

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 22 June 2017 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors J Atkinson, D Bell, L Brown, J Chaplow, J Clare (Vice-Chairman), E Huntington, K Liddell, C Martin, G Richardson, L Taylor, F Tinsley, C Wilson and S Zair

1 Apologies for Absence

An apology for absence was received from Councillor A Patterson.

2 Substitute Members

Councillor C Wilson as substitute Member for Councillor A Patterson.

3 Declarations of Interest

Councillor Richardson referred to Application DM/17/00064/FPA – Grove House, Redford Lane, Hamsterley. He informed the Committee that he was a Member of South Bedburn Parish Council which had objected to the application. However, he had taken no part in discussion of the application at the Parish Council and would approach the application at the Committee with an open mind and would consider all issues discussed before deciding upon the application. Mr N Carter, Planning and Development Solicitor confirmed that he had spoken with Councillor Richardson and had confirmed this position.

Councillor Clare declared an interest in Application DM/17/00942/FPA - PWS Distributors Ltd, Station Road, Aycliffe Business Park, Newton Aycliffe because he had previously visited the factory and considered himself to be compromised. He would speak on the application as a Member for an adjacent Electoral Division and then withdraw from the meeting.

Councillor Clare referred to Application DM/17/00861/FPA - Garage Block, Villa Street, Spennymoor and informed the Committee that, while he had been nominated as a representative on the Board of Livin Homes, he had only recently submitted his application for the position and had not heard anything further to date. He would therefore remain in the meeting and vote on the application.

Councillor Wilson referred to Application DM/17/01132/FPA - Tesco Extra, Abraham Enterprise Park, St Helen Auckland, Bishop Auckland, Co Durham. She would be speaking in objection to the application as a Local Member and then would withdraw from the meeting during consideration of it.

The Chairman informed the Committee that Agenda Item (e) would be considered before Agenda Item 5(d) to facilitate speakers.

4 Minutes

The Minutes of the meeting held on 20 April 2017 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/17/01132/FPA - Tesco Extra, Abraham Enterprise Park, St Helen Auckland, Bishop Auckland, Co Durham

The Committee considered a report of the Planning Officer regarding an application for the construction of a drive-thru Burger King and Papa Johns with associated parking at Tesco Extra, Abraham Enterprise Park, St Helen Auckland, Bishop Auckland (for copy see file of Minutes).

M O'Sullivan, Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph, photographs of the car park taken on 10 April, site layout plan and elevations.

Councillor C Wilson, local Member, addressed the Committee to object to the application. Councillor Wilson informed the Committee that she was a resident of the area and lived not far from the application site.

The area had been trying to attract a cinema development on the other side of the road to this proposed development and it would be preferable for all eateries to be on the same site as any cinema development. Papa John's and Burger King had already signed up to the proposed cinema site and Councillor Wilson expressed concern that this development may compromise any development on the cinema site.

Councillor Wilson informed the Committee that she could not agree with the traffic assessment as outlined in the report, which had been carried out on an Easter weekend when people would have been away. The volume of traffic in the area was horrendous with traffic often backing onto the roundabout and blocking the road. If the development was on the same site as any cinema development, this would help traffic to flow more smoothly.

Councillor Wilson left the meeting.

Councillor Tinsley informed the Committee that he was a representative of an adjacent Ward and used this shopping complex regularly. He agreed with Councillor Wilson's comments about how busy traffic was in the area. This development would result in the removal of 70 car parking spaces from the Tesco car park and provide 13 spaces, a net loss of 57 car parking spaces. When permission was granted for the Tesco store at this site in 2010 a standard of 1 car parking space per 15m² had been used and this standard was confirmed in 2014. If this application was agreed then there would be significantly fewer car parking spaces than required by this standard.

