

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 7 November 2023 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors J Atkinson, A Bell (Vice-Chair), J Elmer, J Higgins, P Jopling, C Martin, M McKeon, I Roberts, A Savory, K Shaw, A Simpson, S Wilson and S Zair

Apologies:

Apologies for absence were received from **Error! No document variable supplied.**

Also Present:

Councillor Liz Maddison and Councillor Pete Molloy

1 Apologies

Apologies for absence were received from Councillor D Boyes and Councillor M Currah.

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 3 October 2023 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/23/01165/OUT - Site Of Former Black And Decker, Green Lane, Spennymoor, DL16 6JG

The Committee considered a report of the Senior Planning Officer regarding an application for landscaping at Green Spine 2 pursuant to condition 3 of DM/15/02911/RM; and outline application with all matters reserved except for access for up to 96 dwellings at Residential Plot 1 with associated open space at Green Spine 3 at the site of the former Black and Decker in Spennymoor that became known as Durham Gate.

George Spurgeon, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, a recent aerial image, an aerial image from 2001, the original indicative masterplan pursuant to approval 7/2008/0488/DM diagram, the approved landscape masterplan revision N pursuant to approval DM/15/02341/VOC diagram, the indicative layout, the green spine layout, green spine 2 planting plan and various site photographs.

The Chair allowed Councillor P Jopling to seek clarification before the registered speakers spoke on whether when developing the Durham County Plan an exercise had been carried out to determine whether the Council needed employment land.

The Senior Planning Officer explained that the land had originally been allocated for employment use within the Sedgefield Borough Plan. When the Durham County Plan had been developed an employment land review had been carried out. Following this review the Inspector concluded that the land should remain allocated for employment use under Policy 2 of the Durham County Plan that implied that there was a need for this type of land.

Councillor I Geldard addressed the Committee as the current Town Mayor of Spennymoor, on behalf of Spennymoor Town Council, who were in support of the application's approval. He explained that he was also the Town Councillor for the Tudhoe Ward, which had within it the entire DurhamGate development. His own home was only 700 yards from the proposed site of the application so he hoped that he could provide a very local perspective. It was the Town Council's belief that issues around water drainage and other matters could be addressed through sensible conditions that could be placed on the applications approval. He noted that the primary reason for the recommendation to refuse was the apparent loss of employment land but the world had changed significantly since the initial consideration of DurhamGate 15 years ago, and indeed so had the immediate area.

Councillor I Geldard stated that what were cold, empty, new-builds back then now formed a warm thriving community, filled with hundreds of new Spennymoor residents that had their own resident's association who organised significant community events at DurhamGate. He noted that what was a large empty area of the town, with very few jobs, had now been significantly developed with new large units at both DurhamGate North and around the Thinford Roundabout. There were now hundreds of extra jobs in this immediate area, in a stark contrast to when this field was deemed much more important for employment.

Employment opportunities had developed around the same strategic area, but importantly ever so slightly further away from the residential areas. He had no doubt in his mind that the development of DurhamGate over the last 15 years had been one of the most significant changes to Spennymoor, and as he looked towards its future, and indeed overall completion a good balance must be maintained. He noted that his main point was to provide a local perspective that this balance was better maintained by allowing the building of houses on the field, rather than to introduce more industrial use so close to the wonderful community that had been created. Through his local experience he did not believe that the current use of industrial land around this site would cause future residents the nuisance suggested or poor living conditions, and on balance the greater risk was to current residents of a future industrial use.

It was Councillor I Geldard's opinion that without the proposed development the site would sit empty for many years to come, which would be a massive shame for a part of the town that had become so vibrant and important. Whenever planning was considered, it was his firm belief that the voices of local residents were paramount and having heard that the DurhamGate Residents Association would much prefer a modest extension of their community onto this particular site he urged that the application be approved.

Councillor G Richardson queried why Spennymoor Town Council had not provided a response to the application through the consultation exercise.

Councillor I Geldard replied that due to administrative issues Spennymoor Town Council had only considered the application at their earliest opportunity which was at their meeting the previous week.

Councillor P Molloy addressed the Committee as a local Councillor who represented the Spennymoor Division in objection to the application. The planning application had a provision for 96 residential properties, which were to be built on land that was earmarked for employment, on the DurhamGate site located in the Tudhoe Division.

The Tudhoe Division was adjacent to the Division he represented, and like the Spennymoor Division, it was part of the Spennymoor parish, and even though he understood why the DurhamGate Residents Association had submitted a letter of support for this planning application, he considered there was a need to look at the bigger picture and see what affect the potential loss of land earmarked for employment would have on Spennymoor as a whole.

