

DEVELOPMENT CONTROL COMMITTEE

Friday,
22 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 - 2)

3. MINUTES

To confirm as a correct record the Minutes of the meetings held on

(a) 1st June 2006 (Pages 3 - 8)

(b) 18th June 2007 (To follow)

4. APPLICATIONS - BOROUGH MATTERS

To consider the attached schedule of applications, which are to be determined by this Council. (Pages 9 - 56)

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 57 - 60)

Members are reminded that the applications to be considered under Items 7,8,9 and 10 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.

7. DELEGATED DECISIONS

A schedule of applications, which have been determined by Officers by virtue of their delegated powers, is attached for information (Pages 61 - 74)

8. COUNTY DECISIONS

A schedule of applications, which have been determined by Durham County Council is attached for information.
(Pages 75 - 76)

9. APPEALS

A schedule of appeals outstanding up to 14th June 2007 is attached for information. (Pages 77 - 80)

10. RECENT PLANNING APPEAL DECISIONS

Report of Director of Neighbourhood Services.
(Pages 81 - 86)

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.

11. ALLEGED BREACHES OF PLANNING CONTROL

To consider the attached schedule of alleged breaches of planning control and action taken. (Pages 87 - 88)

12. 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
14th June 2007

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

All other Members of the Council

ACCESS TO INFORMATION

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

Item 2

MEMBER'S DISCLOSURE OF INTEREST

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

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

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

(2)

The nature of that interest is _____

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

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

OR (5) [Delete if not applicable]

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

SIGNED:

Dated

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

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

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

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

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

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Item 3a

SEDGEFIELD BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

Council Chamber,
Council Offices,
Spennymoor

Friday,
1 June 2007

Time: 10.00 a.m.

Present: Councillor A. Smith (Chairman) and

Councillors W.M. Blenkinsopp, Mrs. D. Bowman, T. Brimm, D.R. Brown, V. Chapman, Mrs. K. Conroy, Mrs. P. Crathorne, Mrs. L. M.G. Cuthbertson, T.F. Forrest, P. Gittins J.P., Mrs. B. Graham, A. Gray, G.C. Gray, Mrs. I. Hewitson, J.E. Higgin, A. Hodgson, T. Hogan, J.G. Huntington, J.M. Khan, B. Lamb, C. Nelson, D.A. Newell, B.M. Ord, Mrs. E.M. Paylor, K. Thompson, T. Ward, W. Waters, J. Wayman J.P and Mrs E. M. Wood

Apologies: Councillors Mrs. A.M. Armstrong, B.F. Avery J.P, J. Burton, D. Chaytor, V. Crosby, D. Farry, Mrs. J. Gray, B. Haigh, Mrs. S. Haigh, D.M. Hancock, Mrs. L. Hovvels, G.M.R. Howe, Mrs. H.J. Hutchinson, Mrs. S. J. Iveson, Ms. I. Jackson, Mrs. E. Maddison, Mrs. C. Potts, J. Robinson J.P, B. Stephens and A. Warburton

DC.3/07

DECLARATIONS OF INTEREST

The following declarations of interest were received :-

Councillor V.Chapman	-	Item 6 – County Matters – Personal and Prejudicial – Member of Durham County Council
Councillor B.Lamb	-	Item 6 – County Matters – Personal and Prejudicial – Member of Ferryhill Town Council
Councillor G.C.Gray	-	Item 6 – County Matters – Personal and Prejudicial – Member of Durham County Council
Councillor J.M. Khan	-	Item 6 – County Matters (Application 1) – Personal and Prejudicial – Vice-Chairman of Governing Body.
Councillor Mrs. P.Crathorne	-	Item 6 – County Matters – Personal and Prejudicial – Member of Ferryhill Town Council
Councillor Mrs. D. Bowman	-	Item 6 – County Matters – Personal and Prejudicial – Member of Durham County Council
Councillor Mrs. B. Graham	-	Item 8 – Development by Sedgefield Borough – Personal and Prejudicial – Cabinet Member for Culture and Leisure.

DC.4/07

MINUTES

The Minutes of the meetings held on 27th April, 2007 and 30th May, 2007 were confirmed as correct records and signed by the Chairman.

DC.5/07

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 : 3 – Erection of 64 Bed Secure Healthcare Facility with Associated Car Parking, Landscaping and Ancillary Facilities – Former Sedgefield Community Hospital, Salters Lane, Sedgefield – Care Principles –Plan Ref : 7/2007/0162/DM – it was explained that, since the preparation of the report, three further letters had been received. One of those letters, which was from Sedgefield Village Residents Federation, was supporting the application. The second letter was from a resident of Fishburn, expressing concerns regarding the publicity exercise, which he considered should have been extended into Fishburn. The remaining letter was from Leith Planning Limited, a copy of which was circulated to Members. (For copy see file of Minutes).

It was considered that in the light of the issues raised in those letters and, bearing in mind that those comments had only been received at a late stage, consideration of this item should be deferred pending further clarification and discussion on the issues.

- RESOLVED :**
1. *That in respect of Application No : 3 - Erection of 64 Bed Secure Healthcare Facility with Associated Car Parking, Landscaping and Ancillary Facilities – Former Sedgefield Community Hospital, Salters Lane, Sedgefield – Care Principles –Plan Ref : 7/2007/0162/DM – consideration of this item be deferred pending consideration of issues raised in letters of objection.*
 2. *That the remainder of the recommendations detailed in the schedule be adopted.*

DC.6/07

COUNTY MATTERS

NB : In accordance with Section 81 of the Local Government Act 2000 and the Members' Code of Conduct, Councillors V. Chapman, B. Lamb, G.C. Gray, J.M. Khan, Mrs. D. Bowman and Mrs. P. Crathorne declared a personal and prejudicial interests in this item and left the meeting for the duration of the discussion and voting thereon.

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 recommendations contained therein adopted.*

DC.7/07

CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

A schedule detailing an application, which was to be determined by Hartlepool 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.8/07

DEVELOPMENT BY SEDGEFIELD BOROUGH COUNCIL

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

Consideration was given to a schedule detailing applications for development by Sedgefield Borough Council. (For copy see file of Minutes).

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

DC.9/07

COUNTY DECISIONS

A schedule of applications which had been determined by Durham County Council was submitted for Members' information. (For copy see file of Minutes).

RESOLVED : That the schedule be received.

DC.10/07

DELEGATED DECISIONS

Consideration was given to a schedule detailing applications which had been determined by officers by virtue of their delegated powers. (For copy see file of Minutes).

RESOLVED : That the schedule be received.

DC.11/07

APPEALS

Consideration was given to a schedule detailing outstanding appeals to 23rd May, 2007. (For copy see file of Minutes).

RESOLVED : That the schedule be received.

DC.12/07

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 the appeal against an Enforcement Notice alleging the unauthorised erection of a fence resulting in the enclosure of open

space land at 1 Parkdale, Spennymoor and the appeal against the alleged unauthorised erection of a fence – land at 13 Eden Road, Newton Aycliffe had both been dismissed.

RESOLVED : That the information be received.

DC.13/07

TREE PRESERVATION ORDER 47/2006 JOSEPH HOPPER TERRACE WEST CORNFORTH

Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) in respect of a Provisional Tree Preservation Order which had been made at the above site on 12th December, 2006.

The purpose of the report was to consider whether it was appropriate to make the Tree Preservation Order permanent.

It was explained that the Order must be confirmed within six months of being made or the Order would be null and void.

The tree, which was the subject of the Order, provided amenity value to the area and was considered worthy of protection to preserve the character of the main street through the village.

RESOLVED : That Tree Preservation Order No : 47/2006 Joseph Hopper Terrace, West Cornforth be confirmed.

DC.14/07

TREE PRESERVATION ORDER NO 49/2007 DURHAM ROAD SEDGEFIELD

Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) regarding a Provisional Tree Preservation Order which had been made at the above site on 22nd March, 2007.

The purpose of the report was to consider whether it was appropriate to make the Order permanent.

It was explained that the Order must be confirmed within six months of being made or would be null and void.

The trees, which were the subject of the Order, provided amenity value to the area and were considered worthy of protection to preserve the character of the area.

The Committee was informed that objections had been received to the inclusion of the following trees :-

- T2 – Horse Chestnut
- T12 – Blue Spruce

Members were informed that the objection relating to tree T2 was that it was being suppressed by the surrounding trees and that it would never attain its natural canopy shape. The objection to tree T12 was that the tree was not visible from a public place.

In respect of tree T2, the omission of the tree from the Order would not have a significant effect upon the local landscape. However, with regard to tree T12, this was visible from public footpaths and open spaces from Hawthorn Road and Durham Road. The visibility would only increase with time as the tree grew taller and the amenity value increased as deciduous cover declined in the winter.

It was suggested therefore that tree T2 be omitted from the Order.

RESOLVED : That the above Tree Preservation Order be confirmed with the omission of tree T2.

DC.15/07

TREE PRESERVATION ORDER NO 50/2007 DERWENT TERRACE SPENNYMOOR

Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) regarding the Provisional Tree Preservation Order which had been made at the above site on 27th March, 2007.

The purpose of the report was to consider whether it was appropriate to make the Tree Preservation Order permanent.

It was explained that the Order must be confirmed within six months of being made or the Order would be null and void.

The tree, which was the subject of the Order, provided amenity value to the area and was considered worthy of protection to preserve the character of the area.

RESOLVED : That the above Tree Preservation Order be confirmed.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That in accordance with Section 100(a)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of "Exempt Information" as defined in Paragraphs 1 and 6 of Part 1 of Schedule 12a of the Act.

DC.16/07

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.

ACCESS TO INFORMATION

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SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

1. 7/2006/0716/DM APPLICATION DATE: 9 November 2006

PROPOSAL: **RESIDENTIAL DEVELOPMENT (OUTLINE APPLICATION)**

LOCATION: **LAND NORTH EAST OF HIGH STREET BYERS GREEN
SPENNYMOOR CO DURHAM**

APPLICATION TYPE: Outline Application

APPLICANT: A Watson
99 Mayfields, Spennymoor, Co Durham , DL16 6TT

CONSULTATIONS

1. SPENNYMOOR TC
2. Cllr. W. Waters
3. Cllr. K Thompson
4. Cllr. C Sproat
5. DCC (PLANNING)
6. DCC (TRAFFIC)
7. NORTHUMBRIAN WATER
8. ENV AGENCY
9. ENGINEERS
10. ENV. HEALTH
11. L.PLANS
12. LANDSCAPE ARCH
13. DCC (PROWS)
14. ENGLISH NATURE
15. WILDLIFE TRUST
16. Countryside Team

NEIGHBOUR/INDUSTRIAL

Hagg Lane:1,2,7,8,Hawthorns,Old School House

Castle Parade:19

The Cottage

The Bungalow

Richmond Street:1,2,3,6a

Wear View:18,39,10,61

Wilkinson Street:6,8,10,12,14,16,18,1,2,3,4,5,7,9,11,13,15,17,6A

High

Street:18,18,16,114,132,130,128,126,124,122,97,82,96,95,94,120,118,116,114,112,110,108,10

6,104,102,100 St Peters Rectory The Old Rectory The Cherries Golden Corner Cottage