Councillor Tinsley expressed concern at paragraph 37 of the report which suggested that the level of traffic generated by the development would not be significant because visits to the food outlets would be connected to trips already being made to shops in the area. However, Councillor Tinsley informed the Committee that food outlets as proposed in this application were often destination outlets in their own right. He considered that the area was being developed on an ad hoc basis.

Councillor Brown asked whether any mitigation or condition was proposed for possible problems caused by litter from the food outlets.

Councillor Richardson informed the Committee that he knew this area well. Although Saturday tended to be the worst day for traffic in the area, he had experienced traffic backed on to the roundabout on his way to the meeting today. He considered that this development would only exacerbate traffic problems in the area.

Councillor Clare informed the Committee it would be difficult to refuse the application on highways grounds, given the comments of the Council's highways officers in the report. He asked how much weight could be given to the car parking standard referred to by Councillor Tinsley. While acknowledging the concern that the development may impact on the future development of any cinema, the Committee could not determine an application on what might happen.

The Planning Officer informed the Committee that litter bins would be provided on site and users of the site would be encouraged to use these. However, litter picking could not be controlled by condition because there would be a need to specify the area it would apply to and also each outlet might only pick up their own litter. Advice of highways officers had been sought on both traffic levels and car parking space and no objections had been raised.

Mr J McGargill, Highway Development Manager addressed the Committee on parking and traffic issue raised. The parking and access standards of 1 car parking space per 15m² of floorspace were guidance only. It was appropriate to consider the number of car parking spaces and occupancy levels. The development would result in the loss of 70 car parking spaces for the Tesco store, however, at the time of the survey which was carried out, there were between 150 and 200 spare spaces in the car park. Car parks operated well up to 90% capacity and it was estimated that at peak demand the car park would realise an occupancy level of between 80% and 90%.

The Highway Development Manager referred to the number of trips which would be generated by this development. The transport statement estimated that at its peak would generate 56 trips. However, not all of these would be new trips as many would be link trips from another facility in the area. Research carried out by a consortium of traffic consultants and local authorities had found that very little new traffic was generated by developments such as this because most people were already in the area and were not new to the highway network. Only 10% of the 56 trips to this development would be new trips, which equated. This would result in 6 extra trips. A level of 10 extra trips would not be considered to be significant and would be considered to be within expected variations.

The Highway Development Manager acknowledged that problems were created at the Tindale Crescent junction but added that the County Council was trying to address these with the developers.

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

Resolved:

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

Councillor Wilson re-joined the meeting.

b DM/17/00064/FPA - Grove House, Redford Lane, Hamsterley, DL13 3NL

The Committee considered a report of the Planning Officer regarding an application for the change of use of a garden to the siting of four holiday camping pods and formation of car parking area at Grove House, Redford Lane, Hamsterley (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, photographs into the site and site layout plan.

S Lee of South Bedburn Parish Council addressed the Committee to object to the application. The Forestry Commission, while encouraging leisure activities within Hamsterley Forest, had also created pockets of tranquillity within the Forest for those who did not wish to participate in forest activities/. Grove House was one such area of tranquillity. The site of the proposed development was approximately half way in to the Forest Drive, which was considered to be one of England's top woodland drives. This application was for a commercial business and it was the opinion of the Parish Council that this was not the right place to site four camping pods, which would be an intrusion into the amenity of the area.

Camping facilities should be considered as part of an overall development plan for Hamsterley Forest. It was feared that the camping pods proposed could produce a negative impact for the community.

Councillor H Smith, local Member, addressed the Committee to object to the proposal.

Hamsterley Forest was considered to be a jewel within County Durham both for its outdoor activities and landscape. While visitors to the Forest and job creation should be encouraged, there was a need for the right development to be in the right places.

While NPPF Part 1 supported the building of a strong, competitive economy, NPPF Part 11 stated that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Grove House was an historic property and the development of four camping pods would neither enhance nor protect the environment. The proposed development would involve the removal of trees and hedges and would not be an improvement to biodiversity.

