

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 4 June 2019 at 1.00 pm**

Present:

Councillor J Robinson (Chair)

Members of the Committee:

Councillors J Atkinson, J Clare, J Clark, I Jewell, G Richardson, A Shield, J Shuttleworth, A Simpson and F Tinsley (Vice-Chair)

Apologies:

Apologies for absence were received from Councillors A Bell, K Corrigan, K Hawley, C Kay, A Laing, M Wilkes and S Wilson

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2 Substitute Members

Councillor J Clark as substitute Member for Councillor Wilson.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes of the meeting held on 7 May 2019

The Minutes of the meeting held on 7 May 2019 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/18/03622/OUT - Land To The North West Of High Beechburn Farm, Crook, DL15 8JE

The Committee considered a report of the Senior Planning Officer regarding an outline application for up to 350 dwellings including means of access (all

other matters reserved) on land to the north-west of High Beechburn Farm, Crook (for copy see file of Minutes).

S Pilkington, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, site photographs, a view of the proposed access through Beechburn Industrial Estate and proposed masterplan.

Councillor A Patterson, local Member addressed the Committee to object to the application.

The officer's report was detailed and the reasons for refusal were abundant. The application site was currently agricultural fields and outside the settlement limits of Crook. The development would lead to the loss of natural habitat and green open space. Although the agricultural land was grade 3b, which was not the best and most versatile, in terms of the area it was in it was prime agricultural land, with most land in the area only used for grazing.

The site was not near to any local facilities and while the development proposed 10% of the properties for older people, the location was not in the right place with the nearest GP surgery being over 1 mile away.

The proposed access to the development through an industrial estate was a major concern. The industrial estate had been identified as a future employment site and residential development such as proposed could have a negative impact on future expansion of the industrial estate.

Highways officers had objected to the proposed access with concerns over visibility splays. While there would be sufficient secondary school places, there were not enough primary school places in the area to accommodate the proposed development. There was also insufficient GP provision in the area to accommodate the development.

Councillor Patterson asked the Committee to refuse the application.

Councillor A Reed, local Member addressed the Committee to object to the application. She informed the Committee that she endorsed the recommendation of refusal, adding that 350 houses would equate to approximately 1400 residents and this was in addition to other developments in the area. The GP surgery was currently under strain and this development would worsen the situation. Local primary schools were full to capacity, as was the local dental practice. The proposed development was wrong at his moment in time and Councillor Reed asked the Committee to refuse the application.

Councillor Shield informed the Committee that the reasons for refusal were easily understood. The proposed development was in the wrong place, had poor accessibility, encroached into the countryside and breached local and national planning policies. Councillor Shield **moved** approval of the recommendations, that the application be refused.

Councillor Shuttleworth considered that 350 dwellings at this location was a lot for the area, and after considering the representations of local Members, he **seconded** refusal of the application.

Councillor Richardson endorsed the comments which had been made. Reference had been made to the Local Plan for reasons to refuse the application, yet the Committee had previously been informed that Local Plans were out of date.

Councillor Tinsley informed the Committee that where local development plans were considered to be obsolete then under NPPF Paragraph 11 there was a presumption of development unless there were significant and demonstrable reasons not to. This development would be an encroachment into the countryside, was set high so would be visible, proposed access through an industrial estate which was not acceptable. The proposed masterplan showed a density of 25 units per hectare and there would be a lack of open space on the development. Finally, there was a lot of information lacking from the applicant.

Upon a vote being taken it was

Resolved:

That the application be refused for the reasons contained in the report.

b DM/18/02483/MIN - Heights Quarry, Westgate, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding an application for a north-western extension to Heights Quarry for the winning and working of 6.97 million tonnes of limestone, extension of time to 2046 and restoration of the site to a mix of habitats, pasture land, woodland, and public access at Heights Quarry, Westgate, Bishop Auckland (for copy see file of Minutes)

C Shields, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, photographs from within the quarry and a photograph of the site access from the A689. The Senior Planning Officer referred the Committee to the proposed Condition 23 in the report and reported that this would be amended

to provided separate headings for each sphere of operation, but the effect of the Condition would remain unchanged.

Mr P Nailon, local resident and representing the Wear Rivers Trust, addressed the Committee to object to the application.

