

DEVELOPMENT CONTROL COMMITTEE

Friday,
2 February 2007
10.00 a.m.

Council Chamber,
Council Offices,
Spennymoor

AGENDA AND REPORTS

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إذا أردت هذه الوثيقة بلغة أخرى أو بطريقة أخرى، أو إذا كنت بحاجة إلى خدمات مترجم، فنرجو أن تقوم بالاتصال بنا.

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান অথবা যদি আপনার একজন ইন্টারপ্রেটারের প্রয়োজন হয়, তাহলে দয়া করে আমাদের সাথে যোগাযোগ করুন।

本文件可以翻譯為另一語文版本，或製作成另一格式，如有此需要，或需要傳譯員的協助，請與我們聯絡。

यह दस्तावेज़ यदि आपको किसी अन्य भाषा या अन्य रूप में चाहिये, या आपको आनुवाद-सेवाओं की आवश्यकता हो तो हमसे संपर्क करें

ਜੇ ਇਹ ਦਸਤਾਵੇਜ਼ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਜਾਂ ਜੇ ਤੁਹਾਨੂੰ ਗੱਲਬਾਤ ਸਮਝਾਉਣ ਲਈ ਕਿਸੇ ਇੰਟਰਪ੍ਰੈਟਰ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਤੁਸੀਂ ਸਾਨੂੰ ਦੱਸੋ।

یہ دستاویز اگر آپ کو کسی دیگر زبان یا دیگر شکل میں درکار ہو، یا اگر آپ کو ترجمان کی خدمات چاہئیں تو براہ مہربانی ہم سے رابطہ کیجئے۔

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Democratic Services



01388 816166

AGENDA

1. APOLOGIES

2. DECLARATIONS OF INTEREST

To notify the Chairman of any items that appear later in the agenda in which you may have an interest. (Pages 1 - 4)

3. MINUTES

To confirm as a correct record the Minutes of the meeting held on 5th January 2007 (Pages 5 - 18)

4. PROPOSED ERECTION OF 121 HOUSES AND 12 APARTMENTS WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT THRISLINGTON DEPOT STATION RD WEST CORNFORTH

Report of Head of Planning Services (Pages 19 - 22)

5. APPLICATIONS - BOROUGH MATTERS

To consider the attached schedule of applications, which are to be determined by this Council. (Pages 23 - 60)

6. DEVELOPMENT CONTROL - ADDITIONAL APPLICATIONS

To consider any applications which need to be determined as a matter of urgency.

7. DEVELOPMENT BY SEDGFIELD BOROUGH COUNCIL

To consider the attached schedule of applications for consent to develop, which are to be determined by this Council. (Pages 61 - 68)

8. CONSULTATIONS FROM DURHAM COUNTY COUNCIL

To consider the attached schedule detailing an application which is to be determined by Durham County Council. The view and observations of this Council have been requested. (Pages 69 - 70)

Members are reminded that the applications to be considered under Items 5,6,7, and 8 together with the plans submitted and all representations on the applications are available for reference in the relevant files in the Council Chamber, 30 minutes before the meeting or before that in the Development Control Section.

9. DELEGATED DECISIONS

A schedule of applications, which have been determined by Officers by virtue of their delegated powers, is attached for information (Pages 71 - 80)

10. APPEALS

A schedule of appeals outstanding up to 24th January 2007 is attached for information. (Pages 81 - 84)

11. RECENT PLANNING APPEAL DECISIONS

Report of Director of Neighbourhood Services. (Pages 85 - 98)

EXEMPT INFORMATION

The following item is not for publication by virtue of Paragraphs 1 and 6 of Schedule 12 A of the Local Government Act 1972. As such it is envisaged that an appropriate resolution will be passed at the meeting to exclude the press and public.

12. ALLEGED BREACHES OF PLANNING CONTROL

To consider the attached schedule of alleged breaches of planning control and action taken. (Pages 99 - 100)

13. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

Members are respectfully requested to give the Chief Executive Officer notice of items they would wish to raise under the heading not later than 12 noon on the day preceding the meeting, in order that consultation may take place with the Chairman who will determine whether the item will be accepted.

B. Allen
Chief Executive

Council Offices
SPENNYMOOR

Councillor A. Smith (Chairman)
Councillor B. Meek (Vice Chairman) and

All other Members of the Council

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection in relation to this Agenda and associated papers should contact
Liz North 01388 816166 ext 4237 email:enorth@sedgefield.gov.uk

Item 2

MEMBER'S DISCLOSURE OF INTEREST

A Member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

MEMBER'S NAME:	
MEETING OF:	
DATE OF MEETING:	

❖ I disclose for the information of the meeting that I have a personal interest in _____
(1)
which will be the subject of consideration by the meeting.

(2)

The nature of that interest is _____

AND (3) [Delete if not applicable] (4)

❖ The personal interest is a prejudicial interest and I shall withdraw from the chamber.

OR (5) [Delete if not applicable]

❖ The interest is disclosed on grounds of planning good practice, as I have or have appeared to judge [or reserve the right to judge] the planning matter elsewhere, including whilst serving on another body, and I will not take part in the debate or vote. I [will] [will not] [Delete as applicable] be also withdrawing from the chamber.

SIGNED:

Dated

❖ To be read out by the Member when invited to by the agenda or at the commencement of consideration of that item. PLEASE COMPLETE THIS FORM AND PASS IT TO THE COMMITTEE ADMINISTRATOR DURING THE MEETING.

- (1) State details of the item (agenda item, planning application number, etc.)
- (2) State what the general nature of the personal interest in the matter is. (You do not need to supply specific details unless you wish to).
- (3) State only if this is a prejudicial as well as a personal interest
- (4) You may regard yourself as not having a prejudicial interest in certain circumstances (see *overleaf*) and there are further specific exemptions relating to exercising a scrutiny function. It is a matter for you to consider whether or not you feel it is right to make use of an exemption in the circumstances and, if so, whether you want to explain that to the meeting.

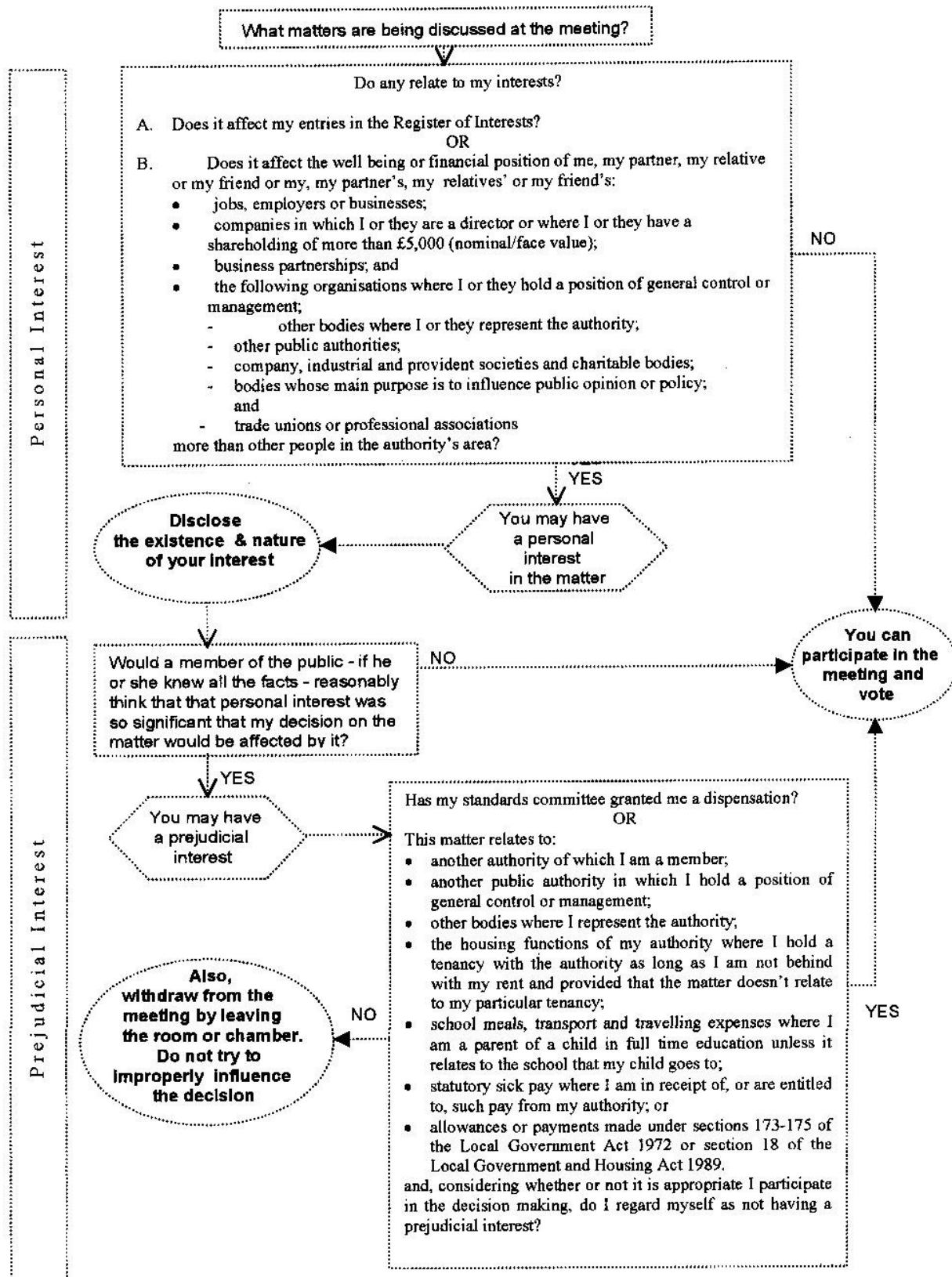
A Member with a prejudicial interest in any matter must also:

- withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless the Code permits participation or s/he has obtained a dispensation from the Standards Committee;
- not exercise executive functions in relation to that matter; and
- not seek improperly to influence a decision about that matter.

- (5) State where you have an interest which flows from fettering one's discretion as described in the Members' Planning Code of Good Practice.

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF (Non-Overview and Scrutiny Meetings)



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Item 3

SEDGEFIELD BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

Council Chamber,
Council Offices,
Spennymoor

Friday,
5 January 2007

Time: 10.00 a.m.

Present: Councillor A. Smith (Chairman) and

Councillors Mrs. A.M. Armstrong, B.F. Avery J.P, W.M. Blenkinsopp, D.R. Brown, Mrs. B.A. Clare, Mrs. K. Conroy, V. Crosby, M.A. Dalton, Mrs. A.M. Fleming, T.F. Forrest, Mrs. B. Graham, A. Gray, G.C. Gray, Mrs. J. Gray, B. Hall, J.E. Higgin, A. Hodgson, B. Meek, G. Morgan, K. Noble, B.M. Ord, R.A. Patchett, Mrs. E.M. Paylor, Mrs. C. Potts, Mrs. I. Jackson Smith, Mrs. C. Sproat, T. Ward and J. Wayman J.P

Apologies: Councillors J. Burton, Mrs. J. Croft, R.S. Fleming, D.M. Hancock, K. Henderson, Mrs. L. Hovvels, G.M.R. Howe, J.G. Huntington, M. Iveson, M.T.B. Jones, J.M. Khan, J.P. Moran, D.A. Newell, J.K. Piggott, Ms. M. Predki, J. Robinson J.P, G.W. Scott, J.M. Smith, Mrs. L. Smith, K. Thompson and W. Waters

DC.86/06

DECLARATIONS OF INTEREST

The following Councillors indicated that they would be declaring interests in the following items :-

Councillor G.C. Gray	-	Items 7 & 9 Personal and prejudicial – Member of Durham County Council
Councillor Mrs. B. Graham	-	Item 5(1) Personal and prejudicial - connection with Member of Spennymoor Town Council
Councillor Mrs. A.M. Armstrong	-	Item 5(1) Personal and prejudicial – daughter Member of Spennymoor Town Council
Councillor Mrs. C. Sproat	-	Item 5(1) Personal and prejudicial – Member of Spennymoor Town Council
Councillor Mrs. A.M. Fleming	-	Item 7 – Personal and prejudicial – Item 9 – Personal and prejudicial – School Governor
Councillor V. Crosby	-	Item 9 – Personal and prejudicial – Member of Greenfield Community Arts Management Board
Councillor Mrs. B.A. Clare	-	Item 9 – Personal and prejudicial – husband Deputy Head of Greenfield School and Community Arts College

DC.87/06

MINUTES

The Minutes of the meeting held on 8th December, 2007 were confirmed as a correct record and signed by the Chairman subject to the number of dwellings referred to in Application No : 1 – Land East of Barratt Way, West Cornforth, Bett Homes, Plan Ref : 7/2006/0443/DM being amended from 52 to 47.

DC.88/06

APPLICATIONS - BOROUGH MATTERS

Consideration was given to a schedule detailing applications to be determined by the Council. (For copy see file of Minutes).

NB : In accordance with Section 81 of the Local Government Act 2000 and the Member's Code of Conduct Councillors Mrs. A.M. Armstrong, Mrs. B. Graham and Mrs. C. Sproat declared personal and prejudicial interests in Application 1- the Erection of 8 No. Dwellings and Associated Access Road (Outline Application) former Middlestone Moor Youth Club, Albion Street, Spennymoor – Spennymoor Town Council – Plan Ref : 7/2005/0546/DM and left the meeting for the duration of the discussion and voting on that application.

In respect of Application No : 2 – Demolition of Existing Petrol Filling Station and Erection of 2 No. Dwellings (Outline Application) – OK Service Station, Durham Road, Chilton – Mr. C. Alexander, OK Service Station, Chilton – Plan Ref : 7/2006/0712/DM – it was explained that officers were recommending refusal of the application bearing in mind the location of the site. It was explained that the principle of housing in this location was considered unacceptable when assessed against its open countryside surroundings.

The site of the proposed development was outside any recognised settlement boundary and was located in an unsustainable location in respect of service provision when compared to more centrally located sites within the defined town boundary. No justification had been submitted by the applicant for the need for two dwellings in the location and as such the proposal was unacceptable and contrary to National and Local Plan Policy.

More sustainable locations offering a range of facilities and infrastructure etc., may exist elsewhere in the Borough and to accept this application would potentially set an undesirable precedent resulting in encroachment into the countryside.

The Committee was informed that Mr. Shipley, the applicant's agent, was present at the meeting to outline the proposals. Mr. Shipley explained that the site was brownfield and in terms of sustainability was 120 mts., from a bus stop, 230 mts. from a doctors surgery and 300 mts. from shops. In terms of the position of the site he considered that the site was not in the countryside in the context of Policy IB3.

It was pointed out that the existing use for the site was a car repair garage. There had been problems associated with misuse of the site etc., since the business had ceased as a result of the by-pass.

Mr. Shipley explained that objections from the Highway Authority could be addressed and indeed his clients agreed to this.

Letters of support had been received from adjacent properties and also from the Parish Council as being a good use of the site.

The Committee was informed that Mr. Irvine, a representative of a firm supporting the agent, was present at the meeting to explain the benefits of the development. He explained that the business had been affected by the development of the by-pass and the garage would be unable to be sold as a commercial proposition as it existed.

Mr. Irvine read out a letter of support which he had received from Chilton Town Council confirming that it recognised that the by-pass had affected the business and that it would be concerned if the use was changed to second hand car sales etc. The Town Council did not see why the site could not be used for residential development as long as the development was sympathetic to the area.

He had also received a letter of support from Mr. Jackson, a local resident, which he read out. Mr. Jackson in his letter, explained that the site was becoming an eyesore and attracting youths causing anti-social behaviour and vandalism etc. A letter of support had also been received from Mr. Brisley stating that the development would improve the area which was being vandalised etc., by youths.

In conclusion Mr. Irvine stated that the development was part of Chilton and if the development was not permitted the site would become an eyesore and the problems of anti-social behaviour etc., would be compounded.

Discussion was held regarding the letter from Chilton Town Council and the Chilton Councillors on the Borough Council who confirmed that they had not expressed a view on the application prior to the meeting.

In response to Mr. Irvine's comments, officers explained that they were seeking to comply with Council policy. The development was in the countryside and for the purposes of IB3 Policy it was adjacent to the village boundary. It was irrelevant that this was a brownfield site and relatively close to Chilton. There were alternative sites in the locality which could be more appropriate for the development. A precedent could also be set. In respect of the dilapidation of the site it was explained that the Council had powers of remediation. The Committee was also reminded that under the Local Development Framework there were three strategic sites for industrial development namely, Aycliffe, Green Lane, and Netpark

During discussion of this item, Members of the Committee made the following comments :-

- The proposed development would be an ideal opportunity to improve the area and remove a commercial use.
- There was development which extended further into the countryside than this development including the football field, cemetery, industrial estate, etc., where did the countryside start?
- In terms of sustainability, there were existing dwellings on the same site.
- It was only a small housing development.
- If the development was not allowed the area would become derelict and an eyesore.
- Precedents had already been set in relation to development in the countryside.
- It would help regenerate the future of Chilton.
- There was no flexibility in policies which do not address such situations.
- It was a brownfield site and the development would tidy up the area and was an alternative to dereliction and neglect.

Members of the Committee therefore considered that the application ought to be approved in the interests of regeneration and sustainability and that the application should be approved subject to conditions to be drawn up by the Head of Planning Services and approved by the Borough Solicitor.

RESOLVED: 1. That Application No. 2 – Demolition of Existing Petrol Filling Station and Erection of 2 No. Dwellings (Outline Application) – OK Service Station, Durham Road, Chilton – Mr. C. Alexander, OK Service Station, Chilton – Plan Ref : 7/2006/0712/DM be approved subject (to the following conditions;-

1. SUBMISSION OF RESERVED MATTERS

Before any works are commenced detailed drawings and/ or other specifications of the following reserved matters shall be submitted to and approved by the Local Planning Authority:

- a) The scale of the development proposed,
- b) The appearance of the development proposed,
- c) Means of access,
- d) Landscaping of the site

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990.

2. TIME LIMIT (OUTLINE PERMISSION)

Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of THREE years from the date of this permission and the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter has been approved.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

FORM OF DEVELOPMENT

- 3.** Outline planning permission is hereby granted for the erection of two bungalows only.

Reason: In the interests of safeguarding the visual amenity of the residential area, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) and Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.

4. DETAILS OF ENCLOSURE

No development shall be commenced until details of all means of enclosure on the site have been submitted in writing and approved by the Local Planning Authority. The development shall be undertaken in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments), and Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.

5. REMOVAL OF GPDO WALL/FENCE

Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development)

Order 1995 (or any Order revoking or re-enacting that Order) details of any walls or fences or other means of enclosure shall be approved by the Local Planning Authority.

Reason: In the interests of safeguarding the visual amenity of the residential area, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) and Policy D5 (Layout of New Housing Development), of the Sedgfield Borough Local Plan.

6. REMOVAL OF GPDO – EXTENSIONS

Notwithstanding the provisions of Class A,B,C,D,E,F,G of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s) hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouse(s) shall be submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of any future development on the site in the interests of visual and residential amenity, and to comply with Policy D5 (Layout of New Housing Development), Policy H15 (Extensions to Dwellings) and Policy H16 (Extension to the Front of Dwellings), of the Sedgfield Borough Local Plan.

7. LEVELS

Before any works are commenced, detailed drawings showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those (if any) neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed entirely in accordance with these approved details.

Reason: To ensure the existing ground and landscape conditions are protected from undue disturbance and to safeguard the amenity of neighbouring occupiers and to comply with Policy D5 (Layout of New Housing Development), of the Sedgfield Borough Local Plan.

8. OPERATION OF MACHINERY

During the period of construction no machinery shall be operated on the premises before 8am nor after 6pm (Weekdays), before 9am nor after 2pm

(Saturdays), nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason: To ensure that occupants of nearby properties are not adversely affected by noise from the premises, and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

9. MATERIAL/EMPLOYEE PARKING

Prior to the commencement of development, a detailed plan indicating the location of material storage and employee parking on site shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be available and used at all times during construction.

