

## SEDGEFIELD BOROUGH COUNCIL

### DEVELOPMENT CONTROL COMMITTEE

Council Chamber, Council  
Offices, Spennymoor

Friday, 12 October  
2007

Time: 10.00 a.m.

**Present:** Councillor A. Smith (Chairman) and

Councillors B.F. Avery J.P, W.M. Blenkinsopp, T. Brimm, Mrs. K. Conroy, Mrs. L. M.G. Cuthbertson, D. Farry, T.F. Forrest, Mrs. B. Graham, A. Gray, G.C. Gray, Mrs. J. Gray, B. Haigh, Mrs. S. Haigh, Mrs. I. Hewitson, J.E. Higgin, A. Hodgson, T. Hogan, J.G. Huntington, Mrs. S. J. Iveson, Ms. I. Jackson, J.M. Khan, B. Lamb, Mrs. E. Maddison, D.A. Newell, B.M. Ord, Mrs. E.M. Paylor, B. Stephens, K. Thompson, A. Warburton, T. Ward, W. Waters and Mrs E. M. Wood

**Apologies:** Councillors Mrs. A.M. Armstrong, Mrs. D. Bowman, D.R. Brown, J. Burton, V. Chapman, D. Chaytor, Mrs. P. Crathorne, V. Crosby, P. Gittins J.P., D.M. Hancock, Mrs. L. Hovvels, G.M.R. Howe, Mrs. H.J. Hutchinson, C. Nelson, Mrs. C. Potts, J. Robinson J.P and J. Wayman J.P

#### DC.54/07 **DECLARATIONS OF INTEREST**

The following Members indicated that they had an interest in the following items :-

|                            |   |   |
|----------------------------|---|---|
| Councillor Mrs. S.J.Iveson | - | Item 8 – Consultation from Durham County Council – Personal and Prejudicial Member of Durham County Council               |
| Councillor G.C. Gray       | - | Item 8 – Consultation from Durham County Council – Personal and Prejudicial –Member of Durham County Council              |
| Councillor T.D. Brimm      | - | Item 8 – Consultation from Durham County Council – Personal and Prejudicial – had previously objected to the application. |

It was explained that in accordance with Section 12(2) of the Member's Code of Conduct, Councillor Brimm would be addressing the meeting in relation to the application. He would, however, be leaving the meeting during the decision process.

During discussion of this item Members were reminded of the Code of Conduct in relation to decision-making and Committee. Decisions should

be based on evidence and policies. If Members had a personal and prejudicial interest in an item the reason for that interest must be stated. The Members Code of Conduct was aimed to help decisions to be more transparent. If there was a breach of Code of Conduct, individual Councillors could be subject to investigation. The organisation was also open to public scrutiny and judicial review. The decisions must be reasonable and based on evidence, fairness and reasonableness. Decisions must not be biased or pre-determined. Evidence must be taken into account and then decisions made. To take part in the process could place the Council at risk of making a flawed decision with consequent costs.

Perception was also important and would indicate whether an issue had been pre-judged.

A training session for Members was to be arranged.

**DC.55/07**

**MINUTES**

The Minutes of the meeting held on 14<sup>th</sup> September, 2007 were confirmed as a correct record and signed by the Chairman. (For copy see file of Minutes).

**DC.56/07**

**LOCAL PLAN POLICIES SAVED BEYOND 27th SEPTEMBER**

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) regarding the above.

It was explained that under the provisions of the Compulsory Purchase Act 2004 allowed for the existing Local Plan Policies to be automatically saved for three years until 27<sup>th</sup> September, 2007.

The Government had, however, realised that it was taking longer than expected to prepare Local Development Framework. Therefore provision was made for local authorities to apply to the Secretary of State to save or delete existing Local Plan Policies.

On 31<sup>st</sup> August, 2007 the Secretary of State placed a Direction under Paragraph 1(3) of Schedule A of the Compulsory Planning and Compulsory Purchase Act 2004 upon the Borough. This Direction related to the Local Plan Policies to be saved after 27<sup>th</sup> September, 2007. Local Plan Policies not listed in the Direction would expire after that date.

The list of policies to be saved or deleted were considered and had been produced in conjunction with Development Control Officers. The list had also been considered by Cabinet before being submitted to the Government Office for the North East.

*RESOLVED : That the proposed list of saved Local Plan Policies detailed be noted.*

**DC.57/07**

**WINDLESTONE HALL RUSHYFORD PLANNING STATEMENT AND BRIEF**

A report relating the above Grade II Listed Building together with ancillary buildings and related grounds was submitted. (For copy see file of Minutes).

