

## **DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 6 September 2022 at 9.30 am**

### **Present:**

**Councillor G Richardson (Chair)**

### **Members of the Committee:**

Councillors A Bell (Vice-Chair), C Hunt, P Jopling, C Marshall, C Martin, M McKeon, P Molloy, I Roberts, K Shaw, S Zair, B Coult (substitute for A Simpson) and J Quinn

### **Apologies:**

Apologies for absence were received from Councillors D Boyes, J Higgins, B Moist, A Simpson and S Wilson

### **1 Apologies for Absence**

Apologies for absence were received from Councillors D Boyes, B Moist and A Simpson.

### **2 Substitute Members**

Councillor B Coult was present as substitute for Councillor A Simpson.

### **3 Declarations of Interest**

Councillor Coult declared a none-prejudicial interest in item no. 5b) as Local Member.

Councillor Marshall declared a non-prejudicial interest in item no. 5a) as the former Cabinet Member for Economic Regeneration.

### **4 Minutes**

The minutes of the meeting held on 5 July 2022 and special meeting on 26 July 2022 were agreed as a correct record and signed by the Chair.

### **5 Applications to be determined**

#### **a DM/21/03574/OUT - Land At Sniperley Park, West Of The A167 And North And South Of The B6532, Durham**

The Committee considered an application for the demolition of existing buildings adjacent to B6532 and outline planning permission (all matters reserved except access) for a maximum of 1,550 dwellings (Use Class C3), a local Centre (use

classes E and F2), public house (use class sui generis) and primary school (use class F1), associated infrastructure and landscaping at Land at Sniperley Park, West Of The A167 And North And South Of The B6532, Durham (for copy see file of minutes).

G Blakey, Principal Planning Officer, addressed the Committee and advised that the proposal was subject to an appeal the Planning Inspectorate against non-determination of the application. The Committee were being asked to consider the report and make a resolution based upon the decision they would have made if the application was being determined in the usual manner. This resolution would then be carried forward for consideration at Public Inquiry.

The Principal Planning Officer, provided a detailed presentation on the application which included a site location plan, aerial photographs and site photographs.

Councillor G Holland, representing City of Durham Parish Council, confirmed that the report and conclusion of the Principal Planning Officer was fully endorsed by the Parish Council and that the application should be refused on all thirteen specific failures.

The Parish Council wanted to focus on the point made in most recent correspondence which had paid particular attention to the failure to demonstrate the ability to feasibly and viably provide a district heating system across the development.

Councillor Holland noted that energy security was an ever-increasing threat to all residents, not just in County Durham, but throughout the United Kingdom and all new housing should be built to be as self-sufficient as possible in terms of their energy provision. The district energy heating system mentioned in the report would not meet that essential provision.

The Parish Council had suggested several potential renewable energy opportunities that should be optimised. If not County Durham would not achieve the level of sustainability required in both the County Durham Plan and the Sniperley Masterplan, of which the vision was for zero-carbon homes. Councillor Holland added that zero-carbon must be the chosen target, throughout all future homes in County Durham.

Sniperley Park offered the County Council an opportunity to lead the way nationally by building homes that were not only energy protected, but also matched the comfort and welfare needs of future residents. He reiterated that the Parish Council endorsed the report and fully support its recommendations.

Councillor M Wilkes, Local Member, confirmed that despite being a former member of the Planning Committee for many years, he had never seen such an extensive list of reasons for refusal and nor had he experienced a developer refusing to agree to basic Section 106 requirements.

Councillor Wilkes advised that the Council could not allow the application to go through which placed such a massive financial risk to the Local Authority. The

combined cost of the Section 106 requirements alone for both applications could exceed £20m and it would be unthinkable for any Local Authority in the Country to pay for this scale of infrastructure. It was predicted that Section 106 money was over £10m for schools on and off site and this would not be received if the application was to be approved.

Councillor Wilkes was appalled at the behaviour of certain developers and stated that the Council were not there to provide this on their behalf and had to protect the integrity of the planning system and the public purse. He questioned how a developer that was aware of local and national planning policies and of policies within the County Durham Plan, could fail to agree to the extent that this developer had in this application.

The County Durham Plan was clear that on developments of this scale, developers must allocate land for recreation such as allotments or contribute money for alternative sites. This site clearly required many plots and this application was so low on allotment space it would be an insult to the County Durham Plan and the open space needs assessment. This part of the County had one of the lowest levels of allotment space and the highest waiting lists, which is why the Council were already working on a new site for existing residents. It was unacceptable to ignore the findings of the open space needs assessment.

Councillor Wilkes confirmed that the County Durham Plan was clear that district heating systems should be considered. The Council were waiting on a report from the Coal Authority as to whether the site would be able to use a mine water heating system that would save residents thousands, however due to the expense the developer would not consider it.

