

Item 3a

SEDGEFIELD BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

Council Chamber,
Council Offices,
Spennymoor

Friday,
6 February 2009

Time: 10.00 a.m.

Present: Councillor A. Smith (Chairman) and

Councillors W.M. Blenkinsopp, D.R. Brown, V. Chapman, D. Chaytor, Mrs. K. Conroy, Mrs. P. Crathorne, V. Crosby, Mrs. L. M.G. Cuthbertson, T.F. Forrest, A. Gray, G.C. Gray, B. Haigh, Mrs. S. Haigh, Mrs. I. Hewitson, J.E. Higgin, A. Hodgson, T. Hogan, J.M. Khan, B. Lamb, Mrs. E. Maddison, J. Robinson J.P, A. Warburton, T. Ward, W. Waters and Mrs E. M. Wood

Apologies: Councillors Mrs. A.M. Armstrong, B.F. Avery J.P, Mrs. D. Bowman, T. Brimm, J. Burton, D. Farry, P. Gittins J.P., Mrs. B. Graham, Mrs. J. Gray, D.M. Hancock, Mrs. L. Hovvells, G.M.R. Howe, J.G. Huntington, Mrs. H.J. Hutchinson, Mrs. S. J. Iveson, Ms. I. Jackson, C. Nelson, D.A. Newell, B.M. Ord, Mrs. E.M. Paylor, Mrs. C. Potts, B. Stephens and K. Thompson

DC.85/08 DECLARATIONS OF INTEREST

The following Declarations of Interest were received :-

| | | |
|------------------------------|---|--|
| Councillor Mrs. P. Crathorne | - | Item 6 – Consultations from Durham County Council – Application 3- Personal and Prejudicial -School Governor |
| Councillor D. Brown | - | Item 6 – County Matters Personal Member of Durham County Council |
| Councillor D. Brown | - | Item 9 – Tree Preservation Order 57/2008 -Personal -Member of Sedgefield Show Committee |
| Councillor A. Gray | - | Item 6 – County Matters- Application 6 - Personal -School Governor |

DC.86/08 MINUTES

The Minutes of the meeting held on 9th January, 2009 were confirmed as a correct record and signed by the Chairman.

DC.87/08 APPLICATIONS - BOROUGH MATTERS

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

**Application 1 – Change of Use of Land for the Siting of 330 Static Caravans together with Ancillary Landscape, Access, Drainage and Engineering Works. Conversion of Brakes Farmhouse and Associated Buildings to a Site Management Centre and Erection of Agricultural Building to include Ancillary Shop and Office – Land to the West of Hardwick Park and North of the A689 Sedgefield – Mr. M. Corney, Theakston Farms LLP, Southlands, The Avenue, Eaglescliffe
Plan Ref : 7/2008/0589/DM.**

It was explained that the applicant was seeking planning permission for the change of use of approximately 88 hectares of land to the west of Hardwick Park and to the north of the A689 to create a major tourist accommodation facility.

The application comprised Brakes Farm, located approximately 2 kms. to the west of Sedgefield Village Centre. The site was predominantly in agricultural use with the remainder being woodland.

The proposed development incorporated a range of proposals including the following principle elements :-

- The siting of 330 static caravans
- A rare breeds centre with associated farm shop and office accommodation
- The conversion of Brakes Farm to create a management centre
- The planting of 7.19 hectares of woodland
- The restoration of water features and improvements to public footpaths
- Associated infrastructure works including internal access road.

Access to the site would be from the A177 via a recently constructed roundabout primarily constructed to serve the Hardwick Country Park and Visitor Centre.

It was noted that the development would be phased over a number of years and the site would be developed subject to planning consent being granted by March, 2009.

