



County Planning Committee

Date Tuesday 4 October 2011
Time 2.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Declarations of Interest
2. Minutes of the meeting held on 31 August 2011 (Pages 1 - 14)
3. Applications to be determined
 - a) 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 (Pages 15 - 32)
Outline Application for Retail Food Store, Car Parking and Service Yard.
 - b) PL/5/2009/0449 - Horden Hall Farm, Thorpe Road, Horden, SR8 4TN (Pages 33 - 48)
Driving Range and Golf Academy (Resubmission).
 - c) PL/5/2010/0473 - Land North Of Pesspool Lane, Easington Village (Pages 49 - 84)
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 area to support construction and other works which require the use of heavy vehicles and plant.
 - d) 7/2008/0283/DM - Former D.C.M.A. and Land at Mainsforth Industrial Estate, Ferryhill, County Durham (Pages 85 - 108)
Residential Development and Associated Access (Outline Application).
4. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
5. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
26 September 2011

To: **The Members of the County Planning Committee**

Councillor K Davidson (Chair)
Councillor P Charlton (Vice-Chair)

Councillors D Boyes, M Dixon, G Holland, K Holroyd, O Johnson,
G Richardson, A Shield, J Shuttleworth, D J Southwell, P Taylor,
E Tomlinson, Allen Turner, C Walker and R Young

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in on **Wednesday 31 August 2011 at 2.00 pm**

Present:

Councillor K Davidson (Chair)

Members of the Committee:

Councillors P Charlton (Vice-Chair), D Boyes, M Dixon, G Holland, K Holroyd, O Johnson, G Richardson, J Shuttleworth, D J Southwell, E Tomlinson, Allen Turner and R Young

Apologies:

Apologies for absence were received from Councillor Alan Shield and Councillor Charlie Walker

A1 Declarations of Interest

The Property, Planning and Projects Manager, Resources, David Taylor gave Members of the Committee advice in respect of the application set out in the Agenda Papers as Item 3(g) CMA/1/53, Tanfield Lea Road, Tanfield Lea, Stanley. Councillors noted that if they were a member of the Council's Corporate Parenting Panel, it was advised that they should declare an interest in Item 3(g) and take no part in the debate or decision on this matter. Accordingly, Councillors M Dixon, K Holroyd and G Richardson declared prejudicial interests, took no part in the debate relating to that item and withdrew from the Council Chamber until after the resolution was passed relating to that item.

A2 Minutes of the meetings held on 12 July 2011 and 27 July 2011

The Minutes of the Meetings held on 12 July 2011 and 27 July 2011 were confirmed as correct records and were signed by the Chair.

APPLICATIONS TO BE DETERMINED

The Chair noted that, in order to best accommodate Registered Speakers and Local Members present, it was perhaps preferable to take the Applications set out on the Agenda in the order of Items (f), (g), (e), (a), (b), (c) and (d). Members of the Committee agreed.

(f) CMA/1/50 – South Moor Football Club Playing Fields, South Moor Road, South Moor, Stanley

Proposed new 360 place Primary School including associated vehicular and pedestrian access and car parks, sports pitch provision and landscaping works.

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 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.

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
- An additional letter from the Old South Moor Residents Association containing 100 signatures had been received, noting concerns in relation highways safety
- There had been 9 letters of support from the public and 2 letters of objection.

The Senior Planning Officer concluded by informing the Committee that the recommendation was for approval subject to the conditions as set out in the report.

The Chair asked the Local Member present, Councillor D Marshall if he would like to speak in relation to the Application.

Councillor D Marshall explained that all of the Residents of South Moor were in favour of a new school for the area and that the old school should be replaced. Members of the Committee were informed that a consultation process had taken place with letters having been sent home via children at the existing school and several events where local people had a chance to comment on the design and location of the proposed new school had taken place. Councillor D Marshall added that unfortunately those residents that lived closest to the application site did not appear to have been consulted and that concerns had been raised with him, and the local M.P., at a Residents' Meeting 2 weeks ago. The Committee heard that the main concerns related to the location of the school on the busy main road, with no side streets to enable safe dropping off and picking up of children.

Councillor D Marshall also explained that the road, the C11, had a chicane located near to the Application Site and that he had spoken on several occasions to the owner of the house nearest the chicane where several accidents had taken place, resulting in damage to the nearest property, 4 accidents within a week. Members learned that one incident involved an electricity pole being struck with power to nearby houses being disrupted.

Councillor D Marshall informed the Committee that Residents of South Moor had been told over 18 months ago that something would be done in order to address the highways issues and concerns when the Application for the new school would be considered. Councillors heard that the current School Crossing Patrol Guard had had to hit some vehicles that were not stopping in order to allow children to cross the road safely. Councillor D Marshall noted that if cars were to park on the main road in order to drop off and pick up children, there would not be enough space on the road for emergency vehicles or buses to get past. Referring to the additional car parking spaces as explained in the committee papers, this was a reassurance to residents in respect of some of the parking issues, however those dropping off children would still need to turn around and that this would likely require a driver to go along to Quaking Houses or to use Muriel Street nearby, affecting the Residents of this private street.

Councillor D Marshall reiterated that no one wanted to lose the new school, however, Residents needed reassurance that children would be safe when attending the new school and that there needed to have been full consultation with local people on proposal to achieve this. Councillor D Marshall added that if the Council were to get this application wrong in respect of Highways issues, the local people would never forgive the Authority. Councillor D Marshall concluded by asking what consultation had take place with South Moor Football Club as regards joint use for the car parking, and who would get priority and when.

The Chair thanked Councillor D Marshall and asked the spokesperson for the Old South Moor Residents' Association, Mr B Thurgood to speak, having 5 minutes to address the Committee.

Mr B Thurgood said that consultation by the Council had been poor, and that Residents were not informed as regards an opportunity to input until a few weeks ago at a meeting attended by the Senior Planning Officer (Strategic Team). The Committee were asked to considered that there was a greater volume of traffic along the main road than inferred by the Officer's report, with Residents' having surveyed the number of cars on an afternoon, noting over 100 cars in a 30 minute period. Mr B Thurgood added that when Councillors attended the site yesterday, their coach had parked on the side of the road adjacent to the site and that this had seriously narrowed the road at this location and if another vehicle had parked nearby, this could have resulted in the road being un-passable for other vehicles. Mr B Thurgood explained that the proposed area for additional sports pitch provision would only be able to have access via Muriel Street, a private street, and that this could be potentially problematic. The Committee were asked to note that Residents believed that there could be a turning circle for parents dropping off and picking up children, especially if the existing poor quality changing facilities for South Moor Football Club were removed, of course accepting that improved replacement facilities would need to be provided at a cost.

Mr B Thurgood added that it would be preferable from Residents' perspective to have the additional sport pitch provision to be provided from existing fields located at the bottom of the Application Site, already utilised by the Football Club for training, and that Mr R Jones, Secretary of the Football Club had noted that Muriel Street was not what he had been told as regards the additional sports pitch provision.

The Chair asked if The Senior Architect, Neighbourhoods, Dean Henderson wished to speak on behalf of the Applicant, namely Durham County Council. The Senior Architect explained that he would not make a former comment, rather if Members of the Committee had any specific questions relating to the design he would endeavour to answer them. The Chair asked Members of the Committee for their comments and questions.

Councillor P Charlton noted that the provision of a new school was good; however, she asked whether the potential hazard of the nearby stream had been addressed. The Senior Planning Officer (Strategic Team) explained that the stream was north of the proposed school and that within the plans this would be incorporated into a pond and wetland "wildlife area" and that normal health and safety protocols would be applied as part of the development. Councillor P Charlton also asked whether the proposed 37 car parking spaces were adequate, given the size of the school and the use by the Football Club in addition. The Senior Planning Officer (Strategic Team) referred the Committee to the Senior Professional Assistant, Highways, Regeneration and Economic Development, Neil Thompson in relation to several issues raised by the Local Member and the Speaker on behalf of Old South Moor Residents' Association.

The Senior Professional Assistant explained that the 37 car parking spaces was in excess of the usual provision made by the Council for a school of this size and type, with 35 members of staff for the school, 9 of those being part-time which would give 24-25 spaces according to policy. Members were informed that parking standards stated no provision of parking for parents at schools, and that there was National Planning Policy guidance regarding child safety and child obesity that states that Local Authorities should not provide parking for parents and should encourage children to walk to school.

Councillor D Southwell noted that all Members supported the development of a new school; however, he added that he sat in amazement at the comments from the Highways Officer relating to guidance. Councillor D Southwell acknowledged the concerns raised by the Local Member and the Residents' Association and asked whether the design as set out in the Application made the best use of the site. Councillor D Southwell queried whether it would be possible to move some of the car parking provision elsewhere within the scheme to allow for a turning circle off the highways to enable parents to turn safely.

Councillor D Southwell moved that the Application be deferred pending revisions to the scheme that took into account the concerns raised by the Local Member and Residents' Association, he was seconded by Councillor G Richardson.

The Chair asked if Members wished to continue the debate before deciding on the motion for deferral, the Committee agreed.

Councillor J Shuttleworth noted with disappointment the comments from the Residents' Association regarding the consultation by the Council and added that it may be beneficial if the application was deferred to allow time for amendments to the scheme to take into account the views as expressed at the meeting.

Councillor G Richardson concurred with the points raised by Councillor D Southwell and added that he was aware of a newly constructed school in Marske which, similar to the South Moor site, faced directly on to a main road and that this school had flashing "20 mph" signs at each end of the school.

Councillor D Boyes noted that he was also leaning towards deferral, however he asked for further details from Officers relating to the points raised by Members, especially on the issue of consultation with Residents, the apparent discrepancy between the number of accidents on the main road as reported in the Committee papers and those mentioned by the Local Member and the possibility of a turning circle for parents vehicles.

Councillor G Holland noted he was minded to support deferral of the application and asked whether Paragraph 37 of the Officers' report relating to the comments from the Council's Low Carbon Officer was sufficient, in that as the Application was by the Council could the Authority look to aim beyond the BREEAM standard of 10% "renewable" and aim for 50% or greater by incorporating technology such as ground source heat pumps and solar panels in order to better provide sustainable and self-sufficient buildings.

Councillor A Turner asked whether the access to the new sports pitch provision was to be provided from Muriel Street or otherwise.

Councillor O Johnson noted that the Officers' Report stated that it was not policy for parents to be allowed to access or use the parking facilities on school sites and asked whether this policy was correct if it did not take into account the location of a school and that was this an opportunity to "get it right" for the benefit of parents and local Residents.

Councillor M Dixon noted that the consultation undertaken by the Council had resulted in Residents choosing the site and that all parties had agreed that a new school was welcome. Councillor M Dixon asked if there would be any negative affect on the scheme if the Application were deferred and also noted that the Committee could be accused of creating policy "on the hoof" and set a precedent for future school developments and asked whether the concerns raised could be dealt with through conditions and informatives within any approval the Committee granted.

The Senior Planning Officer (Strategic Team) explained that scrubland referred to as a possible alternative for the additional sports pitch provision was too wet for such use and that the access to the proposed provision would be through the existing site entrance and across the site, not from Muriel Street.

Councillor M Dixon noted that the issues noted regarding potential congestion could be averted if parents were encouraged to take children to school along the footpath and cycleway that led to the north of the site, in line with existing policies.

The School Places Strategy Manager, Children and Young People's Services (CYPS), Sheila Palmerley noted with disappointment the views of the Residents' Association and Local Member as regards the consultation process undertaken by CYPS in relation to the new school for South Moor. The School Places Strategy Manager explained that the consultation had been carefully planned and had involved local Residents in deciding upon the site for the new school and that this had been taken into account in the report then taken to Cabinet. Members were asked to note that any Local Authority would not be expected to knock on every door within their area; however, in the region of 3000 documents were distributed between 7 May and 11 June 2011. The School Places Strategy Manager added that the existing School, their Governors, Stanley Area Action Partnership, Stanley Town Council, local Sure Start and the local M.P. were all consulted on the proposal. Members were assured that the consultation process had been thorough and a list of those consulted was available. The School Places Strategy Manager concluded by noting that any deferral of the Application could have a negative affect on funding provided from Central Government for the new school.

The Senior Planning Officer (Strategic Team) explained that, from a Planning perspective, 136 individual responses had been received and that the proposal had been reported in the press and advertised on the Application site. In relation to the parking provision as set out within the Application it was noted that, in accordance with policy, none were for parents and that from discussions with the Headmistress the amount of parking proposed was acceptable. Members were informed that Planners had looked at the plans and there was scope for an additional 6 spaces albeit with the loss of a section of grassed amenity area. The Senior Planning Officer (Strategic Team) added that parking for parents and a turning circle would be outside of existing policy and that colleagues from the Highways Section may wish to comment further in this matter. In response to Councillor G Holland, the Senior Planning Officer (Strategic Team) noted that the BREEAM "Excellent" standard was currently the highest national standard. It was reiterated that access to the new sports pitch provision would not be via Muriel Street, rather through the site and Members learned that it could be possible to include a condition for a Private Road sign for Muriel Street within the Application. The Senior Planning Officer (Strategic Team) added that within the Travel Plan information it was noted that 50% of the pupils lived within 800m of the site and there was public footpath leading to the site.

The Senior Professional Assistant explained that the figures relating to accidents on that particular road were Road Traffic Accidents as reported to the Police and this was the information made available to the Council's Accident Investigation Team, 1 accident in the last 10 years. Members noted that upon checking for non-injury reports to the Police and speaking to Officers from the Area Maintenance Team, the Senior Professional Assistant learned that there had been 1 repair in the last 4 years.

The Senior Professional Assistant reiterated other Officers' comments regarding Council Policy not to provide parking for parents and added that whilst the County average for the percentage of children walking to school was around 50%, the figure for the current Greenlands School was 72-73%. Members were informed that the traffic flow for the road had been measured less than 3,000 vehicles per day, with 240 recorded in the busiest hour in line with those figures quoted by the Residents' Association. Members learned that this figure did not constitute a large volume of traffic and consequently Officers felt there were no highway safety issues on that road.

The School Places Strategy Manager explained that the funding from the Department for Education was to be used by 2013 came from the last Spending Review 2008 – 2011 and there was concern that Government may accuse the Council of "delaying".

Councillor D Southwell asked whether Officers would comment on the possibility of a Zebra Crossing for the site and also whether deferring the Application by one month to the next meeting of the Committee would have that serious an effect upon the scheme.

The Senior Professional Assistant explained that there were specific criteria for the provision of crossings for the public highway and that in 2004, Cabinet received a report that contained information on research that had demonstrated that in cases where pedestrian crossings had been installed in areas with low traffic flow it could be shown there was an increased safety risk as drivers became used to the crossing not being in use and drove on that basis. The Committee learned that the site at South Moor only had a quarter of the foot traffic and less than 10% of the traffic flow in order to meet the minimum criteria for a Zebra Crossing.

The Senior Planning Officer (Strategic Team) noted that should the Application be deferred and altered there would be a requirement to re-consult on the Application and it would be unlikely the Application would be able to be prepared in time for the next scheduled meeting of the Committee.

Councillor M Dixon asked for clarity on the issue of the School Crossing Guard currently serving the existing school. The Senior Planning Officer (Strategic Team) confirmed that there had been assurances that the School Crossing Guard would move to serve the new school. Members also noted that there would be difficulty in having a specific condition relating to the School Crossing Guard, however, there was scope for conditions relating to traffic management and any barriers or signage as deemed necessary.

The Senior Professional Assistant asked the Committee to note that if Members were minded to approve the Application, there was the possibility of warning signs and appropriate highways markings to alert road users of the school.

Councillor M Dixon moved that the Application be approved subject to Members additional comments.

Councillor A Turner asked what the significant delay to the project would be if the Application was deferred.

The Section Manager, Technical Services, Neighbourhoods, Richard Fenwick asked Member to take into account the comments from other Officers relating to the consultation that had taken place relating to the site for the new school and that Residents had been instrumental in choosing the location. The Committee were reminded that it was a well established fact that vehicles and children should not mix on school premises and that it would be wise to continue with such practice. The Section Manager referred to the figure of 72-73% of the pupils attending the existing school walking and noted that there could be initiatives such as "walking buses" to help highlight any issues relating to safety. Members were reminded that there was an expectation by the Residents that the new school would be opening in 2013 and Councillors also were informed that the Programme of Works had little "float", only 1 or 2 weeks, and that deferral of the determination of the Application for up to 2 months could mean the scheme was not achievable. The School Places Strategy Manager added that there was a finite budget for the project and any additional costs that may be incurred from additional works would then need to be diverted from allocations to other schools.

Councillor G Richardson asked the Chair if it would be possible to allow the Local Member an opportunity to speak now that Members had debated the issues relating to the Application.

Councillor D Marshall reiterated that all Residents did wish for a new school and that the concerns that had been raised with him as the Local Councillor had related to the highway and safety for the children that would attend the new school. Councillor D Marshall noted that if it was not possible within the Application or existing budgets, it maybe possible at a future date through negotiation with the Football Club or other parties to look at issues such as a turning circle.

Councillor D Boyes noted that after hearing the comments from Officers and being reassured on several of the points raised by Members he would second the Motion of Councillor M Dixon for approval of the Application.

Councillor D Southwell stated that it was important that the budget allocated for the new school was not lost and was reassured by the additional information from Officers and withdrew his motion for deferral.

The Chair acknowledged the withdrawal of the motion and reiterated the points raised by Members prior to any vote on approval of the Application. The Chair noted that Members had agreed with the additional 6 parking spaces to be incorporated into the existing design, speed warning signs, barriers and consultation on traffic plans. The Senior Planning Officer (Strategic Team) reiterated that the School Crossing Guard would be moved from the existing location to serve the new site.

Councillor M Dixon moved that the application be approved, subject to the additional conditions; he was seconded by Councillor D Boyes.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee, with the amended and additional conditions as set out below:

1. Before works commence on site details of the proposed car parking provision including layout, number of spaces, surface materials and drainage shall be submitted to and approved in writing by the Local planning authority. The proposed car park will provide for at least 43 no. car parking spaces. The approved scheme shall be implemented as part of the development in accordance with those details. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private vehicles.
2. Before works commence on site a scheme for the provision of Traffic Management Improvements in the vicinity of the site shall be submitted to and approved in writing by the Local planning authority. The scheme shall include the provision of pedestrian barriers and appropriate signage to be provided at the front of the school. Details shall also be provided of the re-location of the School Crossing patrol, which currently operates at the existing school site. The approved scheme shall be implemented as part of the development in accordance with those details.

(g) CMA/1/53 – Tanfield Lea Road, Tanfield Lea, Stanley

Proposed erection of 6 bedroom house to be used as Children's Home (Use Class C2).

The Senior Planning Officer (Strategic Team) 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. The Officer advised that Members of the Committee had visited the site the previous day and were familiar with the location and setting.

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:

- 1 further letter of objection from a member of the public with references to impact on wildlife and highways safety.

The Senior Planning Officer (Strategic Team) reiterated that whilst the site was outside of the settlement boundary and the Application a departure from Local Plan Policy, in this instance, Officers had felt the need to ensure a safe residence for vulnerable individuals would be in keeping with the need to support the wellbeing of communities as set down in National Planning Policy and would outweigh any planning harm identified by reason of conflict with saved Local Plan Policy.

Councillor O Johnson noted that he had spoken to Councillor J Wilson, Local Member for the Application, and he had withdrawn his objection to the Application.

Councillor D Southwell noted that the Officers had clearly demonstrated that there was a need for this residence; however he added that it was sad that there was a need to depart from Local Plan Policy to build outside of the settlement boundary and was concerned that this may set a precedent. Councillor P Charlton agreed that the loss of green space was a concern and the Committee should be careful not to set a precedent for the future. The Chair asked Officers to comment on the potential for a precedent being set.

The Senior Planning Officer (Strategic Team) explained that Officers considered the departure from Local Plan Policy to be acceptable and that any precedent was specific to that site and that all future cases would be considered by Committee on a case by case basis.

Councillor D Southwell moved that the application be approved; 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.

(e) CMA/7/83 – Thyssenkrupp Tallent Premises, Newton Aycliffe Business Park, Newton Aycliffe

Extension to existing manufacturing distribution facility creating new production and dispatch facility including: staff facilities, car park, service yard and rationalisation of access and new security fencing.

The Senior Planning Officer (Strategic Team) 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.

The Senior Planning Officer (Strategic Team) noted an amendment to Condition No.16 included in the recommendation report.

Members of the Committee agreed the amendment as set out by the Officer.

RESOLVED

That the application be **APPROVED** subject to the conditions detailed in the Officer's report to the Committee, with the amended condition as set out below:

16. The existing redundant vehicular access(s) to the development site from Groat Avenue and St. Cuthbert's Way shall be closed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is brought into use.

(a) **CMA/7/82 – Kirk Merrington County Primary School, South View, Kirk Merrington**

Proposed demolition of School building and erection of 120 place Primary School.

The Strategic Team Leader, Allan Simpson 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.

Members were informed that the objection from Sport England was a "technical" objection due to the loss of a playing pitch, though the provision of a Multi Use Games Area (MUGA) was felt to outweigh this loss.

Accordingly, the Strategic Team Leader advised Members that the recommendation was for Members to be minded to approve, with the application then having to be referred to the Government Office..

Councillor M Dixon moved that the application be approved; he was seconded by Councillor D Boyes.

RESOLVED

That the Committee were **MINDED TO APPROVE** subject to the conditions detailed in the Officer's report to the Committee and that the application be referred to the Government Office in accordance with Town and County Planning (Consultation) (England) Direction 2009 and in the event that the Secretary of State does not call in the application, the determination of the application shall be delegated to the Head of Planning Services, in consultation with the Chair and Vice-Chair of the Committee.

(b) CMA/4/58 & CMA/4/59LB – Durham Castle, Palace Green, Durham City

Replacement of floodlighting and associated works.

The Strategic Team Leader, Allan Simpson gave a detailed presentation on the report relating to the abovementioned planning applications, copies of which had been circulated. Members noted that the written report was supplemented by a visual presentation which included photographs of the site.

Members noted that the International Council on Monuments and Sites (ICOMOS) had raised no objections to the proposed scheme.

Councillor D Boyes moved that the application be approved; he was seconded by Councillor M Dixon.

RESOLVED

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

(c) CMA/4/60 – Unit A, Arnison Retail Centre, Pity Me, Durham

Demolition of retail unit and redevelopment to provide new retail units, including mezzanine floors, associated landscaping, parking, servicing and access works.

The Strategic Team Leader, Allan Simpson 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.

The Chair noted that the scheme required a loss of 41 car parking spaces; the Strategic Team Leader explained these were to the front on the existing Unit A. Councillor D Southwell noted he supported the Application and stated that the loss of any disability parking provision would be undesirable.

RESOLVED

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

(d) CMA/4/61– Belmont Park and Ride Site, Belmont

Extension of the existing Park and Ride site.

The Strategic Team Leader, Allan Simpson 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.

The Committee noted that an objective of proposed extension would be to help with parking capacity issues when Durham hosted events such as the Miners' Gala and Lumiere.

Councillor K Holroyd asked whether the car parking would still be restricted to those using the Park and Ride Scheme. The Strategic Team Leader confirmed this was the case, with the spaces being used as an overflow capacity in the cases of large events as explained.

Councillor K Holroyd moved that the application be approved; he was seconded by Councillor D Southwell.

RESOLVED

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

This page is intentionally left blank



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO:	CMA/3/33
FULL APPLICATION DESCRIPTION:	Outline application for retail food store, car parking and service yard
NAME OF APPLICANT:	Lime Development Ltd
ADDRESS:	Site at No. 45 High Street and adjoining car park and land to north of the junction of High Street and Albion Street, Willington.
ELECTORAL DIVISION:	Willington
CASE OFFICER:	Chris Baxter Tel: 0191 383 3360 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is situated to the north of High Street located centrally within the main shopping area of Willington. The site comprises a detached building known as 45 High Street with parking and open land surrounding the building. An adopted 'loop' road runs through the site. Beyond this loop road, within the application site, is an area of open grass land with some mature trees. This northern area of the site was previously occupied by Albion House, a residential care home.
2. The A690 highway is located directly to the south with the highway of Albion Place running along the east boundary of the site. Albion Place and High Street meet at the traffic light junction which is on the south east corner of the application site. Residential properties are located on Albion Place to the east of the site. Commercial shopping units are situated on the High Street to the south of the site. Recreational land which includes a children's play area is sited directly to the west of the site with the residential properties on Kensington Terrace located beyond.

