

DEVELOPMENT CONTROL COMMITTEE

Friday,

12 October 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 14th September 2007 (Pages 5 - 8)

4. LOCAL PLAN POLICIES SAVED BEYOND 27TH SEPTEMBER

Report of Director of Neighbourhood Services (Pages 9 - 14)

5. WINDLESTONE HALL RUSHYFORD PLANNING STATEMENT AND BRIEF

Report of Director of Neighbourhood Services. (Pages 15 - 18)

6. APPLICATIONS - BOROUGH MATTERS

To consider the attached schedule of applications, which are to be determined by this Council. (Pages 19 - 40)

7. DEVELOPMENT CONTROL - ADDITIONAL APPLICATIONS

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

8. CONSULTATIONS FROM DURHAM COUNTY COUNCIL

To consider the attached schedule detailing an application which is to be determined by Durham County Council. The view and observations of this Council have been requested. (Pages 41 - 52)

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

9. COUNTY DECISIONS

A schedule of applications, which have been determined by Durham County Council is attached for information. (Pages 53 - 54)

10. DELEGATED DECISIONS

A schedule of applications, which have been determined by Officers by virtue of their delegated powers, is attached for information (Pages 55 - 68)

11. APPEALS

A schedule of appeals outstanding up to 3rd October 2007 is attached for information.

12. RECENT PLANNING APPEAL DECISIONS

Report of Director of Neighbourhood Services. (Pages 69 - 76)

EXEMPT INFORMATION

The following item is not for publication by virtue of Paragraphs 1 and 6 of Schedule 12 A of the Local Government Act 1972.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

13. ALLEGED BREACHES OF PLANNING CONTROL

To consider the attached schedule of alleged breaches of planning control and action taken. (Pages 77 - 78)

14. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

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

B. Allen
Chief Executive

Council Offices
SPENNYMOOR

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

All other Members of the Council

ACCESS TO INFORMATION

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

Item 2

MEMBER'S DISCLOSURE OF INTEREST

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

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

★ I disclose for the information of the meeting that I have a personal interest in (1)
which will be the subject of consideration by the meeting. (2)

The nature of that interest is _____

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

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

OR (5) [Delete if not applicable]

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

SIGNED: **Dated**

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

- (1) State details of the item (agenda item, planning application number, etc.)
- (2) State what the general nature of the personal interest in the matter is. (You do not need to supply specific details unless you wish to).
- (3) State only if this is a prejudicial as well as a personal interest
- (4) You may regard yourself as not having a prejudicial interest in certain circumstances (*see overleaf*) and there are further specific exemptions relating to exercising a scrutiny function.

It is a matter for you to consider whether or not you feel it is right to make use of an exemption in the circumstances and, if so, whether you want to explain that to the meeting.

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

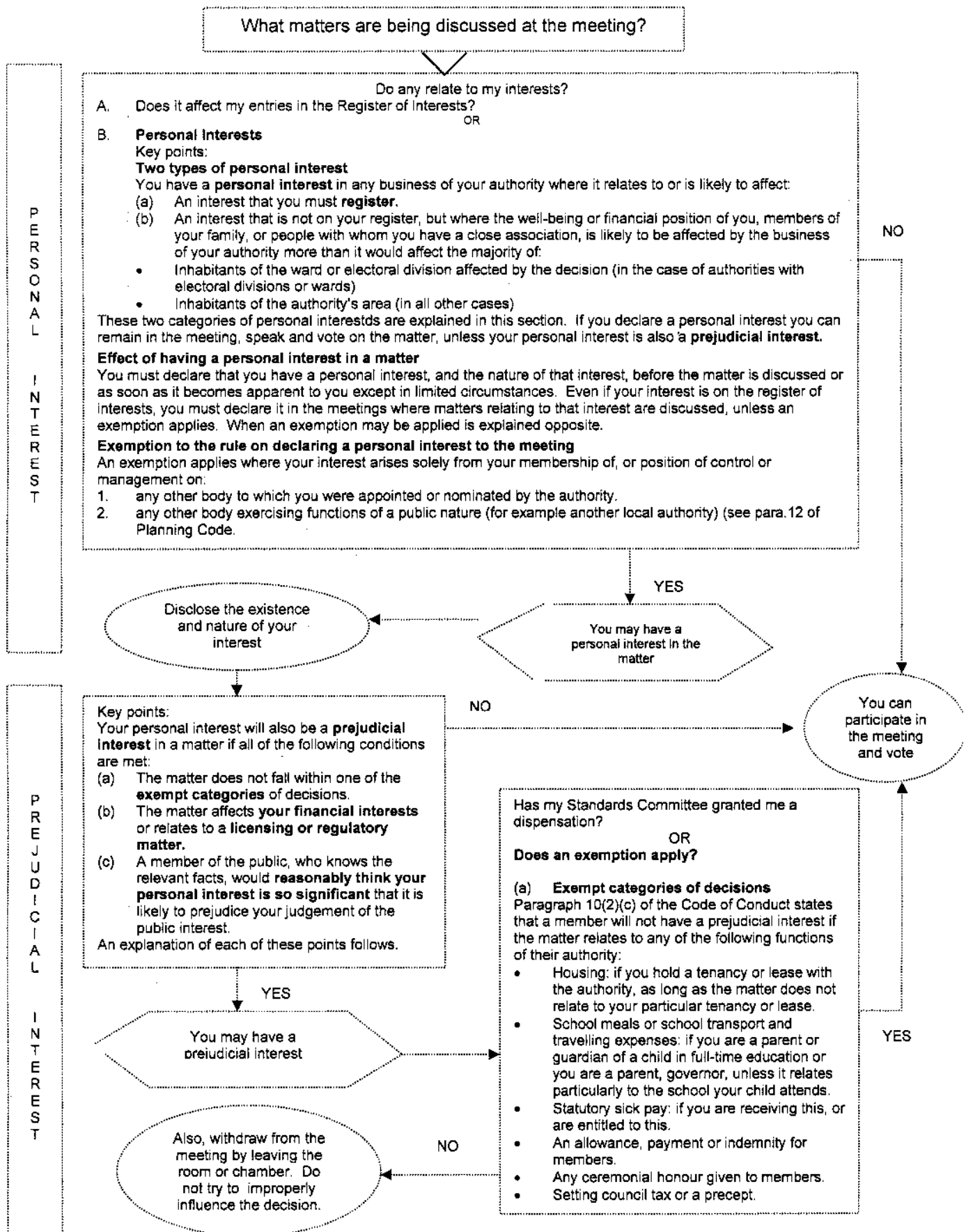
- *withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless the Code permits participation or s/he has obtained a dispensation from the Standards Committee;*
- *not exercise executive functions in relation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

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

* but Members of more than one Council, or who wish to act as Community Advocates, should refer to para. 12 of the Planning Code first
ACSeS Model Members' Planning Code of Good Practice Disclosure Form

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



IMPORTANT NOTE

The Guidance in this Code is not intended to be a substitute for guidance currently available from the Standards Board for England.

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Item 3

SEDGEFIELD BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

Council Chamber,
Council Offices,
Spennymoor

Friday,
14 September 2007

Time: 10.00 a.m.

Present: Councillor A. Smith (Chairman) and

Councillors W.M. Blenkinsopp, T. Brimm, D.R. Brown, V. Chapman, D. Chaytor, Mrs. L. M.G. Cuthbertson, D. Farry, T.F. Forrest, P. Gittins J.P., Mrs. B. Graham, A. Gray, G.C. Gray, Mrs. J. Gray, B. Haigh, Mrs. S. Haigh, Mrs. I. Hewitson, A. Hodgson, T. Hogan, J.G. Huntington, Mrs. H.J. Hutchinson, Mrs. S. J. Iveson, J.M. Khan, Mrs. E. Maddison, C. Nelson, D.A. Newell, B.M. Ord, Mrs. E.M. Paylor, B. Stephens, K. Thompson, T. Ward and Mrs E. M. Wood

Apologies: Councillors Mrs. A.M. Armstrong, B.F. Avery J.P, Mrs. D. Bowman, J. Burton, Mrs. K. Conroy, Mrs. P. Crathorne, V. Crosby, D.M. Hancock, J.E. Higgin, Mrs. L. Hovvels, G.M.R. Howe, Ms. I. Jackson, B. Lamb, Mrs. C. Potts, J. Robinson J.P, A. Warburton, W. Waters and J. Wayman J.P

DC.48/07 DECLARATIONS OF INTEREST

No declarations of interest were received.

DC.49/07 MINUTES

The Minutes of the meeting held on 17th August, 2007 were confirmed as a correct record and signed by the Chair.

DC.50/07 APPLICATIONS - BOROUGH MATTERS

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

In respect of Application No : 1 – Erection of 33 No. dwellings (Outline Application) – Land West of Gladstone Terrace, Ferryhill – Hellens Developments – Plan Ref : 7/2007/0227/DM – it was explained that outline permission was being sought for development of land to the west of Gladstone Terrace. The site was located within the residential framework of Ferryhill and following negotiations with the applicant's agent, information had been received to address officers concerns about the indicative details. Ecological and Geotechnical reports formed part of the application.

It was noted that the applicant's agent had expressed concerns regarding how the conclusion in relation to affordable housing had been reached. The Affordable Housing statistical analysis was outlined in the report suggesting that it should be provided at 20%. It was explained that a number of developers had accepted this form of analysis without question. The issue of Affordable Housing was the cornerstone of planning

considerations. The proposed development, as it was for 33 residential units, exceeded the size threshold of 15 dwellings as defined in PPS3, requiring Affordable Housing to be provided if a need could be demonstrated. The Committee was also familiar with the use of Section 106 Agreements to secure aspects of a development that cannot be adequately dealt with by condition alone. The Committee was informed that officers were suggesting an amendment in respect of Recommendation 2 to include the payment of commuted sums and the submission of a management plan for the maintenance and management of open space, to read as follows :-

“The Head of Planning Services be given authority, in consultation with the Borough Solicitor, to issue a conditional planning approval in exchange for a Section 106 Legal Agreement in order to ensure that the proposal delivers a minimum of 20% affordable housing, the payment of a commuted sum of £500 per dwelling across the entire scheme in lieu of the shortfall in open space provision within the application site, and the submission of a management plan for the future management and maintenance of areas of open space including equipped play areas”.

It was explained that Mr. Peter Clark, a neighbouring resident, was present at the meeting to outline his concerns with the development. He explained that he considered the development was not in keeping with the surrounding dwellings and he considered consistency was needed. To build flats in the location of detached high quality housing would not be in keeping with the surrounding area. He pointed out that flats had had to be demolished because of social problems. Any development should be high quality and of similar density to existing dwellings in the area. In response it was explained that this was an outline application and the mix of development on the site would be the subject of a further application and determined at a future meeting.

Scott Munroe from Ward Hadaway, the applicant’s agents, was present at the meeting to discuss the application. He explained that the composition and types of properties would be the subject of another application as this was merely an outline application. He explained that developers developed properties which would sell on the market. Clarification was sought regarding “affordability” and the need to consider affordability at the timewhen the site was to be developed. It was suggested that affordability would be the subject of further consultation.

RESOLVED : 1. *That in respect of Application No : 1 - Erection of 33 No. dwellings (Outline Application) – Land West of Gladstone Terrace, Ferryhill – Hellens Developments – Plan Ref : 7/2007/0227/DM – the recommendation detailed in the schedule be adopted subject to Recommendation 2 being amended to read as follows:-*

“The Head of Planning Services be given authority, in consultation with the Borough Solicitor, to issue a conditional planning approval in exchange for a Section 106 Legal Agreement in order to ensure that the proposal delivers a minimum of 20% affordable housing, the payment of a commuted sum of £500 per dwelling across the entire scheme in lieu of the shortfall in open space provision within the application site, and the submission of a management plan for the future management and maintenance of areas of open space including equipped play areas”.

2. *In respect of the remaining application the recommendation detailed in the schedule be adopted.*

DC.51/07 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.52/07 APPEALS

Consideration was given to a schedule of appeals outstanding upto 4th September, 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 involves the likely disclosure of exempt information as defined in Paragraphs 1 and 7 of Part 1 of Schedule 12a of the Act.

DC.53/07 ALLEGED BREACHES OF PLANNING CONTROL

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

RESOLVED : That the schedule be received.

ACCESS TO INFORMATION

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

Item 4

REPORT TO DEVELOPMENT CONTROL COMMITTEE

12 October 2007

REPORT OF DIRECTOR OF NEIGHBOURHOOD SERVICES

Portfolio: Planning and Development

Local Plan Policies Saved beyond 27th September 2007

1 SUMMARY

- 1.1 The provisions of the Planning and Compulsory Purchase Act 2004 allow the existing Local Plan policies to be automatically saved for three years until 27th September 2007. However, the Government has realised that it is taking longer than they expected to prepare Local Development Frameworks. Therefore, the Government made provisions for Local Authorities to apply to the Secretary of State to “save” or “delete” the existing Local Plan policies. These provisions were outlined in a letter to Chief Executives on 11th August 2006. The Borough Council’s Cabinet considered this issue on 29th March 2007.
- 1.2 On 31st August 2007, the Secretary of State placed a Direction under Paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004 upon the Borough Council. This Direction relates to the Local Plan Policies to be “saved” after 27th September 2007. Local Plan Policies not listed in this Direction will expire after this date.

2 RECOMMENDATION

- 2.1 That Development Control Committee note the attached proposed list of saved Local Plan policies.

3 THE PROPOSED LOCAL PLAN POLICIES TO BE ‘SAVED’ BEYOND 27th SEPTEMBER 2007

- 3.1 The Planning and Compulsory Purchase Act 2004 introduced a new planning system, which requires Local Authorities to replace the existing Sedgefield Borough Local Plan with the Local Development Framework (LDF). Under the Act, all Local Plan policies were automatically saved for three years until 27th September 2007.

- 3.2 Under the provisions outlined by Government last year, the Council was able to apply to the Secretary of State to “save” or “delete” existing Local Plan policies. This was to ensure that there are still local policies for Development Control Officers and Development Control Committees to determine planning applications whilst the Local Development Framework is being prepared. The Council submitted its list of “saved” policies to Government Office for the North East following the endorsement by Cabinet on 29th March 2007.
- 3.3 The Secretary of State’s Direction setting out which policies are to be saved was issued on 31st August 2007. A full list of saved policies can be found, together with the covering letter from the Government Office for the North East, in Appendix 1 to this report. Policies not listed in the Direction expired on the 27th September 2007 and can no longer be used in the determination of planning applications.

