

Item 3

SEDGEFIELD BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

Council Chamber,
Council Offices,
Spennymoor

Friday,
15 September 2006

Time: 10.00 a.m.

Present: Councillor A. Smith (Chairman) and

Councillors Mrs. A.M. Armstrong, W.M. Blenkinsopp, Mrs. B.A. Clare, Mrs. K. Conroy, Mrs. J. Croft, V. Crosby, M.A. Dalton, Mrs. A.M. Fleming, Mrs. B. Graham, A. Gray, G.C. Gray, Mrs. J. Gray, B. Hall, J.E. Higgin, A. Hodgson, M.T.B. Jones, B. Meek, G. Morgan, D.A. Newell, K. Noble, B.M. Ord, R.A. Patchett, Mrs. E.M. Paylor, Mrs. I. Jackson Smith, Mrs. C. Sproat, K. Thompson, T. Ward and J. Wayman J.P

Apologies: Councillors B.F. Avery J.P, D.R. Brown, J. Burton, R.S. Fleming, T.F. Forrest, D.M. Hancock, K. Henderson, Mrs. L. Hovvels, G.M.R. Howe, J.G. Huntington, M. Iveson, J.M. Khan, J.P. Moran, J.K. Piggott, Mrs. C. Potts, Ms. M. Predki, J. Robinson J.P, G.W. Scott, J.M. Smith, Mrs. L. Smith and W. Waters

DC.41/06 DECLARATIONS OF INTEREST

The following Councillors indicated that they would be declaring an interest in the following items :-

Councillor G.C. Gray	-	Item 7 – Consultation from Durham County Council – Personal and prejudicial interest – Member of Durham County Council
Councillor Mrs. A.M. Fleming	-	Item 7 – Consultation from Durham County Council – Personal – School Governor

DC.42/06 MINUTES

The Minutes of the meeting held on 18th August, 2006 were confirmed as a correct record and signed by the Chairman.

DC.43/06 APPLICATIONS - BOROUGH MATTERS

Consideration was given to a schedule of applications for consent to develop (for copy see file of Minutes).

In respect of Application No : 1 – Residential Development (Outline Application – Land North East of High Street, Byers Green – A. Watson, 99, Mayfields, Spennymoor – Plan Ref : 7/2006/0407/DM – it was explained that Mrs. M. Oliver and Mr. D. Anderson were present at the meeting to outline their objections and concerns with the proposed development.

Mrs. Oliver informed the Committee that she had a number of concerns in relation to the proposals. One of her main concerns was the loss of amenity within the village. There had been housing development in the village. However, the amenities within the village, such as shops etc. had reduced. The increased traffic which would be generated from the proposed development would also be a danger particularly for children. It was explained that for children to access the adjacent recreation ground they would need to cross the entrance to the estate which would be a potential danger.

The proposed development could also destroy the habitat for wildlife. Also during the development there would be dust and noise nuisance from the heavy plant and machinery. Mrs. Oliver envisaged that the proposed development would also place a strain on services with resultant reduction in gas pressures, etc.

Nearby properties would also suffer with loss of light to the rear of their properties.

Mr. Anderson explained that his concerns related to the significant house growth in the area. He was also concerned for the safety of children en route to the play area. He considered that the development would be intrusive and was taking place in what was a particularly peaceful area. The value of properties in the near vicinity would also be reduced by the development. The area was also a habitat for wildlife and birds and the development would be detrimental.

Mr. T. Lavender, the applicant's agent, was present at the meeting to clarify details of the proposals. He expressed his disappointment with the recommendation for refusal and the manner in which the recommendation had come about. The proposals had been under discussion for two years with officers on the basis of a positive outcome. The applicant was under the impression that the development was wholly in the residential area of Byers Green and the only issue to be resolved was access to the site. Discussions had been held with Durham County Council and the applicant believed that all aspects of the proposals were satisfactory. The issue of the settlement boundary had only been raised within the last few weeks. In respect of the ecological study, he explained that one had not been requested. He considered that there was a lack of consistent approach.

In respect of highway concerns, Mr. Lavender explained that there had been lengthy consultations with the County Highways Department which had resolved matters of highway design and safety. Furthermore, the childrens play area would not be divorced and would in fact bring a development adjacent to it. Parking provision would be something which would be properly designed into the scheme.

In response officers clarified the situation in respect of the boundary. The Committee was informed that the application had been difficult to deal with and it was not until a few weeks ago that issue with relation to the boundary had been highlighted. Advice had been taken and officers were of the opinion that the hedge formed a clear physical boundary to the

settlement. It was this boundary which needed to be considered and not the village boundary defined on the Local Plan Proposals map. This boundary was considered to be out-dated and to allow residential development beyond the hedge would result in encroachment into the countryside.

