

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 5 January 2016 at 1.00 pm**

Present:

Councillor K Davidson (Chairman)

Members of the Committee:

Councillors D Boyes, J Clare, P Conway, M Dixon, G Holland, I Jewell, A Laing, R Lumsdon, B Moir (Vice-Chairman), H Nicholson, G Richardson, A Shield and R Young

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 G Richardson informed the Committee that although he knew a trustee of the Lambton Estate this was not to such a degree to require him to declare a personal or prejudicial interest.

Councillor M Dixon declared an interest in Agenda Item 8 because the appeal was by the Church Commissioners and withdrew from the meeting for this item.

4 Minutes

The Minutes of the meeting held on 1 December 2015 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/15/02714/OUT - Lambton Park, Chester Road, Bournmoor

N Carter, Planning and Development Solicitor, informed the meeting that all Members had been provided with the following documents prior to the meeting, which had been received after the despatch of the agenda:

- A letter of objection from GVA Planning dated 24 December 2015;
- A letter of response to GVA Planning from Nathaniel Litchfield and Partners dated 4 January 2016;

A summary of a presentation from GVA Planning was circulated at the meeting. This presentation was to have been made to the meeting but unfortunately a representative was unable to be in attendance.

Copies of all of the documents referred to by the Planning and Development Solicitor were available for anyone present at the meeting.

Members of the Committee took time to read the summary of the presentation from GVA Planning which had been circulated to the meeting before considering the application.

The Committee considered a report of the Senior Planning Officer regarding an outline application for approximately 400 dwellings and office development (use Class B1) together with ancillary uses (use Classes A1-A4 and D1-D2), new accesses, associated infrastructure, open space and landscaping with all matters reserved except for access at Lambton Park, Chester Road, Bournmoor (for copy see file of Minutes).

C Harding, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site and setting and indicative layouts. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

The Senior Planning Officer provided an update on paragraphs 146-150 of the report. The impact of the proposed development on openness would be significant, but the development would not significantly undermine the fundamental aim of Green Belt to prevent urban sprawl by keeping land permanently open. The overall harm to openness would be more significant than suggested in the report, but it was considered this harm, and any other harm, would still be outweighed by the suite of benefits proposed by the applicant, including:

- A significant level of investment in the restoration and preservation of valuable historic assets;
- The provision of public access to the wider Lambton Estate, with associated positive tourism and cultural impacts;
- The provision of affordable and executive housing to meet an identified need.
- Office accommodation with job creation.

Such benefits were still considered to form the very special circumstances necessary to allow otherwise inappropriate development in the Green Belt.

The Senior Planning Officer highlighted and responded to the matters raised within the letter of objection from GVA Planning, which had been received after the despatch of the agenda.

The letter of objection from GVA Planning referred to the Inspectors Interim Report into the County Durham Plan and his finding that the proposed allocation of the site for Executive Housing was unsound. The Senior Planning Officer informed the

Committee that the Inspector's Interim Report had been quashed by the High Court and therefore had no legal status and this was the reason for no mention of this being made in the Committee report.

The Senior Planning Officer also highlighted that GVA Planning considered that very special circumstances did not exist and also that GVA Planning's letter contained a number of inaccuracies, including a reference to an off-site affordable housing contribution which was not being proposed.

The Planning and Development Solicitor advised that the harm in terms of openness would be significant, and not limited as was stated in the report. He also clarified that it was this significant impact upon openness that the Committee should weigh in the balance. Openness was the absence of development and any development would have an impact on the openness of the Green Belt. However, the impact on openness, and landscape and visual impact were separate matters.

The summary of the presentation from GVA Planning which had been circulated referred to Judicial Review if the application was to be approved. The Planning and Development Solicitor advised the Committee that he had not seen anything from the objector which would provide substantive grounds for a Judicial Review for the following reasons:

- Pre-determination – GVA argued that because the way the application had been progressed there had been pre-determination of it. This was not the case, the application had been brought to Committee for determination and it was both normal and appropriate for discussions on applications to take place between applicants and Planning Officers. Indeed, this was encouraged by Planning Policy Guidance.
- Lack of reference in the Committee report to previous planning history – this was a reference to the Planning Inspector's Interim Report on the County Durham Plan. This Report had been quashed by the High Court and in legal terms it was expunged.
- A previous Judicial Review of a Council decision involving the applicant – this was irrelevant to determination of this application.

