

# DEVELOPMENT CONTROL COMMITTEE

Friday, 1 June 2007

10.00 a.m.

Council Chamber, Council Offices, Spennymoor

# AGENDA AND REPORTS



**This document is also available in other languages, large print and audio format upon request**

**العربية (Arabic)**

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.

**বাংলা (Bengali)**

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

**(中文 (繁體字)) (Cantonese)**

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

**हिन्दी (Hindi)**

यदि आपको सूचना किसी अन्य भाषा या अन्य रूप में चाहिये तो कृपया हमसे कहे

**polski (Polish)**

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

**ਪੰਜਾਬੀ (Punjabi)**

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਓ।

**Español (Spanish)**

Póngase en contacto con nosotros si desea recibir información en otro idioma o formato.

**اردو (Urdu)**

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

## 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

(a) **27 April 2007** (Pages 5 - 8)

(b) **30th May 2007**

To be circulated

**4. APPLICATIONS - BOROUGH MATTERS**

To consider the attached schedule of applications, which are to be determined by this Council. (Pages 9 - 44)

**5. DEVELOPMENT CONTROL - ADDITIONAL APPLICATIONS**

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

**6. 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 45 - 48)

**7. CONSULTATIONS FROM NEIGHBOURING AUTHORITIES**

To consider the attached schedule detailing an application which is to be determined by Hartlepool Borough Council. The views and observations of this Council have been requested. (Pages 49 - 50)

**8. DEVELOPMENT BY SEDGEFIELD BOROUGH COUNCIL**

To consider the attached schedule of applications for consent to develop, which are to be determined by this Council. (Pages 51 - 56)

**Members are reminded that the applications to be considered under Items 4 to 7 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. COUNTY DECISIONS**

A schedule of applications, which have been determined by Durham County Council is attached for information. (Pages 57 - 58)

**10. DELEGATED DECISIONS**

A schedule of applications, which have been determined by Officers by virtue of their delegated powers, is attached for information (Pages 59 - 82)

**11. APPEALS**

A schedule of appeals outstanding up to 23<sup>rd</sup> May 2007 is attached for information. (Pages 83 - 86)

**12. RECENT PLANNING APPEAL DECISIONS**

Report of Director of Neighbourhood Services. (Pages 87 - 92)

**13. TREE PRESERVATION ORDER 47/2006 JOSEPH HOPPER TERRACE WEST CORNFORTH**

Report of Head of Planning Services (Pages 93 - 100)

**14. TREE PRESERVATION ORDER NO 49/2007 DURHAM ROAD SEDGEFIELD**

Report of Head of Planning Services (Pages 101 - 108)

**15. TREE PRESERVATION ORDER NO 50/2007 DERWENT TERRACE SPENNYMOOR**

Report of Head of Planning Services (Pages 109 - 112)

**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.**

**16. ALLEGED BREACHES OF PLANNING CONTROL**

To consider the attached schedule of alleged breaches of planning control and action taken. (Pages 113 - 116)

**17. 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

23<sup>rd</sup> May 2007

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

All other Members of the Council

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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](mailto:enorth@sedgefield.gov.uk)**

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# 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.

<b>MEMBER'S NAME:</b>	
<b>MEETING OF:</b>	
<b>DATE OF MEETING:</b>	

❖ 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:

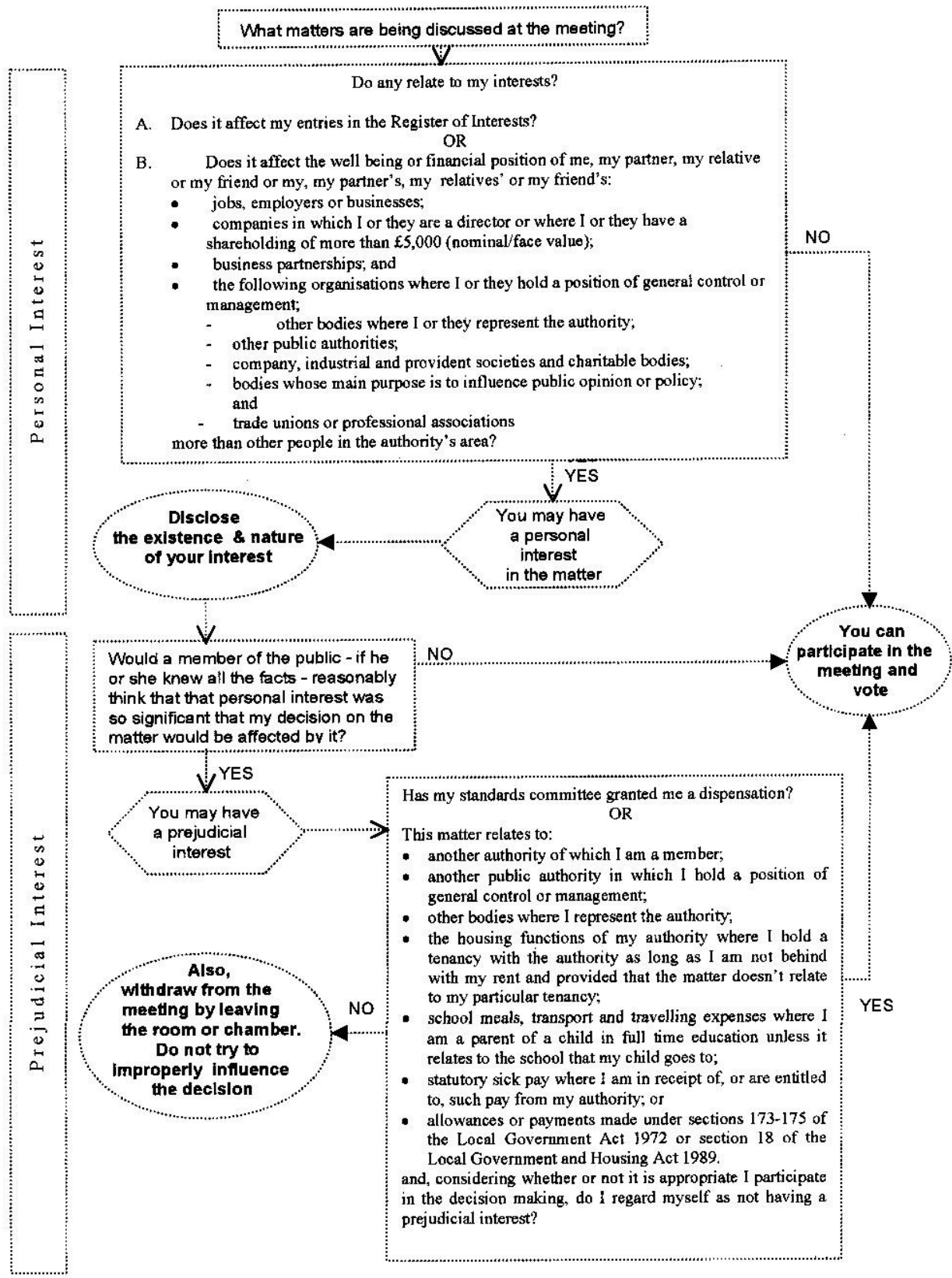
- withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless the Code permits participation or s/he has obtained a dispensation from the Standards Committee;
- not exercise executive functions in relation to 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 3a

## SEDGEFIELD BOROUGH COUNCIL

### DEVELOPMENT CONTROL COMMITTEE

Council Chamber,  
Council Offices,  
Spennymoor

Friday,  
27 April 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, Mrs. B.A. Clare, Mrs. K. Conroy, Mrs. J. Croft, V. Crosby, M.A. Dalton, Mrs. A.M. Fleming, Mrs. B. Graham, Mrs. J. Gray, K. Henderson, J.E. Higgin, A. Hodgson, M. Iveson, M.T.B. Jones, J.M. Khan, B. Meek, G. Morgan, K. Noble, B.M. Ord, Mrs. E.M. Paylor, J. Robinson J.P, Mrs. I. Jackson Smith, Mrs. C. Sproat, T. Ward, W. Waters and J. Wayman J.P

**Apologies:** Councillors D.R. Brown, J. Burton, R.S. Fleming, T.F. Forrest, A. Gray, G.C. Gray, B. Hall, D.M. Hancock, Mrs. L. Hovvels, G.M.R. Howe, J.G. Huntington, J.P. Moran, D.A. Newell, R.A. Patchett, J.K. Piggott, Mrs. C. Potts, Ms. M. Predki, G.W. Scott, J.M. Smith, Mrs. L. Smith and K. Thompson

#### **DC.128/06 DECLARATIONS OF INTEREST**

Declarations of interest were received from the following :-

Councillor K. Henderson	-	Item 8 – County Matters	Member of Durham County Council
Councillor J.P. Robinson, JP,		Item 8 – County Matters	Member of Durham County Council

#### **DC.129/06 MINUTES**

The Minutes of the meeting held on 30<sup>th</sup> March, 2007 were confirmed as a correct record and signed by the Chairman.

#### **DC.130/06 ERECTION OF RESIDENTIAL DEVELOPMENT WITH ASSOCIATED MEANS OF ACCESS (OUTLINE APPLICATION) AT ROSE STREET TRIMDON GRANGE**

Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) the purpose of which was to ratify a decision made by Development Control Committee on 2<sup>nd</sup> February to approve Planning Application 7/2006/0521/DM for residential development following confirmation from the Government Office for the North East, that the Secretary of State had decided not to call in the application to determine herself and that the application should remain with the Council for decision.

It was explained Development Control Committee on 2<sup>nd</sup> February, 2007 endorsed officers recommendations for approval in respect of the above-mentioned planning application. The decision to grant approval had been made in the knowledge that the application needed to be referred to GONE because whilst the housing development was on brownfield land the site was located outside the recognised residential framework of Trimdon Grange.

The purpose of referring the application to GONE was to enable the Secretary of State to decide whether or not she wished to call in the application to determine herself.

Notification had been received from GONE stating that the Secretary of State had decided not to call in the application and the application should remain within Sedgefield Borough Council for a decision.

**RESOLVED :** *That the recommendation for approval be endorsed and that the Head of Planning Services be given authority in consultation with the Borough's Solicitor to enter into a Section 106 Legal Agreement to secure the Heads of Terms set out in the report to the Committee.*

#### **DC.131/06 APPLICATIONS - BOROUGH MATTERS**

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

In respect of Application No ; 1 – Modifications to elevations, erection of rear extensions incorporating a granny annex, erection of canopy to front elevation and erection of triple garage to rear – The Larches, Thorpe Larches, Sedgefield, Mr. M. Mehra, 39, The Leas, Sedgefield – Plan Ref : 7/2006/0737/DM – it was explained that since the preparation of the report a request had been received from Sedgefield Town Council for referral of the application bearing in mind the complexity of the application and the need for all information to be considered prior to determining the application.

The Committee considered that in order for Members to familiarise themselves with the development site a site visit be held on 30<sup>th</sup> May, 2007 prior to determining the application.

**RESOLVED :** *That in respect of Application No : 1 - Modifications to elevations, erection of rear extensions incorporating a granny annex, erection of canopy to front elevation and erection of triple garage to rear – The Larches, Thorpe Larches, Sedgefield, Mr. M. Mehra, 39, The Leas, Sedgefield – the application be deferred pending a site visit to be held on 30<sup>th</sup> May, 2007.*

**DC.132/06 DEVELOPMENT BY SEDGFIELD BOROUGH COUNCIL**  
Consideration was given to a schedule detailing applications for development by Sedgfield Borough Council. (For copy see file of Minutes).

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

**DC.133/06 COUNTY DECISIONS**  
**NB :** In accordance with Section 81 of the Local Government Act 2000 and the Member's Code of Conduct, Councillors K. Henderson and J. Robinson, J.P., declared a personal and prejudicial interest in this item and left the meeting for its duration.

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.134/06 CONSULTATION FROM NEIGHBOURING AUTHORITY**  
A schedule detailing an application which were to be determined by Darlington Borough 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.135/06 COUNTY DECISIONS**  
A schedule of applications which had been determined by Durham County Council. (For copy see file of Minutes).

*RESOLVED : That the schedule be received.*

**DC.136/06 DELEGATED DECISIONS**  
Consideration was given to a schedule detailing applications which was to be determined by officers by virtue of their delegated powers. (For copy see file of Minutes).

*RESOLVED : That the schedule be received.*

**DC.137/06 APPEALS**  
Consideration was given to a schedule detailing outstanding appeals to 17<sup>th</sup> April, 2007. (For copy see file of Minutes).

*RESOLVED : That the schedule be received.*

**DC.138/06 RECENT PLANNING APPEAL DECISIONS**

Consideration was given to a report of the Director of Neighbourhood Services in respect of recent planning appeal decisions. (For copy see file of Minutes).

Members noted that appeals in relation to a planning decision to refuse the erection of a 2 storey extension to the front of No. 19, Northside Buildings, Trimdon Grange and the planning decision to refuse outline planning permission for the erection of 2 dwellings on land at Eldon Hope Drift, Eldon had both been dismissed.

*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 items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Paragraphs 1 and 6 of Part 1 of Schedule 12a of the Act.*

**DC.139/06 ALLEGED BREACHES OF PLANNING CONTROL**

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

*RESOLVED : That the schedule be received.*

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**ACCESS TO INFORMATION**

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# Item 4

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

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1. 7/2007/0093/DM APPLICATION DATE: 3 March 2007

PROPOSAL: **ERECTION OF 11 NO. LIGHT INDUSTRIAL/WAREHOUSE UNITS WITH ANCILLARY OFFICES AND ASSOCIATED FORECOURT AND SERVICE YARD**

LOCATION: **LAND AT LONG TENS WAY/MILLENNIUM WAY NEWTON AYCLIFFE CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Easter Properties (Newton Aycliffe) Ltd  
4 Grosvenor Place, London, SW1X 7ES

#### CONSULTATIONS

1. GREAT AYCLIFFE TC
2. Cllr. J.P. Moran
3. Cllr. W.M. Blenkinsopp
4. Cllr. Mr. J.K. Piggott
5. Freshwater Group
6. CTP Ltd
7. Sanderson Weatherall
8. North East Assembly
9. Network Rail
10. DCC (PROWS)
11. POLICE HQ
12. LANDSCAPE ARCH
13. DESIGN
14. ECONOMIC DEV
15. L.PLANS
16. ENGINEERS
17. ENV AGENCY
18. BR TELECOM
19. N.ELEC (DARLO)
20. BR GAS
21. BUILDING CONTROL
22. ENGLISH NATURE
23. NORTHUMBRIAN WATER
24. DARLO BORO
25. DCC (TRAFFIC)
26. DCC (PLANNING)
27. ENV. HEALTH
28. DCC (TRAFFIC)
29. ENGINEERS

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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**BOROUGH PLANNING POLICIES**

E14	Safeguarding Plant and Animal Species Protected by Law
E15	Safeguarding of Woodlands, Trees and Hedgerows
E17	Protection of Archaeological Remains
IB1	Types of Industry and Business Areas
IB5	Acceptable uses in Prestige Business Areas
T6	Improvements in Road Safety
T7	Traffic Generated by New Development
D1	General Principles for the Layout and Design of New Developments
D4	Layout and Design of New Industrial and Business Development

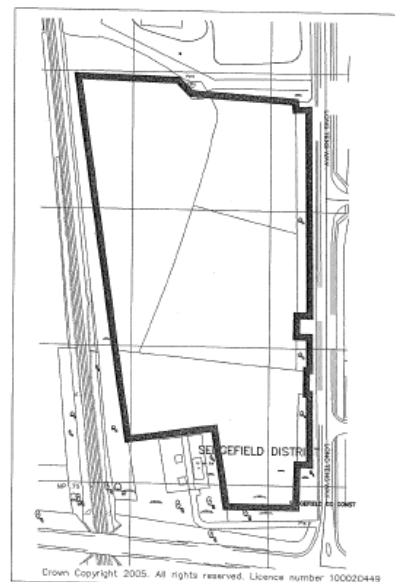
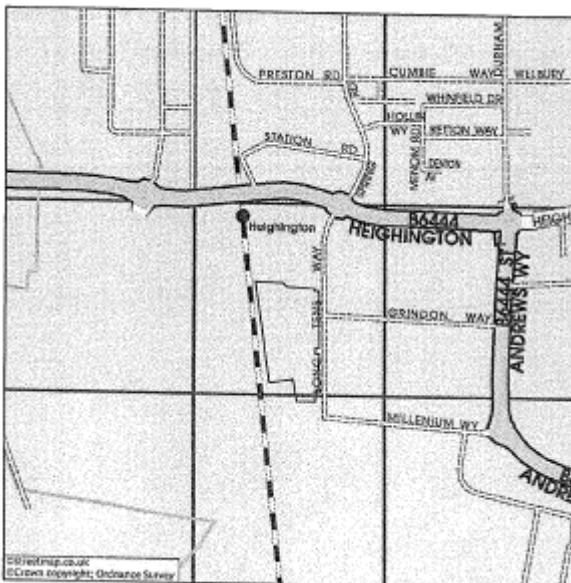
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**THE PROPOSAL**

This application seeks detailed planning permission for industrial development of a 3.91 hectare site to the west of Long Tens Way, Newton Aycliffe.

**SITE DESCRIPTION**

The application site is bound to the north by a waste transfer station, Long Tens Way to the east, Millennium Way and an electricity sub station and open fields to the south and the railway line to the west. The application site is a Greenfield site and consists of 4 fields that have previously been used for grazing animals. The site is divided into fields by hedgerows / shrubs and wire fencing and there are a several trees located in the centre of the site which will be retained within the proposed development. Two crab apple trees threatened by the development have been translocated under supervision to another part of the site that will remain undeveloped. Some poor quality hedgerows have been removed under the provisions of a previous consent.





**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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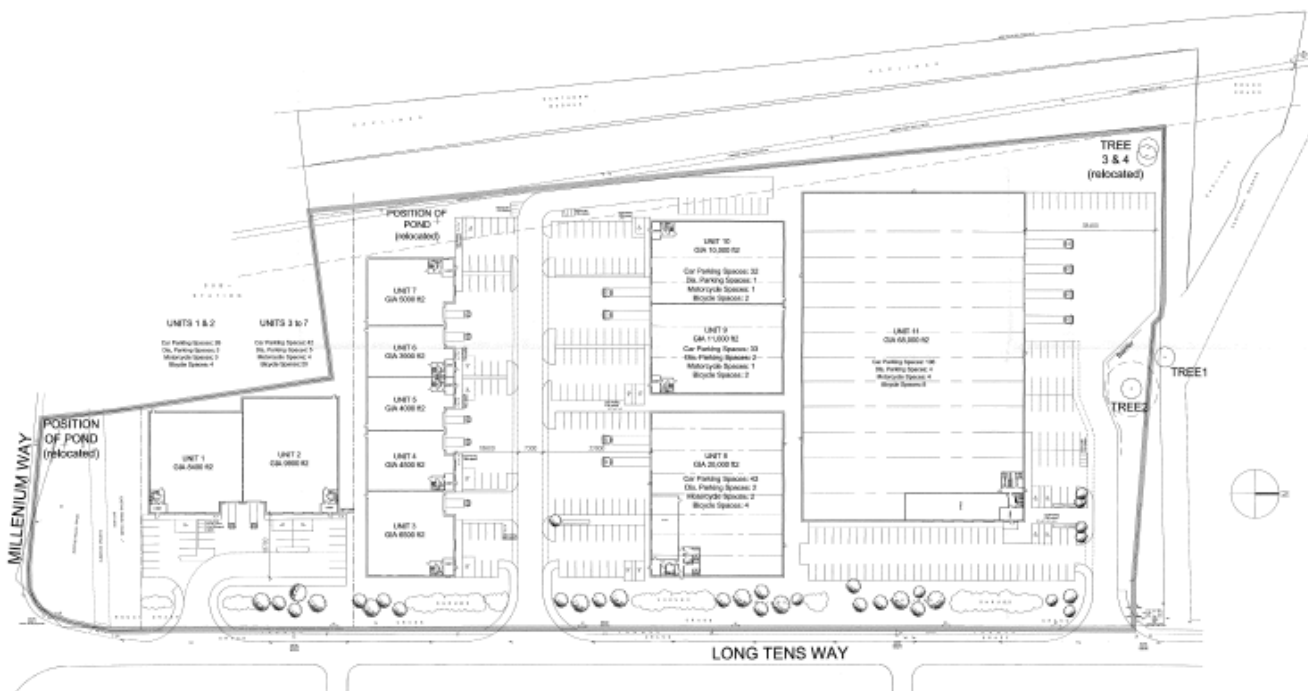
The application seeks permission for:

- the erection of 11 Industrial units providing a total floor space of 14,685sqm (external measurement) to be used for any purpose within Class B1 light industrial, Class B2 (general industrial) and Class B8 (storage and distribution).
- Car park, forecourt and servicing facilities for each unit comprising a total of 282 car parking spaces (17 disabled spaces), 15 loading bays for lorries and trucks and 40 cycle spaces.
- A mix of hard and soft landscaping including soft landscaping along the eastern boundary of the site and the enhancement of a shelterbelt that surrounds the site.

