

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 14 December 2017 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors J Atkinson, D Bell, L Brown, J Clare (Vice-Chairman), E Huntington, C Martin, A Patterson, G Richardson, J Shuttleworth, L Taylor and S Zair

1 Apologies for Absence

An apology for absence was received from Councillor Tinsley.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest (if any)

Councillor Atkinson declared an interest in Agenda Item 5(b) – Garage Block, Armstrong Close, Newton Aycliffe and would leave the Chamber during consideration of this Item.

Councillor Richardson referred to Item 5(d) – Green View Lodge, Hamsterley and informed the Committee that he was a Member of South Bedburn Parish Council. He had been present at the Parish Council meeting when the application had been considered but had taken no part in the discussion.

4 Minutes of the Meeting held on 23 November 2017

The minutes of the meeting held on 23 November 2017 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/17/00244/OUT - Land At Catkin Way, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding an application for outline planning permission for 101 residential dwellings and means of access (all other matters reserved) on land at Catkin Way, Bishop Auckland (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph of the site, views across the site and an indicative schematic layout.

The Senior Planning Officer informed the Committee that it was proposed to amend Conditions 3 and 4 in the report so that the trigger point for highways improvement works was prior to the occupation of the 10th dwelling rather than prior to the occupation of the 30th dwelling.

In **moving** approval of the application, Councillor Shuttleworth informed the Committee that it was a good redevelopment of a brownfield site.

In **seconding** approval of the application, Councillor Richardson agreed that it while it was good use of a brownfield site, the extra traffic generated could cause pinch points on the surrounding roads.

Resolved:

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the following:

- £241,000 for offsite highway mitigation works and,
- Provision of a voluntary targeted recruitment and training/local labour scheme.

and the conditions, as amended, contained within the report.

Councillor J Atkinson left the meeting.

b DM/17/03602/FPA - Garage Block, Armstrong Close, Newton Aycliffe, Co Durham

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of two dwellings, including the demolition of garages, at Armstrong Close, Newton Aycliffe (for copy see file of Minutes).

M O'Sullivan, Planning Officer gave a detailed presentation of the application which included a site location plan, photographs of the site, a proposed site plan and proposed elevations.

The Planning Officer informed the Committee that a previous application for the site, which was for 5 dwellings, had been refused by Committee in February 2017 and a subsequent appeal had been dismissed on the grounds of the loss of open space. This was a smaller application which would not result in the loss of open space.

Councillor R Fleming of Great Aycliffe Town Council addressed the Committee to object to the application. Councillor Fleming informed the Committee that he had represented the area of the application for 31 years as a County Councillor, District Councillor and Town Councillor and had represented local people earlier in the year

when the application for 5 dwellings had been unanimously refused by Committee and by the Planning Inspector on appeal.

Although the application was now only for two dwellings, other reasons for refusal of the application remained, including the unreasonable impact on amenity caused by an increase in on-street parking. Refusal of the previous application had also been reused on the grounds that the economic and social benefits of the development were outweighed by its adverse impacts, and this was still valid for this application. The current application would lead to increasingly difficult traffic conditions in the area and exacerbate the problem of parking on footpaths, which currently existed.

Ms C Walton of Great Aycliffe Town Council addressed the Committee. The Great Aycliffe Town Council had considered the application and objected to it. The previous application had been refused on the grounds of the loss of open space and the negative impact on the character and heritage of Newton Aycliffe. Although this application now fitted better, with only two dwellings proposed, the benefits of it still did not outweigh the detrimental impacts of it. The development would lead to the exacerbation of on-street parking problems and create very narrow streets for emergency vehicle access. Paragraphs 11 to 13 of the Planning Inspector's report on the previous application were still valid. There was concern that the selling off of small parcels of land such as the application site was the thin end of the wedge and set a precedent which would lead to further applications. Ms Walton asked that the application be refused.

The Planning Officer informed the Committee that the application would provide four off-street parking places and that the Planning Inspector had dismissed the highways argument for the previous application. The Highways Authority had raised no objections to the application.

Mr A Glenwright, Principal DM Engineer informed the Committee that the Planning Inspector, at paragraphs 19 to 28 of his decision, considered that the previous development of five dwellings would not be sufficiently detrimental to refuse on highways grounds. This application was now for only two dwellings and proposed parking provision which was in excess of the Council's parking standards. There would be no grounds to defend a planning appeal if the application was dismissed on highways grounds.

