

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 17 March 2016 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, C Kay, S Morrison, G Richardson, L Taylor, C Wilson and A Turner

### **Also Present:**

S Pilkington – Senior Planning Officer  
T Burnham – Senior Planning Officer  
M O’Sullivan – Planning Officer  
C Cuskin – Solicitor – Planning and Development

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

Apologies for absence were received from Councillors B Armstrong, E Huntington, A Patterson and S Zair.

#### **2 Substitute Members**

Councillor Turner substituted for Councillor A Patterson.

#### **3 Declarations of Interest**

There were no declarations of interest.

#### **4 Minutes**

The Minutes of the meeting held on 18 February 2016 were agreed as a correct record and were signed by the Chairman.

## **5 Applications to be determined**

### **5a DM/15/03900/FPA and DM/15/03901/LB - Auckland Castle, Market Place, Bishop Auckland**

Consideration was given to the report of the Senior Planning Officer regarding an application for the erection of a restaurant and new greenhouses within the walled garden at Auckland Castle, Market Place, Bishop Auckland (for copy see file of Minutes).

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. He advised that since the report had been submitted, local Member Councillor Zair had verbally offered his support to the proposals which recognised the historic nature of the site and were appropriate.

Councillor Kay, in acknowledging that he could not vote on the application as he had entered the meeting during the Officer presentation, commented on construction access arrangements and was informed that a condition was proposed which would protect the integrity of listed structures, recognising that a separate planning application would be required for an alternative access route to the rear of the park.

Councillor Richardson made the point that the images shown in the Officer presentation did not properly show the steep incline of the gardens which could present difficulties for wheelchair users. Although he supported the scheme, on a personal level he did not like the 'bubble' design of the restaurant.

Councillor Nicholson considered that the proposal was part of the ongoing plans for Auckland Castle and Eleven Arches, and the proposed development would serve to enhance these. Although he shared Councillor Richardson's views about design, he appreciated that it had been designed by a well-known Japanese architect.

The Chairman noted that there had been some concerns expressed about noise but that these had been addressed in the report.

Councillors Clare and Davidson felt that any impact on heritage would be outweighed by the quality of the design and the benefits the proposed development would bring to the area.

Upon a vote being taken it was **Resolved:**

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

## **6 DM/16/00117/FPA - Land to the south of St John's Presbytery, Sedgfield**

Consideration was given to the report of the Planning Officer regarding an application for a two storey dwelling on land to the south of St John's Presbytery, Sedgfield (for copy see file of Minutes).

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

Councillor G Wills addressed the Committee on behalf of Sedgefield Town Council. The Councillor advised that this was a very sensitive development and the Town Council's primary consideration was the need to conserve the historic environment and protect it from inappropriate development. The site was one of the remaining garths in Sedgefield which was still intact. Local Plan Policy E18 which sought to preserve or enhance the character or appearance of the Conservation Area had been applied when an application for development on a garth to the south of the site had been dismissed on appeal in 2006.

With regard to the boundary wall the Inspector at appeal had said that there was a lack of compelling evidence of previous alterations to refuse the application on that basis, nevertheless such alterations would add harm to the Conservation Area. 100m to the north of the development was a site where the applicant had retained the wall and had therefore reduced the impact on the street scene and the Conservation Area. That applicant had ensured that there were no windows overlooking the houses to the east. This development however would overlook properties to the east, would be overbearing and would reduce light. Councillor Wills was concerned that the impact on privacy had been dismissed as the proposals satisfied the minimum distance required between opposing windows (SPG Note 3). However she believed that the distance had been incorrectly measured from the back door of 2 Church View. The report suggested a slight change in ground levels but this would not be the case; the development would tower over the property to the east as it was a 2.5 storey dwelling, and would be overbearing and intrusive. The application was contrary to Local Plan Policies D5 and H17.

Addressing the applicant's statement which stated that the loss of the elevated historic space had occurred many years ago as there was a structure already on the site, Councillor Wills advised that this was a temporary building which occupied a small part of the area. The building proposed was permanent and more than four times the size of the existing structure, occupying two thirds of the site.

In conclusion Councillor Wills stated that the proposed development was in the historic heart of Sedgefield village and she requested that the Committee consider visiting this site, in particular to look at the impact on 2 Church View. The site was of historic value and should be protected. The proposed development was overbearing, was overdevelopment and constituted an invasion of privacy for the occupiers of 2 Church View. The application was contrary to Planning Policies D1, D5, E18, H17 and SPG Note 3.

