

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 26 January 2023 at 9.30 am**

Present:

Councillor M McGaun (Chair)

Members of the Committee:

Councillors G Binney, L Brown, K Earley, J Griffiths, D Haney, P Jopling, C Marshall, E Peeke, J Purvis, K Shaw, A Watson and S Wilson

Also Present:

Councillors B Bainbridge and B Moist

1 Apologies

Apologies for absence were received from J Blakey and I Cochrane.

2 Substitute Members

There were no substitute members.

3 Minutes

The minutes of the meeting held on 22 December 2022 were confirmed as a correct record and signed by the chair.

4 Declarations of Interest

There were no declarations of interest.

Before commencing with Agenda Item 5a, C Cuskin, Senior Lawyer Regulatory and Enforcement confirmed that members of the public who wished to record the meeting were permitted to do so, providing that they did not disturb the conduct of the meeting, remained seated as far as possible, and ensured that their device was on silent. She explained that any subsequent defamatory use of the footage was potentially actionable.

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

a DM/22/03015/FPA - Riverside Sports Complex, Riverside, Chester-le-Street, DH3 3QR

The Committee considered a report of the Senior Planning Officer which sought permission for the removal of existing floodlighting system and replacement with new LED units mounted on 6 No. 18m high masts and 2 No. 12m high masts (for copy see file of minutes).

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 plan. He advised that there was an amendment to the report regarding the description of the 12m columns, stating that one of the columns that was given planning permission in 1993 had been removed and the proposal included the re-instatement of this column. A site visit had taken place the previous day.

Councillor B Bainbridge addressed the Committee as Local Member for the Chester-le-Street East division and confirmed her objection to the application. Considering the close proximity of the residential estate, The Parks, she asked for clarification on whether there would be any changes to the lux level or lighting infringement on residential homes. She acknowledged the planning history of the application site but stated that it had no relevance to the assessment. Councillor Bainbridge stressed the importance of the objections received from residents and asked if the visual impact had been considered and if the colour of the masts were in keeping with the backdrop and noted the issues relating to car parking. She referred to the schedule of operating hours and floodlight usage and requested a specific condition to ensure the floodlights were strictly monitored in accordance with the hours stated. Councillor Bainbridge asked for further information regarding how the floodlights would be switched off, whether it would be automatic or manual, and emphasised that to protect residential amenity of existing and future residents, the lights must be switched off by no later than 10pm.

The Senior Planning Officer confirmed that there would be a marginal increase in the lux level and confirmed that this was to enhance lighting on the site. He advised that the light impact assessment had been scrutinised and deemed acceptable. He clarified that planning permission existed for the lighting columns at the proposed height and confirmed that visually, the columns were galvanised but agreed that an additional condition to control the colour of the columns may need to be considered. With regards to the schedule of operating hours, he confirmed that this was conditioned as detailed in the report and advised that the applicant would be able to provide further information regarding the mechanism for switching off the floodlights.

Councillor B Moist addressed the Committee as Local Member for the Chester-le-Street South division and confirmed his objection to the application. He advised that himself and five Local Members in the Chester-le-Street area were opposed to the application and was perplexed that the applicant could apply for works on an area of land that he did not own. Councillor Moist stressed that the application had not been made by the Council, and in his opinion, the application was designed for a specific outcome for the applicant, rather than for the residents of Chester-le-Street and highlighted that to get the application approved by the end of March 2023 was vital for the applicant. He noted that the application site was an area of high landscape value and that the new floodlights would not conserve or enhance the area and would not provide any community benefits. He felt that the impact of the light pollution was not clear when visiting the site the previous day due to high sunshine and that visibility would only be clear on a night, he felt that more consideration needed to be given to the residents that would be affected by light pollution. He referred to the planning history of the application and stated that this was not relevant to the current application. He stated that there were no references in the report that explained the costs or maintenance of the floodlights and believed that the proposal was not sustainable. He advised that the application site was currently a shared space, and that approval of the application would restrict use of access to the sports pitch and the area surrounding it and therefore the residents of Chester-le-Street would lose a recreational area and it would no longer be a community asset. He believed the existing floodlights were adequate, and although new floodlights would increase participation, they would affect the number of people who could use the area. With regards to the protected species assessment, he pointed out that there were otters on the site. He questioned why the application had been submitted and confirmed that it breached Policies 2, 4, 8 and 16 of the National Planning Policy Framework (NPPF) and Policies 6, 31, 39 and 41 of the County Durham Plan (CDP) and respectfully asked the Committee to refuse the application on that basis.

