

# Item 3

## SEDGEFIELD BOROUGH COUNCIL

### DEVELOPMENT CONTROL COMMITTEE

Council Chamber,  
Council Offices,  
Spennymoor

Friday,  
17 August 2007

Time: 10.00 a.m.

**Present:** Councillor B. Stephens (Chairman) and

Councillors W.M. Blenkinsopp, D.R. Brown, D. Chaytor, Mrs. K. Conroy, Mrs. P. Crathorne, V. Crosby, T.F. Forrest, P. Gittins J.P., A. Gray, B. Haigh, Mrs. S. Haigh, Mrs. I. Hewitson, A. Hodgson, T. Hogan, Mrs. H.J. Hutchinson, Mrs. S. J. Iveson, Ms. I. Jackson, J.M. Khan, B. Lamb, Mrs. E. Maddison, D.A. Newell, B.M. Ord, Mrs. E.M. Paylor, J. Robinson J.P, A. Warburton, T. Ward and Mrs E. M. Wood

**Apologies:** Councillors Mrs. A.M. Armstrong, B.F. Avery J.P, Mrs. D. Bowman, T. Brimm, J. Burton, V. Chapman, Mrs. L. M.G. Cuthbertson, D. Farry, Mrs. B. Graham, G.C. Gray, Mrs. J. Gray, D.M. Hancock, J.E. Higgin, Mrs. L. Hovvels, G.M.R. Howe, J.G. Huntington, C. Nelson, Mrs. C. Potts, A. Smith, K. Thompson, W. Waters and J. Wayman J.P

#### DC.38/07 **DECLARATIONS OF INTEREST**

The following declarations of interest were received :-

Councillor Mrs. S.J. Iveson	-	Item 7 – Member of Durham County Council – Personal and Prejudicial
Councillor Mrs. E. Woods	-	Item 6 – Spennymoor Town Council Representative on the Management Committee of Durham Crematorium – Personal and Prejudicial
Councillor Mrs. E. Maddison	-	Item 6 – Spennymoor Town Council Representative on the Management Committee of Durham Crematorium – Personal and Prejudicial Item 7 – School Governor - Item 6 – Personal and Prejudicial
Councillor J.M. Khan	-	Item 7 – School Governor – Personal and Prejudicial
Councillor J. Robinson, J.P.	-	Item 7 – Member of Durham County Council – Personal and Prejudicial

#### DC.39/07 **MINUTES**

The Minutes of the meeting held on 20<sup>th</sup> July, 2007 were confirmed as a correct record and signed by the Chairman.

#### DC.40/07 **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 – Erection of Extension to side – The Potters Shop, Cross Street, Sedgefield – Mr. W. Todd – The Potters Shop, Cross Street, Sedgefield – Plan Ref : 7/2007/0043/DM – it was explained that the application related to an extension to provide storage space and office facilities. Following objections to the original proposals the plans had been revised and the size of the extension reduced. Objections were being raised to the proposals in relation to access, the proposals not being in keeping with the conservation area, the operation of commercial activity in a residential area and highway safety issues.

Following the revised proposals and reduction in scale, officers considered the proposals to be acceptable and would not have an adverse affect on the character of the conservation area.

In relation to the conditions outlined in the schedule it was explained that Condition No : 7 relating to control of noise emissions was not considered necessary as handtools would be utilised. Condition 8, it was suggested, should be amended to clarify that the Condition related to construction work and deliveries during the period of the construction of the extension only. The words, “building of the extension hereby approved” should therefore be included.

The Committee was informed that Doctor Joyce and Mr. Crass were present at the meeting to outline their concerns in relation to the proposals.

Dr. Joyce explained that she was representing the concerns of local residents. The development was within a residential area with conservation area status and would cause an increase in parking in a normally congested area. Access for deliveries etc., would block the road causing highway problems and problems to pedestrians using Cross Street as a thoroughfare. The proposed development also had windows in close proximity to existing properties and, during building work, scaffolding would be erected. The scale of the development was considered to be disproportionate.

The local residents were concerned that the development was the first stage in the production of residential accommodation which would further exacerbate issues.

Mr. Crass explained that he considered the development would be an obvious intrusion in a conservation area, particularly as it would not be possible to obtain appropriate materials for construction. It would not just be an extension to his business but would extend traffic problems etc., particularly traffic servicing the building.

Mrs. G. Wills, agent for the applicant then outlined the proposals and addressed residents concerns. In respect of the development, the premises were already a commercial premises irrespective of the extension. There was no footpath outside the shop and pedestrians had to use the footpath on the other side of Cross Street.

Materials used in the construction would be agreed by the Conservation Officer beforehand and would be in keeping with the area.

It was also pointed out that a brewery dray delivered twice per week in the area of Rectory Row and there had been no objections.

The proposed development was needed for the applicant to diversify his business. He did not want a factory elsewhere and wished to continue in those premises as part of the tourist trade and economy of the village. He had no intention of building a house.

Mrs. Wills pointed out that in relation to proximity to St. Edmunds Church, there had been no objections from the Church.

Deliveries could in fact be reduced by the proposals as the premises would have increased storage facilities.

The applicant was, however, requesting that with regard to the hours of operation on Saturdays it be increased from 2.00 p.m. to 5.00 p.m.

In conclusion officers explained that the development may well help to alleviate some of the highways issues as goods etc., would be able to be delivered into the yard rather than the highway. In respect of Change of Use to residential development – this would be a matter for consideration if application was made.