4 RESOURCE IMPLICATIONS

- 4.1 There will no resource implications.

5 CONSULTATIONS

- 5.1 The list of policies to be “saved” or “deleted” was produced in conjunction with Development Control Officers. Where necessary, discussions were held with Economic Development, Sustainable Communities Team and Durham County Council. The list of policies to be saved or deleted was considered by the Council’s Management Team and Cabinet before being submitted to Government Office for the North East.

6 OTHER MATERIAL CONSIDERATIONS

Links to Corporate Objectives / Values

The publication of the document will help meet Corporate Aim 25, which is to provide a high quality, efficient and customer focussed Planning Service that supports sustainable improvement of the built and natural environment of the Borough.

6.1 Legal Implications

The document was prepared to meet the Government’s Protocol for handling proposals to save adopted Local Plan, Unitary Development Plan and Structure Plan policies beyond the 3 year saved period. The Secretary of State issued a Direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 to save those listed policies. The remaining policies not listed in the Direction expired on 27th September and can no longer be used to determine planning applications.

6.2 Risk Management

There are no risk management issues.

6.3 Health and Safety Implications

No additional implications have been identified.

6.4 Sustainability

There is no requirement to undertake Sustainability Appraisal.

6.5 Equality and Diversity

The proposed “saved” and “deleted” policies will be made available in alternative languages, Braille or in audio format where requested, and will be placed on the website in pdf format.

6.6 Social Inclusion

No issues have been identified.

6.7 Procurement

There are no procurement issues.

7 **OVERVIEW AND SCRUTINY IMPLICATIONS**

7.1 None.

8 **LIST OF APPENDICES**

Appendix 1 – The Secretary of State’s Direction.

Contact Officers: Chris Myers
Telephone No: (01388) 816166 ext **4328**
Email Address: cmyers@sedgefield.gov.uk

Ward(s): All

Key Decision Validation: This is a Key Decision as a decision made by Cabinet in the course of developing proposals to Council to amend the **policy framework**.

Background Papers

Planning Policy Statement 12: Local Development Frameworks
Protocol for handling proposals to save adopted Local Plan, Unitary Development Plan and Structure Plan policies beyond the 3 year saved period

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input type="checkbox"/>

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Item 5

ITEM NO

REPORT TO DEVELOPMENT CONTROL COMMITTEE

12 OCTOBER 2007

REPORT OF DIRECTOR OF NEIGHBOURHOOD SERVICES

Portfolio: Planning and Development

Windlestone Hall Rushyford, Planning Statement and Design Brief

1 SUMMARY

- 1.1 Windlestone Hall, a Grade II* Listed Building, together with its ancillary buildings and related grounds is owned by the County Council but is being currently offered for sale. The Windlestone Hall Planning Statement and Development Brief has been prepared by the Planning Section in consultation with English Heritage and Durham County Council's Archaeological Section in order to guide prospective purchasers in the preparation of adaptation, restoration and development proposals for the Windlestone Hall site which is situated within a registered Historic Park and is within the Windlestone Conservation Area. The approval of Development Control Committee is sought to endorse the contents and recommendations contained in the document to strengthen the Council's role as Local Planning Authority and add the appropriate weight to and provide Officers with a robust mandate in dealing with any planning or listed building applications to secure a standard of development commensurate with the historic status of the site.

2 RECOMMENDATION

- 2.1 That Development Control Committee endorses the Windlestone Hall Planning Statement and Development Brief.

3 THE WINDLESTONE HALL PLANNING STATEMENT AND DEVELOPMENT BRIEF

- 3.1 The purpose of this comprehensive planning statement and development brief prepared by the Design, Conservation, Landscape and Tree Management Team in consultation with English Heritage and Durham County Council's Archaeological Section is to guide prospective purchasers of the site which is currently owned by Durham County Council in the preparation of adaptation, restoration and development proposals for the site which is situated within a registered Historic Park and is within the Windlestone

Conservation Area. (A copy of the document will be made available in the Members rooms.)

- 3.2 The site extends to 10.3 hectares (25.5 acres) encompassing Windlestone Hall, a Grade II* Listed Building, and its associated buildings, former kitchen and pleasure garden, pasture and woodlands.
- 3.3 The listed hall and several other listed buildings originally belonged to the Eden Family dates back to 1560 and was once the home of Sir Anthony Eden the former Prime Minister. More recently it has served as a special school but is currently empty and awaiting disposal. The school was relocated in 2006 into new purpose built accommodation to the west of Chilton.
- 3.4 The Windlestone Hall site provides an opportunity to utilise its historic stately home connections and setting within an historic park to bring it into a new use thereby helping to safeguard an important heritage asset for future generations.
- 3.5 The many historic designations attached to the property and its grounds make it necessary for any prospective purchaser to prepare from the outset a site-wide conservation plan in order to guide and inform proposals for change.
- 3.6 The removal of an uncharacteristic 1970's block will help to enhance the setting of the historic buildings and spaces.
- 3.7 There is a general presumption against "enabling development" on this site in accordance with English Heritage's policy statement "Enabling Development and Conservation of Heritage Assets".

4 RESOURCE IMPLICATIONS

- 4.1 There will be no direct resource implications as a result of the Council endorsing this document.

5 CONSULTATIONS

- 5.1 The report has been prepared in full consultation with English Heritage and Durham County Council's Archaeological Section as well as relevant officers within the Planning Section.

6 OTHER MATERIAL CONSIDERATIONS

6.1 Equality and Diversity

There are no Equality and Diversity implications.

6.2 Legal and Constitutional Implications

There are no legal or constitutional implications.

6.3 Links to Community Strategy/Corporate Plan

Corporate Ambition: An Attractive Borough.

Community Outcome: To improve the design and environmental quality of towns, villages and the countryside and to provide a high quality, efficient and customer focused planning service that supports sustainable improvement of the built and natural environment of the Borough.

6.4 Risk Management

No implications have been identified.

6.5 Sustainability

The document aims to protect important historic assets for future generations whilst promoting appropriate alternative uses for the existing buildings and the site in accordance with relevant planning policies and guidance.

6.6 Social Inclusion

No implications have been identified.

7 OVERVIEW AND SCRUTINY IMPLICATIONS

7.1 None.

Contact Officers: Charlie Walton
Telephone No: (01388) 816166 ext 4498
Email Address: cmyers@sedgefield.gov.uk

Ward(s): Chilton Ward

Key Decision Validation: This is not a Key Decision.

Background Papers

Windlestone Hall Planning Statement and Development Brief.

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input type="checkbox"/>	<input type="checkbox"/>

- | | | |
|--|--------------------------|--------------------------|
| 2. The content has been examined by the Councils S.151 Officer or his representative | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The content has been examined by the Council's Monitoring Officer or his representative | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The report has been approved by Management Team | <input type="checkbox"/> | <input type="checkbox"/> |

Item 6

SEDGEFIELD BOROUGH COUNCIL PLANNING APPLICATIONS - TO BE DETERMINED

1. 7/2007/0468/DM APPLICATION DATE: 20 July 2007

PROPOSAL: **ERECTION OF 17NO. DWELLINGS**

LOCATION: **LAND AT VINE PLACE SPORTS GARAGE DURHAM ROAD CHILTON CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Mr D Rowe
Silverstone Ltd, North View, New Lampton, Houghton le Spring, DH4 6DA,

CONSULTATIONS

1. CHILTON P.C.
2. Cllr. C. Potts
3. Cllr. T.F. Forrest
4. Cllr. B.F. Avery
5. DCC (TRAFFIC)
6. NORTHUMBRIAN WATER
7. ENGLISH NATURE
8. BUILDING CONTROL
9. BR GAS
10. BR TELECOM
11. WILDLIFE TRUST
12. ENGINEERS
13. ENV. HEALTH
14. VALUER
15. LEGAL
16. L.PLANS
17. DESIGN
18. LANDSCAPE ARCH
19. POLICE HQ
20. NEDL

NEIGHBOUR/INDUSTRIAL

Millwood:45,47,49 Chilton & Windelstone WMC Methodist Church Jasmine The Shieling
Jubilee Cottage Durham Road:28,27,26,25

BOROUGH PLANNING POLICIES

H8 Residential Frameworks for Larger Villages
T7 Traffic Generated by New Development
D1 General Principles for the Layout and Design of New Developments
D3 Design for Access

PROPOSAL

SEDFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

Detailed planning permission is sought for the erection of 17 dwellings on the site of the former Vine Place Sports Garage, Chilton. The site is currently unused and its poor condition detracts from the visual amenities of the locality.

The development would comprise a terrace of 6 dwellings along the main road frontage, with an access road of adoptable standard to the south, leading to a 'home zone' style circulation area, with an 'L' shaped block of 11 dwellings to the north and west sides. Most dwellings would have a single dedicated parking bay, but a private parking court to the west of the development, accessed through an archway in the corner of the block, would cater for 4 dwellings without their own in-curtilage parking space. Nine spaces would be provided here, catering also for visitor parking demand.

The dwellings would be of brick construction with tiled pitched roofs, with significant variety introduced to the blocks through variation the roof heights and staggered principal elevations. There would be 8 different house types providing the following amounts of floorspace:

House Type	Description	Floorspace	Number of Units
A	2.5 storey 3 bedroom house	105m ²	4
B	2 storey 3 bedroom house	65m ²	4
C	2 storey 2 bedroom house	58m ²	2
D	2 storey 3 bedroom house	81m ²	1
E	2 storey 2 bedroom house	68m ²	1
F	2 storey 1 bedroom house	47m ²	1
G	2.5 storey 4 bedroom house	104m ²	2
H	2 storey 2 bedroom house	59m ²	2

Total residential floorspace =1318m²



Proposed Site Plan
 Schedule of Accommodation:-

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

Statutory Consultees:

Chilton Town Council has not responded to the consultation.

Durham County Council Highways Authority considers the road and footpath layout acceptable. Minor comments about ensuring specific components to meet adoptable standards can be adequately dealt with by informative advice to the applicant.

Sedgefield Borough Council Engineering Services Section has no objections to the proposal.

Sedgefield Borough Council Environmental Health Section has made comments about control of noise and other emissions, which can be adequately dealt with by informative advice to the applicant.

Sedgefield Borough Council Landscape Architect has concerns that the proposal does not provide for sufficient landscape enhancement. The issues are referred to in the planning considerations below.

Northumbrian Water Ltd. has no objections to the proposal.

Environment Agency has no objections to the proposal.

Durham Constabulary Architectural Liaison Officer has no objection to make.

Forward Planning Section has provided a detailed response, which forms the basis of the planning considerations below.

BT Openreach state that their apparatus is not affected by the proposal.

CE Electric UK has no objections to the proposal.

Publicity Responses:

Chilton and Windlestone Workingmen's Club have objected to the proposed development. The objection is however made on the grounds that part of the application site was previously owned by the club, and was sold for commercial purposes and not for housing. This issue is not a material planning consideration, and no observations have been made on the planning merits of the proposal.

Whilst no other written comments have been received, it is known that the occupiers of Jasmine, which lies to the rear of the site, expressed concerns over an earlier proposal which was withdrawn before being determined. Those concerns related principally to the proximity of 2.5 storey dwellings to the boundary with their property, and the relationship to a living room window. This issue is commented upon in the conclusion to this report.

PLANNING CONSIDERATIONS

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

The main planning considerations for this proposal are:

- Compliance with national planning policy and guidance and local plan policies
- Design, Layout, Open Space and Landscaping
- Access and highway safety
- Affordable Housing
- Renewable energy provision

Compliance with national planning policy and guidance and local plan policies

The Borough Local Plan

The application site is located within the residential framework of Chilton, which is defined by Policy H8 of the Local Plan. Policy H8 allows housing development within Chilton provided that there is no conflict with the provisions of the plan's environmental, open space or design policies. In terms of location, the proposal does not conflict with this policy, and it is considered to meet the key requirements of design policies as explained below.

National Guidance

The Government is proposing to provide more homes to meet the growing demand and to address affordability issues. PPS3 outlines that residential development should create places and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character. The application site is accessible and connected to public transport and community facilities and services, and has basic access to community and green open spaces. Housing schemes should be well laid out so that all the space is used efficiently, is safe, accessible and user-friendly. This is commented upon in the next section of the report.

PPS3 highlights that the priority for development is previously developed land, in particular vacant and derelict sites and buildings. The Housing Green Paper released in July 2007 reaffirms this and clarifies that the Government is intending to continue with the national target that over 60% of homes should be built on brownfield land. This proposal would contribute to that national target. This would be consistent with Policies H1 and H4 of RPG1 and the aspirations of PPS3, and it is therefore concluded that the principle of housing on the site is accepted.

Design and Layout, Open Space and Landscaping

Design and Layout: The proposal is designed on the 'home zone' principle, which creates a courtyard around which the houses are situated, offering a traffic-calmed environment, which has excellent natural surveillance by residents. The proposed dwellings are well designed, with significant visual variety and an outward facing element onto Durham Road. Amendments have been sought to maximise the contribution the development would make to the street scene. Privacy distances meet the recommended standards.

SEDFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED



View of the Durham Road frontage



Section through development looking north

Open Space: Whilst the design and layout provides for enclosed private gardens and some small landscaped pockets within the courtyard, it does not provide for significant levels of open space. A small private open space would be provided adjacent to the parking court for use by residents. The Borough Local Plan stipulates that housing development should provide for open space at a minimum rate of 100 sqm of informal play space, and 500 sqm of amenity space for every 10 dwellings (Policy L2). The Local Plan was however adopted in 1996, and since then, government guidance has been published which places great emphasis on housing being developed at a minimum density of 30 dwellings per hectare. There is a slight paradox between the requirements of Policy L2 and the necessity for housing development to be built at a minimum density of 30 dwellings per hectare.