Councillor D Brown of Sedgefield Town Council also addressed the Committee against the proposal. He advised that there was an agricultural field to the west of the site, through which crossed a public right of way. He had farmed the land for many years which had acted as a buffer between East Park and West Park. Hardwick Park was not located to the west of the site as stated in the report.

Turning to the Officer's presentation he believed that the photographs had been extracted from a recent publication about the Conservation Area. He noted that the Highways Authority had not objected to the proposals but he was aware of a previous application for development further along the lane which had been refused because of the increased volume of traffic the scheme would generate. West Park Lane was used as a mini rat-run to avoid congestion in the local area.

The Councillor was also concerned with the potential for flooding to properties on the lane which would be compounded by the development of an additional dwelling. He also pointed out that the stone wall belonged to the field. The Ecology Section had offered no objections but it was well-known that there was a colony of bats in the location. He had submitted an application for a barn conversion and had been required to submit a detailed bat report, yet here the comments of the Ecology Consultant had been deemed to be sufficient. He urged Members to refuse the application.

Councillor John Robinson, local Member was invited to address the Committee and advised that he had been a Member of the former Sedgefield Borough Council's Development Control Committee which had refused the application referred to by Councillor Wills. There should be consistency in the application of the policy for long gardens and if this planning application was approved that policy should be reviewed.

With regard to the boundary wall which was neglected, Councillor Robinson questioned the need to grant planning permission for works when the wall should be protected by the Authority by enforcing its repair. He asked Members to consider the detrimental impact the proposed development would have on the residents of 2 Church View who would have a view of a 2.5 storey property towering above them. The Councillor urged the Committee to consider the planning history for the area and was of the view that had pre-planning consultation been carried out with 2 Church View this may have resulted in a development that was more sympathetic and which was viewed more favourably by residents.

Mr Elliott of 2 Church View addressed the Committee. He was concerned with regard to the impact of the proposed development on existing properties, the Conservation Area and the setting.

There had been a number of refusals for planning permission in recent years, including the application in 2006 which had been dismissed at appeal, as referred to by the Town Councillors. Areas of open space were important to the fabric of the village; the proposed development would result in the further loss of open space, and was contrary to Policy E18.

The report stated that the garth had been divided and this was incorrect, as early maps showed this, and was at odds with the Planning Inspector's decision. It was also wrong to state that their amenity was already compromised simply because the existing structure on the site was in poor condition.

The Planning Officer had argued that the proposed development would help to promote the openness of the Conservation Area, including Manor House which was also at odds with the decision of the Planning Inspector. Policy E18 was still relevant today. The boundary wall was one of the few parts remaining, and despite other developments being required to retain sections, it was said to be in poor repair. The proposals for the wall were unacceptable in a Conservation Area. The assertion that views would be opened up was contradictory when a single storey structure was to be replaced with an 8m high dwelling.

In terms of separation distances, whilst on paper these were deemed to be acceptable, in reality the shadowing created by the new property would impact on 2 Church View and the openness of the Conservation Area. There were significant policy reasons to refuse the application in accordance with Part 12 of the NPPF and Local Plan Policy, including E18. Approval of the application would result in the direct loss of an important asset.

The applicant was in attendance but indicated that he did not wish to address the Committee.

The Chairman referred to the planning history in the local area which had been raised by objectors and advised that planning policy had changed significantly in recent years which affected how local plan policy could be applied. With regard to the comments made about bats and the views of the Ecology Section as set out in the report, he explained that the Committee had to be guided by the expertise of Officers. Hardwick Park, although not directly adjacent to the site was located to the west, and therefore the references to the Park were relevant.

The Planning Officer responded to the matters raised. He advised that he had visited the site on a number of occasions and that he had taken the photographs which were included in his presentation. As had been stated Hardwick Park was located to the west of the application site. The proposed dwelling was 2 storey with a living area in the roof space and was in line with the presbytery to the north. Loss of a view was not a material planning consideration, and the separation distance was 25m, exceeding the 21m requirement. As there was a property to the north, the garth had been sub-divided, and as the amenity of 2 Church View was already compromised by a poor quality building on the site, albeit temporary, the application was deemed to be acceptable.

