

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 23 March 2017 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors M Dixon (Vice-Chairman), B Armstrong, J Clare, P Conway, E Huntington, C Kay, S Morrison, A Patterson, G Richardson, L Taylor and C Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors D Bell, K Davidson and S Zair.

2 Substitute Members

Councillor P Conway as substitute Member for Councillor K Davidson.

3 Declarations of Interest

Councillor C Wilson declared an interest in agenda item 5 (c) as a Board Member of County Durham Housing Group and informed the Committee she would leave the meeting during discussion of this item.

4 Minutes

The Minutes of the meeting held on 16 February 2017 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/16/00528/FPA - Dovecot Hill, South Church, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 56 dwellings with associated infrastructure works and access (resubmission) at Dovecot Hill, South Church, Bishop Auckland (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph, photographic views across the site, proposed site layout and proposed house-type elevations.

Mr J Lavender addressed the Committee to object to the application. He informed the Committee that the proposed development was too near to the well-established South Church Enterprise Park and agreed with the officer's view in the report that the future of the Enterprise Park could be prejudiced by this development. The nearest dwelling on the proposed development would be only 15 metres from industrial premises and the potential impact of the development on businesses could not be minimalised. South Church Enterprise Park businesses had already been prejudiced because of new houses and although there was a demand for new housing, job retention and expansion should be a priority.

Mr C Dodds of Gleeson Homes addressed the Committee in support of the application. Since an application for development on this site was dismissed on appeal in 2016 the applicant had worked hard on mitigation issues to address noise from the Enterprise Park. Noise assessment and noise monitoring had been carried out. Environmental Health had raised no objection to the proposed development and considered that the proposed mitigation works would address the issue of industrial noise. The applicant had proven through the work carried out that this was an appropriate location for residential development.

Councillor Wilson informed the Committee that she had attended a site visit to the site when the application for development was first submitted in 2015. Noise from the Enterprise Park was horrendous and traffic problems at the location meant that this was not a good site for residential development. Additionally, some premises on the Enterprise Park worked night shifts and it would be unfair to potentially prevent this because of noise caused to this development. Councillor Wilson **moved** refusal of the application.

Councillor Dixon informed the Committee that he too had attended the previous site visit. The previous application was refused on appeal because the Inspector considered that existing businesses would be likely to be hampered in their ability to carry out their day to day activities and unable to expand without additional burdens in the form of noise controls being placed on them. Additionally, development of this site could reduce or prevent the potential for businesses to move on to the Enterprise Park. Councillor Dixon **seconded** refusal of the application.

Councillor Clare informed the Committee that he considered there was little difference between this application and the one which was refused on appeal in 2016 because there would still be housing next to factories. There was therefore still the potential for future noise complaints should dwellings be built.

Councillor Kay informed the Committee that if an application for an industrial development was made near to a housing development there would be strong objection from the housing development. This was economic industrial land and the site was unsuitable for residential development.

Upon a vote being taken it was

Resolved:

That the application be refused for the reason contained in the report.

b DM/16/02643/OUT - Land To The North And East Of Startforth Morritt Memorial School, Startforth, Barnard Castle

The Committee considered a report of the Senior Planning Officer regarding an outline application for 40 dwellings with access (all other matters reserved) on land to the north and east of Startforth Morritt Memorial School, Startforth (for copy see file of Minutes).

T Burnham, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph and photographs of the site from various locations. Members of the Committee had visited the site in the morning and were familiar with its location and setting.

The Senior Planning Officer informed the Committee that if the recommendation for refusal as contained in the report was approved there would be a need to remove refusal reason 3 because ecology issues had now been addressed.

Mrs S Boaden, local resident, addressed the Committee on behalf of Startforth residents to object to the application.

In 1984 three planning applications for this site were refused on the grounds of highways safety because the roads at the site location were narrow and junction onto Church Bank was difficult with poor sight lines. Nothing had changed since the refusal of those applications other than farm traffic which used the roads had increased in size, which made the highway safety issue more hazardous. Footpaths along the road leading to Church Bank were either very narrow or non-existent with very poor lighting.

