

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 26 July 2016 at 1.00 pm**

Present:

Councillor K Davidson (Chairman)

Members of the Committee:

Councillors H Bennett, J Blakey, J Clare, P Conway, G Holland, I Jewell, R Lumsdon, C Marshall, B Moir (Vice-Chairman), G Richardson, A Shield, H Smith, P Taylor and R Young

1 Apologies for absence

Apologies for absence were received from Councillors D Boyes, M Dixon, A Laing and H Nicholson.

2 Substitute Members

Councillor H Bennett as substitute for Councillor M Dixon, Councillor J Blakey as substitute for Councillor A Laing and Councillor H Smith as substitute for Councillor H Nicholson.

3 Declarations of Interest

Councillor R Lumsdon declared an interest in Agenda Items 5 (a) and 5 (b) as local Member but had not formed a view on either application.

4 Minutes

The Minutes of the meeting held on 5 July 2016 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/14/01586/OUT - Land to the east of Sedgefield Community College, to the north and south of Butterwick Road, Sedgefield

The Committee considered a report of the Senior Planning Officer regarding an outline application, including details of access, appearance, layout and scale for the erection of a 63 bed care home (class C2), 58 bed assisted living complex (class C2), community and youth facility (class D2), business enterprise unit (class B1) and 3,000 m² of general industrial/storage and distribution (class B2/B8) use with outline permission sought, including details of access only, for the erection of 371

dwellings, including 72 self-build plots on land to the east of Sedgefield Community College and to the north and south of Butterwick Road, Sedgefield (for copy see file of Minutes).

H Jones, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site and setting and the proposed layout. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

The Senior Planning Officer informed the Committee of the following updates:

- A further two letter of objection had been received which re-iterated concerns raised in other letters of objection;
- Highways England was now satisfied with the Transport Assessment and had lifted its holding direction. Therefore, should Committee resolve to grant planning permission there would be no needed for it to be 'minded' to approve;
- The Travel Planning Team was now satisfied with the submitted travel plan;
- An additional geo-physical field report had been received, however, archaeology officers still considered that a field evaluation was necessary.

Councillor J Robinson, local Member, addressed the Committee to agree with the officer recommendation that the application should be refused. Objections to the application had been raised by the Council's Archaeology Officers, Design and Conservation Officers and by Landscape Officers. The application conflicted with Part 11 of the NPPF and the harm caused by the development was also contrary to design principles contained within Policy D1 of the Sedgefield Borough Local Plan. Councillor Robinson informed the Committee that he was Chair of Governors at Sedgefield Community College and was unaware of any discussions between the applicant and the College about proposed path linkages.

The extra traffic generated from the development would have an impact on the Road A689 which had already had traffic measures installed due to the number of collisions on it.

Local residents had not been consulted on the application, which if approved, would create a new village tagged onto the end of Sedgefield in a most important Conservation Area.

Councillor Robinson urged the Committee to vote for the officer recommendation and to refuse the application.

Sarah Guest of Sedgefield Village Action Group addressed the Committee to object to the application. This application was for a development on an exceedingly large scale and would change the character of the village of Sedgefield. The green fields surrounding Sedgefield were what gave it its rural identity and this development proposed to build on these green fields. The applicant had previously expressed a wish to build 2,000 houses in Sedgefield and it was feared that this application could lead to other applications for further development. Brownfield sites which were appropriate for development had been identified within the Parish boundary and an application for 25 dwellings on a brownfield site was currently being

considered. The development would have an impact on amenities, with Northumbrian Water stating that the Sedgefield Sewerage Treatment Works was nearing capacity and only had capacity for an additional 300 dwellings. The development would also impact on car parking in Sedgefield and would shift the centre of the village. The site for the proposed development had been ranked as 7th of 7 development sites in the Sedgefield Preference Survey of local residents. Ms Guest asked the Committee to reject the application.

Neil Westwick, speaking on behalf of Storey Homes and Durham Diocese Board of Finance informed the Committee that this was a deficient application in that the relevant archaeological fieldwork had not been undertaken and this could not be addressed by Condition. Objections to the application had been made by the County's Design and Conservation, Landscape and Sustainability Officers. The development site was not contained and could be subject to land creep from further applications.

Mel Carr addressed the Committee to object to the application. The proposed development would lead to a 20% increase in the number of properties in Sedgefield, and this did not include the two proposed care facilities and would result in the population of Sedgefield increasing by 22%, from some 5,200 to 6,300. There was no defined boundary to the development site. Planning permission had already been granted for a 330 static caravan park at Hardwick Park which would lead to increased demands on the sewerage treatment works. The proposal conflicted with the NPPF, was too large scale, would have a negative impact on parking in Sedgefield, would have an impact on road safety and would have an impact on infrastructure.