The Planning and Development Solicitor went on to add that the presentation also referred to prematurity of determining the application and of it being prejudicial to the promoters of alternative Green Belt land. He considered that this point would rely on the County Durham Plan being at an advanced stage. The timetable for the County Durham Plan was still uncertain and discussions were ongoing with DCLG and the Planning Inspectorate regarding this. As it could not be said that the emerging plan was at an advanced stage it was therefore difficult to maintain any prejudice or prematurity argument.

Referring to the third page of GVA Planning's letter of objection dated 24 December 2015 which quoted the interim position statement of the County Council on the consideration of applications on Green Belt land the Planning and Development Solicitor advised that this was produced when the Planning Inspector's report was still extant and therefore in light of this change in circumstances less weight could now be afforded to this interim position statement.

I Croft, Senior Democratic Services Officer presented the comments of Councillor A Bell, Local Member to the Committee as follows:

As one of the Members for the Lumley Division I fully support this application. Whilst approval would allow the Estate to be opened up for all to enjoy it, it will also preserve the heritage of the Estate, Lamb Bridge and other buildings not only now but for future generations. Alongside this it will be a boost to the local economy and will provide employment for years to come. If approval is forthcoming could the Trustees consider making requests, when appointing developers, that when possible to use local workforce and suppliers as well as creating apprenticeships if possible.

Mr Geoff Hughes, Chairman of the County Durham Local Access Forum addressed the Committee to object to the application. Mr Hughes informed the Committee that the Tyne and Wear Local Access Forum supported the representations made by the County Durham Local Access Forum.

The County Durham Local Access Forum (LAF) was a statutory body established under Section 94 of the Countryside and Rights of Way Act to advise the County Council and others as to the improvement of public access to land in the area for the purposes of open air recreation and enjoyment and other matters as may be prescribed.

The Lambton Estate formed a large area of parkland, in the midst of the Tyne and Wear conurbation. It represented a hugely significant asset for public access for local communities and the region. It had the potential to bring visitors from a wide area all of whom could benefit from physical and mental well-being that access to the site could bring.

The Local Access Forums objected to the access proposals and did not agree that the access arrangements as proposed would open up one of the County's hidden gems as a regionally important tourist destination to which the applicant aspired, as set out in the Lambton Estate Access Management Plan. The LAF considered the revised Access Management Plan failed to provide permanent public access to the Lambton Estate and there were no proposals to afford Rights of Navigation on the River Wear beyond the tidal limit at Lamb Bridge which was within the site. A proposal to extend navigation rights upstream of this point would afford the opportunity for water based recreation.

The LAF did not accept that public access on a permissive basis would maximise the potential of the park for use by the public, which was acknowledged as a weakness in the officers report and no consideration had been given to opportunities for water based recreation. It was the view of the LAF that there were considerable advantages in dedicating routes as rights of way, dedicating land for area based access under the terms of the 2000 Countryside and Rights of Way Act and providing for a right of Navigation to the river. Such measures would provide access which could be shown on the definitive map and publicly available Ordnance Survey maps and would provide certainty to prospective users that permissive access did not.

Such designation did not preclude an application for the closure of routes for special events or for land management purposes or the identification of other routes in the park where events could be held. Despite requests from Rights of Way Officers of the County Council and the Local Access Forum there had been no opportunity to discuss access arrangements with the applicant and it was the view of the LAF that these matters should be reserved for further consideration at the full application stage. Access matters could then benefit from a genuine discussion of the options which Members could then decide upon.

Mr C Harrison of Theakston Estates, on behalf of The Trustees of Lord Durham's 1988 Voluntary Settlement, addressed the Committee in support of the application.

