

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 24 February 2022 at 9.30 am**

Present:

Councillor M McGaun (Chair)

Members of the Committee:

Councillors B Bainbridge, G Binney, L Brown, D Haney, C Marshall, E Peeke, J Purvis, J Quinn and S Wilson

Also Present: Councillor T Smith

1 Apologies for Absence

Apologies for absence were received from Councillors J Blakey, M Currah and A Watson.

2 Substitute Members

Councillor P Jopling substitute for Councillor M Currah

3 Minutes of the Meeting held on 25 November 2021

The minutes of the meeting held on 25 November 2021 were confirmed as a correct record and signed by the Chair.

4 Declarations of Interest (if any)

There were no declarations of interest.

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

a DM/21/03809/FPA - The Falcon, Hilda Park, South Pelaw, Chester-le-Street

The Committee considered a report of the Senior Planning Officer which sought approval for the erection of a fuel filling station, convenience store,

canopy, petrol pumps, with associated access and car parking (for copy see file of Minutes).

The Senior Planning officer provided a detailed presentation of the application which included a site plan, site photographs and the existing and proposed layout. Members had visited the site the previous day.

He then proceeded to read the following two letters which had been received following the publication of the report:

Kevan Jones MP

'I have been contacted by a number of my constituents who are concerned about the above planning application for a fuel filling station in South Pelaw in my constituency.

Residents are concerned that that this application has arisen, despite permission previously being granted for a residential development on this site.

The development of a petrol station at this location would undermine several of the objectives of the County Durham Plan which requires development to support the transition to a low carbon economy and support the development of renewable energy sources.

I note that Section 21 of the application form states that the proposal does not involve the use or storage of hazardous substances. If this is true then I for one would be interested to know how a petrol station can operate without storing large quantities of petrol and diesel.

In light of the above, I am writing to object to this application'.

Councillor Tracie Smith

'Since I was informed about the planning application for the erection of a fuel filling station and convenience store I have spent the last 7 days listening to what residents have got to say on this matter. As the elected Member for Chester le Street North ward my view of this proposed development is influenced by what people tell me. I have had a significant amount of people read my Facebook post, emails sent directly to me from residents. I have door knocked on numerous homes and have also been stopped in the street by local residents. The overwhelming view that has been communicated to me is that there is a need for me to strongly object to this proposed development for two key reasons:-

Highways – Congestion, risk of collisions and risk of accidents and injuries to pedestrians including Schoolchildren.

Impact on residents “Quiet Enjoyment”

In respect of congestion residents feel that there is already a lack of parking for the existing parade of shops and this has caused a number of near misses at the junction. This overspill of parking does not give a sufficient sight line for cars coming out of the junction into the main road particularly around daily school drop off and pick-ups and this risk will increase significantly by the added volume of vehicles, HGVs and petrol tankers coming in and out of the fuel filling station.

Residents of Pelaw Estate which is opposite the proposed development have had concerns for some time about the lack of a crossing at this site. Children and residents regularly cross the road to access the parade of shops or en route to CofE primary school. The increased volume of traffic exacerbated by the lack of sight lines at the junction will significantly increase the risk of accidents and fatalities.

Quiet Enjoyment – Prior to this proposed development residents complained about the fluorescent lit sign of North East Autocare shining into their homes. This problem will pale into insignificance if the petrol station and convenience store goes ahead because of the significant light pollution this will create. Residents have also raised Public Health concerns about the Quality of Air impacted by petrol and diesel fumes, pollution from car exhausts and the noise of vehicle engines and the slamming of car doors.

Residents are also concerned that the “Quiet Enjoyment” of their back gardens will be ruined by this proposal.

What happens next?

When planning applications are made the local Ward Councillor has the opportunity to request that the planning application is “called in”. I have “called in” this application. This means I will be representing residents’ issues as described above at the planning committee.’

The Senior Planning Officer in responding to the letter received from Kevan Jones MP advised that the forms had been submitted correctly, checked and verified against legislation by the Councils Solicitor.

The Chair then welcomed Councillor T Smith, local Member, who was in attendance to speak in objection to the application.

