

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 5 April 2022 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Bell (Vice-Chair), D Boyes, J Higgins, C Hunt, P Jopling, C Marshall, C Martin, M McKeon, B Moist, I Roberts, K Shaw, A Simpson, S Wilson and S Zair

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

Councillor Marshall referred to Agenda Item 5 (a) and informed the meeting that in his previous role as a Cabinet Member he had been involved in discussions with Athletics Club and Business Durham relating to the funding of the facility, however he was attending the meeting with an open mind to consider all of the views expressed in the Committee.

4 Minutes

The minutes of the meeting held on 1 March 2022 were confirmed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/21/01984/FPA - Land south west of Burdon Place, Sedgefield TS21 3BF

The Committee considered a report of the Principal Planning Officer regarding an application for the formation of a community athletics track facility with associated floodlighting, access, car parking, drainage and landscaping on land south west of Burdon Place, Sedgefield (for copy see file of Minutes).

H Jones, Principal Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, a plan to show the context of the site in terms of the County Durham Plan, site photographs, site layout and the proposed lighting columns.

The Principal Planning Officer referred to paragraph 151 of his report which referenced a condition that the car park be free of charge which was considered necessary on the grounds of highway safety. However, this had not been added to the suite of conditions in the report and the Principal Planning Officer asked that this be added to the other conditions in the report should the application be approved.

The Principal Planning Officer informed the Committee that 241 public representations had now been received which included 103 letters in support and 135 objections with 3 neutral comments. The majority of comments received since the publication of the report all made same forms of comments as previously received but some new comments had been made as follows:

- Reference had been made to a Cabinet report being presented to Cabinet on 6 April 2022 where consideration is to be given to a report about the declaration of an ecological emergency in County Durham. References were made to the findings in the Cabinet report in respect of the picture of natural habitats and species on County Durham and this application was contradictory to the Council considering declaring an ecological emergency.
- Emphasis had been placed on the health benefits of equestrian activities in the context of objection to the impacts of the proposal upon the livery and equestrian facilities at The Lizards.
- The British Horse Society had elaborated further on their objection which was contained in the report and provided clarity in their comments referencing that potential mitigation in respect of horses that they would like to see would be the creation of public bridleways and the screening of physical barriers between stabled horses and the track facilities.

Shemuel Sheikh, on behalf of Lizards Farm and Hardwick Grange, addressed the Committee to object to the application. Members of the Committee had received a detailed letter of objection dated 14 March 2022. Before considering the six reasons it was suggested the proposal should be refused Members should be aware that the site was essentially countryside and was only included in the built up boundary of Sedgfield in order to accommodate the NetPark expansion and therefore Policy 6 of the County Durham Plan should not be able to be relied upon to circumvent the purpose of safeguarding the land in the first place. For this reasons the recommendation for approval on the basis of compliance with local plan

policy should not be confirmed. Such a decision would set a dangerous precedent and undermine the credibility of the recently adopted local plan.

The first reason it was suggested the proposal should be refused was that there was no need for an athletics facility. England Athletics strategic position was that existing tracks should be improved rather than new ones built, facilities should be located on school sites wherever possible for maximum use, facilities should be on stable land without cut and fill to minimise costs and there should be access to a clubhouse and facilities. The proposal met none of these provisions, it was a new site, not by a school where cut and fill was involved on boggy ground and without the provision of suitable facilities.

The second reason for refusal was that the proposal used safeguarded land. The application site was some 6.3 hectares, was a greenfield site and was both allocated and safeguarded in the Local Plan for future expansion of NetPark. This was acknowledged and must be accepted by Members as an important purpose. The expansion of NetPark could only take place on safeguarded land whereas an athletics track could go anywhere. To approve the proposal would be in conflict with Local Plan Policy 2 which safeguarded the parcel of land for NetPark. The officer's interpretation of Policy 2 was misplaced, criterion (a) required a marketing exercise for non-employment use. Paragraph 92 of the report concluded that the protected land did not involve built development and therefore a marketing exercise was not required. However, for as long as the track development was there it would be used for non-employment uses and therefore marketing was required. It was also clear that the site would be needed for NetPark given a recent approval for a 15.3 hectare expansion of NetPark on allocated land. In any event, even if the safeguarded part of the site was not likely to be needed for some time, the whole point of safeguarding was to ensure the land was not used for any other purpose until the end of the Plan period. The report did not contain a condition restricting the length of time the track could be present despite saying the expansion of NetPark during the Plan period would not be compromised. The expansion would be compromised because the track was a permanent offering.