The proposed development was contrary to the following Policies of the saved Teesdale District Local Plan:

- GD1 – all new development should contribute to the quality and built environment of the surrounding area.
- ENV1 – proposals to be acceptable, needed to show that they did not unreasonably harm the landscape and wildlife resources of the area. The proposal would involve the removal of three trees as well as the grubbing up of hedges which could cause damage to the roots of other trees in the area. There was no mention of damage to wildlife habitat.
- TR3 – supported the principle of development of chalet sites in situations where it did not detract from the character of the area. This development would detract from the area and the screening was not adequate.

The infrastructure in the area was not sufficient to support the proposed four camping pods. Houses at the Grove were served by a spring which had dried up in the past. Additionally, the electricity supply which was proposed to be used was a cable which trailed through tree canopies and therefore underground cables may be needed.

Councillor Smith expressed concern about the sustainability and desirability of the proposed development and asked the Committee to refuse planning permission.

Mr Russell Close addressed the Committee to object to the application. Mr Close informed the Committee that he was a resident of the Grove, which was a beautiful and spectacular location. Grove House was of high historic value surrounded by rare trees and this was not the right location for a camp site. This was a residential garden with other residents nearby. The development would bring cars and noise which would be an intrusion to neighbouring properties.

The electricity and water supply to the site were both areas of concern. A new water supply would need to be installed for the camping pods and this could cause damage to tree roots. As previously explained, the electricity supply which was proposed to be used was a cable which had been installed to provide only light and a socket to a dovecote and was not suitable to supply power to four camping pods.

Mr Graham Turner, applicant, addressed the Committee. The proposed development accorded with planning policies and if there were any concerns or objections Mr Turner informed the Committee he would do the utmost to mitigate risks.

The power supply cables to the proposed camping pods were not a planning issue. Referring to noise and disturbance, Mr Turner informed the Committee that the main gate would be closed at 11 p.m. with an intercom to the house. There would be no block bookings taken for the camping pods, which would be aimed at families and couples. Dogs would not be allowed on the site.

The camping pods would be limited to a small area of a 2 acre garden, with the nearest pod being 70 metres from the nearest cottage. Mr Turner informed the Committee that he would be happy to discuss which would be the best trees to use for screening, adding that the house and gardens were already well screened from the road and additional planting was proposed.

The specimen trees referred to were in the main garden and the camping pods would be located away from these trees.

NPPF Part 1 supported economic growth in order to create jobs and prosperity. This area of County Durham did not have much provision of visitor accommodation for events such as Kynren, and although this was a small development, would be a valuable addition to visitor accommodation.

Councillor Nicholson sought clarity on distances, environmental issues and the electricity and water supply.

The Planning Officer replied that the submitted site plan showed a separation distance of 70 metres between a camping pod and the nearest cottage. The operator would be on site and would need a caravan site licence from the County Council, which would include water supply and electricity supply details. No objections to the development had been raised by internal consultees.

Councillor Brown asked how many people the camping pods would accommodate. The Planning Officer replied that two twin bed and two double bed pods were proposed.

Councillor Richardson informed the Committee that all issues raised by the objectors were valid and that he had grave concerns about the water supply to the site. Councillor Richardson asked why any credence could be given to saved policy TR3 because the Committee had previously been advised that local saved plans were obsolete. He informed the Committee that he could not support the application.

In reply to a question from Councillor Martin regarding how many people would be allowed on site, Councillor Nicholson said that this would be a condition of any license.

Councillor Tinsley informed the Committee that this was a beautiful part of the County and he was supportive of drivers to the economy and access to the public. This was a difficult application to be considered against Policy TR3 of the Local Plan. The impact on residential amenity was a subjective view.

The Committee report at paragraph 30 outlined the reason why the Committee could attach significant weight to Policy TR3. Policy TR3 was permissive of this type of development if it did not adversely impact neighbours amenities, however, whether the separation distance was 40 metres or 70 metres, this type of facility could be boisterous and impact on residential amenity.

