

Item 3a

SEDGEFIELD BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

Council Chamber,
Council Offices,
Spennymoor

Friday,
13 October 2006

Time: 10.00 a.m.

Present: Councillor A. Smith (Chairman) and

Councillors Mrs. A.M. Armstrong, B.F. Avery J.P, W.M. Blenkinsopp, J. Burton, Mrs. B.A. Clare, Mrs. J. Croft, M.A. Dalton, Mrs. A.M. Fleming, T.F. Forrest, Mrs. J. Gray, B. Hall, K. Henderson, J.E. Higgin, M. Iveson, M.T.B. Jones, J.M. Khan, B. Meek, G. Morgan, K. Noble, B.M. Ord, R.A. Patchett, Mrs. E.M. Paylor, Ms. M. Predki, J.M. Smith, Mrs. I. Jackson Smith, Mrs. C. Sproat, T. Ward and J. Wayman J.P

Apologies: Councillors D.R. Brown, Mrs. K. Conroy, V. Crosby, R.S. Fleming, Mrs. B. Graham, A. Gray, G.C. Gray, D.M. Hancock, A. Hodgson, Mrs. L. Hovvells, G.M.R. Howe, J.G. Huntington, J.P. Moran, D.A. Newell, J.K. Piggott, Mrs. C. Potts, J. Robinson J.P, G.W. Scott, Mrs. L. Smith, K. Thompson and W. Waters

DC.52/06 DECLARATIONS OF INTEREST

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

Councillor J. Burton	-	Item 4 – Application 1	Personal and prejudicial interest – Member of Trimdon Parish Council and Trimdon 2000
Councillor J.M. Khan	-	Item 13 -	Personal and prejudicial – acquainted with the applicant
Councillor A. Smith	-	Item 13	Personal and prejudicial – acquainted with applicant
Councillor Mrs. A.M. Armstrong	-	Item 13	Personal and prejudicial – acquainted with applicant

DC.53/06 MINUTES

The Minutes of the meeting held on 15th September 2006 were confirmed as a correct record and signed by the Chairman. (For copy see file of Minutes).

DC.54/06 APPLICATIONS - BOROUGH MATTERS

NB : In accordance with Section 81 of the Local Government Act 2000 and the Member's Code of Conduct Councillor J. Burton declared a personal and prejudicial interest in Application No : 1 and left the meeting.

In respect of Application No : 1 – Erection of 112 Houses and Apartments with Associated means of Access and Landscaping (Outline Application) – Land East of Swainby Road, Trimdon Village – Trimdon Estates, c/o 30 Front Street South, Trimdon Village – Plan Ref : 7/2006/152/DM – the Committee was informed that since the preparation of the report correspondence had been received indicating that four of the objectors to the proposed development had requested that their detailed objections be withdrawn after due consideration of the benefits arising from the proposals.

However, five further letters of objection from residents in Elwick View had been received. The main thrust of their objections was based on the issue of the land, the subject of the application, being used as a playing field and it being a greenfield site. Houses, which had recently been built, were still for sale. There was already a school in the village, another one was not needed. There was also already a health centre in the village. The site was used as a playing field and there would be nowhere for children to play. It was considered that the cost of the housing would not be affordable to many local people and would, therefore, not be of benefit. The proposals did not appear to offer anything that was likely to happen. The proposed three storey development, within the application, would be detrimental to the visual amenity. The proposed roundabout would also cause traffic congestion and be detrimental to the approach to the east of the village leading to the historic core of the village.

It was explained that two further letters of objections had been received from housebuilders, Wimpey and Barratts, and details contained in their letters of objection were read out to the Committee.

In respect of the objections from Wimpey it was explained that they were based on planning policy and procedure. The site was on greenfield land, outside the development boundary for Trimdon, which made the site least favoured in a sequential approach dictated by latest government guidance PPS 3. The proposed development would have a detrimental effect on the amenity value of the area and, as the site was adjacent to a conservation area, it would not be in keeping with the local vernacular.

The letter from Wimpeys also pointed out that the school was identified by the Local Education Authority to receive funding in the future.