The proposal

3. Outline planning permission is sought for a retail food store with access, landscaping and layout to be considered within this application and appearance and scale to be reserved for future consideration. The proposed layout shows the footprint of the actual store building located to the back (north) of the site with the majority of the parking located to the front (south) of the site. Public access to the site would be taken directly from the A690 using the existing junction. Delivery vehicle access would be taken from Albion Place to the east of the site. The proposed retail store would provide a retail floor area of 2787 sqm with additional warehouse accommodation to the rear of the building. In addition to this 170 parking spaces including 9 disabled and 8 parent and child spaces are proposed. Landscaping is mainly directed to the boundaries of the site with the inclusion of a public realm feature to the south east corner of the site. The proposal would also incorporate the demolition of the existing building on the site.

PLANNING HISTORY

4. There have been several planning applications related to the existing building on the front of the site, most recently the reroofing of the building in 2005 and 2008 with a new shop front approved in 1991. The demolition of Albion House to the rear of the site was given prior approval in 2005. Subsequently Albion House was demolished and the land grassed over.

PLANNING POLICY

NATIONAL POLICY:

5. *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
6. *Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4)* sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.
7. *Planning Policy Guidance Note 13: Transport (PPG13)* sets out objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
8. Furthermore, the emerging NPPF sets out a presumption in favour of sustainable development to encourage economic growth, particularly where it is within a Local Plan identified centre and below a certain scale. This draft guidance is a material consideration in determining planning applications, and this proposal is considered to be in general conformity with the NPPF.

REGIONAL PLAN POLICY:

9. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The overall objective for minerals policy in the Region, as set out in RSS, is to ensure the prudent use of the Region's indigenous natural resources in line with sustainable development objectives.
10. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This position was challenged through the courts and the Court of Appeal ruled in May 2011 that the proposed abolition of Regional Spatial Strategies can be regarded as a material consideration when deciding planning applications. The following policies are considered relevant.
11. *Policy 7: Connectivity and Accessibility* seeks to minimise the need to travel by promoting public transport, travel plans, cycling and walking. Green Travel Plans are encouraged.
12. *Policy 8: Protecting and Enhancing the Environment* encourages high quality design in all development proposals sensitive to the surrounding built and natural environment.
13. *Policy 12: Sustainable Economic Development* states that the majority of new economic development and investment should be focussed towards:
 - a) *the Conurbations and Main Settlements within the Tyne & Wear City Regions;*
 - b) *brown field mixed use locations; and*
 - c) Key Employment Locations, particularly for employment uses of regional and sub-regional significance.
14. *Policy 38: Sustainable Construction* states that planning proposals should:
 - a) *ensure that the layout and design of new buildings and developments minimise energy consumption;*
 - b) *encourage and promote opportunities for new developments to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice.*

LOCAL PLAN POLICY:

15. The following saved policies of the Wear Valley District Local Plan (WVLP) are relevant in the determination of this application:
16. *Policy GD1: General Design Criteria* states that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
17. *Policy BE14: Open Spaces within Built Up Areas* states that open spaces which contribute to the character and amenity of the area within defined settlement limits will be protected against development.

18. *Policy BE22: Environmental Improvements* seeks to improve the environmental quality of the District, both built and natural, through landscape improvement and enhancement schemes.
19. *Policy S7: Growth Areas* identifies specific sites for retail development (Class A1).
20. *Policy S8: Local Shopping Areas* states that in settlements such as Willington, shopping proposals (Class A1, A2 and A3) will be permitted in local shopping areas.
21. *Policy T1: Highways – General Policy* states that all developments which generate additional traffic will be required to fulfill policy GD1 and:
 - i) provide adequate access to the developments;
 - ii) not exceed the capacity of the local road network; and
 - iii) be capable of access by public transport networks.
22. *Policy T4: Land Safeguarded for Road Proposals* states that specific allocated land will be safeguarded from development other than road proposals.
23. *Policy T8: Development of Car Parks* states that developments which would reduce the capacity of existing car parks will only be allowed if alternative provision can be made.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at: -

National Planning Policy <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/>

Regional Planning Policy http://www.gos.gov.uk/gone/planning/regional_planning/

Local Planning Policy <http://www.durham.gov.uk/>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. Northumbrian Water: Has no objections subject to a condition requiring the submission of a detailed scheme for the disposal of surface water from the development prior to the commencement of the development.
25. Council Highways Authority: Does not object to the proposal but makes a number of comments having regard to the views of the Travel Plan and Public Transport Teams.
26. *Car parking:*

The proposal would remove some existing public car parking provision (the car park on Durham County Council (DCC) land to the north of 45 High Street) and some lawful parking on the northern side of the unnamed adopted loop road. In total the latter areas equate to approximately 35 vehicles capacity. There are 'limited waiting' parking bays on the southern side of High Street, together with separate loading and disabled bays, adjacent the ground floor retail units. When the supermarket and car park could be expected to be closed, parking demand at High Street parking bays will be lower, with the limited waiting restrictions ending at 6pm. The DCC guidelines for maximum car park provision at the retail food store is 139 spaces. The additional (31 no.) proposed, above that guideline figure is approximately commensurate with the number to be lost therefore, overall, this is not a concern. Given the loss of parking areas, there is a requirement to restrict the minimum period of available parking within the supermarket car park to not less than that commensurate with general existing short stay trips to the town centre.

27. *Impact upon bus services:*

DCC Public Transport Section has expressed concerns regarding the impact of this proposal on service buses that currently utilise the adopted unnamed loop road. The Transport Assessment (TA) states continued use of the loop road by bus services is uncertain due to possible service reviews caused by funding pressures. However no further cuts are planned at this time, the turning manoeuvres undertaken by buses are not informal; being carried out on a public highway to authorised and published timetables and service routeings. There is also a bus stop located upon the loop road.

28. *Other matters:*

The number of cycle parking places are queried (14 are stated in the Interim Travel Plan). The TA proposes relocating the A689 Front Street westbound bus stop to the east slightly, away from the junction mouth into the site. Due to potential car manoeuvring and that moving the bus stop east would require revisions to the disabled bay and limited waiting areas that are located currently to the east of bus stop promontory. It is considered that there is not a compelling case for the relocation of the bus stop/shelter.

29. There is an existing vehicular access (the former care home vehicular access point) to the application site from Albion Place which appears to have been, or is being, periodically used for DCC grounds maintenance purposes to the wider open space land. Consideration must be given to where appropriate alternative vehicular access will be provided from if consent is given to the proposal. It is also noted that the existing DCC owned car park area has recycling facilities placed within it and ideally these should be found an alternative location as part of the application process.

30. It is highlighted that there are sections of public highway within the site (footpaths and access road to the car park area) that would require to be legally stopped up if the development proceeds.

31. The County Travel Plans Advisor has assessed the Travel Plan against the National Specification for Workplace Travel Plans PAS 500:2008. Concerns are raised regarding the targets and proposed measures and initiatives. In terms of targets it is considered that the developer and occupier should commit to implementing Travel Plan measures prior to the opening of the store and should aim to achieve a level of single car occupancy lower than the figure suggested in the submission (58%). However, it is acknowledged that this will depend on the faith the developer has in the initiatives and measures being implemented.

32. It is considered that there are no commitments to the proposed measures and measures only concentrate on staff when customers should also be considered given that they would generate the most traffic associated with the site. Although the final occupier is not yet known and the company may have specific initiatives which it can promote, it is considered that a Framework Travel Plan must be the minimum a company will do to promote sustainable travel, not least to ensure the development does not have an adverse effect on the road network. It is requested that a number of initiatives are considered. These being: provision of real time bus information outside the store; customer notice boards promoting sustainable travel; sustainable travel links to the store on the company's website; sponsored sustainable travel events for charity; free 7 day bus ticket for all new starters; money off shopping vouchers for customers who travel sustainably to the store; cycle training and pool bikes for staff.

33. In addition it is suggested that the developer be required to make electric vehicle charging provision in the supermarket car park and a single point is considered to be acceptable.

INTERNAL CONSULTEE RESPONSES:

34. Spatial Policy Team: This site is located within the local centre boundary identified within the Council's retail and town centre study, and is allocated for retail development within the Local Plan. A new food store will have a positive impact on the vitality and viability of Willington, by providing enhanced consumer choices and competition between retailers. As a consequence, no objections are raised.
35. Environmental Health: In order to ensure noise impact is minimised to local residents would recommend a condition should be included, in the final planning permission, which regulates delivery times into the completed development/service yard from 0730hrs to 2230hrs. Also recommend an effective Noise Management Plan should be implemented by the operator of the development/supermarket to ensure intrusive noise from the service yard is minimised to near by residential properties by means of a close boarded acoustic fence and ensure an acoustic enclosure is provided to the proposed air handling units and refrigeration/condensing units to be located on the roof of the development and all demolition and construction work is carried out in a competent manner.
36. Ecology: No objections providing the development complies with section 5 of the submitted ecology survey relating to protected species and their habitats.
37. Design and Conservation: Overall use of the site as a supermarket together with the proposed wider public realm improvements is generally welcomed and would provide a range of commercial, economic, visual and community benefits for Willington. However, I consider that the proposed layout does not relate acceptably to the character and appearance of the settlement and the site presents the opportunity for a significantly improved layout.
38. Landscape Team: The proposed layout indicates the loss of all existing trees near Albion Place and existing service road frontages which is an unacceptably high price to pay in the currency of visual amenity and landscape character. Mitigation planting for the loss of the trees and open space is insufficient. Planting to the west lacks depth and there is no planting to the north. A low retaining wall dividing the car park from High Street and Albion Place with planting beds might help maximise visual separation.

PUBLIC RESPONSES:

39. The application has been advertised on site, in the press and the closest residents notified in writing. Two letters of objection/observation have been received. The main points raised in these letters are summarised below:
- Adverse impact on residential properties
 - Increase in noise (from deliveries etc).
 - The development will be an eyesore.
 - Vermin will be attracted (due to the storage of refuse).
 - Devaluation of residential properties.
 - Traffic will increase causing congestion and pollution.
 - Local small businesses will be affected.
 - Green space currently used for recreation will be reduced.

- Disruption and inconvenience during construction work.
- Part of the site was once laid out as a garden to commemorate the Silver Jubilee of King George V and Queen Mary and designated as an 'open space'. It is queried if this could be reinstated and incorporated into the proposed plans.

APPLICANTS STATEMENT

40. The proposed development lies within the central part of Willington on a prime site in need of regeneration. It will deliver a long identified redevelopment opportunity in an appropriately sustainable location in a settlement that has seen significant growth in recent years. The proposals represent an opportunity to develop a new food store of a commercially viable scale that can be delivered through the market. In terms of vitality and viability Willington and Crook both have a significant under provision of convenience retailing which directly impacts upon the balance, strength and overall offer within the catchment area. The proposed store is located within the centre of Willington and has excellent accessibility to its large residential catchment by foot, cycling and public transport.
41. Most importantly the development will deliver much needed local jobs and make an important contribution to local economic activity along with other community benefits that includes the funding of a bandstand adjacent to the site. Members of the planning committee are urged to provide support to the proposals to enable these clear local benefits to be delivered.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at the Durham County Area Planning Team. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below.

PLANNING CONSIDERATIONS AND ASSESSMENT

42. Having regard to relevant guidance, development plan policies and all material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, layout and landscaping, impact on protected open space, highway issues, regeneration and economic benefits, impact on surrounding area and community benefit.

Principle of Development

43. The application site is located within the settlement limits of development for Willington therefore the proposal does accord with Policy H3 of the Wear Valley District Local Plan (WVLP) amended by Saved and Expired Policies September 2007.
44. Approximately half of the site is allocated specifically for retail use, under Policy S7 of the WVLP, and therefore the proposed development would be in accordance with this policy. The other half of the site lies on land allocated as protected open space (Policy BE14) and this issue is discussed below.

45. A retail impact report has been submitted with the application and the Council's Spatial Policy team have fully assessed the content of this report. It is acknowledged that the WVLP for the area was adopted in 1997 and there are issues whether this Plan represents 'an up to date development plan'. The Council's Retail and Town Centre Uses Study (undertaken November 2009 as part of the evidence base for the Local Development Framework) presents evidence which is more up to date. This study identifies a local centre boundary for the Willington area. This plan shows that the majority of the site falls within the proposed local centre boundary. Under the criteria set out in PPS4, proposed developments which are located within existing centres do not require a sequential test to be submitted. It is therefore considered that given that the majority of the site is located within the local centre boundary, a sequential assessment is not required to be submitted by the applicants as part of this application
46. The submitted retail impact report identifies that in terms of vitality and viability, Willington and Crook both have a significant under provision of convenience retailing. The retailing provision that does exist consists predominantly of 'top up' shopping facilities that are unable to competitively cater for main food shopping trips. It is considered that this proposal would reduce trade diversion and retain shoppers within the Willington area without drawing considerable trade from the Crook area.
47. The principle of development is considered to be acceptable and the proposed development would have a positive impact on the vitality and viability of Willington by providing enhanced consumer choices and competition between retailers. The proposal accords with the saved Policies S7 and S8 of the WVLP and the Policies set out in PPS 4.

Layout and Landscaping

48. The proposed layout shows the food store building to be located to the back (north) of the site with the car parking to the front (south) adjacent to Willington main High Street. The proposed layout, of the building to the rear of the site with parking to the front, is a common approach adopted by many retail food stores which can be seen around the country and locally within the County.
49. Advice from the Design and Historic Environment Team has suggested that the building ideally should be positioned at the front of the site as a landmark building and focal point within the main street scene. It is recognised however that a concept statement for this site was produced by the former Wear Valley District Council in June 2007. This concept statement states that it envisages a retail store to be set back from the main High Street with parking at the front of the site. The developers have indicated that they have based their layout design partly on statements made in this concept statement.
50. The site and existing building at present does not add any significant visual quality to the Willington High Street. Whilst it is accepted that the proposed layout may not provide a landmark building on the main street running through Willington, it is considered that the proposal would still provide a significant visual improvement to the area. Landscaping and public realm improvements are proposed along the front of the site and although full details are not provided within this application, it is considered that the implementation of high quality landscaping and public realm improvements would significantly improve the site and positively contribute to the street scene. It is essential that appropriate landscaping and public realm improvements are achieved which can be sought through the imposition of planning conditions.

51. The proposed layout of the site, on balance, would improve the overall appearance of the site and with the addition of landscaping and public realm improvements along the High Street and would contribute to the visual amenity of the street scene. It is therefore considered that the proposal would be entirely consistent with the aims of Policies GD1 and BE22 of the WVLP.
52. It is noted that the landscaping plans provided with the application appear to be indicative and offer no specific details. A condition relating to the submission of landscaping scheme is recommended to ensure adequate landscaping is provided which would contribute to the area.

Impact on Protected Open Space

53. The northern part of the application site is allocated as protected open space under Policy BE14 of the WVLP. Policy BE14 states that open spaces which contribute to the character and amenity of the area should be protected against development. It is therefore noted that this proposal would be in conflict with Policy BE14.
54. It is however argued that the area of land to the west of the site, which incorporates open spaces and a children's play area, actually contributes more to the surrounding area as it has recreational facilities available for public use. This area of land to the west of the site is allocated as land for road improvement proposals. The intentions when the Local Plan was adopted in 1997 was that this area of land was to be developed as a relief road through Willington, however those plans never came forward for this section of land. Although the land is still allocated in the Local Plan, Highway Officers have confirmed that there are no immediate plans to construct this relief road.
55. It is also acknowledged that the northern area of the application site was occupied by a residential care home known as Albion House which has since been demolished and the area grassed over.
56. The issue to be considered in this respect is therefore whether the loss of this open space in the northern area of the site would adversely affect the outlook and open appearance of the area. Whilst the loss of the land to a retail store would be regrettable in terms of the facility, the open space and recreational land to the west, which is now extremely unlikely to be required for the Willington relief road, does provide land available to the public which contributes to the open outlook and appearance of the area.
57. The County Durham Open Space, Sport and Recreation Needs Assessment for the Crook, Willington and Tow Law area, which forms part of the evidence base for the County Durham Plan, states that there is sufficient supply of amenity open space across the area and that there is a significant opportunity to utilise some of the existing spaces for alternative use.

Highway Issues

58. County Highways Authority has been consulted on the application along with the Travel Plan Advisor and the Public Transport section. Comments from the Highway sections relate to car parking, impact upon bus services, travel plan issues and other matters. Each topic will be discussed in turn.

59. *Car parking*

It is recognised that there is existing parking provision within the existing car park and on the loop road which would be removed as part of the development. This existing parking provision is generally used for short term stays during the day by visitors to the main High Street. The Highway Officer has confirmed that the parking provision which is to be lost can be adequately accommodated within the proposed car park of the new store as well as providing sufficient parking provision for users of the store.

The Highway Officer has requested a condition to restrict the minimum period of available parking within the proposed food store car park to not less than that commensurate with general existing short stay trips to the town centre. A condition restricting parking for two hours maximum has been requested. Whilst the needs of this short stay restriction are understood, the imposition of a condition to this effect would not be enforceable. Essentially this issue would be a car parking management issue which would rest with the operator of the site. It is noted however, that this is an issue which could be incorporated within the submission of an updated Travel Plan which is recommended as a condition.

60. *Impact on bus services*

The County Public Transport Team raised concerns with the loss of the 'loop road' which runs through the site, as public bus services currently use this loop road as part of their service route. Whilst alternative options for public bus routes could be finalised through further submissions to the travel plan in a reserved matters application it is considered prudent that an alternative bus route is explored at this stage and agreed upon by the County Public Transport Team. The developers have explored several options and have proposed a bus route which used to be used by public buses running through the old Dene Wood Close Estate. The Dene Wood Close Estate has now been redeveloped however, the highway route through the estate would be adequate to accommodate a route for public bus transport. The bus route proposed would therefore run through the new estate along Armstrong Drive and Richardson Court. The County Public Transport Team has agreed that this alternative option for the bus route service is acceptable.

61. *Travel plan issues*

The County's Travel Plan Advisor raises issues with regard to the targets and measures discussed in the submitted Travel Plan. The Travel Plan Advisor has suggested a number of initiatives to promote sustainable travel to and from the site. A condition is recommended for an updated travel plan to be submitted for consideration.

62. *Other matters*

Other highway matters raised relate to specific design details of the scheme. It has been suggested in the Transport Assessment that the westbound bus stop on the A689 High Street should be relocated slightly east however the Highways Officer considers this unnecessary and the bus stop could actually remain as existing. Other issues relate to cycle parking spaces and electric charging points which should be included within the proposed scheme. It is also noted that there is an existing access to the north east of the site which is used for County grounds maintenance purposes, and this would need to be looked at for an alternative access to be found. Finally, the recycling facilities would have to be relocated to a suitable location and there would be sections of the highway within the site which would have to be legally stopped up.

63. Whilst there are a number of issues raised which would need to be addressed, it is considered that these are points which can be addressed through suitable conditions or through the submission of a reserved matters application. Essentially the proposed access points into the site are considered acceptable and the level of parking provided is sufficient for the development. The proposed development would not exceed the capacity of the surrounding local road network and would not create any highway safety issues. The proposal would therefore be in accordance with Policies GD1 and T1 of the WVLP.

Regeneration and Economic Benefits

64. The development of the site would have positive regeneration benefits for the immediate Willington area. The proposed development would create additional jobs both within the retail food store and as well as construction jobs associated with the building works. The agent for the application has stated that potentially 200 jobs could be created by the development. The scale of the proposed food store is designed to cater for the under provision of convenience retailing within the catchment area and retain an increased amount of local expenditure. The proposal represents a key opportunity to deliver a viable scheme within the catchment area over the short term in an area that has seen significant new residential growth in recent years.

Impact on Surrounding Area

65. Whilst the site is situated within a predominantly retail area it is noted that there are residential properties located to the east of the site sited approximately 30 metres away. In terms of overbearing, overshadowing and privacy issues it is considered that this separation distance would be acceptable and would not create any adverse impacts to the residential occupiers. Environmental Health Officers have suggested certain conditions to ensure that the proposed development would not adversely impact on the amenities of surrounding residential occupiers. These conditions relate to restricting delivery hours and providing acoustic fencing to reduce noise impact. Conditions are also proposed with regards to construction working arrangements.
66. The Ecology Officer has raised no objections to the proposed scheme providing the development is in accordance with the recommendations outlined in the ecology survey submitted with the application. A condition is recommended accordingly.
67. A letter of objection has been received from a local resident which primarily raise issues of noise and traffic. Conditions recommended would ensure that noise and disruption from deliveries and construction works would not adversely impact on neighbouring properties. In terms of traffic congestion the Highways Officer has confirmed that there are no overall objections to the proposed accesses or the parking provision provided within the scheme. In terms of the proposal impacting on local businesses, it is considered that the scheme would actually be beneficial for local businesses as the proposed development would attract customers to the area. Other issues raised relating to devaluation of surrounding properties are not considered to be material planning considerations. It's accepted that part of the site was once laid out as a garden to commemorate the Silver Jubilee of King George V and Queen Mary. As described in the 'community benefit' section below, the developers have shown that they are committed to contributing to the wider community by offering up a contribution towards the provision of a bandstand and flagpole.

68. Although the scale and appearance of the final development is reserved for future consideration, it is considered that the proposal would not have a detrimental impact on the surrounding area. There are no objections from statutory consultees and the proposal would be in accordance with the criteria set out in policy GD1 of the WVLP.

Community Benefit

69. Following the public consultation exercise undertaken by the developer prior to the submission of the application, the developer has indicated that they are keen to contribute to the wider community benefit. On this basis the developer has offered up a unilateral undertaking which would provide a sum of £50,000 towards the provision of a bandstand and flagpole on the open space to the west of the application site.

CONCLUSION

70. The recent Retail Study commissioned by the County Council provides evidence that the application site lies predominantly in the local centre boundary for Willington, and therefore represents an acceptable location for retail development within the Town centre first approach advocated by National Planning Policy advice given in PPS4. As result of the town centre location a sequential site assessment of other sites is not required to be submitted with this application. It is considered that the proposal would reduce trade diversion to other centres and retain shoppers within Willington without adversely impacting on Crook retail centre. The principle of development is therefore considered acceptable and would have a positive impact on the vitality and viability of the Willington shopping area.
71. On balance, the proposed layout of the site would improve the overall appearance of the site as it would result in the loss of an unsightly building and car park. The addition of landscaping and public realm improvements would positively add to the street scene. It is noted that significant landscape details would be required to be submitted through a reserved matters application.
72. It is accepted that the proposal would result in the loss of allocated protected open space. However, there is an area of public open space with recreational facilities immediately to the west of the site and as a result this would provide adequate compensation for the loss of the facility on the application site.
73. There are some minor highway issues which would need to be addressed through suitable conditions or through the submission of a reserved matters application. However the proposed accesses to the site and the proposed parking provision are considered acceptable and would not create any adverse highway safety issues.
74. The proposal represents a key opportunity to deliver a viable scheme which would have positive economic and regeneration benefits and the development would create potentially 200 jobs.
75. Subject to the imposition of conditions, it is considered the proposal would not adversely impact on the amenity of neighbouring occupiers or have a visual detrimental impact on the surrounding area.

RECOMMENDATION

That the application be APPROVED subject to the following conditions:

Conditions:

1. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of appearance and scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan Ref No.	Description	Date Received
PL-01	Location Plan	08/06/2011
PL-03	Demolitions Plan	08/06/2011
PL-04	Proposed Site Plan	08/06/2011
PL-05	Proposed Indicative Site Sections	08/06/2011
PL-06	Indicative Landscaping Plan	08/06/2011

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

4. None of the buildings hereby approved shall be constructed until a full schedule of all the materials to be used in the external surfaces of the development have been submitted to and approved in writing by the local planning authority. Thereafter, samples of the materials to be used in the external surfaces of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to the commencement of the construction of these buildings. The development shall be carried out in accordance with approved details.

Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.

5. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.

-
6. No development shall commence until a detailed landscaping scheme, incorporating tree constraints plan showing tree removal and protection plan, has been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.
 7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.
 8. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
Reason: In the interests of the amenity of the site and to comply with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.
 9. No development shall commence until a comprehensive travel plan has been submitted to and approved in writing by the Local planning authority. The development shall thereafter be implemented in accordance with the approved details.
Reason: In order to encourage sustainable means of travel in accordance with PPG13 (Transport).
 10. Deliveries to the site shall be restricted to between the hours of 0730hrs and 1030hrs.
Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.
 11. No development shall commence until a noise management plan has been submitted to and approved in writing by the Local planning authority. The scheme, as approved, shall be implemented before the development is brought into use.
Reason: In order to prevent noise disturbance in accordance with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.
 12. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details.
Reason: To ensure a quality finished development in accordance with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.

-
13. No development shall commence until a floodlighting assessment has been submitted to and approved in writing by the Local planning authority. The scheme, as approved, shall be implemented before the development is brought into use.
Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.
14. No development shall commence until a demolition and construction method statement has been submitted to and approved in writing by the Local planning authority. The development shall take place in accordance with the approved scheme.
Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.
15. No development shall take place unless in accordance with the recommendations detailed within the protected species report titled 'Arboricultural Survey Report & Generic Method Statement' by Sylvanus Arboricultural Consultants March 2011.
Reason: To conserve protected species and their habitat in accordance with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.
16. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.
Reason: In the interests of sustainable construction and energy generation to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1, 3 and 22.
17. The development hereby permitted shall not be commenced until such time as a scheme to ensure the safe management of surface water drainage (including the discharge location) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.
Reason: In the interests of the amenity of the area in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

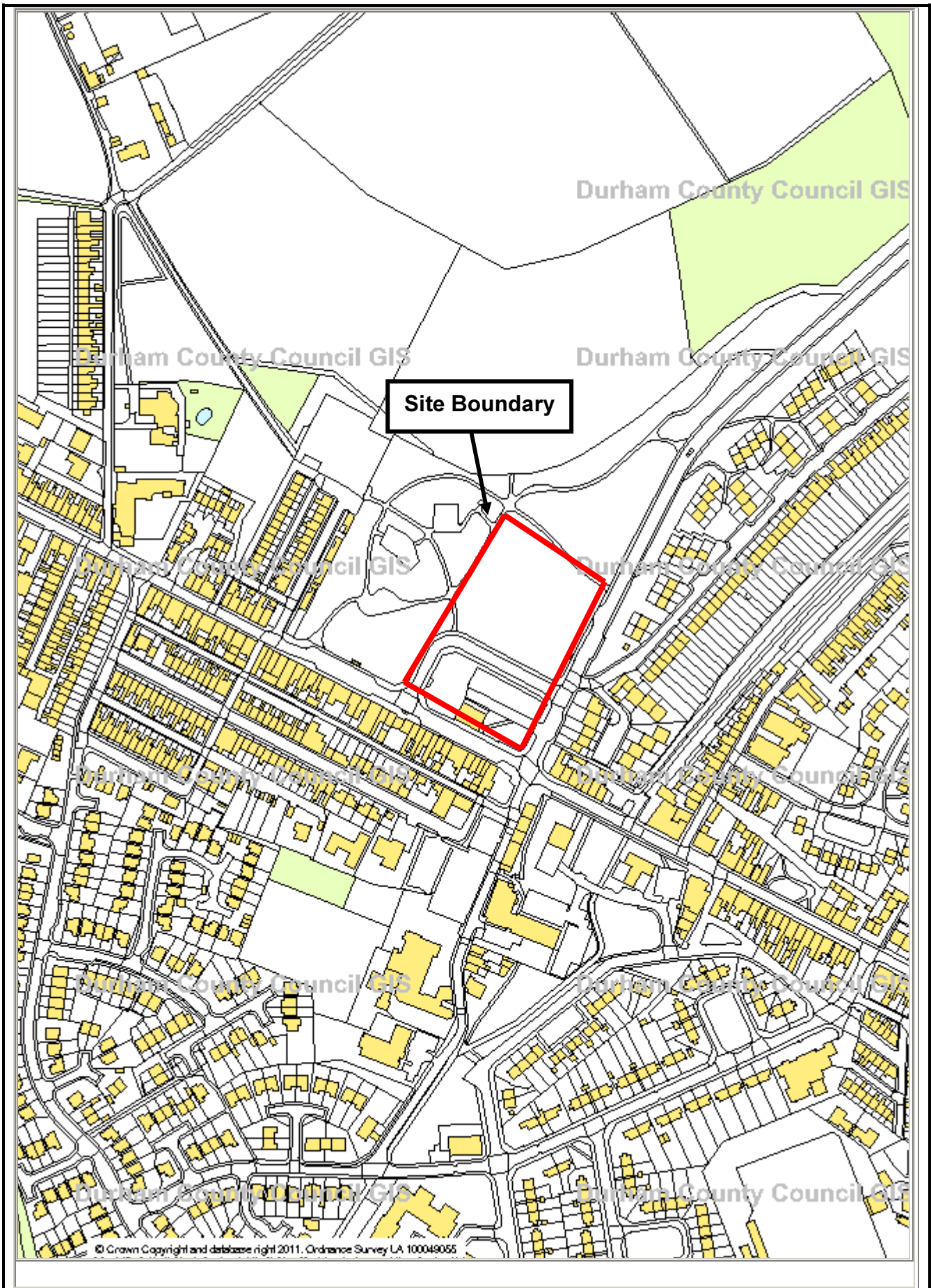
REASONS FOR THE DECISION

1. The proposed development is in accordance with Policies S7 and S8 of the Wear Valley District Local Plan and Policies set out in Planning Policy Statement 4 as it would not adversely impact on the vitality and viability of the Willington retail shopping area.

-
2. The proposed layout would provide a scheme which would be an overall improvement to the visual appearance of the site and the surrounding area, in accordance with Policies GD1 and BE22 of the Wear Valley District Local Plan.
 3. The proposal is acceptable in relation to Policies GD1 and T1 of the Wear Valley District Local Plan as it would not adversely impact on highway safety and would not exceed the capacity of the surrounding local highway network.
 4. The amenity of the surrounding area would not be compromised as a result of the proposed development and would therefore be in accordance with criteria set out in Policy GD1 of the Wear Valley District Local Plan.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- City of Durham Local Plan
- Planning Policy Statements/Guidance, PPS1, PPS25, PPG13
- Consultation Responses
- Public Consultation Responses



© Crown Copyright and database right 2011. Ordnance Survey LA 100049055



Planning Services

CMA/3/33
 Outline application for retail foodstore.
 Site of 45 High Street, Willington

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 Durham County Council Licence No. 100022202 2005

Comments

Date 20th September 2011

Scale 1:3500

This page is intentionally left blank

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO:	PL/5/2009/0449
FULL APPLICATION DESCRIPTION	DRIVING RANGE AND GOLF ACADEMY (RESUBMISSION)
NAME OF APPLICANT	MR A HOWARD
SITE ADDRESS	HORDEN HALL FARM THORPE ROAD, HORDEN SR8 4TN
ELECTORAL DIVISION	HORDEN
CASE OFFICER	Grant Folley 0191 3834097 grant.folley@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

1. The site lies directly off of the A1086 Thorpe Road, with a cemetery to the south-west, Horden Hall (Grade II* Listed Building) and its associated agricultural buildings to the east, with mature woodland and the dene to the north, and the main road to the south. Directly to the south of the application site, across Thorpe Road, lies to the town of Peterlee and in particular the designated North East-Industrial Estate.
2. The application site slopes downwards from the main to road towards the wooded dene to the north. The application site is currently used for agriculture being planted arable, with no trees or hedges within the main site area. The site extends to around 10.5 hectares of land.
3. Planning permission is proposed for the development of a golf academy. The facility is intended to be open to the public to encourage junior and family golf in particular, together with offering indoor and outdoor coaching for all levels of golfer. The combination of driving range, chipping and putting practice, 6-hole academy par-3 course, and indoor facilities is intended to allow all aspects of the game to be taught, including the full range of golf shots and etiquette of the game.
4. The development is to include a fenced driving range of 265 yards length with 24 bays, 6 hole practice golf course, a small clubhouse with reception, café and video coaching area, a maintenance shed, with associated landscaping, fencing, car parking and access works.

5. Extensive planting is to be provided on the eastern boundary of the site, which will screen the driving range from the road and Horden Hall. A mixed broadleaf planting scheme is proposed to provide buffer planting from 15m-40m in width. Further planting is to be provided along the south western boundary of the site to provide a screen to the existing cemetery.
6. Access is to be derived directly from a new access on to the A1086, Thorpe Road. The new access is to be located to the west of an existing public footpath. Visibility splays will be established as per Highways Authority requirements, with provision of stiles/barriers for the adjacent footpath. A two-lane access road to the car-park area is proposed. A 52 no. space car park is to be provided adjacent to the clubhouse, café, and maintenance shed.
7. The planning application is supported by a Design and Access Statement, Project Summary, Supporting Environmental Information, and a Visual Assessment of Proposals in relation to Historic Setting of Horden Hall.
8. The application is reported to committee as it represents major development.

PLANNING HISTORY

9. None relevant to the consideration of this application

PLANNING POLICY

NATIONAL POLICY:

10. *Planning Policy Statement 1: Delivering Sustainable Development* sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.
11. *Planning Policy Statement 4: Planning for Sustainable Economic Development* proposes a responsive and flexible approach to planning which provides sufficient employment land and makes better use of market information. The PPS is designed to establish a national planning policy framework for economic development at regional, sub-regional and local levels for both urban and rural areas.
12. *Planning Policy Statement 5: Planning for the Historic Environment* – Requires LPA's to take into account the effect of an application on the significance of heritage assets. There should be a presumption in favour of the conservation of designated heritage assets and LPA's should treat applications favourably where they preserve elements of the setting that contribute to the significance. Opportunities should be identified that enhance / improve setting or significance. Enabling developments that secure the future conservation of an asset should be assessed against the disbenefits of departing from the development plan.
13. *Planning Policy Statement 7: Delivering Sustainable* sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

14. *Planning Policy Statement 9: Biodiversity (PPS9)* sets out planning policies on protection of biodiversity and geological conservation through the planning system.
15. *Planning Policy Guidance Note 13: Transport* – Its objectives are to promote more sustainable transport choices and aims to reduce the need to travel, especially by car.
16. *Planning Policy Guidance 17: Sport and Recreation (PPG17)* sets out the policies needed to be taken into account by regional planning bodies in the preparation of Regional Planning Guidance (or any successor) and by local planning authorities in the preparation of development plans (or their successors); they may also be material to decisions on individual planning applications.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

REGIONAL PLANNING POLICY:

17. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
18. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and weight can now be attached to this intension.
19. *Policy 2 – Sustainable Development* promotes sustainable development and construction through the delivery of identified environmental, social and economic objectives.
20. *Policy 3 – Climate Change* requires new development to contribute towards the mitigation of climate change and assist adaption to the impacts of climate change.
21. *Policy 6 – Locational Strategy* supports the maximisation of major assets and opportunities in the North East, and to regenerate those areas affected by social, economic and environmental problems.
22. *Policy 7 – Connectivity and Accessibility* identifies the improvement and enhancement of sustainable internal and external connectivity and accessibility of the North East by, inter alia, reducing the need to travel unnecessarily.
23. *Policy 8 – Protecting and Enhancing the Environment* seeks to maintain and enhance the quality, diversity and local distinctiveness of the North East environment.

24. *Policy 24 – Delivering Sustainable Communities* requires the assessment of land for development, and consideration of the contribution design can bring.

LOCAL PLAN POLICY: District of Easington Local Plan

25. *Policy 1*- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
26. *Policy 3* - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
27. *Policy 6* - The open area separating Easington Village and Peterlee, shown on the proposals map, is allocated as a 'green wedge'. In this area, development will be limited to agriculture, horticulture, forestry, wildlife reserves and informal recreation uses involving the quiet enjoyment of the countryside. All proposals should maintain the open nature of this area.
28. *Policy 18* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
29. *Policy 24* - Development which adversely affects the character, appearance, special architectural features or setting of a listed building will not be approved. The retention of architectural or historic features will be encouraged. Demolition of a listed building will be only be allowed in exceptional circumstances.
30. *Policy 35* - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
31. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
32. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. *Environment Agency* – The Agency have raised no objections to the scheme, although information has been provided which has been passed to the applicant.

34. *Sport England* – Although Sport England are not a statutory consultee in relation to this application, they have noted the potential value of the proposed facility to the development of sport. It is noted that in principle the proposals ties in Golf facility requirements. There is currently no par 3 course provision in the County Durham Council area. There is also no driving range provision in the former Easington District area. Sport England therefore considers that the provision of a Par 3 course and Driving range would be beneficial to the development of golf, for which there is a need locally which is currently unmet. Sport England support the application.
35. *English Heritage* - It is important for the Local Planning Authority to consider the impact of the proposed development on the adjacent Grade II* Listed Building, Horden Hall. Initially concerns were raised by English Heritage that insufficient information had been submitted in support of the application.
36. *Natural England* – Comments received outline the Councils responsibility in assessing the impact of the proposed development on protected species and habitats. The Local Planning Authority will therefore need to be satisfied prior to granting planning permission that sufficient information has been provided to make a reasoned assessment that the proposal will not have an adverse impact on bio-diversity. In relation to the habitat enhancement, Natural England welcomes the proposal to create areas of woodland, species rich grassland and a pond alongside the more formal golfing areas. It is suggested that the County Council's ecologist is involved in the agreement of the landscaping proposals.
37. *Northumbrian Water Ltd* – no objections to the proposed development.
38. *Durham Constabulary* – The police have no concerns with this planning application.
39. *Horden Parish Council* – The Parish Council have formally objected to the application. Concerns have been raised regarding the impact the proposed development would have on activities at and visitors to the adjacent cemetery, the impact the proposed development would have on the landscape, local wildlife, highway safety, residential amenity and the adjacent listed building.

INTERNAL CONSULTEE RESPONSES:

40. *Planning Policy* – National policy offers some support for a development such as this and the proposed golf centre may therefore be acceptable in this location. Providing that the impact on: the designated AHLV to the north; Listed Building to the east; and the overall landscape, are considered acceptable no objections would be raised to the scheme.
41. *Highways Authority* – The access details and parking provision is considered to be acceptable. The works to the public highway will need to be carried out under a Section 278 Agreement Highways Act 1980. Subject this requirement the proposals would be deemed to be acceptable from a highways point of view.

42. *Design and Conservation* – Initial concerns were raised regarding the impact the proposed development would have on the adjacent Grade II* Listed Building – Horden Hall. It was considered that insufficient information had been submitted to adequately demonstrate the impact of the proposed works on the setting of the Listed Building. However, following the submission of additional information during the application process, specifically relating to landscaping works and the floodlighting to be used, have overcome the initial concerns. Subject to appropriate conditions to provide for the mitigation works, no objections are raised to the scheme.
43. *Landscape* – Concerns have been raised regarding the impact of the proposed development on the adjacent Area of High Landscape designation and the existing “green wedge” between the towns of Peterlee and Easington.
44. *Ecology* – No objections to the proposed development. Information received during the application process in relation to fencing details, golf ball netting and the proposed wild flower species mix are considered acceptable.
45. *Environmental Health* – The information submitted by the applicant in relation to the proposed lighting system and associated fencing and landscaping should provide suitable mitigation to the residents situated to the north of the application site. No objections subject to a condition to restrict the hours in which construction works can take place.

PUBLIC RESPONSES:

46. The application has been advertised in the local press and through the erection of site notices. A total of 25 no. neighbour notification letters have also been sent.
47. One letter of representation has been received in relation to this proposed development. Concerns have been raised by the occupants of the bungalow situated to the north of the application site, have been raised on the following grounds:
 - The proposed driving range is to be sited approximately 250m from the curtilage of this property. This distance is considered inadequate, and residents feel threatened by the prospect of golf balls landing on their property.
 - The proposed floodlighting will have a negative impact on the adjacent residents.
 - The proposed fences, netting and landscaping will impact on the character of the area and negatively effect views from the adjacent residential properties.
 - The proposed development is not considered to be in keeping with the character of the area and will change the landscape negatively.
 - The need for the Golf Centre is questioned; attention is drawn to other existing course in the local area.
 - Concerns have been raised regarding the impact of the proposed development on local wildlife. Specific issues have been raised regarding the impact the proposed lighting will have on bats and badgers.
 - Concerns have also been raised regarding the expected increase in traffic. It is suggested that existing highway safety issues associated with an adjacent bus stop will be exacerbated.

APPLICANTS STATEMENT:

48. The site at Horden Hall is well-suited to development for a small golf academy with coaching, short course and range, together with indoor facilities. The site is well-located for general access and from the A19, with a considerable potential catchment area for golfers of all levels. The area lacks such a comprehensive entry-level, golf coaching orientated enterprise. This type of development has been included for support within the Local Plan.
49. Access appears to be good from the proposed point identified, and measures are proposed to reduce environmental impact through lighting and general visual effect. The buildings proposed are considered to be necessary to allow the full range of golf services throughout the year, and to maintain a commercial viability.
50. The golf course is expected to increase ecological value of the site, through establishment of water features, un-mown grassland, and extensive tree planting. Inputs into the course with regard to fertilizer and chemicals are expected to be minimal and far less than could be expected from the current agricultural use.
51. The R&A seeks to engage in and support activities that are undertaken for the benefit of the game of golf; it takes its name from The Royal and Ancient Golf Club of St Andrews. R&A support and grant funding is to be sought for the project, through the local Golf Union involvement.
52. The aim is to make the golf project attractive to all kinds of golfer, and especially to encourage youngsters to enter the game and develop their skills.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=106563> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

53. The key issues to consider in determining this application are:
 - The Principle of Development
 - Heritage and Landscape
 - Ecology
 - Impact on adjacent Cemetery
 - Residential Amenity
 - Other Matters

Principle of Development

54. The application site lies outside of the settlement limits for Horden and Peterlee. Saved policy 3 of the Local Plan identifies that development outside these limits will be regarded as development within the countryside. There is a general presumption against development within the countryside unless allowed by other policies.
55. PPS7 relates to development in the countryside. Leisure development, such as the development proposed, is supported providing that any development does not harm the character of the countryside its towns, villages, buildings or other features.

56. PPG17 provides guidance on planning for open space, sport and recreation. The guidance identifies that countryside around towns provides a valuable resource for the provision of sport and recreation.
57. The development of a golf centre in this location can be seen to broadly accord with the relevant guidance contained within PPS7 and PPG17. National Policy therefore offers some support for a development such as this and the proposed golf centre may be acceptable in this location.
58. However, various designations constrain the development of this site. Directly to the north is a designated Site of Nature Conservation Importance – Horden Dene, also to the north is a designated area of high landscape value, and to the east of the site lies Horden Hall, a grade II* Listed Building.
59. The impact of the proposed development on the landscape, ecology, listed buildings and adjacent uses are considered in the following sections of the report.

Heritage and Landscape

60. The landscape immediately around the site and land to the north is defined by Durham County Council as having a broad character known as 'Coastal East Durham Plateau'. The area is characterised by undulating open farmland punctuated by wooded denes that often lead to the coast.
61. The proposed layout of the golf centre and has been carefully designed to minimize impact on the landscape by incorporating turf-faced bunkering, low buildings and low level lighting as well as the use of indigenous tree and shrub species and wildflower meadows.
62. As well as the impact the proposed development will have on the landscape, consideration needs to be given to the effect of the development on the adjacent grade II* Listed Building – Horden Hall. To be considered acceptable the proposals need to respect the setting of the Hall.
63. Horden Hall is situated to the east of the application site, the Hall is a grade II* listed building and one of the most important buildings in the area. Horden Hall was built during the mid 17th century (Grade II*) possibly for Sir John Conyers a royalist army officer who was made a baronet in 1628 (d.1664). There are no plans or maps available for the estate when the hall was first built, but it is likely that that the manor was of a significant size with the supporting farms spread over a wide area.
64. Information submitted in support of the application indicates that the setting of Horden Hall has changed over time. Early maps indicate that the Hall was set in an open landscape but by the time of the mid 19th century Thorpe Wood and a shelter belt linking this wood and Horden Dene had been planted. Little of this shelter belt remains today and from distant views the Hall is seen as a landmark building in generally open undulating countryside framed by wooden denes and impacted by industrial and housing developments. Closer to the Hall, only glimpsed views of the building are possible from the A1086 due to its lowly position and vegetation. Over the last 50 years or so, the development of Peterlee, in particular the housing estate to the south and the industrial estate to the south-west have impacted on the wider setting of the Hall and has served to diminish its status as a manor house with a large estate.

65. The elements of the proposed golf academy development that are likely to impact on the setting of the Hall are; the car park, the new building, driving range and lighting, the ball stop fencing and proposed mounding and new planting. The proposed development includes various mitigation measures aimed at minimising the impact of the development on the landscape and protecting the setting of the adjacent Listed Building. These include: to screen views of the car park and buildings from the road by extending the hawthorn hedge that borders the Thorpe Road; to screen views of the proposed buildings from the Hall and adjacent buildings by the addition of a clump of trees to the south of the proposed chipping area; and, to soften views of the proposed golf driving range and lighting as well as the proposed mounding and ball stop fencing by the planting of a hedge along its length as well as small clumps of trees.
66. With regard to the landscape officers comments it is acknowledged that the site lies within the designated 'green wedge' between Easington Village and Peterlee. Saved Policy 6 of the District of Easington Local Plan which relates to the 'green wedge' states that "In this area, development will be limited to agriculture, horticulture, forestry, wildlife reserves and informal recreation uses involving the quiet enjoyment of the countryside. All proposals should maintain the open nature of this area." The main aim of this policy is to restrict any built development in the 'green wedge' in order to maintain its openness. It is considered that the current proposal for a recreational use on the site would maintain the open nature of the 'green wedge' as the only buildings proposed are located next to existing buildings and adjacent the main road, the vast majority of the site would be landscaped. As such, it is considered that the proposal accords with the aims of saved Local Plan Policy 6.
67. The exact details of the landscaping works and proposed fencing are to be agreed through the use of an appropriate planning condition.
68. The proposed layout of the golf course has been carefully designed to minimize impact on the landscape and the setting of the Hall. Amendments have been made during the application process in response to criticisms raised by Ecology, Landscape and Conservation Officers.
69. It is considered that the proposals outlined will at the same time mitigate the impact of the proposed development whilst retaining the setting of the Hall and the distinctive landscape character.
70. The proposed development is considered to be acceptable in landscape and heritage concerns. Subject to the suggested mitigation measures it is not considered that proposed development will have a landscape impact sufficient to warrant refusal of the application. It is also considered that the mitigation as proposed, will adequately protect the setting of the Listed Building.

Ecology

71. The proposed development lies adjacent to the designated Site of Nature Conservation Importance – Horden Dene. Due to the nature of works proposed there is a potential for impacts on local wildlife.
72. The proposal has been considered by Natural England and the County's Ecologists who have raised no objections to the scheme, subject to the involvement of officers in discussions relating to landscaping works and the proposed fencing.

73. Council Officers' are satisfied that the proposed development represents no risk to protected species or habitats. The proposed landscaping works are welcomed and will add to the ecology of the area, offering a significant improvement on the existing farmed land.

Impact on the adjacent Cemetery

74. The Parish Council (PC) raised a number of objections to the proposed development. The concerns raised regarding landscape impact, heritage, ecology and highways have been covered in the relevant sections of this report. The PC are also concerned regarding the impact the development would have on the use of, and users of the adjacent Thorpe Road cemetery.
75. The PC are concerned that there is a significant health and safety risk that visitors to the cemetery, PC staff and cemetery property, including headstones and other memorials could be damaged or otherwise affected by the developments activities, as well as impacting the PC to effectively manage their land. The PC are also concerned that the use of the cemetery will be disrupted by noise and disturbance associated with the proposed golf centre, in what should be a quiet, contemplative time. The PC have also raised concerns regarding the inadequacies of the proposed tree planting scheme to screen and protect users of the cemetery, and it is suggest that such tree planting and fencing as proposed would be out of character with the area and detract from views of the surround landscape from the cemetery.
76. It is acknowledged that the proposed development will affect the setting of the existing cemetery. The applicant responded to the initial concerns of the PC by agreeing to use mature trees in the proposed landscaping works, however due to site constraints the locations of the tees and holes were not able to be moved. Although the PC welcomed the use of mature trees, the previous grounds for objecting to the scheme were re-iterated.
77. It is accepted by Officers that the positioning of the tees and holes has been chosen to ensure that golf balls are not hit towards the Cemetery and that the proposed landscaping works will lessen the impact of the development on the use of the adjacent land.