The application would provide an unprecedented opportunity to open up public access to the Lambton Estate by providing 9.3 miles of permissive rights of way and opening up access to 40 acres of woodland. The rights of way were not proposed to be public rights of way because permissive rights would allow for the practical management of the Estate to take place, and these permissive rights would be secured through a s106 agreement. This proposed arrangement was no different to that which currently existed at Gibside and Hardwick Park.

The Committee had been made fully aware of the status of the Planning Inspector's Interim report and in any event it was noted that the relevant extract had been circulated.

The application was a culmination of years of work to open up the hidden gem of the Estate and discussions had taken place with both Council Officers and consultees to produce the application before Committee.

Referring to the development of Green Belt land, Mr Harrison informed the Committee that the Campaign for the Protection of Rural England considered that very special circumstances may exist.

The application would allow for urgent investment in the heritage assets of the Estate and would open up public access to it, which, based upon comparable locations in the region, would attract around 75,000 visitors a year. It would also expand the already successful Bowes Offices with a forecast creation of 460 to 525 new jobs.

Mr Harrison informed the Committee that the 400 new homes to be built included 60 affordable houses which would be on site, and the applicant was committed to using local labour where possible. Additionally, the application brought with it a sum of £250,000 towards the provision of public art and over £500,000 towards the provision of additional school places.

Mr Harrison asked the Committee to approve the application.

Councillor Jewell informed the Committee that he considered the application to have many positive benefits but had concerns about the proposed public access arrangements which he considered to be 'woolly'. He asked whether there would be an opportunity to revise or change these at a later date, for example at Reserved

Matters, so that a firmer undertaking could be given that public access to the permissive rights of way would not change.

Councillor Dixon informed the Committee that, over all, he was supportive of the application. He had attended the site visit and had noted the openness of the site. Heritage should be open to all and exceptional circumstances did exist in this application to build on Green Belt land. The County Durham Plan currently did not exist and Members needed to take heed of the advice given by the Planning and Development Solicitor in this respect. The suggestion that the application was pre-determined was an attack on the Committee, which was meeting to determine the application. Councillor Dixon sought clarification on whether the proposed public access arrangements could be considered at Reserved Matters or whether they needed to be part of the Outline permission rights and asked whether this could be conditioned.

The Senior Planning Officer clarified that the current draft s106 agreement proposed adherence with the submitted Access Management Plan. By their nature, permissive rights of way were exactly that, and the s106 agreement could not require the Estate to keep such rights open at all times. He also indicated that he felt that the issue of access could not be discussed at a later date as public access to the wider Estate formed part of the very special circumstances and it needed to be established whether such circumstances existed prior to determination.

Councillor Davidson asked whether some of the proposed 9.3 miles of permissive paths could be made definitive rights of way.

Mr Harrison informed the Committee that the applicant was committed to deliver 9.3 miles of public access to the Estate. Should the applicant seek to vary this in the future, officers of the Council would need to sign this off. If this was varied unilaterally by the applicant then the Council could take an injunction against the applicant for the breach of the s106 agreement. He clarified that the applicant wanted flexibility because the final use of Lambton Castle was not yet known, and public rights of way would not be compatible with all of the potential uses.

The Planning and Development Solicitor provided clarification on permissive rights of way and public rights of way. A public right of way was dedicated by a landowner and granted rights to the public to pass and repass along it. It could only be extinguished by legal means. A permissive right of way involved permission being granted by a landowner to use the route, but such permission was revocable. The application was not proposing public rights of way but was proposing permissive rights of way via a s106 agreement. This would ensure that the permissive rights of way were delivered and insofar as possible, remained in place, but no guarantee could be given that the permissive rights of way would exist in perpetuity.

Councillor Boyes informed the Committee that such permissive rights of way already existed at sites such as Hardwick Park, which was a County Council facility. He was satisfied that there were special circumstances in this application, which would bring construction jobs, permanent jobs and a £28m restoration fund, to build on Green Belt land. Should the applicant wish to vary public access to the Estate

this would need to be discussed with the Council. Councillor Boyes **moved** approval of the application.

Councillor Moir **seconded** approval of the application. The applicant had taken a conservative approach to public access to the Estate and Councillor Moir was satisfied that a balanced view would be taken. Councillor Moir informed the Committee that rather than any pre-determination, his seconding of approval of the application was based upon presentations made to the Committee, and that officers had addressed all of his concerns.

