

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 6 November 2018 at 1.00 pm**

Present:

Councillor J Robinson (Chairman)

Members of the Committee:

Councillors J Clare, K Corrigan, I Jewell, C Kay, A Laing, L Maddison, J Maitland, G Richardson, A Shield, F Tinsley (Vice-Chairman), M Wilkes and S Wilson

1 Apologies for absence

Apologies for absence were received from Councillors A Bell, K Hawley, H Nicholson and P Taylor.

2 Substitute Members

Councillor J Maitland as substitute Member for Councillor H Nicholson and Councillor K Corrigan as substitute Member for Councillor P Taylor.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

Councillor Wilkes referred to Application DM/18/00101/OUT considered at the meeting on 2 October 2018. During consideration of the application concern was expressed about potential flood risk to a neighbouring fishery. Councillor Wilkes stated that the Senior Planning Officer informed the Committee that the fishery ponds were at a higher level than the development site. Councillor Wilkes informed the Committee that he had subsequently received communication that some of the ponds were lower than or at the same level as the development site and expressed concern that the Committee may have been provided with inaccurate information when considering the application. None of this was reflected in the minutes of the meeting.

C Cuskin, Planning and Development Solicitor informed Councillor Wilkes that officers would check their hand written notes of the meeting and it was agreed that this issue would be brought back to the next meeting.

5 Applications to be determined

a DM/18/00829/OUT - Land South Of A182, Seaham

The Committee considered a report of the Senior Planning Officer regarding an application for a garden village of up to 1500 dwellings, integrated community health and wellbeing village, commercial and leisure uses, business innovation hub, primary school, public open space, community allotments and associated infrastructure, including new pedestrian and vehicular access from A182 on land to the south of A182, Seaham (for copy see file of Minutes).

C Harding, Senior Planning Officer provided a detailed presentation of the application which included a site location map, masterplan, proposed landscape plan and the mineral consultation area identified in the Minerals Local Plan.

The Senior Planning Officer provided the Committee with the following updates since the Committee report had been produced:

- Tarmac objected to the application and had concerns that the development may have an impact on the ability to operate Hawthorn Quarry. Tarmac also considered that there was insufficient explanation around the issue of the sterilisation of mineral assets;
- Durham Wildlife Trust objected to the application on the grounds of its impact on Hawthorn Dene Site of Special Scientific Interest.

The Senior Planning Officer, in his presentation, explained that the application conflicted with Policy 49 of the Easington District Local Plan which designated the majority of the site as an employment site. However, the emerging Local Plan, the County Durham Plan Preferred Options (CDP), did not propose to allocate the site for employment purposes. Whilst no weight could currently be given to the CDP, given that the site remained undeveloped since its allocation 17 years ago and the existing levels of employment land supply within the County and within the A19 Corridor evidenced in the 2018 Employment Land Reviews, it was considered that there were grounds for considering alternative uses on the site.

The proposed development would conflict with Policy M14 of the Mineral Local Plan as it would lead to the sterilisation of a significant, high grade mineral resource. This policy was considered to be up-to-date and consistent with the NPPF and should therefore be afforded full weight in the decision making process.

The Senior Planning Officer informed the Committee that the following amendments to Conditions were proposed:

- Condition 3 – some indicative landscape plans to be added;
- Condition 14 – noise levels to include reference to the quarry;
- Condition 19 – to be ‘Prior to the completion of the 350th dwelling’ rather than ‘Prior to the occupation of the 750th dwelling’

Karen Eynon, on behalf of Rolling Stock and Engineering Co Ltd, addressed the Committee to object to the application. The proposed development was contrary to Policy 49 of the Easington District Local Plan and Policy M14 and M18 of the Durham Minerals Local Plan. The application had failed to provide the necessary evidence to demonstrate that the proposed development would not sterilize significant high grade mineral resources. Ms Eynon expressed concern that it had not been demonstrated the proposed development was in the optimum location for

a garden village, and that this would not outweigh the mineral sterilisation. The application had failed to demonstrate the potential impact of the development upon the operation of Hawthorn Quarry and incorrectly identified that the quarry would need to address its operating methods to take in account new homes, contrary to the NPPF. The Local Planning Authority could demonstrate a 6-year housing land supply and the application incorrectly stated that there was extant planning permission on the site. The proposed development was contrary to the Development Plan and there were no material considerations that would outweigh this conflict.

Helen Kennedy, representing Tarmac, addressed the Committee. The environmental statement submitted with the application did not consider possible quarry noise from the Hawthorn Quarry and there was no certainty that future operation of the quarry would not be prejudiced by this development. There were concerns that the development would result in the sterilisation of high grade limestone.

