

# **DEVELOPMENT CONTROL COMMITTEE**

Friday, 17 August 2007

10.00 a.m.

Council Chamber, Council Offices, Spennymoor

## **AGENDA AND REPORTS**



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

**العربية (Arabic)**

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

**বাংলা (Bengali)**

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

**(中文 (繁體字)) (Cantonese)**

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

**हिन्दी (Hindi)**

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

**polski (Polish)**

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

**ਪੰਜਾਬੀ (Punjabi)**

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

**Español (Spanish)**

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

**اردو (Urdu)**

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

## AGENDA

**1. APOLOGIES**

**2. DECLARATIONS OF INTEREST**

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

**3. MINUTES**

To confirm as a correct record the Minutes of the meeting held on 20<sup>th</sup> July 2007 (Pages 5 - 10)

**4. APPLICATIONS - BOROUGH MATTERS**

To consider the attached schedule of applications, which are to be determined by this Council. (Pages 11 - 42)

**5. DEVELOPMENT CONTROL - ADDITIONAL APPLICATIONS**

To consider any applications which need to be determined as a matter of urgency. (Pages 43 - 54)

**6. CONSULTATIONS FROM NEIGHBOURING AUTHORITY**

To consider the attached schedule detailing an application which is to be determined by Wear valley District Council. The view and observations of this Council have been requested. (Pages 55 - 60)

**7. 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 61 - 66)

**Members are reminded that the applications to be considered under Items 4, 5 and 6 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.**

**8. DELEGATED DECISIONS**

A schedule of applications, which have been determined by Officers by virtue of their delegated powers, is attached for information (Pages 67 - 76)

**9. COUNTY DECISIONS**

A schedule of applications, which have been determined by Durham County Council is attached for information. (Pages 77 - 78)

**10. APPEALS**

A schedule of appeals outstanding up to 8<sup>th</sup> August 2007 is attached for information. (Pages 79 - 82)

## **EXEMPT INFORMATION**

The following item is not for publication by virtue of Paragraphs 1 and 6 of Part 1 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 83 - 84)

### **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  
8<sup>th</sup> August 2007

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

All other Members of the Council

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#### ACCESS TO INFORMATION

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

# Item 2

## MEMBER'S DISCLOSURE OF INTEREST

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

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

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

(2)

The nature of that interest is \_\_\_\_\_

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

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

OR (5) [Delete if not applicable]

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

SIGNED: .....

Dated .....

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

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

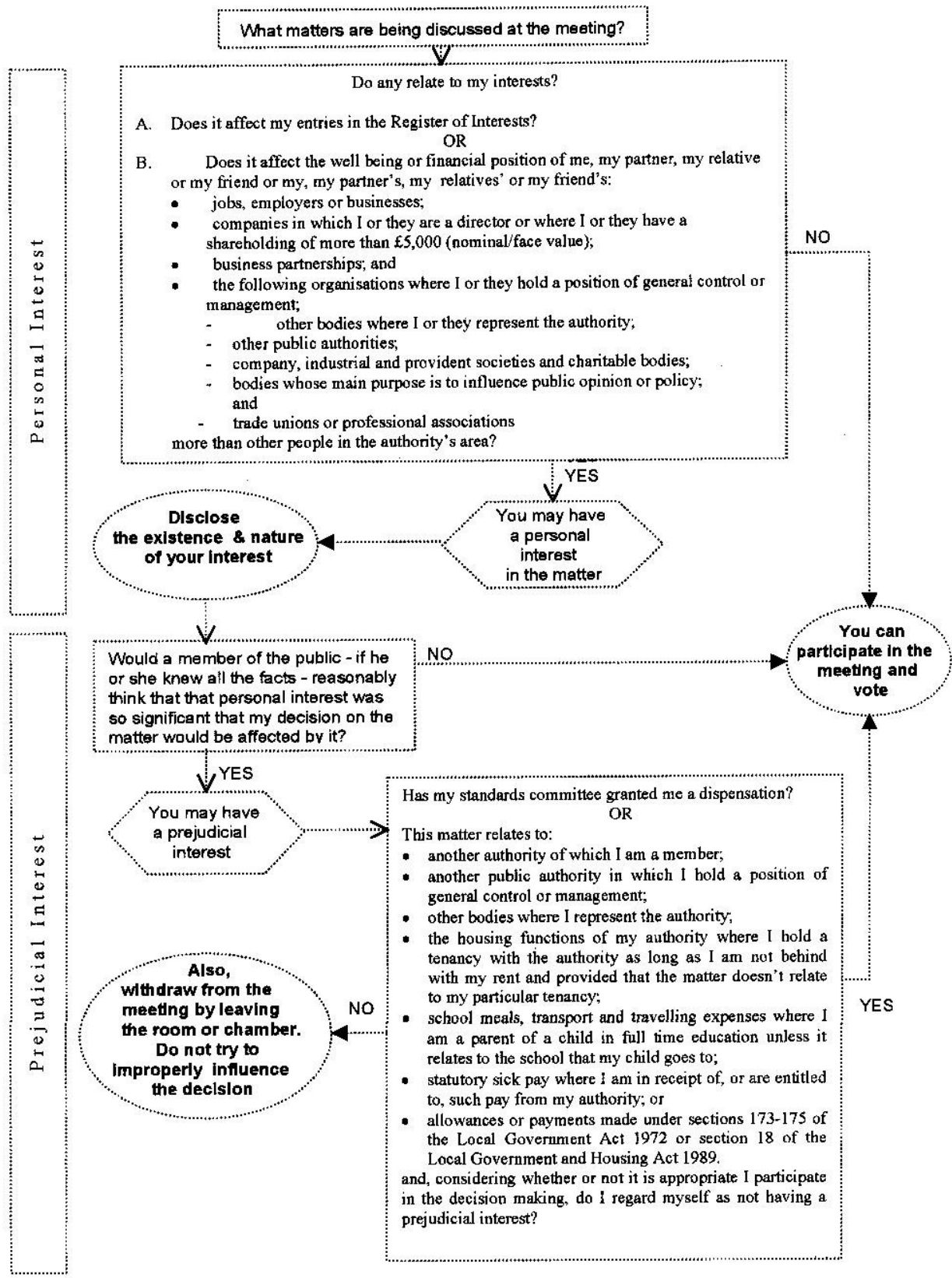
A Member with a prejudicial interest in any matter must also:

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

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

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



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# Item 3

## SEDGEFIELD BOROUGH COUNCIL

### DEVELOPMENT CONTROL COMMITTEE

Council Chamber,  
Council Offices,  
Spennymoor

Friday,  
20 July 2007

Time: 10.00 a.m.

**Present:** Councillor A. Smith (Chairman) and

Councillors W.M. Blenkinsopp, D.R. Brown, D. Chaytor, Mrs. K. Conroy, Mrs. P. Crathorne, Mrs. L. M.G. Cuthbertson, D. Farry, T.F. Forrest, G.C. Gray, Mrs. S. Haigh, Mrs. I. Hewitson, J.E. Higgin, A. Hodgson, T. Hogan, Mrs. L. Hovvels, Mrs. S. J. Iveson, J.M. Khan, B. Lamb, B.M. Ord, Mrs. E.M. Paylor, B. Stephens, K. Thompson, T. Ward, W. Waters and Mrs E. M. Wood

**Apologies:** Councillors Mrs. A.M. Armstrong, B.F. Avery J.P, Mrs. D. Bowman, T. Brimm, J. Burton, V. Chapman, V. Crosby, P. Gittins J.P., Mrs. B. Graham, A. Gray, Mrs. J. Gray, B. Haigh, D.M. Hancock, G.M.R. Howe, J.G. Huntington, Mrs. H.J. Hutchinson, Ms. I. Jackson, Mrs. E. Maddison, C. Nelson, D.A. Newell, Mrs. C. Potts, J. Robinson J.P, A. Warburton and J. Wayman J.P.

**DC.29/07      DECLARATIONS OF INTEREST**

The following declarations of interest were received :

Councillor G.C. Gray	-	Item 6 – Consultations from Durham County Council - Personal and Prejudicial – Member of Durham County Council.  Item 6 – Consultations from Durham County Council – Application 4 – School Governor.
Councillor Mrs.S. Iveson	-	Item 6 – Consultations from Durham County Council – Personal and Prejudicial – Member of Durham County Council.

**DC.30/07      MINUTES**

The Minutes of the meeting held on 22<sup>nd</sup> June, 2007 were confirmed as a correct and signed by the Chairman. (For copy see file of Minutes).

**DC.31/07      READOPTION OF ACSeS MODEL MEMBERS' PLANNING CODE OF GOOD PRACTICE - JUNE 2007**

Consideration was given to the revised Member's Planning Code of Good Practice. (For copy see file of Minutes).

It was explained that the Code of Good Practice had been prepared in response to the Local Government Association's Guidance Note on the

Preparation of Local Codes of Good Practice on Planning Matters in the light of the introduction of new ethical framework and in consultation with the District Audit Service, Local Government Ombudsman and the Standards Board for England. It had also been updated following the introduction of the New Member Code of Conduct adopted by Council at its meeting on 29<sup>th</sup> June, 2007.

The Member's Planning Code of Good Practice set out the following :-

- Relationship to the Members' Code of Conduct
- Development Proposals and Interests under the Members' Code of Conduct
- Fettering Discretion in the Planning Process
- Contact with Applicants, Developers and Objectors
- Lobbying of Councillors
- Lobbying by Councillors
- Site Visits
- Public Speaking at Meetings
- Officers
- Decision-making
- Training
- Dual Hatted Members and Members as Community Advocates

Specific reference was made to Paragraph 3 – Fettering Discretion in the Planning Process. It was emphasised that Councillors must not fetter their discretion and therefore their ability to participate in the decision-making process at the Council by making up their mind or appearing to have made up their mind on how they would vote on planning matters prior to formal consideration of the matter at the meeting of the Planning Authority or hearing the officer's presentation and evidence and arguments on both sides.

With regard to Paragraph 11 – Training – it was reported that the Code recommended that as a mandatory requirement Member's attend at least one training event prior to their first attendance at Development Control Committee.

Member's attention was drawn to Paragraph 12 – Dual Hatted Members and Members acting as Community Advocates. It was noted that a number of changes had been made to the advice contained in this paragraph.

In response to a Member's question regarding membership of community groups, it was explained that although Councillors were encouraged to join community groups as part of their role as a community advocate, it was recognised that in certain circumstances this could limit their ability in the decision-making process.

Members sought clarification in relation to Paragraph 10 – Decision-Making. It was explained that in cases where Members proposed, seconded or supported a decision, contrary to officer recommendation, the reasons must be given prior to the vote and be recorded.

*RESOLVED : That the ACSeS Model Members 'Planning Code of Good Practice be adopted.*

**DC.32/07 DEVELOPMENT CONTROL - ADDITIONAL APPLICATIONS**

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

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

**DC.33/07 CONSULTATIONS FROM DURHAM COUNTY COUNCIL**

**NB : In accordance with Section 81 of the Local Government Act, 2000 and the Members Code of Conduct Councillors G.C. Gray and Mrs. S. Iveson declared 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).

Detailed discussion took place in relation to Application No : 5 – Application not to Comply with Conditions 1 and 7 of Application 7/2003/0045/CM in order to extend the date for completion of mineral extraction to 31<sup>st</sup> December, 2015, revise the method of extraction and revise the phasing of inert landfill operations, The Quarry, Bishop Middleham, County Durham – Plan Ref : 7/2007/0388/CM.

Although Members supported the proposal in general concerns were raised regarding the impact the increase in timescale by 50% and the impact future proposals from nearby quarries could have on the residential amenity. It was agreed that a letter be sent to Durham County Council setting out the concerns of the Committee.

Reference was also made to the demand for limestone, the method of mineral extraction and the close proximity of the site to the A1(M) motorway.

- RESOLVED :*
- 1. That the recommendations detailed in the schedule be adopted.*
  - 2. That a letter be sent to Durham County Council setting out the concerns of the Committee in respect of Application No: 5 – Application not to Comply with Conditions 1 and 7 of Application 7/2003/0045/CM in order to extend the date for completion of mineral extraction to 31<sup>st</sup> December, 2015, revise the method of extraction and revise the phasing of inert landfill operations, The Quarry, Bishop Middleham, County Durham – Plan Ref : 7/2007/0388/CM.*

**DC.34/07                    CONSULTATIONS FROM NEIGHBOURING AUTHORITIES**

Consideration was given to a schedule detailing an application which was to be determined by Stockton-on-Tees Borough Council and upon which the views and observations of this Council had been sought. (For copy see file of Minutes).

- RESOLVED :*            *That the report be received and the recommendation contained therein adopted.*

**DC.35/07                    DELEGATED DECISIONS**

Consideration was given to a schedule of 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.36/07                    APPEALS**

Consideration was given to a schedule detailing outstanding appeals to 11<sup>th</sup> July, 2007. (For copy see file of Minutes).

- RESOLVED :*            *That the schedule be received.*

**EXCLUSION OF PRESS AND PUBLIC**

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

**DC.37/07**

**ALLEGED BREACHES OF PLANNING CONTROL**

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

*RESOLVED :*            *That the schedule be received.*

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**ACCESS TO INFORMATION**

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Lynsey Walker 01388 816166 ext 4237 email:lwalker@sedgefield.gov.uk

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# Item 4

## SEDFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

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1. 7/2007/0043/DM APPLICATION DATE: 22 January 2007

PROPOSAL: **ERECTION OF EXTENSION TO SIDE**

LOCATION: **THE POTTERS SHOP CROSS STREET SEDFIELD STOCKTON ON TEES**

APPLICATION TYPE: Detailed Application

APPLICANT: Mr W Todd  
Potters Shop , Cross Street, Sedfield, Stockton on Tees

#### CONSULTATIONS

1. SEDFIELD TC
2. Cllr. Mr. J. Robinson
3. Cllr. D R Brown
4. Cllr. J Wayman J.P.
5. DCC (TRAFFIC)
6. BUILDING CONTROL
7. CIVIC TRUST
8. VALUER
9. L.PLAN
10. ECONOMIC DEV
11. DESIGN
12. LANDSCAPE ARCH
13. POLICE HQ
14. DCC (TRAFFIC)
15. SEDFIELD TC

#### NEIGHBOUR/INDUSTRIAL

Cross Street:1,2,5

High Street:50

Rectory Row:23,25,26,27,28,29,30,31,32,33,35,36,37,38,Barrington Lodge,Shute House,Sedfield Social Club

St Edmunds Church

Crispin Court:14,13,12,11,10,9,8,7,6,5,4,3,2,1

Front Street:50,52,54,56,58,60,62,21,23,25,26,27,29,31,33,39,41,43

#### BOROUGH PLANNING POLICIES

- |     |  |
|-----|--|
| E18 | Preservation and Enhancement of Conservation Areas               |
| E21 | Development affecting the Setting of a Listed Building           |
| T7  | Traffic Generated by New Development                             |
| D1  | General Principles for the Layout and Design of New Developments |
| D4  | Layout and Design of New Industrial and Business Development     |

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

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**This application would normally be a delegated matter but has been referred to Development Control Committee for consideration at the request of a Ward Councillor in accordance with the Council's Scheme of Delegation.**

**THE PROPOSAL**

Detailed planning permission is being sought to extend a commercial property known as the 'The Potters Shop' which is situated on Cross Street Sedgfield Village. The application as originally submitted measured approximately 19 metres long by 5 metres wide a maximum height of 6.5 metres. The drawing below shows the proposal as originally submitted.