It was explained that as a consequence of the information contained in the previous item on Local Plan Policies it was suggested that consideration of this item be deferred to the next meeting to ensure that information was up-to-date and relevant.

*RESOLVED : That consideration of this item be deferred until the next meeting of the Committee.*

**DC.58/07**

**APPLICATIONS - BOROUGH MATTERS**

Consideration was given to a schedule of applications for consent to develop (For copy see file of Minutes).

*RESOLVED : That the report be received and the recommendations contained therein adopted.*

**DC.59/07**

**CONSULTATIONS FROM DURHAM COUNTY COUNCIL**

**NB :** In accordance with Section 81 of the Local Government Act 2000 and the Member's Code Conduct, Councillors G.C. Gray and Mrs. S.J. Iveson declared personal and prejudicial interests in this item and left the meeting for the duration of the discussion and voting thereon.

In respect of Application No : 1 – Proposed Eastern Extension and Restoration to Nature Conservation Uses – Thrislington Quarry, West Cornforth – Lafarge Aggregates Limited, P.O. Box 36, Retford Road, Worksop – Plan Ref : 7/2006/0179/CM – it was explained that the application was for determination by Durham County Council as Minerals Planning Authority and the views of the Borough Council had been sought upon the proposal as a consultee.

The proposed extension covered approximately 78 hectares of mainly agricultural land. The site was to the east of the existing quarry and to the south of Stobb Cross Lane.

The development would be over a 32 year period in three phases.

An Environmental Impact Assessment had been undertaken the results of which were outlined in the report. This Assessment examined water management, nature conservation, cultural heritage, landscape and visual impacts, noise, blasting and vibration, air quality and traffic. The Assessment concluded that there would be no significant adverse effects.

With regard to landscape and visual affects, the proposed Eastern extension was not designated as an area of landscape value nor was it close to the designated areas. The site was crossed by a designated public right of way which did not appear to be well used and did not form

part of the wider network. This right of way would be diverted around the Western and Southern boundaries of the site.

In relation to consultation responses, it was reported that the Engineering Services Team had no objection on highways grounds subject to a new vehicular access being constructed to Durham County Council specifications. However, there were general concerns within the Planning Section that the existing junction at the Hare and Hounds, because of its location, at the brow of a hill with staggered junctions with relatively poor visibility and fast moving traffic along the A177 remained potentially hazardous in terms of accommodating slow moving heavy vehicles.

The Tree Preservation Officer raised no technical objections to the proposals.

The Environmental Health Team raised no objections to the proposed development subject to the imposition of appropriate conditions.

The Forward Planning Team stated that the proposals to extend Thrislington Quarry were earmarked in the County Durham Minerals Local Plan which was adopted in December 2000. Policies in the Plan permitted an extension of the working area east of the A1M and west of the A177 provided that such criteria of these policies were met. Essentially, this related to the production of high grade dolomite products remaining the primary purpose of minerals extraction, maximum utilisation of the high grade dolomite for high grade purpose being maintained, all lorry traffic being able to access the strategic highway network and a satisfactory programme of restoration being agreed.

In respect to the public consultation exercise undertaken by the County Council, a great deal of adverse reaction had been received to the proposed development. It was reported that 1,366 individual letters of objection had been received as well as objections from both Bishop Middleham Parish and Ferryhill Town Councils.

The objections were summarised as follows :-

- The current application provides an opportunity to reconsider the wider aspect of quarrying both for the operators and for the residents of West Cornforth.
- Previous operating hours conditions imposed at the quarry in 2002 are to the detriment of the residents of West Cornforth, especially in relation to dust and noise.
- Concerns about the traffic movements to and from the site, and their routing;
- Concern about the problems arising from mobile plant in the quarry;
- Concern about inadequate wheel washing facilities;
- Concern about the movements in the quarry and the preference to reduce vehicle movements in favour of more conveyor belts;
- Demolition of the Countryside in terms of the cumulative effect of quarrying in the area;

- Heavy goods vehicle movements over an excessive period (30+ years)
- Criticism of the public consultation exercise; and
- The business case for the mineral extraction. (Many of these issues are “commercially sensitive” and not for public consumption)

The Stop Lafarge Action Group “SLAG” had been particularly active in regard to objecting to the application. A DVD had been made and was presented to the Committee.

Officers considered that the recommendation detailed in the report should include three further issues for the County Council to consider before determining the application. These issues related to ecology, hydrology and landscaping.

