

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 27 April 2023 at 9.30 am**

Present:

Councillor M McGaun (Chair)

Members of the Committee:

Councillors G Binney, J Blakey, L Brown, K Earley, J Griffiths, P Jopling, C Marshall, E Peeke, J Purvis, K Shaw, W Stelling (Vice-Chair), A Watson and S Wilson

Also Present:

Councillors D Oliver and A Sterling

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute members.

3 Minutes

The minutes of the meeting held on 30 March 2023 were confirmed as a correct record and signed by the Chair.

4 Declarations of Interest

Councillor Stelling declared an interest in item 5(a) as it was within his division. He confirmed that he wished to speak in support of the item. It was agreed that he would leave the meeting during the debate.

Councillor McGaun declared an interest in item 5(b) as it was within his division but confirmed that he had made no pre-determination.

Councillor Marshall declared an interest in item 5(b) advising that the applicant was known to him and a family member was employed by NEAS.

He confirmed that he wished to speak on the item but would leave the meeting during the debate.

In respect to item 5(b) Councillor Blakey advised that when she was Chair of the Council 10 years ago, North East Autism Society was her chosen charity.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/22/03065/FPA - Site Of Former Pretoria Working Mens Club, Corbridge Road, Medomsley, DH8 6QY

The Committee considered a report of the Senior Planning Officer regarding the construction of a detached dwelling (for copy see file of minutes).

L Dalby, Principal Planning Officer provided a detailed presentation of the application which included a site location plan and the relationship to settlements, aerial photographs, photographs of the site and proposed layout and elevations. He explained there was an error in the report with regards to the address and clarified that 21 Cohort Close was the address of the applicant, not the address of the application.

Councillor Stelling, Local Member for Leadgate and Medomsley addressed the Committee in support of the application. He confirmed that he had visited the site many times when it was a club and it was difficult to say that the development was outside of a settlement as there were around 50-60 houses located there. A bus service passed the development hourly and a bus stop was located 50 yards from the development. With regards to shops, he confirmed that he had lived in the area for 71 years and there were two shops within walking distance. He confirmed that the development was sustainable in terms of transport and shops and that public houses were located in the nearby areas of Shotley Bridge and Ebchester. He highlighted that Highways had not objected to the application, nor had residents, and in his opinion, the copse of trees was not an issue. He stressed the houses were quality in terms of design and had spectacular views and did not believe the site to be in countryside. He informed the Committee that the applicant had been patient during what had been a long process and he believed that the application outweighed policies 6, 10 and 21 of the County Durham Plan (CDP). Councillor Stelling believed the application should be approved.

Councillor Stelling left the Chamber.

Ms C Pipe, Planning Consultant addressed the Committee on behalf of the applicant and thanked the Committee for the opportunity to speak. She noted that the application had been refused for four reasons which was double the

number of reasons for the original application that had been refused the previous year. She quoted the pre application response that was given in 2021 and advised that this advice had been given after the adoption of the County Durham Plan. With regards to refusal reasons one and two, Ms Pipe considered the site to be urban fringe as opposed to countryside and noted the proximity to bus stops that connected well to nearby towns and schools. Ms Pipe advised that an inspector had allowed an appeal in the area of Esh Winning due to the close proximity of a bus stop which made development sustainable. With regards to refusal reason 3, she stated that the development was proposed to be slate and stone and this was considered appropriate by officers. She also advised that an application for development was pending opposite the site which included five properties and explained how this highlighted the difference in density. In terms of refusal reason 4, she stated that the copse of trees had not been raised as an issue in the pre application advice and had not formed part of the previous refusal and advised that the foundations would not be near the tree roots noting that the nearest tree was 6 metres away. Ms Pipe believed that the development was sustainable, well connected, and the reasons given for refusal were unsubstantiated. Ms Pipe asked the Committee to support the proposal subject to a tree survey and allow the decision regarding harm to trees be delegated to officers, or alternatively, defer the application to allow the applicant sufficient time to provide the relevant information.