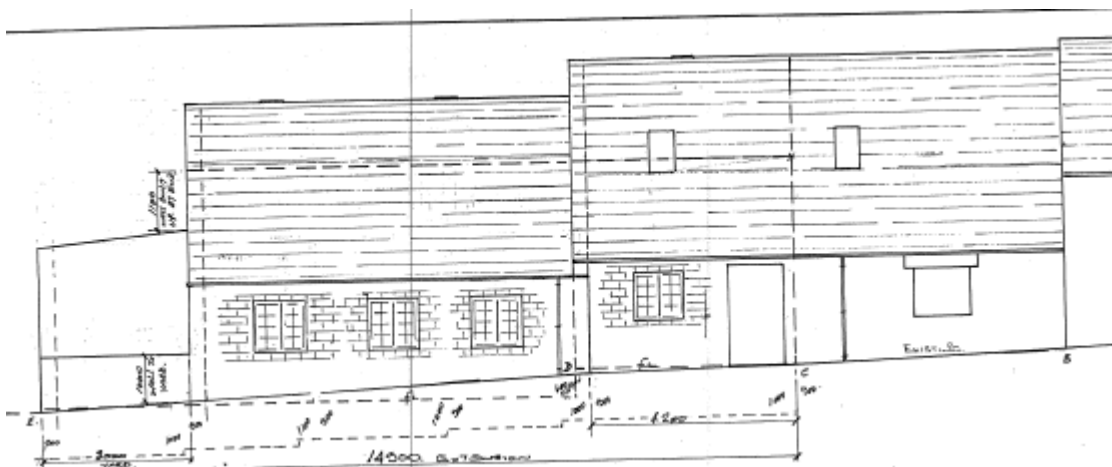


Figure 1. The original proposal

The proposal was subsequently amended following concerns regarding its massing and design. The scheme in its revised form now entails an extension which would measure approximately 19 metres long by 5 metres wide with have a maximum height of 5.5 metres. The extension would have a sloping roof which would step down to accommodate a change in levels as shown by the illustration below. This helps to break up the massing of the building.

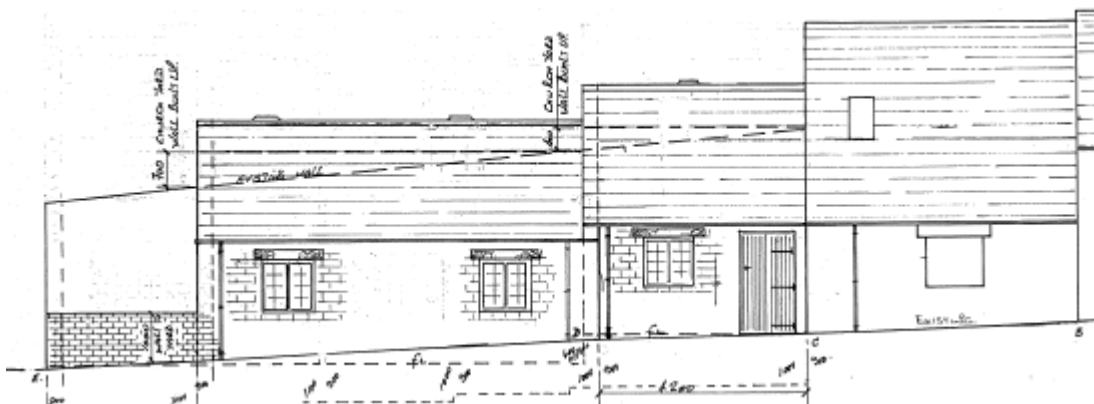


Figure 2. The revised proposal

The extension would provide additional storage space to enable the applicant to store clay, glazes and tools and to store and repair kilns. The roof void of the extension would be used as an office facility but owing to limited head heights would not provide a great deal of useable floorspace.



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

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**CONSULTATION RESPONSES**

Sedgefield Town Council objected to the original proposal on a number of grounds and these are summarised below:

*The extension is of a considerable size and would result in overdevelopment.*

*The proposal appears to represent a change from what is primarily a retail outlet to manufacturing which would not be appropriate close to a residential area.*

*The proposal is not considered to be in keeping with St. Edmunds Church Grade II\* Listed Building.*

Following the re-consultation exercise on the amended scheme Sedgefield Town Council reiterated their original objections to the proposal but also commented that:

*There continues to be access issues on Cross Street.*

*In allowing the proposals as submitted whilst accepting that these are for business/workshop use at present the extensions as proposed could then be easily converted into a dwelling.*

Sedgefield Civic Trust in commenting on the original proposal expressed a number of concerns and these are summarised below:

*The building will impede the natural view of St. Edmunds Church as well as how it will look.*

*Overdevelopment of the site and developing into a more industrialised site being out of character with the conservation area.*

*It would be more appropriate to accommodate the additional storage problems in the nearby Salters Lane Industrial Estate.*

*Additional traffic or larger vehicles will add to safety concerns and increase congestion problems that already exist.*

*The extension could be converted into cottages at some point in the future.*

To date Sedgefield Civic Trust has not commented upon the revised scheme.

The County Council as the Highway Authority sought clarification upon a number of issues in relation to the original proposal. These principally related to the width of an access to be created in the southern boundary wall. As the revised drawings now show a width of 2.4 metres the County Engineer has indicated that this is 'acceptable from a highway point of view'.

The Police Architectural Liaison officer had no observations to make upon the original proposal and has not commented upon the revised scheme.

Five letters of objection were received from local residents in response to the initial consultation exercise. The principal objections to the application as original submitted are summarised below:

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

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*The proposal would adversely affect the appearance of the area and as such would be inappropriate within a Conservation area. Views of the Conservation Area and the church should be preserved and not obstructed.*

*The use proposed would be inappropriate within a residential area and should be located within an Industrial Estate. The repair of kilns implies noise which will affect the residential quality of the area. Doubling the size of the premises would change the very nature of the present Pottery business from a craft-based outlet to a predominantly storage, sales and distribution outlet. In the future the premises could become even busier or perhaps 2 such businesses.*

*The proposal would result in an increase in deliveries including 40 feet articulated lorries and car parking further increasing noise and traffic congestion/hazards on Rectory Row and Cross Street. The local roads are not suitable for such large lorry movement. Unloaded goods would obstruct the pavements in area presently a danger to local residents. An expansion of the business will lead to increased traffic and delivery vehicles. Visibility would be decreased increasing the danger to pedestrians' especially elderly pedestrians and mothers with young children.*

*The proposal which incorporates velux rooflights would result in direct overlooking with a resultant loss in privacy.*

*If permission were granted the use would subsequently be changed to residential premises exacerbating car parking and congestion. The height of building will have the effect of restricting natural light entering the properties on Cross Street.*

*The construction of the extension would give rise to noise and dust and access inconvenience.*

*It will be impossible to construct any extension in such a way that it would blend in the aesthetic and external appearance of the building.*

One further letter sought clarification regarding a caveat that the premises would remain a pottery. The letter also expressed concern that lifting the caveat would enable the premises to be converted into residential.

Following the receipt of the revised proposal local residents/objectors were re-consulted. Three letters were received in response and these primarily reiterate the objections that residents raised in respect of the original proposal. Opposition to the proposed development remains strong despite the alterations and do not alleviate the residents concerns that the premises would be changed into residential dwellings.

**PLANNING CONSIDERATIONS**

The main planning considerations in this instance are the impact that the proposal would have upon:

- The character and appearance of the area.
- Residential amenity in terms of loss of privacy, light and peace and quiet.
- Highway safety.

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

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The character and appearance of the area

The application site is situated in the heart of the Sedgfield Village Conservation Area. Strategic guidance at a national, regional and county level advocate that the character and appearance of the built environment should be enhanced and where appropriate protected. This approach is reinforced by Policy E18 of the Borough Local Plan which stipulates that development which would detract from the character and appearance of conservation areas would not normally be allowed. Following consultation with the Council's Conservation Officer it was determined that the bulk and scale of the extension as originally submitted was excessively large and competed with the existing building rather than being subordinate to it. The proposal as originally submitted therefore failed to preserve and enhance the character of the conservation area. The applicant was therefore requested to consider an alternative and less bulky form of development. In response the applicant submitted the revised scheme which is shown at figure 2. above. The proposal in its revised form benefits from a lower ridge line with a 'step down'. These revisions help to improve the proportions of the extension and ultimately reduce its scale and bulk. In its revised form the design of the extension is considered to be in keeping with scale and character of the pottery and as such will not have an adverse impact upon the appearance of the Conservation.

It should also be noted that the application site is physically attached to the curtilage of St. Edmunds Church a Grade I Listed Building. The impact of the development on the setting of the Listed Building is a material consideration and this is reflected in Policy E21 of the Borough Local Plan. This policy seeks to ensure that development does not adversely affect the setting of a Listed Building and this is particularly important when considering the impact on a Grade I Listed Building as they are a scarce resource. On this occasion the proposal will screen part of a stone retaining wall which effectively forms the eastern boundary of the church grounds. The primary views of the church are from the north, west and south and as St. Edmunds Church is at a higher level than the application site it is considered that the proposal will have a limited impact its setting.

Residential amenity in terms of loss of privacy, light and peace and quiet

The distance between the front elevation of the proposed extension and that of the residential properties directly opposite would range from approximately 7 metres to 9 metres. Therefore in order to protect the privacy of existing residents it is proposed to impose a condition requiring the installation of obscure glazing within the windows that face onto Cross Street.

With regards to residents concerns that the extension will result in a loss of light it must be noted that the extension is a single storey structure. Furthermore the amended scheme incorporates a lower ridge line which will help to reduce its impact. Whilst the proximity of the extension will inevitably result in some loss of light it is not considered that this would be sufficient to warrant the refusal of planning permission.

In terms of noise and disturbance the primary function of the extension is to provide additional storage space for clay, glazes and tools. These activities are unlikely to give rise to significant noise and disturbance. The applicant has however indicated that the extension will be used for the repair and storage of kilns. Whilst it is understood that kilns will repaired infrequently it is considered that any consent should provide measures to protect the amenity of nearby residents. It is therefore proposed to impose conditions restricting opening hours and requiring the applicant to install sound insulation measures in accordance with a scheme to be submitted to and approved prior to the extension being brought in use.

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

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Residents have also expressed concern regarding the noise generated by delivery vehicles. As deliveries are likely to be infrequent and any noise will be heard against existing background noise levels it is not considered that noise generation from delivery vehicles would have a significant impact upon the residential amenity of the area. Furthermore, as it is proposed to restrict the opening hours of the extension noise will not be generated early in the morning, late at night nor on a Sunday.

Finally, residents have expressed concern regarding noise and dust generated whilst the extension is being constructed. In this regard it is proposed to impose conditions in relation to the timing of deliveries and when the operation of plant and machinery can take place.

**Highway safety**

A significant concern of local residents is the level of traffic which will be generated by the proposal and the consequent danger to highway safety. Durham County Council as the Highway Authority has been consulted upon the proposal and has confirmed that the proposal in highway terms is acceptable. In the absence of an objection from the County Council refusing planning permission on highway grounds would be difficult to substantiate on appeal.

**CONCLUSION**

The design of the proposed extension in its amended form is considered to be acceptable as it reflects the design of the host building and is in keeping with character and appearance of the surrounding Conservation Area. Potential noise problems have been addressed through the imposition of conditions and in the absence of an objection from the Highway Authority the proposal in highway safety terms is considered to be acceptable.

Issues relating to the possibility that consent will be sought, at a later date, for residential development is not considered to be material to the outcome of this application.

**HUMAN RIGHTS IMPLICATIONS**

It is considered that in general terms, the provisions of the Human Rights Act 1998 have 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 officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**RECOMMENDATION**

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

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

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

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

2. The development hereby approved shall be carried out only in accordance with the submitted application, as amended by the following document(s) and plans: Amended plans received 6th July 2007 (Drawing no. 300806 Issue D)

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

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. Notwithstanding the details included on the approved plans no development shall commence until a detailed specification for all window and door openings have been submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with approved details.

Reason: In the interests of preserving the historic environment and to comply with Policy E18 of the Sedgefield Borough Local Plan.

5. All windows in the elevation fronting onto Cross Street shall be fitted with obscure glazing in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory level of privacy of neighbouring occupiers.

6. The development hereby approved shall only be open business the hours of 8:30 am 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.

7. The development hereby approved shall not be brought into use until sound attenuation measures designed to control noise emissions arising from the repair of kilns have been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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.

8. 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.

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION

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

**INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION**

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

Policy E18 - Preservation and Enhancement of Conservation Areas

Policy E21 - Development Affecting the Setting of a Listed Building

Policy T7 - Traffic Generated by New Development

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

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

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2. 7/2007/0149/DM APPLICATION DATE: 16 March 2007

PROPOSAL: **RENEWAL OF TEMPORARY PLANNING PERMISSION  
7/2006/0222/DM FOR CHANGE OF USE OF LAND FOR USE BY  
MODEL FLYING CLUB**

LOCATION: **LAND ADJACENT TO MOOR LANE OLD ELDON CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Shildon Model Flying Club

**CONSULTATIONS**

1. Cllr. I. Smith Jackson
2. Cllr. L. Smith
3. Eldon Parish Council
4. DCC (TRAFFIC)
5. ENGLISH NATURE
6. ENV AGENCY
7. WILDLIFE TRUST
8. ENGINEERS
9. ENV. HEALTH
10. L.PLANS
11. POLICE HQ
12. DCC (PROWS)

**NEIGHBOUR/INDUSTRIAL**

Eldon Hall Farm  
The Garth  
Eldon Lodge  
Moor Lane:1,2,3,4,5,6,7,8  
South View Cottages:2,1  
The Croft  
The Croft  
Old Eldon:8,1,1,Old Eldon Residents Association

**BOROUGH PLANNING POLICIES**

- |     |   |
|-----|---|
| E9  | Protection of the Countryside   |
| L6  | Development of Leisure Facilities and Uses Outside Towns and Villages |
| T7  | Traffic Generated by New Development                                  |
| E14 | Safeguarding Plant and Animal Species Protected by Law                |

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**This application would normally be a delegated matter but has been referred to Development Control Committee for consideration at the request of a Ward Councillor in accordance with the Council's Scheme of Delegation.**

**BACKGROUND**

Shildon Model Flying Club has used 7 hectares of land at Moor Lane, Old Eldon since 2003 for the flying of model aircraft. The first two years involved use of the land on no more than 28 days in each year and this was permitted under the Town and Country Planning (General Permitted Development) Order 1995.

Planning permission was granted in 2005 for the change of use of the land to use for the flying of model aircraft. That planning consent was granted for a temporary period of 1 year and was subject to a number of conditions to limit noise and the hours of flying, restrict the number of models being flown simultaneously, control access and parking, and require observance of a prescribed flying exclusion zone.

In 2006 that temporary consent was renewed for a further period of 1 year, with similar conditions attached. That consent recently expired.

**THE PROPOSAL**

This application seeks planning permission to continue the use of the land for the flying of model aircraft on a permanent basis. The field that the flying club use has been in 'set aside' and consists of grassland with a close mown area of approximately 38 square metres that is used for take off and landing. There are no buildings or hard surfaces associated with the proposal.

Access to the field is by way of an existing field gate off the unclassified road from Leasingthorne. An existing field track around the edge of the field leads to an area of the field that serves as a car park.

The club currently have 20 members with a maximum upper limit of 35 senior members. The club has a designated 'no fly' exclusion zone of approximately 200 metres to the nearest dwelling and only allows 3 models to be flown at any one time with novice flyers only flying with an instructor present. The club proposes to operate the following activity limitations:

- Internal combustion engine models 10am to 7pm on Wednesdays, Fridays, Saturdays, Sundays and Bank Holidays
- Silent models 10am to dusk any day other than the following flying prohibitions
- No model aircraft shall be flown on Good Friday, Christmas Day, any Monday other than a Bank Holiday Monday and any Tuesday that directly follows a Bank Holiday Monday

A copy of a supporting statement by the Shildon Model Flying Club is appended to this report to expand upon the manner in which the site would be operated.



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**CONSULTATION AND PUBLICITY RESPONSES**

**Consultation**

**Eldon Parish Council** has not expressed a view on the merits of the current proposal.

**The Highway Authority** has no objection to the proposal and comments that there do not appear to have been any highway issues during the past two years of operating under the terms of temporary planning consents.

**The SBC Engineering Services Section** has no objection to the proposal.

**The Environmental Health Section** has provided a detailed assessment of monitoring work that has been carried out, including noise measurements taken at the homes of two local residents who have consistently objected to the proposal. Their conclusion is that there is not a significant increase in noise levels over normal background levels as a result of flying activities and there are no grounds for prohibition of activities under environmental protection legislation. Minor amendments to previously imposed conditions are however recommended, along with some new limitations (explained below).

**The Forward Planning Section** comments that Policy L6 of the Local Plan permits leisure uses outside towns and villages, and that the proposal would be acceptable provided the following criteria are met:

- It is not detrimental to the appearance of the local countryside
- It does not result in the loss of an area of nature conservation
- It is not harmful to the living conditions of local residents
- It does not result in congestion on the local road network

Reference is also made to PPS7 which advocates providing appropriate leisure opportunities to enable urban and rural dwellers to enjoy the wider countryside.