Councillor P Molloy considered that in building new housing estates on former employment sites, such as the former Thorns and Electrolux off the B6288, Spennymoor was not able to lose any land in the parish that was designated for employment. With the close proximity of the new build commercial development site off the A167 at Thinford, which had attracted national companies such as Screwfix and Toolstation, it had shown that businesses could be attracted to this area of Spennymoor and as a result, there was a good argument to keep this land for employment and not to lose it to residential properties.

He thought that the above-mentioned earmarked employment land could be an option for existing local businesses in locations such as Tudhoe Industrial Estate that could grow out of their current business premises, but wanted to remain in the Spennymoor area, to relocate to with the result of keeping jobs in the local area and potentially create more jobs.

Councillor P Molloy referred to paragraph 52 in the report, that gave an objection from Business Durham as they considered it was an exaggeration to say that office development was not possible at DurhamGate and advised that in their experience the market for smaller office units remained strong and that demand for industrial units had outstripped supply in recent years. Paragraph 99 of the report provided a summary of the earmarked employment land in that the land had been identified for housing for several years on the applicant's Masterplan contained on their DurhamGate website, and it had not been demonstrated that all employment uses had been seriously explored. He perceived that there was a seeming lack of effort in promoting the land for employment use.

Councillor P Molloy mentioned that the report had identified other issues with the proposed development that included the proximity of the site to existing industrial units that generated noise, leaving future occupants of the proposed dwellings with unacceptable living conditions and substandard levels of residential amenity. The proposed development would likely place unreasonable restrictions upon adjacent industrial uses in the future. The proposed development was also considered to represent poor design when assessed against the County Durham Plan Building for Life Supplementary Planning Document.

He stated that it had not been demonstrated that the proposals had been designed to incorporate the management of water as an intrinsic part of the overall development, nor that pollutants from surface water runoff would be treated prior to leaving the site to avoid causing a pollution risk downstream. It was because of the above issues that the recommendation in the report was for the planning application to be refused due to it being unacceptable and in conflict with Policies 2, 29, 31, and 35 of the County Durham Plan and Parts 6, 12, 14 and 15 of the National Planning Policy Framework. In recent years there had been a lot of new residential properties built in Spennymoor, that the town could be mistaken as being just one big housing estate where people lived but worked elsewhere in the county or the wider region. Therefore, he asked the committee to put an end to Spennymoor – becoming just one big housing estate and help safeguard the earmarked employment land for potential future employment opportunities by accepting the report's recommendation and vote to refuse the planning application.

Councillor L Maddison addressed the Committee as local Member. She advised that although she was also a Spennymoor Town Councillor she had not participated in any Town Council meeting that had discussed the development. She mentioned that she had been a Sedgefield Borough Councillor when Durham Gate had originally submitted a planning application. She noted that when the development was first considered it had promised to deliver 6,000 new jobs once Black and Decker had been lost. Unfortunately these jobs did not materialise.

She was aware that although Livin had created jobs in the area these had already been established and no new additional jobs created when they moved to Durham Gate. She believed that the expansion on to what was identified as employment land for residential dwellings was unacceptable as displays had shown gateways to shops that had not happened. She felt that Spennymoor did not have the infrastructure for extra housing meaning there would be a lack of services such as doctors, dentists and schools. She supported Councillor P Molloy and believed the Committee should consider the views of Durham County Council Officers and reject the application.

There were no objectors registered to speak against the application.

J Robison addressed the Committee on behalf of the applicant in support of the application. She stated that the Planning Authority had given four reasons for refusal on employment allocation, noise, design and drainage issues which were premature. She believed as this was an outline application the issues of noise, design and drainage could be addressed at the reserved matters stage.

She acknowledged that the site was allocated as employment land in the local plan so the proposal would be a departure from the policy allocation but there was justification that employment would not be right on this site. The site had been actively marketed for office use but there had been no interest in 15 years and this was unlikely to change. There was a view that the site should have been marketed wider for warehousing but that was never the intention within the overall DurhamGate master plan that this was to be used for industrial or warehousing as a quieter use would be required due to housing in the vicinity.

D Cook, applicant addressed the Committee in support of the application. He noted that the DurhamGate was located five miles south of Durham City that had developed into a thriving community which stood on the site of the former Black and Decker factory on the edge of Spennymoor. He had personally been involved in the creation of DurhamGate since his early 20s, and it had become a huge passion and given him an enormous sense of pride to transform a dilapidated industrial site into an established community. The project had not been without its challenges, most notably the 2008 global financial crash, subsequent recessions, the collapse of Carillion Plc and, of course, the pandemic, which had influenced the evolution of their masterplan for the site.