Mr. Wiffen, the Chairman of the Action Group, then addressed the meeting. He explained that he considered that the timescale of 32 years and consequent dust, noise and nuisance, etc., was unacceptable. He explained that in relation to the nature reserve the proposals were very vague.

In relation to traffic movement it was very difficult to ascertain the number of vehicles involved and how often. It was, however, estimated that there would be one heavy goods vehicle every five minutes using the access. In addition there would be traffic from Sedgefield Industrial Estate, Raisby and Steetley also using the road together with Cleanaway Waste Management. A further consideration was the currently redundant old quarry in West Cornforth which could possibly re-open. All this traffic was converging onto the A177.

Mr. Wiffen also refuted the suggestion that there would be no significant decrease in air quality. The additional vehicles which the development would generate would affect air quality and increase the amount of CO<sup>2</sup> emissions. An estimated 1003k of CO<sup>2</sup> emissions per year was estimated from the vehicles. This was important because of the increase in people in the area suffering from asthma and bronchitis.

He also expressed concern regarding noise. Blasting from both the Thrislington Quarry and Thompson Quarry would have a significant impact on noise for residents. There would also be a cumulative environmental impact of the proposals particularly bearing in mind the proximity of Raisby Quarry and the possibility of West Cornforth quarry re-opening.

Mr. Wiffen also considered that the proposed extension to the quarry could have an adverse effect on the regeneration of Ferryhill Station. He also expressed concern about the current security and health and safety arrangements on the existing quarry sites and the fatalities that had occurred.

Mr. Potts, a resident of Bishop Midldeham was also present at the meeting to outline his concern. He explained that the steel industry had declined over the last ten years. In 1997 steel output was 18.3m. tonnes. By 2006

this had fallen to 13.9m. tonnes. The market for limestone and dolomite had therefore reduced and this effected whether the development was needed. The forecast that the steel industry would grow on the short and medium term was wrong and meaningless. It was considered that this country was subsidising the Dutch and German steel industries.

The Vice-Chairman of Bishop Middleham Parish Council, Mr. Muncaster, then addressed the meeting. He made reference to the restoration plan and considered that this should include restoration on a gradual basis. He also made reference to existing problems with regard to the condition of the roads and the poor feedback at Liaison Group Meetings. The hydrological implications were in the hands of the Environmental Agency. He considered that the Council should consider its aim of working towards a healthy, prosperous and attractive Borough.

Mr. King, a local resident, informed the Committee that the development was on the boundary of a right of way which was going to affect residents using the path. From his property the noise from machinery operating, vehicle movement, etc., was already intolerable. The site was nice countryside and should be left undeveloped.

A local resident, Mr. Harrison, explained that his concern related to the atmospheric pollution from the development. He considered that the application submitted by Lafarge and the Environmental Statement did not take into consideration the kiln plant. This was the biggest atmospheric polluter in the area. 286,000 tonnes of CO<sup>2</sup>, sulphur, nitrous oxide, benzines, etc., were released into the atmosphere on a daily basis. The basis of the application was a principle of 400,000 tonnes of kiln feed. This was not mentioned in the Assessment.

The plant also produced toxic solvent waste near a childrens playground. During the time of the development i.e. 32 years, there would be another generation of children being affected from the emissions. The development would leave a legacy to peoples children and grandchildren.

Mr. Dartnell, a local resident, explained that his concern regarding the development was the adverse effect it would have on the views of open countryside which he considered to be totally unacceptable. Also the level of noise which would emanate from blasting from the quarry, he maintained, would be a "nightmare".

Officers then explained to the Committee that the Council did not have the responsibility or expertise to judge the commercial aspect of the development and it was not for the Committee to question its viability. However, the County Council may wish to question the Company on its business case. There were strong objections in the community to the proposed development. The County Council had to look at the planning merits of the application and objections had to be on material planning grounds that would stand up at appeal. The objections needed to show demonstrable harm.

In relation to the Environmental Statement submitted with the application the air qualities had been revised in line with Government guidance. In

relation to noise levels, the first phase would create higher noise levels than generally expected. In relation to air quality, a Dust Management Plan would have to be submitted if the application was approved.

Councillor Brimm then outlined his opposition to the application.

**NB : In accordance with Section 81 of the Local Government Act 2000 and the Members Code of Conduct, Councillor T.D. Brimm then left the meeting for the duration of the discussion and voting on the application.**

During discussion of this item some Members felt that the Business Case for the development needed to be made more fully and demonstrated that the development was necessary in the national interest over the next 32 years.

