

Item 3

SEDGEFIELD BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

Council Chamber,
Council Offices,
Spennymoor

Friday,
5 January 2007

Time: 10.00 a.m.

Present: Councillor A. Smith (Chairman) and

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

Apologies: Councillors J. Burton, Mrs. J. Croft, R.S. Fleming, D.M. Hancock, K. Henderson, Mrs. L. Hovvels, G.M.R. Howe, J.G. Huntington, M. Iveson, M.T.B. Jones, J.M. Khan, J.P. Moran, D.A. Newell, J.K. Piggott, Ms. M. Predki, J. Robinson J.P, G.W. Scott, J.M. Smith, Mrs. L. Smith, K. Thompson and W. Waters

DC.86/06

DECLARATIONS OF INTEREST

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

Councillor G.C. Gray	-	Items 7 & 9 Personal and prejudicial – Member of Durham County Council
Councillor Mrs. B. Graham	-	Item 5(1) Personal and prejudicial - connection with Member of Spennymoor Town Council
Councillor Mrs. A.M. Armstrong	-	Item 5(1) Personal and prejudicial – daughter Member of Spennymoor Town Council
Councillor Mrs. C. Sproat	-	Item 5(1) Personal and prejudicial – Member of Spennymoor Town Council
Councillor Mrs. A.M. Fleming	-	Item 7 – Personal and prejudicial – Item 9 – Personal and prejudicial – School Governor
Councillor V. Crosby	-	Item 9 – Personal and prejudicial – Member of Greenfield Community Arts Management Board
Councillor Mrs. B.A. Clare	-	Item 9 – Personal and prejudicial – husband Deputy Head of Greenfield School and Community Arts College

DC.87/06

MINUTES

The Minutes of the meeting held on 8th December, 2007 were confirmed as a correct record and signed by the Chairman subject to the number of dwellings referred to in Application No : 1 – Land East of Barratt Way, West Cornforth, Bett Homes, Plan Ref : 7/2006/0443/DM being amended from 52 to 47.

DC.88/06

APPLICATIONS - BOROUGH MATTERS

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

NB : In accordance with Section 81 of the Local Government Act 2000 and the Member's Code of Conduct Councillors Mrs. A.M. Armstrong, Mrs. B. Graham and Mrs. C. Sproat declared personal and prejudicial interests in Application 1- the Erection of 8 No. Dwellings and Associated Access Road (Outline Application) former Middlestone Moor Youth Club, Albion Street, Spennymoor – Spennymoor Town Council – Plan Ref : 7/2005/0546/DM and left the meeting for the duration of the discussion and voting on that application.

In respect of Application No : 2 – Demolition of Existing Petrol Filling Station and Erection of 2 No. Dwellings (Outline Application) – OK Service Station, Durham Road, Chilton – Mr. C. Alexander, OK Service Station, Chilton – Plan Ref : 7/2006/0712/DM – it was explained that officers were recommending refusal of the application bearing in mind the location of the site. It was explained that the principle of housing in this location was considered unacceptable when assessed against its open countryside surroundings.

The site of the proposed development was outside any recognised settlement boundary and was located in an unsustainable location in respect of service provision when compared to more centrally located sites within the defined town boundary. No justification had been submitted by the applicant for the need for two dwellings in the location and as such the proposal was unacceptable and contrary to National and Local Plan Policy.

More sustainable locations offering a range of facilities and infrastructure etc., may exist elsewhere in the Borough and to accept this application would potentially set an undesirable precedent resulting in encroachment into the countryside.

The Committee was informed that Mr. Shipley, the applicant's agent, was present at the meeting to outline the proposals. Mr. Shipley explained that the site was brownfield and in terms of sustainability was 120 mts., from a bus stop, 230 mts. from a doctors surgery and 300 mts. from shops. In terms of the position of the site he considered that the site was not in the countryside in the context of Policy IB3.

It was pointed out that the existing use for the site was a car repair garage. There had been problems associated with misuse of the site etc., since the business had ceased as a result of the by-pass.

Mr. Shipley explained that objections from the Highway Authority could be addressed and indeed his clients agreed to this.

Letters of support had been received from adjacent properties and also from the Parish Council as being a good use of the site.

The Committee was informed that Mr. Irvine, a representative of a firm supporting the agent, was present at the meeting to explain the benefits of the development. He explained that the business had been affected by the development of the by-pass and the garage would be unable to be sold as a commercial proposition as it existed.

Mr. Irvine read out a letter of support which he had received from Chilton Town Council confirming that it recognised that the by-pass had affected the business and that it would be concerned if the use was changed to second hand car sales etc. The Town Council did not see why the site could not be used for residential development as long as the development was sympathetic to the area.

He had also received a letter of support from Mr. Jackson, a local resident, which he read out. Mr. Jackson in his letter, explained that the site was becoming an eyesore and attracting youths causing anti-social behaviour and vandalism etc. A letter of support had also been received from Mr. Brisley stating that the development would improve the area which was being vandalised etc., by youths.