The Committee was informed that the application had been accompanied by a range of supporting documents including :-

- Environmental Statement
- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Transport Assessment
- Landscaping Management Plan
- Travel Plan
- Statement of Community Involvement
- Indicative Lighting Assessment
- Archaeological Evaluation Report

Members were reminded that an application for change of use of land for the siting of 330 static caravans and 48 lodges, together with ancillary landscape, access drainage and engineering works and the use of Brakes farmhouse as a management centre together with the erection of an agricultural building to include ancillary shop and offices had been presented to Development Control Committee on 11th January, 2008 with a recommendation for approval. At that meeting Committee resolved to refuse planning permission on the grounds that, in the opinion of the Local Planning Authority the proposal represented overdevelopment in the countryside, did not fulfil environmental, economic and social policies and was contrary to Policy L21 of the Sedgefield Borough Local Plan.

An appeal against the decision was subsequently lodged and was determined following a Public Inquiry. The Planning Inspector dismissed the appeal. In dismissing the appeal he concluded that the northern part of the site was the most sensitive to change and had very limited ability to accommodate new woodland. However, the Inspector did realise that a scheme of this nature would contribute to tourism objectives and would result in considerable environmental, economic and social benefits to the area. In assessing the bulk of the development in the form of 330 static caravans in the southern part of the site, the Inspector confirmed that he had no real objection to the major part of the development located on the southern fields.

The applicant had sought to address the issues leading to the Inspector's decision to dismiss the appeal by submitting a revised planning application which was the subject of the report.

An extensive consultation exercise had been undertaken in relation to the application and various responses were identified in the report and a supplementary report which was circulated (for copy see file of Minutes)

In respect of Sedgefield Village Residents Forum objections to the proposal were based on a number of grounds and a copy of the letter of objection was contained within the report. However, the objections related to :-

- Inspectors decision
- Preserving the historic parkland
- Protection of non renewable resources
- Policy L21 adequate screening
- Overdevelopment in the countryside
- Additional pressure on essential village services
- Water and sewerage
- Street lighting and the environmental impact of light pollution
- Environmental economic and social benefits
- Social cohesion and inclusion
- Traffic and travel
- Recent planning appeal decision
- Rare Breeds Centre

It was explained that the original Committee report outlined 48 responses from the formal consultation exercise. However, 67 responses had been

received all of which were opposed to the proposed development. Details of the additional responses were outlined in the supplementary report. The main concerns were itemised and summarised in the report.

In conclusion officers considered that the application site occupied a relatively sustainable location and would lead to significant economic benefits for the local area through the creation of new job opportunities and support for local businesses.

Although the proposals contained in the application would inevitably change the character and appearance of the area, it was considered that the southern part of the site was able to accommodate such change.

The application proposal would have a limited effect on local flora and fauna and conditions were recommended to ensure that any changes to the biodiversity status of the site could be managed.

It was therefore considered the application proposals complied with the relevant policies contained in Sedgefield Local Plan and Regional Spatial Strategy for the North East of England as well as National Planning Guidance in the forms of PPS1, PPS7, PPS9, PPG13, PPG15, PPG16 and the Good Practice Guide on Planning for Tourism. Officers were therefore recommending the application be approved subject to the conditions detailed in the report and conditions 3 and 22 detailed in the report being amended as follows :-

Condition 3 the development hereby approved should take place in strict accordance with the sequence of development set out on plans 2488.02, 2488.03, 2488.04 and 2488.05 attached to this permission and for the avoidance of doubt development shall proceed in the order phase 1 first ,phase 2 second, phase 3 third and phase 4 last. For the avoidance of doubt no caravans shall be sited within phase 2 until such time as the works identified in phase 1 have been completed.

Reason: To ensure the orderly progression of the development.

Condition 22 – prior to the commencement of phase 2, phase 3 and phase 4 of the development hereby approved and prior to the demolition of the agricultural buildings at Brakes farmhouse checking surveys for bats, breeding birds, great crested newts, otters, water voles, and badgers of that part of the site, covered by the relevant phase of the management centre, shall be undertaken in accordance with details to be submitted to and approved by the Local Planning Authority. For the avoidance of doubt the scheme shall include details of appropriate mitigation in the event that these species are found to be present on site or badger sets have been formed.