Councillor Holland advised caution, and referred to the Planning Inspector's Interim Report on the County Durham Plan. The High Court had not quashed the Report because the reasons given in it were flawed, but had quashed it because it was procedurally flawed. In the absence of a County Durham Plan the Committee needed to rely on NPPF and the saved Chester le Street Local Plan, noting that the officer had done well to highlight the detail of Green Belt policy in his report. This was an inappropriate development in the Green Belt and was an opportunity for Lambton Estates to cash in on its landholdings in return for a promised investment in heritage assets and the provision of permissive rights of way and was, in essence, a commercial venture. Councillor Holland expressed concern about the discharge of surface water from the development and asked whether this would lead to an increased flood risk. He also sought clarification around on site renewable energy provision and the opportunity to make the development carbon neutral. Councillor Holland informed the Committee he was uneasy about breaching Green Belt land.

The Planning and Development Solicitor advised the Committee that because the Planning Inspector's Interim Report had been quashed in its entirety, it was not possible to dissect it, in order to place reliance upon parts of it.

The Senior Planning Officer, in replying to Councillor Holland, informed the Committee that Condition 23 of the permission would ensure that sustainability was embedded. Referring to flood risk, neither the Environment Agency nor the Council's Drainage and Coastal Protection Officers had raised any objection to the application. Because this was an outline application it was difficult at this stage to produce engineering solutions for drainage, however conditions would be attached before construction commenced.

Councillor Shield informed the Committee that there was a balance to make between developing Green Belt land and the very special circumstances proposed by the applicant. The application was contrary to the NPPF and saved Local Plan Policies, and while he considered that weight could still be afforded to Local Plan Policies, Councillor Shield considered that the suite of benefits, including economic benefits, outweighed this.

Councillor Clare informed the Committee that he had been convinced by the Officer's argument that special circumstances existed to allow this application. The application would lead to restoration of historic heritage and also allow the public access to be able to see the heritage assets. However, it was important that the issue of access was 'battened down'. He needed to consider whether what was

being offered was sufficient, as it formed part of the very special circumstances and informed the Committee that he did consider that permissive rights of way were sufficient. A public right of way, by its very permanence and perpetuity, could be a barrier to future estate management. The permissive rights of way would be embodied in a legally binding s106 agreement and he was convinced that permissive rights of way would be sufficient having regard to the intention of the applicant.

Councillor Conway informed the Committee that he considered special circumstances for developing on Green Belt land had been met. He referred to the permissive rights of way and asked whether these could only be revoked subject to the County Council's agreement and also asked about navigable rights on the river.

The Planning and Development Solicitor advised that revocation of a permissive right of way could not be subject to the agreement of the County Council. He understood the applicant was suggesting that if any permissive right of way was extinguished, that a replacement alternative would be agreed with the Council and invited the applicant's agent to confirm this position. Mr Harrison confirmed that the applicant was committed to provide access to 9.3 miles of open routes over 40 acres of land. In time, if it was found that these routes were not in the correct places, then a dialogue would take place regarding alternative routes. However, the quantum and quality of access would be maintained.

Councillor Richardson informed the Committee that while he was usually of the view that agricultural land was needed, he had been convinced that this development of executive housing was needed and would be of benefit to County Durham.

Councillor Davidson sought clarification regarding public rights of navigation on the river, which had been previously raised in the debate.

Mr Hughes, referring to navigable rights, informed the Committee that the Environment Agency had identified the high tide limit, which was the extent of navigable rights on the river, to be at Lamb Bridge and the LAF had asked that this be extended to throughout the Estate.

Councillor Davidson informed the Committee that as a Member of the former Chester le Street District Council he had pressed for the establishment of the Green Belt. However he was delighted with this application and considered that the benefits from it would outweigh the detriment to the Green Belt. Reservations about access had been fully discussed and he considered that the application should not fail for the want of public rights of access.

