

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 4 October 2011 at 2.00 pm**

Present:

Councillor K Davidson (Chair)

Members of the Committee:

Councillors P Charlton (Vice-Chair), D Boyes, M Dixon, K Holroyd, O Johnson, G Richardson, P Taylor, E Tomlinson, C Walker and N Martin

Apologies:

Apologies for absence were received from Councillor(s) G Holland, A Shield, J Shuttleworth, D J Southwell and Allen Turner

Also Present:

Councillor(s) J Bailey, A Barker and P Jopling

C Baxter – Senior Planning Officer (South/West Area)
G Folley – Senior Planning Officer (Strategic Team)
A Glenwright – Principal Engineer, Highway Development Control
A Inch – Principal Planning Officer (South/West Area)
A Leadbeater – Public Transport Section Manager, Infrastructure
A Simpson – Team Leader (Strategic Team)
D Stewart – Principal Engineer, Highway Development Control
D Taylor – Property Planning & Projects Manager, Legal Services

A1 Declarations of Interest

There were no Declarations of Interest.

A2 Minutes of the meeting held on 31 August 2011

The Minutes of the Meeting held on 31 August 2011 were confirmed as a correct record and signed by the Chair.

A3 Applications to be Determined

The Chair noted that Item 3(b), PL/5/2009/0449, Driving Range and Golf Academy at Horden had been withdrawn, to be heard at a future meeting of the Committee.

3a CMA/3/33 - Site at No.45 High Street and Adjoining Car Park and Land to North of the Junction of High Street and Albion Street, Willington

Outline Application for Retail Food Store, Car Parking and Service Yard.

The Senior Planning Officer (South/West Area), Chris Baxter gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated. Members noted that the written report was supplemented by a visual presentation which included photographs of the site.

During his presentation the Senior Planning Officer (South/West Area) provided the following updates received since the reports had been prepared and provided responses where necessary:

- There had been no objections from statutory and internal consultees
- There had been 1 letter of objection from a local resident.

The Senior Planning Officer (South/West Area) concluded by informing the Committee that the recommendation was for approval subject to the conditions were as set out in the report, subject to amendments to: Conditions 3 to give the correct reference to an amended Drawing Number, Revision C; Condition 9 to include a revisit of the Travel Plan after 6 months; and Condition 10 for Delivery Hours to be between 7.30am and 10.30pm, not 10.30am as in the Report. The Chair asked if Members accepted these amended conditions, Members agreed.

Councillor E Tomlinson noted he supported the Application in principle, however asked whether there was any clarification as regards the design of the building. The Senior Planning Officer (South/West Area) explained that there were no detailed proposals at this outline stage. Councillor E Tomlinson asked for more information as regards paragraph 54 of the Report which made reference to the proposed relief road through Willington. The Principal Engineer, Highway Development Control, David Stewart, explained that nothing set out within the Application as presented to Members would affect any future relief road.

Councillor N Martin asked if there was any redirection to local bus routes as a consequence of the application, noting paragraph 60 of the Report mentioned loss of the "loop road". The Public Transport Section Manager – Infrastructure, Andrew Leadbeater, explained that the effect stop was the terminal stop and reiterated the Report in that the proposed alternative was in line with several existing bus services and was acceptable to the Council's Public Transport Team.

Councillor E Tomlinson moved that the application be approved, subject to the additional conditions; he was seconded by Councillor P Charlton.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee, together with the amendments as detailed by the Senior Planning Officer (South/West Area) within his presentation.

3b PL/5/2009/0449 - Horden Hall Farm, Thorpe Road, Horden, SR8 4TN

Driving Range and Golf Academy (Resubmission)

It was noted that this application was withdrawn.

3c PL/5/2010/0473 - Land North Of Pesspool Lane, Easington Village

Erection of 1 No. Wind Turbine, contractors compound and associated works (Amended Proposal) including increased site area to facilitate permanent tracks to connect Turbine with Pesspool Lane; and occasional deployment of a temporary access matting areas to support construction and other works which require the use of heavy vehicles and plant.

