

# Item 3

## SEDGEFIELD BOROUGH COUNCIL

### DEVELOPMENT CONTROL COMMITTEE

Council Chamber,  
Council Offices,  
Spennymoor

Friday,  
9 January 2009

Time: 10.00 a.m.

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

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

#### DC.76/08 DECLARATIONS OF INTEREST

The following declarations of interest were received :-

Councillor Mrs. P. Crathorne	-	Item 5 - Borough Matters – Application 5	Personal and Prejudicial – Member of Ferryhill Town Council
Councillor B. Lamb	-	Item 5 – Borough Matters – Application 5	Personal and Prejudicial – Member of Ferryhill Town Council
Councillor D. Bowman	-	Item 6 – County Decisions	Personal and Prejudicial – Member of Durham County Council
Councillor Mrs. J. Gray	-	Item 6 – County Decisions	Personal and Prejudicial – Member of Durham County Council
Councillor Mrs. B. Graham	-	Item 6 – County Matters	Personal and Prejudicial – Member of Durham County Council

Councillor P. Gittins	-	Item 6 – County Decisions	Personal and Prejudicial – Member of Durham County Council
Councillor D. Farry	-	Item 6 – County Decisions	Personal and Prejudicial – Member of Durham County Council
Councillor D. Farry	-	Item 9 – Tree Preservation Order North Close, Spennymoor	Personal and Prejudicial – Acquainted with an objector

**DC.77/08 MINUTES**

The Minutes of the meeting held on 5<sup>th</sup> December, 2008 were confirmed as a correct record and signed by the Chairman.

**DC.78/08 TREE PRESERVATION ORDER NO 56/2008 NORTH CLOSE**

**NB : In accordance with Section 81 of the Local Government Act 2000 and the Members Code of Conduct Councillor D. Farry declared a personal and prejudicial interest in this item and left the meeting for the duration of the discussion and voting thereon.**

Consideration was given to a report of the Head of Planning (for copy see file of Minutes) regarding a Provisional Tree Preservation Order which had been made at the above site on 10<sup>th</sup> October 2008.

It was explained that the purpose of the report was to consider whether it would be appropriate to make the Order permanent, amend the Order or revoke the Order.

Members were reminded of the background to the Order which had been drawn up to protect the amenity of North Close. It was explained that the original Tree Preservation Order had lapsed following protracted negotiations with residents and Development Control Committee meeting and site visit. A new Order had therefore been made. There were objections to the Order relating to two main areas :-

TPOs not necessary  
Serving of a TPO would restrict development.

It was noted that a petition, signed by 129 residents of North Close objecting to the Order, had been received on 5<sup>th</sup> January 2009 which fell outside the consultation period.

The Committee was informed that three of the objectors, Mr. Marley Mr. English and Mr. West, were present at the meeting to outline their objections.

Mr. Marley outlined his objections to the Order relating mainly to boundaries and position of trees and also reference on documentation.

In view of the procedural issues raised by Mr Marley it was considered that it would be beneficial to defer consideration of the Order pending further discussions between officers and objectors to try to resolve outstanding procedural matters.

*RESOLVED : That consideration of Tree Preservation Order No : 56/2008 North Close be deferred pending further discussions.*

**DC.79/08**

**APPLICATIONS - BOROUGH MATTERS**

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

**Application 1 – Erection of 29 No. dwellings and 4 apartments with associated layout and access arrangements (Outline Application) Ashfield Site, Chilton Lane, Ferryhill Station, Hall Construction Services Stotforth Hill House, Windlestone. Plan Ref 7/2008/0380/DM**

It was noted that the applicant had requested that consideration of this application be deferred to enable further discussions to take place to resolve outstanding issues..

*RESOLVED : That consideration of the application be deferred pending further discussions.*

**Application 2 – Demolition of The Flintlock Public House and adjacent house and erection of 8 No. flats, The Flintlock Public House, 50 High Street, West Cornforth Mr. S. Hudson, 1973 Developments Limited.**

It was explained that the application proposal was for the demolition of an existing Public House and adjacent property and the erection of 8 No. flats. The proposed building would be 2.5 storeys in height when viewed from the High Street and the roof height and pitch would match the existing properties within the terrace. The building would, however, be 3.5 storeys in height to the rear due to changes in level across the site.

It was noted that the original application proposal sought the erection of 11 No. flats. However, following consultation response from Durham County Council Highways, the scheme had been amended to be reduced to 8 flats.