The application follows a similar one that was approved by the Council on 15<sup>th</sup> September 2006. Market demands have resulted in a change to the size and number of units that cannot be dealt with as an amendment to that earlier approval.

Access to the development is proposed via three new access points off Long Tens Way.

The proposed layout and access arrangements are shown below.



The original Environmental Impact Assessment, Environmental Statement and Traffic Impact Assessment have been updated and submitted with the application. The environmental statement covers a wide variety of issues including ecology and nature conservation, archaeology, transportation and access, and water resources and flood risk.

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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**CONSULTATION AND PUBLICITY**

**External Consultees**

**Great Aycliffe Town Council** has not responded.

**The Highway Authority** made technical comments on the submitted proposal, which have resulted in slight amendments to the site layout to enhance footway provision, and clarify the amount of cycle parking. There are no objections to the amended details.

**Durham County Council Rights of Way Officer** has not responded, but previously advised that the public bridleway No 11 on the southern boundary, public bridleway No 6 on the eastern boundary and public footpath No 5 on the northern boundary, all of Great Aycliffe Parish, would not be affected but it should be ensured that they are not obstructed or damaged.

**Durham County Council Policy Section** advises that the application site lies within a Prestige Business Area as identified in Policy IB5 of the Sedgefield Borough Local Plan, that there should be a high standard of landscaping, layout and building design in accordance with Policy 19 of the County Durham Structure Plan, and there are two ponds on the site that might support a breeding habitat for Great Crested Newts. Compliance with County Durham Structure Plan (CDSP) Policy 67D is therefore recommended with regard to survey and mitigation.

**Durham County Council Archaeological Section** has not responded to the consultation. However, previous work was undertaken by the applicant at their request, which indicated that there were no features of significant archaeological interest that would require further mitigation. As such no objections to the development were raised at that time.

**The Environment Agency** originally objected to the proposal due to lack of appropriate flood risk information. This has now been secured and forwarded to the Agency, who have confirmed that they now have no objections, but have advised that several conditions should be imposed relating to surface water run off and contaminated land.

**Natural England** has no objection, subject to a condition being imposed stating that no development shall be carried out unless in accordance with the mitigation detailed within the submitted report.

**Darlington Borough Council** as neighbouring authority, has confirmed that they have no comments to make.

**The North East Assembly** has no objections in principle as the proposal is considered to be in conformity with Regional Planning Guidance 1 and the submission draft Regional Spatial Strategy. It is recommended however that the Council is satisfied with issues such as ecology and requirement for a travel plan.

**Network Rail** has made a range of comments relating to safety precautions during and after development. Where appropriate, they have been incorporated into the recommendation at the foot of this report.

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

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**Durham Constabulary Architectural Liaison Officer** has made several comments about security and methods of crime prevention. These will be passed on to the applicant for information.

#### Internal Consultees

**Engineering Services Team** has made similar comments to those of the Highway Authority.

**Environmental Health Team** has commented on health and safety issues relating to the external layout of the site.

**Forward Planning Team** has provided a comprehensive policy response which forms the basis of the planning considerations below.

**Landscape Architect** has made some detailed comments about landscaping issues. It is clear however that the more major issues such as tree translocation, hedgerow removal and filling in of ponds have already taken place under the provisions of the previous conditional planning consent. Remaining issues can be addressed by imposing normal landscaping conditions if planning permission is granted for the current proposal.

#### Publicity Responses

Site notices were erected, an advertisement placed in the local press and letters were sent to neighbouring occupiers to publicise the application.

A nearby company is concerned that site works already carried out, and the development described in the application, will have a damaging effect upon landscape features and protected wildlife species. This concern is heightened because the company alleges that expansion of its own business has previously been denied for similar reasons. As no formal objection has been made however, an appropriate response has been sent to the company. No other responses have been received.

#### PLANNING CONSIDERATIONS

The main planning considerations are as follows:

- Compliance with National Planning Policy and Guidance and Local Plan Policies, Supplementary Planning Guidance
- Ecology and nature conservation
- Archaeology
- Transportation and access
- Water resources and flood risk
- Design and layout
- Energy efficiency

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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**Compliance with National Planning Policy and Guidance and Local Plan Policies**

The land that is subject to this application is designated under Policy IB2 'Designation of Type of Industrial Estate' of the Borough Local Plan as an existing prestige business area. The primary objective of prestige business areas is to encourage the manufacturing and service industries. Class B1, B2, and B8 are acceptable uses under Policy IB5 'Acceptable Uses in Business Areas'. In all cases a high standard of site layout, building design and landscaping is required as set out in Policy D4 and SPG 2 'Development on Prestige Business Areas'. In this instance it is considered that the proposal is in accordance with these policies.

Policy 19 of the County Durham Structure Plan (CDSP) supports this view by stating that, when developing prestige employment sites for industrial uses, developments should incorporate high standards of layout, landscaping and building design should be maintained. It also emphasises that Prestige industrial estates are major, strategically important sites where high standards of layout, building design and landscaping is sought.

PPG4 (Industrial, commercial development and small firms) sets out locational factors for development of this nature to be considered against. As this location is well separated from the residential areas of Newton Aycliffe, and having excellent transport links to national routes, the site performs well against the locational requirements set out in PPG4.

Policy DP1 of RPG1 sets out the sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimise the development of previously developed land and buildings in sustainable locations

Given the above the development represents an acceptable use within a prestige business area, where the principle of industrial development on the site has been firmly established through the Local Plan process.

**Ecology and Nature Conservation**

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'.

Given the existence of a population of great crested newts on the business park and adjacent land a strategy for the great crested newts on the business park and for the future Heighington Lane West area was commissioned and a survey of 13 ponds within the area was carried out in spring 2004. It was found that great crested newts were found in all but ponds 1, 2, 3 and 4 of which ponds 3 and 4 are located on the application site. This survey was then repeated in March, April and May 2006 and no great crested newts were found and as such no mitigation considered necessary.

## **SEDFIELD BOROUGH COUNCIL**

### **PLANNING APPLICATIONS - TO BE DETERMINED**

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Separate planning permission has been granted previously to the County Durham Development Company to rationalise and improve the inhabited ponds to the northwest, and the recently approved regional distribution centre for Lidl (UK) also provides for a mitigation area for great crested newts. As part of this application it is proposed to remove the existing ponds and despite the apparent absence of great crested newts from the site the applicant proposes several measures to improve the remaining habitat for the benefit of this species, including construction of a new pond and appropriate enhancement of the shelter belt.

In addition to the great crested newt survey a bat survey was also conducted in 2006 and involved the inspection of trees by an arborist and a licensed bat worker. The bat survey identified that most of the potential roosting habitats within trees identified from the ground were physically unsuitable or did not exist on closer inspection. No signs of any past or current bat use were found on site and so the potential impacts to bats as a result of the development are likely to be negative to neutral of low to no significance.

In terms of other protected species the application site was assessed for the presence of badgers, dormice, birds and reptiles and it was concluded that there would be no detrimental impact to these species, although a condition is recommended ensuring that no work is undertaken in summer months in order that development does not impact on any breeding birds. As such the proposal is considered acceptable and from the information submitted there would be no detrimental impact to any protected species.

Natural England have no objection, subject to the imposition of a condition requiring adherence to the specified mitigation measures.

There are four hedgerows that contain several trees that are considered to be species poor and have suffered from long term under management and their removal is considered to be acceptable under the Hedgerow Regulations 1997. However, three crab apple trees of significant maturity were protected by a Tree Preservation Order in 2006. Given the importance of these trees it is considered that they must be retained. Two trees that were in the middle of the site have been relocated to the northwest corner of the application site in conjunction with advice of, and close supervision of the Tree Officer.

#### **Archaeology**

The archaeological potential of the site was assessed prior to submission of the earlier application, using information held at the Durham Sites and Monuments Record, from a site walkover undertaken in January 2006 and an intrusive archaeological field evaluation undertaken in June 2006. The history of the site was reviewed by the applicant by a study of documents and although historic aerial photographs and the site visit identified remains of ridge and furrow earthworks and following completion of the field evaluation, the site has been shown to have limited archaeological potential. It was found that there is negligible archaeological interest for the southern part of the site and low potential for features not associated with medieval and post medieval / modern agricultural land management for the northern part of the site. The residual impacts of the development are therefore considered to be negligible and no mitigation measures are considered necessary. These conclusions are still considered relevant, despite the lack of response to consultation on the current application.

## **SEDGEFIELD BOROUGH COUNCIL**

### **PLANNING APPLICATIONS - TO BE DETERMINED**

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#### **Transportation and Access**

The Traffic Impact Assessment has shown that the development would have a negligible impact on the local transport infrastructure during construction and once completed. The existing highway infrastructure can adequately accommodate the development at the assumed opening year of 2007. Improvements to cycle and pedestrian routes and facilities would be made with the provision of a shared pedestrian / cycle footpath across the site and 40 cycle spaces would be provided. It is considered that the proposed parking and servicing areas are acceptable.

In addition, to encourage sustainable transport choices by future employees of the units a travel plan would be developed to help reduce car use and promote sustainable travel choices.

#### **Water Resources and Flood Risk**

The impact of the development on surface water and groundwater and also potential risk of flooding has been considered by the applicant and a flood risk assessment was carried out. It is considered that the overall impact on groundwater and surface water is negligible during the construction phase. During the sites operation the risk of flooding is negligible as is the potential impact on groundwater flows as a result of drainage and service runs. In terms of surface water it is considered that because the additional surface water runoff from areas of hardstanding would be collected in a tank before being discharged the impacts on surface water would be negligible.

#### **Design and Layout**

The application proposes a mix of 11 industrial units constructed with a steel superstructure and a mix of cladding systems and all the units would be constructed from the same materials to create colour and design uniformity. The submitted details reflect design improvements that were originally secured during the course of the earlier planning application. Those improvements fundamentally increased the amount of glazing and introduced coloured cladding into the elevations of some of the units. This contributes to reducing the overall scale and bulk of the buildings, together with other measures such as keeping roof heights to a minimum. Externally it is proposed there would be a mix of hard and soft landscaping with soft landscaping proposed along the eastern site boundary, which would be maintained as rough grass and saplings. In addition, the shelterbelt that surrounds the site would be retained and enhanced by the addition of native species. The southern area of the site would remain undeveloped.

#### **Energy Efficiency**

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 developments of all types. 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, and would reflect the approach that has been adopted in respect of similar proposals elsewhere.

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**PLANNING APPLICATIONS - TO BE DETERMINED**

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**CONCLUSION**

It has been demonstrated that the proposed development would have a negligible impact on a wide range of issues identified above and is in accordance with national and local plan policy. The proposed development would result in a high quality development and of a high architectural standard representative of its location in a prestige business area. As such the proposed development is considered acceptable.

**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 approve 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 be 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. 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 site layout plan (drawing no. PL108 revision E) received on 27th April 2007.

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

4. 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

## **SEDGEFIELD BOROUGH COUNCIL**

### **PLANNING APPLICATIONS - TO BE DETERMINED**

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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.

5. 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.

6. 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.

7. No development shall take place unless in accordance with the mitigation detailed within paragraphs 13.0 - 16.0 and Appendices V - VI of the protected species report entitled Land at Long Tens Way, Newton Aycliffe, Durham - Great Crested Newt and Bat Survey, version 4 (Michael Woods Associated July 2006) including, but not restricted to provision of habitat mitigation and enhancement works, undertaking confirming surveys; adherence to precautionary working methods.

Reason: To safeguard species protected by law and to comply with Policy E14 Safeguarding Plant and Animal Species Protected by Law.

8. 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.

9. Prior to the commencement of development, a scheme for disposal of sewage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be completed in accordance with the approved details prior to the first occupation of the development.

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

10. 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.



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### **PLANNING APPLICATIONS - TO BE DETERMINED**

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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.

11. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

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

12. 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 and to comply with Policy D13 (Development Affecting Watercourses) of the Sedgefield Borough Local Plan.

13. 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.

14. The development hereby approved shall not be occupied until details of the means of boundary treatment have been submitted to and approved in writing by the Local Planning Authority and has been implemented on site in accordance with the approved plans.

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.

15. The development shall not be occupied until details of the means of storage and disposal of refuse have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the scheme shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with 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) of the Sedgefield Borough Local Plan.

16. The development shall not be occupied until the vehicle parking areas have been laid out in accordance with the approved plans, unless otherwise agreed in writing with the Local Planning Authority

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

## **SEDGEFIELD BOROUGH COUNCIL**

### **PLANNING APPLICATIONS - TO BE DETERMINED**

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17. The development shall not be occupied until details of lighting used in any external areas has been submitted to and approved in writing by the Local Planning Authority and has been implemented on site in accordance with the approved plans.

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.

18. 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 during the period of site operations connected with construction.

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.

19. Construction work and deliveries associated with the proposal shall only take place between the hours of 8am and 6pm Monday to Friday, 9am to 2pm on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to protect the amenity of local residents and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

20. During the course of construction, no waste materials shall be burned on the site and no building, packing or other materials shall be allowed to blow off the site. Reason: In order to protect the amenity of local residents and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

Reason: In order to protect the amenity of local residents and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

21. No development shall take place until a dust management plan has been submitted to and approved by the Local Planning Authority. The plan shall contain details of water suppression, containment of finely divided materials, how internal roads and highways will be cleaned, and details of daily visual inspections.

Reason: In order to protect the amenity of local residents and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

22. 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.

23. 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 Sedgefield Borough Local Plan.

## **SEDGEFIELD BOROUGH COUNCIL**

### **PLANNING APPLICATIONS - TO BE DETERMINED**

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24. Prior to the commencement of the development full construction details of the proposed ponds within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

Reason: To safeguard species protected by law and to comply with Policy E14 Safeguarding Plant and Animal Species Protected by Law.

25. There shall be no site clearance or ground disturbance during the months of March and August inclusive unless it can be proven by a suitably experienced person that no nesting birds are utilising the site on the day such clearance is due to take place.

Reason: In order to safeguard protected species in accordance with Policy E14 (Safeguarding Plant and Animal Species Protected by Law) of the Sedgefield Borough Local Plan.

#### **INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION**

In the opinion of the Local Planning Authority the proposal is acceptable in terms of its location, design, use of materials, layout, amenity, highway safety and car parking.

#### **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:

Policy E14 Safeguarding Plant and Animal Species Protected by Law

Policy E15 Safeguarding of Woodlands, Trees and Hedgerows

Policy E 17 Protection of Archaeological Remains

Policy IB1 - Types of Industry and Business Areas

Policy IB5 - Acceptable Uses in Prestige Business Areas

Policy T6 Improvements in Road Safety

Policy T7 - Traffic Generated by New Development

Policy D1 - General Principles for the Layout and Design of New Developments

Policy D4 - Layout and Design of New Industrial and Business Development

SPG 2 'Development on Prestige Business Areas'

**SEDGEFIELD BOROUGH COUNCIL**

**PLANNING APPLICATIONS - TO BE DETERMINED**

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2. 7/2007/0130/DM APPLICATION DATE: 13 March 2007

PROPOSAL: **ERECTION OF INDUSTRIAL UNIT**

LOCATION: **UNIT 1 MILLENNIUM WAY PARK 2000 HEIGHINGTON LANE  
BUSINESS PARK NEWTON AYCLIFFE CO DURHAM DL5 6XZ**

APPLICATION TYPE: Detailed Application

APPLICANT: Ashtenne Industrial Fund Ltd  
Nations House, 103 Wigmore Street, London,

**CONSULTATIONS**

1. GREAT AYCLIFFE TC
2. Cllr. J.P. Moran
3. Cllr. W.M. Blenkinsopp
4. Cllr. Mr. J.K. Piggott
5. LANDSCAPE ARCH
6. DESIGN
7. ECONOMIC DEV
8. L.PLANS
9. Lee White
10. ENV. HEALTH
11. ENGINEERS
12. WILDLIFE TRUST
13. BR TELECOM
14. DCC (PROWS)
15. N.ELEC (DARLO)
16. BR GAS
17. ENGLISH NATURE
18. NORTHUMBRIAN WATER
19. DCC (TRAFFIC)
20. DCC (PLANNING)
21. ENV AGENCY
22. N.ELEC. (DUR)

**NEIGHBOUR/INDUSTRIAL**

Unit 2 Unit 3 Unit 6 Unit 7 Unit 1

**BOROUGH PLANNING POLICIES**

IB2 Designation of Type of Industrial Estates  
IB5 Acceptable uses in Prestige Business Areas  
D4 Layout and Design of New Industrial and Business Development

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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**BACKGROUND AND DETAILS OF PROPOSAL**

In April 1999 detailed planning permission was granted for 7 business units at Millennium Way, on Park 2000, Aycliffe Industrial Estate. In June 2005 one of the units was subject to a serious fire that led to the demolition of the building and the clearance of the site.

This applicant now seeks planning permission for the erection of a single storey industrial unit consisting of a warehouse, two offices, and a reception on land at Millennium Way, Aycliffe Industrial Park (See site location Plan). The proposed development would provide a total of 2508 sq. metres of industrial space and 269 sq. metres of associated office space and 61 sq metres of ancillary space (reception, entrance hall and toilet).



This building would be almost identical in terms of appearance and would occupy exactly the same floor space.

**APPLICATION SITE AND ITS SURROUNDINGS**

Park 2000 site is a relatively new prestige industrial estate located at the south eastern corner of Newton Aycliffe's Industrial Park/Estate and commands a prominent location on Millennium Way. Junction 59 of the A1M motorway is nearby to the south-west with good links to the site and the overall industrial estate.

**CONSULTATIONS AND REPRESENTATIONS**

Great Aycliffe Town Council has raised no objections

The County Highway Engineer has no objections to the development.

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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The Environment Agency has raised no objections to the development

Natural England has raised no objections to the development

Environmental Health has raised no objections.

Northumbrian Water has raised no objections.

A site notice was erected, an advertisement printed in a local newspaper and letters sent to neighbouring occupiers. To date no letters of objection have been received.

**PLANNING CONSIDERATIONS**

The application site is located within the Aycliffe Business Park that is designated as a Prestige Business Area by virtue of Policy IB2 (Designation of Type of Industrial Estate) of the Borough Local Plan. Development within Prestige Business Areas is governed by Policy IB5 (Acceptable Uses in Prestige Business Areas) and D4 (Layout and Design of New Industrial and Business Development) from the Council's Local Plan.