Reason: In order to maintain favourable conservation status of badgers, bats, great crested newts, otters, breeding birds and water voles.

It was explained that Councillors J. Robinson, JP, Mrs. M. Brown and T. Jeanes were present at the meeting to outline Sedgefield Town Council's objections to the proposals.

Councillor J. Robinson JP explained that, as member of both Sedgefield Borough Council and Sedgefield Town Council, and having spoken at the Planning Appeal, he would be speaking on behalf of Sedgefield Town Council and, to ensure transparency, would then leave the meeting during discussion and voting on the item.

Councillor T. Jeanes, Major of Sedgefield Town Council, explained that the development proposals had significant issues affecting local services and the protection of ancient environment. He explained that the Town Council was concerned about the 'desecration of Hardwick Park' and that residents concerns were not 'nimbyism'. The applicant stated that there would be improvements to the area and it would bring economic benefits which would outweigh the issues caused by the development. However, in his opinion and in the opinion of the Town Council the development would not bring significant benefits in terms of tourism.

The character and appearance of the countryside would be significantly affected, not enhanced, and the area needed to be saved from this kind of development. It was a legacy which the Borough Council should not be leaving the residents of Sedgefield Village.

Councillor Mrs. M. Brown then explained that the Town Council was unanimous in its opposition to the proposals. She made reference to Sedgefield Local Plan policies E9, E2 and L21 dealing with appropriate development in historic landscape and applications to be approved only if they did not detract from the countryside. The Town Council was of the opinion that this application's proposals would not enhance the countryside.

The Town Council was of the opinion that the site should be adequately screened. There was a proposed condition which stated that it should be 5 years before caravans were on site once screening was in place. However, it was considered that 5 years would not be long enough for the screening to have matured enough to form an adequate screen.

The economic benefits of the proposals would be very limited, the attractiveness of the area would be diminished, there would be parking issues and local services such as medical facilities would be affected.

It was considered that the countryside should be protected by National Regional and Local policies. This would be inappropriate development and materially affect the countryside and would be contrary to planning policies. It would not create a good "first impression" when entering the village. There would be no benefit to the local economy.

Sedgefield Town Council was therefore requesting that the application be refused.

Councillor John Robinson JP explained that Sedgefield Town Council was objecting to the proposals in totality. There had been no substantial change to the proposals within the application which was refused last time. He also explained that Durham County Council's response to the proposals was the opinion of officers of the County Council.

He pointed out that there would be problems with accessibility and parking and the existing parking issues in Sedgefield would be exacerbated.

He also pointed out that Hardwick Park was the fifth most visited centre in the region. Access to the proposed site would be from one mini roundabout via the park.

There would be little economic benefit from the proposals and a survey done by Durham Tourism had found that there would be little benefit to businesses in the area.

There would be also a loss of Council Tax of approximately £380k as caravanners do not pay Council Tax.

He explained that he had been contacted by approximately 2,000 residents against the proposals.

Councillor J. Robinson JP then left the meeting.

It was explained that Mrs. G. Wills, Mrs. M. Howell, Mrs. J. Bowles and R. Place, local residents, on behalf of Sedgefield Village Forum were present at the meeting to outline their objections.

Mrs. G. Wills explained that the application was for change of use within an historic park land. There had been very little change from the previous application. The appeal in relation to the previous application had been dismissed and, as the result of a comment by the Inspector, this renewed application was at this meeting for consideration. However, the Inspector did not back up his decision with clear policy decisions.

The reasons why the development was originally considered inappropriate still existed. Nothing had changed. Policy L21 could not be complied with.

In respect of screening Mrs Wills was not convinced that there would be efficient screening all the year round within five years. The previous application had been turned down because of non-compliance with Policy L21. She did not consider that it would be prudent to approve something that could be not implemented for five years.

