

SEDGEFIELD BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

Council Chamber,
Council Offices,
Spennuymoor

Friday,
20 February 2009

Time: 10.00 a.m.

Present: Councillor A. Smith (Chairman) and

Councillors B.F. Avery J.P, W.M. Blenkinsopp, Mrs. D. Bowman, D.R. Brown, J. Burton, V. Chapman, D. Chaytor, Mrs. P. Crathorne, V. Crosby, Mrs. L. M.G. Cuthbertson, T.F. Forrest, P. Gittins J.P., A. Gray, G.C. Gray, B. Haigh, Mrs. S. Haigh, Mrs. I. Hewitson, T. Hogan, J.G. Huntington, Mrs. H.J. Hutchinson, Ms. I. Jackson, Mrs. E.M. Paylor, Mrs. C. Potts, A. Warburton, T. Ward and W. Waters

Apologies: Councillors Mrs. A.M. Armstrong, T. Brimm, Mrs. K. Conroy, D. Farry, Mrs. B. Graham, Mrs. J. Gray, D.M. Hancock, J.E. Higgin, A. Hodgson, Mrs. L. Hovvels, G.M.R. Howe, Mrs. S. J. Iveson, J.M. Khan, B. Lamb, Mrs. E. Maddison, C. Nelson, D.A. Newell, B.M. Ord, J. Robinson J.P, B. Stephens, K. Thompson and Mrs E. M. Wood

DC.95/08

DECLARATIONS OF INTEREST

The following declarations of interest were received :-

Councillor P. Gittins, JP.,	-	Item 4 – County Matters – Personal and Prejudicial – Member of Durham County Council
Councillor Mrs. D. Bowman	-	Item 4 – County Matters – Personal and Prejudicial – Member of Durham County Council
Mrs. E.M. Paylor	-	Item 4 – County Matters – Personal and Prejudicial – Member of Durham County Council
Councillor B.F. Avery, JP.,	-	Item 4 – County Matters – Personal and Prejudicial – Member of Durham County Council
Councillor Mrs. C. Potts	-	Item 4 – County Matters – Personal and Prejudicial – Member of Durham County Council
Councillor J.G. Huntington	-	Item 4 – County Matters – Personal and Prejudicial – Member of Durham County Council
Councillor D. Brown	-	Item 4 – County Matters – Personal Interest – Member Durham County Council

DC.96/08

TREE PRESERVATION ORDER NO 56/2008 NORTH CLOSE

Consideration was given to a report of the Head of Planning (for copy see file of Minutes) relating to Tree Preservation Order No. 56/2008 at North Close.

It was explained that provisional Tree Preservation Order had been made at the above site on 10th October, 2008. 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 of the Committee were reminded that at the meeting held on 9th January, 2009 consideration had been given to the imposition of this Order. At that meeting residents had raised procedural issues and the Committee had agreed to defer consideration of the item pending further discussions between officers and objectors to try to resolve the outstanding procedural matters.

It was noted that a meeting had been held with residents to try to address concerns.

It was explained that the Order had been drafted according to best practice and was procedurally sound.

Tree Preservation Orders were necessary to protect trees if they had a significant impact on the local environment. The trees, the subject of the Order, provided a high degree of amenity value to the local area and were worthy of protection.

It was noted that in addition to letters of objection a petition had been received which was circulated to Members.

The Committee was informed that trees T21 and T22 had been found to have a limited life expectancy and therefore it was being suggested that they be omitted from the Order.

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

Mr. English explained that the residents of North Close were seeking the Council's support to revoke the Tree Preservation Order. The residents of North Close considered that the trees did have amenity value. Residents however were capable of maintaining the trees without a Tree Preservation Order.

With regard to the possibility of development in the area he explained that there were only 4 properties large enough to take on additional development. One of those was considering an extension to the side of the property and he personally wanted to extend his driveway. He considered that the term development was not really appropriate. It was an area where people wanted to improve their property and not create huge developments.

North Close was a small residential area where people were interested in protecting its amenity.