The proposed development would be served by a total of 8 car parking spaces to be provided to the rear of the building. The car parking area would accessed from High Street via Garden Lane which would be

widened and improved to facilitate the increase in traffic movement associated with the development.

Members were informed that the site had stood vacant for a considerable period of time following the cessation of the previous public house use and it was evidenced that the application proposal would result in regenerative benefits for the local area. It was not considered that the proposal would have an adverse impact on the amenities of any neighbouring residents and that proposed access and car parking arrangements were acceptable.

There had been a letter of objection from local residents and Mr. and Mrs. Piercy were present at the meeting to outline their objections.

Mrs. Piercy explained that she accepted that there needed to be regeneration in High Street area. However, she did not believe that 8 flats in such a small area would be appropriate.

The development would also cause problems in relation to access and parking. Parking on the grassed area to the rear of the property could result. The development would also cause congestion and noise.

Mrs. Piercy also considered that there would be a loss of privacy at the rear of their premises.

Mr. Piercy then outlined his concerns which included the area being subject to flooding. He considered that the site was more suited to the development of 2 or 3 houses. He considered that the development could result in an increase in anti-social behaviour in the area.

In response officers explained that with regard to car parking the County Engineer was satisfied with the level of car parking provision. Access would in fact be improved. It was not considered that there would be a problem in relation to the privacy of neighbouring properties. In relation to the flooding issues in the area, it was pointed out that a condition had been included in the approval covering that issue.

Concerns was expressed that the properties could be demolished and the site left undeveloped creating an eyesore in the area. It was suggested that the following additional condition could be imposed regarding the phasing of the demolition:-

The buildings on the site shall not be demolished before a method statement and timetable for the means of demolition and disposal of materials has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the demolition and disposal of materials shall be undertaken in accordance with the approved method statement and timetable unless otherwise agreed in writing with the Local Planning Authority. The applicant, upon completion of the demolition and site clearance shall notify the Local Planning Authority that demolition and site clearance has been completed. In the event that the development hereby approved is not commenced within 6 months of that date the applicant shall level the site and

deposit topsoil and grass seed the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the occupants of nearby properties are not adversely affected by the demolition of the buildings and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgfield Borough Local Plan .“

**RESOLVED :** *That the application be approved subject to the conditions detailed in the schedule and the following additional condition :-*

*“The buildings on the site shall not be demolished before a method statement and timetable for the means of demolition and disposal of materials has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the demolition and disposal of materials shall be undertaken in accordance with the approved method statement and timetable unless otherwise agreed in writing with the Local Planning Authority. The applicant, upon completion of the demolition and site clearance shall notify the Local Planning Authority that demolition and site clearance has been completed. In the event that the development hereby approved is not commenced within 6 months of that date the applicant shall level the site and deposit topsoil and grass seed the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.*

*Reason: To ensure that the occupants of nearby properties are not adversely affected by the demolition of the buildings and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgfield Borough Local Plan .“*

**Application No 3. Demolition of Existing Farm Buildings and Erection of 13 detached dwellings with associated access and external works and erection of detached garage to Elderberry Hall Farm, land rear of Elderberry Hall Farm, Fishburn, Meadowcroft Homes, Newcastle-upon-Tyne.**

The Committee was reminded that planning permission had been granted in 2002 for the erection of 11 detached dwellings on land at Elderberry Hall Farm Fishburn subject to a Section 106 Agreement in respect of provision and management of open space within the site.

Detailed planning permission was being sought for the demolition of a range of existing farm buildings and the erection of 13 detached dwellinghouses. The proposal included new infrastructure works including

an improved junction with Front Street and a private access road constructed to adoptable standards.

The proposal as amended was considered to comply with all relevant national, regional and local planning policies.

*RESOLVED : That the application be approved subject to the conditions outlined in the report.*

**Application No 4. Erection of single storey side extension extension to car park to provide an additional 18 No. spaces and revision of internal load layout – Permoid Industries Limited, Aycliffe Industrial Park**

The application sought detailed planning to extend an existing warehouse building at Permoid Industries Limited, Aycliffe Business Park.

It was proposed to extend the full length of the western gable of the building by a further 20 mts. to enlarge the floor area of the existing building. The proposal also involved the re-arrangement of the internal road layout within the site and the formal car parking area to the south was also to be extended to form an additional 18 spaces.

Members were reminded that planning approval had previously been granted for the erection of a detached warehouse building at the north western corner of the site. The current proposal would not affect the existing planning approval.