Mr A Lang, agent for the applicant, addressed the Committee. The Planning Officer's report considered that the amenity, access, car parking, scale and design of the proposed development was acceptable. The Planning Inspector in his appeal decision on the previous application, as well as highways officers, concluded that both this and the previous application were acceptable on highways grounds.

The application was not the thin end of the wedge and each application would be considered on its own merits. Approval of the application would therefore not set a precedent. The revised application addressed the issues raised in the Planning Inspector's decision letter by reducing the number of proposed dwellings to two and not resulting in the loss of any green space. There had been four local objections

to the proposed development and this was fewer than the number of objections to the previous application. Mr Lang asked the Committee to approve the application.

Councillor Martin informed the Committee that he was not comfortable with the application. Although he was grateful that the application would now lead to no loss of green space, it would lead to the loss of 14 garages which, in his view, were more of a community asset than the proposed two dwellings. Seven of the garages were still in use. Highways arguments were not an issue, and it was pleasing that the application would provide four parking spaces. Councillor Martin informed the Committee he would like to reject the application.

Councillor Patterson informed the Committee that she had been a member of the Committee which had rejected the former application for five dwellings. This application now proposed onsite parking and retained open space and parking opposite the garages. If the Committee was to refuse the application and an appeal followed which then overturned the decision of the Committee, the County Council would be liable for costs. There was very little available to reject the application. Councillor Patterson asked the current occupancy rate of the 14 garages.

Mr Lang confirmed that 7 of the 14 garages were currently occupied, the same as at the time of the previous application.

Councillor Shuttleworth informed the Committee that many people wanted a garage with their house and he did not consider it right that this be taken away.

Councillor Richardson informed the Committee that it was a new application which he could find no legitimate reason to refuse, and he was therefore leaning towards approval.

Councillor Clare informed the Committee that the application demonstrated the effectiveness of the Great Aycliffe Neighbourhood Plan (GANP). The previous application, which was dismissed by the Committee, was contrary to the GANP and this had been vindicated at appeal. This amended application for two bungalows would not lead to the loss of open space and provided four off-street parking places, which was in line with the GANP. A precedent had been set that the GANP must be adhered to if planning applications were to be approved.

Although the removal of garages would have a cumulative effect of increasing pressure to on street parking, this argument would not be considered at any planning appeal. Councillor Clare did not consider that the benefits of the application were significantly and demonstrably outweighed by the losses.

Councillor Nicholson reminded the Committee that, while the garages may be considered by some Members to be a community resource, they belonged to a private enterprise which could serve notice to terminate tenancies at any time.

Councillor Martin replied that garages could be used for storage purposes as well as for parking and were therefore a significant resource. Being privately owned did not mean they were not a community resource.

Moved by Councillor Richardson, **Seconded** by Councillor Patterson and

Resolved:

That the application be approved subject to the Conditions contained in the report.

Councillor J Atkinson re-joined the meeting

c DM/17/02903/FPA - Plots 2 and 3, Dean Lane, Spennymoor, Co Durham

The Committee considered a report of the Planning Officer regarding an application for two detached dwellings on Plots 2 and 3 Dean Lane, Spennymoor (for copy see file of Minutes).

M O'Sullivan, Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph of the site, site photographs, proposed site plan, plans and elevations. Members of the Committee had visited the site and were familiar with the location and setting. The Planning Officer informed the Committee that it was proposed, should the application be approved, to add a Condition to secure yellow line markings prior to the occupation of the two dwellings.

Councillor A Gardner, local Member, addressed the Committee to object to the application. Councillor Gardner informed the Committee that he was a long-standing resident of Green Lane. Initially it was thought that one house with large gardens was to be built on the development site in line with other properties on Green Lane. In 2014 planning permission was granted for the development of two properties on the site. The developer was now seeking to develop three properties on the site and this was an example of maximising profit with no social responsibility.

As a result of the proposed development, the residents of numbers 1, 2 and 3 Watson Park would face onto a 1.8 metre high fence, which was higher than the front windows of these properties and would be less than 6 metres away from them. Paragraphs 29 and 37 of the report refer to the proposed two dwellings being a continuation of Green Lane, yet they were to the rear of a property which faced onto Green Lane. Councillor Gardner also failed to see how the proposed two properties would be an effective intermediate between larger development to the south and smaller plots to the north, as referred to at paragraph 38 of the report.

Paragraph 35 of the report referred to the development site having good links to local amenities, however it was served by only one bus service which operated half-hourly between 8.30 a.m. and 5.30 p.m. This bus service took such a circuitous route to Spennymoor that it was often faster to walk. Councillor Gardner suggested that the site did not have good links to local amenities unless a car was used.

