

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 23 July 2015 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors H Nicholson (Vice-Chairman), B Armstrong, D Bell, D Boyes, J Clare, I Jewell, C Kay, S Morrison, A Patterson, G Richardson, L Taylor, C Wilson and S Zair

Also Present:

J Byers – South West Team Leader
A Inch – Planning Team Leader – Strategic Team
M O’Sullivan – Planning Officer
T Burnham – Senior Planning Officer
D Stewart – Highways Officer
A Glenwright – Highways Officer
C Cuskin – Solicitor, Planning and Development

1 Apologies for Absence

Apologies for absence were received from Councillors K Davidson and E Huntington.

2 Substitute Members

Councillor I Jewell substituted for Councillor K Davidson.

3 Minutes

The Minutes of the meeting held on 18 June 2015 were agreed as a correct record and were signed by the Chairman.

4 Declarations of Interest

There were no declarations of interest.

5 Applications to be determined

5a DM/14/02575/OUT - Land Opposite 1 to 14 West Road, Willington

Consideration was given to the report of the Planning Team Leader – Strategic Team regarding an outline application for up to 70 residential dwellings (for copy see file of Minutes).

A Inch, Planning Team Leader – Strategic Team 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.

The Chairman read out a statement from local Member Councillor Gunn who was unable to attend the meeting. The Member had discussed the matter with local Member Councillor Tinsley and they were both in agreement regarding this application. Councillor Gunn therefore endorsed the statement to be made by Councillor Tinsley.

Councillor Tinsley then addressed the Committee on behalf of local residents. He referred Members to Planning Policies ENV1 and H3 in the Wear Valley Local Plan.

Policy ENV1 sought to protect and enhance the countryside of Wear Valley and Planning Officers considered this to be relevant. The application was outside the development limits designated under the Local Plan and was therefore contrary to Policy H3. However limited weight had been given to the Policy due to its consistency with the NPPF which was silent on settlement boundaries. In his view this did not mean that it should not be given consideration. Paragraph 154 of the NPPF stated that development plans should be clear about where development should take place and as such Policy H3 was consistent with the NPPF and should carry weight.

In terms of the emerging County Durham Plan, the site had been discounted following a more detailed assessment as part of the SHLAA process. County Durham was able to demonstrate a 5 year housing land supply so there was no need for development of this site.

Turning to the responses of the statutory and internal consultees the Councillor noted that the Landscape Section had referred to the site as an attractive landscape of open fields and that development would be an incursion into it.

The Highways Authority had offered no objections but there had been a high number of fatal accidents on the highway within 200m of this site with the most recent being in early 2015.

The Coal Authority had objected to the proposals as the site was within a high risk area and no Coal Mining Risk Assessment had been submitted. He did not consider that the proposed condition properly addressed this.

Sewage capacity was of concern. Northumbrian Water had advised that the system was nearing capacity and he felt that the proposed condition would not address this.

If approved the development would constitute a loss of agricultural land. The NPPF stated that Grade 3 agricultural land should be protected which constituted over half of the site.

He was also concerned about cumulative impact as, if granted, this development and others in the area may render the medical practice unable to cope.

In conclusion he stated that there had been too much weight attached to the NPPF and that policies in the Wear Valley Local Plan should be adhered to or the scheme would constitute a departure from Local Plan Policy.

Gillian Wood, local resident addressed the Sub-Committee against the application. She noted that the application had generated a number of individual objections but this did not reflect the strength of feeling in Willington. She advised that if approved this development would have a detrimental impact on an open rural aspect and would be visible from the A690. The Coal Authority had objected to the application and there were concerns about sewage capacity. The site was of archaeological significance and the proposals would have a detrimental impact on wildlife in the area. Locals had seen owls, bats and deer on the land.

Residents were also concerned about the site access which was directly onto the A690, a busy and highly dangerous section of road. The Highways Authority had advised that the 30mph limit would be extended but the current speed limit was rarely enforced. The NPPF encouraged solutions for reducing congestion and greenhouse gases; if approved this development would exacerbate congestion.

Turning to sustainability, Gillian Wood advised that Willington was saturated with new homes. There were 95 properties for sale and one development had been under construction since 2007 with 17 properties still for sale on that site.

