

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 July 2023 at 9.30 am**

Present:

Councillor E Peeke (Chair)

Members of the Committee:

Councillors W Stelling (Vice-Chair), G Binney, J Blakey, L Brown, K Earley, J Griffiths, D Haney, P Jopling, J Purvis, I Roberts, K Shaw, A Watson and S Wilson

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute members.

3 Minutes

Councillor Shaw referred to page 6, second paragraph with regard to the 10% of the units approved to meet the needs of the elderly and disabled and indicated that the Housing Strategy stated at least 10% as a starting point and they should be looking to increase this wherever possible.

Clare Cuskin, The Legal Officer explained that the minutes reflected the discussion held at the meeting and this would be considered outside the meeting and if required brought back to the next meeting.

The minutes of the meeting held on 29 June 2023 were confirmed as a correct record and signed by the Chair, subject to clarification of the above.

4 Declarations of Interest

Councillor Stelling declared an interest in item 5(a) as he had discussions with all parties involved and would take no part in the discussion and would leave the meeting during the debate.

Councillor Earley declared an interest in item 5(a) as he had arranged the planting at the woodland near the Leadgate Industrial estate. He confirmed that he wished to speak on the item but would leave the meeting during the debate.

The Legal Officer confirmed that Members could listen to the application and hear from the objectors and applicant and could address the Committee but would be required to leave the meeting during the debate.

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

a DM/22/03331/OUT - Unit 1A Watling Street Industrial Estate, Leadgate, DH8 6TA

The Committee considered a report of the Planning Officer regarding an outline application seeking planning permission for a change of use of the land to E(g) (light industrial use), the erection of new building to support this change of use and associated works. All matters reserved except for access, scale and layout (for copy see file of Minutes).

J Reed, Planning Officer provided a detailed presentation of the application which included photographs of the site, site location and indicative development from road.

Members of the Committee had visited the site and were familiar with the location and setting.

Councillor Jopling sought clarification on the proportion of the woodland that would be taken away.

The Planning Officer indicated that in terms of proportion it was acknowledged in the report that the section of loss in comparison to the overall woodland would not be a great amount, however, in terms of a localised impact the section of woodland the impact would be high in terms of the loss. He stated that they would work out the percentage of the loss and advise Members accordingly.

The Chair thanked the Planning Officer and asked Andrew Plant, an objector, to speak on the application.

A Plant stated that Leadgate was a village of over 4000 people. The leisure facilities provided by Durham County Council are a small play area with one swing, two and half sets of goal posts and Watling Wood and you could see the importance to them. The children and people of the village planted this community wood nearly 30 years ago.

This was not a beautiful park or commercial woodland it had become their 'Wild space'; they walked their dogs, rode their horses and bikes, and came to look at the stars, or watch the bats and listen to the owls, its where children came to play robin hood or frozen and build dens and learn to make safe campfires. He stated that Stomping Grounds Forest School have a holiday club in the woods as he spoke this morning.

They go there to watch the butterflies or to catch a glimpse of a retreating deer or fox, to see how close the rabbits would let you get before they ran away. They go to be inspired for photos, art and story writing. They collect sloes, cob nuts, raspberries and mushrooms.

They go to see the king cups, mimulus, orchids, irises, the red campion and fox gloves. Nothing desperately rare, but their touch of the wild, their link with nature. It was true the area of the application was not huge and was not very picturesque but it had a value to the whole of the woods. It was a part where humans and dogs seldom go, a reservoir for nature where the deer can take refuge from us, where the owls can roost away from walkers. It also provided a sound barrier around the applicants' factory. Without it the integrity of the woods as a whole was weakened.

The Council cut the main paths once every two or three years, that's their share of the maintenance, otherwise Leadgate partnership raised the money for benches, duckboards and planting the wetland area and organise litter picks. Members of Leadgate taskforce have worked to maintain the main entrance and try to keep the bridge safe, Leadgate caretakes planted wicked non-native horse chestnuts so kids could play conkers. The applicant's management plan would remove these.

The people of Leadgate cut back the overgrown paths and worked with the Police and Fire Brigade when there were occasional issues, they get odd bits of fly tipping sorted and monitored the Japanese knotweed. They campaigned against the previous two applications for this area of wood to get its designation changed and to register the woods as an asset of community value.

He asked the Council to carefully consider the documents in front of them.