All Members of the Spennymoor Town Council objected to the proposed development as did all Ward Councillors, and the former portfolio holder for

economic regeneration on the County Council also objected. Councillor Gardner asked that the application be refused.

The Planning Officer replied that the previous planning application had been for two dwellings on the whole site, which was followed by an application to build the house which was currently under construction and another two. The principle for residential development had been established and was considered acceptable. The 1.8 metre fence lowered for visibility splays and to the front of the properties would be 0.9 metres high, as detailed at paragraph 47 of the report.

At the request of Councillor Richardson, the Planning Officer illustrated the vehicular access to the property currently under construction at the front of the site and confirmed that if this permission was approved the developer would be unable to build a second property.

Councillor Shuttleworth informed the Committee that it should take consideration of the representations of local Member and Town Council.

Councillor Patterson sought clarity from the highways officer on the visibility splays. A Glenwright, Principal DM Engineer replied that visibility splays would be 2.4 x 45 metres and as such visibility would not be an issue.

Councillor Patterson asked whether any commercial traffic used the road. The Principal DM Engineer replied that all industrial traffic was routed via York Hill Road to the north.

Councillor Clare informed the Committee that it was difficult to approve an application when local Members were unanimously opposed to it. However, if the Committee was minded to refuse permission, it would need to find valid planning grounds on which to do so. The presentation made by Councillor Gardner was opinion, and more than this was needed to refuse an application. Referring to Councillor Gardner's presentation about links to local services, Councillor Clare informed the Committee that permission for all the houses currently in the street should have been refused were this the case. Councillor Clare did not consider that the proposed properties would be overbearing as they would be offset and side on to other properties, which themselves were large town houses.

Councillor Clare informed the Committee that he could find no grounds to refuse the application and **moved** approval. **Seconded** by Councillor Atkinson and

Resolved:

That the application be approved subject to the Conditions contained in the report, with an additional Condition that to secure yellow line markings prior to the occupation of the two dwellings.

d DM/17/02967/OUT - Green View Lodge, Hamsterley, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding an outline application, all matters reserved except access, for the construction of 12 dwellings, including the demolition of farm buildings, at Green View Lodge, Hamsterley (for copy see file of Minutes).

T Burnham, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph of the site, site photographs and indicative site layout plan. Members of the Committee had visited the site and were familiar with the location and setting.

The Senior Planning Officer informed the Committee that tree preservation orders had been recently served on some trees on the site.

Councillor H Smith, local Member, addressed the Committee in support of the application. The application was to build 12 houses, including 2 affordable homes, on a site that was currently a pig farm. The siting of a pig farm in the middle of a village, next to the primary school and the village Social Club was a most unsuitable site. However, it had been there many years, and was under new ownership in the last 2 years. If it was to continue as a pig farm the buildings and equipment required major expense to update them.

The pig farm was not popular with local people. Local residents complained about the smell from the farm, which they said had adverse effects on their health and lifestyle. The council's environmental health department had received complaints about the smell and had investigated. The smell varied from day to day, and at times had been so strong that the school children were unable to play outside. Councillor Smith lived in the village and on certain days the smell was very noticeable at her house some 500 yards away.

The prospect of the development on the pig farm was popular with local people. The applicants distributed a leaflet to residents and received almost universally positive responses, with several people asking if they could put their name down to buy one of the proposed properties. Councillor Smith had not spoken to anyone who was not in favour of it.

Rural communities needed new housing, especially affordable housing, to encourage local young people to stay in the village or new families to move there. Without that they risked atrophy.

Part 6 of the NPPF said that "Local Planning Authorities should seek to deliver a wide choice of high quality homes, and widen the opportunity for home ownership to create sustainable, mixed, inclusive communities." The proposed development would do just that. It also stated that "housing should be sited where it will enhance or maintain the vitality of rural communities". This would fulfil that too. Its proximity to an excellent primary school would be attractive to young families.

NPPF Part 7 required good design in new building and in Councillor Smith's view these houses would be sympathetically designed to fit into the village landscape.

Part 8 said that "Local Planning Authorities should create a shared vision with communities of the residential environment and facilities they wish to see". Local people wished to see this development built.

The Hamsterley Parish Council raised some concerns about the access road and the risk of accidents, but the Highways Officer did not consider the access detrimental to highway safety. They also raised a concern about parking congestion because of the proximity to the school. However, the proposed dwellings, which were adjacent to the school, would have designated parking spaces within the development so there would be no need for their cars to be parked outside the school.