Colin Haylock addressed the Committee on behalf of the applicant.

The report on the application recommended refusal for two reasons, one of which related to potential archaeological sensitivity. Mr Haylock informed the Committee that his previous experience included over 10 years of responsibility for the management and planning dimensions of archaeology for all 5 former Tyne and Wear Districts. From this experience Mr Haylock assured the Committee that there were no aspects of the potential archaeological sensitivity which could not reasonably be handled through pre-commencement conditions and there was therefore no risk.

The second reason for refusal was, in essence, that by reference to Paragraph 14 of the NPPF, the impact of the development on the character and landscape setting of Sedgefield significantly and demonstrably outweighed the benefits of the proposal.

On a previous application at Eden Drive, Sedgefield, Council Officers had concluded that, despite its conflict with the Sedgefield Local Plan Green Wedge Policy, the impact of the development on the setting of the town was outweighed by a development which brought only housing and some s106 benefits to the town and the proposed development site had a clearly defined edge of development. The developer for today's application had also defined an edge to the development.

The County Planning Committee in April 2016 rightly did not agree with this evaluation and refused the Eden Drive application.

This application had been designed to maximise benefits to the town while minimising impacts. Proposed s106 contributions were similar to those for the Eden Drive application but the development brought a much wider range of benefits to the town. It provided a more diverse range of housing including bungalows, self-build plots and a care home and assisted living development, a community and youth building and recreation space and an employment development hub with two new employment units. It also offered the potential of a drop-off facility for school buses avoiding routes through the core of the town and more direct pedestrian connection between the Orchard Estate and the Community College.

All of the benefits were phased in the early stages of the development, making the best use for the town of the medium term 300 unit capacity of the sewerage works.

The Independent Examiner for the Sedgefield Neighbourhood Plan had addressed the requirement for the Plan to provide for sustainable growth. He had recommended a loosening of constraints on the scale and location of development but had endorsed the protection of the area covered by the green Wedge Policy. This application was not in conflict with Neighbourhood Plan issues.

The non-housing proposals flowed very strongly from careful consideration of and response to the social and economic aspirations of the Neighbourhood Plan. Many of these aspirations required funding which could only reasonably flow from surplus on development which would not itself not realistically flow from smaller scale development of brownfield sites within a built up area.

Mr Haylock therefore questioned where the impacts which significantly and demonstrably outweighed the benefits were.

By contrast to the west and south west of the town, the east of the town to the north of Beacon Lane the edge of the town was defined by a very thick hedgerow, the Community College, the Industrial Estate and the rear of Sainsbury's superstore. Development on this edge did not impact on views out from the town.

Viewing into the town there were two differing contexts.

South of Butterwick Road there were no public routes into the countryside and the only views of the town were from the A689. Viewed from Green Hill the development area was screened by the intervening Donwell Farm complex, rolling landform and substantial hedgerows. Closer in there was an aerial view into the town along Beacon Lane. This view was protected by the development on the Beacon Lane site being very substantially set back from Beacon Lane and the Victorian Cemetery at its town end.

North of Butterwick Road the situation was very different. The urban edge was very prominent in close in approach views along Butterwick Road and from the footpath up to and beyond Rydal Farm. The proposed development would be locally visible here, but a well-designed and highly landscaped housing development with a

strongly landscaped defining edge formed a much better edge to the town than that which currently existed. The applicant could not understand how the impact on this edge could be seen to significantly and demonstrably outweigh the benefits of the application.

The Committee felt that officers were wrong in their balancing on the Eden Drive application and the applicant trusted that the Committee would agree that officers were wrong again on this application. Mr Haylock asked the Committee to grant conditional consent for the development proposed in the application and establish this as the best way forward in using the limited medium term infrastructure capacity on the town. Regarding archaeological sensitivity, the Committee could be minded to grant consent subject to trenching works being carried out.

Councillor Taylor informed the Committee that he had listened to and considered all contributions put forward and considered it to be an inappropriate application. He **moved** approval of the officer recommendation, that the application be refused.

This was **seconded** by Councillor Blakey.

Councillor Clare informed the Committee that he had always argued that towns needed to grow, but that any growth needed to be appropriate. Although he considered that the representative for the applicant had made some relevant arguments in his presentation, he did not consider this to be an appropriate development and intended to agree with the officer recommendation.

