

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber - County Hall, Durham** on **Tuesday 13 November 2018** at **1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors G Bleasdale, D Brown, J Clark, K Corrigan, M Davinson, D Freeman, A Gardner, I Jewell (substitute for S Iveson), P Jopling, R Manchester, L Pounder (substitute for A Laing), J Robinson and O Temple

Also Present:

Councillor A Hopgood

1 Apologies for Absence

Apologies for absence were received from Councillors I Cochrane and K Hawley, S Iveson and A Laing.

2 Substitute Members

Councillor I Jewell substituted for Councillor S Iveson and Councillor L Pounder substituted for Councillor A Laing.

3 Minutes

The minutes of the meeting held on 9 October 2018 were confirmed as a correct record by the Committee and signed by the Chairman.

4 Declarations of Interest

There were no Declarations of Interest submitted.

5 Applications to be determined by the Area Planning Committee (Central & East Durham)

a DM/18/01943/FPA - New College Durham, New College Road, Framwellgate Moor, Durham, DH1 5ES

The Senior Planning Officer, Paul Hopper, gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for a three storey extension to existing building and associated landscaping works and was recommended for approval, subject to conditions as set out within the report.

The Senior Planning Officer, PH reminded Members that the application had been deferred at the October meeting of the Committee, to allow for further information in terms of parking and a transport statement to be presented. He explained that upon receipt of the information Local Members, who had requested the information, noted their concerns had been addressed and objections withdrawn.

Councillors noted the setting of the existing college and the proposed extension. He explained that it was proposed in order to provide specialist IT classrooms, workshops, conference rooms and also include an external storage hardstanding area.

It was added there had been no objections from statutory consultees and no objections from internal consultees, subject to conditions, including those relating to landscaping.

Members noted the key consideration and the Senior Planning Officer, PH noted National Planning Policy Framework (NPPF) paragraph 11 and Part 8 in terms of the application and noted the previous redevelopment of the college in 2005. He noted that the design and scale were well considered and deemed acceptable subject to conditions. The Senior Planning Officer, PH noted that access would be unaltered, however, there would be a loss of 21 parking spaces, though no objections had been raised in relation to this by Officers. He concluded that the recommendation was for approval.

The Chairman noted that Councillor A Hopgood, Local Member for the area was in attendance to speak in relation to the application.

Councillor A Hopgood thanked the Committee for the opportunity to speak in relation to the application. She thanked New College Durham and Council Officers for their work in providing the additional information and revised travel plan. Councillor A Hopgood noted that the application should be considered in conjunction with other activity and proposed developments within the area, including: the strategic site at Aykley Heads, including the current County Hall site; extensions to Accident and Emergency at the University Hospital of North Durham; the Arnison Centre; and Northumbrian Water.

She added that it was acknowledge that such documents were “working documents” and that would be reviewed on a regular basis. Councillor A Hopgood concluded by noting that she and her fellow Divisional Members welcomed the facilities as described, considered New College Durham to be an excellent asset and supported the application.

The Chairman thanked Councillor A Hopgood and asked Mr J Widdowson, Principal and Chief Executive of New College Durham to speak in support of the application.

Mr J Widdowson thanked the Chairman and Councillor A Hopgood and noted he would echo and reiterate the comments made by colleagues at the last Committee in terms of the importance in terms of Science, Technology, Engineering and Mathematics (STEM) and the proposed development to enable an enhanced offer in relation to these areas. He stressed that a timely start to the development would be important in order to minimise disruption to existing students and also to be able to apply for Government funding. It was explained that New College Durham had been shortlisted to become an Institute of Technology and that this, and the development proposed, would help employers in our County get a head start in terms of developing the skills they needed.

The Chairman thanked Mr J Widdowson and asked the Committee for their comments and questions.

Councillor M Davinson noted he had proposed deferral at the last meeting, and now with the additional information, updated travel plan and Local Members supporting the application, he moved that the application be approved as per the Officer’s report. Councillor I Jewell noted the application was a positive addition to a high class education facility and the attached conditions mitigate the issues that had been raised. He seconded the approval of the application.

RESOLVED

That the application be **APPROVED** subject to the conditions as detailed in the Officer’s report.

b DM/18/02665/FPA - Miners Meadow, Wheatley Hill, Durham, DH6 3AW

The Planning Officer, Jennifer Jennings gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was reinstatement and repair of former cricket club building and extension to convert to 2 bed disabled self-catering holiday accommodation with vehicular access and was recommended for refusal.

