

## **DURHAM COUNTY COUNCIL**

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

### **Present:**

**Councillor J Clare (Chair)**

### **Members of the Committee:**

Councillors J Atkinson (Vice-Chair), D Bell, J Blakey, L Brown, E Huntington, G Huntington, I Jewell, J Maitland, S Quinn, G Richardson, J Shuttleworth, F Tinsley and S Zair

#### **1 Apologies**

Apologies for absence were received from Councillor J Chaplow.

#### **2 Substitute Members**

There were no substitute Members in attendance.

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

Councillor F Tinsley declared a prejudicial interest in item no. 5a) on the Agenda and confirmed that he would speak in objection to the proposal as Local Member, and withdraw from the meeting.

#### **4 Minutes**

The minutes of the meeting held on 20 June 2019 were agreed as a correct record and signed by the Chair.

The Chair changed the order of business in order for application 5b) on the Agenda to be considered first

**5 DM/18/02742/FPA & DM/18/02743/LB - Former Pumping Station to the North East of Presser Villa, Bale Hill, Blanchland**

The Committee considered a report of the Planning Officer regarding an application for residential conversion and extension of pumping station at the former pumping station to the north east of Presser Villa, Bale Hill, Blanchland (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site. She confirmed that Members had visited the site prior to the meeting.

Mr Tulip, local resident, spoke in objection to the proposed development, however during the representation from objector Ms M Ferguson, the Planning Officer was made aware that no formal notice had been served on all tenants with regards to this application site.

The Planning Officer confirmed that although this was a legal requirement it was a matter for the applicant to notify all owners, occupiers, and lessees of the application site and neighbouring land. The Planning Officer had been informed that notice had been served to the appropriate parties subject to the application site and this issue had not been brought to her attention prior to the meeting, in which case the appropriate action would have been taken to ensure the notices had been served.

The Solicitor – Planning and Development, advised that if the Committee accepted the notices had not been served, the application should be deferred.

Councillor Shuttleworth put forward a motion to defer the application, seconded by Councillor Atkinson.

The Chair expressed dissatisfaction that the issue had not previously been alluded to.

**Resolved:**

That the application be **DEFERRED**.

Councillor Shuttleworth left the meeting at this point.

**6 DM/18/03891/FPA - Land North of Quarry Farm Close. Hunwick**

The Committee considered a report of the Principal Planning Officer with regards to an application for 31 no. dwellings and associated works on land north of Quarry Farm Close, Hunwick (for copy see file of minutes).

The Principal Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site. She confirmed that since the report had been published a further two letters of objection had been received citing drainage issues at the school and comments from the Police Architectural Officer which highlighted a lack of clarity with regards to the access arrangement. Members had visited the site prior to the meeting.

Councillor Tinsley spoke as Local Member and in objection to the application. The site had not been allocated in the emerging County Durham Plan due to significant surface water flooding which had rendered the site undevelopable. Residents in Hunwick were not opposed to development and had extended by almost 100 houses during the previous 10-15 years. This proposal had received over 130 letters of objection, which was indicative of the number of concerned locals.

Councillor Tinsley summarised the issues;

- There were significant Highways issues associated with access through an existing development
- Drainage had been identified as practicable, despite significant flooding in recent years
- Lack of accessibility, the village had a limited bus service
- Encroachment into the Countryside
- The design and layout – 31 houses would be over dense and not appropriate considering the context of the wider area. The properties could be described of basic and inadequate design

Finally, Councillor Tinsley thanked the community and asked members to listen to their concerns.

The Principal Planning Officer advised that the proposed drainage strategy would adequately deal with the existing surface water flows from the development site. With regards to the existing issue with surface water flooding, he confirmed that the development would not solve this problem although it would not worsen the existing situation, hence why a refusal reason could be supported.

The Chair explained that for Members to refuse an application on any basis, there had to be secure planning reasons for refusal and he asked the Principal DM Engineer to address the Highways issues and in particular why he considered the Highways Authority could not sustain an objection. The Principal DM Engineer confirmed that with the proposed additional dwellings, Quarry Farm Close would serve 69 dwellings and the additional 31 dwellings was less than half of what would be required for a Transport Assessment to

be submitted with an application and vehicle movements had been assessed to be less than one per minute during peak periods, which was the worst case scenario. The visibility from the junction with the B6286 was satisfactory and therefore it would be very difficult for the Highways Authority to trigger refusal based on NPPF guidelines.