Vickers Street: 20 North Street:40,Kenmore,Redlea Langmere:11 Green Rise:5

Robinson Close:3

Catherdral View:2

Matthew Terrace:4

Redroyd

SEDGEFIELD BOROUGH COUNCIL

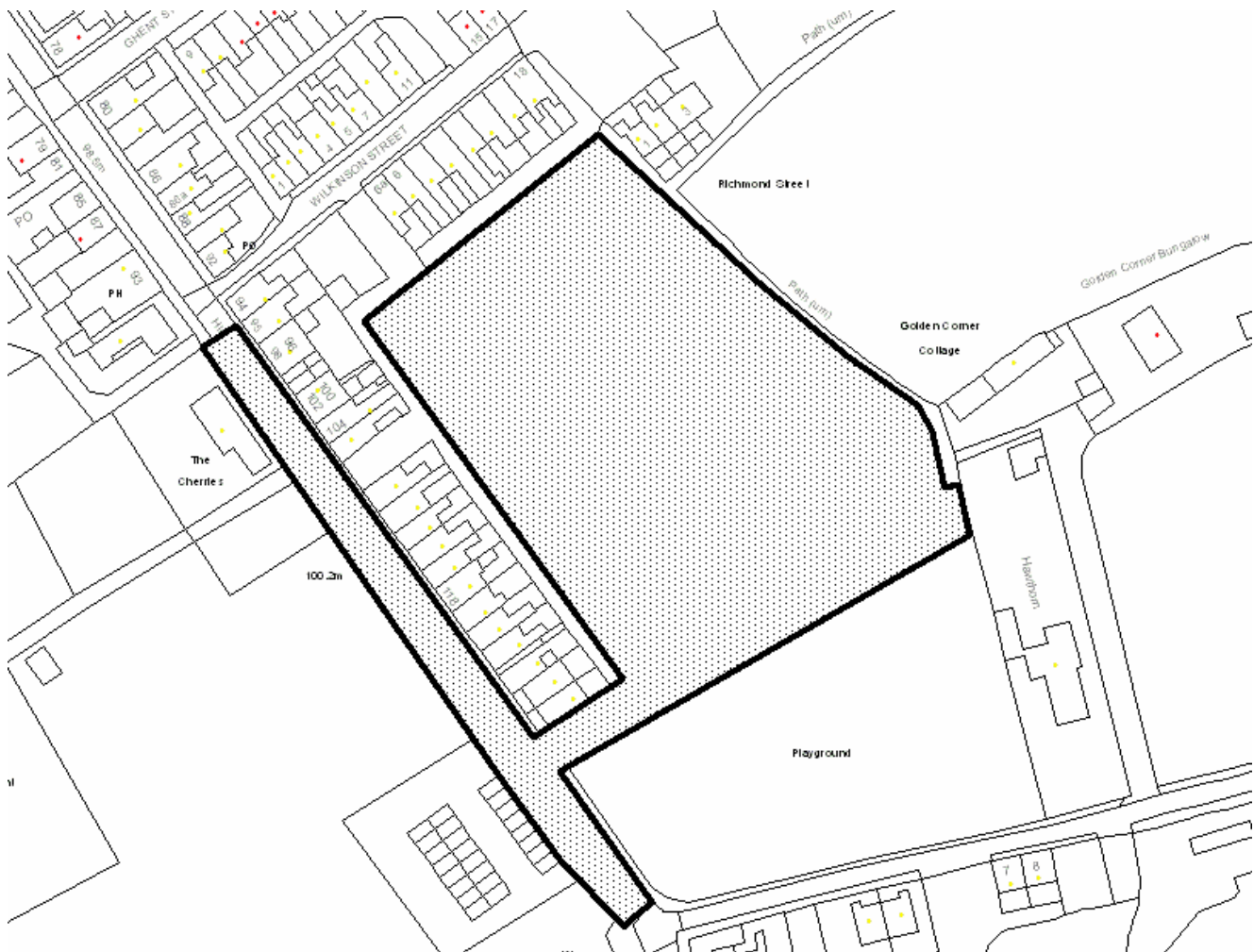
PLANNING APPLICATIONS - TO BE DETERMINED

BOROUGH PLANNING POLICIES

H8	Residential Frameworks for Larger Villages
H17	Backland and Infill Housing
T6	Improvements in Road Safety
T7	Traffic Generated by New Development
L1	Provision of Open Space, including Standards
L2	Provision of Open Space in New Housing Development
D1	General Principles for the Layout and Design of New Developments
D3	Design for Access
E14	Safeguarding Plant and Animal Species Protected by Law
E15	Safeguarding of Woodlands, Trees and Hedgerows
D5	Layout of New Housing Development
D10	Location of Potentially Polluting Developments

THE PROPOSAL

Outline permission is sought for residential development of land to the north east of High Street, Byers Green. The application site The application site is located within the residential framework of Byers Green and is a 0.96 hectare Greenfield site, bounded to the south by a children's playground, a back lane and terraced properties on the High Street to the west, to the north by residential properties and to the east by open land and sporadic residential properties.



SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

Access to the site is proposed via the existing side access road adjacent to number 132 High Street, and in order to provide adequate visibility splays it is also proposed to demolish 132 High Street which is in the applicant's control. In addition, road-widening and realignment works are also proposed on High Street that involves the creation of a public footpath and the removal of the hedgerow adjacent to the allotments.

The outline application is accompanied by a brief design and access statement which gives information on matters such as the context, amount, layout, scale, landscape, appearance and access to the development. An Ecological Report and Impact Assessment also forms part of the application.

A previous similar proposal (involving additional land to the east) was refused planning permission on 22nd September 2006, because the application site extended beyond the natural settlement boundary of Byers Green into open countryside, and because insufficient information was provided about the potential impact of the development on wildlife species protected by law.

CONSULTATION AND PUBLICITY

Statutory / Non-Statutory Consultees

Spennymoor Town Council has raised no objections to the proposal.

The County Highways Engineer has raised no objections but expressed surprise that a previously agreed alternative access solution had not formed the basis of the current application.

The County Council Rights of Way Officer has advised that public footpath No 8 (Spennymoor Parish) would be unaffected by the development, but has recommended that the applicant is made aware of a range of requirements connected with the safe unobstructed use of the footpath by the public. These matters can be dealt with by way of an informative attached to any planning permission granted.

The County Council Policy Section has advised that the application site lies within the settlement boundary of Byers Green and under Policy H8 of the Local Plan there is a presumption in favour of development unless the proposals conflicts with environmental, open space or design policies of the Local Plan. The land is however a Greenfield site and the proposal should be considered against the background of Policy 2 of the Durham County Structure Plan, which sets out that the location of new development should minimise day to day travel needs, with Policy 3 giving priority to development in main towns. Policy 9 also gives priority to development in the main towns but recognises that larger villages with a reasonable range of services served by public transport are suitable locations for some new housing development. Regard must be had to PPS3 and the emerging Regional Spatial Strategy.

The Environmental Health Section has advised on hours of operation for construction and control of noise in order to protect the amenity of neighbouring occupiers.

SBC Engineering Services has no objections subject to prior agreement of engineering details for the vehicle access.

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

SBC Landscape Architect has expressed a main concern about loss of the hedgerow along High Street, and has reluctantly agreed to relocation / replacement of the hedgerow, subject to innovative landscape treatment to the rear of a garage block that would be otherwise be visually exposed as a result of the development, and subject to additional planting elsewhere on the periphery of the development site by way of mitigation.

Natural England initially had concerns about lack of information on bats and breeding birds. More recently however, all remaining garages and buildings on the western periphery of the site have been demolished, allegedly because their dangerous condition. Subsequent exchanges of correspondence with Natural England have concluded in confirmation that *“it would appear that there are no longer any potential material considerations in terms of protected species.”*

Environment Agency pointed out that the site lies within Flood Zone 1, with standing advice that a Flood Risk Assessment would be required. However, changes to the “Environment Agency Standing Advice Development and Flood Risk – England” matrix were introduced in March 2007 to reflect new policy expressed in PPS25. The matrix states that operational development on sites less than 1 hectare in area does not require formal consultation with the Agency. Verbal advice has been obtained from the Environment Agency that a standard condition relating to surface water run-off limitation would be appropriate in the circumstances.

The Forward Planning Section has given a detailed policy response on the proposal, which has been used as a basis for the formulation of the planning considerations below.

Publicity Responses

Site notices were erected, an advertisement placed in the local press and letters were sent to neighbouring occupiers advising of the application. To date 25 letters of objection and 4 letters of support have been received from the public. The main concerns are as follows:

- The development would lead to an increase in traffic movements which would result in lower standards of safety to road users, pedestrians and children visiting the adjacent play area.
- The existing services in the village are declining and are insufficient to provide for the demands from a significant increase in housing.
- Existing off-street parking facilities are poor, and the development would make this situation worse
- There would be increased noise and disturbance during development and after occupation of dwellings
- There would be an adverse impact upon the privacy and security of existing residents
- There would be a loss of views across presently open land

The supporters of the proposal typically thought that new housing development would be good for the regeneration of the area and help to sustain the local community and its services.

A petition of objection, bearing 193 names has also been received, although this does not state the reasons for objection. The first signatory to the petition was notified in writing of its deficiency, but has not responded or repeated the exercise.

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

PLANNING CONSIDERATIONS

The main planning considerations in this case are:

- Compliance with national planning policy and guidance and local plan policies
- Access and highway safety
- Impact on ecology
- Renewable energy provision
- Open Space

COMPLIANCE WITH NATIONAL PLANNING POLICY AND GUIDANCE AND LOCAL PLAN POLICIES

The site is greenfield land, of which all is located within the residential framework of Byers Green, as defined by Policy H8 of the Borough Local Plan. This policy normally approves housing development provided that there is no conflict with the plans environmental, open space or design policies.

Since the adoption of the Borough Local Plan in 1996, more recent government guidance has been produced which places a greater emphasis on LPAs to give priority to re-using previously-developed land within urban areas, bringing empty homes back into use and converting existing buildings, in preference to the development of Greenfield sites. The presumption is that new development will use land efficiently and be well designed.

The natural settlement boundary to the village of Byers Green runs along an existing public footpath that borders the village to the east, even though the actual residential framework boundary defined by Policy H8 extends further east. As previously mentioned, and earlier application was refused in September 2006 partly because the scheme proposed housing development that utilised the full extent of the designated residential framework, and this was considered to encroach beyond the natural village boundary. This re-submission has taken account of the refusal reason and the revised scheme does not extend beyond the public footpath.

National Planning Policy and Guidance

Current housing policy is now contained within the recently published PPS3. The Government's key strategic housing policy is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. To achieve this, the Government is seeking:

- To achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community,
- To widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing in particular those who are vulnerable or in need.
- To improve affordability across the housing market, including by increasing the supply of housing,
- To create sustainable, inclusive, mixed communities in all areas, both urban and rural.

The Government expects the planning system to deliver high quality housing that is well-designed and built to a high standard. A mix of housing which encompasses both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural should be provided. Housing developments should be in

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

Against this background it is considered that a good mix of housing on this site would be essential, as a key characteristic of a mixed community is a variety of housing, particularly in terms of tenure and price to cater for a mix of different households such as families with children, single person households and older people (Paragraph 20, PPS3).

Paragraph 36 of PPS3 outlines that in support of its objective of creating mixed and sustainable communities, the Government's policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. The priority for development should be previously developed land, in particular vacant and derelict sites and buildings.

To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available for, and could be developed at the point envisaged (Paragraph 56, PPS3). LPA's are expected to maintain a continuous five-year supply of deliverable sites (Paragraph 57).

This application site represents greenfield land, and therefore in broad terms, it should only be developed if there are insufficient brownfield sites which represent sustainable options for development to meet the Borough's regional housing allocation set within RSS. The development of new housing within Byers Green would however bring increased benefits, such providing more demand to sustain local services and facilities (shops, school, community hall etc.), whilst also widening the choice of homes within the village. This will contribute towards the creation of sustainable mixed communities.

Regional Planning Policy and Guidance

The North East Assembly produced the Submission Draft Regional Spatial Strategy (RSS) in 2005, and the document was subject to an Examination in Public during March – April 2006. This document will form part of the statutory development plan for the Borough, and once it is approved will replace the existing RPG1 and CDSP. The strategy provides the long-term framework for the region for developing a stronger economy and improving the quality of life of communities as places to live and work.

Policy 2 of the document concerns Sustainable Development and highlights that LDFs should support sustainable construction and development through the delivery of a number of objectives relating to environmental, social and economic concerns. Whilst this scheme does not fully accord with this policy in terms of previously-developed land it would deliver additional homes in a rural settlement, which would accord with almost all other key parts of the policy.

Policy 3 of Submission Draft RSS advocates the sequential approach to development that gives priority to previously developed land and buildings in the most sustainable locations. All sites should be in locations that are, or will be, at lowest risk from flooding, and well related to homes, jobs and services by all modes of transport, particularly public transport, walking and cycling. These criteria contained within Policies 2 and 3 of Submission Draft RSS is broadly compliant to the guidance and policies contained within PPS3 (as highlighted earlier in this memo), and it is considered that whilst the land is not previously-developed, it is within the settlement boundary and is not protected for nature or heritage conservation or recreational purposes. It is concluded that the proposal substantially complies with Policy 3.

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Policy 5 of Submission Draft RSS concerns the locational strategy and dictates that new development should be concentrated in the conurbations and main towns, as these are the most sustainable locations where the majority of economic activity takes place. Byers Green does not have any significant employment locations, therefore it is likely that new housing development would lead to commuting and traffic on the local roads network. This issue does have to be balanced against the fact that the land is located within the residential framework of Byers Green, and as such there is a presumption in favour of development, provided there is no conflict with the plans environmental, open space or design policies. Additionally the scheme has been amended from that which was refused, and housing is now constrained to land that forms the natural settlement boundary to the east of the village. This would maintain the character of the countryside and prevent significant urban sprawl and encroachment, whilst also widening the choice of homes in a rural settlement.

Housing Figures

With specific regard to housing, the Submission Draft RSS identifies that the Borough should provide an additional circa 4,000 net new dwellings between 2004 and 2021.

The housing land availability study was updated on 31st October 2006, and the Borough currently has 9.16 years supply of housing. The current proposal does not however represent significant Greenfield housing development, and its impact upon housing supply would be negligible because the site could only accommodate approximately 30 dwellings. The issue of housing supply is not considered to be an overriding factor in the determination of this application.

Provision of Affordable Housing

The Government is committed to providing high quality housing for people who are unable to access or afford market housing. The Government defines affordable housing as including social-rented and intermediate housing (Paragraph 27, PPS3). LPA's are expected to specify the size and type of affordable housing that, in their judgement, is likely to be needed in particular locations. Low-cost market housing is excluded from the Government's new definition of affordable housing (Paragraph 29, PPS3).

In providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in towns and villages. In order for Local Authorities to request affordable housing provision, there is a need to demonstrate a lack of affordable housing to meet local needs through evidence, such as Housing Needs Survey.

