

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Thursday 18 April 2019 at 2.00 pm**

Present:

Councillor J Clare (Chairman)

Members of the Committee:

Councillors J Atkinson, D Bell, L Brown, M Clarke, K Liddell, J Maitland, G Richardson and T Tucker

Apologies:

Apologies for absence were received from Councillor Eunice Huntington, Councillor John Shuttleworth, Councillor Fraser Tinsley and Councillor Sam Zair

1 Apologies for Absence

Apologies for absence were received from Councillors Chaplow, Huntington, Shuttleworth, Tinsley and Zair.

2 Substitute Members

Councillor M Clarke as substitute Member for Councillor Huntington and Councillor T Tucker as substitute Member for Councillor Tinsley.

3 Declarations of Interest (if any)

Councillor T Tucker informed the meeting that she was a local Member for the application at Agenda Item 5 (a) but had expressed no previous opinion on the application.

4 Minutes

The minutes of the meeting held on 21 March 2019 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/18/02267/FPA - Site of Former Chamberlain Phipps Coatings, Catkin Way, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 75 dwellings (resubmission of DM/17/00466/FPA) on the site of the former Chamberlain Phipps Coatings, Catkin Way, Bishop Auckland (for copy see file of Minutes).

L Eden, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site photographs, proposed layout plan and elevations.

Councillor Tucker asked whether there were any definite plans for highways mitigation, expressing concern at the current level of traffic congestion at the Greenfield Road junction.

D Smith, Principal DM Engineer replied that highways needed to secure s106 money to upgrade to this junction, which was known to be at saturation levels.

Councillor Brown asked whether this was the same application as was refused by Members in 2018 and was currently going through the appeals process. The Senior Planning Officer replied this was essentially the same application but that a revised transport assessment had been submitted which now met the required highways contribution.

Councillor Atkinson referred to paragraph 133 of the report which stated that the application failed to take opportunities to mitigate the impacts to or enhance existing public rights of way and access. The Senior Planning Officer replied that the application brought with it a number of adverse impacts which normally would be expected to be mitigated, however the applicant had put forward a viability argument which had been assessed by officers which demonstrated that the applicant would not be able to make contributions other than the proposed £241,000 highways contribution.

Councillor Richardson informed the Committee that he was in favour of highways improvements at Tindale Crossing and that he would support approval of this application, with some reservations.

Moved by Councillor Atkinson, **Seconded** by Councillor Tucker and

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;
- the Conditions contained in the report.

b DM/18/02313/OUT - Kays Hall Farm, The Green, Evenwood, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 38 residential units, access and public open space (outline, all matters reserved) on Kays Hall Farm, The Green, Evenwood (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, site photographs and

indicative layout. Members of the Committee had visited the site and were familiar with the location and setting.

Councillor B Nicholson, Evenwood and Barony Parish Council addressed the Committee. While not in objection to the application, Councillor Nicholson expressed concern about the proposed highways access into it. The 11 residents who had objected to the application were not present at the meeting. If it could be proven that the proposed highways access was safe, then the development was fine, it was very positive that the lime tree on the village green would now be retained. While the Parish Council was aware that the development would result in some Village Green being taken away and replaced elsewhere, any open space on the development site would not be acknowledged as Village Green and would not be maintained by the Parish Council. There were other areas of land in the village which could be designated as replacement Village Green.

There were four other access points to the proposed development which traffic could use and these were unadopted highways, which could result in these becoming worn.

The Principal DM Engineer informed the Committee that the proposed access onto Evenwood Lane maximised visibility, and the access road would be to adoptable standard. The private access roads which had been referred to were not to an adoptable standard and it was not considered to be an attractive option for these to be used to access the proposed development.

The Senior Planning Officer displayed the indicative layout plan of the development which showed the proposed areas of open space, which would be managed by a private management company.

Councillor Smith, local Member addressed the Committee. She supported in principle development of the site which had been a former farmhouse and was now an eyesore. Planning permission had been granted in 2012 for the conversion of the farm buildings into 9 dwellings but this had never been implemented and the farm building deteriorated. The derelict farm buildings now attracted episodes of anti-social behaviour which were a source of complaints from local residents. Development of the site would remove both the eyesore and anti-social behaviour problems. Although concerns had been expressed regarding the proposed access road, this was on a bend in the road with good visibility. Since the proposal had proposed the retention of the lime tree on the Village Green there had been no further local objections to it. The outline application would bring a mixture of housing to the village, including affordable housing, and would enhance a vibrant community. Councillor Smith asked the Committee to approve the application.

