

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 18 October 2012 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

Councillors E Tomlinson (Vice-Chairman), D Boyes, D Burn, M Campbell, K Davidson, J Gray (substitute for Councillor E Paylor), G Richardson and M Williams

Apologies:

Apologies for absence were received from Councillors E Paylor, J Shuttleworth, R Todd and J Wilkinson

Also Present:

A Caines – Principal Planning Officer
A Inch – Principal Planning Officer
C Cuskin – Legal Officer
D Stewart – Highways Officer
J Day – Senior Landscape Architect

1 Declarations of Interest (if any)

There were no declarations of interest received.

2 Minutes

The Minutes of the meeting held on 20 September 2012 were agreed as a correct record and were signed by the Chair.

3 Applications to be determined

3a 3/2011/0378 - Struthers Caravan Site, Struthers Farm, Edmundbyers

The Committee considered a report of the Principal Planning Officer regarding an application for the redevelopment and extension of the existing caravan site, and relocation of access and associated drainage (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

In presenting the report the Officer advised of amendments to paragraphs 57 and 77. Paragraph 57 referred to Local Plan Policy TL7 which should read TM7.

Paragraph 77 referred to Section 72 of Planning (Listed Buildings and Conservation Areas) Act 1990, and this should be removed, the relevant legislation being Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Marion Forest from Edmundbyers Parish meeting addressed the Committee against the application. She stated that Edmundbyers was a small historic village of approximately 60 houses, characterised by a distinctive landscape in an AONB, and was a Conservation Area.

The Parish meeting considered that the application was contrary to a number of Local Plan Policies contained in the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, which were set out in the Officer's report.

Whilst the Highways Authority had raised no objections residents believed that the increase in traffic would exacerbate road safety problems on the B6278. Having looked at the site from all angles a development of the scale proposed could not be absorbed into the landscape and it was unfair that such a small village would have to contend with a large expansion of a site that was immediately outside the Conservation Area.

Maria Ferguson, the applicant stated that she had worked closely with Planning Officers to produce an acceptable scheme in terms of layout and landscaping. The development would be phased thereby reducing any immediate impact. The main concerns appeared to be the visual impact of the proposals from the Muggleswick Road. This road was not well-used and was half a kilometre from the site.

The existing site already had permission for 30 caravans and caravan sites often occupied sensitive rural locations. The NPPF supported the provision and expansion of rural tourism developments.

David Anderson, the owner gave a background to the family business stating that the site was in need of modernisation to remain viable. Four full time employees and seasonal workers were employed, and the business helped to sustain the local economy. He was responsible for maintaining the farm's viability and the caravan site was paramount to its success. The demand for the additional facilities was already there as Edmundbyers was a beautiful village in an AONB which attracted tourists.

J Day, Senior Landscape Architect, DCC was asked to comment on the visual impact of the development. He advised that the views of the Landscape Section were summarised in the report, and despite discussions with the applicant to reach an acceptable scheme it was clear that screening would not be adequate in view of the sloped nature of the site. The proposals were contrary to Local Plan Policy TM2, the site would extend considerably beyond the existing settlement and the static caravans would be very visible.

A Member noted that there was already planning permission in place for 30 caravans and that the site was in a poor condition. The Principal Planning Officer responded that the current planning permission ensured that any additional

caravans remained close to the existing settlement. Proposals to modernise the site were welcomed, however this should not be a reason to either support or refuse the application.

A further Member commented that there were many caravan sites located in sensitive rural locations but that these were not intrusive because they were well-screened. It was clear that in the case of Struthers Farm it would not be possible to screen the site adequately.

In discussing the application Members noted that the NPPF advised that planning permission should be refused for tourism proposals in designated AONBs except where it could be demonstrated that they were in the public interest. The application was also contrary to Local Plan Policy TM2 as the proposal would detract from the landscape quality of the AONB due to its visibility in the countryside from the south.

It was therefore **Resolved:**

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

**3b 3/2012/0251 - Land between Stanhope Station and Wear Terrace, Stanhope, Bishop Auckland
Formation of New Footpath**

Members were advised that this planning application had been withdrawn to seek clarification as to whether the application met the relevant criteria for referral to the Area Planning Committee.

