

## **DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 4 October 2022 at 9.30 am**

### **Present:**

**Councillor A Bell (Chair)**

### **Members of the Committee:**

Councillors J Higgins, C Marshall, C Martin, M McKeon, B Moist, K Shaw, A Simpson, S Wilson, S Zair and J Cosslett (substitute for G Richardson)

### **1 Apologies for Absence**

Apologies were received from Councillors C Hunt, P Jopling, P Molloy and G Richardson.

### **2 Substitute Members**

Councillor Cosslett was present as substitute for Councillor Coul.

### **3 Declarations of Interest**

Councillor Shaw declared an interest in item no. 5 b) as he had called the application to Committee for clarification only, he had no predetermined views.

### **4 Minutes**

The minutes of the meeting held on 6 September 2022 were agreed as a correct record and signed by the Chair, subject to the removal of item 5d which had been printed twice.

### **5 Applications to be determined**

#### **a DM/21/02901/OUT - Jade Business Park, Jade Enterprise Zone, Murton, SR7 8RN**

The Committee considered a report of the Strategic Development Manager regarding an application for outline planning permission for Phase 2 of Jade

Business Park in Murton, comprising a mix of B2 and B8 unit use with associated service yards, car parking and landscaping at Jade Business Park, Jade Enterprise Zone, Murton (for copy see file of minutes).

G Blakey, Principal Planning Officer, presentation on the application which included a site location plan, aerial photographs and site photographs.

Councillor Marshall confirmed it had taken over a decade to get to a position where Council were able to take this application forward. Since the Council had made the decision to build more industrial units, demand had increased, as demonstrated by Business Durham who were working to bring jobs to areas. This was a strategic site allocated in the County Durham Plan and Councillor Marshall was pleased to have played a small part in getting the development going, during his time as former Portfolio Holder for Economic Regeneration and a lot of people would be looking forward to seeing the scheme rolled out. Councillor Marshall moved recommendation and wished developers luck in working alongside the Council to deliver more jobs in the east of the county.

Councillor Martin seconded the proposal.

**Resolved**

That the application is APPROVED subject to the conditions outlined in the report and the completion of an internal transfer of funds to the Council's Ecology section to secure the following:

- £400,000 to be used towards biodiversity enhancements as part of a 30-year management plan in accordance with the framework identified in Durham County Council's Biodiversity Compensation Strategy.
- b DM/20/03591/FPA - Land West Of Units 1-3 Admiralty Way Seaham, SR7 7DN**

The Committee considered a report of the Senior Planning Officer regarding an application for outline planning permission for the erection of a petrol filling station and drive thru' coffee outlet (Class E), along with access, car parking, drive thru' lane, external seating area, refuse stores, hard and soft landscaping and associated works at Land West of Units 1-3 Admiralty Way Seaham (for copy see file of minutes).

G Blakey, Principal Planning Officer, gave a presentation on the application which included a site location plan, aerial photographs and site photographs.

Members were advised that the original application had included a large portion of land proposed as a caravan site, however this had been removed following the views of Officer's.

Mr J Good was in attendance to answer any questions on behalf of the Applicant.

Councillor McKeon queried the filling station aspect of the application as given the phasing out of petrol vehicles in favour of electric and the framework regarding sustainable developments. She asked how the Applicant could defend the sustainable element of the application in the long term.

Mr Good confirmed that the proposal was for a fuel filling station, although there would be some electronic vehicle charging points on site. He highlighted that there was still a need for petrol and diesel for existing highway users.

S Reed, Planning Development Manager, advised that a similar issue had been raised and investigated due to a previous planning application in the Chester-le-Street area and found no policy device in the NPPF ban petrol stations. There was no doubt that as society started to move towards phasing out petrol and diesel vehicles, the operator would need to change their business model, however despite the validity of the point, no weight could be given to this when during determination.

Councillor Shaw referred to the objection from the Environment Agency, who had confirmed that nothing had been submitted to demonstrate that the risks posed to groundwater could be successfully managed. There was a condition attached at number 5 which stated that no development could commence until land contamination scheme been submitted and approved. He asked whether officers were confident that such a scheme would be able to mitigate the impact as the aquifer itself could be contaminated.

The Principal Planning Officer had dealt with a similar issue on site at Newton Aycliffe, where Environment Agency had the same view regarding tanks underground. Dialogue was ongoing with the Environment Agency to resolve and Officers were of the option that an appropriately worded condition to secure detail in advance of the development, would ensure the application could progress. If the Applicant could not submit the required information, the Council would not discharge condition and the development would not be able to commence.

In response to a further comment from Councillor Shaw on the logic behind allowing these applications to Committee without this type of information. The Principal Planning Officer confirmed that ideally the issue would have

been resolved prior to Committee and Members were able to defer the application if they found it appropriate, however it was his view that they could comply with a condition attached.

Councillor McKeon referred to the previous application at Chester-le-Street and she had concerns that this site was so close to a heritage coast. Given that the National Trust had objected to a previous scheme, she was worried that the infrastructure would not be put in place at this stage for the Applicant to change tack when it was going to be necessary at some point. A lot of businesses had gone bankrupt and she referenced a site at Neville's Cross which had left a blight on the landscape for years.

The Planning Development Manager advised that ultimately business planning and whether the business was going to be a success was a risk for the developer to take into account. He acknowledged that there would be challenging times ahead as transport moved towards electric based vehicles and the operator may have to change layout and reduce the number of petrol and diesel tanks however the business position for applicant was not something that the Planning Authority could give much weight to when determining the application.

Councillor Bell suggested that business models were already changing with the addition of 24/7 supermarkets.

Councillor Marshall agreed that it was not within the Committees gift to consider the business plan and that there was still a long way to go before petrol and diesel vehicles were replaced, there would always be a need for filling stations. He was pleased to see the introduction of jobs in the convenience store and drive through. The application complied with planning policy and created much needed jobs in the east of the county. He was satisfied the conditions would protect the Council against any pitfalls and he therefore moved the recommendation to approve the application as per the conditions outlined in the report.

Councillor Shaw considered the proposal was viable, it was located on the arterial route to Seaham on the A19 and opposite the new garden village development for 1500 new homes. He had no concerns and seconded the proposal to approve the application.

Councillor Martin added that the site was located on the edge of the spectrum business park and acknowledged the need to create facilities and infrastructure alongside business parks. It was not the Committees role to deal with oncoming difficulties with the phasing out of petrol and diesel.

**Resolved**

That the application be **APPROVED** subject to the conditions outlined in the report.