Councillor Huntington sought an assurance that the Conditions proposed would be monitored and asked what action would be taken if they were not met. The Planning Officer replied that some Conditions needed to be discharged before works commenced and if others were not met then enforcement action may be taken.

The Planning and Development Solicitor advised the Committee that water supply to the site was a private law matter to resolve. Referring to Policy TR3 in the saved Local Plan, the Committee could afford weight to this Policy because it was consistent with the NPPF.

Councillor Clare considered this was a difficult application. Mr Lee had spoken very powerfully when he described the area as an area of solace and this was a relevant issue. Reference had been made to development being part of an overall development plan and Councillor Clare reminded communities that they could develop their own Neighbourhood Plan for this reason. However, no Neighbourhood Plan existed for this application.

It was the opinion of professional officers that the application met Policy TR3 and he did not consider that four camping pods could be described as destroying the character of the area, nor could removing four trees in Hamsterley Forest. The hedging to be removed was Leylandii and was inappropriate for the area.

Councillor Clare considered the separation distance of 70 metres to be sufficient for residential amenity. The site was aimed at the high end/family market.

The development would help to develop the visitor economy of the County and would encourage visitors to stay longer once here. Councillor Clarer accepted the officer's recommendation and **moved** approval of the application.

Seconded by Councillor Atkinson and

Resolved:

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

c DM/16/03151/OUT - Land to the North of Salvin Terrace, Fishburn

The Committee considered a report of the Senior Planning Officer regarding an outline application for residential development of up to 70 dwelling houses with all

matters reserved on land to the north of Salvin Terrace, Fishburn (for copy see file of Minutes).

L Eden, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph, photographs of the site from various locations and an indicative layout proposal.

The Senior Planning Officer informed the Committee of a formatting error in the details of the proposed Section 106 agreement, which should read as follows:

- 10% Affordable housing
- Securing on-site open space provision
- Financial contributions towards play and recreational facilities at a pro-rata rate of £1,000 per residential unit
- Ecological mitigation of buffer zones on site.

Mr J Irvine, local resident, addressed the Committee to raise points of concern about the application. The Committee had recently refused an application for development on a brownfield site to the south of Fishburn because of the lack of a bus service and because the site was located away from the amenities of Fishburn. Planning permission had been approved some 6 years ago for a site near to the application site, although his was never developed.

Mr Irvine expressed concern about the Public Right of Way (PROW). He owned land to the east of the development and a new entry was to be created although this had not been discussed. If the original entry to the PROW was maintained then this could cause problems with it being used by motorbike riders, and Mr Irvine suggested an alternative route for the PROW should be considered.

Mr A Lang, agent for the development addressed the Committee. This was an outline application which had received no objections from Northumbrian Water and the Highway Authority and had received support from the Fishburn Parish Council.

The development site was nearer to amenities than that referred to by Mr Irvine and a full sustainability study, which was considered to be acceptable, had been undertaken. Referring to the PROW, Mr Lang informed the Committee that the plans displayed were indicative only and that further details would be submitted at the reserved matters stage, including whether the PROW needed moving or altering.

The site was a natural and logical location to expand the development of Fishburn and Mr Lang asked the Committee to approve the application.

The Planning and Development Solicitor advised the Committee that there was a separate legal process for the diversion of a PROW and it was not for the Committee to consider this level of detail. It would be suggested that Mr Irvine hold discussions with the applicant regarding the PROW. Mr Lang confirmed that the applicant would be happy to discuss this with PROW officers and Mr Irvine.

Councillor Tinsley informed the Committee that he considered that the application should be determined against NPPFT Part 14 and he could not find any adverse

impacts of the development which would outweigh the benefits of it. Councillor Tinsley **moved** approval of the application.

