

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in the **Council Chamber, County Hall, Durham** on **Thursday 20 April 2023** at **9.30 am**

### **Present:**

**Councillor G Richardson (Chair)**

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

Councillors A Savory (Vice-Chair), V Andrews, J Atkinson, D Brown, L Maddison, M McKeon, S Quinn, I Roberts, M Stead, B Moist (Substitute) (substitute for J Cairns) and E Peeke (Substitute) (substitute for D Oliver)

### **Also Present:**

Councillor J Cosslett

### **1 Apologies for Absence**

Apologies for absence were received from Councillor E Adam, J Cairns, N Jones, D Oliver and S Zair.

### **2 Substitute Members**

Councillor B Moist substituted for Councillor J Cairns, and Councillor E Peeke substituted for Councillor D Oliver.

### **3 Minutes**

The minutes of the meeting held on 23 March 2023 were confirmed as correct record by the Committee and signed by the Chair.

### **4 Declarations of Interest**

There were no Declarations of Interest.

## **5 Applications to be determined**

### **a DM/22/01836/FPA - Land North Of Hill Top Cottage, Eggleston**

The Senior Planning Officer, Gemma Heron gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the construction of 2no dwellings and was recommended for refusal, as per the reasons set out in the report.

The Chair thanked the Principal Planning Officer and asked John Taylor, Agent for the Applicant to speak in support of the application.

J Taylor thanked the Chair and Committee and asked Members if this one more development would tip the balance, given that Hill Top consisted of approximately 30 dwellings of various styles and ages, although mainly traditional in appearance. He added they were a mixture of small, terraced dwellings up to large, detached houses, approximately half of the properties being detached, he noted all in the main were built adjacent to, and on either side of, the B6278. He explained that there was no predominant building line, some properties were built tight to the public footpath, others set back at various distances, with the character of the area being traditional single and two storey dwellings with stone walling and slate roofs.

J Taylor noted the proposed site and the overall plot frontage being approximately 70 metres with the two plots taking up only 34 metres of that length. He added the plots were grouped centrally leaving substantial open space to the northwest and south east thus maintaining views to the open countryside, those open spaces complying with Durham County Council privacy standards in relation to adjacent dwellings. He noted the proposed designs were very traditional detached two storey houses in stone and slate, with the mass being fragmented to provide a series of blocks thus avoiding a single monolithic unit and reflecting the organic character of the area. He added that considerable amendments had been made in liaison with the Planning Department to produce an acceptable design and location on site. He noted the amendments included removing garages, adjusting window design and relocating the units closer to the main road.

J Taylor explained that, taking those points into account he would strongly argue that the application should be considered under Policy 6 of the County Durham Plan (CDP) "Development of Unallocated Sites".

He added that, as set out in the supporting statement, the proposal was fully compliant with all aspects of the policy. He noted that Planning Department had assessed the scheme under Policy 10 of the CDP “Development in the Countryside”, while the site sits within the Hill Top settlement. He noted as regards the notion of rural living, comments on sustainability and not reverting back to a ‘category D’ village.

J Taylor concluded by asking Members to take the points made, particularly the number of properties within the Hill Top settlement and the identification as being part of Eggleston, as he believed the proposal sits within the body of Hill Top and could be justified as infilling within an established settlement, thus having no adverse impact on the countryside.

The Chair thanked J Taylor and asked the Committee for their comments and questions.

Councillor J Atkinson asked as regards sustainability and category D’. J Taylor noted that ‘category D referred to old policy which would hold back development within a village. He added things had moved along and people wanted to stay in the area, with sustainability policies being in terms of access to services.

Councillor A Savory asked as regards plans and provision for a garage. J Taylor noted there originally were, though it had been suggested they were removed.

The Chair asked as regards individual access. J Taylor noted that it had been desired not to share facilities as this could create issues in the future, however, there would not be an issue to have a single access if required. The Principal DM Engineer, Jarvis Robinson noted no issues in terms of access, and would not disagree with single access, as it would not impact upon congestion.

Councillor V Andrews noted after visiting the site, she would think the application would be in keeping with the area and another building would not impact. The Chair noted the application was adjacent to the North Pennines an Area of Natural Outstanding Beauty (ANOB).

Councillor A Savory noted that she had attended the visit and she had no objections to two dwellings in the middle of the settlement that may help, adding that neither of the Local Members or local council representatives were in attendance to give local information, with only seven objections.

Councillor I Roberts agreed that it was in the middle of the village, however, there were seven objections from a small settlement, and the buildings would split the area.

Councillor M McKeon noted she was torn in relation to the application, and noted the 'settlement' argument was key, if it was part of the settlement, then by being connected it was sustainable. However, if not, then with no bus service it would not be suitable for those that did not drive.

