

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 21 December 2017 at 1.00 pm**

Present:

Councillor I Jewell (Chairman)

Members of the Committee:

Councillors A Bainbridge, D Bell, H Bennett, A Hopgood, M McKeon, A Shield, J Shuttleworth, L Taylor and S Wilson (Vice-Chairman)

Also Present:

Councillors W Stelling and A Willis

1 Apologies for Absence

Apologies for absence were received from Councillors M McGaun, J Robinson, A Simpson and S Zair.

2 Substitute Members

Councillor F Tinsley substituting for Councillor J Robinson.

3 Minutes of the Meeting held on 30 November 2017

The minutes of the meeting held on 30 November were confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest (if any)

Councillor A Shield declared an interest in Item 5b as he was the local Member.

Councillor O Milburn declared an interest in Item 5c as a former Board Member of Derwentside Homes of which Karbon Homes is a subsidiary.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/17/03144/FPA - Former Site of Lumley Boys School, Land North of Fenton Well Lane, Great Lumley

The Committee considered a report of the Planning Officer regarding the proposed erection of a dwelling (for copy see file of Minutes).

The Planning Officer provided a detailed presentation which included photographs of the site and plans of the proposed layout. Members had visited the site the previous day and were familiar with the layout and surroundings.

Councillor Willis, local Member was in attendance to speak in support of the application. She advised that in 2003 this area of land had been wrongly parcelled into the green belt, however in 2015 the draft County Plan recognised that it did not meet greenbelt criteria and officers supported its removal. A decision which was supported by the Inspector prior to the plans withdrawal.

The site itself was derelict and in an abandoned state and with such attracted anti-social behaviour including alcohol and drug use. The police were aware of problems in the area and were of the opinion that development of the site would be positive for the area.

She went on to acknowledge that since the last refusal a lot had changed in planning law including the introduction of the NPPF and in particular the presumption in favour of sustainable development.

In conclusion she reminded members that the site had been previously developed and the dwelling would be built upon existing foundations of the former school. In addition there was broad support from residents of the area.

The Planning Officer, in response to issues raised, acknowledged that the plot of land had been earmarked for deallocation in the County Plan however as the plan had not been adopted, no weight could be given to this. He further referred to paragraph 74 of the report and previous appeal decisions taken by the Planning Inspectorate relating to green belt development.

The Senior Policy Officer advised that the only way forward for the site to be developed would be to have the greenbelt re-rated through the local plan process. As members were aware the revised plan had only recently been embarked upon and with such no weight could be given to the draft plan at this time.

Mr J Taylor, applicants Agent, was in attendance to speak in support of the application. He advised that the site had a considerable planning history and previous support from officers. The site was brownfield and formed the physical edge of the established settlement. He further made reference to the previously discussed issue of deallocation of the greenbelt and noted that the emerging County Plan would likely support modifications to the greenbelt allocation.

Moving on to discuss the principles of the NPPF he advised that the proposed dwelling would not be visually intrusive nor impact upon the openness. With such it could be reasonably concluded that the development would not have an adverse impact on the green belt.

In addition the dwelling had been sensitively designed and long distance views would remain unaffected due to position of site and rising context of the topography to the village.

The Planning Officer, in referring to comments made relating to allocation of land noted the frustrations of the applicant however reiterated that at this present time the land was allocated within the greenbelt.

Councillor Shuttleworth commented that the park and ride and fire station at Sniperley had both been built on greenbelt land. He added that the application site was clearly brown field and was in an untidy state, with such he was of the opinion that the dwelling would benefit the area and therefore **MOVED** that the application be **APPROVED**.

Councillor Bainbridge commented that there appeared to be only two words from preventing the development going ahead 'green belt'. He went on to ask whether officers would have deemed the proposals to be acceptable had the site not fell within the green belt. The Planning Officer advised that this would have been the case as the application complied with all other policy. Councillor Bainbridge further **SECONDED** the proposal.

Councillor Shield noted the planning history on site and asked whether the proposed dwelling would sit upon the existing foundations of the old school. In referring to paragraph 70 of the report suggested that the application met the exception as detailed in bullet 2.