Seconded by Councillor Atkinson and

Resolved:

That the application be approved subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the following:

- 10% Affordable housing
- Securing on-site open space provision
- Financial contributions towards play and recreational facilities at a pro-rata rate of £1,000 per residential unit
- Ecological mitigation of buffer zones on site.

and subject to the Conditions contained in the report.

d DM/17/00861/FPA - Garage Block, Villa Street, Spennymoor

The Committee considered a report of the Planning Officer regarding an application for 4 dwellings, including the demolition of existing garages at Villa Street, Spennymoor (for copy see file of Minutes).

M O'Sullivan, Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph, photographs of the site from various locations, site layout plan and elevations.

Councillor L Maddison, local Member, addressed the Committee to object to the application. The application would result in the demolition of 20 garages to provide 4 dwellings, with 2 garage spaces and 2 additional parking places. This would inevitably lead to the dispersal of those vehicles which currently use the garages into surrounding streets, which would increase congestion in those streets.

The garages which were proposed for demolition were approximately 30 to 35 years old and in a relatively good condition, safe and secure. Some who currently rented the garages were elderly and their proposed demolition had caused distress and anxiety.

The frontage of Villa Street had no parking provision, with the rear being shared with Craddock Street. Although some garage tenants did not live within the immediate area of the garages, most did. Villa Street also had 3 dropped kerbs which further restricted parking.

Councillor Maddison expressed concern at the possibility of soil contamination on the development site and also that the development of the site could lead to obstructive parking at a nearby children's play area.

There were further concerns, which were not planning issues, regarding the number of vacant houses in the Spennymoor area, the overdevelopment of the garage site, and the impact on residential safety, which were real issues for local residents.

The 20 garages proposed to be demolished had been occupied since they were built some 30 years ago and this was an effective use of the development site. However, applications to rent vacant garages had been refused in recent months.

The financial benefits of this development did not outweigh the negative social impact of it. The applicant was prepared to go to a costly appeal if the application was refused and had stated that garage rentals could be terminated with one week's notice.

Councillor K Thompson, local Member, addressed the Committee to object to the proposal. The garages should not be demolished as this would lead to extra vehicles needing to park on already congested nearby roads.

The area was a myriad of back streets and Councillor Thompson asked whether any visibility splays had been done for this application. Twelve months ago the Committee had refused an application for one house at Byers Green because of visibility splays.

The development would do little to add to housing availability on the Spennymoor area, which already had plans passed for 2,000 new houses which equated to a 16 year housing supply.

Councillor Thompson informed the Committee that this development was an inefficient use of the development land and should be refused on the grounds of highway safety in the surrounding streets. The building of four houses did not outweigh the demolition of 20 garages and local knowledge of the surrounding streets and junctions, which were very difficult to negotiate, should be taken into consideration. It was wrong to not overturn an officer's recommendation on the basis that the applicant might appeal the decision to the Planning Inspectorate and Councillor Thompson asked the Committee to refuse the application.

Mr M O'Hare. Local resident addressed the Committee to object to the application. He informed the Committee that he had rented a garage for over 30 years. Villa Street had 13 houses and three dropped kerbs which restricted parking, but residents has 15 cars and 2 vans. In an adjacent street 4 residents rented garages and this application would result in an extra 7 cars in one street. People may park their cars up on kerbs which would create a danger for pedestrians, particularly children, the elderly, pushchairs and wheelchairs.

Two cars had been parked opposite each other in the street which would have resulted in service vehicles, such as a bin wagon, being unable to access the street. Ambulances may not be able to access the street which contained elderly people who regularly had hospital appointments.

Mr A Lang, agent for the applicant addressed the Committee. The officer report was detailed and had provided analysis of the impact of the development.

The applicant was prepared to have a dialogue with local residents regarding parking, but this could not be part of this application. Each local resident would be

considered on a case by case basis and consideration may be given to dropped kerbs or in curtilage parking. The Highway Authority had considered the application and on balance had concluded that it was acceptable.