Councillor Jopling could not understand why the application had been recommended for refusal. She gave an example of a similar application within her ward which had been approved and whilst she appreciated the officer had done due diligence, she stated that as it was previously developed land, it would be disingenuous to prevent development of the last property. In her opinion, she did not believe the land or the trees to be special but suggested a tree survey be included as a condition. Councillor Jopling felt the application should be approved.

In response to Councillor Jopling's comments regarding the land being previously developed, the Principal Planning Officer stated that this was not the case and explained that the site had previously been grassland and was outside of the previous development site and clarified the location.

Ms Pipe clarified that the site was near terraced houses, a nursing home, and a car garage and was not situated alone as had been communicated by the Principal Planning Officer. The Principal Planning Officer agreed but explained that the test in policy 10 referred to settlements, not other developments, and he explained the definition of a settlement.

Councillor Jopling understood but felt there needed to be consistency with decisions. L Ackerman, Legal Officer (Planning and Highways) appreciated the comments from Councillor Jopling but explained that each application

needed to be considered on its own merit and stressed that the application could not be said to be exactly the same as a previous application as it wasn't in the same location or the same development.

Councillor Watson commented that he knew the area well and it was not in countryside. He considered the development to be executive in quality and which was needed to attract investment. In his opinion, the trees did not warrant a tree survey and noted that no objections had been received from Highways. Councillor Watson firmly believed the development to be in a settlement area which supported Policy 6 of the CDP and moved the application to be approved.

Councillor Brown pointed out that Policy 40 of the CDP was to protect trees and hedges. She went on to ask the Principal Planning Officer to explain the discrepancy between the committee report and the pre application advice.

The Principal Planning Officer explained that the original pre application advice was outline advice and was given by a specific officer. When planning application are submitted, he explained that a working group considers the site and decides whether it falls under Policy 6 or Policy 10 of the CDP, and it had been agreed that this application fell under Policy 10.

Councillor Brown asked if the Committee could be reminded of the comments from DCC landscape. The Principal Planning Officer read out paragraph 33 of the report.

Councillor Earley advised that he had attended the site visit and it was evident that the proposed development was on land that Pretoria Club was not on previously. He stated that trees could not be disregarded and needed to be protected. Whilst he appreciated that residents had not objected, he stated that policies were clear and confirmed that the application should be refused in line with the officers recommendation.

Councillor Peeke confirmed that she had attended the site visit and the copse of trees was not large and was likely not to grow any bigger. She commented that whilst it would be interesting to have a tree survey, she did not envisage the roots of the trees to be damaged by the development. She felt the application should be approved.

Councillor Marshall stressed it was important for pre planning advice to be consistent. In terms of sustainability, Councillor Marshall noted that many areas had seen a reduction in bus services over the years. He confirmed that he was minded to support the application and questioned if the tree survey could be mitigated or conditioned as he did not think this should delay a decision being made by the Committee.

The Legal Officer (Planning and Highways) advised that the Committee could not approve the application today as the tree survey could not be conditioned and officers thought it was necessary to approve the application, it was suggested however that the Committee could agree to defer the application subject to the completion of a tree survey for approval at a later Committee.

Following information from Ms Pipe who highlighted that there was no legal requirement to provide a tree survey, the Chair clarified that the requirement for a tree survey was not a legal requirement but had been legal advice from the officers. Therefore it was not compulsory to have and members could choose to approve without it.

He confirmed that Councillor Jopling **moved** the application to be approved without the requirement of a tree survey. This was **seconded** by Councillor Watson.

Resolved

That the application be approved subject to outstanding planning conditions delegated to officers.

b DM/22/02955/FPA - New Warlands Farm, Holmside Lane, Burnhope, Durham, DH7 6EX

The Committee considered a report of the Senior Planning Officer regarding the demolition of the existing barn and erection of a new mixed-use visitor centre (Classes E, F1 and sui generis) with associated access, parking, landscaping and drainage (for copy see file of minutes).

S Henderson, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photographs, photographs of the site and proposed layout and elevations.

