

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 20 April 2017 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors M Dixon (Vice-Chairman), D Bell, J Clare, K Davidson, E Huntington, S Morrison, A Patterson, G Richardson, L Taylor, C Wilson and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillors B Armstrong and D Boyes.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 23 March 2017 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/16/03214/FPA - 33 Cockton Hill Road, Bishop Auckland

The Committee considered a report of the Planning Officer regarding a retrospective application for the change of use of first floor from office (B1) to House in Multiple Occupation (C4) at 33 Cockton Hill Road, Bishop Auckland (for copy see file of Minutes).

A Harkness, Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph, photographs of the front and side of the building, a wider street scene view and existing and proposed floor plans.

Councillor Lethbridge, local Member, addressed the Committee to object to the application. He informed the Committee that Mr Drennan, a local resident who

objected to the application was unable to attend the meeting and had sent his apologies.

Councillor Lethbridge referred to a nearby development where a property was used for the rehabilitation of young people which had resulted in high levels of anti-social behaviour and which had brought a healthy and inclusive community near to the point of destruction. Councillor Lethbridge informed the Committee that there were parallels between that development and this application.

Councillor Nicholson reminded Councillor Lethbridge that he should refer only to this application and not to other historic nearby applications.

Councillor Lethbridge referred to Policy H18 of the Wear Valley District Local Plan which stated that conversion of premises to flats would be approved if it would not be detrimental to the amenity of adjoining residents and informed the Committee that adjoining residents had suffered 10 months of purgatory since this property had been converted into an HMO. He had been told there had been a suicide in the building as well as drugs dealing.

Paragraph 24 of the report stated that the use of the building had raised no policing issues and no objections were made and Councillor Lethbridge informed the Committee that his was contrary to what he had been informed. This development would have an adverse impact on the community of Cockton Hill and there was a need to protect individuals and families.

Councillor Lethbridge referred to Paragraph 51 of the report which explained that Paragraph 58 of the NPPF stated that planning policies and decisions should aim to ensure that developments created safe and accessible environments where crime and disorder, and the fear of crime, did not undermine the quality of life or community cohesion, and he considered the application to be contrary to this.

Councillor Lethbridge asked the Committee to refuse the application.

Mr P Hardy of Cornerstone Supported Housing addressed the Committee in support of the application. While he understood the concerns of the local community, he informed the Committee that Cornerstone Supported Housing was a charity which worked with the homeless, not necessarily those released from prison.

The charity had a good record of supporting those in their properties to gain employment, and of the three people currently in this property, two had gained employment and one had enrolled as a music student.

When the charity started using the property local neighbours had been contacted but no feedback had been received. The charity visited the property on a daily basis Monday to Friday and was unaware of any problems other than the reported suicide.

If problems were brought to its attention, Cornerstone Supported Housing operated a '3-strike' rule. There were structure and support plans in place for residents and there was also internal CCTV to monitor activity.

The Planning Officer informed the Committee that the police had been consulted on the application who had confirmed that there were no issues with the property other than the reported suicide. There had been no police raids at the property.

Councillor Dixon informed the Committee that applications such as this always came with negative perceptions. However, he considered that Cornerstone Supported Housing had demonstrated it exercised good monitoring and control of the property. This type of project helped to reduce crime and had been working for 10 months with no evidence of any negative impact in the area. Councillor Dixon **moved** approval of the application.

Councillor Davidson **seconded** approval of the application. There were no valid planning reasons for refusal and there were other means of redress for issues referred to such as drugs and noise.

Councillor Clare informed the Committee that while the importance of this initiative could not be denied, the potential for problems living next to the property should not be underestimate and there was a difference between recorded crime and non-recorded issues. The issue of monitoring by Cornerstone Supported Housing was crucial and local residents needed to be made aware of how to report problems. However, Councillor Clare agreed with Councillor Dixon that the application should be approved.