Councillor Gunn, addressed the Committee as Local Member, resident of Hunwick, and Governor of Hunwick Primary School. She fully supported the recommendation to refuse the application as put forward by Councillor Tinsley and referred to the adverse impacts in the report. Two public meetings had been held at the request of residents due to the number of emails which had been received in objection to the proposal. The Hunwick Community Working Group had submitted extensive information in relation to highway issues.

The site had been removed from the County Durham Plan which was an indication that the land was unsuitable for development. Although she did not live near the site, she was aware that approximately 140 properties had been built over the years in Hunwick whilst at the same time, local services had reduced. Public transport was infrequent and was not direct to major city centres, which therefore placed an automatic reliance on privately owned vehicles. Admittedly, there was an excellent cycle route, but not everyone had the ability to cycle.

Councillor Gunn referred to the Officer's conclusion which alluded to the adverse impacts of the development being outweighed by the benefits. In relation to the highways issues, there was very poor visibility on the B6286 junction and it was even more of a danger being near a primary school. The report concluded that drainage was acceptable with minor modification, however she had experienced at least one, usually several calls every year with regards to the impact of flooding and she referred to the comments from the Governing Body of the school with regards to the impact of flooding from the culvert on the main road affecting the area near to the school crossing patrol.

Finally Councillor Gunn thanked Officers for their work, but also residents for raising awareness and ensuring objections were heard.

Mr Pallister, spoke on behalf of Hunwick's Community Working Group, in objection to the proposed application. He gave a detailed presentation to the Committee which included reference to the number of objections from the Community and not just of Quarry Farm Close, but the village as a whole.

He described the proposal as poor design, high density housing on a site in open countryside. The Group felt that some of the statutory consultee

comments within the report had undervalued evidence submitted by the community.

Mr Pallister confirmed that the Group believed the application should be refused on the basis of the well documented flooding throughout the village which affected the school, the highway and properties throughout the village. The vast majority of objectors referred to flooding in their response to the consultation. The site currently acted as a natural attenuation pond, slowing down the overland flow of water before entering the undersized culvert. The proposal would fill in the pond and build houses on top of it and the ditch that ran along the eastern boundary would be widened to store overland flows which would normally be stored in the pond. He questioned the close proximity to the school and suggested the removal of the pond would remove the capacity to attenuate water which would not fit in the gully. Members were shown various pictures which demonstrated flooding throughout the village.

With regards to the comments from the Highways Authority, Mr Pallister confirmed that two community funded traffic surveys had confirmed that speeding was an issue and he made reference to the poor visibility at the junction. The site had been removed from the Wear Valley District Plan as it was deemed inappropriate to intensify access and he did not believe safe site access was achievable.

In summary the proposal raised material planning concerns and he asked the Committee to reject it.

Councillor Tinsley left the meeting at this point.

In response to a question from the Chair, the Principal DM Engineer confirmed that the site was only required one access road.

Councillor Blakey had sympathy for residents and did not support the proposal as water storage did not always work and was concerned at the increase in flooding.

She moved refusal of the application, seconded by Councillor Jewell on the following grounds;

- Lack of accessibility
- Encroachment into the Countryside
- Overdensity and lack of open space
- Inadequate levels of privacy and amenity for existing and future residents

The Chair reminded Members regarding concerns over highway issues, that fear was not a contributing factor when considering a planning application. The Highways Authority had to base objections on statistics and regulations. Considering the potential outcome of an appeal, Members agreed that the highways concerns would be challengeable on appeal and did not consider a valid reason for refusal.

**Resolved:**

That the application be **REFUSED** on the following grounds;

1. The Local Planning Authority considers that the location of the development would not promote accessibility via a genuine choice of transport modes contrary to Policies GD1 and T1 of the of the Wear Valley District Local Plan and Paragraphs 103 and 110 of the National Planning Policy Framework
2. The Local Planning Authority considers that the development would represent an encroachment into the countryside, which would not be sensitive to its landscape setting and landscape features on site in conflict with Policies GD1 and ENV1 of the Wear Valley District Local Plan and Paragraphs 127 and 170 of the National Planning Policy Framework
3. The Local Planning Authority considers that, the development would not enhance the character of the surrounding area, and in terms of density layout and design, would not achieve a high-quality inclusive development and would not provide any open space on site, contrary to policies GD1, H24 and RL5 of the Wear Valley District Local Plan and Parts 12 and 15 of the NPPF
4. The Local Planning Authority considers that, the proposed layout would not achieve acceptable relationships between dwellings, both internally and externally to the site resulting in inadequate levels of privacy and amenity for existing and future residents contrary to Policies GD1 and H24 of the Wear Valley District Local Plan and paragraph 12 of the National Planning Policy Framework.