The Senior Planning Officer (Strategic Team), Grant Folley gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated. Members noted that the written report was supplemented by a visual presentation which included photographs and photomontages of the site. The Officer advised that Members of the Committee had visited the site the previous day and were familiar with the location and setting and had viewed the site from several viewpoints including Easington Village and several of the nearby properties.

During his presentation the Senior Planning Officer (Strategic Team) provided the following updates received since the reports had been prepared and provided responses where necessary:

- There had been no objections from statutory and internal consultees, including the major airports at Newcastle and Durham/Tees Valley
- Easington Village Parish Council had noted their objections to the application on grounds of: Impact on the setting of listed buildings, St. Mary's Church and Seaton Holme; Impact on the Easington Village Conservation Area; Impact on residential amenity for nearby residents; concern about the precedent the proposal would set for further development; as Durham had already met its renewable energy targets, planning permission should be refused.
- There had been 1 letter of support from the public and 18 letters of objection.

The Committee were informed that planning policy supported the application; however one property was located close to the proposed site, approximately 375m away. The Officer explained that existing tree planting at the site, protected by a Tree Preservation Order, sufficiently mitigated the impact on residential amenity.

The Senior Planning Officer (Strategic Team) concluded by informing the Committee that the recommendation was for approval, subject to the conditions were as set out in the report.

The Chair asked the spokesperson for Easington Village Parish Council, their Chair, Parish Councillor Len Morton to speak in relation to the Application.

Parish Councillor Len Morton thanked the Chair and the Committee for the opportunity to speak on behalf of the Parish Council and the Residents of Easington Village.

Parish Councillor Len Morton noted that the photomontages did not include an image from South Hetton Road leading into Easington Village, one of the more visually impressive views of the Village, and the Parish felt that view would be compromised by the proposal. The Committee were asked to note that many of the Residents would be affected by the proposed Turbine were many and that there would be considerable detriment to amenity through issues such as shadow flicker at nearby properties at Rymers Close and Hallfield Drive. Members were informed that the Parish Council had consulted on the issue of the Application and the vast majority of Residents were in objection to the proposal, the Planning Officer's Report reinforcing this, with 18 letters of objection to only one letter of support. Parish Councillor Len Morton added that views to the North, South and West already had views of several existing Turbines and that the only view from Easington Village without a Turbine was East, out over the North Sea in his opinion perhaps a more preferable location for such Turbines.

The Chair thanked Parish Councillor Len Morton and asked the spokesperson for the Applicant, British Telecom (BT), Mr Tom Martin (Head of Partnership Development) to speak, having 5 minutes to address the Committee.

Mr Tom Martin explained that the Application had undergone significant scrutiny over the past 3 years prior to coming before Committee in this simplified and viable form. Members were asked to note that there had been consultation with Durham County Council (DCC), Statutory Organisations and with the Residents via a public meeting and visits to individual Residents. Mr Tom Martin acknowledged the excellent contribution to renewable energy made by DCC, adding that there was a need to identify where there was capacity for additional Turbines and that the lack of objections from the DCC Internal Consultees was evidence that the proposed site was a viable option. The Committee were asked to note that BT did understand the concerns of Residents and indeed took on board concerns to amend the original scheme for 3 Turbines and the revised scheme for a single Turbine took onboard the views of the nearby Parachute Club. Mr Tom Martin added that BT was a large company with a large energy use and that they were committed to reducing their carbon footprint with a target of obtaining 25% of its energy need from renewable sources. Mr Tom Martin concluded by noting that the proposal was in accordance with planning policy, had measures to safeguard the visual amenity of nearby Residents in place and supported the Planning Officers recommendation for approval, subject to the conditions as outlined in the Planning Officer's Report.

The Chair thanked Mr Tom Martin for his comments in support of the Application and opened the debate up to Members of the Committee.

Councillor D Boyes noted, as one of the Local Members for Easington, that based upon the Officers Report together with comments from the Parish Council and Applicant he could not support the approval of the Application.