Reason: In the interest of amenity during the construction of the development and to comply with Policy D10 (Location of Potentially Polluted Developments) of the Sedgefield Borough Local Plan.

10. TREE PROTECTION

No demolition or construction activities shall take place within 4m of the conifer hedge on the western boundary of the site. No demolition/construction activity shall take place until protective fencing is designed, erected 4m from the hedge and inspected to the satisfaction of the LPA. Any works within the Root Protection Zone must only take place following submission of a detailed methods statement that is to the satisfaction of the LPA.

Reason: To preserve the visual amenity of the area, and to comply with Policy E15 (Safeguarding of woodlands, trees and hedgerows) of the Sedgefield Borough Local Plan.

11. METHOD STATEMENT

The buildings on the site shall not be demolished before a method statement for the means of demolition and disposal of materials has been submitted to and approved by the Local Planning Authority. Thereafter, the demolition and disposal of materials shall be undertaken only in accordance with the approved method statement unless otherwise agreed in writing with 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 Sedgefield Borough Local Plan.

12. CONTAMINATION

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment and to comply with Policy D13 of the Sedgefield Borough Local Plan.

13. CONTAMINATION

No development approved by this permission shall be commenced until:

- a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model of the geology and hydrogeology) for the site of all potential contaminant sources, pathways and receptors has been produced
- b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model of the geology and hydrogeology). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable: - a risk assessment to be undertaken relating to ground and surface waters associated on and off the site that may be affected, and- refinement of the Conceptual Model, and- the development of a Method Statement detailing the remediation requirements) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.
- c) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site

Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

Reason: To protect Controlled Waters and ensure that the remediated site is reclaimed to an appropriate standard.

14. CONTAMINATION

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters.

15. REMEDIATION

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard.

16. SURFACE WATER RUN-OFF

No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme details.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy D13

*(Development Affecting Watercourses) of the
Sedgefield Borough Local Plan.*

2. *That the remainder of the recommendations
detailed in the schedule be approved.*

DC.89/06 CONSULTATIONS FROM DURHAM COUNTY COUNCIL

NB : **In accordance with Section 81 of the Local
Government Act 2000 and the Member's Code of
Conduct Councillor G.C. Gray declared personal
and prejudicial interest in this item and left the
meeting.**

A schedule of applications which were to be determined by Durham
County Council and upon which the views and observations of this Council
had been requested was considered. (For copy see file of Minutes).

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

DC.90/06 DELEGATED DECISIONS

A schedule of applications which had been determined by officers by virtue
of their delegated powers were considered. (For copy see file of Minutes).

RESOLVED : *That the schedule be received.*

DC.91/06 COUNTY DECISIONS

NB : **In accordance with Section 81 of the Local
Government Act 2000 and the Member's Code of
Conduct Councillors Mrs. A.M. Fleming, Mrs. B.A.
Clare and V. Crosby declared a personal and
prejudicial interest in this item.**

A schedule detailing applications which had been determined by Durham
County Council was considered. (For copy see file of Minutes).

RESOLVED : *That the information be received.*

DC.92/06 APPEALS

Consideration was given to a schedule detailing outstanding appeals up to
27th December, 2006. (For copy see file of Minutes).

RESOLVED : *That the information be received.*

DC.93/06

FOOTPATH DIVERSION ORDER UNDER 257 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AT LAND OFF BUTCHERS RACE, GREEN LANE INDUSTRIAL ESTATE, SPENNYMOOR, COUNTY DURHAM

Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) in relation to the above.

The Committee was informed that this item had been brought before the Committee to allow a speedy resolution to the footpath diversion on the Butchers Race site because of Economic Development implications.

The Committee was reminded that a planning application had been submitted and granted for the erection of a new factory on the land off Butchers Race, Green Lane Industrial Estate. The development would include building and landscaping over parts of the route of the existing footpath and therefore for development to be carried out and completed it was necessary to divert the footpath to an alternative route clear from the location of the development proposals.

It was explained that the authority, if appropriate, could make a Diversion Order which would be subject to public consultation by way of statutory advertisement and Notices on site. The authority may then confirm the Order if no objections were made or if made, unresolved.

RESOLVED : That the Committee authorises the making of a Footpath Diversion Order relating to FP.52 and FP.53 and its confirmation of no objections be made or if made, unresolved.

DC.94/06

CLIMATE CHANGE STRATEGY

Karin Johnson, Team Leader and Stephen McDonald, Energy Officer in the Sustainable Communities Team gave a presentation on climate change strategy. (For copy see file of Minutes).

It was explained that the strategy had been developed in line with the Corporate Plan and addressed the Council's contribution to sustainability and climate change. The document was an Action Plan and a series of presentations would be undertaken.

The strategy covered the issues of future climate, the impact on service delivery, the role of local authorities, the current situation, financial implications and the strategy objectives.

The strategy was aiming to respond to the immediate effects over the next ten years by reducing emissions.

It was explained that the predicted future climate by 2050 was that average temperatures would be 2.5 degrees Celsius warmer, summer rainfall could be down by 27%, winter rainfall could increase by 16% winter snowfall cold decrease by 70% and sea levels could be 66 centimetres higher.

This could have wide ranging impact improving rising impact including rising sea levels, melting glaciers, wildlife species becoming extinct etc.

This could effect how local services were delivered particularly development and planning public buildings and housing, green space management and bio-diversity, environmental health, energy and waste services and business support.

In terms of development and planning there could be an increased risk of flooding, subsidence, drainage systems could be unable to cope.

There could be a higher risk to housing in terms of subsidence, dampness, condensation, thermal comforter buildings and climateproofing.

The change in climate could also lead to increase in grass growth rate needing year round maintenance, lost of native fauna and flora species increased rainfall intensity causing flooding and an increased risk of grassland and forest fires.

There were also a number of health and safety issues associated with climate change.

There was a need therefore for action to reduce greenhouse gas emissions and to adapt to the most severe impacts of climate change.

The Local Government White Paper encouraged local authorities to lead by example through its own practices and the services it delivered and by responding to calls for action and co-ordinating innovative partnerships to deliver real change.

There was no statutory targets to achieve change etc., but the most widely accepted was a 60% cut in greenhouse gas emissions by 2050. Sedgefield Borough Council it was considered should target 30% reduction in emissions by 2017 using 2003 as the baseline.

There were financial implications to the authority of action.

The proposed vision was, however, that Sedgefield Borough aimed to reduce greenhouse gas emissions by 30% by 2017 to ensure dependence on finite fossil fuels is reduced and that services and communities are fully prepared for the potential impacts of climate change.

There were seven objectives supported by a range of key activities.

A series of workshops would be held in February to give the opportunity to set targets etc.

Action was needed to avoid major disruption to economic and social activity later in the century.

RESOLVED : *That the information 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.95/06

ALLEGED BREACHES OF PLANNING CONTROL

Consideration was given to a schedule of alleged breaches of planning control and action taken. (For copy see file of Minutes).

RESOLVED : That the schedule be received.

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Item 4

SEDFIELD BOROUGH COUNCIL

REPORT TO DEVELOPMENT
CONTROL COMMITTEE

2nd FEBRUARY 2007

REPORT OF HEAD OF PLANNING
SERVICES

PROPOSED ERECTION OF 121 HOUSES AND 12 APARTMENTS WITH
ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT THRISLINGTON
DEPOT STATION ROAD WEST CORNFORTH FERRYHILL CO DURHAM

1.0 PURPOSE OF REPORT

- 1.1 To ratify the in principle decision made by the Development Control Committee on the 13th October 2006 to approve the planning application (Ref No. 7/2006/0312/DM) subject to conditions for the erection of 121 houses and 12 apartments with associated infrastructure and landscaping at Thrislington Depot Station Road West Cornforth, following confirmation from the Government Office for the North East (GONE) that the Secretary of State had decided to not call in the application to determine herself and that the application should remain with the Council for decision. A copy of the decision letter is appended to this report.
- 1.2 The decision to grant approval in principle was made in the knowledge that the application needed to be referred to GONE because the proposed development would constitute a major development from the development plan. The purpose of referring an application to GONE is to enable the Secretary of State to decide whether or not she wished to call in the application to determine herself.

2.0 THE DECISION OF THE SECRETARY OF STATE

- 2.1 Notification has been received from GONE dated the 20th December 2006 stating that the Secretary of State has decided not to call in the application. The Secretary of State in arriving at this decision has taken a number of factors into Account. These include the provision of well designed high quality housing, ensuring a mix of housing, sufficient quality of housing, good accessibility and the reuse of previously developed land.
- 2.2 The Secretary of State has concluded that her intervention would not be justified as there is not sufficient conflict with national policies on the above matter or any other sufficient reason to warrant calling in the application for her own determination. She has concluded therefore that the application should remain with the Council for decision.

3.0 RECOMMENDATION

- 3.1 That in the light of the Secretary of State's decision not to call in the application, Development Control Committee endorses the earlier recommendation of approval as set out the original committee report subject to conditions



GOVERNMENT OFFICE
FOR THE NORTH EAST

Mr Andrew Farnie
Development Control Manager
Sedgefield Borough Council
Council Offices
Green Lane
SPENNYMOOR DL16 6JQ

Citygate
Gallowgate
Newcastle upon Tyne
NE1 4WH

Tel: 0191 201 3300
Direct: 0191 202 3643
Fax: 0191 202 3744
www.go-ne.gov.uk
ne.planning@gone.gsi.gov.uk

Your Ref: 7/2006/0312/DM

Our Ref: GONE/P/M1330/219/06/3

Date: 20 December 2006

DEVELOPMENT CONTROL
RECEIVED

21 DEC 2006

Dear Sir

**PROPOSED ERECTION OF 121 HOUSES AND 12 APARTMENTS WITH ASSOCIATED
INFRASTRUCTURE AND LANDSCAPING AT THRISLINGTON DEPOT, STATION ROAD,
WEST CORNFORTH nr FERRYHILL, Co DURHAM**

1. I refer to your letter of 28 November 2006 referring to the Secretary of State for Communities and Local Government, under the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, an application for planning permission for the above development.
2. As you know, the Secretary of State's general approach is not to interfere with the jurisdiction of local planning authorities unless it is necessary to do so. Parliament has entrusted them with responsibility for day-to-day planning control in their areas. Local planning authorities are normally best placed to make decisions relating to their areas and it is right that in general, they should be free to carry out their duties responsibly, with the minimum of interference.
3. There will be occasions, however, when the Secretary of State may consider it necessary to call in a planning application to determine it herself, instead of leaving it to the local planning authority. Her policy is to be very selective about calling in planning applications. In general, she will only take this step if planning issues of more than local importance are involved and if those issues need to be decided by the Secretary of State rather than at a local level. Each case is, however, considered on its own facts.
4. We have carefully considered all the matters raised about this application. The issue before the Secretary of State for decision is not whether the application should be granted planning permission, but whether or not she should call it in for her own determination. The Secretary of State considers that the main matters relevant to her decision in this case are national policies with regard to:

north east
england



INVESTOR IN PEOPLE

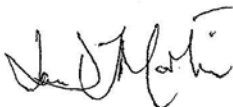
- (a) Providing high quality housing that is well-designed and built to a high standard (PPS3 – *Housing*);
- (b) Ensuring a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural (PPS3 – *Housing*);
- (c) Ensuring a sufficient quantity of housing taking into account need and demand and seeking to improve choice (PPS3 – *Housing*);
- (d) Providing housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure (PPS3 – *Housing*);
- (e) Ensuring a flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate (PPS3 – *Housing*);
- (f) Encouraging new investment and enterprise (PPG4 – *Industrial and Commercial Development*);
- (g) Balancing the location requirements of business with wider environmental and social objectives (PPG4 – *Industrial and Commercial Development*).

5. We have considered carefully these and other relevant planning issues raised by this proposal, together with all representations received, and have had regard to the Secretary of State's policy on call-in, set out in a Parliamentary reply to Bill Michie on 16 June 1999. The Secretary of State has concluded, on balance, that her intervention would not be justified as there is not sufficient conflict with national planning policies on the above matters or any other sufficient reason to warrant calling-in the application for his own determination. She has therefore concluded that the application should remain with the Sedgefield Borough Council for decision.

6. In considering whether to exercise her discretion to call-in the application, the Secretary of State has not considered whether the development proposed is "EIA development" for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The local planning authority responsible for determining the application remains the relevant authority responsible for considering whether the 1999 Regulations apply to the proposed development and, if so, for ensuring that the requirements of the 1999 Regulations are complied with.

7. Would you please forward to the Secretary of State at the address of this Office a copy of any permission granted for the development referred to above, in accordance with paragraph 6 of the above Directions.

Yours faithfully



IAN D J MARTIN
Authorised by the Secretary of State
to sign in that behalf

north east
england

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Item 5

SEDFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

1. 7/2005/0804/DM APPLICATION DATE: 10 November 2005

PROPOSAL: **PROPOSED TOURISM FACILITIES INCLUDING ALL WEATHER MENAGE, UPGRADING OF EQUESTRIAN GALLOPS AND CROSS COUNTRY TRACK, CYCLE HIRE FACILITIES AND ERECTION OF BARN AND EXTENSION TO FARMHOUSE FOR BED AND BREAKFAST ACCOMMODATION AND ACCESS AND CAR PARK TO PROPOSED FISHING LAKE**

LOCATION: **BRANDON HILL FARM TURSDALE CO DURHAM**

APPLICATION TYPE: Change of Use

APPLICANT: Mr Hall
Brandon Hill Farm, Tursdale, Co Durham

CONSULTATIONS

1. CORNFORTH P.C.
2. Cllr. A. Hodgson
3. Cllr. M. Predki
4. DCC (PLANNING)
5. DCC (TRAFFIC)
6. CITY OF DURHAM
7. HEALTH & S.E.
8. ENGINEERS
9. ENV. HEALTH
10. L.PLANS
11. LANDSCAPE ARCH
12. DCC (PROWS)
13. WILDLIFE TRUST
14. ENGLISH NATURE
15. ENV AGENCY

NEIGHBOUR/INDUSTRIAL

The Grange
Hoggergate Farm
Brandon House
The Old Mill Inn
Hillside
Ramsey Street:48,49,50,51,52,53,54,55,56,57,58,59,60,61,62,63,64,65,66,67,School House
Wayside Cottage
Aged Miners War Memorial Homes:6,5,4,3,2,1
KPL Engineering

BOROUGH PLANNING POLICIES

L6 Development of Leisure Facilities and Uses Outside Towns and Villages
L20 Hotels and Visitors Accommodation

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

T7	Traffic Generated by New Development
D10	Location of Potentially Polluting Developments
D1	General Principles for the Layout and Design of New Developments
E14	Safeguarding Plant and Animal Species Protected by Law

PROPOSAL

Planning permission is sought for a tourism related development at Brandon Hill Farm, Tursdale. The site already features a farmhouse and attached cottage, and a substantial 'U' shaped stable block that is currently being restored by the applicants. There is also a gallops track that has been previously used for private equestrian purposes. A dilapidated steel framed agricultural building at the front of the site and an open fronted barn behind the stables would be demolished.

The entire planning unit extends to approximately 13 hectares, a small part of which lies to the north of the Borough boundary, within the area of Durham City Council.

New proposals that are introduced in the current application are:

- A Fishing lake with separate vehicular access / parking spaces, and disabled access
- All-weather ménage (40m x 20m)
- Upgraded gallops and new cross-country track
- Cycle hire facilities
- Agricultural barn (60m x 30m).
- Extensions to main farmhouse to include 3 rooms for Bed and Breakfast

The major elements of the proposal can be more fully described as follows:

Fishing lake, access and parking

It is proposed to form a fishing lake in the northern part of the Brandon Hill Farm site. The lake would straddle the administrative boundary with Durham City Council, and would have a total surface area of about 0.9 hectares (9000 square metres). A car park would be constructed adjacent to the lake, accessed from the A177 Thinford Road by way of a new junction and access track with traffic calming measures.

All weather ménage

Situated in the south west of the site, this 40m by 20m arena would be used for equestrian purposes, and would have landscape mounding to the east and south to assimilate the development into the landscape.

Upgraded gallops and new cross-country track

The upgrading works apply to an existing oval exercise track (350m by 160m) for which planning permission was granted several years ago to a previous landowner. The proposed cross country track would be formed around the periphery of the site, close to the eastern and southern boundaries, crossing the narrow mid-point of the fishing lake in the north, and running to the east of the farmhouse and stables on the western side.

Cycle hire facilities

These would be located in part of the existing refurbished stable block.

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

Agricultural barn

This would be a substantial building situated to the south east of the stables. Measuring 60m by 30m, it would have an overall height to the ridge of 9 metres, falling to only 5 metres at the eaves. The building would be constructed from close-boarded timber walls and fibre cement profiled roof sheets, and it is arguable that the use of natural stonework in the lower 2 metres of the walls would result in a higher quality development than would normally be found in the countryside.

Extensions to the farmhouse

This element of the proposal has been significantly amended following negotiations with officers. The amended plans describe a two-storey extension projecting northwards from the rear of the farmhouse, connecting to the stable block, which would be extended northwards to accommodate a swimming pool facility. Two new elements to the east would offset the loss of stabling. A porch would be erected to the front entrance. The extensions would be constructed of natural stone, with fenestration and detailing to match the existing farmhouse, and natural slate roof. The extended farmhouse would provide bed and breakfast facilities comprising three en-suite bedrooms and the adjoining cottage.

The submitted plans indicate that extensive landscaping works would be carried out around the periphery of the site, together with supplementary planting in key locations around the fishing lake, car park, cross country track and extended farmhouse.

A general supporting statement and ecological reports were submitted with the application, and an environmental impact assessment was submitted later when it was considered necessary by the authority.

CONSULTATION AND PUBLICITY RESPONSES

Cornforth Parish Council supports the proposal as it believes that it constitutes a sustainable tourist facility that would be of benefit to the area.

The Forward Planning Team considers that the proposal can be regarded as acceptable provided there would be no detrimental impact on the appearance of the local countryside or unacceptable congestion on the local road network. In particular, it is concluded that the proposal would comply with Policies L6 and L20 of the Borough Local Plan, and would not be prejudicial to the countryside, meeting the main aims of Policies 1, 2, 4, and 24 of the County Structure Plan. It is also considered that the proposal would conform to regional planning guidance.

The Engineering Services Team has no objections to the proposal, but points out that two vehicle accesses would need to be constructed to Highway Authority standards.

The Highway Authority has no fundamental objection to the proposal, which incorporates several essential features to ensure adequate highway visibility. Some technical comments have been made which can be dealt with by way of the imposition of conditions on any planning permission granted.

The Environment Agency has no objections to the proposal and has recommended specific conditions to be attached to any consent granted.

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

English Nature (now Natural England) has no objections, subject to certain conditions relating to timing of development works and methods of working.

PLANNING CONSIDERATIONS

The main purpose of this proposal is to develop a leisure / tourism facility that focuses primarily on equestrian and angling activities. Both these leisure uses necessarily involve large sites and, as a matter of principle, are more easily accommodated in the open countryside.

Policy L6 of the Local Plan permits leisure developments outside towns and villages provided they would not be detrimental to the appearance of the local countryside, result in the loss of an area of nature conservation or archaeological interest contrary to Policies E10, E11, E12 & E17, be harmful to the living conditions of local residents or result in congestion of the local road network contrary to Policy T7.

Policy L20 sanctions development of visitor accommodation on the edge of towns and villages except where it would have significant harmful effects upon the living conditions of local residents, and allows similar development in the open countryside if there would be no harm to the countryside itself.

The Leisure Development

Brandon Hill Farm already comprises a fairly significant collection of buildings, including the farmhouse, attached cottage, and large stable block. The only existing detrimental feature is the rusty framework of a previously approved barn, situated in a very prominent location at the front of the site, and this would be demolished as part of the development proposal.