He noted that since 2005 they had been delivering on a vision to grow a thriving and vibrant business and residential community, which had created 680 homes for more than 1,500 residents and a location for 40 companies that totaled over 1,300 employees and had attracted £100m of private investment. They welcomed prominent employers to DurhamGate, including housing provider LIVIN, nationally recognised training organisation Learning Curve and Breedon Group all of which played a key role in their society, locally and across the region. In addition to those, and the other businesses they had attracted to DurhamGate, they had also managed to secure and re-house Stanley Black & Decker in Spennymoor, not only to retain hundreds of jobs for the area, but also to ensure a business that had been an integral part of Spennymoor for many years continued to have a presence in County Durham.

D Cook had developed a new community venue in the form of a green parkland, which had become a hub for the area hosting a range of events, from Christmas carol concerts to summer fayres that were attended not only by DurhamGate residents, but also neighbours from the wider areas of Spennymoor. DurhamGate had become a catalyst for regeneration of the immediate area. The creation of the boulevard into DurhamGate off the A688, facilitated the redevelopment of the Thinford Roundabout and connecting junctions.

D Cook mentioned that since they had built their first homes and commercial premises on the site, the local area had seen new hospitality and leisure businesses establish themselves opposite DurhamGate. He wanted to develop this further with the next element of the regeneration of the 85-acre site with the application for 96 new homes and an extension to the green parkland that would serve and further complement the existing community.

D Cook added that although they had outline planning consent for industrial/warehouse use on the area of the site they proposed new homes, as they no longer considered this to be appropriate in such close proximity to the existing homes at DurhamGate and the new elderly care provision, which was the first new care home in 15 years in County Durham. In addition, the area proposed for the parkland extension was previously allocated for offices, hard landscaping and car parking which had been marketed without success for almost 15 years as a result of the reduced demand for office space. This new use would better benefit the community rather than remain undeveloped. The proposals had garnered support from the community and neighboring businesses.

D Cook advised that not only did they have the support of the DurhamGate Residents Association but they were also being supported by tenant businesses, Adore Care Homes, Learning Curve and Breedon Group. They had the backing of the developer of the Thinford Retail Park and the operator of One Gym on the Thinford Roundabout. They had received support from numerous DurhamGate and other local businesses, a nursery school operator and a provider of specialist children's swimming and play services, both of which were keen to establish themselves at DurhamGate. He was pleased to have the support of Spennymoor Town Council and Mayor, Councillor Ian Geldard, who had spoken in support of the proposal. In summary, he believed that the extension of the mix of homes available, including the increased affordable housing provision of the area, was the best and most effective way to enhance the community that had been created in County Durham, that provided more homes for local people and those who were attracted from outside the area to live and work in Spennymoor.

P Thompson addressed the Committee as a representative of the DurhamGate Residents Association, a group of homeowners at the DurhamGate development in Spennymoor. He advised that members of the Association wanted to take this opportunity to show their support in favour of the current application for a further 96 residential units and associated open space at the DurhamGate site.

Members of the Association favoured the use of the land for further housing due to concerns regarding the impact on residential amenity from both a visual and noise aspect from industrial use. They believed residential use would be in keeping with the wider DurhamGate area in terms of use and visual appearance. He added that there would be the benefit of the additional open space proposed on this residential plot which would be used by residents across the wider site.

The Senior Planning Officer acknowledged that the application was only in outline but nevertheless the land was reserved for Employment land. He stated that the Committee needed to be satisfied that the outline proposals were satisfactory and not to just add conditions to it. The proposal set out the existing uses at the north that were already in operation that generated noise that would impact on future dwellings. He stated that drainage was an issue with the proposed 96 dwellings as there was not enough space to provide SUDS for surface water. He stated that the original master plan was for this land to be used for office use which was accepted at that time. An employment land review had been undertaken with the Durham County Plan across the County and this land was deemed acceptable for employment uses that would be allocated for all industry. He confirmed that no reserved matters had been received in relation to office space that reinforced there had been inadequate marketing carried out for the site. He acknowledged that had these been carried out companies may have come forward and taken an interest in the site.

Councillor S Wilson referred to paragraph 219 that stated that the application was up for approval. He sought clarification if this was a typing error.

The Senior Planning Officer confirmed that it was a typing error and the planning application was recommended for refusal.

Councillor P Jopling mentioned that there was a lot made of the industrial use for the site and queried what class of industry would be included on this site.