Councillor Oliver, Local Member for the Lanchester division addressed the Committee in support of the application. He expressed his enthusiasm with the application and was impressed with the engagement work of the North East Autism Society (NEAS) and had found the team to be inspiring. He advised that he had visited the site and, in his opinion, the application could manage with regards to the CDP and planning policies. He explained that NEAS opened in 2010 and was well shielded, it employed 51 people and supported 53 autistic and neurodivergent adults. He emphasised the work that NEAS did was invaluable, and the application was an opportunity to expand on this and stressed that the public benefit was greatly beneficial. He considered the application to be unique and whilst highway access had been raised as a concern, he felt this could be appropriately managed. Councillor

Oliver believed the application was extremely positive and requested it to be approved.

J Phillipson from the North East Autism Society addressed the Committee. He thanked colleagues at DCC Planning Department for their collaboration, Members of the Committee for the opportunity to speak and thanked the elected MP's Kevan Jones and Richard Holden for their continued support of the proposal.

The charity had been delivering services at New Warlands Farm since 2010 and provided support and vocational training to 53 autistic people who also had learning disabilities. The farm and training centre employed 51 trained staff to provide structure, specialist personal support to each service user. Without this support many of the service users would not be able to cope and could lead to dysregulation resulting in hospitalisation or residential care.

In 2016, NEAS launched Employment Futures and the team supported 320 people towards employment each year. Whilst a significant number of the people trained gained full time employment, embarked on further training or commenced voluntary work, many needed more time to overcome long term challenges, learn the social skills required and gain confidence.

The proposed development would allow NEAS to deliver enhanced training, taking advantage of the farm environment. The development was only possible because of the training centre next door and the staff associated with this. The close availability of this staffing support as well as the administrative team would help to ensure a safe learning and development environment for service users. In addition to the existing staff team, the development would create 24 additional FTE jobs, providing work opportunities to local people who could be trained and require no professional qualifications. The shop and café would also stock locally produced goods and suppliers.

As part of this project, NEAS would work to re-wild the farm land creating a wildlife haven, managed for visitors. NEAS were committed to demonstrating that they could reduce their carbon footprint through using sustainable energy sources and their approach to ecology and conservation was to be an attraction for small school visits.

In summary, Mr Phillipson stated that this project created training opportunities for autistic people, created work for local people who required no prior qualifications or experience, worked to promote wildlife and diversity through managed re-wilding, demonstrated sustainable energy sources and electric vehicle charging, was accessible by walking; cycling or nearby public transport, drew visitors into the area in line with DCC tourism policies, and

created a safe place for families of autistic; neurodiverse or disabled people to enjoy a day out.

Councillor Marshall commended the great representations. He stressed that NEAS was a charity of regional importance and provided valuable support to vulnerable people giving them the prospect of independence and access to a paid job, which for some had been merely a dream due to barriers faced in society. He emphasised the importance of supporting rural organisations and noted the great sustainable features including the apple orchard. He believed that the application could only be delivered on the proposed site. He considered the proposal to be very special and unique and stated that the impact to neighbourly town centres would be minimal. Councillor Marshall emphasised the benefits of the application and its ability to create jobs and improve the environment and urged members to approve it and help the dreams of service users to come true.

Councillor Marshall left the Chamber.

Councillor Blakey welcomed the proposal and stated that all communities would benefit. She did not believe the proposed shop would impact on neighbouring town centres and confirmed that she fully supported the application. Councillor Blakey **moved** the application for approval.

Councillor Brown believed the application was excellent and would have no impact in terms of Policy 9 of the CDP. She **seconded** the application for approval.

The Principal Planning Officer agreed that NEAS was a fantastic charity and did a lot of great work but stressed that officers had to consider the application against the CDP and apply the relevant tests.

Councillor Watson confirmed he fully supported the application and noted it was unique and a great facility.

Councillor Earley agreed with the benefits of the application but expressed concern regarding increased traffic that could be generated in future.