Due regard has been given to requirements of PPS3, current planning policy on open space, and also to the Open Space Needs Assessment. PPS3 requires consideration to be given to the extent to which the proposed development provides, or enables good access to community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies. To the west of Durham Road there is very little amenity, children or sports play areas. The PPG17 Study recommends providing additional open space within the settlement, particularly in the centre of the village, where there is a significant gap. Chilton is one of the three Housing Market Renewal Areas where significant change is earmarked. Within the west of Chilton, this will primarily take the form of "thinning-out", with selected terraced properties being removed to create pockets of open space.

The developer has demonstrated that it would be difficult to incorporate an appropriate provision of communal open space on site. There is however an opportunity for the contribution of a commuted sum by the developer to be put to good use to develop the open spaces which would be created when the Master Plan is implemented. This would be beneficial to all residents of Chilton. The developer has been advised of the need for this payment and has agreed to the imposition of a condition that would secure a contribution of £17,000 (which equates to £1000 per dwelling) to be held by the Council until such time as a suitable scheme was identified.

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Landscaping: The opportunity for significant landscaping on the development site of this character is limited. Whilst the Landscape Architect has aspirations with regard to peripheral tree planting, this would place severe constraints on the siting of dwellings and would impact upon the efficient use of the land in terms of housing density. Existing mature trees outside the southern and western boundaries of the site could be taken account of in any future landscaping scheme. It is considered that there would be sufficient opportunity for well designed hard and soft landscaping within the site to create a pleasant living environment for future residents. Much of this would not however be visible from outside the enclosed courtyard development, but there is an opportunity to enhance the interface with the Durham Road frontage with appropriate soft landscaping.

Access and Highway Safety

The development would be served by way of an existing access point, suitable altered to achieve adoptable standards, along with a new access road, footpath and hammerhead circulation area. A private driveway would be constructed from this point to the private parking court to the west of the site. The Highways Authority is satisfied with these elements of the proposal. Off-street car parking is provided at approximately 130%, which is less than the recommended maximum of 150%.

Affordable Housing

The Government is committed to providing high quality housing for people who are unable to access or afford market housing. In order for Local Authorities to request affordable housing provision, there is a need to demonstrate a lack of affordable housing to meet local needs through evidence, such as Housing Needs Survey.

The provision of affordable housing where a need has been identified is encouraged through Policy H7 of RPG1 and the emerging RSS. It is considered that affordable housing should be provided on all sites over 15 dwellings if a need has been identified.

The need for affordable housing has been assessed using the following data sources.

- Housing Needs Survey
- House Price Data
- Household Incomes
- Surrounding Housing Character

Housing Needs Survey

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

House Price Data

The following data has been sourced from the HM Land Registry.

SEDGEFIELD BOROUGH COUNCIL
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Postcode – DL17 0

	Detached Price		Semi Detached Price		Terrace Price		Flat/Maisonette Price		Overall Price	
Oct - Dec 2002	£92,142		£92,843		£23,186		£0		£51,522	
		+37.81% (+40.86%)		+12.02% (+46.82%)		+140.51% (+51.76%)		+0% (+32.69%)		+32.15% (+32.82%)
Oct - Dec 2006	£126,983		£104,000		£55,765		£0		£68,086	

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

It is clear from this data that the house prices in Chilton have risen by a considerable amount, and for most types of dwellings, this trend has followed the national average.

Household Income

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

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

The Forward Planning Team has been provided with up to date Paycheck data, which is broken down to postcode level. This data is shown below, and reinforces the view that many people would not be able to enter the private sector housing market within Chilton (assuming a mortgage of 3 times income).

Postcode	Total Households	Paycheck Mean	Paycheck Median	Paycheck Mode
DL17 0EU	4	£21,300	£19,300	£15,700
DL17 0EX	24	£29,200	£25,900	£20,100
DL17 0EY	8	£32,700	£28,800	£22,100
DL17 0HB	2	£32,700	£28,800	£22,100
DL17 0HD	11	£25,700	£23,000	£18,100
DL17 0HE	2	£25,700	£23,000	£18,100
DL17 0JP	22	£20,300	£18,500	£15,200
DL17 0JR	28	£19,100	£17,500	£14,600
DL17 0JW	36	£15,600	£14,600	£12,700
DL17 0PJ	11	£32,000	£28,300	£21,700
DL17 0PN	46	£24,300	£21,800	£17,400
DL17 0PP	15	£16,400	£15,200	£13,100
DL17 0PR	12	£32,500	£28,700	£22,000
DL17 0PS	13	£30,300	£26,800	£20,700
DL17 0RR	34	£36,700	£32,300	£24,600
DL17 0RT	18	£36,400	£32,100	£24,400

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

DL17 0RW	41	£38,900	£34,200	£26,000
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Affordable Housing Conclusion

Taking account of the evidence provided by the Housing Needs Survey, the interrogation of House Price Data and Household Income, there would normally be a justification for requiring affordable housing on this site. This approach would accord with Policy H7 of RPG1, the emerging RSS, PPS3 and the philosophy of Policy H19 of the Borough Local Plan. However, within West Chilton there is an overly high proportion of terraced properties, and there is a risk that the inclusion of affordable housing within this scheme may prevent the housing stock from being diversified to the extent that could happen if no affordable housing was requested. Therefore on balance it is considered that the priority for West Chilton is to diversify the housing stock, and that this outweighs the need for affordable housing to be included. It has therefore been concluded that there is no need for affordable housing within this scheme.

Renewable Energy Provision

In accordance with Policy 39 of the emerging RSS, 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, and this can be a conditional requirement of any planning permission granted.

CONCLUSION

The principle of housing in this location is acceptable, as the proposal utilises a previously developed site in a sustainable location. The proposed development provides an adequate standard of privacy and attractive outlook, and a condition can be imposed with respect of the payment of a commuted sum in lieu of open space provision within the site. It is considered that the proposed development would result in a high standard of development on this brownfield site in Chilton. Access to the development is acceptable and the design and layout result in a development that is interesting and of high quality in this location with an attractive frontage to Durham Road. The development relates adequately to surrounding properties in the locality in its form and massing and would not cause any significant loss of privacy or amenity to neighbouring occupiers.

The comments of neighbouring occupiers on the previous scheme led to negotiated amendments before the current application was submitted. Those amendments include the amendment of the two house types G, nearest to Jasmine, to resemble traditional two-storey dwellings, with the second floor entirely in the roof space. This reduces the height of the dwelling by approximately 1 metre, reducing its dominance over the adjoining property.

The objection by the Chilton and Windlestone Workingmen's Club does not raise any material planning considerations and cannot be taken into account.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMENDATION: Approve subject to the following Conditions

SEDGEFIELD BOROUGH COUNCIL
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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 (nos 419-03B, 419-04C, 419-05B & 419-08B) received on 1st October 2007.

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. 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.

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

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

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

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

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7. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme details. Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy D13 (Development Affecting Watercourses) of the Sedgefield Borough Local Plan.

8. The proposed development shall be served by vehicular access(es) constructed in accordance with details to be submitted to and approved beforehand in writing by the Local Planning Authority. The approved access shall be constructed prior to first occupation of the development.

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

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

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

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 Sedgefield Borough Local Plan.

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

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

12. The development hereby approved shall not commence by the undertaking of a material operation as defined by Section 56(4) of the Town and Country planning Act 1990 until the completion of a legal agreement/planning obligation to secure the payment of a commuted sum of £17,000 in lieu of the provision of open space. No development shall commence until the applicant, or subsequent developer has received written confirmation from the Local Planning Authority that the payment of the commuted sum has been paid.

Reason: The development fails to provide adequate open space or play provision within the site and in order to satisfy the requirements of Policy L2 (Provision of Open Space in New Housing

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Development) of the Sedgefield Borough Local Plan a contribution is being sought for off-site open space / play provision in the form of a commuted sum

INFORMATIVE: CONTROL OF EMISSIONS

Site works (including demolition, ground preparation, construction, deliveries and temporary site generators) should only be carried out during the following hours to prevent disturbance to neighbouring residents.

- Mondays to Fridays 0800 to 1800
- Saturdays 0900 to 1400
- Sundays and Bank Holidays no noisy work audible at the site boundary

INFORMATIVE: ADVICE FROM THE COAL AUTHORITY

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground mining coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or at www.coal.gov.uk.

INFORMATIVE: HIGHWAY ADOPTION

The applicant is advised to contact the Highways Adoption Engineer at Durham County Council (0191-3834091) in connection with adoption of the soft landscaping area, and the design and construction of roads and footways, including surface treatments.

INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION

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

- H8 Housing Development in the Larger Villages
 - T7 Traffic Generated by New Development
 - D1 General Principles for the Layout and Design of New Developments
 - D3 Design for Access
 - D5 Layout of New Housing Development
- Supplementary Planning Guidance Notes:
- SPG3 Layout of New Housing.
 - SPG6 Parking standards
 - SPG9 Conservation of Energy

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION

In the opinion of the Local Planning Authority the proposal represents an acceptable form of development in terms of its location, access, parking and design.

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

2. 7/2007/0517/DM APPLICATION DATE: 16 August 2007

PROPOSAL: **ERECTION OF 14 NO. DWELLINGS**

LOCATION: **LAND AT CHAPEL ROW FERRYHILL CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Three River Housing Assoc Three Rivers House, Abbeywoods Business Park, Pity Me, Co Durham , DH1 5TG

CONSULTATIONS

1. FERRYHILL TOWN COUNCIL
2. Cllr. C. Potts
3. Cllr. T.F. Forrest
4. Cllr. B.F. Avery
5. DCC (PROWS)
6. POLICE HQ
7. LANDSCAPE ARCH
8. L.PLANS
9. Lee White
10. VALUER
11. ENV. HEALTH
12. ENGINEERS
13. ENV AGENCY
14. REGENERATION
15. BR TELECOM
16. BR GAS
17. ENGLISH NATURE
18. NORTHUMBRIAN WATER
19. DCC (TRAFFIC)
20. DCC (PLANNING)
21. WILDLIFE TRUST
22. NEDL

NEIGHBOUR/INDUSTRIAL

Clive Street:1,2,3,4,5,6,7,8,9,10,11,12,13

Nelson Street:26,24,22,20,18,16,14,12,10,8,6,4,2

Wolseley Street:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26

The Cottage Blue Ridge House

Haig Street:28,27,26,25,24,23,22,21,20,19,18,17,16,15,14,13,12,11,10,9,8,7,6,5,4,3,2,1

BOROUGH PLANNING POLICIES

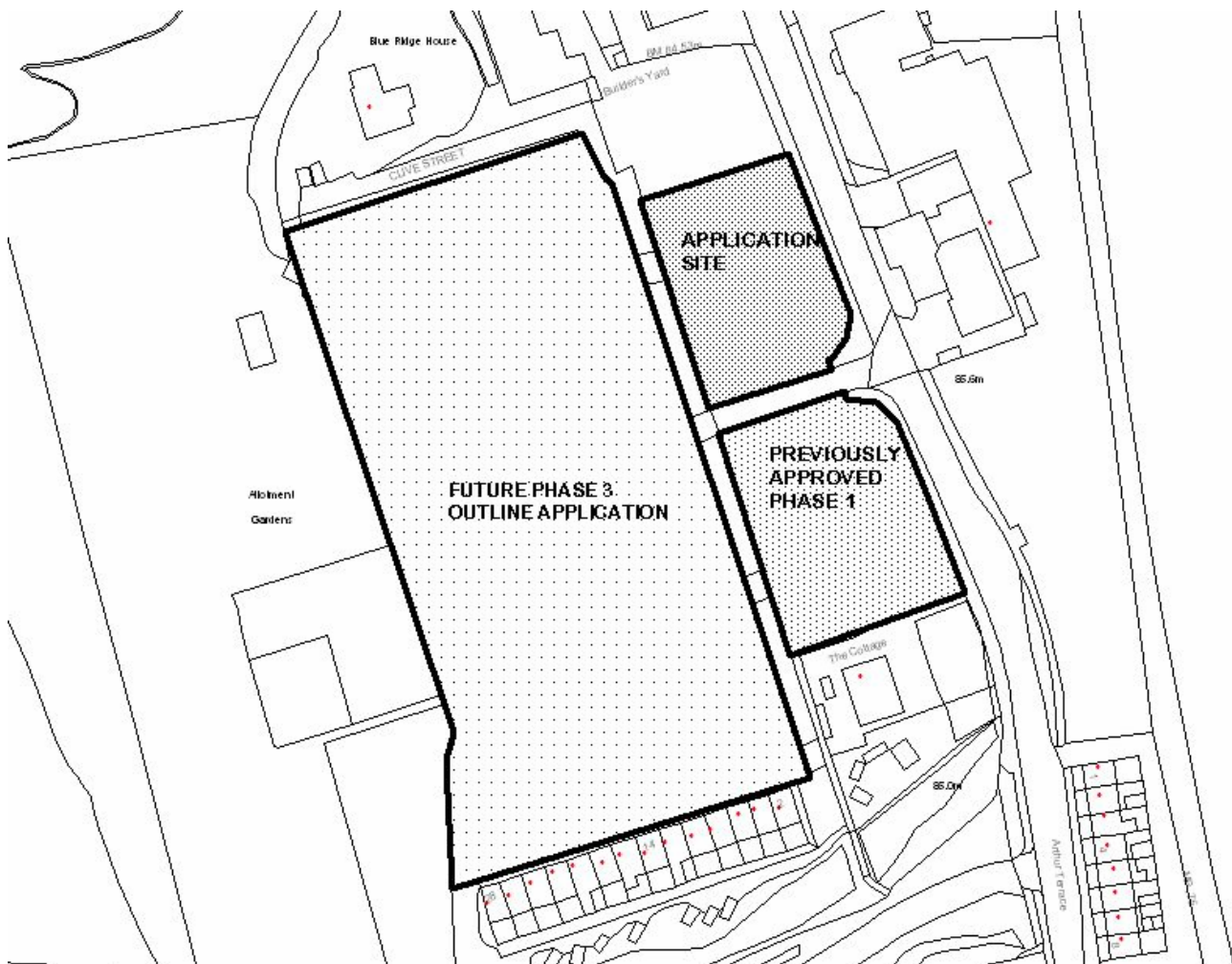
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|----|---|
| H1 | Housing Development in Newton Aycliffe, Spennymoor, Shildon and Ferryhill |
| T7 | Traffic Generated by New Development |
| D1 | General Principles for the Layout and Design of New Developments |
| D3 | Design for Access |
| D5 | Layout of New Housing Development |

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PROPOSAL

Planning permission is sought for the erection of 14 dwellings on land at Chapel Row, Ferryhill Station. The land is considered to be a brownfield site because it contained housing that was in the recent past demolished and the land was grassed over as an interim measure pending redevelopment. The application site (shown on the plan below) extends to approximately 0.2 hectares, and rises in a westerly direction from the main road frontage, making it a challenging development site. As a result, the proposed housing development takes the form of bungalows to the west and three storey houses to the east, linked along the southern boundary by more traditional two-storey dwellings. A three storey block of flats would be located at the north eastern corner of the site, forming a prominent feature adjacent to the entrance to the housing area.