Councillor Conway informed the Committee that he supported the officer recommendation. Although he appreciated and accepted that settlements changed and needed to develop, and that the representative for the applicant had made some good points regarding character and visual incursion, the size of the development and the 20% and 22% increases referred to by Mr Carr made this development out of synchronicity with Sedgfield.

Councillor Davidson informed the meeting that there had not been many questions from Members on this application and this was a testament to the officer's report.

Councillor Richardson informed the Committee that he agreed with the officer recommendation and that the development would lead to the loss of top grade agricultural land.

Upon a vote being taken it was

Resolved:

That the application be refused for the reasons stated in the report.

b 7/2011/0293/DM - Land south of Harap Road, Garmondsway, Fishburn

The Committee considered a report of the Principal Planning Officer regarding an application for the installation of one 500kw wind turbine with ancillary development including access tracks and crane pads on land to the south of Harap Road, Garmondsway, Fishburn (for copy see file of Minutes).

C Teasdale, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site and setting and the proposed layout. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

The Principal Planning Officer informed the Committee that at its meeting in October 2015 it had resolved to grant planning permission for two wind turbines on agricultural land south of Harap Road, near Fishburn but the decision notice had not yet been issued. Immediately following the Committee's resolution the Council received a significant number of representations in relation to aviation safety concerns in relation to the adjacent Fishburn Airfield and an objection from the Ministry of Defence. Following legal advice it was considered that the decision should not be issued at that time, in order to give further consideration to the matter. The proposed development had since been amended reducing from two turbines to one, with the applicant relying upon information submitted with the original application. The Senior Planning Office also referred to a Written Ministerial Statement (WMS) issued since the meeting in October 2015 which required wind turbines to have the support of the local community. Although the assessment of other matters was unchanged, the officer's overall assessment was now to recommend refusal of the application on the grounds of aviation safety and failure to meet the requirements of the WMS.

Councillor Shield informed the Committee that all local Parish and Town Council's objected to the application as had internal consultees. There were grave safety concerns regarding aviation and he **moved** the officer recommendation, that the application be refused.

Councillor Jewell acknowledged the concerns regarding aviation safety and asked whether the turbines could be switched off during the hours of operation of the nearby airfield. The Principal Planning Officer replied that it was not reasonable to turn wind turbines on and off.

Jeff Pike of Fishburn Aviation Ltd informed the Committee that the proposed wind turbine would be directly under the flight path of planes using the airfield and would be a physical obstruction whether they were working or not and would also be a visual distraction. Because of prevailing winds aircraft were asked to approach the airfield in a direction which would be directly above the wind turbine and aircraft would therefore be in a wind plume at a time they were slowing to land, which was a time when they had reduced manoeuvrability. Over 50% of the aircraft which used the airfield were either microlights or lightweight sports aircraft.

Councillor Jewell **seconded** refusal of the application.

Councillor Lumsdon thanked officers for their re-assessment of this complex issue. While she appreciated that wind turbines were drivers for farmers, this application would lead to two businesses being in conflict and also to safety concerns for the users of one of the businesses. Councillor Lumsdon agreed that the application should be refused.

Upon a vote being taken it was

Resolved:

That the application be refused for the reasons stated in the report.

Councillor Lumsdon left the meeting

c DM/15/02326/OUT - Land North of West Chilton Terrace, Chilton

The Committee considered a report of the Senior Planning Officer regarding an outline proposal for up to 135 dwellings. 13 Research and Development, Industrial and Light Industrial Buildings (12,520 sq.m total, B1 and B2 use), cemetery extension and associated landscaping (all matters reserved except access) on land to the north of West Chilton Terrace, Chilton (for copy see file of Minutes).

A Inch, Strategic Team Leader gave a detailed presentation on the application which included photographs of the site and setting and the proposed layout. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Councillor Blakey asked whether there would be any s106 money from the application. The Strategic Team Leader replied that while there would be a s106 agreement to secure the provision of 15% affordable housing. Open space would be secured on the site and there were also sufficient school places available, and therefore there was no need for any financial contributions.

Councillor Clare informed the Committee that this area of the County was desperate to develop and that the proposed industrial development was welcomed. However, the siting of housing close to a business development led him to seek an assurance there would be no conflict between residents of the housing and business users. He **moved** approval of the application.

The Strategic Team Leader replied that there were Conditions proposed in the planning approval for the business development which related to noise levels, hours of operation and use restrictions. There was also the opportunity to provide a substantial buffer between the residential units and the business units.

