

Durham County Council

At a Meeting of the Planning Committee held at the County Hall, Durham on **Wednesday 17 October 2007 at 10.00 a.m.**

Present

Councillor R Rodgers* in the Chair

Councillors Armstrong, Barker, R.Carr, Chapman, Coates, Douthwaite, E Foster, N C Foster, Gray, Henderson, Knox, Magee, Priestley, Shuttleworth, Walker, Williams, Wright and Young.

Other Members:

Councillors C.Carr, Cox, Meir, O'Donnell and Pye.

An apology for absence was received from Councillor Ebbatson and Councillor Bell.

A1 Minutes

The Minutes of the Meeting held on 19 September 2007 were considered by the Committee. Councillor E Foster advised that he had been omitted from the attendance at the meeting. The minute amended accordingly was confirmed by the Committee and signed by the Chairman as a correct record.

The Head of Environment and Planning provided the meeting with an update on the position at Todhills. He reported that the work had been completed and the site had closed on 28 September. There had been three complaints in the last month about the site, two related to litter and one about the low loader. As the site had now closed he did not intend to report further to the Committee on Todhills.

A2 Development by the County Council

Derwentside District: Provision of Sure Start Children's Centre, Benfieldside Primary School, Blackhill, Consett. (Regulation 3)

The Head of Environment and Planning presented a report on the proposed provision of the Sure Start Children's Centre, Benfieldside Primary School, Blackhill, Consett (for copy see file of Minutes).

The Chairman advised that Councillor Davies, the Local Member, supported the application.

In response to Councillor Coates enquiry about who the car park and cycle parking facility was aimed at the Head of Environment and Planning advised that the car park was for employees and the cycle parking would be geared towards those people using the centre.

Councillor Barker enquired whether there was a facility for a pick up /drop-off point. In response the Head of Highway Management advised that there was not. It was not the intention to encourage parents to bring their cars to the centre. He went on to advise that the centre would be used throughout the day and not just at peak times.

Councillor Douthwaite advised that there is a sure start centre in St Helen's Auckland and since it opened there have been problems with traffic congestion. He would like to see adequate parking being provided for those visiting the centre.

Councillor C Carr advised that in the last two months he had formally requested for there to be adequate parking at all educational establishments. He made a request that the County Council has a policy that takes this into account.

Councillor Armstrong commented on the advantage of having a sure start facility.

Councillor E Foster pointed out that the difficulties associated with parking outside educational establishments is an issue throughout the county.

Resolved:

That planning permission be granted for the development subject to appropriate conditions for the following reasons:

- (i) The development would accord with Policies GDP1 and TR2 of the Derwentside District Local Plan and would have no material conflict with other development plan policies.
- (ii) The proposal in terms of its size, location and appearance would relate acceptably to surrounding development and would not adversely affect the amenities of the area

A3a Applications to be determined by the County Council.

(i) Derwentside District: Retention of exhaust chimney and safety compound at site adjacent to former Hamsterley Drift Mine, Low Westwood, Hamsterley, for Derwentside District Council

The Head of Environment and Planning presented a report on the retention of exhaust chimney and safety compound at a site adjacent to the former Hamsterley Drift Mine, Low Westwood, Hamsterley, for Derwentside District Council (for copy see file of Minutes)

In response to a question from Councillor Williams, The Head of Environment and Planning advised that the emission from the former mine was carbon dioxide.

Councillor R Carr expressed concern at the affect this would have on health, and enquired whether there was to be any screening of the chimney. The Head of Environment and Planning advised there were no proposals to screen it however the trees growing on the bank side would provide some cover. In relation to the health and safety concerns in conjunction with the gas emissions it was reported that The Coal Authority were satisfied with the proposals.

Resolved:

That planning permission be granted for the completed works for the following reason:

The development involves necessary safety works which by virtue of size, location and appearance do not detract from the character and appearance of the surrounding area or adversely affect the amenities of neighbouring residential occupiers, in accordance with Policy GDP1 and EN6 of the Derwentside District Local Plan.

(ii) Chester le Street District: Proposed land improvement by spreading of construction waste soils to provide land for agriculture, woodland, ponds and wetland and new bridleway/cycle routes at Old Bush Landfill Site, near Ouston, County Durham for W & M Thompson (Earthworks) Limited

The Head of Environment and Planning presented a report on the proposal for Old Bush Landfill Site near Ouston (for copy see file of Minutes).

