

# Item 3

## SEDGEFIELD BOROUGH COUNCIL

### DEVELOPMENT CONTROL COMMITTEE

Council Chamber,  
Council Offices,  
Spennymoor

Friday,  
30 May 2008

Time: 10.00 a.m.

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

Councillors B.F. Avery J.P, W.M. Blenkinsopp, T. Brimm, D.R. Brown, V. Chapman, Mrs. K. Conroy, Mrs. P. Crathorne, Mrs. L. M.G. Cuthbertson, T.F. Forrest, Mrs. B. Graham, A. Gray, G.C. Gray, B. Haigh, Mrs. S. Haigh, Mrs. I. Hewitson, A. Hodgson, T. Hogan, J.G. Huntington, Mrs. H.J. Hutchinson, Mrs. S. J. Iveson, Ms. I. Jackson, B. Lamb, Mrs. E. Maddison, D.A. Newell, B.M. Ord, Mrs. E.M. Paylor, B. Stephens, K. Thompson, A. Warburton, T. Ward, W. Waters and Mrs E. M. Wood

**Apologies:** Councillors Mrs. A.M. Armstrong, Mrs. D. Bowman, J. Burton, D. Chaytor, V. Crosby, D. Farry, P. Gittins J.P., Mrs. J. Gray, D.M. Hancock, J.E. Higgin, Mrs. L. Hovvels, G.M.R. Howe, J.M. Khan, C. Nelson, Mrs. C. Potts and J. Robinson J.P

#### DC.1/08 **DECLARATIONS OF INTEREST**

The following Councillors indicated that they would be declaring an interest as follows :

Councillor Mrs. E. Maddison	-	Personal interest – Item 4 – Application 2 – Member of Spennymoor Town Council
Councillor Mrs. B. Graham	-	Personal interest – Item 6 – Member of Durham County Council
Councillor B. Stephens	-	Personal interest – Item 6 – Member of Durham County Council
Councillor Mrs. S.J. Iveson	-	Personal interest – Item 6 – Member of Durham County Council
Councillor K. Thompson	-	Personal interest – Item 6 – Member of Durham County Council
Councillor B.M. Ord	-	Personal interest – Item 6 – Member of Durham County Council
Councillor Mrs. E.M. Paylor	-	Personal interest – Item 6 – Member of Durham County Council
Councillor J.G. Huntington	-	Personal interest – Item 6 – Member of Durham County Council

#### DC.2/08 **MINUTES**

The Minutes of the meeting held on 4<sup>th</sup> April 2008 were confirmed as a correct record and signed by the Chairman.

**NB : In accordance with Section 81 of the Local Government Act 2000 and the Members Code of Conduct Councillor Mrs. E. Maddison declared a personal interest in Application No. 2 and remained in the meeting.**

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 60 No. Dwellings and Associated Works – Former NEECOL Site, Chilton Lane, Ferryhill, Co. Durham – Elcorp, c/o Signet Planning, Annitsford, Newcastle-upon-Tyne – Plan Ref : 7/2007/0750/DM – it was explained that following representations from the applicant's agent officers were recommending approval of the application subject to Condition 20 being amended so that the commuted sum would need to be paid upon occupation of the first dwelling on site rather than before the development commencing.

With regard to Application No : 2 – Erection of 18 No. Dwellings – Land at Mount Pleasant Grange, Spennymoor – Lexington Payne Homes, Longbeck Estate, Marske, Redcar – Plan Ref : 7/2008/0130/DM – it was explained that since the preparation of the report an ecological survey in relation to the site had been received which was satisfactory.

It was noted that Spennymoor Town Council had concerns regarding the width of the access road leading to the site. The County Highway Engineer initially only had concerns regarding visibility being restricted by the shrub planted area adjacent to Plot 1. However, following research, this was not considered to be an issue as the species planted within the visibility zone would only grow to a maximum height of 450mms. As the adequacy of the access had not been called into question by the Highway Authority it was considered that there were no highway grounds to refuse the application.

It was considered that Condition 15 relating to the Section 106 Agreement for commuted sums/contributions in lieu should be amended to be consistent so that the commuted sum would be paid upon occupation of the first dwelling on the site rather than before development commencing.

