

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 1 November 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, P Molloy, I Roberts, K Shaw, A Simpson and S Wilson

1 Apologies

Apologies for absence were received from Councillor Zair.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

Councillor Martin informed the Committee that he was the Local Member for the application at item no. 5 b).

4 Minutes

The minutes of the meeting held on 4 October 2022 were agreed as a correct record and signed by the Chair subject to the correction at minute item 2 which should have noted that Councillor Cosslett was present as substitute for Councillor Richardson.

5 Applications to be determined

6 DM/22/01663/OUT - Land To Hawthorn Grid Site, Murton, SR7 9SF

The Committee considered a report of the Senior Planning Officer regarding an outline planning application for the erection of a 400 kilovolt electricity substation, a converter station, and the laying out of replacement public open

space on land to the west and south of Jade Business Park, with all matters reserved at Land to Hawthorn Grid Site, Murton (for copy see file of minutes).

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

With regards to planning history, the Senior Planning Officer confirmed that the report had incorrectly stated that there had been no previous applications on the site, when in fact a similar application to connect the UK and Norway via an underground cable, had been approved 15 years prior and had lapsed.

Councillor McKeon entered the Council Chamber at 9.37am.

The Senior Planning Officer advised that a further objection had been received after the report had been published and he responded that consultations had been carried out, land owners notified, and issues regarding the need for the scheme had been addressed in the report.

A number of employees from National Grid were in attendance to answer questions from Members.

In response to a query from Councillor Jopling regarding pollution of the water course, Mr H Smith, National Grid, confirmed that there were two risks that could arise from the application, one of which was during construction and the other during operation. He confirmed that a series of attached conditions would prevent this during the construction phase and an Environmental Management Plan was included. There was not expected to be any risk during operation as the nature of the site was such that the only functioning part of the scheme would be that of the electrical equipment inside the building.

N Carter, Planning Development Solicitor noted that Councillor McKeon had entered the meeting slightly late and asked whether she had heard enough of the presentation in order to make a determination on the application. Councillor McKeon noted that she considered the presentation was a summary of the contents of the report and as such, she had the necessary information to consider and determine the application.

Councillor Molloy noted the lengthy 38 month construction phase and he asked whether any apprenticeships schemes would be incorporated into those 350 jobs that would be created and also whether this recruitment would benefit the local workforce.

As a Project Manager, Mr G Law confirmed that National Grid regularly recruited the operational workforce from the local area and this included employees of apprenticeships and graduate schemes. With regards to the construction phase, Mr Smith confirmed that a number of temporary jobs would be created along with some highly specialist contractors to provide more specific equipment, however National Grid would recruit companies from the local area and link with communities as this type of schemes tended to be operational for up to 50 years and National Grid wanted to form links with communities, so it was in their interests to recruit local.

As Local Member for Easington, Councillor Boyes, advised that he had been concerned about the impact of the Easington Village conservation area, however he was content with the scale and size of the scheme and although there would be an increased amount of traffic, he considered it would not have a significant impact. In terms of energy security and resilience, the Council had to support these schemes where possible and he advised that he would accept the offer of a site visit at some point in the future. Councillor Boyes moved approval of the applications for the reasons outlined in the report.

Councillor Marshall reiterated the importance of this infrastructure with current pressures on the grid and the creation of jobs and benefits to the supply chain. It was not too contentious and he seconded the motion to approve.

Councillor McKeon considered this a positive scheme to allow County Durham to contribute to the national infrastructure.

Resolved

That application be APPROVED subject to the following conditions and completion of an agreement under Section 39 of The Wildlife and Countryside Act 1981 to secure biodiversity management for the life of the development.

7 DM/22/01124/FPA - Land to the West of Drum Industrial Estate, Drum Road, Chester-le-Street, Durham

The Committee considered a report of the Senior Planning Officer regarding an application for the construction of employment uses (industrial/warehouse development) of 6 No. detached units totalling 14,354 sqm at Land to the West of Drum Industrial Estate, Chester-le-Street (for copy see file of minutes).

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

Councillor C Todd, Pelton Parish Council, spoke in objection to the application raising concerns relating to noise and light pollution that would impact residents in Perkinsville and breach policies in the NPPF and County Durham Plan.

Councillor Todd advised that planning policy required the consideration of effects of pollution on health and living conditions and the natural environment, as well as other wider impacts that could arise from development. Local Authorities were recommended to mitigate and reduce adverse impacts of noise from a new development. Without significantly more effort this application would increase the persistent noise and light pollution from this site that were already impacting residents.

Councillor Todd referred to the distance from residential buildings and confirmed that the existing hedging to the western boundary did not prevent noise and light pollution. The areas most affected were on the Perkinsville estate which was more elevated and had not been reflected in the site photographs. Some areas of the estate would be affected more than others and there would be additional noise created by the increased vehicular traffic.

The Parish Council therefore requested that these effects on the local area be reconsidered.

The Senior Planning Officer provided an update to the Committee in relation to the financial compensation for the loss of biodiversity and the intention of improvement works on a site located in Sedgefield. This was no longer the case and the recommendation ensured that contributions were allocated to the electoral division first, then the wider local area and the money would only be rolled out wider that, if no site was found in the locality.

Mr R Wilkes was a North East based property developer and had personally been involved with this site for almost 6 years. This was finally an application that could be taken forward on this site and would assist in safeguarding jobs in the local area. The site was allocated in the County Durham Plan and he had been working with officers to demonstrate the developers intention to deal with all issues.

