

**DURHAM COUNTY COUNCIL**

**PLANNING COMMITTEE**

**AT A MEETING** of the **Planning Committee** held at the County Hall, Durham on **Wednesday 18 February 2009** at **10.00 a.m.**

**PRESENT**

**COUNCILLOR RODGERS** in the Chair

**Members:**

Councillors Alderson, Armstrong, Avery, Bainbridge B, Bell A, Boyes, Brown J, Burnip, Cordon, Dixon, Farry, Fergus, Holland, Liddle, Maddison, Moran, Naylor, O'Donnell, Richardson, Shuttleworth, Sloan, Stoker, Turner Allen, Walker, Williams, Young R and Zair.

**Other Members:**

Councillors Arthur, Carr, Cox, Harrison N, Todd and Wilkes.

Apologies for absence were received from Councillors Davison, Myers B, Shield A, and Taylor P.

**A1 Minutes**

The Minutes of the meeting held on 21 January 2009 were confirmed by the Committee as a correct record and signed by the Chairman.

**A2 Development by the County Council**

**Wear Valley District:** Provision of tennis courts and floodlighting columns and associated works – RETROSPECTIVE APPLICATION for works carried out that vary from the approved scheme (Planning Permission 3/2008/269), Bishop Barrington School, Woodhouse Close, Bishop Auckland (Regulation 3)

The Head of Environment and Planning presented a report on the retrospective application (for copy see file of Minutes).

Mr Steel, a resident of Lambton Drive in Bishop Auckland spoke on behalf of his neighbours to advise of their objections to the installation of floodlights at the school.

He advised of the effect that the lighting columns were having on light spillage into their properties. He pointed out that it was so light in their bungalow on an evening that that they could read a newspaper in their bedroom. He could not understand why work was not suspended when it was discovered that the lighting columns were not being erected in accordance with the planning permission. The lighting columns were placed outside of the perimeter fence rather than inside. He said he had been told lighting columns were 2.5m closer to his property.

He advised that they had not been informed how high the floodlighting columns would have been. They were well above their bungalows and above the tree line to their house. He was disappointed that although it had been determined that those courts near to Arundel Close would not be floodlit at night, no consideration was given to the effect on the properties of Lambton Drive. The floodlights are aesthetically ugly, and seven of the eight floodlights can be seen from his bedroom. From the road in front of their property the lights break up the sky line and amaze passers by and this would de-value their properties. He noted that officers had visited the site and residents' properties.

He asked for the Planning Committee to visit their properties to enable them to see first hand the effect they would have, and asked the Committee not to grant this retrospective planning permission.

Councillor Zair, the Local Member, advised that this was an excellent facility but was concerned at the effect that the lighting columns would have on residents of Lambton Drive. He asked if anything could be done to filter or deflect the light away. He was disappointed that the residents had not been properly consulted about the proposal.

Councillor N Harrison, the Local Member, advised that the impact on those residents was very intrusive, and there was a loss of privacy. He suggested that they need filters or guards on the floodlights regardless of cost.

Mr D Blackett of the Council's electrical section explained that the lighting columns comply with the Lawn Tennis Association (LTA) guidelines. If a lower floodlight light was erected it would throw the light further away. Deflectors would impact on the lighting on courts.

Councillor Stoker suggested that if the lighting columns had not moved outside of the perimeter fence the problem would not have been aggravated. He also asked for clarification on how much closer the facility was to properties. He was informed that the measurement was based on comparing the approved and proposed layout plans as shown in the presentation.

Councillor O'Donnell advised that he lived at Peterlee and his property was 30 yards from an all weather pitch. At the time of the installation of the floodlights, he and his neighbours had been very concerned about the effect on their lives. Residents have now found however that the lighting is

beneficial in that their properties are protected by the lighting, and wish that they were on all year around rather than just 3-4 months.

Members expressed views that it was appalling the way that residents had not been consulted about the lighting columns and that a message should be sent out that undertaking development without the benefit of planning permission would not be tolerated in the future.

