

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 19 February 2015 at 2.00 pm**

### **Present:**

**Councillor M Dixon (Chairman)**

### **Members of the Committee:**

Councillors H Nicholson (Vice-Chairman), D Bell, D Boyes, J Clare, K Davidson, O Gunn, S Morrison, A Patterson, G Richardson, L Taylor, R Todd, C Wilson and S Zair

### **Also Present:**

S Pilkington – Senior Planning Officer  
T Burnham – Senior Planning Officer  
D Stewart – Highways Officer  
N Carter – Solicitor – Planning and Development

Prior to the commencement of business N Carter, Solicitor – Planning and Development provided advice to Members following the release of the Inspector's Interim Report in relation to the County Durham Plan.

The Officer advised that as the Council was considering its options in light of the Inspector's report, then at the present time it would be inappropriate to afford any weight to emerging policies in the County Durham Plan and asked Members to disregard any references to the Plan in the applications reported to the Committee. The applications should be assessed against relevant saved policies in Local Plans and the NPPF.

### **1 Apologies for Absence**

Apologies for absence were received from Councillors J Buckham and E Huntington.

### **2 Substitute Members**

Councillor O Gunn substituted for Councillor J Buckham.

### **3 Declarations of Interest**

Councillor H Nicholson referred to planning application DM/14/03652/VOC Glencrest, Butterknowle and advised that his daughter used to work for the applicant and that he had used the facilities in the past.

It was agreed that he did not need to withdraw from consideration of the application.

### **4 Minutes**

The Minutes of the meeting held on 11 December 2014 were agreed as a correct record and were signed by the Chairman.

### **5 Applications to be determined**

#### **a DM/14/02040/FPA - Dovecot Hill, South Church, DL14 6TA**

Consideration was given to the report of the Senior Planning Officer regarding an application for the erection of 61 dwellings with associated infrastructure works and access (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting.

In presenting the report the Officer advised that since the report had been circulated an additional 6 letters of objection had been received from residents. There were no new matters raised that had not already been addressed in the report. The developer had agreed to enter into a training, recruitment and management employability plan but Members were advised that this was not a requirement and had been offered voluntarily by the applicant.

An amendment was proposed to condition 12 in the report that hardstanding should only be used for the parking of private vehicles where it had been provided in replacement of a garage.

Councillor H Nicholson addressed the Committee as local Member against the application. In considering the application the test was whether the proposals were consistent with Local and National Planning Policy and the SHLAA. He considered that the proposals were contrary to saved Local Plan Policy BE14 and that if the application was approved this open space area would be lost and would cease to be an effective barrier against the nearby industrial units. The SHLAA did not identify a need for housing on Dovecot Hill and there was already planning permission for 800 units nearby.

No affordable housing had been offered yet the Housing Officer had stated that a requirement of 10% would be expected on this site. The Highways Officer considered that the proposed access would be better served being offset from the adjacent industrial access. This existing access was regularly used by HGVs. He was of the view that wherever the site access was placed there would be a toxic

mix of HGVs and local traffic on the route through the industrial estate which would increase in the summer months with parking on the side of the road for a regular car boot sale.

Councillor Nicholson then questioned the proposed noise mitigation measure by way of an acoustic fence on the western edge of the site. A fundamental issue was the ability of the industrial estate to expand in future; he was aware of an application for an industrial unit which had been refused planning permission on the grounds of proximity to dwellings.

The Member continued that he had attended PACT meetings where there had been no reports of fly-tipping or anti-social behaviour raised by Neighbourhood Wardens, the Police or members of the public. Local residents had contacted him about the application but prior to this he had decided that he could not support development of the site.

Councillor Nicholson left the meeting during discussion and determination of the application.

J Lavender addressed the Committee on behalf of businesses on the industrial estate who felt threatened by the possibility of dwellings within 28m of industrial premises. South Church Enterprise Park was a prestigious, well-established industrial estate. The concerns were tangible and if approved the development would threaten the industrial estate's success. Its future should not be compromised by the inappropriate location of housing.

The houses on the western side of the site would be close to a plastic moulding company using equipment which created noise. The company operated a 2 shift pattern by day at present but may want to operate a night shift in future. The applicant had offered mitigation measures but it was felt that this would be an undesirable solution for nearby houses. If the company wanted to work at night this may give rise to complaints. The rear gardens of properties on the western edge would be less than 8m in length with an acoustic fence. He questioned whether this would make the properties desirable in terms of outside space.

The adjacent unit employed 60 people and the company was concerned that if it expanded this would also give rise to complaints from residents.

In terms of access to the development the proposed access point was directly opposite an industrial unit which was served by large articulated vehicles.

He suggested that priority should be given to the industrial estate. The proposed housing development was designed too close to established industrial premises. If the application was approved tensions would arise with the result that the success of industries would be compromised.

In closing Mr Lavender read out a letter from a business whose operations had been compromised by the construction of new housing next to it, despite the company being established at the location for some time before the development.