**Natural England** has no comments regarding the proposal.

**Durham Wildlife Trust** has not responded.

**The Police Architectural Liaison Officer** has no observations to make on the proposal.

**Publicity**

A site notice was posted near the application site and letters sent to nearby occupiers. In response, a jointly written letter with 11 signatures of local residents, has been received. The main points of objection are summarised (*with comments in italics*) as follows:

1. Any planning permission for the activity must remain temporary (*The value of any temporary planning consent is that it allows the Council to be confident that there would not be significant environmental damage from a development. Once this level of confidence has been reached, there is little justification for withholding permanent planning permission, particularly if appropriately conditioned*)

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2. The site is unsuitable for model flying but there is a willingness to compromise if previously agreed terms that ensure alternate noise free Saturdays/Sundays are reintroduced (*The application site in physical terms is suitable for model flying, and it is simply the location some 200 metres to the east of Old Eldon that gives rise to objections. The planning considerations below explain how conditions have to date controlled the use of the site and how monitoring has failed to establish significant harm to residential amenity*)
3. Evidence has been submitted by objectors that demonstrates administrative incompetence by the applicants, over flying of the no-fly zone, excessive noise, model crashes, poor supervision, and breaches of the British Model Flying Association's rules (*Objectors submissions make various allegations relating to the operation of the site, but this is not regarded as firm evidence of a breach of the previous conditional planning consents*)
4. Noise tests have identified breaches of the noise limits resulting in modifications to aircraft (*The Environmental Health Section point out that all models tested to date have complied with the Code of Practice on Noise from Model Aircraft 1982, although one model did require adjustment to correct a small breach of the 80dB(A) limit set out in the conditional planning consent.*)
5. The applicants claim to be moving towards flying less noisy models but this has not been demonstrated (*This issue has not been over-emphasised by the applicants, and little regard has been had to the matter in the planning considerations below*)
6. Insufficient monitoring has take place to properly assess noise pollution (*The Environmental Health Section determines the appropriate level of monitoring and this has been carried out by officer visits, noise measurements and providing residents with monitoring sheets*)
7. An apparent offer by Eldon Estates to relocate the club elsewhere has not been taken up (*Any agreements between the Club and the landowner are not material planning considerations. Despite any possible arrangements for use of land elsewhere, the applicants have stated categorically that they wish the current application to be determined*)

A copy of the objectors' letter is appended to this report.

### PLANNING CONSIDERATIONS

The main planning considerations in this case are:

- Impact on the appearance of the local countryside
- Effect on plant and wildlife species
- Effect on the living conditions of local residents
- Impact on the local road network

PPS7 is generally supportive of the proposal. Assessment of the proposal against the above criteria will determine whether the proposal accords with the local development plan.

#### Impact on the appearance of the local countryside

The proposal involves only the use of the land for the purposes of flying model aircraft, and does not include any significant operational development. Access is by way of an existing field gate, and vehicles pass through the site on an existing track to a part of the field identified for parking. Small marker posts identify the edge of the no-fly zone to ensure that members can

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keep their models away from the prohibited area. Apart from the presence of a small number of club members and their models at the approved times, the only operation is to maintain a close-mown area of grass for take-off and landing.

It is concluded that the absence of operational development and the intermittent presence of club members and their models has negligible visual impact upon the countryside.

**Effect on plant and wildlife species**

It is not considered that the proposal represents a significant hazard to ecology beyond those resulting from normal agricultural activities. Indeed, Natural England have not raised any issues in this regard.

**Effect on the living conditions of local residents**

The previous temporary consents have provided an opportunity to monitor and assess the environmental effects of the activity. Whilst there have been several objections received from local residents regarding the noise that is generated from the aircraft, the Council has not relied upon unqualified judgements to assess the noise issues, and noise measurements have been taken by Environmental Health Officers using approved equipment. Those measurements include individual aircraft noise at a distance of 7 metres, and comparative measurements at Tree Tops and The Garth, including background noise with no flying and noise with 2 to 3 models flying. Minor adjustments were required to correct a small noise breach with one particular model. At the two residential properties (the nearest is 200 metres away from the outer edge of the no-fly zone, noise levels were relatively unaffected.

In any event, planning conditions to control environmental pollution would remain, subject to amendments recommended by the Environmental Health Section. The number of simultaneously flown aircraft has been reduced from 4 in the previous consent to 3 in the current proposal. Clearly, models with electric motors are virtually silent but the combustion engines generate the main source of noise. In order to reduce noise from combustion engine models the club enforces the guidelines set out in the Code of Practice and ensures that such models are adequately muffled and do not exceed the maximum noise level of 80dB(A). Whilst there is a growing trend to switch to electric motors, this has not been given much weight in the consideration of the proposal because it still represents a modest percentage of all models currently flown.

For these reasons, it is concluded that there has been insignificant impact upon the living conditions of local residents to date, and that this is unlikely to change, particularly if appropriate conditions continue to be used to control environmental impact. In this regard, the previously imposed noise limitation condition has been modified in accordance with recommendations made by the Environmental Health Section in respect of the position from which noise is monitored, and several informatives are proposed to establish some parameters for the monitoring and control of noise.

**Impact on the local road network**

The proposed means of access to the site via the existing field gate is considered to be acceptable. The club currently only has 20 members (a reduction on previous years) and the number of people on the site would rarely exceed 10 at the busiest time. All vehicles follow an existing field grass track to an area where the vehicles are parked. It is not proposed to lay any

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form of surfacing material in order to create a car park. The Highway Authority has commented that the applicant's assessment of impact on the public highway to be 'fair and reasonable' and does not object to the proposal for permanent planning permission.

**CONCLUSION**

The use of the 'set-aside' agricultural land for flying radio controlled model aircraft has been carried on for some 4 years, either under permitted development rights or with the benefit of conditional temporary planning permissions. Whilst it is acknowledged that significant correspondence has continued to be received, principally from one local resident and primarily by email updates, no significant noise problems have been identified during the site inspections and monitoring exercises carried out by the Environmental Health Section. The operators have immediately corrected any small anomaly found, demonstrating a degree of responsibility in terms of management of the flying club.

The proposed development is considered to be an acceptable leisure use in the countryside (PPS7) and for all the planning considerations set out above, it is also considered to comply with Policies L6 and E9 of the Borough Local Plan. It is also considered that on balance, permanent conditional planning permission would provide greater security to local residents in terms of protection of residential amenity than unfettered use of the land for up to 28 days in each year under the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

**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 officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**RECOMMENDATION**

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

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

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

2. No more than 3 combustion engine model aircraft shall be flown from the site at any one time.

Reason: In the interest of the amenity of neighbouring occupiers and in accordance with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

3. No model aircraft shall produce a noise level in excess of 80dB(A) measured at 1.2 metres above ground level at a distance of 7 metres away from the model(s).

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Reason: In the interest of the amenity of neighbouring occupiers and in accordance with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

4. The flying of internal combustion engine model aircraft shall not take place other than within the following times:

Wednesday 10am to 7pm

Friday 10am to 7pm

Saturday 10am to 7pm

Sunday 10am to 7pm

Bank holiday Monday 10am to 7pm

There shall be no flying of any model aircraft on Good Friday, Christmas Day, any Monday except a Bank Holiday Monday and any Tuesday that directly follows a Bank Holiday Monday.

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

5. The flying of non-internal combustion engine model aircraft shall not take place other than between the hours of 10am and dusk.

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

6. There shall be no flying of any model aircraft on Good Friday, Christmas Day, any Monday except a Bank Holiday Monday and any Tuesday that directly follows a Bank Holiday Monday.

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

7. Vehicles must only use the field gate, access track and car parking areas as indicated on the submitted plan and no other areas of the site.

Reason: In the interest of the amenity and wildlife protection and to ensure the protection of wildlife and to comply with Policy E14 (Protection of Wildlife) of the Sedgefield Borough Local Plan.

8. No model aircraft shall be flown in the exclusion zone as indicated on the submitted plan.

Prior to the commencement of the change of use 1 metre coloured marker poles identifying the no fly zone shall be installed in a location to be agreed in writing by the Local Planning Authority. The marker poles shall be colour coated and extend to a height of 1 metre when measured from ground level.

Reason: In the interest of the amenity of neighbouring occupiers and in accordance with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

9. Notwithstanding the submitted plans the hard standing within the field adjacent to the access gate shall be retained at all times. The hard standing shall be entirely removed and the area of land returned to its former state within 1 month of the expiry of planning permission.

Reason: In the interest of highway safety and the amenity and wildlife protection and to ensure the protection of wildlife and to comply with Policy T6 (Improvements of Road Safety) E14 (Protection of Wildlife) of the Sedgefield Borough Local Plan.

10. Notwithstanding the provisions of Part 4 (Temporary Buildings and Uses) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-

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enacting that Order) the application site shall only be used for the flying of model aircraft during the hours approved under Conditions 3, 4 and 5 and shall not otherwise be used for any purpose other than agriculture without the prior approval of the Local Planning Authority.

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

11. Vehicles shall only enter or exit the site via the existing field gate in the northwest corner of the site and from no other access point.

Reason: In the interest of highway safety and to comply with Policy T6 (Improvements of Road Safety) of the Sedgefield Borough Local Plan.

12. The maximum weight of any combustion engine model shall not exceed 7.0kg.

Reason: In the interest of the amenity of neighbouring occupiers and in accordance 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 an acceptable form of development in the countryside and would have no substantial detrimental impact on the amenity of neighbouring occupiers or wildlife.

**INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION**

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance: Policy E9 'Protection of the Countryside' Policy L6 'Development of Leisure Facilities and Uses outside Towns and Villages' Policy T7 'Traffic Generated by New Development' Policy E14 'Protection of 'Safeguarding Plant and Animal Species Protected by Law'

**INFORMATIVE: NOISE TESTING**

Noise levels from the Model aircraft should be tested by the club on a three monthly basis (Testing requirements to be carried out in accordance with the Code of Practice) and a register of permitted model aircraft be maintained. The test results should be submitted to the Environmental Health Section on a 3 monthly basis.

**INFORMATIVE: MODIFICATION AND RETESTING**

Models exceeding 80dB(A) (planning conditions 3 & 4 refers) should be prohibited from flying until suitable modifications and retesting have been undertaken. Independent testing will also be carried out by Environmental Health staff to verify noise levels.

**INFORMATIVE: CALIBRATION**

To validate/verify noise measurements from the model aircraft, sound level meters should be calibrated by the club with a pistophone prior to and following routine aircraft noise testing.

**INFORMATIVE: CERTIFICATION**

Sound level meters and pistophones used by the club should be calibrated on a bi-annual basis in accordance with BS EN 61672-1203 and the appropriate certification forwarded to the Environmental Health section

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*Shildon Model Flying Club*

**Planning Application 2007 – Summary by the Applicant**

Description:	Change in use of agricultural land to include leisure activity - namely the operation and flying of model aircraft
Location:	Land adjacent to Moor Lane, Old Eldon, Co Durham
Applicant:	Shildon Model Flying Club (SMFC)
Agent	Mr D Surtees
Current status:	The site is being used currently under temporary, conditional consent granted for a period of 12 months
Original Consent Reference:	7/2006/0222/DM
Original Consent Date:	26 May 2006
Expiry Date	25 May 2007

**1. Purpose of this application**

The Applicant (Shildon Model Flying Club) is seeking consent to use the above site on a permanent basis solely for the operation and flying of model aircraft. This is the only proposed variation in the current temporary consent which was awarded on 26 May 2006. No other changes are proposed or required. The applicant considers the existing conditions relating to the use of the site and operation of model aircraft to be both relevant and appropriate.

**2. Background**

Shildon Model Flying Club was established in 1985 to provide a democratic organisation and facilities to enable its members to pursue their interest in the flying of all forms of model aircraft in a controlled environment, and to ensure that its members may pursue their hobby safely and responsibly.

The Club began using the site in 2003 for 28 days per calendar year, under the General Development Order regulations. A planning application was made in September 2004. This resulted in temporary consent being awarded in April 2005 to allow the Club to use the site for a period of 12 months. On 10 April 2006, a further application was made with variations. This resulted in an additional period of temporary consent allowing the Club to continue using the site until 25 May 2007.

The Club has been given permission by the agent acting on behalf of the landowner, to continue its activity beyond 25 May 2007 and wishes to make the planning arrangements permanent

**3. Location**

The Ordnance Survey plan (scale 1 : 2500, 4cm to 100m) appended to this application defines the area currently in use for model flying activity. The whole of the site is under the direct supervision of the Club which has strict rules on the competence of those allowed to operate model aircraft within the site. No members of the public are allowed on the site.

Entry and exit to the site is by way of a gated entrance adopted by the Highways Authority. The Applicant has made further provision to improve visibility by cutting back roadside verges and hedges to afford a clear view to oncoming traffic. The Applicant was required under the current consent to install and maintain an area of hard-standing inside the gate entrance to prevent mud and other material being deposited on the

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*Shildon Model Flying Club*

public highway by vehicles leaving the site. This planning condition was discharged by the Applicant to the satisfaction of the planning authority.

The Applicant confirms that no vehicles will be parked on the public highway. All vehicles entering the site are required to park in one of the two designated areas as shown on the site plan associated with this application.

The point of launch of model aircraft has been sited in the eastern sector of the field away from the nearest residential area. A designated no-fly zone has been defined where **no aircraft may be flown at any height**. No aircraft will be flown within 200m of the nearest dwelling. All adjacent roads are in the same designated no-fly zone. Aircraft will not be flown over the public highway. The Applicant was required under the current consent to install marker posts to designate the no-fly zone boundary. This planning condition was discharged by the Applicant to the satisfaction of the planning authority.

**Condition: The Applicant confirms that there have been no changes to the extent or placement of the areas in use as defined in the original consent. No future changes are scheduled or planned.**

#### **4. Activity**

The Applicant has taken account of the relevant advice and definitions set out in the Environmental Protection Act 1990 S.79 (1) (g) and the Department of the Environment Code of Practice on Noise from Model Aircraft 1982. The Applicant has adopted the British Model Flying Association Member's Handbook as its code of practice for safety and general operating guidelines and regulatory practices.

Various measures have been employed by the Applicant to minimise the effect on the amenity of nearby residents including voluntary restrictions on the type and use of model aircraft.

**Aircraft Type** - The Applicant intends to allow the operation of various types of radio-controlled aircraft. There are those that are defined as virtually or in some cases completely, silent. These models are either not powered (gliders), or powered by rubber, compressed air or electric motors. Other aircraft are powered by internal-combustion (i.c.) engines.

**Aircraft weight** - The sport of model flying is subject to legal controls defined by the Civil Aviation Authority (CAA) and included in the Air Navigation Order (ANO). The Applicant is required by law to comply with this legislation. The ANO defines two principal and overarching regulations:

Article 64 requires that: "A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property."

Article 63 requires that: "A person shall not recklessly or negligently act in a manner likely to endanger any aircraft or any person therein."

The CAA defines a small aircraft as a model weighing up to 20kg without fuel. There are no specific conditions attached to models weighing less than 7kg. Models below 20kg but more than 7kg, without fuel, are subject to certain conditions. The model may not be flown:

- a) if the person in charge of the aircraft is not reasonably satisfied that the flight can be made safely
- b) in Class A, C, D or E airspace (effectively any airspace down to ground level) unless the permission of the appropriate Air Traffic Control (ATC) has been obtained
- c) within an aerodrome traffic zone during the notified hours of watch of the ATC unit (if any) at that aerodrome unless the permission of any such ATC unit has been obtained
- d) at a height exceeding 400 feet above the surface unless it is flying in Class A, B, C or D airspace or within an aerodrome traffic zone as described in (b) or (c) above and in accordance with the requirements thereof



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*Shildon Model Flying Club*

e) for aerial work purposes if the model is being flown commercially for 'valuable consideration'.

**Condition: The Applicant confirms that no aircraft will be flown that weighs more than 7kg (without fuel).**

**Noise Emissions** - There are no direct legally enforceable noise level requirements for model aircraft but the Applicant is acutely aware of the potential for noise nuisance and has adopted several measures to minimise this possibility. The Applicant has adhered to the current consent condition that sets an upper limit of 80dB(A) for noise emissions from model aircraft engines, and will continue to do so. The Club carries out regular noise emission tests using its own sound meters. Aircraft that do not meet the required standard are not flown until modified.