Councillor D Boyes noted that the Application was contrary to Local Plan Policy (LPP) 1 in relation to safeguarding of visual amenity and LPP 35 in relation to no severe detriment to those living or working adjacent to a proposed application.

Councillor D Boyes reminded the Committee that there was a Private Members Bill currently at Parliament which sought a minimum distance of 1,500m between the site of a Turbine and any residential properties. Members were also reminded that the guidance at DCC was 500m and that the nearest property in this case was less than 375m. Councillor D Boyes reiterated that the Application was within the Easington Village Conservation Area and that views of the listed buildings, St Mary Church and Seaton Holme would be negatively affected. Councillor D Boyes noted that the area, and Durham in general, had seen a proliferation of Turbines and the Campaign to Protect Rural England (CPRE) had voiced their concerns about the cumulative effects of several turbine sites within an area. Councillor D Boyes produced a map showing the many Turbines and proposed Turbines within County Durham and with the agreement of the Chair circulated copies to the Committee. Members were informed that the Association of North East Councils (ANEC) commissioned a report by Arup entitled "*Wind Farm Development and Landscape Capacity Studies: East Durham Limestone and Tees Plain*" that highlighted the cumulative effects of multiple Turbine sites within an area. Councillor D Boyes concluded by stating that he would question the logic of approving more Turbines on the Coastal Limestone Plateau.

Councillor M Dixon noted the Planning Officer's Report and the arguments put forward on both sides and expressed disappointment that the consultation as referred to by the representative from BT had not been explicitly set out within the Report. Councillor M Dixon asked whether there had been any transparent "community benefit" stipulated within the Report. Councillor M Dixon also noted that whilst there was already a significant blot on the landscape due to electricity pylons and that a single Turbine was relatively inoffensive, he agreed that the cumulative effect of more Turbines in an area already populated by several sites in all directions was an issue and did not wish to see County Durham as a "dumping ground" for Turbines.

Councillor N Martin noted that he lived approximately 8-10km away from a number of Turbines and thought that the view was a delight, but appreciated that this opinion would be in the eye of the beholder. Councillor N Martin did note that the without wishing to be blunt, the view facing over the A19 from Easington to the proposed site was not the most scenic and it was rather the impact upon day to day life that would be important, for example the potential for shadow flicker and at what level and how often would this occur. Councillor N Martin noted that on balance, he supported the Application.

Councillor P Charlton noted that she had mixed feelings about the application with the impact of one Turbine not being significant however, understanding the concerns of a cumulative effect of several Turbine sites together; Councillor P Charlton noted she was tending towards refusal.

Councillor G Richardson noted he supported the Local Member's comments in respect of the cumulative effect of multiple Turbine sites and noted the large number of sites in County Durham.

Councillor C Walker agreed with Members that the map circulated by Councillor D Boyes demonstrated the large number of Turbine sites already within the area and the County as a whole and wondered why BT and other companies were not pursuing off-shore wind farms rather than having further Turbines on-shore.

The Chair asked the Officers if they could be more specific as regards issues of television reception and shadow flicker. The Senior Planning Officer (Strategic Team) explained that Condition 12 within the report set out the investigation and mitigation that would be undertaken in respect of impact upon television reception. The Senior Planning Officer (Strategic Team) added that in relation to shadow flicker, rather than being able to quantify an amount of time per day and on which days, as weather can affect whether there would be shadow flicker, the calculation as regards which properties would be affected was based upon those within 10 times the rotor height, which gave 710m. The Senior Planning Officer (Strategic Team) explained that this meant that 6 properties were potentially affected, however several mitigation measures would be put in place by Condition 23, including screening and potential to shut down the Turbine via software if the screening was not sufficient, a standard condition for this type of Application.