Upon a vote being taken it was

Resolved:

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

b DM/17/00517/FPA - Field To The East Of Victoria Cottages, Garden House, Cockfield

The Committee considered a report of the Planning Officer regarding an application for the demolition of dwelling known as 1 Victoria Cottage and erection of dwelling, with associated access and garaging on land between Victoria House and Pine Tops in a field to the east of Victoria Cottages, Garden House, Cockfield (for copy see file of Minutes).

A Williamson, Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph of the site, views along Garden House Lane, proposed site plan, and proposed house type.

A submission objecting to the application had been received from local residents which the Clerk read as follows:

The residents who have lodged an objection to this proposal believe that their concerns have not been sufficiently answered in the reports and specifically the Committee Report, namely

- *Safety concerns regarding access*
- *Future use of brownfield site*
- *Additional garaging*
- *Disproportionate size on new house in comparison to that earmarked for demolition*
- *Contradiction of planning approval for barn earlier in the year*
- *Inadequate heritage report on house to be demolished*

Consequently we are seeking legal advice.

The Committee Report was not placed on the portal for public view until Thursday 13 April. Letters from the Planning Department with the link to the report were not received until Saturday 15 April not giving the five 'full' working days to digest the report and consult the necessary professional advisors. In effect we have had two working days by which to organise our case – this is wholly unfair. The Planning Department have had two weeks to prepare their report, objectors have had two days.

We consequently request that members adhere to the necessary protocol and postpone a decision to allow objectors adequate time to put forward their case. If members are of a mind that a decision must be made today we will be seeking a judicial review based on the above.

C Cuskin, Planning and Development Solicitor informed the Committee that the Committee agenda and reports had been available for public viewing on the County Council's website on 10 April 2017 and this met the statutory requirement to provide 5 clear working days. Eighteen notification letters had been sent by email and two by first class post on 12 April 2017. This was not a statutory requirement but was good practice.

Councillor Nicholson sought clarification on the safety concerns regarding access to the proposed development.

The Planning Officer informed the Committee that Garden House Lane was an unadopted and narrow. The application would result in no increased traffic movements on Garden House Lane and would have no safety impact. The property at 1 Victoria Cottage would be demolished and seeded over, with the retention of the garage for use by local residents. Any future development of that site would require a planning application.

While the application was for a large house, the plot was large enough to accommodate it, and design and conservation had raised no objection. The barn development referred to by objectors would take up some of the field of the development but over 1 hectare of land remained for the development. There was no heritage impact by the demolition of 1 Victoria Cottage.

Councillor Dixon informed the Committee that the proposed development would lead to fencing being removed along Garden House Lane which would increase its width. Councillor Richardson informed the Committee that the highways issues which previously led to refusal of the application had been addressed and **moved** approval of the application.

Ms M Ferguson addressed the Committee on behalf of the applicant. The previous application in 2015 had been refused on highways issues and these had been much discussed at the time. This was the sole reason for refusal of the previous application. The applicant had addressed the highways issue and had overcome the highways reasons for refusal.

Garden House Lane was already used for agricultural reasons and this use would cease when the development took place. The applicant had lived in Cockfield all of his life and wanted to improve the village.

Referring to the representation made by objectors, Ms Ferguson informed the Committee that the application had been submitted for over two months which had provided sufficient time for comments on it, whereas the applicant had only 4 hours to react to the letter of objection.

Councillor Patterson informed the Committee that she was satisfied with the advice given by the legal officer that statutory processes had been adhered to and considered that the application would result in a highway improvement. Councillor Patterson **seconded** approval of the application.

Upon a vote being taken it was

Resolved:

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

c DM/17/00463/FPA - Land To The East Of Cobweb Cottage, Loop Lane, Butterknowle

The Committee considered a report of the Senior Planning Officer regarding an application for the demolition of existing outbuildings and erection of one dwelling, revised scheme to refusal DM/15/03005/FPA, on land to the east of Cobweb Cottage, Loop Lane, Butterknowle (for copy see file of Minutes).

