

## DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 18 June 2015 at 2.00 pm**

### **Present:**

**Councillor H Nicholson (Chairman)**

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

Councillors D Bell, J Clare, K Davidson, J Gray, E Huntington, S Morrison, A Patterson, G Richardson, L Taylor, C Wilson and S Zair

### **Also Present:**

A Caines – Principal Planning Officer  
G Martin – Nuisance Action Team Leader  
M Anslow – Senior Environmental Health Officer  
C Cuskin – Solicitor – Planning and Development

### **1 Apologies for Absence**

Apologies for absence were received from Councillors M Dixon, D Boyes and C Kay.

### **2 Substitute Members**

Councillor J Gray substituted for Councillor M Dixon.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Minutes**

The Minutes of the meeting held on 14 May 2015 were agreed as a correct record and were signed by the Chairman.

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

#### **5a 3/2014/0008 - Land East of Fairfield Cottages, Stanhope, Bishop Auckland**

Consideration was given to the report of the Principal Planning Officer regarding an application for the erection of 9 dwellings (for copy see file of Minutes).

A Caines, Principal 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.

Mr S Heptinstall, the owner of adjacent Fairfield House addressed the Committee against the application. He commenced by referring to the amount of correspondence he had produced relating to the application which was indicative of how passionately he felt about the proposals and his certainty that the development would be damaging to the business at Fairfield House.

He appreciated that it was a difficult challenge for Members to choose between the need for housing and supporting one of Durham's core strategies to use tourism to regenerate the rural economy.

The initial success of Fairfield House demonstrated how realistic these aims were. In less than two years a single self-catering venue had brought over 1,500 visitors to Weardale with bookings for over 1000 more.

His business partner was the representative for Weardale AAP and he had been working with Wear Valley Network so appreciated the difficulty of bringing tourists to the area when it was surrounded on three sides by the Lake District, Northumberland and the Yorkshire Dales.

Guests at Fairfield House spent time and money in the local area, which included a party of 16 visitors from Cumbria recently. Larger parties also used bed and breakfast accommodation in the town.

Mr Heptinstall questioned whether the business would be able to compete on a national level when it was adjacent to a building site and a housing development and was concerned about the potential impact of reviews on social media as a result.

Referring to the noise assessment which stated that residents would not be disturbed by guests if they kept their windows closed, he asked if in reality people living in such close proximity would do so and not complain.

The noise report was not based on actual noise at Fairfield House but based on, at best, an educated guess. If these assumptions were wrong the mitigation measures proposed would not work.

He believed that current visitor numbers could be doubled with the development of mid-week and corporate bookings but the noise assessment took no account of any future development of Fairfield House.

The proposals conflicted with Planning Policy and DCC's Sustainability Section had raised concerns about the site's distance from secondary schools, major retail centres, supermarkets and large employers. He could see no case made that there was a demand for these houses.

In his view legislation appeared to be clear that permission should not be granted where developments were in conflict with the users of adjoining land. He questioned whether it was worth putting the future of both Fairfield House and Morningside Holiday Cottages at risk for nine expensive houses.

If the development went ahead it would limit the potential of Fairfield House and would impact upon the members of the team.

Jo Robinson, the Applicant's Agent addressed the Committee in support of the application. She clarified that the application had not been opportunistic and the applicant had worked closely with Officers to create a bespoke development. Officers' comments had been taken on board and this application represented a revised proposal which addressed concerns raised.

The site was located within an established residential area within the built up area of the settlement of Stanhope. The application accorded with Planning Policy and constituted sustainable development.

Jo Robinson then addressed the 2 key issues; design and impact on amenities of adjoining users and the potential conflict from noise.

In terms of design and impact on the amenities of adjoining users she explained that the application site was within the Conservation Area and therefore the applicant had ensured a high quality development which respected the wider context of the site. The proposals would preserve the character and appearance of the Conservation Area. The proposed development was in a town centre bordered by existing dwellings, and properties with views of other houses was not unusual in the area. The site level was lower than the entertainment area of Fairfield House.

