

# Item 3

## SEDGEFIELD BOROUGH COUNCIL

### DEVELOPMENT CONTROL COMMITTEE

Council Chamber,  
Council Offices,  
Spennymoor

Friday,  
9 November 2007

Time: 10.00 a.m.

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

Councillors W.M. Blenkinsopp, Mrs. D. Bowman, V. Chapman, D. Chaytor, Mrs. K. Conroy, Mrs. P. Crathorne, V. Crosby, Mrs. L. M.G. Cuthbertson, D. Farry, T.F. Forrest, P. Gittins J.P., A. Gray, G.C. Gray, Mrs. J. Gray, B. Haigh, Mrs. S. Haigh, Mrs. I. Hewitson, J.E. Higgin, A. Hodgson, J.G. Huntington, Mrs. H.J. Hutchinson, Mrs. S. J. Iveson, Ms. I. Jackson, B. Lamb, B.M. Ord, Mrs. E.M. Paylor, B. Stephens, A. Warburton, T. Ward, W. Waters and Mrs E. M. Wood

**Apologies:** Councillors Mrs. A.M. Armstrong, B.F. Avery J.P, T. Brimm, D.R. Brown, J. Burton, Mrs. B. Graham, D.M. Hancock, T. Hogan, Mrs. L. Hovvells, G.M.R. Howe, J.M. Khan, Mrs. E. Maddison, C. Nelson, D.A. Newell, Mrs. C. Potts, J. Robinson J.P, K. Thompson and J. Wayman J.P

#### DC.64/07 DECLARATIONS OF INTEREST

The following Members indicated that they had an interest in the following items :-

Councillor Mrs. S.J. Iveson	-	Item 7 – Consultation from Durham County Council – Personal and Prejudicial Interest – Member of Durham County Council
Councillor G.C. Gray	-	Item 7 – Consultation from Durham County Council – Personal and Prejudicial Interest – Member of Durham County Council
Councillor Mrs. D. Bowman	-	Item 7 – Consultation from Durham County Council – Personal and Prejudicial Interest – Member of Durham County Council
Councillor V. Chapman	-	Item 7 – Consultation from Durham County Council – Personal and Prejudicial Interest – Member of Durham County Council

**DC.65/07**

**MINUTES**

The Minutes of the meeting held on 12<sup>th</sup> October, 2007 were confirmed as a correct record and signed by the Chairman.

**DC.66/07**

**NEW CODE OF CONDUCT FOR MEMBERS - "THE CODE UNCOVERED"**

It was explained that at the end of the meeting a DVD presentation would be given in relation to the above and was mandatory for training purposes. It was noted that for those Members unable to be present at the presentation, the DVD would be shown as part of a Member's training session on the 28<sup>th</sup> November.

**DC.67/07**

**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 – Outline Application for B1 (Business), B2 (General Industry) and B8 (storage and distribution uses) comprising a maximum 131,540 square metres of floor space) and associated car and lorry parking facilities, access and distribution roads, renewable energy facility, landscaping and associated environmental mitigation measures – land south of Heighington Lane, Newton Aycliffe – Merchant Place Developments – Plan Ref : 7/2007/0268/DM – it was explained that the application was a major development proposal with significant employment opportunities. The development was on an unprecedented scale.

Members were informed that Andrew Gale, Planning Consultant for the development, was present at the meeting and would give a presentation on the development proposals.

Mr. Gale explained that the development represented a significant project within the Borough. The site, which was 104 acres, was located in the south west corner of Aycliffe Industrial Estate. The top northern corner of the site was within Darlington Borough Council, and the same application would be considered by that authority.

The application was in outline form and would need to be the subject of a detailed application at a later stage.

It was envisaged that the development would take place in two phases. The first phase would be 19.74 hectares to the northern part of the site, with three units being proposed for that site, two of which would be used for storage and distribution purposes. The third unit would be an energy centre.

Phase 2 of the development would comprise land in the southern part of the site providing a new road link with Heighington Lane. Durham County Council were satisfied with the proposals.

It was noted that an improved Travel Plan had taken into account the concerns of Heighington Parish Council regarding significant additional

traffic generation. Operators from the site would be encouraged to use preferred routes.

In relation to sustainability, a range of mitigation measures had been suggested in relation to the protection of wildlife on the site and creation of new habitat. Provision was also being made for mitigation in terms of flood risk.