The current proposal involves the erection of a large barn some 20 metres to the east of the existing dilapidated structure, where the ground level is slightly lower. Despite its size, it is considered that the resulting lower ground level and proposed peripheral landscaping would effectively assimilate the new building into the countryside when viewed from the nearest vantage points to the south and west. Its construction materials and detailing would be typical of most large buildings situated in the countryside, and it could be reasonably argued that the use of natural stone for the flank walls would add a higher quality to the development and help to consolidate it visually with the existing buildings. The open ménage would be located adjacent to the barn and would be a simple fenced arena, screened with additional mounding to the south and east.

The most significant operational development would be the formation of the fishing lake. At just over 300 metres long and varying in width from 10 to 50 metres, the surface area of the lake would be less than 1 hectare. It would be formed on gently sloping land using cut and fill engineering operations, with a mean level approximately 2 metres above Coxhoe Beck, some 50 metres to the north. An adjacent car park shown on the layout plan would provide space for 27 vehicles, served by an access track wide enough to allow vehicles to pass. Access to this facility would be taken from the A177 at a point in the southeast corner of the application site.

Ancillary facilities would include cycle hire, operated from part of the existing stable block. A small car park for 8 vehicles would be provided here. A short stretch of public footpath would be diverted at this point to avoid conflict between walkers and activities on the site.

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

It is considered that the proposal represents an opportunity to remove poor quality development, provide new well-designed development and secure landscape enhancements that would improve the appearance of the local countryside. There is no objection to the proposal from the Highways Authority, but technical aspects of vehicle access would need to be controlled by condition. The application is supported by a general statement, environmental impact assessment and ecological reports that meet the requirements of the statutory consultees. It is not considered, therefore, that the applicable environmental restraint policies of the local plan have been satisfied, and that the proposal therefore accords with Policy L6.

The rural location would also ensure that the development would not conflict with Policy D10 in terms of the effect upon pollution sensitive users.

The Tourism Development

The proposal includes extensions to the farmhouse to introduce bed and breakfast facilities, with swimming pool, to compliment the leisure development. Policy L20 of the Local Plan specifically permits such developments in the open countryside, particularly where any major extensions or rebuilding are sympathetically designed. In this case, the originally proposed extension was considered too large and of an inappropriate contemporary design for this traditional rural farmhouse. Negotiations have resulted in a more acceptable form of development, of stone construction with slate roofs and windows of an appropriate pattern. The precise detailing could be controlled by way of conditions. The development is considered to accord with Policy L20.

CONCLUSION

The amended proposal is considered to be acceptable against the applicable environmental and leisure policies of the local plan, and would expand the range of leisure and tourism facilities in the Borough. The application site is located adjacent to an important northern gateway to the Borough from the A1(M) motorway, and the redevelopment of the site and associated landscape works would contribute to the aims of the development plan in terms of enhancing the natural and built environment.

In addition, the proposal is considered to be in general conformity with PPS7 (Sustainable Development in Rural Areas) which supports conversion of suitable existing rural buildings to provide hotel and other serviced accommodation, and advocates that local authorities help to ensure the future viability of tourist accommodation by adopting a positive approach to development of such facilities.

It is therefore RECOMMENDED that planning permission be approved subject to the following conditions:

1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. Notwithstanding any description of the materials in the application, no development shall be commenced until details of the materials and detailing to be used for the external surfaces, including the roof and render colour, of the building have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

Reason: To enable the Local Planning Authority to control details of the development in the interests of visual amenity, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

3. The development hereby approved shall be carried out only in accordance with the submitted application, as amended by the following document(s) and plans: amended plans received on 2nd March 2006. (drg. no. 0002 rev. D) and 28th December 2006 (drg. no's. 201 rev. PO8, 202 rev PO8, 203 rev. PO7 & 204 rev.P8)

Reason: To ensure that the development is carried out in accordance with the approved documents.

4. The proposed development shall be served by vehicle access(es) constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the formation of a satisfactory means of access in the interests of highway safety, and to comply with Policy T6 (Improvements in Road Safety) of the Sedgefield Borough Local Plan.

5. The car parks shown on the plan hereby approved shall be marked out and made available for use prior to the development hereby approved being brought into operation, in accordance with details to be agreed with the Local Planning Authority. The car parks shall be retained and maintained in accordance with the approved details for as long as the use remains.

Reason: To make proper provision for off-street parking and to comply with Policy T9 (Provision of Car Parking) of the Sedgefield Borough Local Plan.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The landscaping shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

8. Prior to the commencement of development on site a detailed tree survey shall be carried out and submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the recommendations of the tree survey unless otherwise agreed in writing by the Local Planning Authority. No trees on the site shall be lopped, topped, pruned or felled, without the prior consent of the Local Planning Authority. Any

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

trees which are removed with consent shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To preserve the visual amenity of the area, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

9. Before any works are commenced, detailed drawings showing the finished floor level of the proposed new barn relative to the existing adjacent site levels shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed entirely in accordance with those approved details.

Reason: To ensure the satisfactory assimilation of the proposed barn into the surrounding landscape in accordance with Policy L6 (Development of Leisure Facilities and Uses outside Towns and Villages) of the Sedgefield Borough Local Plan.

10. Notwithstanding details shown in the plans and elevational drawings hereby approved, full details of the proportions, design, construction materials and finishes of all windows and the rear porch to the extended dwellinghouse shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with those approved details.

Reason: In the interests of visual amenity, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan

11. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment and to comply with Policy D13 of the Sedgefield Borough Local Plan.

12. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage including flow attenuation has been submitted and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: To prevent pollution of the water environment and to comply with Policy D13 of the Sedgefield Borough Local Plan.

13. No development shall take place otherwise than entirely in accordance with the mitigation measures detailed within the bat report entitled `Bat Survey, Farmhouse, Brandon Hill Farm, Turisdale (Barrett Environmental Ltd., October 2005)` implemented in full.

Reason: To conserve protected species and their habitat and to comply with Policy E14 (Safeguarding Plant and Animal Species Protected by Law) of the Sedgefield Borough Local Plan.

14. Structures at the farmhouse must be removed by hand, being aware that bats may be present beneath slates or tiles, within mortise joints, cavity walls, between loose stones, fascia boards, between lintels and in gaps around window frames.

Reason: To conserve protected species and their habitat and to comply with Policy E14 (Safeguarding Plant and Animal Species Protected by Law) of the Sedgefield Borough Local Plan.

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

15. Development shall not be commenced within the bird breeding season (March to mid-August inclusive).

Reason: To ensure that the development does not damage or disturb birds that are nesting and breeding on the site and to comply with Policy E14 (Protection of Wildlife) of the Sedgefield Borough Local Plan

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION

In the opinion of the Local Planning Authority the proposal represents development that would not be detrimental to the local countryside, nature conservation or archaeological interests, the living conditions of local residents or highway safety.

INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations.

L6 Development Of Leisure Facilities And Uses Outside Towns And Villages

D10 Location Of Potentially Polluting Developments

L20 Hotels and Visitors Accommodation

T7 Traffic Generated by New Development

D1 General Principles for the Layout and Design of New Developments

E14 Safeguarding Plant and Animal Species Protected by Law

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

2. 7/2006/0521/DM APPLICATION DATE: 14 August 2006

PROPOSAL: **ERECTION OF RESIDENTIAL DEVELOPMENT WITH ASSOCIATED MEANS OF ACCESS**

LOCATION: **ROSE STREET TRIMDON GRANGE TRIMDON STATION TS296EH**

APPLICATION TYPE: Outline Application

APPLICANT: George Wimpey
Lockhead Court, Preston Farm Industrial Estate, Stockton on Tees,

CONSULTATIONS

1. TRIMDON P.C.
2. Cllr. Mrs L. Hovvels
3. DCC (PLANNING)
4. DCC (TRAFFIC)
5. NORTHUMBRIAN WATER
6. BUILDING CONTROL
7. ENV AGENCY
8. ENGINEERS
9. ENV. HEALTH
10. L.PLAN
11. ECONOMIC DEV
12. LANDSCAPE ARCH
13. POLICE HQ
14. DCC (PROWS)
15. ENGLISH NATURE
16. WILDLIFE TRUST
17. Countryside Team

NEIGHBOUR/INDUSTRIAL

Cooperative Terrace:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20
S W Steel Crafts Ltd Volante PTIS Ltd Ennefar Hurworth Burn House Home
Hurworth Burn House Nursing Home Galbraith Terrace:10,9,8,7,6,5,4,3,2,1
Methodist Church Quarry Garage MK Motors
The Welsh Harp Dovecote Inn

BOROUGH PLANNING POLICIES

- | | |
|----|--|
| H8 | Residential Frameworks for Larger Villages |
| T6 | Improvements in Road Safety |
| T7 | Traffic Generated by New Development |
| L1 | Provision of Open Space, including Standards |
| L2 | Provision of Open Space in New Housing Development |
| D1 | General Principles for the Layout and Design of New Developments |
| D2 | Design for People |
| D3 | Design for Access |

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

D5	Layout of New Housing Development
D11	Location of Pollution Sensitive Developments
D12	Provision of Sewage Treatment
D13	Development Affecting Watercourses

BACKGROUND

This application was originally included in the agenda for Development Control Committee held on 8th December 2006. Consideration and determination of the application was however deferred at the request of the applicant to allow further negotiation to take place on the affordable housing aspect of the proposal. This aspect is addressed in more detail in the addendum to the 'affordable housing' section of this report. An update on new national planning policy which has come into force since the original report was written is contained in the 'policy' section.

THE PROPOSAL

This application seeks outline permission for residential development and means of access with details relating to siting of buildings, design and external appearance and landscaping reserved for submission at a later date. The site area is approximately 1.58 hectares. Accompanying the application is a Supporting Statement and Summary of Community Consultation. The applicant has also submitted an indicative layout that shows how the site would be accessed and may be developed.



The layout indicates a variety of detached, semi-detached and terraced dwellings, the majority of which would be arranged around a 'T' shaped roadway leading from Rose Street. Eight dwellings are shown fronting onto, and directly accessed from Rose Street, which presently serves the predominantly commercial/industrial use of the land. All dwellings would have good

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

standards of amenity, including well-proportioned rear gardens. It is indicated that all dwellings would have off-street parking.

The application site is an existing brownfield site and contains a mix of light industrial units and for many years has been occupied by Kemp Plant hire. The site, although on rising ground, is well screened by surrounding screen planting.

CONSULTATION AND PUBLICITY RESPONSES

Trimdon Parish Council does not object to the proposal, but has asked whether planning permission would be granted on the basis of a legal agreement and, if so, how this would benefit the community.

The County Engineer advises that the existing junction of Rose Street onto the B1278 Salter's Lane, the road width of Rose Street and visibility splays are acceptable. A formal 1.8m footway to adoption standard will need to be provided adjacent to the northern edge of the carriageway to Rose Street. The footway will need to continue along the frontage of the Methodist Chapel and the car repair works.

Durham County Council Policy Section advises that the application site lies outside the existing built framework of Trimdon Grange and is not allocated in the adopted Sedgefield Borough Local Plan for employment related development. The Structure Plan recognises the importance of small industrial sites to meet local employment needs and paragraph 9.16 of the Structure Plan states that making the best use of existing sites reduces the need for new allocations in accordance with the principles of sustainability. While Trimdon Grange is identified in principle as a suitable location for new housing development, the application site is currently being used for industrial uses. Provided that the Borough Council is satisfied that the site is not required for long term employment uses the proposal accords with Policy 9 of the Structure Plan.

The Borough Council's Forward Planning Team concludes that whilst there would normally be a presumption against a proposal outside the settlement envelope, the following summarised material considerations override that presumption in this instance:

- The proposal represents a sustainable urban extension that performs well against PPG3 **(see addendum to policy section below)**
- The proposal would contribute towards the national target that by 2008, at least 60% of additional housing should be provided on Brownfield land
- Additional housing will help sustain existing shops, services and facilities within Trimdon Grange
- It was also initially recommended that a minimum of 20% of any development should be affordable housing. **(see addendum to the affordable housing section below)**

The Environment Agency advises that surface water run-off from the existing site is likely to drain into the headwaters of the River Skerne, which is prone to flooding. Therefore surface water discharged from the redevelopment should be flow regulated so as not to exacerbate flooding problems elsewhere in the catchment. Several conditions are recommended regarding surface water regulation system and contaminated land.

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The Environmental Health Section raises no objections but suggests several conditions in respect of hours of construction, no burning of materials, the control of dust on the site and contamination.

Northumbria Water offers no objections, and has provided several comments and contact numbers in respect of water supply, drainage and sewage matters. These comments have been forwarded to the applicant for information.

Natural England (formerly English Nature) has considered the submitted Phase 1 ecological survey and reports and concludes that the proposal is unlikely to have an adverse effect upon species protected by law, subject to the imposition of a condition requiring adherence to specific mitigation measures set out in that report.

Durham Wildlife Trust did not respond to the consultation exercise.

The Police Architectural Liaison Officer offers comments on reducing crime both internally and externally. A copy of the comments has been forwarded to the applicant for consideration.

Site notices were erected, an advertisement placed in the local press and letters sent to neighbouring occupiers advising of the application. One letter has been received requesting details of the proposed access.

PLANNING CONSIDERATIONS

The main planning considerations in this case are:

- Compliance with National Planning Policy and Guidance and Local Plan Policies.
- Provision of Affordable Housing
- Impact on Ecology

Compliance with National Planning Policy and Guidance and Local Plan Policies

The site that is subject to this planning application is located outside of Trimdon Grange's residential framework identified in Policy H8 'Residential Frameworks for Larger Villages'. It is currently occupied by industrial/business users, however the land is not formally designated for such purposes. Government guidance in Planning Policy Guidance Note 3 'Housing' promotes the reuse of 'Brownfield' or previously developed land for new housing development and indicates that new housing development should respect other principles of sustainable development, particularly that new housing development should take place in locations accessible to jobs, shops and services by various modes of transport; that the development is well related to existing and potential infrastructure, including public transport; and that new development respects other physical and environmental constraints on the development of land.

It is considered that the application site performs well against paragraph 31 of PPG3 that provides the guidance which local planning authorities should use to assess a site's potential and suitability for housing development. All proposed housing sites should be assessed against each of the following criteria:

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- The **availability of previously developed sites**;
- The **location and accessibility** of potential development sites to jobs, shops and services by modes other than the car, and the potential for improving such accessibility;
- The **capacity of existing and potential infrastructure**, including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals) to absorb further development and the cost of adding further infrastructure;
- The **ability to build communities** to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities; and
- The **physical and environmental constraints on development of land**, including, for example, the level of contamination, stability and flood risk, taking into account that such risk may increase as a result of climate change.

The Government has recently been consulting on Draft PPS3. This document will in due course replace the existing PPG3 and its associated documents, and will represent the Government's most up to date thinking on housing and as such is a material consideration in assessing planning applications.

Paragraph 13 of Draft PPS3 states that to be considered developable, a site should meet the following criteria:

- a) Available – the site is available now or is likely to become available for housing development and be capable of being developed within five years;
- b) Suitable – the site offers a sustainable option for development and would contribute to the creation of sustainable urban and rural communities; and
- c) Viable – housing development is economically viable on the site.

Whilst Parts **(a)** and **(c)** are likely to be easily satisfied, it is considered that housing on this site also complies with **Section (b)** because:

- o The site is Brownfield land, and when appraised against the criteria from paragraph 31 of PPG3, it is considered that as a location it does not perform so poorly so as to preclude its appropriateness for housing before a Greenfield site;
- o The scheme would represent a sustainable urban extension to the village.

The location of the application site although outside the residential framework the development of the village is acceptable as it is in close proximity to local facilities and would represent a sustainable urban extension as the proposal would result in housing occupying land that is immediately to the north of Trimdon Grange. As such, when appraised against the principles of Draft PPS3 and criteria from paragraph 31 of PPG3, this location performs well.

The proposed development would help meet the housing requirements of Trimdon Grange and the wider Borough and will widen the housing choice within this community. There is currently insufficient availability of previously-developed sites in the Borough which necessitates that sites such as this one should be developed before Greenfield sites; the proposal is easily accessible and near to public transport nodes; and, it will be an efficient use of land. The proposal site is previously-developed land and its development for housing would appear to offer regeneration benefits for Trimdon Grange in terms of diversifying the housing market, and providing additional choice to retain the existing population.

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In terms of how the proposal accords with the Submission Draft Regional Spatial Strategy (RSS) the proposal is considered to be in accordance with Policy 3 in that the development meets the sequential test in terms of prioritising sites for development. In this case the development of this Brownfield site is in a sustainable location.

With regard to housing, the Strategy identifies that the Borough should provide an additional circa 4,000 net new dwellings between 2004 and 2021 yet it in the mean time it is still necessary to provide land for housing to maintain a five-year supply of housing, as stipulated in Paragraph 12 of Draft PPS3. Although the Borough currently has just over a nine year supply of housing it is considered that the release of a Brownfield site beyond the residential framework is acceptable.

It should also be noted that the Council is due to undertake a review of employment land to determine if land is no longer needed for employment purposes before it is contemplated for other uses in Autumn this year. However, if the Borough were to identify a surplus of industrial land, it is considered that when looking for previously-developed industrial sites to meet the need for housing, it is better that industrial sites in sustainable locations are developed before general or prestige employment areas.

Addendum

Since the original report was written, PPG3 has been replaced by Planning Policy Statement (PPS) 3 – Housing, which came into force on 29th November 2006. The main principles of PPG3 have been carried forward into the new policy document, with emphasis on high quality housing, a good mix of housing, sustainability, efficient and effective use of land, and meeting local housing objectives. Emphasis is also placed on the delivery of new housing.

Provision of Affordable Housing

The proposal was initially considered against the draft PPS 3, in which affordable dwellings are defined as either social rented dwellings or intermediary dwellings e.g. shared equity and therefore if a need can be demonstrated the applicant should provide a combination of the two affordable housing tenure types on the site the proportion of which would require further debate.

The need for affordable housing is determined by assessing the following:

- Housing Needs Survey
- House Price Data
- Household Incomes
- Housing Waiting Lists
- Housing Provision surrounding site

The last complete Housing Needs Survey was produced in 2003. This identified that there was a shortfall in affordable stock in 2-bed flats, 2-bed bungalows, 1-bed houses and 3-bed houses in the Sedgfield/Trimdons sub-area. To overcome the shortfall in affordable housing provision a minimum of 20% affordable provision would normally be sought.

In terms of house price date over the period since the questionnaire on the Housing Needs Survey in 2002, the house prices within the specific Trimdon postcode area TS29 6 have risen significantly.

TS29 6	Detached	Semi-Detached	Terraced	Flat	Overall
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Jan – March 2002	£113,068	£49,811	£33,357	-	£64,844
	61.55%	72.12%	89.21%	-	34.70%
Jan – March 2006	£182,666	£85,733	£63,115	-	£87,348

Table showing % changes in prices for the period Apr-Jun 2002 to Apr-Jun 2006 inclusive.

The Housing Needs Desktop Update that was carried out in 2005 identifies that household income has increased by 7.6% between 2003 and 2005. This figure applies to the Borough and it cannot be broken down into sub-areas. This research identifies that 49.1% of the Borough's households have an income level below £16,140. Even more important is the information for concealed households. The data states that 67% of these concealed households have an income level below £16,140. The primary reason for concealed households is the fact that they cannot gain access to the private housing market.

It is clear from the up-to-date housing data from the Land Registry that the concealed households would not be able to enter the private sector housing market, even at entry terraced level (assuming a mortgage of 3 times income).

The Housing Department have also provided information regarding the demand and supply of Council-owned houses and bungalows in Trimdon. This suggests that there is a demand for 1 & 2-bed bungalows and 2, 3 & 4-bed houses. A brief comparison of the two would suggest that 2-bed bungalows and 3 & 4-bed houses have the greatest mismatch of demand and supply.