With regards to the full masterplan which had not yet been agreed, Councillor Wilkes suggested that these developments were about squeezing in as many houses as possible which was not acceptable financially, environmentally or on planning merits.

Finally Councillor Wilkes made reference to the objections and felt it was clear that these applications should not be passed and believed that when the application went to a Public Inquiry, the Council would have the backing of public opinion behind them.

The Chair confirmed that Neil Westwick from Lichfields was in attendance on behalf of the Applicant and although he did not wish to speak on the item, he had agreed to answer any questions.

Councillor Bell referred to the lengthy process of a Public Inquiry, which was a much longer route to take than having the Council determine the application and he asked why the developer had decided to go down this route.

Mr Westwick advised that whilst discussing the application with Planning Officers' there were a number of outline matters that were not included as part of the application, such as the provision of schools, healthcare and allotments. On this basis the Applicant had taken the only option open, which was to appeal.

Councillor Jopling raised an issue regarding the conduct of Councillor Marshall as she had noticed him speaking with the Applicants prior to the Planning Committee and wondered whether this presented an element pre-determination. Councillor Marshall responded that as the Leader of the Labour Group, he did have relationships with many developers as he had a responsibility to ensure the Council continued to drive the economy forward. Councillor Marshall, commented that he had already assured the Committee that he had an open mind with regards to the application when he declared an interest.

Councillor McKeon asked for clarification from the developer with regards to their position on renewable energy. Mr Westwick advised that the paper which had been submitted had been determined to be unviable and undeliverable. He also acknowledged that changes in building regulations in 2025 would ensure that air source heating was standard, so beyond that gas boilers could not be installed.

In response to a further question from Councillor McKeon regarding whether the Applicant would reconsider their position on receipt of the report from the Coal Authority, Mr Westwick responded that a report had been submitted to the Council which clearly set out the position of the Applicant.

Councillor Marshall queried the timeline from receipt of the application to the date that it should have been determined. The Sniperley Masterplan had been considered by Cabinet and Councillor Marshall had written three letters to highlight the risk to the Council of non-determination.

The Principal Planning Officer confirmed that the Council's consultees and other Authorities were not fully satisfied with the position of the Applicant and had therefore sought advice on viability from the Coal Authority. This was a reason for refusal at this stage.

In response to the question regarding the timeline, the Principal Planning Officer confirmed that the application was received in late November 2021 and according to the statutory timescale for determination, it should have been completed by 15 March 2022.

Councillor Marshall asked for some clarity on the Sniperley Masterplan and T Bennett, Principal Policy Officer confirmed that during 2021 the Council took the decision to lead on the Masterplan, primarily as the main parties were not working collaboratively at the time and no developer-led masterplan existed. The Council had worked alongside their consultants to produce a masterplan that would guide work on the delivery phase. It had been consulted on in winter 2021 and adopted a few months prior to the meeting.

With regard to further questions from Councillor Marshall regarding the endorsement of the masterplan, the Principal Policy Officer confirmed that it had been to Cabinet for approval and then adopted under delegated powers.

In response to a question from Councillor Bell regarding the impact a Public Inquiry would have on the delay and development, the Principal Planning Officer confirmed

that liaison with the developer would continue and there were dates to agree statements of common ground. The inquiry would be held in January, giving time to work with the applicant where necessary.

Councillor Shaw queried the number of times the Council had been subject to an appeal for non-determination. The Principal Planning Officer did not have the figure to hand, but the Chair confirmed that the figure was not required to determine the application.

Councillor Martin advised that the conclusion within the report made this an easy decision to make, it was a large housing development and he did not see how it could go ahead without money for schools, GP's and open space. Planning Officers had concluded that the developer was not willing to pay enough money and, in his opinion, to accept the application would cause harm to the people of Durham City and the tax payer. He was minded to agree with the recommendation and reject the application.

Councillor Jopling agreed that there were so many reasons for the application to be refused. This was an enormous application on arable land that would result in the loss of rights of way and playing fields. Objections had been raised by Sports England and Primary Care in the area was already at capacity. The most important issues in her opinion were climate change and the natural environment and she could not understand why planning applications of this size would include gas boilers when the developer knew that they would be superseded by new building regulations.

Councillor Jopling highlighted the concerns raised within the public responses which needed to be taken seriously, such as the need for a western bypass, play areas that were situated in close proximity to pylons and the lack of electric vehicle charging points. The Council could not keep saying they would deal with these issues on the next application. She moved refusal of the application for the reasons outlined in the report.

Councillor McKeon informed the Committee that she knew the area well and was not against the principle of development, however this was an application which would create a whole new community and this application did not live up to expectations. One of the main issues she had related to sustainable transport. The Council were encouraging people to move towards net zero but this had not been addressed sufficiently and there was also no masterplan, despite building next to one of the busiest central roadways in the area. Councillor McKeon confirmed that if the developer expected to build a whole new community, they had to also expect the responsibility of Section 106 contributions and on that basis, was minded to refuse the application, she seconded the motion.