The development has been designed to mirror a previously approved development on the adjacent gateway site to 'The Rows' redevelopment area.



The development would offer the following accommodation:

Number	Bedrooms	Type	Accommodation
2no.	2 bed	Bungalows	kitchen/dining room, bathroom/WC, and living room
3no.	3 bed	Houses (2 storey)	kitchen/dining room, bathroom/WC, living room, second WC, integral

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			garage
6no.	3 bed	Houses (3 storey)	Kitchen/dining room, living room, bathroom/WC, study bay, second WC, and integral garage
3no.	2 bed	Apartments (3 storey corner block)	Kitchen, living/dining room, bathroom/WC

With the exception of the apartment block, the proposed dwellings would have front and rear gardens, and parking/circulation areas accessed from the internal highway to the west of the site. A design and access statement accompanies the application, and extracts are appended to this report.

The proposed development is Phase 2 of a comprehensive housing redevelopment programme for this former terraced housing area, the majority of which has already been demolished and cleared in recent years as part of the regeneration strategy for the area. Further rows are to be compulsorily purchased and demolished, leaving just one row which will be refurbished under a group repair scheme. A separate outline planning application has been submitted in respect of the remainder of the redevelopment site.

The relationship between this proposal and the Council's strategic aims for regeneration of struggling communities within the Borough are explained in more detail in the planning considerations below.

CONSULTATION AND PUBLICITY RESPONSES

Statutory / Non Statutory Consultees

Ferryhill Town Council has not responded, but it is noted that they had no objections to previously approved Phase 1.

DCC Highways Authority has no objections to the proposal, but has made minor comments relating to keeping the previously approved visibility splays clear of high vegetation. This can be achieved by way of standard landscaping conditions.

SBC Engineering Services has no objections.

SBC Valuation Section has offered helpful information on the ownership and history of the site, and offers no objections to the proposal.

SBC Forward Planning Section has no objections in principle, and supports the proposal provided it is considered to be of appropriate design and layout, meeting the shared vision of the Council and the community in creating a mutually acceptable environment as promoted by PPS3.

SBC Environmental Health Section has no objection to the proposal.

Environment Agency has no objections, but has specified a range of conditions that ought to be imposed in relation to a ground contamination survey, construction of foundations and control of drainage. There are no flood risk issues arising from the proposal.

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Northern Gas Networks has no objections to the proposal, but points out that there may be apparatus in the locality. This can be dealt with by way of an informative attached to any approval granted.

Openreach (BT) has no objections to the proposal, but points out that there may be apparatus in the locality. This can be dealt with by way of an informative attached to any approval granted.

Publicity Responses

Despite a comprehensive consultation and publicity exercise, including individual letters, site notices and press advertisement, no residents in the locality have commented on the application.

PLANNING CONSIDERATIONS

The main planning considerations in this instance are considered to be as follows:

- How the proposal fits with the Council's regeneration strategy for the area
- Compliance with national, regional and local planning policy and guidance
- Design and layout
- Open Space Provision
- Energy efficiency

The issue of affordable housing is deliberately omitted because the proposal essential arises from a housing renewal strategy which is underpinned by the principles of affordable / social housing. This is consistent with the previous consideration of the proposal for Phase 1 (16 dwellings).

Regeneration Strategy for Ferryhill Station

Ferryhill Station was one of the first parts of Sedgefield Borough to be affected by market failure, and the area has already been the subject of quite radical intervention in the form of compulsory purchase and demolition. Ferryhill Station is a linear community, with individual pockets of terraced houses, stretching about 1 mile along Chilton Lane. Whilst the terraces along the main road perform well in the housing market, the denser housing areas off Chilton Lane have seen a drop in demand in recent years. The priorities for Ferryhill Station are now to recreate confidence in the area, provide suitable homes for the local population and bring enough residence back to sustain local services. The recently approved Phase 1 scheme for 16 dwellings, whilst not yet commenced, was the first step in achieving these objectives.

Consultants were commissioned to produce a Master Plan for Ferryhill Station, and the Borough's other struggling communities. The Council has recently approved this housing Master Plan designed to breath new life into these areas. More than 400 homes will be demolished in the three former mining areas of Ferryhill Station, Dean Bank and Chilton West, with appropriate redevelopment in those communities.

The section of the Master Plan that relates to "The Rows" area of Ferryhill Station identifies that approximately 75 new housing units with in-curtilage car parking should be developed. Additional car parking spaces should be provided for existing houses on Haig Street. The Master Plan proposals for this area can be summarised as follows:

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

- **Develop town houses/three storey terraces along main road (parking to the rear), creating a strong frontage and identity to the area;**
- Demolish remaining terraces: Nelson Street, Wolseley Street, Clive Street and part of Haig Street;
- **Building new housing with mixed tenancy to meet local needs.** Developing horizontal and diagonal route to deal with the steepness of the site. Tree lined streets will bring greenery into the area.
- Multiple connections to surrounding open space compensating for absence of recreational spaces within the development.
- Creating permeable movement patterns with “eyes on the street” everywhere, and accommodating connections to possible future development on Allotment Land.
- Group Repair scheme for Haig Street.

The proposal is considered to be in general conformity with the Master Plan.

Compliance with national, regional and local planning policy and guidance

The redevelopment of this previously developed site within the residential framework of Ferryhill accords with Policies H1 (Housing Development in the Major Towns) and H17 (Backland and Infill Housing Development) of the Borough Local Plan.

The proposal would also constitute recycling of previously-developed land of which PPS3 and the emerging RSS are keen advocates. It would also contribute to the Government target of at least 60% of additional housing being on previously-developed land.

A key characteristic of a mixed community is a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people. It is clear that the range of mix to be provided by this scheme will contribute towards the Government’s key housing objective of achieving a wide choice of high quality homes to address the requirements of the community. This should be encouraged.

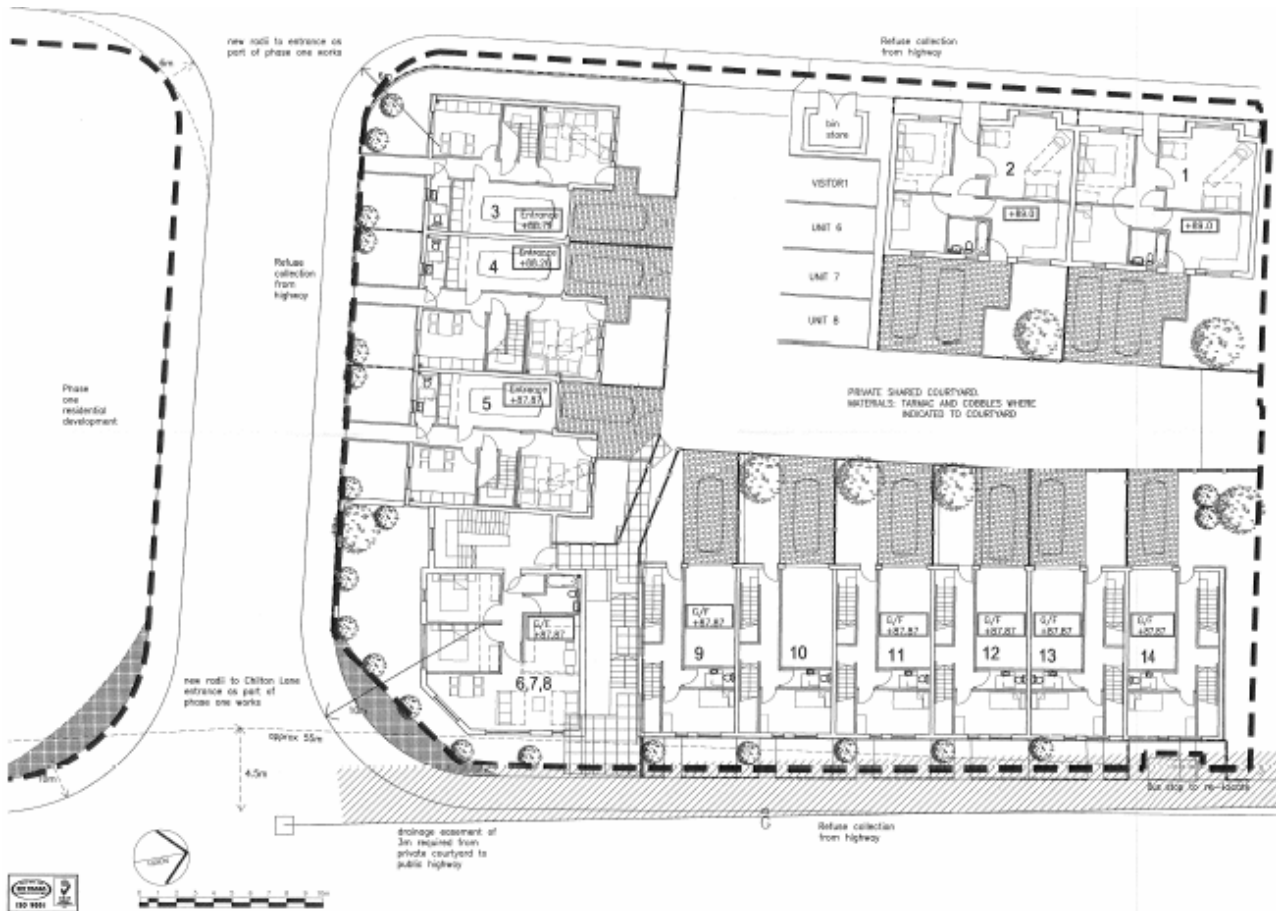
It is considered, therefore, that housing development on this redundant brownfield site, would, to a significant degree, accord with RPG1, the Submission Draft RSS, the Borough Local Plan and national guidance contained within PPS3 in terms of their locational strategy. The principle of housing on the site is therefore accepted.

Design and layout

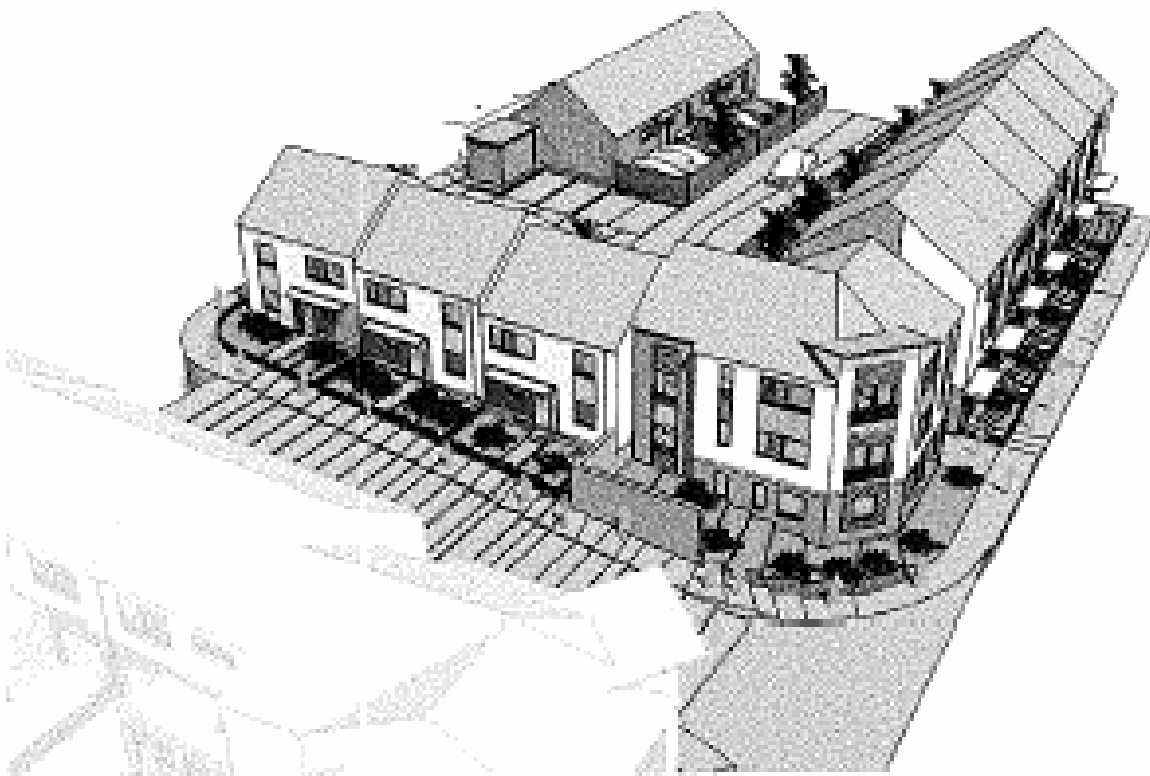
As previously mentioned, the application site has a significant slope, which places constraints on the way in which it can be developed. The applicant has however produced an imaginative scheme that makes best use of the topography. This principally involves three-storey development along the Chilton Lane frontage with single storey behind on the higher land. These would be linked by traditional two-storey development along the southern edge of the site. This form of development accords with the first main requirement of the Master Plan so far as it relates to The Rows.

Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, is discouraged by PPS3. Extensive negotiations took place over the design of Phase 1 in order to achieve high quality against the background of CABA guidance, and the current proposal continues this theme.

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Layout at floor level 0



Perspective view of the proposed development with previously approved scheme in foreground

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Access, circulation and parking meet the requirements of the Highway Authority.

