, however he felt that consideration had not been given to the additional danger presented by the entrance and exit to the shop. In addition the traffic statement had been based on a census from 2001. Some traffic measurement had been carried out in August 2014 but the findings were flawed as it was carried out during the school holiday period.

With regard to the proposed shop he noted that One Stop, a subsidiary of Tesco were interested, however he advised that historically shops had failed in the village and questioned the company's interest in the location.

Mr Jennings referred to Planning Policy and the NPPF. This development did not comply with policy requirements. The site would not enhance the village, would spoil the character and charm of Kirk Merrington, and would extend the settlement boundary. He also questioned the need for additional housing in the village. The SHLAA had not identified a need for major development in Kirk Merrington and there was available housing a mile away on a brownfield site.

Mr Baister, the applicant was invited to address the Committee. He advised that he had lived next to the site for 18 years and cared about the future of the village. The proposals would help to sustain and maintain the vitality of Kirk Merrington. The report assessed the proposals against relevant planning policies and against the wider principles of the NPPF, however he felt that there were sufficient planning grounds to depart from policy.

In preparing the scheme he had worked closely with the Local Planning Authority, had distributed leaflets to residents and had carried out informal public consultation. Only 19 objections had been received from a population of 1800.

The proposed development was deliverable, providing much needed housing, including affordable homes and bungalows.

The fully refurbished pub created 14 jobs and the store with post office was a much needed scheme which would create additional part time and full time employment.

A financial contribution would fund improvements to the school building, children's safety and access, and a much-needed drop-off area. He was also willing to make a contribution towards off-site sports and recreational facilities.

Mr Yeels advised that One Stop was a wholly owned subsidiary of Tesco PLC which would only invest in locations where there was a viable catchment. The company were constantly looking for new sites and considered that a shop in Kirk Merrington would promote the viability of the village.

Mrs Bainbridge, a local resident spoke in support of the application. She considered that this was a much-needed development which would support the public house. The site would be compatible and sympathetic to the character of the village. It would also provide some much needed affordable housing. Residents were concerned about highway safety but she felt that the highway network should be improved by the Highways Authority with or without the proposed development.

A Glenwright, Highways Officer was invited to address residents' concerns about highway safety at the two main road junctions. He advised that in the five years since the submitted Transport Assessment had been produced only two traffic collisions had been recorded involving right turning vehicles, one in July 2009 at the B6287 West View/B6287 Merrington Road junction and the other in April 2011 at the B6287 West View/B6287 Low Road junction.

With regard to the traffic survey referred to by Mr Foster he advised that the figures quoted related to the number of additional vehicles that would be generated by the development. This represented an increase in traffic generation of 3% in the morning and 2% in the evening.

A traffic survey carried out by the Police across a morning period had shown some excessive speeds, however a week long survey carried out by the Highways Authority had recorded 85 percentile speeds of 27mph with an average speed of 22mph.

With regard to the junction arrangements he acknowledged that there were difficulties in terms of visibility but the low number of accidents compared to vehicle numbers demonstrated the due care and attention shown by motorists. It was therefore concluded that the proposals were deemed to be acceptable in highway terms.

Councillor J Buckham stated that having visited the site the settlement boundary was obvious because of the local topography and the proposals would constitute an intrusion into the local countryside. He appreciated when residents felt that facilities in a village were disappointing but in this case was outweighed by the reasons for refusal detailed in the Planning Officer's report. He therefore moved that the application be refused.

Councillor Richardson was of the view that determining applications of this nature was always a fine balance between allowing development beyond the settlement boundary and ensuring the sustainability of a village, and he could see both positives and negatives to these proposals. He sought clarification in respect of the planning history for the site and the Senior Planning Officer confirmed that a planning application had been refused in 1989.

In concurring with the views of Councillors Buckham and Richardson, Councillor Clare acknowledged Mr Baister's argument in support of the proposals, however could not ignore that the site was not included in the emerging County Durham Plan. The application did not meet criteria contained in Policy 15 of the County Durham Plan and constituted development in the open countryside, contrary to Policy 35.

The Member had given regard to the size of the proposed development. At 49 houses this would constitute 12% of the overall number of properties in Kirk Merrington. This was a huge development for a village of this size. Councillor Clare seconded the motion to refuse the application.

Resolved:

That the application be refused for the reasons set out in the report.

Councillor D Boyes left and Councillor M Dixon entered the meeting.

5c DM/14/03009/FPA - Land adjacent to Wellgarth, Hamsterley, Bishop Auckland

Consideration was given to the report of the Principal Planning Officer regarding an application for the erection of dwelling (resubmission of 6/2013/0397/DM) (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 Officer advised that in assessing the impact of the proposed development on the setting and significance of the surrounding heritage assets, consideration had been given to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the revised proposals were deemed to be acceptable.

Mr Kirtley addressed the Committee on behalf of his son who lived at the adjacent Peartree Cottage. He explained that the driveway was in the ownership of his son's property but the developer had rights of access across it. This was the only access to the rear entrance door of the cottage and the garden, and he was concerned for the safety of his grandchildren who played there. He believed that the access would not only be used by family cars but by larger vehicles such as horse boxes.

The access also crossed the village green and to overcome this grasscrete had been laid to protect the surface. However this was for use by light vehicles and he believed that larger vehicles would have a detrimental impact on the surface.

The developer owned the property to the west of the site which had a large concrete area and he suggested that this be divided into two separate driveways, one of which could be used as an access to the proposed development.

Mr Ridgeon, the applicant's agent stated that this resubmission application aimed to address the previous reasons for refusal. The proposals respected the historical importance of the site and was set back from the dry stone wall along the frontage. The site was within the development limits of Hamsterley and took into account the character of the village. The revised proposals were reduced in scale and were deemed to be acceptable in Design and Conservation terms.

The access was considered to be acceptable by the Highways Authority, there would be no damage to the surface of the village green and vehicles would be travelling at slow speeds. These access arrangements were not unusual across the County and was a civil matter.

A full heritage assessment had been carried out and whilst the comments of the Landscape Section were noted he reiterated that there were no objections from Design and Conservation.

There was a recognised need for new housing in County Durham and this form of development in rural areas was supported by Planning Policy. There was also a recognised need for bungalow accommodation.

The Highways Officer advised that an assessment of the access had concluded that it was acceptable in terms of highway safety, and confirmed that right of access was a civil matter.

Councillor J Buckham noted that the Parish Council had called the application to Committee and expressed disappointment that they were not represented. Having looked at the site and considered the effort put into the design by the developer he was of the view that it was an exceptionally high quality in-fill development with an unassuming impact, and located in a popular village. The proposals would not obscure the views enjoyed by Peartree Cottage.

Councillor Richardson advised that he lived in the village and expressed disappointment that the recent owners of Peartree Cottage had chosen to object to the application. Concerns put forward had been addressed and the applicant had revised the application to the satisfaction of Planning Officers, as outlined in the report.

Councillor Clare noted that there were other new developments taking place in this area which were close to the site. The design was exemplary and although he was generally not in favour of in-fill development this application fully accorded with the NPPF and Policy 15 of the emerging County Durham Plan.

It was moved by Councillor Buckham and seconded by Councillor Davidson that the application be approved.

Resolved:

That that the application be approved subject to the conditions outlined in the report.