Councillor Roberts confirmed that she had visited the site the previous afternoon only to realise that the original plan had been amended to create additional houses. The Council wanted to leave a legacy for the County and she fully supported the recommendation to refuse.

Councillor Bell also agreed with the recommendation. The site could be described as the jewel in the crown of the County Durham Plan and although the 13-week statutory deadline had passed, given the size of the scheme, there should have been some leeway to allow officers time to ensure it was correct. It was disappointing that the Applicant had chosen to Appeal and suggested that it would be good if that decision was reviewed in order for the Applicant to liaise with officers.

Councillor Marshall was bewildered at the situation between the Council and the Applicant. It had been described as one of the jewels in the crown of the County Durham Plan and was integral to delivering 30000 new jobs and homes. He had sat through a public examination where similar arguments had been made but the Committee had to accept that the principle development would go ahead.

Councillor Marshall confirmed that despite the thirteen reasons for refusal, this application was integral with dealing with the housing crisis and it included provision for schools and medical care. The Applicant had not refused to provide monetary contributions, yet it seemed there were some issues in reaching an agreement with Council Officers.

He referred to the costs that could be associated with non-determination of the application at a time when savings of £24m had to be found. Following further comments from Councillor Marshall the Chair stated that he would not allow the debate to become political.

The Planning Development Solicitor referred to the recommendation in the report and confirmed that the reason it was phrased as *minded to approve* was that it was no longer a decision for the Council, but for the Planning Inspectorate. All Members could do at this stage was express a view as to how they would have determined the application, which would be used as a basis to guide officers in the defence of the appeal.

## **Resolved**

That the application be **minded to refuse** for the reasons outlined in the report.

### **b DM/21/02360/FPA -Land North And East Of Sniperley Farm, Durham, DH1 5RA**

The Committee considered a hybrid planning application consisting of outline planning permission (all matters reserved) for an extension to the Sniperley Park and Ride and full planning permission for the development of 370 dwellings associated access and works and demolition of former farm buildings at Land North and East of Sniperley Farm, Durham (for copy see file of minutes).

G Blakey, Principal Planning Officer, provided a detailed presentation on the application which included a site location plan, aerial photographs and site photographs.

Councillor G Holland, City of Durham Parish Council, confirmed that the report and conclusion of the Principal Planning Officer was fully endorsed by the Parish Council and he specifically raised concerns regarding the level of renewable energy being delivered.

Councillor Wilkes suggested that the bewilderment which had arisen from the previous applications was due to fact that developers were unwilling to pay for infrastructure on both applications.

The total houses proposed by both developers equated to 1920, despite the County Durham Plan allocating 1700 on the site. Of those 370 were being proposed by Bellway and this site was quite clearly over developed. All of the reasons for declining it were the same as before, including the lack of Section 106 contributions.

The County Durham Plan was clear that there must be a significant distance from the new development to Sniperley Hall, which was not the case with this application and existing homeowners adjacent would also be significantly disadvantaged. A promise had been made to them during consultation on the County Durham Plan and that promise would not be fulfilled if this proposal was approved.

Councillor Wilkes advised that a sustainable transport plan was critical and the lack of public transport and inability to get a bus through the site was unacceptable. There had been failures in demonstrating a functioning surface water drainage system, which he considered was unacceptable given the need to ensure new developments were protected against flooding. There was insufficient information to ensure ecological compliance, despite the ecological emergency recently declared by the Council. He did not think that it was possible to see a worse application than the previous one and finally stated that Durham County Council was not under the influence of developers.

James Hall spoke on behalf of the Applicant and gave a brief background to his experience with Durham County Council, having achieved mostly positive outcomes. He had been involved in several other applications which were in the adopted plan. He had also assisted in securing the allocation of Sniperley and attended the examinations. He recognised how important the site was and fully understood the issues.

Mr Hall confirmed that he had worked constructively with Officers since April 2020 to prepare the application and personally attended over fifty meetings. The developer had submitted a revised scheme which had been rejected by Officers. They had gone above and beyond what was normally expected of them, providing ten exemplary dwellings, a wide variety of house types and styles, a Sustainable Urban Drainage System, a substantial linear park and a large area of greenbelt compensation with biodiversity net gain land.

The developer had made numerous changes to the application, reducing the numbers from 450 to 370 units and most recently resubmitted an application for 368 units and most of the minor details had been corrected. This had not been

mentioned in the report, which Mr Hall considered to be a fundamental flaw in the process.

This new scheme was under consultation, buildings had been retained where possible and it included a proposed link road with bus services. The developer had always accepted that they would pay a fair share of Section 106 contributions and had already agreed the transfer of land to the park and ride and to pay an NHS contribution.