For all these reasons, the proposal is considered to satisfy the design policies D1, D3 and D5 of the Local Plan, and PPS3 which highlights that we should promote development that integrates with, and complements the neighbouring buildings and the local area more generally in terms of creating places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinct identity and maintain and improve local character.

Open Space Provision

The approved Master Plan does not essentially require recreational open space to be provided within the housing renewal area and, instead, promotes the development of 'multiple connections' to surrounding open space areas in compensation. Notwithstanding this, it would be extremely difficult to form functional open spaces on the steeply sloping frontage sites, and any future development proposals for the land to the west ought to at least examine the potential for some on-site provision of open spaces. Furthermore, the majority of dwellings in the current proposal provide reasonable private amenity areas. For all these reasons, open space provision is not considered essential in this instance.

Energy efficiency

In accordance with Policy 40 of the emerging RSS, 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. Whilst the proposal does not specifically indicate details of renewable energy features, the applicant has indicated a willingness to accept this requirement in the form of a planning condition.

CONCLUSION

The proposal provides the opportunity to continue the phased implementation of a much needed housing renewal scheme for Ferryhill Station. The proposal is considered to be of appropriate layout and design, and should set a standard by which future proposals in the locality can be assessed. Indeed, it meets most of the tests set out in the CABE '20 Questions' publication "Building For Life – Delivering Great Places To Live." The proposal is considered to reflect the parameters of the Master Plan, the aspirations of the community and subsequently the key housing policy objectives contained within PPS3, the RSS and the Borough Local Plan.

RECOMMENDATION: Approve subject to the following Conditions:

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

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

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

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

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

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

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

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

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

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

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

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy D13 (Development Affecting Watercourses) of the Sedgefield Borough Local Plan.

7. The proposed development shall be served by vehicular access(es) constructed in accordance with details to be submitted to and approved beforehand in writing by the Local Planning Authority. The approved access shall be constructed prior to first occupation of the development.

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

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

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

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

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

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

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

INFORMATIVE

It is recommended that the requirements of Planning Policy Statement 23 and the Environment Agency Guidance on Requirements for Land Contamination Reports/ Planning Policy (CLR11) should be followed. Under the Water Resources Act 1991 it is an offence to `knowingly permit` pollution of controlled waters. The Environment Agency reserves the right to undertake its statutory powers.

INFORMATIVE: There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways. To prevent pollution of the water environment. See Environment Agency web site link below for guidance. http://www.environment-agency.gov.uk/business/444251/444731/ppg/?version=1&lang=_e

INFORMATIVE: The applicant is advised to contact Northern Gas Networks and Openreach prior to commencement of development to ascertain whether any apparatus would be affected by the proposed development.

INFORMATIVE:

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

INFORMATIVE:

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No diesel-powered plant or equipment should be used on the site on any Sunday, Saturday afternoon or Bank holiday nor at times other than between the hours of 8.00am and 6.00pm and no building, packing or other materials should be allowed to blow off the site. No fires should be burned within 100 metres of occupied dwellings.

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION

In the opinion of the Local Planning Authority the proposal represents an acceptable form of development in terms of its location, access, parking and design.

INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION

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

H1 Housing Development in the Major Towns

T7 Traffic Generated by New Development

D1 General Principles for the Layout and Design of New Developments

D3 Design for Access

D5 Layout of New Housing Development

Supplementary Planning Guidance Notes:

SPG3 Layout of New Housing.

SPG6 Parking standards

SPG9 Conservation of Energy

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Item 8

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - COUNTY MATTERS

1. 7/2006/0179/CM

APPLICATION DATE: 20 March 2006

PROPOSAL: PROPOSED EASTERN EXTENSION AND RESTORATION TO NATURE CONSERVATION USES

LOCATION: THRISLINGTON QUARRY WEST CORNFORTH

APPLICANT: Larfarge Aggregates Ltd
P.O. Box 36, Retford Road, Workshop, S81 7YU

CONSULTATIONS

1. BISH. MID. P.C
2. CORNFORTH P.C.
3. FISHBURN P.C.
4. BUILDING CONTROL
5. ENGINEERS
6. ENV. HEALTH
7. L.PLANS
8. LANDSCAPE ARCH
9. Cllr. A. Hodgson
10. Cllr. M. Predki
11. Cllr. Mr K. Noble
12. Cllr. J. Burton
13. Cllr. T. Ward
14. Countryside Team
15. Rodger Lowe

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.

INTRODUCTION

Thrislington Quarry is located to the south of West Cornforth and is situated between the C69 to the west and the A1(M) to the east. To the south lies the Thrislington plantation. The quarry is operated by Lafarge Aggregates Ltd who are proposing to extend it east of the A1(M). The planning application is accompanied by a package of documents including an environmental statement assessing the environmental effects of the proposed development.

BACKGROUND TO THE PROPOSALS

Thrislington Quarry has been operational since the early 1950s, supplying Magnesian or Dolomitic limestone for the steel and chemical industries, together with construction materials

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PLANNING APPLICATIONS - COUNTY MATTERS

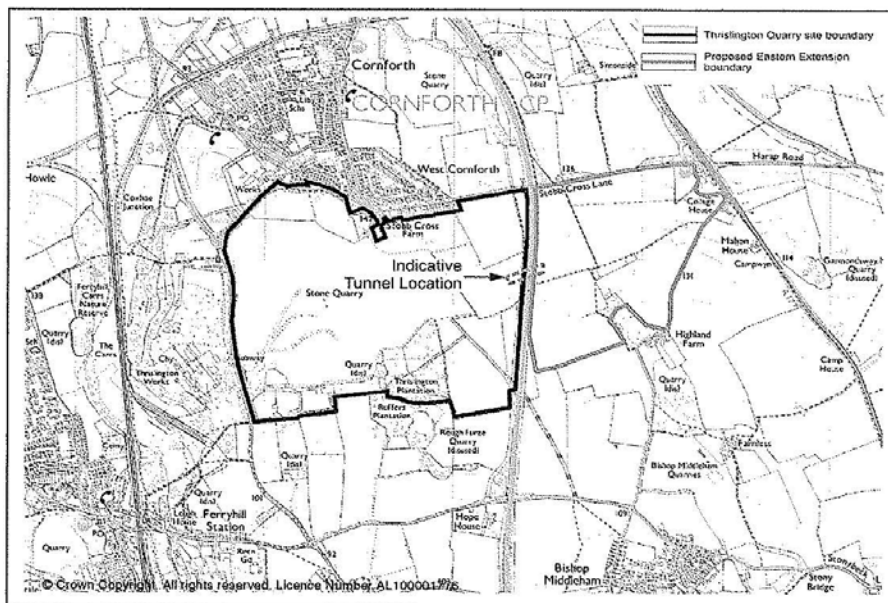
(aggregates). The Magnesian limestone at the quarry and the proposed eastern extension is very pure, which means that it can be used in kilns at the adjacent Thrislington Works, situated between the C69 and the East Coast Main Line, operated by Steetley Dolomite Limited. The kilns turn the limestone into a material used as a refractory product in steel making. Limestone that does not meet kiln specification is not wasted but is used as a construction material.

Mineral extraction at the existing quarry has planning permission up to 2015. Lafarge maintain that they need to open the proposed extension as quickly as possible. Should planning permission be granted by the County Council, a range of works would be completed before access to the better quality magnesian limestone can be achieved. One significant aspect of the works would be the creation of a 200m long tunnel under the A1(M) linking the proposed eastern extension to the existing quarry and via the existing subway to Thrislington Works.

Thrislington Quarry produces approximately 1.2 million tonnes per year of saleable mineral. The proposed eastern extension would release around 30 million tonnes of mineral over 30 years. An average of 500,000 tonnes per year would be transported through the tunnel for use at Thrislington Works and the ready mixed concrete plant in the main quarry. Around 700,000 tonnes per year of construction materials would leave the site via a new access onto Stobb Cross Lane which links West Cornforth to the A177 at the Hare and Hounds Junction.

LOCATION OF THE PROPOSED EASTERN EXTENSION

The proposed eastern extension covers approximately 78 hectares (193 acres) of mainly agricultural land, together with a small area of woodland. It lies to the south of Stobb Cross Lane, with the north-east boundary adjacent to the Hare and Hounds public house and the Cleanaway Depot. The eastern boundary is the lane that meets the A177 at College House and continues in a south westerly direction towards properties at Highland Farm. The boundary then runs westwards to the A1(M), north of the existing mineral extraction operations at Bishop Middleham Quarry. (See site location plan below).



Site Location

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THE PROPOSED DEVELOPMENT

Phase 1: Initial Site Works (2 years)

The works required during this period would involve the following:-

- Advance landscaping following initial excavations and soil and overburden removal in order to reach the tunnel and provide mounds to screen the site from public view.
- Construction of a new road access off Stobb Cross Lane for heavy goods vehicles removing construction materials from the site.
- Other site infrastructure including office facilities, weighbridge, sheeting bays and wheelwash to the north of the site.

Phase 2: Tunnel Completion (1 year)

- The first phase of extraction of the better quality limestone
- The construction of the tunnel under the A1(M) linking the main quarry and Thrislington Works to the eastern extension.
- Minerals extraction.

Phases 3 to 7: Quarry Development (Approximately 29 years)

- Minerals extraction starting in the north west corner and progressing to the east and south.
- Progressive restoration throughout the minerals extraction period when soils and overburden would be removed and used to establish the final landform restoration.

Lafarge proposes to focus the restoration of the eastern extension on nature conservation uses, particularly the creation of magnesian limestone grassland, to provide for the establishment of a range of habitats and to compliment the restoration proposals for the existing quarry.

Lafarge has managed the existing grassland at Thrislington Plantation in association with English Nature (now Natural England) for over 20 years. The plantation is a National Nature Reserve, a Site of Special Scientific Interest and has recently been designated a Special Area of Conservation.

The restoration for the proposed eastern extension would include:-

- 38 hectares of magnesian limestone grassland;
- 22 hectares of woodland and scrub planting;
- A water body covering approximately 16 hectares; and
- 2 hectares of marginal planting around the water body.

PLANNING POLICY

The proposed eastern extension is allocated in the County Durham Minerals Local Plan for the extraction of Magnesium limestone.

THE ENVIRONMENTAL IMPACT ASSESSMENT

A summary of the findings of the Environmental Impact Assessment (EIA) are as follows:-

Water Management

Where quarrying extends below the water table, groundwater flow, direction and levels can be affected. The proposed eastern extension would be developed within a site that is sensitive to quarrying effects, known as a major aquifer. The geology of the application site means that there are 3 aquifers; one in the limestone, one in the sands below the limestone and one in the

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coal below that. There is also a public water supply abstraction point known as Waterloo that needs to be considered. Without proper controls the development could result in quantitative and qualitative effects on these aquifers and the abstraction. Lafarge, in consultation with the Environment Agency, has investigated options for water management during the proposed works. The objective would be to return water collected in the base of the quarry to the local aquifers. The Environmental Statement proposes measures to minimise the risk of pollution covering the storage of fuels and other potential pollutants as well as keeping plant and machinery well maintained.

Nature conservation

The eastern extension is not covered by any nature conservation designations and is itself of low nature conservation interest. Lafarge maintain that the proposed works would have no significant effect on the nearby Thrislington Plantation or the Bishop Middleham site of special scientific interest.

Cultural Heritage

There are no designated cultural heritage features within 1km of the proposed eastern extension.

Landscape and Visual Effects

The proposed eastern extension is not designated for this landscape value nor is it close to designated areas and the quality of much of the landscape within the application site is considered low. The site is crossed by a designated public right of way which does not appear to be well used as it does not form part of the wider network. It is proposed to permanently divert this right of way around the western and southern boundaries of the site. The quarry design has paid particular attention to the view obtained by people who may use the diverted and new public rights of way, motorists and passengers on the A1(M) and Stobb Cross Lane, residents at the properties around Highland Farm and the Hare and Hounds public house and other nearby properties. Mitigation proposals in the form of bunds and earth mounds together with planting have been designed to minimise views from the locations.

Noise

The assessment has demonstrated that there would be no significant noise effects on a result of the proposed works.

Blasting and Vibration

The site geology means that the quarrying would be carried out by blasting. This breaks up the rock and piles it on the quarry floors so that it can be excavated more easily. The assessment concludes that there would be no significant environmental effects and that blasts would meet the relevant standards.

Air Quality

The assessment concluded that whilst there is potential for a small decrease in local air quality, it is unlikely to be significant.

Traffic and Highways

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Lorry movements associated with quarrying often concern local residents. During working of the proposed eastern extension, limestone to be used in the kilns or within the other operations would be transported through the proposed tunnel. Around 700,000 tonnes per year of limestone would leave the new access on Stobb Cross Lane per year equating to around 120 to 130 lorries per day. Lorries would turn right out of the proposed new access before joining the A177 at the Hare and Hounds Junction.

Thrislington Quarry uses two accesses: Entrance No1 at Thrislington Works and Entrance No2 on Garmondsway Road immediately to the west of the A1(M) corridor. Lorries leaving Entrance No 2 turn right and travel down Stobb Cross Lane before joining the A177 at the Hare and Hounds Junction.

The planning permission for Thrislington Quarry allows the following number of lorries to leave Entrance No2:-

- An average of 180 lorries per day
- A maximum of 250 in any one day

Lafarge maintain that the prepared eastern extension would not exceed those levels for lorries travelling east along Stobb Cross Lane. Lafarge also proposes the customary control measures which include wheel wash facilities, properly surfaced site access roads providing a significant distance between the wheel wash and the site exit to assist in providing material being deposited at the public highway, sheeting of lorries, sweeping the site access and nearby stretch of Stobb Cross Lane as required and the installation of traffic warning signs on the approach to the proposed site access. The assessment results show that because of low lorry and vehicle movements on Stobbs Cross Lane, there would be a relatively high increase of lorries along the road. Lafarge considers Stobb Cross Lane to be of low sensitivity and this, together with the fact that Lafarge's lorry movements would be 32% less than already consented along Stobb Cross Lane, led to the conclusion that the proposals would not lead to unacceptable effects.