Mr. English explained that in maintaining his garden he had always used professional people to maintain the tree – professional tree surgeons who check with the Borough Council anyway in relation to Tree Preservation Orders etc., before undertaking the work.

There was a need for balance. The fact that some trees needed to be taken out in the natural scheme of things new trees were also planted.

Mr. West then explained that the property he owned in North Close had been in the family for around 75 years. All the trees contained in the garden had been planted by his family. They had been managed in the right way to provide amenity value. There had never been an issue with the management of the garden. He made reference to the cost of managing the trees if a Tree Preservation Order was imposed. There would be survey costs involved which would be incurred before tree lopping etc., could take place.

There were 17 trees in his garden covered by the Order which, if left unmaintained, would cut out light.

It was also pointed out that there 90 properties in North Close of which 27 were involved in the Tree Preservation Order. 63 properties in North Close therefore would not be subject to design constraints whereas those contained in the Tree Preservation Order would be discriminated against.

Mr. West also considered that there was no justification for the cost of the Order and that no consultation had been made with local residents before the Order was served.

He explained that whilst some trees may have been damaged etc., coverage of trees was more because the rest had grown.

The Committee was informed that the petition which had been received from residents expressed the overwhelming feeling that the Tree Preservation Order was too large and had gone too far. There were many large trees in the area and it would not make a difference to the area if a few trees were taken out or lopped. There would be side effects from the Tree Preservation Order in that people would not plant trees because of difficulties they may create in the future and indeed may even take some down to avoid future difficulties.

Mr. West considered that there was a need to balance private owners rights with public amenity and considered that private owners had a right to enjoy their own garden. He pointed out that the “balancing act” had not been tested in court.

It was also noted that Mr. West queried why the letter of support relating to TPO54 had been included on the report when it did not refer to TPO56. Objectors had been told that they could not bring things forward which

related to TPO54. In response it was explained that absolutely everything had been included in the report.

Mr. Marley a local resident then addressed the meeting. He explained that since the last meeting in relation to the Tree Preservation Order appropriate meeting had been held between officers and objectors on the 26th January which had been attended by objectors. However, it had not been possible to get through all the items on the agenda. He still considered that there were procedural issues in relation to the Order.

He also referred to the letter of support included in the report which he considered should be invalid as objectors had not been able to refer to the previous application.

It had been indicated that applications under Tree Preservation Orders were free. He considered that this was not correct as substantial costs would be incurred in relation to reports.

At the meeting which was held with officers in January Mr. West had anticipated that there would be a balanced fair report. He considered that this had not been the case as several trees covered in the Tree Preservation Order were in poor condition.

Officers explained that it was understood that residents did not wish to fell trees etc. However, officers had to be satisfied that the trees had protection and if the Tree Preservation Order was not confirmed this would not be the case. It was pointed out that the ownership of the property may change in the future. With regard to private ownership/public interest it was recognised that there would be financial was not, however, a material issue. The trees did have amenity value.

Members of the Committee were of the opinion that, bearing in mind representations made by local residents and the strong feeling against the Tree Preservation Order, the Order should not be confirmed.

RESOLVED : That the Tree Preservation Order No : 56/2008 be not confirmed.

DC.97/08

APPLICATIONS - BOROUGH MATTERS

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

Application No : 1 – Outline Application for Approximately 310 Dwellings with Associated Landscaping, including a 3.9ha Community Wildlife Area and Improvements to Infrastructure including the provision of 2 No. roundabouts, Land at Dale Road, Shildon, Theakston Estates, Great Stainton, Plan Ref : 7/2008/0551/DM

It was explained that the application proposal sought outline planning for approximately 310 dwellings with associated landscaping, including a 3.9 hectare community wildlife area and improvements to infrastructure including a 2 No. roundabouts at Dale Road Industrial Estate.

Members were informed that the application was submitted in outline with all matters with the exception of access reserved for future consideration.

The application proposal was accompanied by a suite of supporting documents which were identified in the report. There was an existing surplus of employment land within Shildon and accordingly guidance contained within the Regional Spatial Strategy for North East England, PPS1, PPS3 and draft PPS4 would broadly support the redevelopment of the existing employment land for housing.