It is considered that the evidence clearly demonstrates that there is a need for the provision of affordable housing, comprising a mixture of social rented and shared equity/ownership dwellings and of a type that would address the overall housing needs and waiting lists.

Addendum

Concerns were expressed by the applicant that the high cost of remediation of this brownfield site and the recommended amount of affordable housing would make the development unviable and, at the applicant's request, the application was deferred from consideration at the December 2006 Development Control Committee pending further discussions.

Following a meeting with the applicant, the Forward Planning Team in consultation with the Housing Department have reached the following conclusions:

- Further analysis of the housing stock and waiting lists demonstrates that there is a justification for requiring affordable housing within this development proposal
- PPS3 has been finalised and published since the first policy appraisal of this application. PPS3 focuses on ensuring delivery of increased levels of housing, and emphasises the importance of removing barriers that prevent housing development coming forward
- In recognition of the high remediation costs associated with the site, a reduction in the amount of affordable housing to 10% would strike a balance that would encourage the development in line with the aims of PPS3

For the reasons set out above, it is considered that the proposal would meet the objectives of PPS3 and that the provision of 10% affordable housing would be appropriate given the high remediation costs associated with the site.

Impact on Ecology

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Circular 06/2005 'Biodiversity and Geological Conservation Statutory Obligations and Their Impact Within The Planning System' that accompanies Planning Policy Statement 9 'Biodiversity and Geological Conservation' states that *'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'* (Para 98).

Circular 06/2005 also advises that 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted'. In this case the applicants have carried out a Phase 1 habitat survey, and identified the badger, bat and water vole as species for individual investigation. The surveys concluded that neither badgers nor water voles would be affected by the development. The bat survey has recommended mitigation measures that satisfy the requirements of Natural England, provided an appropriate condition is attached to any planning permission granted.

Energy

The application makes no reference to the inclusion of embedded renewable energy generation nor does it demonstrate how the development would assist in reducing energy consumption. This is not in the spirit of RPG1 policies EN1 and EN7, which encourage renewable energy and energy efficiency. The emerging RSS goes a step further by requiring the incorporation of 10% embedded renewable energy in major new development.

This proposal would therefore benefit from the incorporation of energy efficiency measures and embedded renewable energy generation and this could be achieved by imposition of an appropriate condition.

CONCLUSION

Whilst the application site lies just outside the existing settlement boundary, its development for housing would, for the reasons set out above, represent a sustainable urban extension when considered against the main provisions of PPS3. The proposal would have the added benefits of sustaining existing shops and services within Trimdon Grange, and contributing towards the national target of at least 60% of new housing development being on brownfield sites by 2008. It is also considered that the proposal would help to consolidate the village to the north, and significantly improve the visual amenity of the locality. Rose Street has historically exhibited poor visual qualities through indiscriminate outside storage of materials and the general poor quality of buildings. The opportunity here for environmental improvement is significant. These material considerations are considered to outweigh the normal presumption against development outside the settlement envelope under Policy H8 of the Sedgfield Borough Local Plan.

Assessment of open space provision is difficult with outline applications. However, the indicative site layout plan does not indicate that there would be any communal open / play space within the site. The peripheral location of the site places it at some distance from the nearest open space / play facilities and it is therefore essential to provide an appropriate element within any finally approved layout. It is proposed that the provision of open space and play equipment ought to be subject of a condition, with future maintenance by way of a management plan required under a Section 106 agreement.

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It is considered that it will be necessary to deal with the following matters by way of a Section 106 agreement; provision of affordable housing, management and maintenance of open space, a design code for the development, and the provision of a footpath along Rose Street.

Finally, should Members be minded to grant planning permission for the development the application will need to be referred to the Government Office for the North East (GONE) as approval would constitute a major departure from the Development Plan. The notification requirements provide GONE an opportunity to check general compliance with the guidance set out in PPS3 and to consider whether the application should be called in for determination.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

HUMAN RIGHTS IMPLICATIONS

It is considered that in general terms, the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

RECOMMENDATION

It is recommended that:

1. The application is approved subject to the conditions set out in Appendix 1 to this report.
2. The Head of Planning Services be given authority, in consultation with the Borough Solicitor, to issue a conditional planning approval in exchange for a Section 106 Legal Agreement in order to ensure that the proposal delivers the various elements of planning gain the heads of terms, which are set out in Appendix 2 to this report.

(This recommendation is made in the knowledge that the application would need to be referred to the Secretary of State if Committee were minded to approve the proposed development, subject to the Section 106 Agreement, who would be given a period of 21 days in which to decide whether the application needed to be 'called in' for determination).

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APPENDIX 1

LIST OF PROPOSED CONDITIONS

Outline Planning Application (Ref No. 7/2006/0521/DM).

Residential Development with Associated Access at Rose Street, Trimdon Grange

1	<p>Reserved Matters Approval of the details of the siting, design and external appearance of the buildings and landscaping of the site (hereinafter called the "Reserved Matters") shall be obtained from the Local Planning Authority before any development is commenced.</p> <p>Reason: Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004</p>
2	<p>Reserved Matters Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of THREE years from the date of this permission and the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter has been approved.</p> <p>Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
3	<p>Means of access No dwellinghouse shall be occupied unless they are served by an access, which has been constructed in accordance with details to be submitted to and approved by the Local Planning Authority.</p> <p>Reason: To ensure the dwellinghouses hereby approved are served by a satisfactory means of access in the interests of highway safety and to comply with Policy T6 (Improvements in Road Safety) of the Sedgfield Borough Local Plan.</p>
4	<p>Landscaping details No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping which shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.</p> <p>Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgfield Borough Local Plan.</p>
5	<p>Landscaping implementation The approved scheme of landscaping shall be carried out in accordance with the approved plans and shall be completed as set out in the phasing scheme required under the terms of the associated Section 106 Agreement and the date of practical</p>

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	<p>completion shall be supplied in writing to the Local planning Authority within seven days of that date.</p> <p>Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.</p>
6	<p>Landscaping maintenance</p> <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be maintained in accordance with British standard 4428 for a period of 5 years commencing on the date of practical completion and during this period any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and grass that fails to establish shall be re-established unless the Local Planning Authority gives written consent to any variation.</p> <p>Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.</p>
7	<p>Landscape Management Plan</p> <p>No works to trees, including topping, lopping and pruning and felling shall take place until a Landscape Management Plan and Strategy has been agreed with the Local Planning Authority and any such works shall not take place without the prior approval of the Local Planning Authority.</p> <p>Reason: To ensure that the Landscape quality of the site is preserved and enhanced and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.</p>
8	<p>Housing Provision</p> <p>The development hereby permitted shall provide a range and mix of house types ranging between one to four bedroomed properties.</p> <p>Reason: To ensure local housing needs are addressed.</p>
9	<p>Open Space Provision</p> <p>No development shall take place until a scheme for the provision of formal and informal open space, together with play facilities, has been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented in accordance with timescales to be agreed in writing with the local planning authority.</p> <p>Reason: In the interests of residential amenity and to provide for open space and play facilities in accordance with Policy L2 of the Sedgefield Borough Local Plan.</p>
10	<p>Control of Noise and Other Environmental Pollution</p> <p>No diesel powered plant or equipment shall be used on the site on any Sunday, Saturday afternoon or Bank holiday nor at other times other than between the hours of 8.00am and 6.30pm and no building, packing or other materials shall be allowed to blow</p>

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	<p>off the site. No fires shall be burned within 100 metres of occupied dwellings.</p> <p>Reason: In order to protect the amenities of the occupiers of nearby premises.</p>
11	<p>Ecological Mitigation measures</p> <p>No development shall take place unless in accordance with the mitigation detailed within Sections E1 – E10 of the bat survey report (<i>Ecological Surveys: Rose Street, Trimdon Grange, County Durham by Barrett Environmental Ltd, October 2006, Bat report</i>) including, but not restricted to obtaining a DEFRA licence; adherence to timing and spatial restrictions; provision of mitigation in advance; adherence to precautionary working methods; provision of a bat loft(s).</p> <p>Reason: To conserve protected species and their habitat and to comply with Policy E14 (Protection of Wildlife) of the Sedgfield Borough Local Plan.</p>
12	<p>Protection of trees</p> <p>All trees and hedges to be retained shall be properly fenced off from those parts of the site to be demolished or redeveloped and shall not be removed without prior approval of the Local Planning Authority. Details of the type and positioning of the fencing shall be submitted and approved by the Local Planning Authority prior to the development of demolition commencing.</p> <p>Reason: To enable the Local Planning Authority to ensure that existing natural features on the site are protected and retained in the interests of the visual amenity of the site and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgfield Borough Local Plan.</p>
13	<p>Surface water run-off</p> <p>No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme details.</p> <p>Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy D13 (Development Affecting Watercourses) of the Sedgfield Borough Local Plan.</p>
14	<p>Contamination</p> <p>No development approved by this permission shall be commenced until:</p> <p>a) a desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model of the geology and hydrogeology) for the site of all potential contaminant sources, pathways and receptors has been produced.</p> <p>b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model of the geology and hydrogeology). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:</p>

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	<ul style="list-style-type: none">- a risk assessment to be undertaken relating to ground and surface waters associated on and off the site that may be affected, and- refinement of the Conceptual Model, and- the development of a Method Statement detailing the remediation requirements <p>c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.</p> <p>d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.</p> <p>Reason: To protect Controlled Waters and ensure that the remediated site is reclaimed to an appropriate standard.</p>
15	<p>Contamination</p> <p>If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.</p> <p>Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters.</p>
16	<p>Remediation</p> <p>Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.</p> <p>Reason: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard.</p>
17	<p>Levels, existing and proposed</p> <p>No development shall commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local planning Authority. Development shall take place in accordance with the approved plans.</p> <p>Reason: In order to control the level at which the development takes place in order to protect the visual and residential amenity of the area and to comply with Policy D1 and D5 of the Sedgefield Borough Local Plan</p>

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18	<p>Means of enclosure Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any walls or fences or other means of enclosure shall be approved by the Local Planning Authority and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.</p> <p>Reason: In the interests of safeguarding the visual amenity of the residential area</p>
19	<p>Noise The development layout and building envelopes of the dwellings shall be designed and constructed to provide protection from noise generated from the local road network and the adjacent industrial estate. The upper limits for the designed noise levels within the developments shall be 35dBA LAeq in habitable rooms with windows shut and other means of ventilation provided and for external noise shall be 55dBA LAeq in outdoor living areas.</p> <p>Reason: To protect residential amenity.</p>
20	<p>Material storage and employee parking during construction Prior to the commencement of development a detailed plan indicating the location of material storage and employee parking on site shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be available and used at all times during construction.</p> <p>Reason: In the interest of amenity during the construction of the development and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.</p>
21	<p>Wheel washing facilities Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the main exit from the site. All construction traffic leaving the site must use the facility and it must be available and maintained in working order at all times.</p> <p>Reason: In the interest of amenity and to reduce the amount of mud on the roads and in accordance with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.</p>
22	<p>Energy Efficiency Prior to commencement of development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for 10% embedded renewable energy. Thereafter the development shall operate in accordance with the approved scheme unless otherwise agreed in writing.</p> <p>Reason: In order to minimise energy consumption and to comply with Regional Planning Guidance Note 1, Policies EN1 and EN7.</p>

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PLANNING APPLICATIONS - TO BE DETERMINED

INFORMATIVE: REASONS FOR APPROVAL

In the opinion of the Local Planning Authority the proposal is acceptable in terms of its impact upon highway safety, and visual and residential amenity of the area, and will provide for a modern sustainable housing development.

INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

H8 Residential Frameworks for Larger Villages
T6 Improvements in Road Safety
T7 Traffic Generated by New Development
L1 Provision of Open Space, including Standards
L2 Provision of Open Space in New Housing Development
D1 General Principles for the Layout and Design of New Developments
D2 Design for People
D3 Design for Access
D5 Layout of New Housing Development
D11 Location of Pollution Sensitive Developments
D12 Provision of Sewage Treatment
D13 Development Affecting Watercourses

Supplementary Planning Guidance Notes:

SPG3. Layout of New Housing.
SPG5. Traffic Calming.
SPG6. Parking standards
SPG7. Open Space
SPG8. Landscaping
SPG9. Conservation of Energy
SPG10. Crime prevention and personal Security

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PLANNING APPLICATIONS - TO BE DETERMINED

APPENDIX 2 Section 106 PROPOSED HEADS OF TERMS.
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The Section 106 agreement will seek to secure the following:

- A Management Plan for the future management and maintenance of areas of open space including equipped play areas.
- A Design Code for the site comprising details of mix of house types, types of materials, surface treatments, street furniture and means of enclosure.
- Off site highway works to provide a 1.8 metre wide footway to adoptable standards along the northern side of Rose Street from the junction with the B1278 to the entrance to the development site.
- The provision of a minimum of 10% affordable housing spread across the site.

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3. 7/2006/0732/DM APPLICATION DATE: 8 November 2006

PROPOSAL: **APPLICATION TO VARY CONDITION 7 & 9 ATTACHED TO THE APPEAL DECISION APP/M1330/A/04/1164849 PERSUANT TO PLANNING APPLICATION NO. 7/2004/0165/DM (OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT) TO VARY THE LEVEL OF OPEN SPACE PROVISION WITHIN THE SITE AND TO LIMIT THE SITING OF AN EQUIPPED PLAY AREA TO A CENTRALLY LOCATED SINGLE AREA OF OPEN SPACE**

LOCATION: **LAND AT WATSON COURT SPENNYMOOR CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Olnato Ltd
New Burlington Street, 1075 Finchley Road, London, NW11 0PU

CONSULTATIONS

1. SPENNYMOOR TC
2. Cllr. Mrs. Barbara Graham
3. Cllr. Mrs A M Armstrong
4. L.PLANS

NEIGHBOUR/INDUSTRIAL

Green Lane:11,12,13,14,15,16,17,18,19,20,21,22,18,9,Bekeart Handling,Black & Decker
Crown Castle

IES

Units 10,11,12

Chep

Tudhoe

Moor:179,177,175,173,171,169,167,165,163,161,159,157,155,153,151,149,147,145,143,141

BOROUGH PLANNING POLICIES

L2 Provision of Open Space in New Housing Development

BACKGROUND

On 19 December 2005, following a Public Inquiry on 3 August 2005, Outline Planning Permission was granted for residential development at Watson Court, Spennymoor. The Inspectors decision letter included a number of planning conditions, including conditions requiring the provision of open space and play facilities. The applicants have sought to vary the terms of these conditions and this has culminated in the submission of a formal planning application which is the subject of this report.

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THE PROPOSAL

The application which is now under consideration seeks to vary the terms of conditions 7 and 9.

Condition no. 7 stipulates that:

No dwelling shall be occupied until details of an equipped play area to be provided have been submitted to and approved in writing by the Local Planning Authority. The play area shall be implemented in accordance with the approved details prior to the occupation of the 100th dwelling and the play area shall thereafter not be used for any purpose other than a play area.

Permission is being sought to vary condition so that it read as follows:

CONDITION 7

*No dwelling shall be occupied until details of an equipped play area to be provided **within the open space required under the terms of Condition 9** have been submitted to and approved in writing by the Local Planning Authority. The play area shall be implemented in accordance with the approved details prior to the occupation of the 100th dwelling and the play area shall thereafter not be used for any purpose other than as a play area.*

The proposed changes are highlighted in bold text.

Condition no 9 requires that:

The development hereby approved shall provide for open space at a minimum rate of 100sqm of informal play space and 500sqm of amenity space for every 10 dwellings, to be provided and laid out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. No more than 50% of the dwellings shall be occupied until the open space has been completed.

The applicants are seeking to vary condition 9 so that it stipulates that:

The development hereby approved shall provide for open space at a rate of 5 sqm of informal play space and 25 sqm of amenity space for every dwelling(in relation to the calculation of which, the landscaped bund to be provided pursuant to Condition 4 above shall count towards the provision of open space required by this condition), the open space to be provided shall be laid out in accordance with a scheme (to include the phasing of its provision relative to dwelling occupation) to be submitted to and approved by the Local Planning Authority.

As this variation would result in less open space being provided within the site than that required under the original condition the application has been accompanied by a draft section 106 agreement which requires the applicant to make a payment of £350 per dwelling house in relation to the provision of off-site open space or the enhancement of existing off site open space.

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

CONSULTATION REPOSES

No comments have been received from the statutory consultees or resident who were consulted on the application.

PLANNING CONSIDERATIONS

Conditions 7 and 9 imposed by the Inspector effectively reflect the level of open space and play provision which Policy L2 of the Borough Local Plan seeks to achieve. This policy stipulates that:

IN HOUSING DEVELOPMENTS OF 10 OR MORE DWELLINGS, OPEN SPACE WILL NORMALLY BE REQUIRED TO BE PROVIDED WITHIN OR ADJACENT TO THE DEVELOPMENT AT THE FOLLOWING STANDARDS (DERIVED FROM POLICY L1), FOR EVERY 10 DWELLINGS A MINIMUM OF:-

- (A) 100 SQ.M. OF INFORMAL PLAY SPACE; AND**
- (B) 500 SQ.M. OF AMENITY SPACE.**

IN ADDITION A CONTRIBUTION WILL BE SOUGHT TOWARDS THE PROVISION OF NEW OR IMPROVED EQUIPPED PLAY AREAS AND OUTDOOR SPORTS FACILITIES TO SERVE THE DEVELOPMENT, IN ACCORDANCE WITH POLICY D8.

ALL OPEN SPACES SHOULD BE LAID OUT TO PROVIDE SAFE AND ATTRACTIVE AREAS.

The reasoning behind this policy is to provide sufficient land within new housing developments containing family housing (i.e. houses of two or more bedrooms) to provide safe and accessible areas for children to play and to create an attractive setting for housing.

The variation to condition 7 which is being sought is a relatively minor change. It simply seeks to vary the condition so that it stipulates that the equipped play area will be provided with the open space to be provided under condition 9. This variation to condition 7 is considered to be acceptable as it will not affect the extent or the nature of the play equipment to be provided.

The proposed variation to condition 9 essentially seeks to reduce the amount of open space that would be required under Policy L2 of the Borough Local Plan by 50%. As stated previously Policy L2 seeks to secure 100 sqm of informal play space and 500 sqm of amenity space for every ten dwellings. This amounts to 10 sqm and 50 sqm per dwelling. The applicant is proposing 5 sqm of informal play space and 25 sqm of amenity space for every dwelling. This level of provision is therefore half of what policy L2 normally seeks to achieve. To compensate for this reduction the applicants are proposing a payment of £350 per dwelling and this would be secured through a section 106 agreement.

Since the adoption of the Local Plan in 1996 government guidance in the form of PPG3 (Housing) has been published. This places greater emphasis on housing being developed at densities of between 30 and 50 per hectare. Prior to the advent of PPG3 housing densities in the Borough were typically in the region of 20-25 per hectare and therefore allowed for greater provision of open space within housing sites. Strict adherence to Policy L2 makes it impossible to create housing developments that are between 30-50 dwellings per hectare and following the advent of PPG3 it has been necessary to apply the requirements of PPG3 flexibly. As a consequence there has been a gradual shift towards an 'in lieu of' payment to compensate for

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

the reduction in the provision of on site open space. This payment is normally secured through a section 106 agreement with the intention that the money will be invested in improving existing areas of open space or play areas in the vicinity of the application site. A figure of £700 per dwelling house is normally secured where no on site provision is made. Recent examples include Council owned land at Barrat Way West Cornforth where on site provision equated to approximately 40% and Neville Drive Sedgefield where a commuted sum of approximately £45,000 was secured in lieu of the lack of open space within the site.