G Vasey, local resident, addressed the Committee to object to the application. Mr Vasey informed the Committee that the proposed access route was inaccurately stated in the report. The access route would cross the Village Green and not follow the edge of it, and the new access road was larger than the current road. Though the revised plans retained the large lime tree, which was welcomed. While the new proposal omitted engineering plans, to build the road there would be a need for a very large ramp or embankment to be constructed to meet the level of the main

road. This would have an even greater impact on the Green and fundamentally change the aspect of the Village as a whole. The proposed access road at this point would create a T-junction on what was already a very busy and difficult section of road.

There was a large range of housing stock available and no shortfall of land supply for housing. The Village Green was a heritage asset in its own right and should not be broken up. Open green spaces should be protected and this development may set a dangerous precedent for open green spaces. Mr Vasey asked the Committee to refuse the application.

The Senior Planning Officer replied that the report did not seek to underplay the access road issue and how this would need to be raised to bridge the dip in the landscape. The Village Green was a non-designated heritage asset and the impact of the proposed development would result in only a relatively small area of it being affected.

Councillor Clare informed the Committee that the issues of housing need and the protection of open space were addressed in the Committee report.

I Lyle, agent for the applicant addressed the Committee. The proposed development was sustainable and would afford Evenwood the opportunity to grow. The NPPF supported sustainable development in rural areas which would enhance rural communities and retain and attract families. The development site was already bounded to the north and south by housing development. The proposed development was attractive, proportionate and this was a suitable site for development which would lead to a greater enclosure of the Village Green. It was an outline application but proposed a mixture of house types together with a 15% affordable housing allocation. The proposed highways junction would be safe and the revised application proposed the retention of the lime tree. It also had the support of the Church Commissioners. Mr Lyle asked that the Committee follow the recommendation of officers and approve the application.

Councillor Tucker referred to the proposed road junction and asked whether the increased road level would impact on visibility. The Principal DM Engineer replied that although no details of gradients had been supplied, any gradients required would be of highways standards. Without a detailed design the gradients were unknown.

Councillor Richardson informed the Committee that the development site had been in a dreadful state for a number of years and **moved** approval of the application.

Councillor Clarke informed the Committee that the application was in outline with all matter reserved and **seconded** approval of the application.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the following;

- completion of a S106 Agreement to secure 6 affordable homes
- the on-site provision of a minimum of 1260m² amenity/natural greenspace
- £60,102 towards the maintenance or improvement of open/recreation space in the locality
- £13,326 towards off-site biodiversity enhancement and;
- the conditions contained in the report.

c DM/19/00197/FPA - Crawley Edge, Crawleyside Bank, Crawleyside, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 1 detached three storey house with integral garages at Crawley Edge, Crawleyside Bank, Crawleyside (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, site photographs, proposed site layout and proposed elevations. Members of the Committee had visited the site and were familiar with the location and setting.

Councillor Shuttleworth, local Member, apologised for his absence and asked that the following be read to the Committee:

I would like to support the application for approval and my reasons are that it meets all the targets for low carbon usage, and is situated within the village curtilage of Crawleyside, a five minute walk from Stanhope.

Mr P Newbold, agent for the applicant addressed the Committee. The dwelling proposed for the site had the highest possible sustainability credentials with both the owners and the designer being former winners of national awards for eco-homes. This exemplary new dwelling would be only the second Band A passive house in County Durham and very close to a zero-carbon home. The design and the sustainability credentials were exceptional by both local and national standards and the applicants' current home would be released to the market where there was a recognised demand for high quality, detached homes.

Since the application to develop this residential site was refused in September 2016, there had been some significant changes in attitudes to rural housing developments and to sustainable transport arrangements, both public and private. Subtle changes in the wording of Para 78 in the NPPF 2018 give more emphasis to the encouragement of developments in one village which may support services in a nearby village. There was an inevitable and regrettable decline in public transport services in rural areas, due to subsidy cuts, and the scheduled bus services in Weardale did not currently provide a comprehensive and viable alternative to private car use. It was acknowledged that, in rural areas, there was a greater reliance on the private motor car but within ten years most vehicles would be electric and there may be no bus service at all in Upper Weardale. This proposed dwelling would be exceptionally energy-efficient as well as being equipped to embrace sustainably sourced vehicle charging technology.

The location of the site was on the edge of the hamlet of Crawleyside, an established residential area which was within half a mile of Stanhope. It was described as isolated in the previous planning refusal, solely because it was more than 400 metres from the nearest stop on a scheduled bus service. This definition of the applicants' site's location had been refuted in writing by the Leader of Durham County Council. In the Braintree DC Appeal Court judgement in March 2018, the meaning of the term isolated in relation to its use in NPPF had been clarified and its previous interpretation declared as being incorrect. This decision also acknowledged that sustainable transport options were likely to be more limited in rural areas. Mr Newbold considered that the proposals were sustainable, in the broadest sense of the word and provided the applicants with an opportunity to provide, for themselves, an exceptional, energy-efficient, accessible, new home. Mr Newbold asked the Committee to approve the application.