There is no standard correlation between aircraft size, weight and noise output. Each aircraft has individual characteristics, and different combinations of aircraft will produce variations in the cumulative noise output. The applicant confirms that no more than 3 ic-engined aircraft may be flown simultaneously. This condition is imposed in order to reduce the overall potential for noise nuisance and provide a generous margin thus avoiding the 'cumulative effect' and the potential for disturbance.

**Condition: The Applicant confirms that the number of ic-engined aircraft flown simultaneously will be restricted to 3. An upper noise energy output limit of 80dB(A) will be imposed on individual aircraft.**

**Effect on noise emissions by wind direction and strength** - There is the potential given minimal wind strength, for noise to be carried further, perhaps in the evenings when wind strength is known to dissipate. The current consent allows ic-engined aircraft to be flown up to 7.00pm. No change is proposed to this condition.

**Condition: The Applicant confirms that as a measure to reduce the potential for noise disturbance further, no ic-engined aircraft will be flown after 7.00pm.**

**Noise Emissions Data** - As part of the initial consultation process, controlled noise energy output measurements were taken in and around the flying site by designated LPA officers using a certified sound meter. The tests were conducted in accordance with the Department of the Environment Code of Practice on Noise from Model Aircraft 1982 and supervised by Development Control Committee members. During the test, 4 ic-engined model aircraft were flown simultaneously by SMFC members. The results of the tests show that no model aircraft engine sound could be recorded or heard in the vicinity of residential properties in spite of the fact that the wind direction was towards residential properties.

**The Applicant requests that the results of these tests are associated with this application.**

#### **5. Pattern of Use**

Currently, the Club has 20 members with an upper limit of 35 senior members (those over the age of 18). Several members do not fly at all, most are in full-time employment (flying only at weekends), and others are required to have an available instructor in attendance before being allowed to fly. In almost 4 years of operation, Club membership has never exceeded 25 and the maximum attendance at the flying site has rarely, if ever exceeded 10 members at any one time. There is no reason to suspect that this pattern will change.

#### **6. Flying Schedule**

The Applicant has taken into account, from first-hand experience, the natural restrictions on model aircraft flying imposed by low ambient temperatures, poor weather conditions and poor light – factors which significantly reduce the available hours of operation. By far the biggest self-regulating influence comes from the vagaries of the British weather. The aim of the existing approved flying schedule is simply to provide the opportunity to fly model aircraft given favourable weather and daylight conditions. The schedule should not be interpreted as an intention by the Club or individual members to visit the site on every available day and operate model aircraft continuously during the available hours.

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*Shildon Model Flying Club*

Another priority is to ensure that the schedule is simple and manageable. It must be easy to understand and operate thus avoiding the potential for misinterpretation which could lead potentially to a breach of planning consent.

**Condition: The following activity schedule will be enforced:**

There shall be no flying of any model aircraft on:

Good Friday  
Christmas Day  
Any Monday except a Bank Holiday Monday  
Any Tuesday that directly follows a Bank Holiday Monday

**'Silent' models** - those that are either silent or powered by rubber, compressed gas or electric motors may be flown at all other times from 10.00am to dusk.

**1c-engined models** - those that are powered by internal-combustion engines, may be flown from 10.00am to 7.00pm on Wednesdays, Fridays, Saturdays, Sundays and Bank Holiday Mondays.

**7. Additional Information**

**Education Initiatives** - It is appropriate to stress the importance of the Shildon Model Flying Club's role in the community. The Club provides ongoing technical and practical support to schools wishing to pursue aeronautical education and activities as part of Design and Technology courses. Perhaps the most significant and rewarding achievement resulted from the assistance provided to St Leonard's RC School, Durham in preparation for the 2005 British Model Flying Association/BAE Systems Flight Challenge. As a direct result of the Club's involvement, the St Leonard's teams were able to attain first place in all 3 classes: Senior, Premier and Junior. The organising member has been awarded a Certificate of Merit by the BMFA for encouraging and assisting youngsters to become active modellers. With the Club's support, the school achieved similar success in 2006

The Club has confirmed its commitment to providing support and encouragement to schools and the local community as part of its ongoing education initiative. Additionally, the Club will continue to promote the activities of model building and flying by providing static and/or flying demonstrations at locally organised events as it has done on a number of occasions in and around Shildon and Newton Aycliffe. **The Local Authority is requested to affirm its support in these initiatives.**

**Model Flying as a Sport** - Model flying is a leisure activity primarily but it is also officially recognised as a sport by Sport England. This organisation provides support to competitors entering both national, European and international competitions. The Club is particularly pleased to have a Control Line Aerobatics champion as a member. This member's record includes 8 Gold medals as an individual national championship winner with numerous British team placements at European and international level.

Local clubs like the Shildon Model Flying Club are a fundamental training ground for competitive sportsmen and women. They provide the necessary environment to encourage active participation and are an integral part of the sporting infrastructure. One of the Club's objectives is to continue to provide the right environment to nurture and support future competition winners. It is stressed that there are no plans to use the flying site at Old Eldon for competitions. Instead, the site is intended to be used for practice and supervised training. **The Local Authority is requested to affirm its support in this initiative.**

**8. Underlying Principles**

It is important to recognise that no justifiable complaints against the Applicant have been recorded during its (almost) 4 year site residency.

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

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*Shildon Model Flying Club*

The Applicant is not seeking consent to do something that is unlawful or illegal. Currently, there are 750 clubs registered with the British Model Flying Association with a total membership of almost 30,000 individuals.

The Applicant's activities are not regarded as hazardous or dangerous. Members of the public are not put at risk by the Club's activities. There have been no claims of personal injury or damage to property.

There is no perceptible ecological impact including pollution, erosion or destruction. An independent study has shown that there is no effect on wildlife (ref. 'Study of the Effects of Model Flying on Wildlife', Sep 2003, author - Dr Leo Batten MIEEM, Biodiversity Consultant.)

As a leisure activity, model flying is recognised as an appropriate use of the countryside. This particular site is owned by Lord Eldon and the Applicant has the full and unqualified support of the land agent responsible for managing the site.

**9. Proposal**

The Applicant is seeking permanent planning permission based on an already established pattern of use, its proven safety record, and also its intention to maintain strict regulatory control over the flying of model aircraft from the site.

The Applicant confirms that no physical changes to the existing site or pattern of use are proposed or intended now or for the future. It is a condition of the Club's tenancy that:

- no permanent, non-agricultural groundwork may be carried out,
- no structure or building may be constructed,
- no pollutants, hazardous material and waste of any type may be stored and/or disposed of on the site,
- no oils, fuels or chemicals of any type may be stored on the site,
- with the exception of model aircraft related activity, all other non-agricultural activity is prohibited.

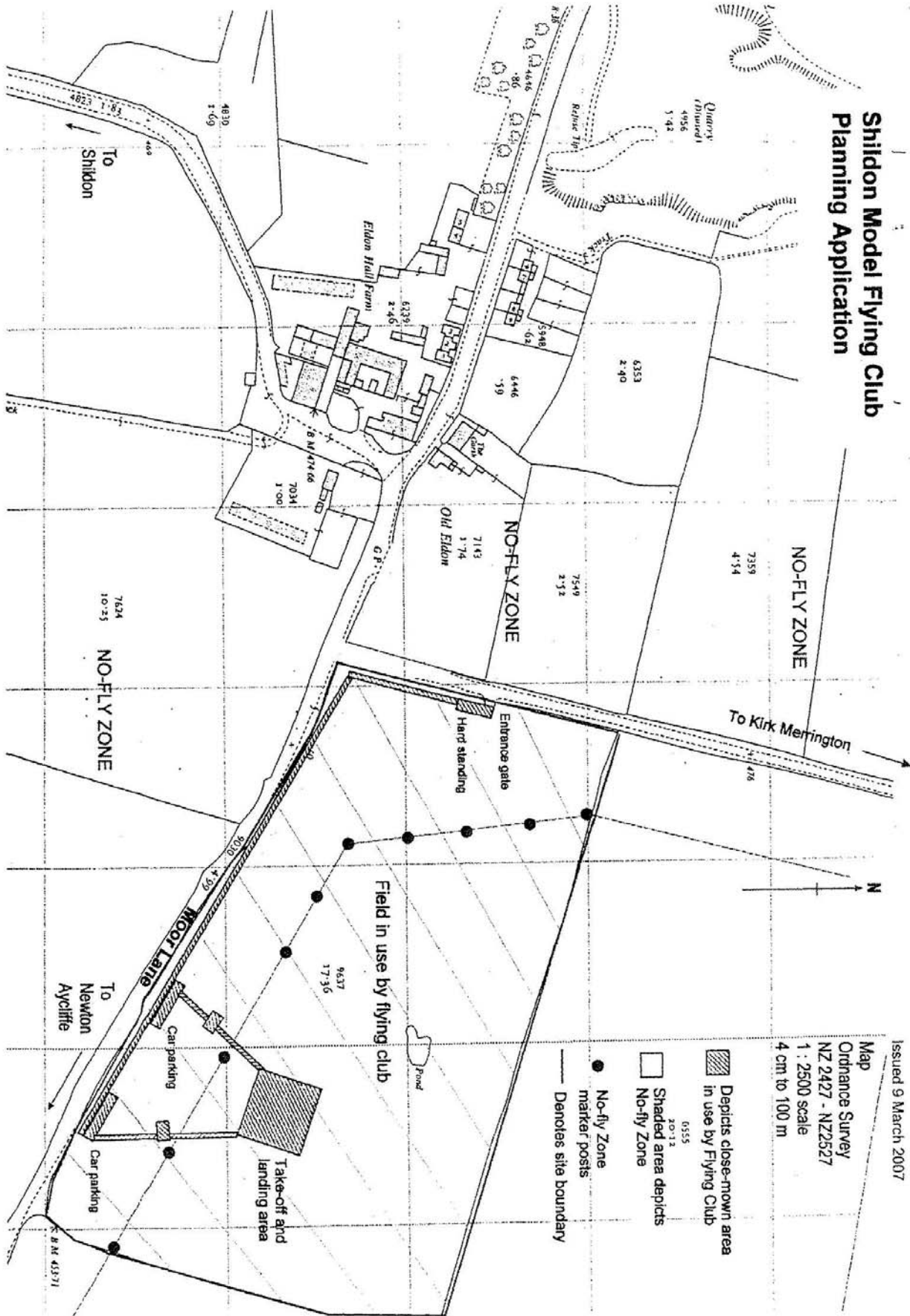
Prepared by:

D Surtees

For and on behalf of:  
Shildon Model Flying Club  
58 Pilgrims Way  
Durham  
DH1 1HQ

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

**Shildon Model Flying Club  
 Planning Application**



Issued 9 March 2007  
 Map  
 Ordnance Survey  
 NZ 2427 - NZ2527  
 1 : 2500 scale  
 4 cm to 100 m

- Depicts close-mown area in use by Flying Club
- Shaded area depicts No-fly Zone
- No-fly Zone marker posts
- Denotes site boundary

## SEDFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

'The Croft'  
7 Old Eldon  
Shildon DL4 2QT

8 Old Eldon  
Shildon  
DL4 2QT

'The Garth'  
Old Eldon  
Shildon DL4 2QT

'Tree Tops'  
4 Old Eldon  
Shildon DL4 2QT

1 South View Cottages  
Old Eldon  
Nr. Shildon DL4 2QX

2 South View Cottages  
Old Eldon  
Nr. Shildon DL4 2QX

Steve Teasdale Esq  
Planning Services  
Sedgefield Borough Council  
Spennymoor DL16 6JQ

6<sup>th</sup> April 2007

Dear Sir

**ACT/REGULATION: TOWN AND COUNTRY PLANNING ACT 1990**

**PROPOSAL: RENEWAL OF TEMPORARY PLANNING PERMISSION 7/2006/0222/DM FOR CHANGE OF USE OF LAND FOR USE BY MODEL FLYING CLUB**

**LOCATION: LAND ADJACENT TO MOOR LANE OLD ELDON COUNTY DURHAM**

**APPLICANT: Shildon Model Flying Club**

We the undersigned, resident at the above addresses, wish to object in the strongest terms to the above planning application as described in your letter of 26<sup>th</sup> March 2007. This is because:

1. We believe that any planning permission for this activity at this site must remain temporary.
2. We believe that the site is totally unsuitable for model flying, but, in the spirit of the compromise accepted unanimously by your Development Control Committee in April 2005, we are happy for that system to be re-introduced if temporary planning permission is approved for another year. This would replace the unacceptable system which was imposed upon residents against their will in May 2006 (ref 2006/0222/DM) and which the Shildon Model Flying Club (SMFC) is now wishing to continue.
3. The 2005 compromise, guaranteeing alternate noise-free Saturdays/Sundays for residents at Old Eldon, was in the spirit of the 1982 D of E Code of Practice, the overwhelming point of which was to achieve harmony between conflicting interests. The renewal of the 2006 permission would only aggravate the animosity between these interests and cause a continuing stream of complaints from residents.
4. Detailed arguments were made in support of these points in our letters of 21<sup>st</sup> February 2006 from Mr and Mrs Thornton and Mrs White (copy 1 enclosed); of 6<sup>th</sup> March 2006 from eight other residents of Old Eldon (copy 2 enclosed) and of 28<sup>th</sup> April 2006 (copy 3 enclosed) re-iterating those arguments when the original 2006 application 2006/0067/DM was withdrawn and replaced by 2006/0222/DM.
5. Residents felt so strongly about the injustice of the planning report to Committee of 2006, which led to that year's temporary planning consent, that they complained about it to the Director of Neighbourhood Services in their letters of 21<sup>st</sup> May 2006 and 3<sup>rd</sup> June 2006, and then to the Chief Executive (CE) in their letter of 23<sup>rd</sup> June 2006. No doubt you are familiar already with these letters. When the investigation set up by the CE in June 2006 was still not concluded by March 2007, a complaint was made to the Ombudsman and the outcome of that is awaited.
6. Much more evidence has been submitted since May 2006 to your department through Mr Farnie and in particular you should read Mr Robinson's 'Submissions 1 to 8' which record SMFC's activities over the past year. They give a very different picture from that which the Club paints in the current application. The records show administrative incompetence, overflying of the non-fly zones, excessive noise, model crashes, model flying unsupervised by properly appointed Club officials, and breaches of the British Model Flying Association's (BMFA's) rules.
7. There are many other e-mails and letters from residents to your department and to Environmental Health which should also be examined carefully before your recommendations to Committee are finalised.
8. For example, Mr Robinson's e-mail of 19<sup>th</sup> February 2007 (copy 4 enclosed) which accompanied 'Submission 8', shows the severe under-use of the 2006 permission's allowed times for internal-combustion-engined models. Model Flying Clubs are urged by the BMFA web-site to exaggerate their needs on the grounds that local authorities halve the times requested! In 2005 a Mr Hillary, a Club official at the time, actually confessed to two residents that SMFC had adopted this stratagem.

Cont/2.

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

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-2-

9. Several residents have also complained directly to Environmental Health about noise, as well as those complaining to planning department, but because only two residents have filled in Statutory Nuisance Complaint Forms (because of the difficulty of doing so in this unusual type of case), it is said that only two people have complained about noise! This is totally misleading and must be corrected.
10. Environmental Health have recently been taking noise readings at two properties for the first time and more residents are now coming forward to fill in Nuisance Complaint Forms. Ms Beaumont also recently tested 9 standing models under the D of E Code.
11. In these tests 2 failed the 80 dbA noise levels, only to pass when re-tested after "adjusting" the propellers. The Club claimed propeller settings do not affect performance but we find this hard to believe, otherwise why would they not have had the quieter settings from the start? If this is so, a return to the noisier settings is a simple operation once the testing officer has left the site.
12. In its 2007 application, the Club again wishes to be associated with the noise test results at the Members' site visit in April 2005 – but at this 2 models failed and were not allowed to fly. Yet it was after this visit that Members agreed the 2005 'compromise' even without hearing the failed models.
13. In the 2005 application the Club said they fly only models up to 3.2kg, yet in the 2006 consent your Council allowed an increase to 7kg without any noise tests being made on these larger models. Has Ms Beaumont tested any of these larger models since?
14. In the 2005 application the Club said it was moving towards using silent electric models but there has been no flying at all on 'silent' days (copy 4 enclosed). How many electric models does SMFC have?
15. In the 2007 application the Club repeats its assertions that model flying is "officially recognised as a sport by Sport England." We contacted Sport England's northern office in 2005/6: they said it was regarded as "an acceptable activity" but that in the north at least they do not fund it.
16. In the letter of 21<sup>st</sup> February 2006 (copy 1 enclosed) Mr Thornton conclusively disproved the Club's claim to educational validity yet they continue to make the assertion this year.
17. The worst canard still being made this year by the Club is that "no justifiable complaints against the Applicant have been recorded during its (almost) 4 year site residency." This is because your Council has carried out no monitoring of any kind until Ms Beaumont's recent activity (which is not concluded and is only spasmodic) and planning department has not even acknowledged our many complaints until a recent non-committal reply in February 2007 by Mr Farnie to 'Submission 8'.
18. You must check with Mr Scrope of Eldon Estate as to his attitude to the Club. Whilst undoubtedly being willing to help them, only this week he advised a resident in writing that "I will again attempt to 'divert' the Flying Club towards the Mordon Carrs." This is hardly the ringing endorsement claimed by the Club and reinforces our belief that all men of goodwill should support the kind of compromise reached in 2005. The Club seems to have wiped that compromise from its collective memory.