National guidance was focused on residential development on brownfield land and increasing the proportion of development on such sites. This site did not contribute to that key driver whilst other sites in the locality could. The site had not been identified in the Urban Capacity Study 2003. A site analysis, of previously developed land in the locality, had not been submitted with the application. There were other sites in the locality that could provide the same housing opportunity, whilst maintaining the local amenity value of the area.

It was pointed out that there was currently an outline application for development in the Trimdons, which would be submitted to the Committee

in November, which was on brownfield land and a significantly more sustainable site.

Public consultation had taken place in relation to the proposed development. Feedback from the process included the following comments:-

Redevelopment of Greenfield land should always be left if brown-field sites are available

the development is good for the village.....that does not take up Greenfield land and nor does it impose on existing homes

I approve of the use of brownfield land

We would prefer Sedgefield Borough Council to build on brownfield land where available rather than green.

The approach of offering planning gain had a number of flaws. The affordable housing proposal makes no reference to Housing Association, and, therefore, the maintenance and management in perpetuity was questionable and appeared to have issues

In relation to the development of the school, this was also very limited as further funding was required. Also school information suggested that there was plentiful capacity.

The proposed development contradicted national and local planning policy and would question the purpose of any existing and future planning policies. Therefore the developers were supporting the officers recommendation for refusal.

The objections from Spawforth Associates on behalf of Barratts related to :-

- The site performs poorly in relation to the locational strategy laid out in the Draft Regional Spatial Strategy, in that it is an unallocated Greenfield site beyond the defined village framework.
- Policy 3 of the Structure Plan stipulates that priority should be given to the provision of new development on sites which is within or well related to the County's main towns, of which Trimdon is not one. Although it is acknowledged that deprivation occurs in the village, the size of the village, and services within, are insufficient to assimilate a development of this size in a manner which would lead to a sustainable community. Accordingly the site does not comply with the core planning principles laid out in PPS1, PPG3 and Draft PPS3 which seek to create sustainable communities.
- The release of this site for residential development would hinder more sustainable sites coming forward, including Whitworth Park, which is allocated in the Local Plan and is clearly in a significantly

more sustainable location within one of the identified main towns. It is acknowledged that the 4 main towns have the best facilities and services, and the development of Whitworth Park would seek to secure their viability.

Officers explained that the proposals were not within the residential framework of Trimdon Village and were not consistent with Regional or National Planning Policy Guidance. Proposals did not meet with the criteria of the Sequential Test which needed to be fulfilled under the Regional Spatial Strategy.

The development was considered to be unacceptable in planning terms in that it was a large modern housing development on an unallocated greenfield windfall site, outside the residential framework of the village, that would result in the encroachment of unjustified development into the open countryside. It would have an impact on the character of Trimdon Village Conservation Area. There was no guarantee that the enhanced facilities could be provided. The development lacked landscaping cover to the east and south and was not in conformity with Regional Planning Guidance or the Regional Spatial Strategy.

The key considerations in determining that the proposed development was unacceptable in planning terms were :-

- It is a large modern housing development of 112 dwellings on an unallocated, peripheral, greenfield, windfall site outside the defined and recognised residential framework of the village that would result in the encroachment of unjustified development into the open countryside.
- Developments of this magnitude should be located in the Boroughs 4 main towns in demonstrably more sustainable locations and not on the edge of small rural villages.
- The development would have a devastating impact on the character and appearance of the Trimdon Conservation Area by urbanising the country lane leading to the historic heart of the village.
- Whilst the applicant's financial contributions towards new facilities are noted there can be no guarantee that these can be provided by this application and relies heavily on third parties obtaining funding for the provision of a new school and health centre and as such there can be no guarantee that these will be provided by this application.
- The internal highway layout of the development is substandard and the development lacks a landscape buffer to the east and south
- In planning policy terms fundamental objections have been raised at regional level because it is not conforming with the Regional Planning Guidance or the emerging Regional Spatial Strategy, and at county level as it is in conflict with the Structure Plan
- It is an unacceptable development which cannot be made acceptable simply by offering substantial financial contributions in support of it.

