

# Item 3

## SEDGEFIELD BOROUGH COUNCIL

### DEVELOPMENT CONTROL COMMITTEE

Council Chamber,  
Council Offices,  
Spennymoor

Friday,  
10 November 2006

Time: 10.00 a.m.

**Present:** Councillor A. Smith (Chairman) and

Councillors Mrs. A.M. Armstrong, W.M. Blenkinsopp, Mrs. J. Croft, M.A. Dalton, Mrs. B. Graham, A. Gray, Mrs. J. Gray, B. Hall, A. Hodgson, M. Iveson, M.T.B. Jones, J.M. Khan, B. Meek, J.P. Moran, G. Morgan, K. Noble, B.M. Ord, R.A. Patchett, Mrs. E.M. Paylor, Mrs. C. Sproat, T. Ward and W. Waters

**Apologies:** Councillors B.F. Avery J.P, D.R. Brown, J. Burton, Mrs. B.A. Clare, Mrs. K. Conroy, V. Crosby, Mrs. A.M. Fleming, R.S. Fleming, T.F. Forrest, G.C. Gray, D.M. Hancock, K. Henderson, J.E. Higgin, Mrs. L. Hovvells, G.M.R. Howe, J.G. Huntington, D.A. Newell, J.K. Piggott, Mrs. C. Potts, Ms. M. Predki, J. Robinson J.P, G.W. Scott, J.M. Smith, Mrs. I. Jackson Smith, Mrs. L. Smith, K. Thompson and J. Wayman J.P

#### **DC.65/06 DECLARATIONS OF INTEREST**

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

Councillor J.M. Khan	-	Item 7 – Application 1	Personal and prejudicial interest – Member of Governing Body
Councillor Mrs. A.M. Armstrong	-	Item 7 – Application 1	Personal and prejudicial interest – Member of Governing Body

#### **DC.66/06 MINUTES**

The Minutes of the meetings held on 13<sup>th</sup> October, 2006 and 20<sup>th</sup> October, 2006 were confirmed as correct records and signed by the Chairman.

#### **DC.67/06 TREE PRESERVATION ORDER NO. 45/2006 2 MIDDRIDGE ROAD, RUSHYFORD**

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 the 24<sup>th</sup> August, 2006. The Order must be confirmed within 6 months of being made or it would be null and void.

The tree, subject of the Order, provided amenity value to the area and was considered worthy of protection to preserve the character of the landscape. It provided public amenity along Middridge Road and particularly the A167 and provided a skyline feature.

*RESOLVED : That Tree Preservation Order No : 45/2006 2, Middridge Road, Rushyford be confirmed.*

## **DC.68/06**

### **APPLICATIONS - BOROUGH MATTERS**

Consideration was given to a schedule detailing an application to be determined by the Council. (For copy see file of Minutes).

It was explained that the application related to the erection of 104 No. dwellings and associated means of access (Outline Application) the former Greyhound Stadium, Spennymoor – Mr. B. Robinson, 36, Gurlish West, Coundon – Plan Ref : 7/2006/0548/DM.

The application related to the erection of 104 dwellings on the former Greyhound Stadium site. Details of the proposals and consultation responses to the proposals were set out and summarised in the report.

The Committee was informed that the development offered a range of house types and accorded with national and regional planning guidance. A desktop survey, in relation to contamination issues, had been undertaken. It was also considered that the development had suitable access and transport arrangements, with links to the town centre.

The Committee was informed that a letter had been received from Spawforth Associates, on behalf of Barratt Newcastle, in relation to the application. The letter identified the following concerns:

- This application is being brought before Committee without a full assessment being undertaken of the principle of the development in advance of other more sustainable allocations in the Local Plan, namely Whitworth Park.
- The Officer's Report does not advise Members that there are undetermined applications for development at Whitworth Park. Whitworth Park is a site the Local Plan supports development upon in advance of other allocations in the Borough; and
- The release of this site for residential development would hinder more sustainable sites coming forward, including Whitworth Park, which is allocated in the Urban Development Programme.