Their proposal would also meet the Borough's housing requirements set out in the Regional Spatial Strategy.

The application submission was accompanied by a design and access statement which set out a number of guiding principles in respect of layout, scale, landscaping and appearance which would inform the detailed design of the proposed residential development on this basis it was considered that a high quality form of development could be provided that would improve the setting of Locomotion and improve perceptions of the immediate area.

The existing staggered junction providing access to Dale Road Industrial Estate would be replaced by a four arm roundabout to provide access to the proposed residential properties. A further roundabout would be provided at the junction of Spout Lane and Middridge Lane to mitigate the effects of the increased traffic generated by the proposed development. The application would not lead to any significant issues in terms of highway safety or capacity.

As the application proposed was considered to accord with the relevant policies contained within the Sedgefield Local Plan, Regional Spatial Strategy for the North East of England and National Planning Guidance the application was being recommended for approval subject to a number of conditions detailed in the report. It was pointed out, however, that in relation to Condition 34 which suggested that through consultation with Northumbrian Water Limited details of the siting of buildings at reserved matter stage should take into account identified public sewer crossing the site, the requirements of the condition replicated those of condition 33 and was therefore unnecessary to impose the previous suggested Condition 34 on any subsequent planning approval.

The following additional condition was deemed necessary in order to ensure that on site play facilities were provided :-

“Prior to the occupation of any dwelling constructed pursuant to this planning permission, details of childrens and young persons play facilities to be provided shall be submitted to and approved in writing by the Local Planning Authority. The childrens and young persons play facilities shall be implemented in accordance with the approved details prior to the occupation of the 150th dwelling constructed pursuant to this planning

permission and thereafter the childrens and young persons play facilities shall not be used for any other purpose.

REASON : To provide childrens and young persons play facilities to serve the approved development.

It was also explained that the following amendments were required to the following conditions listed in the original Committee report :-

Condition 26

Condition 26 incorrectly referred to Condition 18 in respect of the removal of trees and should therefore be amended to refer to Condition 13 as set out below :-

Prior to the removal of trees in accordance with Condition 13 and the demolition of existing buildings, checking surveys for bats shall be undertaken in accordance with details to be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the scheme shall include details of appropriate mitigation in the event that bats are found to be present on site.

REASON : In order to maintain the favourable status of bats.

Condition 23

The reason for Condition 23 should also make reference to policy 39 of the regional spatial strategy.

The Committee noted that if the application was approved it would need to be referred to the Secretary of State who would be given a period of 21 days in which to decide whether the application needed to be 'called in' for determination.

RESOLVED : *That the application be approved subject to :-*

1. Condition 34 being deleted.

2. The following additional condition be included :-

Prior to the occupation of any dwelling constructed pursuant to this planning permission, details of childrens and young persons play facilities to be provided shall be submitted to and approved in writing by the Local Planning Authority. The childrens and young persons play facilities shall be implemented in accordance with the approved details prior to the occupation of the 150th dwelling constructed pursuant to this planning permission and thereafter the childrens and young persons play facilities shall not be used for any other purpose.

REASON : To provide childrens and young persons play facilities to serve the approved development.

3. *Condition 26 being amended to read as follows :-*

Prior to the removal of trees in accordance with Condition 13 and the demolition of existing buildings, checking surveys for bats shall be undertaken in accordance with details to be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the scheme shall include details of appropriate mitigation in the event that bats are found to be present on site.

REASON : In order to maintain favourable status of bats.

4. *That Condition 23 be amended to make reference to Policy 39 of the regional spatial strategy in the reason for condition.*

5. *That the Head of Planning Services be given authority in consultation with the Borough Solicitor to issue a conditional planning approval in exchange for Section 106 legal agreement in order to ensure that the proposal delivers the various elements of planning gain the head of terms which were set out in Appendix 1 to the report. In particular the agreement will seek to ensure that a scheme for the provision of affordable to a maximum of 20% of the total residential output of the development is agreed.*

Application No : 2 – Erection of Industrial Unit with Associated Parking and Landscaping Land at George Reynolds Industrial Estate, Shildon, Theakston Estates Limited, Great Stainton Plan Ref : 7/2008/0555/DM

It was explained that the application proposal sought full planning permission for the erection of an industrial unit with associated parking and landscaping at land at George Reynold Industrial Estate, Shildon.