Upon a vote being taken it was

Resolved:

That the application be approved subject to;

- referral of the application to the Secretary of State via the National Planning Casework Unit; and in the event of the application not being

called in, the Head of Planning be authorised to determine the application.

- completion of a Section 106 Legal Agreement to secure;
 - A programme of conservation works, as contained within the Conservation Management Plan
 - Public access to the Lambton Estate in accordance with the Access Management Plan,
 - 15% affordable housing
 - A commuted sum of £250,000 towards the provision of public art,
 - A sum of £550,135 towards the provision of additional school places
 - The provision of 4.032ha on-site public open space with a pro-rata commuted sum payable in lieu if this proves not to be possible;

and subject to the Conditions contained in the report.

b DM/14/00519/MIN - Former Colliery Spoil Heap, Hesleden, Durham

The Committee considered a report of the Senior Planning Officer regarding an application for the reclamation of a former colliery spoil mound to extract coal spoil, the reprofiling of the mound on completion of works and landscaping works at the former colliery spoil heap, Hesleden (for copy see file of Minutes)

C Shields, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site and working proposals. Members of the Committee had visited the site and were familiar with the location and setting.

The Senior Planning Officer informed the Committee that Conditions 3 (f) ii and 11 (b) should be amended to read 'the southbound sliproad of the A19'

Councillor R Crute, local Member addressed the Committee to object to the application. He informed the Committee he was also speaking on behalf of Councillor L Pounder, the other local Member for the area.

From the outset Councillor Crute informed the Committee that there was no specific objection to the renovation of the former pit heap at Hesleden.

However, Councillor Crute objected in the strongest terms to the unacceptable impact the removal of the former pit heap would have on the residents of the village and the negative impact it would have on road safety which would affect many road users from local villages and the many visitors travelling to and from the coastal area.

While it was acknowledged that a number of statutory consultees had either offered no objection to the proposal or had suggested mitigation measures, both local Members knew of the real and potentially devastating impact this development could have on residents and the wider community.

The development site was in an Area of High Landscape Value and lay within 1km of two Sites of Special Scientific Interest. Furthermore the removal of material from this site would have an immediate and negative impact on the Conservation Area at Castle Eden as it would be transported to the A19 directly through the Conservation Area.

In policy terms objections were based on the following policies in both the Mineral Local Plan and the District of Easington Local Plan. The Policies of the emerging County Durham Plan had been disregarded for reasons outlined in section 57 of the report.

Policy M23 of the County Durham Minerals Local Plan (MLP) referred to planning proposals in Areas of High Landscape Value and stated that these would only be allowed where there were no alternative sources of the material under consideration

Policy M35 of the MLP referred to the impact on particular facilities such as paths and other public rights of way and again stated that such developments would not be permitted unless there was a need for the mineral which could not be met from alternative sites or sources

Policy M36 of the MLP which referred to protecting local amenity required the incorporation of suitable mitigation measures to ensure potentially harmful impacts from pollution by noise, vibration, dust and mud, visual intrusion, traffic and transport were reduced to an acceptable level. This aim could not be achieved satisfactorily in this case and that as a result residents would suffer unnecessarily from noise and nuisance for a protracted period of time

Policy M37 of the MLP referred to stand-off distances and stated that unless it could be demonstrated that the amenity of local communities could otherwise be protected from the adverse impacts of mineral working, mineral development would not be permitted where the extraction or associated activities were within 250 metres of a group of 10 or more dwellings

Policy M42 of the MLP referred to road traffic and stated that mineral development would only be permitted where the traffic generated could be accommodated safely and conveniently on the highway network and the impact of traffic generated by the development on local and recreational amenity was otherwise acceptable. This is one of the main objections as it was felt that an increase in traffic could not be accommodated safely on the highway

Policy M43 of the MLP referred to minimising traffic impacts and required that planning conditions should be imposed, and planning obligations or other legal agreements sought, to cover a range of matters such as routing of traffic to and from the site, highway improvements or maintenance, prevention of the transfer of mud and dirt onto the public highway and operating hours of lorry traffic to and from the site.

