

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 30 November 2017 at 1.00 pm**

Present:

Councillor I Jewell (Chairman)

Members of the Committee:

Councillors D Bell, L Boyd, M McGaun, M McKeon, O Milburn, A Shield, L Taylor and S Wilson (Vice-Chairman)

Apologies:

Apologies for absence were received from Councillors A Bainbridge, H Bennett, A Hopgood, J Robinson, J Shuttleworth, A Simpson, K Thompson and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillor A Bainbridge, A Hopgood, J Robinson and J Shuttleworth.

Apologies for absence were also received from Councillor A Simpson who had intended on substituting for Councillor A Hopgood.

2 Substitute Members

There were no substitutes.

3 Minutes of the Meeting held on 26 October 2017

The minutes of the meeting held on 26 October 2017 were confirmed as a correct record and signed by the Chairman with the following amendment:-

Councillor O Milburn declared an interest in Item 5(a) as a former Board Member of Derwentside Homes of which Karbon Homes is a subsidiary.

4 Declarations of Interest (if any)

Councillor A Shield declared a non-prejudicial interest in Item 5(b) as the local member.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/17/01930/FPA Land to the South East of Ford Crescent, Lanchester

The Committee considered a report of the Senior Planning Officer regarding the proposed erection of 52 dwellings including associated access, infrastructure and open space (for copy see file of Minutes).

The Senior Planning Officer provided a detailed presentation which included photographs of the site and plans of the proposed layout as well as details of late objections. Members had visited the site the previous day and were familiar with the surroundings.

Mr D Friesner, Lanchester Parish Council was in attendance to speak in objection to the application. He firstly added his thanks to the committee for visiting the site the previous day and to the officers for their comprehensive report.

Mr Friesner advised that the Parish Council aims to effectively manage change within our rural Parish community and not to prevent it. The record of growth is not that of a community resistant to change at all costs but the council does have a role as custodians of the positive attributes that create our rural village atmosphere and parish community way of life. We have a record of supporting development in the Parish (over 200 properties since 2001), at a level which we consider to be both sustainable and manageable.

The main reasons for opposing the proposed development were as follows:-

- It is contrary to several Saved Policies:
 - (i) Policy GDP1 – General Development Principles
 - (ii) Policy EN1 ‘Protecting the Countryside’
 - (iii) Policy EN2 ‘Preventing Urban Sprawl’
 - (iv) Policy EN6 ‘Development within Areas of High Landscape Value’
 - (v) Policy H07 and breaches the natural limit / boundary to the village.
- Part of the site borders the Conservation Area. The proposal adversely affects the setting and significance of the Conservation Area and the village atmosphere. The development would be visibly intrusive on the entrance to the village along Ford Road and would be visible from several areas inside and outside the village.
- We believe this proposed development does not contribute positively to the Lanchester Neighbourhood Plan’s overall Vision for our parish’s future development
- The proposed development is in an area of High Landscape Value which should be protected
- The proposed development will adversely affect the existing flora and fauna. At present the land provides opportunities for wildlife which are not disturbed by development.
- We are greatly concerned that sewage from 52 dwellings will be pumped up the site to meet with a manhole in Ford Road. The proposed pumping station is in an area which floods regularly. Areas of the village suffer power failures during the year. What contingencies will be in place in the event of a malfunction, power failure or flood? (The recent incident at York is just one such serious example). Of great concern is the capacity of the existing sewers to cope with the additional and substantial sewage generated. Residents from Ford Road and Ford Crescent (several of whom have responded directly) report that sewers are often overwhelmed, resulting in sewage running onto

highways and into properties. Affected residents have been informed by Northumbrian Water that there is already an incapacity issue. Also, how has the cumulative impact of the 14 dwelling development at The Paddock been factored into these calculations?