Policy IB5 limits the type of uses on Prestige Industrial Estates to Business, General Industry and Warehousing, and also states that any development new development should provide for a particularly high standard of a site layout, building design and landscaping, in accordance with Policy D4. In this instance the proposed use for the site would be for the purposes of general industry and warehousing because the process involves packaging and distribution.

Policy D4 (Layout and Design of New Industrial and Business Development) sets out three main requirements for new industrial developments

*a) Have a standard of building design for a prestige industrial estate*

In this instance the design of the building would replicate exactly the design of the building that was previously acceptable on the site. Although there has been more emphasis place upon the design of building by Planning Policy Statements, it is considered that the design of the building would still be of a design, size and scale that would be in-keeping with other units in the immediate surrounding area and would be of a standard that is appropriate to a Prestige Industrial Estate.

*b) Accommodate traffic generated by the development without causing danger or inconvenience to other road users*

In this instance County Engineer has raised no objections. Furthermore, the intensity of the use would be no different to what already existed on the site. The layout of park 2000 was approved as part of the original scheme.

*c) Have an appropriate standard of landscaping including screening of open storage areas*

The landscaping scheme for Park 2000 has already been implemented, although a condition could be attached to ensure that any vegetation that has been damaged is replaced through a landscaping scheme.

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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**CONCLUSIONS**

Since planning permission was granted by the Development Control Committee in 1999 there have been no significant change in terms of policies set-out in the Sedgefield Borough Local Plan.

In 1999 the recommendation to Committee concluded that 'the proposal accords with the requirements of the Borough Local Plan and provides for well designed speculative business units which is to be welcomed at an important gateway site.' Given that the external appearance, location and access would be identical it is considered that there are no planning grounds to warrant refusal of planning permission and that the replacement building is to be welcomed.

**RECOMMENDATION: Approve planning permission 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. 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.

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.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out prior to the occupancy of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority 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.

4. No trees on the site shall be lopped, topped, pruned or felled, without the prior consent of the Local Planning Authority. Any 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.

## **SEDGEFIELD BOROUGH COUNCIL**

### **PLANNING APPLICATIONS - TO BE DETERMINED**

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5. 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, of the building have been submitted to and approved by 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.

6. There shall be no open storage on the site of cartons, packing cases, waste materials or materials awaiting fabrication, or finished or partly finished products.

Reason: In the interests of the appearance of the site and the visual amenities of the surrounding area, and to comply with IB Policies (Industry and Business) of the Sedgefield Borough Local Plan.

#### **INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION**

In the opinion of the Local Planning Authority the proposed development is appropriate in location to the scale and character of the surrounding area, makes adequate provision for car parking and access, and would not cause significant harm to adjoining business and industrial premises.

#### **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 consideration including Supplementary Planning Guidance: -

Policy IB2 (Designation of Type of Industrial Estate)

Policy IB5 (Acceptable Uses in Prestige Business Areas)

Policy D4 (Layout and Design of New Industrial and Business Development)



**SEDGEFIELD BOROUGH COUNCIL**

**PLANNING APPLICATIONS - TO BE DETERMINED**

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3. 7/2007/0162/DM APPLICATION DATE: 12 March 2007

PROPOSAL: **ERECTION OF 64 BED SECURE HEALTHCARE FACILITY WITH ASSOCIATED CAR PARKING, LANDSCAPING AND ANCILLARY FACILITIES**

LOCATION: **FORMER SEDGEFIELD COMMUNITY HOSPITAL SALTERS LANE SEDGEFIELD STOCKTON ON TEES**

APPLICATION TYPE: Detailed Application

APPLICANT: Care Principles  
c/o Agent

**CONSULTATIONS**

1. SEDGEFIELD TC
2. Cllr. Mr. J. Robinson
3. Cllr D R Brown
4. Cllr. J Wayman J.P.
5. DCC (PROWS)
6. POLICE HQ
7. LANDSCAPE ARCH
8. DESIGN
9. ECONOMIC DEV
10. L.PLANS
11. Lee White
12. ENV. HEALTH
13. ENGINEERS
14. CIVIC TRUST
15. WILDLIFE TRUST
16. ENV AGENCY
17. FAMILY HEALTH
18. COMM. HEALTH
19. BR TELECOM
20. N.ELEC (DARLO)
21. BR GAS
22. BUILDING CONTROL
23. ENGLISH NATURE
24. NORTHUMBRIAN WATER
25. DCC (TRAFFIC)
26. DCC (PLANNING)
27. N.ELEC. (DUR)
28. North East Assembly
29. One North East
30. County Durham Development Company

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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**NEIGHBOUR/INDUSTRIAL**

Beacon Avenue:6  
MMCG  
Weterton Cottages:3,2,1  
The Lizards  
The Willows  
Dalveen  
St Lukes  
Crescent:1,2,3,4,5,6,7,8,9,10,11,12,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35  
Weterton House Farm  
Willowdene Care Home  
The Shieling  
Southdown Lodge  
North West Lodge  
West Lodge  
Greystones House  
Eastholme House  
Incubator 1  
Institute Building  
Homestall:2,1  
Winterton Cottages:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18  
Winterton  
Avenue:69,68,67,66,65,64,63,62,61,60,59,58,57,56,55,54,53,52,51,50,49,48,47,46,45,44,43,42,41,40,39,38,37,36,35,34,33,32,31,30,29,28,27,26,25,24,23,22,21,20,19,18,17,16,15,14,12,11,10,9,8,7,6,5,4,3,2,1  
Wellgarth  
Mews:1,2,3,4,5,6,7,8,9,10,11,12,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34  
12a Millclose Walk  
Millclose Walk:17,16,15,14,12,11,10,9,8,7,6,5,4,3,2,1  
St Lukes Church  
Farfield Manor:1,2,3,4,5,6  
Pasture Field:21,20,19,18,17,16,15,14,12,11,10,9,8,7,6,5,4,3,2,1  
Turnpike  
Walk:1,2,3,4,5,6,7,8,9,10,11,12,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34  
Townend:2,1

**BOROUGH PLANNING POLICIES**

L15	Winterton Hospital Estate
D1	General Principles for the Layout and Design of New Developments
T7	Traffic Generated by New Development

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**SEDFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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**PROPOSAL**

Planning permission is sought for the erection of a 64 bed secure healthcare facility with associated car parking, landscaping and ancillary facilities on the site of the former Sedgfield Community Hospital, Salters Lane, Sedgfield. The proposal seeks to redevelop the site into a specialist treatment centre that would provide secure accommodation along with associated therapeutic learning support and recreational facilities. The facility would provide care for up to 64 adults with learning disabilities, personality disorders or autistic spectrum disorders.



Site location plan (not to scale)

The proposal involves the construction of the following individual elements:

- Four 'houses' each comprising 16 single bedrooms, lounge, stores and ancillary rooms in two wings, and a central hub containing dining area, treatment rooms, kitchen, utility room and office. Whilst essentially single storey in appearance, the hub would have a higher roof to accommodate staff room, offices, stores, toilets and plant room.
- A two-storey reception building with entrance lobby, offices, patient meeting rooms, staff training rooms, plant and storage rooms.
- A two-storey administration building principally containing offices and meeting rooms. (*subordinately linked to reception building*)
- A dining building with kitchen, stores and toilet facilities at ground floor, and dining room and servery at first floor. (*subordinately linked to administration building*)
- A two-storey gymnasium building with ancillary woodwork/metalwork art rooms and staff rooms, together with outside ball courts.

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- A single storey workshop building containing two workshops with central materials store, offices and mess room.
- A boiler house.



*Illustrative site layout plan (not to scale)*

Houses 1, 2 & 3 would be sited within an area of medium security, provided by way of a 5.2 metre high perimeter fence. Access to and from this secure area would be by way of 'air lock' transfer either through the reception building or via adjacent double gates. House 4 would be outside this secure area, and used to accommodate patients with lower security status. A standard 2 metre high timber fence would enclose the curtilage of this building.

The reception, administration and dining buildings would be linked together by subordinate elements to break up the bulk of the resulting block, and would be staggered to add even more visual interest. The different functions of the three buildings result in a different design and visual appearance for each one, with more resulting aesthetic variety.

Access to the site would essentially be an improved version of the existing access point off the B1278, leading to parking areas to the front of the reception and administration buildings.

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Existing peripheral landscaping would be retained where possible and supplemented by new native hedgerow and tree planting. Other landscape features include formation of a pond near to the entrance, formal grassed garden areas around the accommodation blocks, and wildflower/informal grassed areas outside the security fence.

The application is accompanied by the following comprehensive supporting documents which have been assessed where appropriate by consultees prior to making their observations set out below:

- Community consultation statement
- A town planning statement
- Transportation statement
- Design and access statement
- Flood risk assessment
- Arboricultural survey
- Ecological impact assessment
- Technical development appraisal
- Landscape and visual impact assessment
- External lighting design planning statement
- Archaeological desk based assessment
- Renewable energy statement

### CONSULTATION AND PUBLICITY RESPONSES

#### External Consultees

**Sedgefield Town Council:** No objections.

**Natural England:** No objections, subject to recommended conditions to ensure compliance with ecological impact assessment and specified mitigation measures.

**Durham County Council Archaeology:** No objections

**Durham County Council Highway Development Control:** No objections in principle. It is recommended that vegetation within sight visibility splays be cleared before commencement of development.

A dropped kerb pedestrian crossing point is required just beyond northern end of entry splay to existing bus stop on B1278 opposite the site entrance. This should align with a similar pedestrian crossing point to be created just beyond the northern 10 metre junction radius of improved access. The two redundant access points to the north will need to be properly abandoned and replaced with footway construction. Most of this work will need to be carried out under a Section 278 agreement.

The Traffic Assessment has been examined by the Travel Planning Team, and is considered lacking in some areas.

**Durham County Council Public Rights of Way Officer:** No objections, but advises of the possibility of unrecorded rights of way across the site.

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**Durham County Council Policy Team:** No objections in principle, but advises that the Council needs to be satisfied that the development would not compromise the long term development of NETPark. Various other points have been raised in respect of sustainability issues.

**North East Assembly:** No objections, but advises LPA to carefully consider whether the applicant has considered other sites as part of a sequential test under RPG1 and draft RSS.

**One North East:** Has no objections to the proposal, but asks that consideration is given to the potential impact upon NETPark (and its allocated expansion area), that a high quality of design is achieved, and that 10% renewable energy measures be provided within the scheme.

**Environment Agency:** No objections subject to standard conditions to investigate and control contamination of controlled waters and general pollution of the water environment.

**Gas / Electricity Utilities:** No objections.

Internal Consultees

**Sedgefield Borough Council Engineering Services:** No objections subject to agreement of visibility splays with DCC.

**Sedgefield Borough Council Landscape Architect:** No objections subject to imposition of landscape conditions.

**Sedgefield Borough Council Policy Team:** Accords with Policy L15 of Local Plan. The proposed security fence must satisfactorily blend in with its surroundings to be fully compliant with PPS1.

**Sedgefield Borough Council Environmental Health Section:** Recommends conditions relating to hours of construction works, noise and dust suppression, wheel washing facilities, and further investigation and remediation of contamination.

Publicity

Four letters of objection have been received from the public on the following summarised grounds:

- Additional traffic generated by the development would exacerbate existing problems with speeding traffic and increase the potential for accidents
- The occupants of the unit would pose a risk to community safety and security of high technology businesses in NETPark.
- The security fence would be prominent in the landscape
- There would be noise and disruption during the construction phase

A letter of objection has been received from the Maria Mallaband Care Group who operate the adjacent Willowdene Care Home, on the following principal ground:

- The frail and elderly occupants of the care home would be at risk because no secure facility is completely secure

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A letter of objection has been received from the NETPark Executive Board on the following grounds:

- The application site lies in the corner of the 77 hectare NETPark site, and the development would be incompatible with the vision for the area
- The security fence and the 'agricultural' appearance of the buildings would contrast starkly with the low density NETPark development site, where buildings will be of modern design using contemporary materials

*(For clarity, Sedgefield Borough Council is a member of the Executive Board, but the board issued its objection without any prior participation by Borough Council Officers)*

A letter of objection has been received from Leith Planning Ltd., on behalf of unnamed clients who, it is claimed, are concerned to ensure that all facilities and establishments for psychiatric care and rehabilitation are constructed and operated to recommended standards in the interests of prospective patients, local residents and fair competition. Significant emphasis is placed on the categorisation of the proposed facility under the Town and Country Planning (Use Classes) Order 1987 as amended by Statutory Instrument SI 2006/1282. It is asserted that the development falls within Use Class C2A "Secure Residential Institutions" rather than being a healthcare facility.

*The objection by Leith Planning Ltd. has an element of commercial competition, which cannot be taken into account. Furthermore, there is no indication in the application that the facility would fail to meet proper standards for future patients, with clearly a high standard of on-site accommodation and welfare facilities. In any event, such facilities are regulated under separate legislation. The comments about the specific use class for the proposal are to some degree erroneous. The application documents make many references to the proposal falling within Class C2A, but this need not be specified in the application description. It is proposed however to clarify this position and to restrict future changes to other uses within Class C2A by imposing an appropriate condition.*

### **PLANNING CONSIDERATIONS**

The main planning considerations are considered to be as follows:

- Compliance with National, Regional and Local Policy
- Design and layout of buildings
- Access, parking and highway safety
- Landscape / ecological / archaeological impact
- Renewable energy provision

#### **Compliance with National, Regional and Local Policy**

The application site is the site of the former Sedgefield Community Hospital which closed a number of years ago. The buildings have subsequently been demolished, but much of the infrastructure, including concrete floors of the ward blocks, remains. The site is therefore regarded as a brownfield site, lying midway between the settlements of Sedgefield and Fishburn.

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There has been significant change in the locality with the closure of the community hospital, Winterton Hospital and the associated South View Annex, and this was anticipated in the preparation of the Sedgefield Borough Local Plan, which prescribed policy for the future redevelopment of these sites.

**POLICY L15 THE COUNCIL IN CONSIDERING THE FUTURE USES OF THE WINTERTON HOSPITAL AND SEDGEFIELD COMMUNITY HOSPITAL SITES WILL REQUIRE DEVELOPMENT PROPOSALS TO FORM PART OF A COMPREHENSIVE PLANNING SCHEME THAT:-**

- (A) CONSERVES THE LANDSCAPE SETTING OF THE WINTERTON HOSPITAL SITE;**
- (B) RETAINS ANY BUILDINGS AND OTHER SITE FEATURES OF IMPORTANCE;**
- (C) INCLUDES BUSINESS USES AS A SIGNIFICANT PART OF ANY MIXED DEVELOPMENT SCHEME;**
- (D) SECURES THE RECLAMATION OF ANY RESIDUAL LAND AREAS TO OPEN LAND USES; AND**
- (E) MAINTAINS THE OPEN LAND BETWEEN THE WINTERTON HOSPITAL SITE AND THE SEDGEFIELD COMMUNITY HOSPITAL SITE.**

**ACCEPTABLE USES WITHIN A MIXED DEVELOPMENT SCHEME ON THE WINTERTON SITE INCLUDE:-**

**BUSINESS  
HOUSING  
COMMUNITY HOSPITAL  
HOTELS AND HOSTELS  
RESIDENTIAL INSTITUTIONS  
PUBLIC HOUSE OR RESTAURANT**

**ACCEPTABLE USES ON THE SEDGEFIELD COMMUNITY HOSPITAL SITE INCLUDE:-**

**COMMUNITY HOSPITAL  
RESIDENTIAL INSTITUTIONS  
OPEN LAND USES**

**ACCEPTABLE USES ON THE SOUTH VIEW ANNEX SITE INCLUDES:-**

**COMMUNITY HOSPITAL  
HOUSING**

The status of the proposed use in respect of its compliance with Policy L15 has been examined carefully by the Forward Planning Team, particularly as the Town and Country Planning (Use Classes) Order 1987 was amended in 2006 to provide a new sub-class for 'secure residential institutions' (class C2A). At the time that Policy L15 was adopted, the proposal would have constituted a 'residential institution' under class C2, because it would provide "*residential accommodation and care to people in need of care.....or use as a hospital or nursing home, or as a residential school, college or training centre.*" Despite the introduction of the new use class



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in 2006, the nature of the use is considered still to fall within, and comply with, Policy L15.

As pointed out by the North East Assembly, the Local Planning Authority would need to be satisfied that there are no sequentially preferable sites within existing settlements to accommodate the development, or whether to apply any sequential test more flexibly because of the operational requirements of the development.

The operational requirements of the development are set out in the application as follows.

**The site must -**

- 1 Be within an identified and targeted regional area:**  
The site lies within the North East Strategic Health Authority Region, an area targeted for development by Care Principles in response to service demand and healthcare policy. The site meets this criterion.
- 2 Be within a pleasant rural environment or on the urban fringe:**  
The hospital is located on readily accessible allocated land between the settlements of Sedgefield and Fishburn as well as being close to Spennymoor, Darlington, Newton Aycliffe, Stockton on Tees Middlesbrough and Durham. The site is well screened with views out across the adjacent countryside as well as being served by a robust transport network. The site meets this criterion.
- 3 Be between 5 and 20 acres in size (larger sites will also be considered):**  
The hospital site comprises approximately 13 acres of land. The site meets this criterion.
- 4 Be relatively flat and developable:**  
The site is flat, allocated for healthcare development within the local plan, previously supported a healthcare use at the site for over 150 years and has access to a local population with significant experience of and skills associated with the healthcare sector. The site offers an excellent opportunity to develop additional services to deliver regionalised healthcare provision. The site meets this criterion.
- 5 Be within 0-15 miles of a large town or population centre:**  
The hospital is located on readily accessible allocated land between the settlements of Sedgefield and Fishburn as well as being close to Spennymoor, Darlington, Newton Aycliffe, Stockton on Tees Middlesbrough and Durham. The site meets this criterion.
- 6 Be located near to principal transport routes:**  
The site affords excellent access to major regional rail and road transport networks – the A1M, A689, A177, A19 along with national and regionalised rail access at Durham, Darlington, Newton Aycliffe, Stockton on Tees and Middlesbrough. The site also lies adjacent to a bus route. The site meets this criterion.
- 7 Have ready access to adequately sized utilities:**  
The hospital site has adequate utilities provision in respect of capacity and location. Mains drainage and water are available, along with gas, power and telecommunication (voice and data) services. The location of the site and its proximity to major transport links has facilitated this. The site meets this criterion.

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- 8 Have an existing building footprint of 3000 to 6500 square metres:**  
The previous hospital buildings footprint was considerably in excess of 6000 square metres and comprised a mixture of single and two-storey structures dispersed across the hospital site. The site meets this criterion.
- 9 Ideally have no listed buildings on the site which because of their listing would constrain or constrict the development:**  
The hospital site does not have any listed buildings, nor is it located within a Conservation Area, Site of Special Scientific Interest, and Area of Outstanding Natural Beauty or have any other special listing or protection status that would prohibit development. The site meets this criterion.
- 10 Have an appropriate planning use classification:**  
The site is allocated for healthcare within the local plan and the proposed use has been confirmed as appropriate by the local planning authority. The site meets this criterion. No other site that has been available for consideration and appraisal in the search area has met the site selection and appraisal criteria listed above to the extent and depth that the former Sedgefield Community Hospital site has.

The applicant also states that *“None of the potential alternative sites that have been considered could support Care Principles services and facilities as effectively as this site.”*

It is therefore considered that the applicant has satisfactorily demonstrated sequential site selection based on well defined operational criteria, and that this reflects the objectives of Regional Planning Guidance (RPG)1 and the emerging Regional Spatial Strategy (RSS).