On behalf of the Wear Rivers Trust (WRT), Mr Nailon informed the Committee that paragraph 170 of the officer's report stated that 'the submitted hydrological assessment disputes...' the WRT submission that the destruction of catchment headwaters area would adversely impact on Park Burn's hydrology. The fact that the channel was virtually dry during a visual inspection in May 2015 did not contradict the water storage or natural flood management function of the surrounding wetland area during wet conditions. The Aggregate Industries hydrogeological assessment offered a selective view of the local hydrological conditions derived from a snapshot inspection. The upper burn often ran dry as the water stored in the surrounding wetlands was gradually depleted during dry periods. The burn flowed strongly in direct reaction to sustained rainfall with water flowing through the wetland areas as the ground reached water retention capacity. Collecting and piping the water from above the area quarried, and into the remaining channel branch would remove that storage and filtration function making in-channel flows more reactive and 'flashy' and of a shorter duration, increasing downstream flood risk in direct contradiction to the current £2.5 million Weardale Natural Flood Management national pilot project which aimed to slow the flow of water, partly through the creation of the habitat type which would be destroyed by the quarry extension.

As a local resident, Mr Nailon expressed concern about the potential for noise, particularly given the long working hours proposed of 6 a.m. to 7 p.m. Monday to Saturday and 7 a.m. to 12 noon Sunday with 70 dB for up to 8 weeks a year and up to 42 dB outside defined working hours. Whilst Mr Nailon understood that the proposal did not wish to impose 'unreasonable burdens on the mineral operator' noise levels up to the maxima would be disruptive and distressing to immediate residents. The area was very quiet with current operations generating only occasional background noise as the quarry had been driving east for many years.

Paragraph 127 referred to a noise monitoring protocol and suppression measures stating 'due to the remote location of the site the applicant had not provided existing or predicted noise levels and would only carry out monitoring in the event of a complaint'. Mr Nailon suggested that working in a remote location was not a valid reason for not undertaking a study on existing and forecasted noise levels.

Mr Nailon proposed that before a final decision was made on the planning application the following items with regard to noise were considered:

- Noise monitoring and suppression measures be reviewed and that existing and forecast noise levels be published;
- Maximum working hours be reviewed in the context of existing and forecast noise levels.

If noise levels proved to be unsustainable and impacted on residents' quality of life Mr Nailon asked whether Aggregate Industries would provide compensation.

Referring to visual impact Mr Nailon informed the Committee that existing security lighting was not well designed, was visible from the A689 and impacted on otherwise dark skies. Lighting in the quarry extension should be designed as not to destroy the very dark skies which were enjoyed around C78 above Crooks Alter up to Scarside Head which lay outside ambient light from Westgate.

Geoff Storey addressed the Committee on behalf of the applicant. The Environment Agency had raised no objections to the proposal and the advice of the Environment Agency had been taken regarding the protection of groundwater and groundwater fed receptors and appropriate Conditions had been proposed. Referring to noise, Mr Storey referred the Committee to paragraph 81 of the report which showed that Environmental Health and Consumer Protection had raised no objection to the proposal subject to conditions in respect of noise. He said that the Company had responded to comments regarding lighting during the consultation period and a condition was proposed in terms of lighting.

He directed the Committee to the applicant's statement in paragraphs 95 to 97 of the officer's report. He noted that the quarry was a significant source of direct and indirect employment in Weardale and contributed approximately £660,000 per annum to the local economy through wages and employment of local contractors.

Mr Storey asked the Committee to approve the application.

The Senior Planning Officer informed the Committee that the quarry operators had responded to the issues raised by Mr Nailon regarding lighting and there was a Condition proposed relating to lighting and dark skies. Hours of operation at the quarry were currently unrestricted and there were national limits set regarding noise. The quarry had not generated any noise-related complaints. The quarry site was moving away from the nearest housing. Referring to hydrology, advice had been taken from statutory consultees and the Council's own drainage section, none of which had raised objections.

Councillor Shuttleworth informed the Committee that the quarry was the biggest employer in Weardale above Stanhope. He had previously had one issue reported to him over the last 22 years and this had been sorted by the quarry operators overnight. Councillor Shuttleworth **moved** approval of the application.

Councillor Tinsley informed the Committee that while he had some sympathy with the hydrology issues raised, and there could be a potential issue with Park Burn, there were numerous burns running into the River Wear, and this proposal would have a minimal impact on downstream flood risk and would not be a reason for refusal. The maintenance of economic activity was important and Councillor Tinsley **seconded** approval of the application.

Councillor Shield referred to the comments at paragraph 84 regarding ecology and the advice that aftercare be extended from 5 years to 25 years and sought clarity on this. The Senior Planning Officer replied that while ecology had suggested an extended period for aftercare to 25 years this had been discussed and considered not necessary, with the statutory 5 years being considered sufficient for the site.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the Conditions contained in the report.