

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Remote Meeting - This meeting is being held remotely via Microsoft Teams on **Tuesday 2 March 2021 at 9.30 am**

Present:

Councillor J Robinson (Chair)

Members of the Committee:

Councillors J Atkinson, A Bell, J Clare, K Corrigan, K Hawley, I Jewell, C Kay, A Laing, G Richardson, A Shield, J Shuttleworth, A Simpson, F Tinsley (Vice-Chair), M Wilkes and S Wilson

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitutes.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes of the meeting held on 1 December 2020

The minutes of the meeting held on 1 December 2020 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/19/03766/WAS - Hill Top Farm, Winston, Darlington, County Durham, DL2 3RR

The Senior Planning Officer, Chris Shields, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of Minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site and details of the layout and access.

It was explained that the application was for the retention of existing buildings and for their permanent use for plasterboard recycling and furthermore to regularise the

grassed bund to the immediate south of the site. Temporary permission for this site granted for a period of 5 years had expired in November 2020 and therefore permission was now sought to make this permanent.

The Senior Planning Officer reported that in addition to the objections detailed in the report a further 4 petitions, containing a total of 237 signatures had been submitted in objection to the application along with a request for the committee to undertake a site visit, however under current COVID-19 restrictions this had not been possible. Concerns raised in the objections did not flag any new issues which were not already addressed within the report.

In terms of support, the application had received 160 support letters in total and despite claims that these letters were not genuine or repeats, it was confirmed that all letters had been checked and verified by Planning Officers.

Councillor J Cook, Winston Parish Council commented that he had been present at committee when temporary permission had been granted for this development, noting that at that time clear conditions were attached which the applicant had since ignored and no enforcement efforts had been made.

He noted that the business had grown enormously since 2015 and it was felt that due to the scale of the operation an alternative location should be sought. He further added that the business exceeded the local need for the recycle and the support from local farmers for this product and operation was not evident in this application. Many of the HGV's would be travelling long distances to deliver the product to non-local farmers. He further referred to redacted letters of support for the application from hauliers and farmers and questioned their validity.

He went on to reference the Spatial Policy and in particular highlighted sections relating to waste management and renewable power both of which he felt had not been fulfilled during the 5-year temporary permission period.

Councillor J Rowlandson, local Member addressed the committee and noted that whilst he had been an initial supporter of the original application, he did have concerns regarding alleged divisive behaviour and questioned the validity of the letters of support received. He went on to note that despite the business being run well by the applicant and little to no objections being received during its operation he was aware following meetings with the parish council that the issues caused by traffic were troublesome and therefore he objected to the application on those grounds.

In response the Senior Planning Officer pointed out to the committee that the original application had been time limited by the applicant not the council and it was therefore now correct for the applicant to seek to make to extend that via application.

Regarding complaints, he confirmed that there had initially been some dust issues before the building was fully established around 2017/18, however no further complaints had been received since that time. He further added that since this application had been submitted there had been several unsubstantiated complaints

received. In addition, further, to claims that letters of support were not genuine, he confirmed that officers had reviewed the original, unredacted copies and were confident that they were genuine and were from both local farmers and some from further afield.

In response to comments made regarding the business not serving local farmers, he commented that 80% of the recyclate was distributed within a 15-mile radius of the site. He noted that the remaining 20% was delivered to a wider area, however due to the low value of the product it would not be in the applicant's interests to seek to distribute further afield.

Mrs K Nichols, addressed the committee in objection to the application. She explained that she lived near to the plant and the B6274 which used to be a very quiet road was now unsafe to walk along due to the volume of wagons which travelled along it to access the plant. She noted that due to the narrow width and 2 pack horse bridges which wagons had to negotiate, the current site was not sustainable and the applicant knew this.

She further noted that the plant operated diesel generators and could not be classified as a rural business as it was a waste processing facility. She felt that the council had been complacent in its management of the site and urged members to refuse the application due to the impact on amenity.

Councillor A Thompson, North Yorkshire County Council addressed the committee in objection to the application. He advised that the applications had been highly controversial since day 1, and despite receiving assurance from the Principal Planning Officer that the application would be considered as new, this was now seen to not be the case.

