

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 21 April 2016 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors H Nicholson (Vice-Chairman), D Bell, J Clare, K Davidson, E Huntington, A Patterson, G Richardson and L Taylor

Apologies:

Apologies for absence were received from Councillor Barbara Armstrong, Councillor Charlie Kay, Councillor Sue Morrison and Councillor Sam Zair

1 Apologies

Apologies for absence were received from Councillors B Armstrong, C Kay, S Morrison and S Zair.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest (if any)

Councillor H Nicholson declared an interest in item no. 5a) and 5b) as a family member was an ex member of staff at Glencrest Kennels and Cattery. He left the meeting during consideration of the applications.

4 Minutes

The minutes of the meeting held on 17 March 2016 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/16/00516/OUT - Glencrest Kennels And Cattery, Glencrest, Copley Lane, Butterknowle

Consideration was given to the report of the Senior Planning Officer regarding an application for the erection of one dwelling on land at Glencrest, Copley Lane, Butterknowle, 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.

The Committee Services Officer read out a statement on behalf of Local Members, Councillors H Smith and A Turner, who were in support of the application. The statement queried why Copley should be excluded from small developments considering that recent planning consent had been granted in nearby Butterknowle and Woodland and raised the following issues;

- The statement disputed that the site was isolated development in the Countryside. Section 4 of the NPPF which was referred to in the report, stated that facilities such as shops and schools should be in walking distance of a property, however, many villages in Teesdale did not meet this requirement and most residents of existing rural properties travelled by car. It was almost certain that people buying property in the area would have a car.
- There had been no Highways objections to the application and although Environmental Health had objected on the grounds that noise from the nearby Kennels may cause a nuisance, there had been no assessments done to consider whether an acoustic fence detailed in the plans would alleviate it.
- The objection from the Parish Council was based on lack of clarity of the application which was a vague umbrella term.
- No objections had been received by local residents.

John Lavender addressed the Committee on behalf of the applicant. The report referred to the nearest settlement as Copley, however he disputed that Glencrest was not within Copley. The old settlement boundaries had been taken from the outdated Teesdale District Local Plan and had excluded Glencrest and 17 other properties opposite. The report referred to Copley as 240m to the West of Glencrest, however the two areas were only separated by a playing field also judged as being excluded from within the settlement boundary, but very much part of the village.

He referred to Paragraph 55 of the NPPF, referred to in the report which confirmed that planning permission could be granted where villages required mutual support to ensure their sustainability. There was no doubt that Copley, Butterknowle and Woodland mutually supported one another.

Contrary to the report which stated that there was limited bus links, there was a bus service connected to Cockfield. In addition, there was also a safe footway adjacent to the carriageway, connecting Copley to both of the neighbouring villages.

Referring to issue of noise, he confirmed that a dog breeder occupied a property opposite Glencrest and could not be ruled out from creating noise. Only 2 complaints had ever been received by the Council relating to Glencrest Kennels

and Cattery, one of which was 15 years ago and the other when the application had first been submitted.

The Senior Planning Officer responded and summarised the two main issues regarding the recommendation for refusal - one being the location of the site and the impact of the noise from the existing kennels and the other being the isolated location of the site. The site was situated nearest to Copley, classified as a Tier 6 Hamlet offering very few or no facilities and services. There was not a Primary School within the village and the bus service was limited. In addition, walking to the nearest village was unlikely, especially during the winter months when it was dark.

In response to a query from Councillor Patterson, the Senior Planning Officer confirmed that it was not normal practice for the Council to carry out a noise impact assessment, the onus was on the applicant to submit one if it was felt necessary in order to dispel concerns regarding noise.

In addition, the Solicitor, Planning and Development, confirmed that Environmental Health had significant concerns and had made reference in the report to the applicant not having considered the potential noise in relation to the impact on possible future occupiers and in turn the future viability of the business. Without mitigation, it was not possible for the Committee to consider the issue any further.

Councillor Richardson confirmed that Copley was only technically on the outskirts of the village, however in reality it was very much a part of the community. He supported the application adding that to not allow properties to be built in rural areas, would lead to their decline and they would become unsustainable.

Councillor Davidson was not persuaded by the argument that the site was within the village of Copley and reiterated that any occupiers of properties on the site would rely on vehicles.