The third reason for refusal was the significant adverse harm to the landscape. Paragraph 113 of the report identified 'numerous transformative impact consequences on the site' including the alteration of land levels, floodlighting of up to 20 metres in height, car parking and more. However, no land visual impact assessment had been carried out to assess and identify harm caused. Members could not approve a scheme with obvious impacts which had not been properly assessed. Discussion of a mitigation scheme when the impact had not been assessed was nonsensical and it was not acceptable to leave landscape impacts to a condition when it was obvious they would be transformative and had not been properly assessed.

The fourth reason for refusal was the scheme may cause adverse impact on archaeological activity. Paragraph 121 of the report noted the possibility of prehistoric and Roman archaeology on the site. Local Plan Policy 44 required an investigation before determination and notably one had been carried out for the recent application to expand NetPark but the same had not been done for this application.

The fifth reason for refusal was noise and adverse impact on amenity. Houses were located only 50 metres away from the site with gardens even closer. The farmhouse was in close proximity which included an equestrian business with land up to the boundary of the site. There would be substantial numbers of cars coming and going from the site given there was provision for 127 spaces. This therefore also included a substantial number of people coming and going, car doors banging, tannoys, noise from the facility and floodlights which would go into every evening. This would be unacceptably harmful to residential amenity and the livery business with an objection from the British Horse Society and therefore contrary to Local Plan Policy 31. Although acknowledged by the officers report, adequate weight was not given.

The sixth reason for refusal was ecology and there were serious concerns about the adequacy of the ecology report which had been produced which failed to mention the impact on rare Dingy Skipper butterflies which were identified in the NetPark expansion application and Great Crested Newts where reliance was placed on an outdated survey carried out in 2015. Even that survey gave the high likelihood of Great Crested Newts in at least one of the ponds on the site therefore the application was contrary to Local Plan Policy 41.

While it was acknowledged there would be some benefits from the proposal these did not outweigh the identified harm and Members were urged to reject the planning application.

Mr Clubley of Sedgefield Development Trust addressed the Committee to object to the application. Sedgefield Development Trust did not oppose the ambitions to have an athletics track but did oppose it on this site.

In 2017 NetPark, Business Durham and Durham County Council approached the Trust to create a green corridor as part of NetPark to plant more woodland, to improve biodiversity and for the enjoyment of the community and also to combat climate change. The Trust had to recruit volunteers to manage the woodland long-term and already more than 100 volunteers had planted over 2,000 trees, a hedgerow, had surveyed and recorded a rich diverse list of species. The Trust had been awarded many grants and resources, most from The Woodland Trust nationally, from Durham

Woodland Revival, Brightwater and help from Durham Wildlife Trust. The Trust had a successful community project of which Durham County Council could be proud.

Without consultation and without any planning notices being served on Sedgefield Development Trust the Trust learned that EDCAT had submitted a planning application for a track. Approximately 36% of the land included in the application was in the Trust's licence area. The rest of the adjacent bog lands were species rich and significant in carbon sinks. The application proposed the draining of two bogs, the releasing of a lot of embedded carbon that would be replaced by a managed ground which would emit carbon into the atmosphere for years to come, directly in contradiction to the UK's undertakings at the COP26 in Glasgow.

The development would drive internationally protected species from the area, particularly the Marsh Harrier and the Dingy Skipper and displace many more species which were endangered within the UK including bats, owls, other raptors, common small birds, nets and other amphibians and would prevent badgers and otters crossing the site. A Great Crested Newt survey had not been carried out.

The development was in contradiction to the proposals in the report to Cabinet on 6 April 2022 and was on land in Durham County Council's ownership.

Jonathan Wallace addressed the Committee in support of the application. Mr Wallace had been part of the Track Steering Group for some 10 years and wished to highlight key points.