Mr Hall explained that the developer had sought independent costings for a new primary school to check the accuracy, but had never questioned the need. There was provision for new footways and they had redesigned links for the park and ride and a link road had been included which was bus capable. None of this had been presented to Members.

Mr Hall considered several of the reasons for refusal did not apply to the scheme and others could be conditioned, so he could not understand why the recommendation was for refusal. The developer had never refused to deliver on schools, housing or allotments, nor were they avoiding their responsibilities or policy requirements.

Mr Hall suggested that this was an allocated site which should not be going to a Public Inquiry, but every time the application was somewhere near to acceptable, there seemed to be more reasons to refuse. Officers had also indicated to the Planning Inspectorate that there were only a couple of issues to resolve.

He urged Members to ask Officers to engage in meaningful negotiations and defer the application to allow constructive engagement before the Inquiry which was not until 2023. He confirmed that there were two masterplans, one was joint with the other developer.

The Chair asked whether the Applicant intended to withdraw the appeal to enable further discussions, but Mr Hall refused. He advised that the developer had been led to believe there were only a few reasons for refusal yet thirteen were included the final report. Although the Applicant believed issues could be narrowed down, he suggested Officers were unable to negotiate freely and the Applicant felt that the only way to have the application determined was to go to a Public Inquiry. This was the first time Mr Hall had appealed against non-determination of an application in his career.

In response to a comment from the Chair suggesting that the Applicant wanted the benefit of cooperation from the Council whilst also appealing against non-determination, Mr Hall confirmed that he would prefer that the application for 368 dwellings, was properly considered. It had been uploaded onto the Councils website and taken down the following day.

The Chair considered the appeal was premature and if the Applicant wanted the most recent submission to be considered, he suggested that they withdraw the Appeal and negotiate with Officers.

In response to a question from Councillor Jopling regarding the inference that Officers' were not able to operate freely, Mr Hall advised that he had previous positive experience with the Council and had been able to reach mutually acceptable agreements, however with this application the Officers had continued to remain dissatisfied. Mr Hall also questioned the accuracy of the presentation and refuted suggestions that the developer was not forthcoming as they had made consistent attempts to alleviate the issues. There had been no mention of the design code, masterplan or consultation produced by the developer.

The Chair asked Mr Hall whether the developer had met the expected requirements of the Council with regards to the County Durham Plan and he confirmed that the application had been presented as over development, but the density was well within accepted numbers and significantly lower than that envisaged by the County Durham Plan examination. In terms of the Policy requirements they had never hesitated in agreeing to their obligations and tried to work constructively with the Council, never missing a meeting.

The Chair reiterated that the appeal for non-determination was premature in his opinion, and he gave the Applicant the opportunity to withdraw the appeal in order to try and reach an agreement with the Council. The site had been approved for housing and the Planning Officer had explained very well why the application did not meet the required standards.

Mr Hall disputed the timing of the Appeal as he had been working on the application since April 2020. Both developers had done everything they could, but as owners of the site they needed to make progress. The thirteen reasons for refusal had proven that a consensus could not be reached.

Mr Hall advised that the common ground discussions would continue but the developer would prefer the Council considered the recent submission at a future Committee and he suggested that this would not alter the process or timetable.

Councillor Hunt asked why Members had not seen the revised plans and A Inch, Strategic Development Manager, confirmed that a further submission had been received, however the Council were subsequently notified that the Applicant intended to Appeal due to non-determination. The Applicant had opted to continue with the Appeal rather than allow the Planning Officers the proper opportunity to consider the revised scheme and therefore the scheme before Members was for 370 dwellings rather than the revised scheme the Applicant was consulting on, which would be considered as part of the Appeal process.

In response to a question from Councillor McKeon with regards to the application Members were being asked to determine, the Chair confirmed Members were considering the content of the report provided. Councillor McKeon was concerned that any decision made in respect of this report would be invalid when a revised application existed.

Councillor Jopling acknowledged that the Applicant had been given the opportunity to withdraw the Appeal to allow Officers to consider the revisions. She did not consider it should be deferred.

The Planning Development Solicitor clarified that it was not unusual to receive amendments to applications that were subject to Appeal and they would be dealt with as part of the Appeal process.

Councillor Marshall confirmed that Members had heard that the Applicant and Officers were at loggerheads and in his opinion, it was unfair to ask the Applicant to withdraw the Appeal. The Council should be making every attempt to come to an agreement as there were some issues that seemed credible, but others that could be agreed. He queried whether there was any time to defer the application to allow negotiations to take place prior to the appeal.

The Strategic Development Manager confirmed that as part of the appeal process both parties would continue to liaise.

Councillor Marshall suggested that political changes were accountable for the issues, which had been alluded to by developers. Councillor Wilkes objected to this comment and the Chair requested that Councillor Marshall refer only to material planning considerations when speaking on the application.