The Senior Planning Officer (Strategic Team) explained that in relation to the objections from Easington Village Parish Council as regards detriment to the view from St. Mary's Church, Seaton Holme and the Easington Conservation Area, paragraphs 150 – 154 of the Report set out that the Council's Design and Conservation Section had not raised any concerns. The Committee were referred to paragraph 136 of the Report that noted that the distances to the properties located within Easington Village were sufficient that the Turbine was not considered to be overbearing. In answer to concerns regarding the proliferation of Turbines in the area, Members were referred to paragraphs 139 – 144 which noted that whilst there may be some evidence of proliferation taken in the context of the existing "visual confusion" of prominent industrial buildings, major highways and meandering transmission lines it would be difficult to sustain an objection on those grounds given the overriding planning policy support for wind turbine development.

Councillor M Dixon asked again if in normal practise, Developers would not incorporate some element of community benefit into their scheme for a Turbine. Mr Tom Martin noted that BT would be more than happy to discuss such matters with the local community. The Senior Planning Officer (Strategic Team) noted that such community benefit was usually between a Developer and Residents and was outside of Planning and felt that the issues raised as regards the proliferation of Turbines in the area and the North East in general was not sufficient to override Government policy relating to Turbine development.

Councillor D Boyes noted his disappointment that Officers felt that the cumulative impact of many Turbine developments was not a planning concern. The Senior Planning Officer (Strategic Team) explained that it was an issue, however, in this case of a single Turbine Officers felt that it was not sufficient to warrant a recommendation for refusal.

The Senior Planning Officer (Strategic Team) added that whilst Officers felt that there was still capacity for further Turbines within the area, a point would be reached where Officers would be minded to recommend refusal of applications on the grounds of cumulative impact.

Councillor D Boyes moved that the application be refused; he was seconded by Councillor P Charlton.

RESOLVED

That the application be **REFUSED** on the grounds of:

- (i) Due to the location and scale of the proposed wind turbine, it is considered that the proposed development would have a significant visual impact on nearby residential occupants. Due to their proximity to residential properties at Four Winds and Rymers Farm the proposed wind turbine will appear as obtrusive and dominating features in the landscape to the detriment of residential amenity. The proposal is considered to be contrary to policies 1 and 35 of the District of Easington Local Plan.
- (ii) The cumulative impact of the wind turbine when viewed alongside operating turbines in the surrounding area would have a significant visual impact on the locality. Due to the extent of the wind turbine development in the surrounding area the proposed development would contribute to a significant and unacceptable visual impact on the locality. The proposal is considered to be contrary to Policies 1 and 35 of the District of Easington Local Plan

3d 7/2008/0283/DM - Former D.C.M.A. and Land at Mainsforth Industrial Estate, Ferryhill, County Durham

Residential Development and Associated Access (Outline Application)

The Principal Planning Officer (South/West Area), Andrew Inch gave a detailed presentation on the report relating to the abovementioned planning application, copies of which had been circulated. Members noted that the written report was supplemented by a visual presentation which included photographs of the site. During his presentation the Principal Planning Officer (South/West Area) provided the following updates received since the reports had been prepared and provided responses where necessary:

- There had been no objections from statutory and internal consultees
- Ferryhill Town Council supported the proposals.

The Principal Planning Officer (South/West Area) reiterated the Report in noting that the Council's Employment Land Review had identified that there was an overprovision of such land by approximately a 12 year level of supply and take up, the current site and premises did not meet the needs of modern businesses and there were not attracting tenants to the site.

The Principal Planning Officer (South/West Area) concluded by noting that whilst the Application did propose a departure from the allocated use as industrial land, it was felt that the departure was in line with the Regional Spatial Strategy, National Policy and under 2009 Departures Direction, a decision could be made without the need to refer the matter to the Secretary of State therefore the Application was recommended for approval.

The Chair asked the spokesperson for Mainsforth Road Community Group, Mr Scott Miller, to speak in relation to the Application, having 5 minutes to address the Committee.

