

**Item No 3(a)**

**Planning Committee**

**17 October 2007**

**Applications to be determined  
by the County Council**



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**Report of Rod Lugg, Head of Environment and Planning**

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**Purpose of the report: To enable the Committee to determine applications for planning permission which have been received in accordance with the requirements of the Town and Country Planning Act 1990.**

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

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### **Introduction**

- 1 The former Hamsterley Drift Mine is located within the River Derwent valley to the north west of the village of Hamsterley.
- 2 Upon discovering that adits adjacent to the former mine were discharging carbon dioxide gas, the Coal Authority devised a scheme to remove emissions from residential areas and allow these to be discharged in a more appropriate location. Having implemented the scheme it was discovered that the Minerals Planning Authority should have been notified of the need to do the works and given the opportunity to provide Derwentside District Council (the landowners of the site) with written prior approval before works were carried out. As this formal process did not take place, planning permission is now being sought retrospectively for works completed on site.

### **Works seeking approval**

- 3 The scheme designed by the Coal Authority has taken place just beyond a number of residential properties on a site that was formerly used for coal mining operations and is now being used as a haulage yard. The works include a 5.4 metres high exhaust chimney within a 36 square metres (6 by 6 metres) safety compound, surrounded by 2 metres high palisade fencing with 900 millimetre wide gates. The chimney and fencing are constructed of galvanised steel coloured green. The chimney measures 0.45 metres in diameter for much of its length and extends to 1.25 metres at the base.
- 4 The exhaust chimney is linked to an underground vent duct installed to divert the carbon dioxide gas that was escaping at an adit by a residential property, Derwentside House. This adit has now been sealed to prevent any further discharge.

### **Views received**

- 5 Derwentside District Council (consulted 15 August 2007) view is not yet available.
- 6 The Coal Authority has confirmed that the works were carried out in accordance with its design specification. It is also stated that having examined a number of monitoring reports, the scheme appears to be fulfilling its purpose in that emission levels have dropped significantly at the residential property where the discharge was initially discovered.
- 7 The Environment Agency has no comments to make on the development.

- 8 The application has been advertised on site and the occupiers of neighbouring properties notified. Two letters have been received, raising objections and concerns about the scheme. The following issues are highlighted:
- a. Health and safety concerns regarding the location of the chimney and whether it can adequately deal with the problem of gas emissions.
  - b. The visual intrusiveness of the structure and whether it could be located in a less prominent position.
  - c. Whether the roots of an oak tree located near a residential property may have been damaged during the construction works for the development.
  - d. The occurrence of localised flooding in the vicinity of one of the residential properties as a result of the works which involved layering the ground with clay. It was suggested that a shallow trench should be installed near the property to remedy the problem.
  - e. A suitable monitoring scheme is suggested for the site in order to ensure no further problems of leaking gas emissions.

*Comment: The applicant has stated that the works undertaken were considered to be the most appropriate to deal with the problem (see paragraph 12 below). Relocation of the chimney would not be practicable as it would require a further technical feasibility study to be undertaken at considerable cost. Extreme care was taken not to disturb the roots of the oak tree and the site of the stack was specifically chosen so as not to interfere with the root system. The issue of flooding is believed to have existed previously and once grass cover takes hold, the situation should be no different from what existed before works were carried out. Coal Authority monitoring is currently taking place on site on a monthly basis and will continue until June 2008. It would extend beyond then on a frequency to be agreed between Derwentside District Council and the Coal Authority.*

## **Planning Comment**

### Policies

- 9 Several policies contained in the adopted Derwentside District Local Plan (January 1997) are relevant to the development. The site is within an Area of High Landscape Value (AHLV) as defined in the Local Plan and Policy EN6 relates to development within these areas. Policy GDP1 provides general development principles in terms of design and protection of amenity and Policy EN27 relates to development on or close to contaminated sites. This states that permission will only be granted for development within these areas if the developer provides the results of an expert investigation to detect and monitor the presence and likely effects of any gases and identifies a detailed programme of remedial works to resolve known and potential problems. The development is specifically intended to address a contamination issue.

## Landscape and appearance

- 10 The haulage yard (approximately 1300 square metres in area), within which the exhaust chimney is situated, is a small and relatively unattractive site within the Lower Derwent AHLV, that is used by lorries and cars associated with the haulage operations and contains a small number of makeshift outhouse buildings. The exhaust chimney and compound are located on the southern edge of the yard. Given the immediate surroundings and the scale, profile and colour (dark green) of the chimney and compound, it is not considered that the development has a significant impact or detrimental effect on the wider landscape, including the AHLV and the Low Westwood Conservation Area that lies to the south west.

## Residential amenity

- 11 The nearest residential properties to the chimney and compound are located 40 metres to the south. A new care home is situated 50 metres to the south east and Derwentside House 65 metres to the east. The properties to the south are located up a steep embankment which is tree and shrub planted. Although the chimney measures 5.4 metres in height and can be viewed clearly, it does not impact unacceptably in terms of visual intrusion or loss of privacy in relation to these properties nor does it impact on views across the River Derwent Valley. Derwentside House is at a lower level but the structure is partially screened by buildings from this direction.

## Safety

- 12 The scheme was designed by the Coal Authority, the statutory body with responsibility for dealing with surface hazards arising from past coal mining activities such as gas emissions. The safety of residential properties in the vicinity of the exhaust chimney was fully considered during the design process and the works were supervised by a Coal Authority regional engineer. Given assurances from the Coal Authority that the scheme is fit for purpose, there is no reason to believe that the safety of nearby residents is compromised by the works undertaken or that further amendments are required.