The Committee heard representations from Councillor King, a Gateshead Councillor for Barley Mow. She questioned why this application was being made when there was no need for there to be a further facility for landfill. She advised of the problems that Birtley had encountered over the years following other landfill sites on the perimeter of the town. She questioned where the waste was coming from and what it contained and pointed out that many

years ago some of the landfill to sites in the area came from Holland and contained cyanide. On a previous site with 7 lagoons there were black barrels floating to the surface, the water was bubbling and there were rats. She questioned whether this was a way of getting rid of liquid waste. She was worried that the same may happen if this landfill site was agreed and pointed out that some of it may be inert material but that does not necessarily mean it is safe.

She advised that Chester-le-Street District Council does not want the development and the noise, dust and other disturbance associated with it and nor does Barley Mow. In relation to traffic congestion Birtley is already a busy town and when there is an accident on the western bypass the traffic diverts through Birtley. If the site were approved there would be more wagons on the road which would compound the problem.

She pointed out that no comments had been received from Birtley Town Council as it had been dissolved.

If this goes ahead it would require an exemption from the waste management licensing regulations which may lead to a restriction on officer's powers. The applicant had indicated that they may agree to aftercare of the site but in her opinion this should be their responsibility. She pointed out that the applicant had not consulted on the proposal and also she was not surprised that the railway operator had concerns.

She questioned why the applicant would not use the existing sites to tip waste and wondered if there was a risk of the materials being tipped. She was surprised that they had not undertaken a flood risk assessment on the railway and raised concerns about the monitoring of the Rowletch Burn.

She pointed out that the leisure facilities and ponds were not needed as there were already schemes in place to re-generate the area, and that she had asked the Leader of Gateshead Council for there to be a joint venture for this site. There was no designated traffic plan and that was vital for everyone living there. She pointed out that both Durham and Birtley are significant areas in the north east and that Birtley is the corridor to the Angel of the North and it would be detrimental to the town if there was more traffic travelling through.

She asked the Committee to support the decision contained in the report to refuse the application. She pointed out that herself and the local people would fight against this application.

Councillor C Carr advised that he was not a member of the Committee however the proposed site was in his ward and he was very worried in case this went ahead. He re-iterated that Chester-le-Street District Council was concerned about the generation of noise, dust, and general disturbance that would be created. He believed there to be sufficient landfill sites to take the waste and therefore there was no need for this additional facility. He pointed

out that any agricultural improvements would be minimal and he was concerned about the access to the site. He supported the recommendation contained in the report to refuse the application.

Councillor Knox advised that he had met with Councillor King previously about the problems in the area with other landfill sites. He referred to the volume of traffic in Birtley and confirmed that it does become a rat-run when there is an accident on the western bypass. The application would have an adverse impact on what the County Council is trying to achieve on Drum Industrial Estate. He pointed out that wagons are not able to park along that length of road in the industrial estate and this additional site would compound the problems of a busy area. There are many food warehouses in the industrial estate which would not mix well with having a landfill site in the area. He believed that this would have a massive impact on Barley Mow. He supported the decision in the report to refuse the application.

Councillor Walker supported the comments made to refuse the application. He pointed out that the Committee should bear in mind that Rowletch Burn had previously been flooded and thus polluted. He believed that by having extra wagons in the area traffic congestion would worsen.

Councillor R Carr pointed out that a flood assessment had not been undertaken, and that the access to the site would be horrendous. She supported the recommendation in the report to refuse the application.

Resolved:

That planning permission be refused for the proposed land improvement by spreading of construction waste soils to provide land for agriculture, woodland, ponds and wetland and new bridleway/cycle routes for the following reasons:

- i. There is no demonstrated need or environmental benefit in improving the agricultural quality of the land by the importation of waste materials. The re-use or recycling of the material or its utilisation at existing sites would be a more positive use than depositing it at the proposed site. The proposal is therefore contrary to WLP Policies W1, W2 and W46.
- ii. There is sufficient tipping space elsewhere in the locality where the material that is to be deposited would achieve overall environmental benefits by making a more positive contribution to the improvement of a degraded landscape. The proposal does not accord with WLP Policy W46 with regard to landraise.
- iii. There would be unacceptable loss of amenity caused by the operations contrary to WLP Policies W3, W4(i), W33 and W47.
- iv. The proposed access is unacceptable in its current form, and would give rise to conditions prejudicial to highway safety contrary to WLP Policy W31.