Mr Scott Miller thanked the Chair and Committee for the opportunity to speak on behalf of both himself personally and the Mainsforth Road Community Group in objection to the Application. The Committee were informed that residents of the 44 houses west of the railway tracks that run alongside the site were not in objection to development in principle, however, all were overwhelmingly in objection to the scale of the proposal for 258 dwellings and felt that this was extremely disproportionate to the existing settlement. Mr Scott Miller queried whether it would be sensible to have a large number of houses built on the edge of the settlement when there were potential sites for regeneration within Ferryhill Town Centre, such as the now closed Leisure Centre. Mr Scott Miller added that residents felt that the proposal would not have sufficient local amenity available and that the Application as it stood did not sufficiently tackle issues of potential congestion or access issues to 3 properties from the proposed roundabout. The Committee were reminded that the County Durham Development Plan stated 300 new houses for Ferryhill, and that 258 as proposed for the site constituted the bulk of this new provision in just one site. Mr Scott Miller suggested that this may not be the most appropriate site for that number of properties.

Mr Scott Miller added that there was a need to complete ecological surveys and concluded by reiterating that local residents were overwhelmingly against the proposal on issues of scale and poor access and amenity.

The Chair thanked Mr Scott Miller for his comments and asked the Agent, Mr Keith Fenwick (acting upon behalf of the Applicant), to speak in relation to the Application, having 5 minutes to address the Committee.

Mr Keith Fenwick noted the comprehensive Report as set out by the Officer adding that in relation to ecology surveys, these were now completed after a 6 month hiatus in order to carry out the surveys at the appropriate time of year to check for certain species. The Committee were informed that surveys had shown no evidence of Dingy Skipper, Badger activity or any other issue to prevent the proposals being recommended for approval. In relation to the issues raised concerning the proposed roundabout and access to properties, Mr Keith Fenwick explained that access would be retained, and would actually benefit from enhanced visibility, with the details of the layout to be completed in consultation with the DCC Highways Department. Mr Keith Fenwick added that in relation to scale, as the development was for 280 properties, Ferryhill having over 11,500 residents already and Mainsforth being a "Category 2 Settlement", he felt that the development helped to secure sustainability and growth for the area.

Members were referred to the Officers Report which set out the many amenities that were located close to the site. Mr Keith Fenwick concluded by noting that Government guidance was for sustainable development and that if the site was not likely to attract future employment prospects it would be more beneficial to have the land brought back into use to prevent anti-social behaviour on the site and provide value to the site and surrounding community.

The Chair thanked Mr Keith Fenwick for his comments in support of the Application and opened the debate up to Members of the Committee.

Councillor N Martin asked whether there could be mention within any Section 106 Agreement for a requirement for play areas for younger children within the site and hoped that at the detailed application stage, there would be proper incorporation of microgeneration and renewable energy solutions for the proposed properties.

Councillor D Boyes noted his disappointment that a site visit had not been recommended for this application and noted the Police Architectural Liaison Officers concerns regarding access and security of properties at “a standalone site”.

Councillor G Richardson noted from the indicative plan the close proximity of the railway line and asked whether noise levels would be acceptable for the new properties.

The Principal Planning Officer (South/West Area) noted that there was a recreation ground only 200m from the site and that open space would be incorporated into the site layout. Members were informed that Condition 16 set out, as much as possible at the outline stage, the requirements for renewable energy for the scheme and that further information would be required at the detailed application stage. The Principal Planning Officer (South/West Area) noted that the Police Architectural Liaison Officers had commented based upon the indicative layout presented for the outline application and that the detailed scheme that would follow, should the outline scheme be approved, would take into account those comments. In relation to noise levels, the Principal Planning Officer (South/West Area) noted that the ground height level of the proposed site for development was significantly higher than the railway and this, coupled with retained coniferous planting, would mean that noise levels would be acceptable. The Committee were reminded of the many local amenities as set out within the Report and noted that additional properties would only likely benefit the sustainability of such amenities.

The Principal Engineer, Highway Development Control, Alan Glenwright, noted that the requirement for the roundabout in the scheme was a consequence of having over 300 properties, however with the scheme having been amended to only 258 properties it was regarded as a very good standard of access. The Principal Engineer added however that the roundabout added improved access to the 3 properties directly affected and that the indicative drawings did not show the roundabout to scale, this would follow in any detailed application. The Committee were informed that a footway would appear to be created, serving the two properties that previously did not have pedestrian access, again with the details to come forward at the appropriate detailed application stage.