With regard to the concerns expressed about the boundary wall, the Planning Officer advised that the report explained why it was considered acceptable to rebuild the wall using reclaimed materials and which would comply with highway safety requirements. Councillor Brown had argued that the lane was used as a rat-run but the proposed development of one house and the expected traffic flow it would generate was considered to be acceptable by the Highways Authority.

Councillor Davidson referred to the comment made by Councillor Wills that the separation distances had been measured from the wrong points and was informed that measurements had been taken from the primary elevations. The rear elevation of the proposed development to the rear elevation of 2 Church View was 25m.

Where houses were positioned back to back there was usually an element of overlooking.

Councillor Boyes asked if the existing structure on the site had ever been used as a dwelling and was informed that it was an annex to the presbytery and formed part of the curtilage of the building to the north, which was a residential property. It had never been occupied as a dwelling.

Following a further question from the Member the Committee was informed that the application would be acceptable in planning terms if the structure was not already on the site. This was not a form of garden-grabbing; there was already a building on the site and the proposed development constituted infill of a vacant plot.

Councillor Richardson stated that having heard the representations made he had sympathy with the objectors, particularly with the residents of 2 Church View. However he would listen to the views of other Members of the Committee before he reached a decision on the application.

Having listened to the detailed representations made Councillor Davidson did not feel that sufficient planning reasons had been furnished to justify refusal of the application, and that the Committee had to be guided by the NPPF. He appreciated that the residents of 2 Church View may lose some views but he was satisfied that the proposed dwelling met the required separation distances.

Councillor Nicholson considered that the objections raised had been fully addressed in the report and whilst he sympathised with the residents he was in support of the Officer's recommendation.

Councillor Clare advised that he had listened to the comments made that this was the only intact garth remaining and he appreciated why earlier planning permission had been refused to the south; as a medieval burghage used for allotments/workshop/pens for animals he could appreciate the reasons for preserving that site. However this garth had clearly been split and when this had occurred was irrelevant. The site had also been built upon. Whilst the loss of an ancient wall was regrettable the Planning Inspector had said that the loss of the wall would not be enough in itself to refuse an application. To state that the wall was being demolished simply because it was in poor repair was incorrect as visibility splays were required. The Committee had been told that the field to the west was not Hardwick Park, and he was of the view that as an agricultural field this gave greater weight to supporting the application, not less. Planning permission had been refused at another site because of the volume of traffic that would be generated but the Highways Authority had offered no objections following their examination of this application. Councillor Brown had raised concern that the existence of bats had not been taken into account, yet on examination it had been found that there were none.

Objectors had referred to the proposed development being overbearing but Councillor Clare was convinced by Planning Officers that minimum separation distances had been met. With regard to the comment that the scheme would constitute overdevelopment of the site he was concerned that the development

would cover a large part of the plot but understood that the original scheme had been larger. Officers had worked with the applicant to produce a more suitable scheme and the proposed garden space would not be unacceptable.

Councillor Boyes asked if the applicant intended to use the property as a family home and if this could be secured by condition as he was concerned that the site would be developed and then sold on the open market. The Solicitor – Planning and Development advised that conditions had to meet certain tests, one of which was that they must be necessary to make the development acceptable in planning terms. It would therefore be difficult to sustain a condition restricting the use of the house as a family home.

The applicant confirmed that the property would be their family home.

Councillor Kay was of the view that the objectors' arguments were based on an outdated Local Plan but asked why it had been felt that a site visit was not necessary.

Members considered that the photographs and images presented by the Officer in his presentation, which included the proposed design and layout, clearly showed the proposals and that there was sufficient information for the Committee to make a decision on the application without visiting the site.

Councillor Clare moved and Councillor Davidson seconded that the application be approved.

Upon a vote being taken it was **Resolved:**

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

#### **6a DM/15/03923/FPA - Nursery Garage, Stangarth Lane, Staindrop**

Consideration was given to the report of the Senior Planning Officer regarding an application for the demolition of a garage building and erection of dwelling with car port and garage at Nursery Garage, Stangarth Lane, Staindrop (for copy see file of Minutes).

The 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.