D Barlow, Regional Director of Gleeson Homes stated that the developer specialised in low cost housing in secondary areas and aimed to give customers a real opportunity to own their own homes under the Help to Buy scheme. The proposals were for 61 low cost homes and careful consideration had been given to link house prices to the local market. Gleeson Homes would also roll out their 'Community Matters' project which included junior sports sponsorship, engaging local schools, an apprenticeship scheme, and their Design for Disability and Neighbourhood Watch Schemes. The development would create approximately 50 direct or indirect jobs.

Mr Barlow addressed the key issues raised. In terms of the provision of affordable housing the scheme provided by Gleeson Homes was affordable compared to other new builds.

An independent noise assessment had been undertaken both during the day and at night. The proposed mitigation measures complied with the requirements of the Environmental Health Unit, and the proposals met national requirements in terms of separation distances between the houses and the industrial units.

There was not a blanket objection to the proposed mixed use from the factory units. Not all of the factories had objected, including the nearest to the site.

The rear gardens of properties on the western edge of the site ranged between 8 and 15m in length.

As stated by Planning Officers the proposals complied with the NPPF, and discussions had taken place between the Highways Authority and their own Highways Consultant with regard to the access arrangements. The proposed access complied with national requirements and was located in the most suitable position to create an interesting and attractive housing development.

In conclusion he felt that he had responded to the concerns raised and that if the application was approved an attractive housing development would provide local housing for local people.

The Chairman asked D Stewart, Highways Officer to respond to concerns expressed about the proposed access. The Officer confirmed that there had been dialogue between Highways Officers and the Highways Consultant on behalf of Gleeson Homes. Whilst the advice of the Highways Authority did not preclude a crossroads layout it was pointed out and acknowledged by the Highways Consultant that the access would be better served being offset from the adjacent industrial access. Notwithstanding this the location of the access to the east as proposed by the Applicant would not sustain a refusal of the application on highway safety grounds.

He continued that the highway network predominantly served industry but already served some dwellings and was a through road which carried other traffic. This mix of vehicles and the increase in residential traffic from the proposed development did not justify refusal of the application on highway grounds.

Councillor Boyes remarked that Bishop Auckland seemed to be well-served by new housing and asked how many dwellings had been allocated within a few miles of this site.

In response the Senior Planning Officer provided information about recent planning permissions granted but referred Members to the key comments from the Spatial Policy Section regarding sustainability of the site, adding that Bishop Auckland was a town where growth would be expected. Other sites with planning permission remained undeveloped, however there was interest from a developer to build on this site.

Councillor Boyes commented that there seemed to be other more attractive sites for development in the local area, given that Dovecot Hill was located close to an industrial estate.

Following a question from Councillor Davidson the Senior Planning Officer advised that the area of ground at the north east corner of the industrial estate was included in the Wear Valley Local Plan (WVLP) and was part of the allocation for the industrial estate.

Councillor Todd stated that on the site visit he was struck by the amount of noise. Standing on the eastern edge adjacent to the terraced houses he could clearly hear noise emanating from the factory on the western side of the site. He considered that substantial measures would be required to mitigate the impact of this. Development would put pressure on businesses to reduce noise, having a detrimental effect on the ability of the industrial estate to succeed.

The Chairman stated that the Environmental Health Unit considered that the proposed mitigation measures were acceptable and that the noise assessment was sound. The Highways Authority was also satisfied that the proposals were acceptable. Gleeson Homes had a record of delivering low cost housing and other sites identified for development may not deliver accommodation of this type.

Councillor Wilson stated that she had listened to the arguments and submissions put forward. The Member had previously worked on the industrial estate which had expanded over the years. She advised that the site visit had been held over a lunchtime and that it would be noisier at other times of the day. In the summer months residents would have windows open and she questioned whether the acoustic barrier would be sufficient to mitigate the noise.

The Member continued that the road was used as a through route and in her own experience it was difficult to get in and out of the industrial estate on occasions. She also questioned the feasibility of locating a play area in the vicinity that would be safe for children as there were a number of roads to cross.

Notwithstanding the proposals to provide low cost housing she was of the view that it would be undesirable to live on a development with existing houses on one side and an industrial estate on the other.

Councillor Clare believed that if saved Local Plan Policy BE14 had been the only planning consideration this site would be rejected. However he understood that BE14 had to be assessed against NPPF Guidance and asked to what extent this detracted from weight afforded to the Local Plan Policy.

He was impressed by the proposed noise mitigation measures and was convinced that it would protect the houses from noise from the factory, however he feared that it would not protect the factory from the impact of housing as it was not future-proofed. He was concerned about damaging the sustainability of the industrial estate if the application was approved. He asked to what extent this was relevant to the Committee in making its decision.

With regard to BE14 the Chairman referred to paragraph 45 in the report which stated that although the development of the site would conflict with saved policy BE14 of the Local Plan the allotment use of the site which warranted the designation had ceased.

Councillor Clare was of the view that BE14 did not apply purely because the site had been allotments but because it was open space.

By way of clarification N Carter, Legal Officer advised that the degree of weight to be attached to BE14 was a matter for Members of the Committee, having regard to consistency with the NPPF. The future intensification of industrial uses on the estate and the impact on residents, as well as the businesses were material planning considerations and it was for Members to decide what weight to attach to these, having regard to the advice of the Environmental Health Unit.