Ben Johnson, the Assistant Head Teacher at the school advised that they have not floodlit the top court. Funding from the LTA has been received for this and therefore they must light a certain number of courts. He pointed out that the lights would not be on all of the time as they were controlled by a court being used. The lighting columns are in the position they need to be. He advised that they had reduced the hours of lighting from 9 p.m. to 8 p.m. and if they were reduced any further they would be taking away the use for the community. Much research had been undertaken on the type of system of floodlighting that was appropriate and the system that had been installed was the one most appropriate and had been undertaken by designers that were approved by the LTA.

It was pointed out that an application for planning permission does emphasise that if there is any deviation from that granted then it would have to come back to the Committee to seek further approval. Members were disappointed that this had happened and they were being asked to grant retrospective planning permission particularly from another County Council service and all Heads of Service should be made aware of this.

**Resolved:**

1. That planning permission be granted for the amended scheme for the following reason:

- i) The amended proposal by virtue of the size, location, appearance and nature of the use, intended hours of use and lighting levels would have an acceptable impact in terms of the visual and residential amenities of the surrounding area and would accord with Policy GD1 of the Wear Valley District Local Plan

Also notwithstanding the acceptability of the scheme in planning terms, the school be advised of the Planning Committee's concerns that these amendments were carried out without the prior notification of the planning authority or the benefit of planning permission. The Committee therefore expects full compliance with planning and management controls that are to be put in place during use of the facility.

2. That all Heads of Service of the County Council should be made aware that they must come back to the Planning Committee if there is to be any deviation to a planning application.

### **A3 Applications to be determined by the County Council**

**a) Easington District:** Proposed provision of a dewatering facility involving the erection of a centrifuge container, lime silo, sludge screen and control kiosk at Horden Sewage Treatment Works, Horden for Northumbrian Water Limited.

The Head of Environment and Planning presented a report on the application (for copy see file of Minutes).

The Head of Environment and Planning advised that since the report had been sent out, further correspondence had been received from objectors. An additional letter of objection had been received and the comments made included that not all residents who this affected had been directly consulted, sites notices was an unsatisfactory method of informing people of the planning application, that the works were too close to populated areas, and the works should be closed. In addition one of the 5 original objectors had telephoned to advise that he did not have sufficient time to prepare to make representations to the Committee today. It was pointed out that the comments made by the objector had been included in the report, and that notification of the date of the Committee had been made at the same time as the Committee papers had been dispatched.

Councillor Boyes advised that he represented the community to the north of the site, and said that he was not opposed to the application however, at certain times the odour from the site was poor. He suggested that due to this and also comments made by Environmental Health, the odours be monitored regularly and the site closed temporarily if required.

The Head of Environment and Planning advised that proposed new development would be enclosed and there was more risk of odour from the existing sewage treatment works (STW) than the equipment itself. A condition on the STW permission required submission of odour treatment and monitoring of the site and this could be replicated if planning permission is granted.

A representative of Northumbrian Water said that the facility is monitored and that there had been problems at the site with odour leakage however this was due to the temporary nature of the equipment being used there. The problems should be eliminated once new equipment was installed as per the planning application. At a site where similar equipment had been installed there had been no complaints about odour.

Councillor Maddison, the Local Member advised that in the past six months there had been no complaints made to himself or the other local member, Councillor Stradling about the site. Councillor Walker said that there had been few complaints from the south of Dawdon about the site.

Councillor Williams asked whether they would be using any deodoriser on the site and whether the odour would be monitored. In response the representative of Northumbrian Water advised that hydrogen sulphides are used as a deodoriser. The Chairman pointed out that the waste is stored in tanks before it transferred to the plant at Redcar.

Councillor Burnip advised that there had been some problems in the past with raw sewage at the coast, however the company has been excellent in addressing these issues, and that there have been no complaints about odour at this site for the past six months.

Councillor Richardson asked that the sludge be properly treated for its odour before it leaves the site prior to it being spread on agricultural land. The representative from Northumbrian Water advised that the sludge is aerobically digested before it would be put onto the land so its odour was largely destroyed.