In view of the foregoing the variation which the applicant is seeking is not considered to be unreasonable and would in fact be consistent with the approach that has been applied elsewhere in the Borough since the advent of PPG3. Furthermore, the Open Space Needs Assessment that is being carried out by consultants on behalf of the Council is nearing completion. The Spennymoor area profile from this study highlights that in general terms the town has a satisfactory level of provision. However, there are areas where improvements to the quality of provision can be made. The area of land next to the sure start centre on north road (site 100) is an example of one such area, as it is in need of a significant upgrade in terms of its facilities. There is also an opportunity to increase its biodiversity potential. It is doubtful whether these upgrades can be done without the benefit of a commuted sum, and as such the contribution of commuted sums by the developer could be put to good use to improve community facilities.

CONCLUSION

The variation to condition 7 is of no real consequence as it simply seeks to establish that the play equipment will be sited in the open space required under condition 9. The variation to condition 7 is therefore considered to be acceptable.

The applicant's proposal to vary the terms of condition 9 is more significant but ultimately reflects the approach that has been applied elsewhere in the Borough. Furthermore, on this occasion the Open Space Needs Assessment, which is nearing completion, has identified that there are areas of open space which are in need of improvement relatively close to the application site. Based on a previous indicative scheme which showed 188 dwellings the variation to condition 9 would generate a commuted sum of approximately £65,000 which could potentially be utilised to improve these areas of open space. The variation to condition 9 is therefore also considered to be acceptable but subject to the applicant entering into a section 106 agreement to secure a sum of £350 per dwelling house.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

HUMAN RIGHTS IMPLICATIONS

It is considered that in general terms, the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

RECOMMENDATION

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

That approval is given to vary conditions 7 and 9 in the terms set out below subject to the applicants entering into a section 106 agreement to secure a payment of £350 per dwelling to provide for the provision of or improvement to public open space and / or play equipment within the vicinity of the application site in lieu of the provision of open space within the site.

1. Condition 7

No dwelling shall be occupied until details of an equipped play area to be provided within the open space required under the terms of Condition 9 have been submitted to and approved in writing by the Local Planning Authority. The play area shall be implemented in accordance with the approved details prior to the occupation of the 100th dwelling and the play area shall thereafter not be used for any purpose other than as a play area.

2. Condition 9

The development hereby approved shall provide for open space at a rate of 5 sqm of informal play space and 25 sqm of amenity space for every dwelling(in relation to the calculation of which, the landscaped bund to be provided pursuant to Condition 4 above shall count towards the provision of open space required by this condition), the open space to be provided shall be laid out in accordance with a scheme (to include the phasing of its provision relative to dwelling occupation) to be submitted to and approved by the Local Planning Authority.

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

4. 7/2006/0751/DM APPLICATION DATE: 21 November 2006

PROPOSAL: **DEMOLITION OF EXISTING BUILDING AND ERECTION OF APARTMENT BLOCK CONSISTING OF 14 NO. APARTMENTS**

LOCATION: **BRITISH LEGION BISHOPS CLOSE SPENNYMOOR CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Mr A Cassidy

CONSULTATIONS

1. SPENNYMOOR TC
2. Cllr. Andrew Gray
3. Cllr. A. Smith
4. Cllr. J.M. Khan
5. DCC (TRAFFIC)
6. NORTHUMBRIAN WATER
7. BUILDING CONTROL
8. BR GAS
9. BR TELECOM
10. ENGINEERS
11. ENV. HEALTH
12. VALUER
13. L.PLANS
14. DESIGN
15. LANDSCAPE ARCH
16. POLICE HQ
17. SP TRADE
18. REGENERATION
19. NEDL

NEIGHBOUR/INDUSTRIAL

Bishops Close Health Centre 1A St Andrews Lane 1B St Andrews Lane
2A St Andrews Lane 2B St Andrews Lane Adan House Asda Cheapside
30,Library,Spennymoor Tyre Centre

BOROUGH PLANNING POLICIES

- | | |
|----|---|
| H1 | Housing Development in Newton Aycliffe, Spennymoor, Shildon and Ferryhill |
| S1 | Promotion and Protection of Role of Town Centre |
| S2 | Acceptable Uses Within Town Centre |
| T7 | Traffic Generated by New Development |
| D1 | General Principles for the Layout and Design of New Developments |
| D3 | Design for Access |
| D5 | Layout of New Housing Development |

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

THE PROPOSAL

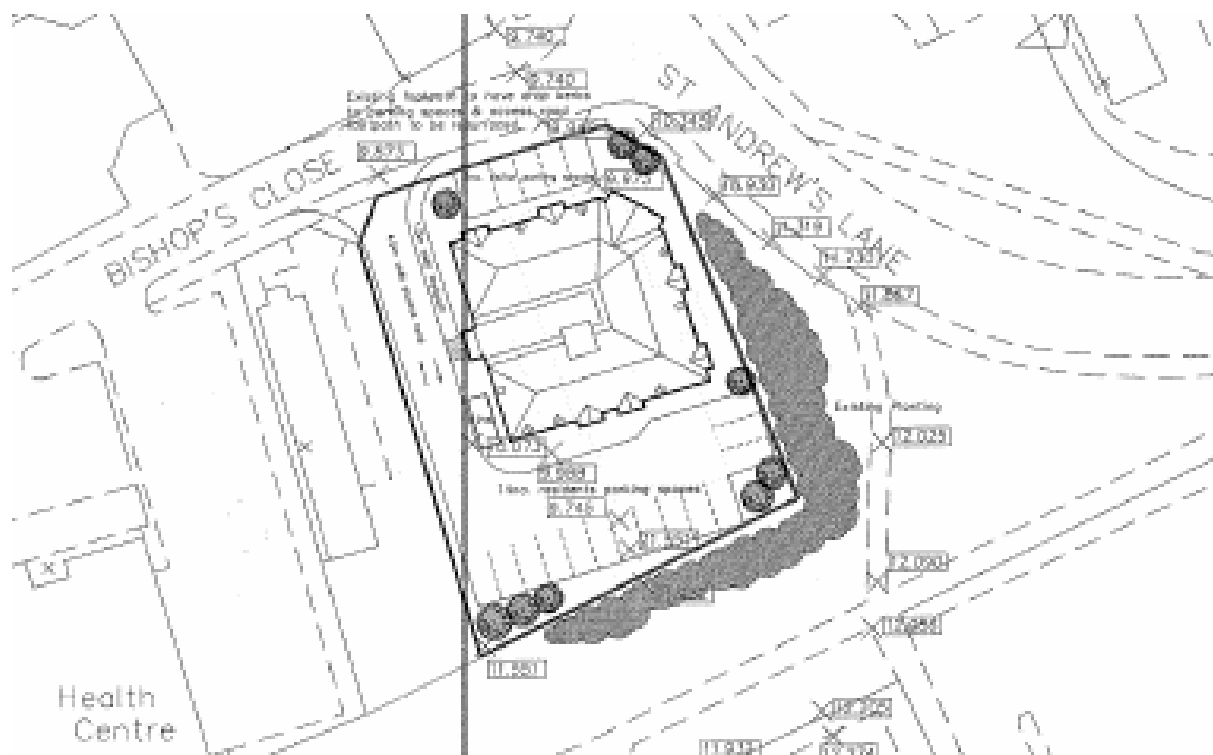
Detailed planning permission is sought for the erection of a block of 14 apartments on the site of the British Legion (Combined Services) Club at Bishops Close, Spennymoor. The single three-storey apartment block would be located in a prominent location near to the bend in St. Andrew's Lane where it meets King Street and being located close to the rear of properties in Cheapside, it would make a significant contribution to character and appearance of this eastern approach to the town centre.

The building would be constructed using a variety of materials and finishes including horizontally coursed stone at ground floor, brickwork at first floor, and coloured render at second floor. Together with several gabled projections and a low-slung pitched and hipped roof, partly accommodating the second floor, the bulk of the building would be minimised in visual terms.

Furthermore, the building would be sited at the same ground level as the existing single storey club building, substantially lower than St. Andrew's Lane to the east and Adan House doctors' surgery to the south.

The building would be towards the northern end of the site, with 5 visitor parking spaces accessed directly off Bishop's Close. An adjacent access road would run alongside the building to connect with a parking / circulation area for 14 vehicles. An external communal bin store would be provided.

The application is accompanied by a Design and Access Statement that explains, amongst other things, why the applicant considers the site to be suitable for residential development, and how the design of the building has been informed by the local character and setting.



SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

CONSULTATION AND PUBLICITY

Spennymoor Town Council has no objections to the proposal.

The County Highway Engineer has raised no highway objections but advised that the access road should be widened to 4.5 metres, with 6 metre radii at the entrance. These amendments have been incorporated into the proposal and the highway issues, including car parking provision and layout are now considered satisfactory.

The Borough Council's Engineering Services Section has no objection to the proposal on highway grounds.

The Landscape Architect has concerns about the height and visual dominance of the building, the extent of the car parking and limited amount of remaining land for garden space and soft landscaping, the reliance on existing external landscaping to soften the visual impact of the development.

The Forward Planning Team considers that the proposal accords with national guidance contained in PPS3, regional policies set out in RPG1 and the Submission Draft RSS, and local policies of the Borough Local Plan. It recommends that planning permission be approved for the following reasons:

- The scheme would contribute towards the national target that, by 2008, at least 60% of additional housing should be provided on brownfield land.
- The proposal accords with Policy H1 and S2 of the Borough Local Plan on account that the site is well located within the settlement development of Spennymoor and there are houses in most directions, and because the proposal will not impact upon the vitality and viability of Spennymoor town centre.
- The residential development will have good access to jobs, key services and infrastructure and will integrate with the local area in terms of scale, density, layout and access.

Gas and electricity network providers have no objection to the proposal.

Public consultation was undertaken with letters sent to neighbouring occupiers, a site notice was erected and a press notice placed in a local newspaper. In response, 1 letter has been received from the nearby doctors' surgery. Whilst not objecting in principle to the proposal, general concern has been expressed about long-standing highway issues in and around the Bishop's Close area. The importance of keeping the road clear at all times for ambulances has been highlighted.

PLANNING CONSIDERATIONS

The main planning considerations in this case are as follows:

- Compliance with National Planning Policy and Guidance, Local Plan Policies and Supplementary Planning Guidance.
- Design, Layout, Open Space and Landscaping
- Access and Car parking
- Energy
- Affordable Housing

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

Planning Policy

The application site lies within the settlement of Spennymoor and within the defined town centre. Accordingly, the applicable locational local plan policies are H1 (Housing Development in the Major Towns), S1 (Promotion and Protection of Role of Town Centre), S2 (Acceptable Uses Within Town Centres). Design policies D1, D3 and D5 also apply, and these are considered in the next section of this report.

Given the central urban location of the application site, the proposal would comply with Policy H1 provided the design is acceptable. Policy S1 essentially provides a background against which the extent of the Spennymoor Town Centre has been defined, and Policy S2 states that houses and flats will be approved in such locations provided there is no detriment to the main shopping function of the town centre. It is not considered that the loss of the existing club would impact negatively on the town centre, and it is considered that the proposal would comply with Policies H1, S1 and S2 of the Local Plan in principle.

PPS3 highlights the priority for development of brownfield sites and this proposal, if approved, would contribute to the national target that at least 60% of new housing should be provided on previously developed land by 2008. This would be consistent with Regional Planning Guidance.

Design, Layout, Open Space and Landscaping

The proposed design and layout of the development is considered to be of high quality with elevations of interest and distinctiveness. This is particularly important because of the prominent location at this eastern entrance to the town centre. The single three storey block makes good use of a variety of materials to reduce the bulk of the building. Architectural detail is used to create relief in the building and to provide visual interest, particularly with the use of a projecting gabled elements on the three most prominent elevations. The less visible rear elevation also has a high standard of design and detailing.



The main 14-space car park would be located to the side of the building and would be accessed from Bishop's Close. An additional 5-space visitor car park would be constructed adjacent to Bishop's Close.

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

In terms of the impact of the development on the street scene and neighbouring properties, additional cross section details have been provided to allow assessment of how the three-storey building would integrate with the surrounding land and properties. The application site is effectively cut into land which rises in a southerly direction from Bishop's Close towards the Adan House Surgery. The cross section details reveal that the land levels vary between 0.5 metres and almost 2 metres above the nominal site level when viewed from the east, significantly masking the lower portion of the proposed building. This would be further enhanced by existing landscape amenity features on land immediately outside the application site and indicative tree planting within the application site itself. Despite being three storey, the relative land levels are such that the building would be only marginally higher than the existing Adan House Surgery (34 metres to the south) and approximately 3 metres higher than the existing apartments and retail properties (18 metres to the north). For all these reasons it is considered that the visual impact of the development would not be excessive, and that any impact would be a positive one due to the high standard of design and detailing.



The views of the Landscape Architect have been taken into account. Whilst it is recognised that the proposal offers limited scope for major peripheral landscaping, the site layout plan indicates that at least 9 trees could be planted on the grassy slopes between the car park and the boundary enclosure, and this would enhance the effectiveness of existing landscaping immediately outside the site. This 'combination' approach appears entirely reasonable in the circumstances.

Given the relative location and separation distances to other properties in the locality, it is not considered that there would be any adverse effects upon privacy or amenity.

The requirements of design policies D1, D3 and D5 are considered to be met.

In terms of open space provision in housing developments of more than 10 houses Local Plan Policy L2 seeks to secure the provision of 100 m² of informal play space, 500 m² of amenity space and a contribution towards the provision of new or improved equipped play areas. If no open space can be provided within or adjacent to a residential development, as is the case in this instance, the Borough Council has previously accepted a contribution towards off site play provision and/or environmental improvement works in the form of a commuted sum. The developer has been advised of the need for this payment and has agreed to the imposition of a condition that would secure this contribution. A contribution of £9800 (which equates to £700 per dwelling) would therefore be sought from the applicant and the money held until such time as a suitable scheme was identified. The monetary contribution would be used to benefit not only the future residents of the proposed development but also the wider community of Spennymoor and could probably be utilised to enhance the existing landscape features.

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

Access and Car parking

The proposed access to the development is considered acceptable with adequate car parking for the development that is located in a town centre location where there is good provision for public transport. In terms of highway safety there is not considered to be any detrimental impact and the application has been amended, in accordance with the Highway Engineers comments to provide adequate access, circulation and parking for residents and visitors.

Energy

The application makes no reference to the inclusion of embedded renewable energy generation nor does it demonstrate how the development would assist in reducing energy consumption. This is not in the spirit of RPG1 policies EN1 and EN7, which encourage renewable energy and energy efficiency. The emerging RSS goes a step further by requiring the incorporation of 10% embedded renewable energy in major new development.

This proposal would therefore benefit from the incorporation of energy efficiency measures and embedded renewable energy generation and this could be achieved by imposition of an appropriate condition. The applicant's agent has already been advised of this requirement and the terms and wording of the appropriate condition.

Affordable Housing

The proposal falls below the '15 dwellings or more' threshold in terms of any requirement for affordable housing.

CONCLUSION

In conclusion, the principle of housing in this location is acceptable, as the proposal utilises a previously developed site in a sustainable location. The proposed development provides an adequate standard of privacy and attractive outlook, and a condition can be imposed with respect of the payment of a commuted sum in lieu of open space provision within the site.

It is considered that the proposed development would result in a high standard of development on this Brownfield site in Spennymoor. Access to the development is acceptable and the design and layout result in a building that is interesting and of high quality in this location with an attractive frontage to St. Andrew's Lane. The building relates adequately to surrounding properties in the locality in its form and massing and would not cause any significant loss of privacy or amenity to neighbouring occupiers.

HUMAN RIGHTS IMPLICATIONS

It is considered that in general terms, the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

RECOMMENDATION: Approve subject to the following Conditions

1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

2. Notwithstanding any description of the materials in the application, no development shall be commenced until details of the materials and detailing to be used for the external surfaces, including the roof and render colour, of the building have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of the development in the interests of visual amenity, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

3. The development hereby approved shall be carried out only in accordance with the submitted application, as amended by the following document(s) and plans: amended plans received on 16th January 2007.

Reason: To ensure that the development is carried out in accordance with the approved documents.

4. The development hereby approved shall not commence by the undertaking of a material operation as defined by Section 56(4) of the Town and Country planning Act 1990 until the completion of a legal agreement/planning obligation to secure the payment of a commuted sum of £9,800 in lieu of the provision of open space. No development shall commence until the applicant, or subsequent developer has received written confirmation from the Local Planning Authority that the payment of the commuted sum has been paid.

Reason: The development fails to provide adequate open space or play provision within the site and in order to satisfy the requirements of Policy L2 (Provision of Open Space in New Housing Development) of the Sedgefield Borough Local Plan a contribution is being sought for off site play provision and/or environmental improvement works in the form of a commuted sum

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The landscaping shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be maintained in accordance with British standard 4428 for a period of 5 years commencing on the date of practical completion and during this period any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and grass that fails to establish shall be re-established unless the Local Planning Authority gives written consent to any variation.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

8. No diesel powered plant or equipment shall be used on the site on any Sunday, Saturday afternoon or Bank holiday nor at other times other than between the hours of 8.00am and 6.30pm and no building, packing or other materials shall be allowed to blow off the site. No fires shall be burned within 100 metres of occupied dwellings.

Reason: In order to protect the amenities of the occupiers of nearby premises.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any walls or fences or other means of enclosure shall be approved by the Local Planning Authority and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan. Reason: In the interests of safeguarding the visual amenity of the residential area.

10. The development layout and building envelopes of the dwellings shall be designed and constructed to provide protection from noise generated from the local road network and the adjacent industrial estate. The upper limits for the designed noise levels within the developments shall be 35dBA LAeq in habitable rooms with windows shut and other means of ventilation provided and for external noise shall be 55dBA LAeq in outdoor living areas.

Reason: To protect residential amenity.

11. Prior to the commencement of development a detailed plan indicating the location of material storage and employee parking on site shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be available and used at all times during construction to ensure the free flow of traffic along Bishop's Close and limit the inconvenience to visitors to the nearby health centre and doctors' surgery.

Reason: In the interest of amenity during the construction of the development and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

12. Prior to commencement of development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for 10% embedded renewable energy. Thereafter the development shall operate in accordance with the approved scheme unless otherwise agreed in writing.

Reason: In order to minimise energy consumption and to comply with Regional Planning Guidance Note 1, Policies EN1 and EN7.

13. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment and to comply with Policy D13 of the Sedgefield Borough Local Plan.

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

14. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved by the Local Planning Authority. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment and to comply with Policy D13 (Development Affecting Watercourses) of the Sedgefield Borough Local Plan.

15. The proposed development shall be served by a new access(es) constructed in accordance with the requirements of Section 184(3) of the Highways Act 1980.

Reason: To ensure the formation of a satisfactory means of access in the interests of highway safety, and to comply with Policy T6 (Improvements in Road Safety) of the Sedgefield Borough Local Plan.

16. The car park shown on the plan hereby approved shall be marked out and made available for use prior to the development hereby approved being brought into operation, in accordance with details to be agreed with the Local Planning Authority. The car park shall be retained and maintained in accordance with the approved details for as long as the use remains.

Reason: To make proper provision for off-street parking and to comply with Policy T9 (Provision of Car Parking) of the Sedgefield Borough Local Plan.

17. Notwithstanding the submitted plans full details (including x-sections) of all windows at a scale of 1:50 and/or 1:25 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

INFORMATIVE: REASONS FOR APPROVAL

In the opinion of the Local Planning Authority the proposal is acceptable in terms of its impact upon highway safety, and visual and residential amenity of the area, and will provide for a modern sustainable housing development..

INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

H1 Housing Development in the Major Towns

S1 Promotion and Protection of Role of Town Centre

S2 Acceptable Uses Within Town Centres

T7 Traffic Generated by New Development

D1 General Principles for the Layout and Design of New Developments

D3 Design for Access

D5 Layout of New Housing Development

Supplementary Planning Guidance Notes:

SPG3 Layout of New Housing.