Site size

This application at Byers Green is for approximately 30 dwellings. Given the size of the site, it exceeds the size threshold of 15 dwellings (Paragraph 29, PPS3) where there is a requirement to provide affordable dwellings if a need can be demonstrated.

Tenure of affordable dwellings

PPS3 defines affordable housing as including social-rented and intermediate housing e.g. shared equity. If a need can be demonstrated, the applicant should provide either or both of the two affordable housing tenure types on the site. The proportion of which should be subject to further debate in this response.

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Need for affordable housing

The Council's consistent approach involves an interrogation of the following issues to decide whether there is a need for affordable provision.

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

Housing Needs Survey

The last complete Housing Needs Survey was produced in 2003. Although this study concentrated on the main towns within the Borough as opposed to the villages, it did however identify that Borough wide there was a shortfall in affordable stock in 1 and 2 bed flats, 2-bed bungalows, and 1 and 4-bed houses. The Housing Needs Survey suggested that as a mechanism to overcome the shortfall in affordable provision across the Borough, a minimum of 20% affordable provision should be sought on every planning application for housing development.

House Price Data

To analyse house price data, the online postcode data on the HM Land Registry website is interrogated. Over the period since the questionnaire on the Housing Needs Survey in 2002, the house prices within the specific Byers Green postcode area DL16 7 are as follows:

Postcode – DL16 7

	Detached Price		Semi Detached Price		Terrace Price		Flat/Maisonette Price		Overall Price	
Jul - Sept 2002	£139,995	+33.10% (+45.37%)	£60,658	+60.78% (+50.18%)	£36,116	+128.30% (+53.96%)	£0	+0% (+32.23%)	£65,883	+62.38% (+35.43%)
Jul - Sept 2006	£186,333		£102,350		£82,452		£0		£103,600	

Table showing % changes in prices for the period Jul-Sept 2002 to Jul-Sept 2006 inclusive. **(Figure in parentheses is the overall England & Wales figure)**

It is clear from this data that the house prices in Byers Green have risen by a significant amount, far in excess of the national average.

Household Income

The Housing Needs Desktop Update that was carried out in 2005 identifies that household income has increased by 7.6% between 2003 and 2005. This figure applies to the Borough and it cannot be broken down into sub-areas. This research identifies that 49.1% of the Borough's households have an income level below £16,140. Even more important is the information for concealed households. The data states that 67% of these concealed households have an income level below £16,140. The primary reason for concealed households is the fact that they cannot gain access to the private housing market. It is clear from the up-to-date housing data from the Land Registry that the concealed households would not be able to enter the private sector housing market, even at entry terraced level (assuming a mortgage of 3 times income).

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Up to date paycheck data, which is broken down to Postcode level, is used to analyse income. This data is shown below, and reinforces the view that many people would not be able to enter the private sector housing market (assuming a mortgage of 3 times income).

Postcode	Total Households	Paycheck Mean	Paycheck Median	Paycheck Mode
DL16 7NL	2	£33,900	£29,800	£22,800
DL16 7NR	17	£31,600	£27,900	£21,400
DL16 7NT	9	£29,200	£25,900	£20,100
DL16 7PH	5	£23,400	£21,100	£16,900
DL16 7PQ	6	£22,900	£20,700	£16,600

Housing Provision Surrounding Site

The site lies within a rural settlement where the principle type of housing is a combination of terraced and semi-detached properties. Only a small level of house building has occurred within the village in recent years and this results in an insufficient amount of affordable housing immediately surrounding the site. It is concluded that affordable housing should be provided on the site. Taking account of the evidence provided by the Housing Needs Survey, the interrogation of House Price Data, Household Income and Housing Waiting Lists, there is a clear need to provide affordable dwellings on this site. The provision of affordable housing would accord with Policy H7 of RPG1, the emerging RSS, PPS3 and the philosophy of Policy H19 of the Borough Local Plan. Taking account of the recommendation in the Housing Needs Survey, 20% provision should be requested in a s106 agreement, should it be accepted in principle that housing on the site is acceptable.

ACCESS AND HIGHWAY SAFETY

The proposal incorporates significant alterations to the highway of High Street and the demolition of an end of terrace house in order to achieve vehicular and pedestrian access to the site to a standard that would enable adoption by the Highway Authority. Whilst the site access would be at a point between existing terraced housing and a children's play area, the Highway Authority has not raised any concerns about the safety of children or other pedestrians at this point. It is not considered that the development would add significantly to traffic flows in or around the village or result in harmful effects for existing occupiers in the locality. It is considered therefore that the proposal would satisfy Policy T7 of the Sedgefield Borough Local Plan.

IMPACT UPON ECOLOGY

The application is accompanied by an Ecological Report and Impact Assessment document. Natural England initially responded with concerns that the potential for roosting bats and breeding birds within the handful of existing garage buildings on the periphery of the site had not been fully addressed in the report. The issue of breeding birds was also raised by the Council's ecologist. However, since the application was submitted, all remaining buildings on the site have been demolished by the applicant. Whilst this action cannot be condoned by Natural England, it has removed the potential for bat and bird occupation, and Natural England has confirmed that *"it would appear that there are no longer any potential material considerations in terms of protected species."* The possibility of nesting birds on the ground and in the hedgerow is identified in the applicant's report, and it is therefore recommended that

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site clearance and hedgerow removal should not take place during the months March to June inclusive.

In more general terms, the loss of the hedgerow on High Street has been the source of some concern. After much deliberation by the Landscape Architect, it is considered acceptable provided a replacement hedgerow is planted on the western side of the realigned highway. It is likely that the wall of the garage block might prevent or restrict planting for part of this length, but alternative measures have been addressed by the Landscape Architect, including a 'green wall' ivy technique, and acceptance of extra planting elsewhere on the site in mitigation.

RENEWABLE ENERGY PROVISION

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

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

OPEN SPACE PROVISION

The Borough Local Plan stipulates that housing development should provide for open space at a minimum rate of 100 sqm of informal play space, and 500 sqm of amenity space for every 10 dwellings (Policy L2). This Local Plan was of course adopted in 1996, and since then, government guidance has been published which places great emphasis on housing being developed at a minimum density 30 dwellings per hectare net. The Local Plan was clearly written in the pre PPG3 and PPS3 era when houses tended to be built at densities around 20 per hectare, and this demonstrates that there is a slight paradox between the requirements of Policy L2 and the necessity for housing development to be built at a minimum density of 30 dwellings per hectare.

To assess whether open space should be provided on site, due regard has to be given to requirements of PPS3, to current planning policy on open space, and also to the Open Space Needs Assessment (OSNA) which was undertaken by consultants and which has been completed. Paragraph 16 of PPS3 states that when assessing the design quality of a developers proposed housing scheme, LPAs are to consider the extent to which the proposed development provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies. It is considered that, should housing be developed on this site in Byers Green, it would have good pedestrian access to the adjoining children's play space.

The OSNA that was carried out by consultants on behalf of the Council has been completed. The Byers Green area profile from this study highlights that in general terms the village has a satisfactory level of provision. However, there are areas where improvements to the quality of provision can be made. The area of land next to this application site is an example of one such area, as it is in need of an upgrade in terms of its play facilities. It is doubtful whether these upgrades can be done without the benefit of a commuted sum, and as such the contribution of commuted sums by the developer could be put to good use to improve community facilities.

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Under the circumstances it is considered unreasonable/unnecessary to require the applicant to provide on site the level of open space that would be strictly required under policy L2. A 50-50 split would be a more reasonable approach whereby the applicant provides 50% of the open space required under Policy L2 within the site and pays a commuted sum to compensate for the reduction in the provision of on site open space. This payment would normally be secured through a section 106 agreement with the intention that the money will be invested in improving the nearby play area. Adopting this approach would result in wider community gain in so much as existing residents would benefit from improved recreational facilities.

It is therefore proposed to impose a condition to secure the provision of 50% of open space within the site required under Policy L2 and a condition requiring the applicant to enter into a legal agreement to secure £500 pounds per dwelling in lieu of the remainder.

CONCLUSION

Whilst the proposal does not fully accord with every aspect of national guidance contained within PPS3, regional policies within RPG1 and the Submission Draft RSS, it is considered that the proposal is acceptable for the following reasons:

- The proposed site is within the existing settlement boundary, and its development for housing would represent a sustainable urban extension, as the proposal would appropriately “round off the village” to the east;
- The scheme would contribute towards key strategic housing policy of providing a wide choice of homes, both affordable and market housing, to address the requirements of the rural community;
- Additional housing would help to sustain existing shops, services and facilities within Byers Green in accordance with the principles of Paragraph 38 of PPS3.
- The proposal would not have a significant impact on the supply of housing and is therefore not an overriding issue.
- The need for, and provision of affordable housing represents a strong material consideration to outweigh the conflict with elements of national and regional planning policies and advice.

The comments of objectors have been considered. Traffic impact is not identified as a concern by the Highway Authority and the proposal is considered to meet the requirements of Policy T7 of the Local Plan. The decline in services in the village could be potentially be halted or even reversed by the positive impacts of additional housing. Existing off-street parking is admittedly poor, but only a handful of garages existed on the site before demolition. Few of these were used in any event, and development of the land is extremely unlikely to make the parking situation any worse than at present. Noise and disturbance during development can be adequately controlled by use of planning conditions and separately under Environmental Protection legislation. Privacy and security issues would be subject of close scrutiny at the subsequent detailed stage. Loss of view is not a material planning consideration.

Assessment of open space provision is difficult with outline applications. Whilst the submitted plan does not indicate that there would be any communal open / play space within the site, it does lie close to an existing park style equipped play area. It is considered therefore that requirements within the application site would be limited to normal green space issues in terms of providing an attractive environment (50% of the normal Policy L2 requirement), with

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commuted sums of £500 per dwelling across the entire scheme secured by way of a Section 106 agreement for improving the adjacent public open space / play facilities

RECOMMENDATION

It is recommended that:

1. The application is approved subject to the conditions set out in Appendix 1 to this report.

2. The Head of Planning Services be given authority, in consultation with the Borough Solicitor, to issue a conditional planning approval in exchange for a Section 106 Legal Agreement in order to ensure that the proposal delivers a minimum of 20% affordable housing.

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APPENDIX 1 – LIST OF CONDITIONS	
1	<p>Reserved Matters (Details)</p> <p>Approval of the details of the layout of the development, the scale and appearance of the dwellings, and the landscaping of the site (hereinafter called the "Reserved Matters") shall be obtained from the Local Planning Authority before any development is commenced.</p> <p>Reason: Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004</p>
2	<p>Reserved Matters (Time Limit)</p> <p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of THREE years from the date of this permission and the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter has been approved.</p> <p>Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
3	<p>Phasing of development</p> <p>No development comprising the construction of dwellinghouses or associated site clearance and infrastructure works shall be carried out until the approved highway realignment and improvement works at the access point off High Street have been completed to the satisfaction of the Local Planning Authority as shown on approved plan (drawing no 03 dated March 2006).</p> <p>Reason: To ensure the residential development hereby approved is served by a satisfactory means of access in the interests of highway safety and to comply with Policy T6 (Improvements in Road Safety) of the Sedgefield Borough Local Plan.</p>
4	<p>Landscaping details</p> <p>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:</p> <ul style="list-style-type: none">• 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; and• the extent of removal of the hedgerow along the western side of High Street, together with details of a replacement hedgerow along the western side of the realigned highway, including planting species, sizes, layout, densities, numbers, method of planting and maintenance regime. <p>Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.</p>
5	<p>Landscaping implementation</p> <p>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</p>

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	<p>similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p>Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.</p>
6	<p>Landscaping maintenance</p> <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be maintained in accordance with British standard 4428 for a period of 5 years commencing on the date of practical completion and during this period any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and grass that fails to establish shall be re-established unless the Local Planning Authority gives written consent to any variation.</p> <p>Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.</p>
7	<p><u>Materials</u></p> <p><u>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.</u></p> <p><u>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.</u></p>
8	<p><u>Surface water run-off</u></p> <p>No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.</p> <p>Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.</p>
9	<p><u>Discharge of foul waste</u></p> <p>There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.</p> <p>Reason: To prevent pollution of the water environment and to comply with Policy D13 (Development Affecting Watercourses) of the Sedgefield Borough Local Plan.</p>
10	<p>Protection of trees</p> <p>All trees and hedges to be retained shall be properly fenced off from those parts of the site to be demolished or redeveloped and shall not be removed without prior approval of the Local Planning Authority. Details of the type and positioning of the protective fencing shall be submitted and approved by the Local Planning Authority prior to the development of demolition commencing.</p>