The Senior Planning Officer informed the Committee that bus and other services were available in Stanhope but it was a walk up a steep hill from Stanhope to the development site. The Planning Inspector relating to the previous application, had noted that this route had a steep incline which would be a deterrent for pedestrian and cycle movements. Within that appeal the Planning Inspector had also concluded that the Dial-a-Ride bus service could not be considered as a suitable alternative to a reliance on the private car due to the relative convenience of these modes of transport. The Senior Planning Officer noted that while it would be preferred for every house to be built to a passive house standard, the issue in this application was the site location and the implications of its location, in relation to sustainable development.

Councillor Tucker noted that the proposed dwelling would use the same access as that used by the current dwelling and asked whether this had caused any issues. The Senior Planning Officer replied that the same highways access would be used for the two dwellings but this had substandard visibility and was below the standard for modern developments. The highways refusal reason had been introduced due to the lower threshold relating to highways safety that had been introduced in the revised NPPF.

Councillor Richardson informed the Committee that this would be a dwelling in a rural situation and it was not considered to be sustainable because there were no shops or other facilities and was not near to a bus route. However it was near to Stanhope which had facilities, and most dwellings in rural locations needed their own transport, yet this did not mean they were not sustainable. While he was not in favour of the proposed design of the dwelling, Councillor Richardson informed the Committee he would support approval of it.

Councillor Tucker informed the Committee that there was already a property on the site, the residents had a vehicle and had used this access for 30 years. The site was in the countryside and traffic levels were not high. Stanhope was near for amenities and Councillor Tucker supported Councillor Richardson that the application should be approved.

Councillor Clarke informed the Committee that he would not expect public objections to such a proposed development because it was in a remote location.

Access to the site was on a steep road which was well used, including by articulated lorries, which were observed on the site visit. Although the house was a good, innovative design there were other considerations to take into account and an application on the same site had been previously considered by the Planning Inspector on appeal and had been refused. There was nothing new in this application.

Moved by Councillor Richardson, **seconded** by Councillor Tucker that the application be approved on the grounds that the use of a private vehicle to access the dwelling was acceptable because of the nature of the area and the proposed highways access was currently used by an existing dwelling.

Upon a vote being taken there was an equality of votes, therefore upon the Chairman using his casting vote, the motion was defeated.

Moved by Councillor Clarke, **Seconded** by Councillor Brown that the application be refused for the reasons stated in the report.

Upon a vote being taken there was an equality of votes, therefore upon the Chairman using his casting vote, it was

Resolved:

That the application be refused for the reasons contained in the report.

d DM/18/02721/OUT - Land to the South of Sudburn Avenue, Staindrop

The Committee considered a report of the Senior Planning Officer regarding an outline application for up to 50 dwellings, all matters reserved except access on land south of Sudburn Avenue, Staindrop (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, site photographs and indicative layout. Members of the Committee had visited the site and were familiar with the location and setting. The Senior Planning Officer informed the Committee that a late representation had been received from Staindrop Academy which expressed support for the application.

Councillor I Royston of Staindrop Parish Council addressed the Committee. The Parish Council had no ambiguity and fully supported the application on a site which the Parish Council had repeatedly requested be allocated for housing. Housing on this site was preferable to any extension to the industrial estate, which is what the land had been identified for, and no application had been received to use the land for industrial estate purposes. The applicant had sought the views of the Parish Council at an early stage and the current application was a major opportunity for the village of Staindrop, which was stagnating and losing young people. The proposed development would bring with it 20% affordable housing as well as a proposed 20 m.p.h. speed limit which would be alongside the Staindrop Academy. Councillor Royston asked the Committee to approve the application.

Councillor J Rowlandson, local Member, addressed the Committee in support of the application. Councillor Rowlandson informed the Committee that he was puzzled why the application was recommended for refusal, with other Councillors making representations for the development to be approved. The Parish Council, which was fastidious in the protection of the village of Staindrop, had been in support of the application from an early stage. The Staindrop Academy was supportive of the application and the development would introduce a 20 m.p.h. speed limit around the school to allay any fears around speeding traffic. Referring to landscape issues, Councillor Rowlandson considered that the proposed entrance to the development would soon grow back and other proposed landscaping would mitigate the impact of the development. The developers had worked with officers and were proposing 20% affordable housing which would help to keep young people in the area. New development was necessary to ensure the sustainability of the village and Councillor Rowlandson asked the Committee to approve the application.