Planning Policy Statement (PPS)1 (Delivering Sustainable Development) sets out national guidance on how to achieve sustainable development, and states:

*“Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:*

- making suitable land available for development in line with economic, social and environmental objectives to improve people’s quality of life;*
- contributing to sustainable economic development;*
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;*
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,*
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.”*

The proposal is considered to meet all the principal objectives of PPS1.

#### Design and layout of buildings

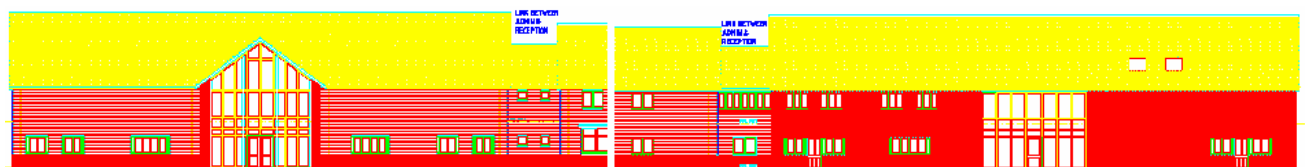
The design and layout of the development has been well thought out, with clear and logical positioning of key buildings and supporting infrastructure, such as access and parking. The buildings would use a variety of materials in their construction and external finishes, including facing bricks, traditional roof tiles and timber cladding. Imaginative use of window detailing

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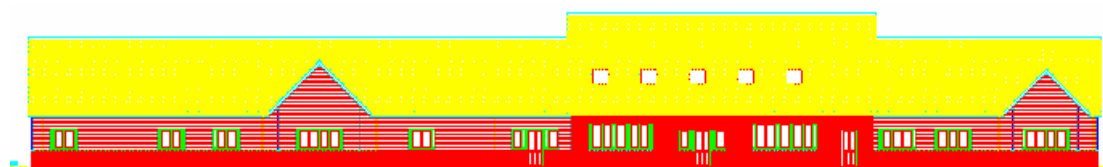
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would be a key part of the design of the reception, administration and dining buildings, with all three being given a different treatment to add visual interest.



*Front elevation of reception, administration and dining buildings*



*Front elevation of house 1*

Existing peripheral mature landscaping would be retained and enhanced.

The only area of concern has related to the 5.2 metre high security fence, which is a mandatory feature of the medium secure facility. It must however be appreciated that it only encloses approximately half the site, and at its closest point to the main road, it would be 15 metres away, behind an existing belt of mature conifers. Additional planting would be carried out to extend the landscape screening of the fence. The colour and design of the fence could also be controlled to some extent by way of condition. For all these reasons, it is not considered that the fence would have a significant visual impact on the landscape, or any major impact upon the future viability of NETPark. The proposal is considered to comply with general design policy D1 of the Local Plan.

#### Access, parking and highway safety

Access to the site would be by way of an improved access point on the B1278. A short driveway would lead to a series of car parking bays to the front of the entrance blocks. Some footpath improvement would take place and redundant access points would be stopped up. The Highway Authority is satisfied with the engineering aspects of the proposal. A travel plan submitted with the application is however considered to lack detail in some areas, and the applicant is addressing this matter. In the meantime, the number of car parking spaces has been reduced in accordance with travel plan advice offered by the Highways Authority, and a condition could be imposed to require the outstanding matters to be resolved prior to the facility becoming operational. The proposal is considered to comply with traffic generation policy T7 of the Local Plan.

#### Landscape / ecological / archaeological impact

The Landscape Architect has concluded that indicative landscape proposals submitted with the application have generally been well considered and is satisfied that imposition of the usual landscaping conditions would achieve a satisfactory form of development.

Natural England is satisfied that the ecological survey work has adequately addressed all key areas of impact upon wildlife species, including those protected by law. A condition is

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recommended to ensure that development proceeds in accordance with mitigation measures identified in the report.

The County Archaeologist has concluded that the potential for sub-surface archaeological remains is very low and is satisfied that no related conditions will be required if planning permission is granted.

#### **Renewable energy provision**

The application gives a commitment to inclusion of embedded renewable energy technologies and the reduction of energy consumption in a renewable energy statement which accompanies the application. This is in the spirit of RPG1 policies EN1 and EN7, which encourage renewable energy and energy efficiency, and the emerging RSS which requires the incorporation of 10% embedded renewable energy in major new developments of all types. An appropriate condition ought however to be imposed in order to achieve the 10% target from the range of energy sources which the applicant has identified in the statement.

#### **CONCLUSION**

The proposal is considered to meet the redevelopment objectives of the Local Plan in relation to the former Sedgefield Community Hospital site, which forms part of a larger collection of healthcare related uses to the north of Sedgefield. Apart from the South View Annex site, which now contains a new community hospital, much of the remaining land has been developed for residential and high-tech industrial uses.

A large part of the area contains NETPark, for which a flexible development framework has been prepared. This does not however have the formal status of an approved and adopted development plan, and currently reflects the fact that NETPark is a long term project and that the site is in several ownerships. Netpark has just over 5 hectares already developed, with three more development 'episodes' identified in the framework, of 4.56 Ha (episode 1), 4.37 (episode 2) and 3.16 (episode 3). Whilst the current proposal would occupy part of the NETPark site, it is located at the north-eastern corner within an area referred to in the framework as 'future episodes' comprising 16.64 Hectares. The current proposal would occupy only 5.26Ha of that land.

The objection by County Durham Development Company (and NETPark Executive Board) is not however made on the grounds of the loss of land to a non-industrial use, but rather on the likely impact of the proposal on the future development of NETPark. It is considered that the design and layout of the development, together with a good quality landscaping scheme, would be wholly compatible with the future development of NETPark, and that it would be very unlikely to have a negative impact upon future economic development viability of the area.

The other objections have been given due consideration. The Highway Authority is satisfied that the proposal would not impact negatively upon highway safety, and that there would be specific improvements including provision of safe crossing points for pedestrians and stopping up of redundant accesses on the B1278. Whilst not fully acceptable to the Highway Authority, the submitted travel plan has prompted discussions that have led to amendments to the parking provision in the interests of sustainability. The remaining issues can be addressed and implemented prior to occupation of the development, and an appropriate condition imposed to require this to happen.

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Whilst the perception of the facility posing a risk to others in the immediate area is understood, the development would meet the required security standards for which the 5.2 metre high security fence is mandatory. The applicants run several similar facilities elsewhere in the UK, and have stated that they have not had problems with patients absconding.

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.

2. The premises to which this permission relates shall be used as a medium secure residential healthcare facility and for no other purpose in Class C2A (Secure Residential Institutions) of the Schedule to the Town and Country Planning (Use Classes ) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

Reason: To ensure that occupiers of nearby properties are not adversely affected by the development, and to comply with Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.

3. 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.

4. 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 site layout plan reference SEDG.A.01, amendment date May 07, received on 21st May 2007.

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

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.

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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.

7. 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.

8. Development shall not be carried out otherwise than in accordance with:

The Option 1 mitigation detailed within Ecological Impact Assessment Report, February 2007, of Former Sedgefield Community Hospital Site, prepared by Ecology Consultancy, including, but not restricted to obtaining a European Protected Species licence for bats; adherence to timing and spatial restrictions, provision of mitigation in advance; adherence to precautionary working methods; provision of a bat loft(s). Strict adherence to the precautionary working practices and timing restrictions with regard to badger and bird species.

Reason: To conserve protected species and their habitat and to comply with Policy E14 of the Sedgefield Borough Local Plan.

9. 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.

10. Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer

11. Prior to the commencement of development, a scheme for disposal of sewage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be completed in accordance with the approved details prior to the first occupation of the development.

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

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12. 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.

13. 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.

14. The development hereby approved shall not be occupied or otherwise brought into operation until the submitted travel plan has been amended, revised or replaced, and submitted and approved by the Local Planning Authority. The provisions of the approved travel plan shall be implemented immediately upon first operational occupation of the development hereby approved and shall continue to operate in accordance with the provisions of this travel plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a sustainable form of development.

15. The development hereby approved shall not be commenced until details of all means of enclosure, including the design, construction and colour of the 5.2 metre high security fence have been submitted to and approved 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) of the Sedgefield Borough Local Plan.

16. The development shall not be occupied until the vehicle parking areas have been laid out in accordance with the approved plans, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory form of development, 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. 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 during the period of site operations connected with construction.

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.

18. Construction work and deliveries associated with the proposal shall only take place between the hours of 8am and 6pm Monday to Friday, 9am to 2pm on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to protect the amenity of local residents and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

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19. During the course of construction, no waste materials shall be burned on the site and no building, packing or other materials shall be allowed to blow off the site.

Reason: In order to protect the amenity of local residents and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

20. No development shall take place until a dust management plan has been submitted to and approved by the Local Planning Authority. The plan shall contain details of water suppression, containment of finely divided materials, how internal roads and highways will be cleaned, and details of daily visual inspections.

Reason: In order to protect the amenity of local residents and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

21. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

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

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

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting. Any changes to these agreed elements require the express consent of the Local Planning Authority.

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

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

Reason: In order to ensure that any contamination is identified and all necessary remediation measures are undertaken in the interests of public health and to prevent the pollution of the water environment in accordance with Policy D11 (Location of Pollution Sensitive Developments) of the Sedgefield Borough Local Plan.

#### **INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION**

In the opinion of the Local Planning Authority the proposed development would be an acceptable use of the former Sedgefield Community Hospital site as part of the comprehensive redevelopment of the sites of former health care uses in the locality.



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**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, set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

L15 - Winterton Hospital Estate

D1 - General Principles for the Layout and Design of New Developments

T7 - Traffic Generated by New Developments

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# Item 6

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - COUNTY MATTERS

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1. 7/2007/0220/CM

APPLICATION DATE: 2 April 2007

PROPOSAL: ERECTION OF CYCLE STORAGE SHELTER

LOCATION: OX CLOSE PRIMARY SCHOOL OX CLOSE CRESCENT  
SPENNYMOOR CO DURHAM

APPLICANT: Mr J Richardson  
Environment, Durham County Council, County Hall, Durham

#### CONSULTATIONS

1. SPENNYMOOR TC
2. Cllr. B.M. Ord
3. Cllr. M T B Jones
4. Cllr G W Scott
5. BUILDING CONTROL
6. ENGINEERS

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**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

This proposal involves the construction of a 12 unit, Dark Green Broxap 'Wardale' Cycle storage Shelter with translucent cladding forming the sides and roof within the grounds of Ox Close Primary School, Spennymoor. This proposal has come about following discussions between Durham County Council and the school travel planning committee over increased student desire to cycle to and from school, with a subsequent need for a secure storage facility for bikes during the day.

The shelter is to be located within the Schools quadrangle area, being sited in a highly visible area from numerous locations across the school, whilst being located adjacent to an existing footway which links the school grounds with the main road to the east (Ox Close Crescent). This footway will remain unaltered, being wide enough to accommodate both pedestrians and cyclists.

Submitted plans show this structure to measure 4100mm wide by 2030mm deep, and with a maximum curved height of 2213mm.

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - COUNTY MATTERS**

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**CONSULTATION AND PUBLICITY**

No adverse comments or objections have been received in response to the consultation exercise.

**PLANNING CONSIDERATIONS**

The proposed cycle storage shelter is a relatively small structure located within a highly visible, enclosed area of the school grounds for security purposes, whilst being of a scale and design which blends with its surroundings so as to not appear incongruous to the surrounding environment. The closest residential property is set some 10metres to the south of the site, screened well by several mature trees and located beyond a raised wooden fence and a vehicular highway. The dark green colour of this structure will further blend in with its surroundings so as to not appear incongruous to its surroundings or draw attention to itself. The shelter will therefore have little impact upon the visual amenity of the area and as such is considered to be acceptable in terms of scale and design. There will be minimal loss of any recreational space as a result of this development, with no objections raised as to the need for this structure or its siting.

**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, although Durham County Council should be made aware that the application site does fall within the 500 metre Great Crested Newt Consultation Zone, with it important that Natural England are notified of this proposal.

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**SEDFIELD BOROUGH COUNCIL**

**PLANNING APPLICATIONS - COUNTY MATTERS**

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2. 7/2007/0241/CM

APPLICATION DATE: 5 April 2007

PROPOSAL: EXTENSION TO AMENITY LANDFORM

LOCATION: THRISLINGTON WORKS WEST CONFORTH CO DURHAM

APPLICANT: Durham County Council  
Environment, County Hall, Durham

**CONSULTATIONS**

1. CORNFORTH P.C.
2. Cllr. A. Hodgson
3. Cllr. M. Predki

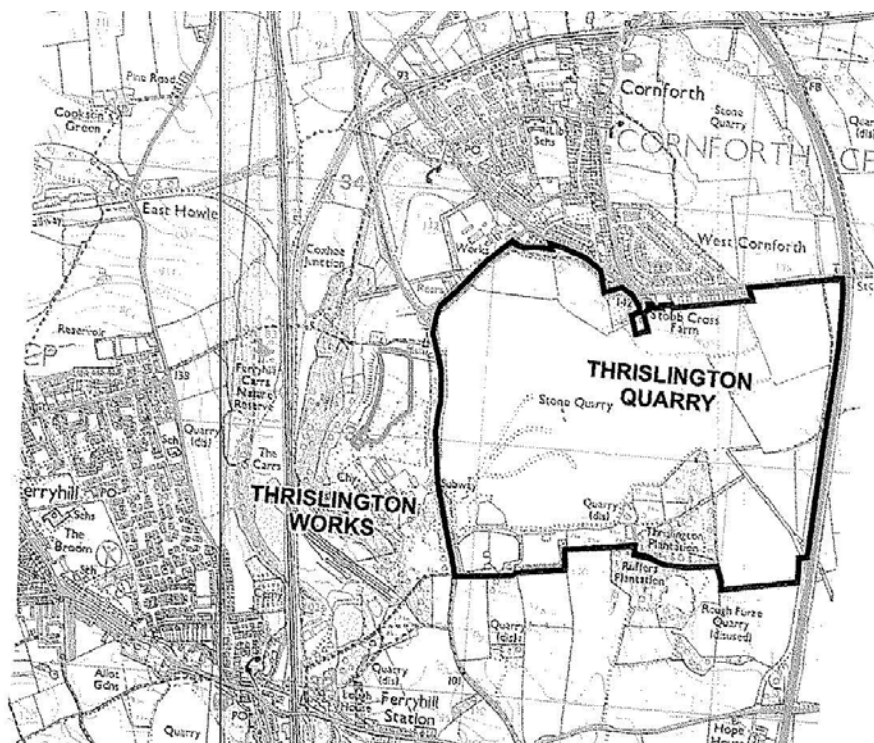
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**This application is a County Matter to be determined by Durham County Council as the Waste Planning Authority and the views of the Borough Council have therefore been sought as a consultee.**

**PROPOSAL**

Thrislington Quarry operates with the benefit of various previous planning consents that permit dolomite extraction from this site.

This proposal seeks planning approval to extend an existing amenity bund on a parcel of land to the north of Thrislington Works and west of the land currently used by Thomas Armstrong Aggregates Ltd. The extent of the application site shown below.



**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - COUNTY MATTERS**

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Thrislington Quarry and the associated works are located on either side of the C69, to the south and southwest of Cornforth.

The objective of the proposals is to construct a more graduated incline within the site via the importation of 70,000 cubic metres of imported inert wastes and soils. It is anticipated that the engineering operations to create the revised landform would be completed within 2 years and it is estimated that the proposal would generate an average of an additional 40 traffic movements per day (20 in and 20 out) during the period of works. The existing access to the Quarry would remain unchanged as part of this proposal.

**PLANNING CONSIDERATIONS**

The proposal would extend an existing 'amenity bund' which was originally designed to help screen some of the more open views from the west at Ferryhill and was also aimed at providing a recreational amenity including footpaths and picnic areas. The current proposal would extend this 'amenity bund' and as a consequence would result in a more naturalistic landform in the northern part of the part and would also help to screen some of the more limited views to the site from the north. In terms of the visual impact of the proposal it is considered that the proposal will help to screen the site further and as a consequence will improve the visual amenity of the surrounding area and assist in the restoration of part of the Thrislington Works site. Plant working at high levels would however be visible for limited periods but in the context of the existing Thrislington Works, this short-term activity would not generate significant effects.

The proposal will however generate additional traffic movements and it would therefore be prudent to ensure that details of traffic routing be provided so as to minimise traffic flows through adjacent built up areas including West Cornforth, in the interests of residential amenity and highway safety.

**RECOMMENDATION**

Subject to details of traffic routing being agreed between the applicant and the Waste Planning Authority so that vehicular traffic through the adjacent built up areas is minimised, it is recommended that Sedgefield Borough Council raises no objections to the proposal.

## SEDGEFIELD BOROUGH COUNCIL

### CONSULTATION FROM NEIGHBOURING PLANNING AUTHORITY

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1. N/2007/0002/DM CONSULTATION DATE 20 March 2007

**PROPOSAL: RESERVED MATTERS APPLICATION PURSUANT TO PREVIOUSLY APPROVED OUTLINE PLANNING APPLICATION H/VAR/0006/00 FOR A BUSINESS PARK INCLUDING DETAILS OF SITING AND STOREY HEIGHTS TO ACCOMMODATE 275205sqm OF BUSINESS (B1) FLOOR SPACE AND PART SUBMISSION OF LANDSCAPE FRAMEWORK UNDER CONDITION 3 OF OUTLINE PLANNING PERMISSION H/OUT/0583/96**

**LOCATION: LAND NORTH OF A689 WYNYARD PARK WYNYARD**

**APPLICANT:** Hartlepool Borough Council  
f.a.o Russell Hall, Regeneration and Planning Services, Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

#### CONSULTATIONS

1. SEDGEFIELD TC
  2. Cllr. Mr. J. Robinson
  3. Cllr D R Brown
  4. Cllr. J Wayman J.P.
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#### BACKGROUND

Hartlepool Borough Council has received a planning application relating to the approval of reserved matters for a Business Park including details of the siting and height of the proposed buildings and the part submission of the landscaping scheme relating to this development site.

As the development is close to the boundary with Sedgfield Borough, Hartlepool Borough Council has sought this Council's views as a neighbouring planning authority.

#### THE PROPOSAL

A planning application (Application H/OUT/0583/96) was submitted by Cameron Hall Development in December 1996 for the provision of 125 hectares (310 acres) Business Park on land to the north of A693.

The proposed Business Park included a range of uses including B1 (light Industry / research/offices), B2 (general industry and B8 (storage). Outline planning approval was subsequently granted for this proposal.

In January 2000 (Application H/FUL/0006/00) an application was made to extend the period for submission of the reserved matters for a period of 10 years. Planning approval was granted to extend the abovementioned time limit.

This current application includes detailed plans relating to the proposed layout, scale of the proposed buildings and details of the proposed landscape treatment relating to this site, as required by condition No. 3 of outline planning approval H/OUT/0583/96. It is proposed to

**SEDGEFIELD BOROUGH COUNCIL****CONSULTATION FROM NEIGHBOURING PLANNING AUTHORITY**

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construct the proposed units in a variety of heights varying from between 2-4 stories. The element of the scheme is restricted to the B1 units proposed for the site only.

**PLANNING CONSIDERATIONS**

The principle of the development has already approved and consideration of the application is primarily limited to design and the landscaping scheme. The development is similar to the Master plan previously approved for the site and will therefore be consistent with the original concept of creating a high quality prestige office development within a well developed landscaped setting. The proposal in terms of its design, layout and landscaping is therefore considered to be acceptable.

