

Item 3

SEDGEFIELD BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

Council Chamber,
Council Offices,
Spennymoor

Friday,
7 December 2007

Time: 10.00 a.m.

Present: Councillor A. Smith (Chairman) and

Councillors W.M. Blenkinsopp, Mrs. D. Bowman, D.R. Brown, Mrs. K. Conroy, Mrs. P. Crathorne, V. Crosby, Mrs. L. M.G. Cuthbertson, T.F. Forrest, P. Gittins J.P., A. Gray, Mrs. J. Gray, B. Haigh, Mrs. S. Haigh, Mrs. I. Hewitson, A. Hodgson, J.G. Huntington, B. Lamb, Mrs. E. Maddison, C. Nelson, D.A. Newell, B.M. Ord, J. Robinson J.P, 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, J. Burton, V. Chapman, D. Chaytor, D. Farry, Mrs. B. Graham, G.C. Gray, D.M. Hancock, J.E. Higgin, T. Hogan, Mrs. L. Hovvels, G.M.R. Howe, Mrs. H.J. Hutchinson, Mrs. S. J. Iveson, Ms. I. Jackson, J.M. Khan, Mrs. E.M. Paylor, Mrs. C. Potts, K. Thompson and J. Wayman J.P.

DC.79/07 **DECLARATIONS OF INTEREST**

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

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| Councillor Mrs. D. Bowman | - | Item 6 – Consultation from Durham County Council – Personal and prejudicial – Member of Durham County Council |
| Councillor J.Robinson, JP | - | Item 6 – Consultation from Durham County Council – Personal and prejudicial – Member of Durham County Council |

DC.80/07 **MINUTES**

The Minutes of the meeting held on 9th November, 2007 were confirmed as a correct record and signed by the Chairman.

DC.81/07 **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 : 2 – Erection of 2 No. Office Blocks comprising 16 units – Land at Durham Way South, Aycliffe Industrial Estate – Carlton Developments, Evans Business Centre, Durham Way South, Aycliffe Industrial Estate – Plan Ref : 7/2007/0591/DM – it was explained that since the preparation of the report discussions had been held between the Landscape Architect and the applicant to ensure a high quality landscaping scheme was achieved.

It was also suggested that the following additional condition relating to renewable energy be included in any approval of the application :-

“Prior to the 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 10% embedded renewable energy. Thereafter the development shall operate in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason : In order to minimise energy consumption and comply with Regional Planning Guidance Note 1, Policies : EN1 and EN7”

Regarding Application No : 3 – Proposed Diversion of Woodham Burn, Flood Prevention Works and Erection of 100 Dwellings and Associated Access (Outline Application) – Land adjoining Woodham Bridge, Newton Aycliffe – Camtec Properties Limited – Plan Ref : 7/2007/0593/DM – The application included 20 units of affordable housing as part of the proposal and there would be a mix of houses and apartments provided.

Vehicular access to the site would be taken via Cheltenham Way rather than from the A167.

Following consultation a number of objections had been received to the proposals. Two petitions containing a total of 599 signatures together with 126 individual letters of objections had been received in relation to the proposals.

The following points of concern were identified in one petition :-

- That no access to the proposed housing development be taken via Stag Lane and Cheltenham Way. Stag Lane is fairly steep with access roads and driveways on either side. It was stated that the additional traffic movements, which would arise, would exacerbate existing highway safety problems in this area.
- That the area adjacent to Woodham Burn be protected for environmental reasons, with the existing nature trail extended and improved and further planting and water features be created to further improve the visual and ecological value of the site.
- That before permission is granted the local community should be engaged in meaningful involvement and discussion regarding this development – it was felt that this important aspect of community involvement had not been fully explored.

The second petition sought to protect Woodham Burn between Byerley Park and Woodham Bridge from housing and commercial development for the following reasons :-

- Woodham Burn is a popular recreational area and natural habitat serving the Newton Aycliffe area.
- That much of Great Aycliffe Way follows the burn and this proposal would detract from this pedestrian route and the wider public footpath network in the area.
- This area comprises a pleasant mosaic of habitats including wild flower meadows, mixed woodland, scrub, and grassland and stream sides. It is also stated that the area supports a wide range of flora and fauna including water vole, badger, roosting and foraging bats, newts, otter, curlew, kingfisher and kestrel.
- That the site should be developed for ecological and recreational purposes to improve the existing habitat and provide further informal recreation facilities in this area. It was stated that with sympathetic landscaping and management existing problems with flooding can be addressed and creative solutions sought to enhance rather than damage the special qualities of Woodham Burn. If necessary, the Local Authority is urged to use Compulsory Purchase Powers to secure the future use of this site as a local nature reserve for local people to enjoy.

The following summary of comments contained in individual letters of objection were outlined :-

- Traffic implications of the proposed scheme
- Impact on habitat/wildlife
- Flooding
- Need for housing
- Detrimental impact on residential amenity
- Method of public consultation
- Loss of existing amenity open space
- Further pressure on existing community facilities
- Loss of privacy for existing householders overlooking the application site

It was noted that since the preparation of the report two further letters of objection had been received from Durham County Council and a local resident. The contents of those letters were outlined. The objections were in line with those of other objectors.