T Bolton addressed the Committee on behalf of Staindrop Parish Council. He explained that the Parish Council had always aimed to be constructive and supportive of applications in the village however the two proposed schemes on the Agenda were of concern. Over a long period the Parish Council had sought to protect the land to the south of the village. The integrity of the linear form of the village should be maintained and this was recognised in Staindrop Conservation Area Character Appraisal.

When planning permission had been granted for the bungalow adjacent to the garage its occupation had been linked to the garage and the Parish Council felt that this had offered protection. A previous application successfully sought to have this link removed. The Parish Council considered this to be an area of open countryside and of high landscape value, and of great concern was that it would create a spur southwards and open up the floodgates for further development, of which the following application on the Agenda was one.

The Parish Council also had misgivings in relation to the application of planning policy. The report referred to the land as being a brownfield site and the comments that it was already occupied by a very large and unattractive building were overstated. The garage was a low lying white coloured single storey building which sat comfortably in its surroundings and could be mistaken for an agricultural building. The adjacent dwelling was also single storey. The proposed building would be a 2 storey dwelling at 8.5m high which would not look like a barn conversion, nor could be adequately screened.

There had been an apparent lack of appreciation and weight given to conservation issues. The site was identified as one of the key sight lines from the village. He asked why designate as Conservation Area, identify key sight lines, classify as an Area of High Landscape Value and then minimise these classifications by allowing a development of that which was proposed. He strongly urged Members to refuse the application; insufficient weight had been given to development in the open countryside and the impact on the Conservation Area, or to what was in essence cumulative impact along the lane. However if the Committee was minded to approve the application he asked for the size of the building and eaves height to be reduced.

Mr Mills, the applicant stated that he only wished to develop the land by demolishing an eyesore and replacing it with a stone-built dwelling, and bed and breakfast business combined. With the exception of the Parish Council there had been little public objection to the proposals. It was not uncommon in the village for a typical design to be 7-8m to ridge and there was a proliferation of in excess of 20 dwellings around the village that were 3 storeys high and 9m to ridge. As there were 2 other well-established garages in Staindrop, and 4 located within 1-4 miles, there would be no impact on the local economy.

The garage business generated approximately 20 cars per day along the length of the lane. The proposals would result in a 75% reduction in traffic flow, with a commensurate effect on pedestrian risk.

The Parish Council had argued that the lane was in poor condition and he accepted that it could benefit from resurfacing but he made the point that there was no clear responsibility for its upkeep, and there were other properties which also had frontages onto the lane, including that of the Chairman of the Parish Council.

In conclusion he asked the Committee to support the development of a brownfield site which constituted sustainable development and which did not conflict with the policies in the Local Plan or the NPPF.



The Chairman advised that a key policy of DCC was to develop and promote tourism in County Durham and this application presented an opportunity for this in a Conservation Area and in an area of high landscape value.

In response to the comments made the Senior Planning Officer referred to the views expressed that the proposed building would be worse than the existing structure, but this was subjective. The impact on the Conservation Area had been assessed and was not considered to be negative as the site was located further to the north. He acknowledged that the building would be slightly more prominent from the footpath to the south but the impact was not deemed to be significant or excessively negative.

Councillor Davidson was of the view that the argument that there should be no housing development on the site had been weakened when planning permission was granted for the garage and the bungalow. He understood the reservations about opening up a southern spur but Highways Officers were of the view that the lane could not serve any development which would lead to an increase in vehicular movements. On the site visit he had observed 13 cars, a horse box and 2 MOT bays and therefore the garage had the ability to generate a lot more traffic than the proposed scheme. Members had to consider the application before them; it would not be possible to ask the applicant to reduce the height of the building as this would require the submission of a revised application. The Member added that he would not take into account the comment made by Mr Mills with regard to the Chairman of the Parish Council.

The Chairman referred to the comments made by the Parish Council about opening up a southern spur and emphasised that this application had to be considered on its own merits; the impact this scheme might have on future developments could not be taken into account.

In agreeing with Councillor Davidson, Councillor Nicholson was of the view that this proposal would bring more people into the village and would benefit the local economy.

Councillor Richardson advised that this development was within his electoral division. He attended meetings of the Parish Council who cared greatly about the village. He shared some of their concerns, particularly in relation to the access. He could have supported the views of Councillors Davidson and Nicholson had he not known that those who had objected had genuine concern for the village. He was unable to support the application.