The proposals included an agreement to a substantial section 106 payment, providing a viable solution for development of this site. With regards to the comments from Pelton Parish Council, Mr Wilkes believed that the points raised had been covered within the report however he confirmed that surveys

had been done to demonstrate the effects of noise, air quality and light, and the impact was considered negligible.

With regards to the light intrusion, a condition had been agreed to ensure that a lighting impact assessment was carried out prior to occupation, which would protect residents from any adverse impact. Lighting design had improved over the years and provisions had been made to ensure that lighting effects were mitigated. The application would assist with the increasing challenges in the economy and would ensure investment in long term vacant brownfield site.

Councillor Bell asked queried the reason for a six year delay to the Planning Committee. With regards to the concerns raised by the Parish Council regarding light pollution, he did not see there were any obstacles that could not be mitigated.

Mr Wilkes advised that the land had been purchased by the developer 15 years prior and plans for a main milk distribution site were approved around 8-9 years later. The distribution warehouse would have been 25m high and the ground conditions had been too challenging to build what was required. This application was a solution that met market demand whilst also addressing the technical issues.

Councillor McKeon referred to the light assessment which had not yet been carried out and asked if the developer would consider more screening in terms of trees and fences if there were any issues that would impact residents. Mr Wilkes confirmed that lux levels of lighting were designed to be direct and there would be no impact that would require screening.

Councillor Martin echoed the Parish Councils concerns regarding noise and light pollution, these were issues that would exist whatever was approved; however such issues could not stop development. They were environmental health issues and he wanted Parish Council to be content that Environmental Health would be prepared to mitigate and control any sound or lighting issues. In his opinion this was a much better application than the previous approved buildings and was ultimately an application for an industrial building on an industrial site.

Councillor Martin referred to the policy that was applied to Section 106 monies and the idea that impacts in Chester-le-Street could be mitigated by money spent in other areas of Durham. He wanted to ensure that the money for ecological impact was restricted to the local area only. It was a wide enough area and he hoped Committee would back an amendment to ensure that this money was only allocated in the locality of Chester-le-Street.

S Reed, Planning Development Manager confirmed that the Policy on Section 106 applications was applied consistently across the County and money was always ring fenced within the local area. There was however always a chance that it would be applied on a countywide basis and there had been a number of major applications which had considered the County's biodiversity overall, and money allocated in different parts of the County.

He advised that there had to be a cascading mechanism in case a suitable site could not be found otherwise money would be refunded to the developer. He suggested that the best endeavours to find a site within the North Lodge area could be applied.

Councillor Martin advised that best endeavours was not enough and he was certain that ecological officers would be able to find a project within the North Lodge or wider Chester-le-Street area.

N Carter Solicitor, Planning and Development, echoed the Planning Development Manager's response and added that Officers did not want to be too constrained. There were doubts as to whether it would be possible to identify a site in the Chester-le-Street area for this money to be spent and it was acceptable for it to be expended in a different electoral division if necessary. In addition, to apply a constraint would not meet the legal tests that needed to be applied in terms of a Section 106 agreement.

Councillor Bell supported the Officers; there had been similar applications in his own division where there was a risk that money would be returned to the developer if it was not spent within 3-5 years. The site had been identified for development in the County Durham Plan and would bring jobs to the area. Furthermore, this was a sustainable location and the lighting and noise issues which had been raised could be addressed. He moved the recommendation for approval.

Councillor Boyes was opposed to the amendment as the money should be spent on the most suitable site, regardless of where it was located in the County.

Councillor Marshall added that the fact developers were agreeable to paying a sum to improve biodiversity was what the Committee needed to consider, and Members were not there to invent their own planning policy. If Members were dissatisfied with policy there were channels through Cabinet to review it.

With regards to the application, Councillor Marshall had taken on board the comments raised by the Parish Council however there were mechanisms to monitor the impact on local residents once a development was complete. The Committee had heard about the challenges of this site and this

application would provide employment in an area where jobs were needed more than ever. He suggested that the Chair could be consulted to ensure that concerns of the Parish Council had been satisfied once the lighting survey had been completed.

On the basis that the application would be creating jobs, improving the economy and developing a brownfield site, Councillor Marshall seconded the proposal to approve application.

Councillor Moist was satisfied enough with the comments made to go to a vote.

Councillor Jopling was happy to support the recommendation if it included Councillor Martin's proposal. She did not think that ward Members should be chastised for being parochial and wanting the best for their ward. This was a good application which included much needed jobs, it was in the County Durham Plan and there was no reason to refuse and Councillor Jopling would approve it subject to more discussion on the amendment.

Councillor McKeon advised that there were no reasons to refuse the application as the site was allocated in the County Durham Plan. She suggested that some elements could be dealt with by engaging with residents and she suggested a small informal working group was set up to communicate with residents and the Parish Council, particularly about the light plans.

Councillor McKeon referred to sustainability of transport and although the applicant could not do much about it, she hoped that businesses would come together to have a discussion as it was a 20-minute walk to the nearest bus route.

Councillor Molloy referred to the amendment and although he understood Councillor Martin's position, the Committee were governed by law and he had concerns with the suggestion that priority was given to the Chester-le-Street alone, that the money would be lost. This was the final piece of the jigsaw on this brownfield site and he supported approval.

Councillor Martin's amendment was seconded by Councillor Simpson and upon a vote being taken the motion was **LOST**.

Resolved

That the application be **APPROVED** subject to a s106 legal agreement to secure the contribution on £106,000 to ensure the implementation and management of the offsite compensation measures on land in the ownership of the Council and subject to the conditions outlined in the report.