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	<p>Reason: To enable the Local Planning Authority to ensure that existing natural features on the site are protected and retained in the interests of the visual amenity of the site and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgfield Borough Local Plan.</p>
11	<p>Surface water run-off No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme details. Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy D13 (Development Affecting Watercourses) of the Sedgfield Borough Local Plan.</p>
12	<p>Levels, existing and proposed No development shall commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local planning Authority. Development shall take place in accordance with the approved plans. Reason: In order to control the level at which the development takes place in order to protect the visual and residential amenity of the area and to comply with Policy D1 and D5 of the Sedgfield Borough Local Plan</p>
13	<p>Means of enclosure Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any walls or fences or other means of enclosure shall be approved by the Local Planning Authority and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgfield Borough Local Plan. Reason: In the interests of safeguarding the visual amenity of the residential area</p>
14	<p><u>Restriction of hours of development</u> Site works during development and decommissioning, including vehicle movements for the purpose of deliveries and removals, shall not be carried out outside the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1400 Saturdays, except where on Sundays and Bank Holidays, site works that do not generate noise that is audible at the site boundary are permitted. Reason: In order to protect occupiers of nearby dwellings from noise pollution in accordance with Policy D10 (Location of Potentially Polluting Developments) of the Sedgfield Borough Local Plan.</p>
15	<p>Material storage and employee parking during construction Prior to the commencement of development a detailed plan indicating the location of material storage and employee parking on site shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be available and used at all times during construction. Reason: In the interest of amenity during the construction of the development and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgfield Borough Local Plan.</p>

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16	<p>Wheel washing facilities</p> <p>Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the main exit from the site in accordance with details, including its siting, to be agreed beforehand by the Local Planning Authority. All construction traffic leaving the site must use the facility and it must be available and maintained in working order at all times.</p> <p>Reason: In the interest of amenity and to reduce the amount of mud on the roads and in accordance with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.</p>
17	<p>Energy Efficiency</p> <p>Prior to commencement of development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for 10% embedded renewable energy. Thereafter the development shall operate in accordance with the approved scheme unless otherwise agreed in writing.</p> <p>Reason: In order to minimise energy consumption and to comply with Regional Planning Guidance Note 1, Policies EN1 and EN7.</p>
18	<p>Breeding Birds</p> <p>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.</p> <p>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.</p>
19	<p>Section 106 Legal Agreement</p> <p>The development hereby approved shall not commence by the undertaking of a material operation as defined by Section 56(4) of the Town and Country Planning Act 1990 until the completion of a legal agreement/planning obligation to secure the payment of a commuted sum of £500 per dwelling across the entire scheme in lieu of the provision of open space and play equipment within the site. No development shall commence until the applicant, or subsequent developer has received written confirmation from the Local Planning Authority that the payment of the commuted sum has been paid.</p> <p>Reason: The development fails to provide adequate open space or play provision within the site and in order to satisfy the requirements of Policy L2 (Provision of Open Space in New Housing Development) of the Sedgefield Borough Local Plan a contribution is being sought for off site play provision and/or environmental improvement works in the form of a commuted sum</p>

INFORMATIVE: NOISY WORKS

All noisy plant, vehicles, equipment and machinery used in connection with site activities shall be properly operated, used and maintained so as to control and minimise the propagation and emission of dust e.g. screens, water sprays, enclosures, etc.
Reason: In order to protect occupiers of nearby dwellings from dust pollution in accordance with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

INFORMATIVE: REASONS FOR APPROVAL

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

INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION

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

H8 Residential Frameworks for Larger Villages
H17 Backland and Infill Development
T6 Improvements in Road Safety
T7 Traffic Generated by New Development
L1 Provision of Open Space, including Standards
L2 Provision of Open Space in New Housing Development
D1 General Principles for the Layout and Design of New Developments
D3 Design for Access
D5 Layout of New Housing Development
D10 Location of Potentially Polluting Developments
D13 Development Affecting Watercourses
E14 Safeguarding Plant and Animal Species Protected by Law
E15 Safeguarding of Woodlands, Trees and Hedgerows

Supplementary Planning Guidance Notes:

SPG3. Layout of New Housing.

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2. 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

NEIGHBOUR/INDUSTRIAL

Beacon Avenue:6
The Meadows:30

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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

Chestnut Road:11

Winterton Cottages:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18

The Leas:35

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

Sycamore Road:122

St Lukes Church

Farfield Manor:1,2,3,4,5,6

MMCG

Weterton Cottages: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

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

Townend:1,2

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

Pasture Field:1,2,3,4,5,6,7,8,9,10,11,12,14,15,16,17,18,19,20,21

12a Millclose Walk

Millclose Walk:17,16,15,14,12,11,10,9,8,7,6,5,4,3,2,1

BOROUGH PLANNING POLICIES

L15

Winterton Hospital Estate

D1

General Principles for the Layout and Design of New Developments

T7

Traffic Generated by New Development

SEDFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

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 Sedgefield Community Hospital, Salters Lane, Sedgefield. 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.

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

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.

The application was initially presented to Development Control Committee on 1st June 2007, together with copies of a supplementary objection letter which had been received by email on 31st May. (The hard-copy letter was received on the day of committee. Committee considered that the objection raised issues that needed further investigation and explanation before a decision could be made, and it resolved to defer determination of the application until 22nd June 2007 to allow this to happen. Appropriate analysis of the issues is set out in Appendix 1 to this report to provide Development Control Committee with sufficient information on which to determine the application.

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

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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.

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**

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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 careor use as a hospital or nursing home, or as a residential school, college or training centre.*" Despite the introduction of the new use class 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:**

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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.

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:

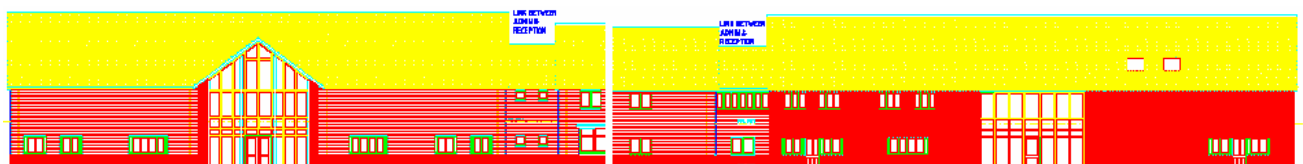
- *making suitable land available for development in line with economic, social and environmental objectives to improve people’s quality of life;*
- *contributing to sustainable economic development;*
- *protecting and enhancing the natural and historic environment, the quality and character of the countryside, 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.

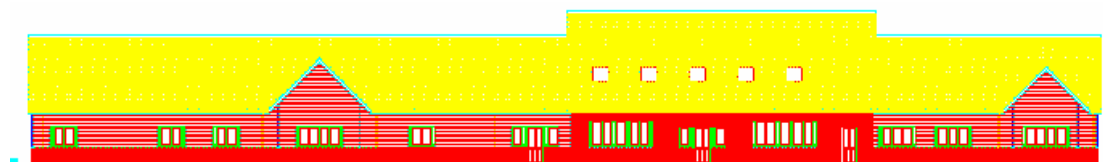
SEDGEFIELD BOROUGH COUNCIL

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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 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

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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 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

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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.

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.

For all the reasons set out above, 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. 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.

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

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

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

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 to 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.

INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION

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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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APPENDIX 1

ANALYSIS AND COMMENT UPON POINTS RAISED BY LEITH PLANNING LTD. IN THEIR OBJECTION LETTERS DATED 30TH APRIL & 31ST MAY 2007

The original objection by Leith Planning Ltd. (30th April 2007) was summarised and commented on in the Officer report included in the agenda for Development Control Committee on 1st June 2007.

The subsequent letter of 31st May restated some of the original points of objection, and introduced new issues. It is considered expedient to carefully summarise and comment upon all the key issues as follows:

The distinction between low and medium secure accommodation (if any) ought to be expressly dealt with in the Officer's report and clearly explained to members.

Secure residential institutions were given their own use class C2A in a 2006 amendment to the Town and Country Use Classes Order 1987. This amendment was primarily aimed at changes to the way in which Crown land and buildings were dealt with under planning legislation, and is described as follows:

"Class C2A Secure Residential Institution: Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks."

There is no distinction drawn between low and medium secure accommodation within the definition of Class C2A. The proposal is for a secure healthcare facility within the definition of Class C2A. In order to prevent future uncontrolled changes within the broad parameters of this class, a condition is proposed to remove permitted development rights to change to another type of facility.

The description of the proposal is misleading to Consultees and the consultation process may therefore be fundamentally flawed

The description is based on the applicant's own description of the proposal in Question 3 of Part 1 of the application form. However, information sent to Consultees included all the submitted documents (in the form of CD Roms) and identical information was placed in the website for access by the public and any other interested parties. Hard copies of the documents were available for inspection for those without access to the internet. The nature of the proposal is comprehensively described in those documents and no information has been kept out of the public domain. It is not accepted that the consultation process is fundamentally flawed.

The proposal does not comply with Policy L15 because it is not a community hospital or a residential institution under Class C2. It is a secure residential institution under Class C2A. This distinction may have escaped the notice of officers

This aspect of the proposal was considered by both the Development Control Section and the Forward Planning Section at the informal stage, before the planning application was ever submitted. Full account was taken of the new use class C2A, and it was resolved that its definition met the criteria of Policy L15. The reason for the policy actually refers to clearance of

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the site for open space uses in the event that the site not being required for a replacement hospital or another form of residential institution. It is contended that the proposal is 'another form of residential institution'. To say that it may have escaped the notice of officers is very far from the truth.

The fall back position (the re-establishment of a community hospital) should be given little weight, because comparisons of traffic flows are misconceived where there is no real prospect of the fall back position coming to fruition. The question is whether the local road network can accommodate the proposal

The proposal has been considered without any material consideration of the fall back position, and following their assessment of the Transport Statement, the Highway Authority is satisfied that there would be no detrimental traffic impact as a result of the proposed development. The Framework Travel Plan has been broadly accepted by the Highway Authority, but needs more work in certain areas. Parts of its contents have however already resulted in an amendment to the layout plan to reduce car parking by 10%, thereby reducing the reliance on the private car for travel. Bearing in mind that the entire requirement for submission and approval of a travel plan before occupation of a new development can be dealt with by way of condition, there is nothing wrong with using a condition to require an amendment to an existing travel plan that broadly meets the approval of the Highway Authority.

The application is misconceived with respect to the issue of contaminated land and it is not appropriate to rely upon planning conditions to deal with the issue

Guidance on the use of conditions in respect of contamination are given in Circular 11/95 – Use of Conditions in Planning Permission. Paragraphs 73-76 state:

“73. Land formerly used for industrial purposes or for waste disposal can be contaminated by substances that pose immediate or long-term hazards to the environment or to health, or which may damage any buildings erected on such sites. Contaminants may also escape from the site to cause air and water pollution and pollution of nearby land; the emission of landfill gas may be particularly hazardous. In these circumstances, appropriate conditions may be imposed in order to ensure that the development proposed for the site will not expose future users or occupiers of the site, any buildings and services, or the wider environment to risks associated with the contaminants present. However, local planning authorities should base any such conditions on a site-specific assessment of the environmental risks which might affect, or be affected by, the particular proposed development.

74. If it is known or strongly suspected that a site is contaminated to an extent which would adversely affect the proposed development or infringe statutory requirements, an investigation of the hazards by the developer and proposals for remedial action will normally be required before the application can be determined by the planning authority. Any subsequent planning permission may need to include planning conditions requiring certain remedial measures to be carried out.

75. In cases where there is only a suspicion that the site might be contaminated, or where the evidence suggests that there may be only slight contamination, planning permission may be granted subject to conditions that development will not be permitted to start until a site investigation and assessment have been carried out and that the development itself will incorporate any remedial measures shown to be necessary.

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76. Conditions might also be imposed requiring the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment.”

Details of preliminary ground contamination survey work are included in the supporting documents of the planning application. Both the Environment Agency and the Council’s Environmental Health Section note that further survey work is required, and they have recommended that conditions be imposed to deal with further investigation and remediation. The application site was not formerly in industrial use or used for the purposes of waste disposal. In these circumstances, it is entirely appropriate to use conditions to adequately control contamination issues.

The Council has overlooked the requirement in RPG1 for application of the sequential test for site selection

Contrary to this observation, the sequential test is referred to in Planning Considerations section of the main report. Given that the proposal involves a site of over 5 hectares, and the extremely limited availability of such sites in the local area, the search area for alternative sites has taken place over a wider than usual area in order to be able to adequately apply a sequential test to the proposal. The operational requirements of the applicant are specified in the report to set the parameters for their assessment of sites.

Further information supplied by the applicant includes the following list of sites and how they performed:

- Former School, Yorkshire: Green Belt location, not allocated for development, constrained site & likely transport difficulties.
- Former Hospital, Yorkshire: Grade II listed and alterations likely to be required to meet current healthcare standards unlikely to secure listed building consent.
- Former Hospital, Lancashire: Allocated for mixed use development and this allocation has made site unaffordable for healthcare purposes.
- Former Hospital, Lancashire: Grade II listed and allocated for housing/employment. Listed status precludes necessary alterations and additional development in grounds.
- Former Special School, Cumbria: Rural location and sequentially less preferable to Sedgefield site. Not immediately available.
- Former Prison Service College, Yorkshire: Currently unallocated but likely to be residential allocation in future. Site too small and residential land value makes it unviable.
- Former Local Authority Secure Centre, County Durham: Not allocated for specific land uses and site not available.
- Former Military Facility, Yorkshire: Unallocated site and not immediately available.