The Senior Planning Officer responded that employment land covered all industries as a blanket including the former B1 (Office), B2 (General Industrial) and B8 (Storage and Distribution) unless specifically stated under the policy requirements. On this site it would be preferential to have small scale light industries with offices at the eastern side due to the residential area nearby.

Councillor P Jopling questioned whether the houses in the vicinity would be taken into consideration when looking at the type of industry that might come forward.

The Senior Planning Officer stressed that the planning processes within the County Plan would be followed and any type of industry would be assessed to highlight any impact on the residents. Residents would also be made aware of any impending industry on the land.

The Senior Planning Officer did not have any figures to hand in response to Councillor P Jopling's query on how many jobs had been created at DurhamGate so far. D Cook provided information that 1300 jobs had been created at Durham Gate at present.

Councillor S Zair asked if the figure of 96 dwellings was reduced would there still be conditions for refusal with water, drainage and noise issues. He proposed if 50 houses would raise the same debate.

The Senior Planning Officer replied that it was irrelevant on the number of proposed properties as the principal issue was the application conflicted with Policy 2 of the Durham County Plan with the loss of employment land that would remain. If the proposed number of houses were reduced that would allow areas to be allocated for SUDS on the site to help with the drainage but there was still the issue of noise.

As there were no questions for the registered speakers the Chair opened the Committee to debate on the application.

Councillor J Atkinson agreed with the Spennymoor Town Councillor and representative from the resident's association that the proposed application would be an opportunity to add 96 dwellings that would house 96 families that would bring mortgages, jobs, national insurance payments, council tax payments and economic benefits to the area. He was saddened that the land had been undeveloped for 14 years which had been a missed opportunity. He stated that advice from Business Durham was that the industrial units and offices had not materialised and queried whether they would turn up in the future. If the houses were built they would bring people to create an economy boost to the trading estate and other areas in Durham. As for the noise issues people did not open their windows at night and people dealt with the noise during the day. He was in support of the application and would vote against the officer's recommendation.

Councillor C Martin informed Councillor J Atkinson that people did open their windows at night. He challenged the two main issues firstly the employment land as he sat on the board of the business group for the Drum Industrial Estate that was similarly based near to the A1 for access and once a unit became available it was snapped up immediately.

He believed that Business Durham was right that there was a demand for employment and there was a demand for small units that Covid had not affected and were expanding. He appreciated that there was a need for housing but with employment statistically Durham was at the bottom of the league tables with increased levels of unemployment. He did appreciate that the situation was complex.

Councillor C Martin advised he would refuse the application as there was a greater need for employment land to create more jobs to improve the area. Secondly the concept of noise that the distribution centres created would require a significant barrier to prevent any impact. He received plenty of complaints for noise for the Drum Industrial Estate. He felt that a developer would not be up front with potential buyers of properties about the industrial estate being in operation 24/7 with noise from the movement outside from HGV lorries.

He **moved** to support the Officers recommendation to refuse the application as it would prevent the creation of future jobs. He added that the proposed residential dwellings would add additional restrictions to the businesses already in operation that may cause harm to their investment.

Councillor P Jopling agreed with Councillor C Martin that if the 96 dwellings were developed it would bring families that would need to travel to work as there was little employment in the area. This would affect climate change with more pollution from cars. She wanted to encourage people to come into area to find employment so there was a need for employment sites. She noted to lose the employment land would contradict Policy 2 of the County Durham Plan. She also remarked that climate change brought wetter weather that would intensify the already highlighted problematic drainage issues. She stressed that the highlighted problems would need to be addressed. Jobs were needed in Durham and more so with small industries to give local employment to local people. She **seconded** the proposal to refuse the application.

Councillor K Shaw had a couple of issues as he thought that the current site would be compatible for the future expansion to the existing housing and he could only see that the site could be used for housing. If the committee considered the current residents that were in support of the application they would rather have additional housing rather than the problems associated with commercial use.

He stressed that there was a massive housing need in County Durham that this development would help to address. Previously as the Portfolio Holder he could not address the amount of need that it got to the point where the Council was required to build their own houses again. He did not think that the Committee should refuse the developer to build houses that included bungalows that were difficult to deliver. He noted that the land had stood empty for several years and the proposal would be a good development to come forward. He moved to approve the application for the site to be used for housing.

The Senior Planning Officer pointed out that there were other housing sites that were being considered to be brought forward in the area. He gave an example of a proposed scheme to deliver over 400 houses on the former Electrolux site on Merrington Lane in Spennymoor. He could not guarantee that these housing developments would come forward as they had yet to be considered through the planning process. If the application was approved there would be no more employment land in the area but there were several housing sites to come forward for development. With regards to the noise issue for existing residential dwellings, it was noted that these dwellings had been designed so that they did not face directly onto the industrial estate.