Residential Amenity

78. The residents of the residential property situated directly to the north of the application site have also raised concerns regarding the application. The main issues of concern relate to the potential for golf balls to hit their property and for disturbance by the proposed floodlighting of the driving range. Concerns have also been raised regarding the impact on landscape, wildlife and highways, issues which been covered elsewhere in the relevant sections of this report.
79. With regard to the impact on residential amenity, Environmental Health Officers have been consulted on the application, specifically asked to respond to the points raised in the representation. The Officer responded by stating that the information submitted by the applicant in relation to the proposed lighting system and associated fencing and landscaping for the driving range would provide suitable mitigation to the residents of the adjacent residential property situated to the north of the site.

80. Subject to the suggested conditions, and with particular regard to the requirements for fencing, landscaping and lighting details to be agreed, along with the restriction of hours of operation it is not considered that that proposed development will have any detrimental effects upon the amenity of adjacent occupants, or impacts on the use of the adjacent cemetery sufficient to warrant refusal of the application.

Other Matters

81. The proposed buildings are considered to be acceptable in terms of scale and design. As discussed previously their siting at a lower level than the adjacent road will minimise their impact on the landscape. Subject to a condition requiring the prior approval of materials to be used the proposed buildings are considered to be acceptable.
82. Although not a statutory consultee on this type of application, Sport England have offered support for the proposed scheme. The body outlines a need for this type of facility in Durham, outlining, that there are no similar facilities available in the former Easington District.
83. It should also be noted by Members that the proposal represents economic investment in the area. The scheme would have economic benefits during the construction phase and through the operation of the golf centre. In support of the proposals the applicant has advised that the scheme is likely to provide for the equivalent of 5 ½ full time jobs on site.
84. The Environment Agency and Northumbrian Water have raised no objections to the proposed development.
85. Highways Officers have assessed the proposed development and raised no objections to the scheme. The proposed parking provision and access arrangements are considered acceptable.

CONCLUSION

86. The proposal is considered represent an appropriate form of development, in a sensitive location.
87. The proposed development will provide for a needed sporting facility in a sustainable location adjacent to Peterlee and Easington.
88. The proposed layout of the golf course has been carefully designed to minimize impact on the landscape and the setting of the adjacent Listed Building.
89. It is considered that the proposed landscaping and other mitigation measures will ensure any impact on adjacent residents or the use of the adjacent cemetery are minimised.
90. Subject to the suggested conditions, it recommended that planning permission is approved.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

Conditions:

1. Time Limit (Full)
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References:
Driving Range Netting and Perimeter Fence Elevations, Plans Elevations and Section (Peter-01-01), Access Detail Drawing (Revision A; 17/3/08), Project Summary, Design and Access Statement, Supporting environmental Information – date received 29/10/2009.
Golf Centre Proposal (Prop02 Rev A), Golf Range Lighting (UKS4489) – date received 22/07/2010.
Visual Assessment of Proposals in relation to Historic Setting of Horden Hall (Southern green – 669/V1/SG/January 2011) – date received 26/01/2011.
Reason: To define the consent and ensure that a satisfactory form of development is obtained.
3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with Policies 1 and 35 of the District of Easington Local Plan.
4. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the golf centre hereby approved, being brought into use.
Reason: In the interests of the visual amenity of the area and to comply with Policies 1 and 35 of the District of Easington Local Plan.
5. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.
No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.
Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.
The landscape scheme shall include accurate plan based details of the following:
 - Trees, hedges and shrubs scheduled for retention.
 - Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
 - Details of planting procedures or specification.
 - Finished topsoil levels and depths.
 - Details of temporary topsoil and subsoil storage provision.
 - Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with Policies 1 and 35 of the District of Easington Local Plan.

6. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.
No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.
Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.
Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.
Replacements will be subject to the same conditions.
Reason: In the interests of the visual amenity of the area and to comply with Policies 1 and 35 of the District of Easington Local Plan.
7. Prior to works commencing on site a tree protection plan is to be submitted and approved by the Local Planning Authority. Thereafter no construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2005.
No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.
No removal of limbs of trees or other tree work shall be carried out.
No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.
Reason: In the interests of the visual amenity of the area and to comply with Policies 1 and 35 of the District of Easington Local Plan.
8. Details of the height, type, position and angle of any floodlights shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The floodlights shall be erected and maintained in accordance with the approved details.
Reason: In the interests of the amenity of nearby residents and the appearance of the area in accordance with Policies 1 and 35 of the District of Easington Local Plan.
9. The proposed floodlights shall be installed, focussed and maintained in accordance with details to be submitted to and approved in writing by the local planning authority to minimise light spillage and glare outside the designated area.
Reason: In the interests of residential amenity and to comply with Policies 1 and 35 of the District of Easington Local Plan.

10. The use of the golf centre shall be restricted to the hours of 0900 to 2100 on all days, including Sundays and Bank Holidays.
Reason: In the interests of preserving the amenity of residents in accordance with Policies 1 and 35 of the District of Easington Local Plan.

REASONS FOR THE RECOMMENDATION

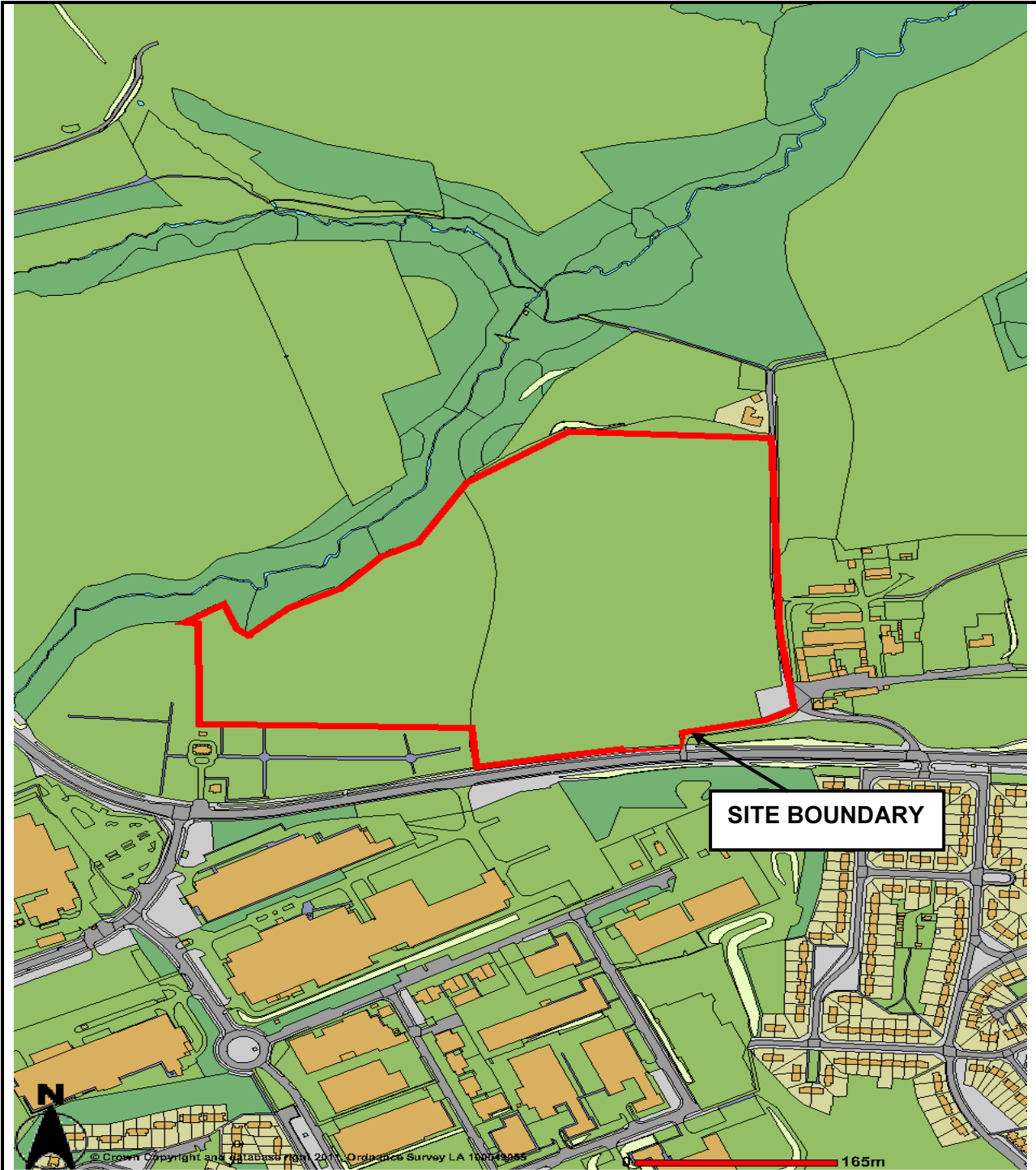
1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV18 - Species and Habitat Protection
DISTRICT OF EASINGTON LOCAL PLAN	ENV24 - Development Affecting Listed Buildings and their Settings
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	ENV36 - Design for Access and the Means of Travel
DISTRICT OF EASINGTON LOCAL PLAN	ENV37 - Design for Parking
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
PLANNING POLICY STATEMENT/GUIDANCE	PPG17 - Planning for Open Space, Sport and Recreation
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS4 - Planning for Sustainable Economic Growth
PLANNING POLICY STATEMENT/GUIDANCE	PPS5 - Planning for the Historic Environment
PLANNING POLICY STATEMENT/GUIDANCE	PPS7 - Sustainable Development in Rural Areas
PLANNING POLICY STATEMENT/GUIDANCE	PPS9 - Biodiversity and Geological Conservation

2. In particular the development was considered acceptable having regard to consideration of issues of sustainable development in the countryside, ecology, impact on the setting of a listed building, residential amenity and provision of recreational facilities.
3. The stated grounds of objection concerning the impacts on the landscape, listed building, character of the area, adjacent cemetery and residential amenity are not considered sufficient to warrant refusal of the application.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPS5, PPS7, PPS9, PPG13
- Consultation Responses



PL/5/2009/0449



Planning Services

Driving Range and Golf Academy at Horden Hall Farm, Thorpe Road, Horden

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
 Durham County Council Licence No. 100022202 2005

Comments

Date October 2011

1:5000

This page is intentionally left blank

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0473
FULL APPLICATION DESCRIPTION	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 AREA TO SUPPORT CONSTRUCTION AND OTHER WORKS WHICH REQUIRE THE USE OF HEAVY VEHICLES AND PLANT
NAME OF APPLICANT	BRITISH TELECOM PLC
SITE ADDRESS	LAND NORTH OF PESSPOOL LANE, EASINGTON VILLAGE
ELECTORAL DIVISION	
CASE OFFICER	Grant Folley 0191 5270501 planningeasington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

1. The application site is located on land approximately 1 km to the west of Easington and the A19 (T), between the A182 to the north and Pesspool Lane to the south. The application site is 4.69 Ha in area, with other land in the applicants' control totalling 20 Hectares. The application site is currently grassed and used for the grazing of livestock associated with the wider agricultural use of the surrounding land. The boundaries of the field to which the application relates are characterised by low level hedgerows with intermittent tree planting.
2. Pesspool Lane runs directly to the south of the application site, which leads from the A182 to the north east which links Easington with South Hetton. A major road junction with the A19 (T) dual carriageway is located to the east of the application site. The A19 (T) separates the site from the village of Easington.
3. The nearest towns and villages are Easington (1km east), Peterlee (3km south), Shotton Colliery (2.5km south), Haswell (1.8km west), South Hetton (1.5km northwest) and Hawthorn (2.5 km northeast).

4. A number of individual residential properties lie within close proximity to the application site, these include: Blue House and Junction House Farm to the east, Low Ling Close, Pear Tree Cottage and Rymers Farm to the west, and Milestones House and Plants R Ross Garden Centre to the north.
5. The landscape immediately surrounding the application site is characterised by rolling farmland and urban areas including that of Peterlee. Small villages such as Haswell, Haswell Plough feature in this landscape. The large settlement of Easington, located to the east of the site extends in an easterly direction merging with Easington Colliery to form one large urban area.
6. Two powerlines extend across this area, near to the application site. The power lines run from south to north, between the industrial estates on the northern edge of Peterlee towards South Hetton. The power lines are closely aligned as they emerge from Peterlee towards the application site and thereafter they diverge, one heading in a northerly direction and one heading north west. The associated pylon structures are very prominent in this local landscape which features little woodland vegetation.
7. The application site, or wider land holding does not include any area designated for its landscape or ecological value. Further afield there are a number of international and national designated sites within 10km of the application site. Designations include: Durham Coast Special Area of Conservation (4km east); Northumbria Coast Special Protection Area (8km south east); Castle Eden Dene Special Area of Conservation and National Nature Reserve (4.5km south).
8. Tuthill Quarry Site of Special Scientific Interest (SSSI) is situated 1km to the west of the application site. The quarry contains important areas of primary and secondary species rich calcareous grassland. Other local SSSI include: Hesledon Moor West (fern, carr and heathland), Hawthorn Dene (semi-natural woodland, grassland and fen), Dabble Bank (grassland communities) and Pig Hill (magnesian grassland).
9. There are other notable features of ecological, historic or landscape interest within the vicinity. The closest Scheduled Ancient Monuments are Yoden Medieval Settlement; Haswell Colliery engine house; enclosed hilltop on Pig Hill; and High Haswell Chapel. Easington Conservation Area lies approximately 1.5km to the east of the application site and Hawthorn Conservation Area 2.5km to the north east. There is a locally designated Area of High Landscape Value (AHLV) to the north, east and south of Easington Colliery 4km to the east of the application site. There is a second locally designated AHLV area beyond Low Haswell 3km to the northwest. There are five areas of Ancient Woodland designated within 5km of the application site including Castle Eden Dene and Hawthorn Dene.
10. Shotton Airfield lies approximately 2km to the south of the application site; Peterlee Parachute Club operates out of this airfield. Fishburn aerodrome lies approximately 12km south west of the application site.
11. Within 15km of the application site there are a number of operational wind farms. To the south west lies the two turbine development of Hare Hill (3.5km), to the west lies the recently erected seven turbine development of Haswell Moor (5km), to the north is the two turbine High Sharpley (three further turbines have recently been approved but not yet constructed) and four turbine Great Eppleton (5km), and to the south west lies the four turbine development of Trimdon Grange (7km). Further away to the south lie the seven turbine Walkway (13km) and three turbine High Volts (11km).

12. Planning permission is sought for the erection of a single wind turbine on the application site, incorporating associated ancillary development, access works, and environmental enhancement works.
13. The proposed wind turbine will have a generating capacity of approximately 2.3 MW with a maximum tip height of 99.5m. It is projected to have an operating lifetime of 25 years. The turbine will operate at all times when wind speeds are suitable, with the exception of downtime for maintenance.
14. It is estimated that the proposed wind turbine will produce 6,044 MWh of electricity each year (based on capacity factor of 30% due to intermittent nature of wind). The average annual household electricity consumption is 4,700 KWh. Therefore the proposed turbine could generate electricity equivalent to the demand of approximately 1,286 households per year.
15. The turbine will be of a typical modern design incorporating a tubular tower and three blades attached to a nacelle housing the generator, gearbox and other operating equipment. The details of the wind turbine submitted in support of the application are illustrative only; the eventual choice of a specific turbine and equipment supplier will be subject of a tendering process.
16. The turbine tower will be constructed from tapered tubular steel and the blades of the turbine assembly will be constructed from fibreglass and reinforced epoxy resin. The colour of the turbine assembly is likely to be agate grey, typical of other wind turbine developments. The proposed wind turbine will carry no external advertising or lettering except for statutory notices on the tower door. It is not proposed for the turbine to be lit or carry any night beaconing.
17. The generated electricity from the turbine will be delivered to the national electricity distribution network. To achieve this, an underground cable connection from the switchgear enclosure on the site to the local 66 kV electricity distribution network will be required. The closest substation is located to the south of the application site on Peterlee Industrial Estate. This infrastructure will be subject to a separate application and permission.
18. Access to the application site will be taken off Pesspool Lane, which is accessed from the A182, in close proximity to its junction with the A19 (T). The major turbine components are likely to be shipped into Teesport and will then be transported by road to the site. Due to the close proximity of the site to the existing road network the requirement for new access tracks and the scale of modification works to the existing road network to facilitate component delivery and construction movements is reduced. On site works will include the creation of an internal access track and the use of temporary access matting to allow delivery. Off site works will include the relocation of signage, the setting back of lighting columns, and minor road improvements.
19. The proposed development will also include the erection of a switchgear enclosure, near to the base of the proposed wind turbine. The enclosure will incorporate the switchgear and metering equipment. The dimensions of the enclosure will be approximately 3m by 2.5m, and be 2.5m in height. Electrical cables will be required to transfer power from the turbine to the switchgear enclosure; the required cabling is to be laid in trenches and buried.

20. During the construction period, a construction compound will be required. The compound will be approximately 25m x 25m and will comprise of: temporary cabins to be used as a site office and welfare facilities for site staff; parking for construction staff, visitors and construction vehicles; and, secure storage for tools, small quantities of fuels and small plant and equipment. The construction compound will be enclosed by security fencing. The compound area will be reinstated at the end of the construction period, with the land returned to agriculture to the specification agreed with the landowner.
21. The proposed development will also require the creation of a crane pad to facilitate installation of the proposed wind turbine. The required area of hardstanding will be located 25m from the base of the turbine and will measure 45m x 30m. The area of hardstanding will be retained on site so that it can be used in the event that maintenance work is required.
22. The main construction period is likely to last for approximately 4 months, from commencement of detailed site investigation, survey and design work, through to the installation and commissioning of the turbine and ending with the removal of the construction compound. It is normal practice for a Construction Method Statement to be required through the use of an appropriate planning condition.
23. The construction of the proposed wind turbine requires the employment of approximately 20 people. The exact number will depend on the activities being undertaken and will vary throughout the course of the construction programme.
24. The wind farm has been designed with an operational life of 25 years. On a day to day basis the turbines will operate automatically, responding by means of anemometry equipment and control systems to changes in wind speed and direction. These systems are designed to ensure the performance of the turbines and control issues such as rotor speed, direction and angle as well as generator temperature. At the end of the operational life of the wind farm, a decision will be taken whether to replace the turbines or decommission them and remove them from the site. Replacement of the wind turbines at this time would require a future planning application. Decommissioning the site will involve the complete removal of the turbines from the site, together with all surface infrastructure. The site will then be reinstated to its original appearance.
25. An Environmental Impact Assessment (EIA) has been carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, to accompany the planning application. The EIA provides information in relation to landscape and visual amenity, ecology and ornithology, noise, cultural heritage, traffic and transport, hydrology and hydrogeology, shadow flicker, TV/Telecoms, Aviation, Socio-economics and, Mitigation proposals. The assessment concludes that the proposed development is essentially a benign project as it will have no predicted significant adverse environmental or amenity effects.
26. The application is reported to committee as the application represents a major development.

PLANNING HISTORY

27. None relevant.

PLANNING POLICY

NATIONAL POLICY

28. *Planning Policy Statement 1: Delivering Sustainable Development* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
29. *Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4)* outlines the Government's objectives to help achieve sustainable economic growth including the positive approach to be taken to development that helps to build prosperous communities, promote regeneration and tackle deprivation.
30. *PPS 5: Planning for the Historic Environment* – explains Government policy in respect of the conservation of the historic environment.
31. *Planning Policy Statement 7 (PPS7)* sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
32. *Planning Policy Statement 9 (PPS9)* sets out planning policies on protection of biodiversity and geological conservation through the planning system.
33. *Planning Policy Guidance 16 (PPG16)* sets out the Secretary of State's policy on archaeological remains on land, and how they should be preserved or recorded both in an urban setting and in the countryside.
34. *Planning Policy Statement 22 (PPS22)* sets out the Government's policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.
35. *Planning Policy Guidance 24 (PPG24)* guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.
36. *The emerging National Planning Policy Framework (NPPF)*, currently in draft form, is a material consideration in the determination of planning applications, and advances a presumption in favour of sustainable development to encourage economic growth.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

REGIONAL POLICY

37. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)* July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
38. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and weight can now be attached to this intension.
39. *Policy 2 – Sustainable Development* promotes sustainable development and construction through the delivery of identified environmental, social and economic objectives.
40. *Policy 3 – Climate Change* requires new development to contribute towards the mitigation of climate change and assist adaption to the impacts of climate change.
41. *Policy 6 – Locational Strategy* – places particular importance on the conservation and enhancement of the Regions Biodiversity.
42. *Policy 8 – Protecting and Enhancing the Environment* seeks to maintain and enhance the quality, diversity and local distinctiveness of the North East environment.
43. *Policy 31 – Landscape Character* –requires proposals to have regard to landscape character assessments.
44. *Policy 32 – Historic Environment* – recognises that a number of elements constitute the historic landscape, including particular landscapes, buildings, semi-natural and natural features.
45. *Policy 33 - Biodiversity and Geodiveristy* advises that planning proposals should ensure that the Regions ecological and geological resources are protected and enhanced to return key biodiversity resources to a viable level.
46. *Policy 35 - Flood Risk* requires consideration to be given to the flood risk implications of development proposals adopting the sequential risk based approach set out in PPS25.
47. *Policy 37 – Air Quality* - advises that planning proposals should contribute to sustaining the current downward trend in air pollution throughout the Region.
48. *Policy 38 – Sustainable Construction* sets out the principles to support sustainable construction in planning proposals that minimise energy consumption and achieve high energy efficiency.

49. *Policy 40 – Planning for Renewables* – states that in assessing proposals for renewable energy development significant weight should be given to the wider environmental, economic and social benefits arising from higher levels of renewable energy.
50. *Policy 41: Onshore Wind Energy Development* – sets out broad areas of least constraint for medium scale wind energy development.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY: District of Easington Local Plan

51. *Policy 1* - Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
52. *Policy 3* - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
53. *Policy 7* - Development which adversely affects the character, quality or appearance of Areas of High Landscape Value (AHLV) will only be allowed if the need outweighs the value of the landscape and there is no alternative location within the County.
54. *Policy 16* - Development which adversely affects a designated Site of Nature Conservation Importance/Local Nature Reserve/ancient woodland will only be approved where there is no alternative solution and it is in the national interest.
55. *Policy 35* - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
56. *Policy 74* - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.easingtonlocalplan.org.uk/>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

57. ONE North East – Offer support for the proposed development.
58. Highways Agency – The Agency are satisfied that the wind turbine is located such as to not offer a distraction to drivers using the adjacent A19. No objections raised.

59. Environment Agency – No objections to the scheme, general advice provided in relation to surface water disposal and land contamination.
60. Northumbrian Water Ltd – No objections.
61. Durham Tees Valley Airport – This development is unlikely to affect operations at Durham Tees Valley Airport, therefore we have no objections.
62. Newcastle International Airport – Given the location of the proposed wind turbine it is unlikely that the proposals would be visible to the Airports primary surveillance radar therefore no objections are raised.
63. MOD – No objections, but request to be informed once construction commences.
64. Shotton Airfield – No objections.
65. Easington Village Parish Council – Object to the application on the following grounds: impact on the setting of St. Marys Church which is situated on higher ground to the east of the proposed wind turbine, dominance of the church in the landscape would be threatened by the proposed development; impact on important views within Easington Village Conservation area, in particular looking west from the Grade I Listed Seaton Holme; impact on the amenity of residents living near the proposed wind turbine; and, distraction of drivers on Pesspool Land and South Hetton Road. In summary the Parish Council are concerned regarding the precedent this proposal may set for further development in this area, and consider that as the County has already more than met its renewable energy targets, that planning permission should be refused.
66. Campaign for the Protection of Rural England – Object to the scheme. CPRE are concerned regarding the proliferation of the wind turbine development in this area. When considered with other nearby schemes at Haswell, Great Eppleton and South Sharpley, the cumulative effect of the current proposal would be excessive and CPRE request that the application be refused. The CPRE have also questioned the accuracy of the photomontages and visual assessment submitted in support of the application.
67. Ramblers Association – Raise objections to the scheme as they are concerned that the proposed wind turbine is less than topple distance from the existing public footpath.