A detailed 10 stage site selection process is also set out in the additional information provided by the applicant. This is as follows:

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Introduction

This document has been written in accordance with the requirements of Parts I and II of Schedule 4 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Stage 1. *All available information on the site is requested from the vendor, site agent and other contacts/ sources. Examples of sites from the attached database that have reached this stage include: All sites.*

Stage 2. *A review of this information is undertaken against the site criteria. Examples of sites from the attached database that have reached this stage include: All sites.*

Stage 3. *If the review is favourable and it is considered that a good fit is achieved with the potential site criteria from the available information then a site visit will be undertaken.*

Stage 4. *If the review is unfavourable in respect of the potential site criteria then the process will stop and the information gathered will be filed for possible future reference and may also be passed on to colleagues within other development sectors for whom the information may prove useful.*

Stage 5. *If the site visit is favourable and if again it is considered that a good fit is achieved with the potential site criteria from the available information then a preliminary contact with the planning authority will be made.*

Stage 6. *If the site visit is unfavourable in respect of the potential site criteria then the process will stop and the information gathered will be filed for possible future reference and may also be passed on to colleagues within other development sectors for whom the information may prove useful.*

Stage 7. *Contact with the planning authority will initially be by telephone and if favourable in respect of the potential site criteria will be followed up with a letter indicating the nature of our service, examples of previous projects and draft proposals for the development, including for example, size, scale, massing, use and position on the site. This information is intended to give the planning authority enough information to understand the general nature of the proposal and to consider it against policy.*

Stage 8. *If preliminary discussions with the planning authority or feedback from the follow up letter and information pack are not favourable in respect of the potential site criteria then the process will stop and the information gathered will be filed for possible future reference and may also be passed on to colleagues within other development sectors for whom the information may prove useful.*

Stage 9. *Following favourable feedback from the planning authority in respect of the draft development proposals additional site information will be gathered concerning site ecological issues, site history, preliminary geo-environmental information, utilities information, traffic data and any other information deemed relevant to the specifics of the site. An offer of purchase will be made to the site vendor at this time and negotiations for the sale of the site to Care Principles will commence.*

This information will again be considered in respect of the site criteria and if favourable will form the basis of desk top studies and will be followed up by more detailed and specific investigations later in the design development process should they be deemed required. The information is sought to allow us to continue to make judgements as to the suitability and viability of the site for development and if during this process of investigation it becomes evident that the site is not suitable then the process will stop and the information gathered will

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be filed for possible future reference and may also be passed on to colleagues within other development sectors for whom the information may prove useful.

Stage 10. *The process of consultation with the planning authority and any other relevant statutory and interested bodies will continue throughout the design development stages through to the submission of a planning application. Following the submission of the planning application any additional consultation will be undertaken with any consequent actions arising being progressed as required.*

This staged process is undertaken in respect of all potential site evaluations that Care

Principles undertake. Care Principles have found that the majority of sites on which they receive information are discounted by stages 4 or 6 of the above process – the site information review and site visit stages. The process has also revealed that the availability of sites meeting Care Principles criteria is very limited – because those criteria are so stringent and also because there is significant competition in the market for these sites, primarily from national housing developers with whom Care Principles cannot compete on price. The reason why the site criteria are so stringent is that Care Principles only seek to develop sites that are appropriate for their clinical and operational requirements. The potential site search is undertaken via commercial property publications, professional site finding contacts, through a national development site database, through contacts within the regional development agencies, MOD and NHS Estates and through potential site leads tabled by the Care principles construction partnering team and their associates. The process is continual.”

This adds further confidence to the view that the sequential test has been appropriately applied in this case in order to meet the requirements of RPG1.

The objections of the NETPark Executive Board have been given insufficient weight in the report

The objections of NETPark Executive Board are set out clearly in the report, along with an explanation of the status and future development strategy for NETPark. The concerns about the visual impact of the proposed development upon the future industrial and commercial developments are fully addressed in the conclusion to the report. It is worthy of note in this context that since the report was written, the latest version of the Regional Spatial Strategy has been released, and that this indicates that further significant development of NETPark will not be likely.

Conclusion

The main points of objection by Leith Planning Ltd. have been examined and commented upon in order that Development Control Committee can be confident that all material planning considerations have been considered prior to making a decision on the application.

Accordingly, it is recommended that the original recommendation of conditional approval is accepted by committee.

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Mr Steve Teasdale (Case Officer)
Sedgefield Borough Council
Council Offices
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Spennymoor
DL16 6JQ

Richard Broughton Associates Limited



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Mobile: 07738 855438
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12th June 2007

Dear Mr Teasdale

We write in respect of planning application ref 7/2007/0162/DM submitted on behalf of Care Principles for the development of a 64 bed secure healthcare facility at the site of the former Sedgefield Community Hospital.

This letter follows the deferral of the determination of the submitted planning application at the development committee meeting on the 1st of June 2007.

Whilst Care Principles fully understands and supports the decision taken by the Planning Committee to defer the application to the June 22nd committee we felt it appropriate to write not only in expression of our frustration at events but also to reinforce earlier discussions and statements pertaining to the application, particularly so in respect of issues raised by Leith Planning *"on behalf of clients who are concerned to ensure that all such 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."*¹

Primarily our concern is that a planning consultancy with strong historical relationships with a direct competitor of Care Principles and a track record of submitting similar objection proposals has very little concern for the interests of local residents and patients and is primarily focused on delaying the delivery of much needed healthcare facilities for competitive reasons; to the direct detriment of patients and indeed the large number of local residents and companies who would benefit from the delivery of such services.

Leith Planning and their subsidiary Planning and Licensing Objections UK has submitted very similar documents to that compiled for the Sedgefield project in respect of at least four competitor organisations in the recent past for healthcare services totalling in excess of 200 beds. Typically the objection format is of the nature you received:

- Emphasis on legal precedent from appeal case law
- Rebuttal of submitted documentation without direct evidence to support the rebuttal argument
- Requests for copies of large amounts of data

¹ Extract - Leith Planning Objection 30-04-07

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- Threats pertaining to the local authority ombudsman and judicial review in respect of the professional planning decision making process
- Open ended remarks reserving the right to further future questioning

How this approach is intended to be "*in the interests of prospective patients, local residents and fair competition*"² we remain unsure, specifically as the delays caused have expressly excluded the timely and necessary delivery of appropriate treatment options for many very vulnerable and marginalised patients. We would note that the spoiling tactics adopted by Leith's clients are not typical of other planning consultancies or health service providers operating within the sector, and that Leith have a growing reputation for undertaking such work.

Clearly we respect and support the right to object and where valid dialogue and engagement follows see this as a very helpful route to addressing questions and queries raised within the application development process. This indeed is the route followed by Care Principles in respect of the Sedgefield application. Robust engagement with professional and lay stakeholders for 6 months in advance of the application being submitted. This process resulted in the submitted planning application receiving a clear recommendation for approval by the Councils planning officers as well as an application being delivered with very strong local support. The local community are keen for this development to proceed and to take advantage of the employment, training, economic and regenerative opportunities that it presents.

If Leith Planning had legitimate concerns why were they not raised during this very well advertised and lengthy pre-application consultation process? Indeed further to their initial submission (all of the issues it raised being addressed in advance of the officers completing their report) and with access to a copy of the officers report eight days prior to the committee meeting, why did Leith Planning feel the need to submit a letter, raising no new information, less than 24 hours in advance of the committee meeting on the 1st of June?

Our professional planning consultants have forwarded a technical response to the issues raised in the latest Leith Planning letter. In support of this and with respect to the content of the Leith letter we would like to reiterate the following:

Planning policy L15 – White Young Green and indeed your own professional officers having reviewed the policy and its context are of the informed opinion that the Care Principles application is indeed in accordance with planning policy L15. This conclusion has been arrived at following considered appraisal by professionals with a thorough understanding of the policy, the framework to the policy and the development proposal. The application proposal at this allocated healthcare site is not a departure from the local plan.

Traffic assessment – you will note from the White Young Green letter submitted on the 15th May 2007 that all of the issues raised by the travel planning team have been addressed as far as they can be at this time. You will also note that the professional highways officers consulted have raised no further issues or indeed have objected to the proposed development – quite the opposite, they commended the content of the submission. We now need to await employment of our staff to fully enact the travel plan as considerable elements of it (directly in response to best practice guidance) are reliant upon a clear understanding of where staff are coming from to enable its effective delivery.

Sequential test – this is a brownfield, allocated, healthcare development site located on the urban edge and supported by a robust sustainable transport infrastructure. The proposed hospital development will bring in excess of 200 jobs and their associated training and development opportunities not to cities or peripheral business parks but locally to the benefit of local people. Furthermore the hospital will contribute in excess of £7 million annually to the

² Extract - Leith Planning Objection 30-04-07

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local economy and will meet an identified and marginalised healthcare need targeted by the government for direct action.

Care Principles is continually on the look out for appropriate sites and has developed criteria specifically to effectively target appropriate opportunities. Essentially any potential site needs to be available, suitable and viable. Sites of this nature are rare and the Sedgefield site represents an excellent opportunity in a target regional area and Care Principles through successful negotiation as part of an open market tender exercise by the NHS secured this site. The Sedgefield site was the only available site in the region which achieved a best fit with the site criteria required. This is clearly explained in the planning application documentation. The site is a rare opportunity and one which we would seek to take forward and begin to deliver services at the earliest opportunity.

Netpark – we reiterate that as a statutory consultee One North East have not submitted an objection to the proposal. We also note the issues they have raised about the nature and aesthetics of the development proposals. We strongly contest the reference made by Leith Planning ref the alleged “*detrimental impact*”³. A significant portion of the development process and indeed the application itself was given over to an effective visual impact appraisal of the site and you will note the objective data submitted in this respect as part of the planning application.

We have evidenced that the development has positively responded to the local landscape character guidance, has positively responded in respect of local bio diversity action plan advice and has delivered a high quality architectural and landscape environment that will effectively integrate the site with the wider landscape environment and which has specifically been designed to respond positively to identified critical viewpoints within the developments zone of visual influence.

The commitment Care Principles gives to both its architectural and landscape environments is evidenced by regional and national design and landscape awards and was commented on very favourably by members of the Winterton Residents Association – who took the opportunity to visit our fully operational medium secure hospital in Norfolk. Furthermore they were able to engage with residents local to the hospital and received positive feedback in respect of our business and our patients.

Finally, the L15 allocation is not specific in respect of the Netpark development and indeed the land between the proposal site and the existing Netpark development is currently without allocation.

Primary care trust and standard of on site legislation – the development has been detail designed to fully comply with adopted statutory and best practice guidance for the design and construction of medium secure healthcare facilities. Furthermore we have consulted both with local primary care and regional commissioning professionals in respect of the application and received helpful responses . In deed representatives from the PCT and NHS Commissioners were extremely grateful that we had discussed with them the proposal at a very early stage. We see no legitimate reason why this has been raised as an issue by Leith Planning.

In summary therefore we have evidenced a robust process, have engaged in an open, honest and detailed dialogue for 6 months in advance of an application being submitted, have compiled a very professional and comprehensive application suite directly addressing the relevant planning issues and throughout the development process have gained strong local support for the proposed development both in respect of the nature of the service proposed and indeed in respect of the employment and development opportunities we can make available.

³ Extract - Leith Planning Objection 30-04-07

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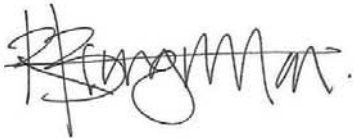
The delivery of 200+ jobs within a low density footprint across a healthcare allocated, sustainably located, nine acre landscaped site is a massive opportunity for the local communities and we are keen to enable delivery against that opportunity and indeed in respect of our patients at the earliest opportunity.

We remain concerned that you will receive further correspondence from Leith Planning close to the next committee meeting, with the sole objective of continuing to delay the determination of this application as opposed to being *in the interests of prospective patients, local residents and fair competition.*⁴ However should this occur, the lead Director for this project from Care Principles, Mr Tom Burns has made himself available to attend the planning meeting in order to respond to any questions of an operational or clinical nature relating to this application.

We would hope that given the above you would weight any such correspondence accordingly and would enable the committee to determine the application on the 22nd June.

Thank you for your time and consideration and should you have any queries or require any additional information then please do not hesitate to contact either ourselves or our agents at White Young Green.