He noted that the main highway servicing this site was littered with smashed road signs and litter and North Yorkshire County Council Highways were not able to object or complain.

Furthermore, the diesel generators used on site were not in line with the green agenda and the impact that the site had upon residents and the amenity of the area suggested that an alternative site should be found.

In response, A Inch, Strategic Development Manager advised that this application had indeed been treated as a new application and despite consulting with North Yorkshire County Council, no response or objection to the application had been received.

The Senior Planning Officer then showed the committee via a presentation that the photographs submitted and shown by the objectors did not accurately represent the views seen from the locations and suggested that this could be due to the distortion that could be gained from the use of different camera lenses.

In referring to the points made regarding diesel generators, he acknowledged that whilst this was not an optimal form of power generation, it was not uncommon and the applicant had made a commitment, which would be strengthened through a

condition, that the business would seek to put in place a low carbon alternative source of power in the future.

The Chair then welcomed the applicant to address the committee.

Mr Bainbridge, applicant, advised that the farm had been family run and owned since 1978 and it was hoped to secure it for future generations. The business whilst experiencing significant growth in 2015 no longer grew at this pace and this had been one of the reasons why temporary permission had been sought in 2015, whilst investigation of alternative sites could be carried out. Due to the slowing of growth the applicant was confident that it could comfortably operate within its current location and where issues had arisen during early days of operation these had now all been addressed.

He noted that all statutory consultees had no objections to the application and recent objections received from residents had been unsubstantiated.

The specialist facility employed 15 FT employees all of whom lived within 10 miles and the process diverted 99% of waste from landfill. He further noted that the rural location of this site was important as it was close to users of the gypsum which was sustainable and benefited local farmers greatly.

In conclusion he noted that the business had been 10 years in the making, with a target to move to sustainable future with 0% to landfill, whilst retaining local jobs and providing a valuable service to farmers in the area.

Councillor Bell, asked what conditions had not been met that the objectors had referred to and asked for further clarity of highway movements. In response the Senior Planning Officer confirmed that conditions attached to the 2015 permission had been adhered to. With regard to highway movements he explained that the position of the building had been slightly varied from the permission granted, however this was considered to be acceptable as it allowed trucks to turn on site and avoided waiting on the trunk road. He advised that other minor issues such as the timing of truck deliveries and dust had been mitigated early on and there had been no further complaints in this regard.

D Stewart, Principal DM Engineer advised that weekly movements on this road remained unchanged and this was also clear in terms of the transport statement. Maintenance of this road was also not unique. The B6274 was a classified route for HGVs, with recorded flows of 2 way traffic found to be light, between 800/1000 per day.

As a point of clarification N Carter, Solicitor reminded the committee that the application should be considered as new and points raised regarding enforcement should be disregarded.

Councillor Richardson added that he was aware that this had been an ongoing issue for some time, which had caused residents of Winston distress, noting that the main crux of the debate being over its location and suitability. Regarding the letters of support received he commented that as himself a farmer, he was aware

that obtaining letters of support was extremely difficult and understood and acknowledged the residents' concerns regarding their validity.

In referencing a previous meeting regarding planning process, he commented that he did not feel it appropriate for the Senior Planning Officer to defend his report as he did so.

He further raised a query regarding ownership and whether it was still a family run business.

In conclusion he added that in his opinion the application should be refused on the grounds that it would detrimentally impact and cause harm to the countryside and therefore **MOVED** that the application be refused.

Councillor Shield commented that he too was troubled by the application as despite the concerns from residents, there had been objections raised by the statutory consultees. He did, however, note that there was some merit in reviewing NPPF Part 8, Part 9 and Part 15 and Policy 10 and 31 of the County Durham Plan due to the impact on the open countryside, traffic and pollution. He therefore felt that he would be minded to second the proposal.

Councillor Tinsley added that the committee had the benefit of seeing how the business had worked over the last 5 years and the suitability of its location and appearance and whilst he acknowledged that this was not a typical development for a rural area, it generated vital employment and during its operation no objections had been received from the Environment Agency regarding alleged breaches of licence. He further acknowledged that there had been no objections received from both Durham County Council and North Yorkshire County Council Highways.