Councillor Smith explained that she had called in this application following a number of representations made to her from residents. She made reference to the County Durham Plan and targets in relation to the reduction of CO2 emissions, she added that the garage would add further pollutants to the air quality in County Durham and felt that the applicants' comments made in his statement regarding his intention to support the use of EV vehicles should be taken with a pinch of salt.

It was well known that the adverse impacts that fossil fuels had on climate change was significant and felt that as corporate parents this did not send a good message to the young people of County Durham who were taught about decarbonisation in schools.

She further commented that bungalows were desperately needed in this area and loss of this land for residential development would be of detriment to the area.

With regard, to residential amenity, she was of the opinion, that the development would have an overbearing impact of the community, the building as oppressive in size and its proximity to other dwellings and the ability for those residents to enjoy their gardens. She further referred to the minimum distance requirements for new dwellings, noting that 21 metres was required as standard, with this development falling short of that distance and would have a much greater impact than a dwelling would.

She went on to raise concerns regarding the opening hours and A1 use, noting that the times of opening were excessive and would result in noise and disruption for long periods of the day, due to cars entering and exiting the station, engine noise and deliveries taking place.

Councillor Smith also went on to read a letter from Mr and Mrs Cain submitted on 8 December 2021 which noted that the application failed to meet Policy 31 of the County Durham Plan, and paragraphs 174, 185 and 187 of the National Planning Policy Framework.

She respectfully asked that the application be refused.

Mr D Smith, local resident explained that he and his wife had saved to buy their dream home here and whilst a public house was nearby when they bought it, there were never any issues with noise whilst it was open. They had in fact wanted the pub to be saved when it was at risk of closure.

He went on to outline his concerns that he would no longer be able to enjoy his garden for BBQ's, have friends over or even hang washing out due to the lingering smell of petrol which would be in the air. The garden was important

to his family and was in fact his wife's sanctuary, providing a safe space in which she could relax which was good for her mental wellbeing.

Furthermore, he added his concerns that when the pub was demolished cracks had appeared in his house and asked what assurances could be given that the building works would not cause greater damage to his property.

Mrs H Talbot, local resident added that she had major concerns regarding the health implications of siting the petrol station so close to residential dwellings and noted various academic studies which she had researched regarding chronic exposure to petrol fumes and the impact upon white blood cells in the body. She noted that given its proximity to dwelling and the neighbouring school the siting of a fuel station in this location could give rise to respiratory conditions and she asked whether the council would be culpable given the known risks.

She further made reference to the Council's Climate Emergency and suggested that the addition of a fuel station was ethically irresponsible and the council should in these times lead by example.

In conclusion she referenced the Chester-le-Street Local Plan, noting that bungalows were desperately needed in the area, which she also felt were a more suitable form of development.

In response to the various comments and concerns raised the Senior Planning Officer noted that the implications on public health were carefully regulated by other systems outside of planning and therefore planning could not duplicate when making their determination. With regard to comments made regarding hazardous substances being stored on site, he explained that the fuel station intended to store well below the threshold volume.

He further referred to Defra guidance LAQM TG(16), which stated that petrol stations that meet one of the following criteria may have the potential to constrain the relevant air quality objective for VOCs (benzene):

- 1) Petrol throughput > 2,000m³ or 2 million litres per year
- 2) Near a busy road (>30,000 vehicles/day)
- 3) Exposure within 10m from the pumps

He explained that it was assumed that a 4-pump station would not meet item 1 listed above and that the number of daily vehicles on Pelton Lane and Hilda Park fell well below that referred to in item 2. The site plan uploaded to the portal demonstrates that item 3 is not exceeded with the nearest sensitive exposure (residential properties on Rosewood Gardens) over 10m away from the petrol pumps.

He also explained that vapour retrieval apparatus and modern standards for operation would be applied. The operation described by the academic report reference by Mrs Talbot and the systems and regulations currently in use in this country is open to question. The relevant guidance is that contained in TG16.

The Chair then welcomed Mr A Rezaei, Applicant, who was in attendance to speak in support of the application.

Mr Rezaei noted that he was available for questions should there be any, however noted that he lived in Ouston, close to both a petrol station and primary school and he was not aware of any incidents or accidents or harm caused to residents due to the location of the Esso garage.