Other than the potential employment opportunities, which may arise from the implementation of this scheme, it is considered that this proposal would have a limited impact upon the residents of Sedgfield Borough.

Bearing in mind that the principle of the scheme has already been approved it is considered that the Local Planning Authority raise no objection to this proposal.

**RECOMMENDATION**

It is recommended that no objections are offered to the proposal.

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

1. 7/2007/0198/DMAPPLICATION DATE: 22 March 2007

PROPOSAL: **ERECTION OF MULTI USE GAMES AREA AND YOUTH SHELTER.**

LOCATION: **LAND TO THE REAR OF ST DAVIDS COMMUNITY CENTRE ST DAVIDS CLOSE SPENNYMOOR CO DURHAM DL16 6TB**

APPLICATION TYPE: Detailed Application

APPLICANT: Phil Ball  
Sedgefield Borough Council, Green Lane, Spennymoor, DL16 6JQ

**CONSULTATIONS**

1.	SPENNYMOOR TC
2.	Cllr. Mrs. Barbara Graham
3.	Cllr. Mrs A M Armstrong
4.	DCC (TRAFFIC)
5.	SPORTS COUNC.
6.	ENGINEERS
7.	ENV. HEALTH
8.	L.PLANS
9.	LANDSCAPE ARCH
10.	POLICE HQ

**NEIGHBOUR/INDUSTRIAL**

Front  
Street:8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,  
37,38,39,40,41,42,43,44,45,Caravan 1,Caravan 2,Tudhoe Caravan,Tudor Garage  
Spenco Paving  
JJs Motorcycle Breakers  
One Stop Car Shop  
St Davids Close:119,118,117,116,115,114

**BOROUGH PLANNING POLICIES**

L5	Safeguarding Areas of Open Space
H18	Acceptable Uses within Housing Areas
L11	Development of New or Improved Leisure and Community Buildings

**This application has been submitted by the Borough Council and as such, in accordance with the scheme of delegated powers, is required to be determined by the Development Control Committee.**

**PROPOSAL**

Since July 2006 the Sedgefield Borough Leisure Services Department has conducted detailed public consultation exercises with local schools, residents associations and members of the

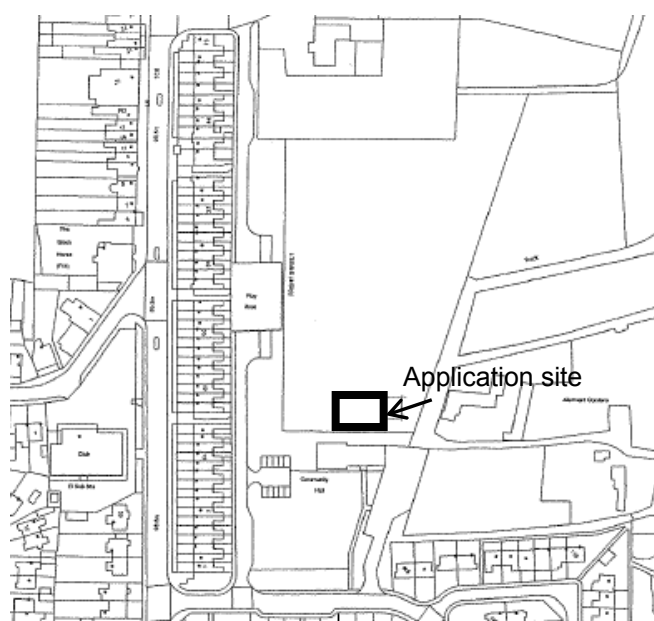
## SEDFIELD BOROUGH COUNCIL

### DEVELOPMENT BY SEDFIELT BOROUGH COUNCIL

general public following the removal of the former Tudhoe Village Play Area. This community facility was removed some months ago due to its age and lack of play value.

As a result of this community led exercise, it was agreed that further investment was needed in providing new play equipment for teenagers, to try and tackle the problems of anti-social behavior in the area. Further consultation identified that the best possible siting for this equipment would be on land to the rear of St David's Community Centre.

Planning permission is now being sought for the erection of a Multi Use Games Area (MUGA) and youth shelter/meeting area on land to the rear of St David's Community Centre, St David's Close, Spennymoor as shown below.



This games area will occupy a small part of a much larger, enclosed playing field, currently occupied by a football pitch, sited to the rear of Front Street, and adjacent to the former Tudhoe Village Play Area site. Plans show this proposed MUGA to be sited in close proximity to the immediate north of the existing community centre, whilst maintaining a large section of the existing playing field for other recreational uses. This location was considered a vast improvement to original plans which showed the proposed MUGA to be installed on the site of the former play area, which is now used as an interconnecting pedestrian walkway and gathering area between the two cul-de-sac turning heads to the rear of Front Street. Plans show the proposed MUGA (measuring 12 metres by 22 metres) to be enclosed behind 3metre high welded mesh fencing for security purposes.

Spennymoor Town Council has indicated that they own all the land involved, and have agreed to lease this land to the Borough for this project.

### CONSULTATION RESPONSES

Spennymoor Town Council have raised no objections to this proposal.

The Durham County Highways Engineer has raised no objections to this proposal on highway grounds,

## SEDGEFIELD BOROUGH COUNCIL

### DEVELOPMENT BY SEDGEFIELD BOROUGH COUNCIL

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Durham Constabulary have raised no objections to this proposal.

Sport England initially objected to this proposal on the grounds that the development will result in the permanent loss of part of the existing playing field. However, following extensive consultation between Sport England and the applicant, this objection has now been withdrawn, subject to a condition that floodlight ducting is provided for the MUGA during the construction stage. It is considered that in the future this will make the installation of floodlights a lot cheaper and quicker.

As part of the consultation and publicity exercise for this application a site notice was erected adjacent to the application site and all neighboring properties were notified of the proposal. One letter has been received from a local resident and a summary of the main points raised are as follows:

- This site is much more suitable than the old play area and the previously suggested site at the northern end of the field,
- However there are other locations which may be better sited nearby,
- Plans show a 3 metre high fence surrounding this play area. Questions are therefore asked as to whose responsibility it will be to open and lock this play area, and at what times,
- What is the point in having steel/polyethylene walls surrounding the MUGAS which could attract vandalism, graffiti? Could these not be omitted?
- There is no indication of whether a litter bin is to be installed near the meeting area. This is essential if the area is to not become an eyesore. A metal bin would resist fires,
- The alignment with the existing goal posts is not clear from the plans. Will the MUGA be positioned centrally or further east?
- I am glad to see that the proposals will not involve the removal, lopping or topping of trees
- It is difficult to see how the roof of the proposed meeting point will provide protection from all types of weather,

No other comments were received in response to this exercise which may well be as a direct result of the extensive pre-application consultation exercise which was undertaken.

### **PLANNING CONSIDERATIONS**

In determining this planning application, the key considerations which must be taken into account are:

- How would the proposal affect the suitability of the application site for leisure activities?
- Would the environmental qualities of the site be prejudiced? and
- Would the proposal be likely to significantly harm the living conditions for nearby residents?

These questions need to be assessed against adopted Local Planning Policy and National Planning Guidance (PPG17 – Planning for open space, sport and recreation).

Policy L5 (Safeguarding areas of open space) of the Sedgefield Borough Local Plan stipulates that open space within the Borough may only be lost where new development includes the provision of new recreational facilities which are related to the open space area, whilst enabling the remainder to be enhanced. Whilst the proposal will result in the loss of a small section of larger, grassed playing field area (currently used by local residents for a variety of informal recreational activities), it will also improve the range and quality of facilities available within

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

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Spennymoor, providing a focal point for community activity and assist in the social development of children and young adults resident in the local area. It is therefore considered that the loss of a small section of this field will not have a significant impact upon the environmental qualities of the site and will in fact improve the leisure facilities on offer within the town.

Meanwhile, Policy H18 (Acceptable uses within housing areas) of the Sedgefield Borough Local Plan prescribes a range of uses which will normally be considered acceptable in housing areas, subject to being of appropriate scale and character, not causing significant harm to the local residential amenities, and complying with other plan policies. Leisure and recreational facilities (such as those prescribed here) are considered to be acceptable in residential areas subject to the above criterion. The proposed MUGA will be securely fenced off, with no floodlights, implying that it will only be used during daylight hours and securely shut after dark, to the benefit and safety of the surrounding community. Furthermore, it is not considered that the residents of neighboring properties will be adversely affected by any excess noise emanating from the proposed structure. On this occasion it is considered that the proposed MUGA and meeting area will be appropriate in scale and character to the surrounding housing area without having any adverse effect upon the residential amenity of nearby residents. As explained previously, prior to the submission of this application, an extensive community consultation exercise was undertaken involving local residents, with no significant objections raised as part of this process.

Finally, this application has also been considered in accordance with the requirements set out in Local Plan Policy L11 (Development of new or improved leisure and community buildings). Policy L11 stipulates that the council will encourage improvements to leisure and community buildings which would improve the range and quality of facilities available, provided that they do not significantly harm the living conditions of nearby residents and respect the scale and character of the surrounding area, whilst making provision for car parking and access. Again, this policy is seen to be satisfied, with no significant impact upon the residential amenity of surrounding properties and sufficient car parking provision and safe highways access in the close vicinity.

**CONCLUSION**

In conclusion, this proposal is considered to provide a much needed recreational facility which is safe and can be used by a wide range of people from the local community, thereby enhancing the range of activities available to the residents of this part of Spennymoor. A pre-application consultation exercise has identified strong local support for the scheme, with relevant open space and housing policies having been satisfied. Despite initial objections from Sport England as to the loss of the existing recreational field space, it is noted that this loss will only be minor, with the majority of this field remaining, alongside a new play facility which is of a scale and design which respects the character of the area, the local environment, and which does not adversely affect the residential amenity of neighboring properties. With this objection now having been withdrawn, the proposal is considered to accord with the requirements of adopted Local Plan Policies L5, H18, and L11 and National planning guidance in the form PPG17 and is hereby recommended for planning approval.

**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**

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**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 Development Control Committee raise no objections to this proposal, 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. No works shall commence on site until plans showing the location and design of the proposed floodlight ducting have been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason: In order to satisfy the requirements of Sport England.

**INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION:**

In the opinion of the Local Planning Authority the proposal is acceptable in terms of its scale, its effect upon the character of the surrounding area and its impact upon the living conditions of local residents.

**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:

L5 Safeguarding areas of open space

H18 Acceptable uses within housing areas

L11 Development of new or improved leisure and community buildings

D10 Location of potentially polluting developments

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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1. 7/2006/0705/DM OFFICER:Simon Miller

APPLICATION DATE: 30 October 2006

PROPOSAL: ERECTION OF AGRICULTURAL BUILDING

LOCATION: LAND WEST OF BEECH TREE NURSERIES ADELAIDE BANK SHILDON  
CO DURHAM

APPLICANT: Mr N Parsons  
53 Riverside, South Church, Bishop Auckland, Co Durham

DECISION: STANDARD APPROVAL on 2 May 2007

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2. 7/2007/0175/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 22 March 2007

PROPOSAL: AMENDMENTS TO PREVIOUS PLANNING APPROVAL (REFERENCE:  
7/2006/0261/DM) INVOLVING THE REDUCTION IN HEIGHT OF THE  
GARAGE, CONSTRUCTION OF 2NO. DORMER WINDOWS TO THE  
REAR AND INSERTION OF 5NO. VELUX WINDOWS TO FRONT AT  
BECK HOUSE, HIGH ROAD, BISHOP MIDDLEHAM

LOCATION: BECK HOUSE HIGH ROAD AVENUE BISHOP MIDDLEHAM DL17 9BG

APPLICANT: Mr R Bagshaw  
Beck House, High Road Avenue, Bishop Middleham, Co Durham

DECISION: STANDARD APPROVAL on 11 May 2007

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3. 7/2007/0176/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 15 March 2007

PROPOSAL: ERECTION OF CONSERVATORY TO THE REAR

LOCATION: THE BUNGALOW LILAC ROAD CHILTON LANE FERRYHILL CO DURHAM

APPLICANT: Mr & Mrs J R Janney  
The Bungalow, Lilac Road, Chilton Lane, Ferryhill, Co Durham , DL17 0DR

DECISION: STANDARD APPROVAL on 2 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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4. 7/2007/0177/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 28 March 2007

PROPOSAL: ERECTION OF EXTENSION TO THE REAR

LOCATION: 6 THE CRESCENT CHILTON CO DURHAM

APPLICANT: D Walsh  
6 The Crescent, Chilton , Co Durham

DECISION: STANDARD APPROVAL on 2 May 2007

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5. 7/2007/0182/DM OFFICER:David Gibson

APPLICATION DATE: 30 March 2007

PROPOSAL: ERECTION OF ALL WEATHER GIANT UMBRELLA

LOCATION: GRETNA GREEN HOTEL GREAT NORTH ROAD NEWTON AYCLIFFE CO DURHAM

APPLICANT: Spirit Group  
107 Station Street, Burton on Trent, Staffs, DE14 1BZ

DECISION: STANDARD APPROVAL on 10 May 2007

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6. 7/2007/0184/DM OFFICER:David Gibson

APPLICATION DATE: 21 March 2007

PROPOSAL: ERECTION OF 2NO. CONSERVATORIES

LOCATION: 39 CELANDINE WAY SHILDON CO DURHAM

APPLICANT: G Kersley  
39 Celandine Way, Shildon, Co Durham,

DECISION: STANDARD APPROVAL on 2 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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7. 7/2007/0183/DM OFFICER:David Gibson

APPLICATION DATE: 27 March 2007

PROPOSAL: ERECTION OF 1NO. DORMER BUNGALOW

LOCATION: LAND NORTH OF 2 LITTLE LANE AYCLIFFE VILLAGE CO DURHAM

APPLICANT: Mr & Mrs L Cooper  
2 Garden Cottages, Little Lane, Aycliffe Village , Co Durham, DL5 6JR

DECISION: STANDARD APPROVAL on 22 May 2007

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8. 7/2007/0187/DM OFFICER:David Gibson

APPLICATION DATE: 29 March 2007

PROPOSAL: DEMOLITION OF PART OF GABLE WALL AND REBUILD AS EXISTING

LOCATION: CROSSHILL HOTEL THE SQUARE SEDGEFIELD STOCKTON ON TEES

APPLICANT: Richard Smith  
New Century Inns Ltd, Belasis Technology Park, TS23 4EA

DECISION: STANDARD APPROVAL on 10 May 2007

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9. 7/2007/0190/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 29 March 2007

PROPOSAL: ERECTION OF CONSERVATORY

LOCATION: 12 SLEDMORE (PLOT 10 WHITWORTH PARK) SPENNYMOOR CO DURHAM

APPLICANT: Gary Musgrove  
30 Angram Drive, Sunderland, SR2 7RD

DECISION: STANDARD APPROVAL on 2 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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10. 7/2007/0191/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 26 March 2007

PROPOSAL: ERECTION OF EXTENSION AND CONSERVATORY TO THE REAR

LOCATION: 15 PARKSIDE SPENNYMOOR CO DURHAM

APPLICANT: James Quinn  
15 Parkside, Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 2 May 2007

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11. 7/2007/0192/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 21 March 2007

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION, GARAGE TO THE  
SIDE AND PORCH TO FRONT

LOCATION: 2 PAGE GROVE SPENNYMOOR CO DURHAM

APPLICANT: Mr P Waterhouse  
2 Page Grove, Spennymoor, Co Durham , DL16 7LL

DECISION: STANDARD APPROVAL on 2 May 2007

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12. 7/2007/0194/DM OFFICER:David Gibson

APPLICATION DATE: 28 March 2007

PROPOSAL: ERECTION OF SINGLE STOREY EXTENSION TO REAR

LOCATION: 37 FOXGLOVE CLOSE NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mr & Mrs J Hedley  
37 Foxglove Close, Newton Aycliffe, Co Durham

DECISION: STANDARD APPROVAL on 10 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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13. 7/2007/0188/DM OFFICER:David Gibson

APPLICATION DATE: 11 April 2007

PROPOSAL: ERECTION OF CONSERVATORY

LOCATION: 40 BAKEWELL PLACE NEWTON AYCLIFFE CO DURHAM

APPLICANT: R Malvern & C Willmer  
40 Bakewell Place, Newton Aycliffe, Co Durham

DECISION: STANDARD APPROVAL on 10 May 2007

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14. 7/2007/0197/DM OFFICER:Simon Miller

APPLICATION DATE: 27 March 2007

PROPOSAL: ERECTION OF TWO STOREY SIDE EXTENSION

LOCATION: 27 THE LANE SEDGEFIELD STOCKTON ON TEES TS21 3BE

APPLICANT: John Cockburn  
27 The Lane, Sedgfield, Stockton on Tees, TS21 3BE

DECISION: STANDARD APPROVAL on 2 May 2007

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15. 7/2007/0200/DM OFFICER:David Gibson

APPLICATION DATE: 11 April 2007

PROPOSAL: EXTENSION TO ROOF

LOCATION: ISP TECHWAX LTD WHINBANK PARK WHINBANK ROAD AYCLIFFE  
INDUSTRIAL PARK NEWTON AYCLIFFE CO DURHAM

APPLICANT: ISP Techwax Ltd  
f.a.o Mr Mike Lowe, Whinbank Park, Whinbank Road, Aycliffe Industrial  
Park, Newton Aycliffe, Co Durham, DL5 6AY

DECISION: STANDARD APPROVAL on 10 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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16. 7/2007/0201/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 22 March 2007

PROPOSAL: CHANGE OF USE TO CAFE (USE CLASS A3)

LOCATION: 8 HAIG TERRACE FERRYHILL CO DURHAM

APPLICANT: Mr S Sharma  
1-2 Haig Terrace, Dean Bank, Ferryhill, Co Durham

DECISION: STANDARD APPROVAL on 9 May 2007

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17. 7/2007/0173/DM OFFICER:David Gibson

APPLICATION DATE: 14 March 2007

PROPOSAL: ERECTION OF CONSERVATORY TO REAR

LOCATION: 6 OAKLEA MEWS AYCLIFFE VILLAGE CO DURHAM

APPLICANT: Mrs D Sugden  
6 Oaklea Mews, Aycliffe Village, Co Durham, DL5 6JP

DECISION: STANDARD APPROVAL on 2 May 2007

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18. 7/2007/0202/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 26 March 2007

PROPOSAL: ERECTION OF CONSERVATORY TO THE REAR

LOCATION: 75 PARKSIDE SPENNYMOOR CO DURHAM

APPLICANT: Mr Halliday  
75 Parkside, Spennymoor, Co Durham , DL16 6SA

DECISION: STANDARD APPROVAL on 9 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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19. 7/2007/0206/DM OFFICER:David Gibson

APPLICATION DATE: 27 March 2007

PROPOSAL: ERECTION OF GARAGE

LOCATION: 6 MITFORD COURT SEDGEFIELD STOCKTON ON TEES

APPLICANT: Andrew Towler  
6 Mitford Court, Sedgefield, Stockton on Tees

DECISION: STANDARD APPROVAL on 10 May 2007

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20. 7/2007/0207/DM OFFICER:Simon Miller

APPLICATION DATE: 28 March 2007

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION

LOCATION: 5 DUNELM COURT SEDGEFIELD STOCKTON ON TEES

APPLICANT: Mrs M Dexter  
5 Dunelm Court, Sedgefield, Stockton on Tees

DECISION: STANDARD APPROVAL on 2 May 2007

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21. 7/2007/0210/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 28 March 2007