## Traffic and access

- 13 There are no significant traffic implications associated with the development. The site is regularly accessed by a range of vehicles associated with the haulage business and visits to the plant would occur on a limited basis for maintenance purposes.

## **Recommendation and Reasons**

- 14 The implemented works are considered necessary for the safety of nearby residents, are relatively minor in extent and have limited impact within and beyond the haulage yard where they are located. Whilst there is some concern that the planning authority was not made aware at an early stage of what was intended, I **recommend** 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.

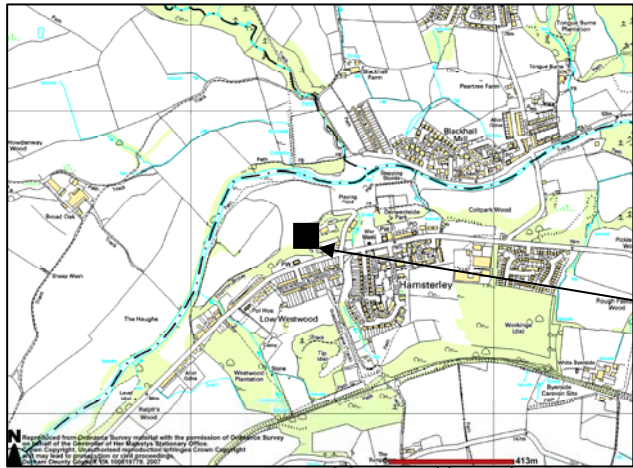
### **No departure**

**Background Papers:** Application, consultations and responses, site location plans.

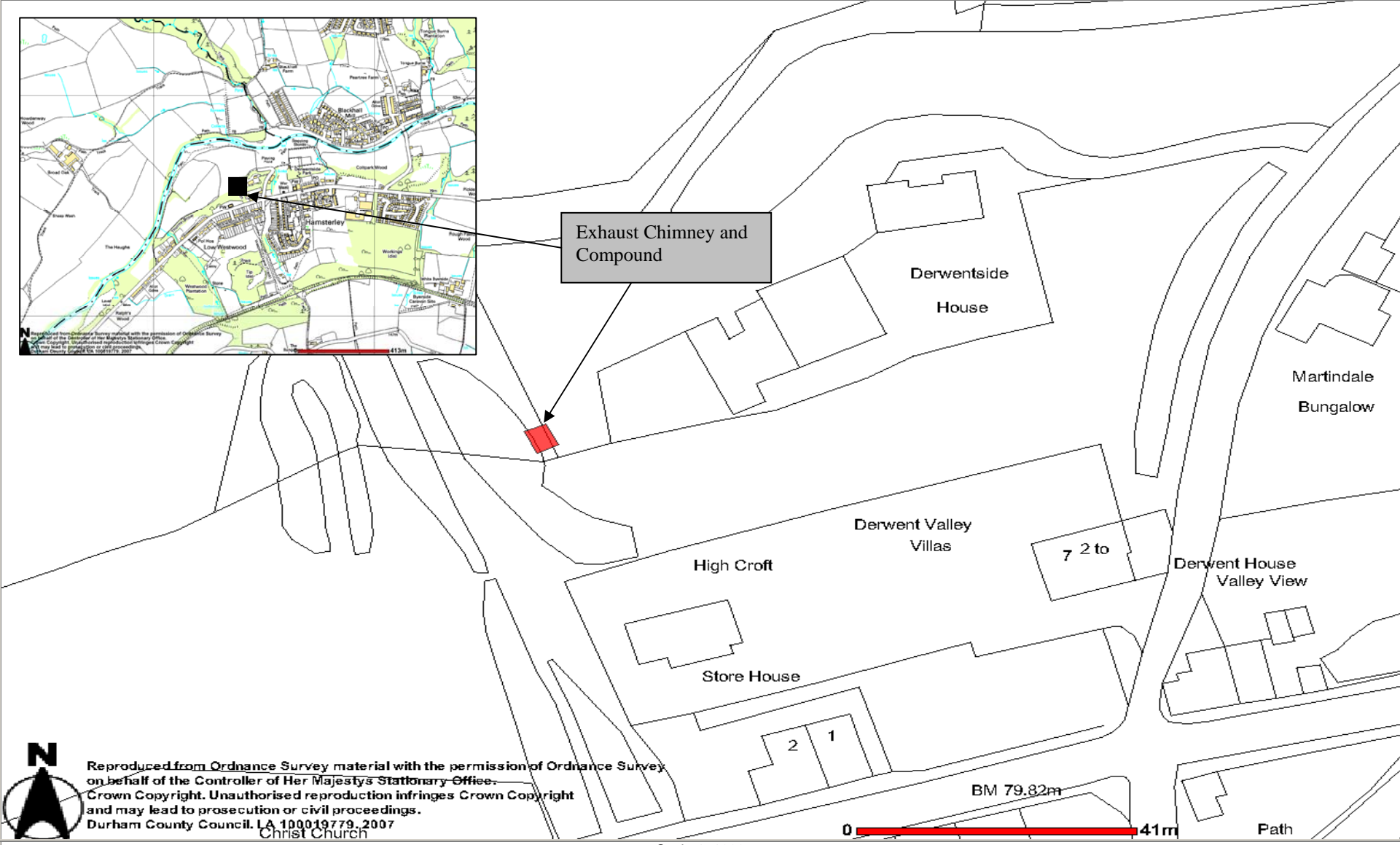
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Exhaust Chimney and Compound



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