

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 20 February 2014 at 2.00 pm**

### **Present:**

**Councillor M Dixon (Chairman)**

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

Councillors D Bell, D Boyes, J Clare, K Davidson, O Gunn, E Huntington, S Morrison, H Nicholson, A Patterson, G Richardson, L Taylor, R Todd, C Wilson and S Zair

### **Also Present:**

J Byers – Planning Team Leader (South and West)  
A Caines – Principal Planning Officer  
Clare Cuskin – Legal Officer  
D Stewart – Highways Officer  
R Lowe – Tree Officer

#### **1 Apologies for Absence**

An apology for absence was received from Councillor J Buckham.

#### **2 Substitute Members**

Councillor O Gunn substituting for Councillor J Buckham.

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

There were no declarations of interest.

#### **4 Minutes**

The Minutes of the meeting held on 23 January 2014 were agreed as a correct record subject to an amendment to minute numbered 5a regarding planning application 3/2013/0304 – Lilac House, South View, Hunwick.

The comments made by the Chairman about the sustainability of the development were amended to read as follows:-

‘He expressed concern about the sustainability of the development given that the children would travel to and from the home from a distance of ‘more than’ 25 miles.’

## **5 Applications to be determined**

### **5a 6/2013/0295/DM - Land South of The Close, Cotherstone, Barnard Castle**

Consideration was given to the report of the Principal Planning Officer regarding an application for the erection of 12 dwellings including landscaping and site 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 and its context in the village.

Mr I Moorhouse addressed the Committee on behalf of Cotherstone Parish Council. He commenced by addressing Local Plan Policies GD1, BENV4 and H13 referred to in the Principal Planning Officer's report. As could be seen from the photographs of the approach to the village the site was well-screened in the summer, however this was not the case in the winter months, and this would have an adverse visual impact on the area.

The Parish Council did not believe that that there was a local need for the development and that the Housing Needs Survey was a means of assessing aspirations rather than need. Even if the need existed the Parish Council did not consider that Policy H13 would be complied with. There were only 143 responses to the Survey from a total of 962 households. The Parish Council had collected 120 signatures against the development from a little over 200 households.

He continued that very few local people lived in the sheltered accommodation located next to the proposed development. The report noted that the site was 'not the most sustainable' which was an understatement as the residents were not wealthy, and private transport was an issue for local people in a rural area. There was no point in providing low cost accommodation where there was little employment, where buses only operated until 7pm and were expensive, and where there was uncertainty around the future of the bus service, the local shop and post office.

Mr Willis, the Agent stated that he appreciated the work of the Planning Officers in helping the applicant to achieve a development which respected the character of the Conservation Area. The Housing Needs Assessment (HNA) carried out in February 2013 supported the need for affordable housing which had been identified in the SHMA. The affordable housing would be secured through a Section 106 Agreement which would include local occupancy criteria.

Changes had been made to certain design features to ensure that the scheme was in keeping with the surrounding area, including the introduction of dry stone walling on the site frontage.

D Stewart, Highways Officer was asked to comment on concerns expressed relating to highway issues. He advised that following initial issues regarding the number of parking spaces the application had been amended in line with suggestions made by the Highways Authority, and a condition was proposed for

extension works to the lay by. The scheme was therefore deemed to be acceptable in highway terms.

Members asked how the allocation process would ensure that the local need was served. The Committee was advised that the properties would be allocated using Durham Key Options, and were informed of the local occupancy criteria which would be included in the Section 106 Agreement.

Councillor Boyes noted the concerns expressed by the Landscape Team, particularly in relation to the longevity of the hedgerows. It was suggested that condition 5 be amended to ensure that hedgerows were included in the planting plan which was to be submitted and agreed by the Local Planning Authority before any development took place.

Councillor Clare noted the Parish Council's concerns regarding sustainability. The Principal Planning Officer acknowledged that the site may not be the most sustainable location because of distance from local services, however there was a need for affordable housing in areas other than the larger settlements such as Barnard Castle. Cotherstone was a large village with good bus service links to facilities.

The Chairman commented that the development would help to ensure the sustainability of the existing bus service as more people moved into the village. In addition he considered that one bus per hour was not unusual for settlements in rural locations.

In response to Councillor Gunn, who noted that the Parish Council had also expressed concern about sustainability because the proposals did not include accommodation for young families, the Principal Planning Officer explained that the HNA demonstrated a clear demand for older persons dwellings in the area and the scheme would help to meet that identified need. However there was no age restriction included in the allocation criteria and four of the properties were two-storey, semi-detached dwellings which were suitable for young families.

During discussion on the application Councillor Richardson advised of his intention to abstain from voting.

**Resolved:**

That the application be approved subject to:-

- (i) the conditions outlined in the report with condition 5 being amended to read as follows:-
  - '5. No development shall take place until full details of hard and soft landscape works and garden structures have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed hard surfacing materials, details of proposed sheds, details of proposed bin stores, a detailed planting plan for the ornamental shrubs, herbaceous planting and

hedgerows showing exact plant numbers and locations and giving plant and planting specifications, and details of the treatment of the boundary hedge to the north of the site. The development shall be carried out in accordance with the approved details.'

- (ii) the completion of a Section 106 Legal Agreement to ensure the dwellings remain affordable in perpetuity, and to secure a financial contribution of £6000 towards the provision/maintenance of open space in the locality.