Councillor McKeon confirmed that the application did include legitimate planning grounds for refusal, but it was clear there had been a breakdown in communication. There would be almost 2000 families moving into the site in the future and Members had to ensure houses and communities were fit for purpose. She was not sure how the application had not been determined after so much time, but would prefer to defer the application as it had been subject to revisions. She seconded the motion from Councillor Marshall.

Councillor Jopling confirmed that the Committee were not against the principle of development, but the Council wanted to ensure houses were sustainable and would not result in problems for buyers to correct. The Council had to ensure that houses were fit for purpose and provided sensible heating systems.

Councillor Martin noted that comments were similar to the previous application, but he reminded Members that despite the accusatory comments, the taxpayer would ultimately pay for the problems if the application was not right.

With regards to deferring the decision, Councillor Martin suggested that amendments were normally to account for small changes and he would need to be convinced that problems of this scale could be solved. There were so many discrepancies with the County Durham Plan and he suggested that the developer had the opportunity to defer the Appeal and had chosen not to. He moved the recommendation to refuse the application, which was seconded by Councillor Hunt.

Councillor McKeon maintained that the option to defer would allow a short period of time for intense negotiations and finding common ground. With regards to the challenge of Section 106 contributions, Councillor McKeon advised that even when secured in full, there were always associated costs that the Council would have to subsidise.

The Planning and Development Solicitor reminded Members of the timetable for the Appeal and confirmed that if the application was deferred until October, it would impact on the timescales of the appeal. In response to a further question from Councillor McKeon, he advised that the Council were able to request a revised timetable, however the outcome of such a request could not be predicted and if refused would then impact on the Appeal.

Councillor Marshall suggested that the application was not far from being agreed, so it would be best to defer the application until October. He added that regardless of what the Committee determined, both applications would be determined by the Planning Inspectorate.

Councillor Bell advised that the Committee were not the decision maker for the application and the Applicant would have to withdraw the Appeal at this stage for the Council to make a determination.

The Chair stated that the land had been approved for development in principle and would be developed if parties came to a sensible agreement.

Councillor Hunt confirmed that despite giving the Applicant the opportunity to withdraw the Appeal, they had chosen not to and therefore she suggested to move to a vote.

The Committee voted against deferral of the application, and it was

### **Resolved**

That the application be **minded to refuse** for the reasons outlined in the report.

### **c DM/21/02849/OUT - Land To The West Of Valley Road, Pelton Fell, DH2 2NN**

The Committee considered an application for the erection of up to 80 dwellings and associated infrastructure with all matters reserved except access (all matters reserved) on land to the west of Valley Road, Pelton Fell (for copy see file of minutes).

L Ollivere, Senior Planning Officer, provided a detailed presentation on the application which included a site location plan, aerial photographs and site photographs.

The Senior Planning Officer provided an update with regards to condition no. 9 and confirmed that the date should be 2022 and not 2020 as stated in the report.

Mr C Haggon, Strategic Land Lead at Taylor Wimpey, addressed the Committee and confirmed that they were a five-star house builder that employed 32 staff from County Durham at their Northeast Headquarters. He endorsed the recommendation for approval and confirmed that the developer had worked closely with consultees, eventually reducing numbers from 150 to 80 to address concerns regarding accessibility and landscape impact.

Mr Haggon confirmed that Phase 1 of the Chester Grange development in Pelton Fell had proven popular with purchasers, 50% of the plots had already been sold and 85% of buyers were from County Durham, 40% of them were first time buyers.

This outline application was Phase 2 and the project team had worked with Officers to ensure they arrived at the best scheme for this site. Robust assessments had been undertaken to demonstrate that the application was sound and in compliance with National Policy

The benefits of the scheme included 12 affordable homes, 8 bungalows, a new children's play area, financial contributions towards other youth facilities in the local area, education capacity, new homes bonus payments, and biodiversity net gain. The developer had engaged with local ward Members throughout the process and had recently agreed to deliver additional offsite footpath improvements to the benefit of existing and new residents.

In response to statutory consultation only a single objection had been received with regards to the highway impact from the increased number of homes, however this had been addressed by a Transport Statement which demonstrated that there was capacity for this development. The development was within walking distance of bus stops and shops, and the developer had committed to a Travel Plan which included free short term passes for residents.

The objector had also raised concerns regarding the pressure on GP capacity, which had been mitigated by a Section 106 agreement to increase capacity at the surgery. The matters raised had been satisfactorily addressed and he urged the Committee to approve the application.

In response to a question from Councillor Bell on the timing of construction, Mr Haggon confirmed that a pre-application would be submitted the following week. He confirmed that Phase 1 was due to be finalised in December 2023 however the developer wanted to ensure continuity on site and hoped to commence Phase 2 before Phase 1 was finished.