Yours sincerely



Richard Broughton
For and on behalf of
Richard Broughton Associates Limited (representing Care Principles)

⁴ Extract - Leith Planning Objection 30-04-07

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3. 7/2007/0209/DM APPLICATION DATE: 17 April 2007

PROPOSAL: **ERECTION OF MARQUEE TO THE NORTH EAST OF THE HOTEL**

LOCATION: **HARDWICK HALL HOTEL SEDGEFIELD STOCKTON ON TEES**

APPLICATION TYPE: Detailed Application

APPLICANT: N Wieler
Hardwick Hall Hotel, Sedgefield, Stockton on Tees, TS21 2EH

CONSULTATIONS

1. SEDGEFIELD TC
2. Cllr. Mr. J. Robinson
3. Cllr. D R Brown
4. Cllr. J Wayman J.P.
5. DCC (TRAFFIC)
6. CIVIC TRUST
7. ENGINEERS
8. DESIGN
9. ENV. HEALTH

NEIGHBOUR/INDUSTRIAL

Garden Cottage:1,2
Millfield Cottage
Greenknowles Farmhouse
Hardwick Road:20
Greenknowles Farm
New Dawn
Hardwick Hall Nurseries
Dwelling
The Leas:35

BOROUGH PLANNING POLICIES

E18 Preservation and Enhancement of Conservation Areas
E2 Preservation and Enhancement of Historic Parklands
E21 Development affecting the Setting of a Listed Building

PROPOSAL

Planning permission is sought for the siting a marquee to the north east of Hardwick Hall Hotel within the grounds of the hotel. The marquee would measure 24m long by 12m wide by 8.3 high and would have a white finish with no names of the supplier visible. The applicants have

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indicated that the marquee is to be used for wedding receptions on the afternoons and evenings and will cater for up to 150 guests.

The application as originally submitted sought consent for two marquees but after detailed negotiations with the applicant it was agreed that the larger of the two marquees would be withdrawn from the application due to concern regarding the impact on the Listed Building, the Conservation Area and the Historic Parkland setting. As such this application is now for the erection of a single smaller marquee.

Whilst it is alleged that marquees have been used over the previous 12 years in different positions within in the grounds of the building only two applications have been received in the past, one in 1999 and one in 2000. This current application attempts to regularise the situation and seeks permission to erect the marquee for two temporary periods throughout the year.

The applicant has stated that the marquee will be erected between May 1st and September 30th, and also between December 1st and 31st.

CONSULTATION AND PUBLICITY RESPONSES

Sedgefield town Council have made no comment to date.

The County Highways Engineer has offered no objection to the proposal as the marquee will be erected for 6 months and there would not be any anticipated adverse highway/traffic implications as a result.

Sedgefield Civic Trust offered no objection to the smaller marquee but expressed concerns over noise. They have however requested that every effort is made to keep disturbance to a minimum. The Civic Trust did however object to the larger of the two marquees but as reported previously this element has been deleted from the application.

The Council's Environmental Health Section have stated that historically they have received a number of noise complaints relating to entertainment taking place in marquees located at the premises. They have therefore recommended the imposition of conditions to ensure that a disturbance is not caused to local residents. These include a condition stating that no live music events shall be permitted at the proposed development at any time, the public address system and other amplified sound systems shall be limited to a maximum noise level and certain noise monitoring shall be undertaken in order to negate the potential for any negative impacts on the neighbouring residents.

Two letters of objection and two letters of support have been received in response to the public consultation exercise.

The principal objections are summarised below:

Additional noise pollution from a temporary structure. No details of any soundproofing measures or details of hours of use to limit noise intrusion.

Previous marquees have generated a significant number of noise related complaints. They are not a suitable venue for outdoor entertainment into the early hours of the morning.

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Whilst the management of Hardwick Hall are to be applauded for the range of entertainment and employment provided the marquees must not be allowed to emit excessive noise.

Vast sums of money have been invested in the refurbishment of Hardwick Park and a large marquee to the west of the hotel would not be in keeping with visual impact of this historic landscape.

The letters of support indicate that during the last twenty years there have been marquees on the land and that they have no problem with the current proposal.

PLANNING CONSIDERATIONS

The proposed development needs to be judged in relation to the following planning considerations:-

- Its position within the Hardwick Historic Park (Policy E2)
- Its position within the Hardwick Park Conservation Area (Policy E18)
- Its effect on the setting of Hardwick Hall, a Grade II listed building (Policy E21)
- Its effect on the occupants of nearby properties.

Impact upon the setting of the Historic Parkland, Conservation Area and Listed Building

Policy E2 seeks to preserve or enhance the historic character and appearance of Hardwick Park which is a historic landscape of national importance. The marquee would be situated to the rear of the hotel, partially screened by substantial trees and would not be visible from the Country Park. It is therefore considered that this proposal would not adversely affect the wider landscape and consequently would not be in conflict with Policy E2.

As far as Policy E18 is concerned, it is not considered that the proposed marquee would detract from the character or appearance of the Hardwick Park Conservation Area or its settings for the reasons expressed above. Whilst temporary buildings are not normally allowed in conservation areas, it is considered that marquees in appropriate locations in the grounds of halls are part of the traditional English rural scene and are therefore acceptable as temporary structures. As an Inspector on a past appeal relating to a marquee stated "large marquees are, if not a common sight, at least associated with summer functions such as weddings and garden parties".

Policy E21 seeks to ensure that development adjacent to listed buildings will not detract from their settings, it is important to bear in mind the points made in the two preceding paragraphs. It is important to consider the current application on its individual merits and assess the affect of the marquee on the listed hall. As mentioned previously, the marquee, although a relatively large structure will be sited to the rear of the hotel, a location which is well screened by mature trees and sited in a depression in the land. Overall therefore, it is considered that the setting of the hall would not be unduly compromised; particularly bearing in mind that the marquee would only be on site for a total of six months of the year.

Noise Implications

Events in the marquees have previously been the subject of noise complaints. The Council's Environmental Health Section has therefore recommended a number of conditions that should be placed on any permission to minimise the potential for noise complaint. These conditions

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seek to restrict noise and bass levels at the nearest noise sensitive property and to limit the use of amplified sound equipment to certain times of the day. The imposition of these conditions will ensure that the amenity of the neighbouring residents is not adversely affected by noise emanating from the marquee.

CONCLUSION

Whilst Policy E18 contains a general presumption against temporary buildings within the Borough's Conservation Areas it is considered that each application needs to be considered on its own merits. On this occasion the marquee would be sited to the rear of the hotel and would be partially screened by large trees. The marquee would also be a temporary structure and would not therefore have an irrevocable effect upon the landscape or the setting of the building. The marquee would also enable the hotel to continue to provide a service and employment opportunities. On balance a temporary consent, subject to the imposition of noise limiting conditions, is therefore considered to be 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.

RECOMMENDATION: Approve subject to the following Conditions.

1. This consent is granted for a temporary period of two years from the date hereof when, unless the renewal of consent has been sought and granted previously, the marquee and footpath hereby approved shall be removed and the land reinstated to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority. Reason: The development is not of an appropriate design and construction that could be approved for permanent development within the Whitworth Park and to comply with Policy E2 (Preservation and Enhancement of Historic Parklands) of the Sedgefield Borough Local Plan.

2. The marquee hereby approved shall only be erected from May 1st to September 1st (inclusive) and December 1st and December 31st (inclusive) during the period of this temporary consent.

Reason: The development is not of appropriate design and construction that could be approved for permanent development within the Hardwick Hall grounds and to comply with Policy E2 (Preservation and Enhancement of Historic Parklands) of the Sedgefield Borough Local Plan.

3. No public address system or amplified sound equipment involving the broadcast of recorded and live music shall be operated on the premises before 10.00 a.m. on weekdays and Saturdays nor after 12:00 p.m. on weekdays and Saturdays, nor at any time on Sundays.

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

4. The LAeq, 5 min noise level measured one metre outside a window to a habitable room at a noise sensitive dwelling with entertainment taking place, shall show no increase when compared with the representative LAeq, 5 min noise level measured from the same position under the same conditions during a comparable period with no entertainment taking place.

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

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

5. The LAeq, 5 min noise level in the 63 Hz and 125 Hz octave bands measured one metre outside a window to a habitable room at a noise sensitive dwelling with entertainment taking place, shall show no increase when compared with the representative LAeq, 5 min level in the 63 Hz and 125 Hz octave bands measured from the same position under the same conditions during a comparable period with no entertainment taking place.

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

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION

In the opinion of the Local Planning Authority the proposal is acceptable in terms of location within the Conservation Area and historic parkland and is of a scale and design that sympathetic to the design of the existing architectural elements of the surrounding buildings.

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:

E2 Preservation and Enhancement of Historic Parklands

E18 Preservation and Enhancement of Conservation Areas

E21 Development affecting the Setting of a Listed Building

Item 6

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - COUNTY MATTERS

1. 7/2007/0252/CM

APPLICATION DATE: 18 April 2007

PROPOSAL: EXTENSION TO EXISTING CAR PARK

LOCATION: HARDWICK PRIMARY SCHOOL HAWTHORN ROAD SEDGEFIELD
STOCKTON ON TEES

APPLICANT: Durham County Council
Acting Director, Corporate Services, Room 1/65, County Hall, Durham,
DH1 5UL

CONSULTATIONS

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

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

THE PROPOSAL

The proposal is very minor in nature and involves the creation of 4 no. additional car parking spaces at Hardwick Primary School.

Currently the school has 9 no car parking spaces on the site, with cars also parking to the front of the building in an area which serves the kitchen. This causes problems with deliveries and service vehicles.

It is proposed to create 4 no. additional car parking spaces adjacent to the existing car park, form a disabled parking bay outside the main entrance to the building and the area outside the kitchen reserved as a turning area for delivery vehicles only.

CONSULTATION AND PUBLICITY

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

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - COUNTY MATTERS

PLANNING CONSIDERATIONS

The proposal is designed to improve vehicular movement within the site in the interests of highway safety. The proposal therefore is an improvement upon the current situation and as such will not have an adverse impact upon the site or the neighbouring properties.

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 the proposal as it will not have an adverse impact on the surrounding area.

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - COUNTY MATTERS

2. 7/2007/0325/CM

APPLICATION DATE: 25 May 2007

PROPOSAL: PROPOSED CONSTRUCTION OF NEW CAR PARK

LOCATION: WOODHAM BURN COMMUNITY PRIMARY SCHOOL NEWTON
AYCLIFFE CO DURHAM

APPLICANT: Durham County Council
Environment, County Hall, Durham

CONSULTATIONS

1. GREAT AYCLIFFE TC
2. ENGINEERS
3. Cllr. George C. Gray
4. Cllr. E M Paylor
5. Cllr. Helen J Hutchinson

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

THE PROPOSAL

The proposal is very minor in nature and involves the creation of a new car parking area to the north east of the existing school buildings. Woodham Burn Community Primary School was formed in September 2006, through the amalgamation of Woodham Burn Infant and Woodham Burn Junior School. The school currently has 12 no. car parking bays which are situated in front of the main entrance to the building. Due to the amalgamation of the schools access is required across this car park by the pupils as they travel to and from classes. This has been identified as a major risk in the schools Health and Safety Risk Assessment. The school therefore wish to move these existing car parking areas to a new location and then erect a fence around the former car park and use it as a playground and access route for the children.

CONSULTATION AND PUBLICITY

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

PLANNING CONSIDERATIONS

The new car parking areas will be situated to the north east of the existing school buildings. 13 no. car parking bays will be created with one being specified as a disabled bay. The bays will be

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - COUNTY MATTERS

constructed from concrete on a concrete foundation and a 3 coat bitumen surface on a sub-stone base to Durham County Council Standard Specification.

The existing car park will be segregated with a 900mm high wooden fence and matching gates that will be in keeping with the character of the school and will not have a detrimental impact on the surrounding area. This will provide a safe place for the children to place and to travel between buildings.

It is considered that the development will improve the safety for the children and staff who currently have to cross a car parking area. It will also improve the provision of car parking spaces by a net total of 1 no. space.

No objections have been received with regards to this development from SBC Highways.

It is therefore considered that this proposal will improve the current situation and will not result in an adverse impact on the site or the neighbouring properties.

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 the proposal as it is very minor in nature and will not have an adverse impact on the surrounding area.