The Planning Officer noted access was gained from Patterson Walk, along a 330 metre track, noting this did not appear to be in place from 2015 aerial photography, and that there was a former allotment site to the north east of the site. It was added that the proposed holiday accommodation would include a new glass link and extension to the existing footprint and there was also proposed to be 2 parking spaces and hardstanding for outdoor seating. Members noted the elevations and materials proposed, render and brick with reconstituted slate roof and timber doors and windows. The Planning Officer noted that supporting information supplied by the Applicant referred to generic Visit County Durham website and not any specific information relating to this application site. She added that Landscape Officers had noted there would be harm to visual amenity and that Environmental Health had asked for a condition that stipulated pre-commencement scheme to deal with contamination and a noise assessment.

The Planning Officer explained that in terms of the principle of development, the local plan policies were considered out-of-date and therefore the application would be considered in terms of NPPF Paragraph 11. It was explained that Officers felt that positive aspects included: tourism benefits; providing accommodation specifically intended for disabled access; and brought a derelict site back into use with little impact on residential amenity and with no highways issues. It was added that adverse impacts included: separation from the nearby village centre of Wheatley Hill; intrusion into the countryside; unremarkable design; impact of hardstanding in terms of the openness of the countryside; a lack of marketing strategy in relation to the letting of the holiday property which had a risk of a permanent build development remaining should the business not prove to be successful. The Planning Officer noted therefore that with the negative impacts outweighing the positive aspects of the proposed development the application was recommended for refusal.

The Chairman thanked the Planning Officer and asked Mr L Thompson, the Applicant to speak in support of his application.

Mr L Thompson thanked the Committee for the opportunity to speak and explained that 10 years ago he had an accident and that upon leaving hospital he had sought a place to recuperate and rejuvenate on a family holiday in this country. He added that he had been unable to find a suitable place with full facilities, only those offering access ramps and wider doors rather than all the necessary adaptations and facilities. He noted that with assistance from a spinal injury charity he located a suitable location in Tenerife with adaptations and equipment such as hoists, wet rooms, and pressure relief mattresses.

Mr L Thompson noted upon his return to the this country he thought that it would be a good idea to have similar facilities available in our country and having the former cricket club site there was an opportunity to preserve some of the heritage of the village and also to provide a high quality facility for those with disabilities, providing the specialist needs in our local area. He added that the countryside location and easy reach of both Durham City and the coast provided a good base, as well as having himself on site to give first hand advice and support in terms of the facilities and the local area. He concluded by noting he wished to be able to provide a place for people to visit and help them to rebuild and rehabilitate.

The Chairman thanked Mr L Thompson and asked the Committee for their comments and questions.

Councillor J Clark made reference to paragraph 47 of the report which referred to paragraph 83 of the NPPF and “promoting the rural economy” and noted that in being familiar with the area it was not so remote and detached from the village, and found the rationale of the Applicant in terms of providing such a specialist facility compelling. She added that paragraph 65 of the report noted detriment to the countryside, with the proposals not enhancing the character of the area, she noted the nearby Heritage Centre would likely have photographs of the previous cricket pavilion to see how restoring the site would actually enhance the area. Councillor J Clark added that paragraph 54 of the report set out the benefits in terms of the proposal, however, she noted in terms of access and bus stops, that this seemed irrelevant as those that would use the proposed accommodation would likely have specialised vehicles and access the site accordingly. She concluded by noting that there were a great many attractions and amenities within a short drive of the location and that she would welcome such a proposal if it were put forward in her Electoral Division.

Councillor P Jopling noted she read the report and had been surprised when she reached the recommendation for refusal. She added that the county needed this type of business and she felt it would be viable. Councillor P Jopling noted that the proposed building was far better than the derelict buildings current on site and that the access track likely existed in some form for a longer time.

Councillor O Temple noted he had been struck by the attractiveness of the location when attending the site earlier in the day. He added he felt the design picked up on the old buildings and purpose and that this was good. He explained that he could not see how the proposals would damage visual amenity and that NPPF paragraph 13, part 11 in terms of previous used land would help support any proposals in terms of the approval of the application. Councillor O Temple noted the reference to the saved Local Plan Policies being out-of-date, though he felt they would have helped support the application and he felt in terms of the spirit of the application he would be minded to support the application.

Councillor J Robinson noted in his local area there was a proliferation of hairdressing salons and when he asked at the planning stage in terms of whether so many could be supported and remain viable the advice given was that the viability was not a planning concern it was for the individual business to consider. He noted that paragraph 65 of the report referred to viability and asked why this was a consideration contrary to previous advice given to him. He concluded noting he had visited the site previously and felt that such a specialist provision would be unique and valuable.

