

## SEDGEFIELD BOROUGH COUNCIL

### DEVELOPMENT CONTROL COMMITTEE

Council Chamber,  
Council Offices,  
Spennymoor

Friday,  
12 September 2008

Time: 10.00 a.m.

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

Councillors B.F. Avery J.P, W.M. Blenkinsopp, Mrs. D. Bowman, T. Brimm, V. Chapman, Mrs. K. Conroy, Mrs. P. Crathorne, Mrs. L. M.G. Cuthbertson, D. Farry, T.F. Forrest, Mrs. B. Graham, A. Gray, Mrs. J. Gray, Mrs. I. Hewitson, T. Hogan, J.G. Huntington, Ms. I. Jackson, B. Lamb, D.A. Newell, B.M. Ord, Mrs. E.M. Paylor, Mrs. C. Potts, K. Thompson, A. Warburton, W. Waters and Mrs E. M. Wood

**Apologies:** Councillors Mrs. A.M. Armstrong, D.R. Brown, J. Burton, D. Chaytor, V. Crosby, P. Gittins J.P., G.C. Gray, B. Haigh, Mrs. S. Haigh, D.M. Hancock, J.E. Higgin, A. Hodgson, Mrs. L. Hovvells, G.M.R. Howe, Mrs. H.J. Hutchinson, Mrs. S. J. Iveson, J.M. Khan, Mrs. E. Maddison, C. Nelson, J. Robinson J.P, B. Stephens and T. Ward

#### DC.41/08 DECLARATIONS OF INTEREST

The following Declarations of Interest were received:-

Councillor B F Avery JP	-	Personal and prejudicial – Items 7& 8 – Consultations from Durham County Council – Member of Durham County Council
Councillor B.M. Ord	-	Personal and prejudicial – Items 7& 8 – Consultations from Durham County Council – Member of Durham County Council
Councillor K Thompson	-	Personal and prejudicial – Items 7& 8 – Consultations from Durham County Council – Member of Durham County Council
Councillor J G Huntington	-	Personal and prejudicial – Items 7& 8 – Consultations from Durham County Council – Member of Durham County Council
Councillor D. Farry	-	Personal and prejudicial – Items 7& 8 – Consultations from Durham County Council – Member of Durham County Council
Councillor Mrs. B. Graham	-	Personal and prejudicial – Items 7& 8 – Consultations from Durham County Council – Member of Durham County Council
Councillor E.M. Paylor	-	Personal and prejudicial – Items 7& 8 – Consultations from Durham County Council – Member of Durham County Council

Councillor Mrs. D. Bowman	-	Personal and prejudicial – Items 7& 8 – Consultations from Durham County Council – Member of Durham County Council
Councillor Mrs. C. Potts	-	Personal and prejudicial – Items 7& 8 – Consultations from Durham County Council – Member of Durham County Council
Councillor Mrs J Gray	-	Personal and prejudicial – Items 7& 8 – Consultations from Durham County Council – Member of Durham County Council
Councillor Mrs P Crathorne	-	Personal & Prejudicial – Item 4 (1) Borough matters- acquainted with applicant.

**DC.42/08**

**MINUTES**

The minutes of the meeting held on 15<sup>th</sup> August 2008 were confirmed as a correct record and signed by the Chairman .

**DC.43/08**

**APPLICATIONS - BOROUGH MATTERS**

Consideration was given to a schedule of applications for consent to develop (for copy see file of minutes) .

**Application No 1 – Conversion of existing stable to form 3 number dwellings including garage facilities and associated access, West Close Cottages Chilton, Mr S Taylor 3 West Close Cottages, Chilton- Plan Ref:7/2008/0330/DM**

NB: In accordance with Section 81 of the Local Government Act 2000 and the Members’ Code of Conduct Councillor Mrs P Crathorne declared an interest in this item and left the meeting for the duration of the discussion and voting thereon.

It was explained that planning permission was being sought for the conversion of existing stables at West Close Cottages, Chilton to form 3 number dwellings including new garage facilities and access on to the A167.

As part of this development, vehicular access to the site would be achieved to the south of the site away from the existing access to the adjacent West Close Cottages.

The applicant had submitted additional information comprising of a traffic survey statement which concluded that proposals would generate negligible levels of traffic resulting in no material traffic impact on the local highway network.

The County Engineer had objected to the proposal on the grounds that the proposal could not achieve the required 2.4x 215m junction visibility splay onto the A167 and therefore it was unsafe on highway safety grounds.

Officers were recommending refusal of the application as it was considered that the stable building, to be converted, lacked sufficient historic and architectural merit which would outweigh the normal

presumption against new residential development within the open countryside. The extent of conversion works required would likely be so significant that the original character and integrity of the structure would be lost.

Considerable highway concerns had been raised over the safety of the proposed access junction with the A167 which would fall significantly short of the minimum site visibility splay as required by the Highway Authority. The standard of visibility would be poor and limited making the access unsafe.

Mr Taylor, the applicant, submitted a letter from Dickinson Dees, Solicitor relating to the contents of the report. The letter dated 11<sup>th</sup> September 2008 was read out to members of the Committee. The letter explained that in the conclusion there was a sentence which stated that concerns of the County Engineer should not be dismissed lightly and to do so could potentially result in the Council being found liable in the event of a road traffic accident. Such financial consideration was not a material planning consideration which the Committee may validly take into account in determining the planning application and it was inappropriate that this sentence was included in the report. In response to the letter the Committee was advised that highway safety was a material planning consideration. The Committee should not make a decision in fear of litigation. The Committee's duty was to make a quasi-judicial decision based on consultation and responses. Members should only go against officers' advice and advise of experts where there was good reason for doing so and those reasons would have to be outlined and justified. Highways issues related to safety and was a planning issue. However the sentence in question should be disregarded as a material planning consideration.