#### **5b 6/2013/0360/DM/VP - 32 Cecil Road, Barnard Castle**

Consideration was given to the report of the Principal Planning Officer regarding an application for the removal of condition 7 of planning permission 6/2011/0162/DM to allow the annex to be occupied separately by a tenant (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

In discussing the application Members considered whether the proposed amendment to the condition would address the concerns of both the Parish Council and the neighbour that the proposal would transform a semi-detached house into a terraced house.

The comment was made by Councillor Clare that the payment of Council Tax on the annex was in effect creating two properties. Members were informed by C Cuskin, Legal Officer that this was not a material planning consideration that should be taken into account in the determination of the application.

The Principal Planning Officer clarified that the purpose of amending condition 7 was because of the potential impact any future separation of the annex would have on the character of the area. Planning Officers were concerned about the annex becoming a separate dwelling and the potential for garden division which would adversely impact on the spatial character of a location where gardens were of a regular size. The proposed wording would allow occupation by a tenant while still preventing the annex from being physically separated and sold separately.

In response to a question from Councillor Patterson, D Stewart, Highways Officer stated that there was space to accommodate three vehicles in the parking area to the rear of the property, which was deemed to be sufficient for the annex. The amendment to condition 7 was acceptable in highway terms.

#### **Resolved:**

That condition 7 of permission 6/2012/0172/DM be varied to remove the requirement that restricts occupation of the annex to only persons in the household of 32 Cecil Road, but retains the requirement that the annex cannot be sold as a separate dwelling, or physically separated from 32 Cecil Road by means of enclosure; and subject to an additional condition relating to parking provision and the original conditions covering the development, as outlined in the report.

**5c 6/2013/0382/DM/TP - Staindrop Hall, 20 Front Street, Staindrop**

Consideration was given to the report of the Principal Planning Officer regarding an application to fell 1 no. sycamore tree protected by TPO CCD-34-2012 (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Mr S Johnson, a Consultant Ecologist, addressed the Committee on behalf of the applicant. He had originally been asked to inspect the tree in 2012 and had found that it was leaning, and suffering from root heave and subsidence. The tree had been part of a large group, one of which was a beech tree to the north of the sycamore which had been felled. This had left the tree flat-sided with the branches on the west side overhanging a grade 2 listed wall, the branches to the east extending up to 3m and those to the south and west having a spread of 6–7m. This would affect the balance and stability of the tree. Sycamores were not native to the UK and only had amenity value in the open countryside.

Mr Johnson continued that the tree was infested with aphids and had tar spot, which although not fatal would reduce the tree's ability to photosynthesise. He had spoken to a Council Tree Officer who, he claimed, had confirmed that the tree was leaning and that it would become unstable when it was pruned.

On a further visit in 2013 Mr Johnson had noticed more weather damage and whilst there was no evidence of further lean, the sycamore was overhanging a yew tree. The applicant had agreed to plant two young oak trees which would be of benefit to the site for many years to come, in contrast with the sycamore which would fail at some point.

R Lowe, the Council's Tree Officer responded to the comments made by Mr Johnson. He advised that when planning permission had been granted in 2011 an independent company had undertaken an arboricultural survey. The data from the survey was used in Mr Johnson's report, although he had reached a different conclusion about the condition of the tree.

Almost every tree in County Durham had tar spots or aphids and there was no evidence to suggest that it was in danger of falling over. Whilst the tree had developed a lean this was not unusual as it had been one of a group. Most trees in County Durham were sycamores which could live for up to 400 years. This was a mature tree with high amenity value which was in good health and had been given a Category A rating by an arboricultural consultant in 2011.

In response to questions from Members the Council's Tree Officer confirmed that the tree was safe despite the recent wet and windy weather conditions, and that no remedial works were needed. The Arboricultural Survey carried out in 2011 did not mention root heave but heavy vehicles may have disturbed the soil which could have caused Mr Johnson to believe that this was the case. The dwelling would be constructed on pile foundations in the Root Protection Area to safeguard the roots.

Councillor Richardson was of the view that the tree was too tall and, as had been the case with many other trees this winter, could fall over as a result of ground softening and high winds. There were a lot of new shoots at the base of the trunk which he understood were signs of a tree in distress. He favoured the applicant's proposal to fell the sycamore and plant two young oak trees.

The Tree Officer clarified that the growth from the roots was because the sycamore had originally been one of a group and the buds, which were present in the bark of every tree, had started to grow after the other trees had been felled.

In discussing the application Members noted the conflicting expert opinions about the condition of the tree. The Legal Officer advised that the Committee needed to decide, on balance, having considered all of the evidence before it, whether the application should be granted or refused. If any particular Member could not reach a decision on the basis of the evidence before the Committee, they should abstain from voting upon the application.

**Resolved:**

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

**5d 7/2013/0522/DM - Land to the rear of 17 North End, Sedgefield**

Consideration was given to the report of the Planning Team Leader regarding an application for the erection of 1 no. dwelling (for copy see file of Minutes).

J Byers, Planning Team Leader gave a detailed presentation on the application which included photographs of the site.

In response to a question from the Chairman, Members were advised that there were roman settlement remains in East Park with archaeological features within the development site. A condition was proposed which would require a programme of archaeological work to be submitted before the commencement of any work on site.

**Resolved:**

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

**6 Update - Building Preservation Notice**

Consideration was given to an update regarding the issue of a Building Preservation Notice on the winding engine house and machinery at Grove Rake Mine, Rookhope (for copy see file of Minutes).

**Resolved:**

That the serving of the Building Preservation Notice on the winding house and machinery at Grove Rake Mine, Rookhope and the action taken by the Director of Regeneration and Economic Development under emergency powers contained in paragraph 12 of Table 1 to part 3(c) of the Constitution, be noted.