The development would be detrimental to the picturesque landscape. The land was subject to its designation because of its historic value.

Mrs. Wills considered that other inspectors would have differing views on the application. She cited cases at Lightwater Valley and Alnwick where the Inspectors had taken note of the protection of the countryside.

There was no evidence of sustainability and viability. There were 32 such sites already in the area and this would be an overprovision.

Mrs. Wills considered that the benefits to be to the developer rather than local residents.

Mrs. Mildred Howell then drew comparisons with an application in relation to Lightwater Valley which had been refused. That application had been for development on agricultural land less than four miles from Ripon which was a tourist attraction. This was therefore a relatively sustainable location compared to Sedgefield.

The original application had been refused because Councillors considered that there would be significant change to the character of the countryside and because of transport connections.

The development would be heavily reliant on the use of private cars. There would be little economic benefit and would have little effect on sustainability.

The development was within historic parkland and would cause significant change in nature and use of the area. The development would not be sympathetic with the countryside and would change the ambience of the area. She was also concerned about lighting at night in terms of urbanisation of the countryside

Mr. R. Place, a consultant engineer, outlined his concerns with the development. He explained that there would be considerable cost to the applicant in relation to the proposals and estimated that before the development was complete the applicant would have invested around £8m in the development. He would therefore need a substantial return from his investment.

The proposal was for 330 units the developer having stated at the original meeting that the development was only viable with 400 units.

He also considered that the junction was not adequate. He also made reference to local services such as electricity supply, water, sewage, security etc., and considered that it would be the residents who would have to bear the costs.

He also queried the number of jobs which the development would create and whether they would be fulltime or part time.

There was also growing evidence that the level of spending from users of the development would not be great and that businesses in Sedgefield would gain very little benefit. The development would bring additional costs to the local residents.

Mrs. J. Bowles considered that following enquiries within similar communities with such development in the area there had been problems with vandalism noise and drunkenness .

She acknowledged that there were 37 conditions in place, however, she queried who would comprehensively enforce the conditions.

Mrs Bowles considered that there would be an issue with parking, the security of the Park and use of the historic park after dark.

With regard to tourism the need to bring tourism to the area was not necessarily appropriate to Sedgefield. Local hotels etc., would be harmed by such development.

There also needed to be a positive relationship between the tourists and the local community.

There would be in her opinion additional problems in relation to policing in the area.

The renovation works which were being undertaken within the park would in itself increase visitors without the need for such development.

Mrs. Bowles also considered that the tree planting would not necessarily provide adequate screening.

The Tourism Partnership ideas had been taken out of context and used inappropriately by the applicant. The Regional Assessment needed careful consideration because of the close proximity to the village.

She considered that the conditions would not protect from the adverse effect of the development. The development would change the character and appearance of the historic landscape. There was no clear evidence of benefits and screening would be inadequate. She urged the Committee to respond to the concerns of local residents.

Mr. C. Harrison the applicant's agent then addressed the Committee.

He explained that the application was a direct response to the Inspectors decision and that it should be considered on its own merits

Full weight should be afforded to the Inspectors decision letter as there had been no material change in circumstances. The residents had been fully examined at the 6 day public inquiry..

The previous application had been refused for three reasons. All conditions were imposed on the application due to the phased approach and not because agencies had concerns.

With regard to Policy L21 this stated that such development would normally be approved if adequately screened. This would be a phased development which would be adequately screened. The screening would be in place before the first caravans were located on the pitches.

With regard to the pitch layout this would be sympathetic to the landscape, density etc.

The applicant had worked very closely with Durham County Council in respect of the historic landscape. The development would have no direct impact on listed buildings and in fact would enhance the area. A comprehensive Landscape Management Plan had been drawn up.

With regard to access there had been no objections from Durham County Council. The Inspector had found that this would be a sustainable location for tourism and a comprehensive travel plan had been drawn up.