Barratts considered that for those reasons this application should be refused in accordance with the Officer's Report. Furthermore, should the additional information relating to an ecological survey be received by the Council, any revised application should not be supported by Members until such time as these matters referred to above have been assessed fully by Officers and consideration given to the outstanding applications for Whitworth Park.

In response officers explained that :-

- Applications are determined on their individual merits, judged against national guidance, regional guidance and local plan policy and any other material planning considerations.  
There is no requirement for an assessment to be undertaken of the principle of the development of other sites in the Local Plan.
- There is no requirement to advise Members of the presence of undetermined applications for development elsewhere. To do so would only raise the profile of undetermined applications and could compromise their proper consideration by Committee by making assumptions about the outcome.
- Releasing this site would not hinder more sustainable sites coming forward. Judged against the Council's Local Development Framework – Major Allocations Development Plan Document : Proposed Search Sequence and Retailed Site Assessment Methodology of Housing sites approved by Cabinet for consultation, this site clearly scores well. Whitworth Park, by comparison, is a Greenfield extension, notwithstanding its Local Plan designation.

A key issue which had not been satisfied in relation to the proposed development related to the ecological aspects. Natural England had not offered any comment on the proposals. However, the application lacked ecological information and the Council's own Ecology officers had examined the site and recommended that a Phase 1 Ecological Survey should be undertaken. As a result of the lack of ecological information officers had therefore no option but to recommend refusal in the report.

However, since writing the report the applicants had addressed the ecological issues and had sought advice from Natural England. An assessment had been undertaken and although this did not constitute a full survey, planning permission could be granted subject to a full conditions survey being undertaken during the summer months.

It was therefore suggested that the application be approved subject to a number of conditions and a Section 106 Agreement seeking to secure the following Heads of Terms :-

- A Management Plan for the future management and maintenance of areas of open space.
- A Design Code for the site comprising details of mix of house types, types of materials, surface treatments, street furniture and means of enclosure.
- Off site highway works including improvements to the junction with Merrington Lane.
- The efficient use of energy in all new housing, conserving water and utilising renewable energy.
- The inclusion of elements of public art of contribution to towards public art.
- The provision of cycle routes and secure facilities for cycle parking.

- The provision of or a financial contribution towards the provision of passenger shelters at the two nearest bus stopping points on Merrington Lane.
- The provision of equipped play areas.
- The provision of 20% affordable housing spread across the site.
- A financial contribution towards the improvement of the existing footpath network and the A688 underpass, including improved lighting and surveillance by the provision of CCTV cameras.
- A financial contribution towards the production of a Master Plan for the Merrington Lane Industrial Estate.

The Committee was informed that Mr. Lyle, on behalf of the applicant, was present at the meeting. He thanked officers for their assistance and support. He considered that the application would be of benefit to the town and would tie in with the development at the Thorns site.

*RESOLVED : That the application be approved subject to the following conditions and a Section 106 Agreement with Heads of Terms as outlined above.*

**1 Reserved Matters**

*Approval of the details of the siting, design and external appearance of the buildings and landscaping of the site (hereinafter called the "Reserved Matters") shall be obtained from the Local Planning Authority before any development is commenced.*

*Reason: Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004*

**2 Reserved Matters**

*Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of THREE years from the date of this permission and the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter has been approved.*

*Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

**3 Number of dwellings**

*Notwithstanding any description of the number of dwellings in the application hereby approved, this permission relates to a maximum number of 100 dwellings.*

*Reason: To ensure that the number of dwellings does not*

*exceed the recommended maximum number for the Type 3 Minor Access Road specified by the Highway Authority*

**4 Housing Provision**

*The development hereby permitted shall provide a range and mix of house types ranging between one to four bedroomed properties.*

*Reason: To ensure local housing needs are addressed.*

**5 Means of access**

*No dwellinghouse shall be occupied unless they are served by an access which has been constructed in accordance with details to be submitted to and approved by the Local Planning Authority.*

*Reason: To ensure the the dwellinghouses hereby approved are served by a satisfactory means of access in the interests of highway safety and to comply with Policy T6 (Improvements in Road Safety) of the Sedgfield Borough Local Plan.*