Policy 15 of the District of Easington Local Plan referred to the protection of Sites of Special Scientific Interest, and National Nature Reserves and stated that

development that was likely to adversely impact on a site of special scientific interest would only be approved where there was no alternative solution or the development was in the national interest

In terms of public consultation responses there had been a total of 65 individual letters of objection and these were supplemented by 2 petitions with a total of 212 signatures. Many letters of objection included material planning reasons for objection to the proposal, such as concerns about road safety and the environmental impact of the pit heap removal.

In contrast there have been 34 letters of support, all written by pupils of Hesleden Primary School. This was supplemented by a petition with a total of 48 signatures. The common theme of these submissions was around public safety at the site.

While those safety concerns were acknowledged, matters of trespass, safety and security at the site were the sole responsibility of the landowner and were not in themselves valid or justifiable reasons for removal of the pit heap material

Notwithstanding the total numbers of objectors and supporters the quality of the letters of objection far outweighed the comments of those supporting in terms of valid material planning considerations submitted.

Meetings both with Parish Councils and local objectors had taken place and their concerns about a number of matters, but mainly the following, were shared by both local Members:

Noise and nuisance, particularly for those residents in many parts of Hesleden who would be expected to put up with noise, dust and other nuisance from heavy goods vehicles travelling to and from the site at a rate of 4 each hour, every hour for 12 hours per day, 5 and a half days per week for at least 20 months. The highway at Gray Avenue was prone to surface water following steady rainfall, and partial flooding had taken place on the morning of 5 January 2016. This clearly would add to nuisance and flooding for properties at this location. Residents of The Factory at Castle Eden would have to contend with the same volume of traffic for the same period and this would seriously affect the residential amenity of the residents in those two locations.

Traffic generation and road safety, again for the residents at the two locations but also for all pedestrians and motorists using the B1281 which linked Hesleden with Castle Eden and the A19 beyond. The B1281 itself was largely unlit, twisting and undulating and had a long and notorious history of speeding traffic and accidents, particularly on the stretch of highway between Hesleden and Castle Eden. This posed a real danger for motorists and pedestrians alike and an increase in slow-moving traffic would have a potentially catastrophic effect on road safety at this location. The junction of Gray Avenue at Hesleden and the B1281 was very poor in terms of visibility and the proposed measures would not address the concerns of residents. In addition, once vehicles accessed the B1281, fully-loaded HGV's would struggle to pick up speed on the incline westward to Castle Eden and the A19. This would cause considerable problems for other vehicles as they approached the junction from Blackhall and other coastal. This was a very busy

route with either very narrow paths or no paths at all and was used by other heavy vehicles from nearby businesses and also by school buses. It was also a public service bus route and, being predominantly agricultural, the roads in this area were frequently subject to slow moving agricultural plant and this brought its own road safety problems. HGV's were to use the very busy and confusing Wellfield interchange as they accessed the A19 at Castle Eden. There were real and serious concerns about road safety as a result of this proposed development

The proposed development would cause serious and unacceptable upheaval, particularly for the residents of Hesleden and a considerable proportion of Castle Eden. Incidents of noise and nuisance would have a negative impact on residential amenity would far outweigh any proposed community benefits of the development.

The transport effects of the development, in terms of traffic generation and road safety in Hesleden and Castle Eden, and the connecting B1281 highway, would have a seriously detrimental impact on road safety for all road users and pedestrians.

Councillor Crute strongly urged the Committee to refuse the application.

Mr E Ruocco, local resident, addressed the Committee to object to the application. He informed the Committee he had lived in Gray Avenue for 20 years and had used the cycle path which was alongside the spoil heap without being aware it was there.

Properties on Gray Avenue, which was the road HGV's would use, were in close proximity to the road. Gray Avenue was a narrow road with two bus stops and cars parked on it. The road junction from Gray Avenue onto the B1281 was dangerous and only had a visibility splay of 75 metres towards Blackhall. The national speed limit applied to the B1281 and therefore the visibility splay should be 215 metres. Mr Ruocco was unsure how the junction could be improved to produce the necessary visibility splay and details of this were awaited from the applicant. Additionally, the road from Hesleden to Castle Eden was narrow and twisty, and HGV's were wide.

