

# **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 30 March 2023 at 9.30 am**

### **Present:**

**Councillor W Stelling (Chair)**

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

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

### **1 Apologies**

Apologies for absence were received from Councillors I Cochrane, M McGaun and E Peeke.

### **2 Substitute Members**

Councillor C Hunt was present as substitute for Councillor E Peeke.

### **3 Minutes**

The minutes of the meeting held on 26 January 2023 were confirmed as a correct record and signed by the Chair.

### **4 Declarations of Interest**

There were no declarations of interest.

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

#### **a DM/22/00969/FPA - Site of Former Olivers Garden Centre, Chester Moor, DH2 3RQ**

The Committee considered a report of the Senior Planning Officer regarding the construction of a new building to be used as a customer display area in association with a previously approved builders merchants premises; the

repositioning of a previously consented storage shed (LPA ref: DM/19/03858/FPA); and the siting of 2.4m and 3m high storage palettes and three rows of material storage racks within the site.

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. The Committee were informed that previous approval had been granted for storage sheds on site and this was considered a fallback position. The Senior Planning Officer explained that the applicant's architect had recently e-mailed members of the Committee and he confirmed that the content of the e-mail had been acknowledged within the report. It was noted that a site visit had taken place the previous day.

Mr D Holding addressed the Committee in objection to the application and provided a visual presentation which included photographs of the site. He thanked members for the opportunity to speak and confirmed that he was representing residents of The Dene who had objected. He stressed that he strongly supported the officer's recommendation to refuse the application on grounds of noncompliance with Green Belt requirements and the non-recognition of highway safety problems. There were also outstanding drainage and potential contamination issues which had not been resolved by the applicant.

He explained that the site was in open countryside and the site entrance in Holmhill Lane was a narrow minor road leading off the A167 dual carriageway. Beyond the entrance was a bend which obscured the view ahead of a low rail bridge under the East Coast main railway line. There was a history of bridge strikes here. There was also a sharp right-hand bend which made the road unsuitable for heavy vehicles. Holmhill Lane was also popular with cyclists and walkers. At the time of unlawful use of the site for caravan storage, the Highways officer expressed serious concern about the use of the site and stated:

*"Drivers leaving the A167 need to cross the centre of the carriageway to overtake parked vehicles waiting to enter the site. There is a bend on the road approximately 60m south of the site access. Vehicles emerging from the bend can be met with vehicles on the same side of the carriageway which have attempted to overtake a larger caravan or trailer waiting to gain access to the site. This scenario does cause considerable concern from a road safety perspective. I am concerned about site operations and would therefore object to its use on highway safety grounds".*

Mr Holding further explained that the applicant's Air Quality Assessment document estimated up to 300 vehicles per day. This figure must be doubled for in and out resulting in 60 vehicle movements per hour or one per minute

during the working day. Joseph Parr had not provided any Transport Assessment or Transport Statement, however the Air Quality Assessment Document estimated inward deliveries of 16-25 per working day (excluding customers) and bricks, breeze blocks and cement would be carried on 6-axle 44-tonne articulated lorries. Delivery would be by a road haulage company contracted by the supplier and bricks would typically come from Peterborough meaning that the driver would not be familiar with the area of Chester Moor. HGVs of this size could not enter the site from Holmhill Lane without entering the opposite carriageway and swinging left which could be damaging to the highway and dangerous for residents.

Finally, Mr Holding stated that if a delivery driver were to overshoot the entrance, the driver must either turn into The Dene entrance or turn into The Dene itself which had no turning point or footpath. Mr Holding confirmed that it had been known for drivers to reverse onto residents front drives in order to turn.

The Chair, Councillor Stelling, confirmed that the applicant was not present at the meeting.

In response to the points raised by Mr Holding regarding Highways, D Smith, Principal Highway Development Management Engineer explained that the previous Highways Officer had met with the objector in the past and had no concerns with the development as it was proposed. The site was historically used as a garden centre and would have generated a higher level of traffic in comparison to the proposed use as a builder's merchants, and if the applicant were to appeal, consideration would be given to this.