The Steering Group had been trying to obtain a site for the track for over 10 years. Planning permission at Sedgefield Community College was obtained nine years ago but due to the PFI arrangements the site was not able to be developed. Various locations in and around Sedgefield had been considered but all were too sensitive in landscape, heritage and ecological terms.

Durham County Council officers suggested the Steering Group consider this site in 2018 and the Group undertook a community consultation in 2020. Feedback was received from over 350 people locally with 87% of respondents being in support of the scheme. This demonstrated the high level of support from across the community.

It was acknowledged that the site was a greenfield site however the site was not sensitive in ecological or landscape terms and as officers had concluded there was no evidence to support the claims being made by the objectors.

The Group wanted to bring forward the development as a positive impact on the environment which would deliver biodiversity net gain. To achieve this a large new wetland area had been incorporated and it was proposed to double the amount of hedgerow on the site. Wildlife would be encouraged to flourish on the land which surrounded the track.

The Group also looked to be a good neighbour and minimise the impact on local residents. The application incorporated a carefully designed landscape strategy and various conditions had been agreed to ensure the amenity of local residents was protected. Details of these were contained within the report, but the facility would close with lights turned off at 9 p.m., there would be no tannoy system, all lighting would be directional and no starter guns would be used.

The officers report was thorough and balanced and addressed all of the issues raised by the objectors and concluded the application was acceptable and should be approved.

Ean Parsons of East Durham Community Athletics Track addressed the Committee in support of the application.

Mr Parsons was Chair of the Track Steering Group and founded Sedgefield Harriers and continued to coach for the Club. With the encouragement of Durham County Council Mr Parsons also Chaired the Sedgefield Sports Hub Project which explored many potential sites in and around Sedgefield for sports facilities which from 2018 led directly to this planning application on land which avoided sensitive heritage sites and had direct contact by road and public transport along the east Durham corridor including access to many underserved communities.

There were precedents, for example on North Tyneside, for sports facilities to be integrated as part of business developments. While objectors suggested otherwise tracks elsewhere in County Durham were not conveniently located for residents in east Durham nor was there availability and both Sports England and England Athletics had provided written comments in support of this application.

The track began as a Sedgefield Harriers project and EDCAT had led the development of an east Durham athletics network which would be the primary user of the track and involved five other local clubs. It was also anticipated that close work would take place with Coxhoe Active Life and with schools and businesses to maximise opportunities of access. Two schools sports partnerships in the area had expressed their support.

The track would provide a facility not only for residents of Sedgefield, Fishburn, Ferryhill and Spennymoor but also for residents of other areas.

Confirmation of funding had recently been received from Durham County Councils Section 106 Board which added to the significant funds already raised.

England Athletics commented about the business plan in their recent response on the application describing it as a realistic business plan that demonstrated the facility would be sustainable in the long-term.

If permission was approved Mr Parsons was confident that over the life of the track many thousands of young people would be reached as well as having a positive impact on the lifestyle of the population of east Durham in general.

Christopher Betts from the North East Regional Athletics Council and North East Counties Athletics Association addressed the Committee in support of the application. Mr Betts was also the licensing officer for the north east of England and any application the applicants wished to make for a competition would be made to him.

The North East Counties represented all of north east club based athletics and was highly supportive of this application. There were many requests for tracks to be built in other parts of the north east but this was the only application where the Group had raised the money for the facility proposed. This would be a good addition to facilities and experience showed that once a track was built other people came along and used the facilities as well.

Athletes generally trained twice a week and competed on a Sunday. Nobody in this application was qualified to hold a starting pistol. The North East Counties Athletics Association thoroughly supported the application and thought it to be an excellent idea.

Tim Dredge addressed the Committee in support of the application. Mr Dredge informed the Committee that he was a local resident having lived in Sedgefield since 2000 where he had brought up his family which included his sons who had both benefitted from being members of Sedgefield Harriers.

Mr Dredge's eldest son would be a volunteer at athletics stadium team at the Commonwealth Games in Birmingham this summer. This was the latest step on his journey through the athletics world which started in Sedgefield.

Mr Dredge's son spent several years at Sedgefield Harriers but reached a point where he had to move on to develop further because of the very limited facilities in Sedgefield. He had to go outside of County Durham to be able to access proper track and field facilities and several other athletes have had to do the same.