CONSULTATION RESPONSES

The Engineering Services Team raised no objections on highway grounds subject to the new vehicular access being constructed to Durham County Council specifications. However, there is a general concern within the planning section that the existing junction at the Hare and Hounds, because of its location at the brow of a hill with staggered junctions with relatively poor visibility and fast moving traffic along the A177, remains potentially hazardous in terms of accommodating slow moving heavy vehicles. This concern is made worse by the 30+ year timescale attached to these proposals and the inevitable increase in the number and speed of vehicles using the junction over that period.

The Tree Preservation Officer raised no technical objections to the proposal.

The Environmental Health Team raised no objections to the proposed development but made the following comments:-

“With respects to noise nuisance the Environmental Health Team are satisfied that the assessment of potential noise nuisance gives a representative indication of expected noise levels and believe that should the proposed development proceed the operators of the site should pay particular attention to noise sensitive receptors during phase 1 of the site works (soil stripping and soil bund construction, and overburden stripping and landscape mound construction).

This stage of development has been identified to have the potential to cause the highest levels of noise nuisance to local sensitive receptors. Although it has been suggested that the site operators will engage in public liaison prior to works commencing it is suggested that particular

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attention should be paid to the date and time when works are permitted. During the phase of development, due to the stated noise levels, consideration should be given to the following quiet times where no works should take place; Monday to Friday (weekdays) 18:00 to 07:00; Saturday 13:00 to 07:00 hrs and Sunday 07:00 to 07:00 (all day).

With referal to air quality The Environmental Health Team would require the applicant to forward a copy of the proposal site's development plan for approval. This should occur at the applicants earliest convenience and prior to works commencing."

The Forward Planning Team stated that proposals to extend Thrislington Quarry are earmarked within the County Durham Minerals Local Plan which was adopted in December 2000. Policies in the plan permit an extension of the working area east of the A1(M) and west of the A177 provided that a set criteria of these policies are met. Essentially, this relates to the production of high grade dolomite products remaining the primary purpose of minerals extraction and maximum utilisation of the high grade dolomite for high grade purpose being maintained; all lorry traffic being able to access the strategic highway network and a satisfactory programme of restoration being agreed. Given that the Minerals Local Plan has been through not only community consultation but also a public inquiry, the proposal to extend the quarry is firmly established in principle. Therefore, no objections were offered.

In response to the public consultation exercise undertaken by the County Council, there has been a great deal of public reaction to this proposed development. This adverse reaction is unprecedented in response to a mineral planning application in the Borough in your officers opinion. A carefully orchestrated campaign objecting to the proposed quarry extension has resulted in letters of objection and petitions being received by this Council which in turn have been forwarded to the County Council as the determining Minerals Planning Authority.

The "Stop Lafarge Action Group" or "SLAG" has been particularly active in this regard.

A substantial number of papers objecting to the proposal in some detail have been submitted to the County Council. It will be necessary for the County Council to examine the objections and to determine what can be considered to be material planning considerations in the context of the current proposals and what is not.

For the Members information, the objections, in broad terms, can be summarised as follows:-

- The current application provides an opportunity to reconsider the wide aspect of quarrying both for the operators and for the residents of West Cornforth.
- Previous operating hours conditions imposed at the quarry in 2002 are to the detriment of the residents of West Cornforth, especially in relation to dust and noise;
- Concerns about the traffic movements to and from the site, and their routing;
- Concern about the problems arising from mobile plant in the quarry;
- Concern about inadequate wheel washing facilities;
- Concern about the movements in the quarry and the preference to reduce vehicle movements in favour of more conveyor belts;
- Demolition of the Countryside in terms of the cumulative effect of quarrying in the area;
- Heavy goods vehicle movements over an excessive period (30+ years)
- Criticism of the public consultation exercise; and
- The business case for the mineral extraction. (Many of these issues are "commercially sensitive" and not for public consumption).

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Again, for Members information, Lafarge have written to the County Council explaining that they have been alarmed at some of the information circulating in the communities surrounding the site. They state that many of the issues are not planning issues and that may have been factually incorrect and may cause unnecessary concern among individuals and organisations with an interest in both the existing quarry and the proposed eastern extension.

PLANNING CONSIDERATIONS

Durham County Council notified this Council about the submission of this planning application in a letter dated the 16th March 2006. In the intervening period, the County Council has reconsulted this Council on three occasions as additional information was submitted in respect to queries raised by the County Council.

Reconsultation received on the 16th November 2006

This concerned the post application submission of a 'consolidated response' from Lafarge and its technical consultants following the submission of a number of policy and technical queries and points of clarification that has emerged from Durham County Council and various consultees. These comments necessitated amendments to the submitted text and plans on the working methods requested by County officers and others. There were amendments to the Phase 1 landform and restoration scheme that sought to provide for further environmental enhancement and the continuation of the screening mounds. The submission also included a soil Management Strategy, dust management plan, the final Noise and Blast monitoring schemes and a Groundwater monitoring and mitigation scheme following consultations with the Environment Agency. The duration of proposed development was clarified to be as follows:- Phase 1: 2007-2009; Phases 2 to 7: 2009 – 2039 and final site restoration and aftercare 2039 – 2044. The proposed working hours were amended in response to "helpful comments from the Environmental Health Officer of Sedgfield Borough Council."

Reconsultation received on the 22nd February 2007

This concerned addressing further issues raised during consultations regarding the market for dolomite products and the demand from the steel industry. Lafarge maintained that the steel industry is expected to grow in the short to medium term, using data derived from official sources, projections revealing a 45% increase in steel production from 2002 to 2012.

Reconsultation received on the 17th July 2007

This was in response to further comments made by the County Council seeking further clarification about the business and other detailed matters. Of particular interest is the comment by Lafarge in relation to hydro geological and hydrology issues which states:-

"Lafarge is pleased that the response has now been received from the Environment Agency and their objection in principle has been removed subject to the agreeing of conditions that relate to the recharge and monitoring scheme."

Also, Lafarge produced a separate report on the need for the minerals, primarily in the context of the potential requirements of the steel industry. That report concludes that "there is a national

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requirement for the continued supply of magnesium limestone from Thrislington Quarry and this is embedded in the County Durham Minerals Local Plan which provides for the strategic extension of the quarry. This note provides information that has been previously submitted as the need for the mineral focusing upon the existing reserves, site geology and the continued market for kiln and stone.

RECOMMENDATION

That this Council raises no objection in principle to the proposed development as it is already identified in the approved County Durham Minerals Local Plan but requests that the County Council consider the following matters before determining the application:-

- (1) That the proposed quarry extension fully meets the requirements of the relevant policies in the County Durham Minerals Local Plan;
- (2) That whilst the County Engineer supports the view that both Stobb Cross Lane and the Junction with the A177 can accommodate the proposed levels of heavy vehicle movements, careful consideration be given to the long term problems that might occur as a result of heavy goods vehicles using this junction and the potential for conflicting movements over the 30+ year lifespan of the quarry extension. In this regard, the County Council is urged to consider physical works to improve the junction, a perceived accident blackspot, as a community benefit arising from any planning permission.
- (3) That appropriate and robust conditions are applied and monitored if permission is granted to ensure that dust arising from the site and noise emanating from plant and machinery is kept to an absolute minimum in the interests of safeguarding residential amenity of the area.

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2. 7/2007/0538/CM

APPLICATION DATE: 16 August 2007

PROPOSAL: APPLICATION NOT TO COMPLY WITH CONDITION 3 OF PLANNING PERMISSION 3/97/20CM FOR AN EXTENSION OF TIME FOR A PERIOD OF 5 YEARS

LOCATION: TODHILLS HOUSEHOLD WASTE RECYCLING CENTRE NEWFIELD CO DURHAM

APPLICANT: Premier Waste Management Ltd, Prospect House, Aykley Heads Business, Centre, Aykley Heads, Durham

CONSULTATIONS

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

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

PROPOSAL

The Todhills Household Waste Recycling Centre (HWRC) has operated since 1998 and is situated at Whinney Bank, Cobey's Carr Lane, Newfield, just outside of the administrative boundary for Sedgfield Borough.

This site is located adjacent to the northern boundary of the Todhills Landfill site and approximately 600m northeast of Newfield, which is scheduled to close at the end of September 2007. After this date, restoration of this landfill site will take place in accordance with the previous planning consent, with a 5 year aftercare period following this restoration. As part of this previous planning approval (county reference: 3/97/20CM), Condition number 3 states:

"All operations authorised by this permission shall cease by 31st December 2007, or upon cessation of imposition of waste material at Todhills Waste disposal site, whichever is the sooner"

Premier Waste Management Limited are now seeking an extension of 5 years for the continued operation of Todhills HWRC (not the adjacent landfill) so that service provision can be maintained to local residents. Presently DCC is undertaking a review of Household Waste

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Recycling Centres across the county as part of its waste procurement strategy. It is anticipated that this review will take 3 years to complete, and the successful contractor may require an additional 2 years to implement this strategy. Bearing this in mind, it is likely that an alternative facility may not be operational for another 5 years, with this present application being seen to provide sufficient interim measures, thereby avoiding additional pressures being placed on alternative sites across the county.

CONSULTATION AND PUBLICITY

As part of the consultation exercise for this application:

- Spennymoor Town Council have raised no objections,
- The Sedgefield Borough Environmental Health Team have raised no objections,
- The Sedgefield Borough Forward Plans Team have raised no objections,

PLANNING CONSIDERATIONS

The continued operation of this facility as an interim measure for a further 5 years would ensure that the existing waste recycling service currently provided to local residents in this area is not disrupted, enabling DCC to comply with its duties under the Environmental Protection Act 1990. If this site were to close, undesirable pressures would inevitably arise from local residents who would be required to travel further to dispose and recycle household waste at Tudhoe or Romanway HWRCs, thereby increasing the risk of fly tipping and environmental harm, as well as encouraging longer travelling distances by motor vehicles. The continued operation of the Todhills HWRC will contribute to nationally prescribed waste management targets and help divert waste from landfill by providing a range of existing and already established recycling options to local residents.

For clarity, this application does not influence the proposed closure of the Todhills Landfill Site by 30th September 2007, or its subsequent restoration in accordance with the approved documents and conditions, approved under planning reference: 3/97/20CM. Following the closure of this operation it is anticipated that the impact of waste operations in this locality will significantly decrease.

With the strategic review on HWRC provision across the County likely to take some time before completion, it would be inappropriate to encourage any investigation and acquisition of alternative sites until this review is complete, with this current site therefore considered as an acceptable and already functional interim measure which may continue to operate with minimal disturbance.

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

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

RECOMMENDATION

That Sedgefield Borough Council raises no objections to the proposal.

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

7/2007/0441/CM

DATE: 6 July 2007

PROPOSAL: **PROPOSED EXCAVATION OF FIRE BREAK ON FORMER RAILWAY EMBANKMENT**LOCATION: **CHILTON COLLIERY RECLAMATION SITE CHILTON CO DURHAM**APPLICANT: 7/2007/0441/CM
Environment, County Hall, Durham

DECISION APPROVED DATE ISSUED 22 August 2007

7/2007/0463/CM

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: 7/2007/0463/CM
Director , Environment, Durham County Council, County Hall, Durham, DH1 5UQ

DECISION APPROVED DATE ISSUED 5 September 2007

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Item 10

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

1. 7/2007/0336/DM OFFICER:David Gibson

APPLICATION DATE: 19 June 2007

PROPOSAL: SUBSTITUTION OF HOUSE TYPES OF 54 DWELLINGS OF PREVIOUSLY APPROVED PLANNING APPLICATION REFERENCE 7/2004/0431/DM, 7/2006/0612/DM AND 7/2005/0533/DM

LOCATION: SITE J COBBLERS HALL NEWTON AYCLIFFE CO DURHAM

APPLICANT: Miller Homes Limited
North East Region, Nautilus House, Redburn Court, Earl Grey Way, Royal Quay, North Shields, Tyne & Wear, NE29 6AR

DECISION: STANDARD APPROVAL on 17 September 2007

2. 7/2007/0522/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 29 August 2007

PROPOSAL: ERECTION OF 1 NO. DWELLING

LOCATION: LAND ADJACENT TO 20 WOOD STREET SPENNYMOOR CO DURHAM

APPLICANT: M A Spirit
34 Durham Street , Spennymoor, Co Durham

DECISION: WITHDRAWN on 26 September 2007

3. 7/2007/0520/DM OFFICER:David Gibson

APPLICATION DATE: 23 August 2007

PROPOSAL: ERECTION OF CONSERVATORY TO REAR

LOCATION: 2 BLUEBELL WALK SHILDON CO DURHAM

APPLICANT: Nicola Ketley
2 Bluebell Walk, Shildon, Co Durham, DL4 2DS

DECISION: STANDARD APPROVAL on 28 September 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

4. 7/2007/0512/DM OFFICER:David Gibson

APPLICATION DATE: 23 August 2007

PROPOSAL: ERECTION OF EXTENSION TO REAR

LOCATION: 13 HACKWORTH STREET SHILDON CO DURHAM

APPLICANT: Mr & Mrs J Atkinson
13 Hackworth Road, Shildon, Co Durham

DECISION: STANDARD APPROVAL on 28 September 2007

5. 7/2007/0508/DM OFFICER:Steven Pilkington

APPLICATION DATE: 13 August 2007

PROPOSAL: CHANGE OF USE FROM RESIDENTIAL TO FUNERAL PARLOUR WITH
ASSOCIATED OFFICE AND CAR PARKING

LOCATION: BELLE VUE HOUSE BALMORAL TERRACE TRIMDON GRANGE CO
DURHAM

APPLICANT: Mr P Maddison
The Manse, Bede Way, Peterlee, Co Durham , SR8 1AD

DECISION: WITHDRAWN on 10 September 2007

6. 7/2007/0505/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 24 August 2007

PROPOSAL: ERECTION OF WOODEN SUMMER HOUSE

LOCATION: THE OLD VICARAGE TUDHOE SPENNYMOOR

APPLICANT: Mr & Mrs A T Cross
The Old Vicarage , Tudhoe Village, Spennymoor, Co. Durham, DL16 6JY,

DECISION: STANDARD APPROVAL on 18 September 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

