

Item 3

SEDGFIELD BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

Council Chamber,
Council Offices,
Spennymoor

Friday,
8 December 2006

Time: 10.00 a.m.

Present: Councillor A. Smith (Chairman) and

Councillors W.M. Blenkinsopp, Mrs. B.A. Clare, Mrs. K. Conroy, Mrs. J. Croft, V. Crosby, M.A. Dalton, Mrs. B. Graham, A. Gray, G.C. Gray, B. Hall, J.E. Higgin, J.G. Huntington, M. Iveson, M.T.B. Jones, J.M. Khan, B. Meek, D.A. Newell, K. Noble, B.M. Ord, Mrs. C. Sproat, K. Thompson, T. Ward, W. Waters and J. Wayman J.P

Apologies: Councillors Mrs. A.M. Armstrong, B.F. Avery J.P, D.R. Brown, J. Burton, Mrs. A.M. Fleming, R.S. Fleming, T.F. Forrest, Mrs. J. Gray, D.M. Hancock, K. Henderson, A. Hodgson, Mrs. L. Hovvels, J.P. Moran, G. Morgan, R.A. Patchett, Mrs. E.M. Paylor, J.K. Piggott, Mrs. C. Potts, Ms. M. Predki, J. Robinson J.P, G.W. Scott, J.M. Smith, Mrs. I. Jackson Smith and Mrs. L. Smith

DC.75/06

DECLARATIONS OF INTEREST

The following Members stated that they would be declaring interests :-

Councillor G.C. Gray	-	Item 4	Personal	Daughter employed by Applicant
		Item 7	Personal & prejudicial	Member of Durham County Council
Councillor V. Crosby	-	Item 7	Personal and prejudicial	Member of Greenfield Community Arts Management Board
Councillor Mrs. B.A.Clare	-	Item 7	Personal and prejudicial	Husband – Deputy Head of Greenfield School and Community Arts College

DC.76/06 MINUTES

The Minutes of the meeting held on 10th November, 2006 were confirmed as a correct record and signed by the Chairman.

DC.77/06 PROPOSED DEMOLITION OF EXISTING FACTORY UNIT AND SUBSEQUENT REDEVELOPMENT FOR APPROXIMATELY 400 RESIDENTIAL UNITS WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE IMPROVEMENTS AT MERRINGTON LANE INDUSTRIAL ESTATE SPENNYMOOR

NB: In accordance with Section 81 of the Local Government Act 2000 and the Members Code of Conduct Councillor G C Gray declared an interest in this item and left the meeting for the remainder of the items.

Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) the purpose of which was to ratify the decision made by the Development Control Committee on 20th October, 2006 to approve, in principle, the planning application subject to conditions and the imposition of a Section 106 Agreement.

The Committee was reminded that the application had been referred to the Government Office for the North East. Information had been received that the Secretary of State had decided not to call in the application to determine herself and that the application should remain with the Council for decision.

It was explained that, following consideration at Committee, a considerable amount of officer time had been spent in negotiations with the applicant's agents, in preparing the draft legal agreement. It subsequently transpired that a couple of conditions had been duplicated in the Committee report and it was possible to deal adequately with a number of the issues set out in the proposed Heads of Terms by condition instead. This report therefore reflected the changes.

RESOLVED : That in the light of the Secretary of State's decision not to call in the application, Development Control Committee endorses the earlier recommendation of approval as set out in the original committee report subject to a variety of conditions set out in appendix 1 and that the Head of Planning Services be given authority, in consultation with the Borough Solicitor, to issue a conditional planning approval certificate in exchange for a Section 106 Legal Agreement in order to ensure that the proposal delivers the various elements of planning gain in the revised heads of terms set out in appendix 2.

DC.78/06 APPLICATIONS - BOROUGH MATTERS

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

In respect of Application No : 1 – Residential Development Comprising of 52 No. Dwellings - Land East of Barratt Way, West Cornforth, Ferryhill, County Durham – Bett Homes (NE) Limited, Diamond Court, Kenton, Newcastle-upon-Tyne – Plan Ref : 7/2006/0443/DM – it was explained that the application complied with National Planning Policy Guidance and Local Plan policies.

In relation to affordable housing, it was explained that there was not currently an affordable housing issue in West Cornforth.

The development met the standards in terms of provision of privacy and amenity.

In terms of open space provision it was explained that sum of £50,920 was ringfenced from capital receipts should planning permission be granted to ensure off-site play provision was achieved.

The Committee was informed that in terms of ecology, an ecological report had been submitted to assess the impact of the development on protected species. The views of Natural England had been sought and a condition included to ensure that the development was carried out in accordance with the mitigation elements of the ecological assessment and tree survey. A separate more detailed survey would be carried out to deal with the issue of bats.

The Environment Agency had originally objected to the development as no flood risk assessment had been submitted to deal with the surface water run off. The applicant had, however, since submitted the relevant information and the Environment Agency therefore raised no objections but requested that the following condition be required to be included in relation to surface water:-

“Notwithstanding the details shown on the plans hereby approved, full details of the surface and foul drainage systems shall be submitted to, and approved in writing by the Local Planning Authority prior to any development commencing on site

Reason : To prevent flooding and the pollution of the water environment and to comply with Policy D13 (Development Affecting Watercourses) of the Sedgefield Borough Local Plan”.

It was explained that Mrs. Brenda Richardson, a local resident, was present at the meeting to outline her concerns in relation to the proposed development. She explained that there were already parking issues in the area and the development would exacerbate the problem. She also made reference to problems with the sewer in the area and its constant blockage. She considered that the development would also make that problem worse.

