

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 18 November 2021 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, J Atkinson, V Andrews, J Cairns, L Brown, D Oliver, M Stead, A Sterling and S Zair

1 Apologies

Apologies for absence were received from Councillor S Quinn.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the Meeting held on 29 September 2021 were agreed as a correct record and signed by the Chair.

5 DM/20/03796/FPA - Shield Haulage, Sandy Carr, Wolsingham, Bishop Auckland, DL13 3AD

The Committee considered a report of the Planning Officer for Erection of managers dwelling and office/welfare building at Shield Haulage, Sandy Carr, Wolsingham, Bishop Auckland, DL13 3AD (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included site location plans, aerial photographs and photographs of the site.

M Ferguson, spoke on behalf of the Applicant and advised that the lack of accommodation was hampering on site investment. Guidance did not always reflect local services and she confirmed that to approve the application, the Committee needed to be assured that it was essential for someone to live on site, which would be appropriate in terms of guidance in relation to farm dwellings.

The Applicant, Mr Shield advised that he started the business in 2009 and it had proven to be successful and grown. His son had then completed an apprenticeship upon leaving school and joined the business with fresh ideas. His ambition was to have twenty wagons on the road working 24/7 and he responded to suggestions in the report regarding alternative means to his proposal as not possible or cost effective.

The reason for having a live in site manager, was in order to be proactive to all situations and utilise all 43 staff on site. The application provided local employment, would provide truck consumables and a building for administration and meetings. This was a long term strategy to improve facilities and would provide essential security, health and safety and more efficient on site commitments.

The application would contribute to long term plans for expansion and success whilst also ensuring job security and boosting the local economy. Mr Shield advised that the business had increased from £700k turnover in 2015 to an anticipated increase to £3m turnover next year, suggesting this was not the small business, as described in the report.

The Principal Planning Officer advised that the policy requirement for the functional need for a 24-hour live-in accommodation, had not been satisfied. In response to the need for attending to emergencies, an incident log had been provided for emergency call outs but only 10 minor incidents had been logged which the Planning Authority believed could be covered by additional staff. With regards to security, the police had no record of call outs or incidents and he advised that improvements to security could be made, such as CCTV installation which was something that was expected to be in place prior to a residential application being made. The report concluded that it was not deemed to be necessary for someone to be on site at all times.

The Chair advised that he appreciated the need as a business owner to be on site at all times.

Councillor Atkinson agreed that the applicant should be on site and considering the employment opportunities as well as the other positive benefits, he was minded to approve the application.

Councillor Savory, Local Member, confirmed that there had been no local objections. The business had been established in 2009 and gone from strength to strength with 20 wagons and 43 local employees. This was a remote area in Weardale where jobs were not in abundance and security was an issue. Being on site when running a business of this size was preferable. The site could not be seen from the road and she supported the application and moved that it be recommended for approval.

Councillor Brown summarised the application as a four-bedroom dwelling and welfare building within the North Pennines AONB, which was unfortunately against policy. She agreed with comments made about local employment however the applicant could live elsewhere and should consider living nearer than Barnard Castle.

Councillor Adam noted that there was not a strong objection, even from ecology and highways. The proposal would benefit the area and the Applicant had already indicated that this was a growing business, that needed a greater strength of security. The report was unclear whether the area was fully serviced with gas, electricity and water, all of which he considered could restrict sustainability and he queried why there was a need for a large four bedroom property in this location?

Mr Shield advised that the house had been designed for the future needs of his son who had recently become Director of the business and would one day take over and perhaps need a family home. He continued that there was mains electric and water, but no gas mains. He advised that the reason for moving the premises further away was that Weardale supplied the local quarries and in addition most of the staff were from Weardale and Consett and this was centrally located for them travelling 5-6 miles to work.

Councillor Sterling asked some questions to understand the positive impact the application would have on the business moving forward and whether Mr Shield could provide any figures. Mr Shield advised that more on-site training could be offered and the business would be equipped for more contracts, which they were being offered despite not seeking additional work. His son was very proactive and with his academic success brought a positive approach that would take business into the next phase. Mr Shield had not envisaged being in this position when he had relocated the business, but the application was essential for the next phase.

Councillor Sterling asked what the application would do in terms of staffing and Mr Shield advised that he had an Operator Licence for 20 vehicles but had only 10 on the road. He intended to get all 20 vehicles on the road and would need to increase staff and potentially increase office staff.

In response to a further question from Councillor Sterling regarding the projected turnover, Mr Shield advised that it was expected to increase as he would be able to fluctuate the fleet on both quarries and ports. He predicted staffing would increase by 20-25 but it could be more.

Councillor Stead reminded the Committee that some of the details that were being discussed were not material planning considerations. The site looked like an industrial unit and sometimes when expanding a business, a bigger area was required but he did not consider this was the best location and suggested perhaps an alternative site should have been considered. He had visited the site, which was very remote, surrounded by trees and would not be visible from the road, however in terms of scaling business, he did not think a four bedroom house was appropriate. This was an application for a residential property, the Applicant had not demonstrated that this was required for an overnight place to stay on shift and although he had not determined the application at this point, he was minded to support the recommendation and refuse the application.

Councillor Adam asked whether County Durham had set a precedent in relation to rural properties and if there was any formal guidance on this type of development. The Principal Planning Officer advised that in terms of rural workers, a high amount of applications were received, refused and decisions substantiated at appeal, but they all had specific site circumstances.

Councillor Cairns was concerned that the Applicant was upgrading from a static caravan to a four bedroom house and associated buildings. She would have been more inclined if they been moving to facilities for business and did not see the synergy between the house and welfare and office facilities.

Councillor Sterling was also struggling with the size and pace of the expansion and there was no explanation of having explored any alternatives. A building project was a large commitment and building work was usually done in stages to ensure financial viability, however there were a lot of steps missed out from this application.

C Cuskin, Planning and Development Solicitor advised that the main issue to consider was whether the Applicant had demonstrated the need for a full-time residency on the site.

Councillor Atkinson considered all applications on their own merits and this Applicant was presenting a business case on why it was easier for him regarding travel and security. The only issue he could see was regarding sustainability of the dwelling and whether anyone would want to live there in future but the Applicant had explained that this was somewhere that he could live and his family after. He seconded the motion to approve the application.

The Planning and Development Solicitor asked for reasons for approval and suggested that as no conditions were agreed, that they were delegated to the Planning Officer, in conjunction with the Chair and Vice Chair of the Committee.

Resolved

That the application be APPROVED subject to conditions to be delegated by Officers in conjunction with the Chair and Vice Chair of the Committee.