In conclusion Mr. Irvine stated that the development was part of Chilton and if the development was not permitted the site would become an eyesore and the problems of anti-social behaviour etc., would be compounded.

Discussion was held regarding the letter from Chilton Town Council and the Chilton Councillors on the Borough Council who confirmed that they had not expressed a view on the application prior to the meeting.

In response to Mr. Irvine's comments, officers explained that they were seeking to comply with Council policy. The development was in the countryside and for the purposes of IB3 Policy it was adjacent to the village boundary. It was irrelevant that this was a brownfield site and relatively close to Chilton. There were alternative sites in the locality which could be more appropriate for the development. A precedent could also be set. In respect of the dilapidation of the site it was explained that the Council had powers of remediation. The Committee was also reminded that under the Local Development Framework there were three strategic sites for industrial development namely, Aycliffe, Green Lane, and Netpark

During discussion of this item, Members of the Committee made the following comments :-

- The proposed development would be an ideal opportunity to improve the area and remove a commercial use.
- There was development which extended further into the countryside than this development including the football field, cemetery, industrial estate, etc., where did the countryside start?
- In terms of sustainability, there were existing dwellings on the same site.
- It was only a small housing development.
- If the development was not allowed the area would become derelict and an eyesore.
- Precedents had already been set in relation to development in the countryside.
- It would help regenerate the future of Chilton.
- There was no flexibility in policies which do not address such situations.
- It was a brownfield site and the development would tidy up the area and was an alternative to dereliction and neglect.

Members of the Committee therefore considered that the application ought to be approved in the interests of regeneration and sustainability and that the application should be approved subject to conditions to be drawn up by the Head of Planning Services and approved by the Borough Solicitor.

RESOLVED: 1. That Application No. 2 – Demolition of Existing Petrol Filling Station and Erection of 2 No. Dwellings (Outline Application) – OK Service Station, Durham Road, Chilton – Mr. C. Alexander, OK Service Station, Chilton – Plan Ref : 7/2006/0712/DM be approved subject (to the following conditions;-

1. SUBMISSION OF RESERVED MATTERS

Before any works are commenced detailed drawings and/ or other specifications of the following reserved matters shall be submitted to and approved by the Local Planning Authority:

- a) The scale of the development proposed,
- b) The appearance of the development proposed,
- c) Means of access,
- d) Landscaping of the site

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990.

2. TIME LIMIT (OUTLINE PERMISSION)

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.

FORM OF DEVELOPMENT

- 3.** Outline planning permission is hereby granted for the erection of two bungalows only.

Reason: In the interests of safeguarding the visual amenity of the residential area, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) and Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.

4. DETAILS OF ENCLOSURE

No development shall be commenced until details of all means of enclosure on the site have been submitted in writing and approved by the Local Planning Authority. The development shall be undertaken in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments), and Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.

5. REMOVAL OF GPDO WALL/FENCE

Notwithstanding the provisions of Class A of Part 2 of Schedule 2 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.

Reason: In the interests of safeguarding the visual amenity of the residential area, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) and Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.

6. REMOVAL OF GPDO – EXTENSIONS

Notwithstanding the provisions of Class A,B,C,D,E,F,G of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s) hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouse(s) shall be submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of any future development on the site in the interests of visual and residential amenity, and to comply with Policy D5 (Layout of New Housing Development), Policy H15 (Extensions to Dwellings) and Policy H16 (Extension to the Front of Dwellings), of the Sedgefield Borough Local Plan.

7. LEVELS

Before any works are commenced, detailed drawings showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those (if any) neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed entirely in accordance with these approved details.

Reason: To ensure the existing ground and landscape conditions are protected from undue disturbance and to safeguard the amenity of neighbouring occupiers and to comply with Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.

8. OPERATION OF MACHINERY

During the period of construction no machinery shall be operated on the premises before 8am nor after 6pm (Weekdays), before 9am nor after 2pm

(Saturdays), nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason: To ensure that occupants of nearby properties are not adversely affected by noise from the premises, and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

9. MATERIAL/EMPLOYEE PARKING

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 Polluted Developments) of the Sedgefield Borough Local Plan.

10. TREE PROTECTION

No demolition or construction activities shall take place within 4m of the conifer hedge on the western boundary of the site. No demolition/construction activity shall take place until protective fencing is designed, erected 4m from the hedge and inspected to the satisfaction of the LPA. Any works within the Root Protection Zone must only take place following submission of a detailed methods statement that is to the satisfaction of the LPA.

Reason: To preserve the visual amenity of the area, and to comply with Policy E15 (Safeguarding of woodlands, trees and hedgerows) of the Sedgefield Borough Local Plan.