In response it was explained that it was recognised that there were concerns in relation to access. However, the Highway Authority had no

objections to the proposals. In terms of sewerage, concerns had been raised and this was the reason for the suggested additional condition.

Regarding Application No : 2 – Erection of Residential Development with Associated Means of Access – Rose Street, Trimdon Grange – George Wimpey, Stockton-on-Tees – Plan Ref : 7/2006/0521/DM – it was explained that the applicant had requested that the application be deferred to consider a number of outstanding issues in relation to the level of affordable housing.

Dealing with Application No : 4 – Proposed Diversion of Woodham Burn, Flood Prevention Works and Erection of 150 Dwellings and Associated Access (Outline Application) – Land adjoining Woodham Bridge, Newton Aycliffe – Camtec Properties (Newton Aycliffe) Limited – Plan Ref : 7/2006/0610/DM – it was noted that this application had been withdrawn.

In respect of Application No : 5 – Change of Use from Residential to Childrens Home – 1, The Villas, Ferryhill – The Cares Group, Byers Green – Plan Ref : 7/2006/0687/DM – it was explained that letters of objection had been received from Ferryhill Town Council and local residents. The objections from Ferryhill Town Council related to the lack of parking facilities, the inappropriate use of a residential property and too near residential homes. Two further letters of objection had been received from Dean Bank Residents Association and from a local resident with were circulated. (For copies see file of Minutes). The objections related mainly to anticipated nuisance, anti-social behaviour etc.

It was explained that the application needed to be considered against Local Plan policies H18 and H22 of the Local Plan which stated that planning permission for residential institutions would normally be granted within housing areas provided they comply with other planning policies, do not significantly harm the living conditions of nearby residents, were appropriate in scale and character to the surrounding housing area. Although potential anti-social behaviour etc., was not a planning concern, it could be considered and taken into account when dealing with planning applications.

The Committee was reminded that to refuse the application purely on the basis of potential problems would be difficult to substantiate on appeal and any issues needed to be evidence-based.

Mrs. Weston, Chairman of the Residents Association, was present at the meeting to outline her concerns. She explained that the proposal was in an inappropriate location. There were already anti-social behaviour problems in the Dean Bank area and the location was in a very densely populated area where there were problems with parking etc. Mrs. Weston considered that the residents of the home could be targeted by local youths.

It was considered that it would have been preferable to be able to question the applicant in relation to the problems which the residents of the home faced and what the challenging behaviour issues were.

It was noted that there were similar premises existing in Crook and that it would perhaps be advisable to defer consideration of the application until evidence was gained from other such premises etc., as to any issues which the development may cause. Many of the concerns were based on speculation and supposition and it was therefore considered appropriate to seek further information and defer consideration of the application to allow a decision to be based on evidence.

RESOLVED : 1. That in respect of Application No : 1 Residential Development Comprising of 52 No. Dwellings - Land East of Barratt Way, West Cornforth – Bett Homes (NE) Limited, Diamond Court, Kenton, Newcastle-upon-Tyne – Plan Ref : 7/2006/0443/DM the application be approved subject to the inclusion of the following condition :-

“Notwithstanding the details shown on the plans hereby approved, full details of the surface and foul drainage systems shall be submitted to, and approved in writing by the Local Planning Authority prior to any development commencing on site

Reason : To prevent flooding and the pollution of the water environment and to comply with Policy D13 (Development Affecting Watercourses) of the Sedgfield Borough Local Plan”.

- 2. That in respect of Application No : 2 - Erection of Residential Development with Associated Means of Access – Rose Street, Trimdon Grange – George Wimpey, Stockton-on-Tees – Plan Ref : 7/2006/0521/DM – the application be deferred pending further consideration of outstanding issues.*
- 3. That in respect of Application No : 4 - Proposed Diversion of Woodham Burn, Flood Prevention Works and Erection of 150 Dwellings and Associated Access (Outline Application) – Land adjoining Woodham Bridge, Newton Aycliffe – Camtec Properties (Newton Aycliffe) Limited – Plan Ref : 7/2006/0610/DM – it be noted that the application had been withdrawn.*
- 4. That in respect of Application No : 5 - Change of Use from Residential to Childrens Home – 1, The Villas, Ferryhill – The Cares Group, Byers Green – Plan Ref : 7/2006/0687/DM – the application be deferred pending further information and evidence.*
- 5. That the remainder of the applications be approved.*

DC.79/06 CONSULTATIONS FROM DURHAM COUNTY COUNCIL

NB : In accordance with Section 81 of the Local Government Act 2000 and the Members Code of Conduct, Councillors V. Crosby and Mrs. B. A. Clare declared a prejudicial and personal interest in this item and left the meeting for the duration of the discussion and voting thereon.

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 was considered. (For copy see file of Minutes).

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

DC.80/06 COUNTY DECISIONS

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

RESOLVED : That the information be received.

DC.81/06 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.82/06 APPEALS

Consideration was given to a schedule detailing outstanding appeals up to 30th November, 2006. (For copy see file of Minutes).

RESOLVED : That the information be received.

DC.83/06 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 appeal decision. It was noted that an appeal made by Mr. Yaqoob against the Refusal for the Change of Use to Hot Food Takeaway at 1A, Eden Terrace, Chilton had been dismissed.

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.84/06

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.85/06

**UNAUTHORISED ERECTION OF WALL AT 21 CRAGSIDE
SPENNYMOOR**

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

RESOLVED : *That the report be received and the recommendations 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