In addition to a further question from Councillor Bell, he confirmed that there would be a play area on site and a contribution made to upgrade offsite play space.

In response to a question from Councillor McKeon regarding pedestrian access, Mr Haggon confirmed that although the application was outline at this stage there was an indicative masterplan with proposed footpaths highlighted. All houses were within 600m of a bus stop and there were footpath links through phase 1 to blue house bank, linking to a PROW to the southeast of the site. Phase one had been completed and footpaths were at either side of the Highway entrance and would be continued in Phase 2.

Councillor Jopling asked for confirmation that the roadworks for Phase 1 would be completed before the settlement had been finished and the Senior Planning Officer confirmed that prior to the occupation of the first dwelling in Phase 2, the roads should be completed.

Councillor Bell confirmed that highway improvements that were conditioned on Phase 1 had not been completed and asked if they were being carried forward into Phase 2. P Harrison, Highway Development Manager confirmed that the works were on a forward plan for implementation.

Councillor Marshall confirmed that he was familiar with the area and this application would have an enormous impact, transforming it from an area that was run down to a diverse mix of opportunity. It was well thought out and there were not many objections from residents which was due to the way the developer had carried out the Phase 1. He moved the recommendation to approve the application.

Councillor Bell referred to the contribution towards secondary education provision and the issue of both local secondary schools Park View and Hermitage being full since the loss of Roseberry Community College. He asked whether the money had been aligned to any school in particular. The Senior Planning Officer confirmed that money would go to North East Learning Trust for The Hermitage and confirmed that there were no plans for the school to expand as yet, but if they had no scope to expand the money would be offered to the next nearest school.

Councillor Bell referred to previous contributions for Park View Academy which had not been utilised alluded to the fact that academies were their own admissions authority and the local authority could not force them to take the money. There was still money from section 106 contributions that remained unspent.

Councillor Zair praised the application and highlighted it as an example of applicants and officers working together to achieve positive outcomes.

### **Resolved**

That the application be APPROVED subject to the completion of a S106 Legal Agreement to secure the following:

- The requirement to enter into a S.39 Agreement upon submission of landscaping details as a reserved matter to secure the long-term management and maintenance, including monitoring strategy of the biodiversity land.
- The delivery of 15% affordable housing comprising
- £165,540 towards securing additional secondary education provision.
- £34,640 to increase GP surgery capacity in the area.
- £118,448 towards improving off site play space for youths and other space typologies in the Electoral division.

And subject to the conditions outlined in the report.

### **d DM/22/00120/FPA - Land South Of Spennymoor Electricity Substation (south), Thinford Lane, Thinford, DH6 5JX**

The Committee considered an application for Installation of an energy storage facility, including battery containers, power conversion units, transformers,

substation, grid connection infrastructure, vehicular access and associated works at Land South of Spennymoor Electricity Substation (south), Thinford Lane, Thinford (for copy see file of minutes).

C Shields, Senior Planning Officer, provided a detailed presentation on the application which included a site location plan, aerial photographs and site photographs.

The Senior Planning Officer advised the Committee of additional comments which had been received.

Campaign for Protection of Rural England (CPRE) had sent an additional letter to advise that there was no reference to guidance issued by the Energy Institute. The Senior Planning Officer advised that the guidance largely repeated local and national planning policy and was therefore determined unnecessary. They had raised the risk of fire and explosion which was included in the guidance and although this was an operational issue, the Applicant had agreed a fire prevention management plan to mitigate any risks.

The Senior Planning Officer confirmed that there had been another letter from a resident raising an issue with the description of the location as it was not south of Spennymoor, however the description referred to was south of *Spennymoor Electricity Substation*. They also raised an issue with the historical nature of the site, however no objections had been raised by design and conservation or archaeological officers and geographical surveys had confirmed no significant findings however it was still recommended for trial trenching to be carried out prior to work commencing. He confirmed that 25 letters of objection had been received not 24 as stated.

Mr R Cowen, CPRE had expressed concerns as outlined and although he accepted the area was degraded by the current substation, in his opinion the landscape points raised by local residents were still relevant.

Mr Cowen was very concerned about the risk of fire and he disagreed that it was not a material planning consideration. He had seen the content of the letter submitted by the Applicant and it contained information that he should have accompanied the application. As it stood, his concerns had been answered.

Mr Keven Storey objected to the proposal. The Committee were not being asked if battery storage should be built, or for their opinions on green energy, but were being asked if it should be placed in arable land, in front of a town with limited used for recreation and exercise. The impact of which could not be understated, it was devastating.

Mr Storey advised that the application was contrary to policy and it was stated throughout the report that it would cause harm. The Applicant had not demonstrated a need for this development at this location. Noise had not been addressed and despite assurances residents would be the ones to suffer.