Local residents had made reference to parking issues. Points had been made at the inquiry and found there were no significant problems with parking.

There also had been no objections from the key consultees such as the PCT or the Police Northumbrian Water Authority etc., and issues would be dealt with through conditions.

There had been 67 letters of objection from a population of around 6,000 – a small percentage.

With regard to benefits there was a need for the development and this would not be an over-provision. It was anticipated that the development would generate around £4.5m for the local economy, creating 25 jobs initially and up to 105 direct and indirect jobs longer term.

In conclusion the development had a strong fit with other tourist initiatives, accorded with the Local, Regional and National Policies. There were no environmental reasons to refuse the application and there would be significant economic benefits delivered by the proposals.

RESOLVED : *That the application be approved subject to the conditions detailed in the report and conditions 3 and 22 being amended to read as follows :-*

Condition 3 . The development hereby approved shall take place in strict accordance with the sequence of development set out on plans 2488.02, 2488.03, 2488.04 and 2488.05 attached to this permission and for the avoidance of doubt development shall proceed in the order Phase 1 first, Phase 2 second, Phase 3 third and Phase 4 last. For the avoidance of doubt no caravans shall be sited within Phase 2 until such times as the works identified in Phase 1 have been completed.

Reason: To ensure the orderly progression of the development

Condition 22. Prior to the commencement of Phase 2, Phase 3 and Phase 4 of the development hereby

approved and prior to the demolition of the agricultural buildings at Brakes Farmhouse checking surveys for bats, breeding birds, great crested newts, otters, water voles and badgers of that part of the site covered by the relevant phase / management centre shall be undertaken in accordance with details to be submitted to and approved by the Local Planning Authority. For the avoidance of doubt the scheme shall include details of appropriate mitigation in the event that these species are found to be present on site or badger setts have formed.

Reason: In order to maintain favourable conservation status of badgers, bats, great crested newts, otters, breeding birds and water voles.

**Application 2 – Extension to Existing Netpark Development
Comprising New Building with associated car parking (Outline
Application) – Land at The Gables, Sedgefield- Malcolm Guy, County
Durham Development Company, Durham – Plan Ref : 7/2008/0340/DM**

It was explained that outline planning approval was being sought for the next phase of the Netpark scheme. It was proposed to erect 5,000 sq.mts. of floor space for research and development purposes of the former gables site. The means for access and scale of development were to be determined with the detailed appearance and landscaping all reserved for consideration at a later stage.

The Committee was informed that the proposed building would consist of a mix of 2 and 3 storey elements.

The access to the site would be taken from Joseph Swan Road and that the proposed access would be constructed to serve the proposed development site. Provision would be made for up to 167 car parking spaces within the site.

The proposal had been submitted with the Design and Access Statement, Flood Risk Assessment, Ecological Survey and Tree Survey.

The proposal accorded with Regional and Local Planning Policy and the scale of the development was commensurate with the existing development at Netpark.

It was noted that a range of issues would be addressed at Reserved Matter stage in order to ensure that the plans for the detailed development of the site incorporated renewable energy measures, encouraged sustainable travel, provided a detailed travel plan, incorporated sustainable drainage systems by the imposition of appropriate conditions.

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

Application 3 – The installation of a 22.5 metre Lattice Tower, Housing of Three 3G and Three Future 2G Antennae, an equipment Cabinet, Fenced Compound and Associated Ancillary, piece of land adjacent to existing Thorn Lighting Factory Merrington Lane Industrial Estate, Mr. S. Baker Edinburgh, Plan Ref : 7/2008/0581/DM
It was explained that the application was for the installation of a radio base station at Merrington Lane Industrial Estate Spennymoor to the immediate north of the former Thorns factory and boundary of the Merrington Lane Masterplan area allotments with open countryside beyond.

The new base station and associated antenna was required to improve telecommunication cover and capacity in the south Spennymoor area.