A3b Wear Valley District: Application not to comply with Condition 3 of planning permission 3/97/20CM to extend the life of the facility for a period of 5 years, Todhills Household Waste Recycling Centre, Newfield, for Premier Waste Management Limited

The Business Manager for Planning Development Control presented a report concerning an application not to comply with Condition 3 of planning permission 3/97/20CM to extend the life of the facility for a period of 5 years at Todhills Household Waste Recycling Centre, Newfield, for Premier Waste Management Limited (for copy see file of Minutes)

Councillor E Foster advised that although this was in Councillor Graham's ward it was next to his area and he supported the application. He was concerned that if the site closed the risk of fly tipping may increase.

Councillor Young questioned why the recommendation was to support this application when it appeared to him that in similar applications officers had been less sympathetic. He supported the application and requested that officers maintain the same standard in future applications.

Councillor E Foster advised that he supported the application regardless of who was running the operation, and pointed out that he believed it was essential for the people living in the area.

Councillor R Carr advised that to her knowledge the Committee had granted similar applications. She advised of her support for the application.

Resolved:

That planning permission is granted to retain the existing compound for a further five years, subject to continuing controlling conditions, for the following reasons:

- i) The existing site is well used and needed for a further five years whilst a more permanent solution is found in line with the objectives of Policy W37 of the WLP.
- ii) Controls on the use, operation and general appearance of the facility will continue through conditions on the planning permission in accordance with Policy W33 of the WLP.

A4 Teesdale District: 1) Periodic review of existing planning permission (which also seeks to extend the permitted time period for extraction in the area covered by Planning Permission No. 6/86/227CM), 2) extension to the existing quarry and 3) details to discharge requirements for restoration and aftercare for the site under the requirements of Planning Permission No. CMA/6/3 Shipley Banks Quarry, Marwood, Barnard Castle for Shipley Quarries Ltd.

The Head of Environment and Planning presented a report in relation to the proposals (for copy see file of Minutes).

The Head of Planning and Environment advised that Councillor Bell, the Local Member, could not be present at the meeting, however he supported the application. He also read out a letter that had been received from Mr T H Cross of Shipley Quarries (for copy see file of Minutes).

Councillor N Foster advised of his concerns in supporting this in terms of setting a precedent, in that the applicant had not undertaken what he had been requested to do by the Authority.

Councillor C Carr referred to the hours of operation and questioned the health and safety aspect of working in the hours of darkness.

The Head of Planning and Environment advised that the hours were proposed by the applicant in the review submission, and the Authority would have to be careful in not seeking a change in the hours or the applicant may be able to claim compensation from the Authority if the economic viability of the site was affected. It was pointed out that it is a small operation and they do not always work the maximum hours prescribed.

Councillor C Carr expressed concern that should there be a serious accident would the Authority, for having granted the application, be liable.

Resolved:

That the Committee:

- i) Accepts the previously agreed scheme of conditions in respect of Shipley Banks Quarry (with minor modifications) attached to the December 2004 Committee Report (Appendix A) that planning permission be granted for an extension of time for mineral extraction in the existing permission area to 2030, and the requirements of Planning Permission No. CMA/6/3 (6/2001/0253/CM) relating to restoration and aftercare requirements be discharged.
- ii) Planning permission be granted for the small extension areas as previously agreed and for reasons stated in the December 2004 Committee Report (Appendix A).
- iii) The previous requirement for legal agreements be rescinded.

A5 Applications for Planning Permission: Decisions made using Delegated Powers (April – September 2007)

The Committee noted recent decisions relating to planning applications which have been received in accordance with the requirements of the Town and Country Planning Act 1990 and determined under the delegated powers procedure (for copy see file of Minutes).

In response to a question from Councillor Coates, The Head of Planning and Environment advised of the procedure for schools seeking planning permission and whether planning permission is required. The Head of Planning and Environment advised that he would discuss the matter with Corporate Services.