Paul Trippett, County Councillor for Trimdon, addressed the Committee and outlined his reasons for supporting the application. He explained that there were proposals for the expansion of Netpark which would have an impact on housing in the area. Trimdon Village did not have an appropriate brownfield site available for development which would mean that, if greenfield land was not used, there would be no investment in Trimdon Village. In relation to development of the infant school, Mr. Trippett explained that he did not believe Durham County Council's assessment of the number of school children and that housing development was needed to increase the number of children using the school and also to increase usage of other facilities such as the library etc., and for the general regeneration of the area.

Local Development Framework Major Allocations Draft Search Sequence and Detailed Assessment, which was out for consultation, stated that identification of sites should be founded on robust and credible assessment of the suitability, availability and accessibility of land. It set out the key sustainability tests against which potential housing sites would be assessed. The emphasis for larger villages was on previously developed land sites and buildings, Greenfield sites within villages, previously developed land extensions and lastly Greenfield extensions. Judged against the detailed selection process the site would perform poorly

Les Oliver, Parish Clerk to Trimdon, outlined his support for the application. He explained that the Parish Council was supporting the application and considered that the public support for the application was not being taken into account. Officers recommendations did not acknowledge that the application had received considerable public support. He pointed out that officers had given advice to the developers in relation to revised proposals and yet remained of the opinion that the scheme was not appropriate.

Facilities within Trimdon Village were diminishing due to the need for a more sustainable population. The doctors surgery was to close which would mean that residents would need to travel. In respect of the school facilities there may need to be re-organisation of primary education. An increase of even 3 or 4 children attending the school could mean the difference between losing a teacher or having mixed age group children.

In respect of the Regional Spatial Strategy, Mr. Oliver considered that there were issues, within the Strategy in relation to the rural areas, which should be challenged. Conservation did mean standing still but moving forward.

He requested the opportunity for Members to visit the site to enable them to clarify various aspects of the proposals.

In response officers explained that engaging with the local community to understand their aspirations etc., had to be considered alongside proposals that were acceptable in principle in planning terms in the first place. The timescale for the Local Development Framework was

constrained by the number of careful and proper assessments which needed to be undertaken in relation to sustainability etc on a Borough wide basis.

Mr. Sedgewick, a planning consultant for the applicant outlined the benefits of the proposals. He explained that the application had been supported by the community. He had a petition of over 1,000 people in support of the application. Facilities in Trimdon Village were diminishing, recreational facilities were outdated etc. The proposals would improve the sustainability of Trimdon Village. An influx of new people would give a better chance of investment in education and health facilities in the village.

With regard to the comments from the two housebuilding firms, he explained that they were not concerned with the issue of sustainability of the community.

He expressed his concern that the entire presentation had been negative.

In response officers explained that in relation to sustainability Planning Policy Statement 1 dealt with sustainable development and Planning Policy Statement 7 dealt with delivering sustainable communities in rural areas. Local development would be dealt with in the Local Development Framework, which made reference to achievable sustainable development. Greenfield development was discouraged.

The Committee was informed that Ian Grimley from Trimdon Junior Football Club was at the meeting to speak in support of the application. Mr. Grimley explained that there were health and safety concerns in relation to the existing astro turf. The football club needed the facilities and could not afford to relocate. Closure would mean that there was no playground for the school. If the astro turf was developed there would be a significant improvement in childrens safety. He also queried the assessment of how many children the proposed development would bring within the area, as a recent new development had brought 50 children.

In considering the application Members pointed out that they had been given a very detailed report, which clearly identified all the planning issues. A site visit for clarification purposes was therefore not necessary.

Members also considered that there was a need to maintain consistency and adhere to planning policies. Officers were enacting Council policy on their behalf

Members were also of the opinion that the proposal amounted to piecemeal development that would set an undesirable precedent. Financial “carrots” could not be waved as an incentive. This was not good planning practice

In relation to facilities within Trimdon there was no guarantee that these would happen and this development was not the right way forward in planning terms.

In relation to public support the Committee pointed out that, although there was a petition of over 1,000 signatories in support of the application, there was a query in relation to the opinion of the other residents in the village.

With regard to Application 2 – Erection of 121 dwellings and 12 apartments with associated infrastructure and landscaping – Thrislington Depot Station Road, West Cornforth, Ferryhill – Justin Hancock, H.J. Banks and Company, Tow Law – Plan Ref : 7/2006/0312/DM – the Committee was informed that Justin Hancock, Development Planner from H.J. Banks was present at the meeting to clarify any issues in relation to the proposals.