The proposed building will provide 2,700 sq.mts. of general industrial/storage and distribution floorspace and would have maximum ridge height of 14 mts.

It was explained that the application proposal was linked to the current outline planning application for approximately 310 dwellings at Dale Road, Shildon.

The application if approved would have a positive impact on the Council's overall business strategy and would allow an existing manufacture to

relocate into modern premises and it was considered that the application proposed represented acceptable use within a general industrial area.

It was noted that the application accorded with relevant policies contained within the adopted Sedgefield Borough Local Plan, the regional spatial strategy for North East England and national planning guidance.

The Committee was informed that Condition 12 detailed in the report would need to be amended to read as follows :-

Prior to the commencement of development of scheme under the measures to ensure at least 10% of the developments energy requirements are produced from renewable and low carbon energy sources, alongside a timetable of how this will be achieved, shall be submitted to an approved in writing by the local planning authority unless having regard to the type of development involved and its design, this is not feasible. Thereafter the measures shall be implemented in accordance with the approved scheme and retained as operational thereafter, unless other agreed in writing by the local planning authority.

REASON : To ensure a sustainable development in accordance with policy D1 General principles layout and design of new developments of the adopted Sedgefield Local Plan and policy 30 of the regional spatial strategy.

RESOLVED : *That the application be approved subject to Condition 12 being amended to read as follows :-*

Prior to the commencement of development of scheme under the measures to ensure at least 10% of the developments energy requirements are produced from renewable and low carbon energy sources, alongside a timetable of how this will be achieved, shall be submitted to an approved in writing by the local planning authority unless having regard to the type of development involved and its design, this is not feasible. Thereafter the measures shall be implemented in accordance with the approved scheme and retained as operational thereafter, unless other agreed in writing by the local planning authority.

REASON : *To ensure a sustainable development in accordance with policy D1 General principles layout and design of new developments of the adopted Sedgefield Local Plan and policy 30 of the regional spatial strategy.*

NB : In accordance with Section 81 of the Local Government Act 2000 and the members code of conduct Councillors P. Gittins, Mrs. D. Bowman, Mrs. E.M. Paylor, B.F. Avery JP, Mrs. C. Potts, declared a prejudicial interest in this item and left the meeting for the duration of the discussion and voting thereon. Councillor D. Brown declared a personal interest in this item and remained in the meeting.

Consideration was given to a schedule of applications for consent to develop which were to be determined by Durham County Council and upon which the views and observations of this Council were sought. (For copy see file of Minutes)

It was explained that a local resident, Mr. Kitching, was present at the meeting to outline his concerns with the application relating to the proposed construction of a new 2 storey school building and associated site alterations at Sedgefield Community College.

Mr. Kitching explained that his concerns related to traffic noise and nuisance.

He explained that there was already an issue in relation to traffic car parking etc., and the proposals to extend would exacerbate the situation.

He explained that the area around the school was predominantly retired and disabled residents who wanted peace and quiet.

Mr. Kitching referred to the floodlighting which would be on until 11 o'clock at the car parking areas and outdoor tennis court. He considered that this would cause nuisance to local residents.

He considered that the development would be dangerous both for local residents and the pupils of the college bearing in mind traffic, parked cars, etc.

Mr. Kitching pointed out that initially the area had been a playground for local children and a footpath with styles to take leisurely walks. This would now be replaced by steel fencing.

He therefore requested that his concerns be conveyed to the County Council.

It was suggested that a letter be sent to the County Council outlining Mr. Kitching's concerns and indeed the concerns of local residents.

RESOLVED : That the report be received and the recommendations contained therein adopted subject to a letter being sent to the County Council outlining residents concerns.

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@sedhefield.gov.uk.