PROPOSAL: ERECTION OF BOUNDARY WALL

LOCATION: 2/3 VINE STREET SPENNYMOOR CO DURHAM

APPLICANT: Robinson & Purvis  
2/3 Vine Street, Spennymoor, Co Durham ,

DECISION: STANDARD APPROVAL on 2 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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22. 7/2007/0211/DM OFFICER:Simon Miller

APPLICATION DATE: 28 March 2007

PROPOSAL: ERECTION OF TWO STOREY REAR EXTENSION

LOCATION: 6 BEECH GROVE TRIMDON CO DURHAM

APPLICANT: Mr Orpen & Ms Byrne  
6 Beech Grove, Trimdon Grange, Co Durham

DECISION: STANDARD APPROVAL on 15 May 2007

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23. 7/2007/0214/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 30 March 2007

PROPOSAL: ERECTION OF CONSERVATORY

LOCATION: 18 ROWLANDSON TERRACE FERRYHILL CO DURHAM

APPLICANT: Mr S T Hillary  
18 Rowlandson Terrace, Ferryhill, Co Durham

DECISION: STANDARD APPROVAL on 2 May 2007

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24. 7/2007/0215/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 30 March 2007

PROPOSAL: ERECTION OF DETACHED GARAGE

LOCATION: GARAGE SITE NO 2 REAR OF CORONATION ROAD CHILTON CO  
DURHAM

APPLICANT: Mr M Reay  
45 Jade Walk, Chilton , Co Durham,

DECISION: STANDARD APPROVAL on 9 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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25. 7/2007/0217/DM OFFICER:David Gibson

APPLICATION DATE: 2 April 2007

PROPOSAL: ERECTION OF DETACHED GARAGE, BOUNDARY WALL AND  
CREATION OF NEW VEHICLE ACCESS

LOCATION: 13 SILKIN WAY NEWTON AYCLIFFE CO DURHAM DL5 4HE

APPLICANT: John Armstrong  
13 Silkin Way, Newton Aycliffe, Co Durham, DL5 4HE

DECISION: STANDARD APPROVAL on 10 May 2007

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26. 7/2007/0221/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 2 April 2007

PROPOSAL: ERECTION OF CONSERVATORY TO THE REAR (RETROSPECTIVE)

LOCATION: 62 RABY ROAD FERRYHILL CO DURHAM

APPLICANT: Mr & Mrs Shadforth  
62 Raby Road , Ferryhill, Co Durham

DECISION: STANDARD APPROVAL on 9 May 2007

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27. 7/2007/0223/DM OFFICER:David Gibson

APPLICATION DATE: 10 April 2007

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION

LOCATION: 19 CARWARDINE CLOSE WOODHAM NEWTON AYCLIFFE CO DURHAM

APPLICANT: G Franchi  
19 Carwardine Close, Burn Green, Woodham, Newton Aycliffe, Co Durham

DECISION: STANDARD APPROVAL on 10 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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28. 7/2007/0228/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 10 April 2007

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION

LOCATION: 25 BYRON ROAD CHILTON CO DURHAM

APPLICANT: Mr & Mrs Hehir  
25 Byron Road, Chilton , Co Durham

DECISION: STANDARD APPROVAL on 15 May 2007

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29. 7/2007/0230/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 5 April 2007

PROPOSAL: ERECTION OF CONSERVATORY TO THE REAR

LOCATION: 11 MILLWOOD CHILTON CO DURHAM

APPLICANT: Mr R Feuillade  
11 Millwood, Chilton, Co Durham , DL17 0RR

DECISION: STANDARD APPROVAL on 9 May 2007

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30. 7/2007/0231/DM OFFICER:David Gibson

APPLICATION DATE: 13 April 2007

PROPOSAL: ERECTION OF TWO STOREY SIDE EXTENSION

LOCATION: 6 SPRING LANE SEDGEFIELD STOCKTON ON TEES

APPLICANT: Andrew Martin  
6 Spring Lane, Sedgefield, Stockton on Tees, TS21 2DG

DECISION: STANDARD APPROVAL on 10 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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31. 7/2007/0233/DM OFFICER:David Gibson

APPLICATION DATE: 18 April 2007

PROPOSAL: ERECTION OF CONSERVATORY

LOCATION: 11 LANGDALE PLACE NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mr & Mrs Sproat  
11 Langdale Place, Newton Aycliffe, Co Durham, DL5 7DX

DECISION: STANDARD APPROVAL on 15 May 2007

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32. 7/2007/0236/DM OFFICER:David Gibson

APPLICATION DATE: 11 April 2007

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION

LOCATION: 4 FARFIELD MANOR SEDGEFIELD STOCKTON ON TEES

APPLICANT: Alan King  
4 Farfield Manor, Sedgfield , Stockton on Tees

DECISION: STANDARD APPROVAL on 8 May 2007

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33. 7/2007/0244/DM OFFICER:David Gibson

APPLICATION DATE: 16 April 2007

PROPOSAL: ERECTION OF GARDEN ROOM TO REAR

LOCATION: 15 CHURCH CLOSE NEWTON AYCLIFFE CO DURHAM

APPLICANT: K Chambers  
15 Church Close, Newton Aycliffe, Co Durham

DECISION: STANDARD APPROVAL on 8 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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34. 7/2007/0205/DM OFFICER:David Gibson

APPLICATION DATE: 10 April 2007

PROPOSAL: PROPOSED CONCRETE BASE FOR PARKING OF MOBILE MRI  
SCANNER VEHICLE

LOCATION: SEDGEFIELD COMMUNITY HOSPITAL SALTERS LANE SEDGEFIELD  
STOCKTON ON TEES

APPLICANT: Care UK  
Connaught House, 850 The Crescent, Colchester, Essex, C04 9QB

DECISION: STANDARD APPROVAL on 10 May 2007

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35. 7/2007/0171/DM OFFICER:Simon Miller

APPLICATION DATE: 23 March 2007

PROPOSAL: ERECTION OF CONSERVATORY TO REAR

LOCATION: 7 BUSTY TERRACE SHILDON CO DURHAM

APPLICANT: Mr M Oxley  
7 Busty Terrace, Shildon, Co Durham

DECISION: STANDARD APPROVAL on 1 May 2007

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36. 7/2007/0169/DM OFFICER:David Gibson

APPLICATION DATE: 16 March 2007

PROPOSAL: PROPOSED ELECTRICITY SUB STATION

LOCATION: LAND AT HEIGHINGTON LANE AYCLIFFE INDUSTRIAL ESTATE  
NEWTON AYCLIFFE CO DURHAM

APPLICANT: Vocational Learning Trust  
c/o Old Hall Stables, West Burton, Leyburn, North Yorks

DECISION: STANDARD APPROVAL on 10 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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37. 7/2007/0168/DM OFFICER:David Gibson

APPLICATION DATE: 15 March 2007

PROPOSAL: ERECTION OF ADVERTISEMENT SIGN

LOCATION: UNIT C1 PHASE 1 THE AVENUE NEWTON AYCLIFFE CO DURHAM

APPLICANT: Pagebet Bookmakers Ltd  
Houghton House, Belmont Business Park, Durham

DECISION: STANDARD APPROVAL on 8 May 2007

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38. 7/2006/0791/DM OFFICER:David Gibson

APPLICATION DATE: 13 April 2007

PROPOSAL: ERECTION OF CONSERVATORY (RETROSPECTIVE APPLICATION)

LOCATION: 68 ESKDALE PLACE NEWTON AYCLIFFE CO DURHAM

APPLICANT: Anne Graham  
68 Eskdale Place, Newton Aycliffe, Co Durham, DL5 7DU

DECISION: STANDARD APPROVAL on 10 May 2007

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39. 7/2007/0060/DM OFFICER:David Gibson

APPLICATION DATE: 16 March 2007

PROPOSAL: DEMOLITION OF PART OF BUILDING AND REBUILD AS EXISTING

LOCATION: CROSSHILL HOTEL THE SQUARE SEDGEFIELD STOCKTON ON TEES

APPLICANT: Richard Smith  
New Century Inns Ltd, Belasis Technology Park, TS23 4EA

DECISION: STANDARD APPROVAL on 10 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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40. 7/2007/0071/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 28 February 2007

PROPOSAL: ERECTION OF 2 NO. DWELLINGS

LOCATION: MAINSFORTH RISE FERRYHILL CO DURHAM

APPLICANT: A C Harris  
Harris Construction , 18 Commercial Road East, Coxhoe, Co Durham , DH6 4LD

DECISION: STANDARD APPROVAL on 20 April 2007

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41. 7/2007/0074/DM OFFICER:Simon Miller

APPLICATION DATE: 13 February 2007

PROPOSAL: ERECTION OF TWO STOREY REAR EXTENSION, SINGLE STOREY EXTENSION TO FRONT AND CREATION OF PITCHED ROOF OVER FRONT EXTENSION

LOCATION: 26 MITFORD COURT SEDGEFIELD STOCKTON ON TEES

APPLICANT: Mr & Mrs Tomlin  
26 Mitford Court, Sedgfield, Stockton on Tees,

DECISION: STANDARD APPROVAL on 15 May 2007

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42. 7/2007/0077/DM OFFICER:Simon Miller

APPLICATION DATE: 14 February 2007

PROPOSAL: EXTENSION TO ROOF FOR LOFT CONVERSION

LOCATION: 8 CHILTON CLOSE WOODHAM NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mr & Mrs Marshall  
8 Chilton Close, Woodham, Newton Aycliffe, Co Durham, DL5 4RH

DECISION: STANDARD APPROVAL on 15 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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43. 7/2007/0107/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 22 February 2007

PROPOSAL: ERECTION OF CONSERVATORY TO THE REAR

LOCATION: 34 CONISTON ROAD FERRYHILL CO DURHAM

APPLICANT: Mr F Henderson  
34 Coniston Road, Ferryhill , Co Durham , DL17 8HL

DECISION: STANDARD APPROVAL on 2 May 2007

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44. 7/2007/0116/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 9 March 2007

PROPOSAL: SITING OF MOBILE HOME

LOCATION: ELDON HOPE COLLIERY OLD ELDON WINDLESTONE CO DURHAM

APPLICANT: John Guthrie  
10 Brafferton Close, Woodham, Newton Aycliffe, Co Durham ,

DECISION: STANDARD REFUSAL on 3 May 2007

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45. 7/2007/0121/DM OFFICER:Simon Miller

APPLICATION DATE: 9 March 2007

PROPOSAL: ERECTION OF TWO STOREY REAR EXTENSION

LOCATION: 2 DUDLEY DRIVE WOODHAM NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mr & Mrs Smith  
2 Dudley Drive, Woodham, Newton Aycliffe, Co Durham

DECISION: STANDARD APPROVAL on 15 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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46. 7/2007/0122/DM OFFICER:David Gibson

APPLICATION DATE: 26 February 2007

PROPOSAL: REPLACEMENT WINDOWS AND DOORS

LOCATION: 12 NORTH END SEDGEFIELD STOCKTON ON TEES

APPLICANT: Mr J Walker  
12 North End, Sedgefield, Stockton on Tees

DECISION: STANDARD APPROVAL on 19 April 2007

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47. 7/2007/0125/DM OFFICER:David Gibson

APPLICATION DATE: 7 March 2007

PROPOSAL: ERECTION OF REMOTE CONTROL IRON GATES TO REAR

LOCATION: PLOT 15,16,17 LAND ADJACENT TO SANDERSON CLOSE NEWTON  
AYCLIFFE CO DURHAM

APPLICANT: Gladedale Newcastle  
Victoria House, Hampshire Court, Newcastle Business Park, Newcastle upon  
Tyne, NE4 7YJ

DECISION: STANDARD APPROVAL on 20 April 2007

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48. 7/2007/0127/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 16 March 2007

PROPOSAL: ERECTION OF CONSERVATORY TO THE REAR

LOCATION: 29 WESTERTON CLOSE SPENNYMOOR CO DURHAM

APPLICANT: Mr & Mrs Bromley  
29 Westerton Close, Spennymoor, Co Durham ,

DECISION: STANDARD APPROVAL on 20 April 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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49. 7/2007/0131/DM OFFICER:Simon Miller

APPLICATION DATE: 14 March 2007

PROPOSAL: ERECTION OF LAB/OFFICE

LOCATION: SOLARTRON ISA HACKWORTH INDUSTRIAL PARK SHILDON CO  
DURHAM

APPLICANT: Solartron ISA  
Hackworth Industrial Park, Shildon, Co Durham

DECISION: STANDARD APPROVAL on 2 May 2007

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50. 7/2007/0246/DM OFFICER:David Gibson

APPLICATION DATE: 16 April 2007

PROPOSAL: ERECTION OF SINGLE STOREY EXTENSION AND DETACHED GARAGE  
AND UTILITY ROOM

LOCATION: NEWLANDS LODGE WYNYARD STOCKTON ON TEES

APPLICANT: Mr N Cushin  
Newlands Lodge, Wynyard, Billingham , Stockton on Tees, TS22 5NW

DECISION: STANDARD APPROVAL on 15 May 2007

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51. 7/2007/0141/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 6 March 2007

PROPOSAL: ERECTION OF TWO STOREY SIDE EXTENSION

LOCATION: 11 BRIDGE HOUSE ESTATE FERRYHILL CO DURHAM DL17 8EY

APPLICANT: Mr J Ward  
11 Bridge House Estate, Ferryhill, Co Durham

DECISION: STANDARD REFUSAL on 30 April 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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52. 7/2007/0140/DM OFFICER:Simon Miller

APPLICATION DATE: 7 March 2007

PROPOSAL: ERECTION OF REAR EXTENSION

LOCATION: 2 DURHAM ROAD AYCLIFFE VILLAGE CO DURHAM

APPLICANT: Mr N Liddle  
12 Bloomfield Road, Darlington, Co Durham, DL3 6SA

DECISION: STANDARD APPROVAL on 2 May 2007

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53. 7/2007/0143/DM OFFICER:Simon Miller

APPLICATION DATE: 12 March 2007

PROPOSAL: ERECTION OF TWO STOREY SIDE EXTENSION, SINGLE STOREY  
REAR EXTENSION AND PORCH TO FRONT

LOCATION: 13 BRIAR GROVE TRIMDON TS29 6QA

APPLICANT: Hugh Gallagher  
13 Briar Grove, Trimdon , TS29 6QA

DECISION: STANDARD APPROVAL on 2 May 2007

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54. 7/2007/0145/DM OFFICER:David Gibson

APPLICATION DATE: 9 March 2007

PROPOSAL: ERECTION OF STEEL-FRAMED STORAGE BUILDING, STORES AND  
TOILET FACILITIES AND TEMPORARY SITE OFFICE AND CANTEEN

LOCATION: OLD STATION OFF A689 SEDGEFIELD STOCKTON ON TEES

APPLICANT: Mr R Ellison  
New Station House, Sedgefield, Stockton on Tees, TS21 2EP

DECISION: STANDARD APPROVAL on 20 April 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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55. 7/2007/0148/DM OFFICER:David Gibson

APPLICATION DATE: 19 March 2007

PROPOSAL: ERECTION OF ATTACHED GARAGE

LOCATION: 22 FIR TREE SHILDON CO DURHAM

APPLICANT: Mr & Mrs Robinson  
22 Fir Tree, Shildon, Co Durham

DECISION: STANDARD APPROVAL on 2 May 2007

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56. 7/2007/0150/DM OFFICER:David Gibson

APPLICATION DATE: 8 March 2007

PROPOSAL: ERECTION OF CONSERVATORY TO REAR

LOCATION: 3 PEARS TERRACE SHILDON CO DURHAM

APPLICANT: Mrs J V Dawson  
3 Pears Terrace, Shildon, Co Durham, DL4 2JA

DECISION: STANDARD APPROVAL on 2 May 2007

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57. 7/2007/0151/DM OFFICER:David Gibson

APPLICATION DATE: 16 March 2007

PROPOSAL: CHANGE OF USE FROM CLASS A2 (FINANCIAL AND PROFESSIONAL SERVICES) TO CLASS B1 (OFFICES)

LOCATION: THE OLD MANOR HOUSE WEST END SEDGEFIELD STOCKTON ON TEES

APPLICANT: Dewjoc Architects Ltd  
Mr John Ions, Chesterfield House, Mill Lane, Norton , Stockton on Tees, TS20 1LG

DECISION: STANDARD APPROVAL on 10 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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58. 7/2007/0152/DM OFFICER:David Gibson

APPLICATION DATE: 12 March 2007

PROPOSAL: ERECTION OF TWO STOREY EXTENSION TO WEST ELEVATION AND SINGLE STOREY EXTENSION TO EAST ELEVATION

LOCATION: SOUTH FARM SPRING LANE FOXTON SEDGEFIELD STOCKTON ON TEES

APPLICANT: Mr & Mrs A Lane  
South Farm, Spring Lane, Foxton , Sedgefield, Stockton on Tees

DECISION: STANDARD APPROVAL on 2 May 2007

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59. 7/2007/0153/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 5 March 2007

PROPOSAL: APPLICATION TO VARY CONDITION NO. 7 OF PLANNING PERMISSION 7/2006/0688/DM TO ALLOW STABLES TO BE USED FOR PERSONAL AND BUSINESS USE

LOCATION: LAND AT MERRINGTON LANE SPENNYMOOR CO DURHAM

APPLICANT: Miss T Waggott  
Ingledene , Vyners Close, Spennymoor, Co Durham , DL16 7HB

DECISION: STANDARD APPROVAL on 20 April 2007

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60. 7/2007/0157/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 12 March 2007

PROPOSAL: CHANGE OF USE FROM GUEST HOUSE TO RESIDENTIAL

LOCATION: THE GABLES 9 - 10 SOUTH VIEW MIDDLESTONE MOOR SPENNYMOOR CO DURHAM  
DL16 7DF

APPLICANT: Virginia Atkinson  
The Gables, 10 South View, Spennymoor, DL16 7DF

DECISION: STANDARD APPROVAL on 2 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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61. 7/2007/0158/DM OFFICER:David Gibson

APPLICATION DATE: 13 April 2007

PROPOSAL: ERECTION OF AGRICULTURAL BUILDING FOR LIVESTOCK

LOCATION: BRECKON HILL FARM SEDGEFIELD STOCKTON ON TEES

APPLICANT: C Swinbank  
Little Rigg, Breckon Hill Farm, Sedgefield, Stockton on Tees

DECISION: PRIOR APPROVAL NOT REQUIRED on 9 May 2007

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62. 7/2007/0159/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 10 April 2007

PROPOSAL: ERECTION OF OF CONSERVATORY TO THE REAR

LOCATION: 15 PRIORS PATH FERRYHILL CO DURHAM

APPLICANT: Mrs Wayman  
15 Priors Path , Ferryhill, Co Durham

DECISION: STANDARD APPROVAL on 9 May 2007

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63. 7/2007/0160/DM OFFICER:Steve Teasdale

APPLICATION DATE: 20 March 2007

PROPOSAL: VARIATION OF CONDITION NO. 1 OF PLANNING PERMISSION  
7/2006/0079/DM TO ALLOW THE CONTINUATION OF THE CLAY PIGEON  
SHOOT

LOCATION: PARK HOUSE FARM HORSE CLOSE LANE TRIMDON COLLIERY

APPLICANT: P E Humphries  
19 Broad Road, Blackhall Rocks, Hartlepool, TS27 4BB

DECISION: STANDARD APPROVAL on 15 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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64. 7/2007/0163/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 26 March 2007

PROPOSAL: ERECTION OF 1ST FLOOR EXTENSION

LOCATION: RAYWORTH HOUSE 12 INSTITUTE STREET BYERS GREEN  
SPENNYMOOR CO DURHAM

APPLICANT: Mrs I Mawson  
Rayworth House, 12 Institute Street , Byers Green , Spennymoor, Co  
Durham