A further application for the development of 35 houses on the site was refused in 1990 on the grounds of landscape impact. This application was for 40 houses and therefore the negative landscape impact would be increased. The application site was in an area of high landscape value and the field provided a visual amenity and spectacular views.

The application site provided rural separation between the developments of Low and High Startforth and listed buildings on the north side of the site would be overlooked.

The nearby Gill Beck was prone to flooding and any increased surface water drain off from this proposed development would increase this flood risk.

Startforth had no amenities and it was a steep walk or cycle ride to the nearest amenities in Barnard Castle. There were already plans for housing in Startforth at the Young Offenders Institute and if approved this application would increase housing in Startforth by 62%.

Councillor T Henderson, local Member, read the following statement from Councillor R Bell, local Member:

I would ask members to note the previous planning history of the site under Teesdale District Council, which refused permission in 1984 and 1990 and note that most of the legacy plans and policies from the District Council are still operative today, in the absence of the County Durham Plan.

I note the strong reservations of the highways department regarding both vehicular and pedestrian access, and note that 40 dwellings would mean car ownership of 60 to 80 and considerable traffic.

I note the Conservation Officer opinion that the development would have significant harmful effects on the character and appearance of the area, and the setting of designated heritage assets.

I regret to say that following the closure of the primary school there are no local services to support, no school, pub or shop.

I can find no planning reasons to depart from the officer's recommendation that permission be refused.

Councillor Henderson informed the Committee that he endorsed the statement from Councillor Bell.

Mr Alex Cowing, agent for the applicant, addressed the Committee in support of the application.

The County Durham Plan was currently on hold and Durham County Council was unable to demonstrate a five-year supply of deliverable housing land. As such, in accordance with paragraph 49 of the NPPF the application should be considered in the context of the presumption in favour of sustainable development.

The site was located immediately adjacent to the south-western development limits of Barnard Castle and Startforth and as such, was sustainably located with regards to access to core services including; shops, schools and employment opportunities within Barnard Castle.

The proposed development would provide 15% affordable housing which would contribute to the delivery of objectively assessed affordable housing need within the district and would improve the housing tenure mix of the area.

An indicative layout of the site illustrated that more publicly available views to Barnard Castle and the Church of St, Mary's would be opened up as well as creating a new view to the Bowes Museum.

An indicative layout had been submitted that illustrated how the site could respond to the important landscape features of the site, including the retention boundary trees and key views, and the separation of Startforth and High Startforth through utilising public open space and additional planting and landscaping. The application was supported by a number of technical assessments, all of which outlined the acceptability of the site for residential development.

The proposed development would not result in any significant adverse impacts that demonstrably outweighed the benefits which arose from the scheme.

The Senior Planning Officer informed the Committee that sustainable development was supported and the balance to be considered was whether the benefits of the development would outweigh the adverse impacts of the development. The proposed development would have a significant harmful effect on the character and appearance of the area which was of high landscape value and framed the setting of part of the Barnard Castle Conservation Area.

Councillor Richardson informed the committee that he knew the area of the proposed development, which was a greenfield site and agricultural land. There were strong reasons in the report for refusal of the application and Councillor Richardson **moved** that the application be refused.

Councillor Kay informed the Committee that applications for this site had been refused three times in 1984 and once in 1990 for the same reasons as refusal was now recommended. This was a greenfield site and development would be taking place elsewhere in Startforth. Councillor Kay **seconded** refusal of the application.

Councillor Clare informed the Committee that the issue of coalescence between Low and High Startforth was a relevant one and that this proposed development site served as a buffer between the two settlements.

Councillor Dixon informed the Committee that he agreed with the comments made by Members. The failure to demonstrate a 5 year housing land supply did not automatically result in planning permission being approved, and any development on this site would have a negative impact on the character and landscape of the area.

Upon a vote being taken it was

Resolved:

That the application be refused for reasons 1, 2 and 4 contained in the report.