The Principal Highway Development Management Engineer further advised that the site was well served from the A167 and included a deceleration lane onto Holmhill Lane. In terms of deliveries, he noted that the road was wide enough to accommodate heavy vehicles and had good visibility and good signage. He stated that there were no recorded accident statistics on Holmhill Lane and that parking for the development met Durham County Council Parking standards. He confirmed that there were no material grounds to refuse the application on the grounds of highways.

Councillor Marshall stated that the application was inappropriate in terms of the Green Belt. He understood the comments from the Principal Highway Development Management Engineer, however, he also agreed with the concerns expressed by residents regarding the different types of vehicles that would use the site and noted that the data held by the Highways Team did not accurately reflect the experiences of residents. Councillor Marshall **moved** the application to be refused in line with the officer's recommendation.

Councillor Haney referred to the National Planning Policy Framework (NPPF) and noted that substantial weight must be given to the Green Belt and in his opinion the application exceeded this. He **seconded** the application to be refused in line with the officer's recommendation.

Councillor Jopling commented that she knew the site well and agreed that the Green Belt was a significant issue. With regards to the levels of traffic, Councillor Jopling explained that there was a considerable difference between cars and HGVs. She understood the view of the Highways Officer but stated that it would not take long for a heavy vehicle to enter the housing estate and that this posed a risk for residents. Councillor Jopling agreed that the application should be refused.

Councillor Watson commented that he attended the site visit and emphasised the importance for members to attend site visits to gain a better view whilst keeping an open mind. He considered the site to be brownfield and although officers had placed it within the Green Belt, he felt it would be difficult to persuade the public that the area was Green Belt. In his opinion, the development would enhance the area in many ways and would provide ecological and landscape benefits, in addition to 19 full time jobs. Councillor Watson believed that there were special circumstances to approve the application and moved it to be approved.

Councillor L Brown stated it was disappointing that the applicant was not present as she would have questioned if 19 full time jobs were available for the fallback position.

Councillor Earley confirmed that he had attended the site visit and had concerns regarding the Green Belt. He expressed further concern regarding the suitability of subsequent developments should the application be refused and asked officers if they could advise what developments were feasible for the site.

The Senior Planning Officer explained the planning history of the site and highlighted that permission for change of use from garden centre to builder's merchants was approved 13 March 2020, and advised that approved applications had a three year time limit for commencement of work. He pointed out that as the three year time limit had exceeded, the approved scheme had now lapsed and clarified that the fallback position referred to in the report no longer existed. Going forward, the Senior Planning Officer advised that the only lawful use of the site would be as a garden centre and any other development would require submission of a new planning application.

L Dalby, Principal Planning Officer further clarified that planning officers were not aware that work on the site had commenced and that no evidence of

work appeared to have been implemented when members had visited the site the previous day.

Councillor Earley questioned if the applicant commenced work now, would that allow for additional time. The Principal Planning Officer confirmed that work must have commenced prior to 13 March 2023 and any work started after this date would be unlawful.

In response to a question from Councillor Wilson regarding the greenhouse, the Senior Planning Officer explained that consent was given to retain the greenhouse and to re-clad it.

### **Resolved**

That the application be **REFUSED**.

#### **b DM/23/00378/FPA - Land North of Fenton Well Lane, Great Lumley**

This item was withdrawn.

#### **c DM/22/00479/FPA - Stream Valley Farm, Burnhope, DH7 0DS**

The Committee considered a report of the Senior Planning Officer regarding retrospective consent for change of use from agricultural to a mixed use comprising of agricultural and equestrian for commercial purposes, erection of menage and flood lighting and infill extension between existing and proposed building.

G Heron, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photographs, photographs of the site and proposed plan.

Councillor L Brown asked whether there were any floodlights on site as menages usually included floodlights. The Senior Planning Officer advised that eight floodlights were included around the menage. She further advised that there was a condition within the report to ensure that no lighting would be turned on when the menage was not in use.

Councillor Marshall **moved** the application to be approved in line with the officer's recommendation, this was **seconded** by Councillor Jopling.

### **Resolved**

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