

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in the Council Chamber, Crook on **Thursday 22 March 2012 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

Councillors E Tomlinson (Vice-Chairman), J Blakey (substitute for D Boyes), D Burn, K Davidson, P Gittins, E Paylor, G Richardson, J Shuttleworth, R Todd and J Wilkinson

Apologies:

Apologies for absence were received from Councillor Malcolm Campbell, Councillor Amanda Hopgood, Councillor Paul Taylor and Councillor Mac Williams

Also Present:

J Byers (Development Control Manager), A Caines (Principal Planning Officer), C Cuskin (Solicitor - Planning & Development), A Inch (Principal Planning Officer) and A Glenwright (Highways Officer)

1 Declarations of Interest (if any)

There were no declarations of interest.

2 Minutes of the Meeting held on 16 February 2012

The minutes of the meeting held on 16 February 2012 were confirmed as a correct record and signed by the Chair.

3 Applications to be determined

3a 3/2011/0178 - Crook Golf Club, Low Job's Hill, Crook Erection of 1 no. wind turbine on 35m tower with overall height of 60.75m

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

Members having visited the site before the meeting and being familiar with the location and setting, A Caines, Principal Planning Officer gave a detailed presentation which included photographs of the site. He requested that, if Members were minded to approve the application, an additional condition be added to those in the report in relation to controlling the size of vehicles and access routes during construction.

Councillor E Murphy, one of the Divisional Members, addressed the Committee.

He had called the application to Committee because of the impact of the turbine on visual amenity and the view from the town. It was a matter of judgement as to the impact it would have, however it would be seen from the market place and he felt that it should not be.

He said that he had not been notified that the application was to be heard by the Committee, and expressed his concern that he had not received the report in sufficient time to study it in detail.

In his opinion many of the issues covered in the report required further explanation or investigation, as did a number of the recommended conditions. Wind farm operators had been taken to court in other areas of the country due to excessive noise generated and the Renewable Energy Foundation had found that noise from turbines could have a devastating affect on nearby residents. The solution to this problem was to increase separation distances. A noise issue at Barnard Castle was currently being investigated and this application should not be considered until the outcome of that case was known.

The turbine would be 3 times higher than the Angel of the North and nearly the height of Durham Cathedral. The area was riddled with mine workings which could affect the stability of the turbine and, of 400 members of the Golf Club, only one supported the proposal. There were other renewable energy solutions, and in this case there were issues which required further investigation and explanation and the application should be deferred until these matters had been resolved.

Mr Hall then addressed the Committee, objecting to the proposal. He explained that he was a local resident and that the turbine would affect the quality of life of residents. Due to the significance of the application the hundreds of people affected should have been informed.

The proposed turbine would be sited too close to residential properties; a House of Lords Bill to be heard in May 2012 would require a turbine in this location to be 1500m from homes, whereas this one will be only 387m. There had been a number of recorded accidents involving turbines, the main causes being fire and blade failure. Health implications caused by turbines had been proven, noise issues were prevalent at night and there was no bat survey despite there being a registered roost in the area.

Although the Club had made an offer of support to the sporting community of the district, Mr Hall felt that an offer of compensation to those affected would be more reasonable.

Approval of the application would set a precedent and of the 47 letters of support, many came from outside County Durham. Of 400 Club members, only 12% of members had responded to support the application.

The application was not required to meet the requirements of the County Durham Strategic Plan with regard to renewable energy and there was strong objection to

the proposal. The Committee should take these into account and refuse the application.

Mrs Hall then spoke to object to the application. She lived in South Terrace and house prices would be affected; her home was currently up for sale and she had had to declare the proposed turbine, losing potential buyers as a result. In other areas, the presence of a turbine had resulted in council tax discounts being applied which confirmed the devaluation of house prices. She therefore asked the Committee to refuse the application.

Mr Race addressed the Committee supporting the proposal. He had been chairman of the Golf Club for 15 years, and the Club was one of the oldest in the region. The Club had 400 members, and attracted a further 2000 users annually to play golf and 5000 per year to events such as weddings and christenings. Charities were supported by free use of the course and fund raising within the Club.