The occupiers of the proposed development would work, shop and socialise elsewhere but would use Willington's already overstretched services. She had received an e-mail from one local resident whose autistic son was disturbed by noise and who was therefore concerned about the impact of the development on his health.

Flooding on the A690 was also a problem. This had been temporarily alleviated but would be worsened by water run-off from the site.

In summary Gillian Wood stated that the application contravened Local Plan Policy and that residents were strongly opposed to the proposed development.

Sandra Manson, the applicant's agent spoke in support of the application. She advised that the application had been the result of a long and thorough process to ensure that the original concerns of Officers had been addressed. The SHLAA process involved detailed site assessments which had resulted in Officer support of the application. The proposed scheme was deliverable and would ensure that the development would integrate into Willington. The proposals were sustainable and the provision of affordable housing would be of significant social benefit, would meet local needs and was in accordance with policies in the NPPF and the Local Plan.

The application was supported by detailed site assessments. The Landscape Section had objected to the application but this was not supported by the Landscape Visual Assessment which demonstrated that the site would not be widely visible. As with any proposals the scheme came with a level of visual impact but in this case was minimal and had been mitigated against. Landscaping would ensure that the visual impact would be minor. The impact did not outweigh the significant benefits the scheme would bring.

It was standard practice to include conditions to address the Coal Authority's concerns and sewage disposal, and the development would be unable to proceed without these conditions being satisfied. She commended the Officer's recommendation to limit weight to Local Plan Policy and attach significant weight to the NPPF.

The Planning Team Leader responded to the matters raised and advised that Local Plan Policy had not been dismissed. In accordance with paragraph 215 of the National Planning Policy Framework the weight to be attached to Local Plan Policy depended upon the degree of consistency with the NPPF. Weight had been attached to Local Plan Policy H3 which directed development to those towns capable of supporting it but Officers considered that the Policy was not wholly compliant with the NPPF in terms of the settlement boundary. On balance the overall benefits outweighed the conflict between Local Plan Policy and the NPPF. He confirmed that it was normal practice for matters such as drainage to be dealt with by condition in an outline scheme.

D Stewart, Highways Officer responded to the concerns raised about highway safety. He was aware of the accidents on the A690 but in relative terms these did not justify an objection to the scheme due to their infrequency. The most recent accident had been caused by a loss of control by the driver of a vehicle in the early hours of the morning. The visibility from the junction was deemed to be acceptable.

The Chairman made the comment that the Council had attached importance to economic regeneration and house building was a key element of this. The NPPF was predominant in the determination of planning applications to help achieve these aims and the weight to be attached to Local Plan Policy had to be considered against policies in the NPPF.

In response to a question from Councillor Clare about embedded sustainability, the Planning Team Leader referred Members to condition 17 which sought to ensure a scheme to minimise energy consumption through construction techniques and the use of renewable energy.

Following a further question from the Member about sustainability and housing need, the Committee was informed that the Council was required to demonstrate an adequate housing land supply based on objectively assessed needs but market conditions determined whether or not there was a demand for the housing. It was not uncommon to find properties for sale in a town the size of Willington.

Councillor Boyes expressed disappointment that the Coal Authority's objection had been ignored and that no Coal Mining Risk Assessment had been submitted by the Applicant. He also noted that the sewage system was nearing capacity and asked the extent of works that would be required before development could commence.

The Planning Team Leader informed the Member that, although preferable, there was no requirement for a Coal Mining Risk Assessment to be submitted given that this was an outline application and the matter could be dealt with at a later stage through design layout or mitigation measures.

With regard to sewage disposal Northumbrian Water had not offered any objections, and although had highlighted that the system was nearing capacity it was satisfied that the disposal of foul drainage could be adequately achieved.

The Member also referred to the number of fatal accidents and asked if an increase in traffic generated by the development would increase the risk on the highway.

The Highways Officer advised that there had been no fatal accidents within 200m of the proposed access and the most recent accident was 220m to the east. There had been 2 recorded injury accidents in the last 5 years.

In response to a question from Councillor Patterson about the local wildlife sites, the Planning Team Leader advised that there were no designations within the development site, and existing reserves would not be affected by the proposals. The point was made by the Chairman that the Ecology Section had offered no objections to the scheme.

