

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 17 October 2013 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors D Bell, J Clare, K Davidson, E Huntington, S Morrison, H Nicholson, G Richardson, L Taylor and C Wilson

Also Present:

A Inch – Principal Planning Officer
A Caines – Principal Planning Officer
C Cuskin – Legal Officer

1 Apologies for Absence

Apologies for absence were received from Councillors J Buckham, D Boyes and R Todd.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 19 September 2013 were agreed as a correct record and were signed by the Chairman.

5 Applications to be determined

5a 3/2012/0424 and 3/2013/0051 - Bedford Lodge, South Church Road, Bishop Auckland

The Committee considered a report of the Principal Planning Officer regarding applications for the demolition of Bedford Lodge, the construction of 66 houses and associated works, and Listed Building Consent to demolish Bedford Lodge (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.

Members were advised of a proposed amendment to condition 2. Revised plans had been submitted to reflect minor alterations to house types and the removal of the footpath link from the scheme following advice from the Police Architectural Liaison Officer.

In discussing the proposals the Chairman noted that representations received in relation to the applications were mainly concerned with highway safety.

D Stewart, Highways Officer informed Members that highway improvements were sought in relation to the site entrance and within the highway of South Church Road. Site visibility in the southern direction was restricted and works included moving the retaining wall to improve visibility, a crossing point and a protected right turn at the entrance to the site. The proposed highway improvement works were detailed in the submitted scheme and had been included as a condition.

In response to a question from Councillor Huntington the Principal Planning Officer advised that the railway was approximately 12m from the southern boundary of the site and was at a higher level than the proposed development.

Councillor Richardson, in expressing his support to the application, was pleased to note that the density of the development had been reduced from 119 dwellings, as outlined in the planning permission granted in 2011, to 66. He also endorsed the demolition of Bedford Lodge.

Resolved:

That the applications be approved subject to:-

- (i) the conditions outlined in the report with condition 2 being amended as follows:-

- ‘2. The development plans hereby approved shall be carried out in strict accordance with the following approved plans:

DRWG no.12-1066.01 rev A15, Site Plan - received 13 June 2013

DRWG no.12-1066.10 rev A1, Site Section A-A - received 13 June 2013

DRWG no.12-1066.04 rev A2, Proposed House Types - received 13 June 2013

DRWG no.12-1066.05 rev A1, Street Elevations - received 10 October 2012

DRWG no.12-1066.11 rev A1, House Types C and D, Received 13 June 2013.’

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, BE1, BE4, BE17, HS, H24 and T1 of the Wear Valley Local Plan;

- (ii) the entering into of a Section 106 Obligation to secure a financial contribution of £50,000 to compensate the loss of the Listed Building to be directed to help safeguard a Listed Building in the vicinity of the application site.

5b 6/2013/0146/DM/OP - Land south of Evenwood Lane, Evenwood Gate, Bishop Auckland

Consideration was given to the report of the Principal Planning Officer regarding an outline application for residential development including the formation of vehicle access (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.

Councillor A Turner, local Member addressed the Committee in support of the application. He advised that the site had steadily deteriorated over the last couple of years and was in need of development. The proposals would help to improve the appearance of the area. He asked Members to note that the objections submitted were from the residents of Evenwood, not Evenwood Gate, and also asked the Committee to take into account the petition received in support of the application.

J Lavender, the Applicant's Agent stated that when the outline application was refused in May 2012 the scale of the development had been considered inappropriate. This was an outline application for fewer properties and the overall number of dwellings and design details could be negotiated. At that time it had not been possible to bring forward a scheme including the derelict former public house, and he outlined the reasons why this was not possible now.

Mr Fenwick, the applicant stated that the proposals had been well received by local residents and shops. Village life was in decline and the NPPF was about sustainability and about local people making decisions. This development would help maintain the sustainability of the village and could help to support the local school which was not at full capacity. The site itself had suffered anti-social behaviour for many years.