Mr. Hancock explained that the proposals related to the regeneration of an under-used brownfield site which would be beneficial to the local community and also to the two companies using the site who would be able to relocate.

One objection had been received in relation to the proposed development which the company had addressed, by the proposed creation of a buffer zone.

In response to a query raised by Members of the Committee, Mr. Hancock explained that ground investigations had been carried out bearing in mind that it was a former mining area. There would be thorough testing and monitoring when the developer was on site.

RESOLVED : That the report be received and the recommendations contained therein adopted.

DC.55/06 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.56/06 APPEALS

Consideration was given to a schedule detailing outstanding appeals up to 4th October, 2006. (For copy see file of Minutes).

RESOLVED : That the information be received.

DC.57/06 TREE PRESERVATION ORDER NO 40/2006 WINDLESTONE HALL, WINDLESTONE

Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) the purpose of which was to consider whether it would be appropriate to confirm the above Tree Preservation Order.

It was explained that a provisional Tree Preservation Order had been made at the site on 12th June, 2006.

The trees which were subject of the Order provided amenity value to the area and were considered worthy of protection to preserve the character of the landscape and protect the setting of the conservation area.

*RESOLVED : That Tree Preservation Order No : 40/2006
Windlestone Hall, Windlestone be confirmed.*

**DC.58/06 TREE PRESERVATION ORDER NO 41/2006 LAND ADJACENT TO
WINDLESTONE HOME FARM COTTAGES, WINDLESTONE**

Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) the purpose of which was to consider whether it would be appropriate to confirm the above Tree Preservation Order.

The Committee was informed that the provisional Tree Preservation Order had been made at the site on 1st June, 2006. The Order needed to be confirmed within six months of being made or it would be null and void.

The tree that was subject of the Order provided amenity value to the area and was considered worthy of protection to preserve the character of a redevelopment site.

*RESOLVED : That Tree Preservation Order No : 41/2006 – Land
Adjacent to Windlestone Home Farm Cottages,
Windlestone be confirmed*

**DC.59/06 TREE PRESERVATION ORDER NO 43/2006 1, THE VILLAS, DEAN
BANK, FERRYHILL**

Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) the purpose of which was to consider whether it would be appropriate to confirm the above Tree Preservation Order.

It was explained that a provisional Tree Preservation Order had been made at the above site 25th May, 2006. The Order needed to be confirmed within six months of being made or it would be null and void.

The tree which was the subject of the Order provided amenity value to the area and was considered worthy of protection to preserve the character of the landscape and protect the setting of the conservation area.

*RESOLVED : That Tree Preservation Order No : 42/2006
1, The Villas, Dean Bank, Ferryhill be confirmed .*

**DC.60/06 TREE PRESERVATION ORDER NO 44/2006 GRAYSON ROAD,
MIDDLESTONE MOOR**

The Committee considered a report of the Head of Planning Services (for copy see file of Minutes) the purpose of which was to consider whether it would be appropriate to confirm the above Tree Preservation Order.

It was explained that a provisional Tree Preservation Order had been made at the above on 14th August, 2006. The Order needed to be confirmed within six months of being made or it would be null and void.

The trees which were subject of the Order provided amenity value to the area and were considered worthy of protection to preserve the character of the development site.

RESOLVED : That Tree Preservation Order No : 44/2006 Grayson Road, Middlestone Moor be confirmed

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 they may involve the likely disclosure of exempt information as defined in Paragraphs 1 and 6 of Part 1 of Schedule 12a of the Act.

DC.61/06 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.

DC.62/06 ERECTION OF FENCE ENCLOSING OPEN SPACE ADJACENT TO 1 PARKDALE, SPENNYMOOR

NB : In accordance with Section 81 of the Local Government Act 2000 and the Member's Code of Conduct Councillors Mrs. A. M. Armstrong, J.M. Khan and A. Smith declared an interest in this item and left the meeting.

(Councillor B. Meek in the Chair).

Consideration was given to a report of the Director of Neighbourhood Services. (For copy see file of Minutes) in relation to the above breach of planning control.

RESOLVED : That the report be received and the recommendation contained therein adopted.

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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