

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber - Council Offices, Spennymoor on **Thursday 19 April 2012 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

Councillors D Boyes, D Burn, M Campbell, K Davidson, P Gittins, E Paylor, G Richardson, J Shuttleworth, R Todd, J Wilkinson and P Brookes (substitute for E Tomlinson)

Apologies:

Apologies for absence were received from Councillors E Tomlinson and A Hopgood

Also Present:

J Byers – Planning Team Leader (South and West Area)
A Inch – Principal Planning Officer
A Caines – Principal Planning Officer
N Carter – Legal Officer
D Stewart – Highways Officer

1 Declarations of Interest (if any)

Councillor P Brookes declared a personal and prejudicial interest in planning application 7/2012/0054/DM - land west of Woodlea House, Horse Close, Trimdon Colliery. As a local Member he wished to speak in support of the application. Councillor Brookes left the meeting during determination of the application.

2 The Minutes of the Meeting held on 22 March 2012

The Minutes of the meeting held on 22 March 2012 were confirmed as a correct record and were signed by the Chair.

3 Applications to be determined

**3a 7/2012/0027/DM - Unit 4 George Reynolds Industrial Estate, Shildon
Change of Use from Warehouse to Indoor Soccer Facility with
Associated Facilities**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

A Inch gave a detailed presentation on the main issues outlined in the report which included photographs of the site. He advised Members that since the report had been circulated the objection received from the Director of Shildon AFC Development Centre had been withdrawn and the Centre was now fully in support of the application.

J Lavender, the applicant's agent addressed the Committee. He stated that if approved the development would provide a much needed facility in the South West Durham area. At present the nearest alternative facility of a similar standard was Soccerena in Durham.

The applicant had received support from a wide range of organisations and clubs, and J Lavender read extracts from 2 letters of support from Durham County Football Association and Wear Valley and Teesdale Schools Sports Partnership. In offering its support the Football Association had made reference to a Community Use Agreement. J Lavender confirmed that the applicant would be willing to enter into an Agreement if deemed necessary.

In discussing the application Members noted the objections received from the Chairman of Shildon AFC Supporters Club in relation to the Scouts Memorial Field and the impact the proposals may have on its use. The applicant's agent advised that the new centre would be complimentary and additional to existing facilities and would not adversely affect the usage of the Scouts Memorial Field.

In response to a query about the use of the premises the Principal Planning Officer explained that restricting it to an indoor football facility would prevent the building being used for any other purposes which could have a detrimental impact on the vitality and viability of Shildon Town Centre. However this would not preclude planning applications for change of use in the future.

Members considered that the proposals would be of benefit to the area and would bring a disused building back into use. The Committee also felt that a condition should be included which would require the submission of a Community Use Agreement by the applicant.

RESOLVED

That the application be approved subject to the conditions outlined in the report and to an additional condition requiring the applicant to submit a Community Use Agreement; the wording of such condition to be delegated to the Principal Planning Officer.

**3b 7/2012/0054/DM - Land West of Woodlea House, Horse Close Lane, Trimdon Colliery
Outline Application for the Erection of a Dormer Bungalow (re-submission)**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

A Inch, Principal Planning Officer gave a detailed presentation on the main issues outlined in the report which included photographs of the site.

Councillor Brookes addressed the Committee in support of the application and circulated a plan of the village dated 1939. The site was currently occupied by a range of agricultural buildings and a brick built joinery workshop. All the buildings were in a state of disrepair and unused. A fire recently destroyed a timber barn and whilst permission could be granted to erect an agricultural building it would be out of character with this residential area.

Although the proposed development was outside the residential framework of Trimdon Colliery there were other properties immediately to the north and east of the site. A new dwelling would consolidate an area which was already considered by local people to be residential. The site was sustainable, close to existing amenities and the proposed development would improve an untidy piece of land.

He referred to Regional Planning Policy and Policy 4 of the RSS stating that whilst the site was classed as greenfield and not previously developed land, a dwelling within a residential location should be preferable to an agricultural building.

The draft NPPF noted that planning authorities should avoid, but not necessarily refuse applications for isolated homes in the countryside unless there were special circumstances. This site was not isolated or in the open countryside. He referred to the 1939 map which showed that in previous years this site was at the bottom of a terraced row of colliery houses known as 'the coffee pot' by local people.