Regarding Application No : 3 – Erection of Grain Store and Processing Building (Retrospective Application) – Land adjacent to the Tilery, Bradbury – Mr. M. Corney, Elstob Hall, Great Stainton – Plan Ref : 7/2008/0136/DM – it was explained that this was a retrospective application for approval to retain two existing interlocked buildings which had already been erected without prior consent on the site.

It was explained that it was considered the proposal was contrary National Planning Policy outlined in the Planning Policy Statements 1 and 7 and Policy E3 of the Sedgefield Borough Local Plan as it had not been proven that the existing activities constituted an agricultural operation or that these

were directly linked to the farmholding where the building was located. It was also considered that the accumulative visual impact unacceptably detracted from the historic landscape of the Bradbury Mordon and Preston Carrs, the adjacent transport corridors and the open countryside in general.

The Committee was informed that Mr. Burrows, Chairman of Bradbury Parish Meeting, was present at the meeting to outline the Parish Meeting's objections to the application. Mr. Burrows explained that the Parish Meeting was opposed to the unauthorised development because of the considerable size of the development.

The development was visible from the A1, the railway, the historic Carrs and the A689 and was visually intrusive. The trees which were to provide a screen would only grow to 1.5 mts. and would not adequately screen the development.

Furthermore, reference was made to the silo which was facing the village and which was visually intrusive. Concerns were also raised regarding traffic through the village particularly trailers and tractors during harvest time. The Parish Meeting was therefore supporting officers recommendations that the application be refused and the extension be removed.

**RESOLVED :** 1. *In respect of Application No : 1 - Erection of 60 No. Dwellings and Associated Works – Former NEECOL Site, Chilton Lane, Ferryhill, Co. Durham – Elcorp, c/o Signet Planning, Annitsford, Newcastle-upon-Tyne – Plan Ref : 7/2007/0750/DM – the application be approved subject to Condition 20 being amended to read as follows :*

*'The commuted sum shall be payable in full no later than the date of occupation of the first dwelling on site.'*

2. *That Application No : 2 - Erection of 18 No. Dwellings – Land at Mount Pleasant Grange, Spennymoor – Lexington Payne Homes, Longbeck Estate, Marske, Redcar – Plan Ref : 7/2008/0130/DM – the application be approved subject to Condition 15 being amended to read as follows :-*

*'The commuted sum shall be payable in full no later than the date of occupation of the first dwelling on site.'*

3. *That the remainder of the recommendations detailed in the report be approved*

**CONSULTATIONS FROM DURHAM COUNTY COUNCIL**

**NB :** In accordance with Section 81 of the Local Government Act 2000 and the Member's Code of Conduct, Councillors Mrs. B. Graham, B. Stephens, Mrs. S.J. Iveson, K. Thompson, B.M. Ord, Mrs. E.M. Paylor and J.G. Huntington declared personal interests in this item as Members of Durham County Council.

Councillors Mrs. S.J. Iveson, B.M. Ord and Mrs. E.M. Paylor left the meeting for the duration of the discussion and voting thereon.

The remainder of the named Members stayed in the meeting.

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.

**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.

**APPEALS**

Consideration was given to a schedule of appeals outstanding up to 21<sup>st</sup> May, 2008. (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 Paragraph 5 of Part 1 of Schedule 12a of the Act.

**DC.7/08**

**ERECTION OF RETAIL FOOD STORE AND ADJACENT NON FOOD UNIT AND ASSOCIATED PARKING LAND AT WESLEYAN ROAD, SPENNYMOOR, CO. DURHAM PLANNING APPLICATION REF : 7/2007/0339/DM - IMPLICATIONS OF THE DUTY TO GIVE SUMMARY REASONS OF APPROVAL AND DETAILS OF RELEVANT DEVELOPMENT PLAN POLICIES AND THE REFERRAL OF "DEPARTURE" APPLICATIONS TO GOVERNMENT OFFICE**

Consideration was given to a report of the Solicitor to the Council and the Director of Neighbourhood Services (for copy see file of Minutes) providing legal advice clarifying the situation with regard to the above application.