It was noted that should the application be refused an additional reason for refusal was being suggested as follows :-

“Insufficient information has been provided by the developer in order to fully assess the implications of this development upon the archaeological status of the site contrary to the requirements of PPG16”.

It was explained that three objectors, Mr. K. Henderson, Mr. Barraclough and Mr. Bainbridge were present at the meeting to outline their concerns with the proposals.

Mr. Henderson explained that his objections related to the effect on the environment and also access to the site. Mr. Henderson explained that

the Local Development Framework was in the process of being prepared and that in his opinion, such piecemeal development should not take place until this process had been completed.

With regard to traffic flow, Mr. Henderson considered that the capacity of the A167 had not been adequately monitored and there was insufficient data relating to traffic flows to accurately assess the situation. He considered that a sum should be set aside to complete further monitoring.

Mr. Barraclough explained that his concerns related to the increased number of cars which would be using Stag Lane if the application was approved. He also made reference to the need for the emergency exit to the site and its location.

Mr. Bainbridge explained to the Committee that his concerns related to the risk of flooding. He explained that he considered that the application did not meet any of the policy guidelines and that the properties would be at risk from flooding.

With regard to Application No : 4 – Erection of Single Building Incorporating 3 Nos. Light Industrial Units – Plot 2, All Saints Industrial Estate, Shildon – CRD Devices, All Saints Industrial Estate – Plan Ref : 7/2007/0612/DM – it was explained that the following additional condition would need to be attached to any planning approval :-

“Prior to the 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 by the Local Planning Authority”.

REASON : In order to minimise energy consumption comply with Regional Planning Guidance Note 1, Policies EN1 and EN7.”

In respect of Application No : 5 – Use of Land for Off Road Recreational Motor Sports Activity and Associated Engineering Operations (Retrospective) – Low Hardwick Farm, Sedgefield – Mr. Alf Walton, Robert Halstead, Chartered Surveyors, 57, Barkisland, Halifax – Plan Ref : 7/2007/0613/DM – the Committee was informed that the application sought retrospective consent for off road motor sports activity together with retention of associated engineering operations. The consent was sought to use the site on one day during the week and Saturdays and Sundays with the opening times being between 9.30 a.m. and 4.00 p.m. weekends and 2.00 p.m. to 8.00 p.m. on the weekday. The use would be purely for recreational purposes and no competitions or racing were held at the site. It was contended that by providing the facilities, riders would have an option for riding in a controlled environment which did not present a hazard to users of public footpaths and walkways. The applicant also submitted a total of 470 standard pro-forma letters in support of the application stating

that there was a demand for a well run facility and that the site was an ideal location. However, in acknowledging receipt of the letters a number of respondents had indicated that they were unaware of the proposal and that they had not offered their support.

In response to the consultation exercise three letters of objection had been received from local residents and a comprehensive letter of objection from a local land owner relating to noise, disturbance, loss of amenity, dust emissions, errors in supporting documents, health and safety hazards, archaeology and ecology.

It was explained that since the preparation of the report several letters had been received and these were circulated to Members (for copy see file of Minutes).

1. Letter dated 22nd November 2007 – Robert Halstead (Applicants Agent).
2. Letter dated 5th December 2007 – Robert Halstead (Applicants Agent)
3. Letter dated 12th December 2007 - Durham Constabulary (Submitted by the applicant in support of the proposal).
4. Extract taken from Sedgfield Borough Council's Inform. (Submitted by the applicant in support of the proposal).
5. Letter dated 5th December 2007 from Durham Constabulary formally withdrawing its letter of support.

The Committee was informed that the objections to the proposals could be summarised as follows :-

- The landscape effect, the impact on visual amenity and the significant change to the landscape which would be inappropriate
- The impact on the local footpath network which would involve infringing on a public right of way contrary to planning policy.
- Ecological survey – the information submitted was insufficient
- Noise implications. It was anticipated that the noise implications would be far greater than those expressed. It would impact on the countryside contrary to planning policy.

Officers were therefore recommending refusal for those reasons.

Members were reminded that the application involved a very serious breach of planning law and that the applicant was in direct contravention of an Enforcement Notice. Previous applications had been the subject of appeal. The Inspector concluded that,

- “It would cause serious harm to the character and appearance of this attractive rural area.”
- Is likely to result in an unacceptable level of amenity for nearby occupiers and that an undue loss of amenity has occurred.
- Would materially affect nature conservation and substantial harm to interests of nature conservation arising from the loss of the special limestone flora”.

The application was considered unacceptable then and the situation was demonstrably worse now.

It was explained that Mr. Halstead, the applicants agent, Mr. Walton, the applicant and Mr. Dodds, a user of the facility, were present at the meeting to support the application.