7. 7/2007/0503/DM OFFICER:Steven Pilkington

APPLICATION DATE: 9 August 2007

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSTION

LOCATION: 24 GREENSIDE CLOSE FISHBURN CO. DURHAM

APPLICANT: Thomas Charles & Kim Williams
24 Greenside Close, Fishburn, Co. Durham, TS21 4HD

DECISION: STANDARD APPROVAL on 28 September 2007

8. 7/2007/0502/DM OFFICER:David Gibson

APPLICATION DATE: 8 August 2007

PROPOSAL: ERECTION OF DETACHED 3 NO. BAY GARAGE

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

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

DECISION: STANDARD APPROVAL on 28 September 2007

9. 7/2007/0501/DM OFFICER:David Gibson

APPLICATION DATE: 14 August 2007

PROPOSAL: ERECTION OF DETACHED GARAGE

LOCATION: LAND REAR OF 19 ST. JOHNS ROAD SHILDON CO DURHAM

APPLICANT: Mr R Keller
19 St. Johns Road, Shildon, Co Durham, DL4 1LT

DECISION: STANDARD APPROVAL on 28 September 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

10. 7/2007/0500/DM OFFICER:David Gibson

APPLICATION DATE: 8 August 2007

PROPOSAL: PRUNING OF TREES OF TPO REFERENCE 43/2006

LOCATION: LAND AT HAWKSHEAD PLACE NEWTON AYCLIFFE CO DURHAM

APPLICANT: Southdale Homes
Westholme Road, Halifax , West Yorkshire, HX1 4JF

DECISION: STANDARD APPROVAL on 28 September 2007

11. 7/2007/0497/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 7 August 2007

PROPOSAL: ERECTION OF TWO STOREY SIDE EXTENSION WITH BALCONY TO
1ST FLOOR AND SINGLE STOREY EXTENSION TO THE REAR

LOCATION: 10 MERRINGTON CLOSE KIRK MERRINGTON SPENNYMOOR CO
DURHAM

APPLICANT: Mr & Mrs Clarey
10 Merrington Close, Kirk Merrington, Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 1 October 2007

12. 7/2007/0496/DM OFFICER:David Gibson

APPLICATION DATE: 7 August 2007

PROPOSAL: CROWN RAISING OF CANOPIES

LOCATION: LAND AT SANDERSON CLOSE NEWTON AYCLIFFE CO DURHAM

APPLICANT: John Anderson
8 Hamilton Close, Newton Aycliffe, Co Durham, DL5 4DB

DECISION: STANDARD APPROVAL on 28 September 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

13. 7/2007/0491/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 31 July 2007

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION

LOCATION: 16 SLEDMORE DRIVE (PLOT 12) WHITWORTH SPENNYMOOR CO DURHAM

APPLICANT: Mrs A Ford
10 Aspen Close, Spennymoor, Co Durham , DL16 7YQ

DECISION: STANDARD APPROVAL on 17 September 2007

14. 7/2007/0490/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 3 August 2007

PROPOSAL: ERECTION OF 1 NO. DORMER BUNGALOW

LOCATION: PLOT 1 FORMER OK SERVICE STATION OLD A167 CHILTON CO DURHAM

APPLICANT: Mr A Taylor
31 Clyde Terrace, Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 28 September 2007

15. 7/2007/0486/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 8 August 2007

PROPOSAL: ERECTION OF REPLACEMENT SHED

LOCATION: 80 FRONT STREET TUDHOE SPENNYMOOR CO DURHAM

APPLICANT: Alastair Tawn
80 Front Street , Tudhoe, Spennymoor, Co Durham ,

DECISION: STANDARD APPROVAL on 18 September 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

16. 7/2007/0484/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 1 August 2007

PROPOSAL: ERECTION OF TWO STOREY REAR EXTENSION

LOCATION: 20 BRANCEPETH ROAD FERRYHILL CO. DURHAM

APPLICANT: Mr C Bell
20 Brancepeth Road, Ferryhill, Co. Durham

DECISION: STANDARD APPROVAL on 17 September 2007

17. 7/2007/0481/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 30 July 2007

PROPOSAL: ERECTION OF STORAGE BUILDING

LOCATION: LAND AT DEAN & CHAPTER IND EST FERRYHILL CO. DURHAM

APPLICANT: Mr Maurice Raine
7 Cedar Drive, Durham, DH1 3TF

DECISION: STANDARD APPROVAL on 11 September 2007

18. 7/2007/0480/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 31 July 2007

PROPOSAL: INSTALLATION OF NEW CANOPY SUPPORTS, EXTERNAL METAL STAIR CASE, REPLACE/REPOINT DAMAGED BRICKWORK, REPLACEMENT OF DAMAGED WINDOWS AND LINTELS, REPLACEMENT DOWNPIPES, LANDSCAPING WORKS AND CONSTRUCTION OF BOUNDARY WALL

LOCATION: SPENNYMOOR SETTLEMENT THOMPSON STREET SPENNYMOOR CO DURHAM

APPLICANT: David Acock
44 Jackson Street , Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 19 September 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

19. 7/2007/0477/DM OFFICER:David Gibson

APPLICATION DATE: 27 July 2007

PROPOSAL: ERECTION OF SINGLE STOREY EXTENSION TO FRONT

LOCATION: 1 THE PADDOCK WOODHAM NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mr G Stevens
1 The Paddock, Woodham , Newton Aycliffe, Co Durham

DECISION: STANDARD APPROVAL on 11 September 2007

20. 7/2007/0474/DM OFFICER:David Gibson

APPLICATION DATE: 26 July 2007

PROPOSAL: OUTLINE PLANNING APPLICATION FOR CLASS B1(BUSINESS), B2
(GENERAL INDUSTRIAL) AND B8(STORAGE AND DISTRIBUTION)
(OUTLINE PLANNING APPLICATION) DEVELOPMENT

LOCATION: FORMER BALMER LINDLEY SITE OFF REDWORTH WAY AYCLIFFE
INDUSTRIAL ESTATE NEWTON AYCLIFFE CO DURHAM

APPLICANT: Threadneedle Property Investments
9-15 Sackville Street, London, W2A 2JP

DECISION: STANDARD APPROVAL on 11 September 2007

21. 7/2007/0471/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 25 July 2007

PROPOSAL: CHANGE OF USE FROM GROUND FLOOR BANK TO RETAIL WITH
SHOP FRONT ALTERATIONS

LOCATION: 63-67 HIGH STREET SPENNYMOOR CO DURHAM DL16 6BB

APPLICANT: Chris Ferry
Plasterpiece, Shaftesbury Avenue, South Shields, NE34 9PH

DECISION: STANDARD APPROVAL on 19 September 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

22. 7/2007/0467/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 21 August 2007

PROPOSAL: ERECTION OF TWO STOREY SIDE AND REAR EXTENSION INCLUDING ALTERATIONS TO ROOF AND DETACHED GARAGE TO THE REAR

LOCATION: 10 VINE STREET BYERS GREEN CO DURHAM

APPLICANT: Ray Smith
12 Meadow Croft, Cockfield , Bishop Auckland, Co. Durham, DL13 5HN

DECISION: STANDARD APPROVAL on 17 September 2007

23. 7/2007/0461/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 23 July 2007

PROPOSAL: ERECTION OF 1 NO. 2 STOREY DWELLING

LOCATION: PLOT 9 WARWICK GARDENS REAR OF HIGH STREET BYERS GREEN

APPLICANT: Mr Colin Hodgson
3 Meadow View, Byers Green, Co. Durham, DL16 7QQ

DECISION: STANDARD APPROVAL on 17 September 2007

24. 7/2007/0457/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 24 July 2007

PROPOSAL: INSTALLATION OF NEW SHOP FRONT

LOCATION: 29 CHEAPSIDE SPENNYMOOR CO DURHAM

APPLICANT: Mr N Khalil
72 Deerness Heights, Brandon, Co. Durham, DL17 7AS

DECISION: STANDARD APPROVAL on 18 September 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

25. 7/2007/0453/DM OFFICER:Steven Pilkington

APPLICATION DATE: 20 July 2007

PROPOSAL: ERECTION OF EXTENSION TO SIDE AND DETACHED GARAGE

LOCATION: 22 ROAST CALF LANE BISHOP MIDDLEHAM

APPLICANT: Andrew Forrest
22 Roast Calf Lane, Bishop Middleham, Co. Durham

DECISION: STANDARD APPROVAL on 11 September 2007

26. 7/2007/0452/DM OFFICER:Steven Pilkington

APPLICATION DATE: 31 July 2007

PROPOSAL: CHANGE OF USE FROM COMMERCIAL TO 4 NO. RESIDENTIAL FLATS

LOCATION: 23-24 DURHAM ROAD CHILTON CO DURHAM

APPLICANT: Wendy Martin
26 St Christophers Drive, Liverpool, L36 8JJ

DECISION: STANDARD APPROVAL on 25 September 2007

27. 7/2007/0451/DM OFFICER:Steven Pilkington

APPLICATION DATE: 11 September 2007

PROPOSAL: ERECTION OF DETACHED GARAGETO THE REAR AND PORCH TO THE FRONT

LOCATION: 2 DENE VILLAS CHILTON CO. DURHAM

APPLICANT: Mr & Mrs Howell
2 Dene Villas , Chilton, Co. Durham, DL17 0NR

DECISION: STANDARD APPROVAL on 28 September 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

28. 7/2007/0443/DM OFFICER:David Gibson

APPLICATION DATE: 7 August 2007

PROPOSAL: ERECTION OF EXTENSION TO FRONT AND FIRST FLOOR SIDE
EXTENSION

LOCATION: 29 LISLE ROAD NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mrs N Bell
29 Lisle Road, Newton Aycliffe, Co Durham

DECISION: STANDARD REFUSAL on 28 September 2007

29. 7/2007/0442/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 16 July 2007

PROPOSAL: ERECTION OF 1 NO. DWELLING (OUTLINE APPLICATION)

LOCATION: LAND REAR OF 11 SOUTH VIEW MIDDLESTONE MOOR SPENNYMOOR
CO DURHAM

APPLICANT: Mr E Redfearn
The Flat, Unit 3, Aptec Enterprise Park, Darlington , Co Durham

DECISION: STANDARD REFUSAL on 10 September 2007

30. 7/2007/0434/DM OFFICER:Steven Pilkington

APPLICATION DATE: 23 July 2007

PROPOSAL: ERECTION OF TWO STOREY EXTENSION

LOCATION: 31 SPRING LANE SEDGEFIELD STOCKTON ON TEES TS21 2DG

APPLICANT: Kevin Jones
31 Spring Lane, Sedgefield, Stockton on Tees, TS21 2DG

DECISION: STANDARD APPROVAL on 11 September 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

31. 7/2007/0429/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 1 August 2007

PROPOSAL: ERECTION OF CONSERVATORY TO THE REAR

LOCATION: PLOT 16 GRAYSON ROAD SPENNYMOOR CO. DURHAM

APPLICANT: George Wimpey
North Yorkshire LTD, Lockheed Court, Preston Farm Ind Est, Stockton, TS18
3SH

DECISION: STANDARD APPROVAL on 19 September 2007

32. 7/2007/0428/DM OFFICER:David Gibson

APPLICATION DATE: 3 August 2007

PROPOSAL: ERECTION OF CONSERVATORY TO REAR

LOCATION: 16 CHURCH CLOSE NEWTON AYCLIFFE CO DURHAM

APPLICANT: I & Y Gibson
16 Church Close, Newton Aycliffe, Co Durham

DECISION: STANDARD APPROVAL on 28 September 2007

33. 7/2007/0425/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 2 August 2007

PROPOSAL: CONVERSION OF GRASSED LAND INTO CAR PARKING

LOCATION: HOME HOUSING JACKSON STREET SPENNYMOOR CO DURHAM

APPLICANT: Home Group Ltd
Mercury House, Belmont Business Park, Belmont, Durham

DECISION: WITHDRAWN on 27 September 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

34. 7/2007/0421/DM OFFICER:Steven Pilkington

APPLICATION DATE: 1 August 2007

PROPOSAL: ERECTION OF CONSERVATORY TO THE REAR

LOCATION: 37 MILLWOOD CHILTON CO DURHAM

APPLICANT: Mr & Mrs Ellis
37 Millwood, Chilton, Co Durham

DECISION: STANDARD APPROVAL on 11 September 2007

35. 7/2007/0414/DM OFFICER:Steven Pilkington

APPLICATION DATE: 3 August 2007

PROPOSAL: INCREASE IN THE HEIGHT OF ROOF INCLUDING INSERTION OF 5NO.
DORMER WINDOWS AND ERECTION OF DETACHED DOUBLE GARAGE

LOCATION: ELLERBY THORPE LARCHES SEDGEFIELD STOCKTON ON TEES

APPLICANT: Mr & Mrs Smith
Ellerby, Thorpe Larches, Sedgefield, Stockton on Tees

DECISION: WITHDRAWN on 2 October 2007

36. 7/2007/0410/DM OFFICER:Steven Pilkington

APPLICATION DATE: 4 July 2007

PROPOSAL: CROWN REDUCTION AND THINNING OF T1 OF TREE PRESERVATION
ORDER REFERENCE 32/2005

LOCATION: 23 RECTORY ROW SEDGEFIELD STOCKTON ON TEES

APPLICANT: Dr Peter R M Jones
25 Rectory Row, Sedgefield, Stockton on Tees, TS21 2AE

DECISION: STANDARD APPROVAL on 28 September 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

37. 7/2007/0383/DM OFFICER:Steven Pilkington

APPLICATION DATE: 26 July 2007

PROPOSAL: EXTENSION TO FORM WORK SPACE, GARAGE AND STORE OVER TO THE REAR

LOCATION: 2 THE COTTAGES RUSHYFORD CO DURHAM

APPLICANT: John Newbould
2 The Cottage, Rushyford, Co Durham

DECISION: STANDARD APPROVAL on 21 September 2007

38. 7/2007/0374/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 25 June 2007

PROPOSAL: CHANGE OF USE FROM AGRICULTURAL BUILDING TO BOARDING KENNELS

LOCATION: MISTY BLUE FARM ROCK ROAD SPENNYMOOR CO DURHAM

APPLICANT: Kevin Dawson
Misty Blue Farm, Road Road, Spennymoor , Co Durham

DECISION: STANDARD APPROVAL on 18 September 2007

39. 7/2007/0523/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 20 August 2007

PROPOSAL: CREATION OF ADDITIONAL DROPPED KERB

LOCATION: 40 NORTH CLOSE KIRK MERRINGTON SPENNYMOOR CO DURHAM

APPLICANT: Mrs K Knowles
40 North Close, Kirk Nerrington , Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 21 September 2007

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - DELEGATED DECISIONS

40. 7/2007/0527/DM OFFICER:David Gibson

APPLICATION DATE: 22 August 2007

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION

LOCATION: 14 LOWTHER DRIVE NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mr & Mrs Stayman
14 Lowther Drive, Newton Aycliffe, Co Durham, DL5 4TJ

DECISION: STANDARD APPROVAL on 28 September 2007

Item 12

DEVELOPMENT CONTROL COMMITTEE

12th October 2007

Report of the Director of Neighbourhood Services

The following planning appeal decision is reported for information purposes:

11 DARLINGTON ROAD, FERRYHILL

APPEAL DESCRIPTION

The appeal was made against a planning decision to refuse an application for the Change of Use from a vacant financial services office (Class A2) to a Hot Food Takeaway (Class A5) and the installation of ducting to the rear of number 11 Darlington Road, Ferryhill (*planning application reference: 7/2006/0654/DM*). This was not the first time that such an application had been made for the change of use of this premises to a takeaway/food sales use, with 3no. other applications having been refused since 2004.