Councillor C Wilson left the meeting.

c DM/16/04017/FPA - Land At West End Villas, Crook

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 40 dwellings on land at West End Villas, Crook (for copy see file of Minutes).

T Burnham, 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 elevations.

The Senior Planning Officer informed the Committee that it was proposed to amend Condition 6 of the application which related to contaminated land if the application

was approved, with any modifications to be undertaken in consultation with the Chairman of the Committee.

Councillor Patterson informed the Committee that she was delighted that this scheme, which would provide much needed bungalows and affordable accommodation, had been submitted. The highways concerns which were raised had been addressed by the provision of additional parking spaces. While she would have liked to have seen alternative s106 schemes, she accepted that this may have affected the viability of the development. Councillor Patterson **moved** approval of the application.

Councillor Dixon sought clarity on the letter of concern which had been received for the application. The Senior Planning Officer replied that the concern related to a property whose landing and hall window would overlook the proposed scheme. These windows were classed as non-habitable windows and therefore separation distances which would normally apply to habitable room windows would not apply.

Councillor Richardson **seconded** approval of the application.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the completion of a section 106 agreement to secure a minimum of 10% affordable housing and the conditions contained in the report, and the amendment to Condition 6 as necessary following consultation with the Chairman of the Committee.

Councillor C Wilson re-joined the meeting

d DM/17/00041/FPA - The Forresters Arms, 35 Collingwood Street, Coundon

The Committee considered a report of the Planning Officer regarding an application for the conversion of a building to provide 6 self-contained flats at The Forresters Arms, 35 Collingwood Street, Coundon (for copy see file of Minutes).

A Harkness, Planning Officer gave a detailed presentation on the application which included a site location plan, photographs of the building, the proposed access/parking area, proposed site plan and proposed internal layout of the flats.

Councillor Kay informed the Committee that the application was within his electoral division. The building had been a public house which closed in 2013/14 and since then various proposals for the building had not been completed. The proposal for consideration was for conversion into six one-bedroomed flats, which would do nothing for the local housing supply because there was a glut of one-bedroomed flats and houses in the area.

The proposed flats would not cater for young families and Councillor Kay was unsure where demand for the flats would come from. The proposed development

was contrary to Policy H3 in the Wear Valley District Local Plan which stated that development would be directed to those towns and villages best able to support it and also Policy GD1 which stated all new development and redevelopment should be designed and built to a high standard. Policy H18 of the Local Plan which referred to the subdivision of premises stated that developments should have suitable access, parking and amenity space and although the proposed development provided 5 car parking spaces Councillor Kay considered that these would not be used because this would necessitate reversing from them onto the main road. Cars would therefore park on B6287 to the front of the development, which was used as a short cut by vehicles, including HGVs.

Paragraph 50 of the report referred to Coundon having a frequent bus service, yet this was not the case. Bus services were not frequent and there was no service on a Sunday.

Paragraph 59 of the report referred to the proximity of the Durham Ox Public House to this proposed development. This was the most popular pub in Coundon and staged live music every weekend, and this noise could impact on the amenity of owners and tenants of the proposed flats.

While the proposed development would be an improvement to the current state of the building, improvement should not come at any price. Councillor Kay informed the Committee he could not support approval of the application in its current form.

D Stewart, Principal DM Engineer informed the Committee that the Manual for Streets carried a great weight when determining planning applications. There was a decent bus service from Coundon and a bus stop was 40 metres from the location of the proposed development. This proposal was not a new build but was a conversion, and other possible uses it could be converted for, for example a restaurant, would result in greater parking problems. Refusal of the application on highways grounds would be unlikely to be sustained on appeal.

Councillor Dixon informed the Committee that the current building was a problem and a blight. Future parking problems were speculation and the application could not be refused on the basis of who might live there. Although there may be other premises in the area which were empty, this was a risk for the developer and was not a relevant planning consideration. Indeed, changes to the benefits system could lead to a future need for this type of accommodation. The development would be an improvement on the current blight, there were no highways objections and Councillor Dixon **moved** approval of the application.