The contaminated land issue raised by the objectors would be dealt with by standard planning condition. The proposed houses would have in curtilage parking provision and therefore no extra spaces were needed.

To refuse the application under the NPPF the development would need to have a severe and cumulative impact and the impact of this development was nowhere near this level.

Although there was permission already granted for 2,000 houses in the Spennymoor area, there was a need to provide a range and variety of houses. There was a demand for all types of houses in the area.

Planning officers were recommending approval of the application after applying a fair and reasonable balance to it. This was a brownfield site within the settlement of Spennymoor and was a more efficient and effective use of the site.

Mr Lang asked the Committee to approve the application.

Councillor Nicholson sought the comments of the Highway Development Manager on the issues raised.

J McGargill, Highways Development Manager informed the Committee that for a free flowing road the recommended visibility distance at a junction was 60 metres for a 30 m.p.h. road. However, at low speeds this distance reduced considerably. Visibility splays had not been measured for this application and indeed visibility splays could not be achieved at the junction. Visibility at the junction was restricted which kept traffic speeds low and therefore the accident consequence and incidence was also low. The visibility at the junctions would be the same as already existed.

While it was regretful losing off street parking, objections to the application on highways grounds could not be made. Statistics showed a 73% level of car ownership in the area and this was used when considering parking demand. Residents of Villa Street rented 3 garages, Craddock Street 8 garages and Clyde Terrace 4 garages and using the 73% car ownership figure would suggest that spaces would be available in Craddock Street. Although the space was available, it was important to remember that people could not always park outside of their front doors.

Service vehicle access was considered but this application did not create any more of a problem than that which currently existed.

Councillor Tinsley informed the Committee that the applicant was within their rights to seek planning permission and refusal would need solid planning reasons. The issues raised by the objectors were not sustainable in planning terms. While it had been argued that the development would result in increased traffic movement, there

was a need to keep this in perspective as only 4 houses were being proposed and there would already be traffic movement from the 20 garages on the site. Councillor Tinsley could identify no specific planning policy to refuse the application and **moved** approval of the application.

Councillor Clare expressed sympathy with the objectors regarding parking issues raised and was disappointed there was no representative from Spennymoor Town Council which had requested the application be brought to Committee for consideration. There was no Neighbourhood Plan in place in the area.

As had previously been said, the applicant could at any time with one week's notice serve tenants with notice to quit and could demolish the garages. The applicant was a registered social housing provider and this application was part of their social provision. Councillor Clare informed the Committee he would struggle to find valid planning reasons to refuse the application and **seconded** approval of the application.

In response to the comment made by Councillor Clare, Councillor Thompson informed the Committee that both he and Councillor Maddison were Members of Spennymoor Town Council. While acknowledging this, Councillor Nicholson replied that they had both registered to speak at the meeting as local County Councillors.

Upon a vote being taken it was

Resolved:

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

e DM/17/00942/FPA - PWS Distributors Ltd, Station Road, Aycliffe Business Park, Newton Aycliffe

The Committee considered a report of the Senior Planning Officer regarding an application for the demolition of an existing warehouse and construction of a new warehouse extension with alterations to existing loading/unloading facilities and associated external works including fencing at PWS Distributors Ltd, Station Road, Aycliffe Business Park (for copy see file of Minutes).

L Eden, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph, photographs of the site and elevations. Landscape officers had agreed a replacement landscaping scheme and there was a need to amend the proposed Condition 4.

Councillor Clare informed the Committee that PWS Distributors was a successful local business which supplied to the trade. The existing warehouse facilities were not adequate to hold the levels of stock they now needed and this development was essential to the expansion of the company.

Councillor Clare left the meeting.

Moved by Councillor Richardson, **Seconded** by Councillor Atkinson and

Resolved:

That the application be approved, subject to the Conditions contained in the report, including an amended Condition 4.