3c 3/2012/0308 - Former Builders Merchant, Lydgate Lane, Wolsingham

Consideration was given to the report of the Principal Planning Officer regarding an application to demolish existing buildings and erect 9 no. dwellings (for copy see file of Minutes).

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

Councillor Savory, local Member addressed the Committee on behalf of local residents. The site was sloped and the erection of 9 dwellings would result in surface water running onto Lydgate Lane. The existing drainage system was inadequate and residents had already encountered problems with surface water flooding and sewage backing up into their properties. She understood that there were proposals for surface water discharge from the development to be directed to Trodbeck. This caused concern as the beck had flooded recently causing major damage, and the increased volume and pressure of water would increase the risk of further flooding.

She noted that the Environment Agency had not commented on the application and Northumbrian Water had offered no objections, however residents were concerned

about responsibility for repairs should the beck flood again and cause damage to properties and the road.

Lydgate Lane was narrow and the hardstanding utilised by residents as a turning area and passing place would be lost if the application was approved. Lydgate lane was extremely busy at school times and a recent traffic count revealed that 71 vehicles had used the lane in a single period. This would impact upon the safety of both pedestrians and drivers.

There were proposals for a footpath to be included in the scheme and this would pose a risk to pedestrians as vehicles travelling in both directions would have to mount the footpath to pass.

She also noted that a hammerhead was proposed on site and residents were concerned that there may be future plans for further development to the east.

To conclude whilst residents appreciated that development would take place on the land they considered that a reduced number of properties would be more appropriate.

Shaun Roberts, local resident explained that not all residents were against development of the site but had concerns about the specific plans under consideration.

He reiterated the concerns expressed by Councillor Savory in relation to highway and drainage issues and he also expressed concern that the proposed building line was closer to the road than at present. The dwellings would be positioned very close together and whilst he accepted that this was not unusual in Wolsingham, this was a new development and most properties in the town were built in the 1800s.

Mr Lavender, the applicant's agent stated that this proposal was in accordance with the NPPF and accorded with the Wear Valley District Local Plan. The development was within settlement limits and the proposed minor extension to the east was to improve visibility for safer access in and out of the site, in accordance with the advice of the Highways Officer.

With regard to the concerns expressed that the arrangements would lead to further development, he assured Members that the hammerhead was to allow access to the neighbouring field by the landowner.

The drainage proposals had been discussed with the Environment Agency and would represent an improvement to the current arrangements as there would be a measured and controlled direction of the flow of water into the beck without increasing the risk of flooding.

In terms of highway safety he pointed out that the site could be brought back into commercial or industrial use. This would be worse for residents because of the potential for commercial vehicle movements along the lane.

The Principal Planning Officer responded to the comments made and questions from Members. The land used as a passing place was in private ownership and as such residents did not have any rights to use it. This did not constitute sufficient reason to refuse planning permission.

Residential properties in Wolsingham, including Lydgate Lane addressed the road closely and therefore the proposed building line would not be harmful to the character of the area. If the building line was set back this would compromise the garden space to the rear of the properties and could affect the viability of the scheme.

D Stewart, Highways Officer advised that the site already had extant planning permission for 10 dwellings and 9 properties would not result in unacceptable pressure on the local road network or lead to highway safety issues. The footway would become part of the adopted highway and the proposed access would improve visibility.

A Member stated that he was aware of new developments where flooding had caused problems and he therefore felt that the views of residents should be taken into account.

In discussing the application some Members considered that the application should be refused because of the increased risk of flooding in an area that already had problems, and in view of the highway safety issues raised. The comment was also made that the development would impact upon the residential amenity of neighbouring properties, although it was noted that this had been addressed in the report and that the proposals were in accordance with Local Plan Policy H24.

However other Members felt that the issues raised had been addressed in the report, and by Officers at the meeting. They took into account the concerns of residents with regard to flooding and drainage but noted that the existing site was mostly hardstanding and that the proposals for surface water drainage, as detailed in the report would improve the current situation.