The application was refused for the following reason:

In the opinion of the Local Planning Authority, this proposed change of use would give rise to noise disturbance and odour emissions which would have a detrimental impact on the amenity of existing and future occupiers of adjoining properties and other properties in the immediate area. This proposal was considered contrary to Adopted Local Plan Policies H18 (*Acceptable uses within housing areas*) and S9 (*Small shops outside town and local centres but within towns and villages*) which collectively seek to secure and maintain a satisfactory level of amenity within residential areas without causing significant harm to the residential amenity of nearby residents.

The appeal was made by the applicant on the following grounds:

- It is only an opinion of the LPA that this proposal would give rise to noise and disturbance,
- 75% of hot food sales would be by telephone orders, resulting in a delivery service to homes,
- Modern ducting methods totally eliminate odour emission,
- The shop is in an area dominated by shops, cafes, public houses and clubs,
- This takeaway would not have any more impact on the occupiers of adjoining properties than existing,

This appeal was heard by way of a written representation.

APPEAL DECISION

In the inspector's decision letter dated 21 August 2007 (a copy of which is attached to this report), this appeal was dismissed.

ANALYSIS OF THE APPEAL DECISION

The inspector in dismissing this appeal considered that:

- The main issue is the effect of the proposal on the living conditions of nearby residents with particular regard to noise/disturbance and odours,
- The appeal property is located outside of the defined boundary of Ferryhill Town Centre in an area comprising a mix of commercial and residential properties,
- Whilst local residents have referred to evening noise and disturbance in their objections, resulting from existing Hot Food Takeaways in the area, the majority of these are in the adjacent Town Centre where it is only reasonable to expect such levels of noisy activity,
- However, the noise and disturbance arising from the arrival and departure of customers (by foot and car) at the proposed takeaway would add significantly to that already experienced by residents living outside of the Town Centre boundary, This would have the effect of extending the level of evening noise/activity currently associated with the Town Centre into the surrounding residential area,
- The 75% forecast provided by the appellant regarding home deliveries can prove incorrect with no practical way of limiting the number of customers visiting the outlet,
- The frequent coming and going of delivery vehicles would likely cause increased disturbance to local residents in the late evening,
- Such additional noise/disturbance will materially harm the living conditions of residents living in close proximity to the appeal premises, conflicting with adopted policies H18 and S9 which seek to ensure proposals for shops (including Hot Food Takeaways) do not significantly harm living conditions/amenities for nearby residents,
- The outlet of the flue to the rear of the premises, whilst close to neighboring properties, would exceed the height of these properties, with it unlikely that the proposal would result in significant odour nuisance to neighbors,
- There is no off-street parking in the immediate vicinity of the proposal site. Despite the existence of parking restrictions to the front and side of the site, it is likely that some customers will park close to the pedestrian crossing on Darlington Road, or in close proximity to the Darlington Road/Eamont Road junction. Whilst Highways Engineers have offered no objections to this proposal, the obstruction of visibility caused by parking in these areas would be prejudicial to highway safety,

CONCLUSION

In conclusion, the inspector is considered to have rightly identified the detrimental impact that such a change of use will have on the residential amenity and living conditions of occupiers in the surrounding residential area. This decision is an important one in that it allows planning officers to use this decision as a reference for future Hot Food Takeaway applications which may be considered unacceptable owing to their location outside of a Town Centre boundary and in a residential area.

The following planning appeal decision is reported for information purposes:

61 DEAN PARK, FERRYHILL

APPEAL DESCRIPTION

The appeal was made against the imposition of 3no. conditions on a previous planning approval for the retrospective erection of raised decking and a shed, and the proposed erection of a conservatory to the rear of number 61 Dean Park, Ferryhill (*planning application reference: 7/2006/0570/DM*).

The 3no. conditions which were challenged by the appellant were:

- *Condition number 2*

The top lights of the conservatory elevation facing number 60 Dean Park shall be glazed with obscure glass to a level sufficient to protect the privacy of neighbouring occupiers. The glazing shall be maintained and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring occupiers.

- *Condition number 3*

The shed hereby approved shall be glazed with obscure glass in the elevation facing the rear garden of number 60 Dean Park to a level sufficient to protect the privacy of neighbouring occupiers. The glazing shall be maintained and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring occupiers.

- *Condition number 5*

The planning permission hereby approved is subject to compliance with additional information received 30/10/2006 which confirms that the 1 ½ decking side panels which form the boundary between numbers 60 and 61 Dean Park will be reduced in height by a distance of 4 inches.

Reason: To ensure that the development is carried out in accordance with the approved documents, allowing for a satisfactory form of development.

These conditions were imposed in the interests of securing a satisfactory level of privacy and residential amenity for the neighbouring occupiers of number 60 Dean Park.

The appeal was made by the applicant on the following grounds that the conditions were unreasonable and unnecessary.

This appeal was heard by way of a written representations.

APPEAL DECISION

In the inspector's decision letter dated 21 August 2007 (a copy of which is attached to this report), the appeal was allowed, with the planning permission also varied in terms of the attached condition 3 regarding the installation of obscured into the shed window. This condition was rephrased to state:

"The eastern side window of the shed hereby approved shall be permanently opaque glazed in accordance with details to be submitted to and approved by the local planning authority within 3 months of the date of this permission"

ANALYSIS OF THE APPEAL DECISION(S)

The inspector in dismissing this appeal considered that:

- The main issue is the effect of the development on residential amenity,
- Condition number 2 is not necessary to protect the privacy of the neighbouring household. As part of this permission, the council has approved a 2metre high fence along the boundary wall with number 60 Dean Park, with only the top portion of the fanlights to be observed above this fence. It is therefore considered unlikely that a person standing within the conservatory would be readily observable from the adjacent dwelling, or that the applicants would be able to see into the neighbouring garden area, or create an intrusive or overlooking impression,
- Condition number 3 is justified with it understandable that irritating circumstances may arise from the outlook of this window despite the close proximity of the dividing fence. However, any problem may be overcome by the application of an opaque film, with this condition adjusted to permit greater flexibility to the appellant,
- There is no need for the retention of condition number 5 regarding the applicant's agreement to lower the fence. The higher level of fence at this point is desirable to provide more amenity protection between neighbors,

CONCLUSION

In conclusion, the inspector has decided to allow this appeal for the removal of these conditions from this planning approval, but has decided to substitute condition number 3 to allow greater flexibility to the appellant. Although the Inspector decided in favour of the applicant the decision is an important one in that it highlights the importance of applying the 6 key tests as outlined in *Circular 11/95 'The use of conditions in planning'*, which defines how all planning conditions must be:

1. Reasonable,
2. Relevant to planning,
3. Relevant to the development,
4. Precise,
5. Enforceable, and
6. Necessary.



Appeal Decision

Site visit made on 14 August 2007

by **Malcolm Rivett BA (Hons) MSc MRTPI**

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

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

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Date: 21 August 2007

Appeal Ref: APP/M1330/A/07/2039985

11 Darlington Road, Ferryhill, County Durham, DL17 8JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs M Moses against the decision of Sedgefield Borough Council.
 - The application Ref 7/2006/0654/DM, dated 6 September 2006, was refused by notice dated 28 November 2006.
 - The development proposed is hot food takeaway and ducting to rear.
-

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of nearby residents with particular regard to noise/disturbance and odours.

Reasons

3. The appeal property is situated on the corner of Darlington Road and Eamont Road close to, but outside the defined boundary of, Ferryhill town centre. This section of Darlington Road comprises a mix of commercial and residential properties.
 4. Local residents have referred to the noise and disturbance in the evening resulting from the existing takeaways in the area. However, the majority of these are within the defined town centre where I believe it is only reasonable to expect a degree of noisy activity throughout the day and in to the evening. Outside the town centre the only existing takeaway in the area is at no 14 Darlington Road, three properties along from the appeal premises. In my judgement the noise and disturbance arising from the arrival and departure of customers (both on foot and by car) at the proposed takeaway would be likely to add significantly to that already experienced by the residents in the part of Darlington Road outside the defined town centre. This would have the effect of extending the level of evening noise/activity currently associated with the town centre into the residential part of Darlington Road. The appellant states that 75% of trade would be via telephone order/delivery. However, this forecast could prove to be incorrect and I consider that there is not a practical way to limit the number of customers visiting the outlet themselves. In any case, the frequent comings and goings of delivery vehicles would be likely to cause disturbance to the local residents in the late evening.
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5. In my view the additional noise/disturbance resulting from the proposal would materially harm the living conditions of the residents living in close proximity to the appeal premises. I find, therefore, that the proposal conflicts with policies H18 and S9 of the adopted Sedgefield Borough Local Plan. These policies indicate that proposals for shops should not significantly harm living conditions/amenities for nearby residents. As a proposal for a retail outlet, I am satisfied that the reference in these policies to "shops" applies to the appeal proposal.
6. I note that the outlet of the flue proposed at the rear of the premises, whilst close to neighbouring dwellings, would be above the height of these properties' windows. I therefore consider it unlikely that the proposal would result in significant odour problems for the surrounding residents. Nevertheless this does not negate my concerns about the proposal set out above.
7. Local residents and the Town Council have also raised concerns about parking and highway safety. It appears to me that there is no off-street parking in the immediate vicinity of the proposal. Therefore, despite the existence of parking restrictions to the front and side of the appeal premises, I consider it likely that some customers of the takeaway would park close to either the pedestrian crossing on Darlington Road or on the Eamont Road/Darlington Road junction. In my judgement the obstruction of visibility caused by such parking, even if only for a few minutes, would be prejudicial to highway safety, particularly for pedestrians. Therefore, whilst I note that the Highway Authority has not objected to the proposal, these concerns have added weight to my decision.
8. For the above reasons I conclude that the appeal should be dismissed.

Malcolm Rivett

INSPECTOR



Appeal Decision

Site visit made on 6 August 2007

by **A C Pickering** FRTPi

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

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

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Date: 21 August 2007

Appeal Ref: APP/M1330/A/07/2040275 61 Dean Park, Ferryhill DL17 8HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by R E Arrand against the decision of Sedgefield Borough Council.
- The application Ref 7/2006/0570/DM, dated 5 September 2006, was approved on 2 November 2006 and planning permission was granted subject to conditions.
- The development permitted is the construction of fencing, decking, and conservatory and a shed.
- The conditions in dispute are Nos. 2, 3 and 5 which require obscure glazing to be installed in the conservatory and the shed and the reduction in height of the side boundary panels.
- The reasons given for the conditions are to safeguard neighbouring amenity and to ensure that development is carried out in accordance with the approved documents.

Summary of Decision: The appeal is allowed, and the planning permission varied in the terms set out below in the Formal Decision.

Main issue

1. The main issue is the effect of the development on residential amenity.

Reasons

2. Condition no.2 entails the obscure glazing of the top lights of the conservatory that face the neighbouring property. I take it this means the opening fanlights on the east side elevation and the adjoining splayed elevation. In my opinion this requirement is not necessary to protect the privacy of the household next door. As part of the proposals the Council has approved the erection of a 2m high fence along the party boundary for a depth that would project about 1.6m beyond the outstand of the conservatory. The drawings indicate that only the top portion of the fanlights would be observed above the fence. I consider it is most unlikely that a person standing within the conservatory would be readily observable from the garden of no.60 Dene Park or would be able to easily see into the garden or otherwise create an intrusive or overlooking impression.
 3. Condition no.3 involves the side shed window immediately adjacent to the garden of no.60. Although there is an intervening slatted timber fence I can understand that irritating circumstances might arise because of the outlook from this window, so I think the condition is justified. However any problem could be overcome by the application of an opaque film, as effectively as obscure glazing, and the condition will be adjusted to permit that flexibility.
 4. The application was amended by the applicant's letter received on 30 October by a reduction of 100mm in the height of the panel and half-panel around the
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decking along the boundary between nos.60 and 61. It is this amendment to which condition no.5 applies. I note the appellant's desire to withdraw the amendment. In my judgement the higher level of fence at this point is desirable to provide more amenity protection for the neighbours from people sitting or relaxing on the decking and given the appellant's intention I see no need for the retention of condition no.5.

5. For these reasons and having regard to all other matters raised I have decided that the appeal should succeed. I will vary the planning permission by deleting conditions nos.2 and 5 and substituting condition no.3.

Formal Decision

6. I allow the appeal, and vary the planning permission Ref 7/2006/0570/DM for the construction of fencing, decking, a conservatory and a shed at 61 Dean Park, Ferryhill granted on 2 November 2006 by Sedgefield Borough Council, by deleting conditions 2, 3 and 5 and substituting the following condition:
 3. *The eastern side window of the shed hereby approved shall be permanently opaque glazed in accordance with details to be submitted to and approved by the local planning authority within three months of the date of this permission.*

A C Pickering

Inspector

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

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