Councillor Clare confirmed that in the absence of a noise impact assessment the Committee could not impose a condition, nor could they consider approving the application. Without a sufficient survey of the level of noise from the nearby Kennels and Cattery, he could not use his vote to approve the application.

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

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

That the application be refused on the grounds as outlined in the report.

b DM/16/00517/OUT - Glencrest Kennels And Cattery, Glencrest, Copley Lane, Butterknowle

Consideration was given to the report of the Senior Planning Officer regarding an application for the erection of four dwellings on land at Glencrest, Copley Lane, Butterknowle, 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.

The Committee Services Officer read out a statement on behalf of Local Members, Councillors H Smith and A Turner, who were both in support of the application. The statement reiterated that Copley should not be excluded from small developments since recent planning consent had been granted in nearby Butterknowle and Woodland. The plans would create additional housing in the village and provide economic benefits to local construction firms. It also raised the following issues;

- The report stated that the removal of the car park for customers of the Kennels and Cattery would increase parking on the B6282, however it was unlikely that more than one customer would arrive at the business at one time and therefore would be more likely to use the driveway at Glencrest bungalow.
- The statement disputed that the site was isolated development in the Countryside and reiterated that most people living in rural areas or buying property there would already have a vehicle in order to travel. There were also houses to the left, right and opposite the site and were very much part of the community and included within the village of Copley.
- Copley had mixed housing comprising of farm houses, terraced properties, bungalows, 2 storey housing with a modern design and former social housing. However the report stated that the dwellings would not integrate well with the existing surroundings which they considered to be a matter of opinion.
- Environmental Health had objected on the grounds that noise from the nearby Kennels may be a nuisance, however there had been no assessments done to consider whether an acoustic fence detailed in the plans would alleviate it.
- The objection from the Parish Council was based on lack of clarity of the application which was a vague umbrella term.
- No objections had been received by local residents.

John Lavender expressed his disappointment on comments made with regards to noise. He was unaware of the issue regarding noise until he received the report and confirmed that had the Authority divulged the information sooner, the applicant would have ensured that a noise impact assessment had been carried out and included with the application.

With regards to the structure of the proposed dwellings, he disagreed that they were not in keeping with the existing surroundings and confirmed that there was a property opposite the site which was almost identical to the plans submitted. With regards to the removal of hedgerows he confirmed that should they be removed, they could agree to replant hedgerows elsewhere on the site.

In response to the concerns regarding the loss of the car park, he confirmed that since it was erected in 1983, it had rarely been used by customers and confirmed that the driveway at Glencrest bungalow was used instead.

The Senior Planning Officer confirmed that two late representations had been received since the report had been published which raised issues regarding noise and loss of curtilage.

Councillor Richardson referred to the lack of new housing in rural areas and suggested that since few applications were submitted, the demand for new housing could never be met. On considering the argument put forward regarding a negative impact, it had been confirmed that hedgerows could be replanted and schools were accessible in both neighbouring Butterknowle and Woodland, which were no great distance to travel. Although technically the site was not within the village, it was part of the community and Copley needed expansion in order for it to be sustainable in the long term. Finally, considering the application also had the support of both local members, he would not vote to refuse it.

Councillor Patterson confirmed that she had regularly used the B6282 and was aware that some vehicles travelled at high speed past the site. She had concerns that the removal of the car park would lead to more vehicles being parked on the road and a reduction in visibility.

The Senior Planning Officer confirmed that although the speed limit was 40mph, vehicles did travel at higher speeds along that section as advised by the Highways Authority. He added that the car park was built in the early 1980's at a time when the kennels was expanding and its removal could also potentially impact the business should it plan to expand in the future. It was also clarified that the agent could have ascertained the need for a noise assessment with Officers prior to submitting these planning applications but he did not enter into any dialogue prior to the submission of the applications.

In addition to the safety issues, Councillor Patterson confirmed that in absence of a noise impact assessment, she could not support the application

Councillor Patterson moved and Councillor Clare seconded that the application be refused.

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

That the application be refused on the grounds as outlined in the report.

At the close of business Members requested that Jill Errington, Senior Committee Services Officer, be thanked for her support to the Committee for the past five years.