

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 19 March 2015 at 2.00 pm**

### **Present:**

**Councillor M Dixon (Chairman)**

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

Councillors J Alvey, D Bell, J Clare, K Davidson, J Gray, S Morrison, A Patterson, G Richardson, L Taylor, R Todd and C Wilson

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

Apologies for absence were received from Councillors D Boyes, E Huntington, H Nicholson and S Zair.

#### **2 Substitute Members**

Councillor J Alvey as substitute for Councillor E Huntington and Councillor J Gray as substitute for Councillor H Nicholson.

#### **3 Declarations of Interest (if any)**

There were no declarations of interest.

#### **4 The Minutes of the Meeting held on 19 February 2015**

The minutes of the meeting held on 19 February 2015 were agreed as a correct record and signed by the Chairman.

#### **5 Applications to be determined**

##### **5a DM/15/00361/FPA - Land to the south of Garden House Lane, Cockfield**

The Committee considered a report of the Planning Officer regarding an application for the erection of a single detached dwelling and garage on land south of Garden House Lane, Cockfield (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 H Smith, local Member, addressed the Committee. She informed the Committee that Garden House Lane was an old, narrow lane with properties on it which dated back to the 18<sup>th</sup> century. This was the only site on Garden House Lane which had not been developed. The applicant had withdrawn a previous application, addressed the design comments made on the previous application and resubmitted this application. The applicant had done all possible to ameliorate highway issues on Garden House Lane by moving his field wall to increase the highway width, laying some tarmac over the widened road and would move the telegraph pole towards the boundary wall if planning permission was approved. Local residents were concerned regarding access to the proposed property and poor lines of sight and also feared that the application, if approved, could lead to further development of a greenfield site. The applicant had indicated a willingness to enter into a legal agreement to not further develop the site or sell any part of it for further development should the application be approved, and Councillor Smith asked that this be added as a condition of the planning permission if approved.

M Ferguson, agent for the applicant, addressed the Committee. The applicant had been a resident of Cockfield for all of his life and currently rented a property on Kensington Terrace. The applicant owned the field which was the subject of the application in which he kept horses, which he visited 2 to 3 times a day and therefore the traffic generated by the proposed development would be no greater than that already generated. The applicant had done all he had been asked to overcome as many concerns as possible regarding this application, including moving the field boundary wall to create extra width in the highway, laying tarmac to the highway and would move a telegraph pole to widen the highway if permission was granted. Although the County Council Guide for Residential Development limited the maximum number of dwellings served by a private drive to 5, there was already more than double this number of dwellings served by this section of Garden House Lane. The application site was a greenfield site within the development limits of Cockfield. Paragraph 14 of the NPPF stated that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

K Hebdon, local resident addressed the Committee to object to the application. As a mother of two children who used Garden House Lane she informed the Committee that there could be no certainty there would be no accidents on the Lane as a result of increased vehicle movements should the application be approved. Garden House Lane already served 12 properties, which was well in excess of the County Council Guide which limited the maximum number of dwellings served by a private drive to 5 and Garden House Lane also served as access to allotments and a school playing field. Garden House Lane was not a through road, had no footpath and had inadequate turning arrangements. The area had no gas supply and delivery of fuel was by oil tanker, and any further development on Garden House Lane would result in increased tanker deliveries.

Although the application had received 7 letters of objection, 2 letters of support and 11 pro-forma letters of support, the objection letters contained many reasons why the application should be refused whereas the pro-forma letters did not state any reasons for support.

The benefit from this application did not outweigh that it was a greenfield site in an area of outstanding natural beauty and the application should be refused as recommended in the Committee report.

Councillor Dixon informed the Committee that the application appeared to hinge around highways issues and invited the council's highways officer to comment.

J McGargill, Highway Development Manager informed the Committee that the access road comprised a lit unadopted highway and adopted highway up to Raby Terrace. It was shown as a footpath on the Definitive Map. The Council design standard for a shared drive was a maximum of 5 dwellings or no more than 25 metres in length which related to practical issues, for example refuse collection. Although Garden House Lane was not a private shared drive it was also not an adopted highway and any increase in the number of dwellings would lead to increased use of the road and increased risk of an incident occurring, especially with vehicles needing to reverse along the Lane and emerging onto the Lane. Although it was accepted that the likelihood of an incident occurring was low, risk did increase with each additional dwelling.

C Cuskin, Planning and Development Solicitor referred the Committee to the applicant's proposal to enter into a legal agreement that no further development would take place if permission was granted. She informed the Committee that such an agreement would not meet the required statutory tests and any further development would be subject to a requirement for further planning permission.

Councillor Davidson asked if the application had not been called to the Committee by the local Members whether it would have been refused under delegated powers. The Principal Planning Officer confirmed that this would have been the case.

Councillor Richardson informed the Committee that quite often the suitability of highways was questioned when applications for large scale developments were being considered. However, this was an application for only one dwelling and he was finding difficulty in reconciling the highways reasoning for refusal of the application. When the Committee had carried out a site visit two vehicles had been using the highway and had slowed considerably for Members in the highway and this is what would normally happen on a road such as Garden House Lane.

Councillor Dixon reminded the Committee that the Council's Highways Officers worked to legal and national standards and had provided strategic reasons for refusal of the application.