INTERNAL CONSULTEE RESPONSES:

68. Landscape – The proposals would lie within an area identified in the RSS as ‘broad area of least constraint’. The proposals would be consistent with the findings of the Landscape Appraisal for Onshore Wind and the Wind Farm Development and Landscape Capacity Study. Although the proposal would be highly visible, the wind turbine would not be considered to be out of keeping with the character of the plateau landscape, but would bring considerable change to the immediate locality. The proposal does however lie close to a number of residential properties, and it is a balanced judgement whether or not any impacts would be sufficient to warrant refusal of the planning application. With regard to recent appeal decisions, apart from in relation to the residential property known as Four Winds, it is considered that a refusal based on residential amenity grounds would be difficult to sustain. Finally the proposal would have a cumulative impact with existing and approved wind farms on the landscape and visual environment of the area. As a single turbine such impacts would be low, but the proposal would lead to a rather dispersed and straggling pattern of development. However, whether or not such an impact is acceptable is a matter of judgement; it is considered that an objection on such grounds would be difficult to sustain.
69. Environmental Health – Discussions and meetings have taken place between the Council and the applicants’ noise consultants throughout the application process. Following the receipt of additional information during the application process, subject to detailed noise conditions being attached to any grant of planning permission, the proposed development would accord with relevant government guidelines. No objections are raised to the scheme.
70. Ecology – Initial concerns were raised regarding the impact the proposed development would have on local wildlife and habitats. Following discussions with the applicant and the submission of information during the application process, including the submission of an ecology mitigation and management plan which proposes landscape enhancement across the wider land holding rather than just the application site, no objections are raised to the scheme.
71. Highways Authority – Following the revision of the proposed site access during the application process, the highways authority officers have raised no objections to the proposed scheme.
72. Design and Conservation – The proposed development will not have a significant impact upon the historic environment. Any landscape enhancement works should build upon the historic framework rather than introduce new forms or features in the landscape.
73. Archaeology – Following the submission of further information during the application process initial concerns have been resolved. Subject to conditions requiring further archaeological investigations and assessment being attached to any grant of planning permission, no objections are raised.
74. Trees – No objections.
75. Public Rights of Way Officer – No objections to the proposed development.

PUBLIC RESPONSES:

76. The application has been advertised in the local press and by site notices; neighbouring properties have also been consulted. A total of 19 no. letters of representation have been received in relation to this application.
77. One letter has been received in support of the application. Support has been offered on the following grounds:
- Wind turbines are green, environmentally friendly and aesthetically acceptable source of energy.
78. A total of 18 no. letters have been received objecting to the application. Concerns have been raised on the following grounds:
- Reliability of wind turbines is questioned – other schemes have either broken down or failed to produce the electricity projected initially. Wind farm developments are not considered to be cost effective, construction costs and impacts on locality far outweigh the projected benefits of the scheme.
 - The proposed wind turbines will have a negative visual effect on the local landscape and countryside.
 - The proposal would affect the character and setting of St. Mary's Church and Seaton Holme, important listed buildings in Easington Village.
 - The proposed development will impact on adjacent businesses by constraining future activities on adjacent sites, in particular at Mount Pleasant Farm and Plants R' Ross Garden Centre both located to the north of the application site.
 - The proposed wind turbine is to be located too close to residential properties. Objectors have noted that a Private Members Bill currently progressing through parliament suggests a set back distance of 1500m for a turbine of this size, not 500m.
 - Due to the proximity of the proposed wind turbine to residential properties the scheme will impact on local residents in terms of general amenity, outlook, overshadowing, noise and shadow flicker. The proposed development will also affect views from adjacent residential properties. Due to these concerns the proposed wind turbines will also have a negative effect on local house prices.
 - Shadow flicker and noise and vibration associated with the wind turbines can cause health problems.
 - Concerns have been raised regarding health and safety issues; in cold weather ice can be thrown from the rotating blades.
 - There are already noise issues in the area associated with the A19 road and aircraft using Shotton Airfield. The proposed turbines will exacerbate the noise issues for nearby residents.
 - wind turbine developments are known to interfere with TV reception.
 - Concerns that the proposed wind turbines could distract motorists on the adjacent A19, A182 and Pesspool Lane, which could cause road traffic accidents.
 - The proposed wind turbines will affect wildlife in the local area.
 - The Local area has already been blighted through the proliferation of electricity pylons. The erection of wind turbines will worsen the current situation.
 - The proposed scheme has no local benefits; the development is merely a money making exercise for the developer and landowner.

- County Durham already has its fair share of this kind of development. Local residents should not have to endure more of the problems associated with wind farm development. County Durham has already exceeded its targets for renewable energy production; there is no need for more wind turbines.

APPLICANTS STATEMENT:

79. As you will be aware, the UK has committed to reducing its carbon dioxide emissions by 34% below 1990 levels by 2020 and seeks an 80% reduction in emissions by 2050.
80. The UK has also signed up to the European Union (EU) Renewable Energy Directive, which places a legal obligation on the UK to provide 15% of energy from renewable sources by 2020. This target is equivalent to a seven-fold increase in UK renewable energy consumption from 2008 levels.
81. The national Renewable Energy Strategy (RES) suggests that if these objectives are to be achieved, around two-thirds of new renewable energy development will come from wind energy, both onshore and offshore. Onshore alone is projected to expand from around 2 GW to 14 GW, a seven fold increase by 2020.
82. We are one of the UK's biggest consumers of electricity – using just under 1% of the UK's total consumption. In 2007, we announced plans to generate our own renewable energy, including that from on-shore wind-farms.
83. The decision to generate our own renewable energy is a central element of a carefully considered approach to our energy needs which will support the sustainable provision of telecommunications services to the UK market over future decades. Our Renewable Energy Programme aims to generate 25% of our own electricity by 2016 and reduce our carbon footprint by 80% by 2020 – it will help us reduce the amount of energy we use, reduce the amount of carbon we emit and control our costs.'
84. We have one consented wind farm site in the North East of England providing 15MW of renewable energy capacity, and a pipeline of other sites which are being progressed within the planning system across the country. Our renewable energy plans now also include solar PV, with applications pending for our own buildings and exchanges. However, varying types of technology are only viable in appropriate circumstances and in this location wind energy is considered the most appropriate and viable option.
85. As well as generating and securing our own renewable energy supply, we recognise the first imperative should be to save energy, and we have publically committed to reducing our global energy consumption by 3% over the next year – against a background of rising consumption. Significant levels of investment are being made right across the company, in all regions (including the North East) to deliver this stretching target.

BT's Operations in the North East

86. The clean energy produced by the Junction House turbine is required by our exchanges and operations in the Easington and nearby areas. Our Renewable Energy Programme may be a national one but the need for renewable energy is very much local.

87. We maintain and operate a diverse range of telecommunications infrastructure throughout the region, including a large number of telecommunications exchange buildings within County Durham.

Junction House Wind Turbine - Summary

88. We recognise that County Durham already contributes an important amount of installed renewable energy to the region, most of which comes from onshore wind; however the UK as a whole still has a significant gap between existing renewable energy provision and the targets outlined within the various national and international commitments to which the UK is bound.
89. To support the development of this planning application we have consulted widely and used the EIA process to assess whether the proposal, on its own or with other consented or emerging schemes, would likely give rise to significant environmental effects. We have also used the findings of the initial assessments to proactively minimise the largely indirect visual effects of those living, working or enjoying the wider landscape. We recognise however, that despite efforts to minimise the impacts of the development, the proposed turbine will still give rise to some significant, though limited, effects on the landscape, visual amenity and heritage assets. The extent of these residual effects are presented in the Planning Officer's assessment of the application as are our proposals to provide further mitigation measures where they are required. We are committed to delivering these measures.
90. The proposed development is time limited; the turbine will be decommissioned at the end of its operational life of 25 years and this means that the majority of effects will be temporary and reversible, in particular with regard to impacts on landscape and residential amenity. The surrounding landscape and the indirectly affected heritage assets are likely to far outlast the development; this is, in our view, an important consideration. Indeed, as part of a series of measures designed to tackle climate change, new renewable energy development plays a critical role in safeguarding the longevity of the UK's most important environmental and cultural assets. It will also directly support our extensive operations in County Durham and the north east and contribute towards County Durham's own carbon reduction and renewable energy provision targets.
91. Whilst it is accepted that 25 years is long-term when considering residential amenity, we believe it has been demonstrated that the development is unlikely to be oppressive or unacceptable for any local residents and it should be noted that the occupants of the nearest residential property (Four Winds) support the development. We do not consider that the development will be prejudicial to any other users of the local environment.

92. We firmly believe that any reversible adverse effect of the development, on the landscape, on the setting of heritage assets, or on visual amenity, is collectively outweighed by the long term benefits of the turbine to both our local and regional operations and our contribution to the delivery of the UK's Renewable Energy Strategy. On this basis, we consider that the application should be approved, in line with your Officer's recommendation, and we would be grateful for Members' support in bringing forward this important development.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=111064>

Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

93. In assessing a proposal for a wind farm, there are a number of material planning considerations that need to be taken into account. Over recent years these have become established as each successive wind farm proposal has been considered, and the following list covers areas relevant to this application:
- National, Regional and Local Planning Policies.
 - Landscape and visual impact.
 - Heritage
 - Residential amenity issues such as noise and shadow flicker.
 - Impact on nature conservation.
 - Health, safety and other issues raised by third parties.

Planning Policy

94. Government guidance as contained within PPS 22 supports onshore wind farms. The guidance states that renewable energy development should be accommodated in locations where it is technically viable and where the various impacts referred to above can be satisfactorily addressed. There is an acceptance that there will always be a compromise between maximising the capture of energy and the visual impact that will result.
95. The proposals lie within an area identified in the North East of England Plan: Regional Spatial Strategy to 2021 as a 'broad area of least constraint for medium scale wind energy development'. The area is identified by a W symbol on the accompanying plan; it is understood that the W represents the whole of the East Durham Limestone Plateau resource area identified in the GIS constraints mapping and landscape sensitivity studies that informed the development of RSS policies.
96. The sub-regional renewable energy target for County Durham given in the RSS was 82MW installed renewable energy capacity by 2010. At the time of writing the County has around 165MW of renewable electricity operational or approved. This will meet around 55% of County Durham's household electricity consumption or 22% of the County's overall electricity. County Durham's 2010 target has been exceeded by a substantial margin and the aspiration to double that target by 2020, included in the emerging County Durham Plan, has already been achieved.
97. While the targets in RSS are 'thresholds' and not 'ceilings', the performance to date in Durham indicates that sufficient sites are being found to meet those targets and that there is no need to approve sites found to be environmentally unacceptable.

98. As stated previously the proposals lie within an area identified in the North East of England Plan: Regional Spatial Strategy to 2021 as a 'broad area of least constraint for medium scale wind energy development'.
99. The RSS identifies the area as having potential for medium scale development, which it identifies as being 'up to 20-25 turbines'. The East Durham Plateau area contains 20 operational or consented turbines in 6 separate developments and is therefore at or approaching the scale of development envisaged in RSS. The figure given in RSS was not based on an assessment of the capacity of the landscape of these broad areas. RSS makes reference elsewhere to the need for the location and design of proposals to be informed by landscape character and sensitivity assessments, particularly the Landscape Appraisal for Onshore Wind Development (GONE 2003). It also makes reference to development capacity studies then being undertaken, and identifies LDFs, and the assessment of planning proposals, as being the 'appropriate level' at which to deal with the issue of the capacity of individual 'broad areas of least constraint'.
100. The District of Easington's saved Local Plan policies that relate to development in the countryside are not specific to renewable energy proposals. The Council relies on guidance within PPS 22 at the present time.
101. Furthermore, the emerging National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development to encourage economic growth, particularly where it is supported by Local Plan policy. This draft guidance is a material consideration in determining planning applications, and this proposal is considered to be in general conformity with the NPPF.

Landscape Appraisal for Onshore Wind Development (GONE 2003)

102. The Landscape Appraisal identified the area as belonging to the 'Coastal Plateau' landscape type which it assessed as being of 'low to medium' sensitivity to wind energy development. Its findings in relation to location and typology in the area were as follows:-
 - Wind energy development should be sited within more open areas where field enclosure patterns would not be disrupted. It could relate to long gentle ridges and smooth, slack dip slopes. Care should be taken not to intrude on important views to the sea.
 - Development could also relate to the scale and function of the many industrial buildings present in the landscape, but should be located away from settlements. Turbines should be carefully sited, however, to avoid contributing to the visual confusion which already occurs in some parts of the area, where a number of prominent built features compete for dominance.
 - In general, the development typology adopted should be medium to small, likely to fit with the landscape pattern of settlements and landform.
103. The Appraisal uses the terms small, medium and large to refer to turbines heights of 80m, 110m and 140m respectively rather than turbine numbers. The 100m turbine proposed through this application is within that 'medium scale' range. It is considered that the location and scale of the proposals are generally consistent with the findings of the Appraisal.

Wind Farm Development and Landscape Capacity Studies: East Durham Limestone and Tees Plain (NEA / ARUP 2008) and Addendum (ANEC / ARUP October 2009)

104. The landscape capacity study subdivides the area into landscape zones which it assesses in terms of sensitivity and appropriate wind farm typology. The current proposal would lie in zone 3 which is assessed as being of medium sensitivity and suited to a small (<4 turbines) wind farm typology. Its suitability for further wind farm development is assessed as being 'None/limited' and described as follows:
There are no existing turbines within the zone. In principle the landscape could have the capacity to accommodate a small scale typology of development but separation distances from existing turbines in Zone 1 would be low (typically <3km) and relatively low (<4km) from permitted turbines in Zone 7. Cumulative impacts could therefore be unacceptably high.
105. It is considered that the proposals are consistent with the ARUP report in terms of scale and landscape capacity. Cumulative impacts need to be assessed on a case by case basis and are discussed in the relevant section of this report.

Landscape and Visual Impact

106. Wind turbines by their scale and tendency to be formed in groups, will always have a visual impact upon the landscape within which they are located and an impact on the amenities of people who live in the locality. The degree of impact depends on the form and character of the landscape and the perceptions of the public who are affected by the development.
107. The turbines will be visible over a wide area; however the fact that they are visible does not necessarily mean that they are visually harmful to such an extent as to warrant refusing planning permission.
108. This part of the report will address the impact of the development on the local landscape, nearby settlements, local residents and other more distant receptors.
109. The applicants have submitted a comprehensive Landscape Visual Impact Assessment (LVIA) which attempts to describe the impacts of the development on a variety of locations using a basis of *levels of sensitivity* and *magnitude of change* ranging from negligible to high. The proposals will be widely visible in the east part of the county.
110. In order to assess the visibility of the turbines from both far and near, Zones of Theoretical Visibility (ZTV) documents have been produced and are submitted as part of the planning application. The potential impact of the turbines has been assessed by producing photomontages of various viewpoints of the application site based on the ZTVs.
111. The assessment of the landscape impact has been assisted by the comprehensive comments of the Durham County Landscape Architect. This section of the report will be split into four sections. The key issues to consider are considered to be:
- Physical Impacts
 - Impacts on Landscape Character
 - Impacts on Designated Landscapes
 - Impacts on Residential Amenity
 - Impacts on Settlements
 - Cumulative Impacts

Physical Impacts

112. The direct physical impacts of the proposals on the fabric of the landscape within the red line boundary – the development of access tracks, operational areas, and the removal of a short section of hedgerow - would be low and compensated for by proposals to plant and renovate hedges elsewhere.
113. The impacts of wind turbines on the landscape can be difficult to mitigate and opportunities should be taken to compensate for residual impacts through improvements to the fabric of the landscape of the site and the wider landholding. The site lies within a Landscape Enhancement Priority Area identified in the County Durham Landscape Strategy 2008. The most appropriate forms of mitigation would include renovating existing hedges, planting new hedges and buffering watercourses with grassland (particularly the Loaning Burn). Discussions have taken place between Council Officers and the applicant, to cover such issues. An Environmental Management Plan has been submitted during the application process, which now forms part of the application. The works proposed will improve existing hedgerows in the wider land holding and include other enhancement works. It is considered that the submitted details will adequately mitigate the physical impacts of the development of access tracks, operational areas and access works.
114. Given the proposals to underground the electricity connection there would be secondary physical impacts – removals of sections of hedgerow and scrub. This element of the scheme would be subject to a separate permission. It is likely that with a suitable re-instatement scheme those impacts would be low and short term.

Impacts on landscape character

115. Impacts on landscape character are described in the Landscape and Visual Assessment submitted in support of the application. The following section of the report provides a summary of these impacts.
116. The ZTV study shows that the proposals would be widely visible across the East Durham Limestone Plateau. Visibility would break up towards the coast, to the south towards the Tees Plain, and to the west in the more complex topography of the escarpment. Visibility would fall off over much of the eastern part of the Wear Lowlands, picking up again on higher ground to the west.
117. The scale of the impact on the landscape would be heavily influenced by distance. Within the plateau the rolling topography and the presence of hedges, trees, woodlands, settlements and overhead services would become increasingly influential with distance in screening or assimilating the turbine in the shallow views typical of this landscape. In general the turbine would have moderate or low impacts at distances beyond around 5 km (50 x tip height) from the site, with high impacts occurring within around 2km or so (20 x tip height).

118. Within around 2 km of the site impacts would generally be high. The turbine would be a prominent or dominant feature in typical views. This is usually true for development of this nature wherever it occurs. With the exception of the localised screening effects of hedges and undulating terrain it would be fairly consistently visible. The landscape in this area – which forms part of the *Clay Plateau* landscape type – is broad in scale and open in character with relatively large fields, low hedges and few trees or woodlands. It has a semi-rural character with settlement edges and industrial buildings visible in places along with the busy A19 and several overhead transmission lines. Existing turbines are visible as skyline features to the west and to the north. The proposed turbine would clearly have a significant presence in the local landscape, however the turbine would not be considered to be out of scale or out of keeping with its character.
119. This would also be true in wider views across similar landscapes in the 2-5km range where the turbine would remain a prominent feature, often viewed in association with other turbines. East of the A19 the turbine would figure relatively prominently in views from the Coastal Plateau landscape. The most sensitive views in that landscape are towards the coast and away from the turbine. Impacts within this area would generally be of a low order of magnitude. The turbine would not be widely visible from the coast itself.

Impacts on designated landscapes

120. There are several areas of land designated as Areas of High Landscape Value within 2-5km of the site. These are largely well wooded valley landscapes (Hawthorn, Horden, Castle Eden and Elemore Denes with an inward focus and it is considered that impacts would be of a generally low order. As such the proposed development would not be considered to be contrary to the relevant local plan policies aimed at protecting the character of the Areas of High Landscape Value.
121. The turbine would be visible in places from the Durham Heritage Coast on land above the cliff top but generally as rotor tips above the hub visible as small features in visually complex inland views. It is considered that impacts on the Heritage Coast (and the coast AHLV) as a whole would be negligible.

Impacts on residential amenity

122. It is an established principle that there is no right to a view. There are nevertheless circumstances in which wind turbines can have an overbearing or oppressive effect due to scale and proximity, which can affect the living conditions of residents. The size of turbines and distance to them are clearly important factors as these affect their perceived scale. The number of turbines, the angle of view they occupy, the orientation of habitable rooms and gardens and screening by topography, buildings or vegetation are also important.
123. The evidence of past appeal decisions suggests that while there may be a consensus that turbines are likely to be 'overbearing' at distances closer than four times the turbine height, and unlikely to be overbearing at distances of greater than around seven times their height, at distance ranges in between the acceptability or otherwise of their impacts is influenced by site-specific factors and by the judgements of individual decision-makers. In modelling constraints for wind farms in the past the Council have used a figure of five times turbine height as a proxy for the threshold at which we would expect impacts to start becoming acute.

124. There is a single non-involved property within 5 times the turbine height, known as Four Winds, situated to the north east of the proposed wind turbine. This is very close at around 375m. The main orientation of the property is to the south at 90 degrees to the view towards the turbine, but there are habitable rooms facing towards the turbine, which would also be visible in direct views from the garden. There are substantial mature trees between habitable rooms and the turbine which would partially screen (summer) or filter (winter) views towards it. These trees are covered by a Tree Preservation Order and in the control of the property and therefore might be relied upon to be there for the life-time of the development.
125. Having regard to the mitigating factors, along with the fact that there would only be a single turbine and not a larger array, it is considered that this is a very borderline case. At present in County Durham planning permission has not been granted to date for a turbine within this distance range of a non-involved property. In this case it should be noted that the residents of this property are aware of its scale and proximity, and have written to the Council to support the scheme. With regard to the orientation of the property, and existing tree planting between the property and the proposed wind turbine, it is considered that any impact on residential amenity for residents of this property would be considered to be acceptable.
126. There are properties within 6 times the turbine height at Rymers Moor Farm, Pear Tree Cottage, Low Ling Close and the Plants 'R' Ross Nursery.
127. At Rymers Moor there would be relatively direct views from habitable rooms at ground and first floor level and from the small front garden at distances of around 570m.
128. The main elevation of Low Ling Close is orientated at around 75 degrees to the view-line towards the proposed turbine and there would not be direct views from habitable rooms. There would be open views from the garden to the front of the property at around 525m, and views partially screened by outbuildings from gardens to the rear.
129. Pear Tree Cottage is orientated more directly towards the turbine with direct views from a ground floor window and first floor dormers at around 550m. Low Ling Close to the immediate east prevents direct views from other habitable rooms and would screen or partially screen the turbine in views from the small rear garden.
130. The main elevation of the bungalow at the Plants R' Ross Garden Centre is towards the south west. Views towards the turbine at a distance of around 550m would be oblique (around 55°). More direct views would be available from the front and side garden and ground floor windows on the eastern elevation.
131. The extent to which the impact of a single turbine would be overbearing in views from these properties is a matter on which judgements will vary. Officers consider that with the exception of Four Winds an objection on those grounds would be difficult to sustain on the basis of recent planning appeal decisions, and in the context of the overriding planning policy support for wind turbine development.
132. This also applies to other properties in relatively close proximity but at greater distances than those described above.

133. A letter of representation has been received from the owner of Mount Pleasant Farm which is situated directly to the north of the application site. Concerns have been raised regarding the impact the wind turbine would have on the amenity of occupants of this site. It should be noted that there is no extant planning permission for residential use of the site since the lapse of temporary planning permission for a caravan, which expired in 2009.

Impacts on settlements

134. The area in which the proposal would have its more substantial impacts – roughly within around 5 km from the site – contains a number of settlements. The turbine would be a prominent feature of the local environment of some of these villages (Haswell, Haswell Plough, Shotton Colliery, South Hetton, Murton, Easington, Hawthorn, Easington Colliery, Peterlee, Wheatley Hill, Thornley), visible from some residential areas and from roads and footpaths / bridleways serving those communities. In this respect they are not unique and the situation here would be similar to that in the locality of existing and approved wind farms elsewhere in the county, although in the case of some of these settlements there would be cumulative impacts with other wind farms in the locality, which are discussed later in this report.

135. The three settlements most immediately affected by the proposals would be Easington, South Hetton and Haswell. It is in the nature of views from settlements that impacts often vary within the settlement and it is difficult to come to overall conclusions about the magnitude or significance of impacts 'in the round' on the visual environment of the community. It is considered that key factors are:

- Whether the proposals would have an overwhelming impact on the residential amenity of individual properties.
- Whether the proposals would be visible from public areas or community facilities within the fabric of the village and if so whether they would dominate that visual environment.
- Whether the proposals would dominate the settlement in views of it, and particularly from the main approaches to it.
- Whether the proposals would dominate the recreational footpath network serving the community.