Councillor S Quinn noted the issues raised, especially in terms of access and sustainability, with no support locally for the application.

Councillor B Moist noted the issue was in terms of consideration under Policy 10 or Policy 6. He added he found it difficult to go against the Officer's recommendation, the design look obtrusive, would change the settlement and approval would mean the area would lose character. He reiterated it would be difficult to go against the recommendation.

Councillor J Atkinson noted he too felt it was difficult to go against the recommendation, given the sustainability issues.

Councillor M Stead noted he was struggling to get past Policy 10 and felt Officers had got their recommendation right.

Councillor V Andrews moved that the application be refused as per the Officer's recommendation, she was seconded by Councillor I Roberts.

Upon a vote being taken it was:

## **RESOLVED**

That the application be **REFUSED**, as per the reasons set out within the report.

### **b DM/21/00749/FPA - Meadow Farm Caravan Park Ramshaw Lane Ramshaw Bishop Auckland DL14 0NB**

The Principal Planning Officer, Steven Pilkington gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Principal Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting.

The application was for change of use of land to facilitate the siting of 18no. static caravans for holiday use, camping and a 16. touring caravan site; formation of permeable hardstanding and access tracks; siting of amenities block; installation of foul drainage facilities; associated landscaping and planting; and manager's accommodation (part retrospective) and was recommended for approval, subject to the conditions as set out in the report.

The Chair thanked the Principal Planning Officer and asked Councillor J Cosslett, Local Member to speak in relation to the application.

Councillor J Cosslett noted he was in objection to the application, noting that it was stated it was part retrospective as there were six caravans on site, he noted it was actually eight and asked why there had been no enforcement. He added that it was also stated that development was beyond that granted in November 2015 and asked again why no enforcement action had been taken. He noted no sewer connection and complaints regarding this. He noted that the report stated the site had been in operation for three years, with no financial information submitted to demonstrate the business was financially viable. He added that Northumbrian Water was not billing the site and only recently had recharged the neighbour. Councillor J Cosslett noted that there had been no information as regards the cesspit, or when it was last emptied. He added that while the applicant had stated they had brought the site up to standard, they had disregarded for the neighbour and environment and therefore the application should not be approved.

The Principal Planning Officer noted that six caravans were in use, not eight, two being empty. In terms of enforcement action, the Authority was proactive, and the Applicant was investigating use that maybe acceptable as evidenced by engaging an Agent and submitting the application. However, should the application be unsuccessful, enforcement would need to be revisited, if approved then a suite of conditions would apply. In respect of sewage, this had been investigated by Environmental Health, and noted that the applicant had improved management, with no recent complaints.

The Chair thanked the Principal Planning Officer and asked Steve Barker, Agent representing objectors to the application.

S Barker thanked Members and explained he was from Prism Planning and was at Committee speaking on behalf of Mr and Mrs Proudfoot, who lived at Sandbed Farm, immediately adjacent to the caravan site.

He explained that they had objected to the proposed development, not because of the principle, but because of the way it was run. He noted that as the Officer's report made clear, there was a long history of unauthorised development on the site over several years which had not been rectified by the applicants.

He added that the applicants had imported hundreds of tonnes of waste onto the site to change levels without permission, and their wholly inadequate drainage facilities had resulted in raw human sewage flowing from their land over onto Mr and Mrs Proudfoot's land, not just on one occasion but on multiple occasions as the applicants failed to properly empty their cess tank.

S Barker explained that there was no effective landscaping scheme in place and the cladding that the Officer's report talked about being applied to amenity blocks only goes round the public sides that are facing into the site. He noted that from the Proudfoot's side, one would still see the bare frame of the tired caravans and portable buildings.

He asked Members to consider whether they would like raw human sewage flowing over their land and whether they would find that acceptable, even on a temporary basis. He added his clients were concerned that there had been a history of wholly ineffective enforcement action on this site, with the reasons for that ineffective action being opaque. S Barker noted that therefore, on behalf of his clients, he was extremely concerned that Officers would not effectively enforce the various conditions that had been put forward. He added that the conditions as drafted were flawed, with the history of the site showing that the applicants had been given free passes so far, even when the raw sewage flowing over the site should have brought about an immediate full closure of the site.

S Barker concluded by noting that it was hoped that Members will question Officers closely on the way in which they were going to regulate the site and protect his clients' amenity.

The Chair thanked S Barker and asked John Lavender, Agent for the applicant to speak in respect of the application.