Councillor Patterson questioned the sustainability of the proposals given the concerns expressed that the site was outside development limits in the Local Plan, that there were a number of empty properties on another new development in Willington and that it was located in a Development High Risk Area.

The Planning Team Leader responded that the development referred to may have been affected by the economic downturn in the housing markets. The Coal Authority, in responding to consultations on proposed schemes, highlighted whole areas as being high or low risk, however due to the mining history in County Durham much of the County was deemed high risk but this was not a barrier to development.

Councillor Richardson stated that he was not convinced by the Planning Officer's recommendation; this was a greenfield site and would constitute a loss of agricultural land.

Councillor Nicholson referred the Committee to the responses provided by the statutory consultees as set out in the report, and noted that with the exception of the Parish Council and the Coal Authority, no objections had been offered. He appreciated that there were a number of objections to the scheme from residents but that Local Plan Policy H3 could not be afforded significant weight as it did not wholly comply with the NPPF. He therefore moved approval of the application.

Councillor Clare stated that this was an outline application and although he was aware of the concerns about the lack of a Coal Risk Mining Assessment and sewage capacity he was reassured by conditions which would prevent the commencement of development until these matters had been satisfactorily addressed.

The issues for determination were highways and access, and the principle of development. In terms of the highway concerns the Committee had been told that the issues raised had been considered by the Highways Authority and the proposals were deemed to be acceptable. He noted that there were properties opposite the site with driveways that exited directly onto the main road.

With regard to the principle of development this was a Planning Policy issue and one of balance between the NPPF and the Wear Valley Local Plan. Objectors considered that the application should be considered in favour of Local Plan Policy but the NPPF stated that the weight to be attached to Local Plans depended on how much they were consistent with the NPPF. Planning Officers had determined that Policy H3 could be afforded little weight in this case. ENV1 was explicit but the NPPF stated that there should be a presumption in favour of sustainable development. The ancient woodland would be preserved and archaeologically the area was protected. Despite the concerns of the objectors a community of the strength and size of Willington was able to incorporate 70 new houses.

He appreciated that it was a difficult decision to make when there were a large number of objections to the scheme but unfortunately there were no planning grounds to sustain a refusal of the application. Councillor Clare seconded Councillor Nicholson's motion to approve the application.

Resolved:

That the application be approved subject to the conditions outlined in the report and to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in order to secure a 10% affordable housing provision.

5b DM/15/01622/OUT - Land Opposite High View Country House, Low Road, Kirk Merrington

Consideration was given to the report of the South West Team Leader regarding a resubmission of application DM/14/01692/OUT (Outline application (all matters reserved with the exception of means of access) for the erection of up to 49 residential dwellings and 2000 sq ft of retail floor space (Use Class A1) with associated landscape and infrastructure) (for copy see file of Minutes).

J Byers, South West Team Leader gave a detailed presentation on the application which included photographs of the site. Members had visited the site previously and were familiar with the location and setting.

Members were informed that there had been 25 letters in support of the application, and not 20 as stated in the report.

The Chairman invited local residents who were against the application to address the Committee.

Mr Foster stated that there were over 500 houses allocated in the Spennymoor area and building had been suspended because of a lack of demand. There were currently 14 houses for sale in the village. He was not aware that there were any differences between the resubmission and the original application that had been refused. In conclusion he stated that part of the site was located in the Conservation Area.

Mrs Lidster questioned the need for more houses in Kirk Merrington. She was also concerned about highway safety as the road through the village was very busy and was used by articulated lorries. The traffic survey by DCC had been undertaken during factory and school holidays when roads were quieter. There were often traffic queues outside her property and there had been an accident on the road 6 weeks ago. With regard to the retail proposals, the location of the shop was unsuitable, being off a fast road with 3 junctions. Crossing the road was dangerous for pedestrians, particularly for young children and the elderly.

Mr Jennings referred to the meeting at which the original application had been considered when the One Stop representative had referred to a similar store in Crook. He considered that a comparison could not be made between the two settlements. A general dealers of the size proposed was not sustainable. A village with a church, 3 public houses and a hair salon was not 'dying'.

He continued that the application was contrary to planning policy and there would be no point in having policies if they were not adhered to. If the application was approved the development would have a negative impact on landscape heritage, and would detract from the rural charm and character of the village. As far as he was aware those people who had opposed the application lived in Kirk Merrington and those who had offered support did not.