The Principal Engineer noted that the Council's Area Traffic Engineer had commented that the roundabout would assist in improving highway safety, acting as a traffic calming measure complimenting the roundabout on the western side of the railway line. The Principal Engineer concluded by noting as the roundabout was originally proposed to cope with the demands of over 300 properties, there would not be any issues of congestion with only 258 properties and that the Highway Development Control Section had no comments on the internal layout of the site at this indicative stage, however, the Section would comment as appropriate at any detailed application stage.

Councillor P Taylor noted he was broadly in support of development that provided family homes, however, shared his concern of the lack of affordable housing for this scheme.

Councillor P Taylor noted it was the third meeting of a Planning Committee where he had heard that a Developer was unable to provide affordable housing whilst maintaining a viable scheme and asked why this was now the case when affordable housing provision had been provided in the past.

Mr Keith Fenwick noted that the site would require remediation in order to make it suitable for housing development and this, in conjunction to the current market conditions, meant that financially it would not be possible to have affordable housing within the scheme. Members were informed that the viability of the scheme had been assessed on an open-book basis, and that there was a stipulation within the Application for reassessment of the viability of affordable housing at key milestones in the development, for example after 75 properties were completed, 125 properties and so on. Councillor P Taylor accepted that the economic climate was an important factor; however, he noted that the issue regarding the remediation of the site was perhaps a "red herring".

Councillor M Dixon moved that the application be approved; he was seconded by Councillor N Martin.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee.

The Chair agreed that the next item could be considered as urgent business.

A4 CMA/3/34 - Glenholme Sports Centre, Glenholme Park, New Road, Crook

Prior Notification of Demolition of Sports Centre

The Team Leader (Strategic Team), Allan Simpson thanked the Chair and Committee for agreeing to hear the matter in relation to the Prior Notification of Demolition of the Sports Centre at Glenholme Park.

Members were asked to note that the matter was not whether the Sports Centre should or should not be demolished, simply whether Members of the Committee wished to comment upon the method of demolition and restoration of the site thereafter.

The Team Leader (Strategic Team) explained that approvals under the Building Act had already been given and that this Prior Notification required determination within 28 days, the period for this particular matter being 11 October 2011. The Committee noted that such matters would normally be dealt with under delegated powers; however, the Local Member, Councillor J Bailey, had approached Planning Officers asking for the matter to be heard at Committee. Councillors noted that ordinarily the Application would have been scheduled to be heard by the Area Planning Committee (South and West); however timescales were such that the matter was brought to the County Planning Committee for Members' consideration today.

The Team Leader (Strategic Team) concluded by noting that the demolition was proposed to be carried out in adherence with the requisite British Standards and usual conditions as set out in the Report and accordingly the recommendation was that "Prior Approval was not required".

The Chair welcomed the Local Members, Councillor J Bailey and P Jopling and asked them to keep any comments regarding the Application to the matters that the Committee could comment upon, not the issue of whether the Sports Centre should have closed, or be demolished.

Councillor J Bailey thanked the Chair and Committee for the opportunity to comment on the matter and explained that emotions were running high at Crook as a result of the closure and proposed demolition of Glenholme Sports Centre and that the people of Crook needed leisure provision. The Chair understood the Local Member's comments, however, the Committee were asked to be mindful of what Members were being asked to consider, as set out within the Report.

Councillor P Jopling added that she believed that the matter should be deferred to enable further research into by-laws that may apply to the site and issues relating to how adjacent facilities and amenity would be affected. The Chair noted that the Committee could only consider matters that were within its remit in relation to Planning, and contained within the Report.

The Team Leader (Strategic Team) reiterated that this matter was not regarding operational issues, which had been decided upon elsewhere, and the matter before Committee was in relation to the technical details of the demolition and restoration process.

Councillor M Dixon moved that the application be approved; he was seconded by Councillor C Walker.

RESOLVED

That the application be **APPROVED**, and that Prior Approval was not required.