- Periods of rain result in parts of the site flooding. (residents' letters submitted support this). Surface water floods Ford Road and surrounding properties, including running down onto the proposed site.
When Smallhope Burn rises, it can break its bank flooding the lower part of the site. Together with this erosion, we have grave concerns for the safety of residents living within such close proximity.
- Ford Road is an historic entrance to the village which is narrow and winding. Access to the site is off Ford Road at the corner of the proposed site on a bend with visibility issues. Ford Road carries a significant amount of traffic including lorries, vehicles, and regular users such as agricultural tractors towing fully laden trailers, often with overhanging loads. The road is narrow in places. Such large vehicles often overhang the footpath to accommodate other passing vehicles. We are concerned that the development will create substantial additional traffic and congestion along Ford Road and throughout the village. In addition speeding traffic has regularly been reported. This is acknowledged. The proposal to narrow the road to widen the pavement is particularly worrying. It will not improve this situation nor make things any safer for residents and road users. If anything, it will make it even more dangerous.

Mr M Gladstone, Lanchester Partnership and Council for the Preservation of Rural Lanchester, was in attendance to speak in objection to the application. He advised that there were many reasons to object to the application however would focus on three main issues as follows:-

- Undesirable intrusion into the countryside, which feels like vandalism on a Grade 3 area of agricultural land.
- Ford Road footway inadequate to serve current foot traffic let alone any increase from additional homes. At the footpaths narrowest point it was 62cm wide with the remaining sections of the footway substandard width at best. Traffic surveys indicate that on average cars travel at 35mph along this stretch of road with the 85th percentile travelling at 41mph. He reiterated how dangerous this stretch of road was highlighting that in 2006 a site meeting to this area was restricted in number of attendees by the council because the foot way was no narrow and there was safety concerns for more than 4 people to present on site at the same time.
- Lanchester is a historic village and it was feared that because of the growing population it would soon become a small town. It was noted that the application was not sustainable on the basis of lack of jobs in the village and lack of supporting key infrastructure. In addition the local economy would not be supported by people walking into the village to do their shopping on the basis that the walk there would be so dangerous.

In conclusion he added that the village faced extraordinary pressures from developers and urged members to refuse the application as they had done with 5 other similar schemes which had been submitted to date.

Mr M Gabrielle, Bellway Homes was in attendance to speak in support of the application. He advised that by supporting the application Bellway would be able to help deliver their share of homes in the area. In referring to Policy he advised that the NPPF supported sustainable development and the Local Plan could not be relied upon as its saved policies were out of date.

In addition the development would be a logical growth of Lanchester. The site had clear defensible boundaries and low density housing to mirror that of dwellings and estates within the village. He further referred to the Cadger Bank and Paddock applications which had been won on appeal

He noted that although the Highways Officers objected to the application, there had been no recorded accidents in this location.

Mr Gabrielle further noted that the application would bring a £8.4m uplift for the local economy and over £21k per week in spending power.

In conclusion he advised that the site was the best in area to accommodate the growth of the village. There had been no negative press surrounding the application and only 27 objections had been received from 21 properties.

Councillor Wilson raised a query regarding the Area of High Landscape Value its significance within the NPPF and how strongly refusal on these grounds would stand at appeal. The Senior Planning Officer advised that Paragraph 109 of the framework states that the planning system should contribute to and enhance the natural and local environment through a number of actions, including 'protecting and enhancing valued landscapes' and although there was no definition of what represented a valued landscape, officers were confident of defending the decision at appeal. The Principal DM Engineer noted that Ford Road was a strategic freight road and with such the footpath widths were inadequate and unacceptable for new development.

Councillor Shield noted the historic highway and the volume of heavy vehicles which passed through each day. In addition the foot path in question linked this site to the village centre. He accepted that Highways had assessed the area and noted that it was only possible to improve the highway at certain points. He therefore added that in street terms the footway and highway were unacceptable for the additional traffic that would be generated and on that basis found it to be wholly unacceptable.

At this point the Chair welcomed G Lawson, Principal Landscape Officer who provided a detailed explanation regarding the characteristics of areas of high landscape value and noted that this area also fell within the conservation area of Lanchester and with such was a very attractive area of land with a sensitive relation to the village itself. On the basis of his assessment of the site, he reiterated that paragraph 109 of the NPPF did apply.