The development would create in the region of 1,000 jobs.

A summary of consultation responses was outlined to the Committee. It was noted that the Highways Agency was recommending that in the interests of highway safety the following additional condition be included :-

*“No development shall commence on site until the phasing of the highway improvement works at the A167/St. Andrews Way, as illustrated on The Proposed Layout Option 2 – Drawing No : NT03815 –158A, have been submitted to and agreed in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved plans and timescales agreed by the Local Planning Authority, in the interests of highway safety and to ensure the free flow of traffic”.*

The Committee was informed that since the preparation of the report an additional letter of objection had been received and was read out to the Committee. The objections related to ecology, landscaping and highway issues.

In conclusion the proposal represented a prestigious development on a site of regional importance. The development would create much needed employment opportunities.

Mrs. Whitby, Heighington Parish Council, was present at the meeting and outlined that Council's objections to the proposals. She explained that under the Regional Spatial Strategy, there was no justification for retaining Heighington Lane as a reserved site. The Government's response on the Regional Spatial Strategy was awaited and the Parish Council were of the opinion that consideration of the application should be deferred until response was available.

The Parish Council also was pointing out that there was strong presumption against development in the countryside unless exceptional circumstances existed and that existing brownfield sites should be regenerated before new sites were developed. If the development was split into smaller units alternative sites were available.

Mrs. Whitby explained that the Parish Council had written to the Government Office for the North East. The Government Office could not, however, comment as they were also a consultee.

The Parish Council was applying for a “call in” under Section 77 of the Town and Country Planning Act. It was considered that planning

guidelines in relation to sustainable development should be adhered to – to support life in all its diversity.

In response it was explained that a report had been submitted to Cabinet in August recommending that Heighington Lane site be included in the Regional Spatial Strategy. This was supported by the North of England Assembly and the County Council. A response was awaited. With regard to sustainable development economic, social and environmental issues were taken into account.

**RESOLVED :** 1. *That with regard to Application No. 1 - Outline Application for B1 (Business), B2 (General Industry) and B8 (storage and distribution uses) comprising a maximum 131,540 square metres of floor space) and associated car and lorry parking facilities, access and distribution roads, renewable energy facility, landscaping and associated environmental mitigation measures – land south of Heighington Lane, Newton Aycliffe – Merchant Place Developments – Plan Ref : 7/2007/0268/DM – the recommendations detailed in the schedule be adopted subject to the inclusion of the following additional condition :-*

*“No development shall commence on site until the phasing of the highway improvement works at the A167/St. Andrews Way, as illustrated on The Proposed Layout Option 2 – Drawing No : NT03815 – 158A, have been submitted to and agreed in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved plans and timescales agreed by the Local Planning Authority, in the interests of highway safety and to ensure the free flow of traffic”.*

*2. That the remainder of the recommendations detailed in the report be adopted.*

**DC.68/07**

## **CONSULTATIONS FROM DURHAM COUNTY COUNCIL**

**NB :** In accordance with Section 81 of the Local Government Act and the Member’s Code of Conduct, Councillors G.C. Gray and Mrs. S. Iveson, Mrs. D. Bowman and Councillor V. Chapman declared interests in this item and left meeting for the duration of discussion and voting thereon.

Consideration was given to a schedule of applications which were to be considered by Durham County Council and upon which this Council had been invited to comment. (For comments see file of Minutes).

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

**DC.69/07**

**DELEGATED DECISIONS**

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

*RESOLVED : That the schedule be received.*

**DC.70/07**

**APPEALS**

A schedule of appeals outstanding up to 30<sup>th</sup> October, 2007 were considered. (For copy see file of Minutes).

*RESOLVED : That the schedule be received.*

**DC.71/07**

**RECENT PLANNING APPEAL DECISIONS**

Consideration was given to a report of the Director of Neighbourhood Services in respect of recent planning appeal decisions. (For copy see file of Minutes).

Members noted that the appeal against the planning decision to refuse the erection of an extension to the side/rear to provide a garage, utility, WC and sunroom at 16, Sharp Road, Newton Aycliffe had been dismissed.

An appeal against a planning decision to refuse the erection of a boundary wall at 2a, High Green, Newton Aycliffe had been dismissed.