The additional statement provided by the applicant a few weeks ago was not part of the main application and brought in new information which the people of Leadgate had not been informed of or given the chance to comment on. It seemed to imply that rather than the eight jobs involved in the ongoing application there were now going to be fifteen.

He stated that the Highways report had been based on eight jobs which were to be served by 'a maximum of four cars inbound and outbound.' He asked if fifteen staff were still going to produce just four car journeys? He asked that it be noted that the application stated there were no plans for any parking spaces. He also asked if the cars of fifteen staff parked on the curved road going to make it safer.

The ecological impact reports and the arboriculture were produced over two years ago and took no account of the changes to the wood affected by Storm Arwen which had changed woodland across the country. In Watling Wood Storm Arwen had cleared a large number of trees already opening the canopy and reinvigorating the undergrowth throughout the woods. The fallen trees are and would continue to be part of the natural environment home to fungi and beetles and climbing children. He noted the Dendre report on biodiversity specifically stated, 'due to its young age, the woodland lacks deadwood habitat and therefore any dead trees, no matter how small, should be retained.'

The applicants wanted to replant the trees they would fell three-fold but they tell us very sadly there was nowhere near Watling Wood they could do that planting. So, for them the trees are verily irreplaceable if they go, they are gone forever.

The other main proposal was for a new woodland drive, unfortunately that starts by chopping down more trees and destroying two of the best Robin Hood tracks through the wood for their children to play in. It also makes a wide and open path right through one of the two major wetland areas reducing the diversity it aims to improve. There was much that could be done to improve the woods and increase access, but this proposal was not the right way.

He concluded that Watling Wood was one of their great leisure facilities, planted and loved by the people of Leadgate. He asked Members to please help them protect it and reject the application.

The Chair thanked A Plant and asked Claire Hattern, the applicant, to speak in relation to the application.

C Hattern thanked the Chair and for the opportunity to address the Committee on behalf of the applicant. The report recognised the social

economic and environmental benefits of the proposal and they welcomed the Council's acceptance of the principle of the development in this regard.

The application had been reported to Committee given the number of jobs that would be created on site and within the local supply chain. The ongoing support from Business Durham was recognised by the Council with the acknowledgement it would create much needed jobs in the county and contribute to its green economy. There was a strong economic case supporting the approval of this application.

The expansion of local business had been restricted to date and if permission was refused the applicant would be forced to relocate the operation to the company's main site in Northumberland. They would not consider this a positive outcome from any perspective. The concern over potential job losses had been echoed by key stake holders and the local community. Finance Durham had also invested substantially in the site to support its growth and improve its efficiency. The applicant wishes to stress it would not be feasible or be cost effective to make the facility storage and distribution needs on a separate site as suggested by the Council. This was understandable when visiting the site where the integrated technical operations of the facility and the need for skilled specialist operatives to manage it was evident.

They welcomed the Council's acceptance of the scale and massing of the new building and the recognition that the comprehensive pre application engagement undertaken was policy compliant and the proposed development would improve highway safety, access arrangements and local biodiversity. Notably the Council's Ecologist was confident the off-site mitigation proposals could be achieved, which as a package would improve the condition of Watling Wood, maintain and improve public access as well as secure in excess of 10% biodiversity net gains. Members should be aware that the Council's Ecology, Environmental Health, Drainage, Noise, Highways, Spatial Policy and Mineral Safeguarding Teams raised no objections to the proposed development, subject to conditions, these conditions had been noted and accepted by the applicant.

It was, therefore, disappointing that the Officer's report concludes delivering over 10% biodiversity net gains was not Council priority and does not outweigh the landscape impacts of the application even when combined with the other additional benefits. The primary reason for refusal was the Council considered the trees sited for removal to be a high amenity and landscape value meaning their loss would have significant adverse impacts. The Officer's report confirms this assessment was based on the group value of Watling Wood and how it as a whole would be affected. The recreational and social value of Watling Wood was recognised by the applicant; however, they considered that the Council gave a disproportionate amount of weight to its

landscape argument in the overall planning balance, particularly considering the financial benefits that could be secured as a result of the development. As assessed by suitably qualified agriculturists 0.3 hectares of woodland proposed to be removed was in fact young in poor condition in accessible and not within an area of high landscape value. The rest of the woodland provided an extensive physical and visual woodland buffer to the site of the existing residential properties.