The other local Parish Council, that of South Bedburn, was in favour of the development and indeed would like more affordable homes.

The site was stated to be of low ecological value.

The weight being placed on the saved Teesdale Policy ENV1 was an issue for debate. The report stated that the policy was considered out of date in relation to housing supply. The traditional settlement boundaries of Hamsterley were a linear village along the main road, but planning permission for several houses had been given for building behind the main line of housing along Saunders Avenue, creating a second row in a few places, so the precedent had been set.

If the secondary aim of the saved policy ENV1 was to “protect the value and character of the countryside” then this was a matter of interpretation. The area in dispute was the part of the field to the west of the pig houses which was currently overgrown and unutilised. The planning officer felt that the applicant had understated the value of this land in terms of visual amenity, while the applicant’s view was the opposite, and that the value of this piece of land was overstated in the planning report. Having visited the site this was for Members of the Committee to decide.

The creation of an access road into the development would require the loss of a very small portion of village green. The planning report said that the “effect on a section of the village green would have a materially harmful impact on the character and appearance of the village”. Having visited the village the Committee would have seen the extensive areas of village green on both sides of the road that would be completely unaffected by this access road and the loss of what amounts to a few square metres of grass.

Councillor Smith supported this development, not just as a county councillor, but also as a resident of Hamsterley, and she believed the vast majority of village residents did. Without new development villages withered. Without new housing local young people had to move away and local facilities, and especially the school, had an uncertain future.

This development was needed, was in the right place, the design was sympathetic to the village location, the effect on the visual amenity of the local, rural landscape was not detrimental, and the obstacles could be overcome. Councillor Smith asked the Committee to approve the application.

Mr Betney, applicant, addressed the Committee. The current location of the pig farm in the middle of the village was far from ideal. He and his two sons wanted to

continue farming and the money which would be realised from the development would be re-invested in the farm.

Mr Lavender, agent for the applicant, addressed the Committee. Mr Lavender informed the Committee that the report on the application contained inaccuracies. The report referred to the settlement boundaries of Hamsterley, yet settlement boundaries were now outdated and not valid. There was no reference in the report to the public consultation exercise which had taken place, the response to which was highly supportive for the proposed development, and the Working Men's Club which was at the entrance of the development site also raised no objection.

Paragraph 70 of the report referred to the access road to the proposed development which it stated would be unlike any other residential access in the village. However, the access road would be the same as that to Bedburn Road some 100 metres away.

The benefits of the proposed development would outweigh any impacts of it, with an offensive pig farm being replaced by housing.

Mr Lavender was aghast to learn that a tree preservation order had been served on trees on the proposed development site. He had no knowledge of this and had not been informed of it some three days ago when discussing the application with planning officers. Tree preservation orders should not be used as a means of preventing development.

Mr Lavender informed the Committee that the applicant had no issue with the provision of two affordable dwellings at a price appropriate to the Local Planning Authority. The development of only the pig farm area of the site was not financially viable for Mr Betney's future farm plans and this was the reason for including part of the adjoining field in the application.

Councillor Nicholson asked whether the Council was aware of the public consultation exercise, the reason for the serving of tree preservation orders and whether the price of affordable housing was determined by the housing market in the area or a price determined by the planning authority.

The Senior Planning Officer informed the Committee that it was accepted the consultation exercise had taken place and this was for Members to consider. The tree preservation order had recently been served not with the purpose of preventing development but in an attempt to retain some of the existing planting to assist in bedding the development into the landscape. Hamsterley was an area of relatively high property values and there had been no formal indication that the developer would be willing to meet the County's maximum affordable price of £96,500 for the 2 affordable units.

Councillor Nicholson reminded the Committee that the loss of the village green was outside of the planning application and was not a planning consideration. The Senior Planning Officer confirmed that, while the application involved the loss of a small section of village green, this would not be a reason to withhold planning permission and was a matter for the applicant to deal with.

Councillor Nicholson sought clarification from the applicant whether the provision of two affordable housing units at £96,500 per unit would allow the development to remain viable. Mr Lavender replied that the applicant had been advised of the County Council's calculation used to determine the price of affordable housing, and although the figure used in the viability statement had been higher than £96,500, the development would be viable using this price. Mr Lavender sought clarity on who the tree preservation order had been served on because his client was unaware of it.

The Senior Planning Officer replied that the tree preservation order had been served on the owner of the site, Mr Betney.

Councillor Shuttleworth informed the Committee that it had a duty to allow villages to expand. This development would be good for the village of Hamsterley, had attracted no objections and was supported by the local Member. Councillor Shuttleworth **moved** approval of the application.