Mr Wallace, the applicant's agent stated that Mr Baister had lived in the village for 19 years. He had recently purchased the public house and had invested in the premises creating 14 full time jobs. He wanted the village to thrive. Kirk Merrington continued to evolve but there had been little new housing in recent years and he asked if people would choose to live in a village without a store.

The proposals would enable Kirk Merrington to grow organically with 49 new bespoke homes in a variety of house types, including bungalows for the elderly and affordable housing for young families. Visual impact would be minimal.

A Landscape and Visual Impact Assessment undertaken by the applicant concluded that the development would not significantly affect the character of the wider landscape and a Heritage Impact Assessment concluded that the impact upon the Conservation Area and upon listed and locally listed buildings would be negligible.

Officers were concerned about adverse landscape and visual impact but this could be mitigated against by a suitable landscaping scheme. The development would bring a range of social benefits and would support existing facilities.

Turning to housing supply Mr Wallace stated that the scheme would make an important contribution to the delivery of new housing. In the last 4 years DCC had failed to meet housing need and he understood that current housing land supply was less than 3 years. This was not a good position for ensuring that villages like Kirk Merrington continued to prosper.

Mr Wallace made the point that the NPPF made clear that a presumption in favour of sustainable development applied. Whilst this was a difficult decision he hoped that the Committee would agree that the impact of the development did not outweigh the benefits. Community consultation had demonstrated a mix of views but no overwhelming objections to the scheme. There had been no objections from statutory consultees, 25 letters of support and the scheme could be delivered without delay.

Mr Baister, the applicant addressed the concerns about highway safety. A traffic assessment had been undertaken and he had engaged with DCC to examine ways of improving the junction to the satisfaction of the Highways Authority. There had been no reported accidents for a number of years. He reiterated that the scheme was deliverable and wider benefits included the provision of much-needed housing.

In responding to the comments made regarding housing land supply the South and West Team Leader stated that the Council was satisfied that it could demonstrate a 5 year supply.

Councillor Richardson considered that there had been no real changes to the original proposals considered in December 2014 and moved refusal of the application.

Councillor Kay stated that the site was 50 yards from his own ward and was similar to the previous application on the Agenda in respect of West Road, Willington in that the site was in open countryside and was sustainable. This application had been approved. Part 1 of the NPPF directed the Committee to a presumption in favour of sustainable development. Kirk Merrington was not a rural idyll and was not an unsustainable location. There was a new school being built at nearby Coundon. The public houses were well-frequented and the community centre was well-used. He believed that the houses would sell; Kirk Merrington would be attractive to skilled workers moving into the area as part of ongoing economic development. He noted the comments in the report regarding the impact on the deliverability of sites earmarked for development in Spennymoor and considered this to be immaterial.

He asked the Committee to apply consistency in the determination of the application. The local Members were not present, nor were there many objectors at the meeting. There should be a presumption in favour of sustainable development and he moved approval of the application.

Councillor Boyes reiterated the views of Councillor Richardson in that other than the position with the County Durham Plan very little appeared to have changed since the original application was refused. Following a question from the Member the South West Team Leader advised that there had been amendments to supporting information from the Applicant with enhanced landscape and heritage assessments, and an updated planning assessment.

Councillor Patterson concurred with the views of Councillor Kay in terms of the housing element of the scheme but she had concerns about the sustainability of the proposed retail development as the previous shop had closed.

In response to a question from the Member, the South and West Team Leader advised that the size of the proposed store was acceptable and was commensurate with the size of the village.

Councillor Clare stated that in terms of sustainability the key consideration was whether the store could be incorporated into the settlement, not its viability or business model.

Comments had been made about the need for housing but the reasons for refusal of the original application had not been about need. He recalled that at the meeting in December 2014 Mr Baister had made good points about the need for the houses and store, and he appreciated that the applicant wanted the village to prosper but the issue at that time was the provision of the scheme on this site. The scheme would constitute an incursion into open countryside and it had been rejected for that reason.

The second reason for refusal was because of the impact of the scheme upon the views on the approach to Kirk Merrington. He appreciated that Mr Baister had done everything to minimise this impact but it was felt that this would not be enough. As much as he agreed with what had been said, nothing he had heard convinced him that the previous decision of refusal should be overturned. He therefore seconded Councillor Richardson's motion to refuse the application.