DECISION: STANDARD APPROVAL on 2 May 2007

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65. 7/2007/0164/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 29 March 2007

PROPOSAL: ERECTION OF DETACHED GARAGE

LOCATION: MERRYKNOWLE SEDGEFIELD CO DURHAM

APPLICANT: Mr & Mrs Brown  
Merryknowle, Sedgfield, Co Durham , DL17 9DY

DECISION: STANDARD APPROVAL on 15 May 2007

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66. 7/2007/0165/DM OFFICER:Simon Miller

APPLICATION DATE: 22 March 2007

PROPOSAL: EXTERNAL COVERED SMOKE SHELTER

LOCATION: THE BEEHIVE SALTERS LANE FISHBURN CO DURHAM

APPLICANT: Mr D Birchall  
The Beehive, Salters Lane, Fishburn , Co Durham , Stockton on Tees

DECISION: STANDARD APPROVAL on 2 May 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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67. 7/2007/0144/DM OFFICER:David Gibson

APPLICATION DATE: 23 March 2007

PROPOSAL: ERECTION OF DORMER BUNGALOW (OUTLINE APPLICATION)

LOCATION: LAND AT 1 ASSOCIATION COURT SHILDON CO DURHAM

APPLICANT: Mr M Petty  
1 Association Court, Shildon, Co Durham, DL4 1EL

DECISION: STANDARD REFUSAL on 17 May 2007

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68. 7/2007/0256/DM OFFICER:David Gibson

APPLICATION DATE: 19 April 2007

PROPOSAL: ERECTION OF CONSERVATORY TO REAR

LOCATION: 2 CUNNINGHAM COURT SEDGEFIELD STOCKTON ON TEES TS21 3BX

APPLICANT: Mr & Mrs Simpson  
2 Cunningham Court, Sedgefield, Stockton on Tees, TS21 3BX

DECISION: STANDARD APPROVAL on 15 May 2007

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69. 7/2007/0102/DM OFFICER:David Gibson

APPLICATION DATE: 28 February 2007

PROPOSAL: ERECTION OF 3NO. DWELLINGS

LOCATION: LAND AT 64 HAWKSHEAD PLACE NEWTON AYCLIFFE CO DURHAM

APPLICANT: Tees Valley Housing Group  
Rivers House, 63 North Ormesby Road, Middlesbrough, TS4 2AF

DECISION: STANDARD APPROVAL on 18 April 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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70. 7/2007/0057/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 1 March 2007

PROPOSAL: ERECTION OF EXTENSION

LOCATION: JOANNE BANKS DANCE STUDIO 10 DURHAM STREET SPENNYMOOR  
CO DURHAM

APPLICANT: Joanne Banks  
Studio 10, Durham Street, Middlestone Moor, Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 18 April 2007

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71. 7/2007/0069/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 22 February 2007

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

LOCATION: 14 HIGH STREET SPENNYMOOR CO DURHAM

APPLICANT: HBOS Plc  
Trinity Road, Halifax, HX1 2RG

DECISION: STANDARD APPROVAL on 18 April 2007

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72. 7/2007/0085/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 28 February 2007

PROPOSAL: ERECTION OF SINGLE STOREY SIDE EXTENSION AND ERECTION OF  
DETACHED GARAGE

LOCATION: 2 HIGHLAND COTTAGES BISHOP MIDDLEHAM CO DURHAM

APPLICANT: Mr T Dartnall  
2 Highland Cottages, Bishop Middleham, Co Durham , DL17 9DP

DECISION: STANDARD APPROVAL on 18 April 2007

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# Item 11

## SEDGEFIELD BOROUGH COUNCIL

### APPEALS OUTSTANDING UP TO 23<sup>rd</sup> MAY 2007

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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 Received	Barratt Newcastle 24 <sup>th</sup> August 2006

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

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

An Inspectors decision letter was received on the 17<sup>th</sup> April 2007. The Appeal was dismissed and the Enforcement Notice Upheld

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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 Received	Barratt Homes Ltd 10 <sup>th</sup> November 2006.

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

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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 Received	Gary Atkinson 7 <sup>th</sup> November 2006

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

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

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

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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 9<sup>th</sup> January 2007.

An Inspectors decision letter was received on the 18<sup>th</sup> May 2007. The Appeal was dismissed and the Enforcement Notice Upheld

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Ref.No. AP/2007/0002  
Location 61 DEAN PARK FERRYHILL DL178HR  
Proposal APPEAL FOR REMOVAL OF CONDITIONS 2,3 (OBSCURE GLAZING)  
AND 5 (COMPLIANCE WITH ADDITIONAL INFORMATION)  
Appellant R E Arrand  
Received 22<sup>nd</sup> March 2007

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

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Ref.No. AP/2007/0003  
Location LAND NORTH EAST OF HIGH STREET BYERS GREEN SPENNYMOOR  
CO DURHAM  
Proposal RESIDENTIAL DEVELOPMENT (OUTLINE APPLICATION)  
Appellant Mr A Watson  
Received 16<sup>th</sup> April 2007

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

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Ref.No. AP/2007/0004  
Location EAST BUTTERWICK FARM BUTTERWICK SEDGFIELD STOCKTON  
ON TEES TS21 3ER  
Proposal ERECTION OF GARAGE AND GARDEN STORE  
Appellant CRS McDonnell  
Received 14<sup>th</sup> May 2007

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

---

Ref.No. AP/2007/0005  
Location 11 DARLINGTON ROAD FERRYHILL CO DURHAM  
Proposal CHANGE OF USE TO FOOD TAKEAWAY AND INSTALLATION OF  
REAR DUCTING  
Appellant Mr M Moses  
Received 9<sup>th</sup> May 2007

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

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# Item 12

## DEVELOPMENT CONTROL COMMITTEE

1<sup>st</sup> June 2007

### Report of the Director of Neighbourhood Services

#### RECENT PLANNING APPEAL DECISION

The following planning appeal decisions are reported for the information purposes:

**APPEAL REFERENCE NO.** APP/M1330/C/06/2032404 & 7

**LOCATION:** Land at 1 Parkdale Spennymoor

#### APPEAL DESCRIPTION:

The appeal was made against an enforcement notice alleging:

*'The unauthorised erection of a fence, resulting in the enclosure of open space.'*

The steps specified in the notice required:

*'The removal of the fence in its entirety.'*

The appeal against the enforcement notice was made on ground (c) that:

*'That there has not been a breach of planning control.'*

An Enforcement Notice appeal also gives rise to a 'deemed' planning application but as the prescribed fees had not been paid the Inspector did not consider the planning merits of the case.

The appeal was dealt under the written representations procedure.

#### APPEAL DECISION

In the Inspector's decision letter dated 17 May 2007, a copy of which is attached to this report, the appeal was dismissed and the enforcement notice upheld.

#### ANALYSIS OF THE APPEAL DECISION

The Inspector in dismissing the appeal and upholding the enforcement notice concluded that:

*'Aside from the condition removing permitted development rights, the fencing referred to in the notice was a breach of planning control.'*

In arriving at this conclusion the inspector addressed the appellant's submission that he had been told clearly by a Council officer that planning permission was not required and that he had acted on this basis. The Inspector however was not convinced that an 'oral' response gave rise to a 'legitimate expectation' that planning permission was not required. According to the Inspector a binding determination could only be established through a formal determination.

## **CONCLUSION**

The decision of the Inspector is an important one as it supports the approach that the planning department has adopted in dealing with requests regarding the need for planning. All requests are dealt with in writing together with a caveat that a binding decision, as to whether or not planning permission is required, can only be established through a formal application determine.

---

**APPEAL REFERENCE NO.** APP/M1330/C/06/2026163

**LOCATION:** Land at 13 Eden Road, Newton Aycliffe,

### **APPEAL DESCRIPTION:**

The appeal was made against an enforcement notice alleging:

*'The unauthorised erection of a fence.'*

The steps specified in the notice required:

*'The removal of the fence in its entirety.'*

The appeal against the enforcement notice was made on ground **(F)** that:

*The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.*

An Enforcement Notice appeal also gives rise to a 'deemed' planning application but as the prescribed fees had not been paid the Inspector did not consider the planning merits of the case.

The appeal was dealt under the written representations procedure.

### **APPEAL DECISION**

In the Inspector's decision letter dated 2 April 2007, a copy of which is attached to this report, the appeal was dismissed and the enforcement notice upheld.

### **ANALYSIS OF THE APPEAL DECISION**

The Inspector in dismissing the appeal and upholding the enforcement notice concluded that:

*'The fence could not be modified in such a way as to reduce its impact significantly' and as the 'appellant had not suggested an alternative measure that would overcome the adverse impact of the fence' concluded that the 'appeal must fail'.*

## **CONCLUSION**

The Inspector in arriving at his decision clearly considered that steps required in the notice were not excessive.



## Appeal Decisions

Site visit made on 8 May 2007

by Alan Upward BA(Hons) MCD MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 5372  
e-mail: [enquiries@planning-inspectorate.gov.uk](mailto:enquiries@planning-inspectorate.gov.uk)

Date: 17 May 2007

Appeals Ref: APP/M1330/C/06/2032404 & 7  
1 Parkdale, Spennymoor, Co Durham DL16 6XU

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Mrs G Tolley against an enforcement notice issued by Sedgfield Borough Council.
- The Council's reference is AP/2007/001/EN.
- The notice was issued on 3<sup>rd</sup> November 2006.
- The breach of planning control as alleged in the notice is **the unauthorised erection of a fence, resulting in the enclosure of open space at land adjacent to 1 Parkdale, Spennymoor, County Durham, DL16 6XU.**
- The requirements of the notice are to **remove in its entirety the fence that has resulted in the enclosure of open space at land adjacent to 1 Parkdale, Spennymoor, County Durham, DL16 6XU (shown edged red on the attached Ordnance Survey extract No.NZ2534).**
- The period for compliance with the requirements is 28 days.
- Both appeals are proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the applications for planning permission deemed to have been made under section 177(5) of the Act as amended do not fall to be considered.

**Summary of Decisions: The appeals are dismissed and the enforcement notice upheld.**

### Ground (c) appeals

1. 1 Parkdale is a modern dwelling on a corner site at the entrance to a short cul-de-sac of similar properties and within an extensive area of modern residential development. The plan attached to the enforcement notice defines a rectangular parcel of ground between the limit of former enclosed garden and the footway edge of Carr Lane. Close boarded fencing of about 1.8 metres height has been erected along 2 of its sides with a tapering fence of similar design along the cul-de-sac building line connecting with the corner of the bungalow. Photographs showing the situation shortly before issue of the enforcement notice appear to indicate a full 1.8 metre high fence along the north-western site boundary and connecting with a brick wall fronting Parkdale.
2. The Appellants argued that this land was included within their ownership at the property, and therefore could not have the status of "open space". As owners of the land they could enclose it with fencing. They indicated that they had been told clearly that planning permission was not required for a fence of less than 2 m height to a rear garden.
3. Their account of a discussion with a Council officer does not generate a legitimate expectation that planning permission had not been required for the works as now carried out. The request appears to have been oral, and in general terms. They could not have acted directly in reliance upon any verbal reply. There had been no document setting out the proposed works and no response in writing. Moreover, the judgement in *R. v East Sussex CC ex parte Reprotech (Pebsham) Ltd 2002 (HOL 28.02.02)* established that a binding determination of the question could not bypass the formal lawfulness provisions of S192 of the 1990 Act for the lodging of an application.
4. The allegation and notice requirements make reference both to the fence and the "enclosure of open space". The notice is, however, expressly not alleging an unauthorised change of use of land, and is clearly directed at the operational development of construction of the fence within the period of 4 years preceding issue of the notice. Bearing in mind the stated reasons for issue of the notice, the Council might have chosen to allege unauthorised use of the "amenity open

space". This has not, however, been done. Although the wording refers to the "enclosure" effect of the fence, the allegation relates expressly to the fencing works.

5. Parkdale was developed in pursuance of a planning permission granted in 1989 for the erection of 4 bungalows. The appeal site forms part of this site. That planning permission had included a condition 2 expressly removing rights of permitted development in the then operative 1988 General Development Order relating to "walls or fences or other means of enclosure". Its import was carried forward into the equivalent provisions of the 1995 T& CP (General Permitted Development) Order 1995. On this basis the erection of this and other fences at the site would require express planning permission. Planning permission was not obtained for the fencing now being challenged, and there was therefore a breach of planning control. The ground (c) appeals are therefore bound to fail.
6. In addition to this, the permitted development right for fences set out in what is now Part 2 Class A of the 1995 GPDO Schedule excludes situations where exceeding one metre in height above ground level adjacent to a highway used by vehicular traffic. The land involved in the works is predominantly to the side and rear of the bungalow reaching to a screen fence sited about 250mm from the surfaced footway which appears to be part of the highway used by vehicular traffic. Such a degree of separation would clearly fall within the meaning of adjacent to the highway. Although, as now altered, the sections of fence connecting with the area formerly enclosed are progressively further from Carr Lane, much of this would also in my view reasonably fall within the meaning of adjacent to the highway. Aside from the condition removing permitted development rights, the fencing referred to in the notice was a breach of planning control.
7. For these various reasons the ground (c) appeals should fail, and the notice will be upheld.

#### Formal Decision

8. I dismiss the appeals and uphold the enforcement notice.

*Alan Upward*

INSPECTOR





# Appeal Decision

Site visit made on 2 April 2007

by **Michael Hurley** BA DipTP MRTPI

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

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date  
17 Apr. 07

**Appeal Ref: APP/M1330/C/06/2026163**

**13 Eden Road, Newton Aycliffe, County Durham, DL5 5QA**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Andrew Spencer Clarke against an enforcement notice issued by the Sedgefield Borough Council.
- The Council's reference is AP/2006/0013/EN.
- The notice was issued on 6 September 2006.
- The breach of planning control alleged in the notice is the unauthorised erection of a fence.
- The requirement of the notice is to remove in its entirety the fence that has enclosed the curtilage of 13 Eden Road, Newton Aycliffe, DL5 5QA.
- The period for compliance with the requirement is 28 days.
- The appeal is proceeding on the grounds set out in section 174(2)(f) of the 1990 Act.

**Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.**

## Procedural Matter

1. The fence which is the subject of this appeal encloses the garden in front of No 13 Eden Road, a 2-storey house at the end of a residential terrace. The property has no back garden. The appellant indicates that the fence was erected at some time after April 2005, for privacy, security and safety reasons; and he argues that there are similar fences elsewhere in the area. However, as no fee has been paid, the deemed planning application for the retention of the fence (for which provision is made in section 177(5) of the 1990 Act) has now lapsed. In the circumstances, it is not within my remit to consider whether planning permission should be granted for the retention of the fence.

## Reasons

2. The only issue that arises in this appeal is whether the requirement to remove the fence in its entirety is excessive, or whether any lesser step would overcome the objection to this structure. The close-boarded fence is more than a metre high. It stands atop a low brick retaining wall, which runs along the back edge of the footway in Eden Road. The top of the fence is about 2.2m above the surface of the footway. The adjoining houses in this terrace have unenclosed front gardens, which are similarly raised above the level of the highway behind low retaining walls. The Council argue that the fence is an incongruous, discordant and intrusive element in the street scene.
3. Although the appeal is made on the grounds set out in section 174(2)(f) of the 1990 Act, the appellant has not suggested any alternative measure that would overcome the adverse effect of the fence on the appearance of Eden Road. Policy D1 of the Sedgefield Borough Local Plan requires that development should take account of the site's relationship to adjacent land uses; and that attention should be given to boundary treatment to create a sense of place. I do not consider that the fence could be modified

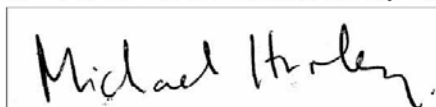
in such a way as to reduce its impact significantly. In the circumstances, I conclude that the appeal must fail.

**Other Matters**

4. I have taken account of all the other matters raised, including the appellant's evidence that his front garden was previously enclosed, in part by a hedge, and in part by fencing that was in an unsafe condition. However, I do not find any of these factors to be sufficient to outweigh the considerations that have led me to my decision.

**Formal Decision**

5. For the above reasons, I hereby dismiss the appeal and uphold the enforcement notice.

A rectangular box containing a handwritten signature in black ink. The signature appears to read "Michael H. O'Leary".

Inspector

# Item 13

ITEM NO.

REPORT TO DEVELOPMENT CONTROL

1 June 2007

REPORT OF HEAD OF PLANNING

## Planning and Development Portfolio

### Tree Preservation Order No. 47/2006 Joseph Hopper Terrace, West Cornforth

#### 1. SUMMARY

- 1.1 A provisional Tree Preservation Order (TPO) was made at the above site on 12 December 2006. The purpose of this report is therefore to consider whether it would be appropriate to make the Order permanent.
- 1.2 The Town and Country Planning Act 1990 enables Local Planning Authority (LPA) to make a TPO if it appears to be “expedient in the interests of amenity to make provision for the preservation of trees and woodlands in their area”. The Order must be confirmed within 6 months of being made or the Order will be null and void. The serving of the TPO is normally a delegated function, whilst the confirmation is by the Local Planning Authority.
- 1.3 The tree that is the subject of the Order provides amenity value to the area and is considered worthy of protection to preserve the character of the main street through the village.

#### 2 RECOMMENDATIONS

- 2.1 It is recommended that Committee authorise confirmation of the Order.

#### 3. BACKGROUND

- 3.1 At the time that the Order was served the tree was subject to enquiries as to the status of the tree. No protection existed and the enquiry indicated that the tree would be felled.
- 3.2 The tree provides public amenity along Vicarage Road. The tree stands on the perimeter of the front garden, partly screens the built environment and softens the landscape impact of a row of bungalows. The tree provides a skyline feature in a heavily hard landscaped area.

## **4 CONSULTATIONS**

- 4.1 Under the terms of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999, the Order was served on the owners of the land, and the owner/occupiers of all adjacent properties that may be affected by the Order. The parties were invited to make representations within 28 days of the date the Order was served, in order that comments could be reported to Committee.
- 4.2 One letter of objection was received containing 10 signatures. One letter of support, from the Parish Council was received.

## **5. Objections to the Order and comments on the objections**

### **5.1 The tree no longer enhances the area**

The tree was pruned recently to give statutory clearance from the electrical supply cables and, in addition, was reduced in height slightly and the crown rebalanced. This work was carried out to a very high standard and with great care.

The larger pruning wounds are beginning to callous over satisfactorily with no decay fungi or cavities evident. Although more than 30% of the canopy has been removed it is believed that this will not contribute to any lasting decline in tree health if the tree is allowed to grow from its present canopy shape.

The clearance from the electrical cables has now been achieved with only very minor lopping works required in the medium term. The tree is in good condition with a balanced crown and has a considerable remaining life span.

The front gardens of the Aged Miners Cottages are 15m long and laid down to grass. This large amenity area contains only one tree. The single tree is 15 metres from the nearest dwelling and isolated from other mature trees. Most of the mature trees in the vicinity are in poor condition and have a short life expectancy. This tree has a long life expectancy.

### **5.2 The roots may cause problems**

As already stated the tree is 15 metres from the nearest dwelling and there is no evidence that the tree has or could cause damage. No specific problems have been identified by the objectors.