Councillor Jopling felt the positives of the application outweighed the negatives and therefore supported the application.

Resolved

That the application be approved subject to outstanding planning conditions delegated to officers.

Councillor Wilson left the meeting.

c DM/22/03273/FPA - Explorer House, Butsfield Lane, Knitsley, Consett, DH8 7PE

The Committee considered a report of the Senior Planning Officer regarding the erection and use of a temporary warehouse building (70m x 30m) until December 2024 and three permanent welfare units (for copy see file of minutes).

S Henderson, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photographs, photographs of the site and proposed layout and elevations and confirmed that the application was recommended for approval subject to the conditions listed in the report. The Senior Planning Officer clarified that the application was retrospect in respect of the warehouse building and 2 of the proposed 3 welfare units.

Councillor Sterling, Local Member for the Delves Lane division addressed the Committee. She stated that Erwin Hymer was valued as a major employer not just in her ward but in the wider Consett area and she understood their business needs given the challenges of the last few years. Residents were not unreasonable and accepted that they lived beside an industrial unit and did not expect it to be silent.

The main issue was that the structure was built without permission and without going through the checks and balances of the planning department. The development was unfair and illegal and had caused particular problems for residents. If it had gone through planning, officers would have had the opportunity to look at the plans in detail and discovered that the position of the structure was extremely close to the homes of residents which were all bungalows and towered over them. Other structures on the site were built at a suitable distance away from the bungalows and had it gone through planning this would have been reviewed by officers.

The temporary nature of the building had led to a lot of noise pollution. In section 33 of the report the applicant tried to explain the source of the noise, but residents had complained to her that noise could be heard during the night, well past the 10.00pm deadline stated in the report. Residents had reported the issue to the environmental health department and to the local MP but as the sound was not constant it was difficult to capture on the equipment supplied by environmental health. There was also noise from vehicles driving to and from the structure, extremely closely to the bungalows. Light pollution was also a major issue. The exterior lights were bright and shone into the bungalows. Councillor Sterling quoted para 34 of the report and questioned if tilting the lights down would help when all the

homes were bungalows. Councillor Sterling also stated that staff members were parking their vehicles off site.

Councillor Sterling explained that residents trust had been broken and if planning was to be granted, how could residents know that these issues would not continue and who, in case of a problem, could they contact at Erwin Hymer and at Durham County Council who would act immediately. Further to this, how could residents trust that the structure would be removed in 2024. Her concern was that there would be a repeat for extensions until the temporary structure became a permanent due to time. Councillor Sterling asked if Erwin Hymer were to apply for a permanent structure, would the positioning be properly looked at or because it already existed would the application fly through based on what was already there.

Councillor Sterling expressed concern that this would set a dangerous precedent and stated it was easier for developers to ask for forgiveness rather than permission.

Councillor read out a statement from a local resident.

“Over recent years when Eddis Caravans were owned by Explorer Group and presently, Erwin Hymer Group they have gradually expanded their operation in Delves Lane at the detriment of local residents. Although the company has different owners the management seem to have the same disregard for local residents as noise, light and litter pollution continues to blight the area. They continue to ride roughshod over the residents by erecting buildings without planning permission hence making a mockery of planning laws and a total disregard for Durham County Council Planning Department. Surely it is time for DCC to stand up and show solidarity with local residents in an attempt to improve the rapidly declining living conditions of the residents of Sunningdale and the surrounding area. Let's not forget, planning laws have been blatantly disregarded and anything other than a refusal for planning application DM/22/03273/FPA would give Erwin Hymer Group carte blanche for any other plans they have for future expansion”.

Councillor Sterling added that another resident had asked her to inform the Committee that he suffered from electromagnetic hypersensitivity and the close proximity of the building was really affecting his health. He bought his home just before the structure was erected and because it didn't have permission, it didn't show up on his land searches. He wouldn't have bought the house if he had known, and he is now desperate to move.