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

**RE-ADMITTANCE OF PRESS AND PUBLIC**

*RESOLVED : That the press and public be now re-admitted to the meeting.*

**DC.8/08**

**ERECTION OF RETAIL FOOD STORE AND ADJACENT NON FOOD UNIT AND ASSOCIATED PARKING - LAND AT WESLEYAN ROAD, SPENNYMOOR, - PLANNING APPLICATION REF NO : 7/2007/0339/DM**

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 the purpose of the report was to receive information on the response to the Government Office North East on whether or not to call in the application, to formulate a summary reasons for approval and identify relevant Development Plan policies, and to seek Committee approval in respect of conditions to be imposed. It was explained that the application had been referred to Government Office in order to make a decision on whether or not to call in the application for consideration by the Secretary of State. On this occasion the Secretary of State had concluded that intervention would not be justified as there was not sufficient conflict with National Planning policies or any other sufficient reason to warrant calling in the application for determination. The application therefore was to remain with Sedgefield Borough Council for decision.

Members of the Committee were therefore invited to provide adequate reasons for approval and also relevant policies which could be incorporated into the Planning Approval Certificate.

In formulating reasons the following were suggested :

1. To build a new flagship store in the area would enhance the environment.
2. The development would increase shopping and retail investment in the area.
3. The development would be a short walk from the main shopping area.

4. It would provide car parking and additional disabled parking spaces.
5. The firm was investing heavily in the North East.
6. It was what the public wanted.
7. The development would provide a choice.
8. Planning should not inhibit competition.

Members of the Committee, having considered the reasons stressed the need for the development to be of appropriate design given the importance of this gateway site at the entrance to the town centre. It was hoped that the firm would take this issue on board. Furthermore, it was stressed that the car parking needed to be available to all members of the public not just for sole use by Lidl customers.

The Committee then considered the policies which were relevant to the development. These included :-

- Regional Planning Guidance RD1 and TC1
- Local Plan policies D1, D2, D3, S1 and S2
- North East Regional Spatial Strategy Policy 25

Mr. Krassowski was present at the meeting to speak on behalf of Lidl. He expressed Lidl's gratitude to those Members who had supported the application. He explained that the firm would be working closely with officers in relation to design and materials etc. It was anticipated that the store would open in January next year. In relation to the proposed conditions he explained that Lidl had had some reservations relating to Conditions 10 and 12. In relation to Condition 10 the concern related to the cost benefits. However, Lidl would work with officers in relation to the Condition. In respect of Condition 12 the amendment proposed by officers was acceptable to Lidl. Mr. Krassowski also explained that although Lidl were not opposed to Condition 18 it was queried whether the Condition was necessary. Members suggested that this Condition could be deleted.

- RESOLVED :*
1. *That the decision of Government Office North East not to call in the application for determination by the Secretary of State be noted.*
  2. *That the reasons for approval and relevant planning policies be as outlined above.*
  3. *That Members endorse the planning conditions in Appendix 3 to the report subject to Condition 18 being deleted.*

## **EXCLUSION OF PRESS AND PUBLIC**

*RESOLVED:* That in accordance with Section 100(a)(4) of the Local Government Act 2000 the press and public be excluded from the meeting for the following items of business on the grounds that they 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.9/08 UNAUTHORISED LOPPING OF A TREE AT THE FOX AND HOUNDS KIRK MERRINGTON, IN A CONSERVATION AREA WITHOUT PRIOR NOTIFICATION OR CONSENT FROM THE LOCAL PLANNING AUTHORITY.**

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

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

**DC.10/08 UNAUTHORISED DEVELOPMENT AT THE TILERY BRADBURY**

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) relating to a building which had been erected at the Tilery in Bradbury in an area of open countryside.

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

**DC.11/08 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.

## **RE-ADMITTANCE OF PRESS AND PUBLIC**

*RESOLVED :* That the press and public now be re-admitted to the meeting.

**DC.12/08 TREE PRESERVATION ORDER NO : 53/2007 (BRADBURY SERVICES)**

Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) the purpose of which was to consider whether it would be appropriate to make the above Tree Preservation Order permanent.

It was explained that the Provisional Tree Preservation Order which was made at the above site on 3<sup>rd</sup> January, 2008 must be confirmed within six months of being made or the Order would be null and void.

The woodland that was the subject of the Order provided amenity value to the area and was considered worthy of protection to preserve the character of the area.

*RESOLVED : That Tree Preservation Order No : 53/2007 Bradbury Services be confirmed.*

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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