The following representation was submitted by Councillor R Bell, Member for the adjoining electoral division:

I am taking the unusual step of commenting on an application outside of my division, for three reasons:

- 1. Affordable housing will be provided as 20% of the development. This is likely to benefit local young people in the wider Teesdale area.*
- 2. There is a requirement to provide 10% of the private and intermediate properties for older people. It is a fact that in Teesdale there is a shortage of bungalows and this was stated by the AAP in its comments on the County Durham plan.*
- 3. As a school governor I know the pressures on the finances of small rural schools, and this development will help safeguard Staindrop. Not to mention the 20mph limit it will enable outside the secondary school.*

The Planner's objection is mainly about the new access. I note that DCC Highways have no objections in this regard and that the applicant will pay for what is needed.

The objection is to the appearance of the new road. As you drive down the C44 your eye is hit by the side of the industrial estate, which is hardly a thing of beauty. In my view a new road would scarcely be noticed against that backdrop. It is in any case planned to plant screening of the road, and roads being as they are, flat on the ground, I do not consider it will take many years for growth to hide the road.

What is the alternative? Knock down an industrial unit belonging to someone else, and access through the industrial estate? Mixing domestic and industrial traffic is surely not acceptable.

The new road and entrance will only be excessively suburban if DCC insist on making it so. I feel with some creative design a satisfactory road access is achievable.

The report also seems concerned that possible future growth of the industrial estate will be stymied by this development. I will leave members to reflect on how more industrial units could possibly be less harmful to the look of the area than a landscaped access road.

I would ask the committee to help enable much needed housing for Teesdale's young people and elderly and approve the application.

I Lyle, agent for the applicant, addressed the Committee. Locally there was a need for new housing and this proposed development was promoted by a local family. The development proposed 20% affordable housing and highways safety measures including a 20 m.p.h. speed limit outside of the school. The clear conclusion of all reports was that the site was sustainable and the development would help Staindrop to grow and thrive. While it was accepted that the site was in an area of high landscape value, most of the Teesdale area was, but this site was already bordered on two sides by development. The landscape impact of the access road had been overstated and hedgerow and trees would be replaced. The proximity of the development site to the industrial estate as a source of noise had again been overstated, with the noise levels being from a wheel nut gun for 4 minutes a day. This would not lead to residential amenity being affected. This was an attractive development on a sustainable site and Mr Lyle asked the Committee to approve the application.

The Senior Planning Officer replied that there was support in the NPPF for housing in rural communities but that in this application it was considered that the harm of the development outweighed the benefits of it. Referring to the harm caused by the proposed access, the Senior Planning Officer informed the Committee that approximately 80 metres of hedgerow and several trees would need to be removed because of the curve on the road. While a new hedgerow was proposed there would also be the need for a footway which would likely require the removal of a mature oak tree to the north of the proposed site entrance. With reference to noise, the Senior Planning Officer accepted that the worst noise from the industrial estate was for a short period of time but this was at a level which was considered to have an adverse impact bordering on a significant adverse impact. The business on the industrial estate was an established business and this could lead to the potential for noise complaints in relation to its operations.

Councillor Maitland asked whether the proposed 20 m.p.h. speed limit had arisen at the request of the Council. The Principal DM Engineer replied that this was not something which had been proposed by highways and would be subject to consultation in any event.

Councillor Maitland referred to the established industrial estate and expressed concern that the proposed development could restrict the use of the site. As well as young people needing housing to remain in villages, they also needed jobs.

Councillor Atkinson sought clarification of paragraph 46 on page 72 of the report. The Senior Planning Officer replied that it was the opinion of officers that the negative impacts of the development outweighed the benefits of it, although this was a decision for the Committee to make.

Councillor Brown noted that there had been no mention of flood risk. She considered this to be a good application, with good consultation, traffic calming and noise mitigation. However, the loss of hedgerow and a mature oak tree led her to propose that the recommendation to refuse be supported.

The Senior Planning Officer informed the Committee that a flood and drainage strategy had been submitted and this was not a concern.

Councillor Richardson informed the Committee that the Parish Council and local Members were in support of the application. The development proposed 20% affordable housing as well as bungalows and the lack of objections to the application was significant. Councillor Richardson was not persuaded by and did not agree with the proposed reasons for refusal. The development was an opportunity for the village to grow and become more sustainable and for these reasons Councillor Richardson **moved** that the application be approved.

Councillor Clarke **seconded** Councillor Richardson's proposal that the application should be approved. While planning officers considered the best interests of the community, the mitigations were achievable. The development would lead to the loss of hedgerow and some trees but would also bring traffic calming which would lead to increased child safety. The development proposed affordable housing and had the support of local stakeholders and Councillor Clarke considered that the benefits of the development outweighed the drawbacks of it.

Upon a vote being taken it was

Resolved:

That the application be approved and delegated authority be made to the Head of Planning, in consultation with the Chairman, to agree Conditions and a Section 106 Legal Agreement.