The Club had not set out to upset neighbours, but as a Community Amateur Sports Club, had a responsibility to ensure continuing success and viability. This was a once in a lifetime opportunity, and the site chosen was a suitable for a turbine. The electricity generated would be fed into the local grid and used by the people of Crook.

The Planners felt that the proposal complied with Policy, 11 jobs would be protected and he hoped the Committee would support the application.

In responding to issues raised by speakers the Principal Planning Officer confirmed that a condition was proposed to control noise, the noise data was based on scientific models, the turbine fell comfortably within the recommended distances from properties, the location was felt to be acceptable in terms of wildlife and ecology and the Coal Authority had offered no objection.

In considering the application some Members questioned the need for a turbine as County Durham's target for renewable energy had been exceeded. A number of Members felt that the turbine would be visually prominent, overbearing, too close to residential properties and built on land riddled with mine workings. There were also concerns over noise issues, with Councillor Shuttleworth citing an example of a turbine near his home which generated noise when wind speeds were high.

Other Members however noted that the application was for a single turbine, not a wind farm, and did not agree that it would have a detrimental impact. A number of other turbines featured around the area and there was a Government presumption in favour of this type of development. It was commented that the report covered all considerations in detail, and that it would be difficult to sustain a refusal of the application on appeal.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report, together with the following additional condition:

15. Prior to the commencement of development, a statement and plans showing the maximum length of loaded delivery vehicles and confirming the proposed access routes to the site including swept vehicle paths shall be submitted to and approved in writing by the Local Planning Authority. Thereafter delivery vehicles shall only access the site by the agreed route and in accordance with the agreed details.

Reason: In the interests of the highway safety to comply with Policies T1 and GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

**3b 6/2010/0208/DM - King's Head Cottage, Royal Oak, Heighington
Use of land and existing building for a mixed use of agriculture, plant hire and contracting business, including erection of new storage building and use of existing building for storage/workshop (part retrospective)**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

A Inch, Principal Planning Officer gave a detailed presentation which included photographs of the site. A plan showing the distribution of the Applicant's business contracts across North East England was also shown to the Committee.

Mr Norman addressed the Committee in objection to the application. He lived at Royal Oak and had been to many meetings over the years in relation to applications on this site. He explained that the site was greenbelt and residents were plagued with noise, with the site working 14 hours a day.

There had been many refusals for applications on the site, and now the Applicant wanted another large building, which would leave no room for vehicles to manoeuvre within the site. The Applicant had a number of snow clearing contracts with Durham County Council, who also had a depot a mile away and there was no reason why the Applicant's vehicles could not be kept there.

Mr Ryman then addressed the Committee, also in objection to the application. He felt that the planning history of the site was disgraceful, with a string of applications, refusals, appeals and enforcement, yet the business had carried on operating for over 10 years. There was a danger from slow moving JCBs accessing the A68, which was now the main route for ambulances travelling to Darlington Memorial Hospital and quite simply this was the wrong development in the wrong location and should not be allowed to continue any longer.

Mr Lavender, the Applicant's Agent, spoke in support of the application. He acknowledged that the site had a complex planning history, and the current application had been lodged in May 2010. The main issues in relation to the application were the affect on the appearance of the area and whether the use was sustainable.

The property had been designed to look like a traditional farm building, and the new building would allow obtrusive equipment to be stored under cover. There would be no detrimental impact on the area therefore as a result of the development.

Although staff did not visit the Royal Oak premises on a daily basis, it was centrally located in relation to the homes of the Applicant's employees. It made a contribution to the local economy and detailed analysis of the business showed it to be sustainable. He requested the Committee approve the application, but asked that condition no. 1 in the recommendation be amended to refer to Mr Butterfield *or* his dependents.

