

## **DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 4 November 2014 at 2.00 pm**

### **Present:**

**Councillor K Davidson (Chairman)**

### **Members of the Committee:**

Councillors B Armstrong, D Boyes, M Dixon, D Hall, G Holland, I Jewell, A Laing, R Lumsdon, H Nicholson, G Richardson, A Shield and R Young

#### **1 Apologies for Absence**

Apologies for absence were received from Councillors J Allen, B Moir and P Taylor.

#### **2 Substitute Members**

Councillor I Jewell as substitute member for Councillor B Moir.

#### **3 Declarations of Interest**

There were no declarations of interest.

#### **4 Minutes**

The minutes of the meeting held on 7 October 2014 were confirmed as a correct record and signed by the Chairman.

#### **5 Applications to be determined**

##### **5a DM/14/01651/OUT - Land adjacent to Vicarage Close, Hargill Road, Howden-le-Wear**

Colin Harding, Senior Planning Officer informed the Committee that this application had been withdrawn at a late stage by the applicant. He clarified that should the application be re-submitted at any future date it would be subject to a further full consultation process.

##### **5b DM/14/2132/FPA - Land at the former Seaham Colliery, Station Road, Seaham, County Durham**

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of a new secondary school, parking, landscaping and

sports facilities on land at the former Seaham Colliery, Station Road, Seaham (for copy see file of minutes).

Andrew Inch, Strategic Team Leader provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Councillor Laing, in **Moving** approval of the application, informed the Committee that Seaham was in need of a new school and she was delighted that this application had come forward.

Councillor Dixon referred to planning Condition 20 which restricted the use of the MUGA to 9 p.m. Monday to Friday, and to Condition 21 which stated that no floodlighting shall be erected to the MUGA courts. The lack of floodlighting would, in effect, mean that during the winter months the MUGA would not be able to be used after 5 p.m. and Councillor Dixon considered Condition 21 to be too restrictive.

Councillor Boyes queried the possibility of restricting the use of the MUGA to either 6 p.m. or 7 p.m.

The Strategic Team Leader replied that the applicant had not proposed floodlighting and therefore the application had not been considered or assessed on the provision of floodlighting. Although planning Condition 21 excluded floodlighting for this application, the applicant could submit a later application for floodlighting if required, and this would be subject to consultation with local residents. He also considered the proposed hours for the use of the MUGA to be appropriate.

Councillor D Boyes **Seconded** approval of the application, and it was

**Resolved:**

That the application be approved, subject to the conditions detailed in the report.

## **6 Bradley Open Cast Inquiry Update**

Claire Teasdale, Principal Planning Officer, provided the Committee with an update on the Bradley Open Cast Inquiry.

In February 2011 the Committee refused planning permission for a proposed surface coal mining scheme at a site to be known as Bradley, near Leadgate, Consett, County Durham on the grounds that it would have an unacceptable impact on the environment and amenity of local communities, and the proposed community benefits of the proposal did not outweigh the unacceptable impact on the environment and amenity of local communities, contrary to Policies contained in the County Durham Minerals Local Plan.

The applicant, UK Coal (UKC), lodged an appeal against the Council's decision which was heard at a local Inquiry between 25 October 2011 and 11 November 2011, with the Planning Inspector's decision letter issued in February 2012. The Inspector dismissed the appeal and an associated temporary footpath diversion order application that would have been necessary to facilitate the development.

In April 2012 UKC mounted a legal challenge against the Inspector's appeal decision. A High Court judgement was handed down in July 2013 which upheld one of UKC's grounds of challenge and quashed the Planning Inspector's decision. As a result a new Inquiry was required to be held and another Inspector appointed to consider the appeal.

The appeal, which was heard at a local Inquiry at Leadgate Workmen's Social Club and Institute, commenced on 7 October 2014 and lasted 12 days. There was a considerable amount of local interest evidenced by the daily attendance at the inquiry by local residents. The Inspector's decision was expected in the first few months of 2015.

Councillor Shield reminded the Committee that the High Court had quashed the Planning Inspectors decision because the way it had been written and presented, with an over-emphasis on the Localism Act, rather than because of the decision itself.

The Chairman placed on record both his and the Committee's thanks to those officers who had been involved in the appeal process, and in particular Claire Teasdale, Laura Renaudon and Stuart Timmis.