In respect of Application No : 2 – Residential Development comprising 58 dwellings and associated means of access, new changing facilities, resurfacing of football pitch and provision of a play area (Outline Application) – Land off Amble Way, Trimdon Grange – Mclnerney Homes NE Limited – Plan Ref : 7/2006/0430/DM – it was noted that this application had been withdrawn.

Dealing with Application No : 4 – Retention of Garage Incorporating Raised Decking and Erection of 1st Floor Extension to the rear – 12, Kensington Gardens, Ferryhill – Gary Atkinson, 12, Kensington Gardens, Ferryhill – it was explained that Mr. Rowsley, a local resident, was present at the meeting to express his concerns in relation to the development. Mr. Rowsley explained that his concerns related to the loss of privacy for neighbouring properties and the eyesore which the development caused

Mr. Atkinson, the applicant, was also present at the meeting and he explained that the development had been done in consultation with Development Control who had informed him that he did not require planning consent. An application had been made to the One Stop Shop. And he had been guided through a full plan application by officers. In respect of privacy Mr. Atkinson explained that there had been minimal loss of privacy and furthermore that there was no right to privacy in common law. Mr. Atkinson circulated a series of photographs to support his case.

The key point, however, was whether planning permission was required at all. The garage extension did not go any further than the existing back wall and incorporated the original outbuilding. If permitted development rights had been correctly interpreted then no planning application was needed for the garage and therefore no planning application was needed for the raised decking.

In relation to the first floor extension this would bring No : 12 Kensington Gardens in line with the rest of the street. The T-Plan roof ensured minimal impact upon daylighting. No comment or objection had been received during consultation.

In conclusion he explained that he had consulted with Development Control at appropriate points and their advice had been followed and all requests duly complied with.

In response officers explained that they considered that the development was not appropriate as it would cause a loss of privacy. Grounds for refusal could be defended.

- RESOLVED :*
- 1. That in respect of Application No : 2 – residential development comprising 58 dwellings and associated means of access, new changing facilities, resurfacing of football pitch and provision of a play area – Land off Amble Way, Trimdon Grange – McInerney Homes NE Limited – Plan Ref : 7/2006/0430/DM – it be noted that this application had been withdrawn.*
 - 2. That the remainder of the applications detailed in schedule be adopted.*

DC.44/06

DEVELOPMENT CONTROL - ADDITIONAL APPLICATIONS

Consideration was given to a schedule detailing an additional application for consent to develop (for copy see file of Minutes) relating to the erection of 9 No. industrial warehouse units with ancillary offices and associated forecourt and service yard – Land at Long Tens Way, Millennium Way, Aycliffe Industrial Estate – Easter Properties, 4, Grosvenor Place, London – Plan Ref : 7/2005/0826/DM.

RESOLVED : That the recommendation detailed in the schedule be adopted.

DC.45/06

DEVELOPMENT BY SEDGFIELD BOROUGH COUNCIL

Consideration was given to a schedule for consent to develop. (For copy see file of Minutes).

RESOLVED : That the recommendations detailed in the schedule be adopted.

DC.46/06

CONSULTATIONS FROM DURHAM COUNTY COUNCIL

NB : In accordance with Section 81 of the Local Government Act 2000 and the Member's Code of Conduct, Councillors G.C.Gray and Mrs. A.M. Fleming declared an interest in this item and left the meeting for the duration of the discussion and voting thereon.

Consideration was given to a schedule of applications which were to be determined by Durham County Council and upon which the views and observations of this Council had been requested. (For copy see file of Minutes).

RESOLVED : That the recommendations detailed in the schedule be adopted.

DC.47/06

DELEGATED DECISIONS

A schedule of applications which had been determined by officers by virtue of their delegated powers was considered. (For copy see file of Minutes).

RESOLVED : That the schedule be received.

DC.48/06 COUNTY DECISIONS

Consideration was given to a schedule of applications which had been determined by Durham County Council. (For copy see file of Minutes).

RESOLVED : That the information be received.

DC.49/06 APPEALS

Consideration was given to a schedule detailing outstanding appeals upto 6th September, 2006. (For copy see file of Minutes).

RESOLVED : That the information be received.

DC.50/06 RECENT PLANNING APPEAL DECISIONS

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) detailing recent planning appeal decision by Mr. C. Crosby against the refusal of planning permission for a single storey extension to the front of the existing garage at 28, Spring Lane, Sedgefield.

It was noted that the Inspector had upheld the appeal.

The Inspector's decision needed to be taken into account when considering similar applications elsewhere.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That in accordance with Section 100(a)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 6 of Part 1 of Schedule 12a of the Act.

DC.51/06 ALLEGED BREACHES OF PLANNING CONTROL

Consideration was given to a schedule of alleged breaches of planning control and actions taken. (For copy see file of Minutes).

RESOLVED : That the schedule be received.

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Liz North 01388 816166 ext 4237 email:enorth@sedgefield.gov.uk

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