136. In Easington the turbine would lie at sufficient distance (>1km) that it would not be overbearing in views from residential properties. The turbine would be visible at relatively close range (1 – 1.5km) from the main road through the village in a situation where the perceived scale of the turbine would be likely to be accentuated by the presence of buildings in the foreground and would therefore be a relatively dominant feature. The turbine would be a prominent feature of approaches from the west but given the presence of the intervening A19 it is not considered that the turbine would be likely to dominate the setting of the village. The footpath network west of the village is poorly developed as such the focus of outdoor recreation would be expected to the east where it is not considered that the turbine would have a high impact.

137. In South Hetton the turbine would lie at sufficient distance (>1.5km) that it would not be overbearing in views from residential properties. It would be generally screened from public spaces within the village by intervening buildings and vegetation. It would be prominent from approaches to the village but at sufficient distance not to dominate its setting. The footpath network to the south-east of the village towards the turbine is not well developed. While the turbine would be prominent in views from paths and railway walks to the west, north and south of the village it would not dominate the experience of the countryside.
138. In Haswell the turbine would lie at sufficient distance (>1.8km) that it would not be overbearing in views from residential properties. It would be intermittently visible but generally screened from public spaces within the village by intervening buildings and vegetation. It would be prominent from approaches to the village but at sufficient distance not to dominate its setting. The footpath network to the south of the village is dominated by the existing Haswell Moor / High Haswell Wind Farms. While the turbine would be prominent in views from paths and railway walks to the east of the village, as a single turbine it would not dominate the experience of the countryside to the same degree.

Cumulative impacts

139. Cumulative Impacts on landscape character are described in the Landscape and Visual Assessment submitted in support of the application. The following section of the report provides a summary of these impacts.
140. Given the widespread visibility of wind turbines cumulative impacts of some order are inevitable. The issue is whether the combined impacts of two or more developments would reach levels that would be unacceptable.
141. The most significant impacts would be those that would arise from the proposals in combinations with the existing development clusters to the north (Great Eppleton, High Sharpley and the recently approved South Sharpley) and southwest (Haswell Moor, High Haswell, Hare Hill). While there would be cumulative impacts with development further afield, those impacts would be of a very low order. Potential cumulative impacts with development not yet submitted for planning permission (including Sheraton Hill currently at Scoping report stage) do not have a bearing on this decision.
142. The greater part of the landscape of the East Durham Plateau lies within the 'zone of potential prominence' of one or more turbines. In other words in the landscape as a whole wind turbines are generally evident and often prominent features. The effect of the current proposal would be to extend the area in which turbines would be more likely to be a prominent feature eastwards towards the coast. As the cumulative theoretical zones of visual influence in the landscape and visual impact assessment show, existing development is already visible in this area as less prominent features being at greater distance. The area affected does contain more sensitive landscapes including AHLV and Heritage Coast – but as noted above the impacts of this turbine on those landscapes would be relatively low.

143. Within that wider area there are tracts of land where turbines are more dominant elements in the landscape – zones of potential visual dominance – the kind of areas that are sometimes described as being ‘wind farm’ landscapes. The effects of the proposals would be to extend the existing ‘wind farm landscape’ south and west of Haswell Plough eastwards towards the A19 – although as a single turbine it would dominate that eastern area to a lesser degree than existing turbines do in the west. The zone would not coalesce with the emerging ‘wind farm landscape’ north of Murton.
144. The area most vulnerable to cumulative visual impacts would be around Haswell , Haswell Plough, Haswell Moor and Tuthill where turbines would be visible at relatively close ranges to the east, west and south. In typical views from this area the Junction House turbine would dominate eastern views to a lesser degree than existing turbines dominate other views - partly because it would be a single turbine seen in views already occupied by much closer overhead pylons and transmission lines and partly screened in some views by the rising ground of Tut Hill / Mawson’s Hill. The fact that the Junction House turbine would be a single turbine at some distance from existing development clusters does mean that it would create a rather dispersed and straggling pattern of development in general views of the area. This would compound the lack of coherence in this landscape – the ‘visual confusion’ noted above in the Landscape Appraisal – which comes from the scattered settlement pattern, locally prominent industrial buildings, major highways and meandering transmission lines. Whether this level of cumulative impact is acceptable is a matter of judgement. However Officers consider that it would be difficult to sustain an objection on those grounds in the context of the overriding planning policy support for wind turbine development.

Heritage

Historic Landscape

145. The form of the historic landscape was largely determined by the consequences of the area's rich and productive agricultural economy which led to the intensive use of land. As a consequence, following C18th and C19th enclosures, large tracts of land were fractured into fields contained by hedges. Railways, primarily associated with mineral extraction, crossed the landscape. The field pattern of the C19th has changed through the C20th amalgamation of fields to provide larger tracts of farmland. This is evident in and around the site of the turbine where open landscapes dominate. There is no evidence of planned estate landscapes in the vicinity of the site or where the setting of planned landscapes would be affected by the proposed turbine.
146. The presence of the proposed turbine will not adversely impact upon the clarity and legibility of the historic landscape. The substantial electricity supply pylons which cross the adjacent fields and the embankments of the A19 have introduced artificial vertical elements into the area, and as such the addition of the turbine will not be harmful to the historic landscape.

Listed buildings

147. The closest listed buildings where there will be possible impact are Jackson’s Mill, Pesspool Hall, Seaton Holme and St Mary’s Church.

148. Jackson' Mill (Grade II), the truncated tower of a windmill, is located approximately 1km to the east of the site. The mill sits in the lee of the heavily planted embankment of the A19. Only the top of the mill can be seen over the embankment. Its setting is now completely dominated by the A19 and its associated construction and planting. The proposed turbine will be seen in its wider setting, but it will not have a significant or deleterious impact.
149. Pesspool Hall is located some 1.75km to the west of the proposed site. The listing includes (separately) the farmhouse and the restored pigeoncote (both Grade II). It is an important C18th farm complex which underpins the area's agricultural history. The complex is located in a slight dip and will almost certainly be visually divorced from the site of the proposed turbine by the slopes of Rymer's Moor which sits between the two. Any views will be glimpsed and of no significance in the context of the setting of the Pesspool Hall listed buildings.
150. Seaton Home (Grade I) is located to the north-west of the historic core of Easington Village, its principal elevation fronting onto Hall Walks. The building is, in part, medieval and of considerable importance, both historically and visually. The west elevation faces towards the site of the proposed turbine. Substantial and mature tree cover together with a considerable depth of later housing development and the A19 physically and visually separate the two sites. Any possible glimpsed impact of the proposed turbine will not adversely affect the listed building or its setting.
151. St Mary's Church (Grade I) is located at the highest point of Easington Village and some 1.5km from the site of the proposed turbine. There are significant areas of maturing tree planting to the west of the church which provides a robust and attractive setting. The tower of the church can be seen from the site of the proposed turbine, rising from the village woodland foreground. The trees, intervening village development and distance separates the church from the proposed turbine which, consequently, will not have a significant impact upon the setting of the listed building.

Conservation Areas

152. Easington Conservation Area is located to the east of the turbine site. The village has been separated along its western edge from its rural hinterland - which provided the village's historic setting - by the A19, and at the western limit of the conservation area by the extensive junction works which include heavily planted embankments. The upper parts of the proposed turbine will be seen and glimpsed from parts of the conservation area, however, these views will be mitigated by twists in the road, intervening development and tree planting in the village. The A19 now provides the visual backdrop and visually contains the village edge. The road visually dominates the setting of the western part of the conservation area. The construction of the proposed turbine will not have a significant impact on this setting.
153. Hawthorn Conservation Area is located some 2.5km to the north east of the site of the proposed turbine. It is at the eastern end of Hawthorn village and protected from views of the turbine by rising land, village tree planting, intervening development, road networks, and woodlands. The setting of the conservation area will not be adversely affected by the proposed turbine.

Scheduled Ancient Monuments

154. SAMs are all located some distance from the development site. Only Pig Hill enclosed hilltop, which is some 3km from the site of the proposed turbine, is likely to be within its sight. Distance and topography will deflect focussed views and mitigate its visual impact. No SAMs will be adversely affected by the proposed turbine.

Summary

155. The proposed development will not have a significant impact upon the historic environment. Any landscape enhancement works should build upon the historic framework rather than introduce new forms or features in the landscape.

Impact on Residential Amenity – Noise /Shadow Flicker.

Noise

156. Paragraph 10 of PPG24 asserts that much of the development which is necessary for the creation of jobs and the construction of infrastructure will generate noise. It cautions that the planning system should not place unjustifiable obstacles in the way of such development but advises that local planning authorities should ensure that development does not cause an unacceptable degree of disturbance.
157. The PPS22 Companion Guide states that well-specified and well-designed wind farms should be located so that increases in ambient noise levels around noise-sensitive developments are kept to acceptable limits with regard to existing background noise. This will normally be achieved through good design of the turbines and through allowing sufficient distance between the turbines and any noise-sensitive development so that noise from the turbines will not normally be significant. The Guide also indicates that the noise levels from turbines are generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by wind-generated background noise.
158. The Guide commends the use of 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97). It describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours. Among other things, this document states that noise from wind farms should be limited to 5dB(A) above background noise for both day and night-time periods. PPS24 advises that a change of 3dB(A) is the minimum perceptible to the human ear under normal conditions. Thus it is not intended that with developments there should be no perceptible noise at the nearest properties, rather the 5dB(A) limit is designed to strike a balance between the impact of noise from turbines and the need to ensure satisfactory living conditions for those individuals who might be exposed to it.
159. The applicant in line with advice contained within PPS22 has assessed the potential for noise impacts on nearby residential properties. Independent noise consultants, on behalf of the applicant, have undertaken noise modelling, based on the guidance and noise limits contained within ETSU-R-97 and combined with historic background noise measurements.

160. The background noise measurements and consultants modelling confirm that the proposed wind turbine will not exceed the relevant ETSU-R-97 day time or night time noise limits at any of the nearest neighbouring dwellings. The Council's Environmental Health Officers have been consulted on the application and have raised no objections to the scheme, subject to an appropriately worded planning condition being attached to any grant of planning permission.
161. The question of infrasound and low-frequency sound is often raised as an issue in relation wind turbine development. In this case representations received have not referred to such concerns, however it is considered relevant to consider this issue. The PPS22 Companion Guide asserts that there is no evidence that ground transmitted low frequency noise, caused by wind turbines, is at a sufficient level to be harmful to health. Following this review the Government re-stated that ETSU-R-97 should be used for the assessment and rating of noise from wind farms. The same advice pertains to the phenomenon of aerodynamic modulation.
162. It is considered that the development would comply with the noise levels established in the ETSU-R-97 guidelines. Such compliance could be ensured by condition. It is not considered that any detrimental effect on local residents through noise associated with the proposed wind turbines would be sufficient to refuse planning permission.

Shadow Flicker

163. Under certain combinations of geographical position and time of day, the sun may pass behind rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as 'shadow flicker'.
164. A residential property must be within 10 rotor diameters of the turbine, some 710m in this case, in order to experience shadow flicker. The applicant has identified six properties, which could potentially experience shadow flicker. It is noted that the applicant has based this exercise on worst-case assumptions. The frequency and duration of shadow flicker would probably not be as intense as shown in the modelling work. If it does occur, it is considered that agreed measures would provide appropriate mitigation, the most suitable being computer programming of the turbine to cease operation at times when shadow flicker would occur.
165. Subject to the use of appropriate conditions, it is not considered that any detrimental effect on local residents through incidences of shadow flicker would be sufficient to refuse planning permission.

Impact on Nature Conservation

166. The Environmental Statement submitted in support of the application has fully assessed any impact the proposed development may have on Nature Conservation.

167. Initial concerns were raised by the Council's Ecologist, regarding the impact the proposed development would have on local wildlife and habitats. Following discussions with the applicant and the submission of information during the application process these concerns have been overcome. The applicant has submitted an Ecology: Mitigation and Management Plan which proposes landscape enhancement across the wider land holding rather than just the application site. Subject to works included in the management plan being implemented the proposed development would be considered to be acceptable in ecology terms.

Other Issues

168. Aviation – The application site lies directly to the north of Shotton Airfield; historically the Airfield have objected to wind turbine schemes in this area. However in this case the Airfield have confirmed that the scheme will not impact on their activities and offer no objections to the scheme. Furthermore, the MOD, Newcastle Airport, and Durham Tees Valley Airport have been consulted regarding the proposed development. No objections have been raised on aviation grounds.
169. Health – Concerns have been raised with regard to potential noise impacts and other effects on residential amenity and the perceived wellbeing of nearby residents. Specific concerns have been raised regarding the potential relationship between operational noise and shadow flicker effects on a resident with Asperger's Syndrome. As stated previously in this report the applicant has assessed the impact of the development in terms of noise and shadow flicker and concluded that there will be no effects on adjacent residents, furthermore the specific property in question is a significant distance from the proposed wind turbine, outside the distance whereby shadow flicker may occur.
170. Archaeology – Concerns were initially raised that the proposed wind turbines may impact on unknown archaeological deposits. The applicant submitted further assessment and investigations during the application process. Subject to conditions requiring further archaeological investigations and assessment being attached to any grant of planning permission, no objections are raised.
171. TV and other communication interference – It should be noted that loss of TV reception is most likely to be an issue for properties using analogue signals. It is anticipated that roll-out of digital services will be complete in the area in 2012. For those houses currently using satellite or cable TV there will be no significant impacts to TV reception. The applicant has carried out an assessment in accordance with adopted practice. The assessment has concluded that there are potentially two residential properties which may be affected by the proposed wind turbine. Should it be demonstrated that the wind turbine has an adverse effect on television reception, the applicant will undertake suitable mitigation measures, at its expense, to return reception to its pre-development quality. Such measures will include re-aligning existing aerials, fitting a booster unit to the aerial, or supply of a cable or satellite service. The use of an appropriate planning condition will be attached to any grant of planning permission to ensure such mitigate occurs.

172. Traffic impacts – The development proposals will generate abnormal load movements during the construction phase. A range of traffic management measures will be employed to enable the safe movement of abnormal loads. Traffic impact has been assessed and it has been demonstrated that construction traffic will not create significant impact on the surrounding highway network. The construction phase will last approximately four months, after which the development will generate negligible traffic volumes. Neither the Highways Agency nor the Highways Authority have raised any objections to the proposed development.
173. Public Rights of Way – The Ramblers Association have raised concerns regarding the proximity of the wind turbine to a Public Right of Way (PROW), and have suggested that there may be a requirement for diversion. However the Environmental Statement makes it clear that no part of the wind turbine foundations would conflict with any PROW and the blades would not over-fly any PROW. It should be noted that the Council’s Public Rights of Way Officer has raised no objections to this scheme. On that basis any concerns raised by the Ramblers Association are not significant to warrant refusal of the planning application.
174. Other Representations – Various letters of representation have been received in relation to the proposed wind farm development. It is considered that the majority of issues raised by objectors have been covered in this report. However some representations received have raised issues that are not considered to be relevant to the determination of the planning application. Issues in relation to the economic viability, reliability, and success of wind turbines have not been discussed in any detail; this is because it is established Government policy, that where all other environmental and social impacts are controlled, Councils should support wind turbine proposals.

CONCLUSION

175. The proposed wind farm would make a contribution towards the overall supply of renewable energy, and contribute towards reaching regional and national targets in terms of energy production. There is very strong and consistent policy support for renewable energy projects. The scheme has significant benefits in this respect, and the key consideration in determining the application is whether or not this policy support for the proposal outweighs any adverse environmental or social impacts the proposal may have.
176. An Environmental Impact Assessment (EIA) has been carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, to accompany the planning application. The EIA provides information in relation to landscape and visual amenity, ecology and ornithology, noise, cultural heritage, traffic and transport, hydrology and hydrogeology, shadow flicker, TV/Telecoms, Aviation, Socio-economics and, Mitigation proposals. The assessment concludes that the proposed development is essentially a benign project as it will have no predicted significant adverse environmental or amenity effects. It is considered that any impacts associated with the development can be adequately mitigated through the use of appropriate planning conditions.

177. In terms of visual impact, the proposed wind turbine due to its scale and design will undoubtedly have an impact on the landscape, and will be a highly visible feature in the locality. Any impacts the proposed development will have on the wider landscape are considered to be commensurate with the benefits the turbine will provide in terms of the production of renewable energy. Any impact the proposed turbine will have on the landscape would not be considered sufficient to warrant refusal of the planning application. However, on a local level, and in terms of the effect on residential amenity, it is considered that the proposed wind turbine may impact on the amenity of the closest residential property, Four Winds. However due to the orientation to the property, and the existing screening provided by the protected trees, and with regard to recent appeal decisions and the strong planning policy support for wind turbine development, it is not considered that the impact on amenity would be sufficient to justify refusal of the planning application.

178. The proposed development is considered to accord with the relevant national, regional and local planning policies. Subject to the suggested conditions it is recommended that planning permission be approved.

RECOMMENDATION

That the application be **Approved** subject to the following conditions;

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References:
 - Junction House Environmental Statement (ref. 0112462) – dated 7th September 2010
 - Location Plan (09/6081/001/GLA/001 Rev A2) – dated Sept 2010
 - Site Location Plan (09/6081/001/GLA/002 Rev A2) – dated Sept 2010
 - Site Layout Plan (ES Figure 2.1 Rev A3) – dated August 2010
 - Typical Wind Turbine Elevations (ES Figure 2.4) – dated June 2010
 - Typical Section Through Turbine Base (ES Figure 2.5) – dated June 2010
 - Contractors Compound, Cable Trench and Access Track Details (ES Figure 2.6) – dated June 2010.
 - Junction House Wind Turbine: Planning Statement – dated Sept 2010
 - Junction House Wind Turbine: Planning Statement – Addendum – dated February 2011
 - Junction House Wind Turbine: Design and Access Statement – dated Sept 2010
 - Junction House Wind Turbine: Further Environmental Information and Response to Representations (ref. 0112462) – dated 4th February 2011.
 - Ecology: Mitigation and Management Plan (Scott Wilson – ref. BDRP0002) – Dated 31 May 2011
 - Junction House Mitigation and Management Plan (Figure 1. Rev 3) – dated July 2011

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. No development shall take place until details of the wind turbine specification, including make, model, colour and finish, have been submitted to and approved in writing by the local planning authority. Only the approved turbine shall be installed at the development site

Reason: To define the consent.

4. The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of Commissioning of the Development. Written confirmation of the date of Commissioning of the Development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

Reason: To define the consent.

5. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with Policies 1 and 35 of the District of Easington Local Plan.

6. All electrical cabling between the turbine and the on-site connection building shall be located underground. Thereafter the excavated ground shall be reinstated to its former condition within 3 months of the commissioning of the wind turbine to the satisfaction of the Local planning authority.

Reason: In the interests of the visual amenity of the area and to comply with Policies 1 and 35 of the District of Easington Local Plan.

7. The Company shall provide written confirmation of the following details to the Ministry of Defence/Civil Aviation Authority prior to commencement of development:

- i) Proposed date of Commencement of the Development
- ii) The maximum extension height of any construction equipment.

Within 28 days of the commissioning of the turbine, the Company shall provide written confirmation of the following details to the Ministry of Defence/Civil Aviation Authority:

- i) Date of completion of construction
- ii) The height above ground level of the highest potential obstacle (anemometry mast or wind turbine).
- iii) The position of that structure in latitude and longitude
- iv) The lighting details of the site.

Reason: To define the consent.

8. Prior to the commencement of any works, a Construction Method Statement shall be submitted in writing to, and approved in writing by, the Local planning authority. Development shall be carried out in compliance with the approved Construction Method Statement.

Reason: To ensure a satisfactory form of development in accordance with Policies 1 and 35 of the District of Easington Local Plan.

9. Not later than 12 months after the development hereby approved becomes operational, a scheme for the restoration of the site, including the dismantling and removal of all elements above ground level, and the removal of the turbine base to a depth of 1.0m, shall be submitted to and be approved in writing by the Local planning

authority. The approved scheme shall be carried out and completed within 12 months from the date that the planning permission hereby granted expires, or from the date of any earlier cessation of use as required by Condition 10 below, whichever is the earlier.

Reason: In the interests of the visual amenity of the area and to comply with Policies 1 and 35 of the District of Easington Local Plan.

10. If, prior to the expiry of the temporary planning permission hereby approved, the wind turbine generator hereby permitted ceases to operate for a continuous period of 6 months, then the works agreed under the terms of Condition 9 above shall be completed within 12 months of the cessation of operations.

Reason: In the interests of the visual amenity of the area and to comply with Policies 1 and 35 of the District of Easington Local Plan.

11. No development shall take place until the applicant has secured the implementation of an agreed phased programme of archaeological works, to include assessment, evaluation, and where appropriate, mitigation, in accordance with a written scheme of investigation. This should be submitted by the applicant and approved in writing by the Local planning authority.

Reason: The site is within an area of high archaeological potential in accordance with guidance contained within Planning Policy Statement 5: Planning for the Historic Environment.

12. Prior to the commencement of development a scheme to investigate any potential interference to terrestrial TV and Radio caused by the operation of the turbines shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to a method for identifying the properties potentially affected including survey distances, a list of all properties potentially affected, and details of proposed mitigation measures. Should any validated complaint be received within 6 months of the practical completion of the turbine hereby approved, the approved mitigation measures shall be implemented within 1 month of the complaint being validated.

Reason: In the interests of preserving the amenity of residents in accordance with Policies 1 and 35 of the District of Easington Local Plan.

13. The development shall be carried out in compliance with the approved Ecology: Mitigation and Management Plan submitted as part of the planning application.

Reason: In the interests of the visual amenity of the area and to comply with Policies 1 and 35 of the District of Easington Local Plan.

14. The applicant shall have regard to BS 5228, 2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites, during the construction phase of the proposed development.

Reason: In the interests of the amenity of the area and to comply with Policies 1 and 35 of the District of Easington Local Plan.

15. In relation to the development hereby permitted, construction machinery may be operated, construction processes may be carried out and construction traffic may enter or leave the site between the hours of 0800 hours and 1800 hours Monday to Friday and between the hours of 0800 hours and 1300 hours on Saturdays and at no other times nor on Sundays or Bank Holidays.

Reason: In the interests of the amenity of the area and to comply with Policies 1 and 35 of the District of Easington Local Plan.

16. No development shall commence until the following information is submitted to and approved in writing by the Local Planning Authority:
- (1) The exact model, height (not to exceed 64m to maximum hub height, 99.5m maximum tip height), specification and location of the turbine including colour finish;
 - (2) The exact location, height and specifications of the switch room;
 - (3) The specification, location and width of internal access tracks;
 - (4) Samples of the materials and/or details of the surface finishes (including colours) to be used on the external surfaces of all above ground components;
 - (5) Details of any security fencing and lighting measures required for the development during its operation.

The development shall be carried out in compliance with the approved details which may be varied from time to time with the written approval of the Local Planning Authority.

Reason: In order to prevent noise disturbance in accordance with Policies 1 and 35 of the District of Easington Local Plan.

17. The rating level of noise emissions from the wind turbine (including the application of any tonal penalty) when calculated in accordance with the attached guidance notes, shall not exceed the values set out in the attached Tables 1 and 2.