Richard Garland of George F White, acting on behalf of Rolling Stock and Engineering Co Ltd (RSE) addressed the Committee. Mr Garland objected to the application on behalf of RSE which owned the mineral rights and freehold to 280 acres of land, including the quarry. The area was one of five within the Country which contained such high quality dolomite, and this would be sterilised in the application was approved.

The planning application was speculative and not in line with the housing land requirement. It was not identified in the County Durham Plan as an area for housing and if there was a need for development in the area other sites were available. No consideration had been given to the potential conflict with quarry operations.

Mr Garland queried whether the proposed Garden Village would be able to be delivered because it would necessitate trespass onto mineral land.

C Cuskin, Planning and Development Solicitor informed the Committee that whilst the issue raised about sterilisation of minerals was a material planning consideration which had been given weight within the report, private law issues surrounding the right to undertake works on the land were not material planning considerations.

Roy Sandbach, Professor in Ageing Science of Newcastle University addressed the Committee in support of the application. The UK had an ageing population and by the year 2035 1 in 4 people would be aged over 65 years, and 100,000 in the north-east would be over 85 years. This would have an impact on the social fabric and consideration needed to be given to how to make life better for longer. Newcastle University was a leader in the study of ageing and this proposed initiative was only 20 miles from the University.

The development would bring to the region innovation in the built environment, enhanced options for life-style housing, to accommodate 21st century living, inclusive community and employability. The proposed creation within the village of

two 20,000 sq.ft buildings would provide an integrated health and wellbeing hub and an adjoining Business Incubator space, which would have immense potential for future public-private partnerships and academic collaborations.

John Wood of Tolent Ltd addressed the Committee in support of the application. The application was for 1500 houses, 750 of which would be affordable housing. The development would provide a significant contribution towards the provision of secondary education facilities, £988,000 towards coastal management mitigation, £104,000 towards mitigation at Hawthorn Dene and £550,000 towards sports provision in Seaham.

500 new construction jobs would be provided through the Construction Industry Training Board, with apprentices being trained up to become tradesmen.

Tolent was a north-east based company. The proposed development was fully-funded and an exemplar opportunity which should be granted permission.

Councillor Laing informed the Committee that she had considered the application and listened to the presentation and speakers. Members could depart from the Minerals Local Plan if material planning considerations allowed them to do so. There was no prospect of the film studio development which the site previously had permission for and although this was disappointing, the application had many positives. It was a strategic application in its own right and the proposed 50% level of affordable homes was unknown for a development of this nature, which would benefit hard working families. The east of the County suffered from both employment and health problems and this application brought a commitment to address both of these. A high quality environment was proposed and any adverse impact of the development had been addressed by Condition and the S106 Legal Agreement. Councillor Laing **moved** approval of the application.

Councillor Tinsley informed the Committee that the main objection to the development was that it would lead to the sterilisation of deposits of high grade dolomite. He agreed that there was a clear conflict with Policy M14 in the Minerals Local Plan, however, this type of dolomite was not currently in high demand, the quarry was not currently operating and the quarry would be able to operate if this development was approved. This was an application for a very large development which would generate its own dynamic. The 50% level of affordable housing was significant, as was the proposed 300 dwellings for over-55's. The development would generate its own sustainability with a retail element and hub centre being proposed and was not just a retirement village but was a development for all ages, a mixed community. The development would create 500 new construction jobs delivered through the Construction Industry Training Board as well as 300 jobs in the centre of the village.

This was a rare opportunity for a new settlement which would have a population of some 4,000 and, if permitted, some thought should be given to the name of the settlement. Overall, on balance, Councillor Tinsley considered that the application should override Policy N14 and he was minded to support approval of it.

Councillor Tinsley sought clarity on the amount of mineral resource which would be sterilised should the application be approved, in terms of the size of the overall mineral resource. The Senior Planning Officer replied that it was difficult to quantify a precise figure as the resource was large, already partly sterilised, and no specific research in terms of boreholes had been carried out in large areas of the estimated resource. Therefore, any figure for the total resource would ultimately be a theoretical, desk based estimation. It was noted that the objector estimated that 88% of the resource would be lost, however given the uncertainty over the overall level of total resource any estimation of the level of sterilisation as a proportion of this would be inexact. It was however acknowledged that whilst there was uncertainty around the exact figure it was clear that there would be a significant level of sterilisation in absolute terms.

J McKewon, Senior Policy Officer informed the Committee that two figures were being used for the loss of resource. The applicant estimated that the development would lead to the loss of 62-65m tonnes of magnesian limestone and the objectors estimated this to be 171m tonnes. On this basis the proposed development would sterilise a significant quantity of the mineral resource and that this would be contrary to Policy M14 of the Minerals Local Plan. However, the consideration of the quality of the mineral resource was as important as the consideration of the amount. Whilst there were deposits of magnesian limestone in many areas of the east of the county, the resource at this location was recognised to be one of the five highest grade areas in the UK. The loss of this would be a detriment.