Councillor Shield further to comments he made earlier noted that in addition to the highway issues and increased footfall on the substandard footway, Lanchester had a massive parking problem and this development would exacerbate those issues. In addition the development would be an

encroachment into the countryside as it was outside of the curtilage of the village. He therefore **MOVED** that the application be refused on the grounds as listed within the report.

Councillor McGaun **SECONDED** the proposal.
Following a vote being taken it was

Resolved: That the application be refused on the grounds as listed within the report.

b DM/17/03064/FPA The Coach House, Derwentcote Farm, Hamsterley Colliery

The Committee considered a report of the Planning Officer regarding the proposed addition of a single storey glass canopy to the rear elevation of property (for copy see file of Minutes).

The Planning Officer provided a detailed presentation which included photographs of the site and plans of the proposed layout. She further provided details of the lengthy planning history of the site.

Mr P Winton, local resident was in attendance to speak in objection to the application. He also provided a summary of the planning history noting that the dwelling had been subjected to peace meal development enlarging it to over 50% of its original floorspace. He further detailed the enforcement activity which had taken place noting that further to recommendations made by the authority, the owner had taken the decision not to apply for a certificate of lawful development.

He further noted that the applicant and officers report dismissed the potential threat the canopy would have on birdlife.

He advised that as a neighbour he had been subjected to light and noise disturbance and felt that the unsympathetic development of the whole site, including the use of materials which were not in keeping with the original building or surrounding buildings, resulted in a highly obtrusive visual impact on the landscape. He therefore urged members to protect the Derwent Valley and refuse the application.

The Solicitor advised Members that their role was not to enquire into the planning enforcement history in relation to this property but to determine the current application on its own merits and if the objector was dissatisfied with the way in which the enforcement investigation was undertaken, he could take that up separately..

Councillor Shield commented that the application in his opinion contravened Saved Local Policies GDP1, EN1, EN3 and H019. He noted that although the property may not be obtrusive from the A694 during the day, it was however on an evening when floodlit. In addition a public right of way was a mere 15 metres away and the proposed canopy would be visible from this point.

Councillor Boyd added that she to have grave concerns regarding the proposed extension and sympathised with the local residents' concerns, however acknowledged that the proposal by Councillor Shield may not be strong enough to warrant refusal.

Councillor McGaun asked whether the proposed extension was being put on to something which didn't already have permission. Clarification was provided regarding the unauthorised development, which due to the passing of time meant it was too late to enforce against and a Lawful Development Certificate application could not be insisted upon. The Planning Officer also advised that orangery did have permission which had been granted under delegated powers.

Councillor Milburn asked what the intended use of the extension was. The Planning Officer advised that it was not stated in the application however it was thought that it was intended for entertaining.

Further discussion took place regarding the layout of the site and it was noted that the proposed extension was to the rear of the dwelling and although visible from the PROW it would not be visible from the main road.

Councillor Wilson added although sympathetic to the objectors concerns he felt that the committee's hands were tied on this occasion. He therefore **MOVED** that the application be approved subject to the conditions as listed within the report.

Councillor Boyd **SECONDED** the proposal.

Councillor Shield then proceeded to **MOVE** that the application be refused on the grounds that it contravened policies GDP1, EN1, EN3 and H019 of the Saved Derwentside Local Plan.

There was no seconder to Councillor Shield's proposal.

Following a vote being taken it was

Resolved: That the application be **APPROVED** subject to the conditions as listed within the report.

6 Appeal Update

The Committee considered a report of the Principal Planning Officer which provided details of an appeal considered by the Planning Inspectorate against the refusal of planning permission for a partly retrospective general purpose agricultural building at 5 Front Street, Burnhope. The appeal was dismissed by the Inspector.

Resolved:

That the content of the report be noted.

Signed.....

Date.....