The application would bring with it a dirt, nuisance and noise disruption and possible danger to health through the spread of PM2.5 particles, which could travel up to 3 miles.

Mr Ruocco informed the Committee that the spoil heap had existed for over 100 years, yet had only been termed as a problem in the area over the last 5 years. He asked the Committee to refuse the application.

Mr L Weatherall, Development Manager for Hargreaves Services, addressed the Committee in support of the application.

Hargreaves was a local company which employed a significant number of workers in the region and this application was to carry out remediation works to a former spoil heap and restore the site. Remediation works to the spoil heap were required because it had a history of spontaneous burning and was also suffering from failure

of one of the slopes. The soil heap currently suffered from trespass and incidents of anti-social behaviour which was of concern to local residents and the landowner.

The proposed scheme had been subject to a full independent Environment Impact Assessment which demonstrated that it was acceptable in environmental terms. Under mineral policy, schemes had to pass one of two tests – whether they were environmentally acceptable or whether benefits outweighed disbenefits. This proposal passed both of these tests.

The application was consistent with both local and national policy and would provide a source of energy, local jobs, remediation and improvement of the local environment and the provision of an area of conservation and ecological interest with the creation of a habitat suited to the Dingy Skipper butterfly.

A number of meetings had taken place on site to investigate improvements to the junction of Gray Avenue with the B1281 to increase visibility splays and it was proposed to remove vegetation at the junction to achieve this. The increased visibility splays would be of benefit to all users of the road junction.

Hargreaves would be using its own fleet of vehicles for the duration of the works and would impose a speed limit on these vehicles when passing through Hesleden. A detailed transport management plan would also be submitted and Mr Weatherall asked the Committee to approve the application.

A Glenwright, Principal DM Engineer addressed the Committee on the highways issues raised. The highways report on this application was carried out in March 2014 and at that time there had been three road traffic collisions in the previous 5 years, none of which were on Gray Avenue, all being on the B1281. A check update on the RTCs in the last 5 years from 5 January 2016 confirmed there had still been only three 'slight' road traffic collisions. An accident rate of this level was not deemed to be of concern to the Highways Authority. There was a two month time lag for non-fatal accidents to appear on the County Council's database and therefore the County Council would not, as yet, be aware of any recent accidents referred to by Councillor Crute.

Visibility at the junction of Gray Avenue with the B1281 was currently 2.4 metres by 75 metres, which was appropriate for an approach speed of 33 m.p.h. A speed survey carried out on the B1281 showed an 85th percentile centile speed of 55 m.p.h. and it was therefore necessary for the visibility splay at this junction to be improved to 2.4 metres by 160 metres in both directions, and this was covered by Condition 11 of the permission. The issue of visibility splay at this junction was the only issue the Highway Authority was confident of being able to object to at any future Planning Appeal should the application be refused.

The Principal DM Engineer added that the B1281 had been accepted by Highways England and Durham County Council as the local Highway Authority as a recognised diversion route both northbound and southbound if there was an incident on the A19 and this could result in it carrying up to 50,000 vehicles per day, rather than the normal 5,500 vehicles.

Councillor Dixon informed the Committee that he had attended the site visit and considered the access road to the site from Gray Avenue to be problematic. The application site was an appalling mess and in need of remediation. Councillor Dixon asked how the lane to the site would be upgraded.

Mr Weatherall replied that the visibility splay at the junction of Gray Avenue and the B1281 would be improved by controlling the vegetation at the junction to meet the requirements of Highways Officers. Hardcore or surfacing would be laid on the lane to the site and the applicant would accept this as a planning condition.

Councillor Dixon informed the Committee that the improvement to the access lane should be included as a condition of any planning consent. Although he understood that the scheme would have an impact on local residents, this would be for a limited period of 18 months.

Councillor Shield expressed concern about the spontaneous combustion of the spoil heap, as well as the anti-social behaviour and fly tipping which took place. While he had sympathy with the objectors regarding noise levels, these would not exceed set limits and would be monitored. The application brought with it a community fund of £28,500.