The Solicitor advised that, with a number of limited exceptions, all new buildings in the Green Belt should be considered inappropriate development. The Solicitor advised Members she did not think Members could realistically conclude that the proposed development in this instance met any of the exceptions. In particular, determining whether a development has an impact on the openness of the Green Belt does not entail a consideration of whether the development would be visible. 'Openness' refers to lack of development.

The Planning Officer in referencing the 2003 refusal noted that the application at that time was submitted in outline only.

Councillor McKeon added that although she empathised with the applicant, the words green belt were incredibly important and offered protection for those areas. She concluded that she was very worried that by approving the application a precedent would be set.

Councillor Tinsley in noting that the site had been previously developed and only foundations remained, commented that in its current state the site did not impact on openness, however a new dwelling would. He did take on board the concerns raised however concluded due to the critical impact on openness, members should support the recommendation of refusal. He further referred to paragraph 89 of the NPPF and noted that the application did not meet the criteria for development exceptions in the green belt. On that basis he **MOVED** that the application be refused on the grounds as listed in the report.

Councillor Hopgood commented that she disagreed with the comments of the officer regarding openness, highlighting that due to the topography of the site, the

dwelling would only be visible from the nearest house. She acknowledged that the site in its current state was an eyesore and that development would only be a positive move for the village.

In response the Planning Officer agreed that the site could not be viewed from the village but referred to the open aspect of the landscape. He further commented that he did suspect that the land would be re-examined in the emerging County Durham plan and may be de-registered as green belt.

The Solicitor referred to the impact on openness and having provided a legal view strongly advised members that in order to approve the application they would have to conclude that there were very special circumstances which justified permitting the development, The Solicitor advised her view was that concluding the proposed development fell within one of the exceptions to 'inappropriate development' could be legally unsound.

Councillor Shuttleworth added that his reasons for approval were as follows:-

- i) the area of land had something on it in the past;
- ii) and although in the designated green belt, it was a designated brownfield site which would see benefits from re-development in terms of cleanliness of the site and preventing further ASB nuisance.

The Solicitor asked whether he was satisfied that tidying up the site constituted very special circumstances to justify the inappropriate development. Councillor Shuttleworth confirmed that this was the case.

Following a vote being taken the **MOTION** was **LOST**.

Councillor Tinsley subsequently **MOVED** that the application be refused on the grounds as listed in the report.

Councillor McKeon **SECONDED** the proposal.

Following a vote being taken it was **Resolved**: that the application be **REFUSED** on the grounds as listed in the report.

b DM/17/03413/FPA - Glebe Farm Ebchester Hill Ebchester Consett

The Committee considered a report of the Principal Planning Officer regarding the proposed erection of a new dwelling (for copy see file of Minutes).

The Principal Planning Officer provided a detailed presentation which included photographs of the site and plans of the proposed layout. Members has visited the site the previous day and were familiar with the layout and surroundings.

Councillor Stelling, local Member addressed the committee in support of the application. He advised that he lived approximately 1 mile away and knew the area extremely well. There were many dwellings some new along this stretch of road some in very close proximity to this dwelling and it with such would not be in

isolation. In addition the site was close to the neighbouring villages of Medomsley, Ebchester and Shotley Bridge.

Officers had made reference to the fact that the site was unsustainable due to the distance to the nearest bus stop, however he noted that as the applicant was unable to travel by any other means that car due to their disability this factor was irrelevant.

He further made reference to the site of the old Raven hotel and noted that this currently had permission for 7-9 dwellings. The site was 300 yards from the application site.

In addition he added that the site was in a state of untidiness and further development would improve the area.

The Principal Planning Officer referred to the comments made regarding isolation and noted that officers did not consider the site to be isolated but was unsustainable due to its location and proximity to neighbouring villages. She further commented that she understood that this resident would not use the bus service but future residents may wish to do so and this had to be considered.

She went on to provide clarification regarding sustainability and exceptions for conversions of existing buildings. With regard to the Raven hotel site, she noted a long planning history on the site although noted that although development had been granted in the countryside the site was considered brownfield.

Mr G McGill, applicants Architect addressed the committee to speak in support of the application. He advised that the applicant currently resided in a property close to the application site at the crossroads which was no longer suitable for her needs due to her severe disabilities. The applicant had expressed a desire to remain close to her family and the network and community she knew well. Unfortunately there were no suitable dwellings in the vicinity suitable for her needs. The proposed dwelling would be specially adopted to meet her requirements and would provide first floor accommodation for guests. She would rely solely on her car to travel.