In responding to issues raised by speakers, the Principal Planning Officer confirmed that although there was a long planning history to the site, this application had taken into account previous reasons for refusal and looked to address them. The application was not for an intensification of use of the site, and although previous applications had been refused on highways grounds, on appeal an Inspector had found there to be no highway safety issue. The site was greenfield rather than green belt and the application turned on how the business operated and this was a personal permission for the Applicant and his family.

The Highways Officer (A Glenwright) confirmed that there was no objection on highway safety grounds, there having been only one accident nearby since 2002. There was however an objection due to the lack of public transport to the site, with only one bus service in early morning and one in the evening. The site was therefore not sustainable in transport terms.

In considering the application, Members referred to the suggested condition no. 1 which restricted use of the site to the Applicant and his family and dependents. It was commented that the business was a limited company and Members questioned whether the condition reflected this. Some felt that this aspect required further investigation, and it was suggested that approval of the application be delegated to Officers in consultation with the Chair and Vice-Chair if the Committee was minded to approve.

Other Members however felt that the application should be refused. There was a long planning history on the site, a lack of clarity in relation to the individual permission issue, and the site was unsustainable in highways terms.

It was noted however that the business supported 23 jobs in Teesdale, Evenwood and Barony Parish Council supported the proposal and the business had been sustainable for 25 years. Some Members therefore felt that the application should be approved.

In relation to condition 1, Members were advised that the application could be granted with it as written, or that the application could be delegated to Officers for determination once the matter had been resolved. Councillor Shuttleworth felt that wording the condition to allow use by the Applicant and his family, but not dependants, would resolve the matter appropriately.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report, except that condition no. 1 be amended to read:

'The use hereby permitted shall be carried on only by Mr John Butterfield or his family and who are employed...'

3c 6/2011/0464/DM - West Gates Farm, Gilmonby, Barnard Castle Proposed shooting lodge with associated access and parking

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

A Inch, Principal Planning Officer, gave a detailed presentation which included photographs of the site.

Maria Ferguson, the Applicant's agent, was in attendance, indicating that she would be pleased to answer any questions the Committee may have. In response to an enquiry in relation to employment, she confirmed that there would be jobs in the construction stage, and also for staff to cater for guests in the shooting lodge.

Members noted that the proposal would support rural tourism which would benefit the area.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report.

3d 7/2012/0054/DM - Land West of Woodlea House, Horse Close Lane, Trimdon Colliery Outline application for the erection of a dormer bungalow (re- submission)

The Chair advised the Committee that this application had been withdrawn from the agenda.

3e 3/2012/0014 - The Surtees Hotel, Valley Terrace, Howden-Le-Wear Variation of condition 2 of planning permission 3/2010/0053 to relocate the property 2m to the rear

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

Members noted that the application was to allow the relocation of the property by 2 metres, due to an error in the original location plans, but the property was otherwise as had previously been approved.

RESOLVED:

That the application be **APPROVED** subject to the conditions as set out in the report.

**3f 3/2012/0017 - 18 North Bondgate, Bishop Auckland
Change of Use of Ground and first Floor Flat from A1 to A2
(Accountants)**

Consideration was given to the report submitted in relation to the above application, a copy of which had been circulated.

Members noted that no changes were proposed to the property, either internal or external, as part of the application.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report.

**3g 3/2011/0506 - Land to the West of Crawleyside, Stanhope, Bishop Auckland
Erection of a timber chalet for holiday use**

Consideration was given to the report which had been submitted in relation to the above application, a copy of which had been circulated.

A Caines, Principal Planning Officer, gave a detailed presentation which included photographs of the site, and advised Members that there was an existing permission for touring caravans on an adjacent site.

In response to a question, Members were advised that a proposed condition would prevent use of the property as a permanent dwelling.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report.

**3h 3/2011/0517 - Unit 18 Longfield Road, South Church Enterprise Park, Bishop Auckland
Outline application for second floor office extension to front of existing industrial unit, additional portal framed extension to rear of the existing building**

Consideration was given to the report submitted in relation to the above application, copies of which had been circulated and A Caines, Principal Planning Officer, gave a detailed presentation.

RESOLVED

That the application be **APPROVED** subject to the conditions as set out in the report.