

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 19 June 2014 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors H Nicholson (Vice-Chairman), H Bennett, J Clare, K Davidson, E Huntington, A Patterson, G Richardson, R Todd, C Wilson and S Zair

Also Present:

J Byers – Planning Team Leader (South West Area)
A Caines – Principal Planning Officer
L Renaudon – Solicitor (Planning and Development)
A Glenwright – Highways Officer

1 Apologies for Absence

Apologies for absence were received from Councillors J Buckham, D Bell, S Morrison and L Taylor.

2 Substitute Members

Councillor H Bennett substituted for Councillor L Taylor.

3 Declarations of Interest

The Chairman, Councillor M Dixon declared an interest in planning application 7/2013/0363/DM – Hunter Terrace, Chilton as he was a Board Member of Livin Housing Ltd, the Applicant.

Councillor Dixon left the meeting when the application was considered.

4 Minutes

The Minutes of the meeting held on 8 May 2014 were agreed as a correct record and were signed by the Chairman.

5 Applications to be determined

5a 3/2013/0413 - Land North of Railway Terrace, Witton-le-Wear

Consideration was given to the report of the Principal Planning Officer regarding an application for the retention of storage container, erection of cabin, shed and two polytunnels (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 and were familiar with the location and setting.

Councillor Henderson, the Chairman of Witton-le-Wear Parish Council addressed the Committee on behalf of the residents of the village. In making his representations he referred to the number of objections to the application and hoped that Members had received reports from the Council's Environmental Health and Highways Sections.

Witton-le-Wear was an extremely attractive and unspoilt village, and residents wanted to keep it that way. He questioned whether this was a retrospective application as a storage container and polytunnel were already on the site.

The railway platform which was part of Weardale Heritage Railway was located directly below the field and he believed that the smell would discourage visitors from stopping at this halt. The railway path was unusable at times because of water run-off from the field.

Councillor Henderson continued that the proposal for two pigs would be acceptable and sought an assurance that the Applicant would not keep any more than this. Each pig produced 13lbs of waste and breeding pigs could produce large litters of around 11 piglets.

The village had severe traffic problems and the Parish Council and residents disputed the Applicant's claim to a right of access to the rear of Railway Terrace. He was also surprised to learn that the Applicant had an alternative access to the field at the allotment site.

If the application was approved he considered that the value of surrounding properties would be significantly affected.

In conclusion Councillor Henderson stated that if residents could be assured that the number of pigs would be restricted to two, their concerns would be allayed, and he asked if the application could be adjourned to seek assurances from the Applicant.

Mrs Parkinson, local resident spoke against the application. She stated that residents were concerned about the access to the site which was shared by both allotment holders and residents, and noted that the report did not include the views of the Highways Section. Paragraph 47 in the report stated that the proposal did not involve the formation of a new access, however residents considered that this was a new access to the field as it had never been used before.

Mrs Parkinson was also concerned that the land may be used for business purposes and stated that the allotments already had problems with rats which would be exacerbated by this proposal.

The application was contrary to Local Plan Policy and Policies in the emerging County Durham Plan. The proposals would have a detrimental impact on the landscape, and would have a visual impact on the entrance and exit into the village. There was no adequate parking and she felt that there had been no regard for surrounding residents.

Residents did not have issue with the other proposed uses of the site but were concerned about the keeping of pigs, and Mrs Parkinson asked if the number of animals could be limited to two.

Mrs Parkinson concluded by asking if the log cabin was a separate proposal as this did not appear to have been included in the public notice.

Mrs Coulter, local resident stated that her main concerns related to the access. The application site did not have a right of access to the rear of Railway Terrace and at the time the land was acquired by the Applicant there had been a fence at the bottom of the lane which had now been replaced by a gate. Whilst she acknowledged that a right of access was a private matter she asked the Committee to consider the application within this context.