Councillor Clare informed the Committee he found this a very difficult application to determine. The applicant had done all in his power to meet planning requirements and mitigate highways issues, and were it not for the objection on highways grounds then the application would be recommended for approval. He was not convinced by the increased highways risk argument, adding that an additional dwelling would not lead to a dangerous level of vehicular movement on the road. While the road was narrow, he felt that drivers would adopt a common sense approach and proceed slowly along it. Had the field, the subject of the application, been some 4 to 5 metres to the east of its current location there would be no

highways issues because access would have been onto the adopted highway. However, there was also an argument that rules and policies were in place to be adhered to otherwise there was no reason for having them. Rather than being a private shared driveway the road was more of a country road and would be used as such. He informed the Committee that he was inclined to grant approval of the application.

Councillor Patterson informed the Committee that while she appreciated the highways concerns regarding access the application would not involve creating an access which was not already there to gain access to the field. The applicant could currently visit the field as often as he wished without any restriction and Councillor Patterson could not support refusal of the application on highways grounds.

The Highway Development Manager replied that the level and type of use of the access would change to service a new development and this was considered to be over and above the current usage level.

Councillor Davidson informed the Committee that he considered the highways objection to the application to be a reasonable one and added that Garden House Lane had several tight pinch points along its length.

Councillor Wilson informed the Committee that she was erring on the side of approval of the application on the grounds put forward by Councillor Patterson.

Councillor Davidson **moved** refusal of the application, **seconded** by Councillor Gray. Upon a vote being taken the proposal to refuse was carried on the Chairman's casting vote.

**Resolved:**

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

**5b DM/14/02418/FPA - Thorpe Lido, Whorlton**

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of ten holiday lodges at Thorpe Lido, Whorlton (for copy see file of Minutes).

C Cuskin, Planning and Development Solicitor informed the Committee that the application site was not in a Conservation Area, therefore s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 did not strictly apply. However, the impact the development would have upon the Conservation Area was a material planning consideration.

T Burnham, Senior 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.

Mr Lavender, agent for the applicant, was in attendance and agreed to a request from Councillor Dixon to be available to answer questions on the application that Committee Members may ask.

Councillor Davidson, in **moving** approval of the application, informed the Committee that he had viewed the site and was satisfied with the application. **Seconded** by Councillor Clare.

Councillor Morrison referred to the risk of the holiday lodges being used as permanent residences and asked how this could be prevented. The Senior Planning Officer replied that Condition 10 of the proposed planning permission required the owner or operator of the site to maintain a register of occupancy which the local planning authority could request to inspect at any time, adding that the planning authority had enforcement powers should any of the planning conditions be breached. A Caines, Principal Planning Officer confirmed the condition was a standard condition taken from best practice guidance.

**Resolved:**

That the application be approved, subject to the conditions set out in the report.

**5c DM/14/03438/FPA - Land adjacent to Park Road, Witton Park**

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 32 dwellings, retail unit and associated infrastructure on land adjacent to Park Road, Witton Park (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

Mr Lavender, agent for the applicant, addressed the Committee. Outline planning permission was originally granted on the site in January 2013 for 31 dwellings and a retail unit. This permission remained in existence and would normally be followed by a Reserved Matters application for the details of the development. However in the case of this site, the indicative plan which supported the outline proposal did not accurately reflect the topography and constraints of the site, whilst the access point was not in the optimum position, and thus a new detailed planning application had been prepared for the development of 31 dwellings in a variety of house types, together with the retail unit with its integral living accommodation. The resulting detailed scheme was considered to be a significantly improved proposal to that indicated in the original outline scheme, and it would deliver a higher standard of housing development in Witton Park to reinforce the village's improving image as a desirable place to live.

**Moved** by Councillor Clare, **Seconded** by Councillor Davidson and

**Resolved:**

That the application be approved subject to the conditions set out in the report.

**5d DM/14/03523/OUT - Land to the west of St Paul's Garden, Witton Park**

The Committee considered a report of the Senior Planning Officer regarding an outline application, including means of access, for residential development on land to the west of St Pauls Garden, Witton Park (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

Mr Lavender, agent for the applicant, addressed the Committee. He informed the Committee that planning provided the opportunity to create opportunities and that this application offered opportunity for positive change within Witton Park and its structure. The previous application on the agenda which had been approved included a retail unit but provided facilities around a skeletal village form. This application would unite the village and would create the core of the village around the village green. Although there was no current County Durham Plan to work to, Witton Park had suffered from the last County Durham Plan under its Category D policy. Wear Valley Local Plan, which was prepared over 20 years ago and before the designation of village green in the village, showed the development of 50 houses for Witton Park. Mr Lavender questioned the need to cling on to outdated policies. Although reference had been made to the site not being in a sustainable location, Mr Lavender argued that sustainability needed to be created, it didn't just happen and that not building would lead to stagnation. Witton Park was ambitious for its future and this development would be a progressive approach for the future of the village.

Councillor Dixon informed the Committee that permission had been granted for some development within the village under the item previously considered and suggested that if that development was successful then this application could then be submitted.

Councillor Davidson informed the Committee that he was aware of the position of both this and the previous site in Witton Park, concurred with the comments of Councillor Dixon and **moved** refusal of the application. **Seconded** by Councillor Clare.

Councillor Richardson informed the Committee that this was still a greenfield site and he felt it was not appropriate to bring it forward for development at the current time.

Upon a vote being taken it was

**Resolved:**

That the application be refused for the reasons set out in the report.