Councillor L Hovvels, local Member, reiterated the views of Councillor Brookes and added that local people believed that the site was in the heart of the community and that it was within the settlement framework of Trimdon Colliery. The site was sustainable, being close to existing amenities including a bus stop. The area was already saturated with agricultural buildings and the proposed bungalow would contribute to the continuing environmental improvements in a village that had experienced decline following colliery closures. The Member also referred to the Localism Act 2011 which placed emphasis on the views of local people when making decisions about development in their community.

Mr K Ryder, the applicant's agent addressed the Committee and circulated 3 photographs of the site. The applicant had owned the land since 1977 and had worked on it until his retirement 5 years ago. He was a long-term resident of Trimdon Colliery and the bungalow would be specially adapted to meet his health needs.

The site was occupied by unused agricultural buildings and if refused a further agricultural building could be erected directly opposite local residents. The building was close to other dwellinghouses and to local amenities. The applicant had taken on board the comments of Highways and would locate the access to the north of the site.

The Principal Planning Officer acknowledged the comments made in respect of the NPPF but advised that in terms of implementation it did not change the statutory status of the development plan as the starting point for determining planning applications. He also clarified that planning permission would be required for the erection of an agricultural building on the site. Members were advised that until the abolition of the RSS the Localism Act 2011 was not a consideration in planning terms.

In discussing the application a Member commented that Trimdon Colliery, as a former mining village was in need of investment. The Committee also felt that the site was close to other dwellinghouses within the settlement framework and had been an intrinsic part of the village in the past. The proposal would tidy an area of land that was an important gateway to Trimdon Colliery.

RESOLVED

That the application be approved and the Principal Planning Officer be granted delegated authority to formulate appropriate conditions.

Reason:

The proposal represents an acceptable housing development in terms of its location based on its proximity to the settlement framework, and in terms of access, parking, privacy and amenity. The development will improve the appearance of the site which is an important gateway into Trimdon Colliery.

3c 3/2012/0101 - Land Off High Queen Street, Witton Park Erection of 2 no. Detached Bungalows

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

The Officer advised that since the report had been circulated 2 additional letters of objection had been received which raised no new issues to those already submitted. Members were also advised that the reference in the report to Section 38 of the Commons Act 2006 related to works on common land and should therefore be disregarded. Village greens were afforded protection in accordance with the Commons Act 1876 and the Inclosure Act 1857, as detailed in the report.

K Ryder the applicant's agent provided a plan of the area before it was registered village green which showed terraced housing and the road over which the applicants had a right of access. He had been informed by a former resident of Witton Park that the road, although not adopted, had been used and repaired in the 1980s to allow vehicles to gain access to the site. The road still existed and was of a suitable standard to serve 2 dwellings.

He made reference to planning policy and the NPPF which set out a presumption in favour of sustainable development. He also referred to the Localism Act 2011 which provided local people with powers to make decisions on development in their local community.

The applicants had lived in Witton Park all their lives and needed a specially adapted bungalow to meet Mr Robson's health needs. This site was not isolated in open countryside and an application had been approved for houses to the south west of the site which included a retail unit. The development would consolidate the area and was close to amenities.

Members were advised that whilst the NPPF set out a presumption in favour of sustainable development, in terms of implementation it did not change the statutory status of the development plan as the starting point for determining planning applications. The Committee was also advised that until the RSS was abolished the provisions of the Localism Act 2011 could not be a consideration in planning terms.

The Principal Planning Officer advised that Members had viewed the condition of the existing access and any works to bring it to the required standard would contravene village green legislation and cause a safety risk to users of the green. He confirmed that Members had been minded to approve an application in 2010 for a scheme for the development of 31 dwellings and a retail unit to the south west of the site. This development offered affordable housing, was of community benefit and access would be to the north of the site. The application originally included the site for 2 bungalows but this had now been excluded.

The Highways Officer confirmed that in its current state the access road was not adequate to serve 2 dwellings. There was no evidence to confirm what surface was beneath the grass and as part of the village green it would not be possible to undertake any improvements to bring the route up to a suitable standard. The proposals were therefore unacceptable in highway terms.

In discussing the application the Committee considered that a key issue was the need to cross the village green to access the properties. Whilst the applicant had a right of access, the road was unsuitable to serve 2 dwellings and any works would be in contravention of village green legislation.

Whilst the plan circulated by the applicant's agent showed rows of terraces and the access road, this was many years ago, and although the area had only been registered recently, the land had been used for recreational purposes for at least 20 years. Members also noted that the application was outside the settlement limits of Witton Park.

RESOLVED

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