The Applicant, Mr Charles, addressed Members. He commenced by explaining his proposals for the land. The northernmost section of the paddock would be developed for food production, the middle section would be retained for grazing and the bottom section would be used for willow production. For the food production element of the scheme, the pigs would serve as a natural method of clearing the land without having to use machinery, and the intention was to purchase them as weaners and sell them in six months.

Whilst the issue of access was a private matter he was happy to discuss the situation with residents. On the purchase of the paddock he had received a Statutory Declaration which permitted access through both Railway Terrace and the allotments.

In response to a question from Councillor Davidson, Mr Charles advised that he did not intend to breed the pigs. The breed of pig chosen was small and was useful for cultivating the ground. As the pigs would be kept outdoors he did not envisage that there would be any odour, and there would be no slurry waste.

In discussing the application the Chairman, Councillor Dixon, advised that the Committee could only give consideration to matters that were material planning considerations. The keeping of pigs on the site did not come under planning control, and the right of access was a private matter and not a material planning consideration which could be given any weight in the determination of the application.

L Renaudon, Solicitor (Planning Development) explained that the keeping of pigs was an agricultural use of the land which did not require planning permission. The application was for buildings and a container which would not be used to house the pigs. Access was a real issue between the applicant and residents but essentially this was a private matter.

Following a question from the Chairman, the Principal Planning Officer stated that the suggested conditions from Environment, Health and Consumer Protection, as set out in the report, could only be imposed if the application was for animal housing. However a condition was proposed which would ensure that no pigs would be housed or reared within the buildings or container.

Councillor Clare, in acknowledging that the right of access was a private matter, asked if the application would have been recommended for approval without vehicular access. The Principal Planning Officer responded that the application was not for change of use of the land, and the proposed structures did not require vehicular access.

Councillor Davidson made the comment that he understood that a paddock of this size could accommodate around 32 pigs without planning permission. Setting aside the issues of access and the residents' concerns about the keeping of pigs, he was of the view that the proposed structures were acceptable in planning terms.

Resolved:

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

5b DM/14/00678/OUT - Land to the South of Broadway Avenue, Salters Lane, Trimdon Village

Consideration was given to the report of the Principal Planning Officer regarding an application for the erection of up to 30 dwellings (all matters reserved) (for copy see file of Minutes).

J Byers, Planning Team Leader gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting. He advised that since the report had been circulated a letter had been received from the Ramblers Association advising of the need to divert the Public Right of Way which crossed the site.

Councillor Peter Brookes, local Member addressed the Committee in support of the application. He stated that Trimdon was in need of housing development and the shortfall was recognised in the emerging County Durham Plan. He understood that the SHLAA had identified a need for 20 houses per year and this was an available site which would help meet this target.

He noted the comments in the report about school capacity but he had spoken to the local Head Teachers who had all advised that there were spare places within their schools. The Head Teacher of Trimdon Infants School had confirmed that 8 school places were available and that this position was expected to continue year on year.

In accordance with the NPPF there was a presumption in favour of sustainable development. Given that there was housing on the western side of Salters Lane the development of this site was logical and desirable. The proposed development would be located next to the existing Broadway Avenue which was currently visible on the approach to the village. Buffer screening was proposed which would lessen this impact and the proposals would allow the occupiers of Broadway Avenue to gain access to the rear of their properties.

There was a clear economic case for the development and the shops and services would welcome the increase in people in the village.

The developer would address all the issues identified in the report and had offered to increase the percentage of affordable housing from 10% to 50% if necessary.

The development was welcomed by Trimdon Parish Council who recognised the housing shortfall in the village.

The developer was prepared to fund road safety measures, there was an acknowledgement that there was no impact on the Conservation Area and the comments in paragraph 65 of the report were misleading in that the proposed development would be nearer to local services than the properties on the western side of the village.

In line with both the NPPF and the emerging County Durham Plan, he concluded that the economic, social and environmental benefits outweighed the need to retain the existing settlement boundary of Trimdon Village.