T Burnham, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial views of the site, elevation plans and a sketch to the proposed building.

Councillor H Smith, local Member, addressed the Committee in support of the application. Councillor Smith informed the Committee that she was also expressing the views of Councillor A Turner, local Member.

Paragraph 54 of the NPPF stated that in rural areas local planning authorities should be responsive to local circumstances, and plan housing development to

reflect local needs, particularly for affordable housing including through rural exception sites where appropriate.

Local circumstances in this application were particular and the planning system should allow the flexibility to respond. The applicant was a teacher and wished to live in the village where she grew up. This application was the only way she could afford to do so and at the same time live a sustainable lifestyle. There had been no objections to the application from local residents or the Parish Council.

The first application to build on this area was refused in 2015 and the decision was unchanged by an appeal to the Planning Inspectorate in June 2016. This application had changed the site of the proposed house to use a brownfield site where there were currently disused outbuildings.

The appeal decision stated that the main issue was whether or not the proposed development would provide a suitable site for housing having regard to the proximity of services and facilities to meet daily living needs. The Planning Inspector considered that the occupiers of the proposed dwelling would have to rely heavily on the facilities of other, larger settlements and that Butterknowle was a very small settlement with some basic services.

Councillor Smith informed the Committee that Butterknowle was a thriving community. The services in the village included a primary school, two pubs, a doctor's surgery, a post office, a village hall with a varied and active programme, and an animal feed business. Although bus services were limited, that was the case for many villages within County Durham.

The Planning Inspector stated that because the occupant of the dwelling would be reliant on a car the proposal would be contrary to the environmental dimension of sustainable development in terms of requiring development to mitigate and adapt to climate change by moving to a low carbon economy. This development was an eco-friendly self-build which would use sustainable methods and techniques and would have a very low carbon footprint.

The comment about the applicant being dependent on a car were interesting. Planning permission was granted last year for eight houses at the far end of Butterknowle village on grazing land, despite the objections of the Parish Council and local residents. Each house had car parking space for two cars. The planning report for this application stated that the development was considered sustainable as the settlement was able to absorb further residential development. The development was approximately 250 metres from the site of this application. Consistency was vital to good planning decisions. It was difficult to understand how sixteen cars near to the application site was considered sustainable but one car at Cobweb Cottage was not.

Councillor Smith informed the Committee that Paragraph 55 of the NPPF stated that local planning authorities should avoid isolated homes in the countryside unless there were special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate

setting. This development, which would be built on the site of currently disused outbuildings, would significantly enhance the immediate setting.

NPPF Paragraph 55 was quoted as a reason to recommend refusal of the application. However, the word isolation was open to interpretation. There was a small terrace of cottages only 100 metres away from the development site and another house on the same side of the road as Cobweb Cottage 120 metres to the north with another large property on the opposite side of the road only 50 metres away. It was therefore stretching a point to call this an isolated dwelling in open countryside since it was between two dwellings and would become an integral part of South Side. The centre of Butterknowle village with its services was at most a 10 minute walk.

The planning report stated that no Coal Mining Risk Assessment Report was submitted with the application and therefore the Coal Authority had objected. A Coal Mining Assessment Report was submitted with the previous application in 2015 and as this application was very close to the site of the previous application and had the same post code the applicants had asked that the previous Coal Mining Assessment be used in conjunction with this application. The applicants were never told that this would not be acceptable or that a second mining survey report was required. The previous report had stated that the property was not in the likely zone of influence of any present underground coal workings and there were no known mine entries within or within 20 metres of the boundary of the property.

The applicant had very particular reasons for wanting to live in the village where she grew up, to live a sustainable and ecologically sound lifestyle. The proposed dwelling was not isolated in that it had close neighbours, and if the settlement of Butterknowle was thought able to absorb a development of 8 new houses with 16 car parking spaces this development should also be considered sustainable.