He further made reference to the dwellings on site which were currently being converted noting that these had now been sold.

In referring to paragraph 159 of the NPPF he noted that it stated that local planning authorities should address the need for all types of housing, including different groups and those with disabilities.

The Principal Planning Officer referred to comments made regarding the design of the building and noted that as the development was considered unacceptable in principle it was not considered appropriate to ask the applicant to go the expense of providing amended plans.

Councillor Shield noted that he knew the area very well and considered this plot of land to be blight on the landscape, a view shared by residents of the area. With regard to comments made regarding the lack of a nearby bus stop, he noted that

GO NorthEast had indicated that should there be a need or demand for a bus service in the area, then they would review it at that time.

He went on to further refer to paragraph 14 of the NPPF and noted that the site did not encroach into the countryside and the site would benefit from continued development. He therefore supported the application irrespective of who would be living there.

Further discussion ensued regarding conversions and it was reported that the existing metal shed was not considered worthy of retention, however had it been on stone construction, conversion may have been deemed acceptable.

Councillor Tinsley asked whether there was a usable footpath on the main road. In response the Principal Planning Officer advised that there was however it was fairly narrow in width, although was adequately lit.

Councillor Tinsley added that he did sympathise with the applicant, however noted that there was no evidence to suggest that a bus route would be provided in the future. He also noted that he concurred that the design was of more urban character and would have an adverse visual impact on the agricultural nature of its surroundings.

Councillor Wilson asked what the distance was to the nearest school. Members were advised that a primary school at Medomsley was 1.5km from the site, which fell within walking to school guidelines.

Councillor McKeon asked whether it would not be possible for the applicant to convert one of the other bungalows on the site. It was noted that the adjacent bungalow appeared to be occupied. Councillor Shield noted that the bungalow on the site was not within the applicant's domain for development and was separate to the ongoing conversion of existing buildings.

Councillor Shield **MOVED** that the application be **APPROVED** on the grounds that the dwelling was of good design and would promote healthy communities. IT was further improve the visual amenity of the area, was sustainable in its location and proximity to facilities and suggested on that basis, the benefits of the scheme outweighed the adverse impacts in accordance with paragraph 14 of the NPPF. He further agreed that the conditions of development should be delegated to the Chairman and Officers.

Councillor Shuttleworth **SECONDED** the proposal.

Following a vote being taken the **MOTION** was **LOST**.

Councillor Tinsley **MOVED** that the application be **REFUSED** on the grounds as listed within the report.

Councillor Boyd **SECONDED** the proposal.

Following a vote being taken it was

Resolved: That the application be **REFUSED** on the grounds as listed within the report.

c DM/17/03152/FPA - Lawson Court, West Pelton

The Committee considered a report of the Senior Planning Officer regarding the proposed erection of 14 two bedroom dwellings, including parking and associated landscaping (for copy see file of Minutes).

The Senior Planning Officer provided a detailed presentation including photographs of the site and plans of the proposed layout.

Councillor Hopgood asked whether tree protection orders would be served prior to development. In response the Senior Planning Officer advised that the trees were not of good enough quality to protect them via a TPO however care would be taken to protect them from damage during the course of development.

Councillor Hopgood further asked how many parking bays would be provided. The Senior Planning Officer advised that 1 space would be provided per dwelling plus a third of space per dwelling for visitor parking. He further advised that the level of parking proposed met highway standards. In addition the main road adjacent to the development was adequate enough for additional cars to park safely.

Councillor Shuttleworth **MOVED** that the application be approved subject to the conditions listed in the report.

Councillor Shield **SECONDED** the proposal.

Resolved: That the application be **APPROVED** subject to the conditions listed in the report and the completion of a 106 agreement.

6 Appeals Update

The Committee considered a report of the Principal Planning Officer which provided details of an appeal considered by the Planning Inspectorate regarding the removal of a condition on permission granted for the erection of 8 luxury holiday chalets and a site Management Building at Ornsby Hill, north of Lanchester. The Inspector dismissed the appeal.

Resolved: that the content of the report be noted.