

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 8 January 2019 at 1.00 pm**

Present:

Councillor F Tinsley (Chairman)

Members of the Committee:

Councillors A Bell, H Bennett, J Clare, K Hawley, I Jewell, C Kay, A Laing, L Maddison, G Richardson, A Shield, A Simpson, J Turnbull and M Wilkes

1 Apologies for Absence

Apologies for absence were received from Councillors Nicholson, Robinson and Shield.

2 Substitute Members

Councillor Bennett as substitute Member for Councillor Nicholson and Councillor Turnbull as substitute Member for Councillor Robinson.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 4 December 2018 were confirmed as a correct record and signed by the Chairman.

Councillor Wilkes informed the Committee that he had been unable to attend the meeting on 4 December 2018 and had not been able to submit his apologies due to a last moment commitment. However, he referred to the item raised at that meeting regarding his query on the 2 October 2018 minutes regarding an application at Shildon. Councillor Wilkes informed the Committee that he was clear that he had heard reference to the levels of ponds at the site, which would be detrimental to the objector to that application and wished for this to be recorded.

5 Applications to be determined

DM/17/01033/FPA - Hurworth Burn Reservoir, Hurworth Burn Road, Trimdon, TS28 5NS

The Committee considered a report of the Senior Planning Officer regarding a hybrid application for the formation of 81 touring caravan pitches, 26 holiday lodges

and associated amenity, storage and maintenance buildings, infrastructure and access, the erection of a building to serve as a water sports centre, including bar/restaurant (outline all matters reserved except access and the part change of use of a reservoir to allow non-motorised water sports at Hurworth Burn Reservoir, Hurworth Burn Road, Trimdon (for copy see file of Minutes).

S Pilkington, Senior Planning Officer provided a detailed presentation of the application, which included a site location plan, aerial photograph, proposed site layout, a representation of the caravan site, view from the northern shore, proposed holiday lodges, views from the north east shore and Castle Eden Walkway and the existing site entrance. The Senior Planning Officer informed the Committee that since the publication of the report one additional letter of objection had been received.

Mr A McLee of Teesmouth Bird Club addressed the Committee to object to the application. Mr McLee informed the Committee that the Bird Club supported the recommendation in the report that the application should be refused with similar objections as contained in the Planning Officer's report.

Mr McLee referred to the applicants statement at paragraph 63 of the report that an additional and almost identical habitat available at the Crookfoot Reservoir 2 miles away and informed the Committee that there was no evidence to support this. Mr McLee asked that if this was an alternative site, why birds were not currently occupying the site.

Mr M Thompson, local resident, addressed the Committee to object to the application. The Hurworth Burn Reservoir was a gem of the locality and was unique in east Durham. The proposed development would be detrimental to wildlife at the reservoir and the Environment Agency had objected to the application on the grounds that the assessment and mitigation of the risks to otters were inadequate.

Mr Thompson expressed concerns regarding flooding of the site and downstream and questioned whether the development would exacerbate these problems, as well as possible problems with water contamination. Mr Thompson asked the Committee to uphold the recommendation in the report and refuse the application.

Mr R Woolridge, architect, addressed the Committee on behalf of the applicant. The application had been amended since its original submission and water based activities no longer formed part of the scheme.

The application was being recommended for refusal on grounds of ecology. The scheme had been revised and now only affected 13% of the site and mitigation measures were proposed. Natural England had not objected to the scheme the first two times they were consulted.

There was no evidence of an otter holt on site. The applicant considered that the ecology report had not been assessed in a balanced manner and was willing to meet the cost of an independent ecology report for the application.

This was a unique site and the scheme would provide jobs, bring much needed income to the local economy in the Trimdon area and was possible to be delivered with proposed mitigation measures. Mr Woolridge asked the Committee to consider approving the application or deferring the application pending the production of an independent ecology report.

The Senior Planning Officer informed the Committee that the applicant had offered amendments to the application but none of these had been supported with revised environmental information, so the amendments had not been accepted.

Councillor Wilkes asked why there had been no site visit the previous day for the application. H Jones, Principal Planning Officer replied that the reasons for carrying out site visits were contained in the Council's Constitution and included that the impact of the proposed development was difficult to visualise from the plans and any supporting material, including photographs taken by officers; or the proposal was particularly contentious. None of these were considered to apply for this application.

Councillor Wilkes considered that because the application was being recommended for refusal because of its visual impact and impact on ecology and a site visit had not been carried out it was difficult to assess the visual impact. The applicant was willing to fund an independent ecology assessment of the proposal and Councillor Wilkes **moved** that the application should be deferred pending the production of the assessment and the Committee carrying out a site visit.

Councillor Tinsley reminded Councillor Wilkes that any Member could request a site visit when they receive the agenda for a meeting which is a week before the meeting takes place.

Councillor Maddison referred to paragraph 42 of the report which referred to insufficient information being available on the possible impacts of the proposal and considered that the Committee had sufficient information on which to make a decision. The applicant was willing to fund an independent ecology report on the impact to assess the impact of the proposal and Councillor Maddison **seconded** Councillor Wilkes proposal that the application be deferred. Councillor Maddison added that the proposal would bring much needed tourism accommodation into County Durham.

Councillor Bell informed the Committee that there was a shortage of this type of proposed holiday accommodation within County Durham and that the development of such sites should be encouraged. However, he recognised that there were objections to the application to be overcome and more ecology work needed to be done.

Councillor Kay could see no reason to defer the application pending the production of a further ecology report. There were already two ecology reports, one from the applicant and one from Council officers and they had different views. There was no need for a third report. He considered the ecology case to be overwhelmingly against this application and **moved** refusal of the application for the reasons stated in the report.

Councillor Jewell considered that the offer for the production of a third ecology report was clouding the issue. Although Visit County Durham were supportive of the application, planning officers had considered the application in a wider sense, including ecological impact. Councillor Jewell **seconded** refusal of the application.

Councillor Clare considered that there was no justification to defer the application. The scheme had changed as it progressed and the agent for the applicant now offered an independent ecology report on the application. These were all matters which should be sorted before applications were brought to Committee for determination and if the scheme was to change then a new application should be submitted.

N Carter, Planning and Development Solicitor informed the Committee that tourism benefits were a material planning consideration. The proposed deferment was for additional information to be submitted and the production of an independent ecology report. It would be unusual to require a further independent ecology report. It was for the Committee to determine whether it accepted the opinion of the Council Ecology Officer or did not. The application was of some age so it was likely that the applicant had already been afforded an opportunity to submit the required further information but invited the Senior Planning Officer to confirm.

The Senior Planning Officer confirmed that the application had been in since March 2017 and it was clear there was no middle ground on ecology, therefore it had to be determined. He had invited the applicant to submit further information but none had been forthcoming. He agreed that it would be extraordinary to get a third ecologist to review the ecology position when the Council employs a specialist ecologist to do that. Whilst he fully recognised the benefit of tourism, it did not outweigh the adverse landscape and ecology impacts.

G Shears, Senior Ecologist informed the Committee that this was a County Wildlife Site which hosted overwintering birds and otters. The information from the applicant had been assessed together with information held by the Council's Ecology Service. Surveys carried out by the applicant were deficient and information had been provided on a sporadic basis. The full ecological impact of the proposed development could be found at paragraphs 73 to 83 within the report.

Councillor Wilkes informed the Committee that he had listened to the information provided and would now support refusal of the application. Councillor Maddison informed the Committee that she remained to **move** deferment of the application. There was no seconder to this motion.

Moved by Councillor Kay, **Seconded** by Councillor Jewell and

Resolved:

That the application be refused for the reasons contained in the report.