A query was raised regarding the impact on wildlife etc. In response it was explained that information had been received from the in-house Ecologist who did not raise concerns about wildlife.

Members of the Committee considered that there was insufficient information on the impact of the development in terms of noise, nuisance, etc., and also that the traffic generated would effect the junction with the C24 and A177. Consideration needed to be given to long term problems which could be caused by heavy vehicle movements.

With this in mind the following amendment to comments 2 and 3 in the recommendation of the report was moved and seconded :-

*This Council considers that although the County Engineer supports the view that both Stobb Cross Lane and the Junction with the A177 can accommodate the proposed levels of heavy vehicle movements, there is no evidence that he has taken account of the permission given to Cornforth Quarry East 10.3.98 and which states, a clearer analysis of the highway implications may need to await a more detailed assessment of peak traffic flows when substantive working commences after 2007. Therefore careful consideration should be given to the long term problems that may occur as a result of heavy goods vehicles using the C24 and the junction with the A177. In this regard, the County Council is urged to consider physical works to improve the Junction, a perceived blackspot. It may be a separate mineral road could be built to service both quarries with a possible roundabout at the A177, this would need the co-operation of the County Council, Lafarge and Tarmac. If this cannot be achieved then planning consent should be differed or refused until a suitable solution that benefits the whole of the community can be found.*

The following amendment was also moved and seconded :-

*That this Council objects to the proposals on the following grounds :*

- *There was insufficient information on the environmental impact of the development including dust and water contamination,*

- *There would be no regeneration benefits to West Cornforth or Ferryhill Station*
- *A Business Case had not been prepared*
- *The duration of 32 years for the development was unacceptable*
- *There would be unacceptable levels of traffic movement.*

*On a vote being taken the following resolution was agreed.*

**RESOLVED :** (1) *That this Council objects to the proposals on the following grounds*

- *There was insufficient information on the environmental impact of the development including dust and water contamination,*
- *There would be no regeneration benefits to West Cornforth or Ferryhill Station*
- *A Business Case had not been prepared*
- *The duration of 32 years for the development was unacceptable*
- *There would be unacceptable levels of traffic movement.*

(2) *That the remainder of the recommendations as detailed in the schedule be adopted.*

**NB :** **In accordance with the Council's Procedure Rule 13.4 Councillors W.M. Blenkinsopp, Mrs. L. Cuthbertson, D Farry, B. Haigh, Mrs. S. Haigh, Mrs. I. Hewitson, T. Hogan, J.G. Huntington, Mrs. I. Jackson, Mrs. E.M. Paylor, Mrs. E. Maddison, A. Warburton, Mrs. E.M. Wood, K. Thompson and requested that their names be recorded as having voted for the Resolution.**

**Councillor T. D. Brimm then returned to the meeting.**

**DC.60/07**

**COUNTY DECISIONS**

A schedule of applications which had been determined by Durham County Council had been submitted for Member's information. (For copy see file of Minutes).



*RESOLVED : That the schedule be received.*

**DC.61/07 DELEGATED DECISIONS**

Consideration was given to a schedule detailing applications which had been determined by officers by virtue of their delegated powers. (For copy see file of Minutes).

*RESOLVED : That the schedule be received.*

**DC.62/07 RECENT PLANNING APPEAL DECISIONS**

Consideration was given to a report of the Director of Neighbourhood Services in respect of recent Planning Appeal decisions. (For copy see file of Minutes).

Members noted that the Appeal against a planning decision to refuse an application for the Change of Use from a vacant financial services office to a Hit Food Takeaway, 11, Darlington Road, Ferryhill had been dismissed.

An appeal against the imposition of 3 No. conditions on a previous planning approval for retrospective erection of raised decking and a shed, to the rear of 61, Dean Park, Ferryhill, the appeal was upheld.

*RESOLVED : That the information be received.*

**EXCLUSION OF PRESS AND PUBLIC**

*RESOLVED: That in accordance with Section 100(a)(4) of the Local Government Act 1972 the press and 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 Paragraphs 1 and 6 of Part 1 of Schedule 12a of the Act.*

**DC.63/07 ALLEGED BREACHES OF PLANNING CONTROL**

Consideration was given to a schedule detailing alleged breaches of planning control and action taken. (For copy see file of Minutes).

*RESOLVED : That the schedule be received.*

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**ACCESS TO INFORMATION**

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Liz North 01388 816166 ext 4237 email:enorth@sedgefield.gov.uk