Councillor Nicholson shared members concern about the condition of the spoil heap and the site in general. He understood local concerns about the proposal, but on balance supported the recommendation for approval.

Councillor Lumsdon informed the Committee she was familiar with the B1281 and its junction with Gray Avenue. The visibility at the junction of Gray Avenue onto the B1281 was an issue of the curve of the road rather than vegetation. There were a number of pinch points on the B1281 and Councillor Lumsdon was unsure how these would be overcome if HGV's met in opposite directions. Referring to the crossing point on the railway walk at the site, Councillor Lumsdon asked whether warning signs would be erected as this was a popular walkway.

The Senior Planning Officer replied that the applicant would need to demonstrate safe visibility splays at the junction of Gray Avenue with the B1281. The B1281 was the same width along the route, although the Senior Planning Officer agreed there was a perception of pinch points because of the topography of the surrounding land. There was a condition that warning signs must be erected at the crossing point on the railway walkway and all vehicles would be required to stop at this point, which would also be gated.

Councillor Clare informed the Committee the two issues about this application were highway safety and residential amenity. Referring to highways, the Highways Authority was satisfied that no objection could be raised if the condition was met regarding visibility at the junction of Gray Avenue with the B1281. Any perception or impression of highway danger would not be sustainable on appeal. Referring to residential amenity, Councillor Clare informed the Committee that while no resident would be happy with HGV passing their property this would be for a time limited period after which there would be positive benefits of the remediation works. Councillor Clare suggested that the access lane to the site from Gray Avenue

should be a consolidated sealed surface rather than hardcore and this should be a condition of any permission. Mr Weatherall confirmed that this condition would be acceptable to the applicant.

Councillor Boyes informed the Committee that it was its duty to interrogate any evidence put before it, including that of highways officers. He was familiar with the B1281, which had a speed limit of 60 m.p.h., and its junction with Gray Avenue. It was difficult to egress from Gray Avenue onto the B1281 in a car, let alone an HGV. He had concerns on grounds of highway safety, despite the advice given by the highways officer, and also concerns for the residential amenity of local residents during the remediation works.

Councillor Conway referred to the issues of highways, residential amenity and the safety of the spoil heap. While he understood the highways concerns expressed, there were conditions which the applicant would have to meet before any works could commence. He agreed that the pathway to the spoil heap needed consolidating, and considered that the long term improvement to the safety of the spoil heap and improved amenity would outweigh the short term impact on residential amenity. Councillor Conway suggested that the hours of operation could be reduced to finish at 5 p.m. or 6 p.m. which would reduce the impact on residential amenity. However, Councillor Dixon replied that any reduction in hours of operation would necessitate an extended period of working to remediate the site and therefore would prolong the impact on residential amenity.

Councillor Holland informed the Committee that he was surprised at the quantity of combustible coal material on the site and considered that to waste this would be unacceptable,

Moved by Councillor Dixon, **seconded** by Councillor Nicholson and

Resolved:

That the application be approved subject to the conditions outlined in the report, subject to the amendments outlined by the Senior Planning Officer and the addition of a condition that the access lane to the site from Gray Avenue be made up with a consolidated sealed surface.

c DM/15/02290/FPA - Land North Of Mill Hill, North West Industrial Estate, Peterlee

The Committee considered a report of the Senior Planning Officer regarding an application for the development of a 5 MW solar farm on land north of Mill Hill, North West Industrial Estate, Peterlee (for copy see file of Minutes).

C Shields, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

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

Resolved:

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

Councillor M Dixon left the meeting

6 Exclusion of the Public

Resolved:

That under Section 100(A) 4 of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act.

7 Appeal Update

The Committee considered a report of the Planning and Development Solicitor which provided an update on an appeal by the Church Commissioners for England in respect of an application for outline planning permission for up to 120 dwellings and new access at land east of Mill Lane, Sherburn Village (for copy see file of Minutes).

L Renaudon, Planning and Development Solicitor presented the report. Following discussion of the options available, it was **moved** by Councillor Nicholson, **seconded** by Councillor Moir and

Resolved:

That the reasons for refusal of the application be withdrawn.