11. METHOD STATEMENT

The buildings on the site shall not be demolished before a method statement for the means of demolition and disposal of materials has been submitted to and approved by the Local Planning Authority. Thereafter, the demolition and disposal of materials shall be undertaken only in accordance with the approved method statement unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the occupants of nearby properties are not adversely affected by the demolition

of the buildings and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

12. CONTAMINATION

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment and to comply with Policy D13 of the Sedgefield Borough Local Plan.

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

14. 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.

15. 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.

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
Sedgefield Borough Local Plan.*

2. *That the remainder of the recommendations detailed in the schedule be approved.*

DC.89/06 CONSULTATIONS FROM DURHAM COUNTY COUNCIL

NB : **In accordance with Section 81 of the Local Government Act 2000 and the Member's Code of Conduct Councillor G.C. Gray declared personal and prejudicial interest in this item and left the meeting.**

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.90/06 DELEGATED DECISIONS

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

RESOLVED : *That the schedule be received.*

DC.91/06 COUNTY DECISIONS

NB : **In accordance with Section 81 of the Local Government Act 2000 and the Member's Code of Conduct Councillors Mrs. A.M. Fleming, Mrs. B.A. Clare and V. Crosby declared a personal and prejudicial interest in this item.**

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.92/06 APPEALS

Consideration was given to a schedule detailing outstanding appeals up to 27th December, 2006. (For copy see file of Minutes).

RESOLVED : *That the information be received.*

DC.93/06

FOOTPATH DIVERSION ORDER UNDER 257 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AT LAND OFF BUTCHERS RACE, GREEN LANE INDUSTRIAL ESTATE, SPENNYMOOR, COUNTY DURHAM

Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) in relation to the above.

The Committee was informed that this item had been brought before the Committee to allow a speedy resolution to the footpath diversion on the Butchers Race site because of Economic Development implications.

The Committee was reminded that a planning application had been submitted and granted for the erection of a new factory on the land off Butchers Race, Green Lane Industrial Estate. The development would include building and landscaping over parts of the route of the existing footpath and therefore for development to be carried out and completed it was necessary to divert the footpath to an alternative route clear from the location of the development proposals.

It was explained that the authority, if appropriate, could make a Diversion Order which would be subject to public consultation by way of statutory advertisement and Notices on site. The authority may then confirm the Order if no objections were made or if made, unresolved.

RESOLVED : That the Committee authorises the making of a Footpath Diversion Order relating to FP.52 and FP.53 and its confirmation of no objections be made or if made, unresolved.

DC.94/06

CLIMATE CHANGE STRATEGY

Karin Johnson, Team Leader and Stephen McDonald, Energy Officer in the Sustainable Communities Team gave a presentation on climate change strategy. (For copy see file of Minutes).

It was explained that the strategy had been developed in line with the Corporate Plan and addressed the Council's contribution to sustainability and climate change. The document was an Action Plan and a series of presentations would be undertaken.

The strategy covered the issues of future climate, the impact on service delivery, the role of local authorities, the current situation, financial implications and the strategy objectives.

The strategy was aiming to respond to the immediate effects over the next ten years by reducing emissions.

It was explained that the predicted future climate by 2050 was that average temperatures would be 2.5 degrees Celsius warmer, summer rainfall could be down by 27%, winter rainfall could increase by 16% winter snowfall cold decrease by 70% and sea levels could be 66 centimetres higher.

This could have wide ranging impact improving rising impact including rising sea levels, melting glaciers, wildlife species becoming extinct etc.

This could effect how local services were delivered particularly development and planning public buildings and housing, green space management and bio-diversity, environmental health, energy and waste services and business support.

In terms of development and planning there could be an increased risk of flooding, subsidence, drainage systems could be unable to cope.

There could be a higher risk to housing in terms of subsidence, dampness, condensation, thermal comforter buildings and climateproofing.

The change in climate could also lead to increase in grass growth rate needing year round maintenance, lost of native fauna and flora species increased rainfall intensity causing flooding and an increased risk of grassland and forest fires.

There were also a number of health and safety issues associated with climate change.

There was a need therefore for action to reduce greenhouse gas emissions and to adapt to the most severe impacts of climate change.

The Local Government White Paper encouraged local authorities to lead by example through its own practices and the services it delivered and by responding to calls for action and co-ordinating innovative partnerships to deliver real change.

There was no statutory targets to achieve change etc., but the most widely accepted was a 60% cut in greenhouse gas emissions by 2050. Sedgefield Borough Council it was considered should target 30% reduction in emissions by 2017 using 2003 as the baseline.

There were financial implications to the authority of action.

The proposed vision was, however, that Sedgefield Borough aimed to reduce greenhouse gas emissions by 30% by 2017 to ensure dependence on finite fossil fuels is reduced and that services and communities are fully prepared for the potential impacts of climate change.

There were seven objectives supported by a range of key activities.

A series of workshops would be held in February to give the opportunity to set targets etc.

Action was needed to avoid major disruption to economic and social activity later in the century.

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.95/06

ALLEGED BREACHES OF PLANNING CONTROL

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

RESOLVED : That the schedule be received.

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