There were brownfield sites located near to the site, which were only being avoided due to the expense of cabling, however the applicant should have been directed to investigate the potential use of these sites.

In summary, Mr Storey advised that the Committee should not approve the application due to the landscape harm and loss of amenity. He also confirmed that there was an ongoing consultation for another similar development within metres of the same site. This had not been referred to in the report, but he believed the Council had a duty to consider the cumulative effect.

This consultation was with regards to another battery storage unit planned for the western area of the site. If the application was approved Mr Storey suggested that it would set a precedent for the other proposals. He asked the Committee to withhold the decision or refuse the application for Officers to consider the cumulative impact. Mr Storey suggested that to make a decision without viewing the site was irresponsible as it was not possible to see the issue or assess the impact.

Ms Jenna Folkard addressed the Committee and gave a background to the operational changes of electricity. Due to the increase in supply and demand energy companies had to match the energy they produced to the amount generated. These facilities were essential to ensure stable energy systems.

This project would be adjacent to the existing structure, away from residential properties and outside of any landscape designations. The total area was 4.6 hectares of which 80% was considered subgrade land and used for biofuel production and cattle feed. The field would be screened and significant landscape plan was proposed.

After considering feedback from residents the containers would be a nonreflective colour, further reducing the visual impact. The site design included enhanced biodiversity measures including woodland planting, the creation of a pond and other habitats for wildlife resulting in a biodiversity net gain of 25%, much higher than the required standard.

Measures were in place to maintain the public right of way throughout the construction and visibility following completion would be limited by woodland planting.

Ms Folkard confirmed that this type of energy was amongst the cheapest forms of new electric generation and would benefit the UK energy grid network and all consumers. It would also provide £150k business rates to Durham County Council every year to fund services. The application had been subject to comprehensive environmental and technical reviews by statutory consultees, and no issues had been raised that could not be addressed by condition. She asked the planning Committee to approve in accordance with the recommendation.

Ms Folkard finally took the opportunity to respond to the concerns regarding fire risk. Whilst there was no policy in planning that required an assessment, it had been taken into account through the design process and in June the Applicant had

submitted a letter which detailed the most credible risk and several layers of protection to mitigate it. The Applicant was the largest independent renewable energy company, with health and safety paramount and they were confident they were leading on this matter.

In response a number questions from Members, Ms Folkard explained how power which came from the grid would be generated and stored and confirmed that there was no current storage facility on site at the moment, which was the reason for the application.

In response to a question from Councillor McKeon, Ms Folkard explained the energy that was generated had to be balanced with use and as renewable energy generation was intermittent and dependant on weather conditions, the balance being altered could result in failure and blackouts. By drawing on the Spennymoor substation, this battery system would discharge power back into the grid and deal with these imbalances.

Councillor Jopling queried why the Applicant did not look at the alternative brownfield sites in the area and Ms Folkard advised that any energy storage system had to be next to, or as close as possible to the substation. If not, there would be underground cabling and overhead lines but also the further away the storage, the less efficient it was. This location had a viable connection, which is why the site had been targeted.

Councillor Martin was sympathetic to concerns raised by residents, however the planning officers had done their utmost to ensure the facility would be shielded from view. This type of facility was needed for future and given the choice he would prefer a battery storage facility than a power station or nuclear powerplant. The Applicant had demonstrated the rationale of the location and it was not within the Committees remit to suggest it would be better suited elsewhere. It was not near any housing and would cause zero disturbance, therefore Councillor Martin moved approval of the application.

Councillor McKeon confirmed that the site was near to the boundary of her own division. There were no planning grounds that the Committee could put forward that would be sufficient at appeal. There had been a power cut to the north in Parkhill earlier in year during a major storm, the frequency of which would only increase due to climate change. There was an aging infrastructure nationally for power and the Council needed to support renewable energy at some point. She understood where the objectors were coming from but there were no legal reasons to refuse the application, therefore she seconded the proposal.

Councillor Hunt considered this to be a good application and whilst she appreciated the need for these facilities, however she could not understand why greenbelt and agricultural land were being used to build them and could therefore not support the application.

Councillor Molloy also understood the comments from Ms Folkard regarding the location of the storage, however it did contravene some landscape policies and if it went ahead, the Council could be faced with another application to the north of the

site from a solar farm which had been refused on the same policies. In addition, this was arable land and irrespective of what the land was used for, it would be lost, so he would not support the application.

Councillor Bell was also concerned regarding the loss of an agricultural field. In response to a question regarding the energy source, the Senior Planning Officer confirmed that the energy coming into the substation would be representative of the national mix which was typically 50% renewable.

The Senior Planning Officer acknowledged that it was contrary to various policies however this did not mean that it should be refused, there were other considerations which had enabled it to conform, and it had been demonstrated that the benefits of the scheme outweighed the harm.