SPG6 Parking standards

SPG9 Conservation of Energy

SPG10 Crime prevention and personal Security

SEDFIELD BOROUGH COUNCIL**DEVELOPMENT BY SEDFIELD BOROUGH COUNCIL**

1. 7/2006/0748/DMAAPPLICATION DATE: 29 November 2006

PROPOSAL: **NEIGHBOURHOOD RETAIL IMPROVMENTS**

LOCATION: **POST OFFICE REDESDALE COURT TRIMDON GRANGE CO
DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Chief Executives
Sedgefield Borough Council, Council Offices, Spennymoor, Co Durham

CONSULTATIONS

- | | |
|-----|----------------------|
| 1. | TRIMDON P.C. |
| 2. | Cllr. Mrs L. Hovvels |
| 3. | DCC (TRAFFIC) |
| 4. | BR GAS |
| 5. | BR TELECOM |
| 6. | ENGINEERS |
| 7. | ECONOMIC DEV |
| 8. | DESIGN |
| 9. | LANDSCAPE ARCH |
| 10. | POLICE HQ |
| 11. | REGENERATION |
| 12. | NEDL |

NEIGHBOUR/INDUSTRIAL

Trimdon Grange Community Centre
Redesdale Court:1,2,3,4,5,6,7,8
Berwick Court:30,29,28,27,26,25,24,23,22,21
Kielder Drive:1,2,3,4,5,6,7

BOROUGH PLANNING POLICIES

D2	Design for People
D3	Design for Access
S10	Environmental Improvements in Town and Local Centres
D6	Layout and Design of Pedestrian Areas and Public Spaces

This application has been submitted by Sedgefield Borough Council Housing Property Services. Following the receipt of third party representations concerning this application, it is now being presented to the planning committee for consideration.

THE PROPOSAL

SEDGEFIELD BOROUGH COUNCIL**DEVELOPMENT BY SEDGEFIELD BOROUGH COUNCIL**

Detailed planning permission is being sought for a range of environmental improvement works to the Redesdale Court shopping precinct in Trimdon Grange, Sedgefield. Numerous public realm improvement works will be undertaken to improve the neighbourhood shops and surrounding areas and in summary involve:

- Shop front improvements including the installation of new, uniformed grilled security shutters (all blue in colour) and new shop signage which will be replaced on a like-for-like basis,
- The erection of new signage advertising the shopping precinct, reading 'Redesdale Court Shopping Centre' located on the main elevations of both the north and south elevations of the precinct,
- New block paving to the front and sides of the shop frontages, facing out over the parkland beyond, with a newly laid tarmac footpath to the northern elevation of the precinct, accessing the car park,
- New block paved parking bays, with provision for 2no. disabled bays adjacent to the main walkway,
- Newly laid resin based surfaces within the fenced off service compounds to the rear of the shops,
- The replacement of deep rainwater channels within the existing car park, with new shallower 25mm channels to enable easier access to the shops for all users,
- The installation of dropped kerbs and a tactile surfaces from the car park to facilitate disabled access to the shops,
- New street lighting to improve security and provide a more welcoming environment, including the installation of a new '*Tuscan T5*' light fitting under the connecting archway between the shop frontages and the serving car park,
- The installation of bike racks (blue in colour) to the west of the site,
- The installation of new street furnishings across the site, including blue coloured 120 litre waste bins and blue colour cast iron '*Oldham*' planters
- The installation of a new Polyurethane bollard (blue in colour) to the north side of the archway connecting the car park to the shop frontages, preventing vehicular access through the connecting walkway,
- Improved landscaping and planting around the car park,

Submitted plans show an element of consistency between all new features such as the shop front security shutters, bins, planters and bollards which will be the same blue colour, thus ensuring the revamped shopping precinct contains a unique character and identity.

SEDFIELD BOROUGH COUNCIL**DEVELOPMENT BY SEDFIELD BOROUGH COUNCIL**

CONSULTATION RESPONSES

Trimdon Parish Council have made no comment to date.

The Durham County Highways Engineer has raised no objections to this proposal subject to the inclusion of a demarcation line on plans, which segregate the private forecourt to the front of the shops, from public highway. Amended plans have been submitted showing this detail, with no further objections raised,

The Sedfield Borough Council Highways Engineer has raised no objections on highway grounds to this proposal,

The Durham County Police Architectural Liaison Officer has raised concern as to the inclusion of cast iron planters on the site, with concern that their design may result in them becoming seats. It is advised that these are securely fastened to the ground,

Northern Gas Networks have raised no objections to the proposal on the grounds that the proposed development should not necessitate any gas diversionary works,

CE Electric UK have raised no objections to this proposal,

The Sedfield Borough Council Landscape Architect has raised several concerns with regard to this application. A summary of the main points are as follows:

- The substitution of existing paving to the northern elevation of the site with tarmac surfaces is not preferable, with it encouraged that consistent modular paving material be provided throughout,
- The layout of the new footpaths leave a lot of harsh corners which may become muddy edges where footfall overruns,
- Soft landscaping treatment must be considered as a whole,
- The inclusion of cast iron planters is questionable, with no details as to the type of planting or mention of its long-term maintenance.

As part of the consultation and publicity exercise for this application, all neighbouring properties were informed of the proposal, and site notices were erected on the site. One letter of objection has been received in response to this exercise from an anonymous resident who would rather see the entire precinct demolished and replaced with something which local residents would appreciate. It is explained that the area currently resembles a 'bomb site'; with it strongly protested that more money is wasted on this area.

PLANNING CONSIDERATIONS

This proposal must be considered against the requirements of adopted Local Plan Policies S10 (Environmental Improvements in town and local centres), D2 (Design for people), D3 (Design for access), and D6 (Layout and design of pedestrian areas and public spaces).

Policy S10 seeks to ensure that the quality and environment of Town and Local centres are enhanced through the creation of new or enhanced pedestrian areas, improved access to car parks, improved access for people in accordance with policy D2 and improved rear servicing to properties. In presenting a recommendation for this proposal, it is considered that footpath

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DEVELOPMENT BY SEDGEFIELD BOROUGH COUNCIL

works including the laying of new paving slabs to the shop frontages and tarmac to the rear help define the shopping function of this neighbourhood centre, with street lighting, bins and planters providing an improved and more welcoming pedestrian environment and a sense of place. Whilst concerns have been raised as to the provision of cast iron planters which may become seats, it is considered that such features will improve the local environment of this shopping function. Meanwhile improvements to the north of this precinct will see improved access to the rear service areas of the shops, thus being in accordance with the requirements of policy D2.

The proposed refurbishment works also fully comply with the requirements of Local Plan Policy D6 which seeks to ensure a co-ordinated approach to street lighting, signs and street furniture (all of which will be a blue colour to create a sense of place and identity.)

Meanwhile, Local Plan Policies D2 and D3 seek to ensure that new development takes into account the needs of all users, giving attention to:

- Personal safety and security
- The access requirements of users
- The provision of public seating where appropriate

As explained, disabled access to this site will be improved with the provision of 2no. disabled parking bays adjacent to the access walkway, with street lighting, bins and planters aimed at improving personal safety. On this occasion, the provision of seating has not been considered appropriate due to the concern that this will only encourage the congregation of youths and subsequent vandalism/antisocial behaviour. With the installation of uniform colour shop shutters which complement the colour scheme of the remainder of the precinct, it is considered the security of the area will also be vastly improved whilst retaining the new visual identity of the area.

CONCLUSION

This proposal is considered to accord with Policies S10, D2, D3, and D6 of the Borough Local Plan. All concerns have been taken into account, with planning conditions attached to this recommendation to ensure that minor details are not overlooked. The new design of this shopping precinct is considered to provide a sense of place and identity, resulting in an improved environment, essential to the success of this community facility..

HUMAN RIGHTS IMPLICATIONS

It is considered that in general terms, the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

RECOMMENDATION: That planning permission is granted subject to the imposition of the following conditions.

SEDGEFIELD BOROUGH COUNCIL

DEVELOPMENT BY SEDGEFIELD BOROUGH COUNCIL

1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out only in accordance with the submitted application, as amended by the following document(s) and plans: amended plans received 18th January 2007

Reason: To ensure that the development is carried out in accordance with the approved documents.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The landscaping shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSIONIn the opinion of the Local Planning Authority the proposal represents an acceptable town centre development which would improve the environment and shopping function of the town centre.

INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISIONThe decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance: S1 Promotion and Protection of Role of Town Centres

SEDFIELD BOROUGH COUNCIL**DEVELOPMENT BY SEDFIELD BOROUGH COUNCIL**

2. 7/2006/0749/DMAPPLICATION DATE: 28 November 2006

PROPOSAL: **NEIGHBOURHOOD RETAIL IMPROVEMENTS**

LOCATION: **LAND AT CORONATION AVENUE/MAPLE AVENUE SHILDON CO
DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Chief Executives
Sedgefield Borough Council, Green Lane, DL16 6JQ

CONSULTATIONS

1. SHILDON T.C.
2. Cllr. D M Hancock
3. Cllr J M Smith
4. DCC (TRAFFIC)
5. ECONOMIC DEV
6. DESIGN
7. LANDSCAPE ARCH
8. POLICE HQ
9. REGENERATION

NEIGHBOUR/INDUSTRIAL

Coronation Avenue:43,44,45,46,47,48,49,50,51,52,53,54,55,56,57,58,59,60,61,62,63
The Jubilee PH
Maple Avenue:10,9,8,7,6,5,4,3,2,1

BOROUGH PLANNING POLICIES

E23 Priorities for Environmental Improvements
S10 Environmental Improvements in Town and Local Centres
D6 Layout and Design of Pedestrian Areas and Public Spaces

This application has been submitted by Sedgefield Borough Council Housing Property Services. Following the receipt of third party representations concerning this application, it is now being presented to the Development Control Committee for consideration

THE PROPOSAL

Detailed planning permission is being sought for a range of neighbourhood retail improvements to a row of four shops at Coronation Avenue, Shildon. These include, new uniformed grilled security shutters, new shop signage, redecoration to existing door and window frames, improved paved area and grassed area in front of shops, improved lighting, new street furnishing i.e. bins, new bollards and bike racks. To create a degree of continuity and visual

SEDGEFIELD BOROUGH COUNCIL

DEVELOPMENT BY SEDGEFIELD BOROUGH COUNCIL

amenity both the new street furniture and shop frontage will be green in colour, which was the local resident's preference at the consultation stage.

The most noticeable element of the scheme will be the removal of the current footpath which is made up of uneven paving slabs, and its replacement by either even tarmac or new improved paving slabs. The uncertainty regarding the exact materials to be used is down to funding for the scheme, however both materials will be acceptable on the amended plans, and should tarmac be laid the Council have the option of replacing it with new paving without the need to reapply for planning permission should funding be available.

CONSULTATION AND PUBLICITY

Shildon Town Council have offered no objections to the scheme.

Durham County Council Highways Department and Durham Constabulary's Architectural Liaison Officer both have no objections to the scheme.

Sedgefield Borough Council's Landscape Architect has made several representations regarding the landscaping of the scheme and where practicable, these have been incorporated into the final design.

Consultation was carried out by notification letter to neighbouring properties from which no objections or representations regarding the application were received

PLANNING CONSIDERATIONS

This relatively minor proposal forms part of a Council initiative to improve its neighbourhood shops and surrounding areas, by enhancing the public realm to create a more positive image and a safer environment for shoppers. The applicants have also discussed the scheme with the owners of the shops and local tenants to ascertain their views and concerns on the scheme and these been taken into account and incorporated into the design.

These improvements are in accordance with Policy E23 of the Sedgefield Borough Local Plan as they will vastly improve the environmental quality of the shopping area, which currently appears run down and in need of revitalisation. The proposal also takes into account the needs of its users with the enhanced pedestrianised area secured by bollards, making it safer from the threat of people driving vehicles on it.

The new design of the precinct is considered to provide a sense of place and identity, resulting in an improved environment, essential to the success of this community facility. It is therefore considered that the proposal is in accordance with Local Plan Policy E23 (Priorities for Environmental Improvements), S10 (Environmental Improvements in Town and local Centres) and D6 (Layout and Design of Pedestrian Areas and Public) Spaces.

HUMAN RIGHTS IMPLICATIONS

It is considered that in general terms, the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

SEDGEFIELD BOROUGH COUNCIL
DEVELOPMENT BY SEDGEFIELD BOROUGH COUNCIL

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

RECOMMENDATION: It is recommended that planning permission is granted subject to the following conditions:

1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out only in accordance with the submitted application, as amended by the following document(s) and plans: amended plans received 19th January 2007.

Reason: To ensure that the development is carried out in accordance with the approved documents.

Item 8

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - COUNTY MATTERS

1. 7/2006/0798/CM

APPLICATION DATE: 21 December 2006

PROPOSAL: KITCHEN VENTILATION DUCTWORK POSITIONED ON FLAT ROOF

LOCATION: TUDHOE COLLIERY PRIMARY SCHOOL FRONT STREET TUDHOE
CO DURHAM

APPLICANT: Durham County Council
County Hall, Durham, DH1 5UL

CONSULTATIONS

1. SPENNYMOOR TC
 2. Cllr. Mrs. Barbara Graham
 3. Cllr. Mrs A M Armstrong
 4. ENV. HEALTH
-

This application is for development by Durham County Council and will therefore be dealt with by the County Council Under Regulation 3 of the Town and Country Planning General Regulations 1992. The views of the Borough Council have been sought upon the proposal as a consultee.

THE PROPOSAL

The proposal involves the installation of a new extraction and ventilation canopy to be sited above kitchen cooking equipment and the dishwashing appliance at Tudhoe Colliery Primary School, County Durham. This will bring the school in line with current legislation regarding the extraction of heat and fumes from the school.

This new unit will comprise a grey powder coated colour ductwork, approximately one metre high. The unit will be located on an existing flat roofed extension to the rear side of the school building, set back approximately 3 metres from the edge, and visible only when approaching from the south along Front Street. Maintenance of this unit will be required every 6 months, with access to the roof gained by ladders.

CONSULTATION AND PUBLICITY

As part of the consultation exercise, Spennymoor Town Council and the Sedgefield Borough Environmental Health team were notified of the application. No objections were made as a result of this consultation.

PLANNING CONSIDERATIONS

Plans show the proposed ventilation unit to be sited to the rear of the school building, with minimal adverse effect on the surrounding streetscape. As mentioned, the unit will be visible only when approaching the rear school entrance from the south along Front Street. With only

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - COUNTY MATTERS

one gable elevation overlooking this site (number 124 Front Street), the visual impact of this unit on its immediate surroundings is considered to remain minimal, with the need for this school to comply with current extraction legislation an important factor in recommending planning approval. Furthermore, the grey powder coating of the ductwork will further minimise its overall visual impact, integrating well with the existing roof design and appearance of the flat roof structure.

HUMAN RIGHTS IMPLICATIONS

It is considered that in general terms, the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

RECOMMENDATION

It is recommended that the Council raise no objections to this proposal subject to the ventilation system being installed and operated in such a way that it does not give rise to unacceptable levels of noise or odour emissions.

Item 9

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

1. 7/2006/0646/DM OFFICER:Helen Williams

APPLICATION DATE: 14 November 2006

PROPOSAL: ERECTION OF EXTENSION TO THE REAR

LOCATION: 14 FRONT STREET KIRK MERRINGTON SPENNYMOOR DL167HZ

APPLICANT: Helen Coverdale
14 Front Street , Kirk Merrington, Spennymoor, DL16 7HZ

DECISION: STANDARD APPROVAL on 4 January 2007

2. 7/2006/0777/DM OFFICER:David Gibson

APPLICATION DATE: 11 December 2006

PROPOSAL: CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A2 (FINANCIAL SERVICES)

LOCATION: 50 BEVERIDGE WAY NEWTON AYCLIFFE CO DURHAM

APPLICANT: Cheque Centre Properties Ltd
The Forum, Bankhead Crossway North, Edinburgh, EH11 4BP

DECISION: STANDARD APPROVAL on 9 January 2007

3. 7/2006/0775/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 18 December 2006

PROPOSAL: ERECTION OF 1ST FLOOR SIDE EXTENSION

LOCATION: 33 MEADOW GREEN SPENNYMOOR CO DURHAM

APPLICANT: Mr & Mrs M T Ward
33 Meadow Green, Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 10 January 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

4. 7/2006/0770/DM OFFICER:David Gibson

APPLICATION DATE: 6 December 2006

PROPOSAL: ERECTION OF SINGLE STOREY EXTENSIONS TO SIDE

LOCATION: 32 ASHTREE CLOSE NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mr & Mrs G Henderson
32 Ashtree Close, Cobblers Hall, Newton Aycliffe, Co Durham

DECISION: STANDARD APPROVAL on 9 January 2007

5. 7/2006/0767/DM OFFICER:David Gibson

APPLICATION DATE: 6 December 2006

PROPOSAL: REMOVAL OF EXISTING 12 METRE POLE AND ERECTION OF NEW 12 METRE POLE WITH REVISED ANTENNA ARRANGEMENT AND GROUND LEVEL EQUIPMENT CABINET

LOCATION: LAND AT WOODHAM WAY NEWTON AYCLIFFE CO DURHAM

APPLICANT: Ardent Property & Planning Limited
Parallel House, 32 London Road, Guildford, Surrey, GU1 2AB

DECISION: PRIOR APPROVAL REQUIRED on 10 January 2007

6. 7/2006/0762/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 4 December 2006

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION

LOCATION: 18 ASH TERRACE WEST CORNFORTH CO DURHAM

APPLICANT: Mr & Mrs Wheller
18 Ash Terrace, West Cornforth , DL17 9NL

DECISION: STANDARD APPROVAL on 10 January 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

7. 7/2006/0763/DM OFFICER:David Gibson

APPLICATION DATE: 30 November 2006

PROPOSAL: ERECTION OF CONSERVATORY TO REAR

LOCATION: 10 LOCKYER CLOSE NEWTON AYCLIFFE CO DURHAM DL5 7QZ

APPLICANT: Sarah Hope
10 Lockyer Close, Newton Aycliffe, Co Durham, DL5 7QZ,

DECISION: STANDARD APPROVAL on 9 January 2007

8. 7/2006/0761/DM OFFICER:Helen Williams

APPLICATION DATE: 28 November 2006

PROPOSAL: ERECTION OF CONSERVATORY TO THE REAR (RETROSPECTIVE)

LOCATION: 3 YEW CLOSE SPENNYMOOR DL167XY

APPLICANT: Mrs Harding
3 Yew Close, Spennymoor, Co Durham , DL16 7XY

DECISION: STANDARD APPROVAL on 28 December 2006

9. 7/2006/0757/DM OFFICER:David Gibson

APPLICATION DATE: 1 December 2006

PROPOSAL: ERECTION OF SINGLE STOREY SUN LOUNGE EXTENSION TO REAR

LOCATION: 30 LANCELOT CLOSE NEWTON AYCLIFFE CO DURHAM

APPLICANT: A Bogle
30 Lancelot Close, The Glade, Newton Aycliffe, DL5 7QL

DECISION: STANDARD APPROVAL on 9 January 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

10. 7/2006/0754/DM OFFICER:David Gibson

APPLICATION DATE: 5 December 2006

PROPOSAL: DEMOLITION OF EXISTING SINGLE STOREY EXTENSION AND
ERECTION OF SINGLE STOREY SIDE EXTENSION

LOCATION: 1 BURY ROAD NEWTON AYCLIFFE CO DURHAM

APPLICANT: Darin R Gales
1 Bury Road, Newton Aycliffe, Co Durham,

DECISION: STANDARD APPROVAL on 9 January 2007

11. 7/2006/0747/DM OFFICER:David Gibson

APPLICATION DATE: 12 December 2006

PROPOSAL: DISPLAY OF ADVERTISEMENTS

LOCATION: 5 FRONT STREET SEDGEFIELD STOCKTON ON TEES

APPLICANT: R.J & S.L Parry
Post Office, Sedgfield, Cleveland, TS21 2AE

DECISION: STANDARD APPROVAL on 9 January 2007

12. 7/2006/0743/DM OFFICER:Helen Williams

APPLICATION DATE: 20 November 2006

PROPOSAL: ERECTION OF PITCHED ROOF OVER GARAGE AND KITCHEN

LOCATION: 30 BOWES GROVE SPENNYMOOR DL166LT

APPLICANT: Mr C Burke
30 Bowes Grove, Spennymoor, Co Durham , DL16 6LT

DECISION: STANDARD APPROVAL on 28 December 2006

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

13. 7/2006/0741/DM OFFICER:Helen Williams

APPLICATION DATE: 27 November 2006

PROPOSAL: ERECTION OF PITCHED ROOF OVER OUT HOUSE (RETROSPECTIVE)