**This letter is written by 11 residents of Old Eldon who expect you to make clear to the Development Control Committee in your report to them that 11 objections, and not 1, have been made to SMFC's 2007 planning application, but that these objectors will accept the 2005 compromise scheme if necessary.**

Yours faithfully



C I Carr



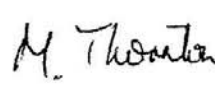
G J Egerton



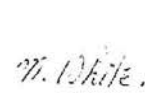
S Katai



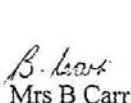
H Robinson



M Thornton



Mrs M White



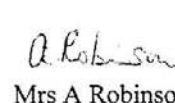
Mrs B Carr



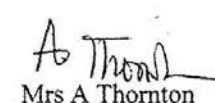
Mrs J Egerton



Mrs J Katai



Mrs A Robinson



Mrs A Thornton

cc Glyn Hall Esq Director of Neighbourhood Services; Brian Allen Esq Chief Executive

**SEDGEFIELD BOROUGH COUNCIL**

**PLANNING APPLICATIONS - TO BE DETERMINED**

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3. 7/2007/0399/DM APPLICATION DATE: 5 July 2007

PROPOSAL: **ERECTION OF 10.2 METRE HIGH MICRO WIND TURBINE  
(RETROSPECTIVE APPLICATION)**

LOCATION: **TESCO GREENWELL ROAD NEWTON AYCLIFFE CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Tesco Plc

**CONSULTATIONS**

1. GREAT AYCLIFFE TC
2. Cllr. Paul Gittins
3. Cllr. Brian Haigh
4. Cllr. Terry Hogan
5. DCC (TRAFFIC)
6. ENGLISH NATURE
7. ENGINEERS
8. ENV. HEALTH
9. L.PLANS
10. LANDSCAPE ARCH
11. Teeside Airpor
12. NATS
13. OFCOM
14. Ministry of Defence
15. Colin Holm

**NEIGHBOUR/INDUSTRIAL**

Stanfield Road:2

Acle Burn:4

Biscop Crescent:18,20,22,24,26,28,30,32,34,36,38,40,42,44,46,48,50,52,54,56,58,60,62,64

Suite 5 Suite 4 Suite 3 Suite 2 Suite 1 Avenue House Allan Walk:5,4

Central Avenue:2,3,4,5,6,7,8,9,10,11,Orange PCS Ltd,DCC

Shield Walk:7,6,5,4,3,2,1

Shafto Way:159,161,163,165,167,169,92,94,96,98,100,102,104

Burn Lane:13,12,11,10,9,8,7,6,5,4,3,2,1

**BOROUGH PLANNING POLICIES**

- |     |  |
|-----|--|
| D1  | General Principles for the Layout and Design of New Developments |
| E1  | Maintenance of landscape character                               |
| E13 | Promotion of Nature Conservation                                 |
| E14 | Safeguarding Plant and Animal Species Protected by Law           |
| D10 | Location of Potentially Polluting Developments                   |

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

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**This application would normally be a delegated matter but has been referred to Development Control Committee for consideration at the request of a Ward Councillor in accordance with the Council's Scheme of Delegation.**

**THE PROPOSAL AND SITE DESCRIPTION**

The applicant, Tesco Plc, is seeking retrospective planning permission for the erection of a 10.2m high micro wind turbine at the Tesco Store on Greenwell Road, Newton Aycliffe. The turbine has been erected since the 20<sup>th</sup> June 2007 and a retrospective planning application was submitted on the 29<sup>th</sup> June 2007. A photograph of the turbine is shown below.



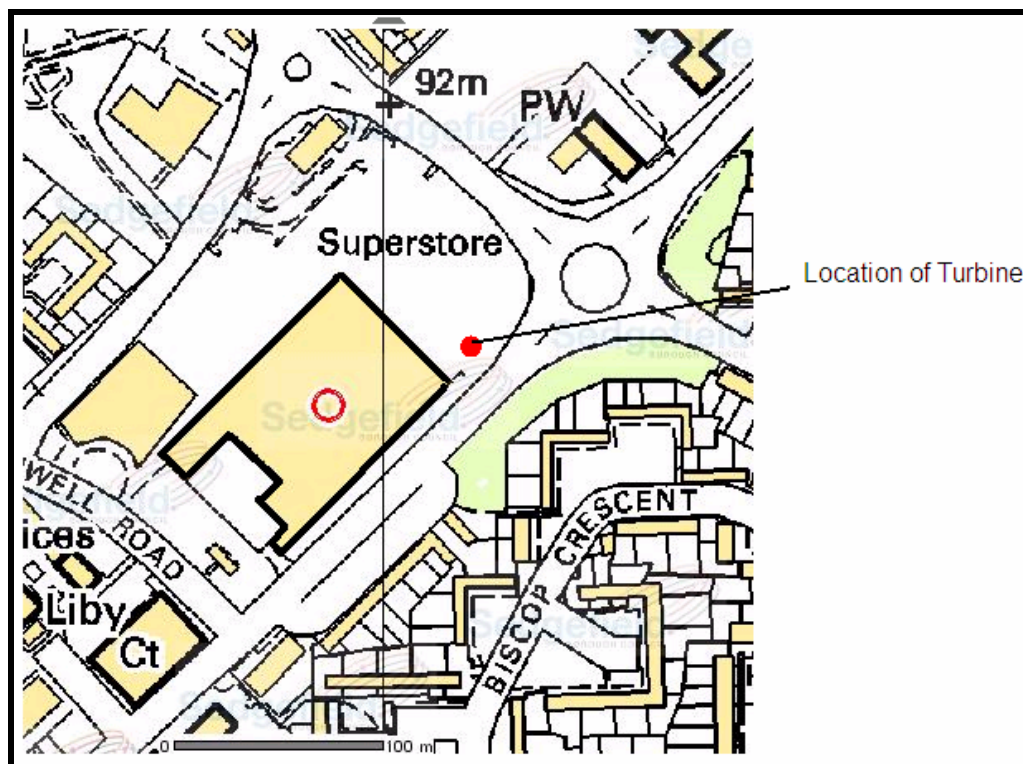
The turbine is vertically driven and will have a capacity of 6 kilowatts. It will produce enough electrical power to supply the equivalent of around four average UK households, and would prevent, on an annual basis, the emission to the atmosphere of approximately 24 tonnes of carbon dioxide. The proposed turbine will supplement the power needs of the store. This turbine is the first of its kind to be used by Tesco and if successful a scheme will be put in place to gain planning permission for all of the suitable Tesco stores throughout the UK. Given the number of Tesco sites, it is considered that these turbines would have a significant cumulative benefit of reducing carbon emissions.

The plan below shows the location of the turbine relative to the Tesco store and the nearest residential properties on Central Avenue which are approximately 50 metres away.



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

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**PUBLICITY AND CONSULTATION RESPONSES**

***Great Aycliffe Town Council*** - Raises no objection or observations.

***Durham County Highways Officer*** – Have no highway objections.

***Environmental Health*** – Have no objections to the development but have requested that conditions be imposed on any permission

***English Nature*** – No objections raised.

***Countryside Officer*** – No objections raised.

***Durham Tees Valley Airport*** - Have made no objections to the development.

***National Air Traffic Services (NATS)*** – Have no objections.

***Ministry of Defence*** – Have no objections.

***OFCOM*** – Have advised that operators may be affected and that the applicant contacts each.

**PUBLIC CONSULTATION**

The application was advertised by notices posted in the vicinity of the application site and a total of 76 letters sent to neighbouring residents.

At the time of writing this report, three letters of objection had been received from members of the public. The objectors are the residents of 7 Central Avenue, the residents of 4 Acle Burn

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

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and the residents of 9 Central Avenue. The objections are based on the grounds that the turbine is an eyesore and that it would be a visual distraction to passing motorists on Central Avenue. Concerns have also been raised by the resident at 7 Central Avenue that the turbine is higher than the original store and it was built without planning permission.

The resident of 4 Acle Burn considers that solar panels would have been much better due to the large surface area of the roof.

The residents of 9 Central Avenue have no objection to the development in principle but are angry with the fact that the turbine was erected without planning permission. Concerns were also raised with regards to the planning history of the site but this application can only be determined on its own merits.

**PLANNING CONSIDERATIONS**

The consideration of wind turbine proposals is a balance between Government Policy commitment to the development of renewable energy resources and the protection of the environment and residential amenity of any neighbouring occupiers. In assessing the application careful consideration has been given to the responses from specialist consultees, interested parties and local residents. It is considered that the key issues in this case are:

- Whether the development is in accordance with National and Local Policy
- Landscape and visual Impact and the effects on highway safety
- Impact of noise on Residential amenity

**PLANNING POLICY**

Government Guidance, as contained in PPS22, supports onshore wind farms and wind turbines. There is a commitment to seeking to achieve a level of 10% of national electricity generating capacity from renewable sources by the year 2010. This guidance states that renewable energy development should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be satisfactorily addressed. There is an acceptance that turbine siting will generally be a compromise between maximising energy capture and minimising visual impact.

The County Durham Structure Plan contains a section relating to Energy Generation and states that proposals for wind turbine developments must be assessed against Policies 80 and 81. Policy 81 offers general encouragement to the generation of energy from renewable sources. However, Policy 80 (A) requires account to be taken of the wider impacts of such proposals, particularly on the local environment and local communities.

The principle of the development is considered to be in general conformity with National Planning Policy and the Durham County Structure Plan which support the provision of sustainable forms of energy production. The proposal however needs to be viewed against the environmental constraint policies set out in the Borough Local Plan and the Structure Plan.

Sedgefield Borough Local Plan does not contain any specific policy that relates to renewable energy although there are key policies which need to be considered in the determination of this application, namely;

## **SEDGEFIELD BOROUGH COUNCIL**

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

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- D1 Design and Layout of New Developments
- E1 Maintenance of Landscape Character
- E13 Promotion of Nature Conservation
- E14 Safeguarding Plant and Animal Species Protected by Law
- D10 Location of Potentially Polluting Developments

Policy 64 of the Structure Plan requires that the quality of the County's landscape is maintained and enhanced by ensuring that amongst other things, attractive landscape characteristics are maintained and landscape distinctiveness is enhanced. Policy 67(B) aims to protect Sites of Special Scientific Interest (SSSI) from adverse impact by development proposals. There are no such sites within the vicinity of the application site.

#### **LANDSCAPE AND VISUAL IMPACT**

The proposed turbine is located in a predominantly urban commercial area. It is considered that the turbine is well related to its surroundings and does not appear dominant, particularly when viewed in the context of the adjacent store, petrol station, lighting columns, advertising signs, street furniture and trolley parking shelters, all of which are located in close proximity.

When viewed from the east of the site it is considered that the turbine blends in well with the existing building due to its height, materials and colour while at the same time adding a feature to the immediate landscape. When viewed from the north and south of the site it is considered that the turbine is easily assimilated into the existing streetscene and car parking furniture and it is not more obtrusive than the current building and the Tesco advertising signs.

The applicant has requested that the turbine is given a temporary consent for 15 years but due to the fact that the development is a new technology and of a new design, the Local Authority cannot be certain how it will weather and age. It is therefore considered that a 5 year temporary consent would be more reasonable in order to limit the potential visual impact on the surrounding area.

Due to the fact that the closest residential dwellings are approximately 50 metres away it is considered that the turbine does not have an unacceptable visual impact.

#### **IMPACT ON RESIDENTIAL AMENITY**

Government guidance contained in PPS22 states that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and where environmental, economic, and social impacts can be addressed satisfactorily.

Well-designed wind turbines should be located so that increases in ambient noise levels around noise sensitive developments are kept to acceptable levels. It is considered that this has been achieved through the good design of the turbine and through allowing sufficient distance between the turbine and the existing dwellings around the site so that noise from the turbines will not be significant. Noise levels from wind turbines are generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by wind-generated background noise. The Council's Environmental Health Department have been consulted with regards to the development and have not raised any objections. It is considered that a condition limiting noise levels will protect the residential amenity of all the neighbouring residents and will minimise any adverse impacts through noise and traffic.

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

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**IMPACT ON NATURE CONSERVATION**

Natural England have been consulted with regards to the proposal and they have stated that based on the information provided the proposal is unlikely to have an adverse affect in respect to protected species.

As part of the determination of the application consultation was also carried out with the Council's Countryside Officer. He has stated that wind turbines can have an impact on a range of species; however the location of this particular development is isolated from known sites of biodiversity interest. The site is also heavily built up and surrounded by modern housing, with no suitable trees for bat roosts, and with poor connectivity to surrounding suitable bat habitat. It is therefore considered that the theoretical risk of a bat strike is low. Therefore an informative shall be placed on any permission in order to afford further protection for any bats. Some garden birds may use the site; however it is considered that the design of the turbine presents a minimal risk.

**HIGHWAY SAFETY**

As part of the determination of the application Durham County Council Highways Department were consulted in order to ascertain whether the proposed turbine would have an adverse impact on the highway network. No objections were raised from the Highway Engineers due to the design of the wind turbine and the structure being sited over 10.2m away from the highway. It is therefore considered that the turbine will not represent a significant distraction to drivers passing the site and it is considered that the proposed development will not have an adverse impact on the surrounding highway network in terms of vehicular traffic and will not create an increased danger for pedestrians or vehicular traffic.

**AIR TRAFFIC SAFETY**

No objections have been received from MOD and Durham Tees Valley Airport. The National Air Traffic Services have offered no safeguarding objections to the proposal.

**TV & RADIO INTERFERENCE**

Wind turbines can cause TV interference. However, as advised by OFCOM and the JRC, this can usually be quickly addressed and rectified. Should planning permission be granted suitable conditions are suggested that would require any problems to be rectified by the developer.

**CONCLUSION**

It is considered that the proposed turbine, in view of the size, scale, materials and location would not have a substantial impact on the landscape and visual amenity of the area. Furthermore, in view of the distance between the nearest properties and the proposed turbines it is considered they would not be harmful or overbearing or detrimental to the residential amenity.

The application has been fully assessed on its individual merits and within the context of national, regional and local planning policies. It is considered that the environmental benefits of the provision of clean green electricity compared to fossil fuel powered generation of the equivalent energy outweigh any visual impact of the use of this site as is proposed.

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

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**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 planning permission be granted subject to the following conditions.**

1. This consent is granted for a temporary period of 5 years from the date hereof when, unless the renewal of consent has been sought and granted previously, the turbines and their ancillary development 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. Reinstatement works shall be undertaken within a 6 month period immediately following the expiry of this permission.

Reason: The development is such that it could not be approved for permanent development.

2. No generation of electricity from the development hereby permitted shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority providing for the remediation of any interference to radio telemetry links caused by the operation of the turbines. The approved scheme shall be implemented thereafter.

Reason: To enable the Local Planning Authority to control details of the development in the interests of visual amenity, and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

3. No generation of electricity from the development hereby permitted shall take place until a report detailing a scheme for the investigation and alleviation of any electromagnetic interference to TV reception, which may be caused by the operation of the wind turbines hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The recommendations stated in the report shall be followed and, where necessary, any upgrading works implemented.