Councillor Wilkes added his concerns, specifically relating to HGV's using Winston bridge, given its age and intended use when it was built around 1760. He noted that should this bridge be out of action it would be a disaster for the area, and therefore queried how the council could be certain that it could safely accept this many HGVs. In addition, noting the proximity of this site to the A67 he felt that a more suitable location could be achieved. He therefore also felt that Policy 31 of the County Durham Plan could be applied in refusing the application.

The Principal DM Engineer noted that there was no requirement for the bridge to be strengthened to accept this number of vehicles and the B6274 alignment was able to accommodate strategic traffic, which also served other farms and businesses.

The Senior Planning Officer added that whilst he acknowledged that the development was technically development in the countryside it did not fall under Policy 10 of the County Durham Plan and should instead be considered against Policy 61 which takes into criteria set out in Policies 31, 39 and 21 of the County Durham Plan. Furthermore, he added that when considering the application, the strength of the bridge should not be considered, as it had been recently assessed and had works undertaken on it approximately 2 years ago and the deck was strong enough to support the traffic travelling over it.

Councillor Clare added that he felt it was inappropriate to question the officer's probity and members should defend them from such accusations.

Moving on, he referred to condition 7, which put in place a 6-month timescale for investigation of sustainable power sources and queried what would be expected by the applicant in terms of identifying an alternative source and implementation. He also queried whether once those details had been submitted whether this could be called-in for consideration by committee.

The Senior Planning Officer advised that this condition had been applied to address sustainability concerns. The applicant was already exploring options in this regard, however, this would require permanent permission to allow any such scheme to be more easily financed. He did however acknowledge that it was possible that a sustainable power solution may require a subsequent planning application. He confirmed that members would be able to call in the discharge of condition application for determination by committee.

In response Councillor Clare further commented that he understood the importance of this business exploring sustainable power solutions as a moral obligation given the company's reputation for producing a sustainable product from waste. Furthermore, should the application be refused the existing building could be used for something like pig farming which was far worse for the environment and neighbours.

Councillor Atkinson added that based on the information presented he agreed with the officer's recommendations and furthermore refuted allegations made by residents regarding the validity of received letters of support.

Councillor Kay commented that he knew this area very well and as a keen cyclist who used this road regularly, he was yet to notice the impact of HGVs and therefore disputed comments made regarding the road's suitability.

On the issue of vehicle movements, Councillor Wilkes asked a further question regarding at what point the culminative impact would go beyond the capacity / ability of the road to cope. In response the Principal DM Engineer advised that it was not possible to put a figure on it as several factors would need to be considered such as movements and alignment.

Councillor Laing added that she supported Councillor Tinsley's comments and agreed and supported those also raised by Councillor Clare.

Councillor Richardson **MOVED** that the application be refused on the grounds that it was contrary to Policy 31 and 39 of the County Durham Local Plan, due to dust pollution, noise impact and impact on the highway. **SECONDED** by Councillor Shield

Following a vote being taken the motion was **lost**.

Upon a vote being taken it was

Resolved:

That the application be **APPROVED** subject to the conditions contained with the report.

b DM/20/03070/OUT - Land to the North of Darlington Road, Barnard Castle, DL12 8QG

The Senior Planning Officer, B Gavillet, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of Minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site and details of the layout and access.

It was explained that the application sought permission for up to 100 dwellings with all matters reserved apart from the access. Indicative details of appearance, scale, landscaping and layout have also been provided which shows a scheme with a density of approximately 17.9 dwellings per hectare comprising dwellings with 2, 3, 4 and 5 bedrooms.

Councillor J Rowlandson, local Member and Chair of Stainton and Streatlam Parish Council noted that the application site was within an area of outstanding natural beauty and should be protected as such. Despite officers comments the proposed location was less than 100 metres from Stainton Grove which was an encroachment into the neighbouring community and he felt strongly that the historic nature of this this area should be protected from the problems associated with a development of this nature.

Councillor R Bell, local Member addressed the committee in objection to the application, noting that he endorsed the comments and concerns of the parish council in relation to the highway and general development of the town. He noted that there was increasing pressure on GP services and other local services and he was shocked to learn that the NHS did not raise these issues when consulted.