Councillor Zair asked if the changes to the landscape assessment had improved the visual appearance of the site and if the offer of a mini-roundabout by the applicant would allay residents' concerns about highway safety. The position with the County Durham Plan had also changed since the application was considered in December 2014.

In response the Member was advised that the layout had been changed to reduce visual impact but the proposed amendments were not deemed to be acceptable by Landscape Officers. The Highways Authority was satisfied with the proposed access arrangements.

Councillor Kay considered that the application determined in December 2014 could be viewed differently because of the changes made to the scheme and the position with the County Durham Plan, as expressed by Councillor Zair.

This view was also shared by Councillor Armstrong. The scheme would bring affordable housing and a new school was proposed. The Member seconded Councillor Kay's motion to approve the application.

The Planning Team Leader explained that the reasons for refusal of the original application had not relied upon the emerging County Durham Plan. The NPPF was relevant and the proposed scheme conflicted with this.

The Chairman agreed with Councillors Richardson and Boyes that very little had changed since the original proposals had been submitted. The reasons for refusal at the time the application was considered in December 2014 remained valid, and therefore consistency should be applied.

Following discussion the Chairman requested that a vote be taken on Councillor Kay's motion to approve the application, as seconded by Councillor Armstrong.

Upon a vote being taken the motion to approve the application was defeated.

A further vote was then taken on Councillor Richardson's motion to refuse the application, as seconded by Councillor Clare.

Upon a vote being taken it was **Resolved:**

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

5c DM/15/00233/FPA and DM/15/00230/LB - Hope Inn, Front Street, Sedgefield

Consideration was given to the report of the South West Team Leader regarding applications for the erection of an extension to the rear of the Public House, including demolition of existing extensions and refurbishment of the property and the erection of two dwellings to the rear (for copy see file of Minutes).

The South West 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.

In response to a question from the Chairman the South West Team Leader confirmed that there would be no alteration to the perimeter wall.

Following a question from Councillor Armstrong about the provision of parking and the impact on the occupiers of the proposed dwellings, the applicant's agent advised that each property would have its own garage and driveway with a legal right of access. Potential purchasers would be aware of the situation.

Councillor Kay considered that this was an excellent development and did not believe that parking would be an issue as it was formerly a public house with a car park to the rear.

Councillor Richardson moved and Councillor Kay seconded that the application be approved.

Resolved:

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

5d DM/15/01280/FPA - Sedgefield Out of School Fun Club, Sedgefield Primary School, Rectory Row, Sedgefield

Consideration was given to the report of the South West Team Leader regarding an application for the demolition of an existing building and construction of new pitched roof building (for copy see file of Minutes).

J Byers, South West 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.

Members were informed that since the report had been published a further letter of support had been received from the Primary School which outlined the reasons for their support of the scheme and why the building could not be moved to an alternative location on the site.

Mrs Valks, local resident addressed the Committee against the application. She lived directly behind the building and whilst she was not against an Out of School Fun Club she felt that the negative impact on local residents had not been considered. Her own garden was 20m wide and the existing Club building was 20m long, and 6m high. The new building would be 1.5m higher and as a result their view would be of a roof which would block out light. She noted that one of the reasons for not re-locating the building to the site of the old art building was because carers would not have full view of the playground. However she thought that carers would need to be outside to supervise the children. It had been suggested that plants along the fencing at the rear of the garden could minimise the impact.

In conclusion Mrs Valks advised that the proposals had caused stress and asked the Committee to appreciate the size of the building that she would have to look at from the rear of her property.

Jan Batchelor, a voluntary Director of the Club addressed the Committee in support of the application. She stated that the current building was not fit for purpose and the charity had worked for many years to raise funds to replace the existing premises. The new building would greatly improve appearance on site and would provide more dedicated space for children. The adjoining site was not suitable as there was no gas supply and the existing location allowed the children to be supervised safely with both entrances to the school in view. The Club operated when the school closed and it was therefore important that visitors could be observed entering and leaving the site.

Mr Waters, the Chairman of School Governors added that the Club was essential to the school and the community. He hoped that the Committee would support an enhanced new premises which would replace a 50 year old building that was at the end of its useful life.