J Lavender explained that time had been taken over the application, and it built upon current permission and was the evolution of a popular site. He noted that the site was used for stop-overs for those touring and more latterly for those wishing for a longer stay. He noted the number of local attractions in County Durham and the need and demand for such camping provision. He noted the 2015 application and the desire of the applicant in terms of modernising and referred to landscaping and foul drainage installation. He explained as regards the majority of complaints coming from one source, and that all complaints that had been raised with the applicant had been dealt with. J Lavender explained that the applicant had accepted the criticism and issues had now been dealt with, with the applicant now wishing to invest in the site and asked that the Committee would help a popular site to continue.

The Chair thanked J Lavender and asked the Committee for their comments and questions.

Councillor J Atkinson asked as regards raw sewage being discharged into water courses and whether it was illegal. The Legal Officer (Planning and Highways), Laura Ackermann noted that such issues would be dealt with under other legislation and would fall outside of the planning process.

Councillor S Quinn asked as regards enforcement and in terms of unauthorised use and renting. The Principal Planning Officer noted that in terms of static caravans, that use was unauthorised, and the application sought to regularise the situation, with touring have prior approval. Councillor S Quinn asked as regards provision for travellers who go between sites. The Principal Planning Officer noted that permission was for holiday use. Councillor S Quinn asked as regards unauthorised use as a traveller site. The Legal Officer (Planning and Highways) reiterated the permission being sought was for static caravans, not for an unauthorised traveller site, rather to regularise the current situation.

Councillor B Moist asked as regards any enforcement as a result of any breaches of conditions within the 2015 permission. The Principal Planning Officer noted that an issue in terms of the site manager and access had been raised, this had been subject to a standalone application, with that permission having been granted.

Councillor M McKeon asked as regards the applicant not realising permission was required. The Chair asked J Lavender to respond. J Lavender noted it was an element of naivety on behalf of the applicant, mistaking touring for caravan use, and noted there had been demand to bring static caravans on to the site. He added that the caravans had been brought on to site and not built on site. The Principal Planning Officer noted issues in relation to non-compliance, residential use, storage, hard standings and the history of the use of the site and that they were material, however, application were looked at on their own merits and it was understood that the application was part retrospective.

Councillor M Stead asked as regards how residents would have known about the application. The Principal Planning Officer noted the usual site notices were placed.

Councillor B Moist referred to the retrospective aspect and the Committee's duty to look at what has happened. Councillor A Savory noted the issues raised as regards the site, the history of the site as explained and the position today with vastly improved conditions. She added she would support the application, with conditions.

Councillor V Andrews noted that there appeared to be a plan in place and there was an opportunity and room to see an improvement.

Councillor I Roberts echoed the comments from Councillor V Andrews and noted that it was important that the plans were adhered to, the situation needed to be monitored and any issues needed to be followed up.

Councillor M McKeon explained she appreciated the views that had been expressed, however, she had some concerns, with the Local Member objecting to the application, however there would need to be solid planning reasons. She noted concerns relating to landscaping and drainage, noting Environmental Health had not objected, however had raised concern. She noted that on the basis of the issues raised in terms of landscaping and drainage she would support refusal of the application, noting that the drainage issues were as a result of the development.

Councillor M Stead noted he would struggle to support approval, noting issues of enforcement that had not been taken forward and the history meant it was difficult to trust the applicant.

Councillor J Atkinson noted that if the conditions were adhered to then he felt the application was acceptable, noting the potential economic benefits and that the application would help regularise the situation, he seconded the motion for approval. The Chair noted approval had been proposed by Councillor A Savory and seconded by Councillor J Atkinson.

Councillor S Quinn noted she had listened to all the points raised and noted she would be minded to approve, with the application regularising the position that had been ongoing, though with eight years she felt there had been no excuse for things to have been done properly.

Councillor E Peeke noted she took no solace from the application and noted the history of the site and would second refusal of the application.

Councillor L Maddison noted the issues that had occurred and noted the economic benefits of the application, however, emphasised that it was essential that all conditions were adhered to, and the situation monitored carefully.

Councillor B Moist noted he was the Chair of the Economy and Enterprise Overview and Scrutiny Committee and that he understood as regards the demand for tourism accommodation. He noted that there would be a maximum of 31 days for letting, and temporary use for the manager for 12 months only.

The Principal Planning Officer noted that the application was to be determined on the basis of the application submitted, adding that Members should consider material planning grounds, noting there were conditions within the report in relation to landscaping and drainage.



He added that Officers were satisfied as regards enforcement of the conditions, and the temporary 12 months for the manager's accommodation as a condition allowed for use of direct action if not complied with.