Table 1: Noise Limits between 23:00 and 07:00 hours (Maximum Noise Level $L_{A90, 10}$ min dB)

Property	Standardised wind speed at 10 m height, $m s^{-1}$											
	1	2	3	4	5	6	7	8	9	10	11	12
Low Ling Close	43.0	43.0	43.0	43.0	43.8	45.1	46.5	47.9	49.2	50.6	52.0	53.3
Rymer's Moor Farm	43.0	43.0	43.0	43.0	43.8	45.1	46.5	47.9	49.2	50.6	52.0	53.3
New Century Saddlery	43.0	43.0	43.0	43.0	43.8	45.1	46.5	47.9	49.2	50.6	52.0	53.3
Moor House Farm	43.0	43.0	43.0	43.0	43.0	44.0	45.5	47.1	48.7	50.3	51.8	53.4
Cow Close	43.0	43.0	43.0	43.0	43.0	44.0	45.5	47.1	48.7	50.3	51.8	53.4
Calf Close Farm	43.0	43.0	43.0	43.0	43.0	44.0	45.5	47.1	48.7	50.3	51.8	53.4
Westmoor Farm	43.0	43.0	43.0	43.0	43.0	44.0	45.5	47.1	48.7	50.3	51.8	53.4
Sandy Carrs	43.0	43.0	43.0	43.0	43.0	44.0	45.5	47.1	48.7	50.3	51.8	53.4
High Ling Close	43.0	43.0	43.0	43.0	43.0	43.0	43.4	44.3	45.3	46.3	47.2	48.2
Junction House Farm	45.0	45.0	45.0	45.3	46.0	46.6	47.3	48.0	48.7	49.4	50.0	50.7
Mount Pleasant Farm	43.2	43.9	44.6	45.3	46.0	46.6	47.3	48.0	48.7	49.4	50.0	50.7
West Moor House Farm	43.0	43.0	43.0	43.0	43.8	45.1	46.5	47.9	49.2	50.6	52.0	53.3
Pear Tree Cottage	43.0	43.0	43.0	43.0	43.8	45.1	46.5	47.9	49.2	50.6	52.0	53.3
Four Winds	43.0	43.0	43.0	43.0	43.8	45.1	46.5	47.9	49.2	50.6	52.0	53.3
Milestone House	43.0	43.0	43.0	43.0	43.8	45.1	46.5	47.9	49.2	50.6	52.0	53.3
The Bungalow Plants R Ross	43.0	43.0	43.0	43.0	43.8	45.1	46.5	47.9	49.2	50.6	52.0	53.3

Table 2: Noise Limits at all other times (Maximum Noise Level $L_{A90, 10 \text{ min}}$ dB)

Property	Standardised wind speed at 10 m height, m s^{-1}											
	1	2	3	4	5	6	7	8	9	10	11	12
Low Ling Close	41.2	42.6	44.0	45.5	46.9	48.3	49.8	51.2	52.6	54.0	55.5	56.9
Rymer's Moor Farm	41.2	42.6	44.0	45.5	46.9	48.3	49.8	51.2	52.6	54.0	55.5	56.9
New Century Saddlery	41.2	42.6	44.0	45.5	46.9	48.3	49.8	51.2	52.6	54.0	55.5	56.9
Moor House Farm	40.0	41.6	43.4	45.1	46.8	48.6	50.3	52.1	53.8	55.5	57.3	59.0
Cow Close	40.0	41.6	43.4	45.1	46.8	48.6	50.3	52.1	53.8	55.5	57.3	59.0
Calf Close Farm	40.0	41.6	43.4	45.1	46.8	48.6	50.3	52.1	53.8	55.5	57.3	59.0
Westmoor Farm	40.0	41.6	43.4	45.1	46.8	48.6	50.3	52.1	53.8	55.5	57.3	59.0
Sandy Carrs	40.0	41.6	43.4	45.1	46.8	48.6	50.3	52.1	53.8	55.5	57.3	59.0
High Ling Close	43.2	44.7	46.2	47.7	49.1	50.6	52.1	53.6	55.1	56.6	58.1	59.5
Junction House Farm	52.2	52.7	53.2	53.7	54.2	54.7	55.2	55.7	56.1	56.6	57.1	57.6
Mount Pleasant Farm	52.2	52.7	53.2	53.7	54.2	54.7	55.2	55.7	56.1	56.6	57.1	57.6
West Moor House Farm	41.2	42.6	44.0	45.5	46.9	48.3	49.8	51.2	52.6	54.0	55.5	56.9
Pear Tree Cottage	41.2	42.6	44.0	45.5	46.9	48.3	49.8	51.2	52.6	54.0	55.5	56.9
Four Winds	41.2	42.6	44.0	45.5	46.9	48.3	49.8	51.2	52.6	54.0	55.5	56.9
Milestone House	41.2	42.6	44.0	45.5	46.9	48.3	49.8	51.2	52.6	54.0	55.5	56.9
The Bungalow Plants R Ross	41.2	42.6	44.0	45.5	46.9	48.3	49.8	51.2	52.6	54.0	55.5	56.9

* For properties whose occupants have a financial involvement with the wind farm, the maximum noise limit at wind speed shall be 45.0 dB $L_{A90, 10 \text{ min}}$

Reason: In order to prevent noise disturbance in accordance with Policies 1 and 35 of the District of Easington Local Plan.

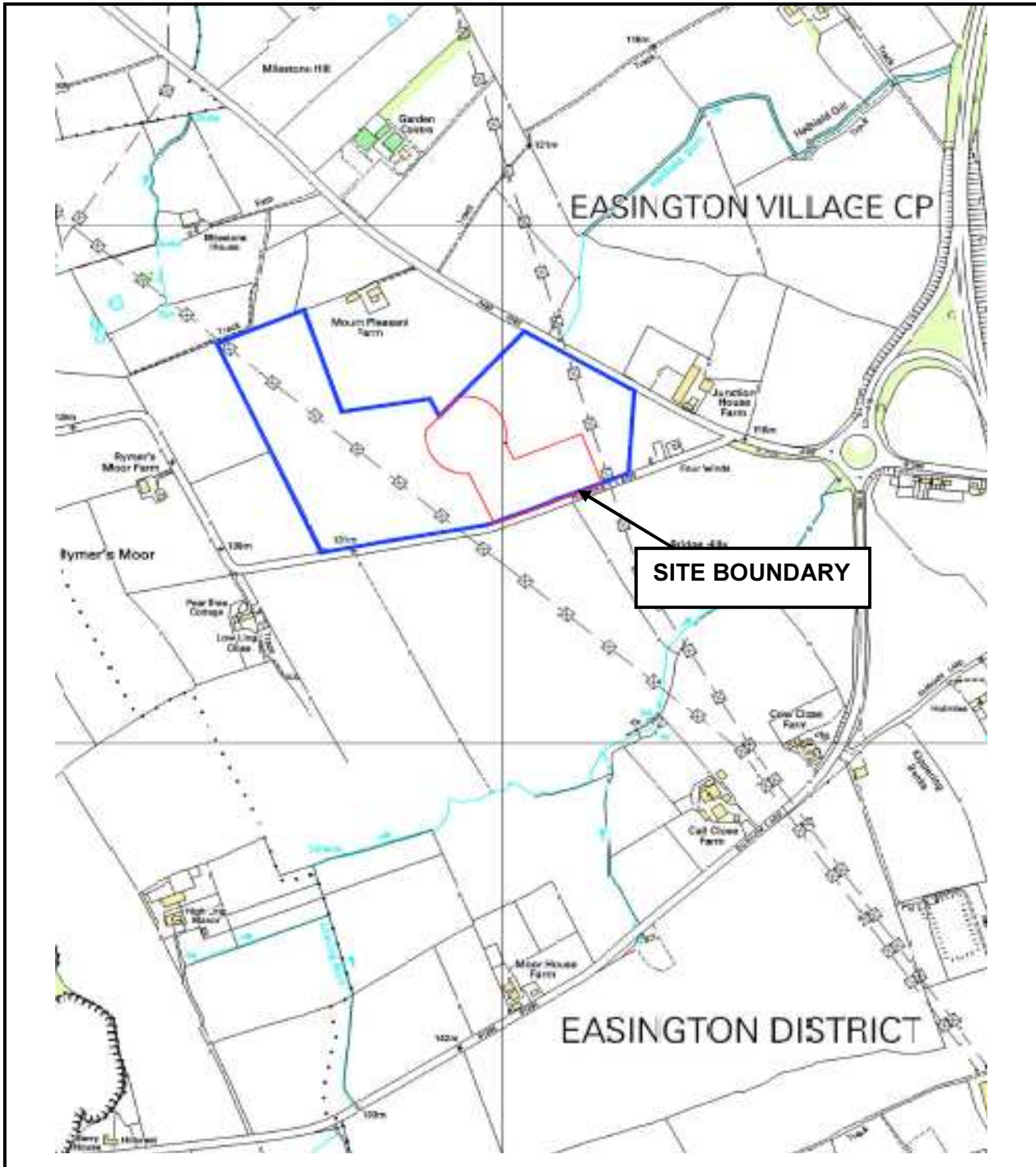
18. Noise limits for permanent residential properties within 1 km of the wind turbine, which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the Tables 1 and 2 above, shall be those of the residential property listed in Tables 1 and 2 that is nearest to the relevant property in question.
Reason: In order to prevent noise disturbance in accordance with Policies 1 and 35 of the District of Easington Local Plan.
19. Subsequent to the commissioning of the wind turbine the operator shall, at its own expense, employ an independent noise consultant approved by the Local Planning Authority to conduct a noise assessment of actual noise emissions from the wind turbine at nearby sensitive receptors to show compliance with the noise limits in Tables 1 and 2. A copy of this report shall be forwarded to the Local Planning Authority for consideration.
Reason: In order to prevent noise disturbance in accordance with Policies 1 and 35 of the District of Easington Local Plan.
20. Within 28 days from the receipt of a written request from the Local Planning Authority, following a complaint to it, the wind turbine operator shall, at its own expense, employ an independent noise consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbine at the complainants property following the procedures described in the attached guidance notes entitled 'Noise Conditions Guidance' and in accordance with ETSU-R-97.
Reason: In order to prevent noise disturbance in accordance with Policies 1 and 35 of the District of Easington Local Plan.
21. Wind speed, wind direction and power generation data for the turbine shall be continuously logged and provided to the Local Planning Authority at its request and in accordance with the attached guidance notes entitled 'Noise Conditions Guidance' within 28 days of such request. Such data shall be retained for a period of not less than 12 months.
Reason: In order to prevent noise disturbance in accordance with Policies 1 and 35 of the District of Easington Local Plan.
22. No development shall commence until there has been submitted to the Local Planning Authority details of a nominated representative for the development to act as a point of contact for local residents together with arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for dealing with any noise complaints made during the construction, operation and decommissioning of the wind farm and liaison with the Local Planning Authority.
Reason: In order to prevent noise disturbance in accordance with Policies 1 and 35 of the District of Easington Local Plan.
23. At the request of the Local Planning Authority following a justifiable complaint to it, the wind farm operator shall at its expense investigate and where necessary implement appropriate controls to alleviate any shadow flicker effect to dwellings within 10 rotor diameters of any turbine in the development area. These controls may include screening based mitigation, however technical constraints including operational restrictions shall be implemented if screening based mitigation is unsuccessful. Details of such controls to alleviate shadow flicker shall then be submitted to the Local Planning Authority for information.
Reason: In the interests of preserving the amenity of residents in accordance with Policies 1 and 35 of the District of Easington Local Plan.

REASONS FOR THE RECOMMENDATION

- i. The proposed development is considered acceptable having regard to PPS1 and PPS 22, relevant RSS policies, and policies 1 and 35 of the District of Easington Local Plan.
- ii. In particular the development was considered acceptable having regard to consideration of issues of the location of the development, its visual impact, and effects on highways, the environment and amenity of adjacent occupants and uses.
- iii. The stated grounds of objection concerning the impacts on landscape, heritage, residential amenity and highways were not considered sufficient to warrant refusal of the application.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Environmental Statement
- Planning Statement
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Wind Farm Development and Landscape Capacity Studies: East Durham Limestone and Tees Plain (NEA / ARUP 2008) and Addendum (ANEC / ARUP October 2009)
- Landscape Appraisal for Onshore Wind Development (GONE 2003)
- Planning Policy Statements / Guidance, PPS1, PPS5 PPS7, PPS9, PPG13, PPS22, PPS25
- Consultation Responses



PL/5/2010/0473

Erection of 1 No. Wind Turbine with Associated Development at Land North of Pesspool Lane, Easington Village, Co. Durham



Planning Services

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

Comments

Date October 2011

Not to Scale

This page is intentionally left blank



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO:	7/2008/0283/DM
FULL APPLICATION DESCRIPTION:	Residential development and associated access (outline application)
NAME OF APPLICANT:	Mainsforth Development Limited
ADDRESS:	Former D.C.M.A. and land at Mainsforth Industrial Estate, Ferryhill, County Durham
ELECTORAL DIVISION:	Ferryhill
CASE OFFICER:	Steve Teasdale, Planning Officer 03000 261055, steve.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises approximately 15 hectares of land that has primarily been used for industrial purposes following the closure of the former Mainsforth Colliery many years ago. There has however been a decline in the industrial occupancy of the land in recent years, although one business was still in operation at the time the application was validated. Several long established businesses still however operate on a remaining part of the estate immediately to the east, falling outside the application site boundary.
 2. The site is roughly rectangular, and is bounded by Mainsforth Road to the north, the main east coast railway line to the west, landscaped reclaimed colliery land to the south and remaining industrial land to the east. Most of the site is relatively flat, but there is a distinct lower 'plateau' along the western boundary, with railway land beyond. A stream runs along the edge of this lower level. This portion of the original application site has however been removed from the proposed development area following objections made by consultees principally on grounds of impact upon landscape character and biodiversity.
 3. The proposal has been submitted in outline and seeks to establish the principle of residential development of the site. Whilst details of access to the site are included for the purposes of the application, details of layout, scale, appearance and landscaping are matters reserved for future consideration if outline planning permission were to be granted.
-

4. The application is accompanied by a masterplan which, in its amended form, reduces the proposed number of dwellings from 358 to 258. The indicative mix of housing is principally detached, semi-detached and terraced, ranging from 2 to 5 bedrooms, and 41 apartments with 1 or 2 bedrooms. The site would be accessed by way of a realigned highway and new roundabout constructed midway between Morrison Terrace and the railway overbridge.
5. The application is presented to committee for consideration because it constitutes a major development.

PLANNING HISTORY

6. Although the application was originally submitted in 2008, it was not registered as a valid application until February 2010. Following further delays in obtaining information to support the application, the applicant appointed a new agent in order to progress the application more effectively. Meetings and negotiations between officers, the applicant and the agent resulted in the application being amended and further supporting information was submitted in June 2011.
7. The principal amendment is a reduction in the size of the development area to avoid an area of land which is considered unacceptable for development due to important landscape character and significant biodiversity value. The additional supporting information includes a design statement, sustainability appraisal, Habitat Regulations Assessment, Habitat Management and Enhancement Plan, Dingy Skipper Survey, Extended Phase 1 Habitat Survey, and Landscape Appraisal & Landscape Strategy.

PLANNING POLICY

NATIONAL POLICY:

8. Planning Policy Statement 1: Delivering Sustainable Development sets out the overarching planning policies on the delivery of sustainable development through the planning system.
9. Planning Policy Statement 1 Supplement 2007: (Planning and Climate Change) highlights to importance of taking account of climate change in considering new housing proposals.
10. Planning Policy Statement 3: Housing underpins the delivery of the Government's strategic housing policy objectives and our goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.
11. Planning Policy Statement 4: Planning for Sustainable Economic Growth sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

12. Planning Policy Statement 9: Biodiversity and Geological Conservation, sets out planning policies on protection of biodiversity and geological conservation. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.
13. Planning Policy Guidance note 13: Transport seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
14. Planning Policy Guidance note 17: Sport and Recreation, describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value. It says that local planning authorities should take account of the community's need for recreational space, having regard to current levels of provision and deficiencies and resisting pressures for development of open space which conflict with the wider public interest. It discusses provision in urban areas, urban fringe, Green Belt, and the countryside and particular sports including football stadia, water sports and golf.
15. Planning Policy Statement 22: Renewable Energy, sets out the planning policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.
16. Planning Policy Statement 23: Planning and Pollution Control, contains the policies and the advice that are material to decisions on individual planning applications and where proposals involve development on land likely to be contaminated, applications shall be accompanied by a survey of the site to assess the likely extent, if any, of contamination.
17. Planning Policy Statement 25: Development and Flood Risk, sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

REGIONAL POLICY:

18. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format, and now carries the full weight of forming part of the development plan for the area. In July 2010, however, the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and weight can now be attached to this intention. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. It will be a vibrant, self-reliant, ambitious and outward-looking Region featuring a dynamic economy, a healthy environment, and a distinctive culture. The following policies are considered relevant:
 19. Policy 1 (North East Renaissance) seeks to achieve and maintain a high quality of life for all, both now and in the future, requiring a major economic, social and environmental renaissance throughout the Region.
 20. Policy 2 (Sustainable Development) states that proposals should support sustainable development and construction through the delivery of environmental, social and economic objectives.
 21. Policy 3 (Climate Change) sets out the regional policy on contributing to the mitigation of climate change and assisting adaptation to the impacts of climate change.
 22. Policy 4 (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.
 23. Policy 6 (Locational Strategy) seeks to maximise the major assets and opportunities available in the North East and to regenerate those areas affected by social, economic and environmental problems, by concentrating new development in main settlements.
 24. Policy 7 (Connectivity and Accessibility) seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
 25. Policy 8 (Protecting and Enhancing the Environment) seeks to ensure, amongst other things, to conserve and enhance historic buildings, areas and landscapes.
 26. Policy 10 (Tees Valley City Region) sets out that planning proposal should support the polycentric development and redevelopment of the Tees Valley City-Region by, amongst other things, developing housing to support the economic growth strategies in sustainable locations, mainly on previously developed land in areas where it does not undermine existing housing markets, particularly housing market restructuring areas.
-

27. Policy 25 (Urban and Rural Centres) seeks to ensure amongst other things that the design of development in centres should contribute to the creation of sustainable communities and be in harmony with and enhance the built environment.
28. Policy 29 (Delivering and Managing Housing Supply) sets out targets for the use of previously developed land, together with appropriate infrastructure improvements, densities and consideration of the re-use of employment sites for housing only where they are not required for long-term employment use.
29. Policy 30 (Improving Inclusivity and Affordability) sets out that proposals should make provision for a range of dwelling type, size and tenure to meet the assessed needs of all sectors of the community, have regard to the level of need for affordable housing, and ensure housing is served by public transport and is accessible to jobs, services and facilities by modes other than the car.
30. Policy 35 (Flood Risk) requires consideration to be given to the flood risk implications of development proposals adopting the sequential risk based approach set out in PPS25.
31. Policy 38 (Sustainable Construction) sets out that in advance of locally set targets, major development should secure at least 10% of their energy supply from decentralized or low-carbon sources.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at:
<http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>*

LOCAL PLAN POLICY:

32. Policy E1 (Maintenance of Landscape Character) – describes four distinctive landscape areas and how specific types of development will be resisted or otherwise need to integrate into the landscape setting.
 33. Policy E11 (Safeguarding of Sites of Nature Conservation Interest) – aims to preserve sites of local nature conservation interest in terms of their educational, research, amenity and recreational value.
 34. Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) – specifies how woodlands, trees and hedgerows will be protected through the development process.
 35. Policy H19 (Provision of a Range of House Types and Sizes including Affordable Housing) – aims to ensure the provision of a wide range of housing to suit all housing needs.
 36. Policy D1 (General Principles for the Design and Layout of New Developments) – sets out the principles that should normally be applied to the layout and design of all new developments.
 37. Policy D3 (Design for Access) - sets out criteria for inclusion in developments to ensure provision for pedestrians, cyclists, public transport, cars and other vehicles.
-

38. Policy D5 (Layout of New Housing Development) – sets out principles for new housing developments in terms of providing a safe and attractive environment, traffic calming, provision of open space, standards of amenity and privacy, and good quality means of enclosure.
39. Policy L1 (Provision of Open Space, including Standards) – seeks to secure the provision of sufficient open space in appropriate locations to meet the community's needs.
40. Policy L2 (Provision of Open Space in New Housing Development) – sets standards for the provision of informal play space and amenity open space within new major housing developments.
41. Policy IB2 (Designation of Type of Industrial Estate) – categorises four types of industrial, commercial, business area.
42. Policy IB6 (Acceptable Uses in General Industrial Areas) – prescribes a range of uses that will normally be considered acceptable in general industrial areas.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at: <http://www2.sedgefield.gov.uk/planning/SBCindex.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

43. The Highway Authority has agreed the amended Transport Assessment, and it has now been confirmed that there are no objections from a highway point of view.
44. Ferryhill Town Council fully supports the proposal.
45. The Environment Agency has withdrawn their initial objection to the proposals, subject to the imposition of appropriate conditions.
46. Sport England objects to the proposal because it does not include sports provision. The objection would be withdrawn if an in-lieu payment were to be paid by the applicant to fund such sports provision elsewhere in the locality.
47. Police Architectural Liaison Officer considers the proposal to be generally acceptable but has raised points in relation to vehicular access, parking, rear access to dwellings, landscaping and security of properties.
48. Natural England considered that there was insufficient information in the original submission to assess the impact upon wildlife species, and recommended that the local planning authority should obtain additional information and be satisfied that there would be no adverse impact before determining the application.

INTERNAL CONSULTEE RESPONSES:

49. The Planning Policy Section did not support the proposal as originally submitted on the basis that only a mixed use development would be acceptable in this location, to provide employment opportunities and access to key community facilities which are otherwise some distance away. These comments have however been revised in light of amendments to the scheme and they are used as the basis for the planning considerations below.
50. The Environmental Health Section have recommended the imposition of conditions in respect of further intrusive contamination tests, together with necessary remediation measures, and it is recommended that further tests for noise pollution are carried out and appropriate conditions imposed regarding attenuation measures.
51. The Landscape Section did not support the proposal in its original form because of its likely landscape impact and the adverse effect upon the landscape character of the lower terrace adjacent to the railway line. Negotiations have resulted in this sensitive area being removed from the application site, and open space to the south of the application site has been identified as an area that could be utilized as community greenspace.
52. The Ecology Section originally objected on grounds of insufficient wildlife surveys and inadequate mitigation and, in particular, the biodiversity sensitivity of the lower terrace. The removal of the lower terrace from the proposal, together with additional survey work has resulted in withdrawal of that objection. It is considered however that a condition should be imposed requiring recommendations in the submitted biodiversity documents to be adhered to, including, but not restricted to the following: carrying out a detailed survey for water vole (with specific reference to the proposed footbridge as well as any surface water outflows from the development into the stream/ditch); checking surveys for badgers (and adherence to best practice guidance with respect to disturbance to the species); adherence to best practice with respect to breeding birds; provision of bat tubes (Schwegler 2FR tubes) and bat bricks into the proposed new buildings on site; and Schwegler 1FS and/or 2FS into trees on site (as detailed in the Bat Survey Report); and the provision of a detailed Habitat Management and Enhancement Plan (expanding on proposals detailed in draft Habitats Management and Enhancement Plan – June 2011) – including species lists/seed mixes, and detail regarding the proposed enhancement/management of the new community greenspace/wildlife habitat which will provide a SANG (Suitable Alternative Natural Greenspace) with respect to Thrislington SAC.

PUBLIC RESPONSES:

53. In response to the consultation on the application as submitted, a petition of objection containing 48 signatures was received from residents living in the vicinity of the application site. The objection is made largely on the following grounds:

- Scale – the proposal would introduce up to 600 new homes into a community of only 44 dwellings, radically changing this small community which lies to the east of the main east coast railway line.
- New road layout – the introduction of a new roundabout would cause traffic congestion from cars exiting the estate to join Mainsforth Road and increase traffic volume and noise. An area of ‘no man’s land’ would be created at the entrance to the estate which would be likely to attract antisocial behaviour.
- The proposal would destroy a biodiversity habitat including wetlands on the flood plain by the river.

54. Five individual letters of objection and one letter of concern were received from local residents who expressed the following summarised views: the proposed changes to Mainsforth Road, including the formation of a roundabout, would affect vehicular access to individual existing properties in the immediate locality; the access would be dangerous because it is on a gradient; the proposal would change the character of this quiet and peaceful area; traffic volumes would significantly increase; the existing road structure in the wider area is poor, with narrow roads; the proposal is inconsistent, with the number of houses proposed varying from 350 to 600 in the range of documents submitted; there are inadequate amenities in the locality to support such a major housing proposal; the site is not within easy reach of shops and services. Local shops and services are limited, with the town centre almost 1.5 miles away; there would be problems with privacy and overlooking of existing properties; there are protected wildlife species that would be affected by the proposal; and, there is a need to keep the industrial estate to create jobs in the area.

55. One letter of objection was received from an occupier of part of the application site who ran a skip and plant hire business and a recycling centre (the business is no longer operating), and one letter of support was received from a local business who are the majority landowners of the application site.