Councillor Clare informed the Committee that it could not foretell whether this development would be of a benefit to the community, and this was not a planning issue. The application was not being made by the person who would be carrying out the conversion and who might purchase the building in the future, again, was not a planning consideration. Councillor Clare, while accepting the issues raised by Councillor Kay, agreed with Councillor Dixon that there were no planning reasons to refuse the application. Councillor Clare **seconded** approval of the application.

Councillor Armstrong asked whether the internal floor area of the proposed flats was known. The Planning Officer, following a discussion with the agent, replied that each flat would have a floor area of 50m². Councillor Armstrong considered that the flats were not going to be homes and that 6 flats was too many for the building.

Councillor Conway informed the Committee that Councillor Armstrong had illustrated his concerns about the number of units proposed for the building and asked whether any discussion had taken place with the applicant regarding the number of units. More substantial flats would be more marketable.

The Planning Officer informed the Committee that no discussion had taken place with the applicant regarding alternatives and that the application had been considered under NPPF 14, whether the adverse impacts of the development were outweighed by the benefits of it. C Cuskin, Planning and Development Solicitor referred to the discussion about the number of flats and advised the Committee it must consider the application as presented in planning terms.

Councillor Conway informed the Committee that while he was keen for the streetscape to be improved he had concerns about the application. However, it was difficult to express these in planning terms. He asked whether consideration of the application could be deferred pending further discussion with the applicant.

In response to a question from Councillor Dixon it was confirmed that a requirement to join the registered landlord scheme could not be a condition of the planning permission.

The Planning and Development Solicitor advised the Committee against any form of amended application and to consider the application as presented to it. Residential amenity and noise matters were relevant planning issues.

The Planning Officer informed the Committee that the Environmental Health Officer had advised there had been no statutory complaints regarding noise from existing residences in the proximity of the Durham Ox pub. The application building formerly had residential use on the first floor and therefore residential use had been established.

The Planning and Development Solicitor asked the Planning Officer to clarify the situation in respect of residential amenity versus statutory nuisance. The Planning Officer replied that the application had been considered in accordance with NPPF123 and the Environmental Health Officer considered amenity impacts to be acceptable.

Councillor Kay informed the Committee that it was unknown whether the proposed flats were to be rented or sold and whether they were to have different landlords. Councillor Kay **moved** refusal of the application.

Councillor Nicholson reminded the Committee it could not take ownership into account when determining the application.

Councillor Armstrong asked where bin storage would be for the proposed flats, and this was indicated by the Planning Officer. Councillor Armstrong informed the Committee that she considered there to be too many flats being proposed for the building.

Councillor Clare informed the Committee that a possible reason for refusal of the application was noise nuisance, although there was no evidence of this. The size of the flats had been discussed and Councillor Clare asked whether there was any minimum size for a flat. The Planning and Development Solicitor replied that relevant levels of residential amenity were a planning judgement.

The agent for the applicant informed the Committee of the history of the premises which had led to it being repossessed. To convert the building into only four flats would result in the conversion being unviable. Flats of 50m² were not out of the ordinary, particularly on new developments.

Councillor Richardson informed the Committee that he considered the proposed flats to be too small for people to live in.

Moved by Councillor Dixon, **Seconded** by Councillor Clare that the planning permission be approved.

Upon a vote being taken the motion was defeated.

Moved by Councillor Kay, **Seconded** by Councillor Patterson that the application be refused on the grounds that the number of flats proposed would result in substandard amenity space provision, and this together with the proximity to nearby public houses would fail to secure an acceptable level of residential amenity for new occupiers contrary to saved policies GD1(vi) and H24(v)(b) of the Wear Valley District Local Plan.

Upon a vote being taken it was

Resolved:

That the application be refused on the grounds that the number of flats proposed would result in substandard amenity space provision, and this together with the proximity to nearby public houses would fail to secure an acceptable level of residential amenity for new occupiers contrary to saved policies GD1(vi) and H24(v)(b) of the Wear Valley District Local Plan.