Councillor Patterson stated that she sympathised with the position of the resident but in planning terms there was no right to a view and there was already a building on the site. There were no grounds to overturn the Officer's recommendation and therefore moved approval of the application.

Councillor Richardson concurred with the comments of Councillor Patterson and seconded the motion.

Resolved:

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

5e DM/15/01121/FPA - The North Briton, 23 High Street, Aycliffe Village, Newton Aycliffe

Consideration was given to the report of the South West Team Leader regarding an application for the conversion of the public house to 10 no. apartments and the erection of 4 no. dwellings (for copy see file of Minutes).

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

In response to a question from the Chairman, the Committee was informed that all but one of the properties would be accessed from the front of the building. The remaining property would be served by an existing access to the side.

Following questions from Councillor Armstrong, Dr Gordon, the applicant's agent advised that the apartments were modest in size, at around 500-600 sq ft. Each apartment would have an individual bin at the rear of the building for waste disposal.

Councillor Nicholson stated that the former public house was an eyesore and the proposals would bring the building back to life. He moved approval of the application.

Following a request from Councillor Kay about the sustainability of the location, the South West Team Leader explained that the site was in an existing village centre, surrounded by other developments within the settlement envelope and was situated on a main road with good access to local facilities in Aycliffe.

Councillor Clare noted that this site was very ancient, dating back to 1069 and was pleased to note that a detailed condition required an Archaeological Written Scheme of Investigation prior to the commencement of the development.

Following a question from the Member regarding possible encroachment on the village green, Dr Gordon advised that following investigation he was confident that the development was outside of the village green boundary.

C Cuskin, Solicitor - Planning and Development stated that planning permission would not over-ride the protection afforded to village greens. Village greens were protected by 2 Victorian statutes which were separate to the planning process.

Councillor Clare seconded the motion to approve the application.

Resolved:

That the application be approved subject to the conditions outlined in the report and to the completion of a satisfactory Section 106 Legal Agreement to secure a financial contribution of £7000 towards the provision/maintenance of open space and recreation facilities in the locality.

5f DM/15/01610/FPA - Greenfield Street, Byers Green, Spennymoor

Consideration was given to the report of the Planning Officer regarding an application for the erection of 2no. detached dwellings (for copy see file of Minutes).

M O'Sullivan, 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.

Members were informed that since the report had been published an additional letter had been received in objection to the application, citing highway safety and visibility issues. The Committee was also advised that 1 of the 3 letters of objection had been withdrawn.

Councillor K Thompson, local Member and Town Council Member addressed the Committee in support of the application which had been rejected previously but for which consent had also been granted in 2004.

The Manual for Streets and the NPPF did not refer to former pit villages which were developed before the use of motor cars. It was difficult to travel at speed along the street and vehicles had to inch out of the junction because of parked cars. He referred to the junction of Wilkinson Street and High Street located only 50m away where 2 houses had been built on an in-fill site around 4-5 years ago. It was impossible to exit this junction without edging into the middle of the road.

The visibility splay appeared to be the main concern. The calculation had been based on 2.4m, however the Manual for Streets stated that a minimum of 2m could be considered in a low speed situation. The applicant had undertaken his own speed survey which showed the average speed to be 22mph.

Councillor I Geldard, local Member also addressed the Committee in support of the application. He stated that the scheme presented an excellent opportunity to improve an unattractive site. The main stumbling block was the access road and visibility splays. This situation had existed for decades in Byers Green and the track was already used by a number of properties. The proposals would improve the current situation and would allow large vehicles to access the properties safely. This corner would always be used and the dangers existed regardless of the proposed development. The applicant sought to improve the road structure for the benefit of both the proposed and existing properties at no cost to the Council.

He urged Members to allow the improvements which would ensure that the risks would be minimised and which would support the local community by allowing the family to stay in Byers Green.

Alexis Williams on behalf of the applicant was invited to address the Committee. She stated that her family was originally from Byers Green and their personal circumstances meant that larger accommodation was now needed. Byers Green comprised of small terraced houses which were not designed for modern living. A traffic survey by the applicant showed that the average mean speed was 22mph and this had been submitted to the Planning Authority. The applicant had been advised that the adjacent properties should be demolished to provide the required visibility splay. DCC had found that 85th percentile speed was 28mph, however this calculation was from a survey carried out over a Bank Holiday period when a vehicle travelling in the middle of the night at over 50mph had skewed the figures.