56. In response to the revised application, five letters of objection have been received in response to the amended application. The grounds for objection are similar to those set out above.

APPLICANTS STATEMENT:

57. The application is commended to the Durham County Council for approval. It falls wholly within the positive planning framework created by the Government’s “Planning for Growth Agenda” and now further developed in the draft National Planning Policy Framework with its presumption in favour of sustainable development.

58. An extensive, and compelling series of technical and detailed ecological, highway, urban design, landscape, environmental and planning statements have been submitted in support of the application. They confirm that the submission adequately safeguards against environmental and visual impacts, and meets with the wider policy objectives for much needed and sought after regeneration in the area.

59. Benefits of the development include:

- New use for longstanding redundant brownfield site
- Provision of housing in a sustainable location to meet a recognised need in the absence of a 5 year housing land supply
- Conveniently located near to existing sports, open space, leisure, education facilities which are all located within 1.5km of the site:

Mainsforth Sports Complex

Mainsforth Cricket Clubhouse and Bar

Post Office, Chilton Lane

Eldon Arms, Public House

Mainsforth and District Community Association Centre

Commercial Hotel

Mainsforth Newsagents

Ferryhill Station Workingmens club

Ferryhill Station Primary School

Surtess Public House

Surtess Green

Chilton Lane Allotments

Ferryhill Leisure Centre

King George V Playing Fields

- Provision of enhanced pedestrian access from existing footpath under railway, providing improved access to the site, Mainsforth Sports Complex and the surrounding area.
- Remediation and enhanced landscaping along sites western boundary “lower shelf”, which will include the retention of the wetland area, Carr landscape and enhanced boundary tree planting
- Improvements to street frontage and enhanced appearance of the site with long term beneficial gain.
- Financial contribution towards enhanced open space provision on Council owned field to the south of the site.

The above represents a summary of the comments received on this application. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATIONS AND ASSESSMENT

60. The main planning considerations are the principle of redevelopment of this industrial site for residential use, the landscape impact, ecological impact, layout and design, means of access, open space / recreation, other issues raised by objectors, and issues under s106 of the Town and Country Planning Act 1990.

Principle

The development plan (Sedgefield Borough Local Plan and the RSS)

61. The application site is land that is allocated under Policy IB2 of the Sedgefield Borough Council Local Plan as a general industrial area (Mainsforth Industrial Estate). Policy IB6 seeks to ensure that new development within the estate is within use classes B1, B2 and B8. Proposals for other uses should be decided taking account of the purpose of general industrial areas as set out under Policy IB1. Other activities are only permitted where they are clearly complementary to the main uses in terms of their size and functional relationship in providing a service to existing businesses and employees already on the estate.

62. The proposal would result in the loss of employment land through the redevelopment of the site for residential development. It must therefore be considered whether allowing residential development would harm the function of the industrial estate and the Council's employment strategy. In essence, it should be established whether there is a reasonable prospect of the site being reused for industrial and commercial purposes during the plan period, and whether the site could make a contribution towards the employment targets set in the RSS.

Employment Land Review (ELR)

63. In accordance with Government advice the appropriateness of retaining sites in employment use was tested through an ELR which was carried out by consultants in June 2008 for the former districts of Sedgefield, Derwentside and Chester-le-Street. The ELR identifies a surplus of employment land within the former Sedgefield Borough area, based on the requirement of Policy 18 of the RSS to have enough land to meet a 25-year level of supply and take up. The ELR concluded that there was 37-years supply.

64. The ELR found that there is also an issue regarding the quality and availability of much of the land portfolio. The stock of premises includes several large, old sites often in relatively remote locations. These do not meet the needs of modern businesses and it is difficult to attract tenants to these sites. Whilst the ELR does not specifically mention the Mainsforth Industrial Estate in detail, other than to confirm that the southern end of the site should be retained for employment purposes, it can be inferred that the current site and premises do not have much of an economic future.

65. The surplus of employment land suggests that there is limited prospect of the whole of the site being re-cycled for employment use, and its redevelopment (in part) for housing would not undermine regional and local strategies for economic development and regeneration, as it would assist the Council in managing down the supply of employment land towards the RSS level of 25-years. Consequently, it is considered that this proposal is consistent with the ELR and has the potential to be consistent with the economic and employment policies of the RSS.
66. An ELR for the whole of County Durham is currently being undertaken, and the findings are expected shortly. It is very unlikely that the updated ELR will arrive at significantly different conclusions.

Development of Site for Housing

67. One of the objectives of PPS3 is to help create mixed and sustainable communities, by ensuring that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. The RSS identifies broad strategic locations for new housing developments so that the need and demand for housing can be addressed in a way that reflects sustainable development principles.
68. The locational strategy set out in Policy 6 of RSS, aims to support the development and redevelopment of the two city regions (Tyne & Wear and Tees Valley). This will be achieved by concentrating the majority of new development and house building in the conurbations, main settlements and regeneration towns, whilst allowing development appropriate in scale within secondary settlements. The locational strategy acknowledges the need to ensure the success of the region's housing market restructuring initiatives, the reuse of previously developed land and a reduction in the need to travel to access work, services, and facilities.
69. The RSS recognises that in County Durham, the towns in the regeneration areas continue to be the main focus for development and recognises the importance of ensuring that their function and vitality are protected and enhanced. Whilst Ferryhill is not identified as a regeneration town, the town constitutes a secondary settlement. The town possesses a range of amenities, and is reasonably served by services such as health, primary and secondary schools, and shopping and leisure facilities.
70. Under policies 4, 6, 10 and 29 of the RSS the focus should be on increasing housing development within urban areas, with a target of 65% on previously-developed land. This proposal would contribute towards this target. Historically, the former Sedgefield area failed to meet this target between 2004 and 2009.
71. This location on the edge of Ferryhill/Ferryhill Station is accessible by public transport and this should help to promote sustainable patterns of development in accordance with PPG13. It is therefore considered that developing housing in this location is broadly acceptable. Whilst Ferryhill town centre is some distance away, the applicant has provided good evidence to demonstrate that the proposed development would be sustainable by virtue of good access to services such as education, health, leisure and community facilities, sport, open space and recreation, and shops.

Relationship to the Strategic Housing Land Availability Assessment (SHLAA)

72. The Council's SHLAA was endorsed by Cabinet in March 2010 and its primary role is to identify sites with potential for housing and assess when they are likely to be developed. It does not however allocate development sites; that is the role of the development plan.
73. Accordingly, the SHLAA has little weight in isolation in the consideration of this proposal. It is worthy of note however, that the application site was classified as unsuitable for housing development, primarily due to its proximity to the site to Thrislington Special Area of Conservation (SAC). A 2007 Habitats Regulations Assessment recommended that there should be no residential development within 1.6km walking distance along footpaths to the SAC, and that there should be adequate open space built into all housing schemes situated within the nearby settlements to reduce visitor pressure. Whilst this assessment was effectively a screening report, the proposal as amended provides for a significant area of community greenspace which would reduce visitor pressure on the Thrislington SAC.

Affordable Housing

74. The provision of affordable housing where a need has been identified is encouraged through PPS3, and Policy 30 of the RSS requires a range of dwelling types and sizes, including affordable housing and alternative forms of tenure, to meet the needs of all sectors of the community.
75. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2008 and supplies the evidence base for 20% affordable housing across the (former district) Sedgefield area. The applicant initially expressed willingness to provide 20% affordable housing provision, but a more recent viability assessment indicates that at the present time it would not be viable and such a scheme could not be delivered.
76. It is recognised, however, that the construction of 258 houses could take several years to complete, particularly if economic recovery remains slow. It is therefore considered entirely appropriate in these circumstances to periodically reassess the development viability to secure an element of affordable housing within the scheme if at all feasible. This matter can be dealt with through a s106 legal agreement.

Conclusions on the matter of principle

77. It would appear that the conflict with the Sedgefield Borough Local Plan is superseded by broad compliance with the RSS and material considerations such as PPS3, PPS4 and the ELR which demonstrates that the loss of Mainsforth Industrial Estate will be unlikely to undermine the Council's employment strategy.
78. Whilst the submitted proposal does not accord fully with the objectives to create mixed-use schemes which offer a good range of community facilities and with good access to jobs, key services and infrastructure, the Planning Policy Section is satisfied that the applicant has demonstrated that the proposal is sustainable in terms of its relationship with a range of existing facilities within Ferryhill.

79. Accordingly, the proposal is considered to accord with the aims and objectives of the RSS, which for so long as it remains a component of the development plan, takes precedence over the local plan.

Landscape Impact

80. The most significant landscaping concerns revolved around the lower 'plateau' or 'shelf' which was part of the original application site, and which was included within a nature conservation designation under saved Policy E11 of the Sedgfield Borough Local Plan.

81. The lower shelf is regarded as an area of Carr farmland, part of the historic setting to the Ferryhill Carrs Site of Special Scientific Interest (SSSI). This is an important area of vegetation including grassland, fenland and woodland. The County Durham Landscape Strategy 2008 adopts a position of conserving and restoring Carr farmland, and the subject area is identified as a 'landscape conservation priority area'. The Council's landscape specialists considered that development of the lower shelf would *"be clearly in conflict with the adopted Landscape Strategy for the area and would have a very substantial adverse impact on the character of the local landscape."*

82. Following lengthy negotiations on this issue, this sensitive area has been excluded from the development area, with a consequent reduction in the number of proposed houses.

83. More generally, lengthy dialogue has taken place between the Council's Landscape Architects and the applicants' consultants about landscape and visual impacts. There is now broad consensus that the development would be acceptable subject to a detailed landscaping scheme at reserved matters stage.

Ecological Impact

84. The Council's Ecology Section has made detailed comments on the ecological impact of the proposal. The ecological importance of the lower shelf is recognised in terms of the part it plays in maintaining a semi-natural habitat corridor running between Ferryhill Carrs and Lower Thrislington to the north, and the A1 Flashes Local Wildlife site to the south and east. For reasons already explained, this is no longer an issue following amendment of the proposal.

85. The additional wildlife surveys and assessments for the development site are considered acceptable, and it is recommended that in the event of planning permission being granted, a condition be imposed requiring further checking surveys to be carried out prior to commencement of development and for best practice to be followed in respect of wildlife species. It is also recommended that bat mitigation measures are incorporated into future development, and that a further Habitat Management and Enhancement Plan is prepared covering the proposed community greenspace and wildlife habitat.

Layout and design

86. Whilst this application is for outline planning permission, a proposed site layout plan (indicative) and a landscape masterplan have been submitted. These illustrate some welcome features, such as outward facing development either side of the roundabout and access road, and a crescent development which would be a prominent landmark feature at the end of the first avenue, while peripheral open spaces would supplement smaller areas within the layout. An impression is conveyed that the development has the potential to create a sense of place, and to perform well when measured against CABE's Building for Life standards.
87. It is considered that acceptable standards of privacy and amenity would be achieved not only within the development site, but also at its northern interface with existing housing, where the layout and design of future residential development is likely to improve the visual amenities of the area. The indicative layout is considered to meet the requirements of Policies D1, D3 and D5 of the local plan.

Access

88. Notwithstanding the highway safety concerns expressed by some local residents, the access arrangements proposed are considered acceptable by the Highway Authority. A new roundabout would be formed on Mainsforth Road, close to Lough House Bank, and this would reduce traffic speeds at the approach to the railway overbridge. The highway at this point presently has poor horizontal and vertical alignment, and has a narrow footway along the southern side. The proposal would result in only a partial improvement of this situation, due to the constraints of the railway overbridge.
89. Whilst it is acknowledged that a decline in activity on the industrial area has significantly reduced associated vehicle movements in recent times, residential development would bring to an end its historic use for industry and commerce, including heavy goods vehicles and plant and machinery. It is therefore considered that the typical vehicle movements associated with the residential development would cause less local disruption in terms of residential amenity and highway safety. Parking provision within the indicative layout is proposed at a rate of 200% for houses and 100% for apartments.
90. During negotiations it was identified that Public Footpath No.30 runs some distance to the south east of the site, linking through to Chilton Lane by way of a tunnel under the main east coast railway line. It was agreed that there would be clear benefits to linking the development to this footpath to improve pedestrian circulation in the area and provide greater integration of the development with Ferryhill. The proposal is considered to meet the requirements of Policy D3 of the local plan in this regard.

Open Space / Recreation

91. The indicative layout drawing submitted with the application shows that open space would be provided within the scheme at a rate exceeding the minimum amount required by Policy L2 of the Sedgefield Borough Local Plan. Looking more widely at the land around the application site, it has been agreed that the applicant will contribute to the creation of a community greenspace and wildlife area on land at the southern end of the site. This land extends to approximately 3.3 hectares and is reclaimed former colliery land and would benefit significantly from further investment to allow it to be used by the community and to increase the amount of wildlife habitat. This would be the subject for inclusion in the S106 agreement.
92. The continued objection by Sport England to the amended proposal has been considered by officers and by the applicant. It is noted that the threshold for consultation with Sport England is for schemes of 300 houses or more. Whilst the original proposal exceeded that threshold, the amended scheme does not, and Sport England need not therefore have been consulted on the amendment. Consequently, their objection and suggestion of an in-lieu payment of almost £200,000 to be spent on sports facilities in the locality can be given limited weight.
93. Viability is a key issue that will determine the rate of development of this site, and may well determine whether development takes place at all. Previously developed sites like this incur significant costs in terms of remediation of contamination and developing infrastructure around constraints such as capped mine shafts. It is considered that it would be inappropriate to give undue weight to this objection when the consultation trigger point has not been reached in the amended proposal, and where this suggested in-lieu payment would impact upon the other benefits that the scheme would bring to the community and the environment.

Section 106 Issues

94. It is considered that the following heads of terms would need to form the basis of a legal agreement if the Council is minded to grant outline planning permission;
- A formula for the periodic reassessment of viability in terms of the provision of affordable housing during construction of the approved scheme (for example, at the completion of 75th, 150th, & 225th dwelling)
 - A financial contribution towards the development of the community greenspace and wildlife habitat, and its future maintenance if it is not to be maintained by a management company
 - The provision and maintenance of open space within the development site and a footpath linking to the railway underpass at Chilton Lane.

Other matters raised

95. The objections of the local residents have been considered. The main issues addressed in the petition relate to the scale of the development, the new road layout, and damage to biodiversity habitat. As explained in this report, the number of dwellings has been reduced from 358 to 258. It is true that Mainsforth has a relatively small number of homes, but it is associated with the greater area of Ferryhill and Ferryhill Station and the scale of development is not therefore disproportionate. The proposed road layout is considered acceptable and capable of accommodating the resulting increase in traffic. An attractive frontage would be created at the roundabout. There would be no damage to biodiversity habitat; in fact the creation of a community greenspace with wildlife habitat would be a very welcome feature of the scheme.
 96. Some objectors feel that the existing community facilities in the area are inadequate to support the development. As previously stated however, the proposal would potentially help to support the nearest shops, post office and school, and other facilities are within reach of pedestrians and cyclists, or by public transport.
 97. Reference is also made to a change in the character of this quiet and peaceful area. It must be borne in mind that historically, the application site was a working colliery until the 1960's, and subsequently became a significant industrial area with uses that generated vehicle movements not only by cars and vans, but also heavy goods vehicles and plant and machinery. Until a few years ago, a car auction business operated on the site, generating some complaints about noise on auction days. There is little doubt that with the recent decline in activity on the site the area will have become much more tranquil, but it is not considered that redevelopment for residential purposes would give rise to activities that would impact significantly upon this.
 98. Other issues raised by individual objectors include sustainability, flood risk and residential amenity.
 99. Whilst it is acknowledged that the application site lies some distance from the town centre of Ferryhill, the applicant has invested significant time and effort in analyzing the range of community facilities available across the whole of Ferryhill, Ferryhill Station and Mainsforth, and how accessible these facilities are. It is considered that the proposal is sustainable with a good range of facilities accessible by pedestrians, cyclists and by public transport.
 100. Flood risk was a concern in the originally submitted application because the lower plateau encroached into an area of known flood risk. Following amendment however, the Environment Agency have withdrawn their objections subject to a range of conditions.
 101. It is not considered that the development would have an adverse effect upon the amenity of existing residents. The proposal would result in realignment of Mainsforth Road and construction of a roundabout that would slow traffic speeds. The nearest new housing development would be approximately 25 metres away from Glenmore and Chesed, the only two properties that would overlook the site.
-

CONCLUSION

102. This development proposal would provide up to 258 houses on previously developed land. Whilst the land is allocated in the Sedgefield Borough Local Plan for industrial purposes, it has been in a state of decline in recent years, as businesses have closed or relocated. Given the poor accessibility of the site from the major road and rail network, and the demonstrable surplus of employment land across the whole of the former Sedgefield Borough Council area, redevelopment for employment uses is very unlikely.
103. Whilst the proposal would not accord with applicable local plan policies, it is considered that redevelopment of the land for alternative uses would not undermine regional and local strategies for economic development and regeneration. The RSS is still a component of the development plan, and its focus on developing sustainably in urban areas, particularly on previously developed sites, carries significant weight in the circumstances despite the Secretary of State's intention to abolish it.
104. The removal of development from the lower plateau has taken away the most contentious element of the proposal, and sufficient confidence has been provided about the potential impact upon wildlife species that planning conditions could be used to ensure that appropriate steps are taken to prevent harm before commencement of development. The formation of a community greenspace and wildlife habitat would also be of significant community and environmental benefit, bringing back approximately 3.3 hectares of reclaimed land into use. Access to the site is considered acceptable, with an added benefit of slowing traffic at the approach to the narrow railway over-bridge.
105. For all the reasons above, the proposal is considered acceptable. If this opportunity to redevelop the site is not taken, it is very unlikely to be attractive to other users and would in all probability continue to decline to the detriment of the visual and residential amenities of the area. The applicant has requested that, in view of the present difficult economic situation, outline planning permission is granted for an extended period of 5 years, rather than the usual 3 years. In the circumstances, this is considered appropriate and would be reflected in a relevant planning condition.
106. Finally, the proposal's conflict with policies of the Sedgefield Borough Local Plan means that it represents a departure from the development plan. The application was validated at a time after the Town and Country Planning (Consultation) (England) Direction 2009 came into force. Under those regulations, the Local Planning Authority can grant planning permission without having to refer this application to the Secretary of State.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a legal agreement pursuant to section 106 of the Town and Country Planning Act, and subject to the following planning conditions:

1. No works shall commence in connection with any part of the development hereby permitted until a plan showing the phases of the development have been submitted to and approved by the Council.
Reason: To enable the site to be developed in a phased and properly controlled manner, in the interest of the proper planning of the area.
2. Prior to the commencement of development of each phase, approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") within that phase shall be obtained from the local planning authority before the development is commenced. Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
3. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of five years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
4. The submission of all reserved matters and the implementation of the development shall be carried out in substantial accordance with the (amended) Master plan (Drawing No. B4576(PL)02 Rev.H) dated 19th May 2011, the Revised Design and Access Statement (Rev.A) dated June 2011, the Proposed Landscape Masterplan (Drawing No. D129253-6001) dated 21st June 2011, the Proposed Street Elevations (Drawing No. B4576(PL)03) dated 20th June 2011 and the Proposed New Footpath Connection (Drawing No. D129253-6002) dated 4th July 2011.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy D1 (General Principles for the Design and Layout of New Developments) of the Sedgefield Borough Local Plan.
5. Notwithstanding any description of the number of dwellings in the application hereby approved, this planning permission relates to a maximum number of 258 dwellings.
Reason: To ensure an appropriate density of residential development that does not result in a cramped layout and which can achieve adequate standards of privacy, amenity and open space provision, in compliance with Policy D5 (Layout of New Housing Development) of the Sedgefield Borough Local Plan.

6. Prior to the commencement of development within each phase a surface water drainage scheme for development within that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development within that phase is completed. The scheme shall also include:

- confirmation of the existing drainage regime and the proposed discharge rate
- confirmation the drainage network operates without flooding up to the 30 year peak storm event and up to the peak 100 year storm, all runoff is retained onsite with no flooding to property
- confirmation climate change has been considered in the design
- details of how the scheme shall be maintained upon completion

Reason: To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

7. Prior to the commencement of development within each phase (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination within that phase shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and, potentially unacceptable risks arising from contamination within that phase.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The submitted report "Phase 1 Environmental Survey - Ferryhill Station (ref NAT/APB/CMH/060658/R001) has identified several previous contaminative uses (colliery, spoil heaps, railway tracks, historic land fills, fuel storage) and recommends a full intrusive ground investigation. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a major aquifer and it is located within Zone 3 of a Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

-
8. Prior to the commencement of development within each phase, a verification report demonstrating completion of the works set out in the approved remediation strategy within that phase and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: The information provided with the planning application indicates that the site has been subject to potentially contaminative land-uses including colliery, spoil heaps, railway tracks, land fills, & fuel storage. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a major aquifer and it is located within Zone III of a Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Unsuspected contamination may exist at the site which may pose a risk to controlled waters.

10. Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the watercourses shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of the planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
- details of any footpaths, fencing, lighting etc.

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

-
11. Finished floor levels shall be set no lower than 79.6mAOD.
Reason: To reduce the risk of flooding to the proposed development and future occupants.
12. Prior to the commencement of development within each phase a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
Reason: In the interests of the visual amenity of the area and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.
13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenity of the area and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.
14. Notwithstanding any details of materials submitted with the application no development shall commence within a phase until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.
15. No development shall take place unless in accordance with the mitigation and recommendations detailed within the protected species reports *Updated Extended Phase 1 Habitat Survey* (June 2011); *Reptile Survey* (August 2010); *Dingy Skipper Survey* (June 2011); *Draft Habitats Management and Enhancement Plan* (June 2011); *Masterplan* (June 2011); *Bat Activity Survey* (September 2010); and *Habitats Regulations Assessment – Likely Significant Effects* (May 2011) including, but not restricted to:
- carrying out a detailed survey for water vole (with specific reference to the proposed footbridge as well as any surface water outflows from the development into the stream/ditch);
 - checking surveys for badgers (and adherence to best practice guidance with respect to disturbance to the species);
 - adherence to best practice with respect to breeding birds;
 - provision of bat tubes (Schwegler 2FR tubes) and bat bricks into the proposed new buildings on site; and Schwegler 1FS and/or 2FS into trees on site (as detailed in the Bat Survey Report);

-
- and the provision of a detailed Habitat Management and Enhancement Plan (expanding on proposals detailed in draft Habitats Management and Enhancement Plan – June 2011) – including species lists/seed mixes, and detail regarding the proposed enhancement/management of the new community greenspace/wildlife habitat which will provide a SANG (Suitable Alternative Natural Greenspace) with respect to Thrislington SAC.

All mitigation and recommendations shall be agreed by the Local Planning Authority, prior to any works commencing on site.

Reason: To conserve protected species and their habitat in accordance with PPS9 (Biodiversity and Geological Conservation).

16. Notwithstanding any information submitted, development shall not commence within a phase until a scheme demonstrating how CO₂ reduction and energy efficiency measures will be incorporated into the approved development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme thereafter. Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling.

Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

REASONS FOR THE RECOMMENDATION

1. The development is considered acceptable having regard to Policies 4, 6, 10, 29 and 30 of the RSS and Policies D1, D3, D5, and E11 of the Sedgefield Borough Local Plan.

2. In particular, the development is considered acceptable in terms of the principle of redevelopment of a previously developed industrial site for residential use, its impact upon landscape and ecology, its indicative layout and design, the means of access, and the impact upon existing residential amenity.

3. The grounds of objection set out in the report are not considered to outweigh the other material planning considerations to an extent that would justify refusal of planning permission.

BACKGROUND PAPERS

- Submitted Application Forms and Plans, and amended plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- Sedgefield Borough Local Plan 1996
- Planning Policy Statements / Guidance, PPS1, PPS3, PPS4, PPS9, PPG13, PPG17, PPS22, PPS23 and PPS25
- Responses from Highway Authority, Ferryhill Town Council, Environment Agency, Sport England, Police Architectural Liaison Officer and Natural England
- Internal responses from Planning Policy Section, Environmental Health Section, Landscape Section and Ecology Section
- Public Consultation Responses