Councillor Conway, in **seconding** approval, informed the Committee he was delighted that a Construction Management Plan was included as a condition to the permission. He asked whether the s106 15% affordable housing condition had been agreed with the developer.

The Strategic Team Leader replied that this obligation had been proposed by the developer and it would be secured by a s106 Legal Agreement.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the completion of a s106 Legal Agreement to secure the provision of 15% affordable housing units and to the conditions contained in the report.

d DM/15/03748/WAS & DM/15/03747/WAS - Eldon Brickworks, Eldon, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding applications for a change of use to materials recycling facility (DM/15/03748/WAS) and reuse of existing materials storage area (DM/15/03747/WAS) at Eldon Brickworks, Eldon Estates, Eldon. Bishop Auckland (for copy see file of Minutes).

C Shields, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site and setting and the proposed layout. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Councillor Pemberton, local Member addressed the Committee. She informed the Committee that she was also expressing the views of Councillor Nicholson, local Member. The application site was in an area formerly classed as Category D and was in the highest 10% level of deprivation. The jobs which would come with the application were therefore a telling consideration. The Conditions proposed for the planning permission were very helpful and met the concerns of the community, in particular the restriction on operating hours and the voluntary 30 m.p.h. limit through Old Eldon. Councillor Pemberton, in supporting the application, requested that a liaison committee be established between the operators of the site and the local community. Councillor Davidson informed Councillor Pemberton that the establishment of a liaison committee was Condition 16 of the proposed planning permission.

Councillor Clare informed the Committee that he had lived near to this site and agreed that this application was an opportunity for the area. He asked whether the proposed 50 jobs would be full-time jobs. Referring to the environmental impact of dust, noise and smells Councillor Clare informed the Committee that waste would be processed inside of a building which would have negative pressure and that fumes would be channelled through the existing tall chimney on the site. Any crushing activities would take place well away from the processing building. Councillor Clare expressed concern about the narrowness of the road which would be accommodating vehicles to and from the site, especially the potential hazard for cyclists, and asked whether there could be any condition regarding the size of lorries using the road. Councillor Clare **moved** approval of the application.

John Wood, applicant, informed the Committee that it was proposed to create 50 full time jobs and that training would be provided. Referring to the size of lorries, the proposed route for traffic was already a designated HGV route which had previously been used when the brickworks were in operation.

J McGargill, Highway Development Manager informed the Committee that the number of vehicle movements generated by the development would be similar to

those which used the former brickworks. The chance that lorries would pass each other at the same time was remote, although he agreed if this did happen it would create an uncomfortable environment for cyclists and pedestrians.

Councillor Holland, in **seconding** approval of the application, informed the Committee that he had been impressed by the facility during the site visit and the application made good use of a redundant site. He asked what was being done to ensure that traffic using the site followed the correct traffic flow.

The Senior Planning Officer replied that there were highways conditions in the planning permission regarding 'turn left' road markings on the road and the trimming back of trees. Although these conditions had already been met by the applicant it was intended for them to remain as conditions on any planning permission.

Upon a vote being taken it was:

Resolved:

That the application be approved subject to the conditions contained in the report.

Councillor Blakey left the meeting.

e DM/16/01442/WAS - Civic Amenity Site, The Green, Stainton Grove

The Committee considered a report of the Senior Planning Officer regarding an application for a new Household Waste Recovery Centre including sorting facility. Resale shop and staff facilities at the Civic Amenity Site, The Green, Stainton Grove (for copy see file of Minutes).

C Shields, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site and setting and the proposed layout.

Councillor Davidson informed the Committee he was pleased that a resale shop was part of the proposed development.

Councillor Richardson informed the Committee that the site was within his Electoral Division. He had visited the site with the owner of an adjacent field who had expressed concerns about a deep gutter, or gully, along the edge of the proposed building. This gully had not been cleared since the site was in MoD ownership some 50 years ago and the gully was blocked with vegetation and tree growth. While Councillor Richardson had no objection to the application he requested that the gully be cleaned before the development commenced and asked whether this could be a condition of the planning permission.

The Senior Planning Officer replied that this would be looked in to, but land ownership and the ability to carry out such works would first need to be confirmed. L Renaudon, Planning and Development Solicitor asked why it would be required to clean the gully as part of the application. If the land was owned by the Council

then the gully should be cleared as part of the Council's responsibility towards neighbours.

Councillor Davidson informed Councillor Richardson that his concerns would be fed back to appropriate officers.

Moved by Councillor Richardson, **Seconded** by Councillor Jewell and

Resolved:

That the application be approved subject to the conditions contained in the report.