Reason: To enable the Local Planning Authority to control details of the development in the interests of visual amenity, and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

4. When in operation, noise from the turbine shall be limited to a level of 35 dB (A) L90 10min , or 5dB above the prevailing background level, up to wind speeds of 10m/s when measured at 10 metres height, at the nearest sensitive premises.

Reason: In order to protect occupiers of nearby dwellings from noise pollution in accordance with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

**SEDGEFIELD BOROUGH COUNCIL**

**PLANNING APPLICATIONS - TO BE DETERMINED**

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

In the opinion of the Local Planning Authority the proposal is acceptable in terms of its impact upon highway safety, visual and residential amenity of the area, wildlife and ecology and in contributing to the reduction of emissions to the atmosphere and in the production of green electricity.

**INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION**

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

D1 Design and Layout of New Developments

E1 Maintenance of Landscape Character

E13 Promotion of Nature Conservation

E14 Safeguarding Plant and Animal Species Protected by Law

D10 Location of Potentially Polluting Developments

**INFORMATIVE:**

Micro wind turbines may present a risk to bats, which receive protection under the Habitats Regulations, 1994 and the Wildlife and Countryside Act, 1981. Should you find any evidence that the wind turbine has killed or injured a bat you should switch the wind turbine off immediately and contact Natural England for further guidance.

**PLANNING APPLICATIONS - TO BE DETERMINED**

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7/2007/0319/DM

APPLICATION DATE: 21 May 2007

PROPOSAL: **ERECTION OF CONFERENCE FACILITY**

LOCATION: **LAND AT CORNER OF HEIGHTINGTON LANE/LONG TENS WAY  
AYCLIFFE INDUSTRIAL ESTATE NEWTON AYCLIFFE CO  
DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Xcel Holdings Ltd  
52 High Street, Loftus, Saltburn by the Sea, TS13 4HA

**CONSULTATIONS**

1. Cllr. Sarah Jane Iveson
2. Cllr. W.M. Blenkinsopp
3. GREAT AYCLIFFE TC
4. Cllr. Alan Warburton
5. DCC (PLANNING)
6. DCC (TRAFFIC)
7. NORTHUMBRIAN WATER
8. AIP - OWNERS
9. BUILDING CONTROL
10. BR GAS
11. N.ELEC (DARLO)
12. BR TELECOM
13. ENV AGENCY
14. DCC (PROWS)
15. ENGINEERS
16. ENV. HEALTH
17. LANDSCAPE ARCH
18. L.PLANS
19. ECONOMIC DEV
20. DESIGN
21. N.ELEC. (DUR)
22. WILDLIFE TRUST
23. ENGLISH NATURE
24. County Durham Development Company
25. VALUER
26. ENGINEERS
27. DCC (TRAFFIC)

**NEIGHBOUR/INDUSTRIAL**

Waste Transfer Station  
Travik Chemicals  
ALM Products Ltd  
Tyne Tees Packaging  
Durham Precision Engineering  
Inkland Ltd  
Europa Sofa Beds Ltd  
Sable Rail Services Ltd

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

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Krupp Hoesch Woodland Ltd  
PWS Distributors  
Vocational Learning Trust

#### BOROUGH PLANNING POLICIES

E14	Safeguarding Plant and Animal Species Protected by Law
D1	General Principles for the Layout and Design of New Developments
D4	Layout and Design of New Industrial and Business Development
IB2	Designation of Type of Industrial Estates
IB5	Acceptable uses in Prestige Business Areas

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#### THE PROPOSAL

This application accompanied by a design statement, Travel Plan and ecological statement seeks planning permission for the erection of a conference facility on a 4.08 acre site at the corner of Heighington Lane and Long Tens Way, Aycliffe Industrial Park, Newton Aycliffe. The site is bounded by Heighington Lane to the north, Long Tens Way to the west, Grindon Way to the south and an area of undeveloped land to the east, which has planning approval to construct an Industrial Learning Centre.

The site demonstrates a 3.5m slope from end to end, with the southern section of the site being higher. The site consists mainly of open grassland and this is bounded to the west and south by mature hedgerows. An intermittent hedgerow is also located along the eastern boundary of the site. A 10-15m wide tree bund is located within the site along the northern boundary.

The proposed building would be a mix of one and two storeys and this would provide multi-purpose accommodation including a main 1000 person auditorium facility, 250 person exhibition hall, a range of smaller seminar rooms with associated functions such as day care facilities and coffee bar.

Vehicular access to the site would be via a newly created access from Long Tens Way with onsite car parking provision designed for 140 cars, including disabled spaces and parking for three coaches.

It should be noted that a planning application for a Conference Centre at an alternative site at Spring Road, Aycliffe Industrial Park (7/2006/0296/DM) submitted by the same applicant was granted planning approval in August 2006. Since this time, however, the applicant has sold the Spring Road application site, hence, the need for this new planning application.



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

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**CONSULTATION RESPONSES**

Aycliffe Town Council have made no comment to date.

Durham County Highway Engineer initially raised concern that the proposed internal parking layout did not satisfactorily accommodate buses / coach turning manoeuvres and did not include provision for on site coach parking. He also suggested that an additional pedestrian footpath link be incorporated within the scheme linking the main auditorium with the existing footpath at Long Tens Way. The applicant has taken on board these issues and the scheme has been amended accordingly. The County Highway Engineer is now satisfied with the revised scheme, however, he has suggested that the implementation of a Green Travel Plan be conditioned on occupation of the facility by staff.

The Environment Agency has raised no objections but have suggested that a planning condition be attached requiring details of a scheme to limit surface water run-off be provided and approved in writing prior to the commencement of works, in order to prevent the risk of increased flooding.

English Nature has raised no objection to the scheme in principle but because of the lack of information initially provided they suggested that the Local Planning Authority liaise with the Council's Countryside Officer regarding this proposal and its potential impact upon ecological interests in the area. The detailed comments of the Countryside Officer are included in the Planning Considerations section of this report.

Environmental Health has offered comments on the operation of noisy plant and machinery and the burning of materials on site as such several conditions are suggested. It was also suggested that the applicant liaise directly with this Division regarding the proposed catering operations on site.

The Public Rights of Way Officer has stated that Public Bridleway No.6 Great Aycliffe Parish runs adjacent to the western boundary of the site. Although the majority of this bridleway will remain unaffected by this proposal it was noted that the proposed access points would cross the bridleway. As such, these should be implemented as a footway crossing with dropped kerbs and sufficient sight lines to ensure the safety of bridleway users.

The Tree Officer and Landscape Officer of this Council have both stated that this application includes some innovative planting designs and well designed landscaping works. The Tree Officer has made several detailed recommendations regarding the long term management of the site and recommends that the southern hedgerow should not be 'tidied' up but left as an informal screen. It was also suggested that a no dig system of paving be utilised within the root protection zone. Several planning conditions were suggested in order to safeguard the existing trees and hedgerows within the site.

Although site notices were posted around the site, an advertisement placed in the local press and letters were sent to neighbouring occupiers advising of the application, no representations were received regarding this proposal.

## **SEDGEFIELD BOROUGH COUNCIL**

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

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#### **PLANNING CONSIDERATIONS**

The main planning considerations in this case are:

- Compliance with National Planning Policy and Guidance and Local Plan Policies.
- Proposed Use of the Conference Centre
- Impact on Ecology
- Design and Access

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

This scheme is proposed to be located on a part of the Aycliffe Industrial Park that is classified as a prestige industrial area by Policy IB2 (a) of the Borough Local Plan. Policy IB5 (Acceptable Uses in General Industrial Areas) outlines that business, general industry and warehousing are acceptable uses on general industrial areas, and other developments that do not fall under one of these three categories, are to be considered after taking into account what the purpose of general industrial areas are as set out in Policy IB1. Essentially the overall objective of the industrial estate is the creation and growth of employment opportunities.

In accordance with PPS6 (Town Centres), the arts, culture and tourism (theatres, museums, galleries and concert halls, hotels, and conference facilities) are governed by the policies contained in the statement, in the same way as retail proposals. The key issue from this policy statement is the sequential approach to development. The sequential approach requires that locations be considered in the following order:

- First, locations in appropriate existing centres where suitable sites or buildings for conversion are, or are likely to become, available within the development plan document period, taking account of an appropriate scale of development in relation to the role and function of the centre; and then
- Edge-of-centre locations, with preference given to sites that are or will be well-connected to the centre; and then
- Out-of-centre sites, with preference given to sites which are or will be well served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre.

Given the scale and requirements of this conference facility it is considered that it could not be located in a town centre location, even if a flexible and realistic approach was taken with regard to the conference building scale and format in order to fit the building onto a more central site. The chosen location within the Aycliffe Industrial Estate is an edge of centre location which is well connected with the town centre, but which is also well placed to provide a facility to its “targeted audience” essentially the businesses based on the industrial estate. Additionally the infrastructure will be able to accommodate the development and provide accessibility to the A1(M) and the nearby train station which links in to the east coast mainline.

It is widely accepted that the manufacturing industry within the UK is in decline, and demand for industrial accommodation in the NE is low. This is highlighted by the slow take up rates of the undeveloped industrial land at Aycliffe Industrial Estate. This demonstrates that uses away from the manufacturing sector (which are normally associated with industrial estates) must be considered as a way of regenerating and bringing empty land and buildings into active use. The development of this industrial land for conferencing facilities could act as a catalyst for

## **SEDGEFIELD BOROUGH COUNCIL**

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

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revitalising the overall industrial estate and have the potential to lever in other inward investment to Aycliffe Industrial Estate, and in particular companies who require a high quality conference facility close by. It is considered that the proposal would not have an adverse environmental impact, the site performs well against the sequential test and the site is accessible to non-car users and can be serviced appropriately.

#### Regional Planning Guidance

The emerging Regional Spatial Strategy (RSS) aims to manage structural economic change within the NE, and the transition towards a more broadly based economy centred on information based 'knowledge' industries and service sector. Policy 1 of the RSS aims to deliver a North East Renaissance, and a key component of this is to deliver economic prosperity and growth, and Policy 12 strives to encourage the creation, growth and survival of new and existing enterprises, and to facilitate the continuing adaptation and restructuring of the region's economy. This proposal will not contravene these objectives.

Part (C) of Policy 40 of the emerging RSS stipulates that renewable energy generation should be embedded in the design and implementation of new developments. A wide range of renewable technologies and design approaches are available and can be readily embedded into many forms of development. The RSS requires major new developments to have embedded within them a **minimum of 10%** energy supply from renewable sources.

#### **Proposed Use of the Conference Centre**

The applicant considers, following market research, that local businesses have expressed a need for easily accessible centre for large and small conferences, business presentations, board meetings, seminars, AGM's and private functions. They consider that there is nowhere in the immediate area that can facilitate a large-scale conference with theatre style seating. In the supporting information it is stated that Redworth Hall can only accommodate 300 people theatre style. The applicant has advised that all the facilities would be available for use by local people with the meeting rooms available at concessionary rates by the voluntary/community and faith sector. It is proposed that the centre would be open from 9am until 11pm 7 days a week. In addition, the applicant considers that as childcare is increasingly a major consideration in attracting employees a full range of child care facilities for up to 60 children is proposed which would be available 5 days a week.

The principle of siting a conference centre at Aycliffe Industrial Estate, which is located in a location that is easily accessible and which would serve its primary users the business community, has previously been accepted at the time of the earlier planning approval granted in 2006.

#### **Impact on Ecology**

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

## **SEDGEFIELD BOROUGH COUNCIL**

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

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Circular 06/2005 also advises that 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted'.

It has been identified that the application site lies within the 500m radius of two Great Crested Newt breeding ponds. As such, a comprehensive report has been prepared regarding this proposal and potential affects upon Great Crested Newts in the area. This report includes a range of mitigation measures prior to and during construction works and it is proposed that the landscaping within the site be designed in such a manner to favour amphibians with additional mitigation works proposed off site adjacent to existing ponds which are located some 300 metres south of the application site as part the newt receptor at the corner of Millennium Way and Long Tens Way. It was, however, suggested that further details be requested regarding the method of construction of the headwall and sustainable urban drainage system proposed and the proposed timing of these works.

A bat survey did not find any evidence of bats roosting within the site. However, because two trees within the site, which are to be felled, were identified as being potential roosting sites, it has been recommended that a condition be attached requiring the presence of a licensed bat worker on site during the felling of the trees in question. It has also been recommended that no other tree works be carried out until bat surveys including checking surveys in winter and / or emergence surveys in spring / summer have been submitted to the Local Planning Authority for review.

In terms of other protected species the application site was assessed for the presence of badgers, water voles and birds it was concluded that there would be no detrimental impact to these species, although a condition is recommended ensuring that no work is undertaken in summer months in order that development does not impact on any breeding birds.

As such, the proposal is considered acceptable and from the information submitted there would be no detrimental impact to any protected species subject to the imposition of conditions to address the above issues.

#### **Design and Access**

The proposed development consists of a mixed height - two storey / single storey building with contemporary architectural elements such as varying roof shapes, use of glazing and a mix of complementary materials that contribute to creating a distinctive building.

The largest section of the building the main auditorium has been located at the northwestern corner of the site adjacent to Long Tens Way and Heighington Lane. This part of the building would vary in height from 8.0m to 12.1m, the mono pitch roof falling from east to west and a feature signage tower is also proposed at the corner of the proposed building. The western elevation, and outer side of this building, would incorporate an overhanging roof and a row of eight feature columns. The northern flank of the building serving the seminar rooms and office suite facing onto Heighington Lane is also double storey ranging in height from 6.8m to 9.5m. The eastern wing of the building comprising the exhibition hall and the children's care facilities is predominantly with the eaves level ranging from 3.2m and 4.3m to ridge height of 6.6m.

It is proposed to construct the building from a mix of both brickwork and render with standing seam metal roofing. The main entrance will provide the focal point to the elevation fronting the

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

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car park with a landscaped boulevard with sitting areas framing the main approach to the building

It is considered the design of the proposed building would provide a strong focal point in this prominent location and is of a high quality design and which accords with Policies D1 (General Principles for the Layout and Design of New Developments) and D4 (Layout and Design of New Industrial and Business Development).

Sustainability issues have helped inform the design of the building including natural ventilation, cooling, water recycling. The building has also been designed in such a manner so as to maximise the use of natural light within the development. A planning condition is proposed in order to ensure that this scheme is designed so as to provide for 10% embedded renewable energy, as required by the emerging Regional Spatial Strategy.

Access to the site would be via the existing road system and an existing bus route on St Andrews Way is approximately 0.3 miles from the site. The local train station at Heighington is approximately 0.25 miles to the west of the site. A detailed travel plan has been submitted that indicates that a train operates 7 days a week to Heighington. The travel plan sets out a package of measures, which are tailored to the particular characteristics of this development and its user groups, and it proposes the appointment of a senior manager as the Travel Plan coordinator. It is also proposed that there would be an employee pick up / drop off service. It is considered that the proposed Travel Plan and access arrangements are considered acceptable.

**CONCLUSION**

The proposed conference facility is considered to be an acceptable use in the Prestige Industrial Estate and in accordance with Local Plan Policies IB2 and IB5 and is located in a sustainable location. The proposed facility would provide a modern facility that would be a benefit to the business on the industrial park and further a field.

**HUMAN RIGHTS IMPLICATIONS**

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

**RECOMMENDATION**

It is recommended that conditional planning permission should 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 development hereby approved shall be carried out only in accordance with the submitted application, as amended by the following document(s) and plans: amended plans received 20th June 2007.

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

## **SEDGEFIELD BOROUGH COUNCIL**

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

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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. 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 trapped gullies installed in accordance with a scheme previously submitted to and approved by the Local Planning Authority. Roof water shall not pass through the gully.

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

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

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

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

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

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

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

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

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

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**PLANNING APPLICATIONS - TO BE DETERMINED**

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9. 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.

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 Sedgfield Borough Local Plan.

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

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

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

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

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 and details.

Reason :To prevent the increased risk of flooding.

13. Prior to the commencement of development a scheme to minimise energy consumption shall be submitted 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 Note1, Policies EN1 and EN7.

14. 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. Additionally any trees felled during the bird-breeding season must be checked for nesting birds by a competent person immediately prior to the felling taking place.

Reason: In order to safeguard protected species in accordance with Policy E14 (Safeguarding Plant and Animal Species by law) of the Sedgfield Borough Local Plan and to ensure that no breaches of the wildlife and Countryside Act occur.