LOCATION: 22 MOUNT PLEASANT COURT SPENNYMOOR DL166HY

APPLICANT: Adam Starkie
22 Mount Pleasant Court, Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 28 December 2006

14. 7/2006/0780/DM OFFICER:David Gibson

APPLICATION DATE: 14 December 2006

PROPOSAL: ERECTION OF TWO STOREY REAR EXTENSION

LOCATION: THE CHIMES LOW GREEN WOODHAM NEWTON AYCLIFFE CO
DURHAM

APPLICANT: Mr & Mrs A Stoly
The Chimes, Low Green, Woodham, Newton Aycliffe, Co Durham, DL5 4TR

DECISION: STANDARD APPROVAL on 18 January 2007

15. 7/2006/0740/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 27 November 2006

PROPOSAL: ERECTION OF DETACHED DWELLING

LOCATION: 5 WARWICK GARDENS (PLOT 5) BYERS GREEN SPENNYMOOR

APPLICANT: M & R Developments
2 Warwick Gardens, Byers Green, Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 22 January 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

16. 7/2006/0733/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 1 December 2006

PROPOSAL: ERECTION OF 5 NO. DWELLINGS

LOCATION: 23, 25, 27, 29, 31 (PLOTS 1-5) DURHAM STREET SPENNYMOOR CO
DURHAM

APPLICANT: Regent Homes
4 Village Farm, The Green, Cornforth, DL17 9HL

DECISION: STANDARD APPROVAL on 23 January 2007

17. 7/2006/0727/DM OFFICER:Simon Miller

APPLICATION DATE: 21 November 2006

PROPOSAL: DISPLAY OF ADVERTISEMENT SIGNS

LOCATION: TESCO STORES LTD GREENWELL ROAD NEWTON AYCLIFFE DL5 4DH

APPLICANT: Tesco Stores Ltd
c/o Agent

DECISION: STANDARD APPROVAL on 16 January 2007

18. 7/2006/0723/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 7 November 2006

PROPOSAL: ADDITION OF SECOND STOREY TO BUNGALOW TO FORM
DWELLINGHOUSE, SINGLE STOREY EXTENSION TO THE REAR,
CREATION OF BALCONY TO THE SIDE AND EXTENSION TO EXISTING
DETACHED SWIMMING POOL

LOCATION: TRIMDON HOUSE LODGE FISHBURN STOCKTON-ON-TEES TS214BA

APPLICANT: Mr Gary Broatch
Trimdon House Lodge, Harap Road, Fishburn, Co Durham

DECISION: STANDARD REFUSAL on 28 December 2006

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

19. 7/2006/0722/DM OFFICER:Helen Williams

APPLICATION DATE: 13 November 2006

PROPOSAL: ERECTION OF GROUND FLOOR BEDROOM & BATHROOM EXTENSION

LOCATION: 55 DUNELM ROAD TRIMDON TRIMDON STATION TS296PX

APPLICANT: Colin Steel
Sedgefield Borough Council, Council Offices, Green Lane, Spennymoor,

DECISION: STANDARD APPROVAL on 4 January 2007

20. 7/2006/0721/DM OFFICER:David Gibson

APPLICATION DATE: 22 November 2006

PROPOSAL: INSTALLATION OF 12 METRE STEEL RADIO POLE WITH TWO ANTENNAS

LOCATION: SEDGEFIELD TELEPHONE EXCHANGE DURHAM ROAD SEDGEFIELD STOCKTON ON TEES

APPLICANT: Stephen Goldsack
BT Wideband/Radio Planning, 6th Floor, Dundas House, Dundas Street, Middlesbrough, TS1 1BA

DECISION: PRIOR APPROVAL REQUIRED on 4 January 2007

21. 7/2006/0713/DM OFFICER:Simon Miller

APPLICATION DATE: 1 December 2006

PROPOSAL: ERECTION OF TWO STOREY EXTENSIONS TO SIDE AND REAR

LOCATION: 50 ALVERTON DRIVE NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mr & Mrs A Tindle
50 Alverton Drive, Newton Aycliffe, Co Durham, DL5 7PP

DECISION: STANDARD APPROVAL on 23 January 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

22. 7/2006/0707/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 3 November 2006

PROPOSAL: ERECTION OF 2 NO. DETACHED DWELLINGS

LOCATION: LAND REAR OF 33-35 DURHAM ROAD SPENNYMOOR CO DURHAM

APPLICANT: Mr & Mrs Suffield
41 King Street , Spennymoor, Co Durham,

DECISION: STANDARD APPROVAL on 28 December 2006

23. 7/2006/0706/DM OFFICER:Helen Williams

APPLICATION DATE: 28 November 2006

PROPOSAL: MATERIAL CHANGE OF USE FROM RETAIL TO DWELLING

LOCATION: 2 EDEN TERRACE CHILTON FERRYHILL DL170EJ

APPLICANT: Mr Craig Mounter
4 Fell View, Copley Road, Butterknowle, Co Durham

DECISION: STANDARD APPROVAL on 4 January 2007

24. 7/2006/0703/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 15 November 2006

PROPOSAL: ERECTION OF FLOODLIGHTING COLUMNS

LOCATION: RECREATION GROUND OPPOSITE WEST CHILTON TERRACE
CHILTON CO DURHAM

APPLICANT: Chilton Town Council
Council Offices, Hutton House, Durham Road, Chilton , Co Durham

DECISION: STANDARD APPROVAL on 10 January 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

25. 7/2006/0698/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 28 November 2006

PROPOSAL: CREATION OF NEW ACCESS GATE

LOCATION: GREEN LANE INDUSTRIAL ESTATE SPENNYMOOR CO DURHAM

APPLICANT: K Hartwall Ltd
Green Lane Industrial Est, Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 22 January 2007

26. 7/2006/0664/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 14 November 2006

PROPOSAL: CHANGE OF USE FROM OFFICE TO GYMNASIUM

LOCATION: 33-35 HIGH STREET SPENNYMOOR CO DURHAM

APPLICANT: Mr Brooks
143 Durham Road, Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 10 January 2007

27. 7/2006/0662/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 18 December 2006

PROPOSAL: ERECTION OF GARAGE

LOCATION: 2 GERRARD STREET SPENNYMOOR DL166DY

APPLICANT: Mr & Mrs Parkins
2 Gerard Street, Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 17 January 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

28. 7/2006/0734/DM OFFICER:Helen Williams

APPLICATION DATE: 16 November 2006

PROPOSAL: CHANGE OF USE FROM A1 (RETAIL) TO A2 (FINANCIAL SERVICES)

LOCATION: 25 FESTIVAL WALK SPENNYMOOR DL166AB

APPLICANT: Cheque Centre Properties
218 Morrison Street, Edinburgh, EH3 8AE

DECISION: STANDARD APPROVAL on 4 January 2007

29. 7/2006/0784/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 18 December 2006

PROPOSAL: ERECTION OF CONSERVATORY TO THE REAR

LOCATION: 101 LICHFIELD ROAD WEST CORNFORTH CO DURHAM

APPLICANT: M Thompson
101 Lichfield Road, West Cornforth, Ferryhill, Co Durham , DL17 9NX

DECISION: STANDARD APPROVAL on 17 January 2007

Item 10

SEDGEFIELD BOROUGH COUNCIL

APPEALS OUTSTANDING UP TO 23rd JANUARY 2007

Ref.No. AP/2006/0002
Location CHANGE OF USE AND EXTENSION TO PROPERTY TO FORM
RESIDENTIAL BUNGALOW
Proposal DENHAMFIELDS GARAGE COMMERCIAL STREET CHILTON LANE
FERRYHILL CO. DURHAM
Appellant Westside Contracts Ltd
Received 3rd February 2006

The Appeal is to be dealt with by way of an Informal Hearing.

Ref.No. AP/2006/0006/EN
Location 2 & 3 VINE STREET SPENNYMOOR CO DURHAM
Proposal NON-COMPLIANCE WITH APPROVED PLANS FOR PLANNING
APPROVAL 7/2003/0586/DM BY FAILING TO PROVIDE A 1.8 METRE
WIDE FOOTPATH AND VEHICLE CROSSING ALONG THE FRONTAGE
Received 17th July 2006

The Appeal is to be dealt with by way of Written Representations.

Ref.No. AP/2006/0008
Location LAND AT BURN LANE NEWTON AYCLIFFE CO DURHAM
Proposal REPLACEMENT OF 12.5 METRE STREETWORK MONOPOLE WITH 15
METRE MONOPOLE ACCOMMODATING 2G & 3G ANTENNAS AND 3G
EQUIPMENT CABINET
Appellant Mono Consultants Ltd
Received 16th August 2006

An Inspectors letter was received on 5th January 2007. The Appeal was Upheld.

Ref.No. AP/2006/0009
Location ST. LUKES CHURCH WINTERTON HOSPITAL SEDGEFIELD
CLEVELAND
Proposal NON COMPLIANCE OF LISTED BUILDING CONSENT CONDITIONS
Appellant Ms C Moore
Received 24th August 2006

An Inspectors letter was received on 9th January 2007. The Appeal was Dismissed.

Ref.No. AP/2006/0010
Location LAND OFF WHITWORTH ROAD WHITWORTH PARK SPENNYMOOR
CO DURHAM
Proposal FAILURE TO DISCHARGE CONDITION NO. 9 RELATING TO THE
PROTECTION OF RECOGNISED MAJOR NATURE CONSERVATION
INTERESTS, CONDITION NO. 2 RELATING TO APPROVED
DOCUMENTS; AND CONDITION NO. 3 RELATING TO ACCESS TO THE

HIGHWAY ATTACHED TO PLANNING PERMISSION 7/2003/0736/DM FOR THE ERECTION OF 100 DWELLINGS AND ASSOCIATED INFRASTRUCTURE WORKS INCLUDING NEW ACCESS ROAD, ALTERATIONS TO EXISTING BYWAY, PUBLIC CAR PARK AND SEWER ARRANGEMENTS

Appellant Barratt Newcastle
Received 24th August 2006

The Appeal is to be dealt with by way of Public Inquiry.

Ref.No. AP/2006/0011
Location ST LUKES CHURCH SEDGEFIELD STOCKTON-ON-TEES TS213NN
Proposal APPLICATION FOR LISTED BUILDING CONSENT TO UNDERTAKE INTERNAL ALTERATIONS TO FACILITATE CHANGE OF USE TO HEALTH AND FITNESS CENTRE
Appellant Ms C Moore
Received 15th September 2006

An Inspectors letter was received on 9th January 2007. The Appeal was Dismissed.

Ref.No. AP/2006/0012
Location 2 SOUTH FARM COTTAGES MAINSFORTH FERRYHILL DL179AA
Proposal CREATION OF LAYBY TO PROVIDE OFF STREET PARKING
Appellant C Dobbing
Received 28th September 2006

The Appeal is to be dealt with by way of Written Representations.

Ref.No. AP/2006/0013/EN
Location 13 EDEN ROAD NEWTON AYCLIFFE
Proposal ERECTION OF FENCE
Appellant Mr A S Clarke
Received 31st October 2006

The Appeal is to be dealt with by way of Written Representations.

Ref.No. AP/2006/0014
Location ELDON HOPE DRIFT ELDON CO DURHAM
Proposal ERECTION OF 2NO. DWELLINGS (OUTLINE APPLICATION)
Appellant James Cant
Received 3rd November 2006

The Appeal is to be dealt with by way of Written Representations.

Ref.No. AP/2006/0015
Location 19 NORTHSIDE BUILDINGS TRIMDON GRANGE TRIMDON STATION TS296HW
Proposal ERECTION OF TWO STOREY EXTENSION TO THE FRONT

Appellant Mr G Hilder
Received 8th November 2006.

The Appeal is to be dealt with by way of Written Representations.

Ref.No. AP/2006/0016
Location LAND OFF WHITWORTH ROAD WHITWORTH PARK SPENNYMOOR
CO DURHAM
Proposal FAILURE TO DETERMINE APPLICATION TO VARY CONDITION 2
(COMPLIANCE WITH APPROVED LAYOUT PLAN) OF PLANNING
PERMISSION REFERENCE 7/2003/0736/DM
Appellant Barratt Homes Ltd
Received 10th November 2006.

The Appeal is to be dealt with by way of a Hearing.

Ref.No. AP/2006/0017/EN
Location 12 KENSINGTON GARDENS FERRYHILL DL178LU
Proposal RETENTION OF GARAGE INCORPORATING RAISED DECKING AND
ERECTION OF 1ST FLOOR EXSTENSION TO THE REAR
Appellant Gary Atkinson
Received 7th November 2006

The Appeal is to be dealt with by way of Written Representations.

Ref.No. AP/2006/0018
Location LAND TO THE REAR OF BARCLAYS BANK WEST PARK LANE
SEDFIELD STOCKTON-ON-TEES TS212BX
Proposal ERECTION OF 1NO. DWELLING
Appellant Mr P Sullivan
Received 28th December 2006

The Appeal is to be dealt with by way of Written Representations.

Ref.No. AP/2007/0001/EN
Location LAND ADJACENT TO 1 PARKDALE SPENNYMOOR CO DURHAM
Proposal UNAUTHORISED ERECTION OF FENCE RESULTING IN THE
ENCLOSURE OF OPEN SPACE
Appellant Mr & Mrs Tolley
Received 9th January 2007.

The Appeal is to be dealt with by way of Written Representations.

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DEVELOPMENT CONTROL
COMMITTEE

2 FEBRUARY 2007

RECENT PLANNING APPEAL
DECISIONS

Report of Director of Neighbourhood
Services

The following recent planning appeal decisions are reported for the information of the Members:-

ST LUKES CHURCH SEDGEFIELD STOCKTON-ON-TEES TS213NN - AP/2006/0011

Appeal Description

The appeals were made by Mrs C Moore against a listed building enforcement notice and the refusal of listed building consent issued by Sedgefield Borough Council on the 18th April 2006 in respect of consent to undertaken internal alterations to facilitate change of use to health and fitness centre at St. Lukes Church Sedgefield.

Appeal Decision

In the Inspector's decision letter dated 13 December 2007, a copy of which is attached to this report, both appeals were dismissed.

Analysis of the Appeal Decision (s)

The Inspector in refusing listed building consent and upholding the listed building enforcement notice considered that:

The design did not respect the main structural elements of the church which give the church so much of its special character.

The proposed works would block appreciation of the length of the church and of the quality of the space within the church. It would look particularly out of place...and would destroy the quality of the space within the church.

The removal of the timber floor and cast iron ventilation grilles has harmed the special quality of the listed building.

*The proposed scheme causes serious harm to the special architectural interest of the listed building and goes far beyond **'the optimum viable use that is compatible with the fabric, interior and setting of the historic building'**.*

The proposed scheme/works would seriously harm the special architectural quality of the listed building contrary to section 16(2) of the 1990 Act and Policy E19 of the Borough Local Plan.

In the approved scheme three bays of the nave, and corresponding parts of the aisles, would not be built upon and could be appreciated as a whole together with views into the apse. The approved scheme respects the main structural elements of the church.

The steps required in the notice serve the purpose of restoring the character of the building to its former state in respect of the works enforced against. The appeal on ground (i) fails.

The time period specified in the listed building enforcement notice is reasonable and the appeal fails on ground (h).

The outcome of the appeal decision is that the listed building enforcement notice came into force on 9 January 2007. The appellant must therefore undertake the following works within the specified timescales:

- 1 Remove in its entirety the steel framed mezzanine floor structure from within the building within **2 months** of this notice taking effect.
- 2 Reinststate a timber floor using oak tongue and groove floor boards to the area outlined in blue on the attached floor plan within **6 months** of this notice taking effect.
- 3 Reinststate the ornate cast iron ventilation floor grills using the original floor grills or reproduction floor grills within **6 months** of this notice taking effect.

In addition, should the appellant fail to comply with the terms of the listed building enforcement notice proceedings for prosecution will be instigated in accordance with the mandate previously approved by Development Control Committee when committee authorised the service of the listed building enforcement notice.

Conclusion

The Inspector's decision letter totally vindicates the Council's decision to issue a listed building enforcement notice and to refuse listed building consent. The Inspector clearly gives significant weight to the '**desirability of preserving the building or its setting or any features of special architectural or historic interest which it posses**' and confirms that this requirement accords with the aims of policy E19 of the Borough local plan. In arriving at his decision the Inspector took into account the fact that the building had been disused for some years, was subject to lack of maintenance and vandalism and the importance of finding a viable use for the building. The Inspector however was clearly of the opinion that the proposal caused serious harm to the building.

Finally, at paragraphs 11 and 12 the Inspector appears to endorse the previously approved scheme when he states that '*The approved scheme respects the main structural elements of the church and would be far less harmful.* Again, this vindicates the approach that has been adopted in attempting to secure an alternative use which is compatible with the fabric, interior and setting of building.

DENHAMFIELDS GARAGE COMMERCIAL STREET CHILTON LANE FERRYHILL CO. DURHAM - AP/2006/0002

Appeal Description

The appeal was made by Westside Contracts Ltd. against the refusal of planning permission issued by Sedgfield Borough Council on the 9th December 2005 for the change of use and extension of an existing building to form a detached bungalow at Denhamfields Garage, Commercial Street, Chilton Lane.

Appeal Decision

In the Inspector's decision letter dated 29th December 2006, a copy of which is attached to this report, the appeal was UPHELD

Analysis

Planning permission was refused for the following summarised reasons:

- The development represents residential development outside the settlement boundary of Chilton Lane as defined under Policy H8 of the Local Plan. The applicant failed to demonstrate an essential need to live in the open countryside, close to his place of employment, and the proposal was therefore contrary to Policy H12 (Housing in the Countryside for Agricultural or Forestry Workers) of the Borough Local Plan.
- Future occupiers of the dwelling could not be adequately protected from the wide range of environmental pollution associated with both the commercial use of the site and the heavily trafficked main east coast railway line, and the proposal was therefore contrary to Policy D11 (Location of Pollution Sensitive Developments) of the Borough Local Plan.

The Inspector agreed with many of the points raised by the Local Planning Authority. In particular, it is encouraging to note the following points:

- The Local Planning Authority's view that the appeal site is located outside the residential framework of Chilton Lane, where rural development policies apply, is endorsed.
- The adopted Interim Planning Policy Statements IPS1 & 2 are acknowledged as having some weight as updated policy on rural conversions from the original Local Plan Policy H13 which is now 10 years old.
- The Inspector acknowledges that the proposal would double the size of the existing building and that Policy H13 (and the Interim Policy Statements) does not permit major extensions.
- It is acknowledged that the living conditions of the future occupiers of the dwelling would be worse than would usually be expected because of the commercial uses and the proximity of the main east coast railway line.

The Inspector however made the following observations:

- The rural development policies are designed to protect the character of the local countryside, and whilst the appeal site lies in an area that can be regarded as countryside because it is outside the defined settlement boundary, it is not open countryside in terms of its character.
- The proposal would result in the removal of an existing coal business from part of the site and that this would lead to local environmental improvement.
- The pollution impact upon future occupiers of the dwelling could be adequately mitigated.
- The proposal would be unlikely to establish a precedent to be repeated elsewhere.