**Resolved:**

that planning permission be granted for the erection of a centrifuge container, lime silo, sludge screen and control kiosk at Horden Sewage Treatment Works, Horden for Northumbrian Water Limited for the following reason:

The proposed use of the site would not be unduly obtrusive or adversely impact on local amenity or the surrounding environment. The proposal would accord with Policies W52 and W33 of the County Durham Waste Local Plan relating to extensions to STWs and the implementation of appropriate environmental mitigation measures respectively

**b) Teesdale District:** Planning application for the consolidation of extant Planning Permissions together with an eastern extension of the permitted mineral extraction area at Hulands Quarry, Bowes for Aggregate Industries UK Limited.

The Head of Environment and Planning presented a report on the application (for copy see file of Minutes).

Mr Smith of Bowes Gate Cottage advised that he had lived there for 8 years, and the extension of the quarry would come within 500/600 metres from his property. He advised of the effect that the extension to the quarry would have on his family in terms of dust, light, noise pollution, and the reduction in the value of his property.

He advised that the dust pollution from the existing quarry depends on the winds, however over the past few years this has got better as the company have been damping down. He advised that with living in a rural area he did not expect to be able to see light from the quarry as it protrudes above the eye line. He would expect that the noise coming from the site would worsen as

the works get closer to his property. He pointed out that the rock crusher creates most of the noise, and with the mobile rock crushers working at the excavation point they would be closer to his home. Although the times of the rock crushing have been changed from 6 a.m. to 7 a.m. he asked that this activity be banned after 7 p.m. He noted that there is noise from the heavy commercial traffic however this is sporadic. He pointed out that the visual impact would be significant and requested that trees and shrubs be planted along the northern edge mound.

He asked that if the application was granted the following mitigating steps be taken into account: The dust be dampened down, spot lights be kept below the horizon, the rock crushers should not be used after 7pm at night, and that the northern mound be planted to prevent seeing this from his property.

Mr Storey, the Estates Manager at the quarry advised that they would be happy to accommodate the issues raised by Mr Smith. In terms of the planting of trees and shrubs for screening the Company would be happy to look at this on a temporary basis.

Councillor Shuttleworth advised that the quarry was important for the local economy and employment, and that Aggregate Industries UK was a good company based on his experience of the site in Weardale.

In response to a question from Councillor Wilkes about the company providing some financial assistance to the area, Mr Storey advised that they do support many local initiatives.

**Resolved:**

that planning permission be granted for the proposed eastern extension to Hulands Quarry, subject to appropriate planning conditions and the completion of legal agreements, for the following reasons:

- i) The development would accord with adopted County Durham Mineral Local Plan Policies M3 and M23 in that it involves an extension to an existing mineral site and there is an established need for carboniferous limestone which could not be met by alternative sites.
- ii) The development would not have a significant detrimental impact on the character of the surrounding landscape, residential amenity or wider environmental considerations and working can be adequately controlled through mitigation and by conditions in accordance with adopted County Durham Mineral Local Plan Policy M36.

**c) Easington District:** Proposed change of use to operate a scrap metal recycling facility at Seaham Harbour Dock Company, Cargodurham Distribution, Seaham for Metal and Waste Recycling Ltd.

The Business Manager, Planning Development Control presented a report on the application (For copy see file of Minutes)

Councillor C Walker, the Local Member advised that he had no objection to the application, however in terms of traffic control he would request that vehicles travelling to the plant be kept away from the town centre and use the A19.

Councillor Arthur, the Local Member advised that he welcomed the new facility and was pleased that it would bring 25 new jobs to the area. He did enquire however whether there would be any extra noise coming from the facility.

The Business Manager, Planning Development Control advised that there were already similar operations taking place so there should be no additional noise.

Councillor R Todd advised that much work had been undertaken in Seaham particularly at the harbour in making the area attractive, and he hoped that this would not impinge upon that.

Councillor Dixon welcomed the facility and was pleased that the company would be using rail links there.

**Resolved:**

that planning permission be granted for the provision of a scrap metal recycling facility at Seaham Harbour Dock Company, Seaham, subject to appropriate conditions (relating to maximum heights of waste materials, hours of operations, machinery on site and details of mobile office accommodation if required), for the following reason:

The proposal would not be obtrusive or adversely impact on the local community or environment and would be located in a suitable site for operations of this nature in accordance with Policies W26, W31, W33 and W40 of the County Durham Waste Local Plan.