J Jackson Brown, local resident, addressed the Committee. She stated that she was told in 2020 that the temporary structure was only to be there until a permanent warehouse was built. She advised that noise had been bearable when the working hours were 8.00am to 5.00pm but as the structure was

now directly adjacent to her property there was an excess of traffic and light from the hours of 6.00am to 11.00pm. She explained that fork lift trucks were in operation on the route outside of the building from early morning in addition to large vehicles and lorries who were coming and going throughout the day and contributed to the level of noise experienced. Recently, she explained that noise levels had subsided but felt this would increase again if approval for the application was given. Ms Jackson Brown understood that Erwin Hymer needed to carry out work but stressed that this had impacted on their sleep and family life and it was important for residents to know when it would end.

Mr B Sayers, local resident, addressed the Committee. He explained that the building had no legal authorisation, and it was the residents that had informed the planning team. Residents had tried to get answers from the planning team but had felt disregarded. Residents were informed that the temporary building would come down in February 2022, this was then extended to July 2022 and now the proposal is for 2024 and pointed out that the new building had been built for a year already. He questioned how the building had been allowed and believed it contradicted several policies of the CDP. Mr Sayers urged members to protect the rights of a peaceful residency and to instruct removal of the structure.

Councillor Jopling left the meeting.

The Senior Planning Officer stated that whilst the concerns of residents regarding noise should not be diminished, members needed to focus on the application before them which was for the installation of the storage building. In terms of light pollution, he clarified that there were 4 main lights, 2 of which were existing. With regards to the location of a replacement permanent building, he advised that a new planning application would need to be submitted.

The Principal Planning Officer clarified that the applicant had not breached planning law and that there could only be a criminal offence if the applicant was instructed to apply for planning and failed to do so.

The Chair believed that Erwin Hymer would have been aware that planning authorisation was required.

Councillor Sterling highlighted that with regards to light, the light coming from within the building was also an issue for residents.

Councillor Brown asked what was on the site prior to the warehouse being built and what the current working hours were. She also stated that the report did not include a condition for B2. The Senior Planning Officer explained that the land had previously been grassland with car parking spaces and as a

significant amount of car parking spaces existed, displacement of vehicles should not be an issue and advised that the applicant did encourage staff to park on site. He agreed that hours of work may need to be investigated and could be conditioned if necessary. He clarified that the site was B8 and could be conditioned for storage only.

In response to a question from Councillor Peeke, the Senior Planning Officer confirmed that an additional warehouse had been built but he was not sure what it was used for.

Councillor Earley asked if enforcement officers existed and stated that a designated officer would be beneficial to oversee the development and be a point of contact for residents. He believed that whilst the applicant was a good employer for the area, they needed to be good neighbours and address the long term problems faced by residents in relation to noise and light.

Councillor Watson explained that misleading statements from previous planning officers had not helped the situation. He agreed that light pollution was a concern for residents and should have been addressed.

As it was lawful development, Councillor Watson asked if members could refuse the application. The Principal Planning Officer explained that the application could be refused if members felt it was detrimental. Councillor Watson questioned if it could be stipulated that a planning application be submitted by the end of 2023. The Principal Planning Officer advised that they could not condition an application to be submitted by a certain date.

Councillor Marshall understood officers comments with regards to planning policy but stressed that the applicant had done the bare minimum and to protect residents, members should either refuse the application or defer it.

The Chair explained that a motion to refuse the application had been moved by Councillor Marshall and this was seconded by Councillor Brown.

Councillor Watson felt that a deferral of the application would be preferable, and the applicant attend a future meeting. Upon reflection, Councillor Marshall agreed that a deferral was the better option and seconded Councillor Watson's proposal to defer. Councillor Marshall confirmed with the Principal Planning Officer that further information was required by the applicant with regards to light and noise mitigation.

The chair confirmed that Councillor Watson had **moved** the application to be deferred and this had been **seconded** by Councillor Marshall.

Councillor Brown asked when the application was likely to be referred to. The Chair confirmed that the Committee meeting scheduled for June 2023 should allow sufficient time.

Resolved

That the application be deferred.