Mr. Halstead explained that the planning history was not denied but under the Town and Country Planning Act, applications were allowed after an Enforcement Notice had been served. Each application should be judged on its merits and whatever had gone before discounted. His client was seeking to have the use legitimised.

He explained to the Committee that there was a huge regional need for motorsport activities in a controlled environment off the road. This application sought to set up a permanent facility to do that. Mr. Walton was trying to set up a professional, legitimate, marshalled organised operation.

He admitted that the landscape from the air did look bad, however, he alleged that the effect was virtually nil from the ground. The only vantage point where the facility was visible was from Bridleway No 3. The facility was quite well screened. He suggested that a site visit could demonstrate to Members the effect on the landscape.

In respect of ecology, Mr. Halstead explained that wildlife was co-existing with the activity and the impact had been virtually nil, the wildlife was still there.

He also explained that the bridleway was not obstructed. There was a need to weigh the limited detrimental effect on the landscape etc., against the need for the facility.

Mr. Walton explained that the land had been in his family’s ownership for seven generations. He was a true conservationist, concerned about fauna and flora and would not do anything which was detrimental to the ecology of the area.

In relation to the safety of the bridleway he had worked with officers from the County Council who had no problems with the proposed development.

He mentioned that there had only been three complaints regarding the operation from local residents of Sedgefield, Bishop Middleham and Mainsforth out of a population of approximately 8,000. He did not deny

that there was noise emitted from the activity, however, he suggested that that noise was not intolerable. A number of trees had been planted to mitigate the effect.

Mr. Walton pointed out that under permitted development rights he was allowed fourteen days per year for 2-stroke engined bikes. He also stated that he had diversified and if the site was closed he would lose his income.

Mr. Dodds, a user of the facility, then outlined his support. He explained that there was a need for the facility and if it was not available bikes would be ridden elsewhere. How would Members like 400 to 500 people riding down their streets? The facility at least provided a place where organised activity could take place in a safe environment. Mr. Dodds also made reference to the noise levels from functions being held at Hardwick Hall Hotel.

In response officers acknowledged that there was a need for such a facility and a safe environment. However, the applicant should have come to this Council to ask for advice to seek to regularise that situation rather than undertake unauthorised activity. In respect of ecology, officers were not saying that the development was detrimental. However, the survey work did not adequately indicate the impact on wildlife and what mitigation would be appropriate.

In respect of visibility, the activity was visible not only from the bridleway but from the footpath from Bishop Middleham and also a number of vantage points. In relation to the Noise Abatement Notice, a schedule had not been submitted and the application was still a breach of planning control.

In relation to the Bridleway reference was made to an e-mail which had been received from the Ramblers Association maintaining their objections.

During discussion of this application some Members acknowledged that there was a need for such a facility in principle provided that the facility was in the right location, was well run and provided a safe place to undertaken such activities. Others recognised that there was a conflict between the protection of wildlife and motorsports, especially in relation to horses. The views of Bishop Middleham Parish Council should be noted. However, there had been a clear breach of planning control. The applicant needed to abide by the rules and policies and should have consulted with officers of the authority to achieve a facility which was appropriate and legal.

RESOLVED : 1. *That in respect of Application No : 2 – the application be approved subject to the inclusion of the following condition :-*

“Prior to the 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 10%

embedded renewable energy. Thereafter the development shall operate in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason : In order to minimise energy consumption and comply with Regional Planning Guidance Note 1, Policies : EN1 and EN7

- 2 *That in respect of Application No 3 - Application No : 3 – Proposed Diversion of Woodham Burn, Flood Prevention Works and Erection of 100 Dwellings and Associated Access (Outline Application) – Land adjoining Woodham Bridge, Newton Aycliffe – Camtec Properties Limited – Plan Ref : 7/2007/0593/DM – the application be refused with the inclusion of the following reason :-*

“Insufficient information had been provided by the developer in order to fully assess the implications of this development upon the archaeological status of the site contrary to the requirements of PPG16.

3. *In respect of Application No : 4 – Erection of Single Building Incorporating 3 Nos. Light Industrial Units – Plot 2, All Saints Industrial Estate, Shildon – CRD Devices, All Saints Industrial Estate – Plan Ref : 7/2007/0612/DM – the application be approved subject to the inclusion of the following condition :-*

“Prior to the 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 by the Local Planning Authority”.

Reason : In order to minimise energy consumption and comply with Regional Planning Guidance No 1, Policies EN1 and EN7.

4. *That the remainder of the recommendations detailed in the schedule be adopted.*

NB : In accordance with Section 81 of the Local Government Act 2000 and the Member's Code of Conduct Councillors Mrs. D. Bowman and J. Robinson, J.P., declared interests in the this item and left the meeting for the duration of the discussion and voting thereon.

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

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

DC.83/07 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.84/07 APPEALS

A schedule of outstanding appeals up to 28th November, 2007 were considered. (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 involves the likely disclosure of exempt information as defined in Paragraphs 1 and 6 of Part 1 of Schedule 12a of the Act.

DC.85/07 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.

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

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