Mr Dredge was coaching other young athletes at Sedgefield at the time but had to give this up to support his son so his volunteer coaching time to my community was lost.

Mr Dredge wanted to see athletics on a par with other sports in the area and in the county and wanted future generations in Sedgefield and East Durham as a whole to have a facility that they could easily access like other sports could. Mr Dredge fully supported EDCAT in their endeavours to achieve this ambition.

The Chair sought questions from Committee Members to the speakers.

Councillor Martin stated that with any planning application there was always potential harm to habitats and wildlife and the officers report did not draw away from this. Independent ecological consultants had stated that once the development was finished there would be measured benefits to the ecological environment of a 25% improvement in habitat and 100% improvement in the hedgerow. Councillor Martin asked why the Sedgefield Development Trust did not believe the development would bring such benefits when completed. Mr Clubley replied that the woodland and bog had matured over many years and could not be replaced by simply displacing the species and providing a space but not the full ecology which is currently in place. The benefits were erroneous because they could only be achieved by taking land from the Trust which was managed in partnership with the Woodland Trust and the County Council which would be planted up anyway.

Councillor Jopling expressed concern that this was an expensive project which, if the facility failed, may result in the County Council having responsibility for it. Councillor Jopling asked whether the project was self-financing and whether the money was in place to carry out the development. Mr Parsons replied that a detailed business plan had been produced for submission to the Section 106 Board which was successfully received and also praised by England Athletics for proving that the project would be sustainable.

Councillor Hunt sought clarity on carbon emission and archaeology. Mr Clubley replied that the current bogs were absorbing 4.36 tons of carbon per year per hectare which was the highest rate of carbon sink. The managed grassland and managed area would release carbon at the rate of 1.16 tons per annum per hectare.

Mr Sheikh referred to archaeology and stated that paragraph 121 of the officers report noted there was the possibility of prehistoric and Roman archaeology on the site. Under Local Plan Policy 44 it was considered that this required an investigation before the application was determined. An

archaeology investigation had been carried out for the recent application for the extension of NetPark.

Councillor McKeon asked which other sites had been considered for the facility and what specific concerns were raised around those sites. Mr Wallace replied the Group embarked on the project in 2012 and quickly identified the Community College as a potential site and a planning application was granted planning permission within 12 months. The Group then liaised with officers at the County Council for three years in order to release the site for development but for various reasons, principally the loss of school playing fields and the PFI arrangements the site could not be developed. At that point a feasibility study was carried out to consider other options in East Park and Hardwick Park which had more serious ecological issues than this site. Winterton playing fields were also considered but this site was not big enough to accommodate the use and would also impact on the setting of St Luke's Church which was a listed building.

Councillor Moist sought confirmation that the position of UK Athletics was to concentrate on existing tracks rather than building new tracks and asked whether educational establishments had been considered for the track to maximise its use.

Mr Sheikh confirmed that this was the strategic position of England Athletics for the period 2018 to 2025. Mr Wallace added that there was not any capacity elsewhere in the local area to accommodate the track.

Councillor Martin stated that the objectors had referenced some protected species and asked how confident the planning officers were that the development would bring ecological benefits and that the development would not have devastating impacts on these species.

The Principal Planning Officer referred to the consultation response of the County Ecologist. It was natural that a greenfield site, particularly one which was not in active agricultural use, had the potential for habitats and species to be on the land. In the immediate short term when land remodelling and construction took place there would be some impact. The Ecologist had reviewed all submissions made and considered that there would be an uplift in the mitigating proposals.

The Principal Planning Officer responded to issues which had been raised.

The reference to the strategy of England Athletics was an overall broad strategy by England Athletics and not a specific consultation response that they had submitted on this application. Sport England were the consultees for this application and Sport England carried out their own consultation exercise, including with England Athletics, and these responses fed in to the

overall response of Sport England and this response was supportive of the proposal.

The built up area boundary was drawn where it was drawn and therefore the application site was either within the BUAB or it was not.

None of the site was an employment allocation in the County Durham Plan. The site was largely marked as safeguarded land with a smaller element marked as protected land as part of the existing NetPark site. None of the land was a future allocation. The marketing policy test in Policy 2 was an either/or test so either a marketing exercise needed to be carried out or it had to be concluded that impact of the development would not compromise the protected land. The conclusion reached was that this development would not compromise the protected land.