## **SEDGEFIELD BOROUGH COUNCIL**

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

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15. Tree numbers 9 and 10 identified within the Xcel Conference Centre arboricultural survey dated March 2007 shall not be felled without the presence of a licensed bat worker.

Reason: In order to safeguard protected species in accordance with Policy E14 (Safeguarding Plant and Animal Species by law) of the Sedgefield Borough Local Plan and to ensure that no breaches of the wildlife and Countryside Act occur.

16. The development hereby approved shall be carried out in accordance with the mitigation detailed in Section E of the Great Crested Newt report (Durham Wildlife Services Excel Holdings Ltd, May 2007). No development shall commence until additional information regarding the headwall and sustainable urban drainage system has been submitted to and agreed by the Local Planning Authority, as outlined in the consultation response from the Countryside Officer dated 10th August 2007.

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.

17. The development hereby approved shall be carried out in accordance with the mitigation detailed in Section E of the Bat report (Durham Wildlife Services Excel Holdings Ltd, August 2007). No development shall commence until additional information regarding the mitigation strategy in the Bat report has been submitted to and agreed by the Local Planning Authority, as outlined in the consultation response from the Countryside Officer dated 10th August 2007.

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.

18. No trees are to felled other than tree numbers 9,10 and 12 as identified within the Excel Conference Centre arboricultural survey dated March 2007, notwithstanding the contents of the aforementioned report no other trees or hedgerows on site shall be felled or pruned without the prior consent of the Local Planning Authority and not until suitable bat surveys have been forwarded to the and approved by the Local Planning Authority.

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

19. No trees and/or hedgerows shall have the topsoil beneath the canopies disturbed, compacted, removed or excavated without the prior consent of the Local Planning Authority. Any such works must be the subject of a method statement submitted to and approved by the Local Planning Authority.

Reason: To ensure that satisfactory works are undertaken and to comply with Policy E15 (safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Plan.

20. No development shall be commenced until details and plans of protective fencing for trees and hedgerows have been submitted, inspected and approved by the Local Planning Authority. The location of the fencing shall be annotated on a plan and the design of protective fencing details shall follow the guidelines set out in BS 5837:2005 Trees in relation to construction - Recommendations. Fencing must conform to the style illustrated in Paragraph 9 fig 2. and must be erected prior to any vehicle or machinery access to the site.



## **SEDGEFIELD BOROUGH COUNCIL**

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

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Reason: To ensure that satisfactory works are undertaken and to comply with Policy E15 (safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Plan.

21. Site Works (including Deliveries and temporary site generators) shall only be carried out between 0800 –1900 hours Monday to Friday, 0900 –1400 hours on Saturday with no noisy work audible at the site boundary permitted on Sundays or Bank Holidays.

Reason : To ensure that occupants of nearby properties are not adversely affected by noise during the construction of the development, and to comply with Policy D10 of the Sedgefield Local Plan.

22. The Travel Plan dated May 2007 shall be implemented at the time that the building in question is first utilised by visiting members of the public and this shall be continued in perpetuity thereafter with any variations to be submitted and agreed by the Local Planning Authority.

Reason: So as to ensure that this development is accessible via a range of transport mediums including, public transport, private coach, rail, cycle users and pedestrians rather than being reliant solely upon the private car to comply with Policy D3 of the Sedgefield Borough Plan.

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

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

#### **INFORMATIVE : LOCAL PLAN POLICIES RELEVANT TO THIS DECISION**

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

E14 – Safeguarding Plant and Animal Species Protected by Law

D1 – General principles for the layout and Design of New Developments

D4 – Layout and Design of New Industrial and Business Development

IB2 – Designation of Type of Industrial Estates

IB5 – Acceptable Uses in Prestige Business Areas

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

1. N/2007/0004/DM CONSULTATION DATE 20 June 2007

**PROPOSAL: CREMATORIUM WITH ASSOCIATED PARKING AND LANDSCAPING**

**LOCATION: LAND NORTH OF COLLINGWOOD STREET COUNDON BISHOP AUCKLAND CO DURHAM**

**APPLICANT: Mercia Crematoria Ltd**  
6 Lower Farm Barns, Banton Road, Bicester, Oxon,

**CONSULTATIONS**

1. SPENNYMOOR TC  
2. Cllr. W. Waters  
3. Cllr. K Thompson  
4. Cllr. Colin Nelson  
5. ENGINEERS  
6. ENV. HEALTH  
7. L.PLANS  
8. LANDSCAPE ARCH

**Wear Valley District Council has received a planning application for the development of a crematorium with associated parking and landscaping on land north of Collingwood Street, Coundon. As the development is close to the boundary with Sedgfield Borough, Wear Valley District Council has sought this Council's views as a neighbouring Planning Authority.**

**THE PROPOSAL**

The application site consists of approximately 2 hectares of farmland situated to the south east of Coundon, some 150 metres beyond the boundary of Sedgfield Borough.

The development would comprise a single storey building containing a crematory, chapel, office, waiting room, minister's room and other associated facilities, set within landscaped grounds containing a 50 space car park. Access would be from Collingwood Street.

**PLANNING CONSIDERATIONS**

The siting of a new crematorium is largely dictated by the location and capacity of existing facilities and the catchment area it would be required to serve. In this case, the nearest existing crematoria are located at Durham and Darlington, others being further away at Hartlepool and Middlesborough. The current proposal is intended to serve the Wear Valley and Sedgfield districts, and the need for such a facility is explained in supporting documentation included with the application.

The application site has been selected following appraisal of 14 sites in the Bishop Auckland and Spennymoor areas. The benefits of the site can be summarised as follows:

## SEDFIELD BOROUGH COUNCIL

### CONSULTATION FROM NEIGHBOURING PLANNING AUTHORITY

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- It is equi-distant from existing crematoria at Durham and Darlington
- It is close to a major population centre (3 miles from Bishop Auckland)
- Good access is also possible from Sedgfield, Newton Aycliffe, Spennymoor and Ferryhill
- It has excellent links to the A689
- Direct access is from a lightly trafficked minor road
- Bus stops are located only 50 metres away
- There is sufficient separation distance to residential properties in Coundon
- Wear Valley District Council consider the site a strategic location for future growth
- The site is well screened by mature trees to the west and by natural topography
- The site is not susceptible to flooding
- The site is available
- The adjacent lay-by would provide overspill car parking if needed

In design terms the proposed crematorium is also considered to be acceptable as it takes the form of a well designed single storey building.

#### CONSULTATION RESPONSES

The Forward Planning Team state that there should be a demonstrable need for the development, that it should be accessible and well related to catchment areas, pollution and health concerns should be addressed through Wear Valley District Council's Environmental Health Section, traffic implications should be addressed and the development should be well screened.

The Landscape Architect does not support the proposal because it is felt that it would have a negative impact upon the surroundings, which primarily comprise an attractive rural environment, quite close to Windlestone Hall and surrounding parkland.

The Environmental Health Section has recommended that the applicant be advised to establish contact to assess whether the site needs to be permitted under the Pollution Prevention and Control Regulations (2000).

#### PLANNING CONSIDERATIONS

In considering the proposal, Wear Valley District Council will need to be satisfied that there is a need for the development of an additional crematorium in this locality. The submitted documents analyse the location, capacity and condition of the existing crematoria in the region, and it is reasonable to conclude that a more locally situated crematorium would better serve the Wear Valley and Sedgfield areas.

The site is located adjacent to the A689, a main east / west highway that has good links with other main distributor routes including the A167 and A1(M) motorway. Existing bus stops are located close at hand, making travel by public transport more convenient. The site is also close enough to Coundon to encourage access on foot to a number of local people.

Pollution and health issues would be the subject of further discussions with the Environmental Health Section and this could be encouraged as part of any positive recommendation on the proposal.

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

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The application site would be well screened to the west by existing mature woodland and hedgerows. From Sedgfield Borough to the east, the proposed development would be viewed against that significant landscape backdrop, helping to assimilate it into its countryside setting. At only 7.5 metres high, and located at the lowest point in a terrain that rises to the north, its potential visual impact is minimised.

**CONCLUSION**

It is considered that by virtue of its scale and design, and its location within undulating topography, close to existing mature landscape features, the development would not have a significant impact upon the surrounding area. It is recommended however that Wear Valley District Council aim to achieve the highest possible quality in any subsequent detailed landscaping scheme to ensure that the visual impact upon Sedgfield Borough is minimised.

**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.

**HUMAN RIGHTS IMPLICATIONS**

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

**RECOMMENDATION**

It is recommended that this Council raises no objection to the proposal, provided Wear Valley District Council is satisfied that the applicant has justified a need for the development of a crematorium in the proposed location, and that any subsequently submitted detailed landscaping scheme is of an appropriate quality to achieve adequate screening of the development from viewpoints within Sedgfield Borough to the north, south and east.

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

2. N/2007/0005/DM CONSULTATION DATE 12 July 2007

**PROPOSAL: ERECTION OF 8 NO. DWELLINGS**

**LOCATION: LAND AT COMMERCIAL STREET TRIMDON CO DURHAM**

APPLICANT: Dere Street Homes Ltd  
The Farmhouse, Hedley Hill Farm , Hedley Hill, Durham

**CONSULTATIONS**

1. TRIMDON P.C.
2. Cllr. Mrs L. Hovvels

**The District of Easington Council has received a detailed planning application, for the erection of 8 no. dwellings at Commercial Street Trimdon Colliery. As the development is close to the boundary with Sedgefield Borough, The District of Easington Council has sought this Council's views as a neighbouring Planning Authority.**

**THE PROPOSAL**

The application site is situated on Commercial Street in the centre of Trimdon Colliery. The site itself (0.11ha) is currently occupied by an empty retail unit and a small derelict chapel. The surrounding area consists of small commercial properties and terraced housing; St Paul's Church is located opposite the site.

It is proposed to demolish the existing buildings on the site and erect 8 no. dwellings with a mix of 4no. 4 bed three storey terrace houses and 4 no. 3 bed two storey terrace houses. The dwellings will be in two separate blocks of 4, separated by a 12 bay parking court.

The application is detailed application with no matters remaining reserved.

**PLANNING CONSIDERATIONS**

The proposal raises a number of issues and these are considered below:

**Principle of development**

The application site is a brown site located within the centre of Trimdon Colliery and is situated close to a range of services including schools, shops, and public transport links to other villages and towns. The proposal would therefore constitute the development of land within a sustainable location and contribute to the Government target of at least 60% of new housing being on previously-developed land.

The density of the housing will be 72 dwellings per hectare exceeding the threshold of 30 dwellings per hectare as set out paragraph 47 of PPS 3

The principle of the development would therefore accord with national planning guidance contained within PPS3.

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

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**Design of Development**

The design and scale of the dwellings are considered to be in keeping with its surroundings which is characterised by a mix of architectural styles and building heights. However, the proposed layout could be improved by reducing the void between the two blocks of buildings and improving the appearance of the gable wall facing onto Commercial Street and St. Paul's Church.

**Impact on neighbouring land uses**

It is considered that the current scheme can achieve satisfactory separation distances between the proposed development and neighbouring residential properties to prevent a loss of privacy or a significant loss of amenity.

**CONCLUSION**

The proposal constitutes the development of a brown field site within a sustainable location and therefore accords with national planning policy. Whilst the design of the individual properties is considered to be acceptable the layout could be improved in order to present a more attractive frontage onto Commercial Street.

**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.

**HUMAN RIGHTS IMPLICATIONS**

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

**RECOMMENDATION**

It is recommendation that this Council raise no objection to the principle of the development but asks that further consideration is given to the layout of the scheme in order to secure a more attractive frontage onto Commercial Street.

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# Item 7

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - COUNTY MATTERS

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1. 7/2007/0441/CM

APPLICATION DATE: 6 July 2007

PROPOSAL: PROPOSED EXCAVATION OF FIRE BREAK ON FORMER RAILWAY EMBANKMENT

LOCATION: CHILTON COLLIERY RECLAMATION SITE CHILTON CO DURHAM

APPLICANT: Durham County Council  
Environment, County Hall, Durham

#### CONSULTATIONS

1. CHILTON P.C.
2. Cllr. C. Potts
3. Cllr. T.F. Forrest
4. Cllr. B.F. Avery
5. ENV. HEALTH
6. LANDSCAPE ARCH

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**This application (7/2007/0441/CM) 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 APPLICATION SITE

Chilton Colliery Reclamation Site is located to the north west of the village of Chilton adjoining Chilton Industrial Estate. The application site consists of part of industrial reclamation site forming a railway embankment and woodland and vegetation.

The application has arisen as part of the embankment has ignited and is burning. The vegetation and woodland in this area is dying back due to the high temperatures.

#### THE PROPOSAL

Permission is sought to excavate a cutting through the embankment to form a fire break and prevent the high temperatures spreading and igniting combustible material on the remainder of the site. The cutting will be excavated on the north western part of the site, measuring approximately 40m in width by a depth of 6.2m. The excavated material will be spread over the southern side of the existing embankment. The remaining hot material will be left to burn itself out.

A large number of trees will have to be felled to enable the earthworks to proceed, however the whole area will be replanted with broadleaved trees once the works are complete.

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

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**CONSULTATION**

Environmental Health – No objections

**PLANNING CONSIDERATIONS**

The proposed works will undoubtedly have a significant impact on the visual amenity of the surrounding area due to the number of trees that will need to be felled and the amount of material excavated from the site. However on balance, it is considered that the impact of the works will be significantly less that if no action is taken and the fire spreads through the embankment, possibly killing off all the vegetation on the site.

Policy E15 of the Sedgefield Local Plan requires that development affecting trees should retain other areas of woodland wherever possible and replace any trees which are lost. In total it is estimated that 1000 trees will be felled in order to complete the works, a large proportion of these trees would have been harvested in 5 years time. It is proposed that in total 2000 mixed broadleaved trees will be replanted once the works have been completed. Furthermore, existing mature broadleaved trees around the boundary of the proposed fill area will be left in place to act as a screen.

It is anticipated that the works will take 5 weeks to complete. Access will be taken from the A167 roundabout through the industrial estate. On average two wagons will enter and exit the site daily. It is considered that this will have a minimal disturbance on neighbouring land users and the overall transport network given the nature of the existing access route.

It is considered that the proposal conforms with the principles set out in Policy E11 (Safeguarding sites of nature conservation interest) and Policy T7 (Traffic Generation) of the Sedgefield Local Plan, for reasons identified above.

**HUMAN RIGHTS IMPLICATIONS**

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

**RECOMMENDATION**

It is recommended that the Council raise no objections to the proposal, providing appropriate conditions are attached to ensure that the replanting works are undertaken to an agreed timeframe and standard.

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - COUNTY MATTERS

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2. 7/2007/0463/CM

APPLICATION DATE: 16 July 2007

PROPOSAL: ERECTION OF 3 NO. CYCLE STORAGE SHELTERS AND 1 NO. SCOOTER SHELTER

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

APPLICANT: Mr J Richardson  
Director , Environment, Durham County Council, County Hall, Durham,  
DH1 5UQ

#### CONSULTATIONS

1. SPENNYMOOR TC
2. BUILDING CONTROL
3. ENGINEERS
4. ENV. HEALTH
5. Cllr. Andrew Gray
6. Cllr. A. Smith
7. Cllr. J.M. Khan

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

#### THE PROPOSAL

This proposal involves the installation of 2no. (10 unit) cycle storage shelters within the grounds of Ox Close Primary School, Spennymoor, and 1no. (10 unit) cycle storage shelter within the grounds of the adjacent Ox Close Nursery School. Works will also see the construction of a new footway and gated access to the Nursery School, linking with the public footpath which runs to the rear of Mayfields to the immediate north-east of the Nursery School site.

Submitted plans show each of the 3no. shelters to be constructed from translucent cladding and a mild steel box section structure, having a dark green polyester powder coated finish. Two of these proposed shelters will be installed onto existing hard surfaces in close proximity to an adjacent shelter unit within the primary school site (recently granted planning approval, planning ref: 7/2007/0220/CM). Meanwhile, the remaining shelter, which is described as a scooter shelter despite being of similar scale and design to the other 2no shelters, will be constructed adjacent to the Nursery School in existing verge space, upon a purpose built foundation raft. Plans show this shelter to be located adjacent to the existing nursery school car park, which will be partially barriered off to prevent vehicular access and ensure highway safety to all potential users of this shelter and the proposed adjacent footpath.