The Senior Planning Officer responded to issues raised and concurred with the Solicitor that future intensification of industrial uses was a planning consideration but Members needed to bear in mind that Environmental Health, in providing advice about noise mitigation, had taken into account the protection of residents and the possibility of statutory nuisance.

He continued that Policy BE14 should be given weight but needed to be balanced against NPPF Guidance in terms of housing delivery. The Council's Open Spaces Need Assessment highlighted that there was a significant over provision of Amenity Open Space within this area of Bishop Auckland. This site was seen as a less valuable area of open space.

Councillor Patterson was not convinced of the need for additional development in the area and queried the number of houses identified in the SHLAA. She felt that sustainability was a key issue, and referred to a similar development in her own division where new properties built next to industrial units could not be sold and where complaints had arisen. Businesses and jobs had been lost as a result. She was also concerned for the safety of families that would live in the new housing in view of the volume of traffic and HGVs on the industrial estate.

With regard to Local Plan Policy BE14 and the NPPF she considered that this was an area of open space which should be protected. She failed to see how the noise could be mitigated against, especially in the summer months when residents had windows open. Councillor Patterson moved refusal of the application.

In seconding Councillor Patterson, Councillor Zair commented that housing was over-subscribed in this area with some sites with planning permissions left undeveloped. The proposal was contrary to saved Local Plan Policy BE14.

Councillor Gunn had some concerns about the location of the proposed development. The Spatial Policy Unit advised that the principle of developing the site for housing would accord with the other policies of the WVLP and the NPPF objective of locating housing in suitable locations which offered a good range of community facilities. The Member was of the view that the application failed to demonstrate that the site was a suitable location, in terms of noise and separation distance, or that a good range of community facilities were offered. A contribution of £61k would be made towards the provision/maintenance of open space and recreational facilities but where these would be provided was not known. These were key concerns in terms of sustainability of the development.

The Chairman made the comment that house building was also an industry and a key part of the economic development of the County.

Councillor Davidson stated that he was familiar with a conflict between an industrial premises and a newly built estate which had resulted in the re-location of the business, but he did not believe that such a conflict would arise here. A substantial noise barrier was proposed, he was satisfied that there were no highway or traffic issues and the principle of development of this site had been addressed in the report. He understood that a key concern was the proximity of houses to an industrial estate but given the advice of Environmental Health he did not consider that this would be an issue. He therefore supported the Officers' recommendation of approval.

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

That the application be refused for the following reasons:-

1. The proposed development would result in the loss of an area of open space which contributes to the character and amenity of the area, contrary to saved policy BE14 of the Wear Valley District Local Plan.
2. The development is not considered to represent Sustainable Development when considering all of the elements of the NPPF and would give rise to a development that is poorly related to neighbouring uses and community facilities.

At this point Councillor Nicholson returned to the meeting.

**b DM/14/03652/VOC - Glencrest, Butterknowle, DL13 5LW**

Consideration was given to the report of the Senior Planning Officer regarding an application for the removal of condition 7 of permission 6/2010/0083/DM (occupancy condition) (for copy see file of Minutes).

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

J Lavender addressed the Committee on behalf of the applicant. He accepted this was unusual given the short timescale since the planning permission was granted in 2010 for the dwelling to provide proprietor/manager accommodation. The application to have the occupancy condition removed was because of unavoidable circumstances.

The business had been set up 34 years ago and was well-established regionally. In the 5 years since the application was granted the applicant and his wife had suffered health problems, and this combined with the recession and greater competition from facilities located closer to towns had impacted on the business and it was now unviable. The existing location would not be sustainable for a new business starting up.

The dwelling was located in countryside but it was not isolated, being situated across the road from a recent housing development.

In conclusion he stated that personal circumstances had conspired to make such an application necessary. The new dwelling was designed to suit the applicant's personal circumstances.

In response to a question from the Chairman the Senior Planning Officer confirmed that the applicant had resided in the existing property for the last 34 years and that there was no occupancy condition attached to it. The dwelling was associated with the kennels and there was no requirement to close the business if the property was sold.

Councillor Boyes referred to the application submitted in 2010 and the visit to the site at that time which he remembered being located in the countryside. He recalled that concern had been expressed that this situation may arise and whilst he sympathised with the circumstances of the applicant he could not support the application.

Councillor Clare stated that the report explained that planning permission had been sought in 2010 for a building for a proprietor/manager to live there. However he noted from the report that the applicant and his wife had requested the Committee to sympathetically consider the application to remove the occupancy condition of the new dwelling to enable them to live in the property which had been designed to recognise their health conditions.



Local Plan Policy and the NPPF were clear. These policies were designed to prevent applications of this nature and to support businesses in the countryside. He therefore moved refusal of the application.

Councillor Richardson explained that he had been uneasy about the situation and had asked for the application to be brought to Committee in view of the length of time since the planning permission was granted in 2010 for the new dwelling and the submission of the request to remove the occupancy condition.

Councillor Davidson seconded the motion to refuse the application.

**Resolved:**

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