The Principal Planning Officer, Alan Dobie noted it was felt the planning report was fair and balanced, highlighting both benefits and negative impacts of the proposals within the application. He noted that in terms of the specific business, it had been noted that while the VCD Tourism Plan highlighted a lack of disabled facilities, there was no specific evidence as regards this application site.

He added the report had highlighted that the site was relatively isolated and, in the event of the proposed business use not being successful, any fall back to residential development would have been resisted in terms of visual intrusion and detriment to the openness of the countryside. He noted that the previous development in terms of colliery housing in the nearby area had long since disappeared. He added that on balance Officers felt the benefits of the scheme were outweighed by the dis-benefits and therefore the recommendation was for refusal. He concluded by noting that in terms of a new business a better case for the development in the countryside should have been made.

Councillor P Jopling noted she was bemused in terms of viability and business plans, noting in many cases such business plans were highly commercially sensitive. She moved that the application be approved.

Councillor I Jewell asked for clarification on the distance to the main road from the application site. The Chairman noted the site was approximately 300 metres from the main road and asked if the Applicant would speak in terms of the viability aspect.

Mr L Thompson noted a business proposal had been developed and that a customer base did exist, with information having been supplied and that also the local Parish Council supported the scheme. The Principal Planning Officer noted that the letters in support were generic letters in terms of the principle, rather than being specific to the application site or specific to the proposals as set out.

The Solicitor - Planning And Development, Neil Carter reminded Members of the NPPF paragraph 11 balance test, with the specifics in relation to this application being set out at paragraph 46 of the report. He added that should Members of the Committee feel that the benefits of the development significantly and demonstrably outweighed the dis-benefits, they would need to provide further information on how they came to this conclusion.

Councillor P Jopling noted that the proposals represented a niche product and that the proposals represented a vast improvement on the current state of the site.

Councillor J Clark noted she seconded the proposal for approval of the application, and while acknowledging the report was very balanced, she felt it was the duty of the Committee to look at each application and that in this case it provided a new and unique offer for disabled people and that it could also be supported in terms of paragraph 83 of the NPPF in terms of adding to the prosperity of rural economy.

The Solicitor - Planning And Development noted that should Members be minded to approve the application, it would be necessary for delegated authority to be given to the relevant Officers, in consultation with the Chairman, to formulate the necessary suite of conditions to be imposed. Members agreed in terms of the suggested delegation, and upon a vote being taken it was:

RESOLVED

That the application be **APPROVED** subject to a suite of conditions delegated to the Head of Planning and Assets in consultation with the Chairman of the Committee.

c DM/18/02161/FPA - Land To The North Of Hackworth Road, North West Industrial Estate, Peterlee, SR8 2JQ

The Senior Planning Officer, Chris Shields gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer, CS advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for a gas fuelled capacity mechanism embedded generation plant to support the National Grid - resubmission and was recommended for approval, subject to conditions. Members were reminded that a previous application in this regard had been refused by the Committee at its meeting in May 2018.

The Senior Planning Officer, CS referred to a site plan on the projector screen, highlighting a nearby solar farm, the B1283, the A19 and the North West Industrial Estate. He also noted the nearby agricultural land and the high voltage electrical lines in the area serving the industrial estate.

Members were referred to a new access running north to south, and connections to the gas pipeline and the electricity grid. Photographs were displayed showing the existing access, and views of the site. The Senior Planning Officer, CS explained the new proposed site layout, consisting of 34 gas generator sets, reduced from 40 and transformer equipment, sub-station, switch gear and welfare area. He added that the loss of agricultural land had been reduced from 1.15 hectares to 0.64 hectares. The Committee noted that a landscaping scheme had been provided with the resubmitted application and there was proposals for a four metre high acoustic fence to baffle noise from the site. It was noted that there would be planting at the edges of the site with field margin seed mix, a full perimeter native mixed hedgerow and trees to the northern side of the site. The Senior Planning Officer, CS noted that the chimneys associated with each pair of gas generator sets would be seven metres high.

The Committee were informed that there had been no objections from statutory or internal consultees, subject to the conditions as set out within the report. The Senior Planning Officer, CS explained that there had been 9 letters of objection, and 8 letters of support with the main points summarised within the report. It was added Peterlee Town Council and Easington Town Council had objected to the application, with their comments also summarised within the report.

The Senior Planning Officer, CS noted that Officers felt that the landscape harm and small loss of agricultural land did not outweigh the benefits of the development and the application was recommended for approval, subject to the conditions as set out within the report.