## **Background Papers**

- Item a Tree Preservation Order 47/2006: Plan and Schedule
- Item b TEMPO evaluation
- Item c Letter of objection



**SEDGFIELD BOROUGH COUNCIL**  
**TREE PRESERVATION ORDER**  
 47/2006

**Location**  
 Joseph Hopper Terrace, West Cornforth

This map is referred to in the Sedgfield Borough Council Tree Preservation Order 47/2006

**OS Grid Reference**  
 NZ 431272.534348

**Legend**

- Individual Tree eg T1 etc.
- ▭ Indicative Boundary
- ⊕ OS Grid Reference

**Scale** 1:500

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**Signed** *[Signature]*  
 Mayor

**Authorised Signatory** *[Signature]*  
 Date: 12 December 2006

Glyn Hall, Director  
 Neighbourhood Services  
 Sedgfield Borough Council  
 Council Offices  
 Spennymoor  
 DL16 6JQ

**Sedgfield**  
 Borough Council

**Ordnance Survey**

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually  
(encircled in black on the map)

<b>Reference on TPO 47/2006 map</b>	<b>Description</b>	<b>Location</b>
T1	Sycamore	Front garden 7 Joseph Hopper Terrace

Groups of Trees  
(within a broken black line on the map)

<b>Reference on map</b>	<b>Description (including number of trees in the group)</b>	<b>Situation</b>
	None	

Trees specified by reference to an area  
(within a dotted black line on the map)

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
	None	

Woodlands  
(within a continuous black line on the map)

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
	None	

Item b

<b>TREE EVALUATION METHOD FOR PRESERVATION ORDERS</b>		
<b>SURVEY SHEET AND DECISION GUIDE</b>		
	Tree/Group No.	Species;
Surveyor; Rodger Lowe	T1	Sycamore
Owner; Aged Miners Association		
Location; Joseph Hopper Terrace		
Date; 10 December 2006		
<b><u>PART 1; Amenity Assessment</u></b>		
<b>a) Condition and suitability for Tree Preservation Order</b>		
Refer to Guidance Note for definitions		
<b>Score</b>		
5) Good	Highly suitable	5
3) Fair	Very suitable	
1) Poor	Unlikely to be suitable	
0) Unsafe, Dead	Unsuitable	
<b>b) Longevity and suitability for Tree Preservation Order</b>		
Refer to 'Species Guide' section in Guidance Notes		
<b>Score</b>		
5) 100+	Highly suitable	
4) 40 - 100+	Very suitable	
2) 20 - 40	Suitable	3
1) 10 - 20	Just suitable	
0) < 10	Unsuitable	
<b>c) Relative public visibility and suitability for Tree Preservation Order</b>		
Consider realistic potential for future visibility with changed land use		
<b>Score</b>		
5) Very large trees, or trees that are a prominent skyline feature	Highly suitable	
4) Large trees, or medium trees clearly visible to the public	Suitable	4
3) Medium trees, or larger trees with limited view only	Just suitable	
2) Small trees, or larger trees visible only with difficult	Unlikely to be suitable	
1) Young, very small trees or trees not visible to the public	Probably unsuitable	
<b>d) Other factors</b>		
Trees must have accrued 7 points or more (with no zero scores) to qualify		
<b>Score</b>		
5) Principal components of arboricultural features, or veteran trees		
4) Members of groups of trees that are important for their cohesion		

3) Trees with significant historic importance	
2) Trees of particularly good form, especially if rare or unusual	
1) Trees with none of the above	1

**Part 2; Expediency assessment**

Trees must have accrued at least 7 points to qualify

	<u>Score</u>
5) Known threat to trees	5
3) Foreseeable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	
0) Tree known to be actionable nuisance	

**Part 3; Decision Guide**

Score Total

Decision

		<u>Score Total</u>	<u>Decision</u>
Any 0	Do not apply TPO		
1-6	TPO indefensible		
7-10	Does not merit TPO		
11-13	Possibly merits TPO		
14+	Definitely merits TPO	18	TPO 47/2006

--



11the January, 2007.

PETITION FOR THE REMOVAL OF LARGE TREE FROM  
OUTISDE NUMBERS 7 AND 8 JOSEPH HOPPER TERRACE,  
WEST CORNFORTH.

While we apreciate the importance of preserving trees, we believe that this tree no longer enhances the overall appearance of the terrace, because it has had to be drastically reduced due to the interference of some of its brances with the telephone wires.

We also believe that, in the future, the roots could cause problems.

E Simpson  
J. Davis  
R Sproat  
R Sproat  
G. Smith  
L. Pears  
R. Pears  
M. Bowman  
J. Dunn  
H. Green

DEVELOPMENT CONTROL  
RECEIVED  
12 JAN 2007

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# Item 14

ITEM NO.

REPORT TO DEVELOPMENT CONTROL

1 June 2007

REPORT OF HEAD OF PLANNING

## Planning and Development Portfolio

### Tree Preservation Order No. 49/2007 5 Durham Road Sedgfield

#### 1. SUMMARY

- 1.1 A provisional Tree Preservation Order (TPO) was made at the above site on 22 March 2007. The purpose of this report is therefore to consider whether it would be appropriate to make the Order permanent.
- 1.2 The Town and Country Planning Act 1990 enables Local Planning Authority (LPA) to make a TPO if it appears to be “expedient in the interests of amenity to make provision for the preservation of trees and woodlands in their area”. The Order must be confirmed within 6 months of being made or the Order will be null and void. The serving of the TPO is normally a delegated function, whilst the confirmation is by the Local Planning Authority.
- 1.3 The trees that are the subject of the Order provides amenity value to the area and are considered worthy of protection to preserve the character of the area.
- 1.4 Objections to the inclusion of T2 and T12 have been received

#### 2 RECOMMENDATIONS

- 2.1 It is recommended that Committee authorise confirmation of the Order **but omit T2.**

#### 3. BACKGROUND

- 3.1 An Order made in 1981 is in need of revision due to errors in the schedules. Additional trees at this location have been identified as worthy of preservation and may be subject to development pressures
- 3.2 The trees that are the subject of the Order provide high amenity value to the area and form part of an important mature landscape corridor leading into Sedgfield village

- 3.3 The retention of trees on the perimeter of the site will form a screen to any new development with high elevations and retain the sense of maturity.
- 3.4 T12 is an excellent specimen of a seldom species.

#### **4 CONSULTATIONS**

- 4.1 Under the terms of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999, copies of the Order was sent to the owners of the land, adjacent properties and Sedgefield Town Council. The parties were invited to make representations within 28 days of the date the Order was served, in order that comments could be reported to Committee.
- 4.2 Five letters of support were received. One letter of objection was received.

#### **5 REPRESENTATIONS**

- 5.1 Five letters of support were received from local residents supporting the protection of the trees and the amenity they provide to the surrounding residential dwellings and that they contribute to the streetscene.
- 5.2 One letter of objection was received, objecting to T2 and T12. (see item b)  
The objection to T2 is that it is being suppressed by the surrounding trees and that it will never attain its natural canopy shape.  
The objection to T12 is that the tree is not visible from a public place.
- 5.3 Comments on objections

##### **T2 Horse Chestnut**

It is agreed with the supposition that this tree will not attain its natural canopy shape and is being suppressed by the adjacent Limes. The omission of this tree from the Order would not have a significant affect upon the local landscape.

##### **T12 Blue Spruce**

The Tree Preservation Officer disagrees with the assessment of this tree as a 'reasonable' specimen. It is entirely free of defects and in perfect health. It is certainly the best specimen of its species within our Borough.  
The proximity of the tree to the dwelling has no bearing on the validity of a TPO, and there is no suggestion that the tree is causing any nuisance.  
The tree is visible from public footpaths and open spaces both from Hawthorn Road and Durham Road. The visibility will only increase with time as the tree grows taller. The amenity value increases as deciduous cover declines in the winter.

## **Background Papers**

Item a Tree Preservation Order 49/2007: Plan and Schedule

Item b Letter of objection

Item c TEMPO evaluation

Item a

<u>SPECIFICATION OF TREES</u>		
Trees specified individually (encircled in black on the map)		
<i><b>TPO map</b></i>	<b>Description</b>	<i><b>Location</b></i>
<b>T1</b>	<i>Lime</i>	<b>Between main building and boundary with Conifer Avenue</b>
<b>T2</b>	<i>Horse Chestnut</i>	<b>Between main building and boundary with Conifer Avenue</b>
<b>T3</b>	<i>Lime</i>	<b>Between main building and boundary with Conifer Avenue</b>
<b>T4</b>	<i>Lime</i>	<b>Between main building and boundary with Conifer Avenue</b>
<b>T5</b>	<i>Lime</i>	<b>Between main building and boundary with Conifer Avenue</b>
<b>T6</b>	<i>Lime</i>	<b>Between main building and boundary with Conifer Avenue</b>
<b>T7</b>	<i>Lime</i>	<b>Between main building and boundary with Conifer Avenue</b>
<b>T8</b>	<i>Lime</i>	<b>Between main building and boundary with Conifer Avenue</b>
<b>T9</b>	<i>Lime</i>	<b>Between main building and boundary with Conifer Avenue</b>
<b>T10</b>	<i>Beech</i>	<b>Between northern boundary and shed</b>
<b>T11</b>	<i>Birch</i>	<b>1m west of shed</b>
<b>T12</b>	<i>Blue Spruce</i>	<b>Within 5m of southern wall of main building</b>
<b>T13</b>	<i>Yew</i>	<b>Western boundary</b>
<b>T14</b>	<i>Sycamore</i>	<b>Western boundary</b>
<b>T15</b>	<i>Ash</i>	<b>Western boundary</b>
<b>T16</b>	<i>Pine</i>	<b>Western boundary</b>
<b>T17</b>	<i>Sycamore</i>	<b>Western boundary</b>
<b>T18</b>	<i>Sycamore</i>	<b>Western boundary</b>



**SEDFIELD BOROUGH COUNCIL  
TREE PRESERVATION ORDER  
49/2007**

Location:  
5 Durham Road Sedgfield

This map is referred to in the  
Sedgfield Borough Council  
Tree Preservation Order 49/2007

OS Grid Reference  
NZ 435501, 529424

**Legend**

- Individual Tree eg T1 etc.
- ▭ Indicative Boundary
- ⊕ OS Grid Reference

Scale 1:500

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Signed  
Mayor: .....

Authorised Signatory: .....



# IAN KEEN LIMITED

RL

*Consultants for Trees and Landscapes*

Sedgefield Borough Council  
Legal Department  
Council Offices  
Spennymoor  
DL16 6JQ

To Head of Planning

DATE 26.4.07

24 April 2007

Dear Sirs

**TREE PRESERVATION ORDER 49/2007  
LAND AT 5 DURHAM ROAD, SEDGEFIELD**

We act on behalf of Mr. & Mrs J Forbes, owners of 5 Durham Road, Sedgefield, to object in accordance with Regulation 4 against the inclusion of two trees within Tree Preservation Order 49/2007. We are conscious the date for objection has passed, but we have only just been instructed and accordingly have submitted this response as soon as instructions were received. May we respectfully request this letter is considered prior to confirming the Order.

The two trees to which we object are:-

**T2 Horse Chestnut**

This tree is significantly asymmetric and strongly biased to the south. The reason for this abnormal growth pattern is the presence of the two adjoining Lime trees T1 and T3 that are dominant over and causing suppression to the Horse chestnut. Consequently it is a very minor tree with the inability to develop satisfactorily and hence its exclusion from the Order would be appropriate.

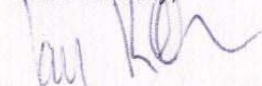
**T12 Blue Spruce**

Whilst a reasonable tree in its own right, it is close to the existing house (5m) and due to its internal site location provides no public benefit as it cannot be clearly seen from any public viewpoint. May we advise you that trees must be visible from a public place to warrant statutory protection in this manner.

We, therefore, request that trees T2 and T12 be excluded from the TPO prior to confirmation.

Please acknowledge receipt of this objection and confirm the objection will be placed before the relevant Committee or delegated Officers before the Order is confirmed.

Yours faithfully,



**IAN KEEN  
NDF MIC.For, F.Arbor.**

c.c. Dave Tyro

ian keen is a registered consultant of the Arboricultural Association  
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<b>SURVEY SHEET AND DECISION GUIDE</b>		
Surveyor; Rodger Lowe	Tree/Group No. T12	Species; Blue spruce
Owner; not known		
Location; 5 Durham Road Sedgefield		
Date; 3 May 2007		
<b>PART 1; Amenity Assessment</b>		
<b>a) Condition and suitability</b> for Tree Preservation Order		
Refer to Guidance Note for definitions		
<b>Score</b>		
5) Good	Highly suitable	5
3) Fair	Very suitable	
1) Poor	Unlikely to be suitable	
0) Unsafe, Dead	Unsuitable	
<b>b) Longevity and suitability</b> for Tree Preservation Order		
Refer to 'Species Guide' section in Guidance Notes		
<b>Score</b>		
5) 100+	Highly suitable	
4) 40 -100+	Very suitable	4
2) 20 - 40	Suitable	
1) 10 - 20	Just suitable	
0) < 10	Unsuitable	
<b>c) Relative public visibility and suitability</b> for Tree Preservation Order		
Consider realistic potential for future visibility with changed land use		
<b>Score</b>		
5) Very large trees, or trees that are a prominent skyline feature	Highly suitable	
4) Large trees, or medium trees clearly visible to the public	Suitable	
3) Medium trees, or larger trees with limited view only	Just suitable	3
2) Small trees, or larger trees visible only with difficulty	Unlikely to be suitable	
1) Young, very small trees or trees not visible to the public	Probably unsuitable	
<b>d) Other factors</b>		
Trees must have accrued 7 points or more (with no zero scores) to qualify		
<b>Score</b>		
5) Principal components of arboricultural features, or veteran trees		
4) Members of groups of trees that are important for their cohesion		
3) Trees with significant historic importance		

2) Trees of particularly good form, especially if rare or unusual	2	
1) Trees with none of the above		
<b>Part 2; Expediency assessment</b>		
Trees must have accrued at least 9 point to qualify		
	<u>Score</u>	
5) Known threat to trees		
3) Foreseeable threat to tree		
2) Perceived threat to tree	2	
1) Precautionary only		
0) Tree known to be actionable nuisance		
<b>Part 3; Decision Guide</b>		
	<u>Score Total</u>	<u>Decision</u>
Any 0	Do not apply TPO	
1-6	TPO indefensible	
7-10	Does not merit TPO	
11-13	Possibly merits TPO	
14+	Definitely merits TPO	16 TPO 49/2007

**Further notes and comments**

Excellent example of species. Most species in borough as in poor condition.  
Visible from Durham Road (public footpath through wooded open space) and Hawthorn Road.

Amenity value particularly valuable during winter months

# Item 15

ITEM NO.

REPORT TO DEVELOPMENT CONTROL

1 June 2007

REPORT OF HEAD OF PLANNING

## Planning and Development Portfolio

### Tree Preservation Order No. 50/2007 Derwent Terrace Spennymoor

#### 1. SUMMARY

- 1.1 A provisional Tree Preservation Order (TPO) was made at the above site on 27 March 2007. The purpose of this report is therefore to consider whether it would be appropriate to make the Order permanent.
- 1.2 The Town and Country Planning Act 1990 enables Local Planning Authority (LPA) to make a TPO if it appears to be “expedient in the interests of amenity to make provision for the preservation of trees and woodlands in their area”. The Order must be confirmed within 6 months of being made or the Order will be null and void. The serving of the TPO is normally a delegated function, whilst the confirmation is by the Local Planning Authority.
- 1.3 The tree that is the subject of the Order provides amenity value to the area and is considered worthy of protection to preserve the character of the area.

#### 2 RECOMMENDATIONS

- 2.1 It is recommended that Committee authorise confirmation of the Order.

#### 3. BACKGROUND

- 3.1 The tree is one of very few mature trees remaining in an area that has been extensively redeveloped.
- 3.2 The tree provides significant public amenity as it stands on a green surrounded by dwellings.
- 3.3 The tree is under threat from further development pressure in the area.

## 4 CONSULTATIONS

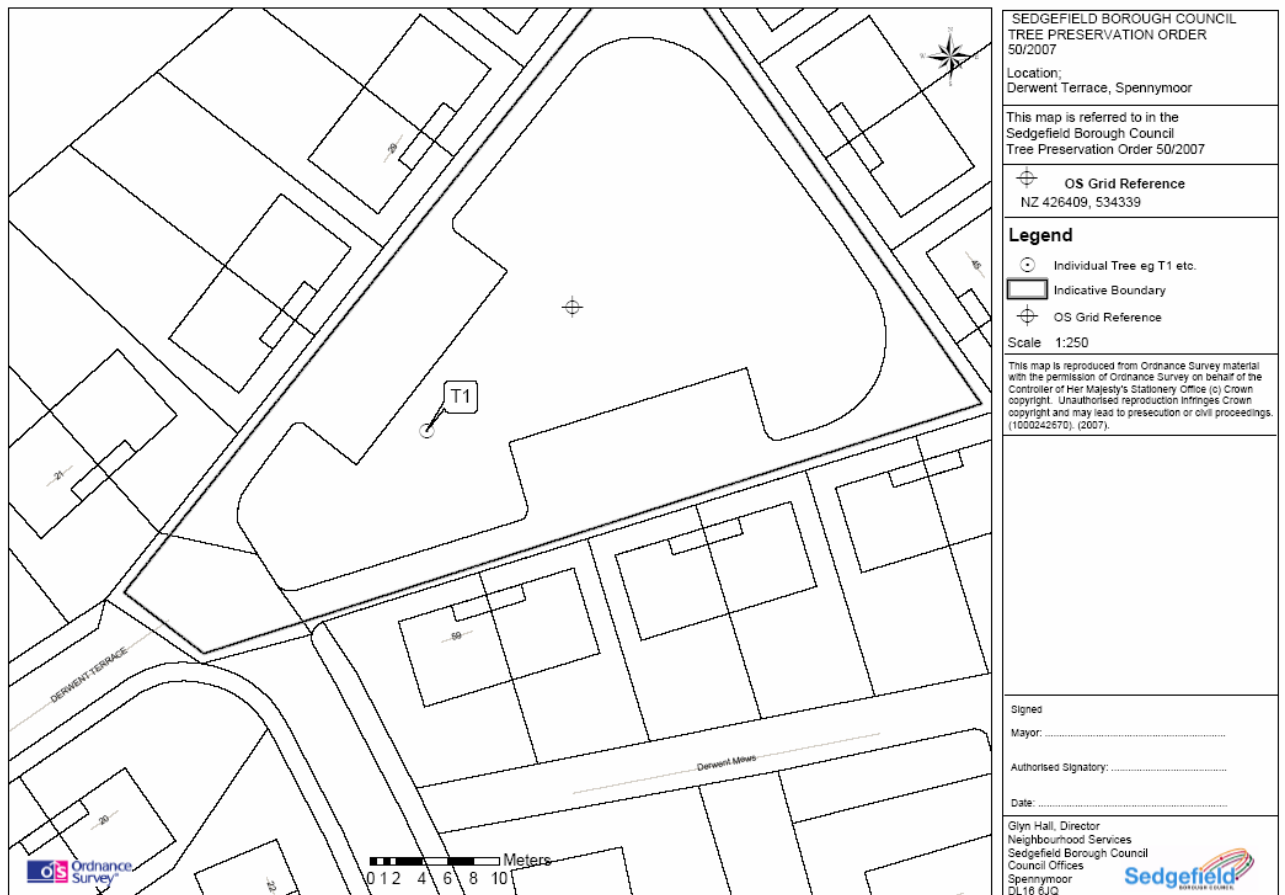
4.1 Under the terms of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999, the Order was served on the owners of the land. Spennymoor Town Council were also consulted.

The parties were invited to make representations within 28 days of the date the Order was served, in order that comments could be reported to Committee.

4.2 No representations were received.

### Background Papers

#### Item a Tree Preservation Order 50/2007: Plan and Schedule



T1 Horse Chestnut



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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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