The proposed scheme would improve footpaths, drainage and the existing track and would make it easier for service vehicles to access the properties. The proposed dwellings were well-designed and sustainable with on-site parking for 3 vehicles per dwelling. Local tradesmen would be used to undertake the construction and a recent Government publication had encouraged self-build. Her family did not want to leave the village which she envisaged could become a Category D area. Whilst towns such as Spennymoor were benefitting from new developments villages like Byers Green were suffering. She cared about her local surroundings, the scheme would help members of her family onto the property ladder and they had pledged to improve the road at their own cost.

A Glenwright, Highways Officer responded to the highway safety issues. He advised that the Highways Authority, in considering the proposals, had firstly looked at the earlier refusal of the application for 2 dwellings which had been subsequently dismissed on appeal.

The applicant had funded a speed survey for 7 days between March and April when test splays had been relaxed at 2.4 x 40m based on the actual 85th percentile speeds of 28.3mph. The reference to average speeds was therefore irrelevant and could not be used. The required 2.4m x 40 metres visibility splay could be achieved to the north but was not achievable to the south, with the resultant 16m 'Y' distance equating to approach speeds of only 14mph. Councillor Thompson was correct in saying that a minimum of 2m may be considered in lightly-trafficked and slow speed situations but this was not an 'X' distance used at any sites in the County due to the necessity for some, if not most, vehicles to protrude out into the running carriageway of the main road.

Councillor Thompson had also referred to the junction at Wilkinson Street but this was a long-standing existing public highway which already served 19 dwellings. Greenfield Street was a private narrow access that would have to be brought up to an adoptable standard.

Councillor Geldard had made the comment about other junctions in Byers Green, however these were created many years ago when standards for visibility splays were different. Since 2007 standards had changed and it was not possible to provide a safe and satisfactory access arrangement. Whilst he sympathised with what the applicant was trying to achieve the objections of the Highways Authority remained valid.

In responding to the reference to the previous planning consent the Planning Officer explained that outline planning permission had been granted in October 2004 contrary to the Officer's recommendation for refusal on highway safety grounds.

Councillor Kay noted the comments of the Highways Officer with regard to approach speeds to the south and asked if there had been any reported accidents as the existing junction was already used by a number of properties.

The Highways Officer advised that there had been no accidents in the last 5 years but this did not over-ride the standards by which the Authority had to operate.

Councillor Kay remarked that it was unusual for the main reason for the refusal of an application to be on highway safety grounds and moved approval as the proposals were acceptable in all respects, including highway safety.

In seconding Councillor Kay, Councillor Richardson stated that the access was already used by 12-14 houses and he could not envisage a further 2 properties making a material difference in highway safety terms. High Street was not a road along which vehicles could travel at speed because of parked cars. One vehicle recorded travelling at 50mph was unusual.

Councillor Clare stated that the fact that there were already houses in the location which used the access was irrelevant. Those properties were built in different times and the application had to be judged by current rules which were explicit that the proposed access was not acceptable and therefore should not be given permission. This was not only the views of the Highways Officer but had been upheld by a Planning Inspector in the past. Councillor Clare moved refusal of the application.

In sharing Councillor Clare's observations, Councillor Nicholson stated that when new developments were built they were designed with safety in mind. In this case the access was not fit for purpose.

Councillor Jewell agreed with the views of Councillors Clare and Nicholson and stated that he could not ignore the safety issues with regard to the access. The current position was historical, having developed over a period of time, but the Highways Officer had advised that the proposed access was dangerous and he could not go against this expert advice or the findings of a Planning Inspector who had reached the same conclusion.

Councillor Patterson concurred with this and added that as much as she would like to see the site developed she could not ignore the clear advice given regarding highway safety. The Member seconded the motion to refuse the application.

Before voting Councillor Clare asked that consideration be given to a recorded vote if the application was approved.

Following discussion the Chairman requested a vote on Councillor Kay's motion to approve the application, as seconded by Councillor Richardson.

Upon a vote being taken the motion to approve the application was defeated.