He added that there were adequate homes for sales in Barnard Castle and development of this site would result in urban sprawl. He noted that the County Durham Plan did not identify this site for development as it was incursion into the open countryside and Policy 6 of the plan appeared to have disregard for the SLAA.

In response the Senior Planning Officer advised that £45,000 had been requested as a result of a direct responses from the NHS to offset the impact of the new homes by upgrading and expanding the existing surgery.

Regarding comments made relating to the incursion into the countryside, he explained that Landscape Officers felt that the development would improve the settlement edge and would have no detrimental impact upon the countryside.

A Coulthard, addressed the committee to object to the application. He explained that Barnard Castle was a picturesque market town, which should be protected, to avoid loss of tourism through repetitive modernisation development. He noted that

he concerned to see that many of the supported to the application were in fact Banks employees and this should be investigated.

He went on to mention that Glaxo Smith Kline the main employer in the area, were reducing operations at this site and it was expected that there would be approximately 400 less jobs here in the future. The short-term jobs offered through the development of the housing site were not sustainable.

The Senior Committee Services Officer at this stage read a statement which had been submitted by Mr G Jupp, local resident who due to some technical difficulties was unable to put forward his views.

'I am speaking as I feel it important that you heard an alternative perspective to that set out by the applicant and to highlight just some of the disinformation that has been circulated.

I would reiterate that this site has not been allocated under the County Durham Plan. Yet this application attempts to bypass those restrictions using policy 6. However, the land is greenfield and is included in the County Areas of High Landscape Value, This proposal encroaches on that and will negatively impact the locality. The location is therefore inappropriate.

- a. The Transport assessment just does not tell the full story. There are regular queues of traffic and attendant delays at the A67/A688 junction
- b. There will be significant adverse impact on journeys - the transport assessment suggests 78% of traffic will turn right towards town. I suggest that the issue has not been properly scrutinised – A traffic survey conducted last December, during a lockdown with closed schools is hardly a typical scenario.
- c. The site is within walking and cycling distance of the town centre and facilities; however, the reality is that the vast majority of trips would be undertaken by motor vehicle – this is quite clear from observed behaviour at Ashtree Drive
- d. Bus services, are not comprehensive or suitable for regular commuting to outlying workplaces. The first west bound bus is not until 0926hrs.
- e. There are no dedicated facilities for cyclists, the application does not provide for any and Darlington Road is a trunk road. I regularly cycle from Castle Vale but only for leisure - the layout and terrain make it impractical for regular commuting or amenity trips.
- f. If walking, bus use or cycling to amenities is not practical then the development does not have good access to sustainable modes of transport.
- g. An electric car charging point and bike storage do not make a house sustainable, Banks have been asked for more details yet they have declined to provide any on a number of occasions.

I would draw attention to the attempts by the applicant to garner 'support' for the application; planning have received 156 supporting comments. The vast majority of these are in a standard format and had been generated from the applicants website. More striking is the fact that of these only 28 are from Barnard Castle and at least 52 are from Banks employees.

Banks group core value is proclaimed as 'development with care' - a noble sentiment but sadly lacking in this case – letters in local newspapers and press releases have criticised anyone opposing their plans, even suggesting recently that

residents were not being fair; perhaps Banks should consider if they are being fair by trying to impose another 100 houses on top of the 400 already built in the last few years.

Those voicing concerns clearly feel there will be negative effects by the development – why else would they oppose them? Trying to silence local opposition – bullying them - is unwarranted, unethical and certainly not developing with care.

On the original official closing date for public consultation last December there were 80 objections, the vast majority from residents, compared to a handful of support. To date there are more than 270 objections.

This application is speculative, cynical and profiteering. Much is promised but without substance – Banks will not be constructing but will sell the site, move on and not be accountable. It can be argued strongly that the application does not meet the criteria for Policy 6 and should be rejected’.

As a point of order the Solicitor advised that it was inappropriate for speakers to question the integrity of officers and asked that they refrain from doing so.

The Chair then welcomed J Lomax, Bank Group to the meeting who as in attendance to support the application.