The Chairman thanked the Senior Planning Officer and asked Town Councillor A Watson, representing Peterlee Town Council to speak in objection to the application.

Town Councillor A Watson noted that the Town Council's objections had been summarised within the Officer's report and that these included loss of visual amenity and loss of agricultural land. He added that air quality report referred to NO_x levels being "less than 100% of critical levels" and noted he did not understand what was meant by this.

The Chairman thanked the Town Councillor A Watson and asked Mrs N Wilson to speak in objection to the application.

Mrs N Wilson noted she was once again addressing the Committee and noted she was representing herself and Ms J Wood who had also spoke in May, who could not attend due to work commitments. She appealed to the Committee to have careful consideration of the impact of the application on the agricultural businesses and noted the proposed access was not suitable and would encroach on residential use, business use and in terms of access to the solar farm. Mrs N Wilson noted that there was a need for 24 hour access in terms of welfare of livestock and noted that Members would have taken the opportunity to have read the letters of objection and the information provided. She added that there would be negative impact in terms of noise, exhaust pollution, visual impact and impact upon livestock.

Mrs N Wilson referred to her previous comments at the May Committee and reiterated that the application was not comparable to the nearby solar farm, that development not creating noise. Mrs N Wilson noted there was the solar farm, the nearby industrial estate and electricity pylons, however, she suggested that this was more than enough intrusion and asked why should there be further intrusion in terms of the application, adding that she did not feel the proposals were suitable in this location.

Mrs N Wilson noted that the UK electricity consumption had decreased on average 15%, with the largest decrease 2005-2016 being 20.3%, and the lowest being 7.9%. She noted that it was therefore reasonable to say that the local area or the North East did not require more supply and that it would be more appropriate to tackle issues in terms of energy conservation and through the Council's Climate Change Policy and national policies and not through short term generators.

Mrs N Wilson noted the application was not clear in terms of jobs, or opportunities for local suppliers and the proposals were not an attractive prospect.

The Chairman thanked Mrs N Wilson and asked the Senior Planning Officer, CS to respond to the points raised.

The Senior Planning Officer, CS noted that in reference to air quality, the reference within that report submitted reference to levels being significantly less than the 100% critical level and it was concluded that levels would be well below thresholds. He reiterated that there had been no objections from the Environment Agency or the Council's Environmental Health Section in relation to air quality issues.

The Chairman thanked the Senior Planning Officer, CS and asked Mr S Wheeler and Mr M Pearson to speak in support of the application.

Mr S Wheeler thanked the Committee for the opportunity to speak on behalf of Enso Energy Limited, a highly experienced developer providing energy using a range of techniques to supply to the grid and businesses. He added the business was an advocate of sustainable energy and also supported Government policies with the application being, whilst relatively small, a way to help balance demand at peak times. Mr S Wheeler noted that energy provision was moving away from carbon heavy generation and there were more frequent events of supply and demand and the type of additional energy security the application proposed was being adopted more. He noted that the site was chosen as it met all the critical parameters, with good access to the electricity grid and gas pipeline and provided minimum environmental impact and was sufficiently removed from residential receptors.

Mr S Wheeler added that the application had been assessed and Officers had deemed it acceptable against local and national polices, with there being a lot of additional work having been undertaken to address issues that had been raised by Members previously, including the reduction to 34 gas generator units, the reduction in the loss of agricultural land, additional landscaping, noise mitigation and air quality measures, resulting in an improved application. He added that the Environment Agency permit should add a level of assurance in terms of air quality.

Mr M Pearson reiterated that the concerns raised previously had been heard, understood and the revised application before Members reflected this, in terms of the reduced number of generators and improved landscaping. He noted that in response to Council Officers, acoustic fencing and replacement boundary hedging had been agreed, native hedgerow and buffer planting. He concluded by noting the site would better fit into the landscape and that the revised submission was an improved application and appropriate for the site.

The Chairman thanked Mr S Wheeler and Mr M Pearson and asked Members of the Committee for their comments and questions.

Councillor A Gardner thanked all the speakers and noted that carbon intensity when checking online was 252 gCO₂/KWh at 11.00am today, with the target for 2030 being 50-100 gCO₂/KWh. He noted that the Council had committed to carbon reduction and therefore the application was contrary to this as in increased carbon emissions.

Councillor J Clark reiterated comments she had made at the previous meeting in May, relating to the application site being on a route often used in travelling to the coast. She added the development would be an eyesore on the field, and that you would not wish to see this while travelling to the Durham Heritage Coast. She added that she would support refusal of the application on the reasons previously stated and the comments from Councillor A Gardner.