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

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Each of these units are considered to be of a similar scale and design to that which was recently installed within the grounds of the Primary School, and will aim to increase provision for the number of students cycling to the school/nursery, thereby reduce congestion in the area and ultimately benefiting the local environment.

**CONSULTATION AND PUBLICITY**

As part of the consultation and publicity exercise for this application, Building Control, Highways Engineers and Environmental Health have all been notified, with no adverse comments or objections having been received in response to the consultation exercise.

**PLANNING CONSIDERATIONS**

Each of the 3no. proposed cycle storage shelters are considered to be relatively small structures which will fully complement the existing storage shelters recently installed upon this site. With each unit being designed in such a way so as to blend in with many of the fenced surroundings and foliage which border the school and nursery site, each unit is considered to be of a scale and design which complements their surroundings so as to not appear incongruous to the surrounding street scene.

Submitted plans show each unit to be located within a highly visible, enclosed area of the school grounds for security purposes, with their largely transparent appearance and segregation from the local road network ensuring highway safety and a deterrent for criminal activity. However, despite their visual prominence within the school grounds, each structure will remain well screened from view when viewed from outside the school grounds due to the surrounding fencing and heavy vegetation. With the nearest residential dwellings sited some distance away to the north and south of the site, and behind substantial screening, it is therefore considered that each shelter will present little detrimental impact upon the visual amenity of the surrounding area.

On this occasion, it may be considered that the chosen sites will result in only a minimal loss of the total recreational space which surrounds these school buildings, with each of the chosen sites considered the most appropriate in terms of safe access, security and practicality.

Finally, in terms of the proposed footpath and gated access to serve this nursery school, no objections have been raised; with it considered that the siting of a secure footpath some distance away from any vehicular highway is both safe and practical. Furthermore, with no objections raised, and only a minimal loss to the existing panelled fence and hedgerow which borders the northern edge of this site, it is considered that this proposal would be acceptable, with no adverse impact upon the residential amenity of the neighbouring occupiers who live approximately 20metres to the north-east of the site.

**HUMAN RIGHTS IMPLICATIONS**

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

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

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**SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

**RECOMMENDATION**

It is recommended that the Council raise no objections to this proposal, although Durham County Council should be made aware that the application site does fall within the 500 metre Great Crested Newt Consultation Zone, with it important that Natural England are notified of this proposal.

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# Item 8

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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1. 7/2007/0292/DM OFFICER:David Gibson

APPLICATION DATE: 22 May 2007

PROPOSAL: ERECTION OF SINGLE STOREY SIDE EXTENSION

LOCATION: 20 FOXTON CLOSE NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mr Aldred  
20 Foxton Close, Newton Aycliffe, Co Durham

DECISION: STANDARD APPROVAL on 16 July 2007

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2. 7/2007/0398/DM OFFICER:David Gibson

APPLICATION DATE: 28 June 2007

PROPOSAL: ERECTION OF SINGLE STOREY SIDE EXTENSION

LOCATION: 2 WEST PARK SHILDON CO DURHAM

APPLICANT: Mr & Mrs L Watson  
2 West Park, Shildon, Co Durham, DL4 1LW

DECISION: STANDARD APPROVAL on 31 July 2007

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3. 7/2007/0393/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 22 June 2007

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION

LOCATION: 6 NORTH CLOSE SPENNYMOOR CO DURHAM

APPLICANT: Mr Edwards  
6 North Close, Kirk Merrington , Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 19 July 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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4. 7/2007/0391/DM OFFICER:David Gibson

APPLICATION DATE: 25 June 2007

PROPOSAL: ERECTION OF TWO STOREY SIDE EXTENSION

LOCATION: 17 BURN LANE NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mr & Mrs Gray  
17 Burn Lane, Newton Aycliffe, Co Durham

DECISION: STANDARD APPROVAL on 31 July 2007

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5. 7/2007/0389/DM OFFICER:David Gibson

APPLICATION DATE: 5 July 2007

PROPOSAL: INSTALLATION OF ROOF OVER EXISTING BUILDING

LOCATION: PPG INDUSTRIES DARLINGTON ROAD SHILDON CO DURHAM

APPLICANT: PPG Industries UK Ltd  
Darlington Road, Shildon, Co Durham, DL4 2QP

DECISION: STANDARD APPROVAL on 31 July 2007

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6. 7/2007/0377/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 7 June 2007

PROPOSAL: ERECTION OF NEW OFFICE BUILDING FOR SOCIAL RESOURCE CENTRE

LOCATION: DEAN & CHAPTER INDUSTRIAL ESTATE FERRYHILL CO DURHAM

APPLICANT: Social Resource Centre  
Bede House, St Cuthberts Way, Newton Aycliffe, Co Durham

DECISION: STANDARD APPROVAL on 19 July 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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7. 7/2007/0375/DM OFFICER:David Gibson

APPLICATION DATE: 22 June 2007

PROPOSAL: ERECTION OF TIMBER SMOKING CANOPY TO REAR YARD AND  
INSERTION OF ACCESS DOOR

LOCATION: THE NEW MASONS 225 BYERLEY ROAD SHILDON CO DURHAM

APPLICANT: Punch Taverns Ltd  
Jubilee House, Second Avenue, Burton, DE14 2WF

DECISION: STANDARD APPROVAL on 31 July 2007

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8. 7/2007/0370/DM OFFICER:David Gibson

APPLICATION DATE: 19 June 2007

PROPOSAL: ERECTION OF SINGLE STOREY EXTENSION TO REAR

LOCATION: 10 HAZELDALE AVENUE SHILDON CO DURHAM

APPLICANT: Mr & Mrs Ward  
10 Hazeldale Avenue, Shildon, Co Durham

DECISION: STANDARD APPROVAL on 31 July 2007

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9. 7/2007/0372/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 7 June 2007

PROPOSAL: INSTALLATION OF NEW SHOP FRONT

LOCATION: 16 KING STREET SPENNYMOOR CO DURHAM

APPLICANT: Mr & Mrs Samuels  
16 King Street , Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 12 July 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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10. 7/2007/0371/DM OFFICER:Steven Pilkington

APPLICATION DATE: 13 June 2007

PROPOSAL: ERECTION OF SIDE AND REAR EXTENSION

LOCATION: 3 HIGH ROAD BISHOP MIDDLEHAM CO DURHAM

APPLICANT: Mr & Mrs W Simpson  
3 High Road, Bishop Middleham, Co Durham

DECISION: STANDARD APPROVAL on 19 July 2007

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11. 7/2007/0369/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 11 June 2007

PROPOSAL: CHANGE OF USE FROM SHOP TO RESIDENTIAL AND ERECTION OF TWO STOREY REAR EXTENSION

LOCATION: 86A HIGH STREET BYERS GREEN SPENNYMOOR CO DURHAM

APPLICANT: Mr B Green  
94 High Street , Byers Green , Co Durham

DECISION: STANDARD APPROVAL on 24 July 2007

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12. 7/2007/0367/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 7 June 2007

PROPOSAL: ERECTION OF SINGLE STOREY EXTENSION TO REAR

LOCATION: 35 GRASMERE SPENNYMOOR CO DURHAM

APPLICANT: Mr G B Naylor  
35 Grasmere , Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 23 July 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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13. 7/2007/0362/DM OFFICER:Steven Pilkington

APPLICATION DATE: 7 June 2007

PROPOSAL: IMPROVEMENTS TO EXISTING WINDOWS AND DOORS

LOCATION: 33 WEST END SEDGEFIELD STOCKTON ON TEES

APPLICANT: C & L Bentley  
33 West End, Sedgefield, Stockton on Tees

DECISION: STANDARD APPROVAL on 31 July 2007

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14. 7/2007/0359/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 7 June 2007

PROPOSAL: CHANGE OF USE FROM RETAIL TO RESIDENTIAL AND ERECTION OF BOUNDARY WALL

LOCATION: 6 HIGH STREET BYERS GREEN SPENNYMOOR CO DURHAM

APPLICANT: Mr M Thompson  
6 High Street , Byers Green, Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 13 July 2007

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15. 7/2007/0356/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 4 June 2007

PROPOSAL: ERECTION OF TWO STOREY REAR EXTENSION

LOCATION: 56-58 DURHAM STREET SPENNYMOOR CO DURHAM

APPLICANT: The Occupier  
56-58 Durham Street, Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 13 July 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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16. 7/2007/0355/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 4 June 2007

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION

LOCATION: 94 DEAN PARK FERRYHILL CO DURHAM

APPLICANT: Mrs Cockburn  
94 Dean Park, Ferryhill, Co Durham

DECISION: STANDARD APPROVAL on 23 July 2007

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17. 7/2007/0353/DM OFFICER:Steven Pilkington

APPLICATION DATE: 15 June 2007

PROPOSAL: DISABLED ACCESS RAMP

LOCATION: ST AIDENS CHURCH DURHAM ROAD CHILTON CO DURHAM

APPLICANT: The Parish of Great  
Aycliffe & Chilton , c/o 1 New South View, Chilton , Co Durham , DL17 0PS

DECISION: STANDARD APPROVAL on 19 July 2007

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18. 7/2007/0350/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 8 June 2007

PROPOSAL: ERECTION OF SINGLE STOREY EXTENSION TO THE REAR

LOCATION: 49 TUDHOE VILLAGE SPENNYMOOR CO DURAHM DL16 6LG

APPLICANT: Garry Cooper  
49 Tudhoe Village, Tudhoe Village, Spennymoor, DL16 6LG

DECISION: STANDARD APPROVAL on 13 July 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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19. 7/2007/0348/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 15 June 2007

PROPOSAL: CONVERSION OF EXISTING GARAGE TO FORM OUTDOOR DRINKING AREA

LOCATION: THE RAILWAY 1 CLYDE TERRACE SPENNYMOOR CO DURHAM

APPLICANT: L Spaldin  
Lion Brewery, Waldon Street , Hartlepool, TS24 7QS

DECISION: STANDARD APPROVAL on 1 August 2007

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20. 7/2007/0349/DM OFFICER:David Gibson

APPLICATION DATE: 5 June 2007

PROPOSAL: ERECTION OF ATTACHED GARAGE AND STORE TO SIDE

LOCATION: PLOT 88 HAWKSHEAD PLACE NEWTON AYCLIFFE CO DURHAM

APPLICANT: Tees Valley Housing Group  
Rivers House, 64 North Ormesby Road, Middlesbrough, TS4 2AF

DECISION: STANDARD APPROVAL on 31 July 2007

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21. 7/2007/0337/DM OFFICER:David Gibson

APPLICATION DATE: 8 June 2007

PROPOSAL: CHANGE OF USE FROM OPEN SPACE TO DOMESTIC CURTILAGE

LOCATION: LAND ADJACENT TO 198 THORNTON CLOSE NEWTON AYCLIFFE CO DURHAM

APPLICANT: C & S Gourley  
198 Thornton Close, Newton Aycliffe, Co Durham, DL5 7NP

DECISION: STANDARD APPROVAL on 3 August 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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22. 7/2007/0331/DM OFFICER:David Gibson

APPLICATION DATE: 29 May 2007

PROPOSAL: ERECTION OF CONSERVATORY TO REAR

LOCATION: 17 HOODE CLOSE NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mr & Mrs Wilson  
17 Hoode Close, Newton Aycliffe, Co Durham

DECISION: STANDARD APPROVAL on 19 July 2007

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23. 7/2007/0328/DM OFFICER:Steven Pilkington

APPLICATION DATE: 23 May 2007

PROPOSAL: ERECTION OF SINGLE STOREY SIDE EXTENSION

LOCATION: 18 CRYSTAL CLOSE CHILTON CO DURHAM

APPLICANT: Ms G Colledge  
18 Crystal Close, Chilton , Co Durham

DECISION: STANDARD APPROVAL on 18 July 2007

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24. 7/2007/0326/DM OFFICER:David Gibson

APPLICATION DATE: 30 May 2007

PROPOSAL: ERECTION OF SINGLE STOREY EXTENSION TO FRONT

LOCATION: 3 BICKFORD TERRACE AYCLIFFE VILLAGE CO DURHAM DL5 6LA

APPLICANT: Jo Ord  
3 Bickford Terrace, Aycliffe Village, Co Durham, DL5 6LA

DECISION: STANDARD APPROVAL on 19 July 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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25. 7/2007/0322/DM OFFICER:David Gibson

APPLICATION DATE: 24 May 2007

PROPOSAL: ERECTION OF CONSERVATORY TO REAR

LOCATION: 9 ALNWICK GROVE WOODHAM CO DURHAM DL5 4SN

APPLICANT: Mr & Mrs J Bailey  
9 Alnwick Grove, Woodham, Co Durham , DL5 4SN

DECISION: STANDARD APPROVAL on 16 July 2007

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26. 7/2007/0321/DM OFFICER:David Gibson

APPLICATION DATE: 30 May 2007

PROPOSAL: ERECTION OF SINGLE STOREY EXTENSION TO SIDE OF EXISTING  
REAR EXTENSION

LOCATION: 1 FALLOW ROAD WOODHAM CO DURHAM

APPLICANT: Mr & Mrs Appleby  
1 Fallow Road, Woodham, Co Durham

DECISION: STANDARD APPROVAL on 19 July 2007

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27. 7/2007/0311/DM OFFICER:Steven Pilkington

APPLICATION DATE: 29 May 2007

PROPOSAL: ERECTION OF SINGLE STOREY SUN ROOM EXTENSION TO REAR

LOCATION: 32 HARDWICK ROAD SEDGEFIELD STOCKTON ON TEES

APPLICANT: Mrs M Johnson  
32 Hardwick Road, Sedgfield, Stockton on Tees

DECISION: STANDARD APPROVAL on 16 July 2007

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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28. 7/2007/0309/DM OFFICER:David Gibson

APPLICATION DATE: 30 May 2007

PROPOSAL: ERECTION OF RETRACTABLE CANVAS AWNING WITH LIGHTS AND HEATERS

LOCATION: IRON HORSE PUBLIC HOUSE EMERSON WAY NEWTON AYCLIFFE CO DURHAM

APPLICANT: Enterprise Inns Plc  
3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ

DECISION: STANDARD APPROVAL on 19 July 2007

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29. 7/2007/0404/DM OFFICER:David Gibson

APPLICATION DATE: 3 July 2007

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION

LOCATION: 11 OXFORD STREET SHILDON CO DURHAM

APPLICANT: Mr R Seymour  
17 Windsor Court, Shildon, Co Durham, DL4 1PP

DECISION: STANDARD APPROVAL on 31 July 2007

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30. 7/2007/0405/DM OFFICER:David Gibson

APPLICATION DATE: 3 July 2007

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION

LOCATION: 3 PATENSON COURT NEWTON AYCLIFFE CO DURHAM

APPLICANT: K Yau  
3 Patenson Court, Newton Aycliffe, Co Durham, DL5 4XL,

DECISION: STANDARD APPROVAL on 31 July 2007

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

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4. 7/2007/0360/CM

DATE: 12 June 2007

PROPOSAL: **ERECTION OF 3NO. STEEL CONTAINERS**

LOCATION: **STEPHENSON WAY PRIMARY SCHOOL STEPHENSON WAY  
NEWTON AYCLIFFE CO DURHAM**

APPLICANT: 7/2007/0360/CM  
Environment, County Hall, Durham, DH1 5UQ

DECISION APPROVED DATE ISSUED 27 July 2007

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# Item 10

## SEDGEFIELD BOROUGH COUNCIL

### APPEALS OUTSTANDING UP TO 7<sup>th</sup> AUGUST 2007

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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 28<sup>th</sup> December 2006

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

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

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

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

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

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

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

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

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

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 24<sup>th</sup> May 2007

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

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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 24<sup>th</sup> May 2007

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

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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 25<sup>th</sup> May 2007

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

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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 31<sup>st</sup> May 2007

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

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Ref.No. AP/2007/0010  
Location 2A HIGH GREEN NEWTON AYCLIFFE CO DURHAM  
Proposal ERECTION OF BOUNDARY WALL  
Appellant Mr & Mrs Bage  
Received 18<sup>th</sup> June 2007

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

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Ref.No. AP/2007/0011  
Location 11 BRIDGE HOUSE ESTATE FERRYHILL CO DURHAM  
Proposal ERECTION OF TWO STOREY SIDE EXTENSION  
Appellant Mr Joe Ward  
Received 20<sup>th</sup> July 2007

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

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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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