J Lomax advised that the development would bring with it positive environmental, social and economic benefits by providing sustainable new homes and creating improved biodiversity. It was also acknowledged that there was a shortage of new and affordable homes in this area. Other positives included the creation of 60 FT jobs for a period of 3 years, 90 jobs indirectly and an additional £190K in Council Tax, plus the added boost that would be felt through retail spending in Barnard Castle.

L Hunter, local resident addressed the committee in support of the application. She advised that as a younger person living in Barnard Castle it was extremely difficult to purchase your own home as many of the properties for sale were too expensive for first time buyers. At present there was only 6no 2/3 bedroom properties for sale under £250k. Many homes in the town were now holiday or retirement homes and she therefore supported the application to ensure that younger generations born and raised in the area would continue to be able to live there.

The Senior Committee Officer then read a letter from P Shepherd, local resident who supported the application but was unable to attend the meeting.

‘As a mother and resident of Barnard Castle, I would like my children to have the opportunity to be able to live in Barnard Castle. Currently local children usually have to move out of the town to buy or rent their first home.

New affordable homes are needed so that Barnard Castle does not just become a retirement town. It needs to be a vibrant town with young families and people. Members will recall Startforth Primary School closed largely because of a lack of children caused by a lack of homes nearby that families could afford to buy or rent.

This project will create nearly 100 jobs during the construction phase, and on-going work for local trades people – including plumbers; electricians; landscapers; gardeners etc. I have a number of friends who have businesses in the town and know how much they have struggled throughout the last year. It seems nonsensical to me to turn away such private investment at this crucial time’.

Councillor Wilkes in referring to Policy 15 of the County Durham Plan asked whether 60% would be built to M42 standard including provision of bungalows. The Senior Planning Officer advised that Conditions 6 and 9 dealt with this requirement.

Councillor Wilkes further commented that he felt the application fell short of basic sustainability, with no homes proposing to have solar panels, ground heat source pumps and placing reliance upon gas boilers which were to be phased out. In addition, there was a number of empty properties in the near vicinity and therefore he felt that the application was not fit for purpose.

Councillor Richardson agreed with Councillor Wilkes’ comments noting that the site was good agricultural land and not identified for development, leading ultimately to overdevelopment in the area and a negative impact upon highways.

Councillor Tinsley commented that he accepted that Barnard Castle was location that people aspired to live and grow up and for that reason a lot of investment had been seen in this area. The town itself had a lot of facilities that others in County Durham did not and was well served to accommodate what he felt was a logical extension to the existing urban area. In addition, the identified target of 25,000 new homes had to date only allocated 5,400 and this had indeed been highlighted by the Planning Inspector when reviewing the County Durham Plan. He noted that the SLAA was not a primary consideration when determining this application. He therefore MOVED that the application be approved subject to the conditions contained within the report.

In response to comments made regarding letters of support the Senior Planning Officer advised that as highlighted in paragraph 79 of the report the vast majority of letters of support were in the form of a standard letter from addresses outside of the Barnard Castle area and therefore weight was given to them appropriately.

In relation to the suitability of the site, he noted that the location was ranked 10th and Policy 6 of the County Durham Plan dealt with land allocation.

Councillor Clare added that he was disappointed that the parish council were not in attendance, however noted their objection. He went on to reiterate Councillor Tinsley’s comments that the Planning Inspector had highlighted that the SLAA and County Durham Plan were too prescriptive in their allocation of sites and a need for housing was evident.

In relation to the sustainability of the proposed dwellings, he welcomed the inclusion of EV charging points, however felt that more would need to be done to make the homes more sustainable and noted that reserved matters should seek to achieve a reduction in CO₂ by way of condition. He further requested that Banks seek to procure employment locally.

Councillor Shield added that he had listened to some compelling arguments from both sides, however he did have some concerns regarding the application of Policy

6 and the interpretation of Policy 10 and 39, resulting in the potential coalition of adjoining developments.

Councillor Tinsley **MOVED** that the application be approved subject to the conditions contained with the report, **SECONDED** by Councillor Atkinson.

Resolved: That the application be **APPROVED** subject to the conditions and a section 106 legal agreement detailed within the report.