In concurring with the views of Councillor Davidson, Councillor Clare commended the comments of the Parish Council which he considered to be pertinent but were not sufficient to justify refusal of the application. The Committee could not take into account what might occur in the future as a result of this application, and although this was a bigger building, it had been reduced in size. The land was already built upon and if it had been a greenfield site he would have agreed with the views of the Parish Council. The linear integrity of the village had already been breached at this location and whilst he agreed with the Parish Council that this was the identified

sight line for the Conservation Area it was not a sufficient reason in itself to warrant refusal of the application.

Councillor Davidson moved and Councillor Nicholson seconded that the application be approved.

Upon a vote being taken it was **Resolved:**

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

#### **6b DM/16/00020/FPA - Gorst Hall Gardens, Stangarth Lane, Staindrop**

Consideration was given to the report of the Senior Planning Officer regarding an application for the demolition of existing buildings and the erection of 2no. detached dwellings with garages (for copy see file of Minutes).

The 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.

T Bolton addressed the Committee on behalf of Staindrop Parish Council and explained that although a separate application, the proposals raised similar concerns to the previous application as the Parish Council sought to protect the village from development southwards.

This application was for 2 large detached 4 bed houses with separate garages and although the earlier application had been approved, Officers and Members had stated that each application was considered on its own merits. This application reinforced the argument that the approval of one development may encourage additional schemes in the area.

The Parish Council endorsed the comments of Design and Conservation who opposed the principle of developing the site on the grounds that it would erode the definite east-west layout of the village. In relation to the existing buildings the Parish Council considered these to be single storey structures and how the site could be considered brownfield was beyond their comprehension. The development was referred to as Gorst Hall Gardens which the residents of Gorst Hall were unhappy about. During consideration of the previous application Members had been informed of the limited existing highway arrangements. In summary the objections of the Parish Council were similar to those in respect of the earlier application and related to scale and massing, and development to the south of the village.

Mr Thompson the applicant advised that he had undergone a formal process with Planning Officers to reach an acceptable scheme. It was coincidence that both applications had been submitted to Committee at the same time.

The site was located to the south of the Conservation Area and outside the previous Local Plan settlement limits. It could be accessed via Stangarth Lane which had served the builders yard in the past. There had been no objections from the Highways Authority to the existing number of units served by the lane. The

former workshop at 4.5 to 4.8m was in excess of single storey and there was a store and garage to the west. The proposed design was low-key, with well-proportioned apertures and low pitched roofs to minimise the impact of the buildings. The adjacent plots to the north were 2 storey. Natural materials would be used, red pantiles and locally sourced stone, which would be sympathetic to the character of the village.

There were 3 storey properties on the Front Street in the village and building heights reduced proceeding along the lane. Amenity value of the site was low at present and the proposed development would be enhanced visually and ecologically through natural planting. With regard to the argument about sight lines the walled gardens of the Raby Estate offices could be seen when looking towards the development.

The Chairman stated that the Highways Authority would have offered objections to the application if either proposal would cause additional traffic so the issue was not whether the lane was up to capacity. Had Highways Officers been concerned about the lane and traffic generated he would have taken a different view on the application.

Councillor Boyes made the point that although the site was outside the Conservation Area the impact of the proposals on the setting should be considered, and noted the objections in principle from Design and Conservation.

The Senior Planning Officer advised that because the dwellings were sympathetically designed this should not compromise the setting of the Conservation Area. The east-west layout was a key aspect of the village and if there had not already been development on the site a different view may have been formed. On balance it was not considered that the scheme would cause harm to the setting of the Conservation Area.

Councillor Nicholson stated that this site was classed as brownfield land and noted that these were two different applications that happened to be submitted to the same meeting. He considered that on balance the proposals would enhance the village and he welcomed the development of a brownfield site.

Following a question from Councillor Clare, the Member was informed of the proposed on-site parking provision. The Member noted that there was no on-street parking but was satisfied that adequate parking would be provided within the development for families and visitors, and was in support of the proposals. The argument surrounding sight lines was not a sufficient reason to reject the application.

Councillor Richardson supported the Parish Council's comments about the naming of the site, and asked if it could be re-named.

Although the name of the development was not a material planning consideration the applicant, at the request of the Chairman, explained that the title of Gorst Hall Gardens had been inherited through title deeds but he was seeking to re-name the development.

Upon a vote being taken it was **Resolved:**

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