With regard to noise, she appreciated the concerns expressed and the need to ensure that there was no impact on the business of Fairfield House. The applicant had worked with Noise Consultants who had undertaken a comprehensive assessment. All source noise was incorporated into the report and had taken account of the amended layout and the need to safeguard the business interests of Fairfield House. The noise assessment had concluded that the impact of noise could be controlled with mitigation measures. The Council's Environmental Health Officers were satisfied with the findings of the report.

In conclusion there would be no detrimental impact on local amenity and no conflict between the proposed development and the normal activities of Fairfield House.

Councillor Davidson referred to comments from the Council's Archaeology Section in relation to terracing in the landform and asked if this had been addressed in the report. The Principal Planning Officer responded that paragraph 38 in the report noted the terracing which may have been evidence of past agricultural ploughing practice but that it was not considered to be of any great significance. As the site would largely retain the terraced landform the interpretation would not be lost, and therefore further investigation was not deemed to be necessary.

Councillor Richardson expressed concern that the Parish Council had offered objections to the application, and would listen to the views of other Members before reaching a decision.

Councillor Davidson considered that determination of the application hinged on the potential for conflict between the development and the users of the adjoining land. Having visited the site he appreciated the views but they were only visible from a relatively small part of Fairfield House. He considered that there was no impact on Morningside Cottages but the potential conflict with adjacent Fairfield House was still in question, and having heard the strong submissions made by Mr Heptinstall he would reach a view following Member discussion on the application.

Councillor Wilson made the comment that the roads were very narrow and questioned the impact this may have on the ability of service vehicles to access the site. The Principal Planning Officer responded that existing houses in the locality were already served by service vehicles and the Highways Authority had offered no objections.

Councillor Patterson concurred with the comments of Councillors Davidson and Richardson. A key issue for the Member was that the site was outside the development limits and in the Conservation Area. She also noted that the Parish Council had objected to the application and that the land was of high value. Councillor Patterson appreciated the importance of ensuring the continuing success of local businesses and was concerned about the potential impact of noise. She did not consider that it was realistic to expect residents to keep windows closed and asked Environmental Health for their views.

G Martin, Nuisance Action Team Leader stated that the Noise Assessment had considered the impact of Fairfield House on new residents. The assessment was robust and included a number of scenarios based on the use of Fairfield House. Residents would be protected by proposed mitigation measures.

In response to a further question from the Member who noted that the assumptions about noise levels had been based on theory and not from actual activities at Fairfield House, the Officer advised that noise assessors made assumptions based on available data and it was not always possible to obtain data from real situations.

In sharing the misgivings of the Committee about the application, Councillor Clare considered that there were two significant issues; impact on views and noise. He appreciated the concerns of Mr Heptinstall that having purchased a business that overlooked a field he had now discovered that it was to be developed. However he was convinced by the Officer's argument that this would be mitigated against as the house levels had been lowered. It was established on the site visit that the views across the distance would not be significantly affected and there was a need to take into account that there were already houses surrounding Fairfield House, although he accepted that the proposed development would be much closer. Visitors to Fairfield House already looked across at rooftops to the hills in the background and therefore there would be no significant change to the existing views.

With regard to noise he was reminded of a previous application which had been refused because of the proximity of proposed houses to an industrial estate and where potential noise pollution had been deemed sufficient to warrant refusal of the application. He therefore considered this to be a real issue, however in his view, as much as he sympathised with the objector, and although residents who moved into the development may complain, he could not ignore the views of a noise assessment carried out by an expert and which had been supported by Officers.

Consequently, although on a personal level he would like to refuse the application, he did not believe that there were sufficient planning grounds to do so. Councillor Clare moved that the application be approved.

Councillor Davidson concurred with the views of Councillor Clare, and in seconding the motion to approve the application made the comment that noise produced by Fairfield House would be at regular times, similar to other working premises located next to residential development, such as schools, and as such residents may not have grounds for complaint.

**Resolved:**

That the application be approved subject to the conditions and reasons outlined in the report.