Item 7

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

1. 7/2007/0021/DM OFFICER:David Gibson

APPLICATION DATE: 3 May 2007

PROPOSAL: CONVERSION OF CHURCH TO 4NO. APARTMENTS

LOCATION: ALL SAINTS CHURCH SHILDON CO DURHAM

APPLICANT: Bedebrook Ltd
10 The Esplanade West, Ashbrook, Sunderland

DECISION: STANDARD APPROVAL on 25 May 2007

2. 7/2007/0293/DM OFFICER:David Gibson

APPLICATION DATE: 1 May 2007

PROPOSAL: CHANGE OF USE FROM OPEN SPACE TO DOMESTIC CURTILAGE

LOCATION: 43 ARNCLIFFE PLACE NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mr & Mrs E J Wilson
43 Arncliffe Place, Newton Aycliffe, Co Durham

DECISION: STANDARD APPROVAL on 11 June 2007

3. 7/2007/0291/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 8 May 2007

PROPOSAL: CONSTRUCTION OF PITCHED ROOF

LOCATION: CAMP HOUSE WHITWORTH HALL SPENNYMOOR CO DURHAM

APPLICANT: Lynn Hodgeson
6 Elm Grove, Harrington Burn, Houghton le Spring, DH4 4TH

DECISION: STANDARD APPROVAL on 7 June 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

4. 7/2007/0289/DM OFFICER:David Gibson

APPLICATION DATE: 14 May 2007

PROPOSAL: ERECTION OF CONSERVATORY

LOCATION: 15 CHELTENHAM WAY NEWTON AYCLIFFE CO DURHAM DL5 5YD

APPLICANT: Melvin & Mary Mitchell
15 Cheltenham Way, Newton Aycliffe, Co Durham, DL5 4YD

DECISION: STANDARD APPROVAL on 11 June 2007

5. 7/2007/0287/DM OFFICER:David Gibson

APPLICATION DATE: 4 May 2007

PROPOSAL: ERECTION OF SINGLE STOREY SIDE EXTENSION AND
CONSERVATORY

LOCATION: 22 FINCHALE ROAD NEWTON AYCLIFFE CO DURHAM DL5 5HT

APPLICANT: Norma Wise
22 Finchale Road, Newton Aycliffe, Co Durham, DL5 5HT

DECISION: STANDARD APPROVAL on 11 June 2007

6. 7/2007/0285/DM OFFICER:David Gibson

APPLICATION DATE: 8 May 2007

PROPOSAL: INSTALLATION OF PLAY AREA

LOCATION: THE COBBLERS HALL PH COBBLERS HALL VILLAGE CENTRE CARERS
WAY NEWTON AYCLIFFE CO DURHAM

APPLICANT: Marstons Plc
Marstons Inns and Taverns, Marstons House, Wolverhampton, WV1 4JT

DECISION: STANDARD APPROVAL on 11 June 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

7. 7/2007/0280/DM OFFICER:David Gibson

APPLICATION DATE: 30 April 2007

PROPOSAL: LOFT CONVERSION

LOCATION: 6 EAST PARADE SEDGEFIELD STOCKTON ON TEES

APPLICANT: Mr & Mrs James
6 East Parade, Sedgefield, Stockton on Tees, TS21 3AX

DECISION: STANDARD APPROVAL on 12 June 2007

8. 7/2007/0277/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 2 May 2007

PROPOSAL: ERECTION OF GARDEN ROOM EXTENSION

LOCATION: 3 ROCK ROAD SPENNYMOOR CO DURHAM

APPLICANT: Mr P Clenner
3 Rock Road, Middlestone Moor, Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 7 June 2007

9. 7/2007/0276/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 2 May 2007

PROPOSAL: ERECTION OF TWO STOREY SIDE EXTENSION

LOCATION: 6 MIDDRIDGE ROAD RUSHYFORD CO DURHAM

APPLICANT: Mrs J Wall
6 Middridge Road, Rushyford, Co Durham , DL17 0NH

DECISION: STANDARD APPROVAL on 7 June 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

10. 7/2007/0270/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 27 April 2007

PROPOSAL: INSTALLATION OF ILLUMINATED FASCIA SIGN

LOCATION: CO-OP PHARMACY 19 FESTIVAL WALK SPENNYMOOR CO DURHAM

APPLICANT: CWS Retail Financial
Services, Hanover Buildings, New Century House, Manchester

DECISION: STANDARD APPROVAL on 7 June 2007

11. 7/2007/0273/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 30 April 2007

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION

LOCATION: 11 SPRUCE COURT SPENNYMOOR CO DURHAM

APPLICANT: Andrew Blakemore
11 Spruce Court, Spennymoor, Co Durham , DL16 7XZ

DECISION: STANDARD APPROVAL on 7 June 2007

12. 7/2007/0269/DM OFFICER:David Gibson

APPLICATION DATE: 27 April 2007

PROPOSAL: ERECTION OF SHED AT SIDE OF PROPERTY

LOCATION: 54 CUNNINGHAM COURT SEDGEFIELD STOCKTON ON TEES

APPLICANT: Mr. R Waites
54 Cunningham Court, Sedgefield, Stockton on Tees, TS21 3BP

DECISION: STANDARD APPROVAL on 25 May 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

13. 7/2007/0267/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 25 April 2007

PROPOSAL: ERECTION OF CONSERVATORY TO THE REAR

LOCATION: 26 THE GREEN BISHOP MIDDLEHAM CO DURHAM

APPLICANT: Mrs Brownlee
26 The Green, Bishop Middleham , Co Durham

DECISION: STANDARD APPROVAL on 1 June 2007

14. 7/2007/0264/DM OFFICER:David Gibson

APPLICATION DATE: 27 April 2007

PROPOSAL: ERECTION OF CONSERVATORY TO REAR OF PROPERTY

LOCATION: 36 BEAUMONT COURT SEDGEFIELD STOCKTON ON TEES TS21 3AH

APPLICANT: Christopher Rowsby
36 Beaumont Court, Sedgfield, Stockton on Tees, TS21 3AH

DECISION: STANDARD APPROVAL on 1 June 2007

15. 7/2007/0263/DM OFFICER:David Gibson

APPLICATION DATE: 27 April 2007

PROPOSAL: CONVERSION OF PART OF GARAGE TO UTILITY AND STUDY,
REPLACEMENT OF GARAGE DOOR WITH WINDOW AND INTERNAL
ALTERATIONS

LOCATION: 26 OAKLEA MEWS AYCLIFFE VILLAGE CO DURHAM

APPLICANT: R G Hutton
26 Oaklea Mews, Aycliffe Village, Co Durham

DECISION: STANDARD APPROVAL on 25 May 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

16. 7/2007/0262/DM OFFICER:David Gibson

APPLICATION DATE: 24 April 2007

PROPOSAL: INSERTION OF REPLACEMENT WINDOWS AND DOORS

LOCATION: 5 WEST END SEDGEFIELD STOCKTON ON TEES

APPLICANT: Mr Nadin
5 West End, Sedgefield, Stockton on Tees, TS21 2BW

DECISION: STANDARD APPROVAL on 4 June 2007

17. 7/2007/0261/DM OFFICER:David Gibson

APPLICATION DATE: 24 April 2007

PROPOSAL: ERECTION OF TWO STOREY SIDE EXTENSION

LOCATION: 34A MALVERN WAY NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mr & Mrs Wallbanks
34A Malvern Way, Newton Aycliffe, Co Durham, DL5 7PR

DECISION: STANDARD APPROVAL on 1 June 2007

18. 7/2007/0254/DM OFFICER:David Gibson

APPLICATION DATE: 25 April 2007

PROPOSAL: ERECTION OF SINGLE STOREY EXTENSION TO SIDE AND REAR

LOCATION: 11 TURNPIKE WALK SEDGEFIELD STOCKTON ON TEES

APPLICANT: John Kinnersley
11 Turnpike Walk, Sedgefield, Stockton on Tees, TS21 3NP

DECISION: STANDARD APPROVAL on 1 June 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

19. 7/2007/0259/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 18 April 2007

PROPOSAL: DEMOLITION OF EXISTING CHAPEL AND ERECTION OF 4 NO. DWELLINGS

LOCATION: INDEPENDENT METHODIST CHAPEL HALLGARTH ROAD TRIMDON CO DURHAM

APPLICANT: David Iceton
Claxton Mount, Manor Fields, Wynyard, TS22 5GE

DECISION: STANDARD APPROVAL on 1 June 2007

20. 7/2007/0248/DM OFFICER:David Gibson

APPLICATION DATE: 1 May 2007

PROPOSAL: ERECTION OF SIGNAGE

LOCATION: NEWTON AYCLIFFE LEISURE CENTRE BEVERIDGE ARCADE NEWTON AYCLIFFE CO DURHAM

APPLICANT: Competition Line UK
Sky Business Park, Thorpe Egham, Surrey, TW20 8RF

DECISION: STANDARD APPROVAL on 8 June 2007

21. 7/2007/0245/DM OFFICER:David Gibson

APPLICATION DATE: 16 April 2007

PROPOSAL: CHANGE OF USE FROM RETAIL TO DOMESTIC GARAGE

LOCATION: 2 WEST END SEDGEFIELD STOCKTON ON TEES

APPLICANT: Thomas Sims
2 West End, Sedgefield, Stockton on Tees, TS21 2BS

DECISION: STANDARD APPROVAL on 1 June 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

22. 7/2007/0243/DM OFFICER:David Gibson

APPLICATION DATE: 13 April 2007

PROPOSAL: ERECTION OF TWO STOREY EXTENSION AND CONSERVATORY TO THE REAR

LOCATION: 18 LAUREL CRESCENT TRIMDON COLLIERY CO DURHAM

APPLICANT: P Sullivan
Airedale House, Thornley Road, Trimdon Station, TS29 6UA

DECISION: STANDARD APPROVAL on 25 May 2007

23. 7/2007/0242/DM OFFICER:David Gibson

APPLICATION DATE: 4 May 2007

PROPOSAL: CHANGE OF USE FROM RETAIL TO RESIDENTIAL AND RETENTION OF CONSERVATORY

LOCATION: 90 DALTON CRESCENT SHILDON CO DURHAM

APPLICANT: Dr Howard Martin
Morfa, Beach Road, Penmaenmawr, Conwy

DECISION: STANDARD APPROVAL on 8 June 2007

24. 7/2007/0239/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 18 April 2007

PROPOSAL: ERECTION OF TWO STOREY SIDE EXTENSION

LOCATION: 6 HIGH GRANGE ROAD SPENNYMOOR CO DURHAM

APPLICANT: PA & JA Foxtton
6 High Grange Road, Spennymoor, Co Durham ,

DECISION: STANDARD APPROVAL on 1 June 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

25. 7/2007/0238/DM OFFICER:David Gibson

APPLICATION DATE: 20 April 2007

PROPOSAL: ERECTION OF FIRST FLOOR SIDE EXTENSION, SINGLE STOREY REAR EXTENSION AND CONSERVATORY TO REAR

LOCATION: 18 WOODHAM GATE WOODHAM NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mr K Harrison
18 Woodham Gate, Woodham , Newton Aycliffe, Co Durham

DECISION: STANDARD APPROVAL on 1 June 2007

26. 7/2007/0237/DM OFFICER:David Gibson

APPLICATION DATE: 20 April 2007

PROPOSAL: ERECTION OF REPLACEMENT SALT DOME

LOCATION: BRADBURY SALT BARN GIPSY LANE FERRYHILL CO DURHAM

APPLICANT: Highway Agency
c/o A-One, Valley House, Valley Street, Darlington, DL1 1TJ

DECISION: STANDARD APPROVAL on 25 May 2007

27. 7/2007/0226/DM OFFICER:David Gibson

APPLICATION DATE: 10 April 2007

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION AND GARAGE TO SIDE

LOCATION: 6 FORSTER CLOSE NEWTON AYCLIFFE CO DURHAM

APPLICANT: J & A Hartwell
32 Harebell Meadows, Woodham, Co Durham

DECISION: STANDARD APPROVAL on 25 May 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

28. 7/2007/0225/DM OFFICER:David Gibson

APPLICATION DATE: 11 April 2007

PROPOSAL: ERECTION OF 2NO. 6 METRE CCTV COLUMNS WITH 3NO. CAMERAS

LOCATION: LAND AT HACKWORTH PARK SHILDON CO DURHAM

APPLICANT: Shildon Town Council
Civic Offices, Civic Centre Square, Shildon, Co Durham, DL4 1AH

DECISION: STANDARD APPROVAL on 25 May 2007

29. 7/2007/0224/DM OFFICER:David Gibson

APPLICATION DATE: 2 May 2007

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

LOCATION: 56 BEECHFIELD NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mr & Mrs Reah
56 Beechfield, Newton Aycliffe, Co Durham, DL5 7AY

DECISION: STANDARD APPROVAL on 8 June 2007

30. 7/2007/0218/DM OFFICER:David Gibson

APPLICATION DATE: 16 April 2007

PROPOSAL: ERECTION OF SUN ROOM TO REAR AND PORCH TO FRONT

LOCATION: 24 ROTHBURY CLOSE TRIMDON CO DURHAM

APPLICANT: Mr Phillips & Mrs Bradley
24 Rothbury Close, Trimdon Grange, TS29 6PU

DECISION: STANDARD APPROVAL on 4 June 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

31. 7/2007/0219/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 27 March 2007

PROPOSAL: INCREASE HEIGHT OF DWELLING TO ACCOMODATE 1ST FLOOR LIVING ACCOMMODATION, CONSTRUCTION OF DORMER WINDOW IN ROOF, ERECTION OF GARAGE, LOBBY AND DINING ROOM EXTENSION TO SIDE AND 2 NO. BAY WINDOWS TO FRONT

LOCATION: ALLENBRAE RUSHYFORD CO DURHAM

APPLICANT: Mr & Mrs Chahal
84 High Street , Willington , Crook,

DECISION: STANDARD APPROVAL on 29 May 2007

32. 7/2007/0216/DM OFFICER:Simon Miller

APPLICATION DATE: 3 April 2007

PROPOSAL: ERECTION OF SINGLE STOREY EXTENSION TO SIDE AND REAR

LOCATION: 19 BUSTY TERRACE SHILDON CO DURHAM

APPLICANT: L Grant
13 Oaklea , Shildon, Co Durham, DL4 2BP

DECISION: STANDARD APPROVAL on 25 May 2007

33. 7/2007/0199/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 13 April 2007

PROPOSAL: ERECTION OF GENERAL PURPOSE BUILDING (RETROSPECTIVE)