In seeking to identify appropriate mitigation of the loss of the small area of woodland the applicant had explored various options in consultation with the Local Community, Key Stake Holders and the Councils Landscape Team over the last eighteen months. The offsite mitigation strategy was intended to compliment and add value to the Council emerging Watling Wood management plan. Proposals and associated developer contributions were designed to help drive the delivery of physical works in Watling Wood and develop a network of volunteers to support long term maintenance. However, the Council's management plan had stalled and there was no evidence when the maintenance had been routinely carried out in Watling Wood. Critically the re-provision of the equivalent or improved area of woodland on a three to one replacement ratio had been offered by the applicant. This offer was refused by the Council on the basis that Watling Wood was over stocked and a suitable site could not be identified. Therefore, there was no mechanism for the applicant to be compliant with Policy 40 of the County Durham Plan.

She concluded stating that the applicant had positively engaged to refine the schemes design, it was considered the applicants multiple benefits outweigh the adverse landscape impacts which are not as harmful as suggested in the Officer's report.

The Chair thanked C Hattam and asked the Committee for their comments and questions.

Councillor Earley indicated that the best time to plant a tree was 20 years ago, the second-best time was today. He stated that he planted a number of the trees 30 years ago and commented that it was a great project that was a buffer to the industrial estate and amenity value. The land was initially earmarked for industrial use and they got it turned over for community woodland that took some organising. David Bellamy supported the project and stated that it was a grand day and the community had followed on and kept it going. He appreciated the proposal would create jobs and was a hard decision for Members weighing one up against the other and referred to the climate emergency and biodiversity emergency and stated do they just keep saying this is more important than then rest. He asked Members to consider the Officer's recommendation.

Councillors Early and Stelling withdrew from the meeting

The Planning Officer advised Members that Watling Wood was severed by Wardle Way and sits to the East and West of Wardle Way. In terms of the calculation, the overall size of the woodland was 11.95 hectares and the loss of the land would equate to around 3.1% of the total woodland lost. If you were to discount the area severed by the road that runs through and it was the woodland directly behind the application site it would equate to 4.02% of the woodland.

Councillor Roberts indicated that she attended the site visit and as indicated by the objector when you walk through the wood you could open your mind to what the children would see and play, that was a good adventure trail and she would not like to see it lost and stated that it was a lot of woodland to lose. She commented that the trees were planted due to the area been boggy and the trees and the roots spread out to draw up the water and this should not be lost and should be kept for the future of the children and walkers.

Councillor Watson indicated that the area of land was classified as an industrial estate. At the time it was considered due to the land been swamped they would get no development on the site and was suggested to plant some trees, but the industrial land status was never removed as they wanted jobs as Consett had lost the steelworks. In the last few years, it had been considered to be a community asset which he understood and was well used, but this particular development was on the fringe of Watling Wood and was part of the industrial estate, he would argue that it was not going to have a great impact on the woodland. He commented that half a football pitch would be lost and the benefits outweighed the disadvantages. The site manufactured wood fuel briquettes and falls within the designated area of a community asset which he understood. The application was for outline planning permission and he understood the planners in respect of the trees but the company was about a cleaner environment that produced wood burning briquettes, employing local people with good conditions and the application would create more jobs. The current site was part of the industrial estate, this was an extension not a new building in the middle of the woods it was on the fringe. There was no footpath and was not an area that a lot of people used as it was the centre of the woods that were used. He referred to the national planning policy framework that continued to advocate new development that was sustainable and should go ahead without delay. It was a suitable site that would produce clean fuel, low carbon in effect and should be approved.

He commented that Ecology had raised no objections and they had to encourage green enterprise and the benefits outweighed the negatives, they were not losing trees as these would be replanted on a three to one ratio. The trees to be felled were of low value and had developed themselves and

further commented that woodlands needed to be managed and the impact on the woodlands was negative and repeated that it was on the fringe of Watling Wood and was where a current factory operates. There would be huge benefit to people and the economy of the area and the application needed to be approved as it falls within national policy framework and Policy 40 and 43 as there was suitable replacement tree planting and the benefits outweigh the adverse effects and moved approval of the application.

Councillor Wilson sought clarification of the designation of the land.

The Planning Officer confirmed that the land was classed as unallocated so falls to the lands current use.

The Principal Planning Officer advised Members that the current business site is within the allocation of the industrial estate but outside of the boundary of the site was unallocated.