A further vote was taken on Councillor Clare's motion to refuse the application, as seconded by Councillor Patterson.

Upon a vote being taken it was **Resolved:**

Resolved:

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

5g DM/15/00978/VOC - The Laurels, 16 High Green, Gainford

Consideration was given to the report of the Senior Planning Officer regarding an application for the variation of condition 2 of planning permission 6/2013/0135/DM/VP to extend opening hours to between 8.30am and 9.00pm on 35 days per year (resubmission of refused application DM/14/00468/VOC) (for copy see file of Minutes).

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.

The Committee was informed that since the report had been published 2 further representations had been received expressing concern with regard to noise and disturbance and asking Members to take into account the properties above and to the rear of the coffee shop. A summary of the additional concerns received was relayed to Members.

Councillor James Rowlandson, local Member addressed the Committee in support of the application. He stated that the NPPF sought to support local business. The applicant sought to provide an amenity for residents and visitors alike which was recognised in paragraph 67 of the report. The coffee shop was an asset to Gainford and the applicant wanted to extend the opening hours for 35 days when there were village functions and theatre performances. The purpose of the application was to help ease congestion outside and allow people to enjoy a drink before and after theatre performances. The village also held well-organised events around the green and these social occasions would be enhanced by the extended opening of the coffee shop.

Mr Hepplewhite addressed the Committee on behalf of the owners and occupiers of 15 High Green and also the objectors who had made representation. There were 6 residential developments close to The Laurels and the resident of the flat directly above often suffered disturbance from both outside and inside the shop. The current application was not supported by a Noise Impact Assessment and it was for the applicant to prove that the proposals would not give rise to disturbance. His client had engaged an acoustics consultant who recommended noise insulation measures to protect the amenities of residents. The applicant had dismissed the specialist's recommendations and had failed to have a noise assessment and noise insulation test carried out. Even if noise attenuation was provided this would not address noise after 6.00pm when residents expected peace and quiet. Sound travelled up the staircase to the property above. With regard to the outside seating area customers regularly congregated on the western side.

The applicant considered that the reasonable concerns of neighbours could be ignored and if the application was approved this would set a precedent which could be a material planning consideration. Residents were concerned that the applicant had asked for 11.00pm in the past and believed that she would do so again if permission was granted.

Mr Liddle, the applicant's agent considered that much had been made of the planning history. Earlier applications had been considered some years ago under a different planning regime. The planning regime had since changed and there was now an emphasis in the NPPF on supporting local business. The applicant had previously made application for outside seating which had been supported by the Committee.

The coffee shop supported the community and functions, and the extended opening hours coincided with times when there was already significant disturbance. The property was largely adjacent to a theatre, village hall and village green where functions took place.

The current application had been made on the same grounds as those submitted for the outside seating. The applicant contended that the proposals would support local business and village life, in accordance with planning legislation.

With regard to the comments made by Mr Hepplewhite about noise there may have been discussions in respect of a noise assessment but this had never been discussed with the applicant.

In response to a question from the Chairman, the Senior Planning Officer advised that if the Committee was minded to approve the application the days in which the coffee shop wished to extend the hours would need to be specified.

Councillor Clare considered that the issue was one of neighbourliness and in this case had become a long-standing dispute. The Committee had to make a decision based on what was fair and what could be imposed. Members had reached a decision with regard to the opening hours of the café in 2013 which they considered to be fair and he stood by that. He therefore moved refusal of the application.

Councillor Richardson stated that he was a local Member and whilst he agreed with the sentiments of Councillor Rowlandson, and as much as he would like to support the application, at this point in time he could not as not enough had changed which would improve the outcome for residents in terms of disturbance.

Councillor Nicholson commented that, having visited the site and having heard the submissions made, on balance he accepted the Officer's recommendation and seconded the motion to refuse the application.

Resolved:

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

5h DM/15/01270/FPA and DM/15/01271/LB - Ovington Edge, Ovington Lane, Ovington, Richmond

Consideration was given to the report of the Senior Planning Officer regarding an application for the demolition of outbuildings and erection of 1 no. dwelling and demolition of outbuildings and alterations to boundary wall (planning and listed buildings consent) (for copy see file of Minutes).

T Burnham, Senior Planning Officer gave a presentation on the application which included photographs of the site.

Resolved:

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