LOCATION: STANNERS FARM PAGE BANK SPENNYMOOR CO DURHAM

APPLICANT: Mr P & Mrs R Forrest
Jesmond House, Whitworth Road, Spennymoor, DL16 7QY

DECISION: STANDARD APPROVAL on 8 June 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

34. 7/2007/0154/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 9 March 2007

PROPOSAL: INSTALLATION OF NEW SHOP FRONT

LOCATION: 73 HIGH STREET SPENNYMOOR CO DURHAM

APPLICANT: Billy Lau Ltd
73 High Street , Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 25 May 2007

35. 7/2007/0147/DM OFFICER:David Gibson

APPLICATION DATE: 10 May 2007

PROPOSAL: ERECTION OF CONSERVATORY

LOCATION: 34 CHELTENHAM WAY NEWTON AYCLIFFE CO DURHAM

APPLICANT: Paul Fitzpatrick
34 Cheltenham Way, Newton Aycliffe, Co Durham, DL5 4YD

DECISION: STANDARD APPROVAL on 8 June 2007

36. 7/2007/0118/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 30 March 2007

PROPOSAL: INSTALLATION OF NEW SHOP FRONT

LOCATION: 41 HIGH STREET SPENNYMOOR CO DURHAM

APPLICANT: Ms Bostanban
37 Falstone Drive , Chester le Street, Co Durham

DECISION: STANDARD APPROVAL on 25 May 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

37. 7/2007/0046/DM OFFICER:David Gibson

APPLICATION DATE: 7 February 2007

PROPOSAL: INSERTION OF 2NO. WINDOWS IN SOUTHERN ELEVATION

LOCATION: BIGNALL LUBRITEC LTD DABBLE DUCK INDUSTRIAL ESTATE SHILDON
DL4 2QN

APPLICANT: John Bignall
Unit 15, Dabble Duck Industrial Estate, Shildon, DL4 2QN

DECISION: STANDARD APPROVAL on 1 June 2007

38. 7/2007/0022/DM OFFICER:David Gibson

APPLICATION DATE: 3 May 2007

PROPOSAL: CONVERSION OF CHURCH TO 4NO. APARTMENTS (LISTED BUILDING
CONSENT)

LOCATION: ALL SAINTS CHURCH SHILDON CO DURHAM

APPLICANT: Bedebrook Ltd
10 The Esplanade West, Ashbrook, Sunderland

DECISION: STANDARD APPROVAL on 25 May 2007

39. 7/2007/0295/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 2 May 2007

PROPOSAL: CHANGE OF USE FROM SCRUB/WASTE LAND TO WALKING/EXERCISE
AREA

LOCATION: LAND SOUTH OF THE BARNS ENTERPRISE CITY SPENNYMOOR CO
DURHAM

APPLICANT: Kenneth Kelly
Durham Constabulary, Police HQ, Aykley Heads, Durham , DH1 5TT

DECISION: STANDARD APPROVAL on 12 June 2007

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Item 9

SEDGEFIELD BOROUGH COUNCIL

APPEALS OUTSTANDING UP TO 14th JUNE 2007

Ref.No. AP/2006/0010
Location LAND OFF WHITWORTH ROAD WHITWORTH PARK SPENNYMOOR
CO DURHAM
Proposal FAILURE TO DISCHARGE CONDITION NO. 9 RELATING TO THE
PROTECTION OF RECOGNISED MAJOR NATURE CONSERVATION
INTERESTS, CONDITION NO. 2 RELATING TO APPROVED
DOCUMENTS; AND CONDITION NO. 3 RELATING TO ACCESS TO THE
HIGHWAY ATTACHED TO PLANNING PERMISSION 7/2003/0736/DM
FOR THE ERECTION OF 100 DWELLINGS AND ASSOCIATED
INFRASTRUCTURE WORKS INCLUDING NEW ACCESS ROAD,
ALTERATIONS TO EXISTING BYWAY, PUBLIC CAR PARK AND SEWER
ARRANGEMENTS
Appellant Barratt Newcastle
Received 24th August 2006

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

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

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

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

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

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

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

Ref.No. AP/2007/0002
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 22nd March 2007

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

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 16th April 2007

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

Ref.No. AP/2007/0004
Location EAST BUTTERWICK FARM BUTTERWICK SEDGEFIELD STOCKTON
ON TEES TS21 3ER
Proposal ERECTION OF GARAGE AND GARDEN STORE
Appellant CRS McDonnell
Received 14th 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 9th May 2007

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

Ref.No. AP/2007/0006
Location WOODLANDS 16 TUDHOE VILLAGE SPENNYMOOR CO DURHAM
Proposal DEMOLITION AND RECONSTRUCTION OF EXISTING
DWELLINGHOUSE (APPLICATION FOR CONSERVATION AREA
CONSENT)
Appellant Mr & Mrs Jackson
Received 24th May 2007

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

Ref.No. AP/2007/0007
Location WOODLANDS 16 TUDHOE VILLAGE SPENNYMOOR CO DURHAM
Proposal DEMOLITION AND RECONSTRUCTION OF EXISTING BUILDING
ANNEX TO BE RETAINED & REFURBISHED
Appellant Mr & Mrs Jackson
Received 24th May 2007

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

Ref.No. AP/2007/0008
Location LAND NORTH OF WOODHAM HOUSE RUSHYFORD CO DURHAM DL17
0NN
Proposal ERECTION OF DETACHED DWELLING WITH ASSOCIATED ACCESS
AND ERECTION OF DOUBLE GARAGE (OUTLINE APPLICATION)
Appellant Dr & Mrs H J Stafford
Received 25th May 2007

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

Ref.No. AP/2007/0009
Location 16 SHARP ROAD NEWTON AYCLIFFE CO DURHAM
Proposal ERECTION OF EXTENSION TO SIDE AND REAR
Appellant Mr Westgarth
Received 31st May 2007

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

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Item 10

DEVELOPMENT CONTROL COMMITTEE

22nd 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:

AP/2006/0017/EN

Appeal Description

The appeal was made by Mr. Gary Atkinson against the issue on 28th September 2006 of an enforcement notice by Sedgefield Borough Council in respect of the erection of a raised patio / decking area to the rear of 12 Kensington Gardens, Ferryhill.

The notice required the removal of the unauthorised development within 3 months of the notice coming into effect.

Appeal Decision

In the Inspector's decision letter dated 23rd May 2007, a copy of which is attached to this report, the appeal was DISMISSED

Analysis

The appeal was dealt with by way of an informal hearing held on 15th May 2007.

The appeal was made on the grounds that:

1. There had not been a breach of planning control (ground c)
2. The required steps to remedy the breach were excessive (ground f)

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

- The development was not permitted development, as asserted by the appellant
- There was no clear evidence to show that a garage previously existed on the site that would affect this judgement
- It was irrelevant whether the development was carried out as a continuous action together with the erection of a garage, or in isolation
- It would be illogical to require removal of only part of the unauthorised development and the steps to remove the entire development were *'the minimum required to remedy the breach of planning control.'*

The Inspector however made the following observation:

- There needed to be more clarity in the wording of the steps to avoid uncertainty on the part of the appellant as to what he had to do to comply with the notice.

Conclusion

The enforcement notice has been upheld with only a minor correction to the text of the notice to increase clarity. The corrected steps to be taken are specified at the end of the attached decision letter.

The notice came into effect on the day of the appeal decision (23rd May 2007).

The corrected steps must be carried out by not later than 23rd August 2007.

The situation will be monitored by the Enforcement Officer to ensure compliance and to determine whether any further action will be required in the event of failure to comply with the notice.



Appeal Decision

Hearing held and site visit made on
15 May 2007

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

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email:enquiries@pins.gsi.
gov.uk

by **B Barnett BA MCD MRTPI**

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

Decision date:
23rd May 2007

Appeal Ref: APP/M1330/C/06/2028638

12 Kensington Gardens, Ferryhill, Co Durham, DL17 8LU

- 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 Mr Gary Atkinson against an enforcement notice issued by Sedgefield Borough Council.
- The Council's reference is AP/2006/0017/EN.
- The notice was issued on 28 September 2006.
- The breach of planning control as alleged in the notice is *without planning permission, the erection of a raised patio/decking area.*
- The requirement of the notice is to *dismantle and remove the raised patio/decking, including the surface decking, timber fence, polycarbonate sheeting, planting boxes and the external staircase which provides access to the raised patio/decking.*
- The period for compliance with the requirement is three calendar months.
- The appeal is proceeding on the grounds set out in sections 174(2)c and f of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a correction.

Preliminary Matter

1. At the hearing the appellant withdrew his appeal on ground c. I am concerned that he may not have fully understood the significance of this or of the relevant legal provisions which prompted his decision. In the interest of clarity and fairness I shall continue to consider this ground of appeal.

The Appeal on Ground c

2. This mid-terrace house has a small yard area to its rear which adjoins a road providing vehicular and pedestrian access to the houses on both sides of it. It was agreed at the hearing that this road is a highway.
3. A single storey structure has been erected between what was the rear of the house and the end of the yard. Although this has a garage-type door to the road, it adjoins the house and is accessible from within it by a communicating door. It is an extension of the house. An external staircase provides access to its roof which has been covered with timber decking and enclosed by a screen wall and post and rail fencing, mainly of timber.
4. The appellant agreed at the hearing that, as the extension is nearer to the highway than any part of the original dwelling house, its erection was not

permitted by Class A of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO). It was unlawful.

5. I heard conflicting views from the appellant and local residents as to whether the work on the roof and the staircase was part of a single act of development involving also the extension, or a separate and later act. However, this is of no consequence. If it was all one act of development it did not fall within Class A because of its position in relation to the road. If the work on the roof and the staircase was a separate act, it amounted to alterations or extensions to a building which was itself, at the time of the development, unlawful. Article 3(5) of the GPDO states that permissions granted by Schedule 2 (permitted development rights) do not apply where the construction of the building being extended or altered was itself unlawful. In either case, the work did not benefit from permitted development rights. It amounted to a breach of planning control so the appeal on ground c fails.

The Appeal on Ground f

6. After the work on the roof was completed the Council granted retrospective planning permission (under S 73 of the Town and Country Planning Act 1990) for the house extension, specifically excluding from this the work on the roof and the staircase. The extension is now lawful and potentially attracts permitted development rights. The appellant argued that if the enforcement notice as issued were complied with, the decking and staircase could thereafter be reinstated as permitted development. In his view, no purpose would be served by requiring their removal and he submitted that the requirement of the notice should be varied to require removal of only the enclosing wall and fencing.
7. I cannot accept this for three reasons.
8. Firstly, permitted development rights may not apply as the appellant claimed. At the site visit measurements of the extension, as enlarged by the addition of the decking, were taken and agreed between the Council and the appellant. These showed its volume to be about 68 cu m. An old ordnance plan indicates that there was probably a small projection attached to the rear of the original house. The volume of this can be estimated only very roughly but is unlikely to have been significantly greater than that of the present external staircase. Allowing for both these factors, the content of the building resulting from adding the decking, the staircase and the ground floor extension is likely to exceed that of the original dwelling house by more than 50 cu m. Consequently, if the decking and staircase were removed, their re-erection would probably not be permitted by Classes A or B of Part 1 of the GPDO.
9. The decking would make the extension higher overall and so would materially alter the shape of the dwelling house as seen from neighbouring properties. Its re-erection would not be permitted by Class C.
10. Although the appellant claimed that there was previously a garage attached to the house, local residents disputed this. In the absence of clear evidence to show that this building existed, its size and that it was part of the original dwelling house, I am not convinced that allowance should be made for it in assessing the limits of permitted development.

- 11: Secondly, the appellant's submission, even if correct, essentially addresses the expediency of issuing the enforcement notice. That is not a matter before me.
12. Thirdly, the breach of control has had effects on the appearance of the site and, by facilitating active use of the roof, on the privacy of neighbouring residents. As there is no ground a appeal, it is not open to me to consider whether or not these effects are acceptable wholly or in part or to vary the notice in a manner which would, in effect, grant planning permission for some or all of what has been done. Only the total removal of the decking, staircase and associated items can remedy the breach of planning control and remove the effects of the development.
13. In my judgement, the steps required by the notice are the minimum necessary to remedy the breach of planning control. The appeal on ground f fails.
14. I shall, however, correct the requirement in the notice to make it clear that it refers to the decking on top of the extension and to the screen wall and fencing around that decking. As issued, the notice could be interpreted as referring to decking on the ground and the nature and location of the polycarbonate sheeting referred to, which actually forms part of the fencing, is unclear. This correction reflects the appellant's understanding of the intent of the notice and will cause no injustice.

Formal Decision

15. I direct that the enforcement notice be corrected by replacing the text under the heading WHAT YOU ARE REQUIRED TO DO by the following text:
Dismantle and remove from the roof of the extension to the dwelling the decking, the screen wall and fencing around the decking and the plant boxes on it and also dismantle and remove the external staircase which provides access to the roof.
16. Subject to this correction, I dismiss the appeal and uphold the enforcement notice.

B Barnett

INSPECTOR

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

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