Conclusion

It is disappointing to have lost the appeal, particularly as the Inspector agreed with the general policy methodology adopted by the Council and endorsed the status of the quoted development plan policies. However, it is clear that there was not only a difference of opinion in respect of the character of the locality and how the policies could

be applied but also that the removal of the coal business was considered a significant material consideration in this instance.

Planning permission has therefore been granted subject to 9 conditions set out in the first two pages of the decision letter.

RECOMMENDATION: That the information be received.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

LIST OF BACKGROUND DOCUMENTS USED IN THE PREPARATION OF REPORT

All relevant Planning Files listed in report.



Appeal Decision

Site visit on 13 December 2006

by J D Waldron MCD BArch

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date
09 Jan 2007

Appeal Ref: APP/M1330/F/06/2019807
St Lukes Church, Winterton, Sedgfield, TS21 3NL

- The appeal is made by Ms C Moore under Section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a listed building enforcement notice issued by Sedgfield Borough Council on 14 June 2006.
- The breach of listed building control alleged in the notice is **The erection of a two-storey steel framed mezzanine floor structure within the building and the removal of the original timber floor and cast iron ornate floor ventilation features.**
- The requirements of the notice are as follows:
 1. **Remove in its entirety the steel framed mezzanine floor structure from within the building within two months from the date on which the notice takes effect.**
 2. **Reinstate a timber floor using oak tongue and groove floor boards to the area outlined in blue on the plan attached to the notice within 6 months of the date on which the notice takes effect.**
 3. **Reinstate the ornate cast iron ventilation floor grills using the original floor grills or reproduction floor grills within 6 months of the date on which the notice takes effect.**
- The appeal is made on the grounds set out in Section 39(2)(e), (h) and (i) of the 1990 Act.

Summary of Decision: The enforcement notice is upheld as corrected.

Appeal Ref: APP/M1330/E/06/2023960/NWF
St Lukes Church, Winterton, Sedgfield, TS21 3NL

- The appeal is made by Ms C Moore under Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent by Sedgfield Borough Council.
- The application No: 7/2005/0889/DM was refused by notice dated 21 April 2006.
- The application is **to undertake internal alterations to facilitate change of use to health and fitness centre.**

Summary of Decision: The appeal is dismissed.

Procedural matter

1. The notice is incorrect in paragraph 3 by referring to the requirements as being **"for bringing the building to the state it would have been in if the terms and conditions of the listed building consent ... which has been granted for the works had been complied with"**, namely the powers at Section 38(2)(c) of the 1990 Act. The requirements of the notice are clearly for restoring the building to its former state under the powers at Section 38(2)(a), namely its former architectural state in respect of the works enforced against. Indeed the appeal on ground (i) made by the appellant is only available to requirements made under Section 38(2)(a). The notice needs to be corrected accordingly. There is no dispute about what is enforced against and required by the notice. I consider that the notice can be corrected without injustice to either party and within the powers available to me. The appeals are determined accordingly.

Background

2. The appeal on ground (e) relates to the steel framed mezzanine floor structure enforced against which is different at the east end to the steel framing of the scheme for which listed building
-

consent was refused and shown on drawing 05040/6. At the site visit the appellant indicated where the steel framing would need to be altered. The appeals are determined accordingly.

The appeal on ground (e) and the appeal against the refusal of listed building consent

3. Under Section 16(2) of the 1990 Act, in considering whether to grant listed building consent, special regard shall be given to the **"desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"**. This requirement accords generally with the aims of Policy E19 of the adopted Sedgfield Borough Local Plan.
4. The main issue is the effect of the proposed scheme/works on the special architectural quality of the listed building.
5. Paragraph 3.12 of PPG15 states with regard to listed buildings that **"In judging the effect of any alteration or extension it is essential to have assessed the elements that make up the special interest of the building in question"**. St Luke's Church was built as a hospital church in about 1884 but now has an attractive open setting within new development. The church is brick-built in the Early English style with six-bay aisled nave and apsed chancel. The arcading has pointed arches and paired clerestory windows above. The roof is steep-pitched with scissor-braced trusses. The brick piers are of cross-plan with attached colonettes and carved capitals. The interior of the church is in a restrained decorative style of special interest within the meaning of paragraph 3.12.
6. The proposed building would start about one and three-quarter bays into the church. It would wrap round the arches of the nave arcade, part way between their springing and their apex. About two-thirds of the ground-floor of the church would be subdivided into small rooms and spaces. The first-floor would extend into the aisles with the floor wrapping around the piers just below the carved capitals. The second-floor would abut the upper part of the arches of the nave arcade. The proposed building would be unrelated to the rhythm of the six-bay arcade and the six clerestory windows above, which is a fine feature of the church. The design of the building does not respect the main structural elements of the church which give the church so much of its special character.
7. The proposed building would block appreciation of the length of the church and of the quality of the space within the church. I am not persuaded by the argument of the appellant that on entering the church at the west end (the main entrance of the proposed health and fitness centre) a definite sense of the original openness would remain. A person entering at the west end would be immediately aware of a large building dominating the interior of the church. The building would look particularly incongruous and out-of-place from this viewpoint. It would destroy the quality of the space within the church.
8. The former timber floor and cast iron ventilation grilles are shown on photographs submitted by the Council. They were an integral part of the design of the interior of the church and in keeping with a church designed in the Gothic style which dates from the latter part of the C19. Their removal has harmed the special architectural quality of the listed building contrary to the aims of Section 16(2) and Policy E19.
9. The appellant says that the timber floor was irreversibly damaged by rainwater and had to be completely removed because it was a health and safety hazard. The builder who carried out the work states the same. However I am not persuaded that the timber floor could not have been repaired/restored "like with like". The appellant intends to provide a tiled floor and under-floor heating, albeit not apparently indicated in the scheme for which listed building consent was refused. Nor do they form part of the scheme for which listed building consent was granted. At present a rough stoney surface exists at a level well below that of the former timber floor.
10. In conclusion the proposed scheme/works would seriously harm the special architectural quality of the listed building contrary to the aims of Section 16(2) and Policy E19.
11. Listed building consent was granted on 30 June 2004 (7/2004/0076/DM) for a smaller scheme, including a smaller building within the church (at the west end) to facilitate the use of the church as a health and fitness centre. The building within the nave would be separated from the arcading on each side, enabling the arcading to be appreciated. The underside of the first-floor

would be about in line with the top of the decorative capitals, enabling the piers and the capitals to be appreciated. At ground-floor level the only structural items within the nave would be six columns supporting the first-floor and the stair up to the first-floor. Small rooms would be provided within the aisles, namely set back behind the piers for three bays of the nave. The apse would be separated from the nave by a glazed screen allowing the shape of the apse to be seen from the nave. The full length of the nave and apse would be seen and appreciated. The approved scheme respects the main structural elements of the church.

12. In the approved scheme three bays of the nave, and corresponding parts of the aisles, would not be built-on and could be appreciated as a whole together with views into the apse. The first-floor would be about 1.5m below the bottom of the five lancet windows at the west end of the nave, and about 1m clear of the west wall. However the upper part of the proposed structure, and the **"access stair to "roof" area over (for maintenance)"**, would be visible from outside the church especially at night. Nevertheless, on balance, the approved scheme would be far less harmful to the special architectural quality of the listed building than the scheme for which listed building consent has been refused.
13. In undertaking the balancing exercise referred to in paragraph 3.9 of PPG15, the Council accepted that additional floor space was necessary for the health and fitness centre to be viable financially, and granted listed building consent accordingly. The appellant now considers that further floor space is necessary to achieve financial viability, with other changes necessary on account of the requirements of recent disability discrimination legislation. I find no reason to doubt the appellant's assessment. However the proposed scheme causes serious harm to the special architectural interest of the listed building and goes far beyond **"the optimum viable use that is compatible with the fabric, interior and setting of the historic building"** as referred to in paragraph 3.9.
14. PPG15 advises, at paragraph 3.42, that consent should not be granted to recognise a **"fait accompli"**. It is necessary to consider whether consent would have been granted for works **"had it been sought before they were carried out, while having regard to any subsequent matters which may be relevant"**. The church had been disused for some years, and subject of lack of maintenance and of vandalism as indicated at the site visit. I have taken into account all the matters raised, including the importance of achieving a viable use for the listed building, and the considerable number of representations in support of the appellant's case. The appellant points out that the proposed works are fully reversible and that a condition could be imposed that the building be restored to its former state should its use as a health and fitness centre cease. However such condition would not overcome the considerable objections to the proposed scheme. In conclusion I am not persuaded that consent would have been granted within the meaning of paragraph 3.42 having regard to subsequent matters which are relevant. The objections could not be overcome by the imposition of conditions and are not outweighed by other material considerations. The appeal fails on ground (e). The appeal against the refusal of listed building consent also fails.

Appeal on ground (i)

15. The appellant considers that **"rather than removing the steel framed mezzanine in its entirety, the approved scheme could be implemented and therefore it is unreasonable to insist that the character of the building (ie: prior to the commencement of any works) should be restored"**. However the appellant does not indicate what part of the **"steel framed mezzanine"** should not be removed. There is no dispute that, in order to implement the approved scheme, the steel framed structure enforced against would need to be removed not least because the columns are in different positions. For the avoidance of doubt, the powers available at Section 38 could not require the construction of a wholly different scheme, even one for which listed building consent has been granted.
16. As indicated previously, the requirements of the notice have been made under Section 38(2)(a) for restoring the building to its former state in respect of the unauthorised works, namely its architectural state before the unauthorised works enforced against took place. It seems to me that the requirements of the notice would achieve this. In conclusion the steps required by the notice would serve the purpose of restoring the character of the building to its former state in respect of the works enforced against. The appeal fails on ground (i).

Appeal on ground (h)

17. The appellant considers that the timber floor and cast iron grills should not be provided until the building has been converted into a health and fitness centre, to prevent the items from being damaged. However the approved scheme is not considered to be viable. A new scheme would need to be prepared, approved and implemented. Given the stance of the Council, and my conclusion at paragraph 10, there is no certainty that this would happen. In any event, it would be possible to protect the reinstated floor and grills during subsequent works. Taking such precaution is integral to the carrying out of works to listed buildings. I am not persuaded that the period specified in the notice falls short of what should reasonably be allowed. The appeal fails on ground (h).

FORMAL DECISION

Appeal against the listed building enforcement notice

18. I direct that the listed building enforcement notice be corrected:

- at paragraph 3 by the deletion of "**for bringing the building to the state it would have been in if the terms and conditions of the listed building consent specified in the Fourth Schedule which has been granted for the works had been complied with**" and the substitution therefor "**for restoring the building to its former state**".
- by the deletion of the **FOURTH SCHEDULE**.

Subject thereto-I dismiss the appeal, uphold the listed building enforcement notice as corrected, and refuse to grant listed building consent for the works enforced against.

Appeal against the refusal of listed building consent

19. I dismiss the appeal.

John Waldron

Inspector



Appeal Decision

Hearing held on 24 October 2006

Site visit made on 24 October 2006

by **Jacqueline North BSc MSc**

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date: 29 December 2006

Appeal Ref: APP/M1330/A/06/2006153

Denhamfields Garage, Commercial Street, Chilton Lane, Ferryhill, Co Durham, DL17 0DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Westside Contracts Ltd against the decision of Sedgefield Borough Council.
- The application Ref 7/2005/0680/DM, dated 23 May 2005, was refused by notice dated 16 December 2005.
- The development proposed is change of use & extension to form detached bungalow.

Decision

1. I allow the appeal, and grant planning permission for change of use & extension to form detached bungalow at Denhamfields Garage, Commercial Street, Chilton Lane, Ferryhill, Co Durham, DL17 0DF in accordance with the terms of the application, Ref 7/2005/0680/DM, dated 23 May 2005, and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
 - 2) The development hereby approved shall not be commenced until the existing use of the land as a coal business has ceased.
 - 3) The area vacated by the coal business shall be restored in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the bungalow. The scheme should include the removal of all deposits of coal and associated plant and machinery. Thereafter the development shall be implemented in accordance with the approved scheme, unless agreed in writing with the Local Planning Authority.
 - 4) Development shall not commence until details of the materials to be used on the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme, unless agreed in writing with the Local Planning Authority.
 - 5) The development hereby approved shall be designed and constructed to provide protection from noise generated from the local rail network and adjacent industrial estate. The upper limits for the designated noise levels within the new dwelling shall be 35dBA LAeq in habitable rooms with windows shut and other means of

ventilation provided and for external noise shall be 55dBA LAeq in outdoor recreational areas.

- 6) No development approved by this permission shall take place until:
 - a) A desk top study has been carried out which shall include the identification of previous site uses and potential contaminants, and a diagrammatical representation (Conceptual Model of the geology and hydrogeology) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations. This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation should be comprehensive enough to enable:
 - I. A risk assessment to be undertaken relating to any ground and surface waters that may be affected;
 - II. Refinement of the Conceptual model; and
 - III. The development of a Method Statement detailing any remediation requirements.
 - c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.
 - d) A Method Statement detailing any remediation requirements using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on site.
 - e) The measures approved in the remediation scheme have been implemented.
- 7) If during development contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until an addendum to the Method Statement has been submitted to and agreed in writing by the Local Planning Authority. This addendum must detail how the unsuspected contamination shall be dealt with.
- 8) Upon completion of any remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority to verify that the required works regarding contamination have been carried out in accordance with the approved Method Statement. The report should include post-remediation sampling and monitoring results and any proposals for future monitoring and reporting considered necessary.
- 9) The development hereby approved shall not be occupied until details of the means of a boundary treatment to the dwelling have been submitted to and approved in writing by the Local Planning Authority and have been implemented on site in accordance with these approved plans.

Procedural Matters

2. On 30 June 2006 the appellant made a Unilateral Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to restrict the use of the site to a haulage, distribution and garage business and to ensure residential use of the bungalow would be ancillary to the primary use of the site for business. I deal with this in paragraph 21.

Main Issues

3. I consider there to be two main issues:
 - a) the effect of the proposed development on the countryside and
 - b) the effect of any existing environmental pollution on the future occupants.

Planning Policy

4. The Development Plan includes the adopted Sedgefield Borough Local Plan 1996 (LP). Policy H8 of the LP identifies Chilton Lane as a village where development within an identified residential framework will normally be permitted provided that there is no conflict with the provisions of the plan's environmental, open space or design policies. Policy H13 allows the change of use of a building in the countryside to residential where certain criteria are met. Policy D11 requires pollution sensitive developments such as housing to be sited away from sources of contamination, pollution, noise or vibration.
5. The LP is 10 years old. Policy H13 is not fully compatible with national Planning Policy Guidance on development in the countryside. In order to comply with national policy guidance the Council has adopted interim policy statements on the change of use or conversion of a building in the open countryside. Interim Policy ISP1 allows conversion or reuse of buildings for employment, tourist, recreational, community and rural enterprise uses but only permits conversion to residential use following attempts to market the site for other uses. Interim Policy ISP2 states the criteria to be met for conversions or change of use in the open countryside. These Interim Policies have been subject to a consultation exercise and can be given some weight in determining planning applications.

Reasons

6. The appeal site is located to the east of Commercial Street, a residential terrace, and immediately west of the main East Coast railway line. There is a social club to the north and a row of wooden garages to the south. The land lies at a significantly lower level than both the adjacent housing and the rail line, which runs along an embankment and is elevated above the site. The site is well screened by mature tree planting.
7. The appeal building lies within a site that has a long-standing use for industrial and commercial purposes. For many years its principal use was that of a coal yard, with stocking bays, screening plant, weighbridge and office block. Subsequently, part of the land has been used as a depot for heavy goods vehicles and a vehicle garage and workshop. Approximately two thirds of the land is used in connection with the coal storage and distribution business.
8. The appeal building currently serves as a weighbridge office connected with the existing coal business. It is a single storey brick and tiled structure. The proposed development is to

extend this building by the addition of a new wing at 90 degrees to the existing building to form an 'L' shaped dwelling.

9. The appellant states that the dwelling is required in order to secure the site, the repair yard, equipment and heavy vehicles. The appellant and his family would live in the bungalow. The site is enclosed by tall, 6-7m high fencing, with razor wire or barbed wire in places; there is lighting and CCTV although the appellant states that these security measures are inadequate and that there is frequent damage to the fence and damage and theft of property from the site.
10. The site lies outside the residential framework of Chilton Lane, where the rural development policies of the LP apply. Although the site is located between the Chilton Lane housing area and main railway line and within a commercial, industrial and railside corridor and could not be considered to be in a rural area, the proposed development does not comply with the requirements of LP Policy H8 and needs to be considered with reference to other LP policies. In these circumstances I consider the policies regarding development in the countryside to be applicable.

The Countryside

11. Dealing with the first issue, Policy H13 of the LP permits the change of use to residential of a building in the countryside subject to three criteria. The aim of the policy is to protect the character of the local countryside.
12. Criterion A states that major extensions or rebuilding are not permitted. The appeal proposal would extend the original office by approximately 70 sq m. This would almost double the size of the existing building although the resulting dwelling would be a modest 2-3 bedroomed bungalow. The new dwelling would be single storey, below the level of the existing houses on Commercial Street, located in a corner of the site and well screened.
13. Criterion B aims to ensure there would be no harmful effects caused by traffic or environmental impacts on the character of the local countryside. The proposed development would be linked to the cessation of trading of the coal business. This would result in a significant reduction of daily traffic movements to and within the site, a reduction in noise generated by the operation of the coal business and removal of pollutants such as coal dust. I consider that the proposed development would result in significant local environmental benefits.
14. Criterion C aims to ensure that there would be no significant additional demand upon public services. In my opinion the provision of one additional dwelling will have a minimal impact in this respect.
15. The Interim Policies ISP1 and ISP2 refer to development in the open countryside, and whilst the site may be considered countryside for policy purposes, it is clearly not in the open countryside therefore these new policies have limited application. The thrust of Interim Policy ISP2 is similar to that of H13. Policy ISP1 permits change of use to employment uses but restricts residential development. The reasoned justification for the Interim Policies states that the re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for commercial and industrial development. It is also stated that the development of mixed residential and business conversions can help to diversify the rural economy and provide sustainable rural

employment opportunities. I consider that the proposed development accords with the intentions of ISP1 and complies with ISP2.

16. I conclude that a dwelling on this site would not be harmful to aims of Policy H13 of the LP because it would not harm the character of the area, there would be environmental improvements associated with the development and no significant demands upon public services.

Living Conditions

17. Turning to the second issue, there are a number of environmental issues associated with the site. Cessation of the coal storage and distribution business would result in environmental improvements due to a reduction in vehicular movements, a reduction in noise associated with traffic movements onto and within the site, noise associated with the movement of coal and operation of coal hoppers and removal of coal dust. The site is approximately 75metres from the main East Coast rail line and there will be noise associated with this. In addition the continued commercial use of the site is a potential source of environmental pollution including noise, fumes and dust. I consider that the living conditions of the future occupiers of the bungalow would be worse than those usually expected but that adequate mitigation measures could be implemented and conclude that the proposed development would comply with LP Policy D11.

Conditions

18. I consider that conditions are necessary requiring the coal business to cease prior to commencement of the development in order to safeguard the living conditions of the future occupiers of the new dwelling. I require details of how the area vacated by the coal business shall be laid out and of the boundary treatment of the new dwelling, for the same reasons.
19. I also consider that conditions are necessary requiring the submission and approval of external materials, to ensure the materials used are appropriate to those used in the existing building.
20. I have imposed a number of conditions in connection with potential pollutants and contaminants at the site, including a requirement for protection from sources of noise, in order to protect the living conditions of the occupiers.

Overall Conclusions

21. I have therefore found no material harm in considering the main issues. Moreover, I am satisfied that the particular circumstances of this site are unlikely to be readily repeated, and it is clear that there would be a benefit from the closure of the coal yard. I note concerns for security and the provisions of the Section 106 Unilateral Planning Obligation but they have not been central to my overall conclusions that this appeal should be allowed.

Jacqueline North

INSPECTOR

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By virtue of paragraph(s) 1, 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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