The appeal against a planning decision to refuse the erection of 1 No. detached dwelling – land to the rear of Barclays Bank, West Park Lane, Sedgefield had been dismissed.

The Committee was informed that the appeal against the planning decision to refuse consent for a two storey extension to the side of a detached dwelling house, 11, Bridge House Estate, Ferryhill had been upheld.

*RESOLVED : That the information be received.*

**DC.72/07**

**HARDWICK PARK CONSERVATION AREA BOUNDARY**

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) regarding the above.

It was explained that Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 required Local Planning Authorities to formulate and publish proposals for the preservation and enhancement of conservation areas. Saved Local Plan Policy E18 of the Sedgefield Local Plan served to preserve and enhance the character or appearance of the Borough's fifteen Conservation Areas and so the boundaries of the conservation areas were reproduced on the Local Plan Proposals Maps.

Following a recent consultation event on the emerging Local Plan Development Framework it was discovered that there was an inaccuracy in the adopted Local Plan Proposals Map 3 regarding the Hardwick Park Conservation Area. Any reference to the Hardwick Park Conservation Area should be in accordance with the 1993 Definitive Boundary.

- RESOLVED:*
1. *That Development Control Committee note the inaccuracy on Local Plan Proposals Map 3.*
  2. *That affected persons be notified that the inaccuracy has been formally identified by the Council.*

**DC.73/07 WINDLESTONE HALL, RUSHYFORD - PLANNING STATEMENT AND DESIGN BRIEF**

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) which had been deferred from the last meeting of the Committee.

It was explained that Windlestone Hall, a Grade II Listed Building together with its ancillary buildings was owned by the County Council and had been offered for sale. The Planning Statement and Development Brief had been prepared by the Design, Conservation, Landscape and Tree Management Team in consultation with English Heritage and Durham County Council's Archaeological Section in order to guide prospective purchasers in the preparation of adaptation, restoration and development proposals for the site.

Through making a Supplementary Planning Document it would provide the document with statutory planning weight, it would be tested by public consultation and would be subject to the provisions of Sustainability Appraisal, Appropriate Assessment and would form part of the statutory development plan.

*RESOLVED :* *That Cabinet be recommended to approve the production of the Windlestone Hall Planning Statement and Design Brief as a Supplementary Planning Document and incorporated within the revised Local Development Scheme.*

**DC.74/07 REVOCATION OF TREE PRESERVATION ORDER - HIGHLAND HOUSE, BISHOP MIDDLEHAM 1975**

Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) regarding the above Tree Preservation Order.

The Council was currently reviewing all its Tree Preservation Orders in accordance with Government guidance. The Review had identified this Tree Preservation Order as in need of revocation or amendment.

As the trees had declined and had less of a landscape impact since the Order had been made it was not considered expedient to amend or remake the Order.

*RESOLVED :* *That the Order be revoked.*

**DC.75/07      REVOCATION OF TREE PRESERVATION ORDER - HIGH CLUMP 1979**  
Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) regarding the above Tree Preservation Order.

The Council was currently reviewing all its Tree Preservation Orders in accordance with Government guidance. The Review had identified this Tree Preservation Order as in need of revocation or amendment.

As the trees had declined and had less of a landscape impact since the Order had been made it was not considered expedient to amend or remake the Order.

*RESOLVED :      That the Order be revoked.*

**DC.76/07      TREE PRESERVATION ORDER NO. 48/2007 - LAND OPPOSITE ENCOMBE TERRACE, FERRYHILL STATION**  
Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) regarding the above.

It was explained that a Provisional Tree Preservation Order had been made at the above site on 7<sup>th</sup> August, 2007. The purpose of this report was to consider whether it would be appropriate to make the Order permanent.

The trees that were the subject of the Order provided a public amenity and were considered worthy of protection to preserve the character of the area. The Order must be confirmed within six months of the Order being made or the Order would be null and void.

*RESOLVED :      That the Committee authorise the above Order.*

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

**DC.77/07      UNAUTHORISED ERECTION OF A BOUNDARY WALL AT 20 MAIN ROAD, TRIMDON VILLAGE, COUNTY DURHAM - REF H/2007/022**  
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 recommendations contained therein adopted.*

**DC.78/07**

**ALLEGED BREACHES OF PLANNING CONTROL**

Consideration was given to a schedule detailing alleged breaches of planning control and action 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