Councillor Patterson expressed surprise that the consultation exercise had not been mentioned in the report. Land ownership was not an issue for the Committee to consider. There was also no mention of the tree preservation order in the report. The application would bring with it a s106 contribution of £20,665 as well as affordable housing. Councillor Patterson did not consider that the negative impact of the development was considered to outweigh the benefits of it and **seconded** approval of the application.

Councillor Richardson informed the Committee that he had good local knowledge of the area. The application was an opportunity for the pig farm, which currently had buildings in a bad state of repair, to move from its current location. Currently the location of the pig farm necessitated the moving of pig slurry on a daily basis through Hamsterley village using a large vehicle, which gave local people the perception of speed. The village green had been given its status in the 1950's/1960's and all green areas in the village had been thus designated. This had subsequently caused problems in the village. The current access to the farm buildings was across tarmac which was designated as village green. This application was a chance to improve the village and remove smells/flies which had, on occasion, caused pupils at the school to be kept indoors.

Councillor Atkinson informed the Committee that he was surprised at the recommendation that the application be refused, more so after visiting the site. The benefits of the application outweighed the disadvantages, the benefits being the provision of affordable homes and local support for the development. The development would be a benefit to the whole village.

Councillor Clare informed the Committee that he considered the officer's recommendation should be overturned and the application be approved. In agricultural villages it was not unknown for farms and housing to be near to each other, however, settlements changed and local support could not be ignored. The current usage of the site seemed to be anti-social.

Although the loss of village green would only be of a few square metres, village green was very important and did not need to be grass. However, this was not a planning consideration. Councillor Clare expressed concern that the development, which was at right angles to the village, would break the linear pattern of the village. The application was in outline and Councillor Clare hoped that the applicant would listen carefully to officers regarding access at reserved matters.

Councillor Clare considered that when applying the planning balance, the application should be approved rather than refused. Councillor Clare referred to the following paragraphs in the report as reasons for approval of the application:

- Paragraphs 65 and 87 – more emphasis should be placed on the benefits of the removal of the pig farm;
- Paragraph 67 – the description of the field next to the pig farm was overenthusiastic;
- Paragraph 83 – the land was a low value site;
- Paragraph 36 – referred to trees on the site being of good value, yet Paragraph 68 reported they were category B and C.

C Cuskin, Planning and Development Solicitor informed the Committee that if it was to approve the application then details of the Conditions and the Section 106 agreement would need to be agreed, and sought authority for this to be undertaken by Planning Officers in consultation with the Chairman and Vice-Chairman of the Committee. The reasons for approving the application were that it would boost the supply of homes in the village and would remove the pig farm from the centre of the village. The benefits were considered to outweigh any detrimental impact.

Upon a vote being taken it was

Resolved:

That the application be approved and that details of the Conditions and the Section 106 agreement be delegated to Planning Officers in consultation with the Chairman and Vice-Chairman of the Committee.

e DM/17/03278/FPA - Jacobs Lodge, Hill Top, Eggleston

The Committee considered a report of the Planning Officer regarding an application for the temporary change of use of a dwelling to holiday accommodation (retrospective) at Jacobs Lodge, Hill Top, Egglestone (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation of the application which included a site location plan and photographs of the property and of neighbouring properties.

Ms K Bowers, applicant, addressed the Committee. Ms Bowers informed the Committee she was appreciative of the recommendation in the report and had worked closely with planning officers during the construction of the property. The property would eventually become a family home and the application to let it as a holiday home was only for a temporary basis.

When it was decided to let the property as a holiday home Ms Bowers had been unaware of the need of permission for change of use. She had been verbally

informed of this in May 2017 and when the planning issue was raised in August 2017 no further bookings for the property were taken. The property had taken over 50 bookings and positive feedback had been received from guests and local businesses who had benefited from the tourist spend.

The property provided total disability access. It was located on the top of a hill and the prevailing westerly wind meant that guests did not spend a lot of time outside in the garden. Over the last four months there had been no complaints about noise or nuisance, and family members lived within 20 yards of the property. Ms Bowers read the positive review received from the last guests at the house. The application had the support of businesses in the area as well as Egglestone Parish Council. Ms Bowers hoped the Committee could see the benefits of the application and grant approval.

Councillor Clare informed the Committee that the application was positive for attracting tourism to the County and had been impressed by the presentation by the applicant. He **moved** approval of the application. **Seconded** by Councillor Atkinson.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the Conditions contained in the report.

6 Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.