As the mast exceeded 50 mts. in height and was not permitted under Part 24 of the General Permitted Development Order, the proposal was presented before the Development Control Committee in accordance with the Planning Authority's scheme of delegation.

Vehicular and pedestrian access to the site was achievable from the north via a narrow track linking the adjacent allotments with Coulson Street in the north west.

Officers considered that at 22.5 mts. in total height the mast was considered to be extremely large in scale and overbearing to its surroundings and would prove detrimental to the future development of the adjacent site.

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

DC.88/08

COUNTY MATTERS

NB : In accordance with Section 81 of the Local Government Act 2000 and the Members Code of Conduct Councillor Mrs. P. Crathorne declared a personal and prejudicial interest in application 3 of this item and left the meeting for the duration of the discussion and voting thereon. Councillor D. Brown declared a personal interest as a Member of Durham County Council and Councillor A. Gray declared an interest in application 6 as a member of the governing body. Councillors D. Brown and A. Gray remained in the meeting.

Consideration was given to a schedule of applications which were to be determined by Durham County Council and upon which this Council had been consulted. (For copy see file of Minutes).

RESOLVED : That the recommendations detailed in the report be approved.

DC.89/08

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.90/08

APPEALS

Consideration was given to a schedule of appeals outstanding up to 28th January, 2009. (For copy see file of Minutes).

RESOLVED : That the schedule be received.

DC.91/08

TREE PRESERVATION ORDER NO 57/2008 - SEDGEFIELD SHOWFIELD

NB : In accordance with Section 81 of the Local Government Act 2000 and the Members Code of Conduct Councillor D. Brown declared a personal interest in this item as a Member of Sedgefield Show Committee. He remained in the meeting.

Consideration was given to a report of the Head of Planning (for copy see file of Minutes) in respect of the above Tree Preservation Order.

It was explained that the original Order had been made on site on 5th December, 2008. The purpose of the report was to consider whether it would be appropriate to make the Order permanent.

It was explained that a single sycamore tree, the subject of the Order, provided amenity value to the area and was considered worthy of protection to preserve the character of the area.

The Order had to be confirmed within 6 months of being made or the Order would be null and void.

RESOLVED : That the Tree Preservation Order No : 57/2008 Sedgefield Showfield be confirmed.

DC.92/08

TOWN AND COUNTRY PLANNING ACT 1990 - CORNFORTH CONSERVATION AREA

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) seeking Committee approval to introduce Article 4(2) Direction covering part of the Cornforth Conservation Area.

It was explained that the Cornforth Conservation area had been and was the subject of considerable enhancement works under the Conservation Area Partnership scheme jointly funded by English Heritage, Durham County Council, Cornforth Parish Council and Sedgefield Borough Council.

It was a three year programme terminating at the end of 2009/10 financial year.

The enhancement works had comprised environmental improvements to The Green surrounded by a predominantly residential properties and restoration and repairs to many of these properties by way of re-instatement of architectural features that had been lost over the years.

The making of an Article 4(2) Direction was essential not only to comply with the condition of English Heritage Grant but to serve as an important Development Control tool to ensure that the enhancements achieved through public grant aid were secured for the future.

RECOMMENDED : That Council be recommended to approve the introduction of an Article 4(2) Direction covering the dwellinghouses within Cornforth Conservation Area (as identified on the map attached to the draft Direction) and that a subsequent report be brought to Council by March, 2009 to allow Members to confirm the Direction following a period of consultation.

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 Paragraph 1 of Part 1 of Schedule 12a of the Act.

DC.93/08

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.

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DC.94/08

REQUEST FOR DISCONTINUANCE OF PLANNING PERMISSION APPLICATION FOR THE ERECTION OF GARAGE, FRONT PORCH AND FRONT FENCE REF. NO 7/2005/0049/DM.

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) relating to the discontinuance of planning permission for the erection of a garage front porch and front fence as detailed in planning application no : 7/2005/0049/DM.

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

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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