In response to a question from Councillor Richardson, the Senior Planning Officer confirmed that there was a consultation but no planning application and the Council could therefore not consider the cumulative effect. He emphasised that at enquiry stage, it could not be assumed that an application would come forward.

In response to a question from the Chair, Councillor J Quinn explained the location of the consultation site to the immediate right of the substation according to the map included in the consultation.

Councillor Marshall acknowledged that locations for battery storage was limited and highlighted the stability these facilities created. It was difficult for a Committee to argue the need to consider renewables and supporting the grid but vote against them due to them taking up arable land, as unfortunately most of the facilities to connect to were located in fields. There were no planning grounds to refuse the application and he supported the scheme.

In response to a question from the Chair, Ms Folkard confirmed that the scheme under consultation was not by the same Applicant, but she highlighted that it may not come to a full application stage.

## **Resolved**

That application be APPROVED subject to the completion of a planning obligation under Section 39 of The Wildlife and Countryside Act 1981 and the conditions outlined in the report.

### **DM/22/00120/FPA - Land South Of Spennymoor Electricity Substation (south), Thinford Lane, Thinford, DH6 5JX**

The Committee considered an application for Installation of an energy storage facility, including battery containers, power conversion units, transformers, substation, grid connection infrastructure, vehicular access and associated works at Land South of Spennymoor Electricity Substation (south), Thinford Lane, Thinford (for copy see file of minutes).

C Shields, Senior Planning Officer, provided a detailed presentation on the application which included a site location plan, aerial photographs and site photographs.

The Senior Planning Officer advised the Committee of additional comments which had been received.

Campaign for Protection of Rural England (CPRE) had sent an additional letter to advise that there was no reference to guidance issued by the Energy Institute. The Senior Planning Officer advised that the guidance largely repeated local and national planning policy and was therefore determined unnecessary. They had raised the risk of fire and explosion which was included in the guidance and although this was an operational issue, the Applicant had agreed a fire prevention management plan to mitigate any risks.

The Senior Planning Officer confirmed that there had been another letter from a resident raising an issue with the description of the location as it was not south of Spennymoor, however the description referred to was south of *Spennymoor Electricity Substation*. They also raised an issue with the historical nature of the site, however no objections had been raised by design and conservation or archaeological officers and geographical surveys had confirmed no significant findings however it was still recommended for trial trenching to be carried out prior to work commencing. He confirmed that 25 letters of objection had been received not 24 as stated.

Mr R Cowen, CPRE had expressed concerns as outlined and although he accepted the area was degraded by the current substation, in his opinion the landscape points raised by local residents were still relevant.

Mr Cowen was very concerned about the risk of fire and he disagreed that it was not a material planning consideration. He had seen the content of the letter submitted by the Applicant and it contained information that he should have accompanied the application. As it stood, his concerns had been answered.

Mr Keven Storey objected to the proposal. The Committee were not being asked if battery storage should be built, or for their opinions on green energy, but were being asked if it should be placed in arable land, in front of a town with limited used for recreation and exercise. The impact of which could not be understated, it was devastating.

Mr Storey advised that the application was contrary to policy and it was stated throughout the report that it would cause harm. The Applicant had not demonstrated a need for this development at this location. Noise had not been addressed and despite assurances residents would be the ones to suffer.

There were brownfield sites located near to the site, which were only being avoided due to the expense of cabling, however the applicant should have been directed to investigate the potential use of these sites.

In summary, Mr Storey advised that the Committee should not approve the application due to the landscape harm and loss of amenity. He also confirmed that there was an ongoing consultation for another similar development within metres of

the same site. This had not been referred to in the report, but he believed the Council had a duty to consider the cumulative effect.

This consultation was with regards to another battery storage unit planned for the western area of the site. If the application was approved Mr Storey suggested that it would set a precedent for the other proposals. He asked the Committee to withhold the decision or refuse the application for Officers to consider the cumulative impact. Mr Storey suggested that to make a decision without viewing the site was irresponsible as it was not possible to see the issue or assess the impact.

Ms Jenna Folkard addressed the Committee and gave a background to the operational changes of electricity. Due to the increase in supply and demand energy companies had to match the energy they produced to the amount generated. These facilities were essential to ensure stable energy systems.

This project would be adjacent to the existing structure, away from residential properties and outside of any landscape designations. The total area was 4.6 hectares of which 80% was considered subgrade land and used for biofuel production and cattle feed. The field would be screened and significant landscape plan was proposed.

After considering feedback from residents the containers would be a nonreflective colour, further reducing the visual impact. The site design included enhanced biodiversity measures including woodland planting, the creation of a pond and other habitats for wildlife resulting in a biodiversity net gain of 25%, much higher than the required standard.

Measures were in place to maintain the public right of way throughout the construction and visibility following completion would be limited by woodland planting.

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