Resolved:

That the application be approved subject to the conditions outlined in the report.

3d 3/2012/0334 - Land off Primrose Hill, Newfield, Bishop Auckland

Consideration was given to the report of the Principal Planning Officer regarding an outline application for the erection of nine dwellings with all matters reserved (for copy see file of Minutes).

A Inch, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

In presenting the report the Officer advised of an amendment to paragraph 55. The separation distance between the nearest residential properties along Primrose Hill

and the proposed dwellings was 37m and not marginally less than 21 metres as stated in the report.

Stephen Wilson and Jackie Stanton, local residents, and Neil Northend, local resident and Secretary of the Millennium Green Trust addressed the Committee.

Stephen Wilson was concerned about the close proximity of the proposed dwellings to the rear of his property and as the site was located on an incline he believed that the additional hardstanding would increase surface water flow into his garden.

The drainage system had collapsed in parts of the village and the development would exacerbate these problems. In addition the land currently provided an environment for birds and other wildlife which would be lost if the application was approved. He also considered that these proposals may lead to further development in future.

Neil Northend was concerned about access. The village was served by one main road which was not gritted in winter and was impassable in snow and ice. The road was damaged by lorries and as a new access would increase traffic this would exacerbate the problems. He reiterated the concerns expressed by Mr Wilson regarding drainage issues adding that surface water currently flowed onto the Millennium Green.

Jackie Stanton showed Members a photograph of the village and explained the problems residents were experiencing with flooding and drainage. The photograph identified areas of the village that had been flooded and the location of the blocked drains.

Jo Robison, the applicant's agent assured residents that there were no plans for further development in the area. They had worked closely with Planning Officers to produce the scheme before Members, taking into account the proximity of neighbouring properties. At 37m the separation distance exceeded the 21m advised as a guide in Local Plan Policy H24.

The scheme was sympathetic to the street scene and fully addressed highway safety issues and parking provision was deemed to be acceptable. The concerns expressed by residents about the risk of flooding would be controlled by a condition requiring a scheme for foul and surface water drainage to be submitted and approved in writing by the Local Planning Authority before the development commenced.

D Stewart, Highways Officer stated that traffic flows in the village were modest and would remain so with a development of this size. The number of dwellings proposed would not generate the need for a Transport Statement. He acknowledged the comment that Primrose Hill was not on a gritting route, although added that it was not unusual for villages across the County to fall outside winter salting routes.

In considering the application the Committee discussed the drainage problems referred to. It was suggested that condition 9 be amended to require the developer to submit a scheme for foul and surface water drainage for the whole village but

Members were advised that this would not be reasonable. Some Members felt that in view of the serious concerns of the residents the application should be deferred until the drainage issues were resolved. A motion was proposed and seconded to this effect but was unsuccessful.

Discussion continued and whilst Members sympathised with residents they acknowledged that as no objections had been offered by either the Environment Agency or Northumbrian Water, and that the provision of adequate drainage on site could be dealt with by condition, the application should be approved.

However in approving the application Members felt that the drainage issues in the village referred to by residents should be explored outside the planning application process. It was therefore suggested that the Chair and Vice-Chair investigate the current position with Officers, and report back to the Committee.

Councillor Williams asked that it be recorded that he had voted against the application.

Resolved:

That

- (i) the application be approved subject to the conditions outlined in the report;
- (ii) the Chair and Vice-Chair of the Committee investigate the current position with regard to drainage issues in Newfield and report back to the Committee.

4 Appeal Update

Appeal Ref: APP/X1355/A/12/2172487

Appeal Against the Refusal of Planning Permission for the Erection of 1 No. 2 Storey Dwellinghouse on Land at Merrington Lane Stables, Vyners Close, Spennymoor

Consideration was given to the report of the Principal Planning Officer regarding the outcome of the abovementioned appeal against the refusal of planning permission (for copy see file of Minutes).

The Inspector had dismissed the appeal for the reasons outlined in the report.

Resolved:

That the information given be noted.