Mr Taylor, the applicant, was present at the meeting to outline the proposals. He made reference to PPS7 regarding the use of existing buildings adjacent or close to country towns and villages for economic or community uses or to provide housing. Mr Taylor considered that the buildings in question which had been there since 1872 were of historic/architectural importance and were of local historic value to residents of Ferryhill and Chilton as they were formerly used to accommodate pit ponies from the nearby colliery. It was pointed out that the Government was encouraging the use of existing buildings for retention.

The applicant stated that officers were questioning the structural engineers report and the character of the buildings. In his opinion the proposals would have no impact on the landscape and would improve the development site. The development was close to amenities and nearby residents had no objections.

In respect of access Mr Taylor pointed out that there were two further dwellings on site since the original access was created and there had been no accidents in the area. If the buildings were to be used as stables the use of access by horse boxes would be much more dangerous. A traffic

management survey had been undertaken information from which had been supplied which indicated that it was perfectly safe to use the access. Furthermore there was an access to Chilton Farm to the North with similar visibility.

Mr Glenwright representing Durham County Council Highways Department was also at the meeting to outline the concerns of the County Highways Department. He explained that a speed survey had been carried out which showed that the site visibility fell well below standard and outlined the figures from that survey. It was pointed out that the applicant had erroneously employed Manual for Streets (MfS) standards to justify the access arrangements. MfS was never intended to apply to roads where the primary function was to accommodate the movement of traffic, its scope was limited to residential and other lightly trafficked streets and was primarily introduced to transform the quality of residential streets and move away from places that were dominated by motor vehicles.

In conclusion officers explained that many discussions had been held on access to the A167 and concern was consistently expressed regarding visibility and character of traffic. It was the 2<sup>nd</sup> most used stretch of road in the Borough. There was a history of refusals in the area. With regard to the building there was no historic or architectural merit. To allow the application would be to open the floodgates to inappropriate development. The access visibility was sub standard and the County Engineer had submitted relevant information.

*RESOLVED: That the application be refused for the reasons outlined in the report.*

N.B. In accordance with the Council's Procedure Rule 13.4 Councillor B F Avery JP requested that his name be recorded as having voted for the resolution.

**Application No 2 – Erection of 2 No Dwellings with associated access – land opposite 1-5 Greenfield Street Byers Green, Mrs S Reynolds 28 High Street Byers Green Plan Ref 7/2008/0368/DM**

It was explained that outline planning permission was being sought for 2 detached dwellings with all matters reserved for subsequent approval with the exception of details of the means of access to the site and site layout.

The Committee was reminded of previous approval for 4 terraced dwellings which had been approved contrary to officer recommendations based on the advice of the County Engineer on the grounds that vehicular access to the site was sub standard. It failed to provide adequate visibility and was detrimental to highway safety.

The approval lapsed following a three year period in which no referred matters for the development had been approved. Subsequent detailed application for 4 dwellings had been refused in May 2008 under the

officers scheme of delegation based on the advice of the County Engineer and highway safety.

This application was a new application. However, objections were still maintained in terms of access and highway safety.

Mr Lavender, the applicant's agent was present at the meeting to outline the proposals. He explained that an application had been approved four years previously for 4 dwellings on the existing piece of land. The main access already served 15 dwellings and the improvement to the access would be welcomed. The planning approval however lapsed and this application was for 2 dwellings on site. He pointed out that access under the proposals would be a distinct improvement albeit visibility would still not meet requirements. The improved access would benefit the existing 15 properties using that access. The development would be on an undeveloped patch of land in the village. This was not a busy road and traffic did not travel at speed.

*RESOLVED: That the application be refused for the reasons outlined in the report.*

**DC.44/08**

**DEVELOPMENT BY SEDGEFIELD BOROUGH COUNCIL**

Consideration was given to a schedule detailing applications for development by Sedgefield Borough Council. (For copy see file of Minutes).

*RESOLVED : That the recommendations detailed in the report be adopted.*

**DC.45/08**

**CONSULTATIONS FROM DURHAM COUNTY COUNCIL**

**NB In accordance with Section 81 of the Local Government Act 2000 and the Members Code of Conduct, Councillors Mrs D Bowman, Mrs E M Paylor, D Farry, B F Avery JP, Mrs C Potts, K Thompson, Mrs B Graham, B M Ord, J G Huntington and Mrs J Gray declared interest in this item and the following item relating to Durham County Council 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.46/08**

**COUNTY DECISIONS**

A schedule of applications which had been determined by Durham County Council was submitted for Members information. (For copy see file of Minutes).

*RESOLVED : That the schedule be received.*

**DC.47/08**

**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.48/08**

**APPEALS**

Consideration was given to a schedule of appeals outstanding up to 3<sup>rd</sup> September, 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 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.49/08**

**ALLEGED BREACHES OF PLANNING CONTROL**

Consideration was given to a schedule of appeals outstanding up to 6<sup>th</sup> August, 2008. (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