Councillor Smith asked the Committee to approve the application. Duncan Roberts, agent for the applicant, addressed the Committee. He informed the Committee that he was the architect who had been working on this project for 2 years and had worked on ecologically friendly projects for 25 years. Decisions on planning applications were taken by locally elected democratic representatives who had a local knowledge and who understood the local benefits of planning applications such as this. Local knowledge was better than that of a planning inspector based at Bristol, and the NPPF supported self-build properties.

Ms J Bell, applicant, addressed the Committee. She informed the Committee that she was local to the area and had attended Butterknowle Primary School as a child. Three years ago she and her sister had inherited the family house and land but she was unable to buy out her sister's share of the property. The sisters wished to sell the house and half of the land and Ms Bell would then use her share of the sale to self-build a new low-energy house and use the remaining land to live in as environmentally-friendly way as possible.

Ms Bell informed the Committee that planning legislation was open to interpretation. She did not want to set a precedent for development, adding that the application

site was a brownfield site and the proposed development would add value to the village.

Councillor Nicholson sought clarification of whether the site for this application had moved to that of the previous application. The Senior Planning Officer displayed an aerial photograph of the site which showed the position of the previous application and that of the current application, which was different.

The Senior Planning Officer informed the Committee that the issue of isolation involved some degree of subjectivity, adding that Butterknowle was a rural location. The Senior Planning Office also showed the location of the development at Pinfold Lane which had been referred to in the presentations, and this was nearer to the settlement of Butterknowle.

With reference to the mining search, the Senior Planning Officer informed the Committee that he would research what had been provided with the previous application.

Councillor Clare informed the Committee that he had been convinced by the presentation made by Councillor Smith. Many people used a vehicle to access services and facilities from properties, but this did not necessarily mean that the property was unsustainable. Settlement limits were no longer applicable and the site of this proposed development was only some 100 metres from Butterknowle.

The application would enable a local person to build their own house in their own village, and local people being able to live in their local area was becoming an issue.

Councillor Clare informed the Committee that the problem was the previously issued report by the Planning Inspector following a previous appeal. Paragraph 9 of that report stated that new isolated homes in the countryside should be avoided unless there were special circumstances such as, inter alia, the development would re-use redundant buildings and lead to an enhancement of the immediate setting. Councillor Clare considered that this resubmitted application now met these special circumstances in that the development was of excellent design with ecological qualities. There had been no objections from residents of Butterknowle to the application.

With reference to the Coal Board Assessment, Councillor Clare informed the Committee that the previously submitted report could be accepted, or another be requested if needs be and this could be by condition on the permission.

Councillor Clare **moved** approval of the application.

Councillor Richardson informed the Committee that he agreed with Councillor Clare. The Pinfold Lane application for 8 properties had been approved despite objections, and another site was in the process of being developed. Councillor Richardson **seconded** approval of the application.

Councillor Dixon informed the Committee that the previous decision issued by the planning Inspectorate needed to be addressed. There was already a building, Cobweb Cottage, at the location of the proposed development and he did not consider the issue of isolation to be valid. Councillor Dixon considered that the changes to this application were significant enough to meet the objections of the Planning Inspector and agreed that the application should be approved.

Councillor Wilson informed the Committee that she agreed with the points made by Councillors Smith and Clare and agreed that the application should be approved.

The Planning and Development Solicitor sought clarity from the Committee on the grounds for approval. These were detailed as the design quality of the proposed building, the enhancement of the setting and the personal circumstances of the applicant.

The Planning and Development Solicitor informed the Committee that it could only be minded to approve the application upon receipt of a satisfactory Coal Mining Assessment, and recommended that the Committee grant delegated authority to the Senior Planning Officer, in consultation with the Chairman of the Committee to agree conditions for the permission.

Upon a vote being taken it was

Resolved:

- (i) That the Committee be minded to approve the application subject to the receipt of a satisfactory Coal Mining Assessment, and
- (ii) That authority be delegated to the Senior Planning Officer, in consultation with the Chairman, to agree planning conditions.