Councillor Haney moved refusal of the application and commented that the applicant in their presentation stated they were unable to meet one of the policy requirements. He was from Consett and knew what an asset the woodland was and they could not just consider the economy they had to consider the social economic demographic of the area and what a huge asset it was. He could not see any reason why this application could be approved; it was in clear violation of the policy.

Councillor Brown referred to a newspaper article that stated that wood burning air pollution in the UK had doubled in a decade and commented that she did not know how green these briquettes were. She then stated that she noticed on the site visit yesterday that there are footpaths crisscrossing the whole of the site that would be fenced off if the proposal was approved and would stop access to this asset of community value which was important to the residents and seconded the proposal to refuse the application.

Councillor Jopling asked for an explanation of the manufacture and how it was a green product.

Simon May from the company responded that the wood fuel briquettes that they manufactured were certified ready to burn with samples taken. They had to be certified to sell the briquettes, he stated that all the wood used on site was FSC certified.

In response to a further question from Councillor Jopling, S May indicated that ready to burn certification was clean burning and FSC was sustainable wood that was waste trees in a sustainable forest.

Councillor Jopling indicated that this application was a dilemma due to biodiversity and as a planning committee they talk about green jobs but it would appear Business Durham backed this as it was a good product. She commented that due to the loss of the trees they were not going to improve the job situation in the area and stated that this was similar to considering a housing application and trees had to be felled and nothing was said about that. She understood the value to the community but it was only part of the woodland that was to be felled, if the application was refused and the company relocated to Northumberland it would be a shame when they were looking to bring employment into the area and the wider implications for jobs with the services coming in and out. She knew it went against Planning Policy 40 but you had to weigh up the positives and negatives and, in her opinion, there were more positives.

Councillor Watson agreed with Councillor Jopling and indicated that it did come within policy and was down to interpretation and it did meet a low carbon future. He stated that the extension was on the fringe of the woodland area and would not have much impact and the trees would be replanted. He argued that the area was part of the industrial estate and this would be an extension to the factory and stated that Highways were not objecting to the application.

Councillor Shaw commented that County Durham needed to prosper and grow; however, the loss of woodland and grassland was an important amenity for the community. He stated that the benefits must outweigh the harm and commented that burning wood was not a green solution and generated more carbon than burning coal, gas or oil. He did not think the benefits outweighed the harm.

Councillor Haney stated that when you fell woods you not only lose the value of the woods it affects the woodland as a whole. There was plenty of land in the Consett area identified for development that does not have anything on it.

Upon a vote being taken it was:

Resolved:

That the application be **REFUSED** as the development would result in the loss of woodland and grassland which was considered to provide an important recreational and amenity functional to the local area and community. An assessment to clearly show the open space was surplus to requirements had not been undertaken, while the proposed mitigation strategy would not make provision for an equivalent or greater value. The benefits arising from the development were not considered to clearly outweigh the harm arising from the loss of the open space and woodland. The development was considered contrary to Policies 6, 26, 39 and 40 of the

County Durham Plan and Parts 8, 12 and 15 of the National Planning Policy Framework.

Councillors Earley and Stelling joined the meeting

b DM/23/00446/FPA - The Chelmsford, Front Street, Ebchester, Consett, DH8 0PJ

The Committee were informed that consideration of the application had been deferred following the submission of late information that required more time for officers to consider.

c DM/22/02627/FPA - Site of Former Bus Depot, Chester Road, East Stanley, DH9 0TH

The Committee considered a report of the Senior Planning Officer regarding a full planning application for the construction of new retail food store and associated parking (for copy see file of Minutes).

L Ollivere, Senior Planning Officer provided a detailed presentation of the application which included a site location, ariel view, site photographs, proposed site plan and proposed elevations.

The Senior Planning Officer updated Members that the applicant had asked for some flexibility with the opening hours on a Sunday and the opening hours be extended to 6.00 pm. She had spoken to Environmental Health who had raised no objections to the suggested extended hours and would recommend that the amendment be agreed.

She then referred to some grammatical errors in the conditions as follows:

Condition 2 – site plan date should read 12 June 2023

Condition15 – flood risk document should read 20 June 2023

The Chair thanked the Senior Planning Officer and asked the Committee for their comments and questions.

Councillor Blakey moved the recommendation to approve the application with the recommended conditions as set out.

Councillor Stelling seconded the recommendation for approval.

Upon a vote being taken it was:

Resolved

That the application be **APPROVED** subject to the conditions listed in the report and the amendments detailed above.