It was noted that the Environment Agency had originally objected to the proposals on the grounds that insufficient information had been provided to demonstrate that the risk of pollution to controlled waters was acceptable.

However, additional information had been provided and assessed by the Environment Agency and a written confirmation had been received that their objection had been withdrawn subject to the inclusion of the following additional conditions:-

Additional Condition 1:

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use e.g. railway, ordnance factory, made ground present. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone major aquifer and it is located within Zone II of a groundwater Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

Additional Condition 2:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Unsuspected contamination may exist at the site which may pose a risk to controlled waters

*RESOLVED : That the application be approved subject to the conditions detailed in the report and the inclusion of the following 2 additional conditions :-*

*Additional Condition 1*

*Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local*

*planning authority:*

*1) A preliminary risk assessment which has identified:*

- all previous uses*
- potential contaminants associated with those uses*
- a conceptual model of the site indicating sources, pathways and receptors*
- potentially unacceptable risks arising from contamination at the site.*

*2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*

*3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*

*4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

*Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.*

*Reason: The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use e.g. railway, ordnance factory, made ground present. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone major aquifer and it is located within Zone II of a groundwater Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.*

*Additional Condition 2: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written*

*approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.*

*Reason: Unsuspected contamination may exist at the site which may pose a risk to controlled waters.*

**Application No 5. Construction of Replacement Changing and Club Room with Associated Facilities, Improvements to Three Existing Grass Football Pitches and Creation of Two New Football Pitches and additional Overflow Car Park to be provided Dean Bank Park Ferryhill J. Corrigan Ferryhill Town Council**

NB : In accordance with Section 81 of the Local Government Act 2000 and the Members Code of Conduct Councillors Mrs. P. Crathorne and B. Lamb declared a personal and prejudicial interest in this item and left the meeting for the duration of the discussion and voting thereon.

It was explained that as part of a community appraisal one of the projects identified was the construction of a football academy providing for new pitches improved drainage to existing pitches and quality changing accommodation.

The existing football facilities in Dean Bank Park were deemed inadequate to meet increasing demand and in order to facilitate improvements to those facilities the following proposals were included :-

- the erection of new community facility comprising changing area shower toilet storage clubroom and kitchen
- Improvements to 3 No. grass football pitches at the existing recreation ground
- The creation of 2 No. grass football pitches at the former Ferryhill Athletic Football Ground
- Additional overspill car parking to the north adjacent to the existing vehicular access from Hackworth Close

It was considered that the proposals could bring enormous benefits to the Ferryhill community in terms of improved leisure and recreational facilities which would not significantly adversely affect the residential amenity of nearby residents or highways safety.

It was suggested that condition no. 9 in relation to ecological aspects of the development should be amended as follows :-

“Any required vegetation clearance within the parameters of the former Ferryhill Athletic Football Ground must not be carried out during the birdbreeding season of March to August, unless an appropriately qualified ecologist has carried out a checking survey immediately prior to works commencing showing active nests to be absent.”

Condition 2 and Condition 10 also needed amending to include plan references.

**RESOLVED :** *That the application be approved subject to the conditions outlined in the report and condition 9 being amended to read as follows :-*

*“Any required vegetation clearance within the parameters of the former Ferryhill Athletic Football Ground must not be carried out during the birdbreeding season of March to August, unless an appropriately qualified ecologist has carried out a checking survey immediately prior to works commencing showing active nests to be absent”.*

*Condition 2 being amended to include the following plan references:-*

*205-002- 1003rev b  
205-002 –1004rev a  
205–002–1005rev a  
205-002- 1006 rev a*

*Condition 10 being amended to include the car parking areas shown on plan ref 2005/002/1003 b.*

## **DC.80/08 COUNTY DECISIONS**

NB : In accordance with Section 81 of the Local Government Act 2000 and the Members Code of Conduct Councillors Mrs. D. Bowman, Mrs. J. Gray, D. Farry, P. Gittins and Mrs. B. Graham declared a personal and prejudicial interest in this item and left the meeting for the duration of the discussion and voting thereon.

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.81/08 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.82/08 APPEALS**

Consideration was given to a schedule of appeals outstanding up to 22<sup>nd</sup> December, 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 Paragraphs 1 and 6 of Part 1 of Schedule 12a of the Act.*

### **DC.83/08 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.*

### **DC.84/08 UNAUTHORISED DEVELOPMENT - NOT IN ACCORDANCE WITH APPROVED PLANS - H2008/026**

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) relating to unauthorised development.

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

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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

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