He further noted that his proposals achieved compliance in regard to noise pollution and regarding the suitability of the site, he explained that given the sites mixed use the scheme fit perfectly here. With regards to comments made stating there was a need for bungalows, he referenced a site at South Pelaw which had proposed a development of bungalows and was recently rejected after gathering a number of objections, so not all residents would be in favour of housing development as suggested by the objector.

Councillor Wilson asked for some further clarification regarding air quality and standards. He further noted that delivery times could be of detriment to residents and asked whether this was something which could be conditioned in any approval granted.

The Senior Planning Officer explained that they could look to include a condition to restrict delivery times. Regarding the query relating to air quality and how this was assessed, paragraph 29 of the report provided more detail.

Councillor Wilson further raised a query regarding distance thresholds for hazardous substances and the Senior Planning Officer advised that there was around 12 metres distance between the residential properties and the back of the proposed building, which meant that the distance to the pumps was well beyond the 10 metre threshold. Matters relating to the storage of hazardous substances had already been covered the Senior Planning Officer advised.

Councillor Jopling asked whether the pub which had been previously situated on the site was single or two storey. The Senior Planning Officer advised that the majority of the building was single storey with some two storey elements. He added that it was effectively a different location and scale to the pub therefore difficult to draw any comparisons.

Councillor Jopling further added that the nearest alternative fuel station was some distance away although competition could not be taken into account when making a determination. She noted from a personal point of view that she had at one point lived within 20 metres of a petrol station for a long period of time and had never encountered any issues regarding pollution or noise.

Councillor Quinn asked whether it was the applicant's intention to increase the number of EV charging points should the demand for fuel shift to electric. The Applicant advised that yes this was something that he would develop and look to expand, should the demand for EV points increase.

Councillor Brown added that she could see no planning grounds on which to refuse the application, however agreed that times of construction should be conditioned to minimise the impact upon residents during its construction stage along with delivery times also to be specified.

Councillor Marshall added that whilst he agreed with a lot that had been said, he himself would not like to live adjacent. Whilst it was recognised that fossil fuels were bad, they would be around for some time, with the demand for EV vehicles not being there yet. He explained that despite him disagreeing with the principle of development there were no material grounds for refusal.

The Officers recommendation for approval was **Moved** by Councillor Brown and **Seconded** by Councillor Jopling.

The Principal Planning Officer clarified that the standard working hours would be applied as a condition and together with the timing of deliveries would be worked through with the applicant.

Resolved:

That the application be **Approved** subject to the conditions as contained in the report and the addition of a standard condition relating to hours of construction and a further condition to be agreed in consultation with the Chair and Vice-Chair.

b DM/21/01066/OUT - Land to the east of Gray Terrace, New Kyo, Stanley

The Committee considered a report of the Senior Planning Officer which sought outline planning approval with all matters reserved for 18 self-build plots with new access road and associated landscaping (for copy see file for Minutes)

The Senior Planning Officer provided a detailed presentation of the application which included an indicative site plan, site photographs and the proposed layout. Members had visited the site the previous day.

The Chair welcomed S Walsh, Applicants Agent who was in attendance to speak in support of the application.

She advised that she was available for questions however to provide a brief overview, the applicant had worked long and hard with planners to achieve a good scheme which had resulted in some changes to the layout which took advantage of the natural slope of the land, providing a low-density development which respected the right to a view of the adjacent terrace.

The self-build offer was unique and something that didn't come along very often and this site was able to provide a low-density development within a sustainable location.

Councillor Marshall welcomed the approach from the applicant and thanked them for taking the time to work through issues with the planners. As a local member to Stanley he knew only too well the difficulties faced by developers in terms of viability so this new development was good to see despite it not providing a contribution to social housing.

Councillor Jopling asked for some clarification regarding parking. S Walsh advised that each plot had its own parking within the curtilage and spaces were also allocated for visitor parking. This would mean that on-site parking at Grey Terrace wouldn't be exacerbated.

Councillor Brown asked whether further information could be provided as to the viability of the scheme. S Walsh advised that securing a self-build mortgage had become a lot easier in recent years and plot were in some cases more affordable which allowed schemes such as this to come forward. She added that from her own experience the other various self-build plots that she had been involved in had proven to be very successful.

The Officers recommendation for approval was **Moved** by Councillor Marshall and **Seconded** by Councillor Brown.

Resolved:

That the application be **Approved** subject to the conditions as listed in the report.