Councillor Clare informed the Committee that this was the application before it today, and suggested alternative sites were not relevant to the application. The one overriding objection, however, was Policy M14 and the loss of very high quality dolomite should the application be approved. The proposed development was an exciting prospect which took future needs of the population into account and would provide the opportunity for regeneration of this part of County Durham versus the future needs of a quarry which currently was not operating. Councillor Clare informed the Committee that he was minded to support approval of the application.

Councillor Wilson referred to the legal process referred to by the objectors which was not a consideration for the Committee. The Planning and Development Solicitor informed the Committee that the legal process referred to by the objectors was an injunction against trespass onto mineral rights. While this was not a matter for the Committee to consider, the Solicitor reiterated that sterilisation was a material planning consideration.

Councillor Maitland informed the Committee that the provision of 300 dwellings for the over-55's was welcomed and would complement other house types being built on the development.

Councillor Wilkes considered the main issue when determining the application was that it did not accord with Policy M14 in the Minerals Local Plan. There was not much of such high grade dolomite in the country and this should not be sterilised for ever. There was a need to have an economy which used its resources well. Councillor Wilkes expressed concern that the proposed 75 affordable homes would not be affordable at all, given the sustainability of where they were to be built and

the cost of living in the properties. There was no mention in the application of fibre optic cabling to the properties, sustainable green energy or rainwater harvesting. While he considered that the removal of the mineral rights was not sufficient to refuse the application, it did not meet NPPF Parts 2 and 15 as it was not sustainable and clearly did not enhance or conserve the natural environment. He informed the Committee that he would be voting against approval of the application because it failed to comply with NPPF Parts 2, 6, 14 and 15 and additionally was not in accordance with Policy M14 of the Minerals Local Plan.

Councillor Richardson agreed with Councillor Wilkes. While at first glance the proposed development seemed to be an exciting one, Councillor Richardson questioned its sustainability. The development would sterilise minerals which were very high grade and this would be detrimental to the Country.

Councillor Kay reminded the Committee that the application was in outline only and specific details of the development would be submitted under reserved matters applications.

Moved by Councillor Laing, **seconded** by Councillor Tinsley and

Resolved:

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the provision of:

- 50% affordable housing;
- A financial contribution of £2,353,356 towards the provision of secondary education facilities;
- A financial contribution of £988,470 towards coastal management mitigation;
- A financial contribution of £104,000 towards mitigation at Hawthorn Dene SSSI;
- A financial contribution of £550,000 towards sports provision in Seaham

and subject to the following Conditions contained in the report, as amended by the Senior Planning Officer.

Councillor Laing left the meeting.

b DM/18/02732/WAS - Joint Stocks Landfill Site, Quarrington Hill Road, Coxhoe

The Committee considered a report of the Senior Planning Officer regarding an application for the change of use to green waste composting at Joint Stocks Landfill Site, Quarrington Hill Road, Coxhoe (for copy see file of Minutes).

Chris Shields, Senior Planning Officer provided a detailed presentation of the application which included a site location map, aerial photograph, a view looking south across the site and a view of the compost pad.

The Senior Planning Officer informed the Committee that Councillor Dunn, local Member, had requested that a condition be placed on the permission to restrict

HGVs to only use the haul road to avoid travelling through Coxhoe. While most vehicles accessing the site already did this, there were currently no restrictions in place. While HGVs could be instructed to use the haul road, a condition would not be enforceable because the origin of the journey of any HGV was not known.

D Wafer, Strategic Traffic Manager informed the Committee that there was currently a weight restriction to the south of Coxhoe. While a restriction on the type of vehicle could not be imposed it was within the gift of the Council to instruct HGVs on their route to the site because they would be County Council vehicles.

Councillor Richardson **moved** that the application be approved.

Councillor Wilkes informed the Committee that the local Member had requested the condition because of concerns he had about potential impact on the community. Councillor Wilkes asked why the Council could not Condition itself by placing such a restriction on the permission.

Councillor Robinson replied that this was not a planning issue but the Council could have a policy of instructing its vehicles to use Hall Lane for access. C Cuskin, Planning and Development Solicitor informed the Committee that any condition must meet certain tests, including to make the development acceptable, and must be enforceable. Councillor Wilkes asked whether the Chairman, on behalf of the Committee, write to the Portfolio Holder for Neighbourhoods and Local Partnerships to ensure that Council vehicles accessing the site used the haul road to do so. Councillor Robinson confirmed he would do this.

Resolved:

- (i) That the application be approved subject to the conditions contained within the report;
- (ii) That the Chairman write to the Portfolio Holder for Neighbourhoods and Local Partnerships to request that Council vehicles accessing the site be instructed to use the haul road to do so.