In response to a question from Councillor Clare about the need for 20 houses per year, the local Member advised that he understood that this was an indicative figure identified in the SHLAA.

Dr Anton Lang, the Applicant's Agent addressed the Committee. He stated that the site was located on the edge of the settlement boundary, the land abutted an existing development and was not in open countryside.

The houses would have less visual impact than Broadway Avenue as they would be set at a lower level. The gardens of the new development would back onto the gardens of Broadway Avenue with an alleyway between, which would help to ensure that the impact on Broadway Avenue was limited.

Access to the site would be from Salters Lane and the developer was prepared to fund a pedestrian crossing which would ensure the safety of residents and help to reduce traffic speeds. The footpath running diagonally across the field could be re-routed and as had been indicated by the Planning Team Leader in his presentation, the Ramblers Association had no problems with this.

With regard to affordable housing the developer was willing to consider up to 50% affordable provision, although an exact figure could not be given as this was an outline planning application and layout was indicative at present.

20 houses per year had been identified yet sites had not been allocated to meet this target. This site would produce 3-7 dwellings per year. Trimdon required more residential development to help support its facilities.

To conclude he advised that the scheme was deliverable and if approved would be subject to detailed discussions regarding the Section 106 Agreement.

J Byers, Planning Team Leader responded to the matters raised stating that Trimdon Village did not need a high percentage of affordable housing. The village had an Empty Homes Strategy which could be affected if this development went ahead.

With regard to the comments made about an identified need for 20 houses per year he explained that there were housing sites already identified through the SHLAA for delivery in the Southern Area. He was not aware of an established need for 20 properties in Trimdon and referred to a suitable/green site identified in the SHLAA that had been granted planning permission for more than 100 houses in the village but which had not yet been developed. He considered that this gave an indication of the level of demand for new housing in Trimdon.

In response to a question from Councillor Davidson, the Committee was advised that, if approved, the development would represent less than 5% of the total number of properties in Trimdon. The Member also referred to the Section 106 agreement which currently did not address a contribution towards infrastructure, and how this would be dealt with if the application was approved.

Councillor Clare also referred to the Section 106 Agreement and the offer of 50% affordable housing on a site that would deliver 30 houses, a pedestrian crossing and additional classroom if necessary, and asked if a viability assessment had been carried out. He also made the comment that the Parish Council had stated that the development would maintain the sustainability of the village, however this was in contradiction to the views of the Council's Sustainability Officer which were set out in the report.

L Renaudon, Solicitor (Planning and Development) advised Members in relation to the Section 106 Agreement. She stated that if Members were minded to approve the application then the Committee would need to determine what obligations should be addressed in the Agreement. She confirmed that for an affordable housing provision of 50% a viability assessment would be required.

Councillor Nicholson observed that, having considered the report and submissions made, he could not envisage how this development would enhance the community. As stated by the Planning Team Leader a suitable site in the village with planning permission had not been developed. He was also concerned about traffic speed on the approach to the village and that the development was in open countryside.

Councillor Huntington asked if the development was located within a flood risk area and was advised that the site was not in a location that was susceptible to flooding but the Environment Agency had requested a flood risk assessment because of its situation on a slope.

Following a question from Councillor Patterson the Committee was assured that if the application was approved it would not prejudice the emerging County Durham Plan.

Following discussion it was **Resolved:**

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

At this point Councillor Dixon left the meeting and the Vice-Chairman Councillor Nicholson took the Chair.

6 7/2013/0363/DM - Hunter Terrace, Chilton

Consideration was given to the report of the Principal Planning Officer regarding an application for the demolition of existing houses, garages and meeting hall, and the erection of 18 affordable dwellings (for copy see file of Minutes).

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

Resolved:

That the application be approved subject to the completion of a Section 106 Obligation to secure the provision of 10% affordable housing in perpetuity and to the conditions outlined in the report.