Landscape officers had not raised objection on landscape impact grounds and the development did not reach the threshold for requiring an LVIA.

Referring to an archaeological survey, there was a pre-commencement planning condition attached to the application that there needed to be a geophysical survey followed by trial trenching of the site if necessary.

While the report addressed the issue of residential amenity and acknowledged there would be some impact, the level of impact was not considered to be unacceptable.

Councillor Jopling sought clarity on the allocated land carbon storage and release.

The Principal Planning Officer replied that different habitats had different values attached to them, for example peatland was extremely good at carbon storage and there was a hierarchy of levels of storage for different habitats. Mr Clubley had described the site as a certain habitat which came with a quantity of carbon storage but the County Ecologist did not agree with Mr Clubley's assessment of what the habitat was.

The Principal Planning Officer explained that the purple hatched area on the plan of the area was allocated for future employment use within the County Durham Plan period up to 2035. The light purple shaded area with no dots and no hatching highlighted and protected existing employment land and was the existing NetPark site. The application site crossed into 0.9 hectares of this land. However the application did not compromise this land because the track was not in the area. The dotted area was safeguarded land for employment purposes but this was not the same as an allocation or protected land.

Councillor Boyes informed the Committee he was satisfied with the assurances given on the ecological issues and also on the business plan which was in place for the long term sustainability of the development. Councillor Boyes supported the recommendation of officers.

Councillor Marshall considered that many of the issues raised were not material planning considerations and the application had to be determined on what was before the Committee. All statutory consultees were either in support of the application or had raised no objection and it was the role of the Committee to ensure applications were determined in accordance with the Development Plan, which had only recently been adopted following scrutiny by an independent planning inspector. Councillor Marshall seconded that the application be approved.

Councillor Hunt asked how many jobs would be created by the development on land which was protected for employment purposes. Mr Wallace responded that this was not an employment use, it was a community athletics track and would be run by volunteers.

Councillor McKeon considered this to be a difficult application to determine and expressed concern of developing on land which had been safeguarded for economic development.

Councillor Martin was confident that the ecology would be safeguarded and there would be ecological benefits from the project. The benefits of a community based sports facility could not be underestimated and may make NetPark a more desirable area for businesses.

Councillor A Bell considered there were no planning grounds to object to the application and was supportive of the application.

Councillor Moist expressed reservations about the development taking place on land safeguarded for employment purposes at NetPark which was the jewel in the crown of County Durham and he could not support approval of the application.

Councillor Roberts was in support of the application but asked about the provision of toilet facilities on the site. Councillor Higgins was happy with the location of the facility and supported its approval. It would be a good facility for Sedgfield and surrounding villages.

Mr Wallace replied that applicant would willing to consider the provision of toilet facilities which could be controlled by Condition attached to any planning approval.

Councillor Hunt agreed with Councillor Moist and could not support the application.

Referring to the allocation of the land for employment purposes Councillor Marshall reminded the Committee that Business Durham, who led on inward investment into County Durham and managed NetPark had raised no objection to the application.

Moved by Councillor Boyes, **seconded** by Councillor Marshall and

Resolved:

That the application be approved subject to the conditions contained in the report and the addition of a condition for the car park to be free of charge.

Councillors Boyes, Moist and Wilson left the meeting.

b DM/21/01744/FPA - Amazon UK Services, Unit 1 Integra 61 West, Bowburn, Durham, DH6 5FG

Councillor McKeon declared an interest as a Local Member and Member of the Bowburn and Parkhill Community Partnership.

The Committee considered a report of the Principal Planning Officer regarding an application for the installation of a photovoltaic system to warehouse roof and associated works at Amazon UK Services, Unit 1 Integra 61 West, Bowburn (for copy see file of Minutes).

H Jones, Principal Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, PV array layout, associated electrical equipment and images.

Councillor Blakey, Local Member addressed the Committee in support of the application. Councillor Blakey fully supported the application which was something which should have been undertaken at the construction stage of the facility and that she hoped it would encourage other businesses to follow suit.

Moved by Councillor A Bell, **seconded** by Councillor Jopling and

Resolved:

That the application be approved subject to the conditions contained in the report.