The Senior Planning Officer clarified that the application was only to enhance the current lighting of the sports facility. In terms of sustainability, he explained that the new LED technology required significantly less power, and the low UV output would have a positive impact on ecology due to the new lighting being less attractive to insects.

Councillor Jopling highlighted that, where the applicant lived, who owned the land, and how the proposal was to be funded, was not relevant to the application.

The Senior Lawyer stressed that several statements regarding the identity of the applicant had been made and these were not material to the application.

She confirmed that the Committee had a statutory duty to determine the application in accordance with the development plan.

Councillor Moist explained that he understood but felt it was important to highlight this information. He asked for clarity on whether the application should be recommended for approval when it conflicted with several policies of the NPPF and the CDP. The Senior Planning Officer confirmed that all aspects of the NPPF and the CDP had been considered and on balance they believed the principle of the development was acceptable in accordance with the policies.

Mr A Brown from the Riverside Residents' Association addressed the Committee in objection to the application. He stated that the application should not be used as a standalone project for floodlights. He confirmed that he had previously spoken with the leader of the Council and Cabinet regarding plans for the Riverside area. He noted the main reason the application had been submitted was to attempt accreditation from the Football Association (FA) by March 2023, despite a consultation that was underway regarding outdoor sporting facilities in Chester-le-Street. He stated that it was ironic that the application mirrored phase two of the Council's plan for the Riverside which was submitted in March 2022 and subsequently withdrawn. He advised that the proposal would be part funded by the Council and the Council would be responsible for management and ongoing maintenance costs which suggested that the applicant was not facing financial risk. He explained that if the application was approved, major issues relating to increased traffic, and noise from the tannoy would be experienced by residents and he noted that these issues had not been referenced in the application. He questioned the applicant's ability to adhere to condition 4 and 5 when he was not the landowner or the operator. He pointed out that a letter had recently been received by the Area Action Partnership (AAP) from the ladies' football team that suggested they could not gain use of the facilities. He referred to the application that was submitted by the Council in March 2022 and felt aggrieved that the application was attempted to be steam rolled through to comply with the timescales of the FA. The application was subsequently withdrawn and a consultation on outdoor sporting facilities was launched to gain the views of residents, and at that time, the leader of the Council had assured that a stronger management team would be established to manage usage of the facilities. Mr Brown confirmed that this had not happened and felt very let down by the Leader of the Council, and stated that should the application be approved, it would result in the loss of a highly valued community asset.

L Pendleton, the Applicant addressed the Committee stating that he was the Chairman of the charity for Chester-le-Street United. He advised that he was a local person himself and cared deeply about the Chester-le-Street area and advised that the football club was part of the Community. He wanted the

opportunity to dispel statements about him that were inaccurate and asked that the application be considered on its merit of replacing the existing floodlights. He confirmed that he was a Deputy Headteacher at a school and clarified that the charity was not a profit organisation.

The Senior Planning Officer accepted that various things outside of the planning process were taking place, but that the Committee could only consider the application in front of them which was the replacement of the floodlights.

Councillor Wilson acknowledged the background to the application and understood the concerns but noted that at present, it was only speculation. In terms of condition 5 listed in the report regarding the operation of the floodlights, he asked whether this condition would improve the restrictions. The Senior Planning Officer explained that the new floodlights would provide greater control and that condition 5 would ensure that they were only operated during the times described in the report. He explained the negatives of the floodlights being controlled by a timed system, noting there could be occasions when the sports pitch was not in use, but the floodlights remained on.