Councillor O Temple noted from the site visit and aerial photographs that the site was bounded on two sides by the existing large solar farm which was very clearly visible from the road. He added that he had supported the refusal at the May meeting, however, the changes that had been made to the application he felt had "tipped the balance" and he therefore was minded to support the application.

The Chairman asked if any Members wished to propose and second a motion either in support of the Officers recommendation or to the contrary.

Councillor O Temple moved that the application be approved, he was seconded by Councillor D Freeman. Upon a vote being taken the motion was lost. The Chairman asked for any Members wishing to propose a contrary motion to do so, giving the relevant reasons for doing so.

Councillor A Gardner noted he proposed refusal as per the reasons he had stated previously, with the application being contrary to Council policies in relation to carbon footprint. The Chairman asked for clarity in terms of which planning policies the application Members felt the application was not in accord with and for any seconder to the proposal for refusal.

Councillor J Robinson left the meeting at 2.18pm

Councillor J Clark noted that paragraph 70 of the Officer's report referred to paragraph 170 of the NPPF and noted that while the size of the site and number of generators had reduced, emissions had not reduced and paragraph 71 of the report referred to pollution through noise and exhaust emissions.

The Senior Planning Officer, CS reiterated that in terms of air quality there had been no objections from the Environment Agency or the Council's Environmental Health Section. The Solicitor - Planning And Development noted that it would be difficult to refuse the application on the issue of air quality as Technical Officer advice did not support this. The Chairman reiterated that the Committee would need to make their decision upon planning considerations and for reasons to be robust in terms of potential challenge at appeal.

Councillor A Gardner moved that the application be refused, he was seconded by Councillor J Clark.

The Solicitor - Planning And Development asked for clarity prior to a vote being taken whether the proposed refusal reasons were an amalgamation of those stated by the Councillors.

Councillor A Gardner noted in terms of the application being contrary to Part 14 of the NPPF relating to climate change, and Councillor J Clark noted in terms of the application being contrary to paragraph 170 of the NPPF regarding pollution. Upon a vote being taken it was:

RESOLVED

That the application be **REFUSED** as the development would have an adverse effect on the general health of the population of the area through emissions that would be generated from the development contrary to Paragraph 170 of the NPPF and the development would also be contrary to climate change objectives set out in Part 14 of the NPPF.

d DM/18/02152/OUT - St Andrews Park, Dragon Lane, Gilesgate, DH1 2RH

The Senior Planning Officer, CS gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was an outline application for erection of retail development (use Class A1) with associated access, parking and landscaping (with all matters reserved except access) and was recommended for approval, subject to conditions and a Section 106 Legal Agreement.

The Senior Planning Officer, CS noted that Phase One of development in the immediate area had included Kwik Fit and a number of trade units. He added that in the wider area there was the context of the Durham City Retail Park, Damson House development and former Mono Containers site. Members noted no objections from statutory or internal consultees subject to conditions and a Section 106 Agreement securing contributions towards a Retail Park Relief Road. The Senior Planning Officer, CS added there were no objections received from members of the public. He added that the scheme proposed sale of bulky goods and therefore did not impact upon town and district centres, and the application was proposed for approval as set out within the report.

The Chairman thanked the Senior Planning Officer, CS and asked Mr J Taylor, Agent on behalf of the Applicant to speak in support of the application.

Mr J Taylor thanked the Committee for the opportunity to speak and reiterated the points made by the Officer and set out within the report. He noted the loss of Kerry Foods at the site as an employer in the local area and that while the Kwik Fit were operating very well and there were also a number of trade units, there was no further demand for those particular types of use. It was explained that the use proposed in terms of bulky goods would not impact upon retail centres, and the proposed "drive-thru" restaurant would have a pedestrian link to the nearby Tesco, and the proposals would add to the overall experience and integration of the sites. Mr J Taylor noted the benefits to the highway network, with financial contributions, and improvements that would help reduced congestion.

The Chairman thanked Mr J Taylor and asked Members of the Committee for their comments and questions.

Councillor D Freeman noted that he was not opposed to the development and indeed it appear to have several benefits. He noted the proposed link road was much needed, however, he noted issues and similar examples where development was approved and there was still a shortfall in the total amount of funds required to complete such highways improvements or relief roads. Councillor D Freeman added that he did not see any reference to future end users of the development, and the nearby Durham City Retail Park had empty units, the Committee having considered an application at its last meeting. He added that bearing all this in mind he was still supportive of the application.

Councillor M Davinson proposed that the application be approved, he was seconded by Councillor J Clark.

RESOLVED

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement and the conditions detailed in the Officer's report to the Committee.