Councillor K Shaw stressed that the Committee should look at the application set before them and not compare it to other potential future applications. He remarked that there were 11,000 people on the waiting list for affordable housing and bungalows which the proposed new houses could help address.

S Reed, Planning Development Manager supported the Senior Planning Officer's response as there were potentially several other sites that would be brought forward for housing. These sites should be developed first before using employment land that was allocated for employment. Strictly the Planning Authority could not give any weight to them all at present as they had not been through the planning process. He acknowledged that Councillor K Shaw raised a valid point that the planning application should be debated on its own merits including the benefits of housing. However this site had been allocated for employment land to create jobs for County Durham which would have an effect of the economics of the area. He explained that there was a significant history to the site where there was an initial masterplan. The housing in the vicinity was to enable the development of jobs on this site and as such the Council had waived the Section 106 monies on this basis.

S Reed noted that the development of houses would hinder jobs and would mean the applicants had failed to deliver on the promises previously made. If there were plans for heavy industry only in this area the application would be challenging to consider having regard to the residential dwellings already in the vicinity. However other employment uses could come forward. He stated that in paragraph 52 Business Durham were not in support of the development of houses. There had been two meetings with private sector businesses about the site in close proximity to this one with one company that operated close that had shown continued strong interest in employment uses.

He emphasised that both would be vibrant and positive for the area and showed that there was interest in employment land. He highlighted that the sale boards had not marketed the site.

Councillor A Bell agreed with Councillor C Martin that there were very few employment sites and residential use would promote residents to use cars and public transport to travel out of town to jobs. This site was identified as employment land in the County Plan when it was adopted in 2020. The applicant could have objected but they had not and had waited three years to bring this proposal forward. He was concerned that the section 106 monies had been waived to enable the development of offices. If the application was accepted this money would be lost and not reinvested back into the community. He agreed with the officers' recommendations to refuse the application and market the land as employment land.

Councillor M McKeon did not think the proposal should go ahead if there were drainage and noise issues that would cause issues for future residents. A secondary issue would be in the long term as to whether this site should be used for housing or not. On one hand there was a struggle to get any interest from anyone in the site but on the other hand the local economy was in recession. This site was to be put aside strategically for industry that may come forward in the future and if so would need employment land to base themselves. There was a master plan that demonstrated this land for to be used for employment. She felt that she could also not support the application due to the drainage issues. If the application was approved it would give away employment land that in turn would chip away at the master plan. In doing so the master plan would have no bearing and businesses would lose faith and trust with the local Planning Authority.

Councillor J Atkinson reiterated that nothing had been done with the land and the houses would be of full people that would have jobs and create economic benefits. He considered the application should be approved with the drainage risk being placed with the applicant.

Councillor J Elmer considered it was important for the Committee to make plan-led decisions and take into consideration different allocations across the County. Allocations in Spennymoor had been made for residential development, for business development and for office use and this had been determined on the basis of the balance of needs in this location to create a balanced community. To approve a major residential development on land which was not allocated to residential development would throw out of balance all of the other identified land allocations and uses identified in the County Durham Plan. This site was allocated for business and there were not any others and this created a restriction on the future potential development in the area.

Councillor J Elmer wanted a community to have sufficient housing which there was or there was land to enable that to happen so people did not have to travel to job locations. If Members wanted to follow the trajectory to add houses it would then create Spennymoor as a sleeper or dormer town with no rail or bus connection making people car dependant. There would be several businesses impacted with the development of the residential dwellings like dentists, doctors and schools that would not be prepared for the expansion. The density of the site would be a concern that would impact further with noise with no space to add noise reducing mitigation. There would be too many houses compressed into the space. The application was driven by money for the developer that would be against local need.

Councillor P Jopling felt that in recent years Durham was not on the map but since she had moved to the heart of Durham development had gone from strength to strength for Durham to be taken seriously. She acknowledged that there was a housing need but there was also a need for jobs to make the area viable. Once out of recession there would be a need for employment land to bring jobs forward. She thought that the Committee should not take the short term view in the development of residential properties but keep jobs closer that would be better for the economy in the long-term.

Councillor A Bell stressed that identified employment land was a fundamental part of the County Durham Plan that set out policies to determine planning. If the committee did not recognise that this then it was worthless and may as well be disregarded.

Upon a vote being taken it was:

Resolved:

That the application be **REFUSED**, for the reasons set out in the report.