The local village had lost a shop, a newsagents and a public house. Local people had left the area and were unable to move back into the village because of the lack of available housing. He believed that this development would help to create a vibrant and prosperous Evenwood Gate, and help people to return to the village.

In response to a question from Councillor Huntington regarding the 2 schemes, the Principal Planning Officer confirmed that the applications had to be dealt with separately, although a joint application excluding the land to the north of this site would be welcomed.

Councillor Richardson considered that the application should be approved. The density of the site had been reduced, the school and the shops were within a reasonable distance, and whilst the majority of the site was situated in open countryside, he was of the view that the whole site was scrubland and was unlikely to be used for the purposes of agriculture or forestry. He also considered that the proposals were in keeping with the linear form of Evenwood Gate.

Councillor Clare stated that whilst he agreed with the comments of Councillor Richardson, it should be borne in mind that the majority of the development was outside development limits, and that an appeal decision that had concluded that Evenwood Gate was not a sustainable location should carry significant weight in the determination of the application. It may be argued that the need for regeneration of the village outweighed the development of land in the open countryside, however in taking into account the public responses there was clearly support for the application but there was also a lot of residents who were against the proposals. On balance he felt that he could not support the development.

Councillor Davidson commented that the scheme was largely unchanged since refusal of outline permission in 2012 and was not convinced that the development would result in an influx of people moving into or returning to the village. Taking into account the comments in the report about sustainable development and the location of the village it was clear that Evenwood Gate did not meet NPPF criteria in terms of sustainability.

Members discussed the proposals and noted that whilst this was an outline application there was no provision for on-site public open space/play or a Section 106 contribution towards off-site provision, and that the Archaeology Section considered that there should have been further archaeological evaluation prior to determination.

Councillor Richardson moved and was seconded by Councillor Morrison that the application be approved subject to the applicant entering into a Section 106 Agreement in respect of off-site open space/play provision, and to detailed conditions being agreed in consultation with the Chairman.

Following a vote the motion was unsuccessful and it was moved by Councillor Davidson and seconded by Councillor Clare that the application be refused.

Resolved:

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

5c 6/2013/0147/DM/OP - Former Brown Jug Public House, Evenwood Gate, Bishop Auckland

The Committee considered a report of the Principal Planning Officer regarding an outline application for demolition of the derelict former public house and residential development of the site including the formation of vehicle access (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.

Councillor A Turner, local Member expressed his disappointment that the other site at Evenwood Gate had not been approved but hoped that this application would be looked upon favourably as the village was in need of development proposals that would clean up this area.

J Lavender, the Agent was asked by the Chairman to comment on the applicants' views in relation to the proposed Section 106 Agreement.

He advised that the applicants had recognised that circumstances had changed since planning permission had been granted in 2008, and therefore a Section 106 Agreement had been prepared in relation to the provision of affordable housing. However the applicants were concerned about the contribution towards off-site provision/maintenance of play/recreation space in the local area and the impact this additional burden may have on the scheme.

The Chairman referred to the recent appeal decision raised in the earlier report when the Inspector had concluded that Evenwood Gate was not a sustainable location, and asked why this scheme was deemed to be acceptable.

The Principal Planning Officer acknowledged that the location was not sustainable, however the proposals were of a much smaller scale to the proposed development south of Evenwood Gate, was partly within existing development limits and was entirely on previously developed land within the curtilage of the former public house. In addition the site already had vehicle movements associated with it, and the vehicle access proposed was immediately next to the existing access to the pub car park.

Councillor Nicholson commented that this development was in the hamlet itself and would improve a derelict site.

With regard to the letters of objection Councillor Clare stated that these related to the details of the scheme and therefore believed that residents were not against the principle of development in Evenwood Gate.

Resolved:

That the application be approved subject to the conditions outlined in the report and to the completion of a Section 106 Agreement in respect of the provision of 15% affordable housing and a contribution of £13,000 towards off-site provision/maintenance of play/recreation space in the local area.