**6 Open Space Provision**

*No development shall take place until a scheme for the provision of formal and informal open space, together with play facilities, has been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented in accordance with timescales to be agreed in writing with the local planning authority.*

*Reason: In the interests of residential amenity and to provide for open space and play facilities in accordance with Policy L2 of the Sedgfield Borough Local Plan.*

**7 Control of Noise and Other Environmental Pollution**

*No diesel powered plant or equipment shall be used on the site on any Sunday, Saturday afternoon or Bank holiday nor at other times other than between the hours of 8.00am and 6.30pm and no building, packing or other materials shall be allowed to blow off the site. No fires shall be burned within 100 metres of occupied dwellings.*

*Reason: In order to protect the amenities of the occupiers of nearby premises.*

**8 Nesting Birds**

*Development shall not be commenced within the bird breeding season (March to August inclusive).*

*Reason: To ensure that the development does not damage or disturb birds that are nesting and breeding on the site and to comply with Policy E14 (Protection of*

*Wildlife) of the Sedgefield Borough Local Plan.*

**9 Habitat Survey**

*No development shall commence until a Phase 1 Habitat Survey in accordance with English Nature publication 'Ecological Surveys – Some Key Issues and Useful Contacts' has been undertaken to the satisfaction of the Local Planning Authority. The survey shall include investigation of the presence of Dingy Skipper Butterflies for purposes of foraging, resting or breeding. Once completed the survey shall be submitted to and approved in writing by the Local Planning Authority.*

*Reason: To ensure the protection of wildlife, including a target species listed in the County Durham Biodiversity Action Plan and to comply with Policy E14 (Protection of Wildlife) of the Sedgefield Borough Local Plan.*

**10 Mitigation measures Habitat Survey**

*Should the survey work required under condition 9 identify the presence of wildlife species that are protected by law, or otherwise identified as a priority or target species in national or local biodiversity action plans, no development shall commence until mitigation measures have been formulated, submitted to and approved in writing by the Local Planning Authority and carried out to the reasonable satisfaction of the Local Planning Authority. Any required mitigation measures submitted for approval shall include details of future management.*

*Reason: To ensure the protection of wildlife, including a target species listed in the County Durham Biodiversity Action Plan and to comply with Policy E14 (Protection of Wildlife) of the Sedgefield Borough Local Plan.*

**11 Landscaping details**

*No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping which shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.*

*Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.*

**12 Landscaping implementation**

*The approved scheme of landscaping shall be carried out in accordance with the approved plans and shall be completed as set out in the phasing scheme required under the terms of the associated Section 106 Agreement and the date of practical completion shall be supplied in writing to the Local planning Authority within seven days of that date.*

*Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.*

**13 Landscaping maintenance**

*All planting, seeding or turfing comprised in the approved details of landscaping shall be maintained in accordance with British standard 4428 for a period of 5 years commencing on the date of practical completion and during this period any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and grass that fails to establish shall be re-established unless the Local Planning Authority gives written consent to any variation.*

*Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.*

**14 Landscape Management Plan**

*No works to trees, including topping, lopping and pruning and felling shall take place until a Landscape Management Plan and Strategy has been agreed with the Local Planning Authority and any such works shall not take place without the prior approval of the Local Planning Authority.*

*Reason: To ensure that the Landscape quality of the site is preserved and enhanced and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.*

**15 Protection of trees**

*All trees and hedges to be retained shall be properly fenced off from those parts of the site to be demolished or redeveloped and shall not be removed without prior approval of the Local Planning Authority. Details of the type and positioning of the fencing shall be submitted and approved by the Local Planning Authority prior to the development of demolition commencing.*

*Reason: To enable the Local Planning Authority to ensure that existing natural features on the site are protected and retained in the interests of the visual amenity of the site and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgfield Borough Local Plan.*

**16 Surface water run-off**

*No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme details.*

*Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy D13 (Development Affecting Watercourses) of the Sedgfield Borough Local Plan.*