Councillor Earley recalled the original planning application for the site and stated that a planning brief would have been helpful at that time to inform residents on future developments for the whole site. He stated the Committee should not be looking at applications in isolation and that in future, a planning brief describing all planned developments for the site would help to minimise the harm to residents. He confirmed that he supported the officer's recommendation to approve the application.

Councillor Jopling asked the applicant if he could provide information regarding the usage of the sports pitch and advise who would benefit from the approval of the new floodlights. The applicant confirmed that the football club would utilise 15% of the overall usage and that the new floodlights would benefit the athletics club, Park View School, and disability groups who also used the facilities.

Councillor Jopling thanked the Senior Planning Officer for his detailed presentation commenting that he expanded on all the relevant objections which was extremely helpful. Considering the objections, she felt the application was finely balanced but believed that the floodlights would enhance the facilities and therefore the positives outweighed the negatives. Councillor Jopling confirmed that there were no planning grounds to refuse the application and therefore supported the officer's recommendation to approve the application.

Councillor Brown asked how close the nearest 18m column was to residential housing and if any complaints regarding the current floodlights had been received from residents in the last 27 years. She sympathised with the concerns expressed by residents but felt that their grievances had the potential to be resolved by mediation and suggested that the applicant met with residents to address their concerns. Councillor Brown believed that the application complied with Policy 29 and 31 of the CDP and supported the officer's recommendation to approve the application.

The Senior Planning Officer advised that the closest 18m column was 36m – 52m to the nearest house rear elevation. The closest 12m column was 30m to the nearest house. He further advised that Environment Health had not made the Planning Officers aware of any complaints regarding the current floodlights.

Councillor Marshall highlighted that the Council had submitted an application regarding changes to the floodlights in 2022, and the application was subsequently withdrawn when a consultation regarding outdoor sporting facilities in Chester-le-Street was launched. He stated that he should have declared an interest in this item as he had met with the applicant in his previous role, however he confirmed that they had not discussed this application. He questioned why the applicant had submitted the planning application rather than the Council.

The applicant explained that as a user of the site, he began discussions with the Council regarding the floodlights in February 2019. He was informed at that time that the Council would submit the application to replace the floodlights, but afterwards was given several reasons why the Council were no longer able to do so. He confirmed that his football club, Chester-le-Street United, would contribute a significant amount of money towards the new floodlights and confirmed that the football club was open and transparent. The applicant confirmed that he wanted to enhance the existing facilities at the Riverside Sports Complex and wanted to work with the Council in doing so.

Councillor Marshall felt it was wrong for the Committee to consider the application in isolation and before the results of the consultation on outdoor sporting facilities in Chester-le-Street were known. In his opinion, Chester-le-Street United had been encouraged to submit the application.

Councillor McGaun, the Chair, reminded Councillor Marshall that political views must not be expressed at a meeting of an Area Planning Committee.

Whilst Councillor Marshall disagreed with the management of the application, he noted that there were no planning grounds to refuse the application.

Councillor Watson disagreed that the application was in isolation and noted that the application was only to enhance the floodlights and was something that the whole community would benefit from. He confirmed that he supported the officer's recommendation to approve the application but requested an additional condition to control the colour of the columns.

The Chair noted that conditions regarding noise and light had been raised by Members but confirmed that these issues had been addressed in the report. Further to the additional condition suggested by Councillor Watson regarding the colour of the columns, the Chair asked Councillor Watson if the colour of the columns was to remain neutral and not be favourable to a specific football team. Councillor Watson agreed.

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

The Senior Lawyer confirmed that the colour of the columns would be agreed as an additional condition to the application and advised that this would require an authority delegated, and details of the colour would need to be submitted to the Council, Chair and Vice Chair at a later date and the colour agreed.

The Senior Lawyer further advised that the Committee were required by law to determine the application in accordance with the development plan and that no political consideration should be considered when making a decision.

Resolved

That the application be **APPROVED** subject to the conditions listed in the report and an additional condition regarding the colour of the columns.