Councillor D Brown noted as regards the points raised and explained he could not support the application until the conditions in respect to sewage was solved. The Principal Planning Officer noted the relevant conditions within the report had been in consultation with Environmental Health, however, there would be environmental regulations that would also need to be complied with. He reiterated that Officers were content that the cesspit could be effectively managed and that issues could be dealt with through planning enforcement should they arise. He added that the Environment Agency would also have specific powers and therefore there would be multiple powers under which action could be taken.

Councillor M McKeon noted that drainage required the upkeep of a complex system and had concerns as regards upkeep of the system and noted a history of regulatory powers not being used to enforce and she had concerns as regards the access visibility splays being maintained.

Councillor J Atkinson noted Officers were assuring the Committee that there were powers to enforce should any issues arise and there were benefits in terms of the economy.

Councillor M McKeon noted that while people had been using the site for eight years, and it did not mean that the situation should be regularised. Councillor M Stead asked if there was any merit in deferral of the application, in terms of the plans that had not been supplied. The Legal Officer (Planning and Highways) noted there would need to be a reason for a deferment. The Principal Planning Officer noted that the unauthorised situation with the caravans and reiterated that the application was to regularise that position. Councillor M Stead noted he felt Members were being backed into a corner and that issues could persist with the site.

Councillor S Quinn noted she felt if the application was refused that the current situation would continue, however, if approved it would present a chance for the applicant to improve the site and tackle those issues that had been raised. Councillor V Andrews noted the applicant would only have 12 months to get it right, the Principal Planning Officer reiterated that enforcement would be taken should condition not be adhered to.

The Chair reiterated that Councillor A Savory had moved approval, she had been seconded by Councillor J Atkinson and upon a vote being taken it was:

## **RESOLVED**

That the application be **APPROVED**, subject to the conditions as set out within the report.

### **c DM/22/01553/FPA - 2 Sudburn Avenue, Staindrop, Darlington, DL2 3JX**

The Principal Planning Officer, Steven Pilkington gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Principal Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for a proposed driveway, dropped kerb, change of use of open space to allow parking and hard stand on front garden with gates and was recommended for approval, subject to the conditions as set out in the report.

The Chair thanked the Principal Planning Officer and asked Parish Councillor Ian Royston, representing Staindrop Parish Council to speak in relation to the application.

Parish Councillor I Royston explained that Staindrop Parish Council objected to this application, however, added that to be clear it did not object to the proposed driveway per se, but to the appropriation of that land for parking and the precedent that sets.

Parish Councillor I Royston noted that seventy years ago, when the Sudburn Avenue and Coronation Gardens development was built, it was designed to provide a pleasant approach into the village, where dwellings were set off the highway separated by an area of open space. He added that, in short, the developers of the time made a valiant attempt to make local authority housing to fit within the aesthetic of the traditional village with its wide greens and open spaces. He noted that though over the years cars have become more commonplace, however, the visual amenity of the area had not been significantly diminished as, in the case of very many properties, parts of the front gardens had been converted into driveways and indeed, under the previous application, DM/22/00616/FPA - Formation of parking area to front of property, the greater part of the front garden had been given over to a block paved parking area.

He added that Members would note that this previous development already provided sufficient space for three vehicles within the curtilage of the property.

Parish Councillor I Royston noted the current application sought to appropriate a further portion of open space to provide yet another parking place which would directly diminish the visual amenity of the area.

He added that Councillors would also note that the site lies between public footpaths which formed part of the adopted highway and that being the case, it was not permitted under current guidance to use that proposed parking place for the recharging of an electric vehicle as that would necessarily involve trailing cables across the public footpath. He noted that providing a parking place for a diesel or petrol-engined vehicle, which will be banned in less than seven years, appeared contrary to both National and Local Plan Policies in terms of reducing greenhouse gas emissions.

Parish Councillor I Royston concluded by noting that it was clear therefore that the development did not retain the settlement's valued facilities in the way of open space, did not contribute positively to the area's character, and was at best of limited utility.

The Chair thanked Parish Councillor I Royston and asked the Committee for their comments and questions.

Councillor A Savory noted she had attended the site visit and noted the applicant had gone through the right channels and she would move approval. Councillors V Andrews and S Quinn noted as regards the issues of cars parked and asked as regards for clarification. The Principal Planning Officer noted that the permission was for access, permission to park and hardstanding. Councillor J Atkinson seconded the motion for approval.

Councillor M Stead noted looking at the map it suggested that a wall had been built around a caravan to the right. The Principal Planning Officer noted that the construction was historic, in excess of 10 years and if a car was parked the authority could not take action. Councillor M Stead noted he would be minded to approve the application.

The Chair noted that Councillor A Savory had moved approval, that she was had been seconded by Councillor J Atkinson and upon a vote being taken it was:

## **RESOLVED**

That the application be **APPROVED**, subject to the conditions as set out within the report.