With regard to Application No : 2 – Renewal of Temporary Planning Permission for Change of Use of Land for use by Model Flying Club – Land adjacent to Moor Lane, Old, Eldon, - Shildon Model Flying Club – Plan Ref : 7/2007/0149/DM – it was explained that the application sought planning permission for Shildon Model Flying Club to continue to use the land on an indefinite basis.

Letters of objection from Eldon Parish Council etc., were considered. (For copies see file of Minutes).

It was noted that Environmental Health had carried out monitoring and noise measurements had been taken. There was not a significant increase in noise levels during flying of model aircraft and no grounds for prohibition.

Some of the issues outlined in the objections were not material planning considerations.

The impact on local residents did not seem to square with assessments carried out by professional people using approved noise monitoring equipment.

Furthermore, the trend towards use of electric powered models would significantly reduce noise levels.

Officers considered that refusal of the application would be unreasonable and could not be defended on appeal.

Officers also made committee aware of the applicants view that in relation to the informative outlined in the schedule, noise testing should be carried out on an annual basis rather than a quarterly basis.

Members were informed that Mr. M. Thornton was present at the meeting to outline objections of local residents. Mr. Thornton explained that the objections of the eleven local residents related to noise and nuisance. He also pointed out that Eldon Estates had given notice to the Model Flying Club to relocate to an alternative site available. He considered that a more suitable site should be found for the activity.

Mr. Surtees, the applicant, then spoke on behalf of the application. He explained that the activity was not constant and intensive. It was only possible for the activity to be undertaken when the weather was fair. The application was the third in a series of applications during which time activities had been closely monitored. Furthermore, the Club had undertaken self-checks and had been very diligent in relation to regulatory framework etc.

The applicant was happy to comply with the comprehensive set of conditions. Indeed he would provide a register of aircraft, an update and any modified likely to cause issues etc., so that there would be an up-to-date register at all times.

He pointed out that there were very strict conditions in relation to noise and that they had to comply with the recommendations of the Flying Association on noise levels.

Furthermore, the Club had introduced a ruling that sound checks were made before models were allowed to fly.

In respect of the use of land, negotiations were still being undertaken with Eldon Estates. The land was rented on a formal agreement from Eldon Estates. The Club was, however, constantly looking for an alternative site to sustain the Club.

In conclusion officers explained that it was considered that there was insufficient evidence to warrant refusal. Restrictions would be imposed through conditions and assurances had been given by the Club in relation to noise levels etc.

Dealing with Application No : 3 – Erection of 10.2 Metre High Wind Turbine (Retrospective Application) – Tesco, Greenwell Road, Newton Aycliffe – Plan Ref : 7/2007/0399/DM – it was explained that this was a Retrospective Planning Application for a wind turbine to supply power to the store. Letters of objection had been received in relation to its visual impact and distraction to passing motorists. Officers, however, considered that whilst the design was unusual it related well to its surroundings. It did

not have any noise impact. It was 50 metres away from the nearest residential property. There were noise limiting conditions imposed.

Concern was expressed that Tesco's had not applied for planning permission prior to erecting the structure. However, approval for a five year period was recommended.

- RESOLVED :**
1. *That in respect of Application No : 1 - Erection of Extension to side – The Potters Shop, Cross Street, Sedgfield – Mr. W. Todd – The Potters Shop, Cross Street, Sedgfield – Plan Ref : 7/2007/0043/DM – the application be approved subject to the removal of Condition No : 7 and the amended to Condition No : 8 by the inclusion of the words, “building of the extension hereby approved” the hours of business being extended to 5.00 p.m. on a Saturday.*
  2. *That in respect of Application No : 2 - Renewal of Temporary Planning Permission for Change of Use of Land for use by Model Flying Club – Land adjacent to Moor Lane, Old, Eldon, - Shildon Model Flying Club – Plan Ref : 7/2007/0149/DM – the application be approved subject to the informative notification being amended to an annual basis.*
  3. *That the remainder of the recommendations detailed in the schedule be approved.*

**DC.41/07**

**ADDITIONAL APPLICATION**

**Erection of Conference Facility – Land at Corner of Heighington Lane/Long Tens Way, Aycliffe Industrial Estate, Newton Aycliffe – Xcel Holdings Limited – Plan Ref : 7/2007/019/DM.**

Consideration was given to a schedule detailing the above application. (For copy see file of Minutes).

**RESOLVED :** *That the recommendations detailed in the schedule be approved.*

**DC.42/07**

**CONSULTATION FROM NEIGHBOURING AUTHORITY**

Consideration was given to a schedule detailing applications which were to be determined by Wear Valley District Council and Easington District Council. The views and observations of this Council had been requested.

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

**DC.43/07**

**CONSULTATIONS FROM DURHAM COUNTY COUNCIL**

**NB :** In accordance with Section 81 of the Local Government Act 2000 and the Members Code of Conduction Councillors Mrs. S.J. Iveson, J. Robinson, JP., Mrs. E. Woods, Mrs. E. Maddison

**and J.M. Khan declared interests in this item and left the meeting for the duration of the discussion and voting thereon.**

Consideration was given to a schedule detailing 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.44/07 DELEGATED DECISIONS**

Consideration was given to a schedule of applications which had been determine by officers by virtue of their delegated powers. (For copy see file of Minutes).

*RESOLVED : That the schedule be received.*

**DC.45/07 COUNTY DECISIONS**

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

*RESOLVED : That the information be received.*

**DC.46/07 APPEALS**

Consideration was given to a schedule detailing outstanding appeals to 8<sup>th</sup> August, 2007. (For copy see file of Minutes).

*RESOLVED : That the schedule 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 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.47/07 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.*

**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