**17 Footpaths and cycle ways**

*No development shall commence until details of all routes for pedestrians and cyclists have been submitted to and approved by the Local Planning Authority. The routes shall be implemented and thereafter maintained in full accordance with the approved details.*

*Reason: In order to provide for a network of footpaths and cycleways and to comply with policy T1 (Footpaths and Cycleways) of the Borough Local Plan.*

**18 Contamination**

*No development approved by this permission shall be commenced until:*

*a) a desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model of the geology and hydrogeology) for the site of all potential contaminant sources, pathways and receptors has been produced.*

*b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model of the geology and hydrogeology). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:*

*- a risk assessment to be undertaken relating to ground and surface waters associated on and off the site that may*



*be affected, and*

*- refinement of the Conceptual Model, and*

*- the development of a Method Statement detailing the remediation requirements*

*c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.*

*d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.*

*Reason: To protect Controlled Waters and ensure that the remediated site is reclaimed to an appropriate standard.*

## **19 Contamination**

*If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.*

*Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters.*

## **20 Remediation**

*Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met.*

*Future monitoring proposals and reporting shall also be detailed in the report.*

*Reason: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard.*

## **21 Levels, existing and proposed**

*No development shall commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local planning Authority.*

*Development shall take place in accordance with the approved plans.*

*Reason: In order to control the level at which the development takes place in order to protect the visual and residential amenity of the area and to comply with Policy D1 and D5 of the Sedgefield Borough Local Plan*

**22 Means of enclosure**

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any walls or fences or other means of enclosure shall be approved by the Local Planning Authority and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.*

***Reason: In the interests of safeguarding the visual amenity of the residential area***

**23 Noise**

*The development layout and building envelopes of the dwellings shall be designed and constructed to provide protection from noise generated from the local road network and the adjacent industrial estate. The upper limits for the designed noise levels within the developments shall be 35dBA LAeq in habitable rooms with windows shut and other means of ventilation provided and for external noise shall be 55dBA LAeq in outdoor living areas.*

*Reason: To protect residential amenity.*

**24 Material storage and employee parking during construction**

*Prior to the commencement of development a detailed plan indicating the location of material storage and employee parking on site shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be available and used at all times during construction.*

*Reason: In the interest of amenity during the construction of the development and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.*

**25 Wheel washing facilities**

*Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the main exit from the site. All construction traffic leaving the site must use the facility and it must be available and*

*maintained in working order at all times.*

*Reason: In the interest of amenity and to reduce the amount of mud on the roads and in accordance with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.*

**26 Energy Efficiency**

*Prior to commencement of development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for 10% embedded renewable energy. Thereafter the development shall operate in accordance with the approved scheme unless otherwise agreed in writing.*

*Reason: In order to minimise energy consumption and to comply with Regional Planning Guidance 1 policies EN1 and EN7.*

**INFORMATIVE: REASONS FOR APPROVAL**

*In the opinion of the Local Planning Authority the proposal is acceptable in terms of its impact upon highway safety, and visual and residential amenity of the area, and will provide for a modern sustainable housing development.*

**DC.69/06**

**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 Mrs. A.M. Armstrong and J.M. Khan declared an interest in this item and left the meeting for the duration of discussion and voting thereon.

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

*RESOLVED :* That the schedule be received.

**DC.70/06**

**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.71/06**

**COUNTY DECISIONS**

A schedule detailing an application which had been determined by Durham County Council was considered. (For copy see file of Minutes).

*RESOLVED : That the information be received.*

**DC.72/06**

**APPEALS**

Consideration was given to a schedule detailing outstanding appeals up to 31<sup>st</sup> October, 2006. (For copy see file of Minutes).

*RESOLVED : That the information be received.*

**DC.73/06**

**RECENT PLANNING APPEAL DECISIONS**

Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) detailing a recent planning decision.

It was noted that an appeal made by J & T Saunders against refusal for a first floor extension over the garage at 6